

# Congressional Record

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CONTAINING  
THE PROCEEDINGS AND DEBATES  
OF THE  
FIRST SESSION  
OF THE  
SIXTY-FOURTH CONGRESS  
OF  
THE UNITED STATES  
OF AMERICA

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VOLUME LIII



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SIXTY-FOURTH CONGRESS,  
FIRST SESSION.

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# Congressional Record.

## PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

### SENATE.

TUESDAY, July 25, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy gracious favor and blessing for this day as we enter upon the obligations of the day, for Thy grace and Thy blessing alone can safeguard all that we count dearest to us, all that means most to us. The ideals of life come to us out of Thy revealed Word. The law of life has its foundation in Thyself. We must come at last to render an account to Thee, the God of all men.

Grant that this day we may so live and act and think that there shall be nothing to regret at its close, but a blessed consciousness of having faithfully discharged the solemn duties that pertain to the Members of this great Senate. For Christ's sake. Amen.

### THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, July 22, 1916, when, on request of Mr. OWEN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the Chief Clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Louise L. Millett, daughter and sole heir of Augustus W. Lothrop, deceased, *v. The United States* (S. Doc. No. 503);

Alma Jones Alling, grandniece and one of the heirs of Josiah H. Martin, deceased, *v. The United States* (S. Doc. No. 504);

Fannie Belle Tucker, daughter and one of the heirs of Thomas J. Myers, deceased, *v. The United States* (S. Doc. No. 505);

Mary L. McCurdy, widow of John McCurdy, deceased, *v. The United States* (S. Doc. No. 506);

Mary D. McPherson, widow (remarried) of Freeman Norrell, deceased, *v. The United States* (S. Doc. No. 507);

Bina V. Pearse and Eliza Swinharte, daughters and sole heirs of Jong Van Pearse, deceased, *v. The United States* (S. Doc. No. 508);

Nina B. Greene et al., children and sole heirs of Elias J. Pendrick, deceased, *v. The United States* (S. Doc. No. 509);

William Poe, son and one of the heirs of Arnold Poe, deceased, *v. The United States* (S. Doc. No. 510);

Elizabeth C. Plunkett, widow of Christopher Plunkett, deceased, *v. The United States* (S. Doc. No. 511);

Florence Plaisted et al., sole heirs of James H. Plaisted, deceased, *v. The United States* (S. Doc. No. 512);

Charles T. Payne, administrator of Eugene B. Payne, deceased, *v. The United States* (S. Doc. No. 513);

Mary P. Drane et al., children and sole heirs of Frank H. Pope, deceased, *v. The United States* (S. Doc. No. 514);

First Bank & Trust Co., administrator of James S. Reardon, deceased, *v. The United States* (S. Doc. No. 515);

Josephine Sheldon, widow of William A. Sheldon, deceased, *v. The United States* (S. Doc. No. 516);

Anna Zimmerly, daughter and sole heir of Frederick Schaun, deceased, *v. The United States* (S. Doc. No. 517);

William F. Smith, son and sole heir of William A. Smith, deceased, *v. The United States* (S. Doc. No. 518);

Paulina F. Shelt, widow of John Shelt, deceased, *v. The United States* (S. Doc. No. 519);

Mary H. Amsden, widow (remarried) of William D. Wrighter, deceased, *v. The United States* (S. Doc. No. 520); and

Mary B. Taylor, widow of Isaac Taylor, deceased, *v. The United States* (S. Doc. No. 521).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 4866. An act for the relief of Julia R. Goodloe;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased;

H. R. 10484. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes; and

H. J. Res. 218. Joint resolution authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.

### PETITIONS AND MEMORIALS.

Mr. SMITH of Georgia. I have a telegram which I ask to have read. It is very short.

There being no objection, the telegram was read, as follows:

SAVANNAH, GA., July 23, 1916.

Hon. HOKE SMITH,  
United States Senate, Washington, D. C.:

We wish to vigorously protest against the British black list. To allow this black list to remain effective will not only put many neutral exporters out of business but will materially affect prices of American commodities, particularly cotton. Our cotton exporters are already feeling the effect of this unjust invasion of American rights. To us this black list does not appear to be a war measure, but a scheme of English merchants to corner the world's business by force.

GREATER SAVANNAH COMMERCIAL CLUB,  
P. S. BACON, Chairman Executive Committee.

Mr. ROBINSON presented a memorial of sundry citizens of Benton County, Ark., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. JONES. I have a copy of the report of the temperance committee adopted by the synod of Alabama of the Southern Presbyterian Church on November 18, 1915. It relates to the advertisement in certain newspapers of intoxicating liquors. I move that it be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. JONES presented a telegram in the nature of a memorial from the Commercial Club, of Seattle, Wash., and a telegram in the nature of a memorial from D. G. Collier, of San Diego, Cal., remonstrating against a tax on copper, which were referred to the Committee on Finance.

Mr. GALLINGER presented petitions of the Piano and Musical Instrument Workers' International Union of America and the Railway Employees' Department of the American Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of E. A. Farrington, of Rockland, Me.; Lewis D. Bement, of Framingham, Mass.; Edgar B. Goldstein, of White Plains, N. Y.; M. Berry, of Newport, R. I.; Joseph R. Barrell, of St. Louis, Mo.; Carl J. Feckheimer, of Pittsburgh, Pa.; I. H. Freund, of Chicago, Ill.; A. W. Hunt, of Providence, R. I.; E. M. Johnson, of Pawling, N. Y.; Almee Guggenheimer, of Oquossoc, Me.; Mary M. Hinkley, of Poughkeepsie, N. Y.; and of H. D. Andrews, of Lawrence Park, Bronxville, N. Y., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

Mr. SHEPPARD presented a memorial of sundry citizens of Brenham, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Stoneham and Plantersville, in the State of Texas, praying for prohibition in the District of Columbia, which was referred to the Committee on the Judiciary.



He also presented a petition of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. OWEN presented a memorial of the Illinois State Medical Society, remonstrating against the enactment of legislation to prohibit officials of the Public Health Service from joining medical societies, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Illinois State Medical Society, praying for the enactment of legislation to establish a Division of Mental Hygiene and Rural Sanitation in the United States Public Health Service, which was referred to the Committee on Public Health and National Quarantine.

Mr. THOMPSON presented a memorial of sundry citizens of Topeka, Kans., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Christian Endeavor Society of Waterloo, Kans., praying for prohibition in the Island of Porto Rico, which was referred to the Committee on the Judiciary.

Mr. NELSON presented telegrams in the nature of memorials from sundry citizens of the State of Minnesota, remonstrating against the enactment of legislation to prohibit corporations from paying normal tax for bondholders under the income-tax law, which were referred to the Committee on Finance.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Eugene, Oreg., praying for the enactment of legislation for the prohibition of interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. WADSWORTH presented a petition of sundry citizens of Glens Falls, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

#### REPORTS OF COMMITTEES.

Mr. HARDWICK, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 7396. An act for the relief of Hiram P. Geaslin (Rept. No. 730); and

H. R. 14889. An act for the relief of the heirs of Jackson J. Mash, deceased (Rept. No. 731).

Mr. HARDWICK (for Mr. BANKHEAD), from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 2208) for the relief of James L. Yokum, reported it without amendment and submitted a report (No. 732) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported it with amendments and submitted a report (No. 735) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 6698) for the relief of Edward L. Keyes, reported it without amendment and submitted a report (No. 736) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 7) for the relief of Edward L. Keyes, reported adversely thereon, and the joint resolution was postponed indefinitely.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 14299) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported it without amendment.

Mr. MYERS from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 147) extending the provisions of the act approved June 16, 1898, reported it without amendment, and submitted a report (No. 737) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 6667) to incorporate the American Nurses' Association, reported it without amendment and submitted a report (No. 738) thereon.

Mr. KERN, from the Committee on Finance, to which was referred the bill (H. R. 10546) for the relief of the Illinois Central Railroad Co., and for other purposes, reported it without amendment and submitted a report (No. 739) thereon.

Mr. SMITH of Georgia, from the Committee on Education and Labor, to which was referred the bill (H. R. 153) to create a Bureau of Labor Safety in the Department of Labor, reported it with amendments and submitted a report (No. 734) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, reported it with amendments.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 151) authorizing the appointment of a special joint commission of the Senate and House of Representatives to investigate the employment of Federal prisoners in industrial occupations for the benefit of the Government of the United States, reported it with an amendment.

#### COMPENSATION OF INJURED EMPLOYEES.

Mr. SMITH of Georgia. From the Committee on Education and Labor I report favorably with an amendment the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, and I submit a report (No. 733) thereon.

I will state that this bill was considered by a subcommittee consisting of Senators BORAH, HOLLIS, and myself, and it was submitted to Senators MARTINE of New Jersey, JOHNSON of Maine, SWANSON, ASHURST, PENROSE, and KENYON, who agreed that the report should be made, with the reservation of the privilege by one Senator to offer an amendment on the floor.

The VICE PRESIDENT. The bill will be placed on the calendar.

#### ST. LOUIS RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 3032) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin, and I submit a report (No. 729) thereon. I call the attention of the Senator from Minnesota [Mr. NELSON] to the bill.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 6702) for the relief of S. S. Yoder; to the Committee on the District of Columbia.

By Mr. ROBINSON:

A bill (S. 6703) granting an increase of pension to Frank Plumlee; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6704) to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9, of Sanders County, Mont.; to the Committee on Public Lands.

By Mr. SMITH of Maryland:

A joint resolution (S. J. Res. 157) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes, incident to said encampment; to the Committee on Appropriations.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. REED submitted an amendment proposing to enable qualified voters of the United States engaged in the military service of the country as the Organized Militia and Volunteer Army to vote for electors of President and Vice President and for Members of Congress, intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was ordered to lie on the table and be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$125 to pay H. G. Larimer for fees and expenses as an expert witness on behalf of the Government in the case of *The United States v. Henry Samuels, etc.*, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENT OF FEDERAL RESERVE ACT.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section, which was ordered to lie on the table and be printed.

#### THE REVENUE.

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

## INSPECTION OF VESSELS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 13223) to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

## WAR DEPARTMENT ORDERS.

Mr. JONES. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 238) was read as follows:

*Resolved*, That the Secretary of War be, and he is hereby, directed to transmit to the Senate copies of all orders issued by his department during the last three years directing the nonemployment of, or discriminating between, citizens of the United States in connection with the work, activities, and projects carried on by his department.

Mr. OWEN. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will go over under the rule.

## FEDERAL FARM-LOAN ACT.

Mr. FLETCHER. Mr. President, I have had numerous inquiries, hundreds daily, for copies of what is known as the rural-credits or Federal farm-loan act. I have no doubt other Senators have also been requested to furnish copies of that act. The Joint Committee on Printing ordered the limit within its power, but the number printed under that order has been exhausted. Demands are coming in, and I offer a resolution for printing extra copies of that act, and I ask to have it read and referred to the Committee on Printing.

The resolution (S. Res. 239) was read and referred to the Committee on Printing, as follows:

*Resolved*, That there be printed 65,000 copies of Public Law No. 158, known as the Federal farm-loan act, of which 60,000 copies shall be for the use of the Senate and 5,000 copies for the use of the Senate document room.

## NATIONAL BANKS.

Mr. OWEN. I present a letter from the Comptroller of the Currency, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE CURRENCY,  
Washington, July 22, 1916.

HON. ROBERT L. OWEN,  
United States Senate.

MY DEAR SENATOR: Permit me to bring to your attention the inclosed statement prepared by this office, showing the increases and decreases in the national banks and national-bank capital for the 12 months ending July 1, 1916. This statement, I think, affords a very complete answer to the disparaging reports which are being published in newspapers hostile to the administration. For example, a newspaper clipping which I find on my desk this morning, copied from a New Orleans paper, says:

"A number of national banks, week by week, are surrendering their Federal charters and taking out State bank charters instead, and the published reason for this change is the high cost and troublesome exactions imposed on the banks by the Comptroller of the Currency. The number of Federal reserve banks is decreasing instead of increasing."

From the inclosed statement you will see that during this period 120 new national banks were organized and 92 existing banks increased their capital, while the number of banks liquidating (other than those consolidating with other national banks), together with the number of banks reducing their capital, was only 108.

The statement also shows that there was an aggregate increase in the capital of national banks during the year of \$17,612,700, and that the total reduction of capital owing to liquidations (other than for consolidation with other national banks) and reductions of capital was only \$8,940,500, making the net increase in national-bank capital for the year on this basis \$8,672,200.

With high regard,

Faithfully, yours,

JOHN SKELTON WILLIAMS.

Statement showing the increases and reductions in the number of national banks and the capital of national banks during the period from July 1, 1915, to June 30, 1916.

New charters issued to 120 banks, with capital of	\$8,005,000
Increase of capital approved for 92 banks, with new capital of	9,607,700
Aggregate number of new charters and banks increasing capital, 212, with aggregate of new capital authorized	17,612,700
Number of banks liquidating (other than those consolidating with other national banks), 87; capital of same banks	7,893,000
Number of banks reducing capital, 21; reduction of capital	1,047,500
Total number of banks going into liquidation or reducing capital (other than those consolidating with other national banks), 108; aggregate capital reduction	8,940,500
The foregoing statement shows the aggregate of increased capital for the period was	17,612,700
Against this there was a reduction of capital, owing to liquidations (other than for consolidation with other national banks) and reductions of capital of	8,940,500
Net increase	8,672,200

During this period there were 15 national banks, with an aggregate capital of \$935,000 placed in the hands of receivers, and 4 national banks, with an aggregate capital of \$155,000, were restored to solvency and reopened.

The Comptroller's Office refused 18 applications for charters for national banks during this period.

Of the 87 national banks liquidating during the year (exclusive of 45 which consolidated with other national banks) the records indicate that 75 consolidated with State banks or reorganized under State laws, while 58 State banks during the same period were converted into national banks or reorganized under the national banking laws.

## SAFETY AT SEA.

Mr. LA FOLLETTE. Mr. President, I present a paper which, without taking the time of the Senate to describe, I deem of sufficient importance to have printed as a public document, and I ask that it be referred to the Committee on Printing for their consideration.

The VICE PRESIDENT. That action will be taken.

## NATIONAL PARK IN HAWAII.

Mr. SHAFROTH. I submit a report of the committee of conference on the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, and ask that it be now considered. It will take but a moment.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, having met, after full and free conference agree to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its insistence upon its amendment striking out the following in lines 8, 9, 10, 11, and 12 on page 8 of said bill:

"Provided, That no appropriation for the maintenance, supervision, and improvement of said park in excess of \$10,000 annually shall be made unless the same shall have first been expressly authorized by law; and."

JOHN F. SHAFROTH,

JOHN W. KERN,

MILES POINDEXTER,

Managers on the part of the Senate.

SCOTT FERRIS,

EDWARD T. TAYLOR,

IRVINE L. LENROOT,

Managers on the part of the House.

The report was agreed to.

## INTERSTATE AND FOREIGN COMMERCE.

Mr. NEWLANDS. Mr. President, in pursuance of Senate joint resolution No. 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce and the necessity for further legislation relating thereto, and so forth, I, as chairman of the Senate Committee on Interstate Commerce, announce the following five members of that committee as the Senate members of the joint subcommittee: The Senator from Nevada [Mr. NEWLANDS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Alabama [Mr. UNDERWOOD], the Senator from Iowa [Mr. CUMMINS], and the Senator from Connecticut [Mr. BRANDEGEE].

## SIR ROGER CASEMENT.

Mr. MARTINE of New Jersey. Mr. President, I desire, if it is in order, to ask that the resolution I offered some days ago be now taken up for action. I refer to Senate resolution 237, which reads as follows:

*Resolved*, That the President be requested to advise our ambassador to Great Britain to use his kindly offices, unofficially, to ask for the commutation of the sentence of death passed upon Sir Roger Casement.

Mr. OWEN. If it leads to no debate, I interpose no objection, but I do not wish to see the morning hour again consumed by debating this question.

Mr. MARTINE of New Jersey. I appreciate the situation, and I have no desire to incur any debate. I think the chairman of the Committee on Foreign Relations will acquiesce in the consideration of the resolution at this time.

Mr. STONE. So far as I am individually concerned I have no objection to the two resolutions, the one offered by the Senator from California [Mr. PHELAN] and the one offered by the Senator from New Jersey, being laid before the Senate and to dispose of them in their order, offering one as an amendment or a substitute for the other, without debate. Is that satisfactory?



Mr. MARTINE of New Jersey. I do not know that I caught just the remark of the Senator.

Mr. STONE. There are two resolutions.

Mr. MARTINE of New Jersey. I will agree to have them both go before the committee.

Mr. STONE. Not the committee, but the Senate.

Mr. MARTINE of New Jersey. Of course, it would be beyond me; I could not prevent them from going before the Senate, they are both before the Senate now. If I may be permitted, I want to say it seems to me the one offered by the Senator from California is not directed at the question at issue. The question at issue is not the leniency to Irish prisoners but the question at issue is whether the President shall be requested to advise our ambassador to Great Britain to use his kindly offices to ask for the commutation of the sentence of death passed upon Sir Roger Casement.

Mr. STONE. But the question I ask the Senator is whether he consents, as far as he is concerned, to submit the matter to a vote without further debate?

Mr. MARTINE of New Jersey. Yes, sir; utterly. I have no desire to incur any further debate.

Mr. ASHURST. The Senator from California [Mr. PHELAN] is not present, and I suggest the absence of a quorum.

Mr. STONE. He is not in the city.

Mr. ASHURST. Then I withdraw the request. I do not want this matter disposed of without debate. I wish to be heard for two minutes, and I think I will be heard now.

Mr. STONE. The matter is not before the Senate now. We were trying to reach an agreement to have it disposed of without debate.

Mr. ASHURST. I was objecting to that. I want to be heard for two minutes. I know how pressed we are for time, and, therefore, I wish only to take two minutes; but that I will take.

Mr. STONE. Well, outside of that, will the Senator from New Jersey agree?

Mr. MARTINE of New Jersey. That is entirely satisfactory.

Mr. STONE. Then, Mr. President, I have no objection to the resolutions being presented. I am not very particular about the order in which the two resolutions are presented. The Senator from New Jersey calls up his resolution, and if that is laid before the Senate, on behalf of the Senator from California I shall propose his as a substitute.

Mr. MARTINE of New Jersey. I will say that I am opposed to that resolution as a substitute. My reason, I assert again, is that it is not directed at the question at issue. The question at issue is this—

Mr. STONE. Now we are going to have debate.

Mr. MARTINE of New Jersey. But I feel I am justified in stating that the question at issue is the relief of Sir Roger Casement, not merely to express our desire for leniency to political prisoners.

Mr. STONE. Mr. President, I think we are to have debate upon it. I will move to refer both resolutions. I am perfectly willing to have them laid before the Senate with the understanding that the Senator from Arizona [Mr. ASHURST] shall take two minutes, and then I shall offer on behalf of the Senator from California his resolution as a substitute.

Mr. JONES. I hope it is not understood that the agreement between the Senator from Missouri and the Senator from New Jersey will cut off debate on the proposition.

Mr. STONE. I will ask unanimous consent that with the exception of two minutes to the Senator from Arizona the resolutions be voted upon without further debate.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	O'Gorman	Simmons
Brandege	James	Oliver	Smith, Ga.
Bryan	Johnson, S. Dak.	Overman	Smith, S. C.
Clapp	Jones	Owen	Smoot
Clark, Wyo.	Kenyon	Page	Sterling
Colt	La Follette	Penrose	Stone
Culberson	Lane	Pittman	Thomas
Cummins	Lee, Md.	Polindexter	Thompson
Curtis	Lodge	Pomerene	Tillman
Dillingham	McCumber	Ransdell	Vardaman
Fall	Martin, Va.	Reed	Wadsworth
Fletcher	Martine, N. J.	Robinson	Weeks
Gallinger	Myers	Shafroth	Williams
Groana	Nelson	Sheppard	Works
Harding	Norris	Sherman	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I am requested to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

The VICE PRESIDENT. At the request of the Senator from New Jersey [Mr. MARTINE] the Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution (S. Res. 237) submitted by Mr. MARTINE of New Jersey on the 22d instant, as follows:

*Resolved*, That the President be requested to advise our ambassador to Great Britain to use his kindly offices, unofficially, to ask for the commutation of the sentence of death passed upon Sir Roger Casement.

Mr. ASHURST. Mr. President, what we may say here or elsewhere regarding Ireland's long struggle for freedom has, and can have, no bearing upon or relevancy to the present European conflict. But no doubt the war conditions surrounding England fired the zeal of Irish patriots with the hope of a successful revolution against the unspeakable oppression which had so long held Ireland in its intolerable chains. I am in favor of the passage of this resolution and would favor the passage of a much stronger one were I convinced that it would be of any efficacy in securing the relief for those unhappy people.

The same sentiments and aspirations that animated George Washington, John Adams, Sam Adams, Thomas Jefferson, Alexander Hamilton, Benjamin Franklin, Warren at Bunker Hill, Nathan Hale, John Stark, Anthony Wayne, and Daniel Morgan in our Revolutionary War animated and controlled Sir Roger Casement, Patrick H. Pearse, Thomas J. Clarke, and their compatriots and coadjutors in 1916.

The same aspirations and sentiments that animated Andrew Jackson and his Kentucky and Tennessee riflemen at New Orleans in 1815, animated and controlled the Irish patriots in 1916. Let us, therefore, the free and untrammelled Senators of a Nation consecrated to liberty, not fail at this time to make proper expression of a genuine and warm sympathy for the Irish political prisoners, for they represent a race which for centuries has offered to the world a continuous example of pure motives, pathetic patriotism, strong and splendid, but unavailing courage.

Agricola, Roman statesman and general, and father-in-law of the historian Tacitus, advised the empire builders of his day that Imperial Rome should "war down and take possession of Ireland, so that freedom might be put out of sight." From the day of Agricola's brutal expression down to this good hour the Irish people have waged an uncompromising resistance, so that freedom in Ireland might not be "put out of sight"; and in all the troubled centuries, from the time of Agricola to this day, the Irish people have never sought to impose a yoke of tyranny upon other people or to build empires, but have sought simply their own freedom and independence.

Some years ago I read an extract from a speech attributed to the eloquent Senator Bob Taylor, of Tennessee, whose service here gave glory to this Senate. He said:

"If I were a sculptor I would chisel from the marble my ideal of a hero. I would make it the figure of an Irishman sacrificing his hopes and his life on the altar of his country; and I would carve on its pedestal the name of Robert Emmet.

"If I were a painter I would make my canvas eloquent with the deeds of the bravest people who ever lived, whose proud spirit no power can ever conquer, and whose loyalty and devotion to the hopes of free government no tyrant can ever crush. And I would write under the picture 'Ireland.'

"If I were a poet I would melt the world to tears with the pathos of my song. I would touch the heart of humanity with the mournful melody of Ireland's wrongs and Erin's woes. I would weave the shamrock into garlands of glory for the Emerald Isle, the land of heroes, the nursery of liberty. Tortured in dungeons and murdered on scaffolds, robbed of the fruits of their sweat and toil, scourged by famine and plundered by the avarice of heartless power, driven like the leaves of autumn before the keen winter winds, this sturdy race of Erin's sons and daughters have scattered over the face of the earth, homeless only in the land of their nativity, but princes and lords in every other land where merit is the measure of men."

In conclusion, I wish to say that I am very much in favor of the passage of this resolution requesting the President, through diplomatic channels, to ask Great Britain to exercise clemency in the treatment of Irish political prisoners, and I also express the hope that in dealing with Sir Roger Casement Great Britain will be wise enough to see that she can not get a "place in the sun" by snuffing out the lights of the world.

Mr. O'GORMAN. Mr. President, I should be disposed to favor either of the resolutions pending before the Senate at this time relative to the case of Sir Roger Casement. They both convey the same thought—the expression of a hope for clemency in behalf of one whose only offense is love of his native land.

In recent days, perhaps more than in other periods, many appeals have been addressed to the nations of the earth in the name of humanity, and I can not conceive of the sensibilities of any nation being disturbed by a respectful appeal coming from one of the units in the family of nations urging, in the name of a common humanity, that clemency be extended to a man guilty of no moral turpitude, animated by the purest purpose and moved only by a passion to free his people and his race from an oppression under which it has labored for seven centuries.

If Sir Roger Casement be a criminal, then George Washington and John Hancock and John Adams were criminals. They were all rebels protesting against wrong and tyranny. Mr. President, the names of those who fall no less than those who succeed in rebellion remain enshrined in the hearts of a grateful people.

What is the demarcation between the rebel who triumphs and the one who fails? Is one animated by a nobler purpose than that which moves the other? According to the standards that guide men, are they not both, the successful and the unsuccessful rebel, to be judged by the animating purpose of their conduct? Though its votaries fall, the struggle for liberty is eternal.

Mr. President, it has been stated that there is no precedent for this action. I am sure the distinguished Senator who made that statement must upon reflection recognize his own error. It has frequently happened in the past that the Executive of this Nation, voicing the sympathy and the hope of many thousands of our people, has conveyed to foreign countries an expression of the sentiments and the sympathy of the American people.

It was done by President Grant, in 1869, in behalf of Irish political prisoners; by Mr. Seward, as Secretary of State, in 1867, in behalf of clemency for Maximilian; by Mr. Jefferson, who, as Secretary of State, in 1793, urged the French Government to release Gen. Lafayette from imprisonment; and throughout the long line of Presidents and Secretaries of State scarcely an administration has come without some appeal in the name of humanity being conveyed by the Washington Government to some foreign power.

A Senator thought he found in this incident a parallel in the case of Mrs. Surratt; and he inquired what impression would be produced upon the American Government if, in 1865, Great Britain had respectfully asked the American Government to extend clemency to Mrs. Surratt. It might not have accomplished its purpose; but, at least, it would have checked the wrong, the injustice, the horrible crime of taking the life of an innocent woman at a time when this Government was not overzealous in respecting those rights of personal liberty which, except in war time, have so distinguished the laws and the government of this country since its inception. Is there an American to-day who attempts to vindicate the hanging of Mrs. Surratt? Is it not the universal judgment of the country that a cruel and unspeakable injustice was inflicted in time of terror upon an innocent woman? And if Great Britain or France or Germany at that time had sought to intercede to save the life of Mrs. Surratt, we Americans of this generation, at least, would be grateful for the intercession, for it might have spared the writing of one of the saddest pages in the annals of the Civil War or the period immediately succeeding.

I rose chiefly, Mr. President, however, to say a word regarding an observation made by my distinguished friend from Colorado [Mr. THOMAS] and seconded, in a measure, by the able Senator from North Dakota [Mr. McCUMBER]. During the discussion, reference being made to the War of Independence, the statement was made by the junior Senator from California [Mr. PHILLAN] that 50 per cent of the Continental soldiers were of Irish birth or Irish extraction, and, while the accuracy of the statement was not openly disputed, there was an implication of doubt in the remarks of the two Senators to whom I have referred, because one Senator asked, if it be accepted as a fact that 50 per cent of the Continental troops were Irish, and if the Germans and the Poles and the French were given the credit which is claimed in their behalf, were there any Americans fighting in the Continental Army?

Well, just what he meant by "Americans" may be a question, considering the sense in which he used the word. If he meant real Americans, there were none of them fighting in the Continental Army. They were in the employ of the British Army, receiving rewards for the use of the tomahawk and the scalping knife in trying to suppress the patriotic aspirations of an outraged people. If you mean by the American of that period the immigrant of English ancestry, the record shows that four-fifths of all the inhabitants of America during the Continental period boasting English ancestry remained loyalists, and were the Tories of that period.

Mr. President, in the third year of the War of Independence a parliamentary inquiry was instituted by the Government of

Great Britain, and among the witnesses called on the 16th of June, 1779, before this committee sitting in London was Joseph Galloway, who was a native of this country, and who stated:

I have lived in America from my nativity to the month of October last, about 48 years. \* \* \* I have lived in the Province of Maryland, in the Delaware Counties, and in the Province of Pennsylvania, chiefly in Philadelphia. My public profession was that of the law. I practiced in all the courts of Pennsylvania, in those of the Delaware Counties, and in the Supreme Courts of New Jersey. I was a member of the Assembly of Pennsylvania 18 years; speaker of the house 12. I was appointed by the assembly of that Province to attend the American Congress, which met on the 5th of September, 1774. During the last war, under an appointment of the same assembly, I was one of the commissioners for disposing of the money granted to the Crown, and have been several times a commissioner to treat with the Indians.

I speak of his antecedents to show his respectability, although he became a Tory. In his testimony he was asked this question, which I know will be of interest to some of the Members of this body:

Q. (By one of the committee.) That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America, or were the greatest part of them English, Scotch, and Irish?

And Mr. Galloway answered:

A. The names and places of their nativity being taken down, I can answer the question with precision: There were scarcely one-fourth natives of America; about one-half Irish, the other fourth were English and Scotch.

Mr. President, I venture to submit that this authority can not very well be impeached. The book from which I read is: "The Examination of Joseph Galloway, Esq., late Speaker of the House of Assembly of Pennsylvania, before the House of Commons, in a committee on the American Papers," published in London in 1779, and this book is accessible in the Library. Plowden, the historian, in his History of Ireland, published in 1809, said:

It is a fact beyond question that most of the early successes in America were immediately owing to the vigorous exertions and prowess of the Irish immigrants who bore arms in that cause.

The Marquis de Chastellux, a Frenchman who spent some time in America in 1782, wrote:

An Irishman the instant he sets foot on American soil becomes ipso facto an American. This was uniformly the case during the whole of the late war. While Englishmen and Scotchmen were treated with jealousy and distrust, even with the best recommendations of zeal and attachment to the cause, the native of Ireland stood in need of no other certificate than his dialect. Indeed, their conduct in the late war amply justified their favorable opinion, for whilst the Irish emigrant was fighting the battles of America by sea and land, the Irish merchants, principally of Charleston, Baltimore, and Philadelphia, labored with indefatigable zeal at all hazards to promote the spirit of enterprise and increase the wealth and maintain the credit of the country. Their purses always were opened and their persons devoted to the country's cause, and on more than one eminent occasion Congress itself, and the very existence of America probably, owed its preservation to the fidelity and firmness of the Irish.

In 1828 George Washington Parke Custis, grandson of Martha Washington, in answer to an appeal from Ireland for funds in aid of the struggle for Catholic emancipation, wrote:

And why is this imposing appeal made to our sympathies? It is an appeal from that very Ireland whose generous sons, alike in the day of our gloom and of our glory, shared in our misfortunes and joined in our success; who, with undaunted courage breasted the storm which, once threatening to overwhelm us, howled with fearful and desolating fury through this now happy land; who with aspirations deep and fervent for our cause, whether under the walls of the Castle of Dublin, in the shock of our liberty's battles, or in the feeble expiring accents of famine and misery, amidst the horrors of the prison ships, cried from their hearts, "God save America." Tell me not of the aid which we received from another European nation in the struggle of independence; that aid was most, nay, all essential to our ultimate success, but remember, years of the conflict had rolled away. Of the operatives in war—I mean the soldier—up to the coming of the French Ireland had furnished in the ratio of 100 for 1 of any foreign nation whatever.

Then honored be the good old service of the sons of Erin in the War of Independence. Let the shamrock be entwined with the laurels of the Revolution, and truth and justice, guiding the pen of history, inscribe on the tablets of America's remembrance "Eternal gratitude to Irishmen."

Ramsey, the historian of North Carolina, writing in 1789, declared: "For the last 70 or 80 years no nation has contributed so much to the population of America as Ireland."

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. O'GORMAN. With pleasure.

Mr. NELSON. I want to say to him that in Lecky's History of the Eighteenth Century exactly what the Senator says is stated to be true. He states in that history that fully half of the Continental Line were Irishmen, mainly from the north of Ireland.

Mr. O'GORMAN. The statement of the Senator from Minnesota is largely accurate. It is open to revision, in my judgment, when he states that the Irish were mainly from the north of Ireland. I think it will be found that they were about equally divided, because for a hundred years before the American Revolution no people on earth were so cruelly persecuted as the Irish in the south of Ireland, and no people during that period



had a greater incentive to leave their homes and hazard the dangers of the ocean and the seas that they might find an asylum in distant lands against the wrongs and tyranny that oppressed them in their own country.

One of my colleagues near by has just made an observation which did not escape me, in which he said, in substance, that if the statement of the Senator from Minnesota be correct, that they were north-of-Ireland Irishmen, then they were not Irish at all. By the same method of reasoning the Senator making that observation, although an ornament of the American Senate, is not an American, because he is Welsh, inasmuch as his grandfather or great-grandfather was a native of Wales. By his own rule the Senator is a Welshman and not an American. It is sometimes forgotten that the so-called Scottish element in the north of Ireland is as Irish as those in the south. Scotland was colonized by the native Irish, and after some centuries many of the descendants of the early colonists returned to Ireland, the home of their ancestors. Racially they are one people.

I might say in this connection, Mr. President, that the first general who fell in the struggle for American liberty was a native-born Irishman, Gen. Richard Montgomery. The first British ship captured in the war was captured by the son of an Irish immigrant in Machias Bay, Me.—Capt. Jeremiah O'Brien. The richest man in the American colonies—the man who imperiled more than any other man, not even excepting George Washington, when he embraced the patriotic cause—was the grandson of an Irish immigrant, Charles Carroll, of Carrollton.

John Hancock, President of the Continental Congress, was a descendant of a native of Ireland.

Charles Thompson, Secretary of the Congress, who made the first official copy of the Declaration, was born in Ireland.

John Nixon, member of the Pennsylvania Council, who first publicly read the Declaration from the steps of the statehouse in Philadelphia in 1776, was a son of Richard Nixon, a native of County Wexford, Ireland.

John Dunlap, who first printed the immortal document, was born in Strabane, County Tyrone, Ireland.

Among the signers of the Declaration, Thomas Smith and George Taylor, of Pennsylvania, were both natives of Ireland. Matthew Thornton, of New Hampshire; George Reed, of Delaware; Thomas McKean, of Delaware; Edward Rutledge, of South Carolina, were sons of natives of Ireland.

Among the generals who fought under Washington, Richard Montgomery, Thomas Conway, John Armstrong, William Thompson, Andrew Lewis, William Maxwell, William Irvine, Edward Hand, Richard Butler, Walter Stewart, and Stephen Moylan were natives of Ireland. Maj. Gen. John Sullivan, Maj. Gen. Henry Knox, Gen. Anthony Wayne, Brig. Gen. James Clinton, Brig. Gen. Joseph Reed, Brig. Gen. John Nixon, and John Stark, were sons of natives of Ireland.

When I look about this Senate, having in mind the rather equivocal significance attached to the word "American" as I thought it was used here a day or two ago, and when I see, representing great Commonwealths, able and patriotic Senators who were born on foreign soil, and when I see other able and distinguished Members of this body who are the sons of immigrants or, in some instances, the grandsons of immigrants, I can not help the reflection that all the power, that all the glory of this great experiment of government by the people is due to the blood, the intellect, the enterprise, the energy, and the patriotic devotion of men from many lands and many races. If there be one nation which might assert unquestionably the right to petition a foreign power to do an act of clemency in the name of justice and humanity, it is a country such as ours, whose population is made up of the peoples of all the earth and whose sympathies embrace the world.

Reverting to the suggestion that we might have taken offense at Great Britain if that Government interposed in behalf of Mrs. Surratt, it will be well to bear in mind this difference between the two countries: If there were any considerable number of Americans in Great Britain, the case would be more analogous to our own, because in this country, with many people formerly part of the British Empire, or whose ancestors were part of the British nation, there would seem to be an especial propriety in Great Britain listening, under all these circumstances, to a respectful appeal for clemency in the name of humanity.

The VICE PRESIDENT. The question is on the resolution.

Mr. STONE. Which is the resolution?

The VICE PRESIDENT. The resolution of the Senator from New Jersey [Mr. MARTINE].

Mr. STONE. In accordance with the statement I made earlier, I offer the resolution, which is also on the President's table, proposed by the Senator from California [Mr. PHELAN] at the same time the pending resolution was offered. I offer that as a substitute.

The VICE PRESIDENT. The substitute will be read.

The SECRETARY. As a substitute for the resolution of the Senator from New Jersey, the Senator from Missouri offers the following:

*Resolved*, That the President of the United States be, and he is hereby, requested to ask the British Government to exercise clemency in the treatment of Irish political prisoners.

Mr. GALLINGER. Mr. President, I do not desire to discuss this resolution, but I want to make a single suggestion along another line.

It has been stated over and over again in the Senate, and was repeated by the Senator from New York to-day, that it is "universally" conceded that Mrs. Surratt was an innocent woman, and that in those terrible times, when there was great excitement and very likely many things were done that ought not to have been done, a woman entirely innocent of the crime charged against her was executed.

Mr. President, I have been a reasonably attentive student of the history of the Civil War, and I have never yet discovered any evidence that satisfies my mind that the Government executed an innocent woman. I think it was an unfortunate circumstance, much to be deplored, beyond a doubt; but that the execution was without cause at that time has escaped my attention if it is a historical fact.

I make this observation for the purpose of emphasizing the fact that it is not universally conceded that Mrs. Surratt was an innocent woman, as I believe that she was cognizant of the crime charged against her and deserved punishment at the hands of the Government. The question as to the severity of the punishment is another matter, on which I do not propose to enter.

Mr. MARTINE of New Jersey. Mr. President, if I may speak with reference to the resolution offered by the Senator from Missouri, as I remarked before, it is not regarding the question at issue at all; and if it is adopted it will be adopted as a substitute. It takes the place of the resolution which I had the honor to offer. My resolution appealed directly for a commutation of the sentence of Sir Roger Casement. The people of Ireland, I feel, are not asking clemency at the hands of the British people. They are simply asking justice.

I believe that Great Britain will grant that which satisfies best her own interests, and if her own interests are best subserved by the adoption of the course requested in my resolution she will commute the sentence; otherwise she will not.

If, as I understand it, this resolution is to take the place of mine, while I have as much clemency in my heart as any other Senator, I shall vote "nay" on the question of substituting it for my own.

Mr. STERLING. Mr. President, I do not rise to take part in this debate further than to say that in our earnest advocacy of a cause we are sometimes apt to lose sight of the fact that there is another side to the controversy; and I can not help but think that the advocates of the resolutions now pending have lost sight of the circumstances attending the Sinn Féin revolt, for the participation in which Sir Roger Casement and others were arrested and have on trial been convicted.

But waiving all this, I am in sympathy with the general purpose of the resolutions. But, Mr. President, the question is as to how we may best accomplish the result. I think, as a means to that end, we may well express some interest and sympathy in at least one great question now confronting the Government of Great Britain, and that is the question of home rule for Ireland. I think an expression of interest and sympathy on the part of this body in the efforts of English statesmen and Irish statesmen and leaders as well to bring about home rule for Ireland would further the object sought to be accomplished by any such resolution, and would perhaps, through our manifestation of interest in this one problem, tend to procure clemency on the part of Great Britain.

Hence with this in view, I have somewhat hurriedly prepared here a resolution, which I offer as a substitute for the pending resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

*Resolved*, That the Senate of the United States, mindful alike of what it believes to be in the best interest of the Government of Great Britain, of the Irish people, and the cause of self-government throughout the world, has viewed with satisfaction the progress of late made toward the accomplishment of home rule for Ireland. That such home rule will not only be in accord with American traditions and ideals, but with the general practice of Great Britain for the greater part of a century. That while the Senate has viewed with concern and has deplored the loss of life and property resulting from the late so-called Sinn Féin revolt, it expresses the hope that clemency will be exercised by the Government of Great Britain toward all prisoners held or tried and convicted as a result of their participation in such revolt.

*Resolved*, That the President of the United States be requested to communicate this expression of the views of the Senate, through the Department of State, to the Government of Great Britain.



Mr. WILLIAMS. Mr. President, the sting and the evil in the resolution offered by the Senator from New Jersey [Mr. MARTINE] the other day, the international insult and offense contained in it, have been removed; and the resolution pending as a substitute can not be attacked upon that ground.

I am still of the opinion that for one nation, through one of its official bodies, to arraign the validity of the course of justice in the courts of another, as was proposed the other day by the Senator from New Jersey, is necessarily from its very nature offensive. I am of the opinion that even in a very extreme case, like that of Mrs. Surratt, cited by me, where the whole world recognizes now that there was a hasty and unjust conviction "after a so-called trial"—not a trial at common law but under martial law, and of a woman who had never been a part of the naval or armed forces of the United States—that even in an extreme case like that a criticism by the House of Commons of Great Britain arraigning and denouncing the course pursued by the Federal Government would have been offensive and insulting. Nobody has ever said that a resolution passed by the House of Commons, or signed by members of the House of Commons, respectfully asking mercy in a case of that sort was without precedent. If I am not mistaken, the House of Representatives at one time passed some resolution concerning Kossuth, the Hungarian—though I am not quite sure; I think so—appealing to Austria for clemency.

Mr. President, I did not rise, however, to talk about that. I rose to talk about another thing. The Senator from New York has indulged in one of those truly amusing racial outbursts which so frequently occur in the United States. I was not long ago reading a book, the name of the author I have just at this moment forgotten, but it is a leading book, having the title "The Germans in America." Therein the author proves without absolute finality, according to his method of procedure, that 40,000,000 of the American people are Germans or of German descent. I have seen accounts showing that about that number were Irish. I have also seen accounts showing that some 15,000,000 were Scandinavian, and so on until when you get through with it, without counting a single English, Scotch, or Welsh derived man upon the continent of the United States, you have about 115,000,000 population that are Germans, Irish, Scandinavians, Polacks, Russian Jews, or something else.

Now, I will tell you how it comes about. An immigrant comes over here of Irish derivation, and one of his daughters marries a Mr. Smith, who has been living here a long time; whereupon the Irish put Smith's children down as "Irish-Americans." Then the oldest boy of Smith, still named Smith, marries a German; whereupon the Germans and Irish both put down the second Smith's son as a German-American and as an Irish-American—thus he is counted twice, although he is not twins. The next generation one of the family marries an American Polack, whereupon this third man belongs to all three, and is counted three times, although not triplets. Meanwhile, the English-derived Smith—poor, old, unhyphenated fellow—has been completely forgotten and left entirely out of account. That is about the way it occurs.

Mr. President, I have no objection to the people who came from Ireland or to the people who came from Germany or to the people who came, like the distinguished Senator from Minnesota [Mr. NELSON], from Norway, or the gentlemen who came from Sweden or anywhere else. As the Senator from New York has said, the only truly native American is the North American Indian. We are all derived from somebody who came from somewhere in Europe except this native American.

The Senator made a little mistake about my great grandfather coming from Wales; it was his grandfather; but that just throws it all a little further back along the tide of time and makes very little difference. However, I do object to his saying that the Welsh and the English and the Scotch have had nothing to do with the building up of this country. As to the Scotch-Irish, what I said to him is true. They are not racially Irish. For 300 years they were engaged in murdering Irishmen and outraging their women, and the Irish for 300 years were engaged in reciprocating.

Yet every Scotch-Irish man in America is claimed as an Irishman. The Irish are just as good as the Scotch-Irish—every bit—but they are not racially the same stock; they are of Scotch and English racial derivation, settled as colonists in the north of Ireland.

Some time ago I picked up a book which undertook to prove that the success of the American Revolution was entirely due to the Scotch-Irish, not to the Welsh, nor English, nor Scotch, not even to the Irish, but the Scotch-Irish, who mainly came from the lowlands of Scotland and went over to Ireland as conquerors and oppressors, and were then, as they are now, the greatest enemies that the Irish race have, while the Irish, upon the other hand, are the greatest enemies that they have to-day,

as they have been for hundreds of years, with a blood feud almost always formerly existing between them, striking away back to the days of Elizabeth and Cromwell. Many of the so-called Scotch-Irish are not Scotch at all, but were English who came over under Elizabeth—some even under Henry VII—and came over with pretty much the same view as the Cromwellians did—of robbing and exploiting the native Irish, which they proceeded to do. The native Irish, under Charles I, having an opportunity to return the compliment, returned it in full measure.

Those of us who are of English and Welsh and Scotch descent have as much right to be proud of our European derivation as any German-American or Irish-American in America. Yet when we speak of it somebody immediately suggests that we are more or less Tories, or, from the mere reference to it, at any rate, very near to being Know-Nothings.

Mr. President, just think a minute. This claim that over 50 per cent of the patriots in the American Revolution were Irish comes upon me rather unexpectedly. I have not time to run it back exhaustively; but in New England Hancock, Otis, the Adamsses, Gens. Warren and Putnam, all those men whose names are household terms, were of English derivation.

In Virginia the Washingtons, the Lees, the Masons, and all that numerous host of men who made the Old Dominion then, as it was during the Civil War and as it is now, one of the greatest Commonwealths that ever existed were of English derivation. The Randolphs were Scotch of the Scotch. Thomas Jefferson and Gen. Daniel Morgan were Welsh of the Welsh. Gens. Lincoln and Greene were of English derivation; Nash of North Carolina and Davidson of North Carolina, one of them Scotch, the other English. Col. James Williams, who laid down his life at the foot of Kings Mountain, was also of Welsh derivation, and Col. John Sevier, from Tennessee, who did more than anybody else to win the Battle of Kings Mountain, was of French Huguenot extraction. Isaac Shelby was not an Irishman. He brought to Kings Mountain the hardy Kentucky or, as it was then called, the Southwest Virginia contingent. Francis Marion, of South Carolina, was of French Huguenot extraction. Col. Hamilton, a brave officer leading one wing of our Army at Yorktown and who afterwards became better known as Alexander Hamilton, the father of the Treasury system of the United States, was Scotch, and Col. Monroe, and a host of them that a man might name, had not a drop of Irish blood in his veins, so far as I know or have ever heard. I doubt if 5 per cent of the population of America at the time of the American Revolution were of Celtic Irish birth or racial extraction. Mr. Galloway, whose testimony before Parliament was cited, either lied or was very ignorant.

Now, let every man, whose ancestors came from Ireland or from Germany or from Scandinavia, make due praise to those from whose loins more or less remotely he is derived, but I for one am not going to forget that the Welsh in America—and, by the way, there are no Welsh-Americans; they either remain British subjects or they become American citizens—the Welsh in America have furnished some of the artists, some of the poets, some of the statesmen, and some of the soldiers of this great Republic. If along the line remotely one of them intermarried with a German or an Irishman later on they did not cease to be half Welsh, and if the son of that union married with one of some other race they did not cease to remain half Welsh.

This America of ours is a great melting pot. The man who first used that phrase invented a phrase that fits the situation to a nicety. Everything is thrown in here, boiled together commercially and politically, and out of it comes that great composite result, the American citizen.

Here I stand of Welsh derivation. Behind me is a gentleman of Irish derivation; not very far from me is one of English, and a bit farther one of Scotch derivation. I daresay either one of us is as good an American as the other, provided that down in the bottom of our hearts we do not recognize anything else in the world as superior to Americanism in its call on us. And if we do, then every man who does it, whether Scotchman, Irishman, Dane, or Saxon, or what not, though he may be otherwise the best man upon the American Continent, is disloyal to America, disloyal to the land of his adoption—he ought to go back to the country whence he or his ancestors came.

Here comes a boy who joins the United States Army. His original derivation is Norway. He makes a good soldier. His people honor him afterwards in many, many ways. He now sits among us in this august body. I dare say that the Searcher of Hearts, who can look down into him, will find that the time has long since passed when he thought he owed any allegiance to Norway or any love or service that approximated even, much less exceeded, that which he owes to his adopted country.



I am getting a little bit tired of hyphenated Americans. Let a man remain a British subject or become an American citizen; let him remain a French citizen or become an American citizen; let him remain a subject of the Czar of Russia or become an American citizen; but let him not come here with allegiance to his native country or with the enmities and hates transplanted across the Atlantic to inject them, whether sentiments or enmities, into American politics and poison its body politic.

Of the two the man who allows his sentiment and his affection for the Government of his native land to control and direct his action here in relation to foreign affairs or in relation to domestic affairs, even in the drawing of a tariff bill or anything else—the man who allows his sentiment and the warmth of his heart to mislead him stands on an infinitely higher plane than the man who allows hate and enmity to misguide him.

If the Russian Jew comes to America, oppressed as he has been through years and years, let him leave behind him upon the shores of Europe the hatred and the enmity that have been passed down from generation to generation; or if he can not but feel it in his own heart, as, perhaps, he can not, let him at any rate make up his mind that that shall not influence his conduct as an American citizen or an American voter. Let the Pole or Alsatian from Germany, the Irishman from the British Empire, do the same thing.

I tell you now—and it is for this purpose mainly that I have sought the floor—if any man or set of men or coterie of men, however numerous they may be, shall enter into American politics for the purpose of accomplishing a European racial or governmental result, for the purpose of influencing American domestic affairs or foreign relations, so that they may be shaped and molded to suit some foreign power or to insult and hurt some foreign power—the two things mean the same—either he or they will hear from the American people.

No movement has ever taken place in this country yet for the purpose of emphasizing a European desire or a European hate, under whatsoever hyphenated or other name, that the American people have not visited upon the authors of it and the organizers of it their punishment at the polls, and they will do it again.

If any man hopes in this campaign to have tied to him, however many votes there may be, some organization whose purpose is to further some European Government's wish or want or policy or interest, or the hatred of some European people for some European Government whose subjects they have been, then I say before this campaign is over that that candidate will be praying to God, "Remove from me, O God, this body of death," for it will be like the punishment meted out in the olden time to certain criminals. It was to carry around with them on their backs the victim while the victim rotted, and the prayer of the punished man was "Remove from me, O God, this body of death."

Now, we are all Americans. We all say it; let us all be it. Who cares whether the ancestors of the O'Gorman family were Irish or whether the ancestors of the Williams family were Welsh, or whether the ancestors of the Hokes and the Smiths were English, or whether the Fletchers were English, or whether the ancestors of the Owens were Welsh? Who cares, provided you do your duty as American citizens?

If you are proud of the bards of Wales and of the sweet singers of Ireland, or, if you come from Germany, of Goethe, Schiller, and Lessing, or, if you come from France, of Racine and La Fontaine and Molière and Béranger, or, if they have come from England, if they be proud of that galaxy of English literary lights that has never been equaled in ancient or modern times by any people who ever existed, then be proud of them, and of the race which produced them. The world has had but one Shakespeare, it has had but one Milton, it has had but one Tennyson, it has had but one Chaucer, and in the world of science it has not had many men like Darwin and Huxley and Tyndall and Newton and Herschel, and men like that.

In warfare it has not had very many men—though it has had some—far superior to Prince Hal and the Duke of Marlborough and the Duke of Wellington, or their descendants in America, Greene and Lincoln and old Daniel Morgan. Let the Irish be proud of Moore, the sweet singer, of Burke, the prince of philosophers and orators, but unless they are very ignorant they will not forget and can not despise that galaxy of Englishmen, nor Scottish Burns, nor Sir Walter Scott, nor that American muniments of liberty and American law were born in Great Britain.

Mr. OWEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. In one moment, if you please. Let us boast about them, if you please, let us take a loving interest in what they have contributed to literature and law and com-

merce and the sciences, and in the battles for freedom which have taken place in the world, but let us not forget that in this great melting pot we have turned out a composite citizen who is the equal if not the superior of those from whose various loins he has been derived.

Mr. OWEN. I appeal to the Senator to allow the Senate to dispose of the question. We have only a short time left before 12 o'clock.

Mr. WILLIAMS. I was just about to sit down, but I do not quite appreciate the courtesy of the appeal.

Mr. OWEN. I think the Senate is entitled to some courtesy in the transaction of its business.

Mr. WILLIAMS. Yes; the Senate is entitled to some and each Senator is entitled to some, and this particular Senator has consumed very little time lately, and this is a matter of about as much importance as almost anything else. It is of great importance to the cause of Americanism and a broad spirit of patriotism in which Americans shall not be divided in America by racial lines. Nothing worse could happen to the American Republic than to have political parties and factions founded upon the European racial derivation of the men who compose it.

Now I am through, Mr. President.

Since making the above remarks in the Senate I have undertaken to ascertain as nearly as possible what the percentage of English, Scotch, and Irish were in the Colonies at the time of the first census—1790—soon after the Revolution. The Welsh are, I think, included in the table with the English; the Scotch-Irish with the Scotch. I obtained the figures from page 116 of a publication of the Census Bureau entitled "A Century of Population Growth, 1790 to 1900." The totals were compiled in 1909 from the census of 1790, by the classification of the population enumerated in 1790 according to their names. Some Scotch and some Irish may have been mistaken for one another because of the "Mac," which is common to both the Highlanders of Scotland and to the Celtic Irish. As the report says, such classification is obviously in the nature of connection by blood, or what may be termed "nationality strain." The census of 1790 itself did not contain amongst the questions asked of those who were enumerated what was the place of their birth or of their parents' birth.

Taking what were then the two main sections most active in the Revolution, I quote: "Virginia, settled by the British in 1609, had at the first census but 6 per cent non-English population, and of these 5 per cent were what are known as 'Valley Dutch'—that is, Germans who had emigrated, through Maryland, from Pennsylvania." "New England was almost as English as old England, the lowest proportion, 93.1 per cent, being in Maine, and the highest, 96.2, in Rhode Island."

I find that the percentage of Irish population in each Colony was as follows: In Maine, 1.4 per cent; New Hampshire, 1 per cent; Vermont, seven-tenths of 1 per cent; Rhode Island and Connecticut, each seven-tenths of 1 per cent; Massachusetts, 1 per cent; New York, eight-tenths of 1 per cent; Pennsylvania, 2 per cent; Maryland, 2.4 per cent. Maryland was a Catholic Colony, and the comparatively large percentage of people of Irish racial stock is accounted for there because of that fact. Virginia, 2 per cent; North Carolina, 2.3 per cent; South Carolina, 2.6 per cent.

The German population, although it was less in most of the Colonies, especially in New England, than the Irish, was so large in a few of the Colonies that the average almost equaled that of the Irish. The percentage of Germans in Pennsylvania being 26.1 per cent; Maryland, 5.9 per cent; in Virginia, 4.9 per cent; in North Carolina, 2.8 per cent. In the Colonies named nearly all the Germans in America lived.

The percentages of the total population which the English constituted were in Maine, 93.1 per cent; New Hampshire, 94.1 per cent; Vermont, 95.4 per cent; Massachusetts, 95 per cent; Rhode Island, 96 per cent; Connecticut, 96.2 per cent; and in New York, even, which had only recently ceased to be a Dutch colony—although there had been a heavy inflow of population to parts of the colony from New England even while it was a Dutch colony—the percentage of English stock in 1790 by the table is 78.2 per cent. In Maryland it was 84 per cent; in Virginia, 85 per cent; North Carolina, 83.1 per cent; and in South Carolina, 82.4 per cent. The smallest percentage of English population in any colony was in Pennsylvania, where they constituted only 59 per cent; still, even there, considerably over half.

The percentages of Scotch were in Maine, 4.3 per cent; in New Hampshire, 4.7 per cent; in Vermont, 3 per cent; in Massachusetts, 3.6 per cent; Rhode Island, 3.1 per cent; Connecticut, 2.8 per cent; New York, 3.2 per cent; Pennsylvania, 11.7 per cent;



Maryland, 6.5 per cent; Virginia, 7.1 per cent; North Carolina, 11.2 per cent; and South Carolina, 11.7 per cent.

It seems, therefore, if all of the Scotch enumerated in the census of 1790 were counted as Scotch-Irish, and the Scotch-Irish were all counted as Irish, and the Irish and Scotch added together, that the total number of all—Irish-Scotch and Scotch-Irish—would be less than 10 per cent of the total population. The Irish themselves, as may be readily seen by the figures, did not average 2 per cent of the entire population. Of course, the Irishman fought in the American armies during the Revolution; he fought well, as he always fights; but with less than 2 per cent of the entire population he could not have constituted over 50 per cent of the armed forces of the united Colonies. It is equally incredible that the English and Welsh derived Americans constituting 83½ per cent of the total population could have furnished so few as one-fourth of the Revolutionary armies. Of course, very many of the Scotch, in fact, most of them, were Lowland Scotch, the most thoroughly Teutonic population in all Great Britain, because the Danes kept coming to southern Scotland and northern England long after they had quit their invasions elsewhere.

With the permission of the Senate I have added these figures and this analysis of them to the remarks which I made in the Senate in confirmation of what I said about the small percentage of Colonial population that the Irish constituted, because taken by surprise at the time I did not have the figures before me and was not able to get them until after I had concluded my remarks.

Mr. WILLIAMS subsequently said: Mr. President, I made some remarks in debate this morning concerning the percentage of racial stocks in the United States at the time of the Revolution. I did not have the figures before me then. I rise now for the purpose of asking unanimous consent to extend my remarks in the Record by placing at the end of them certain figures derived from tables given on page 116 of a census special report, entitled "A century of population growth in the United States from 1790 to 1900," which figures, I think, will support one of the statements that I made this morning, together with an analysis of the figures and a statement of their bearing.

The VICE PRESIDENT. Is there objection?

Mr. O'GORMAN. Mr. President, I have no objection to the request of the Senator from Mississippi [Mr. WILLIAMS] being granted; but I take advantage of this opportunity to say that the tables which he offers to read into the Record are entirely untrustworthy. The official who prepared them states, and states in the article which precedes the tables, that in 1790 and in previous years no census was taken of the inhabitants of this country; but that recently some employees in the Census Department undertook to create a census for 1790, and adopted a method of classification according to names. The name of the head of a family was interpreted by the employee as belonging to one nationality or another.

Of course, according to that method of classification some names prominent in recent Irish politics would undoubtedly be put under the list of English. For instance, Mr. Pearse, who was the provisional president of the Irish republic, would undoubtedly be put down in that list as English. Mr. Sheehy Skeffington, who was an editor in Dublin, and who was shot down without a trial (the military officer who was responsible for his death escaping responsibility upon the plea that he was insane at the time of the killing of Mr. Skeffington and two other editors), and Mr. Clarke, who held a conspicuous position in the recent insurrection in Ireland, would be put down as English. Sir Roger Casement, of course, would be put down as English. Mr. Redmond, the leader of the Irish Parliamentary Party, would be put down as English. So also would Mr. Parnell, who for so many years was the leader of Irish thought. Lord Kitchener would be put down as English.

With these observations, I doubt whether much attention should be paid to this experimental creation of a census a hundred years after the time indicated.

Even according to the figures given—it is stated that there were upward of 60,000 Irish in the colonies, and upon the theory that nearly every Irishman took part in the struggle and that no Irishmen were found among the loyalists or the Tories—even the introduction of these tables will not be found inconsistent with some observations that I had the honor of making this morning.

To illustrate the utter unreliability of the classification employed, it should be remembered that many Irish immigrants bore English names imposed upon them by British statutes which required the inhabitants of certain sections of Ireland to take "an English surname of one town, as Sutton, Chester, Cooke, Kinsale; or color, as White, Black, Brown; or art or science, as Smith or Carpenter; or office, as Cooke or Butler."

It should also be remembered that Gen. Washington at no time during the War for Independence had an army under his command exceeding 15,000. When he was at Valley Forge his army was reduced to 3,000. The Senator from Mississippi intimated that perhaps I was in error when I said that the compiler of those statistics fixed the number of Irish inhabitants in 1790 at 60,000. If he will look two pages beyond the page which he desires to put in the Record, he will see the statement to which I have referred.

Mr. WILLIAMS. No; I did not intimate that. The Senator is mistaken about that.

Mr. O'GORMAN. But the statement is found even in that paper.

Mr. CHAMBERLAIN. Mr. President, I rise to a parliamentary inquiry.

Mr. WILLIAMS. Just one word more, and I am through. I merely wish to state what the tables are.

The VICE PRESIDENT. The Senator from Oregon will state his parliamentary inquiry.

Mr. CHAMBERLAIN. I desire to know what is before the Senate?

Mr. WILLIAMS. Mr. President, as I understand, this special report was drawn up in 1850. It is an analysis of the census of 1790 made by employees of the Census Bureau. Of course it is worth just what it is worth. I ask to publish the figures, together with an analysis of them and the statement of the nature of the report at the end of my remarks this morning.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

Mr. POMERENE and Mr. STONE addressed the Chair.

The VICE PRESIDENT. The Senator from Ohio.

Mr. POMERENE. Mr. President, I ask the indulgence of the Senate for a very few minutes. Preliminary to what I wish to say, however, I desire to move that the resolution offered by the Senator from New Jersey [Mr. MARTINE], the amendment thereto offered by the Senator from California [Mr. PHELAN], and the substitute for both of those resolutions which has been offered by the Senator from South Dakota [Mr. STERLING] be referred to the Committee on Foreign Relations.

Mr. President, the original resolution offered by the Senator from New Jersey was referred to the Foreign Relations Committee. I am a member of that committee, and I know that it was the sentiment of the members of that committee that the subject matter of the resolution was of such very grave importance and of so delicate a character, involving, as we believed, matters of such grave international importance that it ought not to be reported out, and we voted accordingly. Later a motion was made to discharge that committee from the further consideration of the resolution, and in the course of the discussion of that motion it developed that the resolution itself was offensive in character, and it was withdrawn by the proponent of the resolution.

Mr. MARTINE of New Jersey. Mr. President, may I simply state that the resolution was not withdrawn, because I felt that it was in ill taste or untrue. I withdrew it because I felt that perhaps I could not get it through the Senate; in fact, I saw that I could not get it through the Senate.

Mr. POMERENE. Mr. President, I am not particularly concerned about that at this moment.

Mr. MARTINE of New Jersey. Well, I am.

Mr. POMERENE. Suffice it to say, that two other resolutions bearing upon the same subject matter were presented to the Senate. Those resolutions are now under discussion, and the distinguished Senator from South Dakota [Mr. STERLING] offers another resolution, broader in its scope. All of these resolutions affect, and affect seriously, the foreign relations of the great American Republic.

My sympathies in this matter go out not only to Sir Roger Casement, but they go out to the hundreds of thousands of Irishmen who are under the British flag in the trenches. Aye, more, my sympathies go out to every Frenchman, to every German, to every Russian, to every Austrian, to every Italian—aye, to every soldier who is in the trenches, whatever his nationality, creed, or color.

I wish that it were within my power to draw a veil over that European contest and to blot it out from the memory of the human race.

I can not do that; but let me suggest to Senators that there are brought up here for consideration and disposition by the United States Senate this morning three resolutions, grave in character, involving the foreign relations of this Government; and since when has the Foreign Relations Committee determined that it is not going to further consider matters of this character, but is going to let them be proposed and disposed of on the floor of the United States Senate, without any considera-



tion or any recommendation by any member of the committee, at least not by the members of that committee in formal session?

Mr. President, does any member of the Foreign Relations Committee or any Member of the United States Senate know what the attitude of the State Department of this Government is with respect to this subject? I care not, for the sake of the argument, whether you are for or against this resolution, or any of them. I care not whether you are willing to abide by the judgment of the State Department or not. That is neither here nor there; but it does seem to me that the United States Senate owes it to the State Department, which is charged with responsibility for our foreign affairs, to at least get the opinion of the State Department with respect to these resolutions before taking final action. Have Senators studied each of these several resolutions so as to be able to satisfy themselves that they are going to assume the risk of so involving this Government in its relations with foreign nations that we are going to ignore the judgment of the committee which was specially organized for the purpose of giving careful consideration to these matters?

I have been a Member of this Senate now for five years and a little more, and this is the first instance in my short experience in which it has been attempted to take up a matter of this character—which may or may not be grave—and to dispose of it without reference to the Committee on Foreign Relations, so that we may have a hearing, if that be thought advisable, and may have the judgment, at least, of that committee.

For myself, I have conferred incidentally with one or two Senators on this side of the Chamber and with one or two Senators on the other side of the Chamber. I may have views—they may be mature, or they may not be—as to what disposition we ought to make of these resolutions; but I do know that in matters of this character, as well as in other matters, I have very often changed my preconceived notions; and I may do that now after we have considered this subject and discussed it around the committee table.

But I beg of Senators not to permit themselves to be carried away by any emotion, by any special sympathy that they may have for one man or for another; but let us deliberate upon this matter as becomes Senators, and let these resolutions take their usual course through the committee. Then, after they are voted out, or after the committee has had time to consider them, let the Senate determine what ought to be done.

Mr. STONE. Mr. President, I understand the question now before the Senate to be the resolution proposed by the Senator from New Jersey—

The VICE PRESIDENT. No; the question is—

Mr. STONE. Well, let me state it. Perhaps I am not stating it exactly correct; but the situation, let me say, of the matter before the Senate is this: The Senator from New Jersey calls up the resolution he offered on a former day. To that is presented a resolution proposed on the same general subject by the Senator from California [Mr. PHELAN] as a substitute; and the immediate question would be upon the substitute. The Senator from South Dakota [Mr. STERLING] now proposes, by way of amendment to the substitute, the resolution which he has sent to the desk. It seems to me that, in view of this latter resolution offered by the Senator from South Dakota, which very much broadens both the other resolutions pending—and in view of that situation I rose to address the Chair simultaneously with the Senator from Ohio with a view to making the motion which he made—I think in the circumstances now that the whole question had best be referred to the Committee on Foreign Relations. The committee meets to-morrow morning. I do not know what the committee will do; but, so far as I am individually concerned, I shall favor reporting one resolution or the other of these resolutions, or a resolution by way of a substitute, on behalf of the committee.

As the matter has been discussed here so much and has been brought up in the manner in which it has, I am of the opinion that it should be disposed of by the Senate. Really if the matter was resting here upon the two resolutions, the one offered by the Senator from New Jersey [Mr. MARTINE] and the other offered by the Senator from California [Mr. PHELAN], I could see no reason why, since one resolution on the subject has already been referred to the Foreign Relations Committee, the matter might not as well be acted upon; but the Senator from South Dakota [Mr. STERLING], by his resolution, has broadened this inquiry or this consideration, and I think, with the Senator from Ohio, that the whole matter had better go to the Committee on Foreign Relations, so that that committee may consider it to-morrow morning and take some action upon it.

Mr. MARTINE of New Jersey. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. STONE. I do.

Mr. MARTINE of New Jersey. May I say that that course is entirely agreeable to me. I consent that the resolutions go to the Committee on Foreign Relations. Great Britain seems to dictate terms to the Senate. She dictated terms in connection with the Panama Canal; she rifles our mails and violates all the principles of international law, she blacklists our merchants and manufacturers, and I think we are now helplessly waiting for the next thing to come.

Mr. STONE. Mr. President, I decline to make any reply to that observation; it is hardly worthy of one. I hope the motion to refer may be submitted to the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. POMERENE] to refer all the resolutions to the Committee on Foreign Relations.

Mr. O'GORMAN. Mr. President, heartily as I am in favor of the sentiment contained in either one of the two resolutions, the one introduced by the Senator from New Jersey [Mr. MARTINE] and the other introduced by the Senator from California [Mr. PHELAN], I recognize the strength of the suggestion made by the Senator from Ohio [Mr. POMERENE], supplemented by the remarks of the distinguished chairman of the Foreign Relations Committee [Mr. STONE]. If we had to choose between the resolution proposed by the Senator from New Jersey and the resolution proposed by the Senator from California our task would be an easy one; but the situation becomes more or less complicated by the introduction of the third resolution offered by the Senator from South Dakota [Mr. STERLING]; and in view of those circumstances I think the wiser course is to have all of these resolutions go before the Committee on Foreign Relations to-morrow morning. As one of that committee, I am quite confident in stating that there will be no delay in a formal report being presented by the committee with respect to the resolution.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. POMERENE] to refer the resolutions to the Committee on Foreign Relations.

The motion was agreed to.

ADDRESS BY CONTINENTAL CONGRESS TO THE PEOPLE OF IRELAND.

Mr. MARTINE of New Jersey. Mr. President, I desire to present to the Senate a remarkable document, which has never heretofore been published and to ask unanimous consent that it may be printed in the RECORD. It is a copy of an address to the people of Ireland by the Continental Congress of America, making an appeal to the Irish Parliament in Dublin, dated Philadelphia, July 28, 1775, and signed by the immortal John Hancock.

Mr. SMOOT. I ask that the matter be referred to the Committee on Printing.

Mr. MARTINE of New Jersey. Very well; I shall not object to that.

The VICE PRESIDENT. The matter presented by the Senator from New Jersey will be referred to the Committee on Printing.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I move that the Senate proceed to the consideration of House bill 13391.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

Mr. OWEN. The amendments of the Senate committee have all been read and agreed to, with the exception of one additional amendment which I desire to present to the Senate. The amendment is on page 20, and I call the attention of the Senator from Minnesota to it. I move to insert, in line 8, after the word "branch," the words "in either case referred to in this section," so as to preclude the possibility of misunderstanding that the limitations of the section apply to both cities and counties in the case of branch banks.

The VICE PRESIDENT. The amendment offered by the Senator from Oklahoma will be stated.

The SECRETARY. In the original bill, on page 19, line 3, after the words "that no such branch," insert "in either case referred to in this section."

Mr. OWEN. That completes the committee amendments.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if he received a brief note from me inclosing a memorandum regarding the pending bill?

Mr. OWEN. I will reply to the Senator that I did, and that every item referred to in the memorandum has been included in the amendment.

Mr. GALLINGER. That is the question I was going to propound to the Senator.

Mr. OWEN. Yes; and I so advised the Senator yesterday in writing.

Mr. GALLINGER. I am very much gratified to get that information.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. WEEKS. Mr. President, when the Senator from Oklahoma has exhausted his amendments and yields the floor I wish to make some remarks on this bill.

Mr. OWEN. I yield to the Senator now.

Mr. WEEKS. Mr. President, I noted the other day when this bill was under consideration that the junior Senator from Minnesota [Mr. CLAPP] criticized the haste with which it was being considered and suggested that the Senate should have further information on the subject. This whole legislation, while it is based on sound principles, is in some degree experimental, because it is necessary to adjust it and adapt it to the special and peculiar conditions which exist in this country. We could not take the system of any other country, however well it was working there, and apply it directly to our particular conditions. Therefore when this legislation was originally adopted there was no one, no banker and no legislator, wise enough to know exactly whether it was going to be right or wrong in every particular; and no one contended that it would not be necessary from time to time to make such changes as the experience obtained under the operation of the law determined as desirable.

We have a Federal Reserve Board, which has been serving now for very nearly two years. Five of its members are removed from any political considerations. They may be called experts on this subject at this time, I think, without any stretch of facts. I objected at the time the original bill was passed—and the objection has been proven to have been entirely valid—to members of the administration being a part of this board. I think it has hindered the operations of the law. I think it has prevented State banks from coming into the system, and I regret that the action of the Senate was not followed at that time. But there are five members of the board who have been giving their time to this subject intelligently, and I think they have come to certain conclusions relating to it which should be followed.

There is not any Member of the Senate and there is not any man who has not been connected with the operation of this law who can pass on many of the details which are proposed in these amendments and do so intelligently, because it has required a year or two years' experience to bring to the attention of the board those facts which have justified them in suggesting the changes on which we are about to act.

I say this, Mr. President, because we are not indulging in haste in adopting these amendments. We are following the best and, in fact, the only experts on this subject that we have in this country. It must be remembered that these members of the board not only have their own experience to fall back on but they have also the judgment of the advisory board, which is made up of some of the best bankers of the country; and, more than that, they have the advice, solicited or otherwise, of all bankers. So that in this case we are getting expert opinion—an opinion which, I think, unless there is some palpable reason to the contrary, should be followed in such amendments as are proposed here in this bill.

With the exception of those amendments which are proposed on pages 18 and 19 of the bill which is before me, and which relate to branch banks, I think there is every reason for permitting the establishment of branch banks by national banks or by member banks in those States where the State laws permit similar action to be taken by State banks or trust companies. We have got to broaden the field of national banks or else there will be a lessening of the number of member banks instead of an increase of the number. One of the fields in which they can not successfully compete with State banks is in those States where the State banks have the right to establish branches in the municipality where the parent bank is authorized to do business; and this is what I want to bring to the attention of those Members of the Senate who are honoring me by listening.

We have built up in this country an independent banking system, and that is one of the reasons which has given us such good results in a banking way in the past. We have not countenanced branch banks. This proposition, or at least the second paragraph of it, proposes to permit the establishment of branch banks not only in the municipality where the parent bank is chartered to do business but within a radius of 25 miles of that center. In other words, if it is logical to establish branch banks outside of the municipality where the parent bank is

doing business for a distance of 25 miles, it is logical to carry the branch 50 miles or 100 miles, and we would have a general system of branch banking in this country.

Let me take the locality where I live. There are a million and a half people within 25 miles of the center of the city of Boston; perhaps very nearly 2,000,000 people. There are four counties within that radius. The large Boston banks are those which, if this proposal were to become a law, could establish branches in no less than 20 different cities where banks are now being operated. It would provide a competition to those local banks under which, in my judgment, they could not survive. It would be a serious mistake for us to permit the establishment of branch banks beyond the bounds of the municipality where the parent bank is chartered to do business.

I do not know of any State which now gives the right to State banks or trust companies to do business outside of the municipality where the parent bank is located. Therefore there is no reason for the second paragraph of this amendment other than to gradually drift into a branch banking system. It is of so much importance that I wish every Senator could give the matter consideration.

I am in agreement with the original provisions of this bill. I am in agreement with the provision which enables member banks to establish branches in the municipalities where they are operating, in States where the State laws make similar provision. But when we go beyond that there is no logical stopping place except branch banks all over the United States.

This is not asked for by anyone. I do not know a banker or anyone else conversant with banking matters who has asked Congress to pass that kind of legislation. I do know that there have been protests against it from all sections of the country; and if the banking fraternity and business men generally knew the step that we were taking in that respect there would be a protest so loud that the proposal would not be given any consideration whatever.

Therefore, Mr. President, I am going to move to strike out that portion of the bill—the bill which I have before me is, I think, the last print—commencing on line 21, page 18, down to and including line 10, on page 19, and the amendments which have been adopted. The Senator from Minnesota calls my attention to the last print of the bill, in which the amendment would be, on page 20, all from line 1 to line 19, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the original bill it is proposed to strike out all included between line 21, on page 18, and line 10, on page 19.

Mr. WEEKS. In the last print of the bill, which has been handed me, I think—

Mr. OWEN. I should like to have the Senator use the last print of the bill.

Mr. WEEKS. It is on page 20.

Mr. OWEN. What is the motion?

Mr. WEEKS. The motion is to strike out all from the first word in line 1 to the word "bank," in line 19.

The VICE PRESIDENT. The Secretary can not use anything but the original bill.

Mr. WEEKS. Then, Mr. President, my motion stands as originally stated.

Mr. SMOOT. It is the same provision, however, that appears on page 20.

Mr. CURTIS. Mr. President, I should like to ask the Senator a question. Would not the effect of the last part of this amendment—the part that the Senator moves to strike out—be to drive the small State banks out of business in the various counties, especially in the agricultural districts?

Mr. WEEKS. Why, Mr. President, undoubtedly it would drive small banks out of business. Take the territory to which I have referred: There are probably 100 to 200 independent banks of comparatively small capital operating in those municipalities. If I wanted to serve one of the great banks of Boston to the detriment of an independent banking system, I would be in favor of this amendment, because they, with their large capital, can very easily go into the surrounding towns like Cambridge and Somerville and Newton and Brookline and establish branches, and undoubtedly compete successfully with the small independent banks that are located there, many of which are State banks.

Mr. REED. Mr. President, before the Senator takes his seat I should like to ask him a question.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. WEEKS. I yield.

Mr. REED. As I understand the bill in its present form—that is, as amended by the committee—it is provided, on page 20, that no branch "shall be established outside of its State or



of its Federal reserve district, or in any State whose statutes do not specifically authorize branches for banks having State charters." Now, I thought that safeguarded all those States against the very evil the Senator suggests, except the States that have voluntarily permitted State banks to maintain branches.

Mr. OWEN. The Senator from Missouri is correct.

Mr. WEEKS. No; the Senator is wrong about that. If he will turn back to page 19 of the print which he has in his hand, he will find there a provision for branch banks within the municipality where the parent bank is doing business.

Mr. REED. What section is it?

Mr. WEEKS. That is in section 25a. Then, if the Senator will turn to the next page, he will find that if the provision on that page becomes a law a parent bank may establish a branch within 25 miles of the location of the parent bank.

Mr. OWEN. Only in those States which permit the State banks to do that.

Mr. WEEKS. That is quite true.

Mr. OWEN. It is to put national banks upon a parity with State banks in the States which permit State banks to have branches. That is all.

Mr. WEEKS. But the Senator from Oklahoma can not cite a State where a State bank is permitted to do business outside of the municipality where it is chartered to do business. That is what I object to. I say that we ought to permit the member banks of the Federal Reserve System to establish branches in the municipality where they are operated in those States where the State laws give a similar power to State banks and trust companies; but we ought not to go an inch beyond that, and that is what this provision would allow us to do.

Mr. OWEN. The Senator did not, perhaps, hear the amendment which I proposed and which the Senate accepted—on line 8, after the word "branch," to insert "in either case referred to in this section." It confines it to the States where the State banks have the right to establish branches. If there be no State that does permit branches, then this would not have application; but if the State should pass in the future an act giving this right to the State banks, then the right would automatically extend to the national banks, which I think is only fair.

Mr. WEEKS. Mr. President, there is not anything in that whole part of the provision on page 20 from line 1 to line 19 which is vital or which has any force not carried by the part of section 25a at the bottom of the previous page except the power to do business outside of the municipality where the parent bank is chartered.

Mr. OWEN. I am willing to leave it to the Senate. We have only five minutes of the morning hour remaining.

Mr. WEEKS. Yes, Mr. President; but this is a vital and important principle that is involved here, and I do not care whether I have five minutes or five hours; the Senate ought to understand it, and they ought to pass deliberately on the question of whether we are going to take a step in the establishment of branch banks which has been opposed by our bankers and those skilled in that subject from the very beginning of our national-banking system.

Mr. REED. Mr. President, I think the Senator from Massachusetts for once is in error in regard to the method of carrying out his own idea. The part of section 25a which will remain if the Senator's motion prevails will read as follows:

That any member bank located in a city or incorporated town or village of more than 100,000 inhabitants and possessing a capital and surplus of \$1,000,000 or more may, under such rules and regulations as the Federal Reserve Board may prescribe, establish branches, not to exceed 10 in number, within the corporate limits of the city, town, or village in which it is located.

Mr. WEEKS. Now, Mr. President—

Mr. REED. One moment.

Mr. WEEKS. Just a moment, because I think that will answer what the Senator is going to say. I propose to offer an amendment to that proviso that this power shall be exercised only in those States where a similar privilege is granted to State banks and trust companies chartered under the laws of said States.

Mr. REED. If the Senator intends to offer that amendment—

Mr. WEEKS. I do.

Mr. REED (continuing). And if he had offered it as a part of the amendment to strike out, his provision would be very clearly stated. But if we were simply to strike out the language covered by the Senator's motion, and not do any more, then we would have branch banks established in every State in the Union. Now, I suggest to the Senator that he change the form of his motion—if he will permit me to make a suggestion—and that in his motion to strike out he include "and

substitute therefor the following language," and then insert the language he has just read.

Mr. NELSON. Mr. President, if the Senator will permit me, I think the Senator from Missouri is in error. The part that he proposes to amend is the part not stricken out.

Mr. REED. Exactly; but the Senator's motion as it is now made is not to strike out and insert the part that he has offered, but simply to strike out. Therefore I suggest to him to change his motion so that it will be to strike out the language on page 20 and to insert in lieu thereof the language he has just read, in which event we would then authorize the establishment of branch banks only within the cities in those States where, under the State laws, State banks have a similar privilege.

Mr. WEEKS. I will state that if the original motion which I made prevails then I will offer the amendment which I have just read to section 25a.

Mr. REED. Why not make it one motion and vote on all?

Mr. OWEN. Question.

The VICE PRESIDENT. The question is on the motion to strike out. [Putting the question.] The ayes seem to have it.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. The morning hour has expired and the Chair lays before the Senate the unfinished business, which is House bill 16460.

Mr. REED. Let it be temporarily laid aside.

Mr. CHAMBERLAIN. I am willing to let the unfinished business be laid aside for half an hour.

Mr. OWEN. That will be abundant time.

The VICE PRESIDENT. Without objection, the Army appropriation bill will be temporarily laid aside.

Mr. GRONNA. I object.

The VICE PRESIDENT. There is objection.

Mr. CHAMBERLAIN. I ask that we proceed with the consideration of the Army appropriation bill.

Mr. WEEKS. I ask that the amendment that I have just sent to the desk be printed and lie on the table.

The VICE PRESIDENT. That course will be taken. The Chair will state for the information of the Senator from Massachusetts that the motion to strike out was not agreed to.

Mr. WEEKS. There was no opposition to it.

Mr. OWEN. There was.

The VICE PRESIDENT. The Senator from North Dakota rose before the Chair made any announcement, and the Chair had to recognize the Senator from North Dakota, and did not decide it.

#### ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 8, at the instance of the Senator from North Carolina [Mr. OVERMAN]. The amendment proposes to strike out, in the item for the Signal Service of the Army, on page 8, line 5, "\$3,775,000" and to insert "\$14,827,156."

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment of the committee.

Mr. SMOOT. I think it is proper to ask that this amendment be passed over until the Senator from North Carolina can reach the Chamber. He has been sent for, and I ask that it may go over.

The PRESIDING OFFICER. Without objection, the amendment will be temporarily passed over. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is on page 9, where the committee proposes to strike out the House text from lines 11 to 16, inclusive, as follows:

Purchase of land in the State of California for aviation-school purposes: For the acquisition, by purchase or by condemnation, of a site or sites in the State of California for an aviation school and training grounds of the Signal Corps of the United States Army, not to exceed \$300,000.

And to insert:

The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable, in his judgment, for the purposes of an aviation field and remount station, the terms of the donation also to authorize the use of the property donated for any other service of the United States which may hereafter appear desirable.

Mr. WORKS. I offer the following amendment.

The PRESIDING OFFICER. The amendment of the Senator from California will be stated.

The SECRETARY. Insert in lieu of the words proposed to be inserted by the committee on page 9, beginning at page 17, the following words:

Purchase of land for aviation-school purposes: For the acquisition by purchase or condemnation of a site at Coronado Heights, San Diego County, Cal., as recommended by a commission appointed to select such site, and approved by the Secretary of War, and described as "site No. 2, located at Coronado Heights," in the report of said commission in House Document No. 687, Sixty-fourth Congress, first session, \$300,000.

Mr. WORKS. Mr. President, during the last Congress, in conformity with the wishes of the Secretary of War, I introduced a bill in the Senate providing for the purchase of a site for an aviation school near San Diego, and appropriating \$200,000 for that purpose. Later on I offered an amendment to the Army appropriation bill to the same effect. That matter was referred to the Secretary of War after the bill was introduced, and he wrote the following letter to the chairman of the Committee on Military Affairs:

WAR DEPARTMENT,  
Washington, January 18, 1915.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
United States Senate.

Sir: The department is in receipt of S. 7046, a bill providing for the purchase of lands for an aviation school near San Diego, Cal.

The necessity of a permanent establishment for the aviation section of the Signal Corps is self-evident. The country in the vicinity of San Diego Bay, San Diego, Cal., owing to atmospheric conditions, varied nature of the terrain, and the presence of a large body of water, is better adapted to the establishment of an aviation school than any other part of the United States.

The school is at present located on North Island, where it is a tenant at will through the courtesy of the Coronado Beach Co., and where, owing to the impracticability of obtaining a lease, it has been undesirable to erect any but the most temporary structures.

The department approves this measure and recommends its enactment into law.

Very respectfully,

LINDLEY M. GARRISON,  
Secretary of War.

Later on, as I have stated, the same proposition was offered as an amendment to the Army appropriation bill. It passed the Senate and went into conference. The conference committee amended the act in such a way as to provide for the appointment of a commission to investigate the whole matter and make its report to Congress. That commission has performed its duty and has made its report. It will be found in House Document No. 687, of the Sixty-fourth Congress, first session. The Chief of Staff transmits this report to Congress, and in his letter says:

WAR DEPARTMENT,  
Washington, February 12, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Sir: I have the honor to inclose herewith the report, with accompanying appendices, of a commission composed of officers of the Army, which was appointed on March 31, 1915, under a proviso contained in the act of Congress approved March 4, 1915, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916," which proviso reads, in part, as follows:

"The Secretary of War is hereby authorized and directed to appoint a commission of not more than three Army officers, whose duty it shall be to report upon the advisability of the acquirement by the United States Government of land near the Bay of San Diego, San Diego County, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts, for an aviation school and training grounds of the Signal Corps of the United States Army, and said commission shall ascertain and report what would be the probable cost of acquiring such land; and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated to defray any expenses incurred by the said commission in the performance of the duties herein imposed upon it."

In accordance with a recommendation of the commission, the department has approved the acquisition of a site at Coronado Heights, Cal., for use as an aviation school and training grounds for the Signal Corps, and an estimate has been prepared for submission to Congress, providing for an appropriation of \$300,000, for the purpose.

Very respectfully,

H. L. SCOTT,  
Major General, Chief of Staff,  
Acting Secretary of War.

WAR DEPARTMENT,  
Washington, December 29, 1915.

From: Lieut. Col. Samuel Reber, Signal Corps.

To: The Adjutant General of the Army.

Subject: Report of commission appointed by letter of The Adjutant General of the Army, dated March 31, 1915.

1. The following report is respectfully submitted.

2. The act approved March 4, 1915 (an act making appropriations for the support of the Army for the fiscal year ending June 30, 1916), reads, in part, as follows:

"The Secretary of War is hereby authorized and directed to appoint a commission of not more than three Army officers, whose duty it shall be to report upon the advisability of the acquirement by the United States Government of land near the Bay of San Diego, San Diego County, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts, for an aviation school and training grounds of the Signal Corps of the United States Army, and said commission shall ascertain and report what would be the probable cost of acquiring such land; and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated to defray any expenses incurred by the said commission in the performance of the duties herein imposed upon it."

3. In pursuance of the foregoing a commission was appointed by the following letter:

WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE,  
Washington, March 31, 1915.

From: The Adjutant General of the Army.

To: Lieut. Col. Samuel Reber, Signal Corps, through the Chief Signal Officer, Washington, D. C.

Subject: Commission to locate aviation school and training ground for Signal Corps.

1. Under a provision in an act of Congress approved March 4, 1915, the Secretary of War appoints a commission to consist of Lieut. Col. Samuel Reber, Signal Corps, and Capt. Richard C. Marshall, Jr., Quartermaster Corps, to report upon the advisability of the acquirement by the United States Government of land near the Bay of San Diego, San Diego County, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts, for an aviation school and training grounds of the Signal Corps of the United States Army. The commission will ascertain and report what would be the probable cost of acquiring such land.

2. As the special appropriation of \$1,000 to defray the expenses of the commission will not become available until July 1, 1915, the commission will, by correspondence and otherwise, make such preliminary studies and preparation for its subsequent work as may be feasible and practicable before that date.

By order of the Secretary of War:

P. C. MARCH, Adjutant General.

4. The commission met from time to time and made visits of inspection of sites in the vicinity of the following places: San Diego and San Francisco, Cal.; Portland, Oreg.; Seattle, Spokane, and Tacoma, Wash.; Morehead City, N. C.; Charleston, S. C.; Savannah, Ga.; and Pensacola and Tampa, Fla.

5. Previous to the initiation of any of the above-mentioned journeys public notice of the creation and object of the commission was given to the press of the country. The secretaries of the chambers of commerce at the above-mentioned places were advised of the date of the arrival of the commission and its readiness to inspect sites in the vicinity of the places named. These officials were asked to give public notice of the approaching visit of the commission and to notify all persons interested to be present at the public hearing held and to present such sites as they might desire. On the arrival of the commission at the various places a public hearing was held and the various suggested sites inspected. At most of the cities visited the various chambers of commerce, through their committees, had the matter thoroughly systematized and greatly aided the commission in its investigations. A large amount of correspondence passed between the commission and those interested, all of which is indexed and filed in the office of the Chief Signal Officer of the Army.

6. The site for the aviation school of the Signal Corps should possess certain geographical, climatological, and topographical characteristics. The site should be located on an ocean or bay and in close vicinity to existing railway lines, with easy access to them. The climatological characteristics should be such as to give the greatest number of working days possible throughout the year, with suitable air, moisture, and temperature conditions, while the topography of the terrain in the vicinity should be such as to contain many accidental features with good landing places. The flying field itself should be a fairly level tract of land, free from obstructions, and the landing beach should be easily accessible, both from the land and water sides, without a great expanse of tide flats, with fairly deep water close to the shore line.

7. The terrain in the vicinity of San Diego Bay, Cal., fulfills the foregoing conditions better than any other section of the United States. A study of the climatological data of the locations visited by the commission, which was compiled by the Chief of the Weather Bureau at the request of the commission (data hereto appended marked A, A 1, A 2, A 3, A 4, and A 5), clearly indicates that the littoral of San Diego Bay contains the best sites for the establishment of an aviation section, as far as weather and air conditions are concerned. The rail and water connections at San Diego are ample for the purposes of transportation and communication. The country in the vicinity of San Diego, as indicated by the accompanying map (hereto appended, marked B), shows terrain of every description, from level land to mountains, and possesses characteristics that can be found in no other part of the country—the ocean on one side and the quiet waters of the Bay of San Diego on the other side, with a long peninsula connecting North Island and Coronado to the mainland.

8. The five available sites on the Bay of San Diego are indicated by numbers on Appendix B.

No. 1 is North Island, where the Signal Corps Aviation School is temporarily located, and which has been occupied, through the courtesy of the Spreckels Cos., since the middle of 1913 without expense to the Government. The Spreckels Cos., in a letter dated December 1, 1915, copy of which is hereto appended, marked C, has requested the Signal Corps to vacate this tract of land as soon as practicable after March 31, 1916. North Island is the best possible site for the location of the aviation school.

There were five different sites submitted to the commission for consideration. They have numbered them in this report from 1 to 5. In respect of No. 2, which they selected as the one best suited for the purpose, they say:

Site No. 2 is located at Coronado Heights and contains approximately 616 acres (plan No. 5 in letter of the Spreckels Cos. to the Chief Signal Officer, dated Mar. 22, 1915, hereto appended, marked D). This site is admirably adapted for the location of the school.

The other sites are commented upon, as follows:

Site No. 3, in Chula Vista, contains 294 acres. It is traversed by the right of way of two railroad companies and is crossed by telegraph and telephone pole lines. The shore line is marshy and the water shallow.

Site No. 4, in National City, contains 408 acres, the larger portion of which is low, submerged land that will require the filling in of approximately 30 per cent of the area from a depth of 18 inches to 2 feet to bring it above high-water mark.

Site No. 5, known as Dutch Flats, contains approximately 232 acres, a portion of which is below extreme high-water mark and another portion swampy. In order to render the area available approximately 50 per cent of the total area would have to be filled in.



Sites Nos. 1 and 2 are the only ones that could be occupied immediately upon obtaining possession.

9. When the Spreckels Cos., which control sites Nos. 1 and 2, was requested to quote prices on these sites the vice president and managing director verbally advised the commission that site No. 1 is not on the market, and the prices in his letter of March 22, 1915 (Appendix D), were those at which the companies hold the land.

When his attention was called to the fact that the selling prices quoted were far in excess of the assessed value of the land and that, in the opinion of the real estate men in San Diego who are qualified to pass on land values, the prices were too high, he referred the commission to the president of the companies. The president of the companies advised the commission verbally that he would not consider an offer for the sale of site No. 1, as it was not on the market, and that the figures quoted in Appendix D are the minimum that the companies would consider for site No. 2.

The San Diego Land Corporation, in their letter of August 4, 1915 (hereto appended, marked E), offered sites Nos. 3 and 4 for \$85,631 and \$124,000, respectively.

The San Diego Securities Co. offered site No. 5 in their letter of September 2, 1915 (hereto appended, marked F), for the sum of \$250,000.

10. It having come to the attention of the commission that there is a doubt as to the validity of the title to land on the littoral of San Diego Bay, a request was made on the Judge Advocate General of the Army that the question of these titles be investigated. A preliminary report, a copy of which is hereto appended, marked G, was received on the 29th of this month. The final report dealing more extensively with the question of title can not be submitted prior to March 15, 1916. The nonarrival of the preliminary report before the date mentioned has caused the delay in the rendition of the report of the commission.

In this preliminary report the opinion is expressed that the United States has, for defense purposes at least, a title, or color of title, to land on the littoral of San Diego Bay.

At the close of their report they make this recommendation:

11. It is recommended that in case it is finally ascertained that the United States has title to North Island the Signal Corps Aviation School be located thereon.

I think, Mr. President, that there is no probability of ever establishing any title to North Island in the National Government.

In case the United States does not possess title, it is deemed inexpedient to recommend the purchase of a suitable area on North Island, owing to the excessive cost. In case the United States does not hold title, it is recommended that site No. 2 be acquired by purchase, if necessary, through condemnation proceedings. A study of the assessed value of site No. 2 and the views of those in San Diego who are qualified to pass on the question of land values lead the commission to believe that \$300,000 is a fair and equitable value for site No. 2.

SAMUEL REBER,  
Lieutenant Colonel, Signal Corps.  
R. C. MARSHALL, JR.,  
Captain, Quartermaster Corps.

Mr. President, I know something about the different tracts of land that were offered to this commission. When I was in San Diego last year I went over the various tracts myself for the purpose of satisfying my own mind as far as I could as to the best place to locate the school and the respective values of the different tracts. I am probably a good deal more familiar with the situation there than any member of the commission, having been a resident of San Diego for 11 years and being perfectly familiar with the situation and all the surroundings. This property that is offered is one of the best, if not the best, except that of North Island.

One of these tracts is on the southern side of the Coronado Hotel, which I have no doubt most of the Senators have visited, and the other is on the south side. The lands on North Island are the most valuable in that section, and it would cost the Government an enormous amount of money to acquire title to a sufficient quantity of land there to serve the purpose of the Government in this respect.

The land that is recommended by the commission is probably a mile south of the Coronado Hotel. It borders on both the Pacific Ocean and the Bay of San Diego, lying directly between the two. It is peculiarly adapted to the purposes that are provided for in this amendment, and from my knowledge of the situation, I am satisfied that the amount that is asked for the land is a reasonable compensation for land of that kind.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Florida?

Mr. WORKS. I do.

Mr. FLETCHER. May I inquire of the Senator whether his proposition is to insert what he has offered instead of what the committee has recommended?

Mr. WORKS. Yes; that is my amendment.

Mr. FLETCHER. May I suggest to the Senator that we could insert what the committee suggests between lines 17 and 23 without interfering with the proposition as submitted by his amendment, because his proposal could be added to what the committee proposes. The committee proposes to open a way whereby they might accept all land for this purpose, whereas the Senator's proposal is to provide for the purchase or condemnation of a site. So the amendment offered by the committee could be adopted and the Senator's amendment could be added if the Senate saw fit to do so after that action was taken.

Mr. WORKS. I have no objection at all to so modifying my amendment as to provide that if the land is not donated under the provisions as inserted by the committee, then this land shall be purchased.

I do not quite understand why it was that this clause was stricken out after all that had taken place, the commission having been appointed and having made its report, in the first instance the Secretary of War recommending the purchase of this land and in the second instance the Chief of Staff recommending the purchase under the report of the commission.

Mr. FLETCHER. If the Senator will—

Mr. WORKS. Pardon me just a moment. Certainly we need training grounds and we need them in that locality. There is not, as the Secretary of War says, a better place in the whole United States for the work that is to be done by a school of this kind. Nearly every day in the year can be devoted to the work, and it would be a good deal better for the Government to pay \$300,000 for a location like this than to take a donation of land in other localities, where probably less than half the time could be devoted to the work of using these flying ships. Now I yield to the Senator from Florida.

Mr. FLETCHER. I was going to suggest to the Senator that it seems to me that under the appropriation the committee had in mind the donation might be made of the site proposed in the House provision. They are entirely distinct.

Mr. WORKS. I understand that.

Mr. FLETCHER. The committee provision is a distinctive piece of legislation and has reference to sites elsewhere than in California.

Mr. WORKS. I understand that perfectly.

Mr. FLETCHER. Could there be any conflict in the Senator's mind between a provision allowing the Government to accept the donation of a site elsewhere and a provision such as he proposes that we shall acquire one in California?

Mr. WORKS. No; I should have no objection to that at all.

Mr. FLETCHER. It seems to me the very best action to take would be to adopt the proposal by the committee, striking out and substituting, and then if the Senate desires to add the further provision by the Senator from California it can do so.

Mr. WORKS. Mr. President, in view of the suggestion made by the Senator, I will modify my proposed amendment by not seeking to strike out what is contained in the committee amendment, simply adding to it the amendment providing for the purchase of this particular piece of land. Would that meet the suggestion of the Senator from Florida?

Mr. FLETCHER. I think so. Let it be stated.

The SECRETARY. It is proposed to add, at the end of the proposed amendment of the committee, on page 9, line 23, after the word "desirable," the following proviso:

*Provided, That in the event no suitable tract or tracts of land are donated for the purpose, then the Secretary of War is hereby authorized to acquire by purchase or condemnation a site at Coronado Heights, San Diego County, Cal., as recommended by a commission appointed to select such site, and approved by the Secretary of War, and described as "Site No. 2, located at Coronado Heights," in the report of said commission in House Document No. 687, Sixty-fourth Congress, first session, at a price not to exceed \$300,000.*

Mr. MARTINE of New Jersey. May I ask if this is what is termed North Island?

Mr. WORKS. No; it is not. The commission report that the cost of the land on North Island would be excessive, and therefore they have reported against the purchase of that particular tract, which I think is wise on their part. The other tract, which is on the other side of the Coronado Hotel, with which the Senator is familiar, is south, probably a mile away, and it would serve the purpose just as well and be much less expensive.

Mr. MARTINE of New Jersey. I will say that I was very much interested in the project when I was there, and I was very much edified with the aerial business I saw while there. I was impressed with the fact that it was wise to select that as an adequate site, but if the Senator says there is another site near by that is less expensive, of course, that should be given the preference.

Mr. WORKS. It should be borne in mind that we have already located at that point on North Island, where the Government is merely a tenant at will, an aviation school that is in actual operation.

Mr. CHAMBERLAIN. Mr. President—

Mr. WORKS. I yield to the Senator.

Mr. CHAMBERLAIN. As the Senator has modified the amendment so as to be an addition to the Senate committee proposition, so far as I am concerned I am willing to accept it.

Mr. WORKS. Very well, then I will submit the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MARTINE of New Jersey. Mr. President, I ask the Senate to disagree to the Senate committee amendment, on page 90, beginning in line 20, and ending at line 5, on page 91, wherein the Senate committee amendment strikes out the House provision. It refers to the so-called time-clock or Taylor system. I am unalterably opposed to the so-called Taylor system. It seems to me to be utterly inhuman and contrary to the true American spirit. I can tolerate a time watch on a race horse or some mechanical contrivance—

Mr. LODGE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts rises to a question of order, which he will state.

Mr. LODGE. I understood that we were taking up passed-over amendments of the committee. We were on page 9, and now we are on page 90.

Mr. MARTINE of New Jersey. I thought we had finished the amendment on page 9.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the Secretary has not reported the next amendment that was passed over.

Mr. LODGE. I only hope that we will proceed in some order, that is all. I have an amendment that comes early in the bill that I have been waiting for.

The PRESIDING OFFICER. The point of order is sustained, and the Secretary will report the next amendment passed over.

Mr. LODGE. I did not want to interfere with the Senator from New Jersey in his amendment, except to proceed in order.

Mr. MARTINE of New Jersey. I had no desire to break in. I thought I was in order.

The PRESIDING OFFICER. The Secretary will report the next amendment passed over.

The SECRETARY. The next amendment passed over is on page 12, where the proviso beginning in line 10, pay of enlisted men, was reserved.

Mr. LEE of Maryland. I ask that that particular amendment be passed over for a few minutes, and that we take up the amendment on page 13, because if the amendment on page 13 that I want to offer is adopted I would not be interested to offer the amendment on page 12.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? Without objection, that order will be pursued. The amendment passed over on page 13 will be stated.

The SECRETARY. On page 13, line 7, the amendment for pay of enlisted men of all grades was reserved. The committee proposes to strike out "\$7,750,000" and to insert "\$23,000,000."

Mr. LEE of Maryland. I reserved this whole subject because of an amendment that I want to propose providing for the maintenance of the dependents of the men who have answered the call of the President and who are now on the border.

Mr. President, I am going to offer in a few minutes an amendment which, I think, is not open to a point of order on this subject. The Vice President decided on the question, of order—I read from page 12991 of the RECORD proceedings of July 18:

The VICE PRESIDENT. Notwithstanding the rule of the Senate to the effect that general legislation may not be attached to an appropriation bill, still when the House of Representatives opens the door and proceeds to enter upon a field of general legislation which has to do with a subject of this character the Chair is going to rule, but of course, the Senate can reverse the ruling of the Chair, that the House having opened the door the Senate of the United States can walk in through the door and pursue the field.

That was a very reasonable ruling. So in this case the House has opened the door. It made a provision here on page 19 that all enlisted men and officers of the National Guard who have been enlisted and who responded to the call of the President for service, and so forth. I want to deal in my proposed amendment with men of the National Guard who responded to the call of the President in connection with this question of pay. The amendment I propose to offer will read as follows:

On page 13, at the end of line 12, insert:

"And provided further, That all enlisted men of the National Guard who have heretofore or shall hereafter respond to the call of the President for service"—

Following exactly the wording that the House has already put in the bill—

"shall, in case of those who have dependents that the enlisted man shall be shown to have supported before so responding, be entitled to extra pay in the nature of an allowance, to be paid out of said sum in such amount and in such manner as the Secretary of War shall direct for the support of such dependents for the time of such service, but in no case shall the total of the pay of such enlisted man and the amount of such extra-pay allowance for his dependents exceed the total of the pay and similar allowance now paid to or for privates by the Canadian Government and as set forth in the report of the United States consul general at Ottawa, Canada, to the Department of State, dated July 3, 1916." (RECORD of July 3, 1916, p. 11971.)

Mr. President, that report shows that the Canadian soldiers are paid as follows:

PAY OF CANADIAN SOLDIERS AND ALLOWANCE TO THEIR DEPENDENTS.

JULY 3, 1916.

Message from United States consul general at Ottawa, Canada, to the State Department:

"Canadian Government pays privates \$1.10 per diem and clothing, equipment, maintenance. In addition, separation allowances \$20 per month to dependents, meaning wives, children, or widows, if girls under 16, boys under 14, and widowed mothers, if son unmarried and sole support. Higher allowances to dependents of sergeants and officers."

Of course, Mr. President, the Secretary of War rules on this subject, and the whole matter could be disposed of equitably under his rules and under his supervision.

This is a very important question. There is not a country in the world that does not provide for the dependents of the men who are summoned to the colors.

Mr. LODGE. May I ask the Senator a question? Is there a country in the world that provides for the dependents of only a part of the men? Does it not provide for the dependents of all the soldiers?

Mr. LEE of Maryland. Certainly.

Mr. LODGE. The Senator is proposing to provide for only a part of them.

Mr. LEE of Maryland. No; I have another amendment to take care of them all. I want to press this one first and then the other will come up. I think both forces should be treated alike.

But the Senator from Massachusetts is technically correct, and I welcome his interruption, because it shows what we ought to do for both forces. But as a matter of fact, Mr. President, it will not demoralize the regular troops to any great extent, even if we should fail to provide for the dependents of the regular soldiers, for this reason: It is an unwritten rule of the Regular Army that they will not enlist a man with dependents. I see what the Senator is going to say. On the second enlistment they sometimes enlist men with dependents, if they are particularly desirable men, and of course some of the noncommissioned officers, and so forth, but I think with the Senator from Massachusetts that there ought to be provision for both classes as long as you let them enlist at all.

With reference to the National Guard, if the Senator from Massachusetts or the Senator from Oregon or anybody else objects to paying these dependents, he should reflect that it is only a temporary proposition. The Secretary of War has complete power under the act of June 3 last to pass on rules for the National Guard.

Mr. WARREN. Has he not already ruled upon this question?

Mr. LEE of Maryland. No, sir.

Mr. WARREN. That a National Guardsman with a dependent family should not be accepted?

Mr. LEE of Maryland. Quite the contrary.

Mr. WARREN. I saw it in the newspaper within a week, and it had all the features of being direct from the department.

Mr. LEE of Maryland. The Senator from Wyoming may be correct, so far as the time from the present on, but so far as having men in the National Guard with dependents is concerned, they were enlisted with the full knowledge of the Federal authority and have been for years. The Senator from Wyoming knows that as well as anybody.

Mr. WARREN. That is true as to earlier years, but now the orders have gone out to commanding officers to send home those men who have families dependent upon them and to enlist no more such.

Mr. LEE of Maryland. I want to come to that a little later. They were enlisted with the full knowledge of the Federal authorities. They were mustered into the service, they were passed through every examination that the War Department suggested, and, more than that, they were sent to the Rio Grande, and their fares were paid all the way down there.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. LEE of Maryland. Yes.

Mr. LODGE. If the Senator will pardon me for saying so, I do not think the statement that very few soldiers who have enlisted in the Regular Army have dependents is any answer at all. There are soldiers in the Regular Army with dependents, though they may not be married. It is not the practice to enlist married men, but some of them marry after they enter the service and others who are married reenlist. Those men are fighting for their country just as much as are the National Guard, and I think we ought to make provision for the dependents of all our soldiers. I can not understand why the particular champions of the National Guard think it necessary, in order to promote the interests of the National Guard, to injure



the Regular Army. Is it not possible to do everything for both? The members of both arms of the service are American soldiers, and their dependents have just as much claim on us, the one as the other, and the granting of this privilege only to the National Guard and refusing it to the Regular Army seems like an attempt to destroy the Regular Army. I do not see why it is necessary, in order to benefit the National Guard, to destroy the Regular Army.

Mr. LEE of Maryland. I want to ask the Senator a question. The Senator has interposed a speech here, so I merely wish to ask him a question.

Mr. LODGE. I shall not interpose any more speeches, but shall take the matter up in my own time.

Mr. LEE of Maryland. Good. I am very glad to have the Senator advance all the fallacies that I can possibly answer before I take my seat.

Mr. LODGE. If the Senator finds any fallacies, he is at liberty to answer them.

Mr. LEE of Maryland. I hope the Senator will not leave the Chamber because I attempt to expose them.

Mr. President, the Senator from Massachusetts suggests that this is a discrimination in favor of the National Guard. Can the Senator point to a single instance where the Secretary of War or The Adjutant General has authorized the regular soldier to be sent home because he has dependents? The Senator knows, as well as he knows that he sits there, that there has been gross discrimination against the National Guard.

Mr. LODGE. The Senator knows nothing of the kind. The Senator from Maryland may make his own statement of his own knowledge, or lack of knowledge, but he must not put statements into my mouth.

Mr. LEE of Maryland. I am giving the Senator the facts, and knowing and realizing is a question of open-mindedness.

Mr. President, we have two forces on the border. One is a small force, the Regular Army; the other is a large force, the National Guard. With reference to that small force—the Regular Army—there has been no attack made upon its discipline from behind; nobody has come in and given any soldier the right to be excused from his duties, the right to impair the discipline of the command to which he belongs by putting up a plea that he has a dependent at home. Nobody has attacked the discipline of the Regular Army in that way; but the gentlemen who sympathize with the attack upon the militia have somehow or other managed it that these dependents can not be compensated. The man who may be unruly, the man with a little yellow streak in him, can go to his commanding officer and say, "I have a dependent at home; I am tired of this discipline and work down here, and I want to be excused."

Mr. President, that kind of an attack upon the discipline of the militia has been facilitated, but it has not been made upon the discipline of the Regular Army. If the dependents of the Regular Army are a negligible number—and that is the very truth of the matter—if the Senator wants to insist on equality, why does he not insist on equality in both ways? Why not excuse your private or noncommissioned officer in the Regular Army if he can show that he has a dependent at home?

The truth is the excusing men with dependents often misses the most worthy soldier, because he prefers to suffer rather than forsake his comrades and command facing against a foreign country.

Mr. WARREN. That is exactly what the department does under its present rules. If a noncommissioned officer or an enlisted man has those dependent upon him who are suffering, and application is made through proper channels, he is excused from service. That is the rule. That is not only the rule now but it has been the rule for years.

Mr. LEE of Maryland. The simple fact is that the Regular Army will not take men if they have dependents; but I am willing to take up the idea of the Senator from Massachusetts, and provide that, if there are a few men in the Regular Army who have, by the misfortunes of nature inherited obligations to support somebody, those men should have help. That can be very readily done here in this bill. That can be done just the same for the Regular Army, under the item of pay for the Regular Army, as it can be done under item of pay for the National Guard. I do not know but that it might be open to a point of order. That, of course, however, would have to come from the Senator's side.

This other question, though, is not open to the point of order, because the House has opened the door wide to legislate about all the men who have responded to the call of the President. The House has dealt with this question of how these men are to be treated in this exchange and when they have responded to that call.

Mr. President, the Senator from Massachusetts said a little while ago that all the countries at war provide for all of their

troops. That may be so, but would it not be a great deal better for us to provide for 74 per cent of our troops than to neglect the whole of them?

Information has been printed in the Record in the shape of a report from the Information Bureau of the Library of Congress, showing that every country in the world makes a similar provision to this. The only country of which I know that does not make such provision is Mexico; and, of course, the government of Mexico is de facto and in other respects in a distressed condition. I have here a dispatch which appeared in the Baltimore Evening Sun of July 20, written by William G. Shepherd, from San Antonio, Tex., and it is headed, "What about my family? is chief worry of Guardsmen on border." The writer says:

Not one soldier that I rubbed elbows with in all the armies of Europe in the last two years ever worried as some of these American soldiers along the edge of Mexico.

These Americans I refer to are worrying about their families back home. They do not know whether their wives and children have enough to eat. Such a deplorable situation could not possibly exist in any European army—

Here is the important part of it—

for European Governments care for the families of their soldiers.

Now, here is another pertinent statement. I think it is exactly accurate; the fact is I know it is accurate and the Senator from Oregon and the Senator from Massachusetts know it is accurate.

The Mexican Government doesn't and we don't.

The United States and Mexico are in accord on one subject, and that is in making no provision for the families of the soldiers who are in the field. Mr. President, that is a phase of accord that I do not want to see go on as between these two Governments. I think we ought to follow the example of all the rest of the world on this subject. I put into this resolution a reference to the pay of Canadian soldiers, because the pay of Canadian soldiers is the pay and maintenance allowance of our next neighbor and also the standards of living in Canada are pretty much the same as are the standards of living in the United States.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Dakota?

Mr. LEE of Maryland. I do.

Mr. GRONNA. I am in sympathy with what the Senator from Maryland has proposed, but I am opposed to putting in a provision here allowing a foreign Government to legislate for the United States. I think that the amendment proposed by the Senator from Maryland should be amended. I think we ought to be more specific as to what the law of this country should be and not refer in it to a foreign country.

Mr. LEE of Maryland. I will send the Senator from North Dakota a copy of my amendment.

The PRESIDING OFFICER. The Chair desires to ask the Senator from Maryland whether or not he has yet offered his amendment?

Mr. LEE of Maryland. I have not yet offered it, but I am talking about my proposed amendment. I will send it to the Senator, and he can see the part that refers to the pay of enlisted men as provided for privates by the Canadian Government.

Mr. President, I was speaking just now about the attitude of this country and of other countries on this subject, and I should like to go a little further with this article. I should like to show what Gen. Funston is saying about this thing; but I believe that there are not enough Members of the Senate here really to dispose of this important proposition, and so I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Maryland suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Nelson	Smith, Ariz.
Beckham	Hardwick	Norris	Smith, Md.
Brandegge	Husting	Oliver	Smith, S. C.
Broussard	James	Overman	Smoot
Chamberlain	Johnson, S. Dak.	Page	Sterling
Chilton	Jones	Penrose	Thomas
Clapp	Kenyon	Pittman	Tillman
Clark, Wyo.	Kern	Polindexter	Townsend
Culbertson	La Follette	Pomerene	Underwood
Colt	Lane	Ransdell	Vardaman
Dillingham	Lee, Md.	Reed	Wadsworth
du Pont	Lippitt	Robinson	Walsh
Fall	Lodge	Shafroth	Warren
Fletcher	Martin, Va.	Sheppard	Weeks
Gallinger	Martine, N. J.	Sherman	Williams
Gronna	Myers	Shields	

Mr. SMITH of Arizona. Mr. President, I desire to announce that the Senator from Kentucky [Mr. JAMES] and the Senator



from Mississippi [Mr. WILLIAMS] are absent on the business of the Senate.

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan], and state that he is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. LEE of Maryland. Mr. President, I was discussing the opinion of an Army officer as expressed in this interview on the subject of excusing from duty men in the National Guard who have dependents at home. Of course compensation for their dependents would do away with the necessity of excusing them from duty. This article of Mr. Shepherd's makes a quotation from an alleged interview with Gen. Funston, which I will read:

"Can a man be a good soldier and do good work if he's wondering whether his family at home has enough to eat?" I asked Gen. Funston after leaving the jitney and making my way to his hot office.

The General, whose perspiring head was leaving patches of dampness on the leather back of the huge chair in which he sat, leaned forward, saying earnestly:

"Of course not. I permitted 14 men to return home yesterday because their dependents were suffering, and I have so many requests for relief on like grounds that it will prove necessary to release several thousand within the next few weeks."

These men are given 3½ cents mileage homeward. Money which has been spent in bringing them to the border, feeding them, and outfitting them, and then, after two weeks, sending them back home, isn't wasted. It is our payment for the lesson that in our new Army plan we must provide well for the care of soldiers' families if we are going to insist on taking men away from their families into the Army. "What about my family?" is the biggest question in all militia camps along the border.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. LEE of Maryland. Certainly.

Mr. GALLINGER. In view of the fact that there is not any war at the present time, would not the Senator agree to the suggestion that it might be a good idea to return to their homes all the soldiers on the Mexican frontier who have dependents?

Mr. LEE of Maryland. I think not. That is what I am arguing against at present, and I think if the Senator looks with the same earnestness as I do upon the general question of preparedness he would be willing to make any provision of money or otherwise in order that the 100,000 National Guardsmen shall get the benefit of the actual military and disciplinary experience that is open to them on the Rio Grande. Their discipline ought not to be attacked here from behind by relieving any man who alleges he has dependents at home.

Mr. GALLINGER. Mr. President, there may be something in that, although I apprehend they could get some training at home, as they have always had it, more or less; but why on earth we are holding so large an Army on the frontier when we have not any war with Mexico or with any other country, and we are now taking so much interest in those who have dependents at home, surpasses my comprehension. I would send them home or refuse to enlist married men in the National Guard, precisely as we do in the Regular Army.

Mr. LEE of Maryland. I do not want to discuss with the Senator a question that affects the politics of a presidential campaign.

Mr. GALLINGER. I have no such purpose.

Mr. LEE of Maryland. The Senator is not going to agree with me as to the goodness and wisdom of President Wilson's policy, but I want the Senator to agree with me as to this: Here are 100,000 militiamen on the Rio Grande, and we all know that the Swiss system or any other system of citizen soldiery commences with a preliminary period of discipline.

Now, setting aside the Presidential campaign—I hope the Senator will let that get out of his mind for a minute—and just taking up the opportunity of getting a citizen army that is thus presented to us, we have these men in camp now, and ought not that discipline to go on earnestly and honestly for the benefit of the preparedness of the United States? I am sure the Senator agrees with me about that.

Mr. GALLINGER. Mr. President, the Senator is unduly exercised over my desire to interject politics into this matter.

Mr. LEE of Maryland. Not at all.

Mr. GALLINGER. I care nothing about the political situation at all, and I have always carefully refrained from criticizing the Democratic President, as the Senator knows. I have not been in the habit of doing that, and I am not going to engage in that now; but I still feel that sending to the front men who leave families and who leave gainful occupations, and holding

them in a hostile country, so far as climate is concerned, when there is not any war or any immediate prospect of war, is rather an absurd thing to do.

The Senator constantly quotes the Swiss system, and I notice in the Senator's amendment that he refers to what Canada has done.

Mr. LEE of Maryland. The Senator ought not to object to that.

Mr. GALLINGER. I do not think we ought to be governed to any very great extent by what other countries are doing in these matters, especially a little Republic like Switzerland, or a dependency of Great Britain like Canada. Let us legislate for ourselves.

Mr. LEE of Maryland. Mr. President, the great genius of ancient Rome along military lines and general lines of law was based on the fact that that great Government had the good sense to pick out the good things in the laws of all the nations she came in contact with, and I am amazed that the Senator from New Hampshire, himself a Canadian by birth, if I am correctly informed, should say that we ought not copy a good thing from the laws of Canada.

Mr. GALLINGER. Mr. President, I do not object to copying it, but I do object to putting it in our statutes in the way the Senator proposes.

Mr. LEE of Maryland. I refer to it respectfully.

Mr. GALLINGER. Yes; but it is in the Senator's amendment, and the proposition is to put it in the law, which certainly ought not to be done.

Mr. LEE of Maryland. Certainly; but it is a respectful reference, and a limit, of course, is provided. It is no insult to the American eagle to refer to the amount that Canada pays to her soldiers. As to the Senator's remark with reference to Switzerland, I desire to say that Switzerland is a Republic; she is an armed Republic; and she perfected the development of her militia on such a basis that the Swiss Republic is safe.

The great thing for us to do is to protect our republican form of Government. The most precious thing we have is our republican form of government, and I do not want any centralizationist who has an imperial yearning in his soul to come here and modify our National Guard system or abolish it—and that is about what was aimed at by some proposed amendments to the military law—in the interest of great military centralization in the hands of the Executive of the United States. Let us preserve our republican system; let us preserve our local self-government; because this great republican system is the best thing we have among all our precious things.

Mr. President, that is why I am struggling here in the Senate to-day for this opportunity for discipline for the National Guard. I think the dependents of our soldiers ought to be looked out for; but the main thing, looking through the course of years, is that our system of Organized Militia should be preserved.

I am perfectly willing to agree with the Senator from Massachusetts that the Regular Army should be provided for in like manner, and I have an amendment drawn up designed to give the same kind of support to the dependents of members of the Regular Army; but I can not offer that under the item relating to pay for the militia, as it would be obviously out of order. However, I am going to offer in a few moments the other amendment which I have been discussing under the item providing pay for the militia, and I shall offer it on the theory that the House has opened wide the door by dealing with the question of the members of the guard who have responded to the call of the President and giving them a compensation for so responding. The House has very properly put this question under the pay item, because it is all a question of pay.

Now, Mr. President, before offering the amendment, I call attention to another very pertinent thing; and I hope I will have the attention of the Senator from New Hampshire, because I believe he is in favor of some preparedness. We have two forces, the United States Army of about 90,000 men, and the National Guard, which on the call of the President more than doubled, so far as personnel is concerned, our Army on the border. I voted here in the Senate, probably with the Senator from New Hampshire and probably with the Senator from Massachusetts, for 250,000 Regular soldiers.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. LEE of Maryland. Certainly.

Mr. PENROSE. The Senator's remarks are very interesting; but I apprehend they would be more enlightening if the amendment could be read to the Senate.

Mr. LEE of Maryland. I read it once, probably before the Senator came in.

Mr. PENROSE. If the Senator will offer his amendment and permit it to be read, we would have a better understanding of his remarks.

Mr. LEE of Maryland. I am going to read it into the RECORD, whether it is ruled out of order or not.

Mr. PENROSE. Well, let it be read.

Mr. LEE of Maryland. I will read it for the benefit of the Senator. The amendment is: On page 13, at the end of line 12, to insert the following:

And provided further, That all enlisted men of the National Guard who have heretofore or shall hereafter respond to the call of the President for service shall, in case of those who have dependents that the enlisted men shall be shown to have supported before so responding, be entitled to extra pay in the nature of an allowance, to be paid out of said sum—

That is to say the appropriation that goes before—

In such amount and in such manner as the Secretary of War shall direct for the support of such dependents for the time of such service, but in no case shall the total of the pay of such enlisted man and the amount of such extra pay allowance for his dependents exceed the total of the pay and similar allowance—

I have erased from the amendment at that point the words "amounting to \$54 a month"—

now paid to or for privates by the Canadian Government and as set forth in the report of the United States consul general at Ottawa, Canada, to the Department of State, dated July 3, 1916. (Record of July 3, 1916, p. 11971.)

Mr. PENROSE. Mr. President, just an inquiry at that point. Would the Senator have this amendment providing for the dependents of soldiers in the National Guard—and I am heartily in sympathy with the idea of providing for their dependents—apply to those members of the National Guard who have never left home? Information was given the other day to the effect that there was not a South Atlantic State whose National Guard had left the borders of the State outside of the National Guard of Virginia. Would it not be well to insert a proviso restricting the provisions of this paragraph to those members of the National Guard who are actually doing service on the Mexican border?

Mr. LEE of Maryland. No, Mr. President, for the reason that if the National Guardsman has left his home and is not taking part in his usual industry and is not getting his usual pay or income he is just as much without means to support his dependents if he is in a camp in Ohio, say, as he would be in a camp on the Rio Grande. The whole thing is a question of responding to the call of the President. There are 19 regiments that have not been called out. Those 19 are at home, and, of course, they would not be included under this amendment, and the men in those regiments, as the Senator will readily understand, are pursuing their usual daily industry and are in a position to take care of their families as ordinarily.

Mr. President, I was going to go on and say that it is a question of importance to the discipline of the National Guard. Those who have been soldiers, for instance, like the Senator from Minnesota [Mr. NELSON], will recognize how important it is that this great force of men, 100,000 or more, now on the Rio Grande should have this opportunity of 90 days' discipline. The companies of the National Guard are being combined with the companies of the Regular Army and drilled as units; they are being combined for patrol and other purposes, and the co-operation between these men and their officers and the officers and men of the Regular Army at the front is sincere, honest, and efficient, and is having a wonderful effect upon the development of the discipline of this large force of American soldiers.

Mr. President, that ought to go on. It ought not to be interrupted by excusing any man from the service, one here, one there, one there, until it runs up into the thousands, disrupting this process of discipline and development of this great body of citizen soldiers. The dependents should be cared for and the soldiers relieved of all anxiety on the subject. As I said a little while ago, I voted for an Army of 250,000 regular soldiers if you could get them, but you can not get them. I have the returns right here that I got from the department the other day, dated July 14. It seems that in 121 days 16,000 men have been enlisted out of the 20,000 that were authorized by Congress 115 days ago.

Why, Mr. President, the Regular Army is going forward to-day at the rate of only 1,000 men a month, and that is all. The net increase of the Regular Army, as the Senator from Oregon doubtless knows, is only 1,000 men a month. That is the net result of the enlistments over and above the losses. I have that from The Adjutant General himself, and it is a matter of public knowledge.

Thus you are getting your Regular Army built up—this force for the protection of the United States that you are all talking about—at the rate of only 12,000 men a year. Twelve thousand men a year is all that it is going ahead. These may be hard

times to get enlistments, from the standpoint of the industrial activity of the country, but from the standpoint of the warlike excitement that we have just gone through, these are easy times for enlistments. So I think on the whole they are probably average times for enlistments in the Regular Army; and you are only going ahead 1,000 men a month, and it costs you nearly \$20 for every one you get. Nineteen dollars and some cents is the cost of enlisting these men in the Regular Army, for advertisements and all these other items of expenditure. The average price of getting the men to sign the enlistment docket is between \$19 and \$20, and you are getting 1,000 men a month ahead by that process.

Are you for preparedness, or are you against it? That is the question. We have this great army of citizen soldiers down there on the Rio Grande. Why not take care of their dependents? As the Senator from Wyoming [Mr. WARREN] just now said, it has already been arranged that we are not going to enlist any more men in the National Guard with dependents, so you are going to have no future trouble about that. The evil effect of letting these men with dependents come home now is the disruption of the discipline of the National Guard. Gen. Funston has described it as to the numbers involved, and from other sources of information I am informed that it is a very serious handicap in some of the commands.

Mr. OVERMAN. Mr. President, how many are there with dependents?

Mr. LEE of Maryland. Nobody knows. The Senator has asked a very pertinent question; but this article which I quote from says that Gen. Funston said that he would have to release several thousand in the next few weeks. Now, it is estimated that anywhere from 10 to 25 per cent of the National Guard are involved in this disruption of discipline, because that is really what it amounts to in the long run; and it may be serious or it may not be serious. I have hoped all along, Mr. President, that the patriotism of our men in the National Guard would leap over this barrier, this tendered temptation to go home. The six-year enlistment clause was put up to every man that went into the National Guard, doubling their terms of service; and yet, Mr. President, they leaped over that barrier, resolute upon their patriotic duty. The new law was no help to the guard at all from the standpoint of this mobilization. Their development to the date of the call was under the old Dick law. Yet this body of men have done this through the discipline that came from their armory training and outfitting them with arms and clothing and sending them to camps occasionally in the summer and occasionally to rifle ranges. It was rather occasional. One of the best regiments in Maryland, the First Maryland Regiment, had not seen its colonel for three years until this mobilization took place under the President's call. Why? Because Congress had not provided for the disciplining of the National Guard, and the money was so scant that they had to send out regiments to the shooting ranges in battalions; and the commander of that regiment, an excellent officer, had not seen his regiment as a whole for three years until he met them, under the call of the President, at Laurel; and that was the kind of provision that Congress had been making for this important subject!

Mr. President, we have got them all together now. The dispatches of yesterday say they are having extra time on the shooting ranges. As I said just now, they are being disciplined with the Regular troops.

I think the Thirteenth and Thirtieth Regiments of United States Infantry are at Eagle Pass. Those regiments have probably not more than 40 men in a company. The National Guard of Maryland average about, say, 90 men in a company; and by making a combination of these two forces—Company A with a Company A and a Company B with a Company B, and so on—you get something like a full war-strength company, and for the first time possibly some of your Regular officers are handling full-strength war companies.

Let us not stop this process. Let us go on in the interest of the preparedness of the United States, and let us do the fair thing by the National Guard. Let us do the fair thing by the men who were willing to leave their daily vocations and their daily income and answer to the call of the President. We will not discuss whether the call was wise or not. We will not enter into that question with our friends on the other side. We will simply ask them to recognize the fact that the Guard is on the frontier and this is the opportunity to give them a genuine military experience.

Mr. President, I offer the amendment which I send to the desk. The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Maryland.

The SECRETARY. On page 13, at the end of line 12, it is proposed to insert the following proviso:



*Provided further, That all enlisted men of the National Guard who have heretofore or shall hereafter respond to the call of the President for service shall, in case of those who have dependents that the enlisted man shall be shown to have supported before so responding, be entitled to extra pay in the nature of an allowance to be paid out of said sum, in such amount and in such manner as the Secretary of War shall direct, for the support of such dependents for the time of such service; but in no case shall the total of the pay of such enlisted man and the amount of such extra-pay allowance for his dependents exceed the total of the pay and similar allowance now paid to or for privates by the Canadian Government, as set forth in the report of the United States consul general at Ottawa, Canada, to the Department of State dated July 3, 1916.*

Mr. LEE of Maryland. Mr. President, I will withdraw the latter part of that amendment, reading "but in no case shall," and so forth, and leave the payments entirely to the discretion of the Secretary of War.

Mr. CHAMBERLAIN. Mr. President, I desire to make a point of order against the amendment, for the reason that it is new and substantive legislation and no estimates have been made for it.

Mr. LODGE. Mr. President, I do not care to discuss the point of order. I merely did not want to have a false impression left.

The PRESIDING OFFICER. The Chair is ready to rule upon the point of order.

Mr. LODGE. All right; I will wait until the ruling is made. I can speak just as well then.

Mr. LEE of Maryland. I call the attention of the Chair to the ruling of the Vice President.

Mr. LODGE. If there is going to be discussion of the point of order, I do not yield the floor.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

The Chair has had his attention called to the case to which the Senator from Maryland has already referred. The Chair thinks that the amendment offered by the Senator from Maryland is plainly obnoxious to Rule XVI and that the case presented in his remarks did not comprehend the overruling of a point of order against an amendment where that amendment provided something not germane to the House provision. The provision which the House inserted in the bill relates solely to members of the National Guard who, at the time they respond to the call of the President, are Government employees, and it provides that they shall be restored to the positions occupied by them at the time of the call. The proviso offered by the Senator from Maryland relates to extra pay for members of the National Guard, and, in the opinion of the Chair, is clearly general legislation and obnoxious to Rule XVI.

Therefore the point of order is sustained.

Mr. LODGE. Mr. President, I desire to speak for only a moment.

I wish to say, in regard to the amendment of the Senator from Maryland, that I think from what he said my position or what I intended to say may have been misunderstood. I am not against providing for the dependent families of members of the National Guard called into the service. On the contrary, I am in favor of it; but I do not think it is wise or just to give that assistance to one part of your soldiers and not give it to all. It does not matter whether there are many soldiers in the Regular Army who have dependents or whether they are, as the Senator from Maryland says, negligible. If there is one man with dependents who is at the front in the Regular Army serving his country in time of war or disturbance, he ought to have the same provision for his dependents as the National Guard while they receive it; and if the amendment had not been ruled out of order I should have offered an amendment to it that whenever such payments were made for the benefit of the dependents of members of the National Guard similar payments should be made to take care of the dependents of the regular soldiers in service at that time, so that the provision for the dependents of the regular soldiers would cease and determine when those for the National Guard ended.

Mr. NELSON. Mr. President, will the Senator from Massachusetts allow me to make a suggestion?

Mr. LODGE. Certainly.

Mr. NELSON. I think that wherever an allowance is made to the families of dependent soldiers it ought to be paid to the families and not to the soldiers.

Mr. LODGE. I quite agree with the Senator from Minnesota.

Mr. LEE of Maryland. The Secretary of War could do that, of course. He would attend to that.

Mr. LODGE. Not only in England and Canada, where I know it is done, but I think among all the belligerents engaged in the present war, provision is made, by direct payment to dependent families, for their support during the absence of the husband or father or brother who had hitherto supported them; and I think that ought to be done by us when the National Guard is called out into service. We are told that we have not

a war in Mexico or on the border, but we apparently have fighting, and we have called out the National Guard—for what military purpose it is not easy to see. I am not going into that side of the question at all; but I do want to make it perfectly plain that I favor the care of the dependents of our soldiers. I can not draw this line, as some Senators seem to desire to draw it, between the man who fights in the Regular Army and the man who fights in the National Guard. It seems to be thought necessary by the friends of the National Guard here to oppose everything for the Regular Army.

Mr. LEE of Maryland. Mr. President, will the Senator yield?

Mr. LODGE. One moment. I do not say the Senator from Maryland is doing that, because he said he meant to offer an amendment in that direction, which he said was out of order before he announced that he was going to offer it. But when the Army bill was up everything was done for the National Guard that could be done in that bill. Everything they had asked was done; and yet the committee have devoted their entire strength, and successfully, to preventing the United States from having volunteers. I do not mean the National Guard did this, but the little group of adjutants general down here did. I am happy to say that nobody of the National Guard from my State urged it. They were too broad-minded, too truly patriotic to do so.

Now, I am ready to do everything possible for the National Guard, but I want also to care for the Regular Army. I wish to protect the United States; and I can not, for one, draw these discriminations. I wish to provide in every way for the National Guardsmen now on the frontier, and where there are dependents I want to have them taken care of, and I want the dependents of the regular soldiers taken care of at the same time. If we are a just Nation, as we are a generous Nation, it will be done.

Mr. REED and Mr. LEE of Maryland addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. LEE of Maryland. Mr. President, I want it understood that I had claimed recognition from the Chair with a view of appealing from the decision.

Mr. REED. Very well.

Mr. LEE of Maryland. I will waive that right, of course, until the Senator from Missouri has spoken.

Mr. REED. No.

Mr. LEE of Maryland. The Chair recognized several other Senators, but I am sure he did not intend to cut me out of the right of appeal.

The PRESIDING OFFICER. The Chair did not understand that the Senator wished to take an appeal. The Chair will preserve the right of the Senator to take an appeal.

Mr. LEE of Maryland. Will the Senator from Missouri go ahead, then?

Mr. REED. No; I will wait.

The PRESIDING OFFICER. The Chair has sustained the point of order made by the Senator from Oregon [Mr. CHAMBERLAIN]. From that decision the Senator from Maryland [Mr. LEE] appeals. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. GALLINGER. Mr. President, I have no disposition to debate the appeal; but in justice to myself I want to say to the Senator from Maryland, and to anybody and everybody who may be interested in my position with reference to the matter that has been under discussion, that I am in favor as much as anybody of taking care of the dependents of those who have been called into the service of the Government in a military capacity. I did venture to suggest that I thought we might with propriety send the men who had dependents to their homes, in view of the fact that there were no hostilities of which I had any knowledge on the Mexican frontier or elsewhere. The Senator from Maryland took occasion to suggest in a very pointed way that I was not in favor of preparedness. Why, Mr. President, the votes I have cast will speak for themselves. I have been in favor of a policy of very liberal appropriations for the Army and Navy. I have sometimes thought I went beyond prudence; but no one can charge me fairly with having failed in my duty in that regard. I expect to continue in the same frame of mind, and to support the committees of this body, the men who are charged with these great appropriations, in following their recommendations to a large extent, and favoring liberal appropriations both for the Regular Army and for the National Guard.

Mr. LEE of Maryland. Mr. President, may I be heard on the appeal?

The PRESIDING OFFICER. The Chair will hear the Senator from Maryland.

Mr. LEE of Maryland. Mr. President, in your absence this question has been discussed twice in the Senate, and on each occasion the Chair has held that where the House enters upon

a subject matter the Senate could pursue the same subject matter and legislate, and that it was not obnoxious to the rule requiring estimates or prohibiting general legislation, for the simple reason that the Senate could not be precluded from legislating on the same subject on which the House had legislated, generally speaking.

Mr. President, I want to get into the RECORD the fact that we have had two cases here affecting two classes of Government employees, and that in both of those two cases the House has legislated, but that here, in a case where the House has legislated in reference to members of the National Guard, the point of order is sustained. In two cases where the House legislated, one with reference to dentists and one with reference to employees in navy yards, as to the hours of leave, the Vice President held, and the Senate sustained him, that the Senate could go on and proceed to legislate, because the House had already entered that field.

Now, Mr. President, when we come to another class of citizens who are Government employees, and the most patriotic class of citizens in this country, let us say, the men who have answered to the appeal presented to them in the call of the President—and when they answered it looked very much like war—we find the doors closed for the relief of defendants by this ruling, even though the House has legislated in this bill and in this item as to another item affecting members of the militia answering the call.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from California?

Mr. LEE of Maryland. I do.

Mr. WORKS. As I remember the ruling of the Chair in the case to which the Senator refers, it was held that the subject matter of the legislation was a reorganization of the Navy, and that therefore anything that affected that reorganization was germane and not separate and distinct legislation. I doubt whether the Senator can stretch that ruling to cover this case.

Mr. LEE of Maryland. But it applied to the naval Dental Corps, and in this case it applies to the National Guardsmen who have responded to the call of the President. That is the language of the House. The House legislated with reference to National Guardsmen responding to the call of the President.

Mr. WORKS. Yes; but, Mr. President, the subject matter of this legislation is appropriations. It is an appropriation bill pure and simple.

Mr. LEE of Maryland. Why, the whole thing was on an appropriation bill, Mr. President. Both of those items were on appropriation bills, and it was general legislation that the House had attached to an appropriation bill.

Mr. WORKS. It was an appropriation bill, but the particular portion of it involved was practically a reorganization of the Navy; and it was upon that theory, as I remember, that the Chair ruled.

Mr. LEE of Maryland. I will refresh the recollection of the Senator by reading a little from the remarks of the Senator from North Dakota [Mr. GRONNA], at page 12991:

According to the ruling of the Chair on that particular day, I believe the Senator from Nevada is right. I believe we have as much right to accept the amendment offered by him as we had to accept the amendment that was under discussion the other day. I wish to read the ruling of the Chair on that occasion:

"The VICE PRESIDENT. Notwithstanding the rule of the Senate to the effect that general legislation may not be attached to an appropriation bill, still when the House of Representatives opens the door and proceeds to enter upon a field of general legislation which has to do with a subject of this character the Chair is going to rule, but, of course, the Senate can reverse the ruling of the Chair that the House having opened the door the Senate of the United States can walk in through the door and pursue the field."

In this particular case in which I have appealed from the decision of the Chair we are pursuing the particular field of members of the National Guard who have responded to the call of the President as to whom the House has legislated.

Mr. SMOOT. That is correct.

Mr. GRONNA. This amendment, then, is simply pursuing that particular field.

Mr. SMOOT. The field that is to be pursued under this amendment is to increase the leave of absence for certain employees of the Government, and the House did not legislate upon that subject directly or indirectly.

Mr. GRONNA. It affects every employee in the Navy Department. Mr. SMOOT. The House has not inserted in the bill one word about increased leave of absence, and that is the subject before the Senate at this time. What the Chair has to rule upon is whether the amendment offered by the Senator from Nevada is general legislation, and if it is changing existing law it is general legislation upon an appropriation bill.

Mr. President, we have general legislation here affecting the status of members of the National Guard who responded to the call of the President—general legislation of a very broad sort. The House has opened the door, and the ruling that I have appealed from closes the door to the Senate.

Mr. OLIVER. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 174, after the amendment heretofore agreed to, after line 21, insert the following:

"That each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government is hereby granted 30 days leave of absence each year, without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving 12 consecutive months or more; *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed."

Now, this was the statement of the Senator who offered the amendment:

Mr. PITTMAN. Mr. President, the other day the question before the Senate when this ruling was made by the Vice President which has just been read was on an amendment first introduced in this body in behalf of the members of the Dental Corps. It changed the law with regard to the Dental Corps.

Mr. President, I call your attention to the fact that this House provision changes the law in this appropriation with reference to members of the National Guard responding to the call of the President—a very much larger field of application.

It absolutely changed the law affecting dentists. There was a provision in the bill for doctors as it came from the House, there was a provision in the bill for a Hospital Corps as it came from the House, but not for dentists, and the Senator therefore introduced this amendment.

I will read only a line or two, but it will give the Chair the object of the amendment.

Then he goes on to quote from the amendment as to the naval Dental Corps. Then the Senator from Nevada proceeded:

Now, it goes on for two pages enacting entirely a new law with regard to these dentists that was never taken up in the House at all.

Now, then, the very skillful Senator from Utah, this wonderful parliamentarian, was the other day maintaining a stand, I believe, if my memory serves me right, just the opposite from what he is now taking. He was contending, as I recollect it, that because the House had permitted general legislation with regard to medical officers, it opened the door for a consideration of the whole subject by this body.

So let me repeat, it has been decided twice by your predecessor in the chair, and in the last few days, that when the House opens the door by legislating on an appropriation bill with reference to a given class, the Senate can proceed. For that reason I make this appeal, and I hope that the Senate will proceed consistently with reference to the most patriotic class that has come before it lately for its legislative consideration.

Mr. BRANDEGEE. Mr. President, I did not think that the ruling of the Vice President was correct the other day in the terms in which he stated it. The language which the Senator from Maryland has just read from the RECORD, used by the Vice President at that time, seems to me to be altogether too comprehensive for any practical application to be made of it. To attempt to decide whether a specific amendment is general legislation or not, using such general terms as the Vice President used when he stated that when the House opens the door the Senate might walk through it and pursue a field, can not, I think, be any accurate guide in drawing the line of distinction between what may be considered general legislation and what may not, or how far the Senate can deal with the matter which the House placed in the bill. It seems to me that the true inquiry should be, What is the field that the House has entered upon? What is the specific proposition that the House has placed in the bill which is general legislation?

The provision here, to be specific, is that the officers and enlisted men of the National Guard, Government employees, who respond to the call of the President for service, shall at the expiration of the military service to which they are called be restored to the positions occupied by them at the time of the call. That is general legislation. The House having entered upon it, I think the Senate without violating its rule as to placing upon general appropriation bills matters of general legislation could make such changes as it chose in relation to the proposition of restoring members of the guard to their positions in the Government employ. To say that when the House attempts to do that the Senate can place upon a bill, relating to the same subject matter and the same specific proposition, a new provision of law providing how the Secretary of War shall compensate the dependents of the National Guardsmen who have gone to the field is to place upon the bill a piece of legislation relating to an entirely different subject and by no construction or stretch of language or imagination can it be considered to be dealing with the same subject which the House dealt with, except to say that they both concern the National Guard, and, of course, that would include any legislative proposition no matter how remote or different from that entered upon by the House.

Mr. LEE of Maryland. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Maryland.

Mr. LEE of Maryland. The Senator is entirely mistaken. I wish to call his attention to the fact that it deals with the enlisted men who answer to the call of the President and nobody else, and the same class exactly that the House dealt with. In-



cidentally there is an effect upon the dependents, but the pay is to the enlisted man who responded to the call of the President.

Mr. BRANDEGEE. For the purpose of my argument it is perfectly immaterial. The House provision attempts to deal with the offices which the enlisted men—the Government employees—have left. The legislation proposed by the Senate committee amendment proposes to deal with the compensation of the enlisted men, increasing their salaries, which is a subject entirely remote from that dealt with by the House.

So I think the ruling of the Chair is perfectly correct.

Mr. REED. Will the Senator from Maryland allow me to make this suggestion? As to an amendment embodying the same principle covered by his amendment—indeed, an amendment which, I think, was an exact copy of the bill passed by the House—notice has been given that it will be offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. Notice of a motion to suspend the rules was also given. That motion can be taken up to-day, a day's notice having been given. I simply make the suggestion in the interest of saving time. The Senator knows I am in favor of the principle contained in his proposition. I am also in favor of going further and providing for additional pay for these men. I make that suggestion in order that we may possibly save a long debate on this field. I say to the Senator frankly that I am in favor of his amendment, but I can not convince myself that it is not obnoxious to the rule, although I should like very much to do so if I could. But we can get at this question, and get at it directly, under the notice given by the Senator from Wisconsin. I gave a similar notice with reference to a kindred measure last night. The chairman of the committee very kindly consented to an adjournment instead of a recess in order that the notice might become effective to-day.

Now, to save the time and get this matter to a vote, would it not be well to just waive any further insistence upon the point of order and to take the matter up in the manner I have suggested?

Mr. LEE of Maryland. I should like to agree to the suggestion of the Senator from Missouri, but there are two grave reasons why it should not be done. The ruling has been clearly made here that where a subject matter is open the Senate can pursue it. I stick absolutely in this amendment to the subject matter of the members of the National Guard who responded to the call of the President. There is no change from that subject in a word of that amendment.

Mr. President, I should like to yield to the suggestion of the Senator from Missouri, but he takes the matter up in an entirely different way. He handles it aside from any action by the House as a new bill and a new subject, and he enters upon the domain of this relief handicapped by having to have two-thirds of the Senate to set aside the rule. So his proposition as it stands is practically hopeless, I fear.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from California?

Mr. LEE of Maryland. With great pleasure.

Mr. WORKS. I thought the Senator had yielded the floor.

Mr. LEE of Maryland. I will yield the floor to the Senator from California.

Mr. WORKS. Mr. President, I am not very favorably disposed toward general legislation on an appropriation bill. I think the rule of the Senate in that respect should be rather strictly construed. I took a very slight part in the discussion that took place after an appeal had been taken from the Chair in the case referred to by the Senator from Maryland. I believe in that case that the ruling of the Chair was correct. I think so yet. But for myself, I based it upon the theory that the legislation in that case as it had come to us from the House was intended to reorganize entirely the Army. The Senate determined that in order to complete that reorganization it was necessary to add another bureau, and that seemed to me to be strictly within the rule of the Senate. It was general legislation of the very same kind and connected with legislation that had already taken place in the House, simply adding to it. But I do not think that can be appealed to as justifying the position taken by the Senator from Maryland now. I think the ruling of the Chair is perfectly right myself.

Mr. GALLINGER. Mr. President, I will not discuss the late ruling of the Vice President made on that occasion, which I confess was something of a shock to me. I rise simply for the purpose of making an illustration as to where a ruling of that kind may lead us. Rule XVI which deals with general legislation deals with another matter, and that is that no salary can be increased or appropriation increased for any purpose unless it is estimated for.

Now, let us suppose in the District appropriation bill, which probably contains salaries for 500 people, more or less, the

House increased a salary that had not been estimated for. Does anyone suppose that the House having opened that door the Committee on Appropriations could have taken 100, or 200, or 300, or 500 other salaries that had not been estimated for and increased them on the hypothesis that the House had increased one salary and thus opened the door for the Senate to pursue it?

I simply cite that as an illustration of the danger of the proposition involved in the idea that when the House opens the door we can pursue it to the end.

I rarely ever dissent from the opinions of the Vice President, because I think that he is very accurate, as a rule. When I read that opinion I thought it was a dangerous proposition; and certainly, Mr. President, it would become extremely dangerous if the Senate, pursuing the matter after the House had opened the door, should undertake to place upon the bill provisions that were not germane to the matter that the House had inserted. It seems to me that this is a case where that suggestion applies with a great deal of force.

I feel that the decision of the Chair was absolutely correct, and will take pleasure in voting to sustain the Chair in the decision that the Chair announced.

Mr. WARREN. There is not any doubt in my mind about the correctness of the ruling of the Chair. Without reference to what may have occurred the other day on other matters, the rules governing appropriation bills are very plain, and they have been generally followed for a great many years.

The proposition of the Senator from Maryland is obnoxious to almost every feature of the rules regarding appropriation bills. It of course proposes legislation; it has not been estimated for; it has not been reported here from a standing committee. Besides this, it increases an appropriation. It has not been put in here as an amendment one day before being printed and sent to a committee, as the rule provides.

So, starting from the very first, it is against the rules. The facts are that it increases an appropriation without an estimate. It increases it without law. It entirely changes law.

Mr. LEE of Maryland. Will the Senator permit an interruption? There is no increase whatever in this appropriation by this amendment. It does not increase a single dollar.

Mr. WARREN. That is entirely evading the question. If the Senator reflects a moment, he will know that, because the whole provision under discussion is specifically the pay of soldiers. Now, whether they are National Guards or whether they are regular soldiers, the money goes into one fund, and soldiers must be paid their regular stipend under the law, regardless of whether their accounts are short or long. If the money provided for that purpose is expended for another purpose, the salary or regular pay of troops must be paid just the same. So, really, it is a direct addition to an item of appropriation.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the decision of the Senate? [Putting the question.] The ayes seem to have it. The ayes have it. The decision of the Chair stands as the decision of the Senate. The question now is upon the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is, on page 12, line 10, after the numerals "\$23,000,000," to insert the following proviso:

*Provided, That hereafter one of the enlisted men detached from the Army at large for duty at each of the recruit depots under the provisions of the act of June 12, 1906, shall, while so detached, have the rank, pay, and allowances of a regimental sergeant major.*

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 16, beginning at line 14. It was passed over at the request of the senior Senator from Utah [Mr. SMOOT] and proposes to insert the following:

Hereafter headquarters clerks shall be known as Army field clerks and shall receive pay at the rates herein provided, and after 12 years of service, at least three years of which shall have been on detached duty away from permanent station, or on duty beyond the continental limits of the United States, or both, shall receive the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and Articles of War.

Mr. SMOOT. Mr. President, since asking the amendment to go over I have discussed the amendment with a number of officers of the department. The amendment on page 16 I have no objection to, but I wish to refer to the amendment beginning on page 17, reading as follows:

Hereafter headquarters clerks shall be known as Army field clerks and shall receive pay at the rates herein provided, and after 12 years of service, at least three years of which shall have been on detached duty away from permanent station, or on duty beyond the continental

limits of the United States, or both, shall receive the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and Articles of War.

I have received hundreds of protests from clerks in the Quartermaster Corps against this proposed amendment, and perhaps it will be as well for me to read one of those protests in the shape of a letter, as all the others are along the same line. The letter is as follows:

As a citizen of the State of New York and as a servant of the United States continuously since August, 1889, I beg you to consider the following individual petition:

1. Senate amendment to Army appropriation act for fiscal year 1917, on page 17, lines 1 to 9, provides for the creation of a corps of field clerks from clerks in the Quartermaster Corps who shall have had a total service of 12 years, 3 of which shall have been away from permanent stations within the continental limits of the United States.

This corps of 200 field clerks will be entitled to commutation of quarters, to heat and light, to free medical service for themselves and families, and to purchase of subsistence and other supplies from the Quartermaster Corps of the Army, all of which is worth approximately \$600 a year. In addition, these clerks are now planning to have subsequent Congresses give them full pay of pay clerks and retirement privilege.

2. Without reference to efficiency it is proposed to reward a class of clerks for no other reason than that they have served three years away from permanent stations in the United States. This sole requirement for appointment as field clerk will bar a considerable number of deserving clerks of the Quartermaster Corps from the benefits conferred by the act.

3. There are many clerks in the large offices of the Quartermaster Corps occupying responsible positions of chief clerk, principal clerk, or clerks in charge of important work who never have been considered available for detached or foreign service because the officers under whom they served did not want to be deprived of the services of these clerks. Now, when they feel that they had a right to hope for an even chance with the other clerks of the corps on account of long and appreciated service they find that this very service has debarred them from advancement.

4. Being one of the clerks thus debarred from getting any part in the liberality of Congress I most respectfully request that the amendment be phrased to recognize ability and efficiency and to give these qualities an even chance with time service.

As I stated, Mr. President, this is only a sample of the many protests that I have received. It seems to me the amendment as drawn would do a great injustice to hundreds of clerks in the Quartermaster Corps.

I am told that the clerks who are considered most capable, the best qualified for the positions that they hold, are the ones employed in permanent stations, and they are held there at the request of the heads of divisions. Those clerks are not called out in the field and they have not been, as seen in the case of the gentleman writing the letter I have just read. He has been in the service since August, 1889, and under this amendment it would be impossible for him to receive any benefits.

Mr. WARREN. Will the Senator state what his salary is?

Mr. SMOOT. I have not looked it up, and I really do not know what his salary is; but I think if there are benefits to be granted clerks in the Quartermaster Corps by commutation of quarters, for light, heat, and so forth, the clerk writing me, if his statement is correct, is entitled to the benefits, and if he is denied them and they are allowed to others, he is discriminated against.

Mr. WARREN. Mr. President, as to that, the statement is not correct. The War Department computes it at \$338.

Mr. SMOOT. They compute the amount for computation of quarters and heat and light at \$300?

Mr. WARREN. Yes; and whatever the advantages are.

Mr. SMOOT. There are other advantages enumerated in the letter. I will ask the Senator whether they all enjoy the advantages to-day as named in the letter and are having free medical service for themselves and family.

Mr. WARREN. So far as medical service is concerned, the employees at distant points who desire the privilege have it, so far as I know.

Mr. SMOOT. Whether they are working at a permanent station or not?

Mr. WARREN. They do not have commutation of quarters. So far as buying of the quartermaster is concerned, I do not know that has ever been denied to anybody, either an enlisted man or officer or employee.

Mr. SMOOT. I judge from this that it has been or else he would not make the statement that he does. The clerk says—

Mr. WARREN. Three hundred and thirty-eight dollars is the amount which was sent from the War Department to the committee as being the benefit amount to each man.

Mr. SMOOT. Does that include the purchase of subsistence and other supplies from the quartermaster?

Mr. WARREN. It does not include it because there is nothing in that.

Mr. SMOOT. Then the statement made in the letter is not correct?

Mr. WARREN. I do not think it is. He does not say as to the specific amount. How are you going to tell what the amount is or what any man might buy of the quartermaster?

Mr. SMOOT. Of course he could estimate that amount, as far as that is concerned.

It seems to me, if there is the discrimination as is outlined in the letter, it is unjust to the great majority of clerks in the Quartermaster's Department. If there is no injustice, I, of course, have nothing further to say; but if there is an injustice the provision ought to go out of the bill.

I will withhold the point of order against the amendment until I hear what the Senator from Wyoming has to say in relation to the benefits of it or why it should be adopted.

Mr. WARREN. Mr. President, it is always a vexatious matter to undertake to adjust the pay or allowances of the clerks of the Government, as it sometimes is with the clerks of private parties. The Senator I presume knows, as we all do, that there has been agitation and attempted legislation for years about an old-age retirement pension for civil employees of the Government, and the Senator knows that those clerks have never been able to agree because each class is very liable to figure its own position without figuring the others. Hence no legislation at all, when it might have been had years ago had a broader and more unselfish spirit prevailed.

Here in this matter of clerks under consideration there is a wide and distinct difference between a clerk in the Quartermaster's Department who has his home either in Washington or New York or wherever he is permanently located and where he can live with his family as differentiated from the man who has to go here and there and yonder, everywhere, where he can not take his family, where he must support his family at home in one place and support himself at the same time in another place.

Take it on the Mexican border, for instance; there have been over 90 different quartermaster's clerks serving on the border before the National Guard was detailed for service there, and now that number is perhaps doubled. They have the expense down there of furnishing themselves quarters, light, heat, and food and all the necessities and then to take care of their families at home exactly the same as if each clerk were living with his family.

There has been for a long time a desire on the part of the department to have something done to cover the extra expense of these employees. They happen to be in two lines, those who are clerks to the General Staff, and field clerks, and those in the Quartermaster's Department, who have to go out from their homes and are subject to similar conditions. One of these classes is provided for in the regular annual Army appropriation bill, and has been for years, and a list given of the grade of the clerks and the salaries paid.

That is provided for again in this bill, but the quartermaster's clerks and The Adjutant General's in all the other departments are provided for as to salaries and the grades and numbers are given in the legislative, executive, and judicial appropriation bill.

The quartermaster's clerks go out and do exactly the same way as the headquarters clerks. They live away from home the same, and certainly ought to have the same privileges. I think the Senator will admit that.

Mr. SMOOT. The Senator knows, of course, that there are clerks in some of the departments who are called in the field and they are generally allowed a per diem for the actual days they are in the field service.

Mr. WARREN. That is for a very short time usually.

Mr. SMOOT. But this it seems to me is broader than that. If they have served 12 years and 3 years of that have been spent in a foreign country they shall receive the same allowances heretofore allowed by law for pay clerks of the Quartermaster's Department with the exception of retirement.

Mr. WARREN. The Senator will notice that it is exactly the same as to this number of quartermaster's clerks—200—as to all headquarters clerks.

Mr. SMOOT. What I want to say to the Senator is that if these 200 clerks have served three years in a foreign country, with a total service of 12 years, and now are working in any permanent station, then they are granted the allowances provided for in the amendment. The other clerks, who have always been compelled to work at a permanent station—not because they wanted to do so, but because they were so qualified for the work that the heads of the departments required them to serve—and who have served 27 years at a permanent station, are not entitled to this allowance. That seems to me to be unjust.

Mr. WARREN. The clerks who are serving at those places have had the increase of their salaries from time to time without this—away from extra expense. They are a class that are not on the move all the time. Taken altogether, it is considered by the department—and we felt that it was just—that



the extra compensation and allowances, by and large, year after year, during a whole service for these transitory clerks, if I may term them such, did not more than make their places equal to those who have permanent quarters.

Mr. SMOOT. Mr. President, the trouble in it is, as I understand, that it gives to a clerk who is stationed to-day at a permanent station an allowance if he has served 12 years, and 3 years of the 12 years have been served outside of the country, whereas there may be clerks working in the same office who have worked twice as many years as has this clerk, and one of them would draw an allowance and the other would not. It seems to me the amendment ought to be so worded that that discrepancy should be avoided. I can not help believing that it is a discrepancy and that it is unjust to the clerk who has served during a longer number of years.

Mr. WARREN. Mr. President, the letters which have come to the Senator from Utah are very similar to those which have come to the committee and which have come to me. The clerks who have a local station, an abiding place, who live with their families, desire to receive everything which other clerks who are differently situated receive; and I suppose it is natural for them to want everything there is in sight. It is that competition—I might say that jealousy—that requires that each man shall claim the most that any other man receives, regardless of contingent circumstances.

The men who are on the go, the men who have to go to different points of the United States, have not the same opportunity to rise in the way of promotion, because their time is broken and their efforts scattered, while the men who are in service here in Washington or over at Philadelphia or New York are under the eyes of the chiefs of divisions; their work is examined in comparison one with another, and the deserving ones get promotion and receive a higher rate of salary than the man can possibly claim who goes from post to post and from field to field. Does the Senator from Utah think that the man living here in Washington or living in New York with his family, with no extra expense for his own living, should have the same pay as the man who, against his will, is required to go down on the Mexican border and in the towns there to take whatever may come, and who may have to pay two or three prices, perhaps, and, at the same time, to support his family at home? Does the Senator think that would be just?

Mr. SMOOT. If this amendment applied only to the Mexican border and was entirely an emergency matter, it would be a different question; but this is to continue forever hereafter unless it be changed by a subsequent law.

Mr. WARREN. It applies only to the number that are doing this extra work.

Mr. SMOOT. It will apply to the clerks who are in the Philippine Islands; it will apply to the clerks who are in the Hawaiian Islands; it will apply to the clerks who go from the State of New York to any other State. It seems to me that it would be an injustice to have this change apply hereafter, as a clerk who is living in New York must pay his rent; he must pay for the food he eats; and he must pay all expenses attached to his living. I will admit that, perhaps, there is a little more expense in traveling than there would be if living at home; but that is not all there is in this amendment.

For instance, a clerk called upon me the other day who had served in the Philippines for four years and he had also served somewhere in Europe—I have forgotten now where—for a number of years. He is now located at a permanent station. Under this amendment he says he will be allowed the same as is now allowed to the pay clerks in the Quartermaster Corps. He further says that working beside him in the same office is a clerk who has served as a clerk in the quartermaster's office twice as long as he, but that clerk will not receive the benefits under this amendment.

Mr. WARREN. That is not a fair statement.

Mr. SMOOT. That is the statement that he made to me.

Mr. WARREN. Doubtless that is so; but the reason it is not fair is that this provides for only 200 clerks out of the number the Senator has stated and only provides for those that are on the move. For instance, I mentioned 90 clerks on the border. The addition of this guard has called for sixty-odd men more. There are one hundred and fifty-odd men there. There is continually a call for more; but there is about an even 200 in the various places. For instance, if there is a camp anywhere, or if anything is going on at any point, no matter where, in this country or in any other country where clerks are required, they draw from this number who get this extra compensation. It only provides for that number—200.

Mr. SMOOT. Mr. President, perhaps it would be just as well to allow this matter to go to conference and thrash it out there; but I am quite sure that there will be a discussion of the

question between the conferees. The Senator from Wyoming knows that I do not want to do an injustice to any clerk in the Government service, and he also knows that I do not want any discrimination between the same class of clerks.

Mr. WARREN. I understand that.

Mr. SMOOT. The only reason I have in bringing the matter to the attention of the Senate is that it does look to me as though there is a discrimination here between the clerks of the Quartermaster Corps.

Mr. WARREN. Mr. President, I think the Senator from Utah is proceeding in the right way about it. I have not the slightest interest, and the members of the committee have not the slightest interest, except that which the Senator has, to do justice with and between the clerks.

As the Senator says, the matter can go to conference. We do not know exactly what the House wanted, and for this reason: The House Military Committee undertook to handle this question, but the proposed legislation was ruled out on a point of order in the House. The rules there are somewhat different from what they are here. So the only thing the House could do was to put in the old number of clerks for the department and the field clerks together, which the department does not want. It wants them separated, and it wants a good many more in number and some of them to have larger salaries. We have got it in such shape, if the Senator please, that it may go to conference—the whole subject—and if it shall appear that the provision would work any injustice it can be remedied in conference. If the Senator himself would suggest something different I should be very glad to see it considered in the conference, for there is no favoritism in this case; certainly, none is intended.

Mr. SMOOT. It may be that none was intended, Mr. President, but I am sure on the wording of the amendment that there is favoritism.

Mr. WARREN. I shall be glad if the Senator's wisdom will suggest a remedy. It is a matter that we have studied over for many and many a month. If there is anything wrong, we want to know it, but we can not take alone merely ex parte testimony from interested clerks a long way from here, who state their opinions, erroneous as they must be oftentimes. We do not want to accept that alone. We are willing to consider all of that, but we want to consider the entire matter, and we should be very glad if the Senator from Utah, when the subject goes to conference, would suggest any way to better it.

Mr. BRADY. Mr. President, the committee gave this section of the bill very careful consideration. The chairman then appointed the Senator from Wyoming and the Senator from Tennessee as a subcommittee to look into the matter, which they did very thoroughly, and they reported back this section as it now reads. After some discussion it was adopted.

I think there is one point that the committee had in view which the Senator from Utah does not take into consideration, and which will doubtless be brought out in the conference, for we all know that the Senator from Utah does not want to do anyone an injustice. The thought of the committee in considering this matter was, after the passage of this bill, to make these 200 field men who have served that length of time, field clerks. They will then spend all of their time in the field and not be called back to their homes, as the Senator suggests.

If that is the construction which the conference committee will place upon the provision, it will certainly do no injustice to the clerks in the office, but will be doing an act of justice to the clerks who will be required to be in the field all the time. The plan is that there shall be 200 field clerks in the field constantly, and that those 200 field clerks shall receive this allowance. The provision is fair to the field clerks and does not do an injustice to the department clerks. I hope the Senate members of the conference committee will be able to retain the provision in the bill.

Mr. SMOOT. Mr. President, the only question in my mind about that is that the quartermaster may call, and no doubt will call, these 200 clerks into the field, and they thereafter will be classified as field clerks, as the Senator has said; but, if my information is correct, the clerks who will be called for this service are not the clerks who are best qualified as clerks in the Quartermaster Corps. Most of the clerks best qualified for the work are the clerks who have never had a chance to go into the field, who have never been called into the field, because the heads of divisions have wanted them to stay in the positions which they have occupied at the permanent station. That is my information. Whether it is true or not, I do not know; but that is one of the complaints made by the clerks who are not going to receive any benefit under this amendment. There must be at least a thousand of them, are there not, I will ask the Senator from Wyoming?

Mr. WARREN. There are some seven hundred and odd, I will say to the Senator.

Mr. SMOOT. That is, there are a thousand altogether?

Mr. WARREN. I do not think there are so many.

Mr. SMOOT. There are not far from that number.

Mr. WARREN. There are about 700 altogether.

Mr. SMOOT. And the 200 here would make 900 clerks.

Mr. WARREN. No; I repeat there are about 700 altogether.

Mr. BRADY. My information leads me to believe that the best clerks are sent into the field. I may be mistaken about that; but I think when the department sends men out on special service they try to get men who are entirely competent. I think the Senate, on investigation, will ascertain that these clerks do not want to be sent to the field; that they would prefer to stay in the office and take the office allowance rather than to leave their homes and go to the field.

Mr. SMOOT. Mr. President, I think it is a fact that the Quartermaster General tries to send into the field the single men, men whose physical condition will allow them to stand the travel and hardship incident to going wherever they are sent. I think that is the truth of the matter; but so far as the qualifications of the clerks are concerned, I think the information I have is correct, that the very best clerks in the Quartermaster Corps are kept in the permanent stations because of the fact that the heads of divisions must have competent clerks to do the work that is required in the office.

Mr. WARREN. And they are of the class now receiving the highest pay.

Mr. CHAMBERLAIN. Mr. President, I understand the Senator has very kindly consented to withdraw the amendment and to leave the matter to the conferees. I desire, however, to ask that the amount in line 13, on page 16, be changed from "\$19,650" to "\$53,742," and that the amount in line 11, on page 17, be reduced from "\$151,000" to "\$67,600," making quite a reduction in the two items.

I move, first, in line 13, on page 16, to strike out "\$19,650" and to insert "\$53,742."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. CHAMBERLAIN. Then, in line 11, on page 17, I move to amend the committee amendment by striking out "\$151,000" and inserting "\$67,600."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

The question now is on agreeing to the committee amendment on page 17, beginning in line 1 and ending in line 11, as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. On page 43, line 20, it is proposed to amend the committee amendment by striking out "\$20,280,000" and inserting "\$16,000,000."

Mr. CHAMBERLAIN. I ask that that be acted upon.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

The next amendment passed over was, on page 66, in the item relative to "ordnance stores, ammunition," in line 13, after the word "manufacture," to insert "and purchase."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment passed over was, on page 90, after line 19, to strike out:

*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. CHAMBERLAIN. The Senator from Massachusetts [Mr. WEEKS] and the Senator from New Jersey [Mr. MARTINE] are interested in that amendment. I see the Senator from New Jersey is present.

Mr. THOMAS. Mr. President, the Senator from Massachusetts [Mr. WEEKS] is interested in that amendment. I do not like to suggest the absence of a quorum, but I think the Senator ought to be here when the amendment is being considered.

Mr. CHAMBERLAIN. I think he will be here in a moment.

Mr. THOMAS. Very well.

Mr. MARTINE of New Jersey. Mr. President, I trust that the amendment of the Senate committee striking out the provi-

sion in the House bill on page 90, beginning in line 20 and ending in line 5, on page 91, will not be agreed to. The amendment of the Senate committee striking out the language of the House would make possible the installation of the so-called time-watch system in factories operated by the Government. Of course we can not prevent the installation and operation of such systems in private institutions, in mills and plants operated by private parties, but to me the whole thought is so barbarous that in my opinion our Government should have no connection with it, but should spurn it and drive it out of every plant under its control. I refer to the system known as the Taylor system.

Mr. Taylor, I believe, at one time was a laborer. He found it wise, for purposes of his own or for the profit of his employer, to inaugurate the so-called Taylor system, which is a time-watch system. We can all tolerate—I can, I know—a time watch being held over a race horse to find out what he may accomplish in a given time; but to have an officer of the Government hold such a watch over a workman in the employ of the Government, a workman who is doing his honest best for his employer, I feel is most humiliating and belittling and contrary to the spirit of American institutions.

I do not believe that the God of humanity breathed the breath of life into man that he should live to work, but that he should work in order to live, and there is a very wide difference between the two.

There was a time in my life when I believed there was no limit to human force. I was thrown upon my own resources very early in life. I was blessed with good health and a fair physique, and I thought there was no limit to human strength. I used to find myself fatigued almost to the limit, but I had the idea—God knows where I got it—that when I was tired I must still persist in toil and get a little more tired. I felt that that was a proper method of disciplining the human frame and disciplining my muscles. I have since learned that I did all that sort of thing at the expense of my general physical health. I believe I was foolish in indulging that thought. I believe there is such a thing to-day as human life wearing out. I used to think it was like a sort of storage battery, that it kept supplying itself; but I have come to realize that that is not the case. I feel that it is an absolute belittlement upon the part of the United States Government to employ a system under which one man shall stand over another man with a time watch in his hand, measure his every movement, and ascertain just how long he may take to put his shovel in a pile of sand and how long it may take him to flit it around in some other direction.

This system, which has been in vogue in some establishments for some time, has come to be denominated "the speeding-up system." That speeding up is desired in order to make dollars, mayhap for an employer, and in some cases the employer may be the United States Government. As I have said, we can not prevent the use of such a system in private institutions, but to speed up a man almost to the verge of collapse I feel is a crime against God and humanity.

An instance came to me within the past few weeks, Mr. President, of a man who has been employed by the Government for the past 20 years as a mail-bag repairer or maker. He was an efficient man and well satisfied with his employment. Finally he was placed under a time watch and was driven on to see how much he could accomplish. The result was that he suffered a mental collapse and was taken to the asylum. I can imagine just such a condition as that. I believe they have worked this system down to a science—

Mr. THOMAS. Mr. President, I am very much interested in the last statement of the Senator. Can he give the name of the employee?

Mr. MARTINE of New Jersey. I can not give his name, but that fact came to my notice in the past two or three weeks.

Mr. THOMAS. Can the Senator give the source of his information? I think if anybody is being worked to that extent in any of the Government plants the facts ought to be known.

Mr. MARTINE of New Jersey. I can not give it now offhand, but I think I can supply that information to the Senator. The employee, as I have said, was driven to the verge of mental collapse and was taken to an asylum.

Mr. THOMAS. Can the Senator say whether that employee was working at Washington or somewhere else?

Mr. MARTINE of New Jersey. He was working for the Government in the manufacture and repair of mail bags.

Mr. THOMAS. In the city of Washington?

Mr. MARTINE of New Jersey. I can not say with certainty as to that; but I understand that mail bags are manufactured and repaired for the Government nowhere else than in the city of Washington. It was such an alarming proposition to me, so cruel and so brutal, that I felt I must mention it.

The idea of Mr. Taylor, embraced in what is called the Taylor system, has been worked down to a science. There are



concerns in the United States which will for money install in any factory or organization the Taylor system. It has been so perfected, I believe, that they compute a human being, a man, as being one-tenth of a horsepower. I think they have succeeded in reducing it to that exactness; and with this process of eternal drill and drive, timing every movement and every action, they force to the last degree the muscles and sinews of men until they become completely worn out.

I believe it is well to accumulate money; but, great God! there is something more than money in human life, in flesh and in blood; and while individuals concerned may utilize such a system, I pray that it may never be employed by the Government of the United States. I can not believe that the Senate will indorse this hateful and inhuman method. When intricate and complex machinery of steel and iron gives out you send it to the scrap heap and melt it up in the melting pot and make a new machine, but when the human organism, when flesh and blood wear out and are brought to the verge of distraction by the steady grind in our furnaces and our mills—when the breadwinner gives out what, I ask, is to become of his family—his wife and his dependent children?

I read with very great interest some little while ago an address delivered, I think, by the cultured Senator from Massachusetts [Mr. Lodge]. I was wonderfully impressed with it; I felt that there was much force and argument in it; but I feel there is nothing in favor of this system except to grind out from the human frame additional dollars. That you may accomplish something more in the way of the production of wealth I will not deny; but you do it at the sacrifice of humanity; you do it at the sacrifice of human strength; and I pray to Heaven that the Senate will disagree to the amendment proposed by the committee, as I have indicated. And I move that the Senate committee amendment, beginning on line 20, on page 90, and ending on line 5, page 91, be disagreed to.

Mr. WEEKS. Mr. President, if the picture which has been held up before us by the Senator from New Jersey were true—

Mr. MARTINE of New Jersey. I think the Senator can not question that it is true.

Mr. WEEKS. If the Senator will do me the honor to listen to me I think I can demonstrate to him that it is not true. If it were true, I assume that there would not be a vote in the Senate in favor of continuing a system such as the Senator has described.

I live within a few miles of the Watertown Arsenal, where the Taylor system was first installed in a Government plant. That system, by the way, is only one of many efficiency systems to-day installed in various plants throughout the country. The Senator has described, first, the holding in the hand of a stop watch to see how much work a man can be forced to do by timing his every move. I will admit that if it were such a system as that, or anything comparable to it, it would be inadvisable from every standpoint; but the stop watch is only an incident in trying to develop a system of doing work which will give greater efficiency and pay the employee more money. It in no way harms him, but decreases the cost of production. That is what I believe is the result of all these systems, and it can be so demonstrated.

The truth of the matter is, Mr. President, that the stop watch is only used to time what a man is doing in a particular movement to try to determine how long it should take an average man to do that particular piece of work. Any of us who will go into a shop or a manufactory and watch workmen will see how easy it is to get greater efficiency from a man in many cases. For example, if a man were going to put a piece of metal in a machine in front of him, and he turned around to the left and picked up that metal and then turned completely around to put it in the machine, it would take more time than if the metal were placed by his side and he could do it in one motion. The watch is used to determine how long a time it takes to put that piece of metal into the machine in the most direct way.

I went through the Ford shops in Detroit not very long ago. They are a marvel of industrial efficiency, I should say. There was one thing particularly which I noticed; that is, that most of the men, or very many of the men, stood at a machine and simply started and stopped it. They did not have to change their positions in any way. The operation was so developed that a man did one thing, and generally he did not have to move more than a foot or two in order to do that thing, especially when they came to assemble the parts of the cars; the material never stopped from the time it was placed on a traveling sidewalk, as you might call it, until somebody jumped into the seat of the car and off it went under its own power. Everything was so systematized that there was not a lost

motion, and I should say there is not a lost motion in that manufacturing establishment. This arrangement makes a tremendous saving in the cost of manufacture; that is exactly what the people at the Watertown Arsenal, and I think now at one or two other arsenals, have undertaken to do in behalf of the Government.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WEEKS. I do.

Mr. JONES. I just wanted to ask the Senator whether they have ever had the stop-watch or the so-called Taylor system in use in the Ford establishment?

Mr. WEEKS. I do not know. I have not any information about that.

Mr. JONES. The chances are that they got this efficiency without the use of that system.

Mr. WEEKS. Whether they use that system or not, there are several similar systems. "Taylor" is but a name. He was an efficiency engineer who died a few years ago. He was the one to develop the first general system of efficiency. You might call him a pioneer in it; but as systems are applied now to the many manufacturing establishments of the United States, that is simply a name which applies to some particular system.

In all cases, however, an attempt is made to get at the time in which an ordinary man should be able to perform a piece of work, and then the average man is asked to perform that work in that time. If he does it in less time, he is given a bonus. In many cases that bonus has amounted to a very considerable amount. In the case of the Watertown Arsenal, Gen. Crozier's report last year shows that practically one-third of the men in the arsenal were receiving bonuses. For instance, the molders received bonuses amounting to 27.62 per cent. Now, the wage in the arsenals, as it is in the navy yards, is based on the average wage in the community about the arsenal or navy yard. So that these men are not getting less pay than are other men in the same employments, but they are getting the same base pay.

Now, mark the benefit which this bonus system brought to the workmen in the Watertown Arsenal. Molders received 27 per cent more; machinists, 24.13 per cent more—164 machinists, or more than one-fourth of all the men employed there; machinists' helpers, 22 per cent; blacksmiths, 19 per cent; blacksmiths' helpers, 21 per cent; molders' helpers, 33 per cent; and so on down through the list. Every single employee, with the exception of one plumber's helper, who was working under the bonus system, received an excess which averaged about 25 per cent more than the average pay of men in his employment in that neighborhood.

Now, you may ask, Why is there opposition to this? The opposition comes very largely through the activity of certain labor leaders.

I think, if I were an artisan, I would belong to the union. I have not any doubt that the union has been of benefit in promoting the interests of laboring men, but I do not think the union labor leaders are always wise, any more than other men are always wise.

They originally opposed the introduction of machinery, or many labor men did, on the theory that it would limit their employment. They opposed the adoption of the piece system in manufacturing, although now I think they agree that it is fair and wise. They oppose this bonus step very largely, in my judgment, because it promotes individualism at the expense of collectivism. It gives a man the benefit of his skill and industry, which no one can deny he should be given.

All men are not born equal. All artisans and all employees of that character are not born equal. One man may have 50 per cent more capacity than another in the same employment. Under those circumstances, why should we say to the better man, "You shall not earn more money, but you must earn exactly what the man who is not your equal earns"?

In our Government employment we encourage men in other ways and in other places by giving them some kind of a premium. For example, we give a prize for excellence in gunnery; we give a prize for target practice and for efficiency in steaming. We give a prize in the shape of some kind of additional compensation in the Post Office Department if a man develops some time-saving apparatus. This is comparable to that general system which we are discussing to give efficiency some reward.

I remember, when I was mayor of the city of which I am a resident, that an attempt was made to determine a scientific scheme for cleaning the streets. Men had been employed in groups in doing this work. It seemed to me that if a man were given charge of a section and made responsible for the care of that section, it would benefit the city and would not add any-

thing to the burden of the men. So we took several men and had them do a section, practically timed them, to determine how much street space an average man could keep clean. After doing that we did not take space cleaned by the best man; we took space cleaned by the average man as a basis. Then we divided the city into sections, and each man kept his section in order. Some men would do it in seven hours. It took some men seven and a half hours to do the same amount of work, and other men eight hours; but there was no injustice or unfairness, any more than there is in this system employed at our arsenals. There is no complaint made that there is injustice or unfairness. The only complaint made is that we are introducing a system which will reduce the cost of production by using the best methods.

Now, what kind of a position are we going to be in when this European war is over, Mr. President, if we are to say to our people, "You shall not adopt efficient methods"? We know that Germany, for example, has developed itself and its people enormously, because they have done just that thing. At the end of the war we are going to see millions of thoroughly trained men return to industrial pursuits, in addition to the competition which we are meeting to-day; and I believe that if the very leaders in labor circles who are in favor of this general legislation known as the Tavenner bill would take into consideration the broad problem of competition with European workmen they themselves would be in favor of the adoption of this system as it has been carried out at Watertown.

When the system was new in Watertown, living near the arsenal, and the arsenal being located in my congressional district, I frequently used to hear from the men in complaint of this or that other item in its operation. Many of those complaints were corrected. I still live in the same place near where the arsenal is located, and yet I do not think I have had a complaint from the men employed there for three years, and there never was any complaint that there was any unfairness shown to the men, but there was a fear that they were going to be worked beyond a normal capacity. I think that feeling has entirely disappeared.

I have letters here, which I will read or put in the Record, from employees of the arsenal, in which they say that they are entirely satisfied with what is being done, and they believe that the great majority of the men there, if they were left to themselves, would express satisfaction and gratification. The manufacturing interests of the whole country, the engineering interests of the country, the trade organizations of the country, are unanimously opposed to the injection into legislation of this so-called Tavenner bill. The only opposition comes from the source which I have suggested.

As I have said, the pay of the men thus employed has been increased from 25 to 30 per cent. It is not possible that all men can work on the bonus system, because all kinds of work can not be so subdivided that it can be done. Only about one-half of the men at the Watertown Arsenal work on the bonus plan.

Last year there was a petition from the Frankford Arsenal, located near Philadelphia, signed by some 400 workmen who were employed under this system, urging that legislation should not be passed to destroy it. I have just been speaking about European competition. I happened to see in this morning's paper a statement by Mr. Secretary Redfield, in which he talks about a reduction in the cost of living. He says:

It should be understood that the price of each particular article, whether food or other material, is governed by its own peculiar conditions. While the summit has been reached on all the articles, I think, the drop in prices will be more rapid with some than with others.

There is a general tendency, I find, among the manufacturers of the country to install methods of greater efficiency, which, of course, tends to produce more. With greater production, therefore, it must follow naturally that there will be a reduction in cost.

In other words, the Secretary of Commerce, who himself was a member of a congressional commission to investigate this condition at the Watertown Arsenal, and who reported that it was inadvisable to discontinue the system then in vogue, says that the manufacturers of this country have installed such methods of efficiency in their plants that they can reduce the cost of living, thereby benefiting all the citizens of the United States. I remember that in a political campaign a year or two ago he came into New England and criticized manufacturers for asking for protection, saying that if they would adopt the efficiency methods which prevail in Europe, in his opinion, there would be no justification for asking for protection. Of course, I do not subscribe to his protection theory; but now he tells us that there have been such efficiency methods introduced that it will result in a lessening of the cost and bring an increase of production at the same plant.

I have suggested, Mr. President, that there is universal approval of this efficiency system in all other walks of life than those represented by a few labor leaders. That includes engineers, manufacturers, and business men of all kinds. Let me read three or four of these opinions, just as an example view which these people take of efficiency methods. I will not bore the Senate by reading many, but I have several hundred letters here relating to this subject, all of the same general tenor.

Here is one from Mr. Elmer A. Sperry, a member of Secretary Daniels's Naval Consulting Board. He says:

I have received yours of the 19th with inclosures calling my attention to the Tavenner and Van Dyke bills. To my mind these measures if carried into effect would work great harm and injustice. I have not only been an employer of skilled labor for 35 years, but I have always been a great admirer of skilled mechanics and good workmen, and have spent much of my life in close contact with them. My aim has always been to recognize and reward meritorious service in every line. Nothing gives me greater pleasure than to see my men advance and receive more remuneration in recognition of extra effort and devotion to their tasks. In my judgment all attempts, such as are represented in these bills, to smother and do away with proper reward for increased skill and efficiency are not only against all reason but pernicious in the extreme. I know by personal experience that proper incentive for achievement is a wonderful stimulus to performance, and I believe this to be true in the case of every man, regardless of his calling.

This is one from another of Secretary Daniels's Naval Consulting Board, Frank J. Sprague, one of the leading electrical engineers of the United States. He says:

I can conceive of no more objectionable or injurious legislation than that proposed by Tavenner bill, H. R. 8665, and Van Dyke bill, H. R. 8677, opposing scientific management and efficient operation in shop management.

These bills represent the most vicious type of class legislation. They are founded on an utterly false assumption as to the relative celerity of the American workman and the foreign one, and the inevitable result would be to augment the already excessive cost of Government-made products.

At this time, when the greatest war in history has been unduly prolonged, with all the resultant sacrifice of life and property by the early demonstrated inefficiency in production on the part of the allies, these bills represent the most serious blow against national efficiency and preparedness against national disaster.

Here is an interesting letter from the Clothcraft Shops, Cleveland, Ohio. It takes up various phases of this question as applied to the health and the happiness of the laboring man, and, incidentally, to the possibility of accident. It has been claimed that men were speeded up and machines were speeded up until the liability to accident was very much greater than under the methods which ordinarily prevail. I think I can show that that is not true; at least, I have the testimony of many employers here to the effect that just the contrary is true. As to the health of the employees, there are numerous letters in this collection which say that on the average the health of the employees operating under this system has been demonstrated to be better than under the system which prevails elsewhere. Therefore, instead of being a detriment to the happiness of employees and a detriment to their health or a possible breeder of accidents, that charge would seem to fall to the ground. This man says, speaking of the happiness of the worker:

The happiness of the worker: The happiness and contentment of the worker has been materially improved. The knowledge of not only unimpeded opportunity but also of definite standards and other conditions under which they work, and the sure and high rewards which they receive, together with the entire change of attitude from old order of things, has made for us a body of workers that are not only above the average in spirit but whose apparent happiness has been remarked about by everyone. Time and again it has been stated by investigators and visitors that the group of workers in this plant are the happiest and most contented group of people they have ever seen anywhere. This change of attitude has been due entirely to the principle of cooperation based upon the mutuality of interests. Unhappiness is only experienced at such times when the workers think that there might be a change of conditions under which they work.

Then he speaks of the matter of health:

The health of the worker is not only apparent but has improved under the new order of things to such a degree as to be almost remarkable. The healthy appearance has not only caused remark by everyone who has seen our workers, but carefully kept medical records of follow-up show that the average state of health is far above that of the average in the community. This is definitely shown by the record of absentees for the first six months of 1915; the total number of absentees per day from all causes whatsoever average only 1.4 per cent of the pay roll.

Accidents, while never of serious nature, formerly were quite numerous. They have been reduced to practically nil, chiefly by the improved methods of instruction.

The wages of the workers have not only gone up to a far greater extent than in otherwise managed organizations and in the trade in general, but have increased enormously under the present type of management, and directly due to a fair basis and fair standards of requirement, standards being made possible by means of stop watch and other modes of scientific research.

Now I want to call the attention of the Senate to two or three letters from those whose particular business it is to teach scientific methods. This is a letter from the director of the



Amos Tuck School of Administration and Finance in Dartmouth College, H. S. Person, in which he says:

I have never been in charge of an industrial plant, nor have I practiced management engineering; therefore what I have to say is not based upon that sort of experience. I have, however, in order to acquaint myself with scientific management for the purpose of instruction, visited many plants, talked with workmen, and made observations, particularly with respect to the effect of scientific management upon the workman. My conclusions are as follows with respect to the Taylor system of management, in which is used the stop watch for time study and in which is applied some form of premium or bonus wage payment:

(a) The happiness of the worker is greater than under conventional management.

(b) The health of the worker seems to average better than under conventional management.

(c) The statistical record of accidents shows that they are less under the Taylor system of management.

(d) Wages are greater for a given expenditure of time and energy.

(e) Hours of labor vary in different plants, according to the industry, but for any given industry seem to be less than for the average of that industry.

(f) The output is greater per hour of application of labor.

(g) The unit cost of the product is less than under conventional management.

(h) The quality of product is better than under conventional forms of management, for the reason that its method of inspection eliminates defective work.

I have a similar letter from the man occupying the same relative position at the University of Michigan and a similar letter from the Efficiency Society of New York.

Here is a very interesting letter from an electrical engineer with whom I am well acquainted, a neighbor of mine in Boston, relating to this subject. I want to read part of it, because it has some ideas which I have not noted in other similar letters.

So far as my experience goes in really scientific management, it is nothing more nor less than higher education of the workman, and makes him just as much more valuable to himself as scientifically directed exercise makes a man stronger physically, and to a greater degree than by any other modern invention the workman necessarily receives the greater part of the saving effected.

In relation to the stop watch and the general study for greater efficiency, it seems to me it would be easy to convince any intelligent and honest labor leader that the results of these studies are in every respect exactly the same as the employment of new labor-saving machinery.

It is just as sensible for the workmen to oppose scientific management and the stop watch for increasing production as it would be to oppose the use of any labor-saving machinery.

The one preponderating industrial advantage of the United States over the rest of the world and our ability to pay the highest wages is our greater use of labor-saving machinery and methods.

It must be self-evident to everybody if nothing is made there is nothing to divide, and it is generally true that the greater the amount of production the easier it should be for the workmen to get a reasonable share.

The effect of any restriction of the manner and methods of doing work in case of a great emergency—any limit of the speed of production—might be the determining factor of the contest.

The intense application and study of machinery and methods in my own experience have been known to increase mechanical productions a thousand per cent in a few weeks, and in every case this increased efficiency has gone hand in hand with an increase of the wages of the workmen on the job.

I hope that purely on the basis of the workmen's benefit that no legislation will be passed limiting in any way the employment of efficiency methods in Government work.

Mr. MARTINE of New Jersey. May I ask who is the author of this letter?

Mr. WEEKS. Yes; the person who signed it is Norman Marshall.

Mr. MARTINE of New Jersey. Is he a machinist?

Mr. WEEKS. He is a practical machinist himself. He was employed as such as a younger man, as I recall. He is an electrical engineer now.

Mr. MARTINE of New Jersey. He is not now engaged in the business? He is the boss of the shop, and not an employee?

Mr. WEEKS. He has run a shop. I think he is a consulting engineer now.

Mr. MARTINE of New Jersey. Yes; he is not a practical working mechanic to-day?

Mr. WEEKS. Not to-day; no.

Mr. MARTINE of New Jersey. No; I thought that was the case.

Mr. WEEKS. But I will read some letters from practical working mechanics. I do not wish to take up much time, and I am afraid I am boring the Senate, but I want to demonstrate that there is not a syllable of opposition to this efficiency measure, except from the leaders in the labor field to whom I have referred.

Mr. CUMMINS. Mr. President—

Mr. MARTINE of New Jersey. May I not answer that there is no opposition to my proposition except from a few wealthy employers?

Mr. WEEKS. Mr. President, I am going to read some letters from employees in the Watertown Arsenal, and employees in

other plants where this system is in operation, in which they say that it gives entire approval.

Mr. REED. Will the Senator also, at the same time, read from the House report showing that Gen. Crozier practically extorted some of those letters?

Mr. WEEKS. I will not read that. I will let the Senator from Missouri read it, if he cares to, in his time.

Mr. REED. I shall be glad to submit it.

Mr. WEEKS. I do not believe Gen. Crozier ever extorted anything from anybody, but the House report may have so stated.

Mr. CUMMINS. Mr. President—

Mr. WEEKS. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not think the Senator from Massachusetts is boring the Senate. I think he is giving his view of a very important subject, and it is much more fundamental than has hitherto been suggested. I want the Senator from Massachusetts to give the Senate some information along this line before he reads the letter that he has in view.

The Taylor system of efficiency, or any other system of efficiency of that character, embraces a great many other things than a stop watch or a bonus?

Mr. WEEKS. Yes. A stop watch is only an incident to the system.

Mr. CUMMINS. Now, I want the Senator from Massachusetts to tell the Senate just what the stop watch is used for and just how the employees secure the bonus or reward which is proposed to be prohibited by the House bill.

Mr. MARTINE of New Jersey. The Senate bill.

Mr. CUMMINS. I do not think the laboring men of this country are opposed to systems of efficiency, but a great many of them are opposed to the stop watch used for the purposes for which it is used.

Mr. WEEKS. Let me ask the Senator right there what does he understand the stop watch is used for?

Mr. CUMMINS. I am asking the Senator from Massachusetts, and I would be very glad to have his view of it before I express my own. He is on the floor and I would like to have him expound the subject first.

Mr. WEEKS. I will do that, Mr. President, with great pleasure. Let us suppose that a man is making some kind of a machine tool and is employed in the Watertown Arsenal for that purpose. The raw material might be over in that corner of the room. One of the first studies made would be whether if that man walked to the corner of the room and brought his material to his machine and put it in the machine the loss of time in bringing the material there was sufficient to warrant the employment of a helper, a lower-priced man. Then there would be the manner of carrying the product after it went through his machine to the next machine in which it was treated, and then to the next machine, the locations of each of those machines so that there should be no turning back and no change in the general course of the material on the way to completion. All of those things are carefully studied out before the watch is used at all.

It takes much longer to stoop and pick up material and put it in a machine than it would if the material were placed on a level so that the employee would not have to stoop at all. All those things are matters that are included in the preliminary studies.

As an illustration, in a report made on this subject relating to women sewing, if there were a dozen sewing it might produce a saving if one expert woman threaded the needles, and, again, to determine how long the thread should be. Of course it goes without saying if at every stitch a woman takes she draws her arm to its full length, she would not take as many stitches as she would if the thread were 15 inches long or 18 inches long. There is some length which can be given that thread to get the greatest and most efficient result.

All those things are simply studies that are undertaken before the watch is used. Then, having worked out all these primary processes, Blank is selected to go ahead and do the process under the system which has been developed which would prevent any waste in time in the methods of handling material, and so forth. How long it takes Blank to do it is ascertained, and then another man is brought in, and there is where the stop watch is used. First A, then B, then C, then D, then E, will do that very same thing in exactly the same way.

Now, if they are average men, and it takes, we will say, 200 minutes for them to complete the process, it is assumed that 200 minutes is the fair time for the average man to do that piece of work. There the watch stops.

Let us suppose that F comes in and does the same piece of work in 170 minutes. Then F gets the benefit of the difference.

The only objection that I can see to the method used at Watertown is that the workmen did not get all the benefit over and

above what the average man can produce. For instance, as I recall it, we will say that 20 minutes of the time under 200 minutes is taken by the Government, and if he produced a result in 160 minutes then he got the bonus that went with the 20 minutes between 160 and 180 minutes. In many cases the reduction in time was very materially greater than that. In some cases the men added 50 per cent to their average wage under this bonus system.

But the stop watch is not used after they determine what an average man can do.

While I do not know, and I do not want to state it as a final proposition, I doubt if the stop watch has been used in the Watertown Arsenal for two years, or that there has been any occasion for it. It may have been used in some new process that was being undertaken. Practically speaking, it is not used, and I have related the only purpose it is used for.

It has been heralded abroad that the stop watch was used to find out what could be done with the man who may have the greatest speed, and then somebody stood over others with a watch to see if they could make that speed, and that that is the common practice. There is nothing of that kind done. It is simply used to determine the average time it takes an average man to perform a given piece of work.

Mr. MARTINE of New Jersey. Will the Senator permit me a moment?

Mr. WEEKS. Yes.

Mr. MARTINE of New Jersey. The Ford operation the Senator instanced I saw carried out at the San Francisco Fair. That was an advertisement of the company to show that they could assemble machinery, I think, every 10 minutes. I saw them start with the wheels on a double platform, and one would drop out and another man would go on. It was an advertisement for the Ford Manufacturing Co., but that human flesh was strained to a degree in order to accomplish it no one could have stood by for a single moment without admitting it to be the fact.

Mr. WEEKS. I walked along with those men during the assembling of that car or the assembling of a dozen cars. I was tremendously interested in the manner of the assembling of those cars. It seemed to me to be about the finest piece of efficiency I had ever seen, and to say that any man was hurried is absolutely untrue.

Mr. MARTINE of New Jersey. I do not say they were hurried, but I think the Senator or myself with our rotund capacity would have been very much hurried.

Mr. REED. Mr. President—

Mr. WEEKS. I yield to the Senator from Missouri.

Mr. REED. The Senator is discussing the method of assembling the Ford car. I ask him if he means to say to us that the Taylor system is in vogue in the Ford factories?

Mr. WEEKS. I do not know that it is the Taylor system, or the Brown system, or the White system, or the Black system; but it is a system that takes account of the waste of a single movement.

Mr. REED. Does it appear that that is the method we are now discussing, or is it merely a method that has been devised in Mr. Ford's shops for the assembling of his cars?

Mr. WEEKS. I am sure I do not know what the name of the system is, but it is a system, an orderly way of procedure.

Mr. REED. Then the Senator is merely discussing the question of organized efficiency and not professing to tell us that the system in the Ford factory is the system it is proposed to prohibit or encourage, as the case may be, by this bill.

Mr. WEEKS. I am discussing efficiency. Mr. Taylor is dead. He went to his reward years ago. I do not know that his system is being used or where it is being used. I do not know anything about it. I am talking about efficiency.

Mr. THOMAS. Will the Senator yield to me for a moment? I should like to inquire of the Senator from Missouri whether the construction of the proviso which is under consideration is that it applies only to the Taylor system. My reading of it is that it prohibits the use of any system and all systems.

Mr. REED. My understanding is that the House amendment is intended to have a practical application to the conditions existing in at least one of the arsenals where a system that is either the Taylor system or a modification of the Taylor system has been installed by which some alleged expert determines how long it ought to take a man to do a particular piece of work, and thereupon he is set at that work and when the time has elapsed within which under the order of this expert the work shall be concluded, the watch that is keeping the time of the workman is stopped, so that he gets no credit for any time beyond that period. I understand that to be the stop-watch method, and that that method is in vogue in one of the arsenals, and to stop that the House put in the provision which the Senate committee proposes to strike out.

Mr. THOMAS. That is my understanding.

Mr. WEEKS. I have just stated, I do not know whether the Senator from Missouri heard me, that I doubt very much except possibly in some new study whether the stop watch has been used at the Watertown Arsenal for two years. I have not heard of its being done, though it is possible it has been done.

Mr. REED. Let me add, if the Senator will pardon me, if the stop watch is not being used in any of these arsenals, and if the bill as it came from the House provides that the stop watch shall not be used, it will change nothing if we leave it in the bill as the House wrote it; it will change no condition. There is manifestly an object in striking out the House provision, and there is likewise an object in the Senator's speech.

Mr. WEEKS. Undoubtedly; and if the Senator will be good enough to listen I will tell him what the reason is. New processes are undertaken all the time in arsenals, some new piece of machinery or some new tool is to be manufactured in a different form than the article that was previously manufactured. It is necessary to determine the time that it should require to manufacture it. So in that case a stop watch might be used.

Then again, this system has not been installed in the Rock Island Arsenal or in the Watervliet Arsenal, and only to a minor extent in other arsenals. If it works well at Watertown, of course, it is desirable that it should be installed elsewhere.

Mr. REED. The Senator has just said that they did not have it at Watertown.

Mr. WEEKS. I said to the Senator that they had had it at the Watertown Arsenal, and they had determined the time it will require to do these processes, and having done so it was not necessary to use the stop watch in those processes which had been examined and the time determined.

Now, I will yield to the Senator from Iowa.

Mr. CUMMINS. I rose to remark to the Senator from Massachusetts, as far as the particular proviso is concerned in its relation to the stop watch it would have very little effect anyhow, because it simply suspends the pay of the officer holding the stop watch while he is holding it, and that would be a very immaterial matter. But I think the spirit of the proviso goes much further and is directed against the system. I want to consider it from that point of view rather than from the technical interpretation of the proviso itself.

Mr. WEEKS. I think it should be so considered. I think the stop watch has been worked overtime in the criticism of this system.

Mr. CUMMINS. The Senator from Massachusetts has about the same understanding I have of the office of a stop watch under this system. The evil, of course, if there is an evil, is not in the preliminary efficiency arrangement so that there will be the least possible movement or least possible unnecessary movement. The labor leaders with whom I am acquainted at least have no objection to efficiency in its most pronounced form. They have no objection to so adjusting all the parts of a factory that there will be the least possible loss of energy.

However, I want the Senator's opinion on this point, because I am really looking for light. The difficulty is in the erection of a standard for wages. It is in the attempt to arrive at an average man's work. I do not think that can be done. I think the whole purpose and effect will certainly be to hold every man to a higher standard than the average man is capable of reaching.

Mr. WEEKS. Now, let me ask the Senator a question. What does the Senator think of this as an answer to that proposition? Substantially every man who works under the bonus system at the Watertown Arsenal makes a bonus over and above what is considered an average man's work. The average increase is about 25 per cent; in some cases as much as 50 per cent. If the average man is overworked, how is it possible that all these people can earn more money?

Mr. CUMMINS. That might very easily be explained by the efficiency readjustment, scientifically arranging the work for the men.

Mr. WEEKS. That efficiency readjustment is made as far as possible before the time is set.

Mr. CUMMINS. Precisely, and therefore the stop watch is absolutely unnecessary to accomplish those reforms. It can be used and is used for no other purpose than to erect a high standard, which, I am told—I have no practical experience—no man can reach.

Mr. WEEKS. There is not a man in the Watertown Arsenal, except one or two plumbers' helpers, who does not get it.

Mr. CUMMINS. That is greatly to the credit of the superintendent. He must be a very humane man. That is not true, I am sure, generally where the system is in vogue.

Mr. WEEKS. Let me suggest this to the Senator from Iowa. Suppose he wants to determine how long it would take a man



to mow an acre of ground, how will he arrive at the time an average man would take to mow an acre of grass unless he uses a watch?

Mr. CUMMINS. There is no such thing as an average time it would take for a man to mow an acre of grass. If you would have two men and they would each mow an acre of grass, the same kind of grass and the same kind of ground, you could of course divide the aggregate time by two and get an average. If you employ 100 men or 500 men in order to get anything like an average time—

Mr. WEEKS. That is not an absolutely accurate statement. Half a dozen men would come pretty near it in the average time.

Mr. NORRIS. I should like, if the Senator will permit me, to ask the Senator from Idaho to what report he referred?

Mr. BORAH. I referred to the hearings before the Committee on Labor.

Mr. NORRIS. Is that the Committee on Labor of the Senate?

Mr. BORAH. No; the Committee on Labor of the House.

Mr. NORRIS. In what year?

Mr. BORAH. In the year 1916—under date of March 30 to April 1, 1916.

Mr. WEEKS. Mr. President, I am going to read some letters that I have received from employees, which other Senators may have received, and entirely without solicitation on my part. I do not know the writers of such letters in any case, with one exception; but I wish to read what they say about this efficiency system. The first letter I shall read is as follows:

90 PROSPECT STREET,  
Somerville, Mass., April 28, 1916.

Hon. JOHN W. WEEKS,  
United States Senator, Washington, D. C.

DEAR SIR: I take this opportunity to write you, hoping that in so doing I may be able to give you some information that will be of help to you when the honorable body of which you are a member is called to pass judgment upon it.

I refer to the bill about to be introduced in Congress by Congressman TAVENNER, of Illinois, seeking to abolish the system as applied at the Watertown Arsenal. To interfere in any way with the present existing conditions would be a serious blow, both to the management who, by the present system, is enabled to keep and refer to records, a privilege enjoyed by outside competing firms, and a great financial loss to the employees who benefit by it.

During the past year, out of 178 employees, 134 working on a premium basis received 27 per cent over and above their daily rate without any apparent effort other than would be necessary to perform a day's work without the system. While there may be some of the men who, through obligations placed upon them, by what some call "organized effort," do not want to go on record for or against, they sincerely hope that they will be allowed to enjoy the benefits made possible by the premium system.

Trusting that this matter will be considered from every angle, I remain,

Very truly, yours,

JAMES MCFARLAND.

Mr. MARTINE of New Jersey. Who is the writer of that letter?

Mr. WEEKS. He is an employee, I understand, at the Watertown Arsenal. I do not know him; I never saw him. Here is another letter, which is as follows:

16 LADD STREET,  
Watertown, Mass., April 21, 1916.

Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: In February of 1915 I took the liberty of addressing some communications to the Members of Congress upon the question of the abolition of the so called Taylor or premium system, then and at present in force at the United States Arsenal at Watertown, Mass., where I am now and for 20 years past have been employed as a machinist. The opponents of the present premium system were not successful in that attempt to abolish it, and we have continued to enjoy its benefits from that time to the present.

Another attempt, however, is now being made to deprive us of the benefit of this premium system, and it is for the purpose of enlisting your voice and vote in favor of the system and for the benefit of those of us, by far the majority of the employees of the Arsenal, who have prospered under the beneficent provisions of the premium system that I now address you.

Permit me, therefore, to briefly set forth some of the facts concerning the situation as I know it to exist at the Watertown Arsenal. There is at present employed about 178 machinists; of this number 134 are working under and are in favor of retaining the present premium system.

The balance of the employees are largely in favor of retaining the present systems, but for personal reasons do not wish to take an active part in an effort to retain it or to be openly identified as its supporters. A very small part of the present working force desire the abolition of the present system.

I am not going to state the reasons why this small minority runs counter to the wishes of the great majority of the employees. Their reasons for so doing might be ascertained.

In common with the others who are in favor of the present system, I have been able to earn an average of 27 per cent over ordinary wages, and that, too, without feeling that I have at all overworked myself. I desire, as do the other employees who desire that the present system be retained, to spend my time while in the shop in an earnest effort to render a good day's service for a good day's wage and to reap the benefit that comes to me as a result of the system now in vogue by continued, conscientious effort. I do not feel at all as if I were a slave driven to my utmost endeavor by a hard-hearted taskmaster; rather do I enjoy my work, conscious that by its fair performance and possibly

a little added effort I may win the prize which will more than compensate me for any extra care or diligence that I may exercise. I have been reaping these benefits since the installation of this premium system, and I desire for the benefit of myself and my family to continue to reap them in the future; and I feel, as does a great majority of my coworkers, that the right to earn these premiums should not be taken from us arbitrarily upon the invitation of a few men who are either ignorant or of entirely misinformed regarding this matter which so vitally concerns the interest of the workers at this Arsenal. There is, save for the discontent of these few men, a feeling of harmony existing at the Watertown Arsenal between those in authority and the workers which is unsurpassed, I believe, in any other governmental or private institution in the country. These relations will be shattered if the present system is abolished, and they ought not, I respectfully submit, to be disturbed.

Under the present system the records of the men are open to the inspection of those who have the right to see them, and each individual is assured that his earning capacity is limited only by the length of the working-day and his own faithfulness and diligence.

You will not find among those who desire the abolition of the present system any of the employees who have, by faithful work, earned and merited substantial premiums, but you will find among the agitators for the destruction of the present situation those who have not earned premiums and who are contented seemingly to do as little for their day's wages as they possibly can do and retain their positions. In these days "efficiency," which, after all, means common sense and skill applied to the task in hand and lack of waste in its performance, is a slogan of all industrial concerns. Private enterprises employ efficiency experts to advise employers, not so much on the question of speeding up the workers as of conserving the workers' energies and directing them intelligently to the end that greater production may be had. If the wishes of the opponents of the present premium system are heeded and the system itself abolished, the Government will find itself, in competition with private enterprises, unable to compete with them in the open market, because of the better conditions which obtain in private shops and the lack of incentive in governmental shops to the worker to give the best that there is in him, skillfully, energetically, and cheerfully.

We produce at the Watertown Arsenal under the conditions which now obtain in a manner and to an extent second to none under normal conditions. I predict that if the present system is abolished the best men, the ambitious men, will leave the governmental employ and will seek other fields where their skill and fidelity will be recognized and more worthily compensated. At the Watertown Arsenal we have no real grievances.

If the workers individually or collectively feel that they have a grievance they are encouraged by those in authority to make that grievance known. If it is a just one, it is remedied; if it is unjust, the injustice of it is pointed out and the men are ordinarily satisfied.

This spirit of helpful cooperation will be destroyed, in my judgment, by the abolition of the present system.

I have never known conditions, during my 20 years of service in the Watertown Arsenal, to be as satisfactory as a whole to the workers as they have been during the past four years, during which time we have worked under the premium system.

For these reasons I appeal to you to work to sustain and keep in force the present premium system of wages in the shops of the Government. The basis of the pending bill to abolish this system can not be an intimate knowledge of what it accomplished, and I respectfully submit that its passage would destroy the great benefits which we now enjoy, would take away from us the worthy ambition which we now possess, and would be a grave wrong, since it would, by reducing our income, seriously affect our future welfare, our happiness, and that of those dependent upon us.

Respectfully, yours,

JOHN DRISCOLL.

Mr. CUMMINS. Mr. President, I ask to whom the letter which the Senator from Massachusetts has just read is addressed?

Mr. WEEKS. That letter is addressed to me, and the previous letter also was addressed to me. I do not know the writer of the previous letter at all. I have here some additional letters—

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. WEEKS. Yes.

Mr. GALLINGER. I took occasion a little time ago to print in the Record numerous letters from individuals, most of them employees, on this subject, and I have since then received other letters which I have not presented. Personally I have felt that the effort to abolish this system was a mistaken movement, along the line of making the least efficient man the standard for all the others; and I do not think that is good policy. I think the men who are opposing this are making a great mistake so far as the interests of the workmen are concerned.

Mr. CUMMINS. Mr. President, may I ask a question just on that point?

Mr. WEEKS. Yes.

Mr. CUMMINS. The letter which has just been read indicates a very emphatic approval of the bonus system; that is, these employees, I take it, are working by the piece?

Mr. WEEKS. Not by the piece at all, but by the bonus system, which is an entirely different process.

Mr. CUMMINS. I can not quite understand that, because if they are given a bonus it must be because they have turned out during the day more than the standard required.

Mr. WEEKS. The difference is that the piece system pays a man so much for doing a certain piece of work, for instance, making a tool or something of that sort, while the bonus system pays him a premium for completing a process within a particular time.

Mr. CUMMINS. Precisely, but when he finishes his day's work, according to the standard, he has accomplished so much; it does not make any difference whether you call it by the piece or not, and if he has done 27 per cent more than the standard requires, he gets 27 per cent more pay than has been fixed for the product of a day's work.

Mr. WEEKS. Yes.

Mr. CUMMINS. The Senator must see that the stop watch is not at all essential and necessary to the operation of a system like that.

Mr. WEEKS. I am not making any advocacy of the stop watch or any other particular part of this system, but I think the stop watch is one of the incidents which it is desirable to use in arranging the system.

Mr. CUMMINS. Mr. President, that system has been in force for 50 years to my knowledge—

Mr. WEEKS. The piece system?

Mr. CUMMINS. Without ever calling it an efficiency system; that is, paying a man according to the work he does during the day, instead of paying him a certain wage for the entire day. That is as old as the hills.

Mr. WEEKS. I think I will not take any further time to distinguish between the piece system and the bonus system, although there is quite a marked difference in the results obtained. I understand that organized labor does not object to the piece system as operated under the method which the Senator suggests he has known about.

Mr. CUMMINS. I do not want the Senator to misunderstand me. I recognize the difference between the piece system and the bonus system, although they are founded upon the same principle. For instance, my father was a carpenter, and when I was a young man I was a carpenter, too, but any man who hired the two of us would pay him more than he would pay me. Why? Because he could do more work in a day than I could do. That is the bonus system.

Mr. WEEKS. Did the Senator object to that?

Mr. CUMMINS. I did not.

Mr. WEEKS. Then the Senator ought not to object to this system. I do not know whether he does object or not, but he ought not to do so.

Mr. CUMMINS. That does not follow, because I hope we make progress as the years go on; but I am simply using that to illustrate the fact that there is no difference in principle in paying one man more than another, if he is more competent than another, and paying a man by the piece.

Mr. WEEKS. I have here, Mr. President, some other letters from employees. I will read half a dozen of them. These letters were not written to me; they were written to different people, one of them being the secretary of the Scientific Management Society, Mr. W. H. Gruel. The following letter was written to Mr. Ray B. Fraser. It is signed by S. F. Gilla, who, in expressing his views about scientific management, says:

With my experience in scientific management have found a betterment of conditions in S. C. Env. Co. very efficient in labor and produce. With my part of work at time study on task and bonus have found it very interesting and educating.

The old method of payment means just one pay envelope on pay day, while the bonus plan makes a willing worker and puts an extra red envelope into his hands with lots to gain and nothing to lose.

Here is a letter from Pearl Hoey, employed at Hamden, Conn., by the Acme Wire Co. The writer says:

I have been employed by the Acme Wire Co. for the past two years and where the bonus system is used, and I must say I like it very much, as it makes the work very interesting, resulting in increased production for the company and a higher rate for the employee.

It has not in any way interfered with my health, as the time limit is based on a fair average of the operator's skill.

Mr. MARTINE of New Jersey. The writer of that letter is employed in a private plant?

Mr. WEEKS. Yes; in a private plant. Here is a letter signed by H. C. Hawes, who seems to be an employee of the Sewell-Clapp Envelope Co. In the letter he says:

There is no place in scientific management for the lazy man or any one looking for a soft job, but there are good positions made every day for the honest worker, whether he be a laborer or mechanic, and under the task and bonus-payment plan the extra recompense for his extra efforts. I would not have you think from this remark that you are driven or overworked, but, as in our factory, the improved conditions, due entirely to improvements made in the tools and equipment, make an increased production with less effort or work to the employee, whomever he may be; and not that alone, but it opens the way to better positions for men of every phase of employment who can handle themselves in positions of trust and authority.

I can speak without a possible chance of contradiction, of my own position, after showing the engineers that I could work under and with their plans, my position as a foreman under long hours was improved, and I was placed in one of the most responsible positions in our plant and my hours changed from nine and one-half hours to eight hours a day, and giving me the opportunity to increase my earning capacity and my future fixed if I continue to be honest and on the job.

Here is a letter from a man who styles himself a "gang boss." He is from New Haven, Conn., and writes as follows:

As gang boss for the past five years, I have had a very good opportunity to study the conditions of which an operator has to work under, both before and after this system had been installed in this factory, and I am glad to say that I have found every one of my operators to be better satisfied since working under this system. There has also been less strain on the operators and gang boss due to the fact that before this system was installed the gang boss would never know whether his operators were producing enough work to satisfy his employers, and the result would be that he would be pushing them for more work continuously, and as the gang boss has no way of telling just what an operator should produce, all he could do would be to use good judgment. But not so with the stop-watch and bonus system; it is different. The operator knows just what he has to do, and the gang boss also; there is no pushing for work, the operator has plenty of time to do his work in and plenty of fatigue allowance.

My operators also make more money and do not have to work so hard, and the result is that they are healthier, better dressed, and more prosperous, and thereby also become better citizens.

That letter is signed by John George Kries.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator what occasion there was for all these letters being poured in on him?

Mr. WEEKS. They have been collected by various people who are interested in preventing the Senate taking the foolish action which they fear it will take.

Mr. MARTINE of New Jersey. In other words, they have been instigated by people who are interested in perpetuating the Taylor system?

Mr. WEEKS. They are sent here by people who are interested in building up efficiency management in this country.

Mr. MARTINE of New Jersey. And in perpetuating the Taylor system?

Mr. WEEKS. I am not talking about the Taylor system. Some of them do not mention it.

Here is a letter from a man in Whitneyville, Conn. His name is Torvald Hoyer, and he works for the Acme Co. I will not read his entire letter, but just certain paragraphs of it, as follows:

I started to work for a concern that was putting in a bonus system (Taylor system) in 1912. When I started to work the shop was still on daywork basis, and all the jobs were daywork. I was at that time earning \$8 a week, but a few weeks later I was transferred to some part of the shop where they all worked on piecework. After a little experience I could here earn from \$11 to \$13, but when the whistle blew at night I would be all tired out because I started in full speed in the morning and kept it going as long as possible in order to get as big an amount done as possible, but I would always be too tired to go anywhere at night.

After a while the company was ready to put the whole factory on bonus basis, and I started to work after the new system, together with the whole room. At first we did not like it at all, but after a week had passed we all found out that we were not only making the same money and doing the same quantity of work but we never got tired out as we used to, because there was a certain time set to do the operation in, which made us start in with a speed that would enable us to finish the job in time, and by keeping it going with that speed all day we would most of the time produce more than we did after the piecework system without being tired out, and after the bonus system we would always be sure to get at least our day-rate pay, even if we had bad luck with the work or didn't feel good, as we were always paid our day rate even if we didn't make the job in bonus time (the time the operator is allowed for a certain operation). The bonus time was set by a time-study clerk who timed two or three medium operators with a stop watch. He did not only time the whole operation, but he also timed every necessary movement the operator did to do the operation, and by doing so he would get the exact time it would take any medium operator to do the job. On top of that was allowed a certain per cent for lost time, etc., so by any means this was the only fair way to set the time. It was fair to the operator because she or he could be sure that it was the right time for the operation, and it was fair to the company because they were sure to get the work done in the time it ought to be.

There is more of it, but I will not read more. I gave the name of the signer.

Here is a girl named Theresa Godino, who works for the Acme Wire Co., of Hamden, Conn. She says:

I have worked four years at machine work for the Acme Wire Co. The last three years under the Taylor bonus system I have made more money under better conditions than the first year I worked here.

I have worked on piecework in another factory, and I am better satisfied with the bonus system here.

Alma Wetherbee, of New Haven, Conn., says:

In regard to the use of the Taylor system, I want to say that I have worked under the said system for three and one-half years, and like it. As far as its being injurious to the health, I have not found it so; instead, find it gives one more ambition and makes the days shorter.

Hoping that the system will not be discontinued, I remain,  
Yours, truly,

ALMA WETHERBEE.

Here is a girl named Nellie Miller, of South Brewer, Me. She writes this letter to Mr. Keppeler Hall. I do not know who he is.

In December of 1914 we began work under the "Taylor system." Of course, at first we did not favor the system, but I think we were justified, because at that time we were unable to understand its advantages. It was very difficult to figure the time correctly, and as we had been used to working piecework it was quite a matter to get the orders completed on time.



However, as time went on we began to appreciate the "Taylor system" inasmuch that we were able to turn out more work for the company and enjoy a better salary, thereby benefiting both the company and its employees.

Under this scientific management the service department was installed, which includes numerous benefits for us. The working hours have been shortened, the sanitary conditions are much improved, one of the main benefits being derived from a well-equipped hospital and trained nurse. A great deal of pleasure is gotten from the library and sport club, giving the advantages of good reading, wholesome exercise, and a social hour now and then.

I am not going to take the time of the Senate to read any more of those letters. I should like permission to put any of them that I think desirable in the RECORD.

The PRESIDING OFFICER (Mr. HARDWICK in the chair). Without objection, it is so ordered.

(See appendix.)

Mr. WEEKS. I think I have enough communications of that kind, coming from various sources and all of similar tenor, to fill several CONGRESSIONAL RECORDS.

Mr. President, I have taken much more time than I intended in this discussion. I want to say that I have no interest in this matter except to further the Government's interests in the manufacturing enterprises which it undertakes. I think myself that it would be a piece of folly to prevent the Government's adopting the efficient methods which are being adopted by our own manufacturers and which have been so successfully used abroad. Here we are practically compelling the Government to do certain of its manufacturing itself. We have practically provided that it shall build its own ships, for example, at its own navy yards by providing ways and other equipment for that purpose; and if we adopt this proposition, preventing the Government using the methods which have proved efficient elsewhere, we are going to increase tremendously the cost of our Navy and the cost of everything we manufacture for our military establishment. We are not only going to add to the cost, but we are going to delay the obtaining of the material which the Government needs. It is a piece of folly from beginning to end, and I sincerely hope the Senate will not adopt the amendment offered by the Senator from New Jersey.

Mr. WEEKS subsequently said:

Mr. President, I ask permission to include in my remarks a table relating to the men employed under the bonus system in the Watertown Arsenal, and also the paragraph of the bill which was stricken out by the Senate committee amendment.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

	Number employed on premium work.	Average premium over and above regular pay expressed as a percentage of the latter.	Percentage of all the work done which was performed under premium.
Molders.....	9	27.62	72.48
Machinists.....	164	24.13	55.15
Machinist's helpers.....	25	22.29	8.90
Blacksmiths.....	10	19.68	33.39
Blacksmith's helpers.....	11	21.32	30.34
Molder's helpers.....	8	33.16	6.46
Chippers.....	10	31.97	38.97
Laborers.....	31	28.61	22.95
Toolmakers.....	4	20.99	7.13
Machine operators.....	2	17.88	97.51
Screw makers.....	1	35.30	99.75
Machinist's apprentices.....	1	1.90	82.04
Furnace helpers.....	2	27.35	19.25
Apprentice molders.....	1	11.64	57.01
Core makers.....	1	33.33	2.01
Firemen.....	1	25.34	17.35
Steam-hammer drivers.....	1	24.11	39.58
Skilled workmen.....	6	26.98	27.94
Painters.....	4	23.21	31.29
Carpenter's helpers.....	1	43.12	5.75
Carpenters.....	2	27.95	15.78
Toolsmiths.....	2	33.39	18.56
Mason's helpers.....	1	35.97	30.42
Teamsters.....	4	31.26	97.48
Plumber's helpers.....	1	.....	35
Riggers.....	1	32.14	47.28
Skilled laborers.....	1	32.38	14.12
Engineers, locomotive crane.....	1	32.36	47.12
Gang bosses.....	10	10.70	29.43

#### APPENDIX.

Hon. JOHN W. WEEKS. BIRD & SON,  
House of Representatives, Washington, D. C.  
East Walpole, Mass., December 15, 1915.

MY DEAR MR. WEEKS: I hope you will exert your influence against the proposed enactment of a provision requiring the insertion in all Government contracts for material and other work, of a clause stipulating that no work shall be performed under the Taylor and other systems involving time study and premium plans.

Industrial organizations in the past have been largely autocratic. Industrial unrest is a protest against this autocracy of government. Scientific management is the first step toward making more fair and just the relation between the elements that make up the industrial organization.

The world is everywhere working toward democracy. Industrial organizations, somewhat more slowly, are tending the same way. In the political world we suffer from inefficient democracy; but we can stand the strain, and experience will finally show us the way to efficient democracy. In industrial management we have got to jump the period of inefficiency which unformed democratic control would bring. And it is through the application of the principles of scientific management that we are going to leap this gap.

The time study and premium plan of wage payment is an important principle in scientific management, and is a step in the right direction toward giving individuals greater liberty and opportunity to earn what their service demands. From this the inevitable development is toward industrial democracy.

To pass any such provision as is proposed is totally opposed to the spirit of our Government, which should place itself not in opposition to the development of a better chance for the individual in industries and furthering the idea of industrial democracy, but should do everything possible to support it and stand on the side of progress and enlightenment.

Yours, very truly,

CHARLES S. BIRD, JR.

SOUTH WEYMOUTH, MASS., December 24, 1915.

Hon. JOHN W. WEEKS,  
Senate Chamber, Washington, D. C.

DEAR SIR: We wish to enter our protest against, and express ourselves as flatly in opposition to, the bills which presumably will be introduced by the so-called friends of labor, and which will demand special provisions that all kinds of work, etc., placed by the Government, must be contracted for in establishments not conducted under scientific-shop management.

We represent about 325 satisfied employees who are trying to work cooperatively with us to better conditions through the application of scientific-management methods.

It is our belief that any action of the kind under consideration would be a distinct backward step.

Yours, truly,

THE STETSON SHOE CO.  
A. C. HEALD, Treasurer.

HERMANN, AUKAM & Co.,  
Lebanon, Pa., April 27, 1916.

Mr. JOHN W. WEEKS,  
Committee on Military Affairs,  
Washington, D. C.

DEAR SIR: England's recent bitter experience of industrial inefficiency and our own present needs inspire me to protest against the ill-considered efforts to hamper by means of congressional legislation the growth of American industrial leadership. I refer to the attempt to bar the use of stop watches, bonus and premium payment plans, and similar aids to the realization of scientific management from Government plants and Government work. Economic ignorance can be the only excuse for this ultimately futile attempt to turn backward the wheels of progress.

With our minds on the possibilities of our present delicate international situation, and with the knowledge that, scientifically organized and encouraged, American industry now has and will have the markets of the world at its feet, we would do well to reflect on the economic meaning of some of the following facts taken, for example, from the experience of Herrmann, Aukam & Co.'s Lebanon factory, manufacturing handkerchiefs: Production increased 150 per cent within two years, mainly through the application of bonus work and the establishment of standards by means of the stop watch; wages of employees increased in ratios varying from 25 to 150 per cent; continuous employment assured; individual capabilities watched and developed; working conditions bettered—surroundings made more sanitary and cheerful; just treatment of employees assured—possibility of discrimination and oppression eliminated; cost of product being learned and reduced; quality of product greatly bettered—better value delivered to the consumer; service to customers much improved.

The labor turnover among the employees affected by scientific management in our plant is much smaller than among those not affected, meaning that the employees themselves like it. There is a real demand in our plant for the extension of stop-watch methods.

Maximum production of high quality at low cost, going hand in hand with higher wages, good working conditions, and satisfied employees are the net results of scientific management. In their larger aspects these mean American industrial supremacy and freedom from the fear that an international crisis will find manufacturers unready and their workers unwilling, as was the case with England.

Very truly, yours,

D. J. WALSH, JR.

AMERICAN ELECTROCHEMICAL SOCIETY,  
OFFICE OF THE PRESIDENT,  
Niagara Falls, N. Y., July 13, 1916.

#### THE TAVENNER AND VAN DYKE BILLS.

The American Electrochemical Society, through its committee on public relations, wishes to present its earnest protest against the Tavenner bill—H. R. 8665—and the Van Dyke bill—H. R. 8677.

Humanity's progress and welfare are dependent in a great degree on the effective and economical utilization of time and of materials; the reduction of waste in human efforts and in material resources is therefore of first importance.

The watch for the measurement of time is no less important than is the balance for the measurement of materials, and to deprive any branch of industry of either of these instruments would be to place that branch under such a handicap that its welfare must necessarily suffer.

We therefore most earnestly request your best efforts in opposition to such legislation.

FRANCIS A. J. FITZGERALD,  
Chairman.

EDWARD G. ACHESON,  
LAWRENCE ADDICKS,  
L. H. BAEKELAND,  
CHARLES F. BURGESS,

HENRY S. CARHART,  
CARL HERING,  
F. A. LIBBURY,  
WILLIAM H. WALKER,  
W. R. WHITNEY,

Committee on Public Relations, American Electrochemical Society.

ROCHESTER, N. Y., July 5, 1916.

DEAR SENATOR: We are earnestly opposed to the riders attached to military and Post Office appropriation bills which forbid time study and bonus payments.

Everyone concedes that, in general, plants under scientific management (a) work shorter hours and (b) pay higher wages than others. The only real argument against time study and bonus payments apparently is the one that they injure the health of the workman. May we submit some very positive proof to the contrary?

Four and six years ago our employees submitted themselves to physical examination. We discharged no one because of poor health, but we did find a large number who were in very poor physical condition. Now, during these past four and six years we have been developing and extending scientific management. Of those in our employ who four and six years ago were in very poor health 52 were still in our employ in January, 1916, and at that time they were all re-examined. Our doctor, by our health records, is able to show and prove an actual improvement in the health of 51 out of the 52 above mentioned. This record seems astonishing, but it is true, and we have the evidence on file.

It is our sincere belief that scientific management is one of the greatest forces at work considering the real welfare of workers, and that the opposition to it is based on utter misunderstanding.

There has never been a time when efficiency was more needed in the country than now. Why pass antiefficiency legislation at this time? Surely, if bonus payments and time study really prove bad in the end, the Government can act later, as proposed, but why now?

We appeal to you on patriotic grounds and for the good of the workers of this country to oppose this legislation at this period.

Very truly, yours,

GERMAN-AMERICAN BETTON CO.,  
HENRY T. NOYES, Treasurer.

KINAK MOTION PICTURE CO. (INC.),  
New York, January 21, 1916.

A. W. KIMBER, Esq.,  
Secretary Efficiency Society,  
119 West Fortieth Street, New York City.

DEAR SIR: We understand that there is an aggressive labor lobby at Washington which would discredit scientific management and modern factory methods.

We believe that we personally sympathize more keenly with the employee than with the employer, and therefore are disappointed to see anything done that would be to the disadvantage of the employee. It certainly is to a man's own best interest to be paid for what he does; the abuses in our industrial system go back primarily to the fact that a man is not paid for what he does. The keynote to the efficiency plan of management is that a man should be paid for what he does, and next, what he does shall be increased to a larger aggregate and therefore to a larger advantage to himself merely by cutting out the lost motion due to lack of coordination of the parts. Unless the American and the American workman can learn the advantage of team play, he will be lost in the competition with the more efficient forces of the world, for we can never make something out of nothing. When men are brought together in groups the only protection that the individual has against abuses of favoritism, "pulls," and unjust treatment of every kind, is in an individual record of what he himself does, and in the enhancement of the value of his personal contribution by cutting out the wastes and lost motion which avail nobody. Such advantage as there may be in the individual pay roll is fully covered by scientific management.

Very truly, yours,

J. SHIRLEY EATON.

CAMBRIDGE, MASS., July 18, 1916.

HON. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: While I have no doubt that you can be depended on to use your influence in opposition to the Tavenner rider on the Army and Navy appropriation bill, I do want you to know that a great many of the Massachusetts manufacturers are watching this matter with keenest interest and are anxious that you should do everything you possibly can to prevent the passage of this un-American piece of legislation.

I am personally acquainted with a number of workmen at the Watertown Arsenal, and know that these workmen individually are very much in favor of the continuation of the scientific management at that plant, the reason being that they are getting considerably more money than they would under the other condition. The Government is also getting more for its money. In my opinion, this opposition to this method of wage payment is as futile as the breaking up of machinery in the early days of the introduction of machinery.

Yours, truly,

THE BLANCHARD MACHINE CO.,  
WINSLOW BLANCHARD, President.

COMMITTEE OF TEN TO OPPOSE LEGISLATION  
ANTAGONISTIC TO EFFICIENCY IN AMERICAN INDUSTRY,  
New York, July 15, 1916.

HON. JOHN W. WEEKS,  
The Senate, Washington, D. C.

MY DEAR SIR: In connection with the appropriation bills now under consideration, I would like to quote from a letter by Mr. John W. Higgins, president of the Worcester Pressed Steel Co., one of your constituents:

"My personal comment is this: This company has just completed contracts for over 1,000,000 4.5" British howitzer cases without one rejection, and more efficiently, expeditiously, and economically than any arsenal or any other plant in this country. The men earn double or treble their regular wages, through efficiency planning, stop-watch observation, and bonus payments. Twenty-four hours per day, two shifts, i. e. overtime payment, during strikes of five other local plants with 2,500 men out. When the agitators and hundreds of strikers gathered around our plant shouting '8 hours,' our men replied, '10 hours,' and wanted to drive the crowd away by force. We have used these efficiency methods for five years, to mutual satisfaction and freedom from all labor troubles. Our men would not give it up."

I will greatly appreciate if this matter can be called to the attention of the Senate in connection with the Tavenner rider to the naval and Army appropriation bills.

Yours, very truly,

W. HERMAN GREUL, Secretary.

NATIONAL METAL TRADES ASSOCIATION,  
Boston, July 15, 1916.

HON. JOHN W. WEEKS,  
Senator from Massachusetts,  
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: In behalf of this employers' association, I would call to your attention two measures that are now before your honorable body.

The naval appropriation bill, H. R. 15947, as you know, contains that pernicious rider known as the Tavenner rider. The Army bill, H. R. 16460, does not now contain the objectionable amendment.

Regarding these measures which Tavenner and Van Dyke are trying so hard to put through in one form or another, I believe them to be a union-labor movement and thoroughly un-American.

I believe it is the purpose of these riders to prevent the use of the stop watch or other timing device in connection with Government work, and also to prevent the earning of any premium or bonus, in fact, nothing but the flat day wage. The effect of unionism in this direction you have already seen abroad.

Many have the idea that the stop watch is a speeding-up device pure and simple and its use is to drive the worker to the limit of endurance, but the fact remains that it has already increased production, lowered the cost, and increased the workers earnings. The increased wages are a component part of the plan that has made lower costs possible, and in this connection, I would refer you to our neighbor, the Watertown Arsenal, for the details of this statement.

This proposed prevention of the stop watch has a direct connection with the "preparedness" movement so popular and necessary at this time, since it is a fact that admirals and commanders of battleships have told us that the stop watch has been an absolutely essential factor in the improvement of the fighting efficiency of our fleet.

Further and in conclusion, it is a fact that the large sums of money now being made in the machine shops of the country is due to the operation of premium and bonus methods.

Will you do your best to prevent this unjust legislation?

Very truly, yours,

W. W. POOLE, Secretary.

BOSTON, July 11, 1916.

HON. JOHN W. WEEKS,  
Senate Chamber, Washington, D. C.

DEAR SIR: We understand that more or less legislation has already passed the House containing riders or other clauses forbidding the use of time studies or motion studies in the effort to promote effective operation on the part of the workman, rendered possible by a thorough knowledge of the requirements of the "job." These efforts have had to do with so-called "scientific management," but have also had to do with any intelligent study of any human operation.

In our business we make use of this to arrive at the probable time necessary to accomplish duties, and by it are enabled to set tasks well within the capacity of the employee and enable him by well-designed bonus systems not only to make more money for himself but to get more out of apparatus than ignorant, careless, untrained operation could possibly secure.

For the labor unions to interfere with the proper operations of shipyards, machine shops, foundries, and all other well-organized and well-run establishments is to increase the cost of all materials to the Government, to still further strengthen the hands of the labor unions to struggle against it, and, in general, to set back the hands of the clock as regards the intelligent utilization of time and apparatus.

We trust that anything that you can do to investigate this situation and oppose it when the bills are before you will be done in the interest of the manufacturing community of Massachusetts.

Respectfully, yours,

S. D. WARREN & CO.

PACKARD MOTOR CAR CO.,  
Detroit, Mich., June 23, 1916.

HON. JOHN W. WEEKS,  
Washington, D. C.

DEAR SIR: The passage of bill H. R. 8665 will seriously affect the efficiency of Government work. The use of time study in industrial operations is not a hardship upon the worker; it does uncover the slacker and loafer, the drones of our social fabric; and therefore there will be a howl from this class.

Why should the people be taxed to pay men to work at less than their normal efficiency?

Times and rates must be established; why not determine them scientifically, instead of by guess?

Look at the conditions in England—thousands of men sacrificed in the trenches because of the slacker at home, and half of the story has not been told. This is what we face.

There is no function of scientific management that will injure the worker in the slightest degree.

Yours, very truly,

F. F. BEALL, Vice President.

WILLETT, SEARS & CO.,  
Boston, April 14, 1916.

HON. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: I presume that it is entirely unnecessary to urge you to work against such legislation as is contained in the so-called Tavenner bill (H. R. 8665).

I have always been at a loss to understand why anybody in the community should be opposed to increased efficiency in our industries. It seems to me that to-day, more than ever in our history, efficiency is necessary if we are to accept the wonderful opportunities of industry and commerce which are before us. I think that it would be a serious mistake for Congress to ever pass any legislation which in terms or by implication would deter manufacturers from doing all things possible to increase the efficiency of their plants to the reward of their employees and the character of their product. The Tavenner bill is, I think, wrong in principle; and I can not resist so writing to you, although I assume, of course, that on this matter you and I agree.

Very truly, yours,

GEORGE F. WILLETT.



PITTSBURGH, PA., April 17, 1916.

Hon. JOHN W. WEEKS,  
Committee on Military Affairs,

United States Senate, Washington, D. C.

DEAR SIR: We are almost afraid of assailing your manhood by even suggesting that you may vote for the enactment of such a measure, so destructive of efficiency as typified by Tavenner bill, H. R. 8665.

No greater blow could be given to American industry as would result from the enactment of such legislation or restriction of appropriation for efficiency.

Would you in your private life think of such restriction?

Scientific management increases output, lowers cost, and increases the pay of labor and reduces his physical effort. It is effort properly directed.

We will be pleased to have you advise us that you will oppose such scandalous legislation.

Very truly,

UNITED ENGINEERING & FOUNDRY CO.,  
ISAAC W. FRANK, President.EASTERN MANUFACTURING CO.,  
Bangor, Me., April 20, 1916.Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: We understand that there has been presented in Congress a bill known as the Tavenner bill, which aims to make unlawful the use of a stop watch or other time-measuring device in making time studies of any job done by an employee of the United States Government; and prohibits the payment of any cash, premium, or bonus reward in addition to the regular wage.

We are also advised that an effort will be made to insert in the various appropriation bills clauses which would make these practices illegal. A rider to this effect was attached to the Army appropriation bill at the last session of Congress.

This legislation is, of course, aimed at scientific management and other efficiency systems. We realize that it is being urged by people who have the interests of labor at heart; but we know from our own experience and that of other concerns that, far from being inimical to labor, scientific management has achieved benefits in which employees have shared generously.

For the past two years we have been developing in our paper and pulp mills the Taylor system of scientific management. The results thus far obtained have been as follows:

1. Greater production.
2. A reduction in the hours of labor.
3. A large increase in the wages of employees.
4. A better mutual understanding and spirit of cooperation between management and the employees.

We feel that any legislation by Congress tending to curtail similar achievements in Government work is vicious in the extreme, and can only result through a gross misunderstanding of the principles of efficiency or a deliberate attempt on the part of some misguided individuals to hamper the industrial development of the Nation. At this particular time, so critical in many ways, all industry should be afforded every possible encouragement for individual and corporate efficiency as an essential part of national industrial self-defense.

We strongly urge upon you the vital importance of this subject, and trust that you will use your influence and your vote to defeat any measures of this nature that may come before you for consideration.

Yours, very truly,

G. R. OYER,  
Vice President and General Manager.

BOSTON, April 20, 1916.

Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: Our attention has been called to the Tavenner bill, bearing the number H. R. 8665, and now in committee, which is intended to forbid time studies, premiums, or bonuses among employees of the Government, and so to prevent what is known as scientific management. We are convinced that scientific management, rightly used, is a very important aid to efficiency in industry. If therefore Government shops are forbidden its use, not only will the Government be operating at a lower level of efficiency than private establishments, but it will be establishing and maintaining false and retrogressive standards.

We have not known of any evils connected with scientific management in the Government employ that should render advisable any such limitation of the freedom and efficiency of its operating heads.

We hope that your consideration of this subject will lead you to conclusions similar to ours and will cause you to oppose this bill.

Yours, truly,

W. H. McELWAIN CO.,  
J. F. McELWAIN, President.THE HOLTZER-CABOT ELECTRIC CO.,  
Boston, April 8, 1916.Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: The Boston Chamber of Commerce is taking a decided stand in opposition to the Tavenner bill, which will soon come to your attention in Congress, and which, if passed, will make it unlawful for any person in charge of Government employees to make use of any stop watch or other time-measuring device in connection with the work of such employees or to award a bonus or premium in addition to their regular wages.

The effect of this bill, if it becomes a law, will be so far-reaching and will deal such a blow to the economical administration of Government activities and also private concerns that I feel that I must add the protest of the Holtzer-Cabot Electric Co. against the passage of the bill.

To my mind the Tavenner bill is only a forerunner of an attempt on the part of certain labor interests to eliminate all efficiency methods throughout the country. If the present bill passes, next year an attempt will be made to prevent the Government from purchasing from private concerns which employ efficiency methods, which is, in effect, a prohibition of these measures throughout the country.

It is claimed that these efficiency methods result in harm to the workmen through excessive speeding up of their work. This claim is not substantiated by actual results. To verify this statement you may

ask almost any company which has installed one of the various efficiency methods how it has affected the workmen, and the reply will be that the men are turning out more work with less effort, and that they are earning more money for the same length of time of employment without in any way impairing their health.

If this is true, what is the object of the Tavenner bill? There can be only one explanation. The labor interests find that under the efficiency systems the workmen are able to earn more than union wages without undue exertion, and the workmen are therefore not interested in joining the unions. Naturally this reduces the power of the unions and embitters those men employed in plants which do not use the newer methods.

Do you think that the newer methods should be prohibited and business reduced again to the level of those companies who have not taken advantage of these methods? You will admit that such a step would be detrimental to American business and yet the Tavenner bill is leading in exactly that direction.

I do not believe that the thinking class of laborers desire the passage of this bill, and I most earnestly request that you will do your utmost to prevent its being passed.

Any action limiting the accuracy and economy of manufacture can not but impair the efficiency of work of the Government, and by reflection the efficiency of all manufacture. Such impairment of efficiency can not fall to be among the factors increasing the cost of production and living expense.

Very truly, yours,

C. W. HOLTZER.

BOSTON, March 1, 1916.

Hon. JOHN W. WEEKS, M. C.,  
Washington, D. C.

DEAR SIR: We note that a bill has been presented to the House in Congress by Representative TAVENNER, of Illinois, designed to prevent the use of the stop watch and the payment of premium, bonus, or cash reward to any Government employee, and that another bill, H. R. 8677, has been proposed and referred to the Committee on the Post Office and Post Roads, providing that the prohibition of stop watches and premiums in last year's Army bill be extended to all employees of the Post Office Department.

We have used stop watches for making numerous time studies in connection with our work for the past five years, and also set tasks and paid the corresponding bonus or premium to the workmen for doing the work in the time specified. In connection with this we have found that our men much prefer working under the task and bonus system than on day work. This shows that this system makes for the happiness of the worker. We have noticed no ill effects on the health of the worker, and in the majority of cases find it has been improved. Wages have been increased from 25 to 50 per cent, and the hours of labor reduced from 10 to 9 or even 8 hours, while the output has increased from 10 per cent to 50 per cent. In spite of the increase in wages and the reduction of hours, we find a much lower cost for our product, and no decrease in the quality.

In view of the above facts we are strongly opposed to any legislation being passed by Congress which will prohibit the use of stop watches and premiums on any Government work.

Very respectfully,

ABERTHAW CONSTRUCTION CO.,  
By L. C. WASON, President.HOOD RUBBER CO.,  
Watertown, Mass., February 16, 1916.Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: I have been sent the Tavenner bill, introduced by Representative TAVENNER in the House of Representatives.

Such a bill is a direct injury to employer, to employee, and to the public.

Such a bill makes Government work more costly to the Government, and such a bill if applied to us would affect us so adversely as to make it impossible for us to compete.

A manager, a foreman, and a so-called wage earner are all employees. I am an employee as well as an employer.

Every employee is a manager—or should be. Every employee, including myself, must learn or be taught to do his work—his particular job—efficiently, and the more efficient he is the more he earns for himself and his employer.

It's the waste that makes inefficiency, the lack of planning, which is management per se.

Now, every employee—whether bookkeeper, foreman, or wage earner—must be taught his particular job, and if he has to learn it by himself he goes through the same periods of waste and inefficiency that his predecessors have, and there can be no progress under such a system. Wasted effort is harmful to the cost of the job and hurts the earning power of the employee and his employer, and the public pays a higher price.

Time studies show up the waste. They don't increase the work to be done; they either decrease the work or let the same energy be spent in productive work.

The ability of some employees on exactly the same kind of work, paid on a piecework basis, to make \$14 a week while another makes \$16 and another \$17 does not necessarily mean that the \$17-a-week man works harder, but it usually does mean that the \$17-a-week man manages his work better, plans his work better, has his tools and work handler, and time studies help the \$14 and the \$16-a-week man to become a \$17-a-week man, for it is all a question of teaching a man how to do his work easily and efficiently, and the labor cost per cent of the \$17 is less for the employer.

This is plain talk, and when a battleship in a Government yard is only 8 per cent built and the same type of battleship is 30 per cent built in a private-owned yard in the same length of time it's no wonder that Government-built ships cost more (if the proper overhead cost is charged to the cost), and one can only imagine the waste and inefficiency of a Government-owned yard if the employee is not permitted to be taught, if the employee is not allowed to improve his skill, and if the employees are to be allowed to waste their time and strength and energy in producing waste.

A democracy can be efficient only if efficient business systems are installed by managers who manage to cut out the wastage and to teach their employees to cut out the wastage, and no obstacles should

be placed in the path of employer managers or employee managers to prevent a man learning how to produce efficiently and to improve his skill and to save waste.

I therefore protest against such legislation because—

1. Legislation of this character is opposed to best interests of workman and employer.
2. Time studies form the best known method of reaching a fair decision as to what constitutes a day's work and thus furnish an equitable basis for a fair wage.
3. Premium, bonus, and piecework payments are the best known methods of securing to the workman a wage proportional to the amount and quality of the work performed.
4. Its passage will result in higher cost of Government work by eliminating modern methods of management.
5. This will probably precede the effort to attach riders to the appropriation bills prohibiting efficient methods on work performed under the appropriations in shops of contractors for Government work.
6. This company would be unable to bid on any Government supplies.

Yours, very truly,

FREDERIC C. HOOD,  
General Manager.

RIVETT LATHR AND GRINDER CO.,  
Boston, Mass., January 20, 1916.

The Hon. JOHN W. WEEKS,  
Washington, D. C.

DEAR SIR: I have been informed that there is a possibility that an effort may be made to enact legislation which will prohibit the Government from placing orders with manufacturing establishments who make use of so-called "efficiency methods," such as the Taylor system and other similar systems; in other words, it is proposed to extend the provision of the "Deitrick amendment" into the shops of privately owned concerns as well as those which are owned by the Government.

I believe that all employers of labor must pay fair wages and must in every way give their employees fair treatment if they expect to establish a permanently successful business, but workmen must likewise expect to render a reasonable return in services to their employers. If a manufacturer is to run his business successfully and profitably, he must obtain the most efficient workmen that he can for the rate which he pays. It is against efforts of this kind that the exponents of the "Deitrick amendment" have directed their guns. To allow any such provision to be enacted into law, as I understand is now contemplated, would be a terrible blow to the industries of our country. During the present generally prosperous period now prevailing it behooves us to put the manufacturing business of the country on as economical and efficient basis as may be possible, so that our position may be strong enough to stand the strain of duller times.

I sincerely trust that you will vigorously oppose any proposed legislation of this character.

Yours, very truly,

ROBERT F. MORSE, Treasurer.

JANUARY 4, 1916.

HON. RICHARD OLNEY, 2d,  
House of Representatives, Washington, D. C.

MY DEAR MR. OLNEY: Rumor has it that further legislation will be asked for to restrain, more completely than the Dietrick Army appropriation bill rider did, the advancement of scientific management, or any similar kind of efficiency in Government work. Now that you are on the Army Committee, I thought you would be glad to have the manufacturer's viewpoint on this; and I feel very sure, with a knowledge of the facts, that you will use your influence to restrict such further legislation.

I have been particularly interested in watching the development of scientific management in the past at the Watertown Arsenal, under the direction of Col. Wheeler, and had felt that there was the first object lesson in real efficiency in Government manufacture. I am interested in the so-called Taylor form of scientific management in general, and am practicing, or developing, this in this company and in three other unrelated industries of which I am treasurer.

I have felt that attempts, such as have been made through the influence of labor officials, to prevent this form of development in Government work, and their attempts to prevent it by increasing their attack on the use of the stop watch, and of time studies, have been attended with very dangerous and far-reaching results. Those who arbitrarily state that a stop watch should not be used in industries might just as well say that a microscope, graduated balances, or instruments of precision should not be used in analyzing any of the processes of industry.

A stop watch is used as a means of ascertaining the best way of doing work, not, as has been reported, simply for the purpose of driving an employee faster. Factory efficiency is not real efficiency unless it makes the performance of a given task easier for the worker by the elimination of delays, unnecessary movement, and makes possible a better analysis of machine operation.

Some criticism has also been made that the quality of the work suffers; that is, that quality is sacrificed for speed and quantity. My experience in the machine shops that I have observed, as well as in the plants in which I have developed the Taylor system, has proved to me conclusively that at least 60 per cent of the increased output of a plant, due to this system, is due to methods that do not directly affect the workmanship at all. I have yet to see this system developed in any manufacturing company without the result being a distinct improvement in the quality of the work, better working conditions and industrial relations, and lower unit costs.

That scientific management is consistent with the presence of labor unions and collective bargaining is instanced by the fact that the presidents in the four local labor unions connected with the printing industry are all men in our employ and men of exceedingly high standard. Furthermore, our collective agreements with such unions provide for the development of factory efficiency.

I see no reason why Government work should not be done on as efficient lines as private work, provided, of course, liberal wages are paid and no unreasonable exertion required. The present war has illustrated—and particularly in the industrial conditions shown up in England—that England is paying a terrible price for the inefficiency of their mills and factories, and for the complete failure, until just recently, of their ministers to understand industrial operations and industrial relations. The great cry for preparedness seems futile in this country if our Senators and Representatives legislate to make impossible any in-

creased efficiency in Government manufacturing by the best recognized methods to-day, or, what is worse, actually, and without doubt unknowingly, undo the progress which has been made in a few places.

If my belief in the great advantages derived from scientific management can be justified by the facts, is not the attitude of Congress square against progress in efficiency, which our Government should attempt to further? I feel very strongly on this whole matter, as do many other manufacturers, and our concern is that Government action of this kind should be based on what seems to be a misconception of the facts.

Yours, very truly,

THE PLIMPTON PRESS,  
HENRY P. KENDALL, Treasurer.

#### REPORT OF THE SPECIAL COMMITTEE ON PREMIUM SYSTEM IN GOVERNMENT WORK AGAINST THE PROHIBITION OF ECONOMIC ADMINISTRATION IN GOVERNMENT WORKSHOPS.

DECEMBER 14, 1915.

To the executive committee and board of directors:

At the last session of Congress, when the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1916, was under discussion in the House, the following amendment, popularly known as the "Deitrick rider," was proposed:

"Provided, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job or any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operations of any Government plant; and no claim for service performed by any person while violating this proviso shall be allowed."

There was very little, if any, debate on this amendment, and it was adopted by a large majority. It was later rejected by the Senate, but finally restored in conference and is now part of the law. It is not, however, as effective as those interested in its passage intended it to be, since it applies only to the fiscal year ending June 30, 1916, and is not applicable to expenditures from any other appropriations than those contained in the Army bill.

#### EFFECT OF THE DEITRICK AMENDMENT.

All Army officers are paid from the appropriations in this bill, and time studies in the arsenals and other Government establishments in charge of such officers have ceased for this fiscal year; likewise, all premium and bonus payments to workmen have ceased for the same period for all work performed under the same bill.

It appears, however, that while the amendment was probably especially directed against the Watertown Arsenal, in our neighborhood, where considerable progress was being made in industrial and economical development and where the workmen were receiving good premiums in addition to their regular day's wages, the work at this arsenal is practically all done under appropriations contained in the fortifications bill, and therefore the premium payments which were in effect there have been continued.

#### SUPPRESSION OF ECONOMIC ADMINISTRATION.

We have reason to believe, however, that at this session of Congress a more determined and skillfully directed effort will be made to completely suppress any form of economic administration of Government workshops under whatever appropriations the work may be performed and to prohibit all forms of bonus, premium, or piece-rate payments in those shops, thus reducing them to the dead level of the old day-wage systems, with no lawful means of satisfactorily establishing or maintaining any standard of production.

#### PROTEST BY THE CHAMBER.

Upon the recommendation of your committee last February, the chamber made an earnest protest, through New England Senators and Representatives, against the passage of the aforementioned "Deitrick rider," and similar protests were made by many other organizations, including the United States Chamber of Commerce. None of these organizations were, however, advised regarding this movement until near the close of the session, which was a short one, and after the adoption of the amendment by the House, by which time it had gained such headway that the protests, as is known, were not effective.

#### FAR-REACHING EFFECTS OF THE MOVEMENT.

While it has been generally recognized that this rider was the herald of a general movement on the part of a large influence to prohibit, through congressional action, all forms of satisfactory administration and economic performance in Government workshops alone, the rider itself may be taken as the expression of the real attitude of those opponents toward all privately owned shops, in general, and is an indirect step toward the accomplishment of a well-laid plan which now menaces the industrial world. Your committee believes that when the immediate plans regarding Government shops have been consummated, further effort will be made to extend similar prohibitions, in a far-reaching way, to establishments furnishing material or supplies to the Government, to the extent of even prohibiting altogether Government purchases from private plants unless completely operated in accordance with the terms of similar prohibitive special legislation.

#### OPPOSITION IS URGED.

It is in the light of this matter as thus presented that your committee deems it necessary to suggest that the chamber again consider this subject in good season and while there is yet time for proper thought of it on the part of all interested, and that it oppose any form of legislation of the character of that indicated herein.

In this connection it seems appropriate to repeat the following statements, which were included in its report of last February as reasons for opposing the "Deitrick rider":

1. Any action limiting the accuracy and economy of manufacture can not but impair the efficiency of work of the Government and, by reflection, the efficiency of all manufacture. Such impairment of efficiency can not fail to be among the factors enhancing cost of production and living expense.



2. The most searching investigations of the methods attached by this amendment, when these methods have been competently introduced, indicate that the workers employed suffer no detriment to health and prospect but, on the contrary, find their living conditions improved. The amendment should, therefore, be opposed in the true interests of labor.

## RECOMMENDATIONS.

Your committee therefore recommends that the following resolution be adopted by the chamber, and that copies of it and of the report be furnished the Senators and Representatives of New England, associations of manufacturers, associations of commerce, boards of trade, chambers of commerce, and other associations of similar character, requesting their cooperation for the purpose of defeating any prohibitive or restrictive measures of the kind referred to herein which may be aimed at Government establishments at this session of Congress, viz: "Whereas under an equitable Government every individual is entitled to own and to enjoy the results of his own labor. No legislation should have for its purpose the withholding of such rights by retarding economic or industrial efficiency and by prohibiting the right to compensation based upon superior individual ability and its consequent impairment of personal ambition and initiative.

"Resolved, That the Boston Chamber of Commerce urges the Senate and House of Representatives of the United States to refrain from favorable consideration of any measures aimed at Government establishments which tend—

"To interfere with economical administration;  
"To cause the abolishment of proper means for the determination and maintenance of standards of production; or  
"To prohibit the forms or methods of remuneration to workmen in practice in the various similar industries of the country."

Respectfully submitted.

EDWIN F. GAY, *Chairman.*  
WALTER C. FISH,

*Special Committee on Premium System in Government Work.*

UNIVERSITY OF MICHIGAN,  
February 26, 1916.

Mr. SANFORD E. THOMPSON,  
*Newton Highlands, Mass.*

DEAR SIR: The delay in answering your letter of the 3d was due to my absence from the city. In reply I would say that, before hearing from you, I had already written letters to the Congressman from this district, to our Senator, and to each member of the House Committee on Military Affairs, urging all of them to vote and use their influence against any legislation designed to prevent the use of a stop watch and the payment of premiums or bonuses to Government employees.

In answer to your request for facts from my personal experience in regard to the effect of the introduction of time study and bonuses, I would say that, within the last two weeks, I have been in Pittsfield and at that time interviewed a number of the employees of Eaton, Crane & Pike regarding this point. In reply to my questions, both the girls and the men who are working on bonus and who have been under this scheme of payment for from six months to a year, stated that (1) they preferred the bonus payment to the old piecework system; (2) they were better satisfied because they were getting more money and working 9 hours a day instead of 10; (3) their health had not been impaired in the slightest, and, judging from their appearance, I should say that it had improved.

From the management of the company I learned that the output had been largely increased and that service as regards keeping of promised dates of delivery was so much better that there was no comparison.

I was particularly interested in the replies given me by the girls on the wrapping machines, because I had set the time for the tasks on this work and had had considerable difficulty in inducing the girls to try to make their bonuses. They had been accustomed to piecework and were afraid that someone was trying to "put something over on them." I found, however, as I have already told you, that they were more than satisfied and don't want to go back to the old scheme. If there is anything further I can do to assist in this matter, please let me know.

With kindest regards, I remain,  
Yours, truly,

J. A. BURSLEY.

EFFICIENCY SOCIETY,  
*New York, June 19, 1916.*

## TO MEMBERS OF CONGRESS:

Under date of January 21, 1916, before his elevation to the Supreme Court, Mr. Louis D. Brandeis, an eminent advocate of the workers, wrote us as follows:

"Referring to the proposed congressional legislation to prohibit the introduction or use of time study and premium payments in Government establishments:

"In my opinion any such restriction upon the conduct of Government establishments would be highly inadvisable. The purpose for thus proposing the legislation is doubtless one which all of us would approve. Increased efficiency ought not to be purchased at the expense of health and other qualities essential to good citizenship and the general welfare, but no one can doubt that increased efficiency is essential to the public welfare; that we have not yet learned how best to secure that efficiency, and that the most important element in securing efficiency is the knowledge of facts—to the ascertainment of which time study is a means.

"To prohibit time study and premium payment is as crude a method of affording to the workman proper protection as the proverbial 'burning of the house to roast the pig.'"

We respectfully request you to consider this in connection with the Van Dyke and Tavenner bills and appropriation riders.

Yours, truly,

A. W. KIMBER, *Secretary.*

CHICAGO, February 20, 1916.

Mr. R. B. FRASER.

DEAR SIR: As per your request, I herewith submit my views on the system you have so carefully installed in our department; the same is for the betterment of the employee. Systematic labor by skilled workmen means carefulness, production, profit, and satisfaction, both to employer and employee.

Very truly,

JOHN GURALSKI.

Mr. FRASER: It's to my individual opinion in regards to the bonus system, which to say that bonus systems is better than the old way in

many ways; for instance, as preparing lifts, etc., and doing away with a lot of unnecessary work.

The bonus system has added an extra pay envelope, which helps a great deal.

Yours, truly,

FRANK L. MARKOAT.

HAMDEN, CONN., February 26, 1916.

DEAR SIR: I take great pleasure in writing to you about our bonus system. I find it a great help to me and also to many others of this factory. It also encourages us to put more interest in our work.

I have always found it satisfactory, and it has never been any injury to my health.

FLORENCE JOHNSON.

NEW HAVEN, CONN.

MY DEAR SIR: I have worked for the Acme Wire Co. 11 years. I was timed according to the Taylor system and I think they were very fair. As instructor here I am in a position to study the girls closely. They are just as contented and healthy as they were on daywork, as far as I can judge.

The work we get out is just as good as before because inspectors watch it from start to finish.

Under the Taylor system the girls do the work the quickest and easiest way, found by timing an efficient operator.

Sincerely, yours,

MARGARET PURCELL.

NEW HAVEN, CONN., February 28, 1916.

DEAR SIR: I have worked in the Acme Wire Co. nearly four years, and during that time I have worked under three systems—daywork, piecework, and now the Taylor system.

I do think and like the Taylor system the best.

Yours, truly,

A. KOCK.

NEW HAVEN, CONN., February 24, 1916.

Mr. SANFORD E. THOMPSON,  
*Boston, Mass.*

DEAR SIR: It gives me great pleasure to write to you in regard to the bonus system.

The bonus system is a great help to every one in my estimation, especially to the self-supporting girls. Every week when we receive our wages it is encouraging to think we have other money besides our regular week's salary. It is discouraging to me when I get a day job, because we know we don't have to work too fast, and it is tiresome and tedious to me.

The bonus system, in regards to myself, has not injured my health in anyway, which I am very glad to say.

Yours, respectfully,

MISS ROSE DALLAS,  
*No. 344 Second Avenue, West Haven, Conn.*

NEW HAVEN, CONN., February 24, 1916.

Mr. SANFORD E. THOMPSON,  
*141 Milk Street, Boston, Mass.*

DEAR SIR: I have been employed with the Acme Wire Co. for the past nine years, and during that time I have been working about four years on the bonus system, which I can say with all sincerity that I do not work any harder than I did when I was on day work. I can also make more money.

Yours, truly,

MAE C. BARRETT.

Mr. SANFORD E. THOMPSON,  
*Boston, Mass.*

DEAR SIR: I am writing this letter for the purpose of encouraging the use of the bonus system.

I have been working for the Acme Wire Co., New Haven, Conn., for the past three years, before and ever since the use of that system, and have been well satisfied.

It has not interfered in the least with my physical condition or happiness, and as yet have never met with the slightest accident.

The bonus system not only benefits the employees in wages, but also enables the company to get out a sufficient quantity of work each day which has been thoroughly inspected.

For myself, I am in favor of the bonus system.

Yours, truly,

MISS HELEN BAKER.

NEW HAVEN, CONN., February 24, 1916.

Mr. SANFORD E. THOMPSON,  
*141 Milk Street, Boston, Mass.*

DEAR SIR: My opinion has been asked regarding the bonus system and I would like to say that I would rather have the bonus. After speaking to a number of others, we do not believe that we are overworked, but we are making far more than if we were doing daywork.

I am working in the Acme Wire Co. under the Tailleur system.

Yours, respectfully,

JENNY R. C. LIND,  
*19 Anderson Street.*

BANGOR, ME., March 8, 1916.

MY DEAR MR. HALL: This is just a brief sketch of what I believe scientific management has done for the Eastern Manufacturing Co.

A few years ago this concern was practically being run by the employees. Now it is all done by system and is controlled by the scientific and service departments.

Perhaps one of the numerous facts that are to be mentioned, the first one should be in regard to the hours of labor. This mill, which always has been run on a schedule of 10 hours a day and a fixed amount of wages to be paid weekly to laborers, is now being run on a 9-hour schedule and the laborers are paid by piecework. This not only helps the mill, but also the employees. They take a great deal more interest in their work and get out more than ever before. Every employee makes more money. The girls on an average make from two to two-fifty a week over their usual amount of pay.

Before the system work was begun the head boss of each department employed his own help. Now this is all done through the service department. At this department is kept a record file of every employee. This makes it very easy to locate anybody about the mill. When office help is needed this file is referred to, and anybody that is an employee

of the mill that has education enough for the requirements of the position is promoted rather than to take in a new person. This was never done before.

We also have a fine new dispensary, which was very much needed. This enables the firm to give proper care and attention to all accidents, which were only half attended to before.

We also have a library, which is something entirely new for us. In this library are kept several very good books, which are loaned to the employees free of charge for two weeks. It is surprising to see how much interest both the men and girls have taken in it. The girls have had candy sales to raise money to buy books, and it has also had some good donations.

Some of the girls have formed a basket-ball team and play two evenings a week.

The boys had a hockey team during the ice season. These were all unheard of before. In time we expect to have nice rest rooms.

From a general consideration of everything, I think scientific management has done much for this concern and has made everything around and about the mill 100 per cent better.

Sincerely, yours,

ANNA CURREN.

MARCH 8, 1916.

Mr. HALL,  
Eastern Manufacturing Co. Mill, Brewer, Me.

DEAR SIR: I am pleased to reply to your question as to how I regard the conditions under the Taylor system and conditions under the old way, and will say:

First. I get more money in wages.

Second. That there is no lost time, and in many other ways I find the Taylor system much better for the workpeople.

Yours, truly,

E. S. SMILEY.

WILLIMAS & WILKINS CO.:

In classes of work where possible, I believe that by making time studies both employer and employee will be benefited. Surely persons who are competent and efficient and who produce a larger amount of work should receive a higher wage than those who are less efficient and produce less work. The employee is paid for the exact amount of work produced. The employer pays for the exact amount of work received. Is it not a square deal?

In my own experience the bonus system pays far better than a standard wage.

ADA G. BEARD.

BREWER, ME., March 8, 1916.

Mr. HALL.

DEAR SIR: I have been a "counter" in the Eastern Manufacturing Co.'s mill for the last 10 years.

Within the last two or three years the owners have introduced scientific management, which has worked a marvelous change in the mill and its employees.

Before this introduction work came along haphazard, with little or no regularity, working on one order and then suddenly changing to another without notifying the foreman. We also kept our own time.

Now there is a planning department, which assigns to each individual his work for the day. For the counters we receive a ticket at the window of this department designating what particular order we shall count, and with the time we receive it stamped on it; and on the back of this ticket how it must be counted—that is, in reams of 500 sheets or half reams of 250 sheets, and if the colored ream marks are to be inserted to mark the "knifeful" for the trimmers.

By the "knifeful" I mean as much paper as can be trimmed by an undercut knife at one time. The amount varies according to the thickness of the paper from two to two and one-half and three reams, thus saving time and energy on from one-half to one ream at each trimming. Then when we have finished the order we return the ticket to the planning room and the time is again stamped on it.

This systematic management has effected an increase in the wages of most of the employees, and although it did not increase the counters directly it has influenced us in an indirect way.

There is a move man now, whose duty it is to haul in these loads of paper assigned to us, and posted on a bulletin board beforehand, so he will know what we are working on and to take away those we have finished counting, thus doing away with the necessity of the men who wait on us going in search of a load, as they formerly had to do, taking the time to select a load of lightweight paper (to make his own work easy) and haul it into place for us. You may readily see how we thereby had many idle minutes during the day.

By scientific management we now have our pay has been increased at least 25 cents per day (each of us), in that we have steady work all the time with no loafing in between, despite the fact that the working day has been voluntarily shortened by the company from 10 to 9 hours.

Last but not least there is the "service department" and library, headed by the capable Mrs. Hoskins who has so interested herself in us girls that we are like a great family, all interested in the good welfare of each other. She has caused the walls of the mill to be whitewashed, making it clean and wholesome. She even furnishes the men with gum twice a week to try and discourage the tobacco-chewing habit with its consequential spitting.

There used also to be a good deal of familiarity between the men and girls, making them appear more or less vulgar. Now it is all different for the new system has restricted us in such a way that this condition is seldom almost never seen.

The library books are loaned us free of charge, and we have two basket-ball teams each engaged in friendly rivalry against the other.

I can not better express my sentiment and appreciation of this great scientific change from the old way of doing things than by saying that we employees have been benefited a thousandfold.

I will sign what I am,

Respectfully, yours,

CATHERINE COULTER,  
"Scientific Management."

My DEAR MRS. HOSKINS: I thought I would give you an idea of what I thought what has passed in the last two years. I have worked here four years. Anybody employed the girls. The men said and did what they pleased. We are working shorter hours and getting more pay. We have many other things that are helping the girls out very much. I am better in health and all, and it is better in all ways.

INA CAMPBELL.

GENTLEMEN: It gives me great pleasure as instructor of the plater girls at the Eastern Manufacturing Co.'s mill at South Brewer, to testify in regard to task and bonus.

I worked on the platers four years previous to the installing of the task and bonus system. Under this system the object of the operators is to reach the highest possible point of efficiency for which they are paid.

Being an ex-operator under the old working plan I readily notice the efficiency of the task and bonus as regards the employer and employees. Therefore I heartily indorse the efficiency of the Taylor system.

There is also an improvement in the general conditions within the last few months that is beneficial to the girls and greatly appreciated by them, namely, the shortened hours, the rest room, with a nurse in attendance, which is greatly appreciated, and a great deal of sanitary improvements.

IRENE SHEA.

SOUTH BREWER, ME., March 6, 1916.

Mr. HALL: I take this manner of showing my sincere appreciation of the benefits which the girls in the plater department derive from the new system which you introduced in the Eastern Manufacturing Co.

Sincerely, yours,

THESSA DODWELL.

FEBRUARY 21, 1916.

Mr. E. B. PASSANO,  
President Williams & Wilkins Co., Baltimore, Md.

DEAR SIR: I have been asked to state my opinion of the bonus system under which we work.

I like it and would much regret returning to a straight-salary method, when extra effort counts for little or nothing to the operative.

I consider the present system the finest sort of encouragement to do more and better work. It is a fair deal on both sides. It creates a personal interest on the part of the employee in the firm's progress, and the operative is enabled to earn more money with no more physical strain than under any other system, and with a greater mental satisfaction, because extra production and quality are recorded and comes back in the pay envelope.

I am earning more money in less time, with less physical and mental strain than I believe would be possible on a straight-salary basis, and I am better satisfied than I have ever been in the years I have been employed.

The fact that I came here 18 months ago a stranger, without home or friends in the city, and I liked your bonus system enough to remain, and then return here four times from trips home, rather than accept \$18 per week straight salary in my home State, Massachusetts, is the best argument I could offer.

Very respectfully,

LILLIE M. HILL.

BALTIMORE, MD., February 20, 1916.

Mr. E. B. PASSANO.

DEAR SIR: In regard to the bonus question would say that having worked on bonus system now for over two years I think it is a good proposition for both operator and proprietor, as the operator strives to do a greater amount of work in a given time than if she were on straight time. It has not injured me physically, as I have gained in weight since I have had my present position.

Hoping you will continue the bonus system, I remain,

Respectfully,

Mrs. MAE LOWNBY,  
No. 1028 N. Eden Street.

NAVAL CONSULTING BOARD OF THE UNITED STATES,  
Brooklyn, N. Y., April 22, 1916.

Mr. W. HERMAN GREUL,  
Secretary Committee of Ten,  
Eleventh Avenue and Twenty-sixth Street, New York.

DEAR SIR: I have received yours of the 19th with inclosures, calling my attention to the Tavenner and Van Dyke bills. To my mind these measures, if carried into effect, would work great harm and injustice. I have not only been an employer of skilled labor for 35 years, but I have always been a great admirer of skilled mechanics and good workmen, and have spent much of my life in close contact with them. My aim has always been to recognize and reward meritorious service in every line. Nothing gives me greater pleasure than to see my men advance and receive more remuneration in recognition of extra effort and devotion to their tasks. In my judgment, all attempts, such as are represented in these bills, to smother and do away with proper reward for increased skill and efficiency are not only against all reason, but pernicious in the extreme. I know by personal experience that proper incentive for achievement is a wonderful stimulus to performance, and I believe this to be true in the case of every man, regardless of his calling.

As for myself, I am unalterably opposed to the robbing of any man of proper incentive that will inspire him to greater achievement and usefulness. In these troublous times, when the country may need our services, the best that can be brought out in each of us is none too good.

Hoping that this is responsive to your call, I beg to remain,

Sincerely, yours,

ELMER A. SPERRY.

UNITED SHIRT & COLLAR CO.,  
Troy, N. Y., April 14, 1916.

Mr. H. D. MINICH,  
Tenth Floor, 110 State Street, Boston, Mass.

DEAR SIR: The bonus and efficiency methods which you have established in our different departments have been, in my estimation, a great success in two ways: The operators are well pleased, since their spirit of cooperation and efficiency brings them a proportionate increase in wages, and the operating costs are automatically decreased on this cooperative basis.

If the proposed bills of Mr. Tavenner and Mr. Van Dyke become laws and all time-study methods and all bonus systems of wages are prohibited in connection with all Government work, efficiency will, in my opinion, be greatly impaired and the result will be detrimental to employee as well as to employer.

Considering the crisis which business in this country faces with the end of the war, this is a poor time to tamper with what we have acquired in the way of perfected and efficient methods.

Very truly, yours,

J. K. P. PINE, President.



SEWELL—CLAPP—ENVELOPES.

CHICAGO, March 1, 1916.

MR. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

MY DEAR MR. THOMPSON: I am glad to do what I can to respond to your request of February 3 to give you some of the results of our experience with the setting of tasks by the use of the stop watch.

It should, of course, be clearly understood by those who are investigating this matter that the use of the stop watch is altogether unjustified and mischievous unless it is preceded by a careful building up of standardization and efficient methods. This preliminary to stop-watch work is itself of the utmost benefit to the worker, because its prime object is to make it easy and comfortable for him to do his best work—to surround him with the best conditions, to give him the best tools, and to acquaint him with the best methods. No time study which is not preceded by these preparations is of any value, and if time study ever comes into disrepute, it will, in my judgment, be mainly due to the ill-considered effort to use it without proper preparation. My personal experience in the envelope mill of Sewell—Clapp—Envelopes, Chicago, enables me to reply to your questions as follows:

**The happiness of the worker.**—Every worker in our plant who has been permitted to work under task and bonus as a result of time study has expressed himself as pleased with the new method, and no contrary opinion has come to our ears. It not only increases the worker's pay, which, of course, affects his happiness, but it removes practically all the worry, the fret, and the discomfort which, I believe, are more wearing upon the worker than the labor itself. It is an interesting fact that when our company recently offered to its employees an opportunity to buy some of its preferred stock, the first purchaser was one of those in this mill who had been working longest on task and bonus. He is a native of eastern Europe, who has no sentimental regard for the concern other than that which involves his own welfare.

The evidence is not wanting in our case that improved working conditions register not only in the peace of mind of the worker himself, but that material improvement in the home atmosphere likewise follows. It makes an immense difference to the family at home whether or not the father returns tired and fretted and worried by his work.

**The health of the worker.**—Whatever improvement in factory conditions contributes to the happiness of the worker is, of course, very likely materially to affect his health also. It is further to be noted that it is to the interest of the employer to protect the worker from all undue strain or driving.

Time studies are normally made under conditions which may be depended upon for permanent results, and anything like speeding up or exceptional output would destroy their purpose. In our mill time study revealed the fact that in a certain department a large portion of the time required for a certain operation was absorbed by a movement involving considerable muscular strain in an awkward position. Directed solely by these time studies, we devised a contrivance which removed practically all this strain, and the work is now done with ease by lighter and less muscular men than those whom it formerly tested severely.

Accidents: As a general proposition accidents are due to irregular or haphazard conditions. The preparation for time study works against anything of this sort and requires a careful investigation of the safest and best method of performing an operation which, theoretically, at least, would very much lessen the danger of accidents. We can conceive of no respect in which time study can increase the liability to accident.

**Wages:** Time studies are made for the purpose of setting a task which under scientific management practices results in the offering of a bonus. This bonus is not accompanied by any reduction in wages and is just so much addition to the prevailing rate of pay. In our mill time studies have resulted in material increase in every case where task and bonus have been established. It is our purpose to pay bonus to every man in our employ whose work is of such a character that reliable time studies of it can be made.

**Hours of labor:** No direct connection between time study and hours of labor now occurs to me. As time studies lead to task and bonus, and as these increase the worker's earnings and the output of the plant, the tendency is, of course, toward shorter hours, and there is nothing in the system which would exercise an influence in the contrary direction.

**Output:** Task and bonus based on time studies manifestly increase output. In our mill there has been a marked result of this sort. There would otherwise be no object in it. The effectiveness of the method lies in the fact that the increased output is produced not by driving the worker but by surrounding him with the best possible tools, methods, and conditions.

**Cost of product:** The ultimate object of time study is, of course, a reduction in the cost of the product, and in proportion as the output is increased this result is obtained, less, of the course, the increased wages earned by the worker. Scientific management principles result in a number of other mechanisms which tend in the same direction.

**Quality of product:** Task and bonus make necessary a complete inspection system, and this, of course, raises the quality of the output. This improvement of quality is made the easier by the various steps of standardization of tools, materials, and processes which always accompany it.

In our mill there has not been a single discordant note in the unanimous approval of the working of task and bonus methods of payment. Those who are now so paid are thoroughly satisfied, and those who have not yet come under this method of payment are plainly manifesting their eagerness and impatience to be so favored.

A recent experience may be of interest to you in this connection. Our company has for 15 years gathered its heads of departments and other workmen together at an annual dinner at which every man has an opportunity to speak his mind and has habitually availed himself of it with unreserved frankness. Criticisms and complaints of the management and of one department against another have been frequent. The last of these dinners occurred only a few days ago, and the tone of the talk around the table was in marked contrast to that which has heretofore prevailed. With possibly one or two exceptions, every speaker made the burden of his talk a direct or indirect appreciation of the benefits he had derived from scientific management. Some of the speakers were unconsciously paying this tribute to task and bonus but others attributed the bettered conditions directly to this system. It is probably impossible for me to convey to you the impression which I received, but I can only say that the unanimous opinion of the workers that scientific management has been a distinct benefit to them and the institution by which they are employed was emphatic and unmistakable.

I inclose a few letters written by members of our working force, which carry their own evidence of genuineness and sincerity. They are the result of my request that the men write to me their real sentiments without the slightest suggestion on my part as to what sort of opinions I wished to have expressed.

I trust that I have covered satisfactorily the items for which you ask and if there is anything else that I can do, kindly let me know.

I might state that no employees in any plant where I have worked on scientific management have ever suffered due to bonus and time-study methods. On the other hand, there has always been a greater degree of satisfaction and a tendency to stick, and to develop extraordinary workers instead of the common type. All of which is conducive, of course, to more permanent organization, better habits of stability and industry, and less expense due to dissatisfied help and changing conditions.

It seems to me that it is the height of inconsistency at this time, when the whole country is crying for preparedness, and preparedness against the most efficient Nation on the globe, a Nation which has built up its efficiency by just such means as those of scientific management, that certain of our Congressmen want to build laws which are going to be permanent factors in preventing the United States from realizing just the kind of preparedness they need. I see no reason why an instrument of precision, such as the stop watch, for measuring skill, should be objected to any more than any other instrument for measuring material or anything of value. It seems to me that these Congressmen could better spend their time in attacking the quacks and fourflushers who are using the stop watch instead of making their attack upon the methods themselves.

You are at liberty to use this communication and accompanying papers as seems to you wise.

Very truly, yours,

SMITH & FURBUSH MACHINE CO.,  
HANCOCK AND SOMERSET STREETS,  
Philadelphia, Pa., U. S. A., February 8, 1916.

MR. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

DEAR SIR: Replying to your favor of the 3d instant, I make reply to the questions in your letter as follows:

Our workers are much happier under the system because they make more money and are not scolded. It is their own loss if they do not produce enough to get premiums and eliminate scolding on account of suspicion of soldiering.

We have held our men much better.

The few men we use from time to time on straight daywork are dissatisfied and ask to be put on premium work.

The health of our workers is better than before, due to their generally better mental feeling and greater happiness in their work. No one in our shop has ever shown any ill effects due to overwork.

Accidents are less than formerly, due to better study of how to do each job to the best advantage.

Rate of wages is regular market rate per hour per day rate, and men average from 20 to 25 per cent premiums when working on premium work.

Hours of labor average 9½ hours per day, and extra 50 per cent for overtime.

Output is greater.

Cost is about the same as formerly, but the men get more money, and we know much better what cost is and consequently can make selling price more intelligently.

Quality of product is better than formerly, because we now have thorough inspection of product that formerly we did not have.

Trusting this may be of some advantage to the cause, we are,

Yours, truly,

C. W. SCHWARTZ, JR.

THE LODGE & SHIPLEY MACHINE TOOL CO.,  
Cincinnati, Ohio, February 15, 1916.

EFFICIENCY SOCIETY,  
52 Broadway, New York City.

GENTLEMEN: In answer to yours of the 9th in reference to the question of bonus or premium system of payment to the worker, wish to advise that we have had some experience along this line, having started in on the premium system some 14 years ago and maintaining it throughout this period. We have made it entirely satisfactory to the men. As proof of this statement, we recently gave to our men a service pin, and of the 475 on our pay roll there were over 200 who had been with our company over five years. This would show, at least, that the system of payment was not one to drive the men out of the shop. As a matter of fact it has a tendency to keep them here, as we find that the number of men leaving during a month will not exceed 2 per cent of the total number. This we consider a very small turnover. It must naturally have a tendency to make the men more cheerful and happier, as their remuneration is continually increasing as they become more proficient, which allows them more freedom to buy the necessities for their homes and some of the luxuries.

Regarding their health: We recently had the United States Government staff of doctors examine our men, and out of the total number there was only some 15 who did not care to be examined. Out of all who were examined we found but one man infected for the particular trouble they were seeking.

The bonus or premium system will, of course, have a tendency to reduce the cost of work. It also has a tendency to improve the quality of the product, due to the fact that if a man makes poor work he has to duplicate the poor work with good work and have his premium earning reduced, if he has any coming to him. This makes him more careful, although he knows he will always get the equivalent of his daily or weekly wage, still, if he has from 25 per cent to 30 per cent more than same coming to him due to premium earnings, he naturally does not care to lose this increase through negligent or careless work.

The system was hard to inaugurate, the men feeling that we would not treat them right; that if we reduced the hours on the work that we would cut the premium allowance. This we have never done, consequently to-day it would be a very serious thing to us if we were to make an attempt to do away with the premiums or bonus system. The men want it as much now as they disliked it 14 years ago.

Yours, very truly,

LOUIS B. WEBER, Assistant Manager.

BOSTON, March 1, 1916.

Re: Stop-watch legislation.  
Mr. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

DEAR SIR: In reply to your favor of the 3d, would say that we have made numerous time studies on our work and have set tasks and paid bonuses for the completion of the task in the specified time.

We have found—  
That the workmen have been better satisfied and strongly objected to being taken off the task and bonus work and put on daywork.  
We have no records of any ill health of the worker being due to his work on task and bonus.  
There has been no increase in the number of accidents.  
Wages have been increased from 25 to 50 per cent.  
The hours of labor have been reduced.  
The output has increased from 25 to 75 per cent.  
Cost of parts has been reduced from 10 to 50 per cent.  
The quality of the product has not decreased and in the majority of cases has increased.

Yours, very truly,

ABERTHAW CONSTRUCTION CO.,  
JOHN H. SCOVILLE.

PROVIDENCE, R. I., February 19, 1916.

Mr. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

DEAR SIR: I must apologize for having mislaid your letter of February 3 in regard to stop-watch legislation.

In regard to the questions which you ask, I would reply as follows:  
Our experience has been that our employees have been anxious to have us take time studies on the jobs on which they are working, so that they may be able to make the bonus.

We have not kept statistics to show any change in the health of the worker or in the number of accidents, but are positive that the accidents are less on the men working on the time study than in the rest of the shop.

The men working on the bonus work average at least 35 per cent more wages than those working daywork. The hours of labor on the bonus work are the same.

The output is considerably more on the work which has been time studied and the cost of product considerably less.

The quality of the product is in general better under time-studied work, owing to the fact that the workmen understand that if any of the work does not pass inspection that they are not paid the bonus for the jobs.

We regret that we can not give you more definite information in regard to these questions, but would be glad to assist in any way that we can in getting to the legislators correct information on this matter.

We propose to protest as effectively as possible to our Representatives in regard to this proposed legislation.

Yours, truly,

NEW ENGLAND BUTT CO.  
J. G. ALDRICH.

DETROIT, MICH., U. S. A., February 22, 1916.

Mr. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

DEAR SIR: Answering your letter of the 3d and referring to the questions in the second paragraph:

We believe that generally the happiness of the workers is increased through having premium work throughout the factory. We have been requested by the men to set standard times where we had not yet been able to get the work done, and often an employee is dissatisfied because it is not done as fast as he thinks it ought.

I do not see how the installation of premium work could affect an employee's health if he worked the regular factory hours.

There should be no more accidents with premium work than with any other work. Very often there are more accidents because the men are inexperienced.

The average premium earnings is about 27 per cent of the day wages. Therefore it is a substantial increase.

Hours of labor have been shortened by the premium system.

The output has increased, but so has the working force. I can not give you the ratio of increase in output that is due to the premium system.

I can not get the relative cost of product by reason of introducing the premium system. We introduced the system because we thought it was better than the piecework and any work system which we had previously used.

The quality of our product has been maintained in every degree. The stop watch and time study gives the employee many unnecessary movements and this reduces his physical and mental fatigue by reducing the lost motions to a minimum.

Any further information desired will be cheerfully given.

Yours, very truly,

PACKARD MOTOR CAR CO.,  
F. F. BEALL,  
Vice President of Manufacturing.

BALTIMORE, MD., February 14, 1916.

Mr. W. HERMAN GRUEL,  
Efficiency Society, 52 Broadway, New York, N. Y.

DEAR SIR: Our monotype keyboards are operated under the differential piece-rate system. Since changing from the regular-hour rate about five years ago there has been an increase in production of about 33 per cent. The operatives are earning from 33 to 50 per cent more. They apparently are satisfied and in good health. One young woman who has worked in some of the largest offices in the East states that the working conditions are pleasanter than in any office in which she has worked.

Yours, very truly,

WILLIAMS & WILKINS CO.,  
E. B. PASSANO, President.

STOP-WATCH LEGISLATION.

EATON, CRANE & PIKE CO.,  
Pittsfield, Mass., March 10, 1916.

Mr. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

DEAR Mr. THOMPSON: In reply to your letter of the 3d instant, would say that I do not see why the working conditions of Government

employees are different from those in any mill or factory, and for that reason the benefits obtained by employees in other than Government factories working under the Taylor system of scientific management would apply to this work in Government institutions. The benefits derived by our employees from scientific management so far—and we have been at it but two and one-half years—are as follows:

Average increase in wages, 15 per cent.  
Reduction in working hours, 16 per cent.

A feeling of greater confidence, in that the task set by means of a scientific study of the work is known by the employee to be accurate. In our case a recent test on machines producing 85 per cent of our boxes shows that the difference between the time allowed for 2,000 hours of work and the time taken was less than three-fourths of an hour.

The health of the workers has in no way been impaired. In fact, we firmly believe it has been benefited—

Because of the shorter hours.

Because of the greater ease of doing the work, even though the production be increased. The greater ease is brought about by a careful and scientific study of the method of doing the work, and, in the case of machinery, of making changes that will make the operating of same more natural for the employee and eliminating any undue strain that may have previously existed. Both in our hand operations and our machine operations unnecessary and tiring motions have been removed. We also give rest periods of 10 minutes in the morning and 10 minutes in the afternoon to employees engaged in the most tiresome or monotonous work. These rest periods are at the expense of the company. It has also come to our attention that, due to the opportunity afforded by scientific management to obtain a sizeable increase in wages, a number of our operators have taken a new lease of life and seem more happy and contented with life in general, which has an indirect effect on the health of the worker.

Accidents have decreased materially.

It has been gratifying to us to see many of our foremen and other employees who had been working in the same positions for many years without material progressing feel that scientific management offered them such a great opportunity for making themselves worth more to the company and to have them take advantage of that feeling and develop in a manner which oftentimes we did not previously believe was possible.

It has been said by some opponents of the Taylor system that the individuality is lessened or taken away. Our experience has been exactly the reverse.

We have spoken above only about the benefits to our employees, but the benefits to our company may also be of interest.

During the 10 busiest weeks in 1915 our production increased 22 per cent over the average of the 10 busiest weeks in 1910, 1911, and 1912. We are able to obtain under the system an increase in production on an average of 50 per cent per hour. The quality of our product has improved, as the bonus is based on perfect work.

The control of our orders has been as important as our increased production. We are able to give our customers 75 per cent better service and to make delivery promises that we know can be lived up to.

## TIME STUDY.

The feeling against time study with a stop watch can only be caused by misunderstanding as to the meaning of "time study" and it seems as though the opposition comes mainly from those who can not have availed themselves of the opportunity to find out what time study really means. Otherwise, some of the arguments they have brought forth would not have been presented. While time study is an important factor in determining scientifically the length of time that it should take an operator or a machine to produce a certain amount of work, there are other factors equally as important, such as a proper routing system, in obtaining the increase in production. Not one of our operators objected in the least to time studies taken with a stop watch. We saw to it that they all understood what it meant. The fact that they are able without more effort to earn their bonuses in almost every instance, has demonstrated clearly to them, we feel sure, that the stop-watch system is not an evil but a benefit.

Very truly, yours,

A. W. EATON.

KLINK, BEAN & CO.,  
San Francisco, February 17, 1916.

Mr. HERMAN W. GRUEL.

Chairman of Board of Trustees, Efficiency Society, New York.

DEAR SIR: Replying to your circular addressed to all members of the efficiency society, regarding the Tammner bill, will say that I have had many years' personal experience in large factories throughout the United States in the introduction of time study and premium and bonus payments, and submit the following:

The happiness of the worker is greatly increased when he is working to his normal capacity and making more money than a flat compensation.

The health of the worker: I have seen workmen whose health had been impaired by piecework rates which were laid down without scientific study. One of the objects of time study is to determine the rate of work which will not be injurious to the health of the workmen.

Accidents: Proper time study precludes accidents, as every possible method is studied to prevent them.

Wages: Wages are almost always raised for those workers who take a proper interest.

Hours of labor: The hours of labor are practically determined by the unions, on the Pacific coast, at least.

Output, nothing.

Cost of product: If the premium and bonus system is introduced, the cost of the product is lowered, and by increasing the output the overhead is automatically decreased.

Quality of product: As a rule the premium or bonus system appeals to the more intelligent class of workmen, and the more intelligent the workmen the better the quality of the product, other things being equal.

On the Pacific coast we have found very little, if any, objection among the workmen to the introduction of these methods, and we believe that this opposition comes largely from certain leaders who wish to use it in a political way. It certainly seems that we would have found objections among the rank and file in the regular course of our work, if it really existed.

Yours, very truly,

B. T. BEAN.



## STOP-WATCH LEGISLATION.

LEWISTON, ME., February 16, 1916.

Mr. SANFORD R. THOMPSON,  
141 Milk Street, Boston, Mass.

MY DEAR SIR: Your letter to Mr. Bates of February 3 has been given to the writer for answer to-day. We are giving you answers to the various questions under the heading you have suggested, and we trust this answers all of these points.

We have, as you are probably aware, the usual records showing the old production, production after improving machinery and equipment before setting task, production asked for on task, average production actually obtained, increase in wages to bonus operators, reduction in wage cost, etc.; also a daily record for each bonus operator of their performance. If copies of any of these would be at all interesting to you, I would be very glad to send them at once.

As we are very desirous of defeating this bill, recognizing the influence it will have in industries, we would be only too glad to do anything you can suggest to assist your committee. Please ask for any further assistance you may require.

Sincerely, yours,

LEWISTON BLEACHERY & DYE WORKS.  
J. E. MULLANEY.

LEWISTON BLEACHERY & DYE WORKS,  
Lewiston, Me., February 16, 1916.

Mr. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

MY DEAR SIR: Happiness of the workers: Our bonus workers are apparently happier and more contented, as it is now easier to hold them, while the day workers are very anxious and ready for bonus work and make no complaint to the presence of an instructor, in fact on several occasions having asked for the assistance of instructor.

Health of the worker: We have no cases of ill health among bonus workers.

Accidents: We are positive that the number of accidents is decreasing. Wages: Records show an average of 25 per cent increase in wages to bonus operators.

Hours of labor: Task workers rest at stated periods. Female workers, besides the rest periods, leave plant one-half hour early.

Output: Our output has been increased, due to improved machines and methods about 60 per cent, and due to training operatives and bonus incentive 40 per cent.

Cost of output: Is now about 80 per cent of former average cost.

Quality of product: Has not suffered, to say the least.

SPRINGFIELD, MASS., February 16, 1916.

EFFICIENCY SOCIETY,  
52 Broadway, New York City.

ATTENTION MR. GREUL.

GENTLEMEN: In reply to yours of February 9, regarding personal experience with premium or bonus systems, wish to state that during my experience have found it is a mutual arrangement between employee and employer whereby, under your question "A"—

The happiness of the operator is greatly increased, as he has an opportunity to increase his earnings as well as efficiency.

We find operators who work under bonus systems to be in better physical and mental condition.

Regarding accidents, the writer believes there are fewer accidents because they are attending more closely to their work.

Regarding wages, the average hourly rate under bonus was 40 per cent higher than under regular day-work rating.

Hours of labor: We are getting more work under bonus system in eight-hour day than we formerly got under straight hourly rating in nine hours, due to increased production from bonus system.

Output: Greatly increased.

Cost of production: Considerably cheaper.

Quality of product: Equally as good as under day-work system.

Trusting this information is what you desire and will be of some benefit, I remain,

Yours, truly,

KNOX MOTORS CO.,  
F. E. DOOLITTLE,  
Superintendent.

EASTERN MANUFACTURING CO.,  
Bangor, Me., February 7, 1916.

An increase in wages has resulted from the installation of this system of task and bonus, and the workers appear more happy and satisfied with their work owing to the fact that they are making more money and turning out a good day's work.

Since the introduction of scientific management this company has organized a service department whose principal function is to look after all matters pertaining to the health, comfort, and contentment of all employees. This department employs all new help and makes as careful a selection as is possible, endeavoring to secure for each position those who are physically and mentally suited to the work. Where the health of the worker is not good an effort is made to assign him work where there will be as little as possible physical strain. There have been no ill effects on the health of any of the operators employed on task and bonus, as there is no undue strain placed upon them while working under these conditions.

The nature of the work done in this mill is such that accidents are not liable to happen. No reports of accidents to workers on task and bonus have been made since the introduction of this system.

Weekly earnings of employees who have been placed on task and bonus have increased from 20 to 50 per cent.

Since the 1st of January, 1916, this company has been able to reduce its hours of labor from 10 to 9 and make an increase of 10 per cent on all wages affected by this reduction in hours.

The increase in output since task and bonus has been established varies in different departments from 20 per cent to 75 per cent.

The cost of product as affected by the work on which the task and bonus system is applied has decreased on various operations in amounts ranging from 10 per cent to 25 per cent. This decrease in cost takes cognizance of the fact that the overhead or indirect expenses are increased under the system of scientific management over what they were under the old type of management, but this increase of indirect labor is figured in the cost of production which shows a reduction in spite of this additional cost factor.

There has been a marked improvement in the quality of the product, due to the rigid inspection which has been made on all work done under

task and bonus. This is evidenced by a decrease in the criticisms which have been made on our product by our customers.

FRED R. AYER.

HERMANN, AUKAM & CO.,  
Lebanon, Pa., February 8, 1916.

Mr. SANFORD E. THOMPSON,  
141 Milk Street, Boston, Mass.

DEAR Mr. THOMPSON: I am very glad to answer categorically the points in your letter of the 3d instant. In addition to this, I will write to some of the members of the House and Senate Military and Naval Affairs Committees in regard to the effect of bonus and premium work upon the happiness of the worker. I shall not indulge in any flights of fancy, merely remarking that the percentage of labor turnover on the operations which we put earliest and have had longest on bonus is markedly smaller than upon our piecework or daywork operations.

The health of the worker: Our employment statistics have not been available long enough or in sufficiently detailed form for me to give you any real information on this score. Incidentally, however, the necessity of the maintenance of standard conditions imposed by time study has resulted in more sanitary and cleanly conditions throughout our plant than existed previously.

Accidents: The number of accidents in our plant is very small, since the majority of the operations are hand operations and comparatively little machinery is employed. The bulk of the machine accidents we do have are in a department which as yet is not upon bonus, and for which the conditions of safety and cleanliness have not yet been standardized.

Wages: In the beginning of our time study and bonus work, we have progressively taken the operations upon which the wages were lowest, the output least, and the labor turnover greatest. Bonus work has resulted on these operations in an increase of wages of from 25 to 75 per cent; in a good many individual cases of over 100 per cent.

Hours of labor: Up to the present time bonus work has had no effect on the hours of labor, as only about half our plant is on bonus work, and we have not attained the ideal condition of balanced production that will enable us to change our hours, although the reduction of the working day is one of the chief goals at which we are aiming.

Output: With the introduction of bonus work the departments affected have shown a total increase of about 150 per cent in production in the past year and a half—that is, we are producing in the departments affected by bonus work about two and one-half times the amount produced 18 months ago. This is not due entirely to bonus work, but is largely contributed to by routing and generally more careful planning, but bonus work has made it possible to reach this altitude.

Cost of production: The direct cost of our product has been somewhat reduced. As to the effect on the indirect cost I am sorry I am unable to inform you, as I do not have the figures available at this plant.

Quality: The quality of the product has been immensely bettered; our inspection has steadily grown stricter, and we have not found the exaction of a high standard of quality is having any other than a beneficial effect all along the line. High quality of product and high speed of production have gone together under the maintenance of proper conditions. Our production in this plant, as you will notice, increased very appreciably in a short period. I am happy to say, further, that the end is not yet in sight; that there are vastly larger possibilities in the departments in which we have not done very intensive work. I should like to call to your attention an interesting incident that happened here within 10 days. A number of operators in a department which employs about 300 hands and which to the present has been working under piece rates, a good many of which are very inequitable, petitioned for an increase in the piece rates on certain lines of goods, and at the time of the petition raised the question why they could not be put on bonus work the same as operators in other departments, who, under new conditions, were earning much higher wages than formerly, and also higher wages than the petitioners. We have begun time study in that department.

If I can add anything further to this letter in future communications, I am at your service.

Very truly, yours,

D. G. WALSH, Jr.

TABOR MANUFACTURING CO., PHILADELPHIA, PA.

Records examined by Mr. Godfrey, now president of Drexel Institute, show 73 per cent increased wages and 25 per cent reduction in selling price.

EASTERN MANUFACTURING CO., BANGOR, ME.

[By Mr. F. R. Ayer, vice president and general manager.]

Workers more satisfied: weekly earnings for employees increased 25 per cent to 50 per cent; hours reduced from 10 to 9; increase in output, 20 per cent to 75 per cent; cost reduced 10 per cent to 25 per cent; quality of product improved.

LEWISTON BLEACHERY AND DYE WORKS, LEWISTON, ME.

[By Mr. D. N. Bates, agent.]

Wages increased 25 per cent; rest periods given to workers; women quit work one-half hour earlier than men; accidents decreased; output increased by improved machine and methods about 60 per cent; by training operators and bonus, 40 per cent; cost reduced about 40 per cent; workers anxious for a bonus.

H. H. FRANKLIN MFG. CO., SYRACUSE, N. Y.

[By Mr. G. D. Babcock, production manager.]

Increase in wages, 36 per cent—20 per cent above average wage in locality; hours reduced to 50 per week; reduction in sale price of our product for improved quality, 32 per cent.

HERMANN, AUKAM &amp; CO., LEBANON, PA.

[By Mr. D. J. Walsh, Jr.]

Labor turnover reduced; sanitary conditions improved; increase of wages of 25 per cent to 75 per cent; increase in production, 150 per cent; largely through the combination of planning and bonus incentive; direct cost of production somewhat reduced; quality bettered. The operators in one department requested that bonus work be established in their department so as to give them a chance to earn as high wages as the operators now on bonus.

SMITH & FURBUSH MACHINE CO., PHILADELPHIA, PA.

[By C. W. Schwartz, jr., general manager.]

Twenty per cent to 25 per cent premiums earned; output increased; gross cost, including expenses, about the same, with much greater uniformity of cost and more accurate cost in detail; quality better; scolding eliminated.

PACKARD MOTOR CAR CO., DETROIT, MICH.

[By S. S. Beall, vice president of manufacturing.]

Happiness increased; have been requested by men to set standard times; average premium 27 per cent of day wages; hours of labor shortened by premium system; output increased; quality of products maintained.

KNOX MOTORS CO., SPRINGFIELD, MASS.

[By F. E. Doolittle, superintendent.]

Happiness of operators greatly increased; better physical and mental condition; more work accomplished in eight hours under bonus system than in nine hours on straight time; output greatly increased; cost considerably cheaper; quality equally good.

ACME WIRE CO., NEW HAVEN, CONN.

[By Ralph W. Langley, works manager.]

Wages of employees increased 25 per cent; records prove no increase in accidents; no injury to health; output increased 25 per cent to 50 per cent; cost diminished; quality of product improved; bonus earnings frequently deposited in savings bank.

PLIMPTON PRESS, NORWOOD, MASS.

[By A. E. Barter, superintendent.]

Workers happier through the setting of definite tasks; health improved and accidents decreased; wages increased 20 per cent to 30 per cent, with average wage increased much more than this through the more continuous employment, which is a direct result of time study; capacity of plant increased; standard of quality improved rather than lowered.

NEW ENGLAND BUTT CO., PROVIDENCE, R. I.

[By J. G. Aldrich, president.]

Employees anxious to have time studies made; accidents less; wages at least 35 per cent higher; output considerably more on work which has been time studied; cost of product considerably less; quality of product is in general better under time-studied work.

SEWELL-CLAPP ENVELOPE CO., CHICAGO, ILL.

[By R. B. Frazer.]

Wages based on time study increased 15 per cent to 25 per cent; hours of labor planned to be reduced; increase in output up to 100 per cent. In a recent offer of special preferred stock the first purchasers were men who were working on bonuses.

WAVERLEY PRESS, BALTIMORE, MD.

[By Edward B. Passano, president.]

Increase in production 33½ per cent; operatives earning 33 to 50 per cent more, apparently satisfied and in good health.

CLOTHCRAFT SHOPS, CLEVELAND, OHIO.

[By Richard A. Felss, general manager.]

Happiness improved, health of workers improved, as shown specifically by average of absences only 1.4 per cent; accidents formerly quite numerous reduced to practically nothing; wages largely increased; hours of labor reduced from 54 to 48 and overtime practically eliminated; output increased; cost substantially lessened, although wages enormously increased; accurate standards of quality have been set through stop-watch observations.

EATON, CRANE & PIKE CO.

[By Wm. M. Eaton, secretary and treasurer.]

Increase in wages, 15 per cent; hours reduced, 10 per cent; greater confidence because employee knows task set by scientific study of methods and time is accurate; health benefited through the shorter hours; greater ease in doing work; rest periods and greater happiness because of wage increase; accidents decreased materially; output increased 22 per cent; quality of product improved.

Dr. H. S. Person, director of the Amos Tuck School of Administration and Finances of Dartmouth College, Hanover, N. H., writes as follows:

"I have never been in charge of an industrial plant, nor have I practiced management engineering, therefore what I have to say is not based upon that sort of experience. I have, however, in order to acquaint myself with scientific management for the purpose of instruction, visited many plants, talked with workmen, and made observations, particularly with respect to the affect of scientific management upon the workman. My conclusions are as follows with respect to the Taylor system of management in which is used the stop watch for time study and in which is applied some form of premium of bonus-wage payment:

"The happiness of the worker is greater than under conventional management.

"The health of the worker seems to average better than under conventional management.

"The statistical record of accidents shows that they are less under the Taylor system of management.

"Wage are greater for a given expenditure of time and energy.

"Hours of labor vary in different plants according to the industry, but for any given industry seem to be less than for the average of that industry.

"The output is greater per hour of application of labor.

"The unit cost of the product is less than under conventional management.

"The quality of product is better than under conventional forms of management, for the reason that its method of inspection eliminates defective work."

Under this scientific management the service department was installed, which included numerous benefits for us. The working hours have been shortened, the sanitary conditions are much improved.

NELLIE MILLER,  
Eastern Manufacturing Co., Bangor, Me.

First, I get more money in wages, and, second, there is not any time lost, and in many other ways I find the Taylor system much better for the work people.

N. S. SMILEY,  
Eastern Manufacturing Co., Bangor, Me.

I can not better express my appreciation and sentiment of this great scientific change from the old way of doing things than by saying that we employees have been benefited a thousandfold.

CATHERINE COULTER,  
Eastern Manufacturing Co., Bangor, Me.

From a general consideration of everything I think scientific management has done much for this concern and has made everything around and in the mill 100 per cent better.

ANNA CURREN,  
Eastern Manufacturing Co., Bangor, Me.

I am better in health and all, and it is better in all ways.

IDA CAMPBELL,  
Eastern Manufacturing Co., Bangor, Me.

Mr. WILLIAM HEMMERLY,  
New Haven, Conn.

DEAR SIR: After I am over my surprise that intelligent people in our days can try to stop a method that soon will show up as the only method under which the workingman will work in the future, I shall gladly and frankly state my experience of working under a bonus system.

I started to work for a concern that was putting in a bonus system (Taylor system) in 1912. When I started to work the shop was still on day-work basis and all the jobs were day work. I was at that time earning \$8 a week, but a few weeks later I was transferred to some part of the shop where they all worked on piecework. After a little experience I could here earn from \$11 to \$13, but when the whistle blew at night I would be all tired out because I started in full speed in the morning and kept it going as long as possible, but I would always be too tired to go anywhere at night.

After a while the company was ready to put the whole factory on bonus basis, and I started to work after the new system, together with the whole room. At first we did not like it at all, but after a few days had passed we all found that we were not only making the same money and doing the same quantity of work, but never got tired out as we used to, because there was a certain time set to do the operation in which made us start in with speed that would enable us to finish the job in time, and by keeping it going with that speed all day we would most the time produce more than we did after the piecework system without being tired, and after the bonus system we could always be sure to get at least our day-rate pay, even if we had bad luck with the work or didn't feel good, as we were always paid our day rate, even if we did not make the job in bonus time (the time the operator is allowed for a certain operation). The bonus time was set by a time-study clerk, who timed two or three medium operators with a stop watch. He did not only time the whole operation, but he also timed every necessary movement the operator did to do the operation, and by doing so he would get the exact time it would take any medium operator to do the jobs. On top of that was allowed a certain per cent for lost time, etc. So by any means this was the only fair way to get the time. It was fair to the operator, because she or he could be sure that it was the right time for the operation; and it was fair to the company, because they were sure to get the work done in the time it ought to be.

After that I have never heard one unsatisfactory word said in the shop about the bonus system, and we had many operators coming from the other shops with piecework system who stated that they never would work after the piecework system again after having tried bonus system.

The bonus system makes the workingman and his home happy, because he don't come home from work all tired out. He also gets fair wages and work under human conditions, with the same rights as the fellow workmen.

If you wish, you can publish this letter if it can be of any help for the standing of the bonus system.

Very truly, yours,

TORVAL D. HOYER,  
Acme Wire Co.

I have worked in the Acme Wire Co. nearly four years, and during that time I worked under three systems—daywork, piecework, and now the Taylor system.

I do think and like the Taylor system the best.

Yours, truly,

A. KOCH,  
Acme Wire Co.

With my part of work at time study on task and bonus have found it very interesting and educating.

The old method of payment means just one pay envelope on pay day, while the bonus plan makes a willing worker and puts on an extra red envelope into his hands, with lots to gain and nothing to lose.

S. F. GILLA,  
Sewell-Clapp Envelopes.

Mr. E. B. PASSANO,  
President Waverly Press, Baltimore, Md.

DEAR SIR: I have been asked to state my opinion of the bonus system under which we work.

I like it and would much regret returning to a straight salary, where extra effort counts for little or nothing to the operative.

I consider the present system the finest sort of encouragement to do more work and better work. It is a fair deal on both sides. It creates a personal interest on the part of the employee in the firm's progress,



and the operative is enabled to earn more money with no more physical strain than under any other system and with a greater mental satisfaction, because extra production and quality are recorded and come back in the pay envelopes.

I am earning more money in less time, with less physical and mental strain than I believe would be possible on a straight salary basis, and I am better satisfied than I have been in the years I have been employed.

The fact that I came here 18 months ago a stranger, without home or friends in the city, and liked your bonus system well enough to remain and then return here four times from trips home, rather than accept \$18 per week straight salary in my State, Massachusetts, is the best argument I can offer.

Very respectfully,

FEBRUARY 21, 1916.

LILLIAN H. HILL.

Under the Taylor system the girls do the work the quickest and easiest way, found by timing an efficient operator.

MARGARET PURCELL,  
Acme Wire Co., New Haven, Conn.

It has not interfered in the least with my physical condition or happiness. For myself I am in favor of the bonus system.

HELEN BAKER,  
Acme Wire Co.

It also encourages us to put more interest in our work.

FLORENCE JOHNSON,  
Acme Wire Co.

It opens the way to better positions for men of every phase of employment who can handle themselves in positions of trust and authority. I can speak without a possible chance of contradiction of my own position after showing the engineers that I could work under and with their plans my position as a foreman under long hours was improved and was placed in one of the most responsible positions in our plant, and my hours changed from nine and one-half to eight hours a day and giving me the opportunity to increase my earning capacity and my future fixed if I continue to be honest and on the job.

H. C. HOWES,  
Sewell-Clapp Envelope, Chicago.

After working under its control against the old rule-of-thumb methods you find out how fair it is.

H. G. HOWES,  
Sewell-Clapp Envelopes, Chicago.

In classes of work where possible I believe that by making time studies both employer and employees will be benefited. Surely persons who are competent and efficient and who produce a large amount of work should receive a higher wage than those who are less efficient and produce less work. The employee is paid for the exact amount of work produced. The employer pays for the exact amount of work received. Is it not a square deal?

In my own experience the bonus system pays far better than a standard wage.

ADA G. BEARD,  
Waverly Press, Baltimore, Md.

In regard to the bonus question, would say that having worked on bonus system now for over two years I am in favor of it.

Mrs. MAE LOWNEY,  
Waverly Press, Baltimore, Md.

Resolution by Chamber of Commerce of the United States in regard to the question of industrial efficiency and reaffirming the chamber's former action on this question adopted at the fourth annual meeting of the Chamber of Commerce of the United States February 10, 1916.

Whereas the Chamber of Commerce of the United States, assembled in its third annual meeting, urged that Congress should reject the so-called Deitrick amendment to a pending appropriation bill, in so far as this amendment sought to prevent the study of methods to increase industrial efficiency in manufacturing establishments of the Government and to forbid additional compensation to employees as a reward for improvement in skill and effort; and

Whereas no legislative enactment of any kind should have as its purpose interference with the development of industrial efficiency in ways which comport with the public interest: Now therefore be it

Resolved, That the Chamber of Commerce of the United States in fourth annual meeting assembled emphatically reaffirms the attitude it has previously taken upon this question.

The amendment of the Senate Committee on Military Affairs is, on page 90, after line 19, to strike out:

Provided, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. REED obtained the floor.

Mr. BRADY. Mr. President—

Mr. REED. Does the Senator wish to speak on this amendment?

Mr. BRADY. Just for a moment.

Mr. REED. I yield to the Senator.

Mr. BRADY. I just wanted to say that I voted against striking out this amendment in the committee, and reserved the right to oppose the amendment on the floor of the Senate. I did so for the reason that I do not believe it is for the best

interests of the Government or the workingmen, either, to strike out the section as it is written in the House bill.

I have listened with much interest to what the Senator from Massachusetts had to say, and he presents a splendid argument from his viewpoint. But I believe we will have more efficiency and good service by giving the workingmen bonuses in a different manner than to attempt to hold a stop watch on them. For that reason I shall vote to strike out the provision.

Mr. REED. Mr. President, I am very glad to yield to the Senator from Idaho to make his very few and very modest remarks. I think he might have gone much further but for his modesty, for he has been in his time a very large employer of labor, and he has also had experience as a laborer. Speaking as he does in his unostentatious manner and giving it as his opinion, I think that what he has said is entitled to more weight than the words of an inexperienced man.

Mr. President, as a prelude to what I am about to say I want to put Massachusetts against Massachusetts. The junior Senator from that great State [Mr. WEEKS] has occupied the floor of the Senate in support of the stop-watch, Taylor, and other systems, which he groups generally under the head of efficiency systems, and has very earnestly advocated the continuance of these systems, and, by logic, the extension of these systems in Government plants; and I presume I would not do that Senator an injustice if I were further to assume that he is in favor of introducing this system into all departments of governmental work and activity.

I do not profess to be an expert as to the details of these systems, but as I understand the system it is this:

An expert, or an alleged efficiency expert, comes into a private or a Government plant. He makes up his mind how long it ought to take a workman to do a particular thing. Thereupon that is fixed as the standard, and any man who does the work in shorter time is given a credit, an additional payment. Any workman who exceeds the time receives nothing for the excess time. This, it is urged, makes for efficiency and offers a premium to the more skillful and active employees.

In order to determine what a workman is doing, as I understand the system—and I speak of it in the rough—if the expert has determined that a certain job ought to be done in 50 minutes, when a workman starts at that job the stop watch is started, and when it has run the 50 minutes the stop watch stops. If it takes the workman an hour longer to complete the job, he gets no pay for that additional hour; but if he gets through with his job in 40 minutes he not only gets the price he would receive if he did it in 50 minutes, but he gets an additional price. So that the premium is put upon speed—not upon the care or skill with which the work is done. If it be up to a standard sufficient to pass at all, a premium is put upon speed.

A very fine analysis of that thought is found in the remarks of the senior Senator from Massachusetts [Mr. LODGE], made with reference to a provision such as we now have before us. It is reported in the House hearings. Senator LODGE said:

The one object of the time measure is to produce speed. Now, speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all of our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing we can possibly tell by time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now for racing automobiles, but not by a man buying horses for his ordinary use.

Now, to put the stop watch on human beings may tell how fast they can work, but it can tell nothing of the quality of their work. Nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as fast as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art. It is deteriorating manufacture.

Mr. President, this is an important matter. There are about eight Senators in the Chamber; and I have gotten a little tired of hearing discussions here to vacant seats and seeing Senators come in and not know the question on which they are voting. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MYERS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Chilton	Dillingham	Hardwick
Borah	Clapp	Fall	Husting
Brady	Clark, Wyo.	Fletcher	James
Broussard	Cullerson	Gallinger	Johnson, S. Da's.
Bryan	Cummins	Grona	Jones
Chamberlain	Curtis	Harding	Kenyon

Kern  
La Follette  
Lane  
Lee, Md.  
Lippitt  
Lodge  
McCumber  
Martin, Va.  
Martine, N. J.

Myers  
Norris  
O'Gorman  
Overman  
Page  
Penrose  
Poindexter  
Ransdell  
Reed

Shafroth  
Sheppard  
Smith, Md.  
Smith, S. C.  
Smoot  
Swanson  
Thomas  
Thompson  
Townsend

Underwood  
Vardaman  
Wadsworth  
Warren  
Weeks  
Williams

Mr. KERN. I wish to announce the unavoidable absence of the Senator from California [Mr. PHELAN] on important business.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, my sole object in calling a quorum was in order that this matter may be stated so that at least some 10 or 15 Members of the Senate will know what the question is when we come to vote on it. I do not say that for the purpose of criticizing Senators. We are held here necessarily from 10 o'clock in the morning until 6.30 in the evening. Every Senator has business to attend to that requires his attention elsewhere, and I have seen, particularly in the last few days, important amendments passed or defeated by men a large number of whom had heard no part of the discussion and were not familiar with the question.

Now, if you will bear with me a very few minutes, I want to state this matter. The House of Representatives by its bill prohibited or attempted to prohibit the use of the stopwatch system in the Government arsenals. The Senate committee strikes out that provision, and the question is whether we will introduce and extend that system in the Government plants and arsenals or whether we will stop it.

Congress undertook to stop it by legislation some time ago, and Gen. Crozier, as is conclusively shown by the House report, practically nullified the act of Congress.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. The Senator, I think, is doing Gen. Crozier a little injustice in making that statement. Most of the work done at the Watertown Arsenal is provided for under the fortifications bill. The fortifications bill did not contain the provision which the Senator is criticizing, and therefore he could do it without evading the act of Congress.

Mr. REED. Yes; he found a way by which technically he could defeat the purpose of the act. He very assiduously, and I will not say cunningly but persistently, pursued that course.

Mr. MARTINE of New Jersey. Mr. President—

Mr. REED. I wish the Senator would not interrupt me, because I am going to try and be very brief.

Mr. MARTINE of New Jersey. Very well.

Mr. REED. The real question is the Taylor system. It may be called by any name you please, but it is the introduction of the Taylor system with some modifications. I want the Senate before it votes this system into our Government arsenals to know what the Taylor system is.

I call attention to the House report at page 14, and you can get an idea of Mr. Taylor's object when he created this system from his own statement, which is quoted. If it be not the statement of a man who is willing to drive labor to the edge of despair, then I can not understand the English language. I would characterize it more harshly, but its author has gone into the great beyond.

When the writer left the steel works, the Bethlehem pieceworkers were the finest body of picked laborers that he had ever seen together. They were practically all first-class men, because in each case the task which they were called upon to perform was such that only a first-class man could do it. The tasks were all purposely made so severe that not more than one out of five laborers (perhaps even a smaller percentage than this) could keep up.

Where the labor market is large enough to secure in a reasonable time enough strictly first-class men, the piecework rates should be fixed on such a basis that only a first-class man working at his best can earn the average amount called for. This figure should be, in the case of first-class men, as stated above, from 30 to 100 per cent beyond the wages usually paid. The task idea is emphasized with this style of piecework by two things—the high wages and the laying off, after a reasonable trial, of incompetent men; and for the success of the system the number of men employed on practically the same class of work should be large enough for the workmen quite often to have the object lesson of seeing men laid off for failing to earn high wages and others substituted in their places.

Now, that was the idea of the father of this system, to create a system where only one man out of ten could survive its hardships, and to hold before all employees constantly the example of their fellow workmen being discharged.

How is the system organized and effectuated? I read from page 15 of the House report. They quote the testimony of Mr. Frey, who was one of the board appointed to investigate this very question, the Federal Industrial Relations Commission.

If you will follow them you will see how it works out a plan that absolutely compels every man to work in constant fear of discharge and every man to become the slave driver of his fellow workmen or of every man who may work under him. Here is the scheme worked out:

One instance showing the extent to which "efficiency experts" can develop methods of speeding the workers up to their physical and nervous limit made a permanent impression upon the investigators.

The plant employed the usual forms of time and motion study for the determination of what the task should be, and the workers were paid a bonus if they accomplished the task. For example, if the time set upon a task was one hour, the worker, if he finished the job in an hour, was credited with an hour and a quarter's pay, based upon his hourly wage rate; so that if this was 20 cents he would receive 25 cents for the hour's work.

This bonus was not considered sufficient to properly assist and stimulate the workers, so the foreman was also paid a bonus, this being based upon the number of workers under his charge who earned their full bonus. For the foreman's efficiency to reach 100 per cent it would be necessary for every worker in his gang to earn their bonus every hour of the working day. It was therefore to the foreman's interest to do all that lay in his power to see that every worker accomplished the task which had been set.

However, this was but a part of the scheme or system which aimed to get all of the work possible out of the workers, for another factor entered largely into the plan. The time-study man and task setter was also paid a bonus which was based upon the number of workers who failed to make their tasks, the task setter's efficiency reaching 100 per cent only when every worker in a group failed to finish their jobs in the time set for the accomplishment of their tasks. The time-study man was therefore paid a bonus to set the tasks so high that the workers could rarely, if ever, accomplish them, while the foreman was paid a bonus based upon the number of workers who could be prevailed upon to finish their jobs within the time set.

Under this system there were no rest periods—

And so forth.

There is more of this, which I shall not take the time to read.

Mr. THOMAS. I was called out, and only entered the Chamber while the Senator was reading. May I ask the Senator what he is reading from?

Mr. REED. I have just read from the testimony of Mr. Frey, of the Industrial Relations Commission, quoted in the report of the committee of the House of Representatives.

Mr. President, an analysis of the scheme exposes its diabolism and shows to what oppressive uses the Taylor system can be put. Let me illustrate the scheme just referred to:

A factory owner employs an efficiency expert whose business it is to determine the number of minutes within which each piece of work in the factory must be completed. It is then provided that if any workman does not perform his task within the given time he shall be docked, but that he shall have a premium if he completes the task in less than the specified time.

The factory owner then employs a boss who likewise comes within the control of the same system, the rule as to the boss being that his rating is to be determined by the efficiency of the men. Accordingly, if the boss can compel every man under him to complete his work within the time fixed by the efficiency engineer, the boss's efficiency is 100 per cent. If he can force the men under him to do the work in less time than that specified the boss's efficiency is thereby increased above 100 per cent. But if a single man fails to perform his task within the allotted time, the boss's efficiency is to that extent decreased. The result is that the boss as a matter of self-protection or self-advancement is compelled to drive his men to the very limit of their strength.

But the scheme does not end here. The efficiency expert or time-study man and task setter is paid a bonus if the workmen fail to perform the task set by him. If he sets the task so hard that no single man can perform the work assigned, then the task setter's efficiency goes to 100 per cent. The greater the degree of failure the higher will be the task setter's efficiency.

Conceive, if you can, the condition of an employee compelled to work at a task which is set by a man whose rating and value depend upon the task being made so hard that the employee can not perform it, and to work under a boss whose rating and value is to be determined by his ability to compel the laborer to perform the task in less than the time fixed by the efficiency expert. Is it not plain that the employee is being ground between the upper millstone (the efficiency expert), and the nether millstone (the boss)?

Such a scheme is more inhuman than that conceived in the mind of old Pharaoh when he compelled the Israelites to make bricks without straw. Pharaoh's scheme was crude and ineffective. The Taylor system is scientifically fiendish.

That is the Taylor system in its entirety and in its beauty, and that is the system that is being proposed for the Government factories.

As was said by the Senator from Massachusetts [Mr. LODGE] time speeds are not the only element. You put a lot of men to work and tell them if they accomplish a certain task within a certain time, so that it can pass inspection, they will receive a premium, and if they do not they will lose their time.



One of these men is engaged in assembling one of the great pieces of ordnance, the working or the nonworking of which may mean the saving of a battle or the losing of a battle. Put him under such a system as I have described, that man may turn out a piece of ordnance and some day it will fail to do its work and a great catastrophe fall upon our arms. The whole system is inhuman. It is brutal. It is fiendish, and it ought not to be imposed upon white men or upon men of any other color.

Now, Mr. President, where was it devised? Was it a thing that was advocated by those who studied the welfare of labor or was it advocated by those who studied the other side of the question?

I find in this report that there is quoted as an advocate of this system that distinguished gentleman of whom we heard so much when we were investigating the lobby, and who was the head of the manufacturers' lobby association here in Washington.

The Senator from Massachusetts [Mr. WEEKS] has read some letters. Of course you can get individual letters from individual men, particularly as is indicated by this report when influence has been brought upon men by their bosses and their superiors. But what about the great voice, the common voice of labor, upon this question? The Senator says this system has met with universal approval. But this is what the House committee said after a full investigation, the results of which are to be found in this volume of approximately 375 pages. This is what that committee said:

Labor, organized and unorganized, has systematically opposed the introduction of the system into Government plants. Gen. Crozier asserts that outside influences are responsible for the workers' hostile attitude, but the evidence submitted to your committee seems completely to disprove the general theory.

I call attention in this connection of those who have some regard for human beings to the report at page 14, in which it is stated:

The United States Public Health Service has just issued bulletin No. 73, "Tuberculosis Among Industrial Workers," by Surg. D. E. Robinson and Asst. Surg. J. G. Wilson.

Those gentlemen are surely impartial and competent witnesses, and here is what they have to say:

"SPEEDING UP.

"This is a natural resultant of the piecework system, and from the standpoint of the employees' health does more harm than any other one thing associated with factory work. Although it works, or appears to work, to the interest of the employer by increasing the output of the individual workers, these good results are probably only temporary, as the pernicious effect upon the health of the wage earner will, in the end, have the opposite effect."

And again on page 16 of the bulletin, speaking particularly of the boot and shoe industry:

"One of the most noticeable things about the work in these factories is the high tension at which everyone seems to be working, as the work in nearly all instances is piecework and earnings naturally depend on the output. This high-pressure work or speeding, in our opinion, is one of the most important causes of the lowered physical vitality noticed among these workers, as the constant strain of work at top speed, week after week, must tell in the end. The human body is only a machine, too often a delicate one, capable of standing only so much abuse. With this high-pressure work for eight or nine hours a day, with but a half hour's breathing spell for lunch, coupled with the effects of dissipation and loss of sleep, we have a combination that only the strong can resist, the weak succumbing to any infection with which they come into contact. Moreover, the nervous organization suffers in this speeding process and neurasthenic individuals were frequently observed among both male and female shop workers."

If the Senator will pardon me, I call attention to another vice of this system. Who is it that lays out the work for these men? Who are these efficiency experts? If they were old and skilled mechanics who had themselves stood at the forge and at the lathe and had worked, they might devise a plan that would be reasonably fair for their fellow workmen; but this is what we are told by the House committee as the result of their investigation, at page 13:

The bulk of the time-study men encountered were immature men drawn from the shop or from college. They were expected to get their knowledge and training in all the matters enumerated above through the actual work of the time study and task setting. In the majority of cases encountered it was not considered essential that they should have had any special training in the particular industry. A man who had worked exclusively in the machine shop was considered competent, after a few weeks or months of contact and trial experience, to set tasks in a cotton mill.

A little further on, on that same line, at page 25, you will find this:

We found very early in our investigations that not only were the leading exponents of scientific management at odds between themselves as to how time studies should be made and what form of payment should be used, but that they were unanimously of the opinion that there were more fakers installing scientific management than there were fakers in any other profession.

So you take a class of so-called efficiency experts, the majority of whom are fakers, and you place one of those inexperienced fakers in a great factory where hundreds of American citizens are employed, and Mr. Fakir, who never put hand to

a lathe, who could not assemble a monkey wrench, proceeds to say how long and how short a time a piece of work shall be done in. If he makes an unjust decision, every man in the plant suffers; but if he is really an expert according to the Taylor idea, he works out a scheme in which every man is worked at the highest tension of muscle and nerve and brain.

How has it worked? The House hearings and the testimony developed that to some extent. They took the case of some of the best workmen in some of the best shops who were working according to the schedules prepared by these alleged experts. They put that workman to work, and then found that his efficiency varied—that is, taking the rule of the expert now as the basis—all the way from 21 per cent to 150 per cent. In some cases working at the same rate, the same tension, he could do the job in two-thirds of the time laid down; in other cases, it took nearly five times the amount that was allowed to do the work.

That is the kind of system that we are asked to install in our Government workshops. It is repugnant to every principle of humanity; it is destructive to really scientific work; it destroys the independence of the laboring men; it puts them on a nervous and mental test, which absorbs all of their vitality. It is intolerable; it is unbearable; it is being condemned by the most humane of labor employers; and the Congress of the United States of America, which is engaged in passing legislation for the amelioration of the condition of children, for the shortening of the hours of labor, and for other measures looking toward a betterment of the condition of the toiler, is about to be asked by the Senate committee to commit itself to a policy as racking, as abominable, as harrowing, as revolting, as grinding as was ever devised by a slave driver in the Tropics.

Mr. MARTINE of New Jersey. Mr. President, I have no desire to detain the Senate at any length, but I feel very deeply in relation to this matter. Primarily I am opposed, as I have before said, to this system. I feel that it is humiliating to the average man to have a boss stand over him as he would over a horse with a time watch. The Senator from Massachusetts [Mr. WEEKS] said that with very few exceptions all laboring men were for it. I find here in the House hearings, on page 35, the statement of Mr. O'Connell. I will not read the whole of his statement, but he says this:

The men at the Rock Island Arsenal of the United States Government—1,500 of them—when it became generally known that the Taylor system would be put into effect, these men, regardless of their trade or calling, whether mechanics or laborers, this army of men arose as one man and said: "No; no Taylor system for us. We are working for one of the best employers in the world, the United States Government; we have an eight-hour working day; the wages are as good as those paid by private employers; but we will not accept the Taylor system."

I find here, again, a letter to the former Secretary of War dated at the Watertown Arsenal, which the Senator from Massachusetts has quoted, to Lindley M. Garrison. I shall not read the whole of it, but I shall read a portion of it, as follows:

The effect of this system here has been to create a feeling of distrust between the employees and the management; it has destroyed every vestige of cooperation between the workmen and the foremen collectively, and has produced a condition of unhappiness throughout the whole works.

Yet I heard the Senator from Massachusetts quote from some letter which was sent to him from some private concern, stating how happy their employees were. The fact is the average man is not very happy under toll; there is no doubt about that. We work because it will bring us results.

As I said in my opening remarks on this subject, I realize that the Government of the United States can do nothing as to private concerns. The great plants of Carnegie, of Phipps, and those like the Homestead and Bethlehem plants will do as they please; but I pray, in God's name, let the Government of the United States be a model to the employers of labor throughout the land. That the Carnegie and Homestead people have made money for their principals under this system I do not deny, but let our Government plant not be built up upon the bone and blood of our American workmen.

The Senator from Massachusetts stated that under this system wages have been increased. I desire, however, to call the attention of the Senate to the fact that wages have been increased without the application of this system. The wages of bricklayers, carpenters, mechanics, and blacksmiths throughout our entire land have been increased. They have increased in wage, in general thrift, and in general happiness.

The Senator cites the fact that the time system was applied only in the case of the making of some intricate or delicate tools. I have here a report showing that men were timed while carrying 13 tons of ore during 8 hours. Think of a human frame lifting up and carrying 13 tons of ore! That this laborer might carry 15 or 16, or even more, tons of ore to suit these unreasonable and unholy exactions a time watch was held on him.

The Senator from Massachusetts tells us about some woman who in her stitching would use a thread a yard long, when if it was 10 inches long she might take two stitches instead of one. Great God! Has it come to this, that as to the poor seamstress who sits and stitches and stitches her very life away by the glimmer of a midnight lamp, they calculate the stitches to this degree? Oh, heavens! Is it possible that the liberal, generous, educated "hub of the universe"—Massachusetts—stands for a system that would so measure a woman's earnings and her livelihood?

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. I yield to my best friend.

Mr. GALLINGER. The Senator from New Jersey in part represents a manufacturing State—

Mr. MARTINE of New Jersey. I do.

Mr. GALLINGER. A wonderful State. Do not a great many of the manufacturers in New Jersey employ this system?

Mr. MARTINE of New Jersey. I think too many of them do.

Mr. GALLINGER. Has the Senator received many protests from laboring men in those industries?

Mr. MARTINE of New Jersey. Oh, they are under the thumb of the men who employ them. No; I have not, but I should like to know by what process the Senator from New Hampshire has received so many commendatory letters of this unholy system? I have not received many.

Mr. GALLINGER. My observation is that laboring men are not much under the thumb of their employers nowadays. That is my observation.

Mr. MARTINE of New Jersey. No, thank God, the laboring men are on top.

Mr. GALLINGER. I think they are.

Mr. MARTINE of New Jersey. Yes; I think they are.

Mr. GALLINGER. I know in my own little State, which is a manufacturing State, a good many of the industrial establishments are employing this system, and I have never received a single protest against it by letter or otherwise.

Mr. MARTINE of New Jersey. I can find you protest after protest, although I have not sought them out. I could hardly believe that in the Senate, in this enlightened age, there could be found so splendid a Senator as the Senator from the great Commonwealth of Massachusetts [Mr. WEEKS] standing up and defending such an unholy and indefensible system.

Mr. GALLINGER. My own impression is, if the Senator will permit me, though unfortunately I have not the facts to substantiate the suggestion I am going to make, that there has been a great exaggeration as to what this system really means. But we will let that pass for the present. I wonder very much, indeed, that in our great industrial establishments where this system is in vogue the laboring men are not complaining more than they are; in fact, so far as I know, they are not complaining at all.

Mr. MARTINE of New Jersey. Mr. President, I have no desire to detain the Senate longer, and I ask for the yeas and nays on the amendment.

Mr. CUMMINS. Mr. President, before the Senator from New Jersey sits down, I want to ask him a question, which nobody can answer so well as he. What does he think the effect would be if the stop-watch system were applied to the Senate of the United States? [Laughter.]

Mr. MARTINE of New Jersey. I think it might be a blessing to the country; but, if we were engaged in physical toil, I would say that it would be utterly un-American, ungenerous, and inhuman.

Mr. THOMAS. Mr. President, as a member of the Committee on Military Affairs I cast my vote for the elimination of this proviso. Having done so, it is perhaps not improper that I should occupy briefly the attention of the Senate with a statement of the reasons which controlled my action.

The interests of the public are of some importance in all matters of general legislation, and generally quite as important as those which are identified with some particular features of it; and, in my judgment, the interests of the public as to this and kindred subjects of legislation, especially in our so-called measures of preparation, require the establishment of that efficiency commensurate with first-class production consistent with the rights of the employees of the Government and with the general elements of humanity.

Mr. President, it is very easy to attribute improper motives to those whose opinions are not entirely satisfactory to us, and it is equally easy to meet argument with vituperation. Vituperation, however, is a species of self-indulgence, and is in no sense argumentation. I shall, therefore, in the short time that

I shall occupy endeavor to confine myself to the merits of the subject as I understand them.

I may say, Mr. President, by way of preliminary, that I have no fear of being reproached with any desire or intention of impairing the rights or denying the just requirements of labor in anything which I do here in the discharge of my duties. If a man's record is of any value, it should serve him amply by mere reference to it whenever occasion requires.

I advocated the eight-hour day nearly 40 years ago, and 29 years ago I appeared before a committee of the general assembly of my State in advocacy of an employers' liability act, basing my argument on the dissenting opinion of a judge of the Supreme Court of Ohio in the case of Railroad Co. against Kealy, as I now recall, in Eighth Ohio Reports, which embodies every argument for that legislation which has recently been enacted and which we designate by the general term of "employers' liability acts." I have been and I always shall be an advocate of every movement tending to ameliorate labor conditions, with due regard to the mutual welfare of all, so long as I am in public life. On the other hand, if there be propositions which do not commend themselves to my judgment and which seem to be inimical to labor or to society, I shall from the same sense of duty act in accordance with what my judgment requires. Hence, in so far as this subject is concerned, being one which affects the public interest quite as much as if not more than any private interest, the disposition to be made of it should be determined by such facts and inferences as may be pertinent to the subject.

Mr. President, with this preliminary statement, let us see what the proviso is. It reads as follows:

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

In argument this proviso has been confounded—at least that seems to me a proper deduction—with what is known as the Taylor system—a system which has been lauded and condemned to as great a degree, perhaps, as any industrial experiment of modern times, the merits of which, either in theory or in practice, I shall not spend any time in discussing. It may or it may not be, for any purpose of mine, a most pernicious and damnable system, one invented for the undoing of labor and for the destruction of the energies and the health of those employed in our manufactories. But I want to say with reference to it that if the system is what the Senator from Missouri [Mr. REED] has asserted it to be, if the system is capable of being and has been used for the production of those conditions to which the Senator from New Jersey [Mr. MARTINE] refers, it should not only be banished from all the avenues of Government employment but it should be prohibited by law in every State in the Union, for if it be true that in its general use it serves to debilitate, overwork, and destroy the health of the laborer, then a great public interest, above and beyond that of any manufacturer or of any laborer, demands governmental action for its prohibition.

But, Mr. President, has this system or any system which heretofore has been in operation in any of the arsenals or armories of the United States produced these dire results, or any of them; and, if so, where is the evidence of the fact?

This matter was presented to the Military Affairs Committee some two years ago for the first time in my experience. There it was the subject of general discussion, and arguments in favor of and against it were made by the respective members of that committee to each other. A Senator came before us asking to be heard against the proposed amendment. He was armed with a number of communications, principally, I think, from the Frankford Arsenal, from the workmen employed there; and, without any exception, these letters were in protest to the committee against the adoption of the proviso. I recall distinctly that in a number of instances it was recited by the writers that, through the extra pay they had been able to realize in the performance of their tasks, they had purchased homes upon the installment plan, and were depending upon the continuance of the existing system to earn sufficient to meet the installments and pay the amounts still due upon them. That, Mr. President, made and makes a greater appeal to me than anything which has been urged in behalf of or against the proviso, for if it be true that under the operation of whatever system was employed, the wage earner was able to obtain a home for himself and his family, to anchor himself to the soil



of the Commonwealth, and become a freeholder in very truth, until those homes are paid for there should be no interference with the prevailing system.

Now, it may be that these letters were extorted from their signers by slave drivers in the employ of the Government, or by the exercise of some coercive power the existence of which I can not imagine in a governmental establishment, and that they were not, therefore, the free expressions of those who wrote the letters, or, if so, that they were exaggerated or false. But, Mr. President, as suggested by the Senator from Utah [Mr. SMOOT], the overpay was certainly no exaggeration. I do not think anything contained in these letters is an exaggeration; for if so, how easily it could have been refuted if the fact were so.

The letters which have been presented here by the Senator from Massachusetts [Mr. WEEKS], coming from the Watertown Arsenal and from outside employees, may have been the result of coercion, but to my mind it is a poor way to meet a proposition by questioning the source of the proof, and to insinuate that a fact properly authenticated should not be received because, forsooth, the contingencies may permit of the conclusion that the communication was not the act of free will of the person making it.

I also endeavored to ascertain, on my own account, if there were any specific instances of overwork under the prevailing system, such as the indefinite one instanced by the Senator from New Jersey [Mr. MARTINE]. Of course my means of investigation were limited, but they disclosed nothing of the kind; and the instance given by the Senator from New Jersey—which he unquestionably believes to have occurred—is, to my mind, nothing in the world but a myth. I do not believe that any individual can be produced who has been compelled to work under any system in any department of the Government until completely exhausted and taken to a hospital or some other place for physical relief.

It is easy, Mr. President, to cite an instance if it exists, and very easy to establish it by name, date, and place of occurrence. The Senator, in response to my request, could do no more than to state that he had received his information from some source, the only definite thing about it being its alleged occurrence in the mail department. I do not believe it occurred. I do not believe that the Senator, if he makes a proper investigation, will be able to discover that it occurred.

Mr. President, it will be noted that this amendment as it passed the House prohibits the use of any method whatever, by means of which the labor cost of any given piece of work or of the manufacture of any given item or article, can be ascertained. If not only the stop watch but every other device for determining these things are prohibited, then the determination itself is impossible; and if it is to be understood that all attempt at the measurement of things with a view of determining cost as well as efficiency is to be prohibited in all governmental workshops, then how is it possible to determine the relation, in labor and other expense, which those things which the Government produces bear to those which the Government does not produce but must purchase?

Some time ago it was stated upon this floor that in the manufacture of powder the Government output cost far less than the prices which before that time it had been compelled to pay to private manufacturers. How was that cost ascertained? There must have been some method of determining it by a consideration of every item going into the production of the finished article, some measurement involving, of course, the process of time, without which all measurements are absolutely impossible, with the consequence that the Government has been able to say: "The powder which we manufacture costs us only so much; therefore we will only pay a similar amount, or that sum plus a small profit, to those who desire to sell us powder hereafter." What private manufacturer would accept a mere ipse dixit of the Government any more than that of a competitor? And what one would refuse to accept the fact upon which the statement is based if ascertained by unimpeachable processes? And how are those facts to be ascertained in any manner if those in charge of governmental work are by law prohibited from using any method of determining the facts?

That, Mr. President, is one of my most serious objections to this proviso. It is catholic in its extent; it is absolute; there is no possible way, in my judgment, for an honest man to avoid the prohibition which it places upon his action, and I do not think anyone will attempt it.

Mr. President, much has been said here about the pernicious consequences to the laboring man, the wage earner, of the application to him of the principle of time service known in general parlance as the stop-watch system.

Now, I concede that it can be abused, and I join in the statement of the Senator from Missouri that where this or any similar system is used for the purpose of oppressing or speeding up and overburdening the physical system of the wage earner it is infamous. The term is not too harsh. But, Mr. President, the fact that any system is subject to abuse—and nearly all of them are—is no argument against the system itself when properly used and properly applied. We can be extreme and intemperate in everything; and in the past employers—there may be some now, but happily very few—who may be so actuated by the principle of gain as to exact the utmost degree of effort and the last ounce of strength, all that can be given by the employee in exchange for his day's wages. Such an employer is an enemy of his kind; his name should be anathema; and he is entitled neither to the consideration of his Government nor of society. On the other hand, Mr. President, in all of our modern establishments, and especially in view of world-wide competition, efficiency is and must be the watchword of the day.

I recall that some time ago Mr. Justice Brandeis startled the country by the statement, during a trial of some controversies before the Interstate Commerce Commission, that the railroad companies of the country could save a million dollars a day by the exercise of efficiency and economy in management. The statement, I say, was startling. Not only so, but it was regarded with incredulity by the great majority of the people and was ridiculed by the railroad managers themselves. The Senator from Oregon [Mr. CHAMBERLAIN] reminds me that the late Senator from Rhode Island, Mr. Aldrich, upon the floor of the Senate made the remark—and I believe it was true—that a proper system of efficiency in governmental administration would mean a saving every year of \$300,000,000—a saving which the present demands upon the governmental purse would make extremely desirable and relieve the majority members of the Senate Finance Committee of an infinite amount of worry and trouble over revenue problems.

Mr. President, the railroads, notwithstanding the indignant denunciation with which they received the statement of Mr. Justice Brandeis, began to act upon it; and I venture to state that their investigations and subsequent changes vindicated his judgment and that a great saving has been effected. Has any laborer in the railroad world been at all injured by reason of the introduction of these new ideas and systems of efficiency and of economy? Was the saving thus effected by the introduction of reforms and changes which bore upon the physical condition and wasted the physical energies of the wage earner? If so, Mr. President, we would have heard of it long, long ago.

Mr. CUMMINS. Mr. President, I am interested in the statement just made by the Senator from Colorado with regard to Mr. Brandeis. Does the Senator from Colorado mean to be understood as saying that the railroads have effected economies through which a million dollars a day has been saved along the lines suggested by Mr. Brandeis?

Mr. THOMAS. No; I do not say that. What I meant to say was that they began a system of economies which unquestionably disclosed the fact that they were operating their roads at needless expense, and I have no doubt they saved hundreds of thousands of dollars every day.

Mr. CUMMINS. I understand that the suggestions of Mr. Brandeis were not adopted at all, that the railroads found it impossible to adopt them, and that subsequently the rates were increased in order to accomplish what it was thought might be accomplished by a reduction in operating expenses.

Mr. THOMAS. Mr. President, of course I shall not enter into a discussion of the action of the railroads after the announcement; but my recollection of conditions, and the history of the times since that statement, is that in many instances economies were effected, efficiencies were established, consequent upon the published statement to which I have referred, which realized an enormous amount of revenue which up to that time was wasted.

Mr. WEEKS. Mr. President, speaking of Mr. Justice Brandeis reminds me, the Senator may recall it, that a short time before going on the bench he made a public statement in which he said in effect that it would be a great mistake to give up the efficiency methods which were being used by the Government.

Mr. THOMAS. I thank the Senator for the reminder, which had temporarily escaped me. Surely, Mr. Justice Brandeis would not be accused of being actuated by love and affection for the employers of the country, and certainly not by any desire to thwart the wishes of the wage earners of the Nation.

Mr. President, I do not know whether the so-called Taylor system is used in the Ford factory or not, but I do know, and I think we are all aware of the fact, that the operations of that great establishment are carried on with an efficiency and econ-

omy that is little short of a marvel. The management know to the fraction of a cent the cost of every car that is produced. They can figure the number of cars that can be produced every 24 hours, and in the event of an increase in their business exactly the added number of men and material needed for the purpose. The world has obtained a benefit from this wonderful organization that is incalculable in dollars and cents.

In the first place, Ford has built a car so cheap that it is accessible to all classes and conditions of men. The Ford machine is as common in the country as the cattle upon the hillside, and in evolving such a car, Mr. President, he has forced a reduction in the price of cars made by every other manufacturer in the land, in some instances to the extent of 50 per cent below the prices prevailing before this marvelous system of efficiency became effective in establishing an automobile standard to which all competitors must pay tribute.

Mr. REED. I wish to ask the Senator the same question I asked the Senator from Massachusetts, if the stop-watch system or time system is used in his factory.

Mr. THOMAS. If the Senator had done me the honor to listen to me he would have known that just a few moments ago I said that I did not know whether he used it or not, but that he used some system, and this proviso excludes the Government from using any system whatever. He has applied some system by means of which he has been able to determine the time necessary to produce every part of a car, and to assemble it, thereby determining the price to the public, combining both cost and profit.

Mr. REED. I hope the Senator will pardon me. That is a very different thing from working under the Taylor system. Any man might easily figure out what it costs, the time it takes in a factory, to produce a given result. That has nothing to do with the Taylor system.

Mr. THOMAS. I am not talking about the Taylor system.

Mr. REED. That is what this bill is aimed at.

Mr. THOMAS. The Senator assumes that this proviso is aimed at the Taylor system. His construction of it may be correct. My construction of the proviso is that it prohibits the Government from using any system whatever, because no system is possible that does not involve some measurement of time. The Senator says that the efficiency of the Ford factory is something that can be obtained without resort to the Taylor system. I grant that; but it is impossible, Mr. President, to acquire it without a resort to some system that must take into consideration the most inconsiderable as well as the largest item going into the manufacture of the enormous output of that concern, and, as the entire country gets the benefit of it, it is the greatest of all the testimonials to the necessity of system and efficiency in work.

Mr. CUMMINS. Mr. President, if the interpretation put upon this proviso by the Senator from Colorado were correct, his argument would be unanswerable, but I beg to suggest to him this thought or to ask him this question: Is it not true that the system prohibited in the proviso has reference only to the ascertainment of the wages of the particular man; that is, the capacity of the particular man to produce? It does not prohibit any system for the ascertainment of the cost of work, but it does prohibit a system which establishes a standard for a particular man and fixes the wages of the man by the standard so established.

If it were true that it prevented the Government from ascertaining what it cost to turn out gun carriages or rifles, or anything of that sort, I would be almost as much opposed to it as is the Senator from Colorado, but it has no reference to the cost at all any more than though wages were paid upon a uniform standard of \$3 a day or \$5 a day. It is only for the purpose of ascertaining what the Government should pay that particular man.

Mr. THOMAS. Mr. President, the Senator's construction of this proviso is not mine. The subject of wages is not mentioned in the proviso even indirectly. It prohibits the use of any system for the purpose of studying jobs or products. While the Senator's contention might be one of the results of labor studies, as I read the proviso, it is not the thing, if the language used in the proviso means anything to me, that is embodied in the phraseology employed by the drafter of the measure.

I was about to submit one further thought, Mr. President, upon the subject under discussion when interrupted. It is that this great system known as the Ford Motor Co. pays the best wages of any institution in the country, together with bonuses in the shape of a division of profits in addition to wages, the bonus being measured upon the basis of efficiency.

Where is the workman in the United States who criticizes or can fairly criticize the policy of that great private institution? Where is the man who does not feel fortunate if he can

secure employment by it? Where is the employee who has left it voluntarily? It is to my mind the highest and greatest testimonial of industrial efficiency in the world, higher than the Standard Oil Co., because it distributes its benefits to every man who contributes, however humble a share, to the upbuilding and the continuance of its operations. Without the establishment of an efficiency system of measurement of some sort by means of which every item of cost could be ascertained, the great Ford factory would not be what it is, and the multitudes laboring there at a minimum of \$5 a day for eight hours, with these additional bonuses, would be out of employment or holding precarious jobs all over the country.

Mr. President, however damnable a system may be when improperly employed or ill adjusted, if it can produce consequences such as this, if properly employed and developed, it is certainly a system which the Government of the United States should be privileged to resort to if it proposes to become a manufacturer of the wares which it consumes in competition with private production. I would like to see every arsenal in the United States run on the Ford plan. I would like to see every new industrial activity of the Government based upon the Ford plan paying wages at the same rate and paying bonuses of some sort, I do not care whether you call them bonuses or not, based upon a system of efficiency which wrongs no man and helps nearly everybody.

Mr. President, in this system which prevails in the arsenals, or which did prevail prior to the enactment of recent legislation, there is doubtless a standard called a day's work which is paid to every man regardless of his capacity and regardless of his output. In other words, no matter how far short a man may fall as compared to the man of highest efficiency the day wage is absolute and he only works so long. Unless I am greatly mistaken the limit of employment in our arsenals is eight hours. If that be true, then I can not conceive how it is possible that the application of some method for the purpose of determining the cost of production can be in any way physically or mentally injurious to the workmen.

I think the cases of speeding up to which our attention has been called have occurred, must have occurred where an eight-hour day did not prevail. I make that statement with some hesitation because my information is very limited, but upon general principles an eight-hour day based upon a fair standard of wage and of production can not very well produce any of the consequences which have been so eloquently pictured to the imagination here.

Mr. President, I have been always led to believe that class legislation should be avoided wherever possible. We do not always hew to the line with regard to that maxim any more than to others, but there is in this sort of legislation the objection that it is designed for the benefit of a class only, to the detriment largely of the Government itself, and class legislation is class legislation whether its privileged object be of high or low degree. In other words, class legislation is objectionable regardless of the persons who may be its beneficiaries. Of course, while it may be replied that class legislation begets class legislation, the fact that it is such can not be denied; and I think it should be excluded, and particularly in legislation which has for its object the initiation of enterprises of governmental concern and designed to enable the Government to experiment freely in its efforts to obtain such supplies on its own account as may be needed in its manifold operations.

I have heard it said, Mr. President, and by high authority, and my reading tells me that many so insist, that the real objection to the establishment of efficiency systems is that it serves to destroy that equality of wage earners for which a great many of the organizations contend. I make that statement also with some hesitation, because I am unaware of the extent to which it may be advocated or opposed; but this I know, that if an employer is to be inhibited from taking any steps or doing anything whereby he can ascertain the difference between the productive energies and powers of employees it obviously follows that he who is the least capable must ultimately become the standard for him who is the most capable, and that the dead level of mediocrity or a level below that must be reached if the purpose sought to be subserved can be obtained.

Mr. President, that is impossible. Legislation can not do it. Nature can not do it. All men are created equal. That is true as to equality of opportunity, but there are differences, physical and mental, between all the myriad inhabitants of this earth, and every man in a democratic country is entitled as a citizen to the exercise and development of every faculty which God has given him, subject only to the laws, and without let or hindrance by man or by government. We can obtain an equality in nature only by leveling the mountains to the plains. We can not elevate the plains to the level of the summits.



We must, therefore, Mr. President, legislation or no legislation, recognize the right of a man who possesses faculties superior to those of his fellows to enjoy the benefit of them in any system, regardless of what his calling may be. We recognize the right in every other department of life. We send our children to school and spur the ambition of each to exceed his fellows. Every system that will hold the ambitious down to the level of his less fortunate fellows will be repudiated by the common sense of every thinking man and woman in the country. The same is true in the professions; the same is true everywhere; and it will always be true, regardless of human legislation, as long as time shall run. There is no equality in nature; there is no equality of physical and mental endowment among men.

What is efficiency, Mr. President? One homely definition would be, the best way of doing things. I understand it is the purpose of the Government to follow that method of procedure which will enable it to ascertain the best way of doing things, so that it can compete with those great private institutions engaged in the manufacture of the articles which the Government proposes to make for itself, and just in proportion as we place handicaps on the Government just in that proportion will its attempt to compete with private institutions fail, and the Government manufacture will be a failure because of the contrast that its cost of production will present to that high state of efficiency prevailing in private circles and to which no just complaint can be made.

Mr. SMITH of Maryland. I desire to offer an amendment to the bill.

Mr. CHAMBERLAIN. The question before the Senate is on the committee amendment.

The VICE PRESIDENT. The question is on the committee amendment.

Mr. MARTINE of New Jersey. I thought it was on my motion, Mr. President. I ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, which is to strike out the House text. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], and, in his absence, I temporarily withhold my vote.

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote.

Mr. HARDING (when his name was called). In the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, I withhold my vote.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Indiana [Mr. TAGGART] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLISS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I am relieved from my pair on the Army appropriation bill, and I vote "yea."

Mr. CHILTON. I inquire if the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator, which I transfer to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. GRONNA (when his name was called). I inquire if the Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a general pair with that Senator and therefore withhold my vote.

Mr. LIPPITT. I have a general pair with the Senator from Montana [Mr. WALSH]. I see he has not voted, and so I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. THOMPSON (after having voted in the negative). I transfer my pair with the Senator from Illinois [Mr. SHERMAN] to the Senator from Nebraska [Mr. HITCHCOCK] and allow my vote to stand.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 15, nays 36, as follows:

#### YEAS—15.

Brandegee	du Pont	Smoot	Weeks
Chamberlain	Gallinger	Thomas	Williams
Clark, Wyo.	Harding	Townsend	Works
Dillingham	Page	Warren	

#### NAYS—36.

Ashurst	James	Myers	Shields
Beckham	Johnson, S. Dak.	Norris	Simmons
Borah	Jones	O'Gorman	Smith, S. C.
Brady	Kenyon	Overman	Sterling
Chilton	Kern	Penrose	Stone
Clapp	La Follette	Poinexter	Swanson
Cummins	Lane	Reed	Thompson
Fletcher	Lee, Md.	Shafroth	Tillman
Husting	Martine, N. J.	Sheppard	Vardaman

#### NOT VOTING—44.

Bankhead	Gronna	McLean	Saulsbury
Broussard	Hardwick	Martin, Va.	Sherman
Bryan	Hitchcock	Nelson	Smith, Ariz.
Catron	Hollis	Newlands	Smith, Ga.
Clarke, Ark.	Hughes	Oliver	Smith, Md.
Colt	Johnson, Me.	Owen	Smith, Mich.
Culberson	Lea, Tenn.	Phelan	Sutherland
Curtis	Lewis	Pittman	Taggart
Fall	Lippitt	Pomerene	Underwood
Goff	Lodge	Ransdell	Wadsworth
Gore	McCumber	Robinson	Walsh

So the amendment of the committee was rejected.

Mr. SMITH of Maryland. I offer the amendment which I send to the desk.

Mr. CHAMBERLAIN. Mr. President, I should like very much to dispose of the committee amendments before individual amendments are offered from the floor.

Mr. SMITH of Maryland. Very well.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is on page 91, after line 17, to strike out:

SEC. 2. That a council of executive information is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

SEC. 3. That the council of executive information shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

SEC. 4. That it shall be the duty of the council of executive information to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

SEC. 5. That the council of executive information shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

SEC. 6. That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the neces-

sary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized.

And insert:

SEC. 2. That a council of national defense is hereby established for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of State, the Secretary of War, the Secretary of the Navy, the Chief of Staff of the Army, an officer of the Navy not below the rank of captain to be designated by the Secretary of the Navy, and not more than six persons to be appointed by the President of the United States, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the President, for the performance of the duties hereinafter provided. The additional members of the council shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the council or engaged in investigations pertaining to its activities. The council shall hold such meetings as shall be called by it or be provided by the rules and regulations adopted by the council for the conduct of its work.

That it shall be the duty of the council of national defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That the council of national defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the council to the end that the special knowledge of such council may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated for the necessary expenses of members of the council in going to and attending meetings of the council or its subordinate bodies or while engaged in its work. Reports shall be submitted by all subordinate bodies and by the council to the President and to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized.

Mr. CUMMINS. Mr. President, I desire to offer an amendment to the amendment. After the words "President of the United States," in line 1, page 95, I move to insert "by and with the advice and consent of the Senate."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the committee amendment, on page 95, line 1, after the words "President of the United States," it is proposed to insert "by and with the advice and consent of the Senate."

Mr. CUMMINS. The effect of the amendment is to require that the civilian members of the council shall be confirmed by the Senate.

Mr. CHAMBERLAIN. So far as I am able to do so, I am willing to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. GALLINGER. Let the provision be read as it will read if amended.

The SECRETARY. If amended, the provision will read:

SEC. 2. That a council of national defense is hereby established for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of State, the Secretary of War, the Secretary of the Navy, the Chief of Staff of the Army, an officer of the Navy not below the rank of captain to be designated by the Secretary of the Navy, and not more than six persons to be appointed by the President of the United States, by and with the advice and consent of the Senate—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment as amended.

Mr. CUMMINS. Mr. President, I shall not consume the time of the Senate in further stating my objections to the creation of a so-called council of national defense. It is entirely right that the President and the members of his Cabinet shall receive all the information that they can looking to the proper movements of the Army and the Navy; but I am opposed to the march toward the supremacy of the military branch of the Government. I am opposed to giving the council the authority to supervise all the industries of the country and attempt to influence their development in the direction of military strength and power. The establishment of this council will, in my opinion, do more to turn the public over to the control of the military arm of the Government than the creation of large armies or the construction of large navies.

In adopting this amendment we practically announce that all the industrial and civil energies of our people will be exerted with reference to the movements of the Army and the Navy and their use in time of war. I am not willing, for one, to take that step, and I shall therefore vote against the amendment proposed by the committee. If the amendment is rejected I shall move to strike out the provisions upon the same subject which are found in the House bill, and when the time comes for a vote on the amendment I shall ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended, on which the yeas and nays have been requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as before, I vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement as to transfer of pairs, I vote "yea."

Mr. WADSWORTH (when his name was called). I transfer my general pair with the junior Senator from New Hampshire [Mr. HOLLI] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

The roll call was concluded.

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. LIPPITT. I renew the announcement of my pair with the junior Senator from Montana [Mr. WALSH], which I allow to stand for the day, and withhold my vote.

Mr. GRONNA. I transfer my pair with the Senator from Maine [Mr. JOHNSON] to the senior Senator from California [Mr. WORKS] and will vote. I vote "nay."

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from Indiana [Mr. TAGGART] and will vote. I vote "yea."

Mr. MYERS. I announce the same transfer of my pair that I announced on the last vote and will vote. I vote "yea."

Mr. CHILTON. I make the same announcement that I made on the last roll call and will vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Utah Mr. [SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kansas [Mr. THOMPSON].

The result was announced—yeas 39, nays 13, as follows:

#### YEAS—39.

Beckham	Husting	Poindexter	Sterling
Brady	James	Reed	Stone
Brandegge	Lodge	Saulsbury	Swanson
Chamberlain	Martin, Va.	Shafroth	Thomas
Chilton	Martine, N. J.	Sheppard	Tillman
Clark, Wyo.	Myers	Simmons	Townsend
Dillingham	O'Gorman	Smith, Ga.	Warren
du Pont	Overman	Smith, Md.	Weeks
Fletcher	Page	Smith, S. C.	Williams
Gallinger	Penrose	Smoot	

#### NAYS—13.

Clapp	Jones	Lane	Wadsworth
Cummins	Kenyon	Lee, Md.	
Gronna	Kern	Norris	
Harding	La Follette	Vardaman	

#### NOT VOTING—43.

Ashurst	Bryan	Culberson	Gore
Bankhead	Catron	Curtis	Hardwick
Borah	Clarke, Ark.	Fall	Hitchcock
Broussard	Colt	Goff	Hollis



Hughes	McLean	Pomerene	Sutherland
Johnson, Me.	Nelson	Ransdell	Taggart
Johnson, S. Dak.	Newlands	Robinson	Thompson
Lea, Tenn.	Oliver	Sherman	Underwood
Lewis	Owen	Shields	Walsh
Lippitt	Phelan	Smith, Ariz.	Works
McCumber	Pittman	Smith, Mich.	

So the amendment of the committee as amended was agreed to. The SECRETARY. The only other amendments of the committee passed over will be found on page 8, where, in the total for the Signal Service of the Army, found in line 5, the committee proposes to strike out "\$3,775,000" and to insert "\$14,827,156."

Mr. CHAMBERLAIN. That went over at the request of the Senator from North Carolina [Mr. OVERMAN]. I believe he wanted to get some information which he has obtained, and he makes no further objection to it.

Mr. OVERMAN. That is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. Also, in line 6, it is proposed to strike out "\$3,222,100" and to insert "\$13,281,666."

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, line 6, after the word "War," it is proposed to insert:

*Provided further*, That the Secretary of War is authorized to expend from the above amount not to exceed \$110,000 for the purpose of providing temporary shelter on the Canal Zone for one regiment of Infantry and one company of Engineers.

The amendment was agreed to.

Mr. CHAMBERLAIN. On page 43, the item in line 20 was reduced from \$20,280,000 to \$16,000,000. I have since received advices from the War Department that that ought to be retained at \$20,280,000, the amount originally estimated for by the department. I, therefore, ask that that be changed to \$20,280,000.

The VICE PRESIDENT. The question is on reconsidering the vote whereby the amendment was agreed to. Without objection, it will be reconsidered.

The SECRETARY. It is now proposed to restore the original amendment, striking out "\$12,000,000," and inserting in lieu thereof "\$20,280,000."

The amendment was agreed to.

The VICE PRESIDENT. Are there further amendments?

Mr. CHAMBERLAIN. I send to the desk an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 61, line 12, after the word "repealed," it is proposed to insert:

*Provided*, That hereafter the maximum age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army shall be 32 years.

Mr. SMOOT. Mr. President, may I ask that that be stated again?

The Secretary again stated the amendment.

Mr. SMOOT. That is an increase of two years of the present law?

Mr. CHAMBERLAIN. Two years for the Medical Corps. I will state to the Senator that the Surgeon General advises me that under the strictness of the requirements for admission to the practice of medicine in many of the States of the Union, a young man is hardly fitted to practice his profession, or rather it is difficult for him to pass the examinations and be commissioned, until he is past 30 years of age, particularly where he serves an internship in a hospital. Many young men of 30 or 31 are just completing their education by service in the hospitals; and he therefore requested that this increase be made.

Mr. GALLINGER. Mr. President, that is a very startling suggestion coming from the Surgeon General of the Army—that a young man has to be 32 years old before he knows enough to go into the Army.

Mr. CHAMBERLAIN. I do not mean to put it as strongly as that, but I meant to say that the requirements are very much higher than they used to be.

Mr. GALLINGER. Yes; they are.

Mr. CHAMBERLAIN. A young man graduates at 24 or 26 from the medical school, and then he goes and serves an internship in a hospital.

Mr. GALLINGER. Yes; a year or so.

Mr. CHAMBERLAIN. I may have put it a little stronger than the Surgeon General put it to me; but the effect of his language to me was that the requirements are very much

higher than they used to be, and that a man is better suited for appointment at 32 than he is at 28.

Mr. GALLINGER. I do not object to the amendment, but I thought it was a little strong.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, there is another amendment that the committee requested me to submit to the Senate. I send it to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, after line 23, it is proposed to insert:

The President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

Mr. GALLINGER. I suggest to the Senator that he substitute the word "approval" for "passage." It occurs twice in the amendment and it ought to be "approval."

Mr. CHAMBERLAIN. Yes; it ought.

Mr. GALLINGER. I suggest that that change be made.

Mr. CHAMBERLAIN. I have no objection to that.

The VICE PRESIDENT. The amendment will be modified as suggested. The question is on the amendment as modified.

The amendment was agreed to.

The VICE PRESIDENT. Does that complete the committee amendments?

Mr. CHAMBERLAIN. That completes the committee amendments, but there is one other amendment which is not a committee amendment. I offer this as an individual amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, after line 22, it is proposed to insert:

*Provided further*, That the President is hereby authorized to appoint a commission, consisting of not less than three civilian citizens, residents of the United States, to hold office at the pleasure of the President, whose duty it shall be to inspect all foods supplied for the military forces of the United States for the purpose of determining whether the quality of such foods conforms with the specifications of the purchase, and whether such foods are wholesome, suitable, and adequate, and to report thereon at reasonable intervals to the President, with such recommendations as, in their opinion, may tend to improve the rations and promote the physical welfare of the military forces of the United States.

That each of said commissioners shall receive a salary at the rate of \$5,000 per annum and their actual and necessary traveling and incidental expenses, and the sum of \$20,000 is hereby appropriated for that purpose.

*Provided, however*, That the President may, in his discretion, accept as an assistant to such commission the services of anyone who may volunteer for such purpose, and allow and direct the payment of his actual and necessary traveling and other necessary expenses.

Mr. CHAMBERLAIN. Mr. President, the purpose in offering that amendment—and I know it is subject to a point of order if anybody wants to make it—is this: Already the question has been raised by some of the newspapers of the country, and by many who are very much interested in the National Guard, as to the quality of food that is being served, not only to the guardsmen but to the Regular Army; the question not only as to whether or not these goods come up to the standard but whether they are of the nourishing class of food that they should be. There is no way to reach these men who sell embalmed beef to the troops on the border unless they can be punished for violation of the interstate law. Many of these packing houses have their plants in the particular State where the food product is to be used. If the main establishment is in Chicago, for instance, they have a branch plant in Texas, and the goods are furnished and delivered to perform the terms of the contract in Texas, so that if the goods are not what they ought to be there is no way to punish them.

Mr. CLAPP. Mr. President, does this amendment provide any way of punishing them?

Mr. CHAMBERLAIN. Not at all; but it gives the Government an opportunity to see whether or not the goods are what they ought to be.

Mr. CLAPP. Are our two institutions for the education of military officers so deficient that when men get command of a troop they are unable to determine whether or not these contracts are complied with? Is the War Department unable to determine whether or not the contracts are complied with? It seems to me it is an open affront to the War Department itself.

Mr. CHAMBERLAIN. I did not stop to figure out whether it was an affront to anybody; but we do know that in 1898, during the Spanish-American War, embalmed beef, in spite of the officers of the Army, was served to the men in Cuba.

Mr. CLAPP. If that is being done to-day, Congress ought to investigate it, and somebody who is responsible for it ought to be brought to account.

Mr. CHAMBERLAIN. I am not suggesting that it is done. I am only calling attention to the reports printed in the newspapers. I have had clippings sent to me from various sources. The object is to avoid the necessity of investigations and to see to it that those things can not happen again.

Mr. SMOOT. I wish to ask the Senator if the Inspector General has not the whole question under his charge, and will the Senator say that the Inspector General is not doing his duty in that regard? We have appropriated for I do not know how many inspectors; I have not looked it up. Are they not capable of doing that work?

Mr. CHAMBERLAIN. They may be perfectly capable, Mr. President, but I am hedging against what may happen—not what has happened. I have here in my possession right now, I will say to the Senator, a letter from a distinguished Member of the House of Representatives—Mr. HULBERT—who went with Mr. McCann, who was the food expert, over to inspect one of these camps the other day, and he gives an account of just the conditions that existed in Cuba. Most of the food, I think, that is being served is all right, but there are occasionally cases where embalmed beef—corned beef, so called—is being served, and he says it simply represents the gristle and by-products of the meat where all the juices have been taken out.

Mr. CLARK of Wyoming. I wish to ask the Senator if he thinks, in order to accomplish what he wishes to accomplish, he has provided a sufficient force. He provides, as I heard the amendment, for only three inspectors. How large is the force?

Mr. CHAMBERLAIN. Only three.

Mr. CLARK of Wyoming. That is what I thought, and the amendment provides an appropriation for those three only.

Mr. CHAMBERLAIN. That is all.

Mr. CLARK of Wyoming. Does the Senator think that three are sufficient to accomplish the purpose he wishes to accomplish and to inspect the food?

Mr. CHAMBERLAIN. I do not think it will be necessary to go to all the places, but a man is supposed to go to one of the concentration camps where there are large bodies of troops and where a large quantity of food must be collected.

Mr. CLARK of Wyoming. Another thing I will ask the Senator. Is it not likely that there might be a controversy between the civilian board and the officers of the Army who are charged by law with these particular duties. Would it not lead to a conflict of authority and perhaps to an unfortunate disagreement?

Mr. CHAMBERLAIN. There is a bare possibility of that, but I assume that they would act together.

Mr. GALLINGER. Mr. President, I think this is a very unfortunate amendment. I can see that it will result in a conflict of authority and in harm rather than good. As it is manifestly general legislation on an appropriation I make a point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. SMITH of Maryland. On page 23, after line 23, I move to insert the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 23, after line 23, insert:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Col. Rogers Birnie (retired) a brigadier general and place him on the list of the Army.

Mr. SMOOT. Is this reported from the committee?

Mr. CHAMBERLAIN. No; it is not reported.

Mr. SMITH of Maryland. I wish to say in regard to the amendment I have offered that Col. Birnie is a man who has a splendid record, and his promotion has been recommended by the War Department.

Mr. SMOOT. Recommended to whom, I will ask?

Mr. SMITH of Maryland. There is a bill in the House, and it has been recommended.

Mr. SMOOT. Has not the President had the recommendation sent to him?

Mr. SMITH of Maryland. I do not think they are usually sent to the President.

Mr. SMOOT. Certainly.

Mr. SMITH of Maryland. On page 22 there is exactly a similar provision in the bill.

Mr. SMITH of Georgia. Mr. President, we are going to fight those cases when we get the bill in the Senate.

Mr. SMOOT. Let the amendment be read again. I thought it was a promotion rather than a retirement.

The VICE PRESIDENT. The amendment will be again read. The SECRETARY. On page 23, after line 23, insert the following:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Col. Rogers Birnie (retired) a brigadier general and place him on the retired list of the Army.

Mr. SMOOT. It is to promote him on the retired list.

Mr. SMITH of Maryland. With the advice and consent of the Senate.

Mr. SMITH of Georgia. Mr. President, is not this general legislation subject to a point of order? I think it is.

The VICE PRESIDENT. It is brigadier-general legislation. [Laughter.]

Mr. SMITH of Georgia. I object. I make a point of order on it. I am opposed to retiring any of these men and advancing their rank after they have dropped out of the Army. I think the whole thing is bad, and I expect to vote against every one I get a chance at and kill every one I can in any way I get a chance to do it.

Mr. SMITH of Maryland. I will say to the Senator from Georgia there is in this bill a similar provision.

Mr. SMITH of Georgia. I see, and it passed when I was out of the Senate. I am watching to reserve it for a separate vote when the bill comes out of Committee of the Whole and is reported to the Senate.

The VICE PRESIDENT. On the real point of order the Chair does not feel that it is general legislation. It looks as though it applied to this one particular demand.

Mr. SMITH of Georgia. It amounts to an increase of appropriation then.

The VICE PRESIDENT. That point was not made.

Mr. SMITH of Georgia. I make it now, and any other point that occurs to the Chair.

The VICE PRESIDENT. If it increases the appropriation and there is no estimate for it, the Chair sustains the point of order.

Mr. CURTIS. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, line 16, after the amount insert the following proviso:

Provided, That the provisions of the act of May 11, 1908, as amended by the act of March 3, 1909, relating to pay to beneficiaries of officers and enlisted men on the active list of the Army is hereby extended to officers and enlisted men of the National Guard when called or drafted into the service of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. OVERMAN. I offer the following amendment, to come in on page 72.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 72, after line 25, insert:

That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated for cleaning out the old jetties and other obstructions erected by the Government and placed in the French Broad River in North Carolina for the purpose of navigation and long since abandoned, and the Chief of Engineers of the Army is hereby authorized and directed to have removed as soon as practical all obstructions placed thereon by the Government for the purpose of navigation.

Mr. OVERMAN. Mr. President, I would not introduce that amendment here but for the fact that there is an emergency requiring it. It has risen by reason of the great flood. Thirty years ago, strange to say, the Government of the United States attempted to make the French Broad River navigable, and for 25 miles jetties were built 40 feet on each side of the river, leaving a channel 30 feet down the French Broad.

The recent storm has caused those jetties to be a great dam, and over 45,000 acres of the finest land there is in the country are buried in some 10 to 20 feet of water standing there over the corn. The water can not get away. These jetties are there, and they ought to be moved. There is fear that a great epidemic will break out by the standing water. The engineer has sent an expert down there, and he thinks that he can remove the obstruction shortly. I ask that this amendment be placed on the bill.

Mr. PENROSE. Mr. President, I should like to ask the Senator from North Carolina what bearing this proposition has on the military preparedness of the United States?

Mr. OVERMAN. It is only an emergency matter, and I hope the Senator will not object.

Mr. PENROSE. I did not know but that part of the coast of North Carolina was liable to invasion or bombardment.

Mr. OVERMAN. It has been bombarded by the rains and the storms, and the people are in distress.

Mr. PENROSE. Sharks are getting up there, too, probably.

Mr. OVERMAN. It is a river where no sharks are found; but black bass abound there, and if the Senator will come down



there I will take him fishing and he will get some mighty fine fishing.

Mr. PENROSE. Then I will vote for the amendment.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from North Carolina.

The amendment was agreed to.

Mr. KERN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 38, line 25, it is proposed to insert a semicolon and the words:

And members of the National Guard who have been mustered into the service of the United States and are discharged for physical disability.

Mr. KERN. Mr. President, the amendment is offered because of the fact that a number of members of the National Guard of my State who have been sent to the Mexican border have been subjected to additional physical examinations, have been found physically unfit, and therefore have been discharged from the service; but no means have been provided for returning them to their homes, and they are there stranded and helpless. The amendment follows the provision on page 38, which makes an appropriation "for travel allowance to enlisted men on discharge." I merely include in that provision the members of the National Guard who have been mustered into the service of the United States, but who may be discharged on account of physical disability.

Mr. SMOOT. I ask whether the National Guard members referred to by the Senator were examined before they went to the border?

Mr. KERN. I do not know about that; but I know they have been discharged on account of physical disability—that is my information—since they arrived there.

Mr. SMOOT. Since their arrival at the border?

Mr. KERN. Since their arrival at the border. The amendment will do no harm, and if any cases of that kind occur the men will not be left absolutely helpless after they have volunteered to serve their country.

Mr. BRANDEGEE. Mr. President, I know that several members of the guard of my State were examined when mustered into the service, but the examination, owing to the hasty mobilization, had to be very superficial. They were accepted under that examination, but after going to the front they were reexamined and found physically disqualified for the service and were discharged. They have no means of getting home; and it seems to me that their travel expenses ought to be paid.

Mr. KERN. The amendment is designed to meet just such cases as that.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. WADSWORTH. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 83, after line 10, it is proposed to insert a new paragraph, as follows:

To provide for the pay, transportation, and subsistence of those units of the National Guard which, not being included in the mobilization order issued by the President on June 18, 1916, were ordered by State authorities to maneuver camps for equipment and training in conjunction with troops included in said mobilization order, \$450,000, or so much thereof as may be necessary: *Provided*, That such expenses shall be paid only after they shall have been approved by the Secretary of War: *And provided further*, That the Government of the United States shall not be liable for any such expenses incurred during a period in excess of 28 days in addition to the 15 days of annual maneuvers provided for in section 92 of the act of June 3, 1916.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. CHAMBERLAIN. Mr. President, I should like to know the purpose of that amendment.

Mr. WADSWORTH. Mr. President, this amendment is to take care of a very peculiar situation which has arisen in the State of New York, and which I think does not exist in any other State, although I am not absolutely certain as to that. The mobilization order of the President of June 18, 1916, called on the National Guard to furnish complete tactical divisions of troops. It so happened that there were at that time 13 Infantry regiments in the New York National Guard. Of those, 9 regiments would have been included in a tactical division. The governor of New York, instead of calling out the 9 regiments, thought it best to call out the 13 regiments, in order, I assume, to make a more careful selection of the 9 regiments which should be sent to the Texas border. The result was that the 4 additional Infantry regiments of the New York guard were mobilized, just as all the other guard troops in the United States were mobilized, and sent to mobilization

camps, and were immediately offered to the Federal Government by the governor in addition to the troops which were already accepted, the 9 Infantry regiments to which I have already referred.

The Government did not see fit, or did not need, to accept the four Infantry regiments, and those four regiments have been recruited to full war strength, have been completely equipped, and have been held in camp at the disposal of the Federal Government ever since.

A provision in this appropriation bill is to the effect that, in accordance with the act of June 3, 1916, the whole or any part of the National Guard shall be subject to annual maneuvers, not exceeding 15 days in length. The Secretary of War has assured, according to my information, the adjutant general of New York that he will allow pay, transportation, and subsistence for these four regiments of the New York guard for the 15 days in which, presumably and as a matter of fact, they have been engaged in maneuvers and in training. They constitute a force which the country could call upon at any time. The State, however, has kept those men in camp beyond the 15-day period. They have become, by reason of the training which they have received, exceptionally valuable national assets. They are the only regiments in the United States which have not been included in the mobilization order, either Regular or National Guard, which are recruited to war strength, and they are completely equipped.

It is on the ground and theory, to be perfectly frank, that the State of New York has done more than was asked of it, even if we do not include the additional four regiments, that I introduce this amendment asking the Federal Government, under proper regulations, to defray the expenses of transporting those troops to their homes, the cost of feeding them while they are in camp.

Mr. CHAMBERLAIN. Mr. President, so far as I am able to do so, I accept the amendment. It can go to conference, and we can secure further information concerning it, if necessary.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

#### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m., Tuesday, July 25, 1916) the Senate took a recess until to-morrow Wednesday, July 26, 1916, at 10 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate July 25, 1916.*

#### POSTMASTERS.

##### CALIFORNIA.

O. C. Goodin to be postmaster at Orosi, Cal., in place of J. T. Neely, resigned.

James Hoey to be postmaster at Martinez, Cal., in place of F. L. Glass. Incumbent's commission expired May 17, 1916.

W. Stairley to be postmaster at Richmond, Cal., in place of S. F. Jenkins. Incumbent's commission expired July 16, 1916.

##### CONNECTICUT.

W. H. Wall to be postmaster at East Hampton, Conn., in place of G. K. White. Incumbent's commission expires July 29, 1916.

##### ILLINOIS.

Joseph M. Connery to be postmaster at Enfield, Ill., in place of L. F. Gowdy. Incumbent's commission expired April 15, 1916.

##### IOWA.

W. E. Cox to be postmaster at Deep River, Iowa, in place of C. S. Marshall, resigned.

J. F. Kerberg to be postmaster at Sioux City, Iowa, in place of E. C. Tompkins. Incumbent's commission expired December 13, 1914.

##### KANSAS.

G. W. Wasson to be postmaster at Peru, Kans., in place of O. C. Wasson, resigned.

## MASSACHUSETTS.

Edward T. Scully to be postmaster at Pittsfield, Mass., in place of J. G. Orr. Incumbent's commission expired February 7, 1916.

## MINNESOTA.

C. J. Aldean to be postmaster at Verndale, Minn., in place of H. A. Allen. Incumbent's commission expired April 15, 1916.

Edward J. Cleary to be postmaster at South St. Paul, Minn., in place of G. F. Kramer. Incumbent's commission expires August 1, 1916.

## MONTANA.

James A. Goodrich to be postmaster at Conrad, Mont., in place of T. A. Busey, resigned.

Anna S. Gossink to be postmaster at Lavina, Mont. Office became presidential July 1, 1916.

William Moser to be postmaster at Thompson Falls, Mont., in place of Charles Weber. Incumbent's commission expires August 24, 1916.

## NEVADA.

Walter J. McKeough to be postmaster at Aurora, Nev. Office became presidential January 1, 1916.

## OHIO.

Lawrence Schunck to be postmaster at Celina, Ohio, in place of J. W. McKee. Incumbent's commission expires July 30, 1916.

## OKLAHOMA.

A. E. Williams to be postmaster at Hammon, Okla., in place of L. D. Trent. Incumbent's commission expires August 9, 1916.

## PENNSYLVANIA.

Ira C. Gleim to be postmaster at Mount Holly Springs, Pa., in place of A. M. Mullin. Incumbent's commission expired February 23, 1915.

## SOUTH DAKOTA.

C. H. Bonnie to be postmaster at Wagner, S. Dak., in place of W. P. Joseph. Incumbent's commission expired July 24, 1916.

J. K. Mayer to be postmaster at Tripp, S. Dak., in place of C. F. McClung, jr., resigned.

## TEXAS.

James V. Townsend to be postmaster at Vernon, Tex., in place of C. J. Farrell. Incumbent's commission expires August 23, 1916.

## WISCONSIN.

Frank H. Rogers to be postmaster at Fort Atkinson, Wis., in place of G. W. Burchard. Incumbent's commission expired July 23, 1916.

G. W. Schiereck to be postmaster at Plymouth, Wis., in place of Charles Pfeifer. Incumbent's commission expired July 23, 1916.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 25, 1916.*

## REAPPOINTMENT IN THE ARMY.

## BUREAU OF INSULAR AFFAIRS.

Brig. Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs of the War Department, to be chief of said bureau for the period of four years beginning August 24, 1916, with rank of brigadier general.

## PROMOTIONS IN THE ARMY.

## INFANTRY ARM.

Maj. Harold L. Jackson to be lieutenant colonel.

First Lieut. Charles S. Caffery to be captain.

First Lieut. Fred A. Cook to be captain.

Second Lieut. George D. Murphey to be first lieutenant.

## PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. (Junior Grade) Claudius R. Hyatt to be a lieutenant.

Lieut. (Junior Grade) John S. Barleau to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

Elmer L. Woodside.

Roy J. Wilson.

Carl E. Hoard.

Thomas M. Shock.

Kenneth R. R. Wallace.

William I. Causey, jr.

Norman C. Gillette.

Lloyd R. Gray.

Walter O. Henry.

William L. Wright.

John Le V. Hill.

John L. Hall.

Laurance T. Du Bose.

Harry R. Gellerstedt.

Charles J. Parrish.

Samuel N. Moore.

Leman L. Babbitt.

Edmund S. McCawley.

Langdon D. Pickering.

Leonard R. Agrell.

Asst. Surg. Cline H. Dragoo to be passed assistant surgeon.

Robert F. Barber, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps:

James A. Halpin,

William D. Heaton,

Aubrey M. Larsen,

Lincoln Humphreys,

Theo E. Cox,

Arthur W. Hoaglund,

Carroll H. Francis, and

Harold L. Jensen.

Asst. Paymaster Frederick C. Bowerfind to be a passed assistant paymaster.

Asst. Paymaster Ernest H. Barber to be a passed assistant paymaster.

Pay Clerk Frederick Scherberger, jr., to be a chief pay clerk.

## REGISTER OF LAND OFFICE.

Hubbard H. Abbott to be register of the land office at Del Norte, Colo.

## POSTMASTERS.

## CALIFORNIA.

Elizabeth Clar, Guerneville.

## CONNECTICUT.

Willis Hodge, South Glastonbury.

## GEORGIA.

George F. Flanders, Swainsboro.

D. W. Folsom, Mount Vernon.

## HAWAII.

Beatrice E. Ely, Fort Shafter.

## IDAHO.

Hugh H. Hamilton, New Plymouth.

## ILLINOIS.

Merr L. Abbott, Sheridan.

Leslie C. Hamilton, Manito.

## MASSACHUSETTS.

Ellen K. Callaghan, Northfield.

E. J. Dion, Northbridge.

John J. Kelly, Dalton.

Thomas F. Maguire, East Walpole.

James R. Mansfield, Haydenville.

James M. Perley, Rowley.

Edward T. Scully, Pittsfield.

## MICHIGAN.

John S. Mills, Holly.

## MISSOURI.

James F. Ball, Montgomery City.

George T. Bell, Bucklin.

## NEBRASKA.

H. T. Wilson, Stella.

## NEW JERSEY.

George F. Stabel, Palisade.

## NEW YORK.

Edwin G. Brown, Minetto.

Edward Grunert, Croghan.

John J. Mattison, Canandaigua.

## OKLAHOMA.

H. A. Garrett, Wakita.

Bessie Hall, Tyrone.

## PENNSYLVANIA.

Edward Cavanaugh, Coaldale.

## SOUTH DAKOTA.

Nora O'Donnell, Ramona.

## VIRGINIA.

John T. Cochran, The Plains.

J. E. Everette, North Emporia.



Samuel J. Horne, Coeburn.  
J. Harry Leebrick, Elkton.

WEST VIRGINIA.

Walter S. Bambrick, Weirton.

WISCONSIN.

H. E. Austin, Boscobel.

## HOUSE OF REPRESENTATIVES.

TUESDAY, July 25, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God our heavenly Father, we pray that Thy Spirit may prevail in the hearts of Thy children and unite them into a harmonious brotherhood, each for all and all for each, exemplified in the life, precepts, and glorious example of the world's great religious Teacher; that we may free ourselves from the thralldom of materialism, which turns good into evil, peace into war, joy into sorrow, blights and corrodes the soul and robs it of the life eternal, which is joy and peace in the Holy Ghost.

Hear us, we beseech Thee, and answer our prayer that Thy kingdom may come and Thy will be done in earth as it is in Heaven. Amen.

The Journal of the proceedings of Friday, July 21, 1916, was read and approved.

### ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next, and that on Thursday next we call business in order on the Calendar for Unanimous Consent.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next, and that on that day business on the Calendar for Unanimous Consent shall be in order. Is there objection?

Mr. ADAMSON. Mr. Speaker, reserving the right to object, I presume that means Suspension Day also?

Mr. MANN. No.

The SPEAKER. That was not included in the request.

Mr. KITCHIN. I think that we will get rid of all these bills on the Calendar for Unanimous Consent, which would give more time, of course, on the first Monday for the suspension of the rules.

Mr. COX. Mr. Speaker, reserving the right to object, does the gentleman's request in any way mean suspension of the rules?

The SPEAKER. Not on Thursday.

Mr. MANN. Just the Calendar for Unanimous Consent.

Mr. COX. Then, I do not know that I shall have any objection to it.

The SPEAKER. Is there objection?

Mr. LEVER. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina yield?

Mr. KITCHIN. I yield to the gentleman from South Carolina.

Mr. LEVER. If this request be granted, it will not interfere with the consideration of conference reports if they should be ready?

Mr. KITCHIN. No.

Mr. MANN. Of course the gentleman's conference report could only be taken up on Thursday by unanimous consent, anyway.

Mr. KITCHIN. It would not interfere with conference reports if we grant unanimous consent for their consideration.

Mr. LEVER. I do not know that we will be ready with our conference report on the Agricultural bill at that time, but I wanted to know.

The SPEAKER. Does the Chair understand that this interferes with conference reports?

Mr. KITCHIN. As I understand it, Mr. Speaker, under our former understanding we will only take up these conference reports by unanimous consent, unless we give notice of three days if a contest is to be made upon them.

The SPEAKER. The Chair will put the request again. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Thursday next, and that on that day business in order on the Calendar for Unanimous Consent shall be considered, exclusive of anything else. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, of course that will not interfere with the request to take up the conference report on the Agricultural bill or any other report, because a conference report could only be considered in that way on that day.

Mr. KITCHIN. That is our understanding.

Mr. GARRETT. Or any other conference report.

The SPEAKER. Not to interfere with any conference report that can be considered by unanimous consent.

Mr. KITCHIN. That is correct.

The SPEAKER. The Chair hears no objection.

ZEBULON BAIRD VANCE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 322.

Resolved, That exercises appropriate to the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall, in the Capitol, be made a special order for Saturday, July 29, 1916, at 3 o'clock p. m.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he omit the hour.

Mr. KITCHIN. My idea in putting in the hour is this: Two or three gentlemen are going to make unanimous-consent requests to be permitted to address the House on that day.

Mr. MANN. If the gentleman would make it simply in order, then any request for unanimous consent could be granted, but if the hour is fixed at 3 o'clock it might be embarrassing. I would suggest that the gentleman say not later than 3 o'clock.

Mr. KITCHIN. Very well; I will ask unanimous consent that the resolution be amended in that particular, to make it not later than 3 o'clock.

The SPEAKER. Without objection, it will be so amended, and the Clerk will report the resolution as amended.

There was no objection.

The Clerk read as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall, in the Capitol, be made a special order for Saturday, July 29, 1916, not later than 3 o'clock p. m.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LEVER. Mr. Speaker, reserving the right to object, if the gentleman from North Carolina will permit, I would like to make this statement: Unless the conference report on the Agricultural appropriation bill is agreed upon and passed by the House before Monday next it will be necessary to pass a joint resolution continuing the appropriations of last year for another 30 days or for some specified time. I hope that we may be able to bring the conference report up on either Thursday or Saturday.

Mr. KITCHIN. This would not interfere with the conference report, because if we did not get through with its consideration on Saturday, if it be considered on that day, we would ask unanimous consent to continue this order until 4 o'clock.

Mr. LEVER. If it is understood that if the conference report on the Agricultural appropriation bill is ready for consideration on Saturday that this will not interfere with its consideration, I would not have any objection to it.

Mr. KITCHIN. I could not say that it would not interfere with it, because this is the only time we will have for this; but I would say that I shall ask unanimous consent that this go over until 4 o'clock, if it should be necessary.

Mr. LEVER. Well, I take it that in four hours' time we ought either to pass the conference report or vote it down.

Mr. KITCHIN. I ask that that stand good until 4 o'clock.

The question was taken, and the resolution was agreed to.

### PERMISSION TO ADDRESS THE HOUSE.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to address the House on Saturday next for one hour on the question of vocational education.

Mr. MANN. Would the gentleman prefer Saturday or Thursday?

Mr. HUGHES. Thursday would be all right.

The SPEAKER. Which way does the gentleman desire to have it put?

Mr. HUGHES. Thursday.

The SPEAKER. The gentleman from Georgia asks unanimous consent, on next Thursday, immediately after the reading of the Journal and clearing up of business on the Speaker's table,

that he be permitted to address the House not to exceed one hour—

Mr. GARNER. Not to interfere with conference reports.

The SPEAKER. The Chair was going to put that—not to exceed one hour on the vocational education bill, not to interfere with conference reports. Is there objection?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, is that to take an hour out of the unanimous-consent consideration of bills?

Mr. HUGHES. I do not think that would affect the Unanimous Consent Calendar.

Mr. TAYLOR of Colorado. It seems to me, if we are going to have Thursday set apart for the Unanimous Consent Calendar, we ought not to—

Mr. HUGHES. If the gentleman prefers, I will accept Saturday; I would like Thursday, however.

The SPEAKER. The gentleman from Georgia asks unanimous consent that on next Saturday, immediately after the reading of the Journal and the clearing up of business on the Speaker's table, not to interfere with conference reports, that he be permitted to address the House not to exceed one hour on the subject of vocational education. Is there objection? [After a pause.] The Chair hears none.

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, had agreed to the conference asked for by the House, and had appointed Mr. BRYAN, Mr. HUGHES, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, had agreed to the conference asked for by the House, and had appointed Mr. BRYAN, Mr. HUGHES, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, had agreed to the conference asked for by the House, and had appointed Mr. BRYAN, Mr. HUGHES, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, had agreed to the conference asked for by the House, and had appointed Mr. BRYAN, Mr. HUGHES, and Mr. POINDEXTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17053. An act making additional appropriations for the Public Health Service for the fiscal year 1917.

The message also announced that the Senate had passed with amendments to bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. TILMAN, Mr. SWANSON, and Mr. LODGE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6497. An act for the relief of Oleanne Marie Zahl Branum.

The message also announced that the President had, on July 20, 1916, approved and signed joint resolution of the following title:

S. J. Res. 60. Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate

and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6497. An act for the relief of Oleanne Marie Zahl Branum; to the Committee on the Public Lands.

#### ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles, when the Speaker signed the same.

H. J. Res. 218. Joint resolution authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.;

H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes;

H. R. 4866. An act for the relief of Julia R. Goodloe;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased; and

H. R. 10484. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

#### HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill with Senate amendments of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

H. R. 8002. An act confirming patents heretofore issued to certain Indians in the State of Washington; to the Committee on Indian Affairs.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that on July 19, 1916, they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 11262. An act for the relief of Mrs. C. D. Corbin;

H. R. 11261. An act for the relief of Mary S. Corbin;

H. R. 6057. An act to amend section 14 of the reclamation extension act approved August 13, 1914;

H. J. Res. 218. Joint resolution authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.;

H. R. 4866. An act for the relief of Julia R. Goodloe;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased;

H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes; and

H. R. 10484. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

#### SPEAKER PROTEMPORE THURSDAY.

The SPEAKER. The Chair appoints the gentleman from Oklahoma [Mr. FERRIS] to act as Speaker on next Thursday. [Applause.]

#### PERMISSION TO ADDRESS THE HOUSE.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to address the House for not exceeding 40 minutes on next Saturday, after the reading of the Journal, and with these other conditions, not to interfere with conference reports, and so forth.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] asks unanimous consent that on Saturday next, at the conclusion of the remarks of the gentleman from Georgia, he shall be permitted to address the House for not to exceed 40 minutes, not to interfere with conference reports. Is there objection? [After a pause.] The Chair hears none.

#### EXTENSION OF REMARKS.

Mr. KENT. Mr. Speaker, I wish to extend my remarks in the Record by printing a comparative analysis of the Senate and House water-power bills as concerns navigable waters.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on the water-power bills. Is there objection? [After a pause.] The Chair hears none.

#### PERMISSION TO ADDRESS THE HOUSE.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that I may proceed for 20 minutes on next Saturday at the conclusion of the two speeches already made in order.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on next Saturday, at the conclusion



of the remarks of the gentleman from Texas [Mr. SLAYDEN], he shall be permitted to address the House for not to exceed 20 minutes, not to interfere with conference reports, or—

Mr. ROGERS. Or with orders already made.

The SPEAKER. Of course it can not interfere with orders already made. Is there objection? [After a pause.] The Chair hears none.

#### COTTON SEED AND COTTONSEED PRODUCTS.

Mr. ASWELL. Mr. Speaker, last week a conference report was presented on the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products. There was an error in the phraseology of the conference report. I ask unanimous consent to withdraw that, and to substitute a corrected conference report, for printing in the Record.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to withdraw a conference report and to submit a new one for printing in the Record. Is there objection?

Mr. MANN. Mr. Speaker, I did not understand the subject of the gentleman's request.

The SPEAKER. He asks to withdraw a conference report on H. R. 4767, the cottonseed statistics bill, and he submits a corrected report for printing in the Record. Is there objection? There was no objection.

#### FLOOD CONDITIONS IN GEORGIA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to print in the Record a telegram from my colleague [Mr. HOWARD] touching flood conditions on the rivers in Georgia.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print in the CONGRESSIONAL RECORD a telegram from his colleague [Mr. HOWARD] on the flood situation in Georgia. Is there objection?

There was no objection.

The telegram is as follows:

DOUGLASVILLE, GA., July 25, 1916.

Hon. WM. C. ADAMSON,  
House of Representatives, Washington, D. C.:

Am on the ground in Douglas, where flood conditions have wrought great damage, and about 1,200 people in Douglas and Campbell Counties are in dire distress and great need of immediate assistance. Committee of citizens met at courthouse yesterday and passed resolutions beseeching Congress to give aid to these poor people. Understand same conditions exist in your district in Coweta and Heard. Engineer Simonton has made report to War Department. So far as my people are concerned, it is conservatively estimated that it will take about \$3,600 to buy provisions for the 1,200 sufferers. Will you please introduce resolution this morning in your and my name and urge upon our colleagues the necessity of immediate action? See report of conditions in Gen. Black's office. Wire me Atlanta.

WM. SCHLEY HOWARD.

#### LEAVE TO EXTEND REMARKS.

Mr. CAPSTICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record in reference to providing service honor flags to the volunteer soldiers now in service along the Mexican border.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the Record on the subject of rural credits and also on the Democratic platform of 1912.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record on rural credits and on the Democratic platform of 1912. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SIEGEL] have permission to extend his remarks in the Record on the subject of child labor.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] asks unanimous consent that the gentleman from New York [Mr. SIEGEL] have permission to extend his remarks in the Record on the child-labor bill. Is there objection? [After a pause.] The Chair hears none.

#### EXEMPTION OF CERTAIN PROPERTY FROM TAXATION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take up and consider the bill (S. 5172) entitled "An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C."

The SPEAKER. The Chair will take it up in a minute.

#### EXTENSION OF REMARKS.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on public buildings and full territorial form of government in Alaska.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the public-buildings bill.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the Record on the public-buildings bill. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by incorporating an address made by former Gov. Colquitt, of Texas, in which he declares the Wilson administration to be the greatest failure in history. [Laughter.]

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the Record by printing a speech made by ex-Gov. Colquitt, of Texas, declaring the Wilson administration to be the greatest failure in history. [Laughter.] Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I do not recall the particular address to which the gentleman refers.

Mr. MOORE of Pennsylvania. I have it right here. I will be very glad to quote it.

Mr. GARNER. It is not necessary to do that, if the gentleman will call my attention to the time and place and subject.

Mr. MOORE of Pennsylvania. On page 54 of the Record of December 29, 1914, Gov. Colquitt, who has just been nominated for Senator from Texas, made this interesting declaration, and as the campaign was fought out on this line in Texas, it seems to me informative to the House. The House ought to know on what lines Gov. Colquitt made his fight.

The SPEAKER. Has it been printed?

Mr. MOORE of Pennsylvania. It has.

Mr. GARNER. If the gentleman will indulge me a moment, I wish to correct his history. Gov. Colquitt has not been nominated for Senator of the State of Texas, and will not be nominated.

Mr. DAVIS of Texas. Amen! [Laughter.]

Mr. MOORE of Pennsylvania. He led by 20,000 votes.

Mr. GARNER. If the gentleman intends to intimate by his statement in reference to Gov. Colquitt's recent vote in Texas that it was based upon his opposition to the administration, I want to correct him there. There were seven candidates in Texas for Senator. Gov. Colquitt was considered an antiadministration man. All the other candidates, however, were supporting the administration, and the man whom the administration, I think, feels the kindest toward is to run off the race with Gov. Colquitt, is one of the present Senators from Texas, and will undoubtedly win the election. I mention this in order that the gentleman's history may be kept correct.

Mr. MOORE of Pennsylvania. If the gentleman will permit my remarks to be extended, I think his statement will be answered by Gov. Colquitt.

Mr. GARNER. The statement has already been printed in the Record. I do not think we ought to take up the space to print it again.

Mr. ADAMSON. Reserving the right to object, I say this, if Gov. Colquitt should happen to be elected and come here and serve during the second administration of our illustrious President, he will learn better sense. [Laughter.]

Mr. MANN. He will live a long life if he does.

The SPEAKER. Is there objection?

Mr. DAVIS of Texas and several other Members objected.

Mr. GARNER. Mr. Speaker, I understand there was objection urged?

The SPEAKER. There were half a dozen objections.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of public buildings.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the Record on the subject of public buildings. Is there objection?

There was no objection.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks on the Mexican situation.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks on the Mexican situation. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the military highway in California.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record on the subject of the military highway in California. Is there objection? There was no objection.

## CHANGE OF REFERENCE—AID TO FLOOD SUFFERERS IN ALABAMA.

The SPEAKER. There are two little resolutions here, House joint resolution 271, authorizing the Secretary of War to loan quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Alabama and other rivers of Alabama and their tributaries, and House joint resolution 272, the very same sort of resolution, except that it refers to the Coosa River and its tributaries. These were referred to the Committee on Military Affairs, and ought to be referred to the Committee on Appropriations. Unless there is objection, they will be so referred.

Mr. BURNETT. Mr. Speaker, what is the proposition?

The SPEAKER. A change of reference. One is the resolution offered by the gentleman from Alabama.

Mr. BURNETT. That goes to the Committee on Military Affairs, Mr. Speaker, I should think. It is for an authorization—

The SPEAKER. These things are generally referred to the Committee on Appropriations, and they are not privileged to go to the Committee on Military Affairs.

Mr. HAY. I will say, Mr. Speaker, that heretofore resolutions of that character which did not carry appropriations have all gone to the Committee on Military Affairs. Now, the fact that this resolution does carry an appropriation does not necessarily take from the Committee on Military Affairs its jurisdiction of that resolution. I recall that in this Congress a resolution was introduced for the relief of the Arkansas flood sufferers, and that resolution went to the Committee on Military Affairs and was reported out by that committee. I do not see any reason why this resolution should not take the same course.

The SPEAKER. Is there objection?

Mr. HAY. I object.

The SPEAKER. The gentleman from Virginia objects.

## EXEMPTION FROM TAXATION, PROPERTY OF DAUGHTERS OF AMERICAN REVOLUTION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 5172, entitled "An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C."

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

*Be it enacted, etc.,* That the property situated in square 173 in the city of Washington, D. C., described as lots 23, 24, 25, 26, 27, and 28, inclusive, occupied by the Daughters of the American Revolution, be, and the same is hereby, exempt from and after May 24, 1914, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

With a committee amendment as follows:

Amend, page 2, line 4, after the word "thereof," by adding the following:

"So, also, shall every rectory, parsonage, glebe house, and pastoral residence which is occupied as a residence by the pastor, rector, minister, or rabbi be so exempt from taxation in the District of Columbia: *Provided*, That such rectory, parsonage, glebe house, or pastoral residence be owned by the church or congregation for which the said pastor, rector, minister, or rabbi officiates: *And provided further*, That not more than one such rectory, parsonage, glebe house, or pastoral residence shall be so exempt for any one congregation."

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the Senate bill which the Clerk has just reported. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, there are two provisions in this bill. One is in reference to the building of the Daughters of the American Revolution, proposing to exempt that from taxation, and the other is in reference to parsonages.

Mr. JOHNSON of Kentucky. Yes; the gentleman is correct.

Mr. MANN. Would the latter provision exempt from taxation a building that a minister happened to rent from somebody in town?

Mr. JOHNSON of Kentucky. No. The bill provides in plain terms that it must be owned by the congregation or the church for which he preaches. It must be strictly church property.

Mr. MANN. I make no objection.

Mr. TAYLOR of Colorado. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Kentucky if this exemption goes further than the exemptions under State laws in the various States?

Mr. JOHNSON of Kentucky. I will say to the gentleman that this report is made by the gentleman's colleague, Mr. HILLIARD, who does not happen to be present at this moment. That question was gone into by the committee, and it was ascertained that this was in keeping practically with the laws of the States on that subject.

Mr. TAYLOR of Colorado. I will say to the gentleman, it seems to me you are setting a dangerous precedent by the enactment of this bill, and would be likely to open widely the gates to very dangerous exemptions.

Mr. JOHNSON of Kentucky. It would not open the gate widely at all. It would only apply to a parsonage actually owned by the church and actually occupied by the preacher for that church.

Mr. TAYLOR of Colorado. Does it apply to all denominations equally?

Mr. JOHNSON of Kentucky. To every one, with no exception. It applies to every one alike.

Mr. TAYLOR of Colorado. How much taxes will be saved or exempted in the District of Columbia under this law?

Mr. JOHNSON of Kentucky. I do not know.

Mr. TAYLOR of Colorado. Has not the gentleman's committee made any estimation as to how much the Federal Treasury will lose by the passage of this bill?

Mr. JOHNSON of Kentucky. The Federal Treasury will not lose a cent.

Mr. TAYLOR of Colorado. Why?

Mr. JOHNSON of Kentucky. Because the Federal Treasury does not get the taxes.

Mr. TAYLOR of Colorado. If the taxes are paid, they will ultimately go into the Treasury, will they not?

Mr. JOHNSON of Kentucky. They would go into the Treasury for the District of Columbia.

Mr. TAYLOR of Colorado. That is what I mean. They would relieve the Federal Treasury to that extent, would they not?

Mr. JOHNSON of Kentucky. I will say to the gentleman that it is quite a clear case that the church and school act of March 3, 1877, intended to do what this bill now does, but the taxing authorities have concluded that wherever the words "church property" were used in that act they meant only the ground on which the church stood; and if the parsonage stood right by it and was owned by the congregation and used by the minister of that congregation, it did not apply to that; but that it applied to all school property, wherever it might be located. In other words, it was liberally construed for the school property and too illiberally construed as to church property.

Mr. TALBOTT. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. TALBOTT. This does no more than the laws in every State in the Union have done for church property?

Mr. JOHNSON of Kentucky. That is our information.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NOYES, MINN., AS A PORT OF ENTRY.

Mr. DICKINSON. Mr. Speaker, I ask for the present consideration of the bill (S. 5645) for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise, reported unanimously by the Committee on Ways and Means.

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to the port of Noyes, in the State of Minnesota.

Mr. DICKINSON. Mr. Speaker, I ask that a communication from the Treasury Department which was submitted with the report, but by error of the printer was omitted, be read in connection with the report.

The SPEAKER. First, is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman inform the House where this important port of Noyes is located in the State of Minnesota?

Mr. DICKINSON. It is on the Northwestern Railroad at the Canadian border. The communication from the Treasury Department states exactly where it is located.

Mr. STAFFORD. Has this bill been introduced at the instance of the Treasury Department?



Mr. DICKINSON. It has the approval of the Treasury Department. It has passed the Senate, has been unanimously reported by the Ways and Means Committee, and there is no objection to it.

Mr. STAFFORD. Will the gentleman inform the committee how many such ports in the country have this privilege at present?

Mr. DICKINSON. I am not able to give that information.

Mr. STAFFORD. I know that we have passed such bills as this on previous occasions, but I did not think we afforded that distinction to insignificant places.

Mr. MANN. I think we invariably give the permission at every place on the Canadian border where a railroad crosses the line. Otherwise the railroad can not operate to bring in goods. This is a new railroad which has just reached this point.

Mr. STAFFORD. Is this place on the Canadian border?

Mr. DICKINSON. I so stated.

Mr. MANN. It is on the Canadian border, and this is necessary to facilitate the bringing of goods into the United States.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the communication which the gentleman has sent up.

The Clerk read as follows:

TREASURY DEPARTMENT,  
Washington, May 29, 1916.

The CHAIRMAN COMMITTEE ON COMMERCE,  
United States Senate.

Sir: I have the honor to refer to your letter of the 20th of April last, transmitting a copy of bill S. 5645, which provides for the extension to Noyes, Minn., of the privileges of the first and seventh sections of the act of June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

An investigation conducted by the department as to the commercial necessity of such action discloses the fact that the Canadian Pacific Railway and the Minneapolis, St. Paul & Sault Ste. Marie Railway have completed their respective lines running via Noyes and that considerable merchandise is imported and exported at that place.

I am therefore of the opinion that the privileges of the first and seventh sections of the act of June 10, 1880, should be extended to Noyes, Minn.

Respectfully,

WM. P. MALBURN,  
Acting Secretary.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. DICKINSON, a motion to reconsider the last vote was laid on the table.

#### BRIDGE ACROSS BAYOU BARTHOLOMEW, ARK.

Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

#### House concurrent resolution 50.

*Resolved by the House of Representatives (the Senate concurring).* That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, requested to cancel their respective signatures to the enrolled bill (H. R. 12197) entitled "An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew."

That, upon the cancellation of said signatures, the Clerk be directed to reenroll said bill with amendments as follows: On page 1, line 8, strike out the word "five" and insert in lieu thereof the word "four"; in line 9, strike out the word "four" and insert in lieu thereof the word "five."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, what are these amendments?

Mr. GOODWIN of Arkansas. The amendments are merely to transpose the words "four" and "five" in the description, the range lines having been incorrectly described.

Mr. MANN. It is simply to correct an error in the description?

Mr. GOODWIN of Arkansas. To correct an error in the description.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

#### BRIDGE ACROSS MISSISSIPPI RIVER, NEW ORLEANS, LA.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16185) to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the city of New Orleans, a municipal corporation existing under the laws of the State of Louisiana, or to the subordinate agencies of said city, their successors and assigns, when authorized by the State of Louisiana, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, near and above the said city, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided,* That subject to the provisions of this act the said city of New Orleans, or its subordinate agencies, may construct a tunnel or tunnels under said river in lieu of the bridge herein authorized.

Sec. 2. That this act shall be null and void unless the construction of said bridge or tunnels is commenced within two years and completed within five years from the date of approval hereof.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, as I understand the bill it reads that this bridge is to be constructed "near and above" the city of New Orleans?

Mr. DUPRÉ. Yes.

Mr. COOPER of Wisconsin. By the city?

Mr. DUPRÉ. Yes.

Mr. COOPER of Wisconsin. Is the city to build a bridge outside of its corporate limits?

Mr. DUPRÉ. A constitutional amendment has recently been submitted by the General Assembly of Louisiana, authorizing the city of New Orleans to build this bridge, and giving it authority to go beyond the confines of the city.

Mr. COOPER of Wisconsin. The bill authorizes the city of New Orleans to build a bridge or dig a tunnel outside of the corporate limits of the municipality?

Mr. DUPRÉ. Yes.

Mr. COOPER of Wisconsin. And it also gives that right to the successors or assigns of the city to build the bridge. I do not know just what the method of doing that would be.

Mr. DUPRÉ. That is the usual form in such cases. It is not supposed that the city of New Orleans will go out of business as a corporation. I imagine it will continue to exist long after the gentleman from Wisconsin and I have disappeared from the earth.

Mr. COOPER of Wisconsin. Is it in contemplation that the city of New Orleans shall assign this right to any corporation?

Mr. DUPRÉ. No. I will state to the gentleman that I have in my hand a copy of the constitutional amendment covering this subject matter, and that it provides that the city of New Orleans shall be the owner of this improvement, and that it shall construct and operate it through its Belt Commission.

Mr. MANN. It is possible that the city might have to do it through a suborganization created by the city.

Mr. ADAMSON. Will the gentleman yield?

Mr. COOPER of Wisconsin. One more question. The proposed tunnel or the proposed bridge—it is in the alternative, is it not, one or the other?

Mr. DUPRÉ. It provides that the Secretary of War may require the construction of a tunnel in lieu of the bridge.

Mr. COOPER of Wisconsin. And it is to be used by the city, presumably for a belt-line road?

Mr. DUPRÉ. Yes; and other transportation lines that want to cross the Mississippi River.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. DUPRÉ. Yes.

Mr. ADAMSON. There is no difficulty about the city building a bridge outside of its limits. It is necessary to go above the city, because ocean vessels come up to New Orleans, and the gentleman from Wisconsin need not be uneasy about it being a light matter to find somebody with money enough to take over this transaction. The great struggle there is to find means and methods of securing a bridge at all.

Mr. COOPER of Wisconsin. The gentleman from Wisconsin was not uneasy at all. He was making an inquiry which I presume arose in the mind of everyone who listened to the reading of the bill. My query did not indicate uneasiness, but simply a desire to find the facts that every legislator on this floor ought to know about a bill of this kind.

Mr. MANN. The gentleman from Wisconsin should remember that obtaining information at any time makes some people uneasy.

Mr. STAFFORD. I notice from reading the report that the War Department is averse to granting the privilege to the city authorities to build a bridge, but is willing to grant permission to construct a tunnel.

Mr. DUPRÉ. I do not think that the report goes that far.

Mr. STAFFORD. Have the city authorities considered building a tunnel in lieu of a bridge if the permit to build the bridge is not granted?

Mr. DUPRÉ. That is under serious contemplation. It is believed that it would be cheaper to construct a tunnel, and that it might be the best method of getting across the river.

Mr. STAFFORD. How far distant from the city is the proposed location of the bridge?

Mr. DUPRÉ. It is at a place called Nine Mile Point, which is 9 miles above Canal Street. It is just beyond the parish line of the parish of Orleans. I suppose it is 2 or 3 miles from the nearest point in Orleans Parish.

Mr. STAFFORD. Is it to be used for surface travel as well as railroad travel?

Mr. DUPRÉ. The idea is for railroad travel more particularly. There is not enough surface travel there to warrant it alone.

Mr. STAFFORD. Never having traveled much in that vicinity, I would like to ask the gentleman what is the first bridge above New Orleans?

Mr. DUPRÉ. There is no bridge nearer than Memphis.

Mr. McKELLAR. Memphis is the first, and that bridge has just been opened. I would like to ask the gentleman from Louisiana, Is the purpose to supply the needs of traffic as well as the railroad traffic?

Mr. DUPRÉ. I think that will be covered.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 5, strike out the words "or to the subordinate agencies of said city their" and insert in lieu thereof the word "it."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Amend line 4, page 2, by inserting, after the word "act," the words "the Secretary of War may require."

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by striking out the word "require" and inserting the word "permit."

Mr. DUPRÉ. That is agreeable to me.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read the following committee amendment:

Amend, after the words "New Orleans," in line 5, by striking out the comma and insert the words "or its subordinate agencies may" and insert in lieu thereof the word "to."

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the further amendment.

The Clerk read as follows:

On page 2, line 7, after the word "authorized," change the period to a comma and add the following: "in accordance with the foregoing act approved March 23, 1906, so far as the same may be applicable."

Mr. MANN. That is to give the War Department control over construction.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15947, the naval appropriation bill, with Senate amendments, disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to all the Senate amendments, and agree to the conference asked for by the Senate. Is there objection?

Mr. BROWNING. Reserving the right to object, I would like to ask the chairman of the committee whether it is his intention to allow the House to vote on any of these amendments? I desire to have a separate vote on amendment No. 80, page 57 of the bill, authorizing increase in the enlisted strength of the Navy, and also on the amendments, commencing on page 176, line 13, for the further increase of the Naval Establishment of the United States, down to line 19, on page 180. I would like to have a vote on those amendments. I favor them and I believe the majority of the House also favors them.

Mr. PADGETT. I want to ask that the whole bill go to conference and that there be no limitation placed on the conferees. The conferees may report back an agreement and then it would be for the House to vote upon it.

Mr. BROWNING. Then we would have to vote for the rejection or the adoption of the conference report.

The SPEAKER. The vote would be on the conference report as a whole.

Mr. PADGETT. That is correct. I think the whole bill ought to go to conference without restrictions or limitations.

Mr. BROWNING. When I made the motion to recommit this House bill and voted against its passage, I did so for the reason that I did not consider it an adequate naval measure. The Senate has added important amendments which should be adopted, and in view of the fact that my motion to recommit was beaten by only six votes, I think the House should now be given opportunity to vote on the amendments of the Senate to which I have called attention.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I want to call the attention of the chairman of the committee to amendment 89. I do not believe that I can consistently let this bill go to conference on unanimous consent unless there is some assurance given the House in some way that the House conferees will not yield upon that amendment until the House has had an opportunity to vote upon it. The amendment I refer to is on page 60. A Member of this House said to me a few days ago that apparently every man who was in the Navy who wanted to be made a rear admiral went over to the Senate and had himself included in the list, and I think that remark must be very nearly true. I asked the Navy Department yesterday to furnish me with data showing how many new rear admirals would be taken care of if this amendment No. 89 were passed, and I was informed that it amounted to only 82. Of course they say they will not all be taken care of in the next two or three years, but I am not willing to let this bill go to conference unless we have some kind of assurance that the House conferees are not going to yield and agree to the Senate amendment and come back here and place us in the position of having to vote the conference report up or down.

Mr. PADGETT. Mr. Speaker, I will state to the gentleman that my individual opinion is that that personnel legislation should be written with a good deal more care than it has been, and there should be a reduction in the percentages, reducing very materially the number provided for. There should be some personnel legislation, and the conferees would consider that very carefully. Speaking for myself I should not agree to it in the exact terms in which it is incorporated in the bill. I think it should be very materially reduced.

Mr. COX. Mr. Speaker, will the gentleman yield further?

Mr. PADGETT. Yes.

Mr. COX. I have been told that the position of rear admiral corresponds to the position of brigadier general in the Army. A brigadier general in the Army has control of 5,000 men. A rear admiral ought to have substantially the same number. It is proposed here that the Navy be increased to 74,000 men. If this provision be finally agreed to, inasmuch as we have 20 rear admirals now—

Mr. PADGETT. Eighteen.

Mr. COX. That will make exactly 100 rear admirals to 74,000 enlisted men—out of all proportion, absolutely topheavy.

Mr. PADGETT. I will state to the gentleman there are 18 in the regular number, and then there are additional numbers, making, as I now remember, 26 that are now rear admirals. As I understand the figures, it would make about 82 all told, not 82 or 83 in addition to what we have now.

Mr. COX. I think this amendment actually means 82 in addition to what we have now. And we have now 145 rear admirals on the retired list. By this amendment they propose to make rear admirals out of men in the Medical Corps, the Pay Corps, the Construction Corps, the Corps of Civil Engineers, Chaplains' Corps, thereby permitting almost everyone to get himself made a rear admiral.

Mr. PADGETT. As I stated to the gentleman, there is a great deal of correction that ought to be made in that, and it is my purpose to go over it very carefully and to reduce it.

Mr. COX. I do not want to bind the gentleman too strongly, but I can not yield my rights on that proposition, and yet I do not want to interfere with this matter going to conference.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. COX. Not now. If the Senate refuses to yield on this proposition, will the gentleman return this bill to the House and give the House a chance to vote upon it?

Mr. PADGETT. I will.

Mr. STAFFORD. Mr. Speaker, will the gentleman state to the House whether there is any reason why we should embody in the naval appropriation bill a reorganization scheme of the entire personnel of the Navy?

Mr. PADGETT. There is some personnel legislation that is very badly needed.



Mr. STAFFORD. Why has not the gentleman brought it in in a separate bill so that the House could consider it upon its merits?

Mr. PADGETT. I will simply state that it was because we were engaged for nearly five months in the preparation of the naval appropriation bill, and while we have had extensive hearings heretofore, which have been printed, and a number of Members have them, we have not yet had an opportunity to bring in that legislation.

Mr. COX. Mr. Speaker, I desire to call attention to two more amendments with respect to the building program and the increase of the Navy. It seems to me that Congress is running stark, crazy mad on this preparedness program. This bill as it passed the House carried \$270,000,000—

Mr. PADGETT. Two hundred and sixty-nine million dollars.

Mr. COX. Practically \$270,000,000, and they have added \$50,000,000 in the Senate.

Mr. PADGETT. Forty-eight million dollars and odd.

Mr. COX. Well, we will not quibble over so small a matter as \$2,000,000; but it makes a total of about \$315,000,000 all told.

Mr. PADGETT. Yes.

Mr. COX. What does the gentleman think about that proposition?

Mr. PADGETT. I think that some of it will stick and some of it will go off.

Mr. COX. I shall have to get a more definite answer than that before I can consent to have this bill go to conference at this time.

Mr. PADGETT. That is all I can tell the gentleman on that proposition.

Mr. COX. I wanted to be given an opportunity to vote on this increase of the Navy which has been put on in the Senate.

Mr. PADGETT. As I said a moment ago, I think the bill ought to go to conference, and the conferees will try to adjust matters; and as to what we can do in reference to the building program I am not prepared to say, but I think there will be some adjustment.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me for a moment?

Mr. PADGETT. I will.

Mr. ROBERTS of Massachusetts. Can not the chairman give the gentleman from Indiana the same assurance on the building program that he did in reference to the personnel legislation?

Mr. PADGETT. That unless the Senate yields somewhat it will come back to the House. Yes, sir; I will make that statement.

Mr. COX. As it passed the House, we provided so many battle cruisers, I believe. I think the Senate cut out a number and adds four battleships. Is not that correct?

Mr. PADGETT. Yes, sir.

Mr. COX. If I understand the gentleman correctly, that word "some" is a very narrow margin if this bill goes to conference. He states that unless the Senate yields "some" on that provision it would be returned to the House. That is very thin ice for a Member of the House to skate on who is opposed to such a tremendous building program as is carried in this measure.

Mr. MANN. Will the gentleman from Indiana yield?

Mr. COX. With pleasure.

Mr. MANN. I take it the gentleman believes that eventually this bill will go to conference?

Mr. COX. Oh, sure. It has to go to conference.

Mr. MANN. We all know this is a bill that will be passed in some shape.

Mr. COX. There is no question about that.

Mr. MANN. Well, what good will it do not to send it to conference?

Mr. COX. It might do a whole lot of good and it might not do any good. That will depend upon what the Committee of the Whole House on the state of the Union sees fit to do when we get there.

Mr. MANN. Oh, no; because if the Committee of the Whole should do something it will still go to conference. A vote might be a direction, but I take it that on a bill like this the House would not instruct the conferees on any proposition.

Mr. COX. Well—

Mr. MANN. It seems to me—I believe I am as finicky about these things as anybody in the House—it might be better to let the bill go to conference and give the conferees time enough to learn something about these Senate amendments. It is perfectly safe to say there will be no long, protracted hearings before the Committee on Naval Affairs if we should send it to the committee. If this bill should go to the committee, the committee will report the bill right out that all the Senate amendments be disagreed to and a conference asked for. We might spend a week or two weeks or three weeks on the bill in the House,

and we would not get any further along than we are now. It is the inevitable result of our methods of legislation.

Now, some gentlemen do not want this bill to go to conference, because they want to agree to some of the Senate amendments. Some gentlemen do not want it to go to conference, because they want to disagree to the Senate amendments. I would be willing to eat my hat if on a vote in the House the House does not disagree to every amendment the Senate has put in the bill and in the end send it to conference. Now, the conferees will have a little longer time, when they will study the subject. The rest of us do not know much about it.

Mr. COX. With all due deference to the House Committee on Naval Affairs heretofore—and I have followed this bill as closely as other Members—I think I am clearly within the record in saying that the House conferees have invariably yielded to the Senate upon important material matters and the Senate has yielded upon the immaterial matters.

Mr. PADGETT. The gentleman is mistaken about that.

Mr. COX. I think I am within the record in stating that.

Mr. PADGETT. I think the gentleman is not within the record. I think he is out of the record.

Mr. COX. If I am out of the record, I will stand corrected.

Mr. BUTLER. Just put it the other way.

Mr. COX. Just one more amendment to which I wish to call attention. The Senate sometimes does some wise things, but not often; but last spring, when the legislative, executive, and judicial appropriation bill was going through, it put an amendment on over there which prohibited employees from drawing double salaries where the salary aggregated more than \$2,000. I think that was a good provision at that time. Now, then, the Senate here, by an amendment, proposes to avoid that.

Mr. PADGETT. No; they do not avoid that. I know about it. The Comptroller of the Treasury has made a ruling that secretaries or clerks of committees and various other clerks and officers are not public officers. He has said that they were not appointed to public offices, and that it should not apply to them. He has made the strange ruling that they are not public officers; that there is a difference between an officer and a public officer. That is the holding of the Comptroller of the Treasury. The result is that it had deprived a number—and among them the clerk of my committee, who is a retired naval officer, and is receiving his retired pay, and he is checked up, because they hold that he is not a public officer, and this is simply to correct that.

Mr. COX. The gentleman does not want to go on record here as criticizing the decision of the Comptroller of the Treasury, does he?

Mr. PADGETT. I do.

Mr. COX. Does the gentleman contend that the decision rendered by him was not within the law?

Mr. PADGETT. I do.

Mr. COX. Contrary to the law?

Mr. PADGETT. I do.

Mr. STAFFORD. That provision was incorporated in the legislative, executive, and judicial appropriation act, over which another committee of the House has jurisdiction. Here we have another committee seeking to preempt the work of the legislative committee, and I would like to know from the gentleman whether he thinks it is fair to the other committee for his committee to preempt matters that pertain to another committee of the House?

Mr. PADGETT. We are not to preempt it. I understand that in the Senate the chairman of the Appropriation Committee, Senator MARTIN, who had control of the measure and put in the other provision for the very purpose of taking care of these cases, is in favor of this amendment and agreed that it might go into the naval bill because the other legislation has been passed.

Mr. STAFFORD. As I remember, this provision was put on the legislative, executive, and judicial appropriation bill as it was introduced in the House.

Mr. PADGETT. I said it was, and the Comptroller of the Treasury, as I stated, has made this ruling, that these clerks of the committee and other officers, in the Coast Guard, the Naval Militia, and various other ones that I could bring up, and which I have not at my tongue's end right now, are not public officers. He said no one is a public officer unless he is exercising a part of the sovereignty. He makes a distinction between an officer and a public officer, and because the word "public" was used in the act he is holding up their case.

Mr. COX. Let me call the gentleman's attention to this amendment briefly here:

But this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia: *Provided*, That no such re-

tired officer, officer, or enlisted man shall be denied or deprived of any of his pay, salary, or compensation as such, or of any other salary or compensation for services heretofore rendered, by reason of any decision or construction of said section 6.

Mr. PADGETT. Yes. That is put in there—

Mr. COX. The gentleman held a moment ago, if I caught his position correctly, that the Comptroller of the Treasury in rendering this decision rendered a decision in violation of the law.

Mr. PADGETT. I think the gentleman's interpretation of it is wholly at variance with and unwarranted by law. To say that the clerks of the committees and these men who are in the Naval Militia and the Coast Guard, and these others whose names you read there, are not public officers, is not sustained by correct reasoning.

Mr. COX. This, from my viewpoint, is nothing short of absolute class legislation.

Mr. MANN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. When that provision went into the bill recently, inserted as an amendment of the Senate, I made an inquiry of the conferees on the part of the House in reference to this situation. The clerk of the Naval Committee is a retired officer of the Navy. Clerks of equal rank in the House get \$2,500 a year. He gets \$2,400 a year, because of an old provision to the effect that no one drawing \$2,500 a year could draw another salary from the Government. So far as I know, no one wanted to interfere with him. The conferees on the part of the House assured me that the provision that we had agreed to would not affect him or anybody in his class. Now, I take it, although I have not made inquiry, that the comptroller or somebody has ruled that it does affect him. Is not that right?

Mr. PADGETT. That is correct, and he puts it on the ground that he is not a public officer.

Mr. MANN. And is different from the understanding of the conferees and the House when the legislative bill became a law?

Mr. PADGETT. When the legislative bill was before the House I went over to the Senate and had a conference with some of the members of the Senate Committee on Appropriations—Senators MARTIN and SWANSON—and they put the language in there, after a conference with Mr. Courts, clerk of the Appropriations Committee of the House, in order to take care of this situation, and when that language was put in there the comptroller ruled that these persons are not public officers. He says there is a distinction—I have never been able to comprehend what it is—between an officer and a public officer, and because the language in the legislative bill used the words "public officer" these persons are not entitled to pay and he is holding up the pay of 50 or 75 persons, say, including the clerk of my committee.

Mr. MANN. I do not remember exactly the language.

Mr. GARDNER. The situation is this: If anybody objects to this going to conference, it goes to the Committee on Naval Affairs, does it not?

Mr. PADGETT. Either that or remain on the Speaker's table and a rule to send it to conference.

Mr. GARDNER. And the Committee on Rules may take it away from the Committee on Naval Affairs, but it can not take it away from the Speaker's table without unanimous consent?

Mr. PADGETT. I think the Speaker has it in his discretion to hold it.

The SPEAKER. Ordinarily the Speaker holds the bill on his table if anybody asks him to do it, but if anybody insists that it be immediately referred to the committee it is referred.

Mr. GARDNER. That is my understanding, but what I want to say is this: Frequently the chairman of the committee gets out of that situation by saying, "Before we report an agreement with the Senate we will give the House an opportunity to vote on all these questions that the House seriously wants to take up." For instance, the gentleman from Indiana [Mr. Cox] has something he wants to take up. I want a separate vote on the building program, and I want a separate vote on the personnel, and I want a separate vote on the personnel of the Marine Corps. I have no doubt if the gentleman would say, "We will give the House a chance to vote on these major points," he would not have the slightest difficulty, and I and the gentleman from Indiana and everybody else would be glad to see the bill go to conference, so long as there is a chance given to the House to deal with these questions, and not go to the conference committee without action.

Mr. BUCHANAN of Illinois. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What now becomes of the bill?

The SPEAKER. Ordinarily if the Speaker is asked to hold the bill on the table he holds it on the table temporarily, but if anybody insists on its being referred, he will refer it.

Mr. PADGETT. I ask, Mr. Speaker, that it be laid on the Speaker's table.

Mr. MANN. No; I think it would be more expeditious to send it to the committee and the committee will report it back. Somebody will object when it comes back.

Mr. BUTLER. I will give notice that we will need a quorum here to-morrow.

Mr. MANN. I ask that it be referred to the committee.

The SPEAKER. The bill is referred to the Committee on Naval Affairs and ordered printed.

Mr. ROBERTS of Massachusetts. You will have to have a quorum on Thursday.

The SPEAKER. Under the order of the House the gentleman from Washington [Mr. HUMPHREY] is recognized for 10 minutes.

Mr. PADGETT. Mr. Speaker, may I give notice now that I will call a meeting of the Naval Committee at 2 o'clock this afternoon in the room of Committee on Naval Affairs?

The SPEAKER. The gentleman from Tennessee gives notice that he will call a meeting of the Committee on Naval Affairs this afternoon at 2 o'clock.

Mr. MANN. Oh, Mr. Speaker, I do not think a man can give notice on the floor of the House of calling a committee in that way. That is no meeting of the committee in the true sense.

The SPEAKER. It is done, and nothing can be undone about it. The gentleman from Washington [Mr. HUMPHREY] is recognized for 10 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I have been asked several times recently about the industrial conditions upon the Pacific coast. I propose to answer those inquiries by making a few observations this afternoon in regard to the lumber and shingle industries of my State. Unfortunately for us upon the Pacific coast, we are not reaping any of the great prosperity that comes from the contest across the sea.

The State of Washington produces over 80 per cent of all the cedar shingles manufactured in the United States and over 60 per cent of all shingles of all kinds produced in the United States. The greatest competitor of the State of Washington in the shingle industry is British Columbia.

The men working in the mills of Washington are all white and all American citizens. The labor employed in the mills of British Columbia is 80 per cent oriental, mostly Chinese. The American shingle weaver receives approximately double the wages that are paid to his Chinese competitors in British Columbia.

Cedar logs, the material from which shingles are manufactured, are considerably lower in British Columbia than in Washington.

With these facts known to all who care to inform themselves, the result of what free shingles would mean is so plain that it is astonishing that even Democratic statesmen should not have realized it.

No better illustration of the workings of the protective tariff can be found than in the history of the shingle industry of Washington.

In the Payne law there were material changes in the tariff upon three important products of the State of Washington. The tariff was reduced on coal and the price of coal immediately increased. It was reduced on lumber and the price of lumber immediately increased. It was increased from 25 cents to 50 cents per thousand on shingles, and the price of shingles was immediately reduced; new mills opened up; new markets were found; production increased; work and wages increased; the British Columbia producer was driven from many American markets that they had long controlled; the mills for the first time in the history of the industry ran 12 months of the year instead of 6 months. This is the history of the increase of the tariff on shingles under the Payne law, but these facts meant nothing to the Democratic Party.

In the Underwood law shingles were placed upon the free list.

Sixty days before the Underwood law went into effect all American mills were running full time.

Sixty days before the Underwood law went into effect half of the Canadian mills were closed.

Sixty days after the Underwood law went into effect 80 per cent of the American mills were closed.

Sixty days after the Underwood law went into effect all Canadian mills were running at full capacity, both night and day.

Sixty days after the Underwood law went into effect there were more idle men looking for work in the State of Washington than ever before.



The Payne law opened the American mill and closed the foreign mill.

The Underwood law opened the foreign mill and closed the American mill.

The Payne law gave the work and the wages to the American and kept the money at home.

The Underwood law gave the work and the wages to the foreigner—the Chinaman, the Japanese, and the Hindu—and sent the money out of the country.

The effect of the Underwood law was to immediately depress the markets of this country. During the first year under that law, the total amount of shingles consumed in the United States decreased 30 per cent, but notwithstanding this decrease in total sales, the sales from British Columbia for each month of that year in the United States was approximately equal to the total sales that had been made in any one year under the Payne law.

While most of our mills were closed those of British Columbia were running night and day, and 95 per cent of all the shingles produced in British Columbia are sold in the United States to the exclusion of the American product.

Such is the destructive story of Democratic free trade and the shingle industry. The great war in Europe changed conditions to some extent. The industry to-day in British Columbia is not so prosperous as it was immediately before the war, although the shingle industry is still probably the most prosperous in British Columbia.

Many of our mills are still closed. Many of them are running only a part of the time and at part capacity. Some of them are running on the cooperative plan, dividing with their employees such profits as they are able to secure, in an effort to keep from closing entirely.

Wages now and at all times have been very much lower under the Underwood law than under the Payne law.

During the last 10 months over 7,500 carloads of shingles have come into this country from British Columbia—more than came into the country during the entire time that the Payne law was upon the statute books. The Government has lost the revenue and is placing a direct tax upon the people to get money to meet current expenses.

During the operation of the Underwood law more than \$8,000,000 in wages have been taken from American labor in the shingle mills of the State of Washington and given to the Chinese, the Japanese, and the Hindu in British Columbia. That much money has gone out of circulation and out of the country. Many of our mills are closed and decaying. Many prosperous communities and towns have become desolate places.

But the price of shingles to the consumer has not been reduced a single penny by the Underwood law. [Applause on the Republican side.]

Unless the tariff is restored on shingles before the war in Europe ends, that industry is doomed to certain and rapid destruction.

Shingles is but one illustration as to the effect of free trade on the industries of Washington. The result as to lumber, lime, fish, the dairy and fruit industry is the same, differing only in degree. All these industries will be greatly injured if the tariff is not restored before peace is restored. They are not prosperous to-day, but they are existing only because of the indirect stimulation they receive from the battle-field prosperity that has come to us.

The conditions in Washington under the Underwood law before the awful conflict in Europe began is well stated by a mill owner in a letter that he wrote a few months after the Underwood law had gone upon the statute books. I quote from it a few sentences:

Belgium structural steel and Swedish high-grade and tool steel has practically captured our market. I am using Swedish steel in the blacksmith shop, feeding our men Australian beef, New Zealand butter, and Chinese eggs. You can not borrow money now unless you have gold bullion to put up for security. In other words, we have just about the same d—d Democratic times as 20 years ago. I have not seen a business man smile in three months, and we are all wearing our old clothes.

Mr. HUMPHREYS of Mississippi. Is the gentleman going to leave the subject of shingles now?

Mr. HUMPHREY of Washington. Yes.

Mr. HUMPHREYS of Mississippi. Before the gentleman leaves that I should like to ask him one question. As I understand him, the shingle industry has suffered very materially by reason of the fact that shingles have been put on the free list.

Mr. HUMPHREY of Washington. That is certainly correct.

Mr. HUMPHREYS of Mississippi. Is it not a fact that one of the Republican colleagues of the gentleman on this floor

voted to put shingles on the free list and was thereupon elected to the United States Senate by the people of the State of Washington?

Mr. HUMPHREY of Washington. The gentleman has his facts a little bit twisted. It is true that a distinguished gentleman who now represents the State of Washington in the Senate [Mr. POINDEXTER] voted for the Underwood tariff law, which put shingles on the free list, but he was over in the other end of the Capitol when he so voted. It is also true, as shown by the record, that he voted for free shingles once before upon roll call before he voted for the Underwood bill, but unfortunately in the State of Washington his voting that way has not made any difference in the injurious effect that free shingles has had upon that industry.

Mr. HUMPHREYS of Mississippi. He voted for free shingles before he was elected to the Senate.

Mr. HUMPHREY of Washington. With all due respect to my friend, I must decline to yield further. I do not intend to be led into a discussion of the tariff record of the distinguished Senator to whom he refers.

The other day the gentleman from North Carolina [Mr. KITCHIN], the distinguished Democratic leader, referred in one of his speeches to the prosperous condition of the lumber industry in Washington. One of my friends sent me a telegram from which I read. This telegram is dated July 7, 1916. He says:

Lumber not prosperous. Many mills and camps closing. Ninety-nine representative fir mills last week reported orders nearly 10 per cent below production and production 12 per cent below normal. This is a fair indication of the entire industry. Lumber prices, which were fairly normal in the spring of 1913, declined until rock bottom was reached early in the fall of 1915, when the market steadied and advanced to nearly normal in early spring, 1916. In past two months again declined, averaging loss from \$1.50 to \$2 per thousand feet.

I may say that two or three days ago I received a paper from my city reviewing the lumber industry, and the production of lumber in the State of Washington to-day is 50 per cent below normal. Fifty-five of the larger fir mills, if I recall the number correctly, have closed indefinitely.

On the other hand, I want to call attention to the fact that according to this telegram there has been an increase in what the lumber men have to purchase. He says:

Costing more to manufacture. Saws advanced 10 to 15 per cent, leather belting 25 per cent, bar iron 100 per cent, mild steel 100 per cent, high-speed steel 600 per cent. Shingle industry worse shape than lumber. British Columbia, which shipped in 2,500 carloads in the year 1912, under 50 cents duty, and when United States markets were taking more shingles than now, shipped in 7,500 carloads first 10 months of the Government's fiscal year which has just closed.

This telegram is signed by J. H. Bloedel, one of the leading lumbermen of the United States. The war prosperity, that has overcome some of the evil effects of the present tariff law in the East, has had but little effect on our coast. Free trade still oppresses us. There can be no great prosperity in the State of Washington until the Underwood tariff law is blotted from our statute books. [Applause on Republican side.]

The SPEAKER. Under special order of the House the gentleman from Nevada [Mr. ROBERTS] is entitled to one hour.

#### THE DEMOCRATIC ADMINISTRATION.

Mr. ROBERTS of Nevada. Mr. Speaker, you gentlemen on that side of the aisle, which separates the sheep from the goats, have for some time been engaged in lauding your candidate for the Presidency and lambasting ours, and while I am in a cheerful mood, and while some of your recent speeches are still fresh in my mind, I desire to make a few statements concerning the present administration, and which I trust will be received in the spirit in which they are given, my only aim being to promote harmony within your ranks, correct some false impressions, which have gone forth, and to call your attention directly to some things which you have neglected to talk about, but which the great masses of the people have not overlooked.

We have stood by your candidate for the Presidency many times when he needed help, and would stand by him oftener if he would only stand still once in a while, and right here I want to state that he is an excellent subject for the "movies"; but we have been mealy-mouthed about your shortcomings long enough, and from now on you must either "fish or cut bait." [Laughter and applause on the Republican side.]

You have boasted long and loud of prosperity and all its attendant blessings and have extended your remarks in the CONGRESSIONAL RECORD page after page for weeks upon that subject and the end is not yet, but my friends there is no real sound substantial foundation on which to base your pretended prosperity. It vanishes as a desert mirage when you approach it. The prosperity you claim is but a sham and a mere shadow of feeble pretense. There is no money in the Treasury with which to meet the unprecedented appropriations you are daily piling

up. You are enfeebling and impoverishing the Public Treasury instead of strengthening it.

Your free-trade law no revenue brings,  
You must tax the people or borrow;  
For you're going in debt to-day for things  
You can't pay for to-morrow.

[Applause on the Republican side.]

Inexperienced in governmental affairs, you have plunged into all manner of reckless expenditures and swamped the Treasury almost in a day. You have squandered millions of dollars of the people's money for things they do not need. In the words of Mark Twain:

You have achieved the dearest wishes of your hearts, but in so doing you have drawn a white elephant in the political lottery and have nothing to feed it on.

Great guns and little fishes! You slid into office on a platform every plank of which has been demolished, but you have patched it up, oiled and veneered it, and are going to try to slide in again; but you will be disappointed. It will be a case of "slide, Kelly, slide," but you will not reach the home plate again. You reached home on an error in 1912, but the people will fool you in 1916. [Applause on Republican side.]

Your gross disregard of the promises you made will be resented at the polls in November. You have proven false to the trust reposed in you, and deserve to be defeated. You have sought, at the expense of our Nation's honor, to play petty politics in nearly every measure you have advocated and in nearly every act you have done. You declared for the rigid enforcement of the civil-service laws of this country in 1912, but by hook and by crook you have seen fit to destroy the efficiency of the rules and regulations and made of them a farce. You have enforced the civil-service laws by adding upward of 30,000 people to the Government pay rolls outside the civil-service rules and regulations, and the end is not yet. You do not dare to deny it.

You have demoted competent, honest, and faithful public servants of different political faith from yours and promoted inefficient political weaklings of your own ilk. You have dropped from the rolls of the various departments of Government able and conscientious men and women who differed with you along political lines and have added to the list the names of those whose chief qualification was a "pull" back home. You ought to be ashamed of yourselves. The American people are ashamed of you. You have sought through some of your leading Members to lengthen the hours of labor of the overworked and underpaid employees of the District of Columbia and have sought to destroy the organic act under which they live, or, rather, exist.

You have sought to make the Postmaster General a political censor, clothed with arbitrary powers with which to destroy the freedom of the press, muzzle editors, curb the circulation of newspapers and magazines, and ruin any owner of any publication who dared to oppose your administration.

You have done more during the last three and a half years of this administration to destroy the efficiency of the mail service on the rural free-delivery and star routes than any other party in our country's history. You have given the people who live in the remote farming, grazing, and agricultural sections of the West the worst mail service they have ever had. Instead of trying to encourage those who have the hardihood and ambition to settle up those great, rich, undeveloped sections of the country, you have ignored their prayers and petitions for a service which would bring them into closer communication with the outside world, and have seen fit to abolish their post offices, discontinue their mail routes, and have denied them the service to which they are entitled.

You have made of the Reclamation Service a football for contending parties, and instead of legislating so as to favor and encourage the development of meritorious projects, have made it possible for the development of only those projects located in sections where interested parties can muster the greatest political "pull," and for the truth of these assertions I would respectfully request that you read the statements of some of your leading Members of this House on the Democratic side made on the 29th day of July, 1914. The Members of the Western States, regardless of party affiliations, stood shoulder to shoulder in their efforts to see that all irrigation projects should be undertaken solely upon the grounds of merit, but were unsuccessful.

But what can the people expect? At Baltimore in 1912 you turned down the greatest living member of your party for the Presidency to suit the whims and fancies of the great apostle of peace, poetry, and grape juice. [Applause on the Republican side.] Thank Heaven, time evens up all things, and your candidate for the Presidency repaid his debt of gratitude, and for the only time during his administration put his words into

action and knocked the apostle into a "cocked hat." [Applause on the Republican side.] It is needless to state that Mr. Bryan will be out stumping the country for the Democratic standard bearer this fall. It will be remembered, however, that he also stumped the country for Judge Parker some years ago. I have never heard anyone say anything about Judge Parker's having been elected, or of his having thanked Mr. Bryan for the part he took. [Laughter on the Republican side.]

You have torn down the barrier of protection which has stood for more than a hundred years between the working classes of this country and the cheap coolie and pauper labor of the Old World. You have weighted down and handicapped our working men in the race of life and have entered them in a free-for-all in competition against the teeming, starving hordes of Europe and Asia.

You told the people that if they would place you in charge of the administration you would immediately reduce the high cost of living, but you have deceived them, for you have raised it still higher, and the Lord knows when it will stop, for it is still going up. You have not only raised the price of every food product that goes down their necks, but have added 2½ cents to every collar they wear around their necks. My good friend, the gentleman from Texas, "Cyclone" DAVIS, notwithstanding. [Laughter on the Republican side.]

You have throttled honest industry and have sought to array class against class, section against section, and race against race, apparently for no other purpose than continuing yourselves in office. You have wantonly maligned and insulted millions of our most patriotic citizens, naturalized and native born, simply because their hearts beat in sympathy with loved ones of their own flesh and blood in foreign lands, and, like all true Americans who believe in fair play, dared to insist that this country maintain a strict neutrality. You refused in this House to warn American citizens to keep off armed belligerent vessels, but, more than that, you refused to protect them when they did go.

Your party has been weak, wobbly, and vacillating in its policies. You have side-stepped and back-pedaled on every important subject that has come up before you. In diplomacy the Kaiser has outgeneraled you at every turn, and John Bull seems to own you body and soul. Poor old Huerta and Carranza and Villa have vied with each other in taunting and humiliating you and have turned the arms and ammunitions with which you so lavishly supplied them upon our own citizens, and the end is not yet. [Applause on the Republican side.]

You have spent millions upon millions of the people's money in mock demonstrations of awe by our Army and Navy, but, although being in a "fighting mood," yet too proud to fight, and imbued with the spirit of "watchful waiting," it has availed us naught. The same awful conditions of outlawry still prevail along our border and throughout our neighboring Republic. Our soldiers have been ordered in and ordered out. Your candidate has time and again ordered them to march right in and turn around and march right out again. [Laughter and applause on the Republican side.] Thousands of our young men from different States, half equipped, half clothed, and half fed, are speeding to the border. Judging from the way our troops have been treated in the past in Mexico, I am inclined to believe that they are now going there with some misgivings as to their future. Shades of Davy Crockett, when will this thing end!

We built the Panama Canal and paid for it, but it is not ours. You told the American people that we owned it, and that American vessels engaged in coastwise trade should have free tolls, but you deceived them. Why? Because Great Britain told you what to do, and you did it. [Applause on the Republican side.] How can you face the American people and ask them to believe you again? You can fool some of the people some of the time, but you can not fool all of the people all of the time.

According to late reports, your candidate for the Presidency, after a long period of "watchful waiting," is now in a "fighting mood" and is ready to fight, no matter what the cost, and we are informed that you have adopted as your new slogan for the coming campaign, "No matter what the cost." Now, my friends, that is what is the matter with your party now. You have been running this Government upon that principle ever since you came into power. You have taxed the people to death. You are striving to build up a great and powerful political machine, no matter what the cost. That is what has depleted the Treasury and forced you to raise revenue by a direct tax upon the people. [Applause on the Republican side.]

You are asking the people to continue you in power because you claim to have maintained peace, but it is noticeable that



you keep on levying what you are pleased to call war taxes just the same. You led the people to believe that you could run this Government on less money than our party could possibly get along with; that you would cut down appropriations materially; but you have done nothing of the kind. You have given the people the most extravagant administration in American history.

You made the people believe that by the passage of the Underwood law not only the cost of living would be reduced but taxes would be reduced, and they would not feel the effects of taxation at all; but you have taxed them "coming and going." In other words, you are trying to "double shoot the turn." You are trying to "play both ends against the middle," but it will not work. [Applause on the Republican side.]

The proof you present for their consideration reminds me of the tramp who knocked at a farmer's door and asked for something to eat. The good-hearted old farmer looked him over and asked, "Are you a Christian?" "Why, can't you tell?" answered the tramp. "Look at these holes worn in the knees of my pants. Don't they prove it?" The farmer's wife promptly brought out a "hand-out," and the tramp turned to go. "Well, well," asked the farmer; "what made those holes in the seat of your pants?" "Backsliding," replied the tramp as he hurried on. [Laughter.]

Now, my friends, that is what is the matter with your party. You have all worn holes in the seats of your breeches by backsliding. You are genuine backsliders, but if I am not much mistaken some of you will have a different reason to offer for the porosity of the posterior part of your trousers after the people register their kicks at the coming election. [Laughter on the Republican side.]

You pledged your candidate for the Presidency to a single term, but the type was not cold until he was building up his fences for another; but then what do promises and platforms mean to you in the mad scramble for public office. You said in your platform of 1912:

We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate to this convention to this principle.

Gentlemen, you have kept that promise faithfully, have you not? And yet, not fully satisfied that the people would believe you, you went them one better in order to make them "sit up and take notice" by saying, in conclusion:

Our platform is one of principle which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign, and we invite the cooperation of all citizens regardless of party who believe in maintaining unimpaired the institutions and traditions of our country.

Strange to say, you did not insert either of those planks in your last platform. I wonder why. [Laughter on Republican side.]

You further stated in your platform, as follows:

We believe in the preservation and maintenance in their full strength and integrity of the three coordinate branches of Federal Government—executive, the legislative, and the judicial—each keeping within its own bounds and not encroaching upon the just powers of either of the others.

Yes; you have lived up to that, too, have you not? You have done more to destroy the strength and integrity of the three separate and distinct branches of government than any political party in all history. [Applause on the Republican side.] In fact, it might be truthfully stated that under your administration the executive and legislative branches of the Government have been merged into one. Your candidate for the Presidency is the "whole show." You pass through both Houses of Congress what the President wants, how he wants it, and when he wants it, and those of you who dare to vote according to your own convictions and in opposition to his are blacklisted and marked for slaughter, and many of you on that side of the aisle will bear witness to the truth of my assertions. If you do not believe me, ask some of the Members from the "Lone Star" State. [Laughter and applause on the Republican side.]

Time and again your candidate has come before both Houses of Congress and whipped you into line upon the pretended grounds of patriotism. Congress alone has the power to declare war, and yet your candidate for the Presidency has time after time gone off on a tangent and taken unto himself the right to virtually declare war without the advice and consent of Congress, and then when he has blundered along until he is at the end of his rope he comes in here and prayerfully asks us to back him up. [Laughter on the Republican side.]

Well, we have patriotically come to his rescue and backed him up in virtually every mistake he has made, so far as any questions of patriotism were concerned, but we are getting sick and tired of it. We followed him to Vera Cruz, foolish as was the mission, to exact an apology and salutation from poor old

Huerta, the man he had refused to recognize as the de facto head of the government. There was nothing else for us to do, for he had made another blunder, and we had to stand behind him. Well, after we had spent millions upon millions of dollars of the people's money and lost a number of precious lives and killed a few ignorant and half-starved Mexicans, and obdurate old Huerta would neither apologize nor salute, your candidate for the Presidency, realizing the awful mistake he had made, turned around and marched right back again. [Laughter on the Republican side.]

Well, not long ago we followed him on another mission. It was not only punitive but puerile. We started out with the express purpose of capturing Villa, "dead or alive." Well, at last accounts Villa is not dead, but very much alive. But what has become of our puerile expedition? It has all gone up in smoke. Our puerile expedition is over. We lost some more precious lives and accomplished nothing except to show that we are pursuing a weak, wobbly, and vacillating policy, and your candidate for the Presidency has made another blunder and is ready to turn around and march right out again. He said that we went to Vera Cruz to force a salute to the flag. Secretary Lane said that we went there to serve mankind. At any rate, we did not get the salute and I am unable to see wherein we rendered any service to mankind. I would like to have some of you gentlemen on that side of the aisle explain to this House and to the people of this country just what you have accomplished on either of these expeditions that has resulted in the betterment of mankind. I do not think that we will follow him on any more of those puerile expeditions. We are tired of it, and so are the people who elected us. [Applause on the Republican side.]

Your party has no domestic policy whatever. It has no foreign policy. You are simply drifting, like Jack London's *Snark*, in the doldrums, with sails all set to catch some vagrant breeze. [Laughter on the Republican side.]

You have talked long and loud about State rights. That seems to be your main stock in trade, but never in the history of this Government has a party done so much to take from the States their several rights, and especially is it true with reference to the question of taxation. You have tied up the great natural resources of the West, retarded development, and confiscated the revenues which rightfully belong to the several States.

You have not only sought to muzzle the press and make it subservient to the partisan views of the Postmaster General, but you have seemingly sought, through various administrative officers, and especially through your partisan Comptroller of the Currency, whose arbitrary actions have recently been challenged in the courts of this city, and successfully, too, in the minds of all fair-minded men, to hamper and embarrass, to say the least, the banking institutions of this country in the pursuit of their regular business and in a roundabout way compel them to "line up" behind the administration. No one at all familiar with the proceedings in the Riggs Bank case or with current events for one moment doubts your purpose or the objects sought to be accomplished.

Your administration might be said to be one great big family affair. Your Secretary of the Treasury, a most excellent and pleasing gentleman of good parts, chances to be the son-in-law of your distinguished candidate for the Presidency and naturally has much to do, directly and indirectly, by virtue of his position, with the placing of Government deposits, but, of course, no one would for a moment intimate that there would be any favoritism shown any particular section or locality of the country or any particular class of bankers. It is noticeable, however, that the Southern States have not been overlooked in the general disposition of the public funds.

Your distinguished Secretary of the Interior is a great and good man, and it is hard to believe for a moment that he would seek to do politics in the position he occupies. And yet, I presume, I may quote from an editorial which recently appeared in the *Tonopah Bonanza*, one of the rugged pioneer papers of my State, and for whose editor I have the highest regard, the following editorial, which speaks for itself:

#### THROTTLING THE PRESS.

Some attention has been paid to recent efforts of the Democratic Party to muzzle the press, but the statesmen who take tricks at the helm of the ship of state unite in saying the party is not responsible for the acts of a few individuals, even though the list includes members of the Cabinet and the Postmaster General. In any event, the fact remains that the administration at Washington has sedulously essayed to secure a strangle hold on the molders of public opinion in a manner that had not been attempted by any previous administration. The Wilson administration stands on record as the first from the time of Washington that ever deliberately tried to prostitute the press by offering a bonus for the perversion of sentiments and the construction of opinion. This order evinces such contemptible meanness that it is difficult to comprehend how any administration could stoop to the

infamy which, nevertheless, is a fact that can be established by reference to the files of the surveyor general's office or the register of lands at Carson City. It is a matter of record. No one has ever tried to deny it or to clear the skirts of the administration of the charge. Simmered down the statement is that the Wilson administration was the first in power to issue a direct order to all officials of the land office that applications for patent, all public printing, and all patronage emanating from that source for the printer must be given to a publisher friendly to the administration.

[Laughter on the Republican side.]

So far as I am advised, no one in authority has ever yet denied or refuted the statements contained in the above editorial.

You claim that times are prosperous and that our factories are running full blast and working overtime. In a sense that is true, but what are they doing? They are principally engaged in manufacturing munitions of war and near munitions of war for destructive purposes. Your prosperity comes through furnishing the very means by which whole nations are being destroyed and whole countries devastated. That is what has made your pretended prosperity. Ah, my friends, you are cutting coupons from the shrouds of the dead on the fields of battle while you are chanting "Peace on earth, good will toward men." [Applause on the Republican side.]

Our great farming communities will long be able to point with pride to the achievements you have made along the lines of cheap competition. You have opened up their markets to Mexico and South America on the south, to Canada on the north, and to China and Japan on the west, and the cheap meats and other farm products of Mexico, Argentina, and Australia and other countries will, after this war, put them out of business.

The farm products from Argentina and Australia alone will make it impossible for them to compete, pay their help living wages, and live according to our standard of living. The manufactured products of Japan alone will, after this war, drive thousands upon thousands of our workmen out of employment and upon the streets. The other countries will not be far behind in the fierce competition when the war is over and they settle down to their industrial pursuits. Millions of orientals will, under our present free-trade laws, enter into competition with our own workmen, not only on their farms and in their factories abroad but upon our farms and in our factories at home. [Applause on the Republican side.]

And, by the way, your candidate for the Presidency has some strong convictions concerning orientals, and judging from what he has said and written, I would like to ask some of you gentlemen on that side of the aisle how he feels concerning the questions of exclusion and immigration, for his attitude on those questions can only be by us surmised. It will be remembered that your candidate once wrote a book entitled "History of the American people," and in commenting upon the Chinese exclusion act, in volume 5, page 213—and, by the way, one can not help but notice your candidate's lucky 13—among other things, he says:

The Chinese were more to be desired as workmen, if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

And while we are on this subject, let me ask what classes and nationalities of our foreign-born immigrants from Europe belonged to that so-called "coarse crew," and it might be well for those of you who are planning on doing some political speech making during the coming campaign to read his aforesaid history and study what he has to say concerning the so-called "coarse crew," that came crowding in every year at our eastern ports. You will doubtless be called upon to answer some very pertinent questions on different subjects embraced in that book. To save you some trouble I will quote his exact words, which are to be found on page 212 of volume 5:

But now there came multitudes of men of the lowest class from the south of Italy and men of meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence.

Now, in view of his strong leaning toward the orientals, would he favor the repeal of the Chinese exclusion act, or is it at all likely that he would favor the restriction of Japanese immigration? These are very important questions in the minds of our American workmen.

The people of this country would like to know just where he stands on these questions, and they have a right to know; and if any of you know, you ought to come forward and tell us. And again, our immigrants who have come here from Italy, Hungary, and Poland would like to know and have a right to know what he meant by referring to them as the "lowest class" and the "meaner sort." And we want to know and have a right to know whether or not he favors the exclusion of the people who come from Hungary, Poland, and southern Italy. At any rate, the immigration bill is still in the Senate and will not be

acted upon until after the next election. At least, that is the Democratic program according to all reports. I have not heard or read of any "spectacular visit" made by the President to the other end of the Capitol in which he insisted upon its passage. I wonder why. [Laughter and applause on the Republican side.]

England makes our flags for us now, and in the light of what has taken place during the last few years, well she might, for we have virtually acknowledged her right to dominate and control the affairs of this Government. Of course, I do not mean to insinuate that this country has shown any disposition to follow her ideas concerning the control of the Panama Canal, or her rights concerning blockades, blacklisting, right of search, and contraband of war. Oh no, we have maintained a strict neutrality between our rights and those of Great Britain. [Laughter on the Republican side.]

And while we are on this subject let us pause and listen to the following poem written by Jack Wiley, and which appeared for the first time in the American Economist:

#### THE LIMIT.

Shall the flag be made in England?  
Kinder riles one up a bit;  
Kinder starts the blood a-billin'  
Just to merely think of it.  
Shall the flag we call "Old Glory"  
In a foreign land be made?  
This is certainly the limit  
Of the foul work of free trade.  
Shall the flag be made in England  
Far away across the deep?  
Down with sentiment and feeling?  
Buy your bunting where its cheap?  
What care free-trade foes of country?  
They've no patriotic pride.  
What's the flag but so much dry goods?  
Make it on the other side.  
Shall the flag be made in England?  
Kinder riles one up a bit;  
Kinder starts the blood a-billin'  
Just to merely think of it.  
Work and wages they have taken,  
And in idleness men lag;  
Taken industry to England;  
Now they want to take the flag.

[Laughter.]

That poem should be read in every public school in the land and on all public occasions, and I trust that those of you who voted for the Underwood tariff law will commit it to memory and recite it to your constituents when you start in campaigning next fall. [Applause on the Republican side.]

Now, let us think for a moment of how appropriately we celebrate our national independence in these days of free-trade doctrine. In addition to our English-made flag, English bunting, English festoons, and other draperies, and our Japanese lanterns, Japanese candles, Japanese shields, and Japanese anchors, we find our boys and girls all "dolloed" up in Japanese clothing, flying Japanese kites and Japanese balloons, and firing off Japanese firecrackers and Japanese torpedoes, and sending up Japanese skyrockets and other punk-illuminating combustibles, and if you examine closely enough you will find most of our patriotic free-trade participants wearing Japanese suits, Japanese shoes, and Japanese hats, and smoking "bum" Japanese cigars. [Laughter on the Republican side.] Of course the money which went to pay for all these Japanese-made goods, wares, and other articles, which you have noticed, came from the pockets of our own workmen and went into the pockets of the Japanese laborers abroad. The money we paid for those manufactured articles went to build up great industries across the sea, to the detriment of our own people and institutions. Take a look at our Goddess of Liberty and you will find her wearing Japanese-made clothing and carrying a Japanese parasol, and it is a hundred-to-one shot that she is fanning herself with a Japanese fan. [Laughter and applause on the Republican side.]

In order to more fittingly observe the occasion during this "watchful-waiting" period it might be well to cut out the reading of the Declaration of Independence and have some pussy-footed gentlemen on that side of the aisle read your candidate's declaration of the "New Freedom," or some one of his notes to Carranza or the Kaiser. It will not make much difference which [laughter and applause on the Republican side], for—

His notes are a fine sample, on the whole.  
Of rhetoric, which the learn'd call "rigamarole."

And by all means, whatever you do, omit singing "America" and the "Star-Spangled Banner" and all hands join in singing "I Didn't Raise My Boy to Be a Soldier." [Laughter on the Republican side.]

Such a celebration of our national Independence Day may be safely sane and democratic and in line with your ideas of a lofty patriotism, but I think, seriously speaking, that it is about time for us to return to the good old days of protection, when



we wore homemade clothes, ate homemade food, used homemade flags, homemade bunting, homemade festoons, and other decorations, and flew homemade kites and homemade balloons and set off homemade firecrackers and homemade torpedoes, and recited the Declaration of Independence and patriotically sung "America" and the "Star-Spangled Banner." On such occasions our own workmen, as well as their wives and children, could fittingly celebrate the occasion and each be able to spend a little homemade money for home-grown peanuts and circus lemonade, but we will never be able to do that as long as you continue to follow out the principles you are advocating and the policies you have pursued. [Laughter and applause on the Republican side.]

You are now laying everything that happens to the war; but when the war is over and the foreign countries settle down to their industrial pursuits, and turn their munition plants into factories for the production of such articles of commerce as are most in demand during times of peace, and our markets become flooded with their cheap products, the American people will begin to feel the effects of your un-American principles of free trade. And, lest we forget, I desire to quote from our old friend, Jack Wiley:

## AFTERWARDS.

Oh, yes, the war in Europe will  
Help to increase our trade,  
For folks must now use lots of goods  
That right at home are made.  
Biz will pick up along the line;  
We all know that is true.  
But what's agoin' to happen

When  
The  
War  
Gets  
Through?

[Laughter on the Republican side.]

Just now there is a bully chance  
To start in and produce  
The same goods that they make abroad  
Which are in gen'ral use.  
'Twould be all right at present time;  
They'd sell like hot cakes, too.  
But what's agoin' to happen

When  
The  
War  
Gets  
Through?

When Europe settles down to peace  
And starts to making things,  
Our profits from the sale of goods  
Will suddenly take wings.  
Unless we have Protection—see?  
We'll all go up the flue.  
That's something sure to happen

When  
The  
War  
Gets  
Through.

[Laughter.]

And while you are proclaiming to the voters of this country your so-called unparalleled prosperity, why not take them into your confidence for a while and explain something of the causes of the great number of recent business failures throughout the country? And in order to set you right I will insert some tabulations from Bradstreet's record of business failures recently appearing in the American Economist:

## BUSINESS FAILURES.

The claim of free traders that the country is now enjoying the greatest prosperity it has ever known is hardly borne out by the increase in business failures noted by Bradstreet's of May 27:

	Week ending—		Weeks corresponding to this week—			
	May 25, 1916.	May 18, 1916.	1915	1914	1913	1912
Middle.....	83	85	86	86	90	75
New England.....	38	27	21	28	26	21
Southern.....	88	82	83	61	36	47
Western.....	76	61	72	57	32	45
Northwestern.....	25	23	19	20	12	17
Far Western.....	38	24	40	38	22	26
Total.....	348	302	321	290	218	231

An increase of more than 50 per cent in failures for the week ending May 25, 1916, over the corresponding week in 1913, protection period, tells whether the country is now as prosperous as it was when a protective tariff was in operation.

An increase in commercial fatalities is shown in Bradstreet's record of business failures:

	Week ending—		Weeks corresponding to this week—			
	June 22, 1916.	June 15, 1916.	1915	1914	1913	1912
Middle.....	90	81	107	87	68	91
New England.....	26	23	38	26	30	24
Southern.....	71	72	92	65	58	53
Western.....	64	57	78	62	61	34
Northwestern.....	22	21	21	12	10	16
Far western.....	31	31	40	28	31	21
Total.....	304	285	376	280	260	239

The 304 failures of the third week in June, 1916, as against the 239 failures in the corresponding week of June, 1912, full protection period, do not bear out the claim of the free traders that the country is enjoying a period of "unparalleled prosperity."

Bradstreet's of June 3 reports business failures in the United States for the weeks named below as follows:

	Week ending—		Weeks corresponding to this week—			
	June 29, 1916.	June 22, 1916.	1915	1914	1913	1912
Middle.....	66	90	81	82	70	44
New England.....	21	26	27	25	18	27
Southern.....	81	71	76	43	46	38
Western.....	65	64	58	46	26	34
Northwestern.....	15	22	18	15	12	5
Far Western.....	30	31	32	33	22	22
Total.....	278	304	292	249	194	170

A wide difference will be noted between the 170 failures for the same week of 1912, protection year, and the 278 failures of the week of 1916, free-trade year.

And, following up your usual custom about election time of being all things to all men, and realizing that your Underwood law was a failure, and that the people were beginning to understand that your so-called prosperity was but temporary and owing entirely to large orders from abroad for armament and munitions of war, and that when the war was ended the business of the country would be in a chaotic condition and our market flooded with cheap goods from foreign countries, and that the revenues collected on imports and by direct tax were insufficient to meet the running expenses of the Government, you conceived the idea of passing through this House a new revenue law which might tend in some degree to appease the righteous indignation of an enraged people. The bill which you introduced and which has just passed reminds me of a story. A number of young college boys who were studying "bugology" concluded that they would play a joke on their old professor, and set about the preparation of a new specimen which they proposed to take to him for classification. So they took the legs of a spider, the antennae of a moth, the wings of a grasshopper, the thorax of a bee, the abdomen of a beetle, and the head of another insect and carefully fastened them together in such manner as to present to all appearances an insect theretofore unclassified and unknown. They took their newly created insect to the professor and laid it on his table. They sheepishly gathered around and asked him to what particular class of insects the newly discovered specimen belonged. The old man was familiar with all kinds of insects, for he had been a professor of entomology for 10, these many years. He put on his glasses, looked it over carefully, and smilingly told the boys that in his opinion it was a "humbug." [Laughter and applause on the Republican side.]

Now, that is what is the matter with this omnibus revenue measure which you have just presented and passed. You have taken a few good ideas from the Republican Party, another from the Progressive Party, another from the Socialist Party, and have added the stinger of your own party, and have presented it to the people for classification, and if I am not much mistaken when they put on their glasses and carefully glance it over they will readily classify it as a Democratic "humbug." [Laughter.]

But your candidate for the Presidency can do one thing, and that one thing to perfection. He can talk and write notes. [Laughter on the Republican side.] With him it is notes, notes, notes, and words, words, words; in fact, he has talked so much and written so much that no one any longer pays much attention to what he writes or what he says. He has strained his vocabulary in labored attempts to coin catchy phrases and thus

popularize himself with the reading public; but, to quote, they say:

Words are like leaves; and where they most abound,  
Much fruit of sense beneath is rarely found.

[Laughter on the Republican side.]

He has to all appearances given more consideration to the question of succeeding himself in office than to strengthening and upholding the fundamental principles upon which this Republic is founded. Instead of adopting a strong and firm national policy, with a determination to uphold the traditions of our forefathers, he has seen fit to follow a zigzag course of least resistance, maintaining only a partial neutrality, which has aroused the enmity of many strong nations and created the friendship of none. We are looked upon as a weak, "wishy-washy" Nation, bent on enriching ourselves at the expense of our principles, and ready to sacrifice our rights on land and sea in order to further enhance the value of American securities, and thus add to the material wealth of our public coffers. Foreign countries, each and every one of them, have come to the conclusion that our destiny is temporarily in the hands of one who is "too proud to fight," and are vying with each other in their efforts to weaken and discredit us in the eyes of all mankind. [Applause on the Republican side.]

The Sacramento Bee, one of the greatest independent newspapers in the West, and which was a strong supporter of President Wilson in the past, under the caption "A marvel of inconsistency is Woodrow Wilson," recently contained an editorial, from which I desire to quote brief excerpts:

Whenever Woodrow Wilson has conceived the idea that the sentiment of the American public is toward the punishment of Mexico he has declared himself as "feeling in a fighting mood." Whenever he has thought that sentiment has waxed and waned and that the American people want peace, practically at any price, he has become as dovish as a combination of William Jennings Bryan and Henry Ford.

Woodrow Wilson consistently, if not conscientiously, has trailed after what he believes to be the shifting waves of sentiment of the people of the United States. He is declaring now that we should not intervene in Mexico.

It is all nonsense for any of his partisan defenders to declare that Woodrow Wilson has the courage of his convictions.

He has shown in the first place that he has no convictions, and, in the second place, he has demonstrated that he lacks courage.

Woodrow Wilson is doing what he is doing to-day in direct opposition to what he did yesterday, simply and solely because he believes what he conceived to be the popular thing yesterday has become the unpopular thing to-day.

In another editorial appearing in that same paper complaining of the fact that the National Guardsmen were not well equipped, I find the following terse statement:

These facts furnish the severest condemnation of President Woodrow Wilson and force the public to believe that he is either a demagogue, playing upon the string of popular sentiment for his own benefit, or, if sincere and misled, then so hopelessly incompetent as Chief Executive as to offer a grave menace to the country in time of danger.

I noticed in the Washington Post of yesterday the following headline:

#### HIGH COST AT ITS APEX.

And carefully reading the article appearing thereunder, I ascertained that our esteemed friend, the genial Secretary of Commerce, who has long been known as the President's "harbinger" of prosperity, has at last discovered the apex to the high cost of living; and I am pleased to note that the apex of the situation has been located on Democratic ground. We have always known that such was the condition, but it remained for the Secretary of Commerce to come forward and admit the facts. [Laughter on the Republican side.]

"The situation reminds me," Mr. Redfield explained, "of a certain mountain range I know of. You climb gradually for a long time until finally you reach the summit. Instead of finding a descent starting immediately, you find a wide tableland, which goes along practically level for a considerable distance. But finally the descent begins."

Now, in many respects the gentleman is correct. The people of this country have been climbing uphill for three and a half years, looking for that apex [laughter on the Republican side], and it will be something of a relief for them to know that they have at last reached the summit; but it will be somewhat of a disappointment to them to learn that they will be compelled to travel for a long time across a wide tableland before their burdens will be lightened and they can hope to find relief. I am of the opinion, however, that the descent will not be reached until after the 4th of March, 1917, and then the weary and footsore travelers can come down from the high altitude of Mr. Redfield's tableland, otherwise known as "the high cost of living," and bask once more in a congenial clime of Republican plenty and prosperity. [Laughter and applause on the Republican side.]

It is particularly interesting to some of us who have been interested for years in labor legislation and who are in a position to know something of the attitude of the President on certain labor questions which have heretofore been taken up with him person-

ally by different labor organizations to note the marked interest he is taking at this particular time in the general welfare of the laboring classes. [Laughter.] He is particularly solicitous about the child-labor law. At least he has attempted through the press to convey that impression, and were it not for the fact that he once wrote a book entitled "Constitutional Government of the United States" we might be inclined to take some stock in his sincerity; but on pages 178 and 179 of that work he is squarely on record as being opposed to the Federal regulation of child labor, and for the benefit of those of your number who are interested in that question I will quote his exact words:

Its power is "to regulate commerce between the States," and the attempts now made during every session of Congress to carry the implication of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians are those set by the good sense and conservative temper of the country.

The proposed Federal legislation with regard to the regulation of child labor affords a striking example. If the power to regulate commerce between the States can be stretched to include the regulation of labor in the mills and factories, it can be made to embrace every particular of industrial organization and action of the country. The only limitations Congress would observe should the Supreme Court assent to such obviously absurd extravagances of interpretation would be the limitations of opinion and of circumstances.

Now, gentlemen, you will notice that he states in words the meaning of which can not be misunderstood that child labor is not a proper subject for Federal legislation. It is a pretty plain statement of his position, is it not? Perhaps some of you who are close in his confidence can tell us why he has changed his mind at this late date and apparently departed from the traditional doctrine of his party. Perhaps some of you can tell us whether or not he is also ready to change his mind with reference to the woman-suffrage question. From all accounts he is about ready to turn a complete somersault on that question. I wonder why. [Laughter and applause on the Republican side.]

The Washington Post of this morning's issue said that two of the woman suffragists who visited the President yesterday expressed themselves as "encouraged," while another said she felt "hazy." [Laughter.] Now, gentlemen, you will try your best to put that question off until after election, but, seriously speaking, I will say to you that you might as well "face the music" and quit your dodging, for they now hold in their hands—

A weapon that comes down as still  
As snowflakes fall upon the sod;  
But executes a freeman's will,  
As lightning does the will of God;  
And from its force, nor door nor locks  
Can shield you; 'tis the ballot box.

[Applause on the Republican side.]

Your candidate for the Presidency puts his actions into words, but our candidate for the Presidency puts his words into action, and when the ballot boxes are opened on the 7th day of November of this year and the votes are counted and recorded it will be found that the American people, having at last tired of hesitation and indecision, have arisen to the occasion in a manner becoming a great people and have selected for the Presidency a man with a head, a heart, and a backbone—the Hon. Charles E. Hughes, of New York.

Forever float that standard sheet!  
Where breathes the foe but falls before us,  
With freedom's soil beneath our feet,  
And freedom's banner streaming o'er us?

[Applause on the Republican side.]

#### PERMISSION TO ADDRESS THE HOUSE.

Mr. Sisson. Mr. Speaker, I ask unanimous consent that on Saturday I may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore (Mr. Dixon). The gentleman from Mississippi asks unanimous consent that on Saturday next he may be allowed to address the House for 30 minutes.

Mr. MANN. That is subject to all other previous orders. I doubt if there will be time.

Mr. Sisson. I have no desire to displace anybody else.

Mr. MANN. We commence a special order at 3 o'clock.

Mr. Sisson. My understanding is that there are two orders, but that all the time will not be taken up before 3 o'clock.

Mr. MANN. There may be time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Foster] is recognized for 30 minutes.

Mr. FOSTER. Mr. Speaker, In the campaign of 1908 the Republicans promised a revision of the tariff. They were successful in electing the President and a majority in both branches of Congress. After the inauguration of President Taft, Con-



gress met in special session and took up for consideration in the House what was known as the Payne bill. The House was permitted, under a special rule adopted by the majority, to vote upon five items out of four thousand in the bill, thus preventing a proper discussion or an opportunity to amend the bill. It went to the Senate, where a large number of amendments were made to the bill, and in nearly all cases increasing the rates of duty over those in the House bill. It was discussed and denounced vigorously in the Senate by the progressive Republicans, who believed the duties were too high and did not carry out the promise made by their party in the campaign of 1908. The bill was finally enacted into law, and bears the name of the Payne-Aldrich bill. There came a revolt throughout the entire country at the action of the Republican House and Senate against this bill. Mr. Taft, then President, apologized for many of the rates in it. It was claimed by the progressive Republicans that this act had been written in the interest of the beneficiaries of a high protective tariff.

In 1910 a Democratic House was elected, which passed several bills revising single schedules, but none of them ever became a law, President Taft vetoing those which were presented to him for his signature. In 1912 the Democrats gained the Presidency, the House and Senate promising to revise the tariff and to take out of it the special privilege. They passed a tariff law based upon revenue demand and not upon protective principles which guarantee to the manufacturer an enormous benefit and the right to lay tribute upon the consumers of this country. The Democrats believe the day of special privilege for industries is over and American manufacturers do not need this high protection. We have raw material in abundance; we have the highest inventive genius in the world, vigorous and skilled workmen, who are able to produce all manufactures in competition with all the world. We have come to a place in the commerce of the world where we are no longer limited to the home market, but sell our manufactured goods all around the globe. The day of high tariff and special privilege in this country is over. [Applause on the Democratic side.] The day of revenue tariffs will always be with us, because we must raise a certain amount of our revenue through the customhouse.

We believe in millions for necessary revenue, but not one dollar for special tribute. [Applause on the Democratic side.] Under the Democratic tariff bill the duties were reduced on woolen goods from 99 per cent to 35 per cent; window glass, from 46 per cent to 28 per cent; woolen clothing, from 79 per cent to 35 per cent; house furniture, from 35 per cent to 25 per cent; files, from 60 per cent to 25 per cent; pocketknives, from 78 per cent to 40 per cent; woolen blankets, from 73 per cent to 25 per cent; cotton underwear, from 60 per cent to 25 per cent; stockings, from 75 per cent to 50 per cent; shirts, from 64 per cent to 25 per cent; ready-made clothing, from 50 per cent to 30 per cent; chains, from 46 per cent to 26 per cent; and so on through more than a thousand articles of common everyday use—articles used by all the people and articles that should not be taxed to enrich their producers.

Republican tariff rates averaged on woollens as high as 96 per cent. The Democratic average is 40 per cent.

Woolen blankets that Republicans taxed from 71 to 105 per cent are now taxed at from 25 to 50 per cent. Woolen hats have been reduced from 86 to 35 per cent; flannels, from 86 to 113 per cent to from 25 to 35 per cent. These reductions would have given the people permanent benefits in reduced cost of living but for the European war.

The woolen tariff used to be called the keystone of the arch of protection. The key has fallen and the whole structure has tumbled down.

Democrats have always said that the tariff on farm products was a sham, and was only placed there to try to fool the farmers. Why, they used to say that a Democrat could not look a sheep in the face. Now, under the Underwood tariff the sheep go to the roadside to greet them as their friend when passing. Do you complain of free wool? No; you do not even mention it, much less talk about it.

Mr. DENISON. Will my colleague yield?

Mr. FOSTER. Yes, for a question.

Mr. DENISON. I want to ask my colleague if he supported the tariff on dyestuffs provided in the recent bill for revenue or protection?

Mr. FOSTER. I will say that I did support the revenue bill with the tariff on dyes; but it is entirely different from what the protectionists contend for. That bill provides that the duty shall be gradually reduced after a definite time, and, if your party had written it, it would have provided that the rates should be higher and continue indefinitely. That is the difference between your way and ours in writing a tariff bill. I

want to say to the gentleman from Illinois that his party has been in favor of a tariff commission, and yet he voted against the tariff commission in this bill, and he voted against the provision in that bill repealing the special stamp tax.

Mr. COX. And did not the gentleman vote against the duty on dyes?

Mr. FOSTER. The gentleman voted against the duty on dyes and for higher duties, and against the laying of an extra tax for preparedness on ammunition manufactures. The gentleman voted against laying an extra tax on the large incomes of the people of this country, and when the distinguished gentleman heard the speech of his colleague from Iowa [Mr. Goop], it had no effect upon him, but he followed the standpatters and voted against the progressive measure taking taxes off the backs of the poor and placing them on those who were more able to bear them.

Mr. DENISON. Mr. Speaker, will the gentleman yield further?

Mr. FOSTER. I can not yield further.

The door opened to special privilege for manufactures has been closed and the door of an equal chance for the millions has been opened and it will never be closed.

The convention at which Justice Hughes was nominated in Chicago adopted a platform. What is there in it? Is there any criticism of Democratic measures? Nothing but the tariff. Special privilege again seeking to get back into power. Do they criticize the banking act, Federal Trade Commission, rural credits, or any other bill of importance? No; they dare not do so. The patriotic Members on that side voted for them.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. COX. In the platform adopted by the Republican Party at Chicago, did they not specifically declare for a tariff commission?

Mr. FOSTER. Oh, yes; they declared for a tariff commission.

Mr. COX. And on the 10th day of July was there not a bill presented on the floor of the House containing a tariff commission?

Mr. FOSTER. Yes.

Mr. COX. And did not 139 Republicans vote against it?

Mr. FOSTER. I do not remember the number, but all but 40 voted against it.

Mr. COX. Including the gentleman from Illinois [Mr. DENISON]?

Mr. FOSTER. Yes; I think my good friend voted that way.

Mr. DENISON. Mr. Speaker, will the gentleman now yield?

Mr. FOSTER. I yield for a question.

Mr. DENISON. Mr. Speaker, will the gentleman explain to the House why the majority did not give us a chance to vote on these different issues separately instead of putting them altogether in one bill, so that we would either have to vote for or against the whole conglomerate mass?

Mr. FOSTER. We gave you a bill that took the burdens off the backs of the producers of this country. We gave you items in the bill which proposed to pay for preparedness by taxing the large incomes instead of upon the poor man's labor, and the gentleman from Iowa [Mr. Goop], whom I will quote again, said that when he wanted to raise money he would not go to the poorhouse but would go to the financial institutions that had it, and so we gave you an opportunity to do this in this bill, and yet the gentleman from Illinois [Mr. DENISON] complains because we did not pick out the things the he might have voted for and give him an opportunity to vote upon them. Revenue bills are not passed through this House in that way, and I am surprised that my good friend from Illinois should think or imagine for one moment that a tariff bill is made up by taking each separate item and permitting each Member to vote upon those things that he thinks ought to pass and letting those things go that he thinks ought not to pass. There was ample opportunity given to amend the bill and to strike out any item in it.

Mr. DENISON. Will the gentleman yield for a further question?

Mr. FOSTER. Yes.

Mr. DENISON. Is it not true that there were separate bills introduced for the dyestuff proposition and the tariff-commission proposition by Members of the House?

Mr. FOSTER. Yes.

Mr. DENISON. Will the gentleman be good enough to explain to the House why the majority did not allow a chance to vote on these bills separately?

Mr. FOSTER. I will tell you why, because the bill was so good in its entirety that we did not believe that there was any

Progressive Republican on that side who would be able to stand before his people and tell them that he had voted against it. This was a righteous bill.

Mr. HELVERING. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. HELVERING. Is it not a fact that the Republican side of the House engaged in the game of creating all of the indebtedness they could and not having the nerve and backbone to vote to take care of that indebtedness?

Mr. FOSTER. That is partly true. Some of them voted for it; most against it.

Mr. MANN. Oh, my colleague surely will not make that statement.

Mr. FOSTER. What is that?

Mr. MANN. That there is anyone on this side who has voted for preparedness who has not been willing to vote to pay for it.

Mr. FOSTER. I would make exceptions. I will not put all of them on the blacklist. No; of course not.

Mr. KELLEY. And I want to say to the gentleman that I voted for about \$200,000,000 less, and I think most of the people on the Republican side voted for about \$200,000,000 less than the entire budget will show.

Mr. FOSTER. Mr. Speaker, I have taken some trouble to look up some of the bills that Members on that side have introduced, by which they expected to take money out of the Treasury which would go largely into their own districts, and I find that it runs all the way from \$15,000 a Member to over \$30,000,000 a Member, and I want to say that the total amount which these men wanted to take out of the Treasury amounts to over \$250,000,000. Of course I do not mean to say every Member introduced some of these bills. Some did not introduce any.

Mr. KELLEY. How much would the appropriations have amounted to if all had passed that were introduced on the Democratic side?

Mr. FOSTER. I do not know; I could not give the gentleman those figures; but I do know that on the Republican side of the House if men who have tried to take money out of the Treasury, who introduced bills for their own districts, had been able to get them passed, it would have amounted to over \$250,000,000, and I dare say there is not a Member on that side of the House who will rise in his place now and say that he introduced a bill for buncombe, who will not say that he really wanted to get the money out of the Treasury that he might take it home to show to his people what he had to his credit. If there is one, I pause for a reply.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. STAFFORD. The question is not how much the Republican Party has introduced—

Mr. FOSTER. Did the gentleman introduce any bill that he wants to apologize for?

Mr. STAFFORD. I am not apologizing. I am making an assertion.

Mr. FOSTER. But I am not yielding for that purpose. If the gentleman wants to apologize for anything, all right.

Mr. STAFFORD. I have no occasion to apologize for any of my actions.

Mr. FOSTER. I have not yielded to the gentleman except to apologize.

Mr. STAFFORD. But the gentleman has nothing for which to apologize.

Mr. FOSTER. If the gentleman is ready to do so, I will allow him to apologize to the House now for introducing bills to take money out of the Treasury that he might take it home to show to his people.

Mr. STAFFORD. The gentleman knows full well that I have no occasion to apologize.

Mr. FOSTER. I am not yielding for that.

Mr. STAFFORD. The gentleman knows that I have no reason to apologize.

Mr. FOSTER. I am yielding to the gentleman only to apologize, if he desires to do so.

Mr. STAFFORD. But the gentleman knows full well that I have no occasion to apologize.

The SPEAKER pro tempore. The gentleman from Illinois refuses to yield.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. The gentleman yielded to me.

Mr. FOSTER. No; I did not for a speech.

Mr. STAFFORD. Then I beg the gentleman's pardon.

Mr. FOSTER. I yielded to the gentleman for the purpose of apologizing. When the gentleman is through with his apology I will proceed. [Laughter.]

Mr. STAFFORD. Mr. Speaker, that is the only apology I will make.

Mr. FOSTER. Mr. Speaker, as I was saying, in Chicago, when the convention met, they did not criticize the banking act; they dared not do it. They did not criticize the Federal Trade Commission. They did not criticize the rural-credits bill, because all but 12 of their men voted for it; nor did they criticize any other bill of any importance except the tariff law.

Mr. GLASS. May I interrupt my colleague for a moment?

Mr. FOSTER. Certainly.

Mr. GLASS. The gentleman is mistaken. They did criticize the rural-credits bill, and then every one of them, except 12, on that side voted for it.

Mr. FOSTER. I said the Chicago platform did not criticize it. They did mention it, because they have gone back so far and there were so many things that they were unable to criticize in this administration that they finally said they were for a real rural-credits bill, and on that side of the House they interpreted it to mean that our bill was a real rural-credits bill, because they came back and nearly all voted for it.

Mr. FERRIS. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. FERRIS. The gentleman from Illinois does not expect a Republican, when a roll is called, to do what he said in Chicago at the convention?

Mr. FOSTER. Oh, no.

Mr. KELLEY. We are not like you folks; we do keep our pledges.

Mr. FOSTER. You have not done it in the past.

#### REDUCED REVENUES.

It was expected by the Democratic Party, with the Underwood bill, with the reduced rates, it would produce less revenue, and so announced at the time. Under the law passed October 3, 1913, it was estimated to produce \$270,000,000.

There was actually produced from customs the first year \$292,320,014, or a sum \$22,320,014 in excess of the estimates. It should be remembered also that the estimate of \$270,000,000 took into account the estimated revenues for three months under the old law and nine months under the new. It was intended and openly stated that the Underwood tariff law, in removing the duties entirely from certain necessities and reducing them upon others, would produce less revenue at the customhouse.

In 1913 the Payne law produced \$318,891,335, and the Democratic estimate for 1914, the first year of the Underwood law, was \$270,000,000, or a difference of \$48,891,335. This was the estimated deficit on customs. The Underwood law, however, was a better revenue producer than was expected by its friends. It actually produced \$292,320,014, so that the deficit from customs, instead of being \$48,891,335, as estimated, was \$26,571,321.

A deficit from customs was foreseen, and that deficit was estimated at \$48,891,335, which dwindled as the receipts came in to \$26,571,321.

The deficit was not only foreseen, but provided for. The loss in revenue from customs was to be made up by a new law creating an income tax and an amendment to the law for corporation taxes. The tax on incomes produced \$28,253,534.85, while the tax on corporations produced \$43,127,739.89, or a total of \$71,381,274, to meet an estimated deficit of \$48,891,335 and a real deficit of \$26,571,321. The income tax alone provided for the actual deficit and left an excess of nearly \$2,000,000 in the Treasury. In other words, the Underwood law was a success.

This is better shown in the bird's-eye tabulation of the Secretary of the Treasury:

Revenue from—	For year ended June 30, 1914.	For year ended June 30, 1915.
Customs.....	\$292,320,014	\$318,891,335
Corporation and income tax.....	71,381,274	35,005,299
Total.....	363,701,288	353,897,691

#### The Secretary of the Treasury says:

This makes an amount of revenue raised under the act of October 3, 1913, greater by \$9,803,594 than the amount collected the previous year under the preceding revenue measure.

In other words, the Underwood law was a better revenue producer than the Payne law, and no sophistry can hide or change this truth.

The war in Europe and the question of preparedness now call for increased revenue. The standpat answer to this is "Re-enact the Payne law and the revenue will be sufficient." In other words the only panacea for our ills is a protective tariff.



In the light of history this assertion is not worthy of those who assert it. In other words, no tariff ever passed has been sufficient to meet the demands of ordinary expenditure, and the reenactment of the Payne law, while it might add to the profits of certain manufacturers, would not make up the deficiencies of our revenue under the pressure of the European war and national preparedness.

It must be remembered that the tariff has always been supplemented by an internal-revenue law, and that the latter law was not changed by the Democrats until October, 1914, when the emergency revenue law was enacted. Following is the revenue collected from both these laws, as given in the Statistical Abstract of the United States, for each year from 1900 to 1915:

	Receipts from—		
	Internal revenue.	Customs or tariff.	Average ad valorem.
			Per cent.
1900.....	\$295,327,326	\$233,164,871	49.24
1901.....	207,180,393	238,585,455	49.04
1902.....	271,880,122	251,441,708	49.79
1903.....	230,310,124	284,709,581	49.03
1904.....	232,904,119	261,274,564	48.77
1905.....	234,095,740	261,798,856	45.24
1906.....	249,150,212	300,215,577	44.16
1907.....	269,666,702	332,233,382	42.55
1908.....	251,711,126	286,113,120	42.94
1909.....	246,212,643	300,711,933	43.15
PAYNE LAW.			
1910.....	289,933,519	333,683,445	41.52
1911.....	322,529,200	314,697,671	41.22
1912.....	321,612,199	311,314,672	40.12
1913.....	344,416,965	317,891,335	40.05
UNDERWOOD LAW.			
1914.....	380,041,007	292,330,014	37.60
1915.....	415,609,646	209,786,672	
1916.....	512,740,769	211,866,222	

Now, when it is considered that the total ordinary Government disbursements for 1913, the year of the Payne customs law were \$748,703,574, it becomes evident that the Payne law did not pay 50 per cent of the ordinary disbursements of that year, a normal year, and that its reenactment would not meet 50 per cent of the demands of any normal year, much more the demands of war and preparedness.

The actual disbursements for 1914 were \$762,942,758. A reenacted Payne law would have paid 41 per cent of this, and, if war demands and preparedness be considered, less than 25 per cent. In this way the arguments of the standpatter are shown to be absurd.

The Republican argument is based upon an increase of imports under the Underwood law over the Payne law amounting to \$357,000,000 and that the Payne rates applied to the increase would supply all the necessary taxes growing out of war and preparedness.

Admitting that this increase is correctly stated and that it represents an increased quantity of dutiable merchandise corresponding to the increased valuation, the argument that the Payne rates, whose equivalent ad valorem was about 41 per cent, applied to these figures would supply the necessary taxes falls to the ground.

But these figures do not show an increased quantity valuation but merely an increased price valuation. The Payne tariff rests almost entirely upon fixed rates per pound, per yard, per ton, or some other quantitative unit which has no relation to value. The protectionists have always argued against flat ad valorem rates and have based their rates to the largest extent on quantitative units. Having done this, we can not permit them now to select a flat ad valorem rate and apply it to an increase of values to the extent of \$357,000,000. It has been shown that of this so-called increase \$248,000,000 of it grows out of increases of value entirely, the quantities remaining relatively the same. It has also been shown that \$134,000,000 of increased imports were on the free list under both laws. Adding them together they more than absorb the \$357,000,000 without increasing the revenue even when jacked up by the Payne law.

What are our ordinary disbursements? They include our expenses for the maintenance of two Houses of Congress; the Library of Congress; the Botanic Garden; the Executive office; the Civil Service Commission; the Department of State, the consuls, and foreign ministers; the Treasury Department, covering the mints, the customs service, the internal-revenue depart-

ment, Bureau of Engraving and Printing, Public Health Service, Life-Saving Service, public buildings, interest on public debt; the War Department; the Navy Department; the Interior Department, covering the General Land Office, the Indian Office, the Pension Office, the Patent Office, agricultural colleges, Geological Survey; the Department of Labor; the Department of Commerce; the Judicial Department, and a large number of independent bureaus and offices. While the Post Office Department is a part of the machinery of Government, it is supposed to pay for itself, and the disbursements which follow are for the ordinary departments of Government, exclusive of the general post office.

Following are the actual disbursements of these departments for several years up to the beginning of the European war in August, 1914:

1905.....	\$593,671,513
1906.....	595,171,125
1907.....	694,956,141
1908.....	733,988,226
1909.....	798,740,637
1910.....	726,666,720
1911.....	726,424,850
1912.....	718,529,662
1913.....	748,703,574
1914.....	762,042,758

The Underwood tariff law was passed to meet ordinary expenditures based on past experience, and, as has been shown, met every expectation of its projectors. It was not passed to meet the demands of war, especially such a war as has been in progress in Europe for the last two years, nor for the demands of the trouble in Mexico. The Underwood tariff did its service admirably, but it could not be expected to produce revenues from imports which the war kept away from our ports. Every nation on earth has learned that during a period of general war no system of tariff legislation is reliable as a revenue producer. The standpatters of the United States are the only people that learn nothing from their defeats at home nor from the common experience of mankind. They eat tariff, drink tariff, think tariff, and prescribe tariff for all political ailments, just as the old-time physicians did with calomel and jalap. The tariff hydrophobia is an incurable illness, dangerous alike to the patient and the people.

#### TARIFF DUTIES INSUFFICIENT.

Some Republicans have freed themselves from the disease, and they are to be commended. The Member from Iowa [Mr. Goon] had the courage to say on the floor during the present month these words:

A comparison of the appropriation bills for the Army, Navy, and fortifications of this year (1916) with the years 1909-1912 (the years of the Payne law), inclusive, shows that we would have paid during each of these years, if we had engaged in preparedness then instead of now, at least \$420,000,000 a year in excess of the amount actually appropriated for such purpose.

Mr. KELLEY. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. KELLEY. I should like to inquire of the gentleman whether or not, leaving out increases for the Army and Navy and fortifications, it is not true that the appropriations for this Congress will be \$200,000,000 more than any other Congress in the history of the country except the last one?

Mr. FOSTER. I do not know what the amount is, but I will tell the gentleman this: The Government is growing and its activities are increasing, requiring a larger expenditure each year.

Mr. KELLEY. I thought perhaps the gentleman had the figures.

Mr. FOSTER. If the gentleman will take the record of the Congress he will find we passed a law providing agricultural extension or vocational education. We have passed a law which provides for good roads, which take considerable money out of the Treasury. We have also passed other laws which are in the interest of the people and which have taken money. I do not know what it all amounts to; the gentleman may be right. But many on that side voted for most of these bills.

Mr. FERRIS. However much we may have appropriated, practically every one of those bills passed by unanimous consent. Is not that true?

Mr. FOSTER. Oh, yes; at least with Republican votes.

Mr. KELLEY. Oh, no; that is not true. There is the shipping bill with \$50,000,000 to start with.

Mr. FERRIS. The appropriation bills were passed by unanimous consent, practically.

Mr. FOSTER. Probably not unanimous consent as to all, but I will say this to the gentleman, that all of them passed with Republican votes.

Mr. FERRIS. Is it not also true in the preparedness program in each and every instance that side moved to recommit with instructions to report an increase?

Mr. KELLEY. I do not think the \$50,000,000 flood-control bill passed by unanimous consent.

Mr. FOSTER. It passed by votes on both sides of the House.

Mr. FERRIS. There was not a roll call on them.

Mr. STAFFORD. Because that side would not give a roll call.

Mr. FERRIS. One-fifth of the Members could get it.

Mr. FOSTER. I will be glad to yield later if I have time. But the gentleman from Iowa says further:

Where would we have obtained the money to pay for the increased cost of preparedness? Certainly we would not have increased the tariff duties. The defeat of the Republican House in 1910 was so universally charged to excessive duties in the Payne law that in 1912 in our Republican platform we said "Some of the existing import duties are too high and should be reduced," but with the provisions of the Payne law in force to-day it is estimated that we could not hope to collect under it more than \$100,000,000 a year in excess of the annual collections under it when it was in force.

The absurdity of prescribing the Payne law for a cure of extraordinary and emergency needs has been shown to be absurd from a number of viewpoints and ought to be dismissed from all further consideration.

#### THE INCOME TAX.

The Republican Party in 1909, in passing the Payne law, found that it would not produce sufficient revenue and added to it a law taxing corporations. The Democratic Party, in passing the Underwood law with its numerous reductions, found themselves confronted with the same loss of revenue but to a greater degree. The Democrats amended the corporation tax to make it yield more revenue and then passed the income tax. Taxation is a serious study, and no matter how it is applied produces objectors.

The people objected to paying what they considered to be more than their fair share of taxes as expressed in a tariff law on articles of everyday consumption. The Democrats removed or reduced the taxes on consumption and transferred them to individual incomes. And why not? Students of taxation everywhere declare it to be the most equitable tax that can be conceived. I agree with these students, and am proud of my vote for the income tax. It exempts all incomes of \$3,000 and less a year, and taxes all incomes of more than \$3,000 1 per cent. Then as the income increases this 1 per cent is increased until both incomes and rates have reached a maximum. Those who are so unfortunate as not to have an income of \$3,000 a year or less are deprived of the privilege of paying this particular kind of tax. Some objection is made to the tax because only a few pay it. It is charged that less than one-half of 1 per cent of the population pay the tax. This is erroneous.

Over 2,500,000 stockholders in the 190,000 corporations reporting pay the tax besides 357,000 individuals who make returns, or nearly 3,000,000 people. Inasmuch as the family is practically the unit in this law, these figures should be multiplied by five—15,000,000 people are now taxed by an equitable tax whose possessions for many years have escaped taxation.

Mr. WM. ELZA WILLIAMS. May I interrupt my colleague just there?

Mr. FOSTER. Certainly.

Mr. WM. ELZA WILLIAMS. If my colleague will yield, I desire to call his attention in this connection to the fact that candidate Hughes, when governor of New York, on January 5, 1910, delivered a special message to the New York Legislature advising against the ratification of the income-tax amendment to the Constitution, and prevented its ratification for that entire session, and that the amendment was not ratified by the New York Legislature until after the expiration of Mr. Hughes's term of office and the election of a Democratic legislature.

Mr. FOSTER. Yes; I think that is not denied by anyone.

During the year 1914 the tax yielded \$71,381,274.74, of which the individual income tax yielded but \$28,253,534.85. It was evidence that many people were dodging the payments of this tax as well as the internal-revenue tax. The Secretary of the Treasury, with his usual energy, set about to round-up the tax dodgers and nontaxpayers with most pleasing success.

For the year ending June 30, 1915, the total receipts from the personal-income tax were \$41,046,162, an increase of \$12,792,628.24, or a total for both of about \$85,000,000. The great apparent increase in the personal-income tax was due more to the fact that the returns for 1915 were for 12 months, while those of 1914 were for 10 months. The decrease in the corporation tax is ascribed to the European war and to the disturbances in Mexico. The Secretary of the Treasury still pursued his investigations of inaccurate returns and palpable evasions of the law, and on June 30, 1916, reported a total for both taxes of \$124,867,430, or an increase of nearly \$40,000,000. In the nature of things this income tax will increase rather than decrease, but the returns of 1915 and 1916 show that the framers of the

Underwood law in reducing the tariff wall made ample provision for all deficits growing out of the reduced revenues by the enactment of the present income-tax law. All these calculations, however, are based on years of normal expenditure, and the actual workings of the law justify and support the calculation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, how much time does my colleague wish?

Mr. FOSTER. I could get along with 15 minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that my distinguished colleague may have 20 minutes more.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of his colleague be extended for 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, I thank my colleague very kindly.

#### EXTRAORDINARY DEMANDS.

The European war introduced new phases of thought demanding extraordinary action. Henry E. Dunn, president of Bradstreet's Commercial Agency, in a letter to the Secretary of the Treasury on November 13, 1915, said:

Our own position as that of the leading neutral country was, of course, bound up in the general debauch. All our stock and cotton and most of our other exchanges, excepting grain markets, promptly closed. Securities of whatever kind were practically unsalable, fear of hostile action swept the sea of our ships, and a blockade of our export and import commerce resulted until British sea power was demonstrated. Our domestic financial position, fortified by the recent adoption of a real national banking system (the Federal reserve law), was strengthened by the courageous and patriotic action of our bankers working in harmony with the Federal authorities, and the arrangement for the settlement of the great balance we owed abroad was a triumph of skill and of cooperation between our public men and our business interests.

The blockade made serious inroads on our dutiable as well as other imports, thus curtailing the revenue derived from customs. In October, 1914, Congress passed an emergency internal-revenue act, which in the first six months of its existence yielded approximately \$40,000,000, and about \$80,000,000 for the year 1915.

On the heels of the European war came the disturbance in Mexico and the country-wide demand for preparedness. Provision was made by a Democratic Congress for a greater Army and Navy, for a prudent and effectual development of our military power in every line, and for the protection of the Mexican border. All these things called for an extraordinary outlay of money. The appropriations for these things exceeded the appropriation for normal years by from \$300,000,000 to \$450,000,000.

The passage of the revenue bill this month provides for all these demands, and taken with other laws already passed assure us that the revenues of the Government, ordinary and extraordinary, are on a sound, healthful, and most satisfactory basis.

On account of the extraordinary expenditures for preparedness, it became necessary to raise additional revenue, and, as said by Mr. Good, of Iowa, if the same proportion of expenditures had been made under Republican administration when they were in power, the revenue tariff would have been \$1,600,000 short; if now, the revenue of the tariff would not afford sufficient money to pay these additional expenses, so the rates on incomes have been raised and an inheritance tax has been levied. The tax upon munitions of war certainly no one ought to complain of, when we realize the enormous profits that have been made by these manufacturers in the last few years.

Mr. Good, of Iowa, said on this subject:

I have here the Wall Street Journal for February 28 and 29, 1916, the most conservative financial paper in the world. On February 29 it gives a list of 26 munition manufacturers in the United States, and those concerns state their war orders for 1916 will aggregate \$2,000,000,000, and these concerns state that their profits on their war orders for 1916 will aggregate \$1,000,000,000. And yet we are against a little tax on that kind of concerns. Where will we raise it? Oh, some one says under his breath, we will put a tax on tea and on coffee. If you tax the breakfast table of the American laboring man to pay the burden of preparedness, there will not be enough Members on this side to ask for a quorum.

He further said:

That same article on February 28 gives a statement of the Du Pont de Nemours Powder Co. for 1914-15. In 1914 the profits of the Du Pont de Nemours Powder Co., according to their own statement, was \$5,000,000. In 1915 their profits were \$57,000,000. And yet we are unwilling to lay a little tax on this kind of an institution. We have built up in the North, in the East, and in the South a very magnificent school system of the United States, and how did we do it? By putting a tax on consumption? No; we put a tax on property. That is the only way we can pay for preparedness. And, Mr. Chairman, when you analyze this bill, why did not we strike out provision after provision as it was read?

#### THE TARIFF COMMISSION.

A tariff commission has been provided which is expected to study the tariff question and endeavor to secure unbiased information that would be nonpartisan and accurate. Thirty-



nine Republicans and 1 Independent voted for this bill, showing again that the bills which the Democratic Congress has proposed meet with the approval of a large number of Progressives upon the other side of the House.

#### OUR UNEXAMPLED PROSPERITY.

Henry G. Dunn, in November of last year, said:

Industry has gained steadily through the year, an especially marked surge forward being noted as the fall advanced, resulting in many new monthly records of production and a whipping into line of laggard trades, seeming to guarantee the setting up of new records in a year beginning in hardship and gloom. Of late domestic demand, which has seemed to lag behind export trade has expanded; bank clearings, railway traffic, iron production, and wheat exports have all set up new guideposts, unfilled orders have banked up in our barometric industry, car shortages are already present, rail and ship terminals are congested with freight shipments, failure and liabilities are decreasing, commodity prices are at the highest level ever known, with a minimum of complaint as to high cost of living, optimism is well-nigh universal, and what was apparently at its inception a prospect of threatening import to the world's progress has become a stimulant such as never before witnessed to the country's productive energies.

What was thus so graphically outlined by one of the country's greatest commercial agencies in November, 1915, has gone on with increasing force through all the year 1916, until it can be truthfully said that the country is in the midst of an unexampled prosperity, cheering to all American hearts, and only dampened by the groans of the pessimists, who are glad only when all others are in pain. [Applause on the Democratic side.] Four years of Democratic administration have made the people glad, the best index possible of a party's wisdom, as well as the best pointer to its future continuation in power.

#### OUR EXPORT TRADE.

The monthly summary of Foreign commerce of the United States for March, 1916, shows our export trade for nine months ending March, 1914, 1915, and 1916, as follows:

1914	\$1,859,116,144
1915	1,853,659,736
1916	2,949,106,335

or a grand gain in 1916 of more than a billion dollars over the corresponding period in 1915.

Our farmers have profited largely in this tremendous gain. Comparison of exports of farmers' products for nine months ending March, 1916, with a like period in 1915 and 1914:

	1916	1915	1914
Cattle, hogs, mules, and sheep.....	\$82,275,204	\$46,444,376	\$4,042,418
Corn.....	18,227,180	25,536,514	5,341,757
Barley.....	16,437,313	16,298,901	3,284,705
Wheat.....	167,659,137	261,308,690	71,149,401
Wheat flour.....	64,505,330	69,387,298	62,922,694
Eggs.....	5,941,628	4,192,510	3,175,621
Fruits.....	30,161,498	29,926,751	27,189,495
Nuts.....	741,423	491,399	662,482
Hay.....	2,329,661	918,290	472,924
Hops.....	3,748,495	2,895,891	6,502,360
Beef.....	20,164,575	9,319,322	574,209
Bacon.....	57,727,706	31,223,218	21,078,189
Hams.....	29,241,755	17,934,653	18,426,284
Fresh pork.....	6,170,572	231,439	363,623
Total meats.....	190,205,794	137,866,833	111,975,196
Butter.....	3,212,118	1,289,295	639,395
Cheese.....	4,204,948	3,336,629	324,268
Milk.....	6,968,630	2,339,195	1,011,597
Vegetables.....	11,174,502	8,449,378	4,853,680

#### BANKING AND CURRENCY.

For 50 years, under Republican rule, the country existed under a banking and currency law of Republican origin which gave us an absolutely inelastic currency, first, and, second, a fictitious bank reserve. Under the old law all the revenues throughout the country were deposited in the great cities, where it was used for stock speculation.

The Hon. Carter Glass calls these the Siamese twins of disorder, and charged the Republican Party with failure to remedy the evils.

Five times between the years 1870 and 1912 the country has passed through financial panics resulting in nation-wide business catastrophes. Each of these panics came when we were in apparent business prosperity, and each of them was due—in part, if not altogether—to our defective banking and currency system. The Republicans knew this, acknowledged it, but were afraid to remedy it; at least, though long in power, they did not remedy it. The Democrats were not afraid to remedy the evil, and at once passed the Federal-reserve law, the most important piece of legislation of the last 50 years. It sounded the death knell of the money trust, and in all human probability the death knell of financial panics. It has been in operation nearly three years and has given general satisfaction.

#### GOOD-ROADS LAW.

Constructive legislation of the highest nature is shown by the passage of the Democratic highway bill. It will conduce to the

establishment of a more effective highway machinery in each State, strongly influence the development of good roads, stimulate large production and better marketing, promote a fuller and more attractive rural life, add greatly to the convenience and economic welfare of our people, and strengthen our national foundations. Such are the results which those best qualified to speak ascribe to this law, and with which opinion I am in strict accord.

The law appropriates \$75,000,000, in five annual payments, as follows:

First year.....	\$5,000,000
Second year.....	10,000,000
Third year.....	15,000,000
Fourth year.....	20,000,000
Fifth year.....	25,000,000

The States are expected to make available an equal amount, or its equivalent, so that the highway bill in its totality involves the expenditure of \$150,000,000 in five years.

While Republicans are criticizing the Democratic administration for keeping us out of war with Mexico, a war involving the expenditure of treasure and blood uselessly and needlessly, the Democrats have marched calmly forward to the greater questions of better highways, better banking, rural credits, and a better business understanding. The real and lasting interests of the common people have had their first inning in legislation and have won the game. [Applause on the Democratic side.]

#### AGRICULTURAL EXTENSION ACT OR VOCATIONAL TRAINING.

By a unanimous vote of both Houses of Congress this Democratic measure encouraging agriculture in a practical way by appropriations became a law.

This very important law grants an appropriation the first year of \$10,000 to every State in the Union, which sum is to be increased year by year for a definite period until the Government will contribute annually about \$4,000,000 for the support of this important work. It is proposed to carry directly to the farm all the scientific discoveries and best practical developments of the Department of Agriculture and the colleges. Agriculture adds about ten billions a year of new wealth to our Nation, and the producers of such an enormous amount of wealth deserve the fostering care of the Nation. This care can be best expressed by methods prescribed in this new law. It is confidently believed that this legislation will at no distant day double the agricultural productivity of the United States, while increasing the self-respect, the thoughtfulness and the power of the farmers. It means not only getting the most out of the soil without looting it but putting into our farmers and their children the best of all the world's wisdom, vigor, and initiative.

#### THE TRADE COMMISSION BILL.

This law is a part of the Democratic program for the regulations of trusts. In the House 41 Republicans and 15 Progressives voted for the bill, leaving 98 Republican standpatters to vote against it. The wisdom of the bill is best attested by the number of the opposition who supported it and stands out as a signal triumph for those who have always maintained that the best examples of constructive legislation as shown historically are those originated, vouched for, and passed by the Democratic Party. [Applause on the Democratic side.] The bill carries out the principle enunciated by President Wilson: "A square deal for business, the eradication of the unsquare from business, and a real square deal for all the people." Business has handicapped itself by a lot of bad practices and programs; it has tied itself hand and foot by "unfair methods," if not by fraudulent procedure. This bill removes all the handicaps, bonds, and chains from a sound business program, and starts business ahead untrammelled, unshackled, and without a handicap. [Applause on the Democratic side.] It begins the go-ahead era of sound business life and promises much for our commerce and industry. This law is a good running mate for that other Democratic masterpiece—the Federal reserve act—and the two running either tandem or side by side will pull all our business into life, force, and profitable results. They will revolutionize business in every State and enable the total of American business to grasp opportunity by its foretop and create a larger business of profit in the greater sphere of the world. With all shackles cut out American business now has a chance to show itself the king bee in the world's mammoth business hive. [Applause on the Democratic side.] Another Democratic measure in the antitrust program was the Rayburn bill, now on the calendar, extending the jurisdiction of the Interstate Commerce Commission over the issuance of railway securities.

The third measure of the program was the Clayton Antitrust Act, the whole making a symposium of legislation controlling and regulating the trust problem. The Clayton bill defines the Sherman law more clearly; strikes at the evils of interlocking directorates in corporations; prohibits price discrimination and

destructive price cutting. It also settled a controversy over the issuance of injunctions in labor disputes that had been a bone of contention for many long years. It gave to labor its magna charta.

#### THE RURAL-CREDITS LAW.

For a number of years the question of legislation providing for loans upon farm credits has been agitated throughout the country, but it was left for a Democratic administration to whip these ideas into practical form and to give the country a law expressing the result. In European countries such laws have been in force for many years, and Government credit has been extended to worthy farmers with the most satisfactory results. The American law is the pioneer in the country and is expected to go far toward the fullest development of our land and its resources.

#### THE SHIPPING BILL.

The shipping bill provided for Government ownership of ships, which will enable the products of the farms, factories, and mines to be shipped to all parts of the world at a less freight rate than now charged. Since I have been in Congress I have seen the attempt made to pass through this House a subsidy to those shipowners. The shipping bill passed the House with the aid of the votes of the Republicans who were honestly trying to serve their constituents by providing a means for carrying their products to the markets of the world. Did those who opposed this bill advance their claim for subsidies? Neither have they offered any other solution of this problem. We believe if this bill becomes a law that it will relieve this situation and that our people will have ships to transport their goods to foreign lands at less freight rates than they are now compelled to pay.

#### CHILD-LABOR LAW.

This Democratic House has passed the child-labor law, which protects the children of this country from being placed in factories and sweatshops at an age when they ought to be in school. This law will save the children and make them better men and women when they are grown. I can recall the investigation of the Lawrence, Mass., strike, when it was shown that these mill owners worked these little children in the factories at starvation wages, their pale faces and frail bodies showing every evidence of such treatment. This law will put an end to such conditions.

#### WORKMEN'S COMPENSATION LAW.

Many States now have a workmen's compensation law, giving fair compensation to those who are injured during their employment. This House has passed an adequate compensation act insuring the man who toils, if he becomes injured, that he will be properly cared for, or if he lose his life those dependent upon him will not be turned out upon the charity of the world. We are fast approaching a time in this country, and this Democratic administration has done much to hasten the day, when we think more of those who toil and create the wealth of the country, and not so much in trying to pass laws for the special benefit of those who may grow rich at the expense of the consumers of the country.

The Democratic Party does not oppose business, but wants to encourage it, and to build up the trade and commerce of our country throughout the world, and a legitimate business of any kind or character need not fear legislation which has been passed in the last three and one-half years; but those who seek special laws that they may lay tribute upon the toilers and producers of this country will not have a place in the Democratic program.

Our Republican friends have criticized the administration on account of the Mexican situation. They have seen fit to charge incompetency and lack of patriotism for our own country and its people. Would they have marched the Army of our country into that Republic, uselessly sacrificing our boys upon the altar of war? They had the opportunity, and yet they did not raise their voices in demanding that we should go to war during the administration of Mr. Taft, who at that time wisely kept us out of war. The President will not be changed in his determination to solve this problem in a peaceful way if possible by the barkings and howlings of these jingoes [applause on the Democratic side], who would not go to war themselves but who would be willing to sacrifice the young men of our country for their own selfish interest. [Applause on the Democratic side.] To-day we are at peace with all the world, and our people are enjoying the greatest era of prosperity known in its history. Wages are higher than they have ever been; the products of the farm, the mine, and factory are in demand and at good prices. Shall we disturb this prosperous condition of our country by placing again in power those who would enact laws for special privilege that they may reap

from the honest toil of the millions of our people that to which they are not entitled. The laws we have passed give to every citizen an equal opportunity and an equal right for life, liberty, and the pursuit of happiness, and the right to enjoy the fruit of his own labor without paying tribute to anyone. [Applause on the Democratic side.]

I can not believe the American people are again willing to put the Government in the hands of standpatters and reactionaries. But I believe the intelligence and patriotism of the American people is such that they will continue in power an administration and Congress, to see that these beneficial laws are strengthened if necessary and honestly enforced in the interest of all the people.

The Democratic Congresses from March 4, 1913, to the present hour have been Congresses of work—being in almost continual session during that period. Some of the work of these Congresses has been analyzed in these remarks, but by no means all of it, and time forbids that I should go further into details.

The President has had the support of Congress in his wise and patriotic efforts to serve the whole people of the country. During a period filled with the gravest questions of both national and international importance, he has stood four square to all the winds of criticism and reproach that have been heaped upon him. He has stood for the country's power and the country's peaceful relations with all the world. He has kept us at peace with all the world, enabling us to create and sustain a prosperity unexampled and heretofore unapproached. Peace and prosperity—twin sisters born of wisdom and patriotism—are now the country's glory, forming the greatest asset any President can give the people, and a glorious crown to his work. [Applause on the Democratic side.]

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I ask unanimous consent that on next Saturday, at a time when it will not interfere with preferential matters, I may address the House for 30 minutes.

The SPEAKER. The Chair will suggest to the gentleman that the probabilities are that all that time will be taken up. At 3 o'clock the House takes up the presentation from North Carolina of the statue of ex-Senator Vance.

Mr. MANN. Mr. Speaker, I think my colleague would hardly get in Saturday, but I have no objection if it is understood that it does not interfere with the other orders.

Mr. WM. ELZA WILLIAMS. On what day will we probably be in session next after Saturday?

Mr. MANN. Tuesday or Wednesday, probably, but I can not tell for certain. Probably not on Monday.

Mr. STAFFORD. Ask unanimous consent for the day following.

Mr. MANN. I would suggest to the gentleman that he let it go for the present.

The SPEAKER. Two hours and a half of speeches are provided for Saturday after the reading of the Journal, and so forth, and there are only three hours between 12 o'clock and 3. So it would probably cut the gentleman off right in the middle of his speech.

Mr. WM. ELZA WILLIAMS. I amend my request, Mr. Speaker, and make it the first day when in session following Saturday.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on the first day after Saturday the House is in session, after the reading of the Journal and the clearing up of the business on the Speaker's table, not to interfere with conference reports, he shall be permitted to proceed not to exceed 30 minutes. Is there objection?

Mr. MANN. Reserving the right to object, I am going to ask my colleague to withdraw his request for the present until we know when we shall meet. We expect to have some ceremonies next week in connection with the unveiling of the statuary in the pediment here on the House wing of the Capitol; and I am not sure whether it will be while the House will be nominally in session or previous to the meeting of the House. Thursday or Saturday the gentleman can get his request, when that is known. There will not be any difficulty.

Mr. WM. ELZA WILLIAMS. Very well, Mr. Speaker, I will withdraw my request.

Mr. MANN. There will be no difficulty, in fact, about getting in.

Mr. WM. ELZA WILLIAMS. Thank you.

#### EXTENSION OF REMARKS.

Mr. DIXON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a short article on the establishment of a department of aviation, with a statement of my colleague, Mr. LIEB, on the same subject.



The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD on the subject of the creation of a department of aviation. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 21 minutes p. m.) the House, under its previous order, adjourned until Thursday, July 27, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on reexamination of Chicago River, Ill. (H. Doc. No. 1294); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

2. A letter from the Secretary of Commerce, transmitting item of suggested legislation for incorporation in the general deficiency bill (H. Doc. No. 1295); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, recommending that appropriation for increasing storage facilities at San Antonio Arsenal, San Antonio, Tex., be made for the fiscal year 1917 instead of for 1916 (H. Doc. No. 1296); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of E. Belle Piatt, widow of Abraham Piatt, v. The United States (H. Doc. No. 1297); to the Committee on War Claims and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Assistant Secretary of War, submitting a report of a claim against the United States, which has been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 1298); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Chief Clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin T. Blakeney and Mae Blakeney Moore, children and sole heirs of Thomas J. Blakeney, deceased, v. The United States (H. Doc. No. 1299); to the Committee on War Claims and ordered to be printed.

7. A letter from the Chief Clerk of the Court of Claims, transmitting certified copy of order of the court dismissing the petition in the case of Margaret C. Lamms et al., heirs of Moses C. Bayles, v. The United States (H. Doc. No. 1300); to the Committee on War Claims and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, urging that further consideration be given to the matter of making an appropriation for the removal of the wharf in connection with the quarantine station at Honolulu, Hawaii (H. Doc. No. 1301); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of War, transmitting a letter from Maj. Brown, general purchasing officer of the Panama Canal, written by direction of Gen. Goethals, requesting that the present limitation in the sundry civil appropriation act, approved July 1, 1916, limiting the cost of the two new Panama Canal colliers to \$1,300,000, be increased to \$1,510,000 each (H. Doc. No. 1302); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Chicago Harbor, Ill. (H. Doc. No. 1303); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

11. A letter from the Acting Secretary of State, calling attention to an error in the Diplomatic and Consular act approved July 1, 1916 (H. Doc. No. 1304); to the Committee on Foreign Affairs and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16912) granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio, reported the same with amendment, accompanied by a report (No.

1035), which said bill and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 10110) to increase the salary of the United States district attorney for the district of Rhode Island, reported the same with amendment, accompanied by a report (No. 1036), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 5) for erecting a suitable memorial to John Ericsson, reported the same with amendment, accompanied by a report (No. 1037), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (S. 6625) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, reported the same without amendment, accompanied by a report (No. 1038), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAMTON, from the Committee on the Public Lands, to which was referred the bill (H. R. 13570) to amend sections 5 and 6 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908, reported the same with amendment, accompanied by a report (No. 1039), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. VOLSTEAD: A bill (H. R. 17123) to authorize the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: A bill (H. R. 17124) to establish in the States Relations Service of the Department of Agriculture a Division of Farm Information; to the Committee on Agriculture.

By Mr. GANDY: A bill (H. R. 17125) to increase the efficiency of the Medical Corps of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 17126) conferring upon the tribes of Indians wholly or in part within the State of South Dakota the right to recall their agents or superintendents; to the Committee on Indian Affairs.

By Mr. BRITT: A bill (H. R. 17127) providing for the improvement of the French Broad River in North Carolina; to the Committee on Rivers and Harbors.

By Mr. VAN DYKE: A bill (H. R. 17128) fixing the rate of pay of compositors, bookbinders, and folding and gathering machine operators in the Government Printing Office; to the Committee on Printing.

By Mr. JACOWAY: A bill (H. R. 17129) authorizing the Secretary of War to donate to the city of Russellville, Ark., two condemned bronze cannon and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17130) authorizing the Secretary of War to deliver to the city of Morrilton, Ark., two condemned bronze or brass cannon, with the carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17131) authorizing the Secretary of War to donate to the city of Charleston, Ark., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 17132) authorizing the Secretary of War to donate to the Confederate Park at Charleston, Ark., four bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 17133) authorizing the Secretary of War to donate to the city of Ozark, in the county of Franklin, and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. GARDNER: Resolution (H. Res. 323) requesting the Secretary of War to send to the House of Representatives certain information with regard to the number of organizations of the National Guard now on duty on the Mexican border which are not up to the prescribed war strength; to the Committee on Military Affairs.

By Mr. PADGETT: Resolution (H. Res. 324) providing for the consideration of H. R. 15947; to the Committee on Rules.

By Mr. CAPSTICK: Joint resolution (H. J. Res. 274) to provide service honor flags to the Volunteer soldiers now in service along the Mexican border; to the Committee on Appropriations.

By Mr. WHALEY: Joint resolution (H. J. Res. 275) authorizing the Secretary of War to loan, issue, or use, and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Santee River and its tributaries; to the Committee on Appropriations.

By Mr. ADAMSON: Joint resolution (H. J. Res. 276) authorizing the Secretary of War to loan, issue, or use, and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Chattahoochee River and its tributaries; to the Committee on Military Affairs.

By Mr. HOWARD: Joint resolution (H. J. Res. 277) authorizing the Secretary of War to loan, issue, or use, and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Chattahoochee River and its tributaries; to the Committee on Appropriations.

By Mr. BRITT: Joint resolution (H. J. Res. 278) for relief of destitute sufferers from flood waters in the State of North Carolina; to the Committee on Appropriations.

By Mr. BELL: Joint resolution (H. J. Res. 279) authorizing the Secretary of War to loan, issue, or use, and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Coosa River and its tributaries; to the Committee on Military Affairs.

By Mr. HARRISON: Joint resolution (H. J. Res. 280) authorizing the Secretary of War to use such means as he has or may be furnished him for the relief of distress and need among the people of Alabama and Mississippi occasioned by the recent storm; to the Committee on Appropriations.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 281) directing the Public Health Service to conduct investigations with reference to the injurious effects of the use of alcoholic liquor, opium, and other narcotic drugs; to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 17134) granting an increase of pension to James M. Pulver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17135) for the relief of William S. Russell; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 17136) to authorize the Washington & Old Dominion Railway Co. to acquire by purchase or condemnation the land and property necessary for terminal facilities and trackage in the District of Columbia, at or near Thirty-sixth and M Streets NW.; to the Committee on the District of Columbia.

By Mr. CULLOP: A bill (H. R. 17137) granting an increase of pension to James W. Davis; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17138) granting an increase of pension to Samuel P. Young; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 17139) granting a pension to Capt. John H. Dorsey, Glencoe, Minn.; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 17140) for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox, while in the employ of the Navy Department in Cuba; to the Committee on Claims.

Also, a bill (H. R. 17141) for the relief of James H. Tucker; to the Committee on Military Affairs.

By Mr. HULBERT: A bill (H. R. 17142) granting an increase of pension to Mary V. Harrmann; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17143) for the relief of James S. Huntington; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 17144) for the relief of Arthur Wendle Englert; to the Committee on Claims.

By Mr. MATTHEWS: A bill (H. R. 17145) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 17146) granting an increase of pension to Alois C. J. Sick; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 17147) granting an increase of pension to Stephen Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17148) granting an increase of pension to Margaret Tomlinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17149) granting a pension to Mathias Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 17150) granting a pension to Carey Nation; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17151) granting a pension to Francis A. Keelan; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 17152) granting an increase of pension to Michael M. Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17153) granting an increase of pension to Amelia C. Doty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17154) granting an increase of pension to John Nesbitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17155) granting a pension to Margaret C. Miller; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 17156) granting an increase of pension to George McDaniel; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 17157) granting a pension to Sarah H. Matheny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17158) to correct the military record of Isaac S. Bartlett; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 17159) granting an increase of pension to George Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17160) granting an increase of pension to John C. Gooch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17161) granting an increase of pension to Madison Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17162) granting an increase of pension to W. S. Bray; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 17163) granting an increase of pension to Ignatius Boff; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 17164) granting an increase of pension to Lorenzo Bell; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 17165) for the relief of Alexander T. Graham; to the Committee on Military Affairs.

Also, a bill (H. R. 17166) for the relief of Humphrey D. Jones; to the Committee on Military Affairs.

By Mr. TALBOTT: A bill (H. R. 17167) granting a pension to Annie M. Everett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17168) granting a pension to Christine Boesch; to the Committee on Invalid Pensions.

By Mr. WHALEY: A bill (H. R. 17169) for the relief of the legal representatives of Sylvester Jancovich; to the Committee on War Claims.

By Mr. WILLIAMS of Ohio: A bill (H. R. 17170) for the relief of the legal representatives of Charles Baker, deceased; to the Committee on War Claims.

By Mr. YOUNG of North Dakota: A bill (H. R. 17171) granting an increase of pension to Patrick Keligher; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 16329, for the relief of Luther Sealey; to the Committee on Invalid Pensions.

By Mr. COLEMAN: Petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., favoring censorship of moving pictures; to the Committee on Education.

Also, petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., against polygamy in United States; to the Committee on the Judiciary.

Also, petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., against mailing liquor advertisements in newspapers into dry territory; to the Committee on the Post Office and Post Roads.

Also, petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., against Sunday work; to the Committee on the Judiciary.

Also, petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., against sectarian appropriations; to the Committee on Indian Affairs.

Also, petition of Tabernacle Presbyterian Church, Pittsburgh, Pa., favoring bill to prohibit exportation of rum, etc., to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. DALE of New York: Petition of sundry women of the United States, favoring woman-suffrage amendment; to the Committee on the Judiciary.



Also, petition of National Association Union Volunteer Officers, relative to Volunteer officers' pay bill; to the Committee on Military Affairs.

By Mr. FLYNN: Petition of New York Photo-Engravers, Union No. 1, against section 7 of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Modern Woodmen relative to the Mexican situation; to the Committee on Foreign Affairs.

Also, petition of National Society for the Promotion of Industrial Education, favoring vocational education bill—House bill 11250; to the Committee on Education.

By Mr. KETTNER: Petition of H. H. Hoss, secretary chamber of commerce, Corona, Cal., favoring appropriation for ocean-to-ocean highway; to the Committee on Roads.

Also, petition of Powam Lodge, Mesa Grande, Cal., favoring House bill 11864, to aid indigent consumptives, to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Lankow, San Bernardino, Cal., and 350 others, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of San Diego & Southwestern Railway Co., Read G. Dilworth, and E. S. Babcock, San Diego, Cal., favoring amendment to Post Office bill (H. R. 10484); to the Committee on the Post Office and Post Roads.

Also, petition of A. J. Newsom, Garden Grove, Cal., protesting against training of youths for military service; to the Committee on Military Affairs.

Also, petition of Mrs. Ray R. Shore, secretary L. A. N. A. L. C., Branch 91, and 87 others, San Diego, Cal.; Mrs. L. F. Golay, San Diego; and Mrs. Mary B. Ritter, president La Jolla Women's Club, Mesa Grande, Cal., favoring Penrose-Griffin leave-of-absence bills (H. R. 6915 and S. 3081); to the Committee on the Post Office and Post Roads.

Also, petition of E. W. Hardy, and three others, Santa Ana, Cal., favoring prohibition in Territory of Hawaii; to the Committee on the Territories.

By Mr. MCARTHUR: Petition of 71 citizens of Multnomah County, Oreg., favoring Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Evidence in support of House bill 17110, for the relief of Thomas R. Henthorn; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: Petition of 10 surviving Volunteer commissioned officers, of Kokomo, Ind., relative to officers' pay bill; to the Committee on Military Affairs.

By Mr. OVERMYER: Petition of Tiffin Missionary Union, against polygamy in the United States; to the Committee on the Judiciary.

By Mr. PARKER of New York: Petition of sundry citizens of the State of New York, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. RAKER: Memorial of Los Angeles Chamber of Commerce, relative to differences between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Petitions of sundry citizens of Idaho and Oregon, against the Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Idaho, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Department of Idaho, Grand Army of the Republic, Pocatello, favoring passage of the Volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: Papers to accompany House bill 16442, for pension for Alice Root; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16935, in case of Jabez Lumbert; to the Committee on Military Affairs.

## SENATE.

WEDNESDAY, July 26, 1916.

(Legislative day of Tuesday, July 25, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

### ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

Mr. SMOOT. Mr. President, we can not proceed right now, with so few Senators in the Chamber, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Brady	Husting	Overman	Smith, S. C.
Brandeggee	Johnson, S. Dak.	Page	Smoot
Chamberlain	Jones	Penrose	Sterling
Clapp	Kenyon	Pittman	Stone
Colt	Kern	Ransdell	Taggart
Culberson	La Follette	Reed	Thompson
Cummins	Lodge	Robinson	Townsend
Curtis	McCumber	Shafroth	Vardaman
Dillingham	Martine, N. J.	Sheppard	Wadsworth
Fletcher	Myers	Sherman	Walsh
Gallinger	Nelson	Simmons	Warren
Gronna	Norris	Smith, Ga.	Williams
Harding	O'Gorman	Smith, Md.	Works

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. CHAMBERLAIN. Mr. President—

Mr. KERN. Will the Senator from Oregon yield to me for a moment?

Mr. CHAMBERLAIN. I yield to the Senator from Indiana.

Mr. KERN. I understand that the District of Columbia appropriation bill will be ready for consideration by the time the pending measure is disposed of. I desire to give notice, as the representative of the majority, that immediately after the disposition of the District of Columbia appropriation bill I shall move to take up for consideration the House bill known as the child-labor bill, and ask that it be made the unfinished business of the Senate.

Mr. SMITH of Maryland. I will state to the Senator that the District of Columbia appropriation bill is ready to be taken up.

Mr. KERN. I assumed that it was.

Mr. CHAMBERLAIN. I have no objection to that at all, except that the Military Academy bill, I understand, will have the right of way immediately after the Army appropriation bill. It will not take very long to dispose of it.

Mr. GALLINGER. Mr. President, I will simply express my gratification at the announcement made by the leader of the majority. The minority, or a large proportion of the minority, are quite as anxious that the child-labor bill shall be considered as the Senator from Indiana or his associates on the other side of the Chamber.

Mr. LA FOLLETTE. Mr. President, if I may be permitted—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. LA FOLLETTE. In connection with the observations of the Senator from New Hampshire, I hope, Mr. President, that the Senate will be gratified in like manner by an announcement from the leader on the other side in the course of a day or two, as soon as matters are adjusted, that the immigration bill will likewise be taken up and be made the unfinished business to follow the child-labor bill.

Mr. GALLINGER. Mr. President, reciprocating the observation of the Senator from Wisconsin, I join with him in the hope he has expressed.

Mr. PENROSE. Mr. President—

Mr. CHAMBERLAIN. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Just for a moment. On an inquiry addressed to the Senator from South Carolina [Mr. SMITH], he positively assured the Senate that he intended to make a motion to bring up the immigration bill, and I am a little surprised that any other legislation is permitted to take precedence of the immigration bill after the positive assurance made by the Senator from South Carolina that he intended to move to bring it up. But I do not ask for any explanation at the present time. I simply want to record the status of the matter, that the Senate was assured that the Senator from South Carolina would move to bring up the immigration bill.

Mr. KERN. I will state that by the time the child-labor bill is disposed of we will make an announcement regarding the disposition of the immigration bill that I think will be entirely satisfactory to the Senator from Pennsylvania and all the other ardent friends of the immigration bill.

Mr. PENROSE. Does the leader of the majority intend to ask the Senate to act on the immigration bill prior to final adjournment?

Mr. KERN. The majority is entirely independent to act on any bill it desires to act on. It has manifested that independence all through the session I am sure, and it will continue to do so.

Mr. PENROSE. The Senator from Indiana announced his intention regarding the child-labor bill, and I did not know

whether he had any objection to declaring the intention regarding the immigration bill.

Mr. KERN. I have no objection to declaring any intention I may now have. The announcement will be made at the proper time, and in my own way.

Mr. CHAMBERLAIN. I desire to submit three amendments on behalf of the committee. They are slight changes in the bill as it has so far been acted upon.

The VICE PRESIDENT. The first amendment will be stated.

The SECRETARY. On page 27, strike out lines 21 to 24, and insert in lieu thereof the following:

For additional 10 per cent increase of pay of officers on foreign service, including officers of the Organized Militia or National Guard when called or drafted into the service of the United States, \$500,000.

The amendment was agreed to.

Mr. CHAMBERLAIN. I offer the following amendment.

The SECRETARY. On page 28, strike out lines 1 to 4, and insert in lieu thereof the following:

For additional 20 per cent increase of pay of enlisted men on foreign service, including enlisted men of the Organized Militia or National Guard when called or drafted into the service of the United States, \$1,000,000.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. REED. Mr. President, before the amendment is agreed to, I wish to ask the chairman of the committee if that does raise the pay of the enlisted men?

Mr. CHAMBERLAIN. No. I will state the purpose of the amendment. The way the bill originally read it might be construed as giving 10 per cent additional pay where they were not in foreign service, and it was only intended to increase the pay under the existing law in case they were in foreign service; that is all.

Mr. REED. Let us understand. If the Regular Army is in Mexico, do the enlisted men get additional pay?

Mr. CHAMBERLAIN. They get additional pay, both the officers and privates, when they are in foreign service, whether in Mexico or in the Philippines.

Mr. REED. If the National Guard is engaged in protecting the border, but are on American soil, its members do not get the additional pay.

Mr. CHAMBERLAIN. No; neither do the Regulars.

Mr. REED. Of course; but we all understand in its practical operation what it means, because we know that substantially all of the Regular Army will get additional pay because they are south of the Rio Grande.

Mr. CHAMBERLAIN. Not all of them are south of the Rio Grande; only a small part of the Regulars.

Mr. REED. The greater part of them. None of the National Guard will get additional pay, because they are north of the river.

Mr. CHAMBERLAIN. That is correct, Mr. President. That is the law as it is now.

Mr. REED. The Regular Army private who is stationed just north of the river and guarding the border will receive less pay than his fellow soldier of the Regular Army who is just south of the river.

I ask the chairman of the committee if it is not a fact that all of these men are engaged in a common work, to wit, the protection of this country against the aggressions of Mexico, some of them being stationed by the orders of their commanders north of the line, some of them south of the line, and all of them liable at any moment to be engaged in conflict? That is the situation. I ask the chairman of the committee if he thinks that is a fair or wise discrimination?

Mr. CHAMBERLAIN. That is the law as it is to-day. It was not enacted for this specific occasion. The law already provides that officers and men engaged in foreign service shall be entitled to extra pay. The only reason—

Mr. REED. Now—

Mr. CHAMBERLAIN. Let me state to the Senator the only reason for the proposed amendment. I really do not think it is necessary; I am simply acting on the recommendation of the War Department. I do not think it is necessary, but the War Department felt that lines 16 to 23, on page 27, might have a wrong construction placed upon them, and therefore this was inserted for the purpose of clarifying the situation.

Mr. REED. The chairman says that this is the present law, and that is correct, of course. But the present law was enacted for the purpose of meeting the conditions then existing or which could be reasonably anticipated. Some of our soldiers were stationed in China. It was a hardship for them to be put in that far-off country. Some of them were stationed in the Philippines, where they suffered not only the hardship of

being separated from their own country but the dangers incident to that climate and to that service. Occasionally some of them have been sent to various islands. Some of them have been sent to Central American countries. Under those circumstances, of course, additional expense is imposed upon the men and the officers.

I can see why the law was drawn in that way; but, Mr. President, we are now proposing to make a law applicable to present conditions. What are these present conditions? We have not invaded Mexico for the purpose of conquest. Every soldier on the Mexican border, or north or south of the Mexican border, whether that soldier be a Regular or whether he be of the National Guard, is engaged in the same work, the work of the man south of the line and the work of the man north of the line being a part of a general plan to protect our country against the invasion of marauding expeditions by Mexicans. Incident to the work of both of these forces, of course, is the pressure that is being brought upon Mexico to establish peace.

Mr. President, I think the chairman of the committee ought to amend his amendment so that it will read: "or engaged in protecting the Mexican border or serving in Mexico," so that it will apply with fairness and justice to all classes of soldiers who are serving along the Mexican border. I ask the chairman of the committee if he will not accept that as an amendment?

Mr. CHAMBERLAIN. Mr. President, I do not think it would be just to accept the amendment proposed by the Senator from Missouri. The committee has, so far as my knowledge extends, undertaken to place the Regular Army and the National Guard in exactly the same category; that is all. The purpose of this amendment is to do that very thing. Of course, Congress has not any control of the movements of these troops. The President might be induced, at the suggestion of men who are particularly interested in having the National Guard perform foreign service, to bring back the Regulars who are now over the Mexican border and replace them with National Guardsmen, which would entitle them to the increased pay. I do not think the Senator wants that; I do not think the people want that; and yet the President can do that very thing to-morrow. So this applies only to the men who are doing foreign service.

Mr. REED. Well, Mr. President, of course the chairman of the committee will exercise his own judgment, but this proposition is so manifestly fair and equitable that I did hope it would be accepted. However, I have about made up my mind that nothing will be accepted unless some Regular Army officer declares that it ought to be written in the bill.

I move to amend the amendment by adding after the words "foreign service" the words "or under the call of the President engaged in protecting the Mexican border, whether serving within or without the United States."

I will ask the Secretary to read the amendment of the committee as it would read as I propose to amend it.

The SECRETARY. On page 28, line 2, after the words "foreign service," it is proposed to insert "or under the call of the President engaged in protecting the Mexican border, whether serving within or without the United States," so that as proposed to be amended the clause would read:

For additional 20 per cent increase of pay of enlisted men on foreign service, or under the call of the President engaged in protecting the Mexican border, whether serving within or without the United States, including enlisted men of the Organized Militia or National Guard when called or drafted into the service of the United States, \$1,000,000.

Mr. CHAMBERLAIN. Mr. President, against that amendment I make the point of order that it is not estimated for and that it is an amendment of existing law upon an appropriation bill. I call the Senator's attention to the fact that this appropriation bill does not attempt in any way to change existing law. It simply makes provision for payment under the laws as they now are, but the Senator's amendment changes that existing law and allows an increase of pay even when the soldiers are not engaged in foreign service.

Mr. REED. Mr. President, if my amendment to the amendment is out of order, then the amendment offered by the Senator from Oregon is also out of order. Each is germane to the other. I simply extend the definition so that men engaged in foreign service will be held to include those who are protecting our country against a foreign enemy.

The VICE PRESIDENT. Does the present law of the United States give to enlisted men of the Regular Army and of the Organized Militia or National Guard, when called or drafted into the service of the United States, 20 per cent additional pay?

Mr. CHAMBERLAIN. I rather think it does, Mr. President. The VICE PRESIDENT. The Chair can not rule on a point of order on any such statement as that.

Mr. CHAMBERLAIN. Well, Mr. President, I do not profess to be absolutely beyond the power of making any mistake. The Almighty alone, so far as I know anything about it, is the only



One who does not make mistakes. I will say this, however, that the men in the Regular Army are entitled to extra-service pay when engaged in foreign service. There is nothing in the law about the National Guardsmen, except that when they are mustered into the Federal service they become a part of the Regular Army. It is for that reason that I stated a while ago that I very much questioned if the amendment was necessary; but that, in order to remove any doubt which might exist upon the subject, the National Guard were specifically mentioned in the appropriation, which was made for that purpose, and estimated for, but the Senator from Missouri wants to go further.

I think, Mr. President, that as soon as the National Guard is mustered into the service, it becomes a part of the regular enlisted personnel of the United States Army, and that in law they are entitled to this extra-service pay. That is a question of construction. In order to remove a doubt we put this language in the bill. It was only to protect the National Guard in case of doubt that it was done; but I do not think it was at all necessary.

The VICE PRESIDENT. The Chair wants to get the state of the law, because the ruling on the point of order depends on the state of the law. If it were necessary, in order to fix the status of the Organized Militia when called or drafted into the service of the United States to insert the original amendment, then beyond peradventure it is just as much general legislation as the amendment to it is general legislation.

Mr. CHAMBERLAIN. No; I beg pardon of the President. In any event, only extra pay is allowed when foreign service is engaged in; but the proposition of the Senator from Missouri is to change the existing law, whether it applies to the Regular Army or to the National Guard, so that they shall have extra pay when engaged in domestic service.

The VICE PRESIDENT. But if the present law granting 20 per cent additional pay on foreign service only applies to the Regular Army of the United States, and does not apply to the Organized Militia when called into service of the United States, then, when an amendment is presented which proposes to put the Organized Militia when drafted into the service of the United States under the same provision with reference to foreign-service pay, it must be an amendment of the law, if that be the condition of affairs.

Mr. CHAMBERLAIN. Mr. President, I am insisting that the National Guard become a part of the Federal service when they are mustered in and that the law applicable to the Regular Army applies to them. That is a fixed statute; that is an act that was passed by Congress on the 30th of June, 1902.

The VICE PRESIDENT. But the difficulty about the contention of the Senator from Oregon is that his contention is not borne out by his amendment, because the amendment is not needed if his contention is right.

Mr. FLETCHER. Mr. President, may I suggest to the Chair that the amendment offered by the Senator from Oregon only refers to foreign service? The amendment offered by the Senator from Missouri refers to the Regular Army and to the National Guard in domestic service, which changes the whole law.

The VICE PRESIDENT. Oh, yes; but it must be perfectly plain if the Organized Militia is not now, when called into the service of the United States, a part of the Regular Army of the United States, when the committee attempts to put them upon the same basis as the Regular Army as to pay for foreign service, that is changing the law with reference to the Organized Militia and its pay; and it must be perfectly apparent that if the committee do that, then any Senator has a right to move to amend the law and to introduce an additional amendment, so far as the Organized Militia is concerned.

Mr. SMOOT. Mr. President, as I understand, the amendment, as found on page 28, was reported from a committee and it has been estimated for. If that be the case—

The VICE PRESIDENT. Estimated for by whom?

Mr. CHAMBERLAIN. It has not been estimated for by anybody.

Mr. SMOOT. I thought it had been estimated for by the department.

Mr. CHAMBERLAIN. The amount in the committee provision has been estimated for.

Mr. SMOOT. That is what I mean.

Mr. CHAMBERLAIN. But I say that the amendment of the Senator from Missouri will require a very much increased appropriation—probably double the amount of the appropriation contained in the bill—and no estimate has been made for that.

The VICE PRESIDENT. That is without the record.

Mr. SMOOT. I was going to ask the Senator from Oregon if there had been an estimate made based upon the amendment offered by the Senator from Missouri? If there has not been, then, of course, it is increasing the appropriation; and, furthermore, it has not been reported from a standing committee.

Mr. CHAMBERLAIN. It has not been.

Mr. REED. Oh, Mr. President, that will not do.

The VICE PRESIDENT. There is a plain statement now from the Senator from Oregon that the \$1,000,000 appropriation was not estimated for.

Mr. CHAMBERLAIN. No, Mr. President. I say that the proposed amendment of the Senator from Missouri involves an expenditure that has not been estimated for. The amount in the bill has been estimated for, based upon the enlisted men in the National Guard and the Regular Army who may be in foreign service.

Mr. SMOOT. That is as I understand it.

Mr. REED. Mr. President, let us get this right.

The VICE PRESIDENT. The Chair thinks he has it right.

Mr. REED. Very well, if the Chair has it right.

The VICE PRESIDENT. There is not any contention that the specific appropriation here of a million dollars for additional pay to enlisted men on foreign service, including the Organized Militia, has been estimated for. There is not any contention that it has been estimated for by the department or anybody else. The suggestion of the Senator from Oregon, who knows about these matters—and the Chair does not dispute his statement—namely, that the amendment of the Senator from Missouri will call for additional appropriation is doubtless true—the Chair does not want to put it in that way, and will say it is true; but it appears outside the record. All that the Senator from Missouri is seeking to do is to change this amendment so that it will apply to the troops on the Mexican border.

Mr. LODGE. Mr. President, if I may be permitted, I should like to call the attention of the Chair to a point wholly apart from those we have been discussing. The rule is perfectly plain that any amendment involving any increase of appropriation, unless reported from a standing committee, is out of order.

The VICE PRESIDENT. The Chair does not doubt that.

Mr. LODGE. This undoubtedly involves an increase of appropriation, an additional charge on the Treasury.

Mr. REED. When a standing committee comes in with its recommendation we can then amend it, and that is the situation here.

Mr. LODGE. The rule so provides.

Mr. REED. Yes.

The VICE PRESIDENT. Well, the Chair would be impressed with the statement of the Senator from Massachusetts if there was anything on the face of the record to show that the amendment of the Senator from Missouri involves an increase in the appropriation. That is outside of the record, unless there is an admission on the part of the Senator from Missouri that it is going to take more than a million dollars.

Mr. REED. I make no admission of the kind; I do not know.

The VICE PRESIDENT. Well, the Chair, to end the discussion so far as the Chair is concerned, is of the opinion that when the committee seeks to change the law, any Senator has the right to offer an amendment also changing the law.

Mr. REED. Mr. President, I desire, then, to say a word on this matter. I care not whether it is the National Guard or the Regular Army that we are considering, this slight increase ought to be made. Let us consider the Regular Army. These men are ordinarily located in the States, at fortresses, at barracks, and places where they have their accustomed habitat, a place in which to live, and where they can buy food and all the little extras which they use at the ordinary prices charged other citizens, and, indeed, at less prices, because the commissary department of the Army furnishes such things at much less than usual prices. So that now when they are called into Mexico and put to additional expense there is nothing unjust or inequitable in giving them a slight increase in compensation which will make up for the loss they sustain.

Applying the question to the National Guard, the argument made is not only sound but the reasons advanced are multiplied a hundredfold. I have here on my desk letters from the relatives of men who left employments that were paying them seventy-five to a hundred dollars a month to go to the border to serve their country.

I have letters showing that in some instances these men left families almost destitute, because, like other people in this country living upon wages, they had not laid by any considerable sum of money. I could read you letters that would touch the sympathy of any man who has a heart. These men are serving on the Mexican border at \$15 a month. It will scarcely buy their tobacco. It is true they are serving just north of the river. What for? To repel the marauding expeditions of Mr. Villa and other banditti. If they were just south of the river they would be doing identically the same thing, only at a point a few miles farther south. If they were just south of the river,

under the amendment proposed by the chairman of the committee they would get the extra pay. If they are just north of the river they do not get it. Their hardships, their expense, their danger in one place is substantially the same as it is in the other place.

Mr. President, I shall take but a minute, but I want to say this: If we want to build up an army in the United States, if we want to keep the service in our Army from becoming so obnoxious, so oppressive, that no young man will enter it, then we must start upon a new policy, or a modified policy. You can not get the live and energetic young men of this country to go into an army at starvation wages. If you mistreat the National Guard, now that it has been called forth and has by a ready response rendered a splendid service to the country, you will find the evil result of that mistreatment following you for many years.

Let us see what happened. We had some trouble with the Mexican authorities, or with the alleged Mexican authorities. We found that our border was being invaded. We found that the soldiers of Mexico were recklessly firing across the line. We protested, yet the outrages continued. The President of the United States exercised the patience and faith of the saints, but at last a condition arose that made it necessary for us to make a display of force. We sent all of the Regular troops we could muster into Mexico or along the border.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from California?

Mr. REED. In a moment. There were 1,500 miles of border to protect. It was found that the Regular force was too small, although we denuded all parts of the country in order to make as large a force as possible, whereupon the President called on the National Guard. Who were they? They were young men engaged in every avocation in life. There were lawyers, there were physicians, there were mechanics, there were laborers, there were farmers. They were living in their quiet homes, surrounded by their families, and were engaged in occupations that enabled them to make good livings. Within a few hours' time after the order was issued these young men abandoned their avocations and their homes and met at the places appointed for mobilization. They responded on the instant. In my State nearly the entire number were in their various armories within six hours after the order was issued; and I do not claim that Missouri did any better than other States. They arrived at the border as quickly as the War Department could prepare to move them. The delays incident to their movements, if there were delays, are chargeable to the Regular Army organization and not to the volunteers. Some of them could not be moved at once.

I am informed that when a New Jersey regiment went to get its guns it was discovered that the Regular Army officers had sent the guns to Plattsburg. I am informed that shoes could not be furnished in some instances. Such conditions can not be charged to the National Guard. It must be charged to those officers of the Army whose business it was to have on hand the necessary supplies to move troops.

These young men went down into the Mexican country or along the border. Their families, their dependents, they themselves were deprived of the ordinary wage and income which had been received. Whenever you say to the young men of this country that under circumstances of that kind our Government will exact from them great sacrifices, and that it will in no way respond to the call of humanity or to the voice of equity, you will make it impossible to maintain such an organization as the National Guard. You will be relegated for your support in the hour of emergency to the Regular Army of the United States, service in which is already so obnoxious to our people that it has been found impossible, in something like three or four months' time, to get 20,000 recruits. You can not maintain an army by such policies. You men who vote away millions of the people's money for cannon, for fortresses, for ships, for rifles, and for munitions, will, if you continue to pursue this narrow and archaic policy that has been abandoned by every civilized country on earth toward our men, find yourselves with guns but without men ready to handle them, with cannon but without men prepared to use them, you will have fortresses empty of men.

The Senator from California rose a little while ago. Does he desire to interrogate me?

Mr. WORKS. It seems that for the present, at least, the war in Mexico is over. Peace has been declared. I wanted to ask the Senator whether he does not think it would be far better, in the interest of the country and of these militiamen as well,

that they should be allowed to return to their homes and their business?

Mr. REED. Mr. President, of course that question is entirely aside from the one I am discussing, and it invites me into a very broad field.

Mr. WORKS. Notwithstanding that, I should like to have the Senator's views upon that subject.

Mr. REED. The point of the question now under consideration is that these men are now engaged in this service. The length of time they may be engaged in the service is indefinite. The question I am discussing is how we should treat these men while thus engaged in the service.

Mr. WORKS. May I ask the Senator another question?

Mr. REED. Just a moment. I am not discussing the question how long they ought to be kept there, nor am I discussing the general Mexican policy of the administration. But since the Senator has asked me this question, I answer him that I am unable to answer the question, as I think the Senator is unable to answer it, as I think every other man in the Senate is unable to answer it, because in the nature of things we do not know and can not have up-to-date information with reference to just what is transpiring in Mexico.

Mr. WORKS. Mr. President, may I ask the Senator another question?

Mr. REED. Let me finish this answer to make plain what I have said. To my mind this is apparent: That our Mexican neighbor, involved as it was and still is in the turmoil of war, rapine, murder, and anarchy, nevertheless had cultivated an idea that it was big enough and potential enough to set at defiance the Government and people of the United States. Our President did not want to go to Mexico and slaughter its people, as he could have slaughtered them; neither did he want to sow the seeds of that hatred which springs from war and from conquest. Perhaps there were many other evils he desired to avoid. But in order to prevent a continuance of the outrages being perpetrated and to bring Mexico to its senses he made a show of force, and with the further thought undoubtedly that if Mexico did not come to its senses, and if worst had to come to worst, we would be prepared to strike with promptness and deadly effect.

The PRESIDING OFFICER. Does the Senator from Missouri now yield to the Senator from California?

Mr. REED. No; I will not yield until I have finished, and then I will yield.

The PRESIDING OFFICER. All right.

Mr. REED. What has been the result of the President's rigorous action? Mexico has shown a disposition to yield. It looks as though Mexico is coming to its senses. Nevertheless it may be necessary to keep our troops along the border for some time in order that we may complete our negotiations, and it may be advisable even beyond the period of negotiations to keep our troops in Mexico or in proximity to the Mexican line, so that our negotiations will bear the fruitage of action and consummation. My own private judgment—I have spoken thus far solely my own personal views—but even in a more confined sense expressing my own private opinion, I think that it may very likely be necessary to keep troops along the Mexican border for some little time in the future. What will transpire in that country I can not tell, but if I were myself charged with this responsibility I would not withdraw a man or a gun until I was satisfied that we were substantially through with the Mexican trouble.

But, Mr. President, that is all aside from the question. The men are there. It is the settled policy of this country to pay our men in foreign service a 20 per cent increase. This bill provides for it. All that I am asking is that the man who is just north of the Mexican border, guarding our people, their property, and their homes, shall be treated as though he were just south of the Mexican line. The Regular Army officers and the Regular Army men who are south of the Mexican line are doing just the same kind of service that the militia officers and the militiamen are doing just north of the line. Neither are engaged in actual war. Each and all are engaged in the protection of our country against the marauding expeditions and the unlawful acts of the Mexican people. Both of these classes of our soldiers have been taken from their homes or from their barracks. They have an additional expense imposed upon them, and the fact ought to be recognized and some slight recompense made.

Mr. President, I have here the regulations of the Canadian Government for the payment of its troops. I also have tables showing the pay of the British troops going from Great Britain. The first thing you find is that in Canada they pay their men more than we pay our soldiers. I read a letter, so that I may



get the figures correct. It is signed by the Lieutenant colonel commanding the One hundred and eightieth Battalion of Canadian troops:

I have your note of the 25th instant, and inclose you memorandum of pay and allowance regulations of the Canadian Army, which explains itself.

In addition to the pay and allowance set out herein, allowance to the various branches is as follows:

	Per month.
Lieutenant colonel.....	\$60
Major.....	50
Captain.....	40
Lieutenant.....	30
Sergeant.....	25
Private.....	20

In the case of a married man or where a man is the sole support of mother, the above rates apply, so that a private soldier in the field would receive \$1 per day, 10 cents field allowance per day, and \$20 per month to his wife or mother, if he is sole support.

In addition, the country has been organized into various districts, in a patriotic fund, where the citizens have donated funds for needy soldiers' families, based approximately on \$3 for each child up to 18 years of age. This is outside of the Government, however, although it is universal.

Yours, very truly,

R. H. GREER,  
Lieutenant Colonel Commanding  
One hundred and eightieth O. S. Battalion.

Now, here is the table:

Regimental rates, Canadian forces.

	Pay.	Field allowance.	Separation allowance.	Per month.
Colonel.....	\$6.00	\$1.50		\$60.00
Lieutenant colonel.....	5.00	1.25		60.00
Major.....	4.00	1.00		50.00
Captains.....	3.00	.75		40.00
Lieutenants.....	2.00	.60		30.00
Command pay (in addition to rank).....	1.00			
Adjutants (in addition to rank).....	.50			
Paymasters.....	3.00	.75		40.00
Quartermasters.....	3.00	.75		40.00
Chaplains, medical officers, and veterinary officers (pay of rank as above).....				
Nursing sisters.....	2.00	.60		
Warrant officers.....	2.00	.30		
Quartermaster sergeants.....	1.80	.20	25.00	
Orderly-room clerks.....	1.50	.20		
Pay sergeants.....	1.50	.20	25.00	
Battalion sergeant majors.....	1.85	.20	25.00	
Company sergeant majors.....	1.60	.20	25.00	
Company quartermaster sergeants.....	1.50	.20	25.00	
Sergeants.....	1.35	.15	25.00	
Corporals.....	1.10	.10	20.00	
Privates.....	1.00	.10	20.00	

Mr. President, that is what is being done in Canada. For the information of the Members of the Senate who are here considering this bill I have here a table showing the pay of the British Government for English soldiers, which I will insert. I also insert table showing the additional pay granted Australian and New Zealand troops.

A table showing the average weekly allowance made by the British Government to the families of all classes of English soldiers in active service is given below. These figures represent the allowance to families not living in public quarters. The families who do live in public quarters receive approximately one-half as much:

	Per week.
Wife only.....	\$4.27
Wife and one child.....	5.49
Wife and two children.....	6.32
Wife and three children.....	6.76
Wife and four children.....	7.27
Each additional child.....	.24
Each motherless child.....	1.20
CANADA.	
Wife only.....	3.47
Wife and one child.....	4.62
Wife and two children.....	5.37
Wife and three children.....	6.33
Wife and four children.....	7.05
NEW ZEALAND.	
Wife only.....	3.05
Wife and one child.....	4.24
Wife and two children.....	5.08
Wife and three children.....	5.59
Wife and four children.....	6.05
AUSTRALIA.	
Wife only.....	3.19
Wife and one child.....	4.38
Wife and two children.....	5.23
Wife and three children.....	5.72
Wife and four children.....	6.19

In addition to the extra pay and special allowances above shown, Mr. President, the British Government by an act of Parliament has created what is known as the statutory committee of the Royal Patriotic Fund Corporation. This organization has branches or is empowered to establish branches in all parts of the Empire, or at least of England proper. Very briefly, the commission is directed to make inquiry into the condition of the families of all the soldiers, and out of the public funds as well as out of private subscriptions and donations to take care of these families according to their necessities.

What I am asking now is a very small thing. It is that the volunteer soldier serving on the Mexican line and just north of that line shall receive the same pay that he would if he were just south of the line. He is, in fact, engaged in the foreign service, for he is, in fact, defending us against a foreign people; but his service happens to be limited to patrolling the northern side of the Rio Grande. It seems to me the question is not open to dispute; the justice and equity of the proposition ought to commend it to all men.

Mr. THOMPSON. Mr. President, I should like to call the attention of the Senate to a case in Topeka, Kans., where the family of a soldier are living on one meal a day. Corpl. Walter F. Beltz, who has always been regarded as a steady young man and was employed by the Santa Fe Railroad Co. for a salary of something like \$75 or \$80 a month, is in camp at Eagle Pass, Tex. His wife recently wrote to him as follows:

I don't know what we will do if you can not get away and come home, for everything goes wrong. Virginia is crying. I only get one meal a day. Jess and I eat bread and coffee; Virginia and Leroy [the two children] an egg. We can not get things to eat. No money coming, and I can not get work. I tried laundries and restaurants, but this town is full of help. Next week maybe I can get work. I hate to leave the kids, but will have to. The laundries pay 90 cents a day and dinner.

The Topeka Capital, commenting on the young man, says that—

Corpl. Beltz is regarded as one of the steadiest young men in the organization. He said this morning he had been working at the Santa Fe shops regularly for seven years before the guard was called out. He and his wife have been paying for a small home at 109 East Florence Avenue, rural route 27. The payments were \$25.25 a month. Beltz's salary from the Government is \$30 a month. He figures he can send most of it home.

He said in an interview relative to his situation:

I want to see this thing through, but now the building and loan association has notified my wife that if the payments are not made promptly we will lose our home, and one meal a day. If this goes on, I don't know what I will do. They told me in Topeka before we came here that Topeka would take care of my wife and children.

But, Mr. President, the home communities should not be required to take care of soldiers' families. The Government should do this, and not permit them to be left as objects of charity. We have a chance in a small way now to relieve the distress which exists in many communities by a slight increase in the salaries of soldiers. The young man I have mentioned is an officer receiving \$30 per month, while the privates receive only half this amount, which is less than Canada and England are now paying, when we can well afford to pay more.

In my heart I feel that we ought to support the amendment offered by the Senator from Missouri as a matter of simple justice, not only to the soldier serving in the field, but to the family at home. I therefore hope that the amendment will prevail.

Mr. WORKS. Mr. President, I asked the Senator from Missouri a very simple question, whether it would not be better, as the war seems to be over in Mexico and peace has been declared, to return these militiamen to their homes and their business? The Senator declared that he could not answer that question, neither could any Member of this body. I think that is precisely true. I do not believe anybody can give any reason why these men should be maintained where they are now. I do not believe anybody can give any good reason why 16,000 or more of the regular troops are kept in Mexico under existing conditions.

I maintained when the reorganization bill was under consideration that the whole scheme of federalizing the National Guard and compelling them to take an additional oath of allegiance to the Federal Government was in violation of the express terms of the Constitution. I have not changed my mind on that subject.

I agree with the Senator from Missouri that if these men are to be maintained in the service they should be better paid and their families should be cared for.

It is no fault of theirs that they are where they are to-day, in a service that, I think, is unnecessary and a burden of expense to the Government.

I have seen so much of politics in the Executive Department of the Government and in the Congress of the United States that

I am afraid that I have become oversuspicious of any movement that is made like the one that is going on in the Mexican situation. I am firmly convinced that the Regular soldiers are kept in Mexico and that the militia have been called to the border for political reasons. I hope, Mr. President, I am mistaken.

We have witnessed something here this morning that leads me to that same conclusion. We have been talking here off and on about the child-labor bill. That bill has been hanging on here during all the present session of Congress and I believe at previous sessions. Suddenly, and just near the close of the session, the President of the United States comes down to the Capitol and demands, we are told, that that bill shall be taken up by the Congress and passed. And it is a bill that the President of the United States has in the most solemn way declared to be unconstitutional legislation. Why is action upon it demanded at the present time?

Mr. REED. Mr. President, the Senator has—

Mr. WORKS. I decline to yield to the Senator for the moment, as he was not willing to extend that courtesy to me. I will yield in a moment, however.

Mr. REED. Very well.

Mr. WORKS. Why this haste in calling for this particular bill that has been before the Senate for so long, and just at a time when both the President and Members of Congress are anxious that this session should close? There can be but one answer to that question. Everybody knows on both sides of the Chamber what the object of it is. It is well understood that that sort of legislation is demanded by public sentiment and that the passage of the bill will be popular with the voters of this country.

I am not saying this, Mr. President, in any sense of opposition to the child-labor bill. I have very grave doubts myself as to the constitutionality of that kind of legislation. I am very much in favor of the principle involved in it, and it is a question which may be legitimately submitted to the courts of the country and left to their decision. I have felt all along disposed to support it and leave the courts to determine whether it is constitutional or unconstitutional. If I were clear in my own mind, if I were perfectly satisfied, that this was unconstitutional legislation I should feel that it was my duty to oppose it and vote against it, and I think every Member of this body who sincerely believes that that sort of legislation is unconstitutional should do his duty as a Member of the Senate and cast his vote against it, whatever might be the consequences.

I am sorry to say that I have not given the matter that careful study and consideration that I think every Senator should give it in order that I may be able to satisfy my own mind as to whether it can be sustained in the courts or not.

Mr. President, we are going to great lengths not only in the use of the Army—a part of which I think belongs to the States—but we are piling up an enormous debt and an expense that the taxpayers of this country will have to meet, and somebody, sooner or later, will be called upon to answer for it. Perhaps the chairman of the committee, who must be in the confidence of the Executive Department, and who, I have no doubt, knows more about the necessities of the case than I or any other Member of the Senate, could answer the question that I have asked the Senator from Missouri, who has declared his inability to answer it, as to whether it would not be better for the country and for the members of the militia that they should be allowed to return to their homes and to their business? Can the Senator from Oregon answer the question?

Mr. CHAMBERLAIN. Mr. President, I do not think any Senator, as the Senator from Missouri has stated, can answer, nor do I think the President himself can answer, whether it would be necessary to call the troops home, or proper to call them home, for no man in the Senate, I conceive, knows exactly the situation there and the delicacy of the situation. I doubt very much if the President himself could say that it would be proper at this time to bring the troops away. Personally I should be glad to see them come away to-morrow.

Mr. WORKS. I have no doubt of that, Mr. President. Does the Senator from Oregon know why and for what purpose the large regular force is still kept in Mexico?

Mr. CHAMBERLAIN. I am only advised about it, as is the Senator from California, by what the newspapers say.

Mr. WORKS. Well, Mr. President, we are legislating here with respect to the enormous expenses that are created by just that thing—the keeping of the regular soldiers in Mexico and the necessity growing out of it, the guarding of the border by the militia. It seems to me that the Senator from Oregon, who is urging this legislation and these large appropriations, should have some idea as to why and for what purpose these appropriations have become necessary and why they should be continued.

Now, if the Senator from Missouri [Mr. REED] desires to submit any questions, I shall be glad to yield for that purpose. [A pause.] Mr. President, the Senator from Missouri is otherwise engaged, and I have said nearly all I desire to say at present on this subject.

I am feeling the situation pretty strongly myself. My mind revolts against some of the things we are doing. I think we have gone beyond all reason in the appropriations that we are about to make. I do not think this Congress will ever be able to justify itself for these appropriations in the minds of the people of this country. I think Members of Congress can hardly justify themselves in their own judgment and conscience. There is a force behind them, pressing for legislation of this kind; a force that I think is illegitimate, based upon false grounds and false reasons that I think ought not to control the action of Congress; but I am certain that it does.

I suggested a moment ago that I should be glad to submit to any question which the Senator from Missouri desired to ask.

Mr. REED. My question is a very simple one. Before I ask it, however, I want to say to the Senator from California that I hope he did not misunderstand my declining to yield to him at a particular moment as a discourtesy. It was not so meant. There was a certain thing which I was saying, and I only wanted to conclude it. I yielded to the Senator as soon as I was through with that particular statement. I am sure the Senator from California will understand that it was not out of a failure to have a proper regard for him that I declined to yield on the instant.

Mr. WORKS. Mr. President, the Senator from Missouri has always been courteous to me. I have no reason to complain of his failure to yield at the time to which he refers.

Mr. REED. The only question I desired to ask the Senator from California was, whether, when he made the statement that the President had declared the child-labor bill to be unconstitutional, he referred to the statement which the Senator from Idaho [Mr. BORAH] had put into the RECORD on July 21 of this year.

Mr. WORKS. I have not read the statement as it was placed in the RECORD by the Senator from Idaho, but I read what was stated by the President in his book, and I presume it is the same, though I do not know.

Mr. REED. Very well. That was all I desired to ask.

Mr. TOWNSEND. Mr. President, what is the matter now before the Senate?

The VICE PRESIDENT. The question before the Senate is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. TOWNSEND. I have an amendment to offer, but there being an amendment pending, I shall withhold my amendment for the present.

Mr. REED. Mr. President, I do not want to prolong this debate, yet I can not allow to go unnoticed the statement of the Senator from California [Mr. WORKS] that soldiers are being kept in Mexico for political reasons only. That is an ungenerous statement. It is one that I should not have been surprised to have heard from some sources, but I am surprised to hear it from the Senator from California.

Mr. WORKS. Mr. President, I said that I hoped I was mistaken. If the Senator from Missouri can now convince me that I am mistaken, I shall be glad to correct any statement that I have made; but I understood the Senator to say that he was not able to answer the question with respect to what was going on down in Mexico.

Mr. REED. When I said I could not tell what the present conditions were I referred to the negotiations that are going on. I was dealing with the particular present situation and to the attitude of the Mexican authorities. As to those matters I said I was not informed. That, however, did not imply that I was utterly ignorant of some plain and bald facts.

The Senator from California states that he will change his opinion, as he expressed it a few moments ago, if he is convinced. I do not undertake to convince the Senator, but I do undertake to demonstrate that the charge that the troops were sent to the Mexican border for political purposes is an unfair charge.

What was the situation? For months the Mexican leaders had been showing a constantly increasing disregard of the rights of this country.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I do.

Mr. WORKS. As the Senator from Missouri is attempting to prove that I have been unfair, he certainly should be fair



himself in stating the proposition. I did not refer to the sending of the troops to the border at a time when it might have been fairly stated that it was necessary. I was talking about the present condition of maintaining them on the border.

Mr. REED. So that the Senator now agrees—and therefore I omit what I was going to say on that point—that there was a necessity for sending the troops to the border; that that was a patriotic act, for, if the necessity existed, the act must have been patriotic.

Mr. WORKS. Now, Mr. President—

Mr. REED. And it was a just act, for if the necessity existed, then it was just to send them. And it was a wise act, for if the necessity existed, then it was wise to meet that necessity.

Mr. WORKS. Mr. President, I insist upon it that the Senator from Missouri shall be fair about this matter. I made no admission; I have not agreed that it was necessary to send the troops there in the beginning. My remarks applied to another and a different time. I have not said anything about the necessity of sending them there.

Mr. REED. Then, Mr. President, if the Senator from California does not admit that it was necessary to send the troops there in the first instance, I shall have to try to show that it was. I was engaged in doing so when the Senator from California rose and made the statement which led me to conclude that he made the admission.

Beginning just where I left off, this constantly increasing menace from Mexico culminated in an invasion of our country by a Mexican force and in the firing upon United States troops and the killing of women and children. This occurred at Columbus, N. Mex., at Big Bend, Tex., and at many other places circumstances of the most aggravating nature transpired. I do not propose to argue that, under such conditions, it was right and proper for the President to send a sufficient force of men to protect our border. Opinions may differ as to how far he ought to have gone beyond the border, or as to whether war should have been declared or not; but opinions among patriotic American people can not differ as to his right and duty to protect the border.

I come to the other question. If these troops are not immediately called back, the Senator from California suspects that politics are being played. Why should they be called back? That is a question that a man ought to be ready to answer before he charges a base motive to the President of the United States. Are conditions in Mexico those of established peace and order? Have the banditti of that country been yet suppressed? Are Villa and his rappers and burners and murderers yet annihilated or captured? Is there a living man who can guarantee that, if the forces of the United States were withdrawn to-night, by to-morrow morning Mexican marauders might not be ravishing American women and burning American property and murdering American men? And until some Senator can stand on this floor and demonstrate that those conditions will not obtain, it ill becomes him to charge the President with playing politics merely because he keeps a force along the Mexican border.

The Senator further charges that the President is playing politics because a few days ago he suggested to the Democratic leaders the wisdom and desirability of passing at this session of Congress a child-labor bill. That was not made for the first time the President expressed himself in favor of the child-labor bill. It is well known that the President has for many months, if not for a longer period, been urging the passage of a child-labor bill. It is also well known and understood that the majority on this side have been in favor of the enactment of a child-labor bill; but that there were many other measures which some of the Senators thought of equal importance and therefore desired to get through before this session of Congress should come to a close. Accordingly it had been tentatively agreed between some of the Senators on each side that the child-labor bill and the immigration bill should go over until early in the next session and be set down for action upon a day certain, and this not because of any lack of interest in the child-labor bill, for the action that was contemplated would have insured a speedy result. Yet so anxious was the President for action upon the bill that he did substantially what he has done on other bills—he came here and said, "If you can possibly do it, include this bill in your budget for this term."

Now, this strange thing happens. The Senator from California, if he can be catalogued politically, would be classed as a Progressive; he would be included with that great number, more than 4,000,000, who repudiated the old party standard and who marched out under a new banner, which was to lead to the heights of legislative achievement and reform. The protection of children was one of the avowed principles of the

Progressive element of the Republican Party, now unhappily innocuous, dead, and almost forgotten. The President has been for child-labor legislation ever since he was convinced that it could be constitutionally enacted. Other men who had doubts as to its constitutionality have been studying the question and changing their minds. It would seem to me that an earnest champion of child-labor legislation, one whose heart bleeds over the wrongs of children, one whose tender soul is wrought with agony because of the oppression and the crushing of the young lives of children, would welcome the earnest advocacy and support of the President and would be willing to ascribe to him the same high motives, the same earnest desire to aid the children of the land, as have inspired those who belonged to the Progressive element of the Republican Party. We would hardly expect such an act in such a cause to be charged to the base motive of politics, yet the Senator from California makes it.

The VICE PRESIDENT. The Record shows that the Chair had announced that this amendment was agreed to. Without objection, the vote will be reconsidered. The question now is on the amendment of the Senator from Missouri to the amendment of the Senator from Oregon.

Mr. LEE of Maryland. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smith, Md.
Bankhead	Harding	Norris	Smith, S. C.
Beckham	Husting	Overman	Smoot
Brady	Johnson, S. Dak.	Owen	Sterling
Broussard	Jones	Page	Taggart
Bryan	Kenyon	Penrose	Thomas
Chamberlain	Kern	Pol Dexter	Thompson
Chilton	La Follette	Reed	Tillman
Clark, Wyo.	Lane	Robinson	Wadsworth
Cummins	Lee, Md.	Sheppard	Walsh
Curtis	Lippitt	Sherman	Warren
du Pont	Martin, Va.	Simmons	Weeks
Fletcher	Martine, N. J.	Smith, Ga.	Works

Mr. KERN. I desire to announce the temporary absence from the Chamber of my colleague [Mr. TAGGART] on official business.

Mr. THOMAS. I desire to announce the unavoidable absence of my colleague [Mr. SHAFROTH] on account of death in his family.

Mr. BECKHAM. I wish to announce the temporary absence of the junior Senator from Mississippi [Mr. VARDAMAN] on official business. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. REED. Mr. President, the Senate has now assembled, and if its Members will bear with me one minute I will state the amendment we are about to vote upon, and I shall not take the minute.

The law as it now stands provides extra pay of 20 per cent to soldiers engaged in foreign service. Under that law those of our troops, Regular or militia, who are south of the Mexican border will get a 20 per cent increase. Those who are guarding the Mexican border, but happen to be north of the line, will not. My amendment puts them all on the same basis and gives them the 20 per cent additional pay while serving under the orders of the President along the Mexican border.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri to the amendment of the Senator from Oregon.

The amendment to the amendment was agreed to, on a division.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. Mr. President, in reference to the vote just taken, I hope the Senate will increase the appropriation so as to cover it, because there is absolutely not enough money to meet the increased charge.

Mr. GALLINGER. Mr. President, I will ask the chairman of the committee if he can suggest to the Senate how much that proposition will increase the expenditures of the Government?

Mr. CHAMBERLAIN. Let me say that in the estimates which were made by the department to cover the Regular Army, before the National Guard was mustered into the service, the pay of officers on foreign service was estimated at \$300,000. That was sufficient to pay the Regular Army officers the 10 per cent increase granted by law when engaged in foreign service. Subsequently, when the National Guard was called into the service, a revised estimate was sent up, on the assumption that the National Guard officers and the enlisted men, too, would be called into service in Mexico. That estimate was \$1,000,000 for the Regular Army, assuming that all of the Regular Army officers would be called out, and for the National Guard officers—practically double the number of the Regular Army officers—\$2,178,240. So that if we

are going to do as the amendment proposes, pay them on the border just as if they were in foreign service, the amount contained in the bill is entirely insufficient.

I have addressed myself so far only to the officers. Now, with reference to the enlisted men, the estimate made for the enlisted personnel of the Army engaged in foreign service on the basis of the Regular Army, before the National Guard was called into service, was \$800,000. That was the amount fixed by the department. Then, later on a revised estimate was made when the National Guard were Federalized, and it was assumed that they would be put into the foreign service. The revised estimate for the Regular Army was \$3,000,000—it was increased, you see—and for the National Guard, \$11,469,024. Now, changes have been made in these figures, because the National Guard have not been sent across the border, so that if they are going to be paid for service on the border just as if they were called over the border increases will have to be made in the appropriation, or there will be no money with which to meet the increased expenditure.

Mr. WARREN. Mr. President, I want to ask the Senator, if he has considered that matter, whether the amount would not have to be about quadrupled, or more?

Mr. CHAMBERLAIN. For the enlisted men it would have to be increased to \$14,469,024.

Mr. WARREN. And how much for the officers, if the Senator has it there?

Mr. CHAMBERLAIN. It would be \$3,178,240.

Mr. WARREN. I think it ought to have been apparent to anybody that the carrying of this amendment greatly increased the expenses of the Army; and, of course, if we make a law that this allowance be paid we must appropriate the amount to meet the requirements of that law.

Mr. CHAMBERLAIN. There is not any question about that, Mr. President. The National Guard is larger, of course, than the Regular Army; and if we are going to give those at home foreign-service pay, in the very nature of things it must follow that there must be an increase in the appropriation.

I want to say, Mr. President, that I have no objection to this legislation. I do not care personally. I have simply followed the law, and so has the committee, in undertaking to make these appropriations, just exactly as it exists to-day; that is, that there was to be an increase for foreign-service pay both for the officers and for the enlisted men. Now, if we change that and allow men in the continental United States foreign-service pay, it must follow that the appropriation will have to be increased. I am only suggesting to the Senate that in view of the action of the Senate just now we ought, in order to be just to these men, to increase the appropriation to meet the requirements.

Mr. WARREN. Mr. President, I think it is the duty of the chairman, in behalf of the committee, to enlarge the appropriation sufficiently to cover the legislation which precedes it. Doubtless the chairman will offer an amendment to cover this. We have now on Mexican soil perhaps nine or ten thousand men, and we have on the border on this side probably 180,000 or 140,000 or perhaps 150,000 men all told.

Mr. GALLINGER. Mr. President, if we are to give added pay to the National Guard who are on American soil on the border, I will ask the chairman of the committee whether or not there will be a clamor for added pay from the National Guard who are in mobilization camps throughout the country? They have left their gainful occupations and are mobilized. The climate in which they are may be a little more healthful or it may not be as desirable. It seems to me that this will be a discrimination against the National Guard in the mobilization camps that will cause a fresh agitation. I should like the chairman's opinion on that point.

Mr. CHAMBERLAIN. I have not any question but that requests will be made to Congress to grant it, Mr. President.

If I may do so in this connection, I think it is proper for me to say very briefly that as an economic proposition there is not any question but that there is very much of force and reason in the insistence that the National Guard ought to be paid more; but in making provision for extra pay for the National Guard we ought to bear in mind the fact that unless we make the same provision for the Regular Army, in the very nature of things we can not have a Regular Army. That is a fundamental proposition. I admit the small pay of these guardsmen. I admit the hardship that is perpetrated against their families because of their absence. It has been sought to alleviate that hardship by allowing those who have dependents to go home. Now, Mr. President, I appeal to such a distinguished soldier as George Washington to establish the fact that it is absolutely unwise and uneconomic to treat one branch of the service differently from any other branch of the service. If you treat the National Guard on better terms than you treat the Regular Army, you must abandon the Regular Army, because

no man will enlist in it. On the other hand, if you treat the Regular Army better than you do the National Guard, the National Guard will go out of existence, because it has been said by abler men than I that a country can not defend itself on its patriotism. The patriotism of a people will not defend the people.

I am not protesting against the amendment of the Senator from Missouri. I cheerfully accept the proposition of the Senator; but I appeal to the Senate that it should treat all branches of the service upon terms of exact equality and justice.

Mr. President, I did not expect to have to refer to it, but I am going to refer to the statement of Washington on that subject and the difficulties which he encountered because of the fact that different branches of the service were being treated differently.

Mr. REED. Mr. President, do I understand the Senator claims that the amendment as now drawn will not apply to the Regular Army man serving on the Mexican border the same as it does to the militiaman serving on the Mexican border?

Mr. CHAMBERLAIN. I have not the amendment before me, but I understood the amendment applied to the National Guard.

Mr. REED. I think it applies to all of them. I simply inserted in the language of the Senator's own amendment certain words which would include in the extra-pay premium those soldiers who are serving along the Mexican border under the orders of the President. I think he is discussing a question out of the record.

Mr. CHAMBERLAIN. If I am discussing out of the record, I have not departed very far from the example of my illustrious predecessor.

Mr. REED. I know that is true; I seldom keep in the record, but the chairman of the committee always keeps in the record.

Mr. CHAMBERLAIN. I try to do so.

Mr. REED. Therefore I thought I was doing him a kindness if I asked him if the language—

Mr. CHAMBERLAIN. I thank the Senator for calling my attention to it, and I will try to keep within the record. I hope the Senator will, too.

Mr. REED. Certainly.

Mr. CHAMBERLAIN. I think the Senator's amendment is:

For additional 20 per cent increase of pay of enlisted men on foreign service—

Mr. REED. That is your amendment.

Mr. CHAMBERLAIN. I was trying to read it with the Senator's included. Here is your amendment:

or under the call of the President engaged in protecting the Mexican border, whether serving within or without the United States, including enlisted men of the Organized Militia or National Guard when called or drafted into the service of the United States.

It seems to me that that is limited to the National Guard.

Mr. REED. If the chairman please, the purpose of the amendment that you offered was to furnish the additional pay for Regulars serving in the foreign service and for the National Guard sent into the foreign service. The Regulars already get it. You propose to include the Militia or the National Guard.

Mr. CHAMBERLAIN. So that they will get it.

Mr. REED. Now, all my amendment does is, in substance, to say that anyone serving along the Mexican border shall be treated as in the foreign service.

Mr. LA FOLLETTE. Whether Regular or National Guardsman.

Mr. REED. I did not mean to limit the amendment so that it would cut out a Regular serving either north or south of the line, and I am perfectly willing to submit to any amendment the chairman may suggest that will clear that difficulty.

Mr. CHAMBERLAIN. It is barely possible that I am mistaken in the point I made that the Senator's amendment only applied to the National Guard. If it is the purpose of the Senator to include the Regular Army, I am not going to make any protest, but I think an increased appropriation will have to be made. I will suggest that later.

Mr. REED. I suggest to the chairman to tell us how much we need.

Mr. CHAMBERLAIN. I will.

Mr. REED. Very well.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. FLETCHER. I desire to offer an amendment. On page 74, after line 5, I move to insert:

For the acquisition of land near or adjoining Fort Taylor at Key West, Fla., \$150,000, or so much thereof as the Secretary of War may deem necessary.

This was recommended. First an appropriation was made for additional land at Fort Taylor in 1906. At that time the department recommended \$200,000, and \$100,000 was appropriated. Since then for the fiscal year 1910 an estimate for an additional



\$150,000 was submitted and a recommendation was made, but no appropriation was made.

I have a letter from the Secretary of War to the effect that the acquisition of this land is necessary for military purposes, and it is estimated that the sum of \$150,000 will be required to procure the land needed.

Mr. CLARK of Wyoming. What is the date of the letter?

Mr. FLETCHER. The date of the letter is January 7, 1916.

Mr. LA FOLLETTE. Will the Senator read the letter?

Mr. FLETCHER. Yes; I will have it read.

Mr. WARREN. May I ask the Senator if that estimate was made through the Treasury Department in the regular way?

Mr. FLETCHER. It was not estimated for the year 1917, but it was estimated before and the department required this appropriation. I will state that Key West is a very important point. It is a tactical point. If an enemy should occupy Key West he would have complete control of the Gulf and it would be right close to Guantanamo and almost in the immediate vicinity of the Panama Canal. The department feels and has felt the necessity of this appropriation ever since 1906. I hope the amendment will be adopted.

Mr. WARREN. The reason why I asked the Senator was, not along the lines he is pursuing, but in the division of the work of the Senate committees. When the military appropriation supply bill was taken from the Appropriations Committee and turned over to the Military Committee that committee retained, under Senate rules, for itself the consideration of all the enlargements and the extension of posts, except for shooting galleries and matters of drill of that kind. I wanted to see what this particular addition was for. It should have gone to the Committee on Appropriations for the sundry civil bill, but it is too late to put it there now.

I wish to know whether this is an emergency or if there is any reason why it should go in the bill this year.

Mr. FLETCHER. I do think it is. The people there think so and the department has thought that it is needed, and that it is a very important matter. I suppose myself that perhaps it belongs in the fortifications bill or the sundry civil bill, but it was not proposed in either of those bills, and not having been taken care of there I have offered it now. I find that the last appropriation for some additional land at Fort Taylor was in the act of March 2, 1907, making appropriations for the support of the Army for the fiscal year ending June 30, 1908. So it has appeared heretofore in this bill and I am following that precedent in offering the amendment at this time.

Mr. CLARK of Wyoming. I should like to ask the Senator what is the extent of the work at that point. How large a garrison have we there, how much land have we, and what is the purpose in obtaining the land to be acquired?

Mr. FLETCHER. That is shown especially on a drawing which I have and which I am unable to describe in detail but I will hand it to the Senator. The area indicated in this map by the red is the present land owned there and the land intended to be covered by the amendment is that included in the red lines.

Mr. CLARK of Wyoming. What I wanted to get at was the size of the post. What is the size of the post?

Mr. FLETCHER. They have a small garrison there now because they have not room and quarters for more. They need more.

Mr. CLARK of Wyoming. For an enlargement of the garrison?

Mr. FLETCHER. That is the claim. There are strips of land between the present holdings that ought to be owned by the Government so as to make it a solid holding.

Mr. CLARK of Wyoming. It is a little curious to me, in view of the importance the Senator attaches to it, that this has not been taken care of before. I have understood that there is a very small garrison there that did not require very much room.

Mr. DU PONT. I should like to say to the Senator from Wyoming that in former days there were always two batteries of Artillery stationed there, and I do not believe they have quarters for a much larger force.

Mr. FLETCHER. Yes; and one of them has been withdrawn on account of the lack of facilities.

Mr. DU PONT. It was withdrawn for service on the Canal Zone, which has swept the Atlantic coast of its garrisons. So that the size of the garrison is no indicator of the importance of the post.

Mr. CLARK of Wyoming. I desire to read into the Record just one paragraph of the letter of the War Department which has been cited by the Senator from Florida giving the reason why an estimate was not furnished and, to my mind, a reason why, if this appropriation is made, it should go elsewhere:

In view of the impracticability of covering all military needs in the estimates submitted for a single fiscal year, and of the existence of other and more urgent necessities than the acquisition of additional land at Fort Taylor, no estimate for that purpose was submitted to Congress for the fiscal year 1915. It may be said, however, that the acquisition of this land is necessary for military purposes, and that it is estimated that the sum of \$150,000 will be required to procure the additional land needed.

Mr. FLETCHER. I wish to have the letter read or printed in the Record.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The yeas seem to have it.

Mr. FLETCHER. I will ask for a division. I will first ask to have the letter read which I sent to the desk.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

WAR DEPARTMENT,  
Washington, January 7, 1916.

HON. DUNCAN U. FLETCHER,  
United States Senate.

MY DEAR SENATOR: Referring to your letter of December 24, 1915, relative to the plans of the department as to the acquisition of additional land at Fort Taylor, Fla., I beg to inform you that for a number of years past it has been the view of the department that additional land should be acquired at that fort in order to permit the erection thereon of accommodations for the Artillery garrison for the coast fortifications at Key West.

As you are aware, the hurricane of 1909 destroyed so many of the buildings at Key West Barracks that it was necessary to reduce the garrison to one company, which is practically only a care-taking detachment for the armament. Under the adopted policy of the War Department, 6 of the 10 companies required to provide one manning detail for the fortifications at Fort Taylor should be composed of regular Coast Artillery troops and the remaining four companies of militia Coast Artillery troops. Because of the nature of the site at Fort Taylor and of the location of the batteries, it is impracticable to build a post on the present reservation at Fort Taylor, with due regard to its ultimate development for the complete regular garrison required.

Under date of December 15, 1906, an estimate was submitted for \$200,000 for the purchase of land adjacent to Fort Taylor upon which to erect buildings for a Coast Artillery post. The amount appropriated, however, was but \$100,000, which was found sufficient to acquire only the land shown in solid red on the accompanying tracing. To acquire the additional land needed, which is that outlined in red on the accompanying tracing, an estimate for an additional \$150,000 was submitted for the fiscal year 1910, but no appropriation was made by Congress at that time or subsequently.

In view of the impracticability of covering all military needs in the estimates submitted for a single fiscal year, and of the existence of other and more urgent necessities than the acquisition of additional land at Fort Taylor, no estimate for that purpose was submitted to Congress for the fiscal year 1917. It may be said, however, that the acquisition of this land is necessary for military purposes, and that it is estimated that the sum of \$150,000 will be required to procure the additional land needed.

Very sincerely,

LINDLEY M. GARRISON,  
Secretary of War.

Mr. DU PONT. I desire to say that the conditions which existed then are very different from the conditions which exist to-day, and it seems to me important that this land should be purchased, because—

Mr. CLARK of Wyoming. Will the Senator allow a question? What particular difference is there in the conditions now and when the letter was written?

Mr. DU PONT. When the letter was written the general feeling of lack of preparation, commonly known as "preparedness," had not made itself fully felt in the country.

Mr. CLARK of Wyoming. Of course the Senator did not fail to notice the date of the letter.

Mr. DU PONT. The 7th of January.

Mr. CLARK of Wyoming. The 7th of last January. Not such a great length of time has passed.

Mr. DU PONT. Not a great length of time, but the feeling had not reached its apogee at that date. I think a letter written to-day probably would be a little more earnest. Be this as it may, the fact remains that we have the fortifications; we have the guns mounted and no garrison to serve them, and no room to make proper accommodations for the quartering of the necessary troops. It seems to me to be a most unwise course to spend enormous sums for coast fortifications and then make no provision to meet the needs of those who are to garrison them.

Mr. FLETCHER. I call attention to the fact that the Secretary of War stated in this letter that this additional land is needed there, that it is important it should be provided for, and that an estimate of \$150,000 has been made for that purpose. I hope the Senate will allow it to go into conference.

Mr. GALLINGER. What is the area? How many acres of land?

Mr. FLETCHER. I am unable to state the precise area. The drawing attached to the letter of the Secretary of War which I have here shows the situation. The present holding is in the shape of a small area disconnected by private holdings, and they wish to connect up the reservation so that it will be one solid body, and that they may utilize it as such.

Mr. GALLINGER. Does the Senator know how the Government happened to get into the possession of land situated in that way, with private holdings between the Government property?

Mr. FLETCHER. I really do not know how that happened. The department recommended an appropriation of \$200,000 away back in 1906. Congress allowed only \$100,000, and I presume they bought to that extent and had to quit. I do not know what else it was, but Congress allowed only \$100,000, and the department has since recommended \$150,000.

Mr. GALLINGER. It occurs to me that if the men who made that purchase were as wise as men ordinarily are they would have purchased a compact piece of land and not gone scattering around and purchased pieces disconnected with each other. I know nothing about it, however.

Mr. FLETCHER. I presume they expected that an appropriation would be provided later so as to complete their plans, but it has never been done up to this time, and that is the object of the amendment I now offer. They recommended it in 1910, as I said, and they have since stated that it is necessary for their requirements there.

Mr. GALLINGER. It seems to me a rather peculiar circumstance that we propose to appropriate \$150,000 to buy land and do not know how much land we are going to buy.

Mr. FLETCHER. They know.

Mr. GALLINGER. It may be that is the way the Government does business.

Mr. FLETCHER. I do not want the Senator to imagine that the department is as ignorant on that subject as I am. I can not state how much land they intend to buy. They furnished a diagram showing precisely what the land is, but I can not figure from that diagram the precise number of acres.

Mr. GALLINGER. Would not a telephone message to the department get us that information?

Mr. FLETCHER. Undoubtedly precisely what the area is that they require can be ascertained. Then, another thing. It may be that when they go to purchase this land if, as this amendment will allow them to do, they can procure what they need for less than \$150,000.

Mr. GALLINGER. Of course, we do not expect that they will do that if we make an appropriation.

Mr. FLETCHER. If they find that they can get more for \$150,000 than they at present contemplate, they will not use the additional amount.

Mr. GALLINGER. We need not anticipate that. We simply pay \$150,000 for whatever land is mapped out on this chart.

Mr. FLETCHER. I am sure I can not say as to that; but they estimate that \$150,000 will purchase the land which they need there. That is all I know about it.

Mr. GALLINGER. I have on several occasions tried to keep the deficit from becoming so large that it would swamp the Government, but I have not had great success in my former efforts, and I will content myself with what I have said on this matter. Of course, the amendment is subject to a point of order. I am not going to make it if the Senators having charge of the bill do not choose to do so.

The VICE PRESIDENT. The question is on the amendment of the Senator from Florida.

The amendment was rejected after a division.

Mr. CHAMBERLAIN. Mr. President, I have had my clerk make an estimate as to the amount of increase necessary, but I wish to call the attention of the Senator from Missouri to the fact that while this change is being made in the law there is no reason why it should not apply to officers as well as the enlisted personnel. I am going to suggest an amendment applying the rule he has adopted with reference to enlisted men to the officers as well.

Mr. REED. I have no objection to the Senator putting that in now or putting it in in conference.

Mr. CHAMBERLAIN. I do not know whether we could do it in conference, because it changes the law. I think it had better be done here. I offer as an amendment what I send to the desk.

The VICE PRESIDENT. Is it the same amendment that was agreed to?

Mr. CHAMBERLAIN. No; this applies to officers. I ask to have reconsidered the vote by which the former amendment was adopted.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The amendment will be stated.

The SECRETARY. Strike out on page 27, lines 21 to 24, inclusive, and insert:

For additional 10 per cent increase of pay of officers on foreign service or under the call of the President engaged in protecting the Mexican border, whether serving within or without the United States, including officers of the Organized Militia or National Guard, when called or drafted into the service of the United States, \$3,178,240.

Mr. CHAMBERLAIN. I will state that I followed the exact language the Senator used in reference to the enlisted men, and

that raised the appropriation from \$500,000 to \$3,158,240. That covers the official arm of the National Guard.

Mr. REED. The officers and men. I have no objection to that.

Mr. WADSWORTH. May I ask a question of the chairman of the committee? Is it his interpretation of that language that it will give to the National Guard officers whether or not they are on the border foreign-service pay?

Mr. CHAMBERLAIN. I think it covers them all.

Mr. WADSWORTH. I have listened with a great deal of interest to the discussion that has gone on this morning. My impression was in the midst of that discussion that it was the object of the Senator from Missouri to give foreign-service pay to Regulars and National Guardsmen who were engaged in protecting the border.

Mr. REED. That was my purpose, and I think that is the language employed.

Mr. WADSWORTH. I am in entire accord with the purpose of the Senator from Missouri, but my impression is that this language will give foreign-service pay to National Guard officers and enlisted men who are still in their State camps.

Mr. CHAMBERLAIN. I am inclined to think so myself.

Mr. WADSWORTH. I do not think that was the object of the Senator from Missouri.

Mr. REED. The amendment I prepared will not do it.

Mr. CHAMBERLAIN. Let me read it to the Senator. Here is the way the original amendment I suggested reads:

For additional 20 per cent increase of pay of officers on foreign service, including enlisted men of the Organized Militia or National Guard when called or drafted into the service of the United States.

That is the original amendment.

The Senator proposes to amend that so that it would read as follows:

For additional 20 per cent increase of pay of enlisted men on foreign service or under the call of the President engaged in protecting the Mexican border, whether serving within or without the United States, including enlisted men of the Organized Militia or National Guard when called or drafted into the service of the United States.

I think it covers all, Mr. President. I hardly thought that was the purpose of the Senator, but it does that.

Mr. REED. It was not my purpose to include all. I prepared the amendment in some haste, because the Senate will remember that the chairman of the committee had sent up an amendment written, I think, in pencil. I got hold of it and undertook to amend it by interlineation.

Mr. CHAMBERLAIN. We can probably fix it in conference.

Mr. REED. My sole purpose was to cover the members and officers of the National Guard who are actually called into the service along the Mexican border or in Mexico.

Mr. WADSWORTH. May I suggest to the Senator instead of using the language "when called or drafted into the service of the United States" in connection with the amendment of the Senator from Missouri we strike out those words and say "when engaged in such service along the border."

Mr. REED. That is agreeable to me.

Mr. CHAMBERLAIN. I think Congress ought to make appropriations for these men, because all of them, even those who are in camp in their States, may be called to the border, and we ought to be prepared to meet their pay as well as if they are called to the border for service.

Mr. WADSWORTH. That is perfectly true, and we probably ought to have the money ready if the troops that are still held back in the States are ordered to the border. I understood the purpose of the Senator from Missouri was to give foreign-service pay to National Guardsmen who are actually engaged in protecting the border. Will the chairman of the committee accept that amendment?

Mr. CHAMBERLAIN. I have no objection.

Mr. WADSWORTH. Will the Senator from Missouri accept an amendment to that effect?

Mr. REED. If I understand the amendment I accept it. There was some confusion and I could not quite hear the Senator.

Mr. WADSWORTH. If it is in order at this time, Mr. President, I move to strike out from the amendment as perfected by the amendment of the Senator from Missouri this language, "when called or drafted into the service of the United States," and to substitute therefor "when engaged in protecting the Mexican border, whether within or without the United States."

The rest is a duplication of the language of the Senator from Missouri.

Mr. REED. I think that is satisfactory. If it is not it can be remedied in conference. We both have the same object in view.

Mr. LEE of Maryland. Mr. President, I am sorry the Senator from Missouri accepts this amendment, and that the Sena-



tor from New York offers it, because the more inclusive provision should be left in the bill.

There is no question that the men who are in camp in response to the call of the President are just as much taken away from their usual avocations and their capacity to earn money for themselves and their families as though they were on the Mexican border. There is not the slightest difference in the condition of those men, except that the men in the State camps have perhaps a little better climate. They have their home climate, and in some cases it is better and in some cases it is worse. While I understand the climate on the Rio Grande is hot in the afternoon, it is a dry heat and the men do not feel it as we perhaps feel the sultry conditions here in Washington.

But, however that may be, when a man answers the call of the President and gives up his business and suffers all the losses that are thereby incurred, so far as recompense is concerned, he ought to be liberally taken care of. I can not see the line of differentiation that is proposed by the amendment offered by the Senator from New York [Mr. WADSWORTH].

While I am on my feet I want to challenge a statement made by the chairman of the committee [Mr. CHAMBERLAIN] just now. He stated that any differentiation between services would kill one or the other service. Well, Mr. President, I do not know where he is quoting from Gen. Washington, because I know Gen. Washington has been misrepresented a great deal in reference to the militia question; but differentiation between services has not killed the National Guard of the United States, because they have been differentiated against more completely and more absolutely than has any other service that can be named. While every other service was paid, they were not paid. The passage of the new law of June 3, taking the place of the Dick bill, will hereafter give the guard for ordinary service a small pay. If you could possibly kill a service by not paying it, while you do pay other similar service, the Organized Militia would have been dead long ago. But if an institution or service has vitality in it; if it is American, it will live, and this service of citizen soldiery for the protection of this country is an American institution, and so has lived.

Senators on the other side talk about Americanism, and yet are they not opposing the most thoroughly American institution that we have, namely, that of an organized and disciplined militia, when they refuse to compensate that militia, or did so through the past years; and is not the committee opposing an American institution, standing as it does in opposition, wherever it gets a chance, to any compensation for these troops of a commensurate sort, and that in the face of the sacrifices these men are making?

Mr. President, I have here a copy of a bill which was introduced and passed in the other House, and which went to the Military Committee of the Senate on the 3d of July, providing for some support for the dependents of the National Guardsmen who have made all these sacrifices for the country. Whatever there may be that is awkward in this proposed amendment—leaving out the guard in the camps and putting in other members of the guard—it is all due to the committee refusing to act on that House bill.

The House bill was passed on the 1st of July, and, I believe, was referred to the Committee on Military Affairs of the Senate on the 3d of July. It is a well-balanced measure; it excludes all sort of extreme liberality, and it is limited to less money than Canada gives her soldiers; and yet the Committee on Military Affairs has seen fit to lock up that bill from that day to the present. That is where the real trouble is, Mr. President. Giving these men this 20 per cent increase is simply an attempt on the part of the Senate to get around the obstructions of the committee. The Senate does not necessarily want to increase the pay of the officers; it may be well to do so; but that is not the real object.

The real object is to do something—even if you only give to the enlisted man \$5 more a month—to enable him to support his dependents at home.

Mr. GALLINGER. Did the House pass the bill?

Mr. LEE of Maryland. It passed it overwhelmingly, and it has been locked up in the committee here since the 3d of July.

Mr. LA FOLLETTE. The House passed the bill by only two dissenting votes.

Mr. LEE of Maryland. There were only two dissenting votes in the House of Representatives on this subject. It does not lie in the mouth of the committee or of its chairman to complain about any little irregularity in the action of this amendment, because the Senate has to catch at this legislation as it passes by, and, in amending it, may not be able to do the thing as completely and as smoothly as it was done in the House bill in providing for taking care of these dependents. So, Mr. President, I certainly hope that at an early date the committee

will be liberal enough to give the Senate a chance to vote on that bill.

Mr. LA FOLLETTE. If the Senator from Maryland will permit me before he sits down, I desire to say that I have pending here an amendment to be voted on by the Senate which will provide for exactly what the House bill provides for, which bill was sent to the Committee on Military Affairs on the 3d of July. I propose to offer that proposition at an opportune time, when the Senate can have a chance to straighten out that very question.

Mr. LEE of Maryland. I hope the Senator will secure the support of two-thirds of the Senate for that amendment. I believe that there is a very rapid improvement going on in the minds of Senators as to that subject.

Attention is proper, in this connection, to one other feature, Mr. President. Whenever you have a great citizen army or a great army of any kind, you have got to provide for the dependents when you call that army out. That is the universal experience in Europe, and it is inevitable. Of course, if you can have a small professional army, recruited from special classes, as is the Regular Army of the United States recruited; men of such relations in life that they have no dependents, there are no dependents to provide for when such men go to war. But that class is an extremely limited class in a prosperous country like the United States. That is why in our present military system the Regular Army can only go ahead 1,000 men a month. That is the reason why our present military system, so far as the Regular Army is concerned, is practically breaking down, except for the support it gets from the National Guard. Little by little it is coming home to the understanding of the American people that the great difference between a professional soldier, of whom we can get very few, and a citizen soldier, of whom we can get a many as we want, is that when you call the citizen soldier into the service of the country you have got to take care of his people at home. It is recognized by the General Staff of this country; it is recognized by everybody who knows anything about military economy; it is recognized in the law of every country of the world except the United States and Mexico, as I showed yesterday. Our neighbors on the north, the Canadians, are now paying their enlisted men \$1.10 a day on the average, with an additional allowance of \$20 a month for the maintenance of their dependent families.

Mr. WARREN. What is the regular pay of the Canadian soldier?

Mr. LEE of Maryland. I am not able to inform the Senator further than as shown in the report, which is in the RECORD, to which I referred yesterday, as having been received from our consul general at Ottawa.

Mr. WARREN. Does the Senator think those soldiers are receiving the same pay or higher pay or lower pay than are the American soldiers?

Mr. LEE of Maryland. The average enlisted man in the Canadian Army receives \$1.10 a day, with an additional allowance of \$20 a month for his dependents.

Mr. WARREN. Does he receive that in money? Does he receive it in cash, aside from his subsistence?

Mr. LEE of Maryland. This report does not specify how he receives it, but I presume the \$1.10 and the \$20 are received in cash. Of course, in addition to that, his complete equipment and maintenance are furnished by the Government, as is the case with all soldiers.

Mr. WARREN. I have not the matter before me to which the Senator refers, but I think the Senator will find upon investigation that that statement is not exactly accurate.

Mr. LEE of Maryland. I am absolutely certain, Mr. President, that that statement is correct.

Mr. WARREN. For instance, the amount which the French Government gives its soldiers for use of their dependent families is \$6 a month, with a few pennies more for each minor child.

Mr. LEE of Maryland. Of course, the Senator knows that the standards of living in Europe are different from what they are in Canada and the United States. That is exactly what I am talking about.

Mr. WARREN. Canada is under the same Government as England, and matters in Canada differ from matters in the United States quite a bit.

Mr. LEE of Maryland. Well, if the Canadian standard of living is lower than that in the United States, it would imply that our soldiers should get even better pay than the Canadians. All I am asking or suggesting, and all that the bill which passed the House, in which the Military Committee of the Senate, of which the Senator from Wyoming [Mr. WARREN] is so distin-

guished a member, have locked up since the 3d of July, provides for is only \$50 a month.

Mr. WARREN. Well, the figure of speech of "locking up the bill" is entirely unnecessary. The bill is in committee, as are hundreds of other bills. Has the Senator from Maryland figured what paying \$50 a month would amount to, and how long \$1,000,000 would last? The bill comes over here with \$2,000,000 in it, and it is stated that that sum possibly might last 30 days, and it might last for a shorter time than that.

Mr. LEE of Maryland. I read here yesterday an interview, which purported to come from Gen. Funston, in which he stated 3,000 as being the number of men who may soon be excused by him from service by reason of having dependents; but I do not know that that is accurate.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Maryland yield to the Senator from Missouri?

Mr. LEE of Maryland. Yes.

Mr. REED. I wanted to answer the question as I understood it, though I could not hear very accurately what the Senator from Wyoming [Mr. WARREN] asked. As I understood, it was whether the pay of the soldiers included their subsistence. I have here the regulations of the British Army, from which I read this:

The soldier will himself be rationed in kind, or will draw the usual ration allowance, now 1 shilling and 9 pence a day.

In respect to his family he will draw the same allowance at the rate shown for separate allowance, without allotment in Table A, paragraph 2.

I have already put into the Record this morning the pay that is given to the families; and in the case of Canada the pay given the men is \$20 a month, an additional allowance for service in the field, and, in addition to that, a stipend for the wife and an additional stipend for each child. I have not the figures in my mind, but they run approximately from \$4 to \$6.

Mr. WARREN. Has the Senator from Missouri the basic pay of a private which is paid in cash in addition to all of his allowances?

Mr. REED. I put in the Record this morning a letter from a Canadian officer in reference to that matter. I think there is no doubt in the world—

Mr. WARREN. Does the Senator from Missouri remember what it was? If he stated it, I might have been out of the Chamber.

Mr. REED. Twenty dollars a month was the basic pay. Then, in addition to that, were these other sums. I do not think there can be any error about it. I am not one of the cocksure men when dealing with information which I get in that way.

Mr. WARREN. I shall be glad to look the matter up in the Record, as the Senator has put it in.

Mr. REED. I shall be glad to hand the Senator, if he desires me to do so, this book of regulations.

Mr. WARREN. I will say while on my feet, responding to a statement made by the Senator from Maryland [Mr. LEE] in regard to my being on the Military Committee—the committee having locked the bill up, and so forth—that I have always felt in legislation, as in private business, that if you are going to purchase a bill of goods you should provide the method of paying for it, and if you are inaugurating a rule or law to create a certain expense you should provide for that expense.

A few moments ago, following the adoption of the amendment of the Senator from Missouri, I asked the chairman to take notice of the necessity for an increase of the appropriation because of the change in the law as to the pay and as to officers and that he offer an amendment increasing the appropriation for extra pay for officers, as he will undoubtedly do concerning the pay of the men, the appropriation for which may probably have to be increased to perhaps \$15,000,000.

In regard to the House bill to which the Senator referred, when that bill came to the Senate providing an allowance of \$50 a month to the dependent families of soldiers called into service—which, of course, is more than any other country ever thought of paying—it only provided a total appropriation of \$2,000,000 for that purpose. The sum was utterly inadequate. That was one difficulty with that bill.

Then came the order of the War Department—sent to all the generals, I understand—that soldiers with families should be excused from service. The committee thought it was necessary to find what the effect of that order would be and whether all of the soldiers with families would retire to their homes, leaving in the service only single soldiers, or whether a certain number of soldiers with dependents would remain in the service; but the facts have to be ascertained in order that when the measure

may come up a sufficient appropriation can be provided to carry out the purposes in view.

We could not do it offhand in the way the matter came from the House. The Senator will realize that if he will reflect a moment. We have to know as nearly as we can what percentage of soldiers with dependent families are going to remain in the service. We have been getting information along that line. I myself have been in correspondence with several responsible authorities about it. On the other hand, as I have said, the House bill only provided an appropriation of \$2,000,000, when the actual amount required would be nearer \$200,000,000. I do not give that, of course, as the exact sum, but it would be nearer that than it would be \$2,000,000.

Mr. LEE of Maryland. Mr. President, I call the attention of the Senator from Wyoming to the communication from our consul general at Ottawa, Canada, to the State Department, which is found in yesterday's Record, at page 13229, showing a payment of \$1.10 per diem to the privates, including, of course, clothing, equipment, and maintenance, and in addition a separation allowance of \$20 a month to the dependent families of the soldiers.

Mr. CHAMBERLAIN. Mr. President, let me interrupt the Senator to ask what pensions are paid in case of the death of the soldier, or whether there are any such pensions provided?

Mr. LEE of Maryland. I do not know, and that is something that we are not interested in now. We are dealing with conditions that create an army during a war. We are looking to making a force for a purpose, and we are not dealing with the question of national gratitude after the war is over. That is entirely a different proposition.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. LEE of Maryland. With pleasure.

Mr. NELSON. If the Senator will allow me, I had always supposed before this discussion arose that patriotism counted for something in the matter of enlistment in the Army. It seems now from the discussion that enlistment is entirely a matter of dollars and cents. I protest against any such view as that.

Mr. LEE of Maryland. Mr. President, I desire to place as large a negative as I can possibly express against the statement of the Senator from Minnesota. He served four years in the Civil War, as the Senator from Massachusetts [Mr. Lodge] has just suggested to me aside, and he is entitled to the grateful congratulations of his countrymen for that service; but, Mr. President, when he comes here and says a man's duty to his country in a comparatively insignificant trouble involves his leaving his family at home without support, then he is putting himself up against the ties of the human heart, the ties of manly duty and obligation in a way that places the Senator for the moment outside of the class in which he generally stands.

Mr. President, as I said a little while ago—I believe before the Senator from Minnesota entered the Chamber—in dealing with questions affecting the citizen soldiery or large armies, we have got to make provision for the dependents at home. Wars nowadays can not be fought as they used to be by boys and tramps. War is a wholesale procedure under modern conditions, and for that reason it is necessary to make preparation upon a wholesale basis.

The bill to which the Senator from Wyoming has referred, which passed the House and came over here and went to the Committee on Military Affairs on the 3d of July—and if the Senator does not like my using the expression "locked up," I will withdraw that and say "unacted upon," so far as the Record discloses. That bill was an emergency measure; that bill called for immediate consideration by the Senate committee; it was a bill which the experience of all the military nations of the world approved; it was a bill that should have commended itself to the Military Affairs Committee in the interest of preserving the discipline of the National Guard on our frontier. The committee must well recognize that to have this man and that man excused from duty on an allegation that he can present himself is not good discipline for any force; and the United States, having enlisted these men, having accepted them after examination, having placed them in camps, having mustered them into the Federal service, having permitted them to take the new oath as militiamen, having sent them to the border, and paid the expense of that trip, the Committee on Military Affairs and the United States Senate are in no position to say that those men can be economically, properly, or in any military sense rightfully sent home, providing, of course, their families and dependent ones are taken care of.

The Senator from Wyoming has questioned the adequacy of the amount provided in the House bill. Gen. Funston's figures indicate that from three to six thousand men would probably



have to be sent home under the order releasing men with dependent families; but suppose we allow 10 per cent of the members of the guard now on the Mexican border—and I imagine that would be ample—and granting the full allowance made by the House bill in each case of \$50 a month, the total amount required would be only \$500,000 a month, or \$1,500,000 for three months, which is well within the limit provided for by the House bill. Obviously this matter has not received the attention at the hands of the Senate Committee on Military Affairs which as an emergency bill it should have received.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER (Mr. OWEN in the chair). Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. LEE of Maryland. Certainly.

Mr. WARREN. The Senate Committee on Military Affairs is a somewhat ancient committee of this body, and has generally been credited with doing its duty as well as other committees do theirs. It considered its duty in this instance to be thoroughly acquainted with the conditions—I am speaking for myself, but I know others felt the same way about it—and when the bill, or a joint resolution, came over to the Senate—for if I remember correctly it was a joint resolution—appropriating \$2,000,000, we had no information then as to what amount of money it would take for the purposes covered by the proposed legislation. We have been seeking information since. That measure has neither been locked up nor pigeonholed, but the question is under examination, and information is being sought. We will know better after the pending bill is passed what it is necessary to do with that bill.

Of course, Gen. Funston does not give the number of married men in the guard as 10 per cent, as the Senator puts it.

Mr. LEE of Maryland. Much less than that; he does not make it more than 3 per cent.

Mr. WARREN. I think the number is very much greater than that. Not only that, but many changes have occurred. For instance, the National Guard organizations now in camp are filling up to war strength, and only single men are taken; they are excusing the married men and reducing in that way, and properly so, the dependent families who might be calling for help.

Nobody was starving, and there was no reason why we should, between 6 o'clock and half past 6, seize that resolution providing an appropriation of \$2,000,000—which would last only a half a month or a month, or possibly two months—and pass it at once. I could see no reason for that, and I doubt if the Senator can give us any.

Mr. LEE of Maryland. Mr. President, I do not see how the Senator from Wyoming can refer to the present enlistments, which are not made up of men with dependents, as relieving the committee of the responsibility of bringing in a bill which the House had so overwhelmingly passed for the relief of the men with dependents who had been previously enlisted and sent to the border. The matter is one that nobody can estimate, Mr. President, because there are no records, so far as I have been able to ascertain, in the War Department or anywhere else, showing the number of enlisted men in the National Guard who have dependent families. There is no way of getting at this thing, except to make inquiry in given commands and to try to ascertain upon inquiry here and there what percentage of the men have dependent families.

I believe, Mr. President, as I have already stated the fact on the floor, that I am probably the only man in this body who has made any such inquiry or attempted to make any such inquiry. I found that it ran somewhere along about 10 or 15 or 20 per cent, varying according to the different commands. In some commands there were practically no men with dependent families, while in others there were a great many men with dependents; and one of the remarkable features of it was the large number of noncommissioned officers—who are the backbone of any company or regiment—who have dependent families. This is a matter which ought to have been attended to by the committee promptly.

Mr. WARREN. Mr. President, the Senator gives himself credit—and I do not object to that—that he is the only man who has done certain things.

Mr. LEE of Maryland. I have tried to do them.

Mr. WARREN. The committee had been seeking that information, and are probably as well advised as is the Senator. The Senator is so well advised that he can only give the percentage as varying somewhere between 10 and 20 per cent.

Mr. LEE of Maryland. Precisely; but when you have an emergency proposition like this, if you are opposed to doing something, you will sit down and wonder about the percentages; but if you want to do something, you will put through the bill that the House put through and let the future take care of itself.

Mr. WARREN. Mr. President, there is no question of emergency about it. It is with regard to the pay of the Army. You might call this whole bill an emergency measure. However, the Senator sees an emergency in everything that does not agree with his particular idea. He ought to be liberal enough to recognize that different Senators might have different minds about the same subject.

Mr. LEE of Maryland. Mr. President, I will submit to this body whether the question of excusing from 10 to 20 per cent of the enlisted force of an army on a frontier and telling them that they can go home with honorable discharges under present circumstances is not one of the most extraordinary propositions that has ever been advanced with reference to an army in the field, and whether when such an extraordinary proposition is pending it is not an emergency question to be handled promptly by the military authorities of the country and the Military Affairs Committee of the Senate?

Mr. President, I have averred, without the slightest fear of responsible contradiction, that the returning home of these men, as so many of them have had to return home, for domestic reasons, because of the pull upon their hearts, due to the condition of their families, has had a demoralizing and must have a very demoralizing effect upon the discipline of the commands which were involved. That difficulty should have been provided for promptly; that situation should have been grappled with; and I regret very much that the committee has seen fit to keep back the House bill for this length of time without reporting it to the Senate one way or the other and giving the Senate a chance to act upon it.

I believe, Mr. President, that the public sentiment of this country is being aroused on this subject, and it is a great, fundamental one. It is not only a question of attending to the needs of the National Guard on the frontier to-day but it is a great, fundamental question that will go right down through our history: Are you going to have any citizen soldiery or not? If you do not want a citizen soldiery, of course, then you will naturally say to every American with any obligations that he can not be a soldier, because you will not take care of his family when he is ordered into the field. Failing to provide for these dependents is not only a blow at the National Guard and its discipline but it is a blow at the whole system of citizen soldiery, upon which this Republic should now and hereafter depend.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LEE of Maryland. Mr. President, I want to give notice that I reserve this amendment for a separate vote in the Senate.

Mr. CHAMBERLAIN. Mr. President, has the increased appropriation been adopted?

The PRESIDING OFFICER. The \$3,000,000 appropriation has been.

The SECRETARY. Three million one hundred and seventy-eight thousand two hundred and forty dollars.

Mr. CHAMBERLAIN. That is for the officers. Now, turning to the appropriation for the enlisted personnel, on page 28, from lines 1 to 4, I desire to have that language modified by inserting the language just adopted on motion of the Senator from New York.

The PRESIDING OFFICER. That amendment having been adopted by the Senate heretofore, without objection, it will be reconsidered and, without objection, will be agreed to as modified.

Mr. CHAMBERLAIN. The appropriation there now is \$1,000,000. That contemplated the 20 per cent increase of pay of enlisted men while on foreign service. In view of the amendment which has been adopted, that amount will be wholly insufficient to meet the requirements; and I desire to move to reconsider that and to offer as an amendment the insertion of "\$1,000,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out "\$1,000,000" and to insert in lieu thereof "\$1,000,000"; and where the words appear above, "called or drafted into the service of the United States," it is proposed to insert "when engaged in protecting the Mexican border, whether within or without the United States."

The PRESIDING OFFICER. Without objection, the item will be reconsidered and agreed to as proposed by the chairman of the committee.

Mr. CHAMBERLAIN. I desire to say, in reference to this, that I doubt very much the wisdom of the proposition; but the Senate has seen fit to adopt these amendments, and for that reason I am suggesting these increases of appropriation, be-

cause without the increases the provisions which have been adopted by the Senate could not be carried out. That is my purpose in proposing an increase in these appropriations.

Mr. LODGE. Mr. President, I spoke to the Senator from Oregon, in charge of the bill, in regard to cases in the Medical Reserve Corps of the Army. There are some cases where members of the Medical Reserve who hold Government positions are ordered out, and I think they ought to have the same protection which is extended to members of the National Guard who hold Government positions, as provided on page 13 by the House bill. All I wanted to ask, the Senator having kindly said that he would be willing to take it into conference and consider it, is to insert on line 8, page 13, after the words "National Guard," the words "and of the Medical Reserve Corps of the Army."

Mr. CHAMBERLAIN. I have no objection to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, line 8, after the words "National Guard," it is proposed to insert "and of the Medical Reserve Corps of the Army."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Maryland. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the committee amendment as amended and agreed to, on page 9, lines 17 to 23, following the amendment already agreed to at that place, it is proposed to add the following paragraph:

That the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, for the United States of America, the land formerly leased to the United States for aviation purposes at College Park, Md., and such other land adjacent thereto as in the discretion of the Secretary of War may be necessary for use by the United States for aviation maneuvers and other military purposes; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, for said purpose.

Mr. SMITH of Maryland. Mr. President, this was a proposition offered by the Senator from New Hampshire. I hope the chairman of the committee will not object to its going in and being given consideration in conference.

This property has been leased by the Government for aviation purposes. It is considered, by those who know it, as one of the most desirable tracts for that purpose; and this amendment only asks that it be looked into and acquired by condemnation or by purchase. It is within 30 minutes of Washington, where the demonstrations can be seen by Members of the House and of the Senate; and I think it is a matter that should receive the serious consideration of the conference committee. I hope it will not be objected to.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge whether the department has recommended an appropriation for the purchase of this land?

Mr. CHAMBERLAIN. No; there has been no recommendation of the kind.

Mr. SMOOT. Has it been considered by the committee at all?

Mr. CHAMBERLAIN. Not this particular tract; no.

Mr. SMOOT. Then I will ask the Senator from Maryland if he does not think that, if the department wanted to purchase this land, they would have called it to the attention of the committee and would have made an estimate for it?

Mr. CHAMBERLAIN. It has been called to the attention of the committee, and, as I understand—I will not say positively—I think the department, or at least some members of the department, have favored it. I do not know. The conference committee can look into it and find out. It has been leased by the Government for that purpose, and I feel that it is a matter that should be considered by the conference committee.

Mr. SMOOT. Is it leased at the present time by the Government?

Mr. SMITH of Maryland. I do not know whether it is or not. It has been leased for quite a while by the Government. I do not know whether they have it now or not; but it has been leased by the Government.

Mr. SMOOT. The Senator from Maryland simply asks that it go to conference. From the statement made, I do not think the conference committee will agree to leave it in. If I did think so, I would make a point of order against it.

Mr. SMITH of Maryland. Let them consider it.

Mr. SMOOT. But at the request of the Senator I will not make the point of order against it, although I am quite sure it ought to be made.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, if the Senator will permit me, I spoke to the chairman of the committee about a proposed amendment, to which I think there is no objection. Yesterday provision was made for paying the transportation of soldiers who had gone to the front and there had been mustered out. I think we ought to make the same provision for those members of the militia who have been sent to the front and then were mustered out after the order was made by the War Department to the effect that married men or men who had families dependent upon them could be mustered out. I think those men should also have their transportation home paid. Where they have dependent families and the families are in need, the cases are quite numerous where these men have not money to pay their transportation home. For that purpose I offer the amendment which I send to the desk, which I think probably should go at the end, after the word "War," in line 6, on page 39.

The PRESIDING OFFICER. The Senator from Michigan offers an amendment, which will be stated.

The SECRETARY. On page 39, line 6, after the word "War," and before the semicolon, it is proposed to insert a colon and the following words:

*Provided further,* That when members of the National Guard who have been mustered into the service of the United States have been discharged under the order of the War Department which provides that members of the National Guard with dependent families may be mustered out, transportation from their position on the Mexican border to their homes may be authorized by the Secretary of War.

Mr. TOWNSEND. I do not know whether that is just the place where it ought to go or whether it ought to follow one of the amendments of yesterday, which I have not been able to find; but the conference committee can arrange that as it sees proper.

Mr. CHAMBERLAIN. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, after line 23, and after the amendment already agreed to at that place, it is proposed to insert:

That the President be, and he is hereby, authorized to appoint and place on the retired list of the Army, with the rank of major general, any officer on the retired list who served not less than one year in the regular or volunteer forces of the United States during the Civil War prior to April 9, 1865, and who was honorably discharged therefrom, who has since served not less than 40 years as a commissioned officer of the Regular Army and who was the last Civil War veteran on the active list of the Army for over two years before retirement and had ranked every general officer on the active list in length of service when he retired.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). The question is on the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. REED. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert the following:

All qualified voters of the United States who shall be in actual military service of the United States, as part of the Organized Militia or Volunteer Army, on the days duly appointed by law for the choice of electors of President and Vice President of the United States and for Members of Congress of the United States, shall be entitled to exercise the right of suffrage for said officers at the several posts, camps, and places where the regiment, battery, or artillery, or part of a regiment not less than one company, or part of a company under a separate command, may be, on said days, as fully as if such voters were present at the places in their respective States where such elections may be held and where such person would be entitled to vote; any provisions of law now in force to the contrary notwithstanding: *Provided,* That this section shall not extend to or include any person in the Regular or Standing Army of the United States.

To carry into effect the provisions of this section, elections may be held at the several posts, camps, or places in said section mentioned in the manner following: The vote shall be taken by companies. The three ranking officers in each company, troop of Cavalry, or battery of Artillery shall act as judges of election to preside at the elections held under the provisions of this act. In case of the absence, inability, or refusal to act of any of said officers, their duties as such judges shall be performed by the officers next in rank. The officer highest in rank so acting in such company, troop, or battery shall be chairman of the board of judges and shall act as moderator at the election. Said judges shall appoint a qualified voter of the company to act as clerk. The judges of election of each company shall make a canvass and statement of the result in writing of the votes cast by such company, troop, or battery as hereinafter provided. The regimental and staff officers of each regiment shall be entitled to vote at the polls opened in any company of the regiment in which they belong.

Previous to receiving any ballots said judges and clerks shall severally take an oath or affirmation that they will support the Constitution of the United States and that they will perform their duties according to the law and will studiously endeavor to prevent all fraud, deceit, or abuse in conducting the election. This oath or affirmation shall be



subscribed by the person taking the same, and may be administered by either of said judges, and shall be returned with the result of the election as hereinafter provided.

The polls of the election shall be open at such an hour as the judges of election, or a majority of them, shall determine, and shall be closed at an hour determined upon by majority vote of the voters present, provided that time shall be given for all voters in the company, troop, or battery to vote, and that notice of the time of closing the polls shall be given at least one hour before the closing of the same.

Each ballot cast at the election held under the provisions of this act shall have upon the same the name of the person voting and the name of the town, ward, precinct, and State and county in which he is entitled to vote; and the judges shall refuse to receive any ballot not thus prepared. Each ballot shall also have printed or written upon it the person or persons voted for, with a pertinent designation of the office which he or they may be intended to fill. The ballot thus prepared shall be upon one piece, and all the ballots of one company, troop, or battery shall be deposited in one box, and it shall be the duty of the judges to be satisfied that each person offering to vote would be entitled to vote in the town, ward, precinct, county, and State which is shown upon the ballot. It shall also be the duty of each of said judges, and the privilege of each voter, to object to the right of any person offering to vote when he shall know or have reason to suspect or believe that such person is not a qualified voter; and to every person whose right is thus objected to one of the judges shall administer an oath that he will true and full answer make to all questions touching his residence and qualifications as a voter, and such questions shall be put and proceedings had as may be deemed advisable by said judges, and the case of each person shall be decided by a majority of the judges. It shall be the duty of said judges to provide suitable places or booths wherein such voter may prepare his vote in private; before entering such booth the voter shall be supplied with a ballot of each political party containing the names of the presidential electors and candidates for Senator and Representative in the Congress to be voted upon in his respective district; immediately upon receipt of such ballots such voter shall enter the booth provided, and as soon as he has prepared his ballot shall deposit it in the box provided for such purpose, the ballots not used by him shall be returned to the judges of election. The Secretary of the Senate of the United States shall seasonably prepare and have printed all necessary blank forms to carry out the provisions of this act and furnish the same to the commanding officers of each company, troop, or battery.

The clerk shall keep correct lists containing the names of the voters and their respective places of residence, which lists shall be certified by the judges, or a majority of them, and by the clerk to be correct. After the polls are closed the judges shall canvass the ballots cast and shall make a statement of the result in writing. A copy of such canvass and statement duly certified to be correct by the judges or a majority of them, and by the clerk, shall be transmitted as soon as practicable to the governor of the State wherein such company is entitled to vote, a copy shall also be transmitted to the secretary of such State, a copy shall also be transmitted to the Secretary of the United States Senate, and a copy shall be transmitted to the Clerk of the House of Representatives of the United States. The said judges shall also cause all the ballots cast to be sealed up and duly transmitted to the Secretary of the Senate of the United States. The aforesaid statements, lists, and ballots shall be examined and the votes counted as if duly cast within the respective precincts, wards, towns, counties, and States of the voters.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is on the adoption of the amendment proposed by the Senator from Missouri.

Mr. CHAMBERLAIN. I make the point of order against the proposed amendment, first, that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken.

Mr. REED. I think the point is well taken. I spoke to the chairman of the committee about this amendment, and I had hoped that he would let this go to conference. It puts no burden upon the Government. It takes no money from the Government. It is the only chance to give these men an opportunity to vote.

I say frankly to the chairman of the committee that I have not had time to make that exhaustive examination which I should like to make to determine whether the law can be made effective without the aid of State statutes. Such examination as I have been able to make leads me to the conclusion that it is within the power of Congress to pass the act. I hope the chairman will let the amendment go in and go before the conference committee, and I shall then submit to the conferees a brief on the matter.

Mr. GALLINGER. Mr. President, the Senator is speaking on the amendment to grant the right of suffrage to the guardsmen at the front?

Mr. REED. Yes.

Mr. GALLINGER. I have a great interest in that, Mr. President. I took up the matter with myself some weeks ago, but, not having a knowledge of law, I consulted some of my associates on this side of the Chamber and asked them to work it out for me, which they promised to do, but they did not do it. I was greatly delighted to see that the Senator from Missouri had undertaken that task and had prepared what, I apprehend, is a provision that will meet the requirements of the case.

These young men ought to be permitted to vote at the front if they can not go to their homes. The Northern States legislated during the Civil War, giving the soldiers the right to vote for State officers, and it was exercised, and no harm came to anyone. I hope the amendment may be allowed to go to conference.

Mr. CHAMBERLAIN. Mr. President, let me say to the Senator from Missouri that I told him when he mentioned this matter to me that the general proposition involved in his amendment met with my approval, and I hoped that we might even go further a little later on and arrange so that Senators and Representatives and traveling men who have fixed homes and families might have the law so framed that they might all be able to vote without going two or three thousand miles. But the vice of this thing—and what I object to about it—is that it is injecting into the bill that same discrimination against the Regular Army. I am willing to let this amendment go in if the Senator will eliminate that part of it, but I am absolutely opposed upon principle to consenting to any discrimination against the Regular Army.

Let me call the Senator's attention to this fact: I know the son of a Senator of the United States who is serving in the United States Army as an enlisted man. I know half a dozen young men in my own State who were not able to go to West Point, and the ambition of their lives was to win a commission in the Army, and they enlisted in the Army. Why should those young men be discriminated against, Mr. President. That is the reason why I oppose this.

Mr. REED. Mr. President, I hope that the chairman of the committee will not deny these citizens who are temporarily absent from their homes the right to vote because the right is not conferred upon the soldier of the Regular Army. Now, let me point to two things very briefly.

First, I question whether the soldier in the Regular Army has any residence except in the Army. He enters the Army for a given period of time. He understands when he goes in that he takes himself out of civil life. I think you would arouse in this country a great deal of fear if you proposed to give the ballot to the professional soldier.

Mr. LODGE. Does the Senator mean to contend that the officers and men of the Regular Army are disfranchised by being in the Army?

Mr. REED. I did, in effect, make that statement, but the Senator is correct.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. Of course the right of suffrage is procured from the several States, and if an enlisted man or an officer in the Army comes within the qualifications prescribed by the law of his own State he is a voter in his State, and if he can get to the polls on election day he can vote. He has the voting privilege; he is not disfranchised because he entered the service.

Mr. REED. To all practical effects and purposes he is disfranchised because he is away and not at home.

Mr. LODGE. If the Senator will allow me—

Mr. REED. I yield.

Mr. LODGE. Of course, in practice, in the Navy particularly, the officers and men have not the capacity of voting, because they are not in the places where they have the right to vote, but there are men—I know of cases—stationed in my State both in the Army and Navy who have been there long enough to get a residence or perhaps were residents of the State before and who have exercised the franchise. I am sure they are not disfranchised anywhere; that is, if they comply with the qualifications of the voters in the States of which they are residents. Many of them do not have those qualifications.

Mr. REED. They very seldom vote.

Mr. LODGE. Very seldom.

Mr. BRANDEGEE. They are in exactly the same position as the National Guard down in Texas. The Senator wants to correct the inability in the case of the National Guard. I think it ought to be corrected in the case of the Regular Army soldier also.

Mr. GALLINGER. Mr. President, I will venture a suggestion, and I will withdraw it if it does not appeal to the Senator from Missouri or other Senators. It is that the proviso should read:

*Provided*, That this section shall not extend to or include any person in the Regular Standing Army of the United States unless the name of such person is on the voting list of his place of legal residence.

Most of these soldiers have no legal residence, they do not claim to have, and they never have asked the privilege of having their names placed on what we call in the North the check list; it may pass by some other name in other parts of the country; but if they have a legal residence they ought certainly to be permitted to vote.

Mr. REED. What does the Senator suggest?

Mr. GALLINGER. My suggestion is that the proviso should read:

This section shall not extend to or include any person in the Regular Standing Army of the United States unless the name of such person is on the voting list of his place of legal residence.

Mr. REED. I accept that amendment.

Mr. CHAMBERLAIN. Pardon me a moment. I respectfully suggest to the Senator from New Hampshire that that amendment is not necessary under the first line of the amendment, because it provides "that all qualified voters of the United States who shall be in the actual military service of the United States," and so forth.

Mr. GALLINGER. Very likely that does cover it.

Mr. CHAMBERLAIN. So if that provision were eliminated entirely it places all in the same line, and that is all we want to do.

Mr. GALLINGER. If that is the fact, I cordially withdraw the amendment I suggested.

Mr. REED. Mr. President—

Mr. BRANDEGEE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. REED. I should like to make a statement and then I will yield. My attention has just been called to section 10190 of the General Code which provides that—

Nothing therein shall be construed to prevent any officer, soldier, sailors, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

That, of course, makes it perfectly clear.

Mr. GALLINGER. Then withdraw the proviso.

Mr. REED. I withdraw the proviso from this amendment.

Mr. CHAMBERLAIN. Let me suggest to the Senator, in this connection, that his amendment is limited to the Organized Militia or the Volunteer Army of the United States. If the Senator would make it consistent he should strike out the words "as part of the Organized Militia or Volunteer Army."

Mr. GALLINGER. By striking out the words "as part of the Organized Militia or Volunteer Army" it would include all qualified voters of the United States who shall be in the actual military service.

Mr. REED. I will ask the clerks at the desk to strike out those words.

The SECRETARY. After the words "United States," in line 2, page 1, strike out the comma and the words "as part of the Organized Militia or Volunteer Army," and the colon, so as to read:

All qualified voters of the several States of the United States who shall be in actual military service of the United States on the days duly appointed by law for the choice of electors, etc.

Mr. BRANDEGEE. I wish to suggest this to the Senator from Missouri: What is a qualified voter of the United States?

Mr. REED. He would be a man who would be qualified under the laws of the State in which he proposes to vote.

Mr. BRANDEGEE. I do not think that is proper language to describe that status. It seems to me it should read "all qualified electors of the several States."

Mr. REED. If the Senator suggests that as an amendment to the amendment, I have no objection to it. It conveys my idea.

Mr. BRANDEGEE. I think it is necessary.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. Strike out the word "voters," in line 1, and insert the words "electors of the several States," so as to read "all qualified electors of the several States of the United States who shall be in actual military service," and so on.

The PRESIDING OFFICER. The Chair understands that the point of order is withdrawn. The amendment will be so modified. The question is on the adoption of the amendment as modified.

Mr. BRANDEGEE. I wish to say that while I am perfectly willing to let this go to conference if it be the wish of the Senator from Missouri, I think that there are many things left in it that are undetermined and ambiguous. I think it is very hastily drawn, but if the conference committee are going to give it their attention and consult with the Judge Advocate General of the Army about it and then submit some modification of it, well and good. I should not want to give my consent to it as it stands, but I do not wish to waste time now to call attention to quite a number of ambiguities and defects in the amendment. It does not provide for the furnishing of ballot boxes. It does not—

Mr. REED. I hope the Senator will not object, but let it go through, and if there are some things necessary to perfect it he will suggest them to the conferees.

Mr. BRANDEGEE. I may not be admitted to the conference between the two Houses. I may not have a chance to suggest

them to the conferees. I simply want to say there are quite a number of defects in the amendment. It does not provide as to the type of ballots, or what names shall be printed on the ballots, or whether they shall be of uniform type or of different kinds. It leaves to the voters themselves at the voting places the decision by a majority vote as to how long the polls shall be kept open. It is defective in the provision for the swearing in of election officials. There are 20 suggestions that I would want to make if the Senate were passing it in a final state, but I am willing to let it go to conference as it is, without making a point.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri as modified.

The amendment as modified was agreed to.

Mr. WEEKS. On page 36, after line 12, I move to insert:

Provided, That \$250,000 of the appropriation provided for in this paragraph shall be expended in the purchase of material and the construction of tent floors, framing for screens, and screens, to be added to the equipment of the tents now being used by the National Guard on the Mexican border.

Mr. CHAMBERLAIN. May I ask the Senator if that increases the appropriation?

Mr. WEEKS. The appropriation should be increased, and I will suggest that the figures be changed so as to cover the amount expended for this purpose. The regular troops serving on the border have tent floors which they purchased out of their company funds, but one of the greatest troubles that men on the border have is due to the fact that they sleep on the ground and there are a good many insects that are troublesome might be avoided if they had floors; and it would be very much cleaner, their clothing could be kept cleaner. There are no screens to prevent flies and mosquitoes from troubling them which would be the case in many places.

This is not a large appropriation. I have had an estimate made by the Quartermaster's Department that for 100,000 men the flooring, framing, and screening could be provided by expending \$242,000. It seems to me that this will add sufficiently to the comfort of those men to well warrant the expenditure.

Mr. LA FOLLETTE. And to the sanitation.

Mr. WEEKS. And to the sanitation as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. WEEKS. I move that the figures on page 35, line 11, be increased \$250,000.

The SECRETARY. Change the total sum "\$12,000,000" so as to read "\$12,250,000."

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, my attention has been called to the situation which arises by the discharge of the men in the National Guard. I wish to ask the chairman of the committee whether there is any provision in the bill for an appropriation which can be used for paying the expenses back home of the men who are discharged because they have dependents?

Mr. CHAMBERLAIN. Yes; there was an amendment adopted this morning for that purpose. Then there was another amendment adopted yesterday providing pay for the transportation of men who have been discharged on the border for physical unfitness.

Mr. BRANDEGEE. And those who are invalided and sent home?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BRANDEGEE. Very well.

Mr. MARTINE of New Jersey. My attention has been drawn to the fact that the funds provided in the fortification appropriation act are available until expended. Last year's fortification bill did not contain this prohibition affecting the Taylor system, over which we had a little contention yesterday. This year's fortification bill, which was approved by the President on July 6, did contain this language. The Chief of Ordnance is still operating the very features of the system at the Watertown Arsenal prohibited by the language.

It seems to me that it is manifestly unjust and it is vitiating and destroying the act of Congress. In order to prevent this possibility, I desire, on page 90, line 21, after the word "act," to insert "or any other act shall be hereafter available."

And then, on page 91, line 2, after the word "this," to insert "or any other act be hereafter available."

My point is that the money that the Secretary of War may have as an unexpended balance shall not be used to vitiate or violate the principle we followed in abolishing the Taylor system.

Mr. GALLINGER. How much is the unexpended balance, I will ask the Senator.

Mr. MARTINE of New Jersey. I can not state that, but evidently the Senator from Massachusetts [Mr. WEEKS] knows.



He cited the Watertown Arsenal. There is no doubt the Taylor system was there in vogue, and it has been kept in vogue.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Oklahoma?

Mr. MARTINE of New Jersey. I do.

Mr. OWEN. I call the Senator's attention to the fact that on page 90, line 21, he is dealing with an amendment which appears to have been stricken from the bill.

Mr. MARTINE of New Jersey. No; but the Senate yesterday corrected that. The Senate committee amendment was disagreed to.

Mr. GALLINGER. As I understand the Senator—and I will, by way of parenthesis, suggest that this unexpended balance can not be very large—

Mr. MARTINE of New Jersey. I can not say, for I do not know.

Mr. GALLINGER. No great harm would come from allowing that to stand; but I understand the Senator now proposes to amend an act already passed.

Mr. MARTINE of New Jersey. I took the act as it now reads:

*Provided*, That no part of the appropriation made in this act or any other act shall be hereafter available.

Mr. GALLINGER. I make a point of order against it.

The PRESIDING OFFICER. The amendment changes the existing law, and it goes out on a point of order.

Mr. OWEN. Mr. President, I offer an amendment. On page 14, after line 5, I move to insert:

*Provided*, That hereafter the proportion of privates of first class to privates in the Signal Corps and in the Medical Department may be the same as the proportion of privates first class to privates now authorized by law in the Quartermaster Corps.

I see no reason why in the Medical Service or the Signal Service that might not be done. At all events, I think the conference committee might with propriety consider it so as to give a uniform right to the different corps in regard to the employment of first-class privates as compared to privates.

I should like to have inserted in the RECORD for the information of the conference committee a table showing the relative ratios in the Signal Corps, the Quartermaster Corps, and the Medical Corps.

Mr. CHAMBERLAIN. The amendment changes the act of June 3, 1916, and I do not think it ought to be inserted here without having been called particularly to the attention of the committee. Offhand, I will say that it would increase the force of the Medical Corps from 25 to 45 per cent of the privates of the first class. I do not think that ought to be done. I will state to the Senator that the Medical Corps has been more generously provided for than almost any other corps in the service, and I do not think this ought to be done without very thorough and careful attention.

Mr. OWEN. Might I ask the chairman of the committee why the Quartermaster's Department is permitted to have 45 per cent of first-class privates as compared with the employees in the corps, and why the medical service should be denied that?

Mr. CHAMBERLAIN. The Quartermaster Corps is a very much more active corps than the Medical Corps. I do not recall now what animated the committee in making the difference in apportionment as to these different corps, but we went over it very carefully. We went over it after hearing each of the different corps, and the results of our deliberations were embodied in the act of June 3, 1916.

If this change is going to be made on the floor of the Senate, I think it would be a mistake. I think it ought to go to the committee and let the committee have an opportunity to consider the whole matter in conjunction with the other corps.

Mr. OWEN. I only thought, Mr. President, that the matter might be considered by the conferees, and if it did have merit, they might dispose of it in accordance with what would seem to be the best policy of the service. I do not personally know what the argument is which justifies 45 per cent for the Quartermaster Corps and a very much smaller sum for the Medical Corps. I had thought that the service in the medical department a more important service, as it deals with the health of the soldiers than merely the Quartermaster Corps, which deals with material substances that are not quite as important as the health of the men.

There must be some reason for it that I do not know about, or perhaps there may be no reason for it.

Mr. CHAMBERLAIN. I am willing to let it go in and be considered in conference.

Mr. OWEN. I thought that course might be well, and if it is not well founded let it go out.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no objection, the matter indicated by the Senator from Oklahoma will be printed in the RECORD.

The matter referred to is as follows:

*Signal Corps.*

[Par. 13, p. 12, act June 3, 1916.]

Per cent.

Master signal electricians	2
Sergeants, first class	7
Sergeants	10
Corporals	20

The number of privates, first class, shall not exceed 25 per cent of the number of privates.

Privates, first class	15
Privates	46

*Quartermaster Corps.*

[Sec. 9, p. 6, act June 3, 1916.]

Per cent.

Quartermaster sergeants, senior grade	0.5
Quartermaster sergeants	6
Sergeants, first class	2.5
Sergeants	25
Corporals	10
Privates, first class	9
Privates	45
Cooks	2

Total 100

*Medical Corps.*

[Sec. 10, p. 8, act June 3, 1916.]

Per cent.

Master hospital sergeants	0.5
Hospital sergeants	7.5
Sergeants, first class	7
Sergeants	11
Corporals	5
Cooks	6

Total (without privates) 30

100—30 equals 70 per cent to be filled by privates.  
*Provided further*, That in said department the number of privates, first class, shall not exceed 25 per cent of the number of privates.

This, then, makes the table read as follows:

Per cent.

Master hospital sergeants	0.5
Hospital sergeants	7.5
Sergeants, first class	7
Sergeants	11
Corporals	5
Cooks	6
Privates, first class	18
Privates	52

Total 100

Mr. JONES. Mr. President, on page 9, line 23, I desire to offer the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 9, after the amendment heretofore agreed to, insert:

The Secretary of War is hereby authorized to accept for the United States from any person such tract or tracts of land suitable and desirable, in his judgment, for permanent mobilization, training, and supply stations; and he is directed to investigate and report to Congress as soon as practicable what additional tracts are necessary for said purposes for use by the National Guard and by the Regular Army and the probable cost of the same.

Mr. GRONNA. Mr. President, we are considering a very important measure. I think we ought to have a better attendance. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Gronna	Owen	Smith, Md.
Bryan	Jones	Page	Smith, S. C.
Chamberlain	Kenyon	Penrose	Smoot
Chilton	La Follette	Poinceter	Sterling
Clark, Wyo.	Lane	Ransdell	Taggart
Culberson	Lee, Md.	Reed	Thompson
Curtis	Martine, N. J.	Saulsbury	Tillman
Dillingham	Newlands	Sheppard	Walsh
du Pont	Norris	Sherman	Weeks
Fletcher	O'Gorman	Shields	Williams
Gallinger	Overman	Smith, Ariz.	

The PRESIDING OFFICER. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. HARDING, Mr. SMITH of Georgia, Mr. UNDERWOOD, Mr. BRADY, Mr. THOMAS, Mr. SIMMONS, Mr. STONE, Mr. BROUSSARD, Mr. BANKHEAD, Mr. JAMES, and Mr. BORAH answered to their names.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from Mississippi [Mr. VARDAMAN] are detained from the Chamber on account of important business.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The question is

on the amendment offered by the Senator from Washington [Mr. JONES].

Mr. CHAMBERLAIN. Mr. President, that amendment only authorizes the Secretary of War to accept donations to the United States in the way of land for maneuver purposes. I have no objection to it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. At the end of page 58, it is proposed to insert the following:

To provide for the necessities and comfort of those in the military and naval forces in time of war or when war, in the opinion of the President, is imminent, \$500,000. This appropriation shall, in whole or in part, as the President may determine, be transferred to the American Red Cross to be expended under its direction. A report in detail of the expenditures of this appropriation shall be made to Congress on or before December 1 annually.

Mr. CHAMBERLAIN. Mr. President, it seems to me that appropriations have been made under each of these heads that would cover the very item proposed to be covered by this amendment. In addition to that, the Senator proposes to extend this appropriation to uses for purposes of the Army to uses for purposes of the Navy. I should like to understand why the appropriations carried in this bill are not sufficient to cover this matter?

Mr. WEEKS. Mr. President, the reason I have proposed this appropriation is this: The Red Cross is all the time doing very much work and expending considerable amounts of money in matters which are purely military or purely naval and which should be appropriated for by the Government. For instance, there was brought to my attention this morning a circular which is being distributed in Massachusetts, being an appeal for money to build a base hospital, the money to be turned over to the Red Cross—something like \$200,000 for that purpose. It does not seem to me that citizens ought to be assessed in that kind of irregular way for money to be expended for matters which should be appropriated for by the Government. If this half million dollars is set aside for the purposes which the amendment stipulates, it does seem to me as if it could provide for many things which are strictly within military lines or within naval lines. I am willing to strike out the reference to the naval forces if the Senator so desires, but this expenditure should be made by the Government instead of by individual citizens.

Mr. DU PONT. Mr. President, I should like to ask the Senator from Massachusetts who is to expend this money? Is the matter to be determined by the officials of the Red Cross or by a proper and responsible officer of the Government?

Mr. WEEKS. The President is to determine when the money is to be turned over and in what amounts; then it is to be expended under the direction of the Red Cross.

Mr. CHAMBERLAIN. Mr. President, I dislike very much to make a point of order against this amendment, but it does seem to me that the Senate has been extremely liberal in making ample provision for every necessity and for every emergency that can arise in such cases.

Mr. WEEKS. Now, let me call the attention of the Senator to a letter which I have in my hand. This is an appeal for money to a citizen of Massachusetts. It reads:

The story is this: The authorities in Washington have asked this State—

That is, Massachusetts—

to provide for four base hospitals. Senator Murray Crane is taking care of one in the western portion of the State. The eastern portion of the State is asked to collect \$200,000 to supply the equipment for three base hospitals, three ambulance corps, the equipment for hospital trains, and possibly a naval hospital.

I have been told—though I have not checked it up—that New York is to supply seven base hospitals, and Chicago has raised \$250,000 to provide for probably four others.

Then the letter goes on to describe the necessity for these base hospitals. If there is a necessity for them, certainly they should be provided for by the Government instead of by individual citizens, and this is being done at the request of the authorities in Washington.

Mr. CHAMBERLAIN. Mr. President another objection which I have to this proposition is that it is charged in part against the Army appropriations. The Army appropriation bill has usually been loaded down with matters that do not affect the Army. If the Senator from Massachusetts will separate it, if possible, as the naval appropriation bill is still before the committee of conference—

Mr. WEEKS. I am quite willing to strike out the words "and naval," so that it will apply only to the military forces. I think the word "naval" inadvertently and improperly put in.

Mr. CHAMBERLAIN. If the Senator will do that, I shall not make any objection to the amendment; and then we may let it go to conference if the Senate accept the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts as he has modified it.

The amendment as modified was agreed to.

Mr. GALLINGER. Mr. President, on yesterday the Senate by a very decisive vote refused to strike out a provision on page 90 of the bill relating to the so-called Taylor system. The Senator from Missouri [Mr. REED] in rather lurid language denounced that system as being inhuman and in every way unjust to the laboring people of the country; and the Senate, as I say, by a very decisive vote refused to strike that provision from the bill.

It has seemed to me that the prejudice against this system has been largely because of the fact that the stop watch is used as a part of it. Possibly that prejudice is well founded, and I shall not stop to discuss it; but it has occurred to me that to refuse to allow the Government factories, as it is allowed in private factories, the right to pay premiums or bonuses or cash rewards to employees who have done superior work is going beyond reason. The provision in the bill not only makes a declaration against the use of the stop watch, but likewise goes to the extent of saying that no premium or bonus or cash reward shall be paid to any employee who, in the judgment of those in charge of the establishment, is deserving of that recognition.

Mr. President, I feel that it will be wise to amend that provision of the House bill by striking the part of the proviso from the bill which is covered by my amendment. I do not think I shall call for the yeas and nays, unless some other Senator desires to have them, although I should like very much to get a record vote on the amendment I am about to offer, if Senators could be informed about it; but, as was suggested yesterday, Senators are now absent from the Chamber, as they were on yesterday, and when they come in they will have no knowledge of what has been transpiring, and they will vote as other Senators make suggestions to them. Beyond a doubt the vote under those circumstances will be adverse to my motion.

I move, on page 91, line 1, after the word "work," to strike out the remainder of the proviso; and I will ask the Secretary to read the words which I propose to strike out.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 91, in the first line, after the word "work," it is proposed to strike out the following:

Nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. GALLINGER. Mr. President, the truth is, that a great many of these employees are getting additional pay to which, in the judgment of those having charge of the factories, they are entitled. If this language remains in the bill they will be deprived of that additional pay which they think they have earned and which those in charge of the establishments feel that they have properly earned. I do not see that any harm can possibly come to anybody by striking that language from the bill and allowing those in charge of the Government factories—the arsenals and other workshops of the Government—to continue that part of the system. The amendment, if agreed to, will go to conference and receive the consideration of the conferees on the part of both Houses, and I hope that the Senate will agree to strike that language from the bill.

Mr. MARTINE of New Jersey. Mr. President, I trust that the Senator from New Hampshire will not insist on that amendment. The laborer is worthy of his hire; there is no doubt about that. There is in every organization, in every plant, some man who, by special genius or because of a spurt of strength, may accomplish a fraction more than the man who stands beside him at the bench. There may be some disadvantages under which a man who works beside him labors.

It seems to me that this proposition would tend to make discontent and dissatisfaction. On yesterday I quoted from a report—I can not now recall just what report—the statement that the bonus system and the stop-watch system tended to create discontent.

God knows the struggle for bread and butter and for labor is hard enough. Do not burden it with anything more. I am satisfied, and the department generally is satisfied, that these men are working earnestly and honestly; that the Government is getting a full day's work for all the Government pays. Why press down harder on labor?

Mr. GALLINGER. Mr. President, I quite agree with the Senator from New Jersey that the laborer is worthy of his hire; and that is exactly the point I am trying to enforce. I have



no disposition to press down either hard or harder on labor. What I want to do is to help labor.

Mr. MARTINE of New Jersey. The Senator is trying to give some man—

Mr. GALLINGER. The Senator must not interrupt me without my permission. That is the point I am trying to enforce—that the man who earns the additional compensation ought to be given it. That does not affect the man who does not earn it; in other words, there is no reason why the incompetent or the unskillful or the man who has not acquired the habits of industry which the man standing beside him has acquired, should be given the same consideration. I do not see that any injustice will be done to either the man who gets a little additional money because of greater efficiency, and which he has earned, or the man who does not get it because he has not earned it.

However, Mr. President, I have no disposition to discuss the matter. As I said a moment ago, unless some other Senator calls for the yeas and nays, I shall not do so, but shall content myself with a division of the Senate on the amendment which I have offered.

Mr. MARTINE of New Jersey. I trust that the amendment will not prevail. It is not that one man is more industrious than another—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I have yielded the floor. The Senator now can have the floor in his own right.

Mr. MARTINE of New Jersey. I will not further occupy the time of the Senate.

Mr. WEEKS. Mr. President, I want to call attention to the fact that, unless this amendment prevails, there will be taken from 321 operatives at the Watertown Arsenal an average of about eight dollars and a quarter a piece weekly, and that would amount to something like a total of \$2,500 each week, which those men now make in bonuses and premiums which they have received for the last two or three or four years. Any possibility of their receiving that money will be taken from them unless the amendment offered by the Senator from New Hampshire is adopted.

The Senator from New Jersey talks about bread and butter. This will give these employees \$3,500 a week's worth of bread and butter, which will be taken from them unless the amendment is agreed to.

Mr. MARTINE of New Jersey. It may give bread and butter to one or two, Mr. President, or a comparatively small number, out of a great number of employees; it may give a small number an excess; but it tends to create discontent and dissatisfaction; it makes a class among the laboring men. These employees are working just as industriously and just as earnestly at their toil as some other man who may accomplish a fraction more.

Mr. WEEKS. There are 321 men working under the bonus system at that arsenal, and all of those men, with one exception, receive a bonus; so that it is not the case of one or two men; it is the case of practically every man who is working under the system.

Mr. MARTINE of New Jersey. How many men are employed at the Watertown Arsenal?

Mr. WEEKS. There are about 600 men, and about half of them are working under the bonus system.

Mr. REED. Mr. President, the vice of the proposed system is not found, in my judgment, in the matters that have been suggested. The vice of the proposed amendment is that it involves the laying out to each man of a specified amount of work for each day and the payment of a bonus when he exceeds that amount of work, and I presume that involves the right to impose a penalty if he does not perform the task within the allotted time. That involves, first, that somebody shall lay out the work and specify the amount; second, that the men shall be paid a premium who complete the work in a shorter time; and, third, that men shall suffer a penalty who do not complete the task within the prescribed time. Given those three elements, and you have the Taylor system. That is substantially all there is to it.

After we have once fought out the battle and after the Senate voted to keep in the whole section as it came from the House, and by keeping it in to abolish the Taylor system—because that is what it means—the Senator now proposes to keep the heart and soul of the proposition in and to only have taken out certain phraseology which contains no vice except for the part the Senator from New Hampshire now seeks to keep in the bill.

If you keep the scheme, if you keep the system, there is no use legislating about stop watches, because if a man is working on piecework and getting bonuses if he does the work in less time, of course you have to time him in order to know how much bonus is to be paid. So the part of the section which remains

would prohibit the use of a stop watch, but of course it would mean that there would be some other kind of watch used or some other method devised in order to determine the bonus. All there is to it is that our friends who want to perpetuate the Taylor system, and who have a right to their views, having been once defeated, now propose to save all they lost in the fight of yesterday except some immaterial matters, which are not necessary at all to the carrying out of the Taylor system.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

Mr. WEEKS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. Mr. President, the Senate on yesterday, by a decisive vote of 15 to 36, as I remember, decided against the Taylor system. The proposition submitted in the amendment of the Senator from New Hampshire is to retain enough of the Senate provision to enable the conferees to fight for the insertion of the entire Taylor system.

It does not make a particle of difference, Mr. President, whether you eliminate the words "stop watch" from the proposition or not, for, as so well suggested by the Senator from Missouri [Mr. REED], wherever the bonus system exists there must be a measure of the amount of work that can be performed by men within a given period. A bonus system is based upon what can be done within that period, whether a stop watch be held on the man or whether you say that he shall do so much in a given period and forbid the use of the stop watch.

Mr. GALLINGER. Mr. President—

Mr. LA FOLLETTE. It is exactly the same proposition whether the stop watch is eliminated or whether the task is fixed by hours or by a day's work.

Mr. President, it is nothing but a "sweating system." It drives men to perform a given number of motions within a fixed time. It offers a premium to men who can do that thing; it subjects men who are by nature differently organized mentally, physically, and nervously to a strain under which they are broken down.

It has been enunciated by Mr. Taylor, as a basic principle of his system, that they take into account only the men who can perform a certain given number of motions within a limited space of time, and the system has no concern whatever for the 80 per cent of men who can not come within that limitation. Mr. President, the fixing of the task imposes precisely the same stimulus, precisely the same exaction, precisely the same taxation upon nervous and physical ability without the stop watch that it does if a stop watch is held over the men.

I have no doubt that there are some workmen who desire that this system shall be established. Human nature is just the same, whether it be among United States Senators, men engaged in industrial and commercial enterprises, men who work at the bench or at the forge, or men who run engines. It makes no difference. You will always find a certain number of men who are more or less selfish and who, by reason of their temperamental organization, are able in any contest to win a higher wage, a bonus for themselves. They take no account of the 80 per cent of men who can not come up to that standard.

I remember well, Mr. President, when I stood some years ago upon this floor appealing to Members of this body to pass a bill fixing 16 hours as the limit of time that men engaged in conducting the train service of the country should be permitted to work without interruption, there were engineers and conductors and other trainmen who objected to having any limitation put upon the number of hours that they might be permitted to operate a train, because there were a comparatively few who could run a train 36 hours, 40 hours, 50 hours, perhaps 72 hours, and keep awake, keep their faculties concentrated upon their work, and earn a larger sum each month. They did not want any limitation put upon the number of hours that they should be permitted to operate trains; but, Mr. President, the public has some rights in these matters; it has some rights in every question which involves labor generally.

It had in that particular case some rights in addition to that; it had some rights as to the safety of interstate transportation. Against the wishes of some of the engineers and conductors and trainmen of the country, I remember I, with some others upon this floor, stood here and fought for a limitation upon the hours of service of the men operating the trains of the country. The great body of the trainmen were in favor of a limitation. The great body of the trainmen to-day are in favor of a much greater limitation than the 16-hour limitation which, after a long struggle, we succeeded in putting upon the hours of train-service men.

Mr. President, it is like all other questions that affect labor. It is like the limitation of hours which the Supreme Court of the United States has sustained upon the length of time that

women can be compelled to serve in any of the industries of the country. The public is interested in conserving the labor of this country and in protecting it, not only with regard to the work hours of women but with regard to the hours of labor of men; not only with regard to the hours of labor but with regard to the strain, the tension, the ordeal, the tax to which men and women shall be subjected in performing their daily occupations.

It has been demonstrated, sir, in investigations which the Supreme Court accepted, that, as the hours of labor are increased, the strain and tension upon the men who serve in the great industrial life of this country is intensified, there results not only the earlier breaking down of these employees but all the concomitant evils that go with such a breakdown that before the crash actually occurs.

For instance, sir, it has been found, as a result of a carefully systematized investigation of accidents, that in the afterpart of the day, from 3 or 4 o'clock on, when this ordeal of concentration has been sustained for a considerable period of time, when the ability to concentrate is lessened, when the nerve wear and the muscle wear begin to tell upon the individual operatives, accidents increase; that is the time when there is the largest loss of fingers and arms. In the late hours of the day the accident death rate is always the highest.

Mr. President, in these times it behooves us to conserve the industrial vitality of this country. We have had a demonstration of one of the great powers of Europe that has made the first consideration in its program of preparedness that it shall look out for the upbuilding of the industrial life of the people who serve and toil; that it shall protect them upon every possible side; that it shall give them every protection with which legislation can hedge them about, to the end that their powers of production and the length of their service may be maintained during all their active years so that the number of them that may be maimed or killed shall be reduced to the lowest point. To all those things, that great Government of Germany has given special attention.

We are rushing madly here, as it seems to me, along with a program of preparedness—I want to speak with entire propriety—without giving to it sufficient consideration. Germany's preparation did not consist simply in the building up of a military and a naval force. Germany's preliminary preparation consisted in conserving, economically and in every other way, humanely, all of the vital forces of the people who labor in her industries. And, Mr. President, because she laid her foundations broad and strong, because she cared for the men who toiled in her industries, she has an industrial system underlying all of her military preparation superior to anything of the kind in the world. And, sir, permit me to say that it has its other side. It appeals to the patriotism and the loyalty of the German citizen. Germany did not find it necessary because of the prevalence of an industrial system which ground the life out of the employed, to lower the standards of enlistment, the number of inches that a man must stand in order to go into the military service, his weight, and the other physical conditions, as in England, which has an industrial system somewhat like that which some men would impose upon the people of this country. But, sir, Germany is able to call to the service of her standards men who come up to the old measurements. Their industrial life has not been shriveled up as in Great Britain; and, furthermore, they are willing and responsive.

Mr. President, it behooves us not to stand for any of the exactions upon labor which would grind the last ounce of work out of the toilers of this country by any process of sweating. I care not what may be used, whether the stop watch be held over the operative or whether men who have the coordination of mental, nervous, and muscular organization to enable them to win are tempted by a bonus system to strive for the prizes and drive their competitors, their fellow workmen, to the breaking-down point.

Mr. President, I understand the author of the Taylor system, in his book, says that he takes no account of the 80 per cent who can not come up to the high standards. Those who install this system say to a manufacturer or business man, "Permit us to install our system. For \$100 a day our experts will teach it to your operatives and to your managers. By adopting this system, which takes account of every movement a man makes and exacts of him the highest possible speed, you will be able to reduce the unit cost of the output of your product 20 per cent." Capital seizes upon that, sir. Capital takes no account of what may happen to the men who are thrown out of employment because they can not make the given number of motions within the limited period.

Mr. President, let us, as we did on yesterday, by a decisive vote hold to the position taken and say to the House of Repre-

sentatives, "We agree with you. There shall be nothing left in disagreement between the Senate and the House upon this proposition."

We will not permit to be put into this bill a line, a word, or a syllable that will give the conferees the opportunity to work out some legislation that shall be framed up by six men and shall come in here in the conference report in a form that has to be accepted by the Senate.

Mr. President, one of the iniquities of our legislative system is that we turn over to conferees almost, if not quite, the absolute power to make legislation. I am going to call to the attention of the Senate later this afternoon an example of that sort, an instance of the radical change of a legislative policy that had been pursued by this Government for generations, made in a conference report, and put through the Senate without a suggestion to the Senate as to its awful import.

Mr. President, I hope that we shall early adopt a rule that conference reports shall be open to consideration in their items and be open to amendment on the floor. Mr. President, a system of rules giving into the hands of a conference committee the power to make legislation is destructive of democracy. Why, sir, the Senate is practically powerless when considering a conference report. It has to consider and accept or reject the report as a whole. Legislation about which there is a wide difference of opinion between this legislative body and the one at the other end of the Capitol goes to conference, and out of the conference committee will come a proposition that has almost no relation to the opinion expressed by the other House or the opinion expressed by the Senate when the original measure was under consideration.

This new proposition may be embodied in a report covering scores of pages. Every Senator knows that when a conference report comes in, particularly in the latter days of a session, its details receive no consideration. It is passed without discussion of each of the many subjects it may cover. Maybe one single item in a conference report will be taken up and discussed; but, Mr. President, the Senate knows from long experience that when such a report comes in it is a hopeless proposition to undertake to deal with it in detail; and so, I say, it lies with the conferees to make our legislation.

I recall, sir, that when the emergency currency bill was pending in the Senate in 1908 I offered many amendments to it. The then Senator from Rhode Island, Mr. Aldrich, rose in his place and accepted those amendments one after another. I had some reason to believe, therefore, and the Senate had some reason to believe, that those amendments were to go into the bill. One I recall with distinctness, and there is not a Senator on this floor who at this moment will not say that it was of vital importance.

We had just gone through the great so-called panic of 1907—a panic which I have always considered was artificial. In that panic the reserves of the local banks had been drawn from these banks to New York City, Chicago, and one or two other centers of speculative finance. When the strain of that panic came upon the country New York had the money of the country banks. New York was using it for speculative purposes. Interest rates increased.

Local demands called for the return of the reserves to the country banks. The great centralized banking institutions refused to respond to the legitimate demands of the local bankers and return these reserves to meet the commercial demands of the different localities. Time was of the essence of that situation. Legally, they were bound to return them; but legal processes are well understood. The law's delay prevents them from resorting, in a situation like that, to legal redress. Week after week those demands were repeated by the local banks that were being driven to the wall. So that when we came to consider financial legislation in 1908 to correct these evils and to protect the reserves, the keeping of the reserves in the local banks was one of the burning questions.

Mr. President, I offered an amendment to compel the retaining of a certain measure of those reserves in the local banks. The Senator from Rhode Island, in charge of the bill, rose and said: "That is a very proper amendment, and I accept it." He did that with many amendments that I offered. Mr. President, that bill passed with that and other vitally important amendments in it, one of them being that the officers of a national bank should not be permitted to speculate with the funds of the depositors of that bank. The acceptance of the amendments shortened debate. That is a process sometimes resorted to by gentlemen in charge of bills.

Mr. President, one of the things that I had contended for from the time I came into the Senate was that there was an uncertainty about the value of these railroad bonds; that they had been issued at the will of the men who built the railroads; that the only restraint or limitation upon it was the market which



they could find for the bonds; and I contended, sir, that there should be a railroad valuation, so that the people of the country might know what was behind the railroad bonds and stocks. Now, that bill contained a provision that railroad bonds—mark the scope of it—should be accepted by the Treasury Department as a basis for issuing emergency currency. No standard was prescribed as to what was back of the bonds—that is, no vital, thorough-going, economic standard. There was a standard imposed with regard to what the railroads had been able to exact from the public as a dividend on the stocks; but, Mr. President, you can see that that was an India-rubber proposition. The railroads could exact enough, regardless of the money value back of the bonds and the stocks, to pay interest on the bonds and dividends on the stocks; and that was to be the only guide of the Secretary of the Treasury.

I made very careful preparation to argue to the Senate whether or not railroad bonds should be bedded into the currency system of this country.

Well, Mr. President, I made weeks and months of preparation to discuss that bond proposition in the Senate; and 20 minutes before I rose on the floor to make my attack upon it, the Senator from Rhode Island took the wind all out of my sails and out of my preparation by announcing the withdrawal of that proposition from the bill. I took the floor. I argued the bond proposition just the same, and predicted that when the conference report came in the railroad bonds would be in the bill as a basis of currency issue. And, sir, let me tell you what occurred when that bill came back into the Senate in the form of a conference report; it not only made railroad bonds but railroad stocks a basis for currency issue.

The history of the struggle between the conferees in that matter is interesting. The bill went into conference some six to eight weeks before the probable time of adjournment. The conferees met. A campaign had been made over this country extending over a period of years such as we have seen in regard to few pieces of legislation. A commission had taken testimony in this country and Europe, and had printed the results of its investigations in 42 volumes that nobody ever read. Organizations all over the country, bankers' organizations, commercial organizations, boards of trade, had been organized behind the legislation that Senator Aldrich and his commission and his committee proposed to put through.

But, sir, the conference committee met and the public was informed there was a wide difference between the House and the Senate and that no agreement would be effected.

Mr. President, that was repeated day after day, until the Members of this body and of the other body, thrown off guard, came to understand that after the weeks and months and years of agitation and campaigning this piece of legislation was to come to naught because of this difference between the two bodies.

We were near the time of adjournment. The date had not been set, but Senators know that we are sometimes nearly ready to adjourn before the resolution for adjournment is agreed upon by the two Houses. It was pretty well understood that the adjournment of the session was at hand.

Mr. WEEKS rose.

Mr. LA FOLLETTE. Does the Senator from Massachusetts wish to interrupt me?

Mr. WEEKS. If the Senator has reached the point where he wishes to be interrupted.

Mr. LA FOLLETTE. Let me go on for a while, if you will, until I conclude this thought.

I wonder if Senators can recall the large correspondence that they had during the year or so preceding the culmination of that legislation. I wonder if they did not, as I know I did, write to hundreds, and I think thousands, of business men in Wisconsin and elsewhere who addressed me upon the subject. The papers announced that there would be no legislation upon this subject. I wrote the bankers and the business men in Wisconsin: "We are told in the press, and it is the understanding in both bodies, that there will be no legislation at all." The House had passed one bill and the Senate passed a wholly different bill, and these were in conference and no agreement could be reached.

If Senators will go back to the files of the papers of that time, they will find headlines, and news articles sustaining the headlines, to the effect that "all financial legislation for this session is out of the range of possibility."

Not more than four days before we adjourned I was startled by a morning-paper announcement that the conferees had agreed on that bill.

Mr. President, as an humble Member of this body I had some interest in that legislation. I got that conference report as quickly as I could. What do you think I found? Not only railroad bonds were back in the bill, but railroad stocks, warehouse receipts, every conceivable thing was back in the bill. It was

an infinitely worse proposition from a financial and economic standpoint than was the bill as it was reported to the Senate. Propositions which when tested by debate were promptly withdrawn were restored in the conference bill.

The amendment which I had offered to require local banks to hold their reserves up to a certain point was wiped out. It had been accepted on the floor.

The provision with respect to the officials of the bank using the money of the depositors was gone out of the bill.

Senators, I got a bad reputation in this body and all over the country for talking interminably because of the righteous indignation which that report aroused in me. I determined that it should not pass this body if I could help it, and to stop it I spoke for 19 consecutive hours. It would have failed, because the adjournment was so imminent that many Senators had made their arrangements to leave, and the Senate and the House would be without a quorum, but for a legislative trick resorted to on this floor—so reprehensible, Mr. President, that the revered Senator from Georgia, Senator Bacon, rose in his place the day after it had been perpetrated and said that he wished to go on record as repudiating the methods by which the bill had passed.

Mr. President, the RECORD of the Senate was changed in order that I might be taken off the floor. I photographed the RECORD of the congressional proceedings of that night, and I have preserved the photograph and have published it. A RECORD was changed. It is not necessary for me to say who changed it now, because the mutations of time have put it beyond the power of some of the men engaged in it to answer, but I printed in the American Magazine in connection with the articles running as a part of my autobiography the changed RECORD in photograph, and it can be seen there if Members are interested enough to look at it.

The bill was passed. The conference report was put through.

Now, Mr. President, I have spent more time than I intended. I did not intend to speak of it at all. I had not thought of it for years until the suggestion of what happens so often in conference came to me as I considered the effort to write the proposition of the pending amendment into this bill. If adopted, this amendment would be the ground upon which the conferees could stand and write into the bill the Taylor system rejected in the other House and yesterday rejected by a decisive vote in the Senate.

If the Senator from Massachusetts [Mr. WEEKS] would like to interrupt me, I will yield to him.

Mr. WEEKS. No; I will take the floor after the Senator gets through.

Mr. LA FOLLETTE. The Senator from New Hampshire [Mr. GALLINGER] has the first call for the floor. He rose to interrupt me and forbore in order to let me go on. It was very kind of him.

Now, Mr. President, I come back to this. I do hope that as a Member of this body I shall live to see the rules with respect to conference reports so changed that it will not be possible for two or three men to dictate and put through legislation. This is a democracy, sir. We are supposed to be the representatives of the people.

Our work upon this floor and the work of our associates at the other end of the Capitol is supposed to represent public opinion and the interests of the great masses of this country. But I need not say to the Senators what everybody knows, that very often the public will is defeated, that public interest is perverted, and democracy is shackled in legislation as we enact it.

I long to see the time, Mr. President, when this body shall become thoroughly democratized, when our system of committee appointments shall be wholly changed, when our system of legislation by the dictation of party conferences and party caucuses shall be wholly changed.

Mr. President, not a day scarcely passes but we have evidences here in the Senate of the control of legislation by a small body of men upon a committee.

While I am on the subject, sir, I do not know but that I can serve public interest by taking just a few minutes to describe it.

At the beginning of every Congress a party conference or caucus is called. Under precedents which have come to be accepted, the senior in service, whatever may be his associations or his relation to the great questions of the day, calls that caucus or that conference to order. Some one moves that he be chosen chairman. He is chosen chairman. Some one moves that he be authorized to appoint a committee on committees. By long usage and custom, through which reformers would find it impossible to break, the motion prevails.

Now what happens? One man selects the men who make up the committee. The committees are made up pursuant to the

rule of seniority and the selection of the chairman. They are submitted to the committee, but the chairman of that committee, reflecting the views of the chairman who has presided at the conference, practically controls under custom as it has prevailed here, and our committees thus may centralize the control of legislation in the hands of very few men.

I see Senators turning to the list of the committees to see how I may have fared under that system. I have been here going on 11 years, Mr. President, and there comes a time when a man is given service here by the same system that makes the senior Senator the controlling force in the selection of the committee on committees. Seniority ultimately gives to a man some recognition upon committees.

When I came here in the beginning the committee of which I was made chairman was the Committee on Potomac River Front. I was chairman of that committee for a long time. I had spent a good many years on the question of railroad transportation, first in the House of Representatives, next in the State of Wisconsin, and I asked for a place upon the Committee on Interstate Commerce. I got it, Mr. President, but I am the last Republican on the list. I am at the foot of the whole list. There are plenty of men who came in here after I did who precede me upon the committee.

There is not a divinity that shapes our ends, but there is a power that shapes our ends with regard to legislation and to committees.

Now, Mr. President, I have wandered some distance afield, but after all it bears upon this matter that is before the Senate. The Senate yesterday by a very decisive vote declared that it would have none of this sweating system that drives men to the breaking point. The Senate said it did not want a system that throws men who by their nature can not make a certain number of motions within a given space of time on the labor scrap heap to go out and wrestle as best they may—discarded men to support their families.

Here is a proposition made by the Senator from New Hampshire which is exactly the same thing. It is not the stop watch. Mr. President, the term is somewhat offensive. That is left out of the proposed amendment, but in effect it is precisely the same thing. It is the bonus system, which can only be applied when men, driven to the very highest pressure, shall perform a given number of motions within a given space of time and turn out a finished product.

Mr. President, I must say economic propositions have some attractions for me. They have always had; and when this Taylor system, this scientific management system, was first proposed it made a very strong appeal to me. It took hold of my imagination. I said, "Here is an economy."

When a bricklayer takes the brick as they come from the hod of the carrier ordinarily the process is that he stoops to the level of his feet. The brick are deposited upon the platform upon which he works. He stoops down and picks up a brick. Any of you who ever watched the processes of the bricklayer noticed that almost always he tosses the brick in the air. It makes a revolution. He catches it as it comes down. To the eye of a novice the ends of a brick may appear the same; to the expert they are different. The bricklayer knows that he should hold that brick in his hand as he lays it in the wall with one end of it turned from him and the other end of it turned to him. The ends are not alike. He tosses the brick in the air. He seizes it as it comes down. He lays it in the wall. He bends again perhaps to the level of his feet, and in each of these motions he has lifted the entire weight of his body.

Now, Mr. President, it appealed to me that if those motions could be obviated, if they could be eliminated, or if any of the wear and strain of the weight of that man's body could be gotten rid of, it was economy in physical wear and tear and in the cost of production of the thing upon which he was working.

I saw at once that if this scientific-management system provided a movable platform that rose with the wall as he built it, so that he did not have to bend his body at all, and so that he took the brick right off the platform at the level of his waist, it would be a saving. I saw, too, that if the hod carrier down on the ground was instructed when he put the bricks into the hod to place them in a certain way in the hod, so that when he dumped the hod on the platform he could save the operation of tossing the brick into the air to bring it right-end-to for the bricklayer who was to lay it on the wall. It all appealed to me very strongly, Mr. President; but when I came to see the effect of it upon the great mass of toilers in this country I saw the viciousness of the system. While it does make for profit for the man who has the capital invested in the enterprise, and while he may by some equitable arrangement give the men who work under him, by a bonus or other system, some share in the

profits which he can make, yet, when he gives it to them by bonus, that is turning the screws down harder and harder.

Not satisfied with eliminating the waste motions, on top of that, after they have eliminated the waste motions, most of these gentlemen who are striving for profits in their business will offer a bonus to a man who can strive with his associates. By the quickness of his eye, by the curious thing that is called a coordination of hand and brain, he can make certain motions quicker than can somebody else, and he pushes out of employment altogether somewhere from 60 to 80 per cent of the men who are slower in their motions as a result of this difference of attuning the whole system by nature to the acme of speed which the most proficient can attain.

Then, Mr. President, when I came to see those things and the result of them and came to investigate the matter further I became convinced that whatever the economies may be we must not adopt them unripened and undeveloped. If they can be ultimately so controlled as to protect the great body of the toilers of this country, to make the saving that comes from the elimination of waste motion and at the same time not destroy the lives of the men engaged in the business and insure to them their fair share of the saving in which it all results, then we may be able to accept it; but, Mr. President, that is remote, that is not here now. We must not be lured by theoretical arguments with respect to the saving resulting in the destruction or in the deterioration of the vital forces of the great body of the toilers of this country.

Mr. GALLINGER and Mr. MARTINE of New Jersey addressed the chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. MARTINE of New Jersey. Mr. President, I merely wish to say regarding the Watertown Arsenal—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. Mr. President, I should prefer to listen to the Senator from New Jersey after I conclude. I never talk very long.

Mr. President, when I submitted the pending amendment I had no idea that it would provoke a discussion such as has ensued. The Senator from New Jersey, my genial friend, who wants again to get into the argument, immediately, before "high heaven" declaimed against this as an outrage on the workingman, and the Senator from Wisconsin [Mr. LA FOLLETTE], in picturesque language, has followed in the same channel.

Mr. President, this system—which will be modified if my amendment prevails—is in vogue in hundreds and hundreds of workshops in the United States; it is in vogue in my own State; and I never have heard that any outrage has been committed upon an employee as a result of it. I never have heard that they have been crushed and outraged and persecuted as has been represented in this Chamber. I do not quite understand why Senators should indulge in language of that kind, in view of conditions which exist in workshops and factories all over our country.

The Senator from Missouri [Mr. REED], in discussing the matter, suggested that while the stop watch had been eliminated, other similar devices could be employed, and that the laboring man would not have his condition ameliorated in any way whatever because of words left in the bill.

Mr. President, if the Senator had read what is left in the bill, he would have seen that other devices of similar nature are prohibited, and that they could not possibly be employed under the law as it will stand if the amendment which I have offered shall be agreed to.

The Senator from Wisconsin, Mr. President, has truly wandered afield—that is his privilege under the rules of the Senate—but I confess that I have looked upon the Senator from Wisconsin heretofore as a man who lived in the present and the future rather than in the past. He has, however, gone back to the year 1908, and he has given us a page in the history of the Senate which is entirely new to me. I confess that I never heard it stated before—though possibly I would have found it in the printed record had I read the Senator's biography, which, I presume, I ought to have done—that there was any change in the proceedings of the Senate made by any employee or any Senator, whoever it may have been, on that memorable occasion, which we all remember, because we listened to the Senator at as great length, I believe, as any Senator has spoken in the Senate during the time of my somewhat protracted membership.

The Senator, Mr. President, has told us about the wonderful achievements of the German people, not only in military matters but industrial matters as well, and he called attention to the fact that that great people have accomplished such results because they have conserved human energy and human life.



Mr. President, sometimes I have thought I was the only man in the Senate who was truly neutral as between the contending forces in Europe to-day. I have tried to keep myself neutral; I have tried to think as well of one nation as I have of another; but I have been in Germany and I have seen the German people, I have been in France and I have seen the French people, I have been in England and I have seen the English people, and I confess that I have failed to discover that the German people are any more careful in conserving human energy and human life than are the other nations of the world. Why, Mr. President, take the women of Germany. I have seen them mixing mortar and carrying it up the ladder to the men who were laying bricks, a process which the Senator from Wisconsin has aptly described. I have seen them in the hay fields and in the wheat fields, performing labor that men ought to perform; I have seen them, Mr. President, drawing carts on the streets hitched to dogs, a sight that I have never seen in any other country on the face of the earth. And if Germany in treating its women in that way is conserving human energy and human life I fail to understand what conservation of human energy and human life means.

Mr. President, Germany has a wonderful military system, and her soldiers are among the best in the world; but if I am reading current history aright Germany has found her match in the French nation in this great struggle; and I think she is finding her match in the English nation as well on the battle field.

I think the soldiers from Canada, the soldiers from Australia, and the soldiers from that little Isle, which we all admire so much because of its wonderful progress in art, in literature, in science, and in every other department of human endeavor, are proving to be a match for the wonderful German people, with whom I sympathize, because there is a trace of German blood in my veins. So I think, Mr. President, we should not be swept off our feet by the picturesque and eloquent language of the Senator from Wisconsin touching this question.

The Senator, Mr. President, I think very wisely, has called attention to our methods of legislation so far as conference reports are concerned. I do not think the Senator will ever live to see them reformed along the lines he has advocated to-day; but I do think that we ought to have the right, under our rules, to make a point of order against any provision that appears in a conference report that has not been considered by either House of Congress. I advocate that change, and hope that at some time it may be made; but whether we ought to have the right to object to any particular paragraph in a conference report is quite another matter which ought to receive very careful consideration before being adopted.

Mr. President, I feel that my amendment was hardly of sufficient importance to detain the Senate so long as the Senate has been detained in debating the question. Let me suggest what it means. I have moved, Mr. President, to strike from the bill these words:

Nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

That is all.

I stood beside a man for three long years who earned 25 per cent more than I did doing the same kind of work. I never found fault with the fact that he was more expert than was I in performing that labor, and the fact that he received a higher reward than I did never impressed me with the feeling that I was being oppressed or being wronged in any way because of the fact that I did not get as much money as did he.

Mr. President, there are hundreds and hundreds of workshops in this country where bonuses are given to employees, where cash rewards are given to employees, for performing more and better work than some others who are engaged in the same workshop; and I can not for the life of me understand why anybody should object to that. I can not for the life of me see what harm it does to the man who is not as efficient as another and who can not in the very nature of things earn as much money as another.

If my amendment should prevail, what remains in the bill? Why, Mr. President, this provision would remain:

*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

It seems to me that that is sufficient to meet the views of the most radical Senator on this question. It absolutely prohibits

the very things that have been complained of heretofore, but it does allow the men who are in charge of the Government workshops the right to compensate to a larger extent the efficient man than the inefficient man, the man who accomplishes more than the man who accomplishes less; and I have heretofore been of the opinion, Mr. President—and I am to-day equally as earnest in that view—that we ought not to legislate so that the most incompetent, so that the least efficient man shall set the standard of work for the men in any workshop in the United States, whether it be a private workshop or a Government workshop.

Mr. President, I am not rash enough to expect that my amendment will be accepted by the Senate; I am not rash enough to believe that Congress has yet reached the point where it will refuse any demands the labor unions of this country shall make upon it, and inasmuch as the labor unions have declared their purpose that legislation prohibiting the bonus system shall be enacted, I do not expect to see it eliminated by a vote of the Senate of the United States; but while I do not entertain the belief that it will be eliminated, I still hold to the conviction that it is an injustice to the workingmen to deny them the privilege of earning a little more additional money because of increased efficiency and increased power to accomplish more work than the men who may stand beside them in the same workshop.

Let us, Mr. President, encourage, rather than discourage, efficiency in Government as in private work, and let us not shut the door of encouragement to men to qualify themselves for better work, whether it be in workshops, in mills, in factories, or in the home by legislation such as is incorporated in this bill, and which, unfortunately, has been incorporated in other bills which have passed during the present session of Congress.

Mr. MARTINE of New Jersey. Mr. President, I thought on yesterday this whole question had been settled, but it seems not to have been. The idea seems to prevail that the bonus system is different from the time-clock system. The time-clock system first came in vogue and then the bonus system followed. I find here in Gen. Crozier's report a statement that they have a process of rewards to the foremen of the men. They give a foreman a bonus to drive the men to the limit. On page 20 of the same report Gen. Crozier says, and his statement shows that there is justification for opposition to the proposal advanced by the distinguished Senator from New Hampshire:

Perhaps something can be said on both sides of the question of stimulation by high rewards. There are in all walks of life men who wear themselves out in their effort at great accomplishment, and there are more such in a new country, where the rewards are great, than in old countries, where the more settled conditions imposed narrower limitations upon what may be accomplished by strenuous and intelligent effort.

I insist that a process that shall tend to wear out human lives is not good economy for a nation to pursue.

It is said that the time-clock system, the sweatshop, and the bonus system are all one and the same thing. The Senator from New Hampshire adopts the other view; but Gen. Crozier, referring to the Watertown Arsenal, on page 20 of the same document, uses these words:

The question remains to be answered how the process at the Watertown Arsenal differs in kind from the class known as "speeding-up," or "sweatshop," or "slave-driving" processes, so called. I take it that the essential difference lies in the character of the stimulation which is applied to increase the output. In the reprehensible methods the output of a very rapid workman is taken as the standard, and the rate set is such that this output must be reached in order to make ordinary wages. The task and the compensation are so fixed that unless the employee puts himself under a great strain all the time he is either discharged or fails to earn a living wage. In other words, the highest possible output is demanded for what is at best no more than the current rate of wages.

I insist that that verifies our position that there is no difference, or only a difference of words, between the sweatshop, the speeding-up, the slave-driving—I am using Gen. Crozier's words—and the time-watch system. I feel that it could do nothing to advance the welfare of the operatives; neither do I believe it would advance the welfare of the Nation.

As I suggested yesterday or this morning, whenever it was, we can not prevent this in private shops; but in God's name do not let the Government of the United States adopt a system that shall drive the last strain and string of a man's tendons and muscles to their utmost tension, or the last drop of blood, upon which to build our prosperous arts.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLEAN] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay."

Mr. WADSWORTH (when his name was called). I transfer my pair with the junior Senator from New Hampshire [Mr. HOLLIS] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRYAN. Has the junior Senator from Michigan [Mr. TOWNSEND] voted?

The VICE PRESIDENT. He has not.

Mr. BRYAN. I have a pair with that Senator, and therefore withhold my vote.

Mr. LIPPITT. I have a general pair with the junior Senator from Montana [Mr. WALSH]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

Mr. GRONNA. I inquire if the Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. DU PONT (after having voted in the affirmative). I desire to inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with that Senator, I will withdraw my vote.

Mr. GALLINGER (after having voted in the affirmative). I am paired with the senior Senator from New York [Mr. O'GORMAN], who has not voted. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will let my vote stand.

Mr. WARREN (after having voted in the affirmative). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. WARREN. I withdraw my vote, as I have a pair with that Senator.

Mr. MARTINE of New Jersey. I have been requested to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent on public business, and is paired with the senior Senator from New Mexico [Mr. FALL].

Mr. GALLINGER. I have been requested to announce that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Arkansas [Mr. CLARKE], and that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Georgia [Mr. HARDWICK].

Mr. OVERMAN entered the Chamber and voted "nay."

The result was announced—yeas 15, nays 40, as follows:

# YEAS—15.

Brandegee	Harding	Penrose	Wadsworth
Clark, Wyo.	Lee, Md.	Sherman	Weeks
Dillingham	McCumber	Smoot	Works
Gallinger	Page	Thomas	

# NAYS—40.

Ashurst	Johnson, S. Dak.	Phelan	Smith, S. C.
Bankhead	Jones	Pittman	Sterling
Borah	La Follette	Polindexter	Stone
Brady	Lane	Ransdell	Swanson
Broussard	Martin, Va.	Reed	Taggart
Chamberlain	Martine, N. J.	Saulsbury	Thompson
Clapp	Myers	Sheppard	Tillman
Cuberson	Norris	Shields	Underwood
Fletcher	Overman	Simmons	Vardaman
James	Owen	Smith, Ariz.	Williams

# NOT VOTING—40.

Beckham	Goff	Kern	Pomerene
Bryan	Gore	Lea, Tenn.	Robinson
Catron	Gronna	Lewis	Shafroth
Chilton	Hardwick	Lippitt	Smith, Ga.
Clarke, Ark.	Hitchcock	Lodge	Smith, Md.
Colt	Hollis	McLean	Smith, Mich.
Cummins	Hughes	Nelson	Sutherland
Curtis	Husting	Newlands	Townsend
du Pont	Johnson, Me.	O'Gorman	Walsh
Fall	Kenyon	Oliver	Warren

So Mr. GALLINGER's amendment was rejected.

Mr. BRYAN. I desire to give notice that when the bill gets into the Senate I shall ask for a separate vote on the amendments of the committee, beginning on page 54 and going to page 58, inclusive.

Mr. GALLINGER. Mr. President, I can not let the occasion pass without congratulating the Senate on the fact that there has been a gain of two votes, since the vote on yesterday, for the beneficial amendment that I submitted to the bill.

Mr. BANKHEAD. Mr. President, I desire to offer an amendment on page 11, at the end of line 20. I do not think the chairman of the committee will have any objection to it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, at the end of line 20, after the word "occurred," it is proposed to insert a colon and the following words:

*Provided*, That the relative rank of all general officers of the line shall be determined by the date of their respective commissions, seniors taking precedence over juniors.

Mr. WARREN. Mr. President, I should like some explanation of that amendment. That is the law now, as I understand.

Mr. BANKHEAD. The only purpose of that is to secure the relative rank of general officers in the line; that is all. In other words, when the Congress passed a bill some time ago to promote certain officers on the Canal Zone for distinguished service, by some misunderstanding or some misconstruction of the law it was held—or will be held, if opportunity arises, so I am informed—that graduates from Annapolis or West Point who graduated five years or any other number of years after the officers who were promoted under that act will take rank over and above them, and the purpose of this is simply to correct it. I hope the Senate will let it go to conference.

Mr. WARREN. I assume the Senator means this to relieve one man alone, does he not, or perhaps three or four men?

Mr. BANKHEAD. Oh, no. There are three or four of them. It relieves all those that were promoted by special act of Congress for distinguished service on the Canal Zone. If I am mistaken about that, there will be no trouble in correcting it. If it goes to conference and it is found not to be necessary in order to correct that injustice, the conferees can take it out.

Mr. WARREN. I will say to the Senator that I do not know about the conference, but I assume that he means to change the law which provided that those men who were elevated from lieutenant colonels and colonels to brigadier and major generals should stand at the foot of the list, as this was an honorary place. He wishes those to be advanced up to where their original date of commission from West Point would put them?

Mr. BANKHEAD. No; I do not think that is the purpose of the amendment at all.

Mr. WARREN. The reason why I ask is because there has been of necessity, when we provided for detached officers, some legislation, and we have undertaken to correct it in this law. I thought the Senator was making this entirely too general. If he would apply it alone to those that were elevated on account of their meritorious work at the Canal Zone, that would cover what he wants.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

SEC. —. That section 27 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be amended so as to read:

"Sec. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 21



years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided, however*, That such minor has such parents or guardians entitled to his custody and control, and this proviso shall be applicable to all minors enlisted or mustered into the military service of the United States on and after June 3, 1916: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army the postmaster procuring his enlistment shall receive the sum of \$5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may, in his judgment, be consistent with the requirements of military instruction and service of the soldiers."

SEC. — That section 58 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and the same is, amended to read as follows:

"SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 18 and 45 years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years: *Provided*, That no person under the age of 21 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided*, That such minor has such parents or guardians entitled to his custody and control, and this provision shall be applicable to all minors mustered into the military service of the United States on and after June 3, 1916."

Mr. LA FOLLETTE. Mr. President, I do not know whether there is to be opposition to this proposed amendment. It is very important. While it is a long amendment and provides for reenacting of two sections of the act which passed June 3, known as the reorganization of the Army act, I propose its reenactment only to change one provision in each of those two sections. The provision which is changed by my amendment, if it is adopted, restores to the parent the right to withhold consent to the enlistment of a boy in the Regular Army or the National Guard if he is below 21 years of age. Prior to the enactment of the law of June 3 the consent of a parent or guardian was necessary to the lawful enlistment of a boy under 21 years of age and over 18 years of age.

Mr. CHAMBERLAIN. In the Regular Army?

Mr. LA FOLLETTE. In the Regular Army. That law was changed by the act known as the reorganization of the Army act.

I say without any hesitation that the amendment which I have offered is subject to a point of order, and I have guarded myself against that point of order by giving notice of a motion to suspend the rule, and I do not believe that a member of the committee or a Member of the Senate will make a point of order against this amendment, and therefore I do not believe that it will be necessary for me to precede the offer of the amendment with a motion to suspend the rule. Consequently, until there is some manifestation of a desire on the part of some Member of the Senate to raise that point of order I shall simply content myself to offer the amendment.

Mr. President, permit me to say this: I have before me on my desk the bill H. R. 12766, entitled "An act to increase the efficiency of the Military Establishment of the United States," as it passed the House of Representatives on the 23d day of March, 1916. I have before me the bill H. R. 12766, the same bill, as it passed the Senate on the calendar day, April 18, 1916.

Mr. BORAH. It is a long amendment and I do not know that I understood the Senator as to the precise correction which he desires to make in that act. It refers to requiring the consent of the parent or guardian?

Mr. LA FOLLETTE. It is to restore to the law the provision which requires that the consent of the parent or guardian should be had before a boy could be enlisted in the Regular Army if he is under 21 years of age.

Mr. BORAH. It seems to me that is a very wise proposition. We have in our office now two cases which come under the law as it exists because of the passage of the act of the 3d of June, 1916.

Mr. LA FOLLETTE. I have no doubt of that, Mr. President. I had in my office many cases within a few days after the order came to muster the National Guard into the military service of the United States. Within a day or two following that more than 500 cases of appeal from parents were made to the War Department for the relief of boys over 18 and under 21 years of age. In many cases these boys were necessary to the support of families where there were widowed mothers.

Mr. President, the Senator from Idaho will readily see that not only were the boys affected who might be enlisted in the

Regular Army, but boys had been enlisted in the National Guard all over the country; in some cases where they were only 18 years of age they were taken out of schools and drafted into the Regular Army. All over the land appeals have come from parents to the War Department and to the commanders of the different regiments and companies for the relief of those children.

It is true the law provided for the enlistment of boys of this tender age in the Navy, and the excuse that is made for changing this law is that it was to make it conform to the law regarding enlistment in the Navy. But, Mr. President, because enlistment in the Navy has been by law at that age wrongfully, and, as I believe, against the best interest of the Navy, and against the best interest of the country, it furnishes no excuse whatever for making this change with regard to enlistments in the Regular Army and the National Guard.

Mr. BRANDEGEE. I agree with the Senator about that. I was going to ask him would we not be up against the same trouble when we come to muster the Naval Militia into the service, if we ever do? The Senators' amendment does not propose to correct that?

Mr. LA FOLLETTE. No; I did not include that because I knew it would not be germane to this bill. I do propose to correct that provision in the law, but I have to do it in another way, as the Senator will understand.

Mr. BRANDEGEE. Certainly. Will the Senator answer this question in addition: Did the Army reorganization bill, which passed a few weeks ago, change the age at which a boy could enlist in the Army?

Mr. LA FOLLETTE. It did.

Mr. BRANDEGEE. It lowered it?

Mr. LA FOLLETTE. It lowered it; that is, without the consent of the parents.

Mr. BRANDEGEE. That is what I mean.

Mr. LA FOLLETTE. It lowered it from 21 to 18 years of age. That provision was not in the bill as it passed the House; that provision was not in the bill as it passed the Senate. It was incorporated in the conference report. I have searched the Record, and there was not a word of discussion concerning that matter in the Senate. It passed, I know, without my knowledge, and I am certain that it passed—and I do not say it in criticism—without the Members of the Senate being acquainted with the fact that it was there.

Mr. CHAMBERLAIN. Let me call the Senator's attention to the fact that it has always been the law with respect to the National Guard that they could enlist between 18 and 21 years of age.

Mr. LA FOLLETTE. Yes; and I have something to say about that, Mr. President.

Mr. CHAMBERLAIN. Just a moment. I wish to call the Senator's attention—

Mr. LA FOLLETTE. I was aware of the fact, but, Mr. President, boys who enlist in the National Guard do not enlist in the Regular Army. It is not in contemplation of service in the Regular Army that boys enlist in the National Guard; it is not in contemplation of service in the Regular Army that the parents consent to boys enlisting in the National Guard. There have been but two times in 51 years when the National Guard has been called upon to serve otherwise than in the National Guard at home.

Mr. President, I do not want to occupy the time of the Senate for one moment here this afternoon longer than is necessary. I want to secure the correction that ought to be made in this provision, and I submit it with this statement, that the people of this country will revolt upon this proposition, Mr. President. It is pushing this preparedness proposition too far.

Mr. WARREN. Of course there is a little different aspect now than there was a couple of months ago. Of course when we had the Civil War the age of enlistment was 17. At the time these matters were considered it looked more like war conditions than it does now.

Mr. LA FOLLETTE. That may furnish the reason for the action of the conferees, although I think while it is the action of Congress now, had the attention of the Senate been directed to it at that time it would have been ample reason for rejecting the conference report. I do not think there is anything in the provisions of either of the two bills that warranted the incorporation of that provision in the conference report.

Mr. CHAMBERLAIN. I know the Senator does not want to do an injustice.

Mr. LA FOLLETTE. I do not want to do an injustice to anybody.

Mr. CHAMBERLAIN. But the bill as it passed the Senate provided that the Militia of the United States shall consist of all able-bodied male citizens, and so forth, who are more than 16 years of age and not more than 45 years of age—

Mr. LA FOLLETTE. Yes, Mr. President, that is true.

Mr. CHAMBERLAIN. Pardon me, just a moment. Then, when the bill had passed the Senate that way the House provision was 18 and 45.

Mr. LA FOLLETTE. That is true.

Mr. CHAMBERLAIN. So as the bill passed the Senate it provided for drafting these young men into the service.

Mr. LA FOLLETTE. But that was not the provision in regard to enlisted men in the Regular Army.

Mr. CHAMBERLAIN. That is right.

Mr. LA FOLLETTE. There was no provision whatever that touched that section of the statute in either of the two bills, and strictly the conferees were unwarranted in changing the law in that respect. I do not mean to imply any improper motives, but I do say, Mr. President, that fact might be taken into account by the Senate in considering this matter at this time.

Now, Mr. President, without taking another moment of the Senate's time, unless there is opposition to this provision I shall offer no further reasons for its passage. If there is, then I shall have something further to say.

Mr. LEE of Maryland. I ask the Senator if he proposes by this amendment to affect the present status of the men who have been enlisted or mustered in?

Mr. LA FOLLETTE. I do. The language of the amendment affects the present status. I drew it purposely in that respect. It enables the parent in every case where the boy is under 21 years of age to object to his continued service. I think it should be so. This thing came upon him unawares, and there is no reason why there should be any different rule for the boys now in the service and for others who may enlist in the future. Many of these boys were taken from school.

Mr. President, consider just for a moment the time of life of these young men. It is the formative period of their characters. We may be willing to give up our boys to the service of the country in a time of great danger, but there is no such stress upon us now as to require that boys should be taken out of the high schools and taken out of the colleges of the country and pushed into the Regular Army, as it can be done and has been done under these two provisions.

Mr. CHAMBERLAIN. I agree fully with the Senator, if the law is to apply in the future there is no reason why it should not apply now.

Mr. LA FOLLETTE. We can pass an act lowering the age limit if the time should ever come when this service is required of the youth of the country.

Mr. LEE of Maryland. I will say to the Senator I will raise no objection to this amendment if he will make it apply hereafter, but I do not see that it ought to be made applicable to the period of discipline which is now prevailing for the National Guard of the country. There are thousands of men probably in the National Guard at the front to-day, and this disruptive proposition of sending out and bringing men home for one reason or another is not good discipline. It is not consistent legislation. If the Senator will make this apply to the future—

Mr. LA FOLLETTE. I will not change it.

Mr. LEE of Maryland. Then I raise the objection that it is legislation.

Mr. LA FOLLETTE. Then I move to suspend the rules for the passage of this amendment.

The VICE PRESIDENT. The Chair is under compulsion, of course, to sustain the point of order that it is general legislation. The Senator from Wisconsin has given notice for the suspension of the rules, and on that, of course, the roll must be called, because it takes a two-thirds vote.

Mr. LA FOLLETTE. I make the point of no quorum in order that we may get Senators here. I want to discuss the matter then with my friend from Maryland.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Fletcher	Martine, N. J.	Smith, Ariz.
Brady	Gallinger	Myers	Smith, Md.
Brandeggee	James	Norris	Sterling
Broussard	Johnson, S. Dak.	Owen	Swanson
Bryan	Jones	Page	Underwood
Chamberlain	Kenyon	Phelan	Wadsworth
Chilton	La Follette	Pittman	Warren
Clapp	Lane	Pomerene	Williams
Clark, Wyo.	Lee, Md.	Reed	Works
Culberson	Lippitt	Saulsbury	
Dillingham	Lodge	Sheppard	
du Pont	Martin, Va.	Sherman	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. BANKHEAD, Mr. McCUMBER, Mr. PENROSE, Mr. SMITH of Georgia, Mr. SMITH of South Carolina, Mr. GRONNA, Mr. STONE, Mr. SIMMONS, and Mr. THOMAS answered to their names.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The pending question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to suspend clause 3 of Rule XVI for the purpose of introducing an amendment to the bill.

Mr. LA FOLLETTE. Mr. President, to Senators who were not in the Chamber when I offered this amendment I merely wish to explain its purpose very briefly.

When the Army reorganization bill passed in June, without the knowledge of any Senator on this floor, outside of the members of the conference committee, the law was changed so that boys who were under 21 and over 18 years of age could be enlisted in the Regular Army or transferred from the National Guard into the Regular Army by draft without the consent of their parents. Within a few days after the time that law was applied here in the city of Washington there were 500 cases of parents who applied to the War Department to get their boys back—boys between the ages of 18 and 21 years—and to take them out of that service.

The proposition was never discussed upon the floor of the Senate. If it had been, I do not believe that it could have been passed. There was very little discussion of the conference report, as Senators will remember. The bill as it passed the House of Representatives did not contain the provision with regard to lowering the age limit under which a boy might enlist in the Regular Army from 21 to 18 years in defiance of the will of his parents or guardian.

No provision of that sort was put in the bill while it was pending before the Senate. I have on my desk the bill as it passed the House; I have on my desk the bill as it passed the Senate, the only copy obtainable, withdrawn from the files of the document room by permission of the official in charge, to be returned there. I have examined them carefully; I have examined the CONGRESSIONAL RECORD. There was no discussion of this subject before the Senate when the bill was pending; there was no discussion of this subject when the conference report came in. There was very little debate upon the conference report. The Senator from Georgia [Mr. HARDWICK] made a speech concerning the conference report, and there was a running discussion upon several features of it, but this provision never was touched. I think if anybody had called attention to it it would have been held by the Senate that the conferees could not put that provision into the bill in conference; but, even waiving that, if the proposition had come originally before the Senate when the bill was pending it would, in my opinion, have been defeated here. I do not believe that the Senate nor the Congress of the United States could go back and face the parents of this country with a proposition that they had written into the law that the home might be invaded and the boy taken against the consent of the parent at 18 years of age and put into the Regular Army.

Mr. President, if there is ever a time when a boy needs the influence of the home, it is then, for that is the formative period of his character. There have been occasions in the history of this country, as there have been in the history of all countries, when the people of this country, when the homes of the country, have been ready to give up even boys of tenderer age than this to the defense of the country; but there is no man in favor of preparedness so enthusiastic in his support of it, I think, that he would be prepared to say at this time, or would dare to say at this time, to the parents of this country, "We are ready now to draft your boys into the service of the Regular Army against your consent."

Mr. POMERENE. Mr. President—

Mr. LA FOLLETTE. Pardon me for a moment. And the very fact that a boy might willfully wish to enlist at that time is the best evidence in the world that that boy needs the influence of the home.

Mr. POMERENE. Mr. President, I unfortunately have been detained from the Chamber for a while and have not heard the earlier part of this discussion. Do I understand that under the law preceding the passage of the Army reorganization act the consent of the parent was required in the case of a draft by the Government?

Mr. LA FOLLETTE. Mr. President, under the law as it previously stood no boy, without the consent of his parent or guardian, unless he was over 21 years of age, could be enlisted in the Regular Army. If he was over 18 years of age and under 21 years of age, with the consent in writing of the parent or guardian—

Mr. POMERENE. Mr. President, the Senator is now speaking of enlistments. I was referring to a draft.

Mr. LA FOLLETTE. I am speaking of both enlistments and of drafting the youth of this country from the National Guard. There are two proposals which have been made to the Senate for changes in the law; one that the age limit for enlistments



in the Regular Army shall be as it was in the statute before the act of last June, known as the Army reorganization act, was passed, so that no boy between the ages of 18 and 21 shall be enlisted without the consent of his parents or guardian, if he has parents or guardian. The other amendment is that boys can not be taken from the National Guard into the Regular Army by draft or otherwise if they are between those ages without the consent of the parents or guardians.

Mr. President, I doubt if you will find any parents in this country who would not consent to their boys enlisting in the National Guard even though they were below the age of 18, even though they were 16 years of age or 15 years of age, because in the contemplation of the parent of the boy who enlists it does not mean anything but service in the National Guard. There has been no reason why the contract should mean more than that.

In the life of two generations in this country the National Guard has never been but twice drafted into the Regular Army—once during the Spanish-American War and again here within the last few weeks. So all the enlistments that have been made in the National Guard have been made in contemplation of nightly or weekly drills in the armories, and of three or four weeks spent at an encampment within the State, tending to build up a boy in a physical way, something that would appeal to parents; but if the parent contemplated at the time that it meant that a boy 18 years old should be drafted into the Regular Army for a three-year period, I undertake to say, Mr. President, that there are very few parents who would have consented.

Mr. STONE. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. Certainly.

Mr. STONE. I have not been in the Senate during the afternoon, having been engaged on Senate business elsewhere, but I rise to ask just in what form this amendment is, and is it intended to change the act of June 3, 1916?

Mr. LA FOLLETTE. It is intended to change the act of June 3, 1916, and restore the conditions that prevailed before that act was passed.

Mr. LEE of Maryland. Will the Senator allow me to interrupt him?

Mr. LA FOLLETTE. Not just at this moment. To answer the Senator from Missouri a little more fully, the motion that is now pending before the Senate is a motion to suspend the rules. I was constrained, Mr. President, because this amendment changed existing law, to give notice to the Senate that I would ask for the opportunity to suspend the rules and put this amendment upon its passage. I had no opposition from any member of the Committee on Military Affairs to that motion, and therefore, just immediately preceding the call of the Senate, I had offered the amendment without making the preliminary motion to suspend the rules, because I was advised in advance that no member of the committee would raise the question of its being obnoxious to the rule, and that I might have a vote upon its merits directly, and that a majority vote would carry it; but the Senator from Maryland [Mr. LEE] raised the question of its being obnoxious to the rule, which necessitates, first, my making a motion to suspend the rule, as I understand.

Mr. CHAMBERLAIN. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. CHAMBERLAIN. I thought the Senator had concluded. I just want, if the Senator will permit me a moment, to say that it is true, as he said, that prior to the act of June 3, 1916, between the ages of 18 and 21 those enlisting in the Regular Army were required to have the consent of the parents or guardian. That was the law prior to June 3, 1916. The question of enlistment in the Regular Army was not discussed in the Senate, as the Senator very correctly says, when the reorganization act was passed; but I call the Senator's attention to the fact that there was in the reorganization bill when it passed the Senate a provision which did fix the age of enlistment between 16 and 45 in the National Guard.

Mr. LA FOLLETTE. That is true, Mr. President. Prior to that time there had been no national law upon that subject. The States had regulated the age.

Mr. CHAMBERLAIN. What I am calling the attention of the Senator to particularly is the fact that this was before the Senate. Now, when that provision was put into the bill the ages were 16 and 45 for the National Guard. That was before the Senate with the reorganization act; and then in connection with that was section 114 of the bill, which authorized the President to call these young men of the National Guard into the service.

Mr. LA FOLLETTE. That is true, Mr. President; but no Senator called attention to the fact that under the drafting authority given to the President boys of 16 might be drafted into the Regular Army, and no line in the Record can be found where that was brought to the attention of the Senate.

Mr. CHAMBERLAIN. I am not differing with the Senator as to that. What I am calling the Senator's attention to is that the provision was not formulated in the conference committee, but it was before the Senate, although not discussed.

Mr. LA FOLLETTE. But let me say to the Senator from Oregon that the provision to which he now calls attention, with respect to the National Guard, was not in the statute which fixed the age of enlisted men in the Regular Army.

Mr. CHAMBERLAIN. No; it was not. It was in the Dick law.

Mr. LA FOLLETTE. There was no amendment in this bill, as it passed the Senate and as it passed the House, changing the law with respect to enlistment in the Regular Army.

Mr. CHAMBERLAIN. The Senator is correct about that.

Mr. LA FOLLETTE. And the Senate conferees and the House conferees went entirely outside of both bills and put a provision in here changing the law.

Mr. SMITH of Georgia. Mr. President, will the Senator permit a question? As his amendment is drawn, will it involve disorganizing the forces which have already gone to the front?

Mr. LA FOLLETTE. As the amendment is drawn, it will release the boys that are under the age fixed in this amendment and under the age as it stood in the law before this act passed Congress without its having information as to what it was doing.

Mr. SMITH of Georgia. I should like to ask the Senator if he does not think it would be wise to modify the provision, then, so as simply to apply to the future? I am very cordially with him against allowing any boy under 21 to enlist in the Army without his parents' consent; but if these troops have already gone down to the front, and have been organized on the basis of their present forces, it might cause a very serious interference with existing conditions.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, all that it would do would be to release those boys. Now, the Senator must bear in mind that under the provisions of the bill as it passed the Senate with regard to releasing the heads of families, the commanding officer has the right to do that where the evidence before him is convincing as to the need of the family; so it is no more a demoralization of the company or the regiment in that case than it would be in this case. I do submit, Mr. President, with 500 applications made within three days after the mobilization of the National Guard of this city from parents who needed these boys—their mothers, many of them, came to my office, where the boys were the only support of the family, boys under 21 years of age and those above 18, and other Senators interrupted here on the floor to say that they had in their offices, as I had in mine, applications from different States to have these boys restored to their families—I think it ought to be done now.

Mr. WORKS. Mr. President, in justice to these boys who have been forced into the Army—for that is what it means—and their parents, it should be borne in mind that we have by law changed the contract or the enlistment of these boys by making them subject to service in the Regular Army, practically speaking; and I think we owe it to them to relieve them from that obligation. I made that point when the bill was up—that we were forcing these men into a service for which they had not enlisted at all, and, as I thought, in violation of the Constitution.

It seems to me that this provision ought to apply to the boys who have been forced into the Army in that way just as well as to the future. I think, as a simple act of justice, we should release these boys from that obligation by the amendment.

Mr. BRANDEGEE. Mr. President, I have not the amendment of the Senator from Wisconsin before me; so I will ask him for the information, which I will get quicker than I could by reading it, probably.

As I understand from his statement, the effect of the amendment, if agreed to, would be to release all of these boys between 16 and 21 who may now be in the militia—

Mr. LA FOLLETTE. Between 18 and 21.

Mr. BRANDEGEE. Between 18 and 21, without having—

Mr. LA FOLLETTE. No; between 16 and 21.

Mr. BRANDEGEE. Without having had the consent of their parents. I was going to ask the Senator whether his amendment was so drafted that if these boys should now obtain the consent of their parents to their service they would not have to be discharged. In other words, I think probably many of these boys who enlisted would like to stay. Now, unless this amendment provides for the contingency, they would

all have to be discharged and have to enlist over again, and I should think it would be easy enough if that is not provided for to provide for it.

Mr. LA FOLLETTE. It just restores the statute, and provides that excepting with the consent of the parent or guardian, if they have a parent or guardian, they shall not be held to the service.

Mr. BRANDEGEE. I wonder whether the proposed statute, providing consent of the parent as a prerequisite to a lawful enlistment, if passed to-day would be considered to relate back to the enlistment of these boys which may have taken place a year ago. I do not see myself how it could; but I think the Senator can easily put in a proviso stating that in the case of any boy now in the service contrary to the provisions of the act the act shall not apply to him, provided the consent of his parents is obtained and filed with the department within 30 days.

Mr. LA FOLLETTE. I think that is a reasonable suggestion, and I shall be willing to accept it. It can be very easily framed.

Mr. BRANDEGEE. It can be adjusted in conference, perhaps.

Mr. LA FOLLETTE. Yes.

Mr. BRANDEGEE. But I did not know but that the Senator's bill, if properly framed now, might not go to conference. It might be agreed to by the House. However, it is an amendment to this appropriation bill.

Mr. LA FOLLETTE. It is an amendment to this appropriation bill, and it will have to go to the House.

Mr. BRANDEGEE. It will have to go to the House.

Mr. LA FOLLETTE. Yes; it will have to go to conference.

Mr. DU PONT. Mr. President, the greatest difficulty is with regard to the orphans, the young men who have no parents living. I suppose everyone knows, probably, that out of 100 cases of minors ninety-nine times out of one hundred there is no guardian appointed unless there be money left to the children. In that event an appointment is made, and also in certain cases where children are abused or cruelly treated, and somebody applies as next friend to be appointed guardian. But the great majority of minors have no guardian.

This state of affairs, to my knowledge, constitutes one of the difficulties in recruiting for the Regular Army. A young man between 20 and 21 comes and presents himself to the recruiting officer and is asked his age. He replies, "Twenty years and six months." "Have you the consent of your parents or guardian?" "I have no parents and no guardian." "Well, I can not take you unless you have a guardian appointed." That means an expenditure on the part of this young man of \$15 or \$20 to go to court and get a guardian appointed; and that is the cause of the rejection of hundreds of young men who apply for enlistment in the Regular Army. Now, this condition should be provided for in the Senator's amendment to the bill.

Mr. LA FOLLETTE. It is provided for, if the Senator will permit me, in the amendment as I have framed it. It only applies to minors who have guardians or parents who may make the protest.

Mr. DU PONT. Then the Adjutant General's Department, to protect itself, will simply prohibit any enlistments of minors without written consent, because young men when they have guardians or when they have parents often say they have not, and then the guardian or parent turns up later and there is trouble.

Now, Mr. President, as I am on my feet, I will say that what the defense act did, so far as the Regular Army is concerned, was simply to apply the same rules and regulations that obtained in the Navy. For years the enlistment of any young man over 18 years of age, with or without the consent of his parents or guardian, has been permitted in the Navy. There has been no difficulty under such rules in all those years, no special friction of any kind; and it was thought wise and proper that both branches of the national defense should be on the same footing. Eighteen years is the recognized military age in all European countries, and is also that which is embodied in the Constitution for the militia.

Mr. President, during the Civil War the great majority of the young men on the Union side were under 21 years of age. Of the total enlisted, 2,778,304, less than one-fourth were over 21 years of age. I have here a table showing these facts, from which it appears that of those who fought on the Union side during the Civil War nearly two and a half million were under 21 years of age, and I suppose that on the Confederate side the same proportion existed, or probably an even greater proportion.

Further, Mr. President, if a young man is to go into the service and patriotically contribute to the defense of his country,

I maintain that he had much better do so at 18, when he can be discharged at 22 at the outside, or at 17, when he can be discharged at 21, and then take up his regular avocation in life; and, it is to be observed, that under the provisions of existing law he could be discharged at the option of the Secretary of War after one year's service.

Then there is another provision of existing law. A young man who enlists in the Army and does not like it, or whose parents insist upon his discharge, can be released by purchase, so that the conditions under which he enlists are not nearly so grave as they were in the former days, when there was no opportunity of getting out of the Army, and the enlistment was for five years. Formerly, when a youth enlisted for five years there was no means of getting out, and it seems to me that these conditions should be taken into consideration.

I submit the statement to which I have referred and will ask that it be incorporated in my remarks, if there be no objection.

The VICE PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

*Ages attributed to those who enlisted in the Union Army during the Civil War.*

Those 10 years and under	25
Those 11 years and under	38
Those 12 years and under	225
Those 13 years and under	300
Those 14 years and under	1,523
Those 15 years and under	104,987
Those 16 years and under	231,051
Those 17 years and under	844,891
Those 18 years and under	1,151,438
Those 21 years and under	2,159,798
Those 22 years and over	618,511
Those 25 years and over	46,462
Those 44 years and over	16,071

Of the total men enlisted, 2,778,304, less than one-fourth, were over 21 years of age.

Mr. LEE of Maryland. Mr. President, I made the objection to the amendment of the Senator from Wisconsin for two reasons: First, the effect on the Regular Army; and, second, the effect on the National Guard.

The statistics show that the Regular Army is going ahead only at the rate of 1,000 men, net, a month; and since the passage of the Army bill on the 3d of June there has been, of course, an increased enlistment in the Regular Army under the war excitement that was current. Now, a large number of those enlisting were doubtless minors, and enlisted probably without their parents' consent, between the ages of 18 and 21; and those men were lawfully enlisted and have been lawfully sent to the front.

My judgment differs entirely from that of the Senator who offered this amendment. I think the young man who enlists in the Regular Army without the consent of his parents is the very fellow who ought to be there. It is the place for him. It shows that the old people can not handle that boy, and he ought to go where he will get the man handling that will make a man out of him. Instead of spoiling those boys by this sentimental stuff and letting them come home, let them stay where they have put themselves lawfully.

My father went to sea as a midshipman when he was 14 years old in the Regular Navy of the United States, and those were long cruises; but now the Senator from Wisconsin, who represents what was once a hardy frontier State, objects to a young man of 18 serving 90 days in camp away from his parents. There is no reason why a young man who is 18 years old and above can not enlist in the United States Army and serve there successfully and get the discipline of that experience; and if he does it without his parents' consent, he is the very man that ought to be put there, so that they can make him respect constituted authority. He lacks that deference for those to whom he should defer if he acts in that way, and the very action that he takes shows that he ought to be where his nature has put him.

Mr. President, there is another objection, and that is the effect upon the National Guard. The Senator from Wisconsin, at the same moment he objects to a 90-day service for preparedness, says he is willing to sacrifice this young man or any untrained boy of any age, whenever there is a real war, send him to the front, in that event, unprepared, undisciplined, unhardened, food for powder and disease. Why, Mr. President, that is the very acme of unpreparedness. That is not the kind of policy the Senate should follow. Here we have an unequal opportunity for training these thousands of young men who have gone to the Rio Grande. The chairman of the committee says he does not think there is any possibility of their going across that river and of there being real war. It is a contingency, of course, and may turn out one way or the other; but certainly there is now presented a grand opportunity for training and for preparation. As to the risk, as the Senator from Wisconsin



himself says, there is no very great risk about it now; and yet, when there is not any risk, he wants to bring them home, and when there is a risk he is willing to send them out.

Mr. President, this is a retroactive proposition. It upsets what has been lawfully done under an act of Congress for a month or more. If the Senate concludes to partly disrupt the discipline of the Regular Army and of the militia alike by drawing all these young men out of the ranks who are lawfully there, it is, to say the least, an eccentric military policy, and it is another illustration of the extraordinary vacillation in legislative management of a military plan.

Mr. President, if you want to change this thing for the future, change it, but do not go back and uproot what has been done, and disrupt the discipline of all these commands, Regular and militia alike, by this sort of short-sighted, emotional, and sentimental legislation.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to suspend the rule.

Mr. LA FOLLETTE. Mr. President, I was going to suggest an amendment to the amendment, but the first question is on the suspension of the rule.

The VICE PRESIDENT. That is the first question.

Mr. SMOOT. Mr. President, just a word in explanation of my vote. In conformity with my statements in the past I wish to say that I shall not vote to suspend the rule to place general legislation on an appropriation bill, unless the proposed legislation is vital to the interests of our country. I do not believe the proposed amendment is such. Therefore I shall vote against the suspension of the rule. If the rules are suspended, I will vote for the amendment.

The VICE PRESIDENT. The question is on the suspension of the rule, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. He does not seem to be in the Chamber. I will transfer my pair to the Senator from Pennsylvania [Mr. OLIVER] and vote. I vote "nay."

Mr. FALL (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON], who is absent, and I withhold my vote.

Mr. MYERS (when his name was called). I make the same transfer of my pair that I made on the last vote, and I vote "yea."

Mr. REED (when his name was called). Making the same transfer as on the last vote, I vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. WADSWORTH (when his name was called). I transfer my pair with the Senator from New Hampshire [Mr. HOLLIS] to the Senator from New Mexico [Mr. CATRON] and vote "yea."

The roll call was concluded.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

Mr. GRONNA. I have a general pair with the senior Senator from Maine [Mr. JOHNSON], but on this question I am at liberty to vote, and I vote "yea."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. In his absence I withhold my vote.

Mr. BRYAN (after having voted in the negative). I transfer my pair with the Senator from Michigan [Mr. TOWNSEND] to the junior Senator from Colorado [Mr. SHAFROTH] and allow my vote to stand.

Mr. DILLINGHAM. May I inquire whether the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I have a general pair with that Senator and therefore withhold my vote.

The result was announced—yeas 44, nays 13, as follows:

YEAS—44.

Asburst	Chamberlain	Fletcher	Husting
Borah	Clapp	Gallinger	Johnson, S. Dak.
Brady	Clark, Wyo.	Gronna	Jones
Brandeggee	Culbertson	Harding	Kenyon

Kern  
La Follette  
Lane  
Lodge  
McCumber  
Martine, N. J.  
Myers

Bankhead  
Bryan  
du Pont  
Lee, Md.

Beckham  
Broussard  
Catron  
Chilton  
Clarke, Ark.  
Colt  
Cummins  
Dillingham  
Fall

Norris  
O'Gorman  
Page  
Penrose  
Poindexter  
Pomerene  
Ransdell

Martin, Va.  
Overman  
Phelan  
Shields

Goff  
Gore  
Hardwick  
Hitchcock  
Hollis  
Hughes  
James  
Johnson, Me.  
Lea, Tenn.  
Lewis

Reed  
Sheppard  
Sherman  
Simmons  
Smith, S. C.  
Sterling  
Stone

NAYS—13.

Smith, Ariz.  
Smoot  
Swanson  
Warren

NOT VOTING—38.

Lippitt  
McLean  
Nelson  
Newlands  
Oliver  
Owen  
Pittman  
Robinson  
Saulsbury  
Shafroth

Taggart  
Thomas  
Thompson  
Underwood  
Vardaman  
Wadsworth  
Works

Williams

Smith, Ga.  
Smith, Md.  
Smith, Mich.  
Sutherland  
Tillman  
Townsend  
Walsh  
Weeks

The VICE PRESIDENT. The motion prevails, and the Senate suspends the rule.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk. The amendment has been read. It has been printed two or three times, and I think the Senate well understands it. It is somewhat long, because I have reenacted sections of the law, but the only change made is with respect to the age limit. I have proposed in perfection of the amendment three or four lines pursuant to the suggestion of the Senator from Connecticut [Mr. BRANDEGEE] which I think meets that suggestion, and I will ask that those lines be read.

The SECRETARY. On page 3 of the printed amendment, after the words "nineteen hundred and sixteen," insert "and who, within 30 days after the approval of this act, shall not have filed the consent of such parent or guardian."

Mr. LA FOLLETTE. That is so that anyone who is in the Regular Army by virtue of this legislation who files the consent of his parent or guardian remains in the Regular Army.

Mr. DU PONT. Suppose he has no guardian, I ask the Senator?

Mr. LA FOLLETTE. Then he is not affected by the amendment at all one way or the other.

Mr. LEE of Maryland. Mr. President, while I think that this amendment will affect the Regular Army perhaps more than it will the National Guard, nevertheless it looks to me as being a retroactive proposition uprooting the status of men already mustered into the service of the United States and of the National Guard of the several States.

I wish to move three amendments to prevent the retroactive effect of the amendment, namely, in line 1, page 3, after the word "shall," to insert the word "hereafter"; in line 7, to strike out the words "June 3" and insert the words "July 26"; and on page 4, line 16, after the words "shall be" to insert the word "hereafter."

The effect of that will be to suspend the enlistment of men under 21 without the consent of their parents after this date.

I therefore move, on line 1, page 4, that the word "hereafter" shall be inserted after the word "shall."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On line 1, page 3, after the word "shall," insert the word "hereafter."

The VICE PRESIDENT. The question is on the amendment of the Senator from Maryland to the amendment of the Senator from Wisconsin.

Mr. UNDERWOOD. Mr. President, I rise to favor the amendment offered by the Senator from Wisconsin and to oppose the amendment to it offered by the Senator from Maryland. I think if the amendment offered by the Senator from Wisconsin is good at all—and I believe it is good—it ought to apply to the boy who has been taken into the Army in the last 30 days just as much as to the boy who goes in in the future.

Mr. President, I believe this great country of ours ought to be reasonably prepared to meet an emergency in the future, prepared to meet war conditions if they arise, and I am willing to vote for a reasonable law to accomplish that purpose and for reasonable appropriations to carry it out. But under the pressure of a public sentiment that I do not believe is entirely real, under the pressure that has been worked up within the last year growing out of the hysterical conditions that arise from a great war across the waters, it seems to me that we are going war mad to some extent. When the Congress of the United States will deliberately in time of profound peace, in a time when no great war threatens our people or our country, say that they favor legislation to invade the sanctity of the homes of this country and destroy the family unit and destroy the family life for the sake of building up a great octopus in the form of an

army that may never be used in time of peace, I for one am ready to declare that we should halt.

Military men who see nothing in the life of the Nation except the badge of the soldier, the martial air of the band as it goes down the street, the boom of the great cannon, and the glory of the future, may be able to sacrifice the youth of this country; but I know and you know that some boys of 18 are men, some boys of 18 are children. Some boys of 18 may go into the camp life of the Army and come back home with their moral character and their lives redeemed, and some boys of 18 who are led into the camp life of an army come back home with their moral character destroyed, because they have not the mental and the moral stamina to stand alone when taken away from the family circle, and that unit of the human family is destroyed.

War; yes; in war we should take chances; in war we are ready to sacrifice anything for our country; but in a time of profound peace shall we make the mother and the father of this country sacrifice the boy to make a policeman on a border or a unit in a regiment that may never be used?

I have had letters already in reference to this matter, appealing letters from good men and good women, where the recruiting sergeant met their boy in the streets of the country town and persuaded him in martial glory to go with him to the recruiting camp; and when the father and mother heard of it the shackles of the power of the United States Government were about that boy's wrists, and no power can take him away from the Government for seven long years if the Government seeks to hold him. He may have been the pride of the family, the only child. He may have had a college education and opportunity before him to build up a life that may be useful to the Nation and the country. You tear him away at school age for seven years' enlistment if you put him in the Regular Army—three years with the colors and four years in the reserve, which may be seven years' continuous service. You take him away in the very period of life when he should have the opportunity for a higher education and destroy it. There may be boys who can well go out at that time; there may be boys who can better go than stay at home; but Congress in its great power says that it will stay here and judge of the life of those boys instead of leaving it to the parent and the guardian to determine whether it is better for that boy to lead a life in the Army or whether it is better for him to go to college and pursue the course that the family thinks should be outlined for him.

Mr. JONES. Have we not also provided to pay postmasters \$5 for every one of these boys whom they get to enlist in the Army?

Mr. UNDERWOOD. Certainly we have. We have put a price on the heads of the youth of this country in dollars and cents to take them away from their homes, their families, and their firesides to make soldiers of them in times of profound peace.

When a man is 21 years of age he may be, in fact, but a boy; but that is recognized by law as the time when he can make his own contracts. Then he must take the chance himself. But by law to reverse the law of this land that has been on the statute books for decades and say that you are going to let a recruiting sergeant invade that home, tear to pieces the tender heart of a mother, destroy the heart's ambition of a father, and possibly destroy the future life of the boy himself, simply because you have made up your minds at any cost to build a great Army machine in this country—if that is where the Congress of the United States is going, if that is where my party is going, then I cry, "Halt!" I am willing to stop the march here, and I will go no farther.

Mr. LA FOLLETTE. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I yield.

Mr. LA FOLLETTE. I merely wish to state one case of which I know. A bright young boy from Georgia, the son of parents in very humble circumstances, the one boy of the family who had shown especially strong mentality. He had won some prizes in the graded schools and had won some prizes in the high school. The whole family, by pinching and saving and economizing, got money enough to send that boy to one of the universities here in the city of Washington. He enlisted with some other boys who associated with him when appealed to by the recruiting officer in the District Guard, never supposing for a moment that he would be drafted into the Regular Army, as he was. When that time came, Mr. President, the pathos of the whole situation as it came to me from that humble home in Georgia was in itself enough to have moved the Senate to strike this provision from the law. There was a family that staked their all on this boy in order that he might have a college education. He was the only one out of the family who had shown a desire for student life, and yet he is drawn into this net by reason of the draft provision which we have here,

and all that the family have sacrificed for him is swept aside. I did not intend to take the Senator from Alabama off the floor.

Mr. UNDERWOOD. I was through.

Mr. LEE of Maryland. Mr. President, not a single soldier has yet been drafted into the service of the United States of whom I have heard; but there has been a call of the President on account of the national emergency, and men have been mustered into the service of the United States under that call.

It is a remarkable situation when two Senators, representing the extreme types of mentality that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Alabama [Mr. UNDERWOOD] represent, both agree that they are willing to send boys into a war untrained; to kiss them good-by, and to let them go to die of disease or inefficiency from a military standpoint; but they are not willing to let these young men stay in the militia army now for a short while and be made soldiers of when nobody is shooting at them. It is remarkable, indeed, that two such brilliant mentalities should run away from what seems common-sense preparedness, to the extent of this proposition made here this afternoon.

Ruin the boy! Why, the Senator from Wisconsin almost wept here in the aisle about the effect upon that boy whom he has just described in Georgia. Probably the best thing that could ever have happened to that boy in his life would be to get the discipline which he might get in the National Guard in the next three months, and he would go home a better and a stronger boy, a boy more appreciative of his home and of his family. Hard of muscle and clear of eye they would greet in him a real soldier returning. No harm would be done him—not the slightest.

All of this is sentimental imagination, Mr. President. Every one of those young men will be the better for his experience if this wise body will only let them get the experience. The real blow, however, that is being aimed here, Mr. President, is a blow at the Organized Militia of the United States. Every time some Senator gets up here—a soldier being called to the colors—and has a spell of sentimental emotion over the family separation, inside of five days afterwards the Senator from Oregon will give out an interview in the newspapers and describe the action of the Senate as a weakness in the militia system of the United States. That is about what the meaning of this situation is, Mr. President. You have sent these 91,000 or 100,000 men to the front, and you send after them to bring back the ones who have dependents. You will not provide for the dependents, which would be the sensible thing to do and the thing which has been done by every nation of the earth; but you will disrupt these forces and get these men home.

Now comes another line of suggestion of the very same sort, of a young man with dependents—this pathetic family from Georgia, which the Senator from Wisconsin has just described. Why not provide for that family? Why not let that boy stay there and have that experience? He needs it. Why not let some of the young manhood of this country get ready to defend it with some degree of military experience and military skill?

Mr. President, it is absolutely criminal to let this condition of unpreparedness continue. The Senator from Alabama has spoken of the "war craziness" of the country. Mr. President, it is "peace wisdom" to prepare against war. We want to prepare in peace with a reasonable degree of calmness and efficiency against the horrors and possibilities of war, coming as it does these days vastly and suddenly. We do not want to see our boys marching off unprepared, undisciplined, under those banners and those drums which the Senator was just now waving and beating, in which he appeared to glory, as a part of the old-time folly of the miserable military policies that this country has heretofore followed.

No, Mr. President, we have wasted too much life and treasure upon that sort of misapplication of our power in the past. Wars in the future will be nothing like the wars of the past. They will come quickly; they will come hard; they will come fearfully when they do come. It is absolutely essential that the young manhood of this country should now be trained in a way that they will be able to meet these evils and to defend their homes.

Far from sympathizing with the picture which the Senator from Wisconsin has drawn of this home whose members have saved for the education of this boy, and this boy who is going away to a militia camp, as the Senator says, to be destroyed, I look upon it exactly the other way. That boy is going to be made a man, if the Senator will let him stay where he is.

Mr. CLAPP. Mr. President, will the Senator from Maryland pardon an interruption?

Mr. LEE of Maryland. Certainly.

Mr. CLAPP. How would it do to leave it to that family to say what shall be done with the boy, instead of leaving it to the Senator or to me?



Mr. LEE of Maryland. The situation speaks for itself. The boy has shown that he needs the military experience; and if he gets it for 90 days, it will not hurt him, unless he is the greatest milksop in the world.

Mr. CLAPP. Of course, it would be a relief to the family if he comes home in a wooden box, I suppose, according to the Senator's logic.

Mr. LEE of Maryland. Quite the contrary. Give him a chance to keep out of that box.

Mr. CLAPP. The family does not seem to be considered here.

Mr. LEE of Maryland. Wooden boxes will be filled much more by unpreparedness than by preparedness. It is from not letting boys become manly soldiers that you fill wooden boxes. The incapacity of a country to properly drill, instruct, and marshal its forces is what fills the wooden boxes with dead soldiers. At the time of the Spanish-American War this country had no trained militia to speak of. We owe a great deal to the Dick law, and the organization that took place under it; but the Spanish-American War illustrated how unpreparedness fills the wooden boxes.

Mr. President, the experience in the organization of the militia even under the imperfection of the Dick law has been a wonderful thing for this country. It was a little taste of what we ought to have a great deal more of. I deplore the position of the two distinguished Senators, who are willing to call home a boy because of sentimental emotion, rather than to let that boy be trained and make a man out of him in the service of his country, who say they are patriotically willing to march the boy out with a banner and a drum in the event of actual war and probably to die because wholly unprepared to meet an enemy, but are not willing to let him go into camp for three months and be trained with his fellows, as every able-bodied citizen of Switzerland has to do when he comes of age. Mr. President, that is soft sentimentality, and although the Senate is probably overwhelmed by it and will adopt this procedure, nevertheless it is unwise and in the ultimate analysis both dangerous to the country and hard on all the boys.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the amendment of the Senator from Wisconsin.

Mr. VARDAMAN. I ask that the amendment to the amendment be stated.

The SECRETARY. On page 3, line 5, in the printed amendment of the Senator from Wisconsin, after the word "shall," it is proposed to insert the word "hereafter."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Wisconsin.

Mr. CHAMBERLAIN. Is there not another amendment of the Senator from Maryland pending to the amendment?

The VICE PRESIDENT. The amendment offered by the Senator from Maryland has been disposed of.

Mr. CHAMBERLAIN. The Senator called attention to several amendments, Mr. President.

Mr. LEE of Maryland. I thought the vote on the first would indicate the uselessness of offering the others.

The VICE PRESIDENT. The Chair so understood. The question now is on the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. JONES. Mr. President, on page 42, I move to strike out, beginning with the words "Provided further," in line 7, and all of lines 8, 9, and 10.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 42, line 7, after the word "subsistence," it is proposed to strike out:

*Provided further.* That authority is hereby granted the Secretary of War to sell or otherwise dispose of, in accordance with law and regulations, the United States Army transports *Meade* and *Crook*.

Mr. JONES. Mr. President, I tried to find out just why the department wanted to sell these transports, but I have not been able to get very much information with reference to it except the statement from the Quartermaster General's office, that they are old and unsuitable for their purposes and ought to be disposed of, because of the fact that possibly with some expenditure they can be made suitable for commercial purposes. The *Meade* is a vessel of 5,641 gross tons, of 3,375 net tons, and was constructed in 1874. The *Crook* is a vessel of 4,126 gross tons, 2,703 net tons, and was constructed in 1882. So it appears that the vessels are quite old; and while it is generally stated that a vessel that is 20 years old is ready for the scrap heap, Admiral Benson, before the subcommittee on commerce, considering the shipping bill, my recollection now is, referred to one naval

transport that was constructed in 1879, and stated that that vessel was good for 10 years' service yet.

The War Department states that the *Crook* has been laid up at San Francisco for several years. I can not understand why, with the great necessity that we have had for ships during the last two or three years, one of the Army transports should be laid up during all that time and apparently no effort made to put it into the service and get any good out of it, especially when the Senator from Florida stated the other day that the Government has spent \$2,000,000 in transporting nitrate from Chile during the last two or three years.

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES. Yes.

Mr. WARREN. There will have to be some legislation before the Quartermaster General's office can put the vessels into regular lines of commercial business outside of the wants of the Army and the Navy.

Mr. JONES. I would not want them to do that.

Mr. WARREN. The sale of these vessels will accomplish exactly what the Senator wants to accomplish, I take it; and that is to increase the shipping facilities of the country. It will take them from a place where they can not be used for the purpose for which he wishes them to be used, and it is hoped that they may be bought and put in order so as to be able to engage in regular commercial business.

Mr. JONES. Well, why do we not use them for transportation purposes, in view of the fact that we are paying high freight rates now to the Philippines, to Hawaii, and to various other places?

Mr. WARREN. We are doing that already with transports which the Government is using.

Mr. JONES. Oh, no; the Government is paying large sums of money all the time now, and has been, for the transportation of its freight.

Mr. WARREN. I will say to the Senator that the stoppage of the sale of those vessels will simply tie them up that much longer; that is all. They will not be put into service.

Mr. JONES. Why not? Why could they not be repaired and put into service?

Mr. WARREN. Can the Senator from Washington tell me the capacity of these vessels?

Mr. JONES. I have just stated the gross-tonnage figures. The *Meade* has a gross tonnage of 5,641 and a net tonnage of 3,375, and the *Crook* has a gross tonnage of 4,126 and a net tonnage of 2,703. So they are pretty good-sized vessels.

Mr. VARDAMAN. Do I understand that those ships have not been used, but have simply been lying at the dock?

Mr. JONES. It is stated in the House hearings that—

The *Crook* has been laid up out of commission for several years at San Francisco, and the local authorities at that port have stated that it would require a very large expenditure to place this vessel in working condition, with no guaranty that service for any considerable length of time could be obtained, even after the expenditure of a large sum of money. The transport *Meade* was surveyed by a representative of the Steamboat-Inspection Service at Galveston, Tex., in the fall of 1914, the report indicating that the physical condition of the vessel was such that she was unsafe and unseaworthy. The vessel was therefore sent to Newport News, Va., and placed out of commission.

So that they have been out of commission for several years.

Mr. VARDAMAN. It is remarkable that they should have been permitted to lie there when, as the Senator has said, we have such a demand for ships for carrying the Government's freight.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. JONES. Certainly.

Mr. CLARK of Wyoming. Is the Senator fully satisfied of the fact that those ships under the law could be used for carrying miscellaneous freight for the Government, or does the law which authorized the purchase of ships and making them transports confine the operations of those ships to the movements of and the supplies for the troops?

Mr. JONES. I can not say about that; but if there is any lack of authority, if it had been asked for, it could have been given. I do not know whether there is a limit on the authority for that purpose, but it does seem to me that, if the Army requires nitrates for the different arsenals, for the powder factories, and so on, that we could certainly use the transports for the purpose of bringing the nitrates here, because that is purely an Army supply material. I may be mistaken in that, but I am assuming that the Senator from Florida was informed of what he was saying the other day when he stated that it had cost this Government \$2,000,000 in freight charges for the transportation of nitrates for the Government.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry?

Mr. JONES. Certainly.

Mr. PENROSE. I think the Senator has raised a very important point, Mr. President, particularly as we will be asked within a week or so to pass the ship-purchase bill. Now, we are asked to sell vessels. It would be better, it seems to me, to pass legislation transferring these vessels to that department of the Government which will have charge of the ship-purchase proposition.

Mr. JONES. I was going to refer to that, and suggest that it might be a good idea for us to hold those two transports, so that we could turn them over to the shipping board as soon as possible; and they would have something to work with, at any rate.

Mr. PENROSE. I should like to ask the Senator a final question. Has the Senator been able to get any definite information from the War Department as to why these two vessels were out of commission?

Mr. JONES. Only a general statement that they are unseaworthy, unfit, and so forth. I have a letter from the department—

Mr. PENROSE. In what way unseaworthy? Could they not be repaired?

Mr. JONES. The department say that, if authority is given them, they are going to sell the vessels to some commercial interests, who will repair them and put them in commission; and I take it that if private parties could do that the Government ought to be able to do it.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Washington if there is any provision in this bill that will prevent the Government buying these ships back when we have passed the ship-purchase bill?

Mr. JONES. Not at all; not at all.

Mr. SMOOT. And pay 100 per cent more.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. JONES. Certainly.

Mr. WARREN. The Senator's motion to strike out the permission to sell those ships does not cover the question. Unless he provides that they may go into some other management or unless he changes the present law, they will not be used for the purposes the Senator mentions.

Mr. JONES. Would the Senator be willing to put a provision of that kind in the law? I am perfectly willing. I think something ought to be done so that these ships can be used. I do not see why any of these ships should be tied up at the docks during the last several years, and especially during the last two years, when we have been paying such high freight rates, when there has been such a demand.

It seems to me that the department has been a little derelict, if it has not had the authority to use these vessels for transporting nitrates, for instance. In not asking for it, if the Government has needed them; and if it was necessary to have them repaired, the department should have come to Congress and asked for such an appropriation or such authority as may have been necessary to repair them and use them in supplying the Government's needs.

Mr. WARREN. Mr. President, the department has asked on other occasions for permission to sell these vessels. They have stated what it would cost to repair them; but they do not believe, for the purpose for which transports are maintained in the Quartermaster Department, that they can make these vessels fit and safe for transporting soldiers—human life. They do not think it is worth while, in the condition they are in, to try to repair them; but they might be repaired and used to perform some other service, and the whole purpose of this provision is to take them out of where they are, doing nothing, and put them into service.

Mr. JONES. And put them in private hands.

Mr. WARREN. Certainly. If the Government sells them, I presume the Senator does not care in what hands they are, if they are doing business.

Mr. JONES. I am inclined to think that when the Government has them it ought to use them, especially for its own transportation.

Mr. WARREN. The Senator had better prepare, then, an amendment that will cover it. What he proposes now simply leaves them tied up.

Mr. JONES. The mere fact that we are prevented from selling them is no reason at all for leaving them tied up.

Mr. OVERMAN. How much wharfage are we paying for them?

Mr. JONES. I do not know. I suppose we are paying possibly hundreds of dollars, or maybe, as a Senator suggests, thousands of dollars.

Mr. OVERMAN. Oh, more likely thousands of dollars.

Mr. JONES. Yes; probably thousands. I do not expect that these vessels would be used in transporting soldiers. Transports are not used solely for that purpose. There are other things that the Government has to have transported—hay and various products of different kinds.

Mr. LODGE. Mr. President, if the Senator will allow me, I understand that the law restricts the use of these vessels absolutely to transporting troops and supplies for troops, and that they could not be used for any other purpose. Is that so?

Mr. JONES. I do not know. If it is, the law certainly ought to be changed.

Mr. LODGE. Yes; if that is the law, it ought to be changed.

Mr. JONES. I can not believe that that is the law.

Mr. LODGE. The Senator from Wyoming probably knows whether it is the law or not.

Mr. JONES. I can not believe that it is.

Mr. LODGE. The Senator from Wyoming says he understands it is the law that when these transports were authorized this limitation of use was put upon them.

Mr. JONES. That is no reason for our authorizing the sale of them here to private parties, unless we think it is better to do that than to change the law and allow them to be used by the Government.

Mr. LODGE. If we can not do that under the law, we had better sell them rather than to have them rot at the wharves.

Mr. JONES. Why, certainly; but we can make the law. We are the lawmakers. We can legislate to meet the situation, and we ought to have done it two or three years ago. If the fact was called to our attention that by reason of the law they could not use these vessels, we are derelict in our duty for not doing it and they were derelict in their duty if they have not called it to our attention.

Mr. PENROSE. Mr. President, will the Senator permit me?

Mr. JONES. Certainly.

Mr. PENROSE. The Senator has evidently given a good deal of thought to this matter, and, if it does not delay the bill, I would suggest that he offer an amendment to-morrow releasing the limitations on these vessels, so that they may be used to haul nitrates, or anything else, for the Government.

Mr. LODGE. That is the simplest way.

Mr. PENROSE. That is the direct and practical way to get at it—to disagree to this amendment for the sale of these vessels and put in a provision removing the restriction. It is ridiculous for the Government to sell two vessels this week and next week to be authorized to purchase millions of dollars' worth of vessels.

Mr. JONES. I was going to call attention to that fact.

Mr. FLETCHER. Mr. President, may I call the Senator's attention to the hearings on this subject? This is not an amendment at all. It is a provision in the House bill.

Mr. JONES. Oh, yes. I have moved to strike it out.

Mr. FLETCHER. It will have to be a motion to strike out.

Mr. JONES. That is what I have done. I have made a motion to strike it out.

Mr. FLETCHER. If the Senator from Pennsylvania will look at the hearings—

Mr. PENROSE. I refer to the amendment offered by the Senator from Washington to strike it out.

Mr. FLETCHER. In one of the hearings this statement was made by Col. Baker:

The transport *Meade*, 42 years old, and the transport *Crook*, 34 years old, are in such physical condition at the present time that they can no longer be economically operated as transports, and it is felt that their continuance in service is not justified by any service they can render. The *Crook* has been laid up out of commission for several years at San Francisco, and the local authorities at that port have stated that it would require a very large expenditure to place this vessel in working condition, with no guarantee that service for any considerable length of time could be obtained, even after the expenditure of a large sum of money. The transport *Meade* was surveyed by a representative of the Steamboat Inspection Service at Galveston, Tex., in the fall of 1914, the report indicating that the physical condition of the vessel was such that she was unsafe and unseaworthy. The vessel was therefore sent to Newport News, Va., and placed out of commission.

Mr. JONES. Yes; and after that statement the department—

Mr. VARDAMAN. Mr. President, will the Senator from Washington permit me to ask the Senator from Florida a question?

Mr. JONES. Certainly.

Mr. VARDAMAN. Has the Senator any information as to when the Government bought those ships?

Mr. FLETCHER. One of them is 43 years old.

Mr. VARDAMAN. But when did the Government become possessed of them?

Mr. FLETCHER. Oh, there is nothing here to show that.



Mr. VARDAMAN. Does the Senator know what the Government paid for them or the value of the ships?

Mr. FLETCHER. The suggestion is made that it was during the Spanish-American War, in 1898.

Mr. VARDAMAN. In 1898-99.

Mr. FLETCHER. I have not a list of them. I have it at some other place, but I have not it here. I am not sure but that those vessels were perhaps obtained at that time.

Mr. VARDAMAN. Did the board of survey make any estimate as to the value of the vessels?

Mr. FLETCHER. No; I think not. I have no figures of that kind. They give the age of the vessel. They say the transport *Meade* is 42 years old and the *Crook* is 34 years old, and both are out of condition, and both are unseaworthy.

Mr. VARDAMAN. The transaction is in keeping with many that occurred at the time of the Spanish-American War.

Mr. FLETCHER. They were never cargo carriers or anything of that sort. They were used to transport troops and to carry passengers.

Mr. JONES. Mr. President, my understanding is, and I get the information from pretty reliable authority, that they were originally cargo carriers, and that they can be very easily fitted up now for cargo-carrying purposes. Of course there were possibly some changes made in their original carrying capacity in order to fit them for use as transports; but, as I understand—I have not had the time to look into this as fully as I would have been glad to do, and get all the facts in regard to it—originally they were not built for transport purposes. These vessels were built in Scotland and for cargo-carrying purposes.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. I do.

Mr. GALLINGER. The Senator lives in a State that is largely interested in transportation on the water. Does the Senator really think that a vessel 42 years old is worth repairing?

Mr. JONES. The War Department thinks so.

Mr. GALLINGER. Well, they think that some private party may patch it up and put it on a river, perhaps, or a pond somewhere.

Mr. JONES. No; these ships could not be put on our rivers. These are foreign-built ships. They will have to go in the foreign trade.

Mr. GALLINGER. But will they have to go in the foreign trade?

Mr. JONES. They will under the present law.

Mr. GALLINGER. Hardly so, I think. They belong to the Government.

Mr. JONES. But if they are sold to private parties they can not go into the coastwise trade or our river trade.

Mr. GALLINGER. I am not quite sure, considering the amendments that have been made to our navigation laws, whether they could get American registry or not. I think they could.

Mr. JONES. There might be something to that; yes.

Mr. GALLINGER. A vessel 42 years old—I know something about that matter—is so obsolete that I wonder that anybody would try to repair it for ocean transportation. It would look to me like a fallacious scheme. Of course, if they were not so old, I would join the Senator very earnestly in preventing the Government from selling them, and make them the nucleus for the shipping board, because the shipping board will not be able to get any new vessels under two or three years, and they can not buy a vessel to-day, foreign or domestic, without paying twice what it is worth. So these vessels would be a nucleus for that grand scheme of spending \$500,000,000, I think, on a matter that will never amount to anything, so far as the interests of the Government are concerned.

Mr. JONES. That is one thing I really had in mind. I am hoping to have something for this shipping board to start on and to handle. I have provided in this bill that it shall have authority to repair ships; and I thought probably, if private parties could repair these ships and make them commercially a profitable venture, the shipping board that we are going to get might get some experience by repairing these ships and putting them into commercial trade.

Mr. GALLINGER. I sympathize with the Senator in that, because I am sure that unless they are authorized to buy interned ships they will not be able to buy any ships, foreign or domestic, without paying more than twice what they are worth, and, as I suggested a moment ago, they will not be able to get any ships built in our shipyards under two years at least.

Mr. PENROSE. And then a suggestion might arise to have the shipping bill apply to the Lakes. These vessels might be useful on the shores of the Lakes.

Mr. JONES. Yes. Of course, when they are in the hands of this shipping board they can go in the coastwise trade.

Mr. PENROSE. They might afford a nucleus for ships for the interlake traffic.

Mr. JONES. Yes.

Mr. CHAMBERLAIN. Mr. President, in view of the solicitude of our friends on the other side that the new shipping board, if it ever comes into existence, will have nothing to start with, I am willing to leave this matter out, and let either the new shipping board or some subsequent session of Congress dispose of the matter in an appropriate way.

Mr. JONES. Very well. I just want to call attention to what is said by the department here:

The present demand for ships for commercial service is such that if these two vessels could be sold at this time the amount which could be obtained by the Government by such sale would be greatly in excess of the amount that could ordinarily be obtained for these vessels, it being probable that there would be some form of commercial service for which they could be satisfactorily used, although not suitable for the use of this department.

So the department suggests that these vessels that have been so strongly condemned in the statement read by the Senator from Florida, where it is said that they are not safe for passenger traffic or anything else, can be used by private parties with safety and with profit.

They also state here that—

The rate now being paid for the transportation of Government freight on the Pacific is high, approximately \$15 per ton.

Then I want to call attention to one suggestion here with reference to conditions on the Pacific:

To the Philippines the only steamship companies operating regular service are the Toyo Kisen Kaisha and the Java-Pacific Lines, both foreign registry, who advise that they have no published tariff in effect at the present time, but that rates are quoted as shipments are offered.

That might be a very valuable suggestion to those who are considering the shipping bill and requiring the publication of rates and all that sort of thing. These foreign companies do not publish any tariff rates at all. They simply make quotations when shipments are offered, and that is what we will be up against in the matter of competition.

They state that shipments of general merchandise are being accepted for July sailings at rate of \$20 per ton, weight or measurement.

I will not take the time of the Senate further. I should like to put in the RECORD this letter from the department. I have, in fact, three letters here—two letters from the department and this other statement—which may be considered by the committee of conference. As I understand the chairman is willing to let this go out and consider it in conference, I will not take the further time of the Senate.

The VICE PRESIDENT. In the absence of objection, the letters referred to by the Senator from Washington will be printed in the RECORD.

The letters referred to are as follows:

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,  
Washington, July 8, 1916.

Hon. W. L. JONES,  
United States Senate.

MY DEAR SIR: Replying to your letter of July 6, 1916, addressed to the Secretary of War, and by him referred to this office for reply, you are informed that the reasons why the Army transports *Meade* and *Crook* should be sold by the Government are that these vessels are so old and out of repair that they are no longer suitable for satisfactory use as Army transports, and the cost of their maintenance and operation is so great that they can not be efficiently and economically operated for the transportation of the Army and its supplies.

The present demand for ships for commercial service is such that if these two vessels could be sold at this time the amount which could be obtained by the Government by such sale would be greatly in excess of the amount that could ordinarily be obtained for these vessels, it being probable that there would be some form of commercial service for which they could be satisfactorily used, although not suitable for the use of this department.

Although the rate now being paid for the transportation of Government freight on the Pacific is high (approximately \$15 per ton from the west coast to the Philippines), the cost of operation of either the *Meade* or *Crook* for the quantities of Government freight being transported would be greatly in excess of the total expenditures necessary to transport same by commercial carrier, and the department would not be justified in operating either one of the vessels mentioned for such freight service as is now being accomplished commercially on the Pacific. The exact amount of freight which has been carried on the Pacific for the Army during the past six months, or the exact rates paid for the different shipments, is not as yet fully of record in this office, but telegraphic inquiry has been made of the officers in charge of such shipments on the Pacific coast, and as soon as their replies are received you will be further advised in regard to your inquiry in this respect.

Very respectfully,

HENRY G. SHARPE,  
Brigadier General, Quartermaster Corps,  
Acting Quartermaster General.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,  
Washington, July 15, 1916.

Hon. W. L. JONES,  
United States Senate.

MY DEAR SIR: Replying further to your letter of July 6, 1916, in which you requested rates now being paid by the War Department to private parties for transportation of freight on the Pacific during the last six months, and what amount of freight has been carried for the Army during that period, you are informed that the depot quartermaster, Seattle, reports the following quantities of freight have been shipped from Seattle to Honolulu and Manila at the expense indicated for each:

Kind of freight.	Destination.	Quantity.	Freight rate.	Total.
Hay.....	Honolulu...	86,900 cubic feet.....	5 cents per cubic foot.	\$4,345.00
Bran.....	do.....	54,603 pounds.....	\$4.50 per ton.....	122.86
Fish and meat.....	do.....	15,800 pounds.....	2 cents per pound.....	316.00
Wharfage.....	do.....	.....	.....	292.00
Oats.....	do.....	2,731,921 pounds.....	\$3.50 per ton.....	4,780.86
Oats and hay.....	Manila.....	153,907 cubic feet.....	\$15 per cubic ton.....	57,715.13
Total.....	.....	.....	.....	67,571.85

The desired report has not as yet been received from the depot quartermaster, San Francisco, but you will be further advised as soon as the required information has been received.

Respectfully,

HENRY G. SHARPE,  
Brigadier General, Quartermaster Corps,  
Acting Quartermaster General.

QUARTERMASTER GENERAL OF THE ARMY,  
Washington, D. C., July 10, 1916.

REPORT OF OVER-SEA SHIPMENTS.

1. In reply to your telegram of the 8th instant the following report of over-sea shipments is submitted:

	Weight.	Measure-ment.	Total cost.
	Pounds.	Cubic feet.	
For fiscal year 1916:			
To Hawaii.....	15,474,678	678,489	\$54,391.41
To Philippines.....	7,732,486	232,750	39,432.44
For period Jan. 1 to June 30, 1916:			
To Hawaii.....	7,304,671	299,371	27,044.41
To Philippines.....	None.	.....	.....

2. The rates paid for the transportation of the shipments referred to are as follows:

To Hawaii up to January 12:  
General merchandise, \$3.50 per ton, weight or measurement; hay, 5 cents per cubic foot; refrigerator cargo, 2 cents per pound.

January 12 and subsequent:  
General merchandise, \$4 per ton, weight or measurement; hay, 6 cents per cubic foot; refrigerator cargo, 2 cents per pound.

To Philippines:  
General merchandise, \$12 per ton, weight or measurement; canned goods, \$9 per ton, weight; hay, \$6 per ton, measurement.

3. The present rates for shipments to Hawaii are as named above for period subsequent to January 12, 1916.

To the Philippines the only steamship companies operating regular service are the Toyo Kisen Kaisha and the Java-Pacific Lines, both foreign registry, who advise that they have no published tariff in effect at the present time, but that rates are quoted as shipments are offered. They state that shipments of general merchandise are being accepted for July sailings at rate of \$20 per ton, weight or measurement.

Colonel, Quartermaster Corps.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I want to say that I understand an amendment has been adopted with reference to voting by the soldiers: I want to reserve that amendment, and reserve the right to offer an amendment to it in the Senate.

Mr. LEE of Maryland. Mr. President, there are two items with respect to which I should like to reserve the right to offer amendments in the Senate, namely, on page 68, on the subject of the manufacture of arms, where the committee reduced the House appropriation for rifles from \$5,000,000 to \$2,500,000; and on page 87, where the committee amendment cut down the amount provided for Field Artillery practice ranges and places for the instruction of troops from \$300,000 to \$800.

Mr. SMOOT. Mr. President, if there are no further amendments to be offered, before the bill goes into the Senate, at the request of the senior Senator from Massachusetts [Mr. LODGE], I desire to reserve the amendment on page 18, beginning with line 11, down to and including the word "seventeen" on line 2, page 19.

Mr. LODGE entered the Chamber.

Mr. SMOOT. I observe that the Senator from Massachusetts is here now. I did not know that he was coming in. I have just asked to have reserved the amendment which the Senator mentioned to me.

Mr. LODGE. I am much obliged to the Senator from Utah. The VICE PRESIDENT. The bill is still in Committee of the Whole and open to further amendment.

Mr. LODGE. Mr. President, I desire to offer an amendment to which I ask the attention of the chairman of the committee, and I hope he will be willing to accept it and take it into conference. I do not wish to take up time in discussing it, though I think it is important. I will send it to the desk to be read. It is to go at the end of the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following words:

Section 122 of the act of Congress approved June 3, 1916, shall not apply to persons who have lawfully received their medals of honor in accordance with the terms and conditions of the law or laws relating to medals of honor then existing.

Mr. VARDAMAN. Mr. President, will the Senator from Massachusetts explain the purpose of that?

Mr. LODGE. Mr. President, in the Army act approved in June there was inserted a section numbered 122, concerning investigations with regard to medals of honor. That section was entirely new matter, put in in conference. It never was before the House. It never was before the Senate. It is not connected, so far as I can make out, with anything in the bill. In providing for that investigation it is said:

This with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal-of-honor list.

Under the act of 1862 it is provided that medals should be given for distinguished gallantry in action or other soldierly acts. A second provision in 1863 provided simply gallantry in action. Many medals were granted for soldierly acts properly under that law and were given in accordance with the act of 1862. Now it is proposed to apply rigidly to all those medals a new definition, making it absolutely retroactive. If medals were improperly issued under the terms of the act of 1862 or 1863, it is all very well perhaps to take them away; but if they were properly issued under the acts of 1862 and 1863 they ought not to be taken away by a new definition adopted last June. It is to cure that that I offer this amendment.

Mr. VARDAMAN. Mr. President, I think the amendment is subject to a point of order, and I shall have to make that point.

Mr. LODGE. Undoubtedly it is subject to a point of order; I do not dispute that, but I think we are likely to have some very serious cases of injustice to men who received, and justly received, medals of honor in the Civil War and in the Spanish War in accordance with the law at that time. I do not believe myself it can be done or would be done by any board of officers, but I do think that it is a very bad precedent to have a clause that was put into a bill in conference, never before either House of Congress, under which such a wrong might be done.

Mr. VARDAMAN. I have no fear whatever that wrong will be done by a board of officers composed of retired Army officers of character.

Mr. LODGE. I will say, Mr. President, this amendment is suggested by the board.

Mr. VARDAMAN. I make the point of order that it is legislation upon an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

Mr. FLETCHER. I desire to give notice that I reserve the right to move to reconsider the vote by which the amendment I offered with reference to Fort Taylor, Key West, was defeated, or to offer that amendment again in the Senate.

Mr. CHAMBERLAIN. I desire to make the same reservation with reference to the proposition offered by me in regard to the appointment of inspectors of food products for the Army. The bill was reported to the Senate as amended.

The VICE PRESIDENT. Certain amendments have been reserved for a separate vote. The question will be, first, on concurring in all the amendments not reserved for a separate vote. The amendments were concurred in.

The VICE PRESIDENT. The Secretary will state the reserved amendments in their order.

The SECRETARY. The first one was reserved by the Senator from Massachusetts [Mr. LODGE], to insert, on pages 18 and 19—

Mr. LODGE. The two provisos that begin at line 11, page 18, and go down to line 2, on page 19. They provide for a change in the system of details which I believe is a step toward restoring the old abuse of permanent details to Washington.



They also apparently, on the face, permit advancement by the department from one grade to another.

I do not care to argue the amendment. It is general legislation attached to no general legislation furnished by the other House, and I make the point of order that it is general legislation out of order on an appropriation bill. There is no legislation in the bill as it came from the House with which it can be connected.

Mr. WARREN. Mr. President, the only object the committee had in placing this provision in the bill was to put this department for one year on the same basis as the Ordnance Department has been placed, so that it might have the benefit of its experienced men in time of serious stress. The item is, of course, subject to a point of order.

The VICE PRESIDENT. The point of order is sustained. The next reserved amendment will be stated.

The SECRETARY. By the Senator from Missouri [Mr. REED], on page 68, line 12. It reads:

Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, \$2,500,000.

The Senate, as in Committee of the Whole, struck out "\$5,000,000" and inserted "\$2,500,000."

Mr. REED. Mr. President, the facts, as I understand them, are these: The rifles used by the men in the Army are made at only two places, both of which are Government arsenals, which have an aggregate capacity of 750 rifles a day, running eight hours. I further understand that there are on hand at the outside 750,000 rifles. Some statements have been made that there are on hand 500,000 rifles.

The committee cuts the House appropriation for rifles from \$5,000,000 to \$2,500,000. It seems to me that the one thing we most need are rifles to put into the hands of our volunteers if war should be suddenly thrust upon us. In view of the fact that there are only two factories capable at the present time of making these rifles and in view of the fact that a rifle once made can be put in a box and kept for 20 years, and in the view of the fact that if we should have war thrust upon us we will need possibly not 500,000 men but three or four million men, it seems to me unwise to limit the House appropriation. The cheapest and best preparedness, the most necessary preparedness, is to have in the country enough rifles so that we can arm our men.

I hope the House provision will remain. On the vote taken in the Committee of the Whole I think the Senate committee amendment was sustained by a majority of only 2.

I therefore reserved the amendment, and I ask for a further vote upon it.

Mr. GALLINGER. Mr. President, I assume from what the Senator says and from what other Senators have said that there is no private concern which is engaged in the manufacture of these rifles and perhaps would not be permitted to manufacture them. Is that right?

Mr. REED. I understand there are no private concerns engaged in making them, but whether they would or would not be permitted I can not answer.

Mr. GALLINGER. One other question. These two concerns manufacture a certain number of rifles daily—750, a Senator stated. Is there anything in the law that will prevent them from running two shifts?

Mr. REED. I think not. They could run two or three.

Mr. GALLINGER. I did not know how that might be.

Mr. REED. But the point is that if we have trouble we will need these rifles at once to put in the hands of our green men in order that we may as soon as possible accustom them to their use.

Mr. GALLINGER. In other words, we need a surplus stock. Is that it?

Mr. REED. I think so.

Mr. GALLINGER. I think the Senator is right.

Mr. CHAMBERLAIN. Mr. President, I have begged pretty hard to reduce some of the appropriations in this bill, but I have not been very successful. Usually the begging is to increase appropriations rather than to diminish them.

In this particular case, Mr. President, we have, as the Senator has said, making an allowance for the differences of opinion that have been expressed here, from 500,000 to 700,000 rifles in store. These guns cost about \$16 apiece, in round numbers; so with \$2,500,000, taking 75 per cent of the money as money to be expended for Springfield rifles, we could manufacture 115,300 rifles. That would raise the number in store from 500,000, or at the outside 700,000, to a little over 800,000.

Mr. CLARK of Wyoming. Will the Senator yield for a question?

Mr. CHAMBERLAIN. Yes.

Mr. CLARK of Wyoming. According to military estimates, how large a force would that number of rifles properly equip and at the same time provide a necessary reserve of rifles? I understand it is ordinarily estimated that there should be from five to seven rifles per man of those actually engaged in the field. For instance, if we had 500,000 men under arms, we should have at least five times that many rifles.

Mr. CHAMBERLAIN. Of course, there is a difference of opinion amongst military men in that regard.

Mr. CLARK of Wyoming. What is the Senator's view of it?

Mr. CHAMBERLAIN. Personally I know nothing about it.

Mr. CLARK of Wyoming. But from the Senator's investigation what does he think?

Mr. CHAMBERLAIN. I should say that there ought to be at least from two to three more than the number required for each man.

Mr. CLARK of Wyoming. Is there any military authority that puts the limit as low as that?

Mr. CHAMBERLAIN. I think that Gen. Crozier puts it at five.

Mr. CLARK of Wyoming. Gen. Crozier puts it at five?

Mr. CHAMBERLAIN. Yes.

Mr. CLARK of Wyoming. Then, it would require a large number additional to be manufactured and kept in reserve if we should really need them in time of national stress?

Mr. CHAMBERLAIN. I realize the importance of the suggestion of the Senator; but, in round numbers, speaking of the men we now have, there will be more than five rifles per man in reserve for the troops we now have, because, at the outside, we have not over from 225,000 to 250,000 men.

Mr. CLARK of Wyoming. Yes; but if we should become engaged in actual hostilities, I presume the Senator is not unconscious of the fact that we would be compelled to increase our armed forces very materially.

Mr. CHAMBERLAIN. There is no doubt of that.

Mr. CLARK of Wyoming. We have enough rifles, I suppose, for peace times; but if we should be suddenly confronted by war and should recruit the number of men that we have provided for by the laws already passed, it seems to me that the statement of the Senator from Missouri [Mr. REED] is very moderate and not extreme; and, if that is true, this is one of the most necessary implements of the preparedness which we are seeking to bring about.

Mr. CHAMBERLAIN. One thing that influenced the Senate committee, I will say to the Senator, is that the Government has the absolute control of the only factories where these rifles are made, and they are working all the time turning out these arms.

Mr. CLARK of Wyoming. Exactly; and that adds further to the necessity of making them as fast as we can. The capacity of these two factories is limited; it can not be readily increased; there are no outside factories from which the Army can secure the standard rifles—

Mr. CHAMBERLAIN. None at all.

Mr. CLARK of Wyoming. Which we now use, and therefore we should keep those factories going, it seems to me, with sufficient speed to provide the necessary number of rifles for an emergency.

Mr. CHAMBERLAIN. They are not now working all the time. They are turning out, I think, about 750 rifles per day; but they can turn out 1,500 per day by working two shifts.

Mr. CLARK of Wyoming. But there would have to be an additional appropriation to enable them to turn out 1,500 per day, whether it is done in one shift or two shifts.

Mr. CHAMBERLAIN. Oh, yes.

Mr. LA FOLLETTE. Mr. President, before the Senator sits down—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. CHAMBERLAIN. I yield.

Mr. LA FOLLETTE. How many men does the law now provide for the Regular Army? How large a force?

Mr. CHAMBERLAIN. With the first increment 126,000; altogether.

Mr. LA FOLLETTE. With the number of men the President is authorized to call out is not the Regular Army larger than that?

Mr. CHAMBERLAIN. With the 20,000 additional authorized some time ago?

Mr. LA FOLLETTE. Yes.

Mr. CHAMBERLAIN. It would be something larger than 126,000.

Mr. LA FOLLETTE. How much larger?

Mr. CHAMBERLAIN. I have the figures here. The number to be provided for, not counting on any increase due to the

national-defense act, is 102,660, and for the first increment under the national-defense act 23,455, making a total of 126,115. If the Army is brought up to maximum strength under the joint resolution authorizing maintenance at maximum strength, there would be added over and above the strength before such organization 27,571.

Mr. LA FOLLETTE. That would bring it up to what?

Mr. CHAMBERLAIN. The first increment under the national-defense act is 23,455, leaving to be absorbed by the second increment under the national-defense act 4,116. That would bring it up to 130,000 in round numbers.

Mr. LA FOLLETTE. Then, in addition to that, when the National Guard, subject to the call of the President, is added, how many additional does that make?

Mr. CHAMBERLAIN. About 166,000.

Mr. LA FOLLETTE. That would make, then, altogether about 290,000?

Mr. CHAMBERLAIN. In round numbers, yes. One hundred and sixty-six thousand plus 130,000 would make 296,000.

Mr. LA FOLLETTE. In round numbers about 300,000 men?

Mr. CHAMBERLAIN. Yes.

Mr. LA FOLLETTE. Now, how many rifles have we?

Mr. CHAMBERLAIN. In reserve about 700,000, and this appropriation would manufacture about 115,000 more, making \$15,000.

Mr. LA FOLLETTE. And Gen. Crozier's estimate of the number which ought to be provided is from four to five more than the number of men, so that, taking the maximum number of men it would not meet the requirements?

Mr. CHAMBERLAIN. It would hardly meet the requirements.

Mr. President, I want to say that I realize the importance of keeping enough of these arms on hand; but, as I said a while ago, the Government has control over the arsenals. Congress meets again in December, and having control of them, with their output steadily going into the reserve, we could increase the number when Congress meets, if it should be necessary. In the case of many of the other appropriations contracts have to be made in advance.

Mr. LEE of Maryland. I have also reserved the item under discussion. I simply want to make the suggestion that it seems wholly inopportune to reduce by one-half the amount the House has provided for the manufacture of rifles, in the very teeth of our obvious necessities and of the national purpose to be prepared.

The VICE PRESIDENT. The question is on concurring in the committee amendment made as in Committee of the Whole.

Mr. KENYON. Mr. President, I desire to reserve, on behalf of my colleague [Mr. CUMMINS], for a vote in the Senate the amendment on page 68, lines 10, 11, and 12. I inquire if the amendment can be reserved at this time?

The VICE PRESIDENT. That is the amendment which has been under discussion, and on which the question now is.

Mr. KENYON. Very well.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was not concurred in.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

The SECRETARY. The next reserved amendment is that reserved by the Senator from Florida [Mr. BRYAN] on pages 55 to 58, relating to certain claims for damages for loss of private property.

Mr. BRYAN. Mr. President, I move to strike out, beginning with line 23 on page 54, the balance of that page, and the first four lines on page 55.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, in the committee amendment, it is proposed to strike out the item "Credit in the accounts of Maj. James Canby," beginning with line 23, on page 54, and ending on line 4 on page 55, as follows:

Credit in the accounts of Maj. James Canby, United States Army: The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Maj. James Canby the sum of \$80, disallowed on voucher 920B of his money accounts for the month of November, 1913, and now standing against him on the books of the Treasury.

Mr. BRYAN. I will read from the House hearings in this language:

This amount was paid by Maj. Canby for hire of a seven-passenger automobile from Washington, D. C., to Gettysburg and return, while escorting an official mission from Great Britain.

It was not authorized. The auditor disallowed it, saying that it was a trip taken by officers of our Army for the purpose of giving a trip to officers of a foreign country. I move to strike that out.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was not concurred in.

Mr. BRYAN. Now, Mr. President, I move to strike out lines 5 to 11, inclusive, on page 55.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55 it is proposed to strike out lines 5 to 11, both inclusive, as follows:

Credit in the accounts of Capt. David L. Stone, United States Army: The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Capt. David L. Stone the sum of \$1,191, disallowed on voucher 6B of his money accounts for the month of December, 1911, and now standing against him on the books of the Treasury.

Mr. BRYAN. This officer put in some bathrooms and fixtures that he was not authorized by law to put in. There was no authority of law for the expenditure. The other day it was stated that the disbursing officers would have to bear this loss; but I have examined the House hearings, and the men who spent the money without authority of law are the men to whom the charge stands upon the books of the auditor's department.

Mr. GALLINGER. Mr. President, were they put in a Government building?

Mr. BRYAN. Why, certainly they were put in a building that this officer had erected.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator just a moment? I think a point of order would lie against all of this legislation. It has been before the Senate a number of times, and usually has gone out in conference. The committee has inserted a number of these matters at this time at the urgent request of the Secretary of War; and in order that the Senate may have the benefit of what he says, I am going to ask to have his letter to the committee, under date of June 29, 1916, printed in the RECORD. There were not only these claims, amounting to some \$8,000, which we put in the bill at the request of the Secretary of War, but there were other claims, amounting to \$6,480.98, which we did not put in, because they involved the payment of money.

I will say that the first lot of claims involved actual expenditures by the officers which have been disallowed to them by the auditing officers. In many cases the Government got the benefit of the money, the officer simply supposing that he had authority, but he did not have authority; and it was disallowed and charged to his account on the books of the War Department. So we have differentiated between the claims which were paid out, and the Government got the benefit of them—except in the one case to which the Senator has called attention—and those claims that involve the payment of money by the Government.

I ask to have the letter read.

Mr. BRYAN. Mr. President, does the Senator want it read now?

Mr. CHAMBERLAIN. I do not care, myself, to have it read; but one of the Senators asked to have it read.

Mr. BRYAN. The hearings state the whole case, and the official letters from the Secretary of War have been given to Congresses before this, and the House has never consented to allow these items to stay in.

I realize that the whole of these amendments are subject to a point of order, and my disposition was to make the point of order; but upon examination I find that there are two or three to which I have no objection, and it seems to me they ought to be paid. So I have adopted the policy of moving to strike out of the amendments those which it seemed to me ought not to be paid, and leaving in the others.

Mr. GALLINGER. Does not the Senator from Florida think a bathroom was a necessity in that building?

Mr. BRYAN. No, Mr. President; I do not think an officer in the Army, without any authority of Congress, has the right to be spending public money to fix up a house as he thinks it ought to be fixed up.

Mr. GALLINGER. Of course, I will not argue it with the Senator, but a house without a bathroom is not fit for an officer of the Army.

Mr. BRYAN. I think if they understand that Congress will not allow that sort of thing to be done, they will quit doing it. This does not prevent this officer from coming in and submitting his claim in the regular way, disassociated from an appropriation bill, to Congress. He can go before the Committee on Claims at any time and the matter can be considered on its merits.

The VICE PRESIDENT. Is there a request for the reading of the letter?

Mr. LA FOLLETTE. If we are going to vote upon it, I should like to have the letter read.

Mr. NORRIS. So should I, if a vote is going to be taken.



Mr. LA FOLLETTE. If the Senator sees fit to make the point of order, that is a different thing.

Mr. BRYAN. No; I do not make a point of order.

Mr. LA FOLLETTE. If we are going to pass upon it I should like to hear the testimony. I ask that the Secretary may read the letter.

The VICE PRESIDENT. The Secretary will read the letter. The Secretary read as follows:

WAR DEPARTMENT,  
Washington, June 29, 1916.

The honorable the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
United States Senate.

SIR: I have the honor to invite your attention to certain relief measures which were embraced in the regular annual estimates for the support of the Army for the fiscal year 1917, and which are published on pages 369-371 of the published "Estimates of Appropriations, 1917."

The measures are divided into two classes—(a) those which simply look to the relief of disbursing officers from disallowances made against their accounts by the accounting officers of the Treasury, and (b) those which contemplate reimbursement. With respect to the relief measures, no appropriation of funds is desired or required, and the reimbursement measures call for a total of but \$6,480.98.

A majority of the measures have been previously submitted to Congress, but have failed of consideration. The department is very desirous of obtaining consideration of these measures, and with respect to those which pertain to the relief of disbursing officers it may be stated that in many instances the Treasury Department has held in abeyance action looking to recovery of the amounts disallowed only upon representation by this department that the cases had been submitted for the consideration of Congress.

I would thank you to give these measures your consideration in acting upon the Army appropriation bill for the fiscal year 1917, now pending, and am making herewith a tabulated statement of the measures, which shows those calling for an appropriation of public funds and those which do not:

*Relief measures requiring no appropriation.*

Maj. James Canby, United States Army	\$80.00
Capt. David L. Stone, United States Army	1,191.00
Capt. Henry L. Kinnison, United States Army	82.50
Maj. John E. Baxter, United States Army	18.98
Capt. L. C. Brown, United States Army	124.00
Maj. H. L. Pettus, United States Army	1,545.00
Col. Frederick G. Hodgson, retired	21.00
Capt. Briant H. Wells, United States Army	171.00
Capt. Girard Sturtevant, United States Army	2.99
Maj. James E. Normoyle, United States Army	5.00
Maj. G. G. Bailey, United States Army	106.00
Lieut. Col. I. W. Little, United States Army	98.65
Capt. O. R. Wolfe, United States Army	40.00
Maj. G. G. Bailey, United States Army	31.09
Lieut. J. H. Barnard, United States Army	4,555.00

*Relief measures requiring an appropriation.*

Relief of Lieut. H. E. Miner, United States Army	160.00
Relief of Maj. H. E. Ely, United States Army	200.00
Relief of Lieut. J. A. Barry, United States Army	135.00
Relief of Lieut. Waldo C. Potter, United States Army	375.00
Medical services and hospital care rendered George Vay, injured seaman	103.90
Relief of Lieut. J. F. Taulbee, United States Army	200.00
Reimbursement to Acting Dental Surgeon Frank C. Cady, United States Army	127.61
Relief of Lieut. Sloan Doak, United States Army	150.00
Relief of Pay Clerk H. G. Foster	350.48
Relief of Leland Stauford, Jr., University	450.01
Relief of Lieut. Joseph T. Clement, United States Army	50.00
Relief of Pay Clerk S. R. Beard	168.80
Reimbursement for quarters rented by officers:	
To Lieut. Col. Frederick P. Reynolds, United States Army	323.90
To Capt. Learius J. Owen, United States Army	191.67
To Capt. Adam E. Schlanser, United States Army	278.00
To Capt. Jay D. Whitman, United States Army	86.80
To Capt. E. D. Kremers, United States Army	340.00
To Capt. L. B. McAfee, United States Army	293.00
To Lieut. G. D. Graham, United States Army	301.20
Relief of Pay Clerk Hasie A. Stuart	182.40
Payment for rent of buildings, Philippine Islands	1,722.42
Reimbursement to Acting Dental Surgeon William A. Squires	290.79

Total ..... 6,480.98

Respectfully,

NEWTON D. BAKER,  
Secretary of War.

Mr. BRYAN. Let me inquire if there are any other amendments reserved?

The VICE PRESIDENT. There are other amendments reserved.

Mr. BRYAN. The chairman of the committee does not think he can finish the bill to-night?

Mr. CHAMBERLAIN. No; it is nearly time to take a recess.

Mr. GALLINGER. Mr. President, to shorten the time and to help us get through this bill as much as possible, inasmuch as the Senator from Florida is going to differentiate between certain of these claims and others, I make the point of order against the entire list.

The VICE PRESIDENT. The point of order is sustained, and all the claims go out.

Mr. LEE of Maryland. Mr. President, I presume that in a few moments the Senator from Oregon, in charge of the bill, will move to take a recess. I do not want to interfere with his plan, but I would like to ask unanimous consent to offer a resolution. It will not take a moment. It will lie over under the rule.

There being no objection, the resolution (S. Res. 240) was read, as follows:

*Resolved*, That the Committee on Military Affairs be, and it is hereby, discharged from the further consideration of the bill (H. R. 16734) to pay to certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States.

The VICE PRESIDENT. The resolution will lie over and be printed.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, I desire to offer and ask to have printed in the RECORD an amendment which I gave notice I would move to suspend the rules in order to offer; and I should like to have it printed in the RECORD to-night in order that Senators may be able to see it. It has not been printed as a proposed amendment, and is not on the desks of Senators.

The VICE PRESIDENT. Without objection, it will be so ordered.

The amendment is as follows:

That the sum of \$2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being drafted, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge from such service, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this act shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *And provided further*, That this act shall not apply to any such enlisted man called or drafted into the service of the United States who shall marry after the 1st day of July, 1916; and the word "family" shall include only wife, children, and dependent mothers.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5645) for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise.

The message further announced that the House had passed the bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 16185) to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the Speaker of the House of Representatives and the President of the Senate to cancel their respective signatures to the enrolled bill (H. R. 12197) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew, and also directing the Clerk of the House to re-enroll the bill with certain amendments, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of Mabel H. Paine, of Urbana, Ill.; of Nat M. Washer, of San Antonio, Tex.; of A. L. Ide & Sons, of Springfield, Ill.; and of Edith Hecht, Lena Blanding, and Ganter & Manter Co., of San Francisco, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented a petition of the Maine State Federation of Labor, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. KERN presented telegrams in the nature of memorials from citizens of Rockhill, Greenville, Watkins, Union, Pelzer, Clinton, Newberry, Easley, Laurens, Honea Path, Greenwood, Lancaster, Pendleton, Ninety Six, Columbia, Anderson, and Piedmont Mills, all in the State of South Carolina, remonstrating against the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Springfield, Bloomington, Quincy, Chicago, and Wheaton, all in the State of Illinois; of Delmonte, San Francisco, and Los Angeles, all in the State of California; of Wheeling and White Sulphur Springs, in the State of West Virginia; of Asheville and Raleigh, in the State of North Carolina; of Springfield and St. Louis, in the State of Missouri; of Atlanta, Ga.; of Lexington,

Ky.; of Ansonia, Stanford, and Winsted, in the State of Connecticut; of Ghent, New York City, Poughkeepsie, White Plains, Pawling, Tupper Lake, Rochester, and Larchmont, all in the State of New York; of Providence and Newport, in the State of Rhode Island; of Rockland, Oquossoc, and Castine, in the State of Maine; of Pittsburgh, Wilkes-Barre, and Philadelphia, in the State of Pennsylvania; of Des Moines, Iowa; of Forest Glen, Md.; of Bridgeton, Englewood, Summit, Hoboken, and Elizabeth, all in the State of New Jersey; of New London, Sunapee Harbor, Little Boars Head, and Soo Nipi Park, all in the State of New Hampshire; of Hyannis, Gloucester, and Amherst, in the State of Massachusetts; of St. Clair, Mich.; of Portsmouth, Ohio; and of Burlington, Vt., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 6705) granting an increase of pension to Andrew G. Anderson; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6706) granting an increase of pension to Andrew M. Vanover;

A bill (S. 6707) granting an increase of pension to Elbridge A. Collins;

A bill (S. 6708) granting a pension to Elizabeth Shaffer (with accompanying paper);

A bill (S. 6709) granting a pension to Ruthie Pruett; and

A bill (S. 6710) granting a pension to Emma Graham (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6711) granting an increase of pension to Oscar T. Barker; to the Committee on Pensions.

## CHILD LABOR.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, which was ordered to lie on the table and be printed.

## THE REVENUE.

Mr. MARTINE of New Jersey submitted two amendments intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

## WITHDRAWAL OF PAPERS—MARY WALLS.

On motion of Mr. O'GORMAN, it was

*Ordered*, That the papers accompanying the bill S. 4185, Sixty-fourth Congress, first session, granting a pension to Mary Walls, be withdrawn from the files of the Senate, no adverse report having been made thereon.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On July 21, 1916:

S. J. Res. 150. Joint resolution to authorize the Secretary of the Treasury to accept from the city of Pittsburgh certain lands in exchange for other lands of equal area.

On July 26, 1916:

S. 35. An act to authorize the Secretary of the Interior to issue patent for certain lands to the town of Myton, Utah;

S. 36. An act to authorize the Secretary of the Interior to issue patent for certain lands to the town of Duchesne, Utah; and

S. 2845. An act authorizing the sale of the marine-hospital reservation in Cleveland, Ohio.

## HOUSE BILL REFERRED.

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes, was read twice by its title and referred to the Committee on Commerce.

## DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., which was, on page 2, line 2, after "thereof," to insert "So, also, shall every rectory, parsonage, glebe house, and pastoral residence which is occupied as a residence by the pastor, rector, minister, or rabbi be so exempt

from taxation in the District of Columbia: *Provided*, That such rectory, parsonage, glebe house, or pastoral residence be owned by the church or congregation for which the said pastor, rector, minister, or rabbi officiates: *And provided further* That not more than one such rectory, parsonage, glebe house, or pastoral residence shall be so exempt for any one congregation."

Mr. CLAPP. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## BRIDGE ACROSS BAYOU BARTHOLOMEW.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 50) of the House of Representatives, which was read:

*Resolved by the House of Representatives (the Senate concurring)*, That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, requested to cancel their respective signatures to the enrolled bill (H. R. 12197) entitled "An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew"; that upon the cancellation of said signatures the Clerk be directed to reenroll said bill with amendments, as follows: On page 1, line 8, strike out the word "five" and insert in lieu thereof the word "four"; in line 9, strike out the word "four" and insert in lieu thereof the word "five."

Mr. FLETCHER. I move that the Senate concur in the resolution.

The resolution was concurred in.

## RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 29 minutes p. m., Wednesday, July 26, 1916) the Senate took a recess until to-morrow, Thursday, July 27, 1916, at 10 o'clock a. m.

## SENATE.

THURSDAY, July 27, 1916.

(Legislative day of Tuesday, July 25, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

## ARMY APPROPRIATIONS.

The Senate resumed the consideration of the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

Mr. SMOOT. Mr. President, in order to facilitate business I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McCumber	Sherman
Beckham	Gallinger	Martin, Va.	Smith, Ariz.
Brady	Gronna	Nelson	Smith, Md.
Brandegge	Hollis	Norris	Smith, S. C.
Bryan	Husting	O'Gorman	Smoot
Chamberlain	Johnson, S. Dak.	Overman	Taggart
Clapp	Jones	Page	Thompson
Clark, Wyo.	Kenyon	Penrose	Vardaman
Culberson	Kern	Pomerene	Walsh
Cummins	Laue	Ransdell	Warren
Curtis	Lee, Md.	Robinson	Works
Dillingham	Lodge	Sheppard	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators.

Mr. OVERMAN. I was requested to announce that the Senator from New Jersey [Mr. MARTINE] is absent on official business.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. WILLIAMS, Mr. SMITH of Georgia, and Mr. STERLING entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I move that further proceedings under the call be vacated.

The motion was agreed to.

The VICE PRESIDENT. The next amendment reserved will be stated.

The SECRETARY. The next reserved amendment is on page 87, where the Senator from Maryland [Mr. LEE] reserved the



amendment embraced within lines 1 to 8, inclusive. The amendment reads:

Ranges for Field Artillery target practice: For the acquisition by purchase or condemnation of the necessary land for suitable ranges for Field Artillery target practice, the land to be of such general character as to permit of use for instruction of troops of other arms to be located within the eastern and western military departments, and to defray the expenses incident to locating and acquiring title thereto, \$800.

The VICE PRESIDENT. The question is on concurring in the amendment.

The amendment was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The SECRETARY. The Senator from Florida [Mr. FLETCHER] indicated his purpose to offer an amendment on page 74 for the purchase of additional land at Fort Taylor, Key West.

Mr. FLETCHER. Mr. President, I desire to offer that amendment again. Perhaps I was not as explicit as I might have been yesterday when the Senator from Wyoming [Mr. CLARK] and the Senator from New Hampshire [Mr. GALLINGER] were inquiring somewhat with reference to the details, as to the quantity of land, and so forth. It did not occur to me at the time and it does not now impress me that the quantity of land is material. The principle questions are, first, Is this addition to the land at Fort Taylor at Key West important and desirable, and, second, as to the cost of it?

Perhaps I should have gone on yesterday to explain that this fort fronts the Gulf and is in the city of Key West and the present barracks are in the city of Key West nearly a mile away from the fort. Of course the land that is adjacent to the fort is not country property; it is not like being out in the open; they are city lots, and the estimates would perhaps be based upon the lots rather than upon the acreage. It would embrace but comparatively few acres because it is in the city. As I said, the land adjacent to the fort is not out in the country.

Mr. GALLINGER. I will ask the Senator, Who fixed the value that is made in the amendment?

Mr. FLETCHER. I take it it is based upon negotiations by the department and inquiries by the department because it is just what the department recommended in 1910. It was not appropriated for in 1910, but it was recommended and estimated for and no appropriation was made. That is the same item that is suggested now. I take it that it is based upon inquiries by the department as to what the necessities are there and as to what the cost of the land will be.

Mr. GALLINGER. I will ask my good friend from Florida whether the department has estimated for and recommended the purchase of the land this year.

Mr. FLETCHER. No; they have not, because, as they say in their letter, there were so many other pressing matters. I can quote from the letter the exact language.

Mr. GALLINGER. I think I remember it.

Mr. FLETCHER. They say:

In view of the impracticability of covering all military needs in the estimates submitted for a single fiscal year, and of the existence of other and more urgent necessities than the acquisition of additional land at Fort Taylor, no estimate for that purpose was submitted to Congress for the fiscal year 1915. It may be said, however, that the acquisition of this land is necessary for military purposes, and that it is estimated that the sum of \$150,000 will be required to procure the additional land needed.

Unless this letter can be regarded as a supplemental estimate.

Mr. GALLINGER. It could hardly be regarded in that light. I will now, in view of the terms of that letter, ask the chairman of the committee if he can tell us approximately how much we have added to this bill.

Mr. CHAMBERLAIN. No; not yet. We have not yet undertaken to estimate it.

Mr. GALLINGER. Several million dollars?

Mr. CHAMBERLAIN. We have not had time to do that, but, as we reported the bill we have reduced the amount. We have added, of course, largely to the bill as it came from the House.

Mr. GALLINGER. That is what I had reference to.

Mr. FLETCHER. There has been a considerable reduction from the bill as reported by the committee.

Mr. GALLINGER. Yes; but a very large addition to the amount carried in the bill as it passed the House. I notice that the department was solicitous in view of the fact that there were so many demands and so many necessary appropriations that had to be made, and thought while this matter was important it might well be put over. That is the way I read that letter. Of course, if the Senate cares to put the item in the bill I have no objection.

Mr. FLETCHER. I think it is time the matter was being taken care of. I call the Senator's attention to the opening sentence of the letter from the department:

WAR DEPARTMENT,  
Washington, January 7, 1916.

HON. DUNCAN U. FLETCHER,  
United States Senate.

MY DEAR SENATOR: Referring to your letter of December 24, 1915, relative to the plans of the department as to the acquisition of additional land at Fort Taylor, Fla., I beg to inform you that for a number of years past it has been the view of the department that additional land should be acquired at that fort in order to permit the erection thereon of accommodations for the Artillery garrison for the coast fortifications at Key West.

There is only one company left there now, I will state to the Senator, because they are not situated so that they can provide for more than enough to take care of the armament.

Mr. GALLINGER. I think it very likely it is a desirable acquisition. I am familiar with Key West. It is a strategic point, as we all know, but I think I am a little more solicitous about the finances of the Government than are some of my friends on the other side, and I am constantly wondering where the money is coming from to meet these expenditures that are being directed to be made. I presume it will be found somewhere, but the people of the country are going to make some inquiry about this. While I feel quite sure it will be more harmful to the Democratic Party than it will be to the Republican Party when the issue is raised, I am not going to be contentious or narrow about it. I shall content myself with voting against the amendment when it is offered and will say nothing further on the subject.

Mr. FLETCHER. Mr. President, I am equally as solicitous as is he regarding these expenditures, I will say to the Senator, and I have endeavored to keep them down so far as possible, but here is a matter of urgent importance, and it has been recommended ever since 1906. It has come on down, until now the situation is at present as the letter of the Secretary of War states:

As you are aware, the hurricane of 1909 destroyed so many of the buildings at Key West Barracks that it was necessary to reduce the garrison to one company, which is practically only a caretaking detachment.

They have not enough men there to man the guns.

Mr. CLARK of Wyoming. Mr. President, I want to ask the Senator from Florida if it is not a fact that nearly all these places have practically nothing but caretakers now? Is that not true as to our various posts which are scattered throughout the country? I further ask the Senator if he knows what the armament at that point is and how many companies are required to fully provide the men for the guns which are mounted there?

Mr. FLETCHER. The War Department states:

Under the adopted policy of the War Department, 6 of the 10 companies required to provide one manning detail for the fortifications at Fort Taylor should be composed of regular Coast Artillery troops and the remaining 4 companies of militia Coast Artillery troops.

Mr. CLARK of Wyoming. I understand that.

Mr. FLETCHER. So it appears that there really should be 10 companies.

Mr. CLARK of Wyoming. I further understand that there never have been but two companies there, and that the garrison was reduced from two companies to one. That appears somewhere in the Record.

I am not like my friend from New Hampshire [Mr. GALLINGER]; I am not seeking to become a guardian of the Treasury of the United States; but here is an item as to which information given us by the Senator from Florida is very indefinite regarding a point in his own State. We have no knowledge whatever what it will cost to procure the desired amount of land; we have no assurance that any negotiations have ever been entered into; we have simply a general guess of the Secretary of War that the land can probably be purchased for \$150,000.

The Secretary of War states in his letter that amounts have been estimated for in years gone by and that appropriations have been made in years gone by, for this post or fortification, whatever it may be called, but he also states that they have not made any estimates this year, because, while this is desirable and probably will be necessary at some time, the urgency of other matters gives them the first preference now. I have not any doubt that there are a hundred places on the coast of the United States that will be necessary and needful for the Coast Artillery at some time, as this probably will be, but the Secretary of War has not even made an estimate to the Treasury Department this year for it. He does not consider it of sufficient urgency to do so. Now I ask the Senator from Florida in this year, when we are spending so much additional

money—and it will tax the ingenuity and the wisdom of the best men in this Congress to provide the funds in any satisfactory or sufficient way—is it not better, all things considered, to leave this matter until such time as the Secretary of War shall think the necessities are such that he can submit an estimate to Congress for the expenditure through the ordinary channel of the Secretary of the Treasury?

Mr. FLETCHER. I would say, Mr. President, that I do not quite like to leave the matter in the situation described by the Senator from Wyoming.

The Senator says that the information which I have been able to furnish is so vague and indefinite and unsatisfactory that he can not quite see his way clear to reach a conclusion as to what we are driving at. I can not quite appreciate that, because I know the fort; I know the barracks; I know the city; I have been over them all, and I certainly know what I am talking about to some extent and to all material extents, it seems to me.

As to the precise area of the land required, that I can not give, because I have not figured it up in feet and inches; but I know the land is embraced in city lots and I know that it adjoins the present fort, which is in the city of Key West. I also know that the fort is nearly a mile away from the present barracks.

Mr. CLARK of Wyoming. Now, in all honesty, can the Senator from Florida give us just the amount which it would cost to acquire the land which he has described?

Mr. FLETCHER. I do absolutely give the figure at \$150,000. That was the figure that was estimated for by the department in 1910, and they have not changed it. That is fixed.

Mr. CLARK of Wyoming. But does the Senator from Florida assume to say, as a matter of fact, that this land is worth exactly the same now that it was in 1910?

Mr. FLETCHER. I do say that to-day the department can acquire that land for \$150,000.

Mr. CLARK of Wyoming. Can it acquire it for less than that sum?

Mr. FLETCHER. It may be possible to get it for less, and, therefore, I have inserted in the amendment the words "or so much thereof as may be necessary." The Secretary of War may be able to get the land for less, but it is not at all likely that he can get it for less.

Mr. CLARK of Wyoming. Mr. President, I am going to content myself with voting against the amendment, and I wish simply to say that this is the first time I have ever seen come before this body a proposition to purchase property under such indefinite terms as appear in this instance.

Mr. FLETCHER. All I know is this—and that, it seems to me, is the vital, the important, thing, and the only thing needed—the department says we need to acquire the land adjacent to Fort Taylor for military purposes and that the cost of that land will be \$150,000. Now, is not that all that we need know?

Mr. CLARK of Wyoming. No.

Mr. SMOOT. Mr. President, evidently there is a discrepancy as to the real need of this land.

Mr. FLETCHER. There is no discrepancy about it.

Mr. SMOOT. Well, I say, then, there is a discrepancy as to the time when the land is needed. The department has not estimated for it, and it does not seem to me that we ought to consume any more time in the consideration of the matter. I make the point of order against the amendment that it is increasing an appropriation where there is no estimate made for it by the department.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES. Mr. President, on yesterday I asked that an amendment which was adopted relative to voting by soldiers absent from home, be reserved, in order that I might add an amendment to the amendment.

The VICE PRESIDENT. The Chair is informed that that is correct.

Mr. JONES. I desire to offer an amendment to come in just before the last paragraph in the amendment, where the language reads, "this act shall take effect upon its passage"; in other words, after the word "voters," on line 21, page 5, I move the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After the word "voters," the last word in the amendment, on page 5, line 21, it is proposed to add the following proviso:

*Provided, That the right to vote hereunder shall not be denied to any person, otherwise qualified, because he may not be registered under the election laws of his State.*

Mr. JONES. Mr. President, I will simply say that, for instance, under the election laws of the State of Washington every voter must be registered within a certain time prior to

the election. I do not think that he is required to register in person, but so far as this amendment is concerned, with reference to our National Guard, if they are kept on the border until election day very few of them probably will be able to vote, and I thought I would endeavor to put the proviso I have indicated in the bill in order that it might be considered by the committee of conference in connection with the amendment of the Senator from Missouri.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. JONES. Yes.

Mr. CLARK of Wyoming. Does the Senator from Washington conceive that this amendment would have any effect?

Mr. JONES. I think it is very questionable whether or not the entire amendment would have any effect; but I think, if we are going to adopt the amendment and enact the provisions contained in it, we have a right to put in a provision of this kind. Therefore I offer the amendment, although I very seriously doubt whether or not the entire provision will amount to anything.

Mr. CLARK of Wyoming. I can see a little difference between elections for local offices and those for Federal offices outside of the jurisdiction of the State, but I can not understand how the Congress of the United States can interfere with the registration or election laws of the various States.

Mr. JONES. We simply say that the members of the National Guard away from their homes can vote for President and Senators and Representatives, whether they are registered or not. There are other provisions in the amendment modifying the provisions of the local election laws. If we can modify them at all, we can certainly modify them in this respect. I thought it would be well to have the matter under consideration in the conference committee. I can not see any especial objection to it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington [Mr. JONES].

Mr. WILLIAMS. Mr. President, if the Senator from Washington is through, I do not think that this amendment ought to pass. In those States which have an educational qualification—or in several of them, at any rate—the sole determination of whether or not a man can read and write is left to the registrars. That is the provision of the law. When a voter appears before the registrar, if there is any doubt about his capacity to read or write, he is then given an examination. He is required to turn to some book handed to him and read a sentence, which is indicated, or he is required to write "Good morning, Mr. Jones," or something else; in other words, the only way of determining whether under the election laws of the State he is qualified or disqualified is when he goes to register. The amendment of the Senator from Washington would upset the entire system in those States. Nothing is more precious, in my opinion, than the conservation to the States themselves of the right to fix the qualifications of suffrage within their limits. I therefore, Mr. President, make a point of order against the pending amendment.

Mr. JONES. Mr. President, I do not think the point of order will lie. Certainly my amendment is germane to the provisions of the amendment offered by the Senator from Missouri [Mr. REED].

The VICE PRESIDENT. The Chair has not examined the amendment. Does the Senator from Mississippi make the point of order against the amendment of the Senator from Washington or against the entire amendment?

Mr. WILLIAMS. As I understand, the pending amendment is the amendment of the Senator from Washington to the amendment of the Senator from Missouri, which has not yet been passed upon by the Senate. Is that the case?

The VICE PRESIDENT. Yes.

Mr. WILLIAMS. I make the point of order, then, as to both.

Mr. CHAMBERLAIN. Mr. President, I understand that this whole amendment, with reference to the members of the National Guard voting, has been adopted by the Senate as in Committee of the Whole, but the Senator from Washington reserved the right to offer an amendment to it when it reached the Senate.

The VICE PRESIDENT. But what the Chair is trying to get at is this: The Chair has not read the amendment; but, as the Chair understands the amendment, it has to do with the voting of troops in the field. That is the Chair's understanding of the amendment, and the Chair is trying to get at whether the Senator from Mississippi raises the point of order to the amendment of the Senator from Washington, or whether he raises his point of order to the entire amendment.

Mr. WILLIAMS. Owing to the parliamentary situation, I am compelled to raise the point of order to the entire amendment, as I understand—



Mr. REED. No; the Senator is not.

Mr. WILLIAMS. Because if the amendment of the Senator from Missouri is left in the bill there may be some question as to whether the amendment of the Senator from Washington is not in order as an amendment to the amendment.

What the Senator from Oregon has just said, Mr. President, cuts no figure in the case. The Chair decided here not long ago that even after a bill had passed from the Committee of the Whole and had gone into the Senate a point of order might be raised in the Senate as to any item. That was decided against my view of parliamentary law; but that makes no difference; it was so decided and the decision supported by the Senate.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order.

Mr. REED. Mr. President, I hope the Chair will not rule hastily on that.

The VICE PRESIDENT. The Chair is not ruling hastily.

Mr. WILLIAMS. If the Senator from Washington will withdraw his amendment, I will withdraw the point of order to the amendment of the Senator from Missouri.

Mr. JONES. Mr. President, there is no reason why the members of the National Guard from my State should be disfranchised while those of other States are permitted to vote.

Mr. WILLIAMS. Very well; if the Senator will not withdraw the amendment to the amendment, I am forced to make the point of order against the entire amendment. It would knock to pieces the entire voting system of my State.

Mr. REED and Mr. SHERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Mr. President, I should like the privilege of saying a word about this matter—

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I yield for a question.

Mr. SHERMAN. Well, I will put what I desire to say in the form of a question, if the Senator will permit me. Over half of the qualified voters in my State—those in all cities of a certain size—are required to be registered and must register in person. There is a general registration in September and a correctional registration in October. Unless some such amendment as that submitted by the Senator from Washington is adopted, a large portion of the voters of my State will be disqualified; and I should like to inquire of the Senator from Missouri whether he would not favor an amendment to his amendment that will save them from disqualification at the polls?

Mr. REED. Mr. President, I will do anything I can to so perfect this amendment that it will do exact justice to every member of the Guard who is in the field; but this is the situation: I will say to the Senate frankly that I have not had time to go to the bottom of the question as to the right of Congress to permit these men to vote at all, but such examination as I have been able to make leads me to the conclusion that at least there is a fair probability that a proper law of Congress can be sustained, a law that would permit these men to vote for candidates for purely national offices.

But, Mr. President, there is another principle. I do not think the Federal Government—at least I think it is very doubtful whether the Federal Government can establish the qualifications of the voter; that is, such qualifications as the State may prescribe. The place of casting the vote is one thing. The qualification of the voter is another thing. I think it is very doubtful whether we can interfere with the laws of the State in respect to the qualifications of voters. I do not claim to speak with authority, because I have not examined the authorities closely, but I think there is that distinction.

I very much desire to extend this privilege of voting as far as it can be extended by Congress, but I do not want to undertake to interfere with the right of a State to prescribe the qualifications which the man must possess. That is a right that has always been exercised by the State, and it is a right which peculiarly belongs to the State. Unfortunately, some States have laws which provide that the voter must register only a few days before the election. In that event a member of the National Guard who was away and could not register would be deprived of the voting privilege; but, on the other hand, there are many States that do give the right to vote, provided the voter has not moved from his usual place of abode since the last registration. Further than this, in many States registration is not required outside of cities. The amendment would permit that class of men who are registered to vote, and those men who are not required to register to vote.

There are two questions: First, if this act is passed and the general assembly of any State convenes between now and

election day, for any purpose, and it is necessary to have any State supplemental legislation, that can be done, and this bill will have already provided the machinery for the casting of the votes. On the other hand, there may be a legislature in session before the members of the Army are returned to their homes. We do not know. They may be down there 30 days and they may be down there three years. I can not tell. Perhaps it may not be done before the coming election; but the coming election is not the last election we are going to hold, and this law ought to be upon the statute books as a general proposition. It is entirely within the limits of possibilities that governors will call extra sessions of their legislatures for other purposes, or even for this purpose. Indeed, there is a movement on in my State—I do not know how powerful it is or how it will result—to ask that a special session of the legislature be called.

Now, I appeal to the Senator from Washington not to defeat this amendment as to all States because his own State will not get the benefit of it. In view of the fact that the soldiers of the State of Washington can not vote now, why deprive those of other States who can vote, if this amendment is passed, of that right? Now, what is fair about that?

Mr. JONES. I suggest to the Senator that he make his appeal to the Senator from Mississippi.

Mr. REED. Well, Mr. President, I put this amendment in yesterday. I made the contest for it single-handed and alone. I should, however, acknowledge that I was aided by the kindly suggestions of the Senator from Connecticut, the Senator from New Hampshire, and by other Senators, and the amendment was accepted in Committee of the Whole. The Senator from Washington knows I have no control over the Senator from Mississippi. The Senator from Washington says I should make my appeal to the Senator from Mississippi. But suppose the Senator from Mississippi does not change his mind, and suppose the Senator from Washington does not change his mind; then the amendment goes out on a point of order.

Now, that is not very generous. I hope the amendment will not be defeated in this way. Besides, I am against the amendment offered by the Senator from Washington upon the ground that the Federal Government ought not to undertake to set aside the authority of the States to prescribe the qualifications of the individual voter. Let me put it to the Senator from Washington: Suppose we were to prescribe in this bill qualifications of voters that were obnoxious to the policies of his State; he would not want that. His own State ought to reserve that to itself; and that is all the Senator from Mississippi is contending for.

Mr. WILLIAMS. Mr. President, the amendment offered by the Senator from Missouri reads "all qualified voters."

Mr. REED. That is changed. There is a change in the text as it passed; but, as it passed, it means those electors who are qualified under the laws of a State.

Mr. WILLIAMS. It reads here "all qualified voters of the United States." The way it has been modified, it means "all qualified voters of the several States who shall be in actual military service." Taking for granted that it means that, I have no objection to this amendment. But when the Senator from Washington offers an amendment which knocks to pieces this very idea, and proceeds to allow those to vote who are not qualified even by the laws of his own State, and proceeds to allow those to vote who are not qualified under the laws of my State because not registered, and therefore no step has been taken to determine whether or not they are educationally qualified, I am forced to make the point of order to the whole affair, because if I do not make the point of order to all of it my point of order simply to the amendment offered by the Senator from Washington as an amendment to the amendment, would, in my opinion, fail.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

Mr. BRANDEGEE. Mr. President—

Mr. WILLIAMS. Now, I should like very much to have the Senator withdraw his amendment to the amendment, and then I will withdraw my point of order; but if not, I must insist upon it, and the Chair has decided it.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Oregon will state it.

Mr. CHAMBERLAIN. What is before the Senate?

The VICE PRESIDENT. The bill is before the Senate.

Mr. CHAMBERLAIN. Is there any amendment pending?

The VICE PRESIDENT. There is not.

Mr. REED. Mr. President, I do not want to have to appeal from the decision of the Chair. I thought we could straighten

out this matter in a moment. I want to ask the Senator from Washington this question: His State having passed a rigid registration law for the protection of the purity of the ballot of that State, does he want to concede the right of the Federal Government to wipe out that registration law?

Mr. JONES. Mr. President, my State is not the only one that has passed registration laws. My State is not the only one that has members of the National Guard at the front who would be affected by this amendment. There are many of the States which have these registration provisions; and I think it is absolutely inexcusably unjust to attempt to permit members of the National Guard to vote and prohibit these persons from voting simply because they have not had an opportunity to register under the State laws.

Mr. REED. Let me ask the Senator a question.

Mr. JONES. I think there is a very serious question as to whether we can provide for voting by these soldiers anywhere outside of the State. The Constitution seems to make a very express provision that we can not change the places of voting in these elections—voting for Senators, and so on—and if the Senator from Mississippi insists on this amendment going out because my amendment is offered, the responsibility will be his and not mine.

Mr. WILLIAMS. Oh, the Senator from Mississippi assumes the responsibility for everything that he does.

Mr. SMOOT. Mr. President, I will say to the Senator from Missouri that the registration law of my own State is such that unless every member of the National Guard shall register upon one of the three days appointed before the election, it would be impossible for them to vote anywhere for any candidate in the coming election. I suppose the registration laws of my State are similar to the laws of Idaho, Wyoming, Minnesota, Washington, and many of the other Northern States. Without the amendment offered by the Senator from Washington, I am quite sure that none of the guard from my own State could vote, because it would be impossible for them to register upon one of the three days that shall be appointed before the election. Those days are not yet appointed, and I think the last day of registration must be within 10 days before the day of election.

Mr. CHAMBERLAIN. Mr. President, I ask for the next amendment.

The VICE PRESIDENT. There is no amendment pending.

Mr. CHAMBERLAIN. I ask for the regular order.

Mr. REED. Well, Mr. President, I want to congratulate the Senator from Washington. I congratulate any man who is so broad and so generous that because the laws of his own State deny, as he thinks, the men of his own State who happen to be in the Army the right to vote he will therefore seek to deny that privilege to every other man in the United States who might, but for his act, have it. It is a position at once so generous and so patriotic that it ought always to be remembered; and I hope the National Guard of his State and the National Guard of the country will always remember that he performed this valiant and glorious service for it.

Mr. JONES. Mr. President, I appreciate the spirit in which the congratulations of the Senator from Missouri are tendered to me; but it seems to me that if his congratulations go anywhere they should go to the Senator from Mississippi, who is alone responsible for this matter. I have not sought to deprive the National Guard of Missouri of their right to vote. I want them to have it; but I want all the members of the National Guard to have the right to vote. I do not want the mere fact that some of the National Guard had left their homes at the call of the President before they had had an opportunity to register to prohibit them from voting because the Senator from Mississippi does not desire his local laws to be interfered with. That is the purpose that the Senator from Mississippi stated as to why he made the point of order.

Mr. REED. Mr. President, the trouble with the Senator's defense or explanation is that this amendment does not deprive any living man of the right to vote. This amendment seeks to confer a privilege; and if the laws of the State of Washington make registration at a given day necessary, the fault is with the laws of that State and not with this particular amendment.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. REED. Certainly.

Mr. CLAPP. The laws of the State of Washington were made long anterior to the suggestion or thought of an emergency of this kind. If this emergency had continued, and in the face of its continuation for a term of years a State failed to make provision for its soldiers voting without registration, then the point which the Senator from Missouri makes would be well

taken. But without any warning a contingency arises, and these men are called from their homes. It would require a special session of the legislature of that State to meet this contingency. Now, being called away upon a contingency, why should there be withheld from these men the additional privilege provided in the amendment of the Senator from Washington?

I confess, Mr. President, that I am a little surprised at the attitude that the Senator from Missouri takes with reference to the amendment suggested by the Senator from Washington. He proposes an amendment to meet a contingency that nobody dreamed of when the Legislature of Washington provided this requirement of registration.

Mr. REED. Mr. President, I think the Senator has not been in the Chamber during the discussion.

Mr. CLAPP. Oh, I sat here and listened to it.

Mr. REED. The Senator from Missouri, by his amendment, sought to preserve the right to vote to all of the qualified voters of the States who happened to be in the Army. In that form it passed the Committee of the Whole, and, if let alone by those who never dreamed of trying to confer the privilege on anybody, it would have conferred the right to vote on every man who was qualified under the laws of his State to vote; at least I believe it would. Now, the matter being in that shape, the Senator from Washington undertakes to put into this bill a clause changing the effect of the laws of his own State and, as to these men, wiping out the registration laws of his own State. I have made no special objection to that; but the Senator from Mississippi does have an objection, and he raises the point of order against the whole amendment. I thereupon appeal to the Senator from Washington to withdraw his amendment in order that the point of order may be withdrawn.

The situation now presented is this: If the Senator from Washington can not have an amendment put on this law which will nullify, as to these soldiers, the laws of his own State, he then says that other men from other States who may be qualified shall not vote. Now, that is the situation. I am not trying to deprive anybody of the right to vote. I am trying to confer it, and because the right can not be extended, as the Senator from Washington thinks, so that it is available to the people of his own State, he says, "Very well; none shall vote." That is the effect of his position.

Mr. CLAPP. Mr. President, I have no more sympathy with the attitude that would deprive the soldiers from those States that do not require registration of the right to vote, simply because it can not be secured for those States that require registration, than I have with the opposition to a provision waiving the matter of registration as to presidential and Federal officers. I do not think either position is tenable. But the Senator from Missouri—and that is what I rose for the other time—rather intimated that the States had been derelict in not making provision.

Mr. REED. Oh, no; I do not mean that.

Mr. CLAPP. They could not do that, for they could not anticipate that.

Mr. REED. I did not say that.

Mr. CLAPP. Then the criticism was not warranted.

Mr. REED. I meant to say that it happened to be the fact that those were the State laws. They have not had an opportunity to change them yet, but they hereafter may. These troops may be on the border for two years or three years; I do not know how long. They may be back in 30 days. But why refuse the soldier from a rural district in my State—I am merely illustrating—where he does not have to register, the right to vote because it happens that the State of Washington has a law that deprives its citizens of the right to vote? Or why deprive the citizen of the State of Vermont of the right to vote because the State of Washington has a certain law?

It is unfortunate. It is a condition we could not foresee. If we all had registration laws, they probably would have met it; but here is the proposition: Because one State has a law requiring registration shortly before voting it is proposed to take such action as will result in depriving all the soldiers from the rest of the States of the opportunity to vote. Now, that is not very generous.

Mr. CLAPP. I quite agree with the Senator that that is not a correct position to take. The soldiers from my State can not vote without an amendment here waiving the matter of the registration. At the same time if I can not get the right for them to vote I would not stand in the way of conferring the right upon others, and we can confer it in the light of the exigency here. That is my position.

Mr. FLETCHER. May I ask the Senator from Minnesota a question?



Mr. REED. Yes.

Mr. FLETCHER. In what worse state would the voters of the State of the Senator and of the State of Washington be if the amendment offered by the Senator from Missouri is adopted than they are in without it?

Mr. CLAPP. They would be in no worse shape, and that is what I say. Anxious as I am to get the right conferred on the soldiers of my State, the fact that I could not get it for them would not deter me from supporting an amendment that would grant it where we can grant it, in view of the fact that one Senator can stop the whole matter by a point of order.

Mr. POMERENE. May I interrupt the Senator from Missouri?

Mr. REED. I yield.

Mr. POMERENE. I simply wanted to suggest that it seems to me if it is within the power of Congress here to confer the right upon the soldiers from only one State to vote while they are at the front, we would be derelict in our duty if we did not do it.

Mr. CLARK of Wyoming. I wish to call the attention of the Senator from Missouri to the fact, in view of the colloquy with the Senator from Washington, that in my judgment one part of the Senator's amendment as well as the amendment of the Senator from Washington is subject to a point of order. As I understand from the ruling of the Chair the whole amendment, whether with or without the amendment proposed by the Senator from Washington, is subject to a point of order.

Mr. REED. Yes; and the point of order has been sustained.

Mr. CLARK of Wyoming. The point of order has been sustained. So I really can not see how the Senator from Washington can be said to be at fault or to lack courtesy or lack judgment. It is simply a question of the Senator from Mississippi allowing an amendment that is out of order to go in under one condition and declining to allow it to go in under the other condition. I wish the Senator from Mississippi, if it is not too late, would withdraw the point of order to the whole proposition.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Oregon will state his inquiry.

Mr. CHAMBERLAIN. This point has been determined?

The VICE PRESIDENT. It has.

Mr. REED. I appeal from the decision of the Chair, and I do it with all the respect in the world.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. CHAMBERLAIN. On that I ask for the yeas and nays.

Mr. REED. Now, I should like to be heard on it.

The VICE PRESIDENT. The Senator has had four speeches, and under the rule—

Mr. REED. Not on the appeal.

The VICE PRESIDENT. No; upon the amendment.

Mr. SHERMAN. Mr. President—

Mr. REED. I yield to the Senator from Illinois if he desires to be heard.

Mr. SHERMAN. I want to be heard on the appeal. Is it debatable?

The VICE PRESIDENT. It is debatable.

Mr. SHERMAN. Mr. President, I will not take much time, for I realize that I have no business to take any time at all here. A good many of us feel considerably that the subject has been expounded, that the knowledge of the subject has all been expounded. No doubt "You are the people, and wisdom will perish with ye," in the language of Job. But notwithstanding that, there are some States that will be affected vitally.

The amendment as originally presented I shall support, and I will support it, anyhow, even if it should prevent certain of the voters in my own State from voting. I will cheerfully allow others that right, and I shall not interfere in any way with the voters who can have that right extended to them.

I doubt very much whether it is a valid regulation, but for what it is worth it ought to be had. The laws of all the States require the voters to vote personally. I do not know in the absence of State legislation that any other kind of voting would be valid.

Mr. REED. For the information of the Senator I will state that there are some States, among them my own, that permit under certain conditions a citizen of the State to vote away from his polling place. That law applies in my State to any citizen of the State who is absent from home on election day, who will go to a certain officer and make an affidavit showing that he is a certain individual registered at a certain place and inclosing his ballot and forwarding it by mail. The ballot is then counted as provided by law. There must be strict proof that he is the individual, strict proof that he was regis-

tered, and so forth. That ballot is then compared with the registration book, if he lives in a part of the State where there is registration; but there is no registration in the State of Missouri except in certain cities and certain counties. Outside of that there is no registration.

Mr. ROBINSON. Will the Senator from Illinois yield to me to ask a question of the Senator from Missouri?

Mr. SHERMAN. Certainly.

Mr. ROBINSON. I understand the pending question is an appeal from the decision of the Chair sustaining the point of order that this amendment is general legislation. I should like to have the Senator from Missouri state on what theory that ruling is incorrect. It seems to me to be a manifestly correct ruling.

Mr. REED. I think I ought to permit the Senator from Illinois, who is interrupted, to conclude, and then I shall have something to say in answer to the Senator's question.

Mr. SHERMAN. The regulations mentioned serve to illustrate the subject. I should like to conclude without much consumption of time. It is a relaxation of the requirement by a State in the amendment offered by the Senator from Missouri. It dispenses with the personal presence of the voter, and to that extent it so far permits the voter to vote for certain Federal elective officers. If we relax one qualification required by the constitution or statute of the State we can relax another. In common fairness if the relaxation of the personal presence of the voter at the polling places is allowed in one part of the State, where no registration is required, then the provision for the registration of the voter ought to be relaxed in the other part of the State. Out of the million two hundred and fifty thousand voters in Illinois more than five hundred thousand are required to be registered before they are qualified to vote. The registration provisions are in certain denser centers of population, the larger cities. The reasons for registration are well known. In the absence of registration in certain areas no one is qualified to vote. It operates just as the absence of his personal presence would operate. So by the relaxation of one qualification by the original amendment, it would add the relaxation of another qualification by the amendment to the amendment of the Senator from Washington. It is just as fair to relax in one case as it is in the other. Out of 11,000 men in my own State who are absent from their homes, about 7,000 are on the Texas border. The other 4,000 are in different encampments in the course of preparation, and subject—all of them—to the call of the President. The 11,000 will be totally disqualified in the absence of some permissive legislation.

We have a complete registration in September, in which all the voters of the State within the area where registration is required are compelled to appear and register anew. We have in October a correction day, in which those who did not register the first time may appear and have their names registered. Personal presence is required for registration in all the registration area covering about 500,000 voters in the single State that I mentioned. If this added relaxation on the qualification of voters in my State be not permitted by the amendment of the Senator from Washington, it will pro tanto disqualify so many of the 11,000 voters or so many as would come from the area mentioned, and it would be unjust. They are mixed politically, so that there is no particular advantage gained one way or the other. It is merely a matter of fairness.

On the point of order raised by the Senator from Mississippi, the original amendment offered by the Senator from Missouri relaxes a State qualification in that personal presence is required to vote. It interferes that far. Whether it is valid or not I am not undertaking to say, but I am willing to support it for what it may be worth. But it relaxes a qualification required by the State and permits them to vote in camp under such regulations as are provided here for Federal elective officers.

In the areas mentioned in the State like that of the Senator from Washington and like my own State there is a further qualification that they must be registered, and it is just as essential as if the voter lived within a certain precinct.

All these qualifications belong to a State. There are 48 jurisdictions, making 48 different sets of qualifications. We relax one general qualification of personal presence to vote in all the large centers of population, and that is where registration laws were born. In those large centers comprising, as suggested, about 500,000 voters in my own State, the city of Chicago, the city of Peoria, the city of Danville, the city of Springfield, and the city of East St. Louis, personal presence is required to register. If they are not found on the registration list when they undertake to vote, they are denied the right. Like any other qualification, it will be absolutely indispensable that these men be permitted to register without being present or that they be permitted to vote without registration for President and

Vice President or the electoral ticket and for Senators and Representatives in Congress.

Mr. WORKS. Mr. President, I wish we might have a rule, and have it enforced, that discussion of this kind should be confined to the merits of the ruling of the Chair upon the appeal; but that is never done. That is not the object of this appeal, I am quite sure.

This question does not affect my State. We have a provision in California authorizing absent voters to register by a proper showing by affidavit; but the result of the amendment proposed by the Senator from Missouri, without the amendment proposed by the Senator from Washington, is that the right to vote is conferred upon voters in some of the States and denied to others. The Senator from Missouri talks about generosity. That does not seem to be very generous. Why should the militiamen from Missouri be authorized to vote and that same right be denied to the voters of Washington?

Mr. President, looking at this from a purely political standpoint, which is the way we are in the habit of looking at things here very much, this may be a very important matter. It might mean the election or defeat of the Senator from Missouri as a candidate for the United States Senate. I can appreciate the fact that in view of the championship of the National Guard by the Senator from Missouri pretty much all of the militiamen from his State would feel themselves obligated to vote for the Senator for reelection. It may mean the balance of power in some of the States.

I have no objection to the militiamen from Missouri being granted the right to vote, whatever may be the result; but it seems to me that if the militiamen from Missouri are entitled to vote the same right should be granted to the militiamen of Washington and numerous other States who would be deprived of that right by the provision contained in the law of the State of Washington and other States.

It is hardly correct, Mr. President, to say that we are attempting to change the laws of Washington, as stated by the Senator from Missouri. The State of Washington has not legislated with respect to this situation at all; it has legislated with respect to voting within the borders of the State.

Here is an entirely different situation developed by which the voters of that State should be allowed or denied the right to vote outside of the State, which is not covered by the laws of that State at all. Therefore, we are not proposing to change the laws of Washington in that respect.

I am very sorry that the Senator from Mississippi [Mr. WILLIAMS] has found it necessary to make his point of order under the circumstances.

Mr. REED. Mr. President, I appealed from the decision of the Chair. At least, I want, as far as I am able, to do all that lies in my power to take the last possible step to gain this privilege of voting for the members of the National Guard. I want to extend it to every member of the National Guard; I do not care whether he comes from Washington or from New York, or from Mississippi, or from Minnesota, or what other State he comes from. In drawing the amendment I did not see how we could go further than simply to provide that the qualified voters of a State would be qualified to vote in the Army camp. That seemed to me to be as far as we could go. There were many reasons why, if we attempted to go further, the legislation would fail. In that shape the bill passed. Under it, of course, the laws of the State having strict registration, unless they change those laws, would, by virtue of their own laws, deprive these men of the right to vote. But I do not believe there is a State in this Union, except perhaps the State represented by the Senator from Washington, where all the population, rural as well as city, are required to register.

I may be in error about that, but I know there are many States where registration is confined to the larger cities. I think that is true of the State of Illinois; is it not? I was asking the Senator from Illinois, who evidently did not hear me, whether it is not true that in the State of Illinois registration is limited to the larger cities and does not obtain in the rural districts?

Mr. SHERMAN. It is limited to cities and townships of a certain size. In other parts of the State there is no registration required. I will add, if the Senator will permit me, that a large part of these 11,000—I would say probably two-thirds of them—are drawn from areas that are affected by registration. The rural member has not responded so readily or promptly to the call.

Mr. REED. Mr. President, the effect in the State of Illinois would be that a part of the guard from that State would be permitted to vote and a part of the guard would be denied the right to vote, not by virtue of the provisions of this amendment, but because of the provisions of the laws of Illinois.

Now, the situation existing in Illinois is substantially the same as in Missouri. Some of our volunteers who went from the larger cities might, unless the legislature shall assemble and change the law, be deprived of the right to vote because of a lack of registration, but those coming from the rural communities would still have the privilege of voting if this law is sustained. I think a similar condition exists in nearly all of the States of the Union. But the Senator from Washington says that in his State they have universal registration.

Mr. JONES. No; I did not make that statement.

Mr. REED. Well, then, what is the fact?

Mr. JONES. The fact is that in precincts where there are 250 voters or over registration is required.

Mr. REED. But can the Senator from Washington roughly tell us how much of the State such precincts include?

Mr. JONES. No; I can not, of course, say how much, but it includes a great deal of the State.

Mr. POINDEXTER. Mr. President, I do not wish to intervene in the debate here, but I think I ought to state, in view of the question of the Senator from Missouri [Mr. REED], that I think my colleague [Mr. JONES] has overlooked a statute which was passed by the last legislature of our State, which requires universal registration.

Mr. JONES. I had overlooked that; I did not have that statute in mind.

Mr. REED. Now, I am speaking to the Senator from California [Mr. WORKS] for a moment. The situation presented this morning was that at least a part of the National Guard would be permitted to vote. This amendment undertakes, so far as it can, to let all of them vote; but the laws of the various States intervene and require certain registration. The Senator from Washington [Mr. JONES] now offers an amendment proposing to waive the necessity of registration in every State, a thing that might be very dangerous in some of the States; but nevertheless I do not pause to debate that. Thereupon, the Senator from Mississippi [Mr. WILLIAMS] states that, unless that amendment is withdrawn, he will make a point of order against the whole amendment. Accordingly, I appealed to the Senator from Washington to withdraw his amendment, and he declined to do so. So the onus is upon the Senator from Washington of having taken an action here which, if the point of order is sustained, will deprive every single member of the National Guard who is on the border of Mexico, in November, of the right to vote. The Senator from Washington can divide that responsibility as much as he pleases with the Senator from Mississippi; yet it is perfectly apparent that, if the Senator from Washington would withdraw his amendment, this provision might remain unobjected to, and might become a part of the law of the country.

I offer this observation to the Senator from California, who has again intimated that there is some politics in this question. I am sorry that the Senator so often in these dog days sees politics in every decent thing a man attempts to do. I know nothing as to the politics of the National Guard of the State of Missouri. The movement to the border has not been a political question. The National Guard, recruited long ago, was not recruited on political lines. I know that some of the colonels and some of the other officers—many of them, indeed—of the National Guard of Missouri are Republicans. I have no reason in the world to believe that I shall be the beneficiary of the votes of the National Guard any more than my opponent will be the beneficiary. I shall not be deterred from doing what I can for the National Guard, because somebody may imagine I am doing it for political purposes. If I were to adopt so narrow a policy as that, I would not be permitted to do anything for the benefit of these men lest some supersensitive individual who "sees things" should arise in his seat and cry out "Politics!"

The question that I wish now to discuss for a moment is the point of order. I think there is a distinction here that, properly understood, will enable us, with all respect to the President of the Senate—and nobody respects him more than do I—will enable us to go on with this legislation. My amendment, when it was introduced as in Committee of the Whole, was plainly open to an objection that it was general legislation. That objection, however, although made, was afterwards withdrawn. The amendment was accepted, and became a part of the bill. The point of order was therefore waived as to the amendment. The bill being in that situation, the amendment being a part of the bill, the Senator from Washington reserved the right to offer an amendment. He did not reserve my amendment or the right to raise the question as to its being general legislation or the right to discuss it separately as an amendment, but he reserved the right to offer an amendment to it; that was all. That is the state of the case, as I understand it.



That being the case, the amendment which the Senator offers may or may not be subject to a point of order; but the fact that the Senator has offered an amendment and that he only reserved the question for the purpose of offering an amendment does not bring the entire proposition before the Senate so as to make it subject to the point of order. That is my view of the matter.

Mr. ROBINSON. Mr. President, however much Senators may sympathize with the views and purposes of the Senator from Missouri [Mr. REED] in offering his amendment, it seems to me that it is so clear that the amendment is subject to a point of order that it is unfair to the Chair to urge an appeal from his decision sustaining the point of order. The Chair is, of course, under the duty of conforming his decisions to the rules of the Senate when those rules are invoked by Senators. On yesterday, when this point of order was made by the Senator from Oregon [Mr. CHAMBERLAIN], this colloquy, which will be found on page 11605 of the RECORD of yesterday's proceedings, occurred:

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is on the adoption of the amendment proposed by the Senator from Missouri.

That being the identical amendment now under consideration—

Mr. CHAMBERLAIN. I make the point of order against the proposed amendment, first, that it is general legislation on an appropriation bill. The PRESIDING OFFICER. The Chair thinks the point of order is well taken.

Mr. REED. I think the point is well taken. I spoke to the chairman of the committee about this amendment, and I had hoped that he would let this go to conference. It puts no burden upon the Government. It takes no money from the Government. It is the only chance to give these men an opportunity to vote.

The Senator from Missouri on yesterday conceded that the amendment was subject to a point of order.

Mr. REED. I concede now, and have conceded in my remarks heretofore, that it was at that time subject to a point of order.

Mr. ROBINSON. Very well. The Senator now says that it is not subject to a point of order at this time because the point of order was not reserved by any Senator in Committee of the Whole; and yet the Senator from Missouri must know that it is not necessary to reserve in Committee of the Whole a point of order. Every Senator here knows that; no Senator is ignorant enough to think that in order to make a point of order in the Senate it must be reserved as in Committee of the Whole.

If it was subject on yesterday to a point of order when the bill was in Committee of the Whole, it is subject to a point of order when the bill goes into the Senate, and no reservation of a point of order is necessary in order to entitle a Senator to make a point of order.

Mr. President, the statement I made a moment ago I repeat, that it is not fair to the Chair, in view of the admission the Senator from Missouri has made, that he should insist on his appeal; and I move, Mr. President, to lay the appeal of the Senator from Missouri on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas to lay on the table the appeal from the decision of the Chair.

Mr. ROBINSON. I will withdraw the motion for the present, in order that the Senator from Missouri may reply to my statement.

Mr. REED. Mr. President, no one more than myself respects the Vice President. I simply want to state this matter. I do not claim that a point of order has to be reserved. I made no such claim. I frankly conceded on yesterday, when the point of order was made against this proposition, that the point of order, if insisted upon at that time, was good, and that this was general legislation. The point of order was withdrawn and the amendment became a part of the bill. Now, if the entire amendment had been reserved I think the point of order could have been renewed in the Senate; but, as I understand the RECORD and as I remember the facts, the amendment was not reserved for general action in the Senate, but it was reserved merely for the purpose of offering an amendment to it. Now, when that amendment is offered it is subject to a point of order if it invades the rule; but if it does not, I hold it is not subject to a point of order. That is the point I am trying to state. Now I yield to the Senator.

Mr. ROBINSON. Does the Senator say that it is necessary in order to have a separate vote on his amendment in the Senate to reserve the amendment in Committee of the Whole? Does he assert that from his knowledge of the rules? Does not the Senator from Missouri know that it is not necessary to reserve in Committee of the Whole a vote upon any amendment and that a vote can be taken in the Senate, upon the demand of any Senator, upon any amendment agreed to as in Committee of the Whole before the amendment is finally concurred in or acted upon by the Senate?

Mr. REED. But that is not the question before us. No one has demanded a vote upon the whole question. The Senator from Washington has simply offered an amendment to the bill as it stands now perfected as in Committee of the Whole. Thereupon the Senator from Mississippi makes a point of order, not against the amendment offered, but he makes a point of order against the whole amendment.

Mr. ROBINSON. Does not the Senator think that it is subject to a point of order, if made?

Mr. REED. I do not in the state of the record.

Mr. ROBINSON. Why?

Mr. REED. Because this amendment was added to the bill, and is in the bill.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. REED. Yes.

Mr. OVERMAN. When this bill was reported to the Senate the question was upon concurring in the amendments agreed to as in Committee of the Whole, which had not been reserved. The Senate concurred in those amendments, but the amendment of the Senator from Missouri, which had been reserved, was not acted upon; and therefore it is before the Senate as an entirety now.

Mr. REED. But it was not reserved. I claim this is the record—I have not had time to read it, for I have been on my feet every minute; but my recollection of the record is that this amendment was not reserved except as to the mere right to offer an amendment to it.

Mr. OVERMAN. The Chair stated to the Senate that certain amendments had been agreed to as in Committee of the Whole and certain amendments had been reserved, and the question was on incurring en bloc in the Senate in the amendments made as in Committee of the Whole which had not been reserved, and the Senate concurred in those amendments which had not been reserved, leaving the amendment of the Senator from Missouri unacted upon.

Mr. SMOOT. Mr. President, I merely wish to call attention to Rule XX, in which it is provided:

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate.

The VICE PRESIDENT. The question is not whether soldiers shall have a right to vote, but whether the ruling of the Chair shall stand as the judgment of the Senate.

Mr. REED. That is a peculiar way to state it.

The question being put, the ruling of the Chair was sustained.

Mr. TOWNSEND. Mr. President, I should like to ask the chairman of the committee in reference to the subject matter of a telegram which I received this morning from the State of Michigan, which states that a militiaman had died on the Rio Grande, and that the Government, as the telegram states it, had notified the parents at Tecumseh that if they wanted the body they would have to send the amount of the transportation charges, or else it would be buried on the border. The telegram further states that this family is very destitute and has not the means for obtaining the body.

Does the bill anywhere provide, or do the regulations of the War Department provide in any way, for sending this body, at the expense of the Government, to the parents of the deceased?

Mr. CHAMBERLAIN. Mr. President, of course there is at this time no appropriation available for that purpose, and there would not be any until after this bill has passed, because that contingency is not provided for in the case of the National Guard, in the appropriations that have been heretofore made. But in the case of the bodies of the soldiers that were brought out of Mexico, the body of Lieut. Adair, of my own State, for instance, was sent to his parents at Portland, Oreg.; and I think so with every young man who was killed. My opinion is that the appropriation in this bill is broad enough to allow that when the bill becomes a law.

Mr. LA FOLLETTE. Mr. President, I gave notice that I would move to suspend the rules in order that the amendment which I offered providing for an appropriation to care for the dependent families of guardsmen who have been drafted into the Regular Army and required to go to the border may be considered. I do not know that a point of order will be made against the amendment if I offer it.

Mr. CHAMBERLAIN. Mr. President, I would feel it my duty to make the point of order against it, in view of the position which I have always taken, that there ought to be no discrimination as between the forces of the Army.

Mr. LA FOLLETTE. In view of that statement by the chairman of the committee, I move to suspend the rules pursuant to the notice which I gave, and I will ask the Secretary to read the notice.

The Secretary read as follows:

July 22, 1916: On Tuesday, July 25, or as soon thereafter as possible, I shall move to suspend that provision of paragraph 1 of Senate Rule XVI which provides that no amendment shall be received to a general appropriation bill the effect of which will be to increase an appropriation or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation, or act or resolution, previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments, and also that provision of paragraph 3 of Senate Rule XVI, prohibiting any amendment proposing general legislation to any general appropriation bill, for the purpose of offering the following amendment to the bill (H. R. 16460) making appropriations for the Army for the fiscal year ending June 30, 1917, and for other purposes, by adding to the bill, after line 5, page 91, a new paragraph to read as follows:

"That the sum of \$2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being drafted, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge from such service, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this act shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *And provided further*, That this act shall not apply to any such enlisted man called or drafted into the service of the United States who shall marry after the 1st day of July, 1916; and the word 'family' shall include only wife, children, and dependent mothers."

Mr. LA FOLLETTE. Mr. President, upon the motion to suspend the rule I think it proper to discuss the purpose of the amendment which I propose to offer if the rule is suspended, and as an introduction to that discussion I beg to remind the Senate of the history of the legislative acts of Congress which, in my view, make necessary at this time this proposed amendment.

It will be recalled that when House joint resolution 242—the draft resolution—was before this Senate this particular proposition, the care of the dependent families of National Guardsmen, was a matter of very sharp controversy between the House and the Senate. The joint resolution providing for drafting the National Guard into the Regular Army passed the House of Representatives on the 23d of June and came before the Senate. It provided:

That the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section 111 of the national defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency, not exceeding three years, unless sooner discharged.

Mr. President, that joint resolution as it passed the House carried an appropriation of \$1,000,000 to provide for the care of the dependent families of the National Guard and State militia thus summarily called into the service of the country and drafted into the Regular Army. The Senate rejected the House provision, but substituted a provision permitting drafted guardsmen with dependent families to apply for discharge. The subject was thrown into conference. The Senate conferees came back to the Senate and reported a disagreement with the House upon that provision. Then the Senate directed that the matter be taken back into conference. I will ask the chairman of the committee if I am right about that?

Mr. CHAMBERLAIN. I think so.

Mr. LA FOLLETTE. That is, Mr. President, the Senate agreed to a further conference, and the same conferees were appointed and the matter was again taken up between the House and the Senate with the result which I will state.

Mr. President, there are on the floor of the Senate at this time 14 Members. I am discussing a proposition of so much importance that I shall be constrained to go all over this ground again when the Senate comes to vote on it, in order that those who are not upon the floor of the Senate at this time may be properly informed before they cast their votes.

Mr. BRADY. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. I do.

Mr. BRADY. I fully agree with what the Senator says about the importance of the measure which he is discussing, and for that reason I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Asbust	Gallinger	Nelson	Smith, S. C.
Beckham	Gronna	Norris	Sterling
Brady	Hardwick	Overman	Taggart
Brandege	Hollis	Page	Thomas
Bryan	Husting	Penrose	Thompson
Chamberlain	Johnson, S. Dak.	Poindexter	Tillman
Chilton	Jones	Ransdell	Townsend
Clapp	Kenyon	Reed	Vardaman
Clark, Wye.	La Follette	Robinson	Wadsworth
Culberson	Lane	Sheppard	Walsh
Cummins	Lee, Md.	Sherman	Warren
Curtis	McCumber	Simmons	Williams
du Pont	Martin, Va.	Smith, Ga.	Works
Fletcher	Martine, N. J.	Smith, Md.	

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. THOMAS. I desire to announce the unavoidable absence of my colleague [Mr. SHAFROTH] on account of the death of a near relative. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to suspend the rule.

Mr. LA FOLLETTE. Mr. President, I beg the attention of Senators to the statement which I am now making. It relates to a provision for compensation to the families of dependent members of the militia who have been drafted into the regular service. I have given notice of a motion to suspend the rule to make such an amendment in order upon this bill, and therefore upon the motion to suspend the rule Senators are practically to vote as to whether they will favor compensating the dependent families of these drafted men.

I want to save the time of the Senate as much as possible in presenting this matter. Therefore, for the saving of time I appeal to those who are summoned here upon this call for a quorum to indulge me while I make this statement and to remain in attendance until it is completed.

I had already brought to the attention of the few Members who were present when I began the fact that when the draft resolution, House joint resolution 242, which passed the House on the 23d of June, came before the Senate, it had stricken from it the provision for an appropriation for the care of the dependent families of these guardsmen.

So the matter was thrown into conference. It remained a matter of stiff difference between the House and the Senate. The Senate conferees came back and reported a disagreement upon that proposition and asked the direction of the Senate for a further conference upon the matter. That was granted, and again it went back to conference and the conferees finally reported an agreement. At that time it was stated that the other House receded on this particular measure, because the matter would be taken care of in a separate bill.

So, Mr. President, it will be observed that Congress was pretty nearly in accord that some measure should be enacted providing for the care of the dependent families of the men who had been summarily drafted into the Regular Army.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. LA FOLLETTE. Yes.

Mr. TOWNSEND. The Senator uses the word "drafting." That applies to all the militia, as I understand it, who are now serving.

Mr. LA FOLLETTE. It does, and that is the term used in the joint resolution which became a law. They were drafted men. I want to call the attention of the Senate just a moment to the fact that that summary drafting of those men into the Regular Army was not in the contemplation of the men when they enlisted in the State militia, and was no part of the contract which they then made. They dedicated their services within the terms of the Constitution and the statutes of the various States to the State militia service.

Mr. WORKS. If the Senator will allow me, I will state that I took precisely that position when the question was before the Senate.

Mr. LA FOLLETTE. I so recall. I remember the very able constitutional argument submitted by the Senator from California upon that very point.

Mr. President, I press that upon the attention of Senators at this time because it is the foundation of an equitable appeal to the Senate for the passage of the amendment which I purpose to offer if the Senate suspends the rule and gives me an opportunity to offer it.

Mr. TOWNSEND. May I ask the Senator another question?

Mr. LA FOLLETTE. Certainly.



Mr. TOWNSEND. I am not as well posted on military affairs as I ought to be, but, as I understand it, the militia who have been sent to the border have not as yet been drafted in the legal sense of the term; and I was wondering, if those men are permitted to serve down there without being drafted, whether the amendment proposed by the Senator from Wisconsin would apply to their families.

Mr. LA FOLLETTE. I think, in contemplation of all of the existing statutes, several of these new statutes, these men have been taken into the service of the country, and that they could, upon the order of the President, be sent directly across the border into a foreign country.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. LA FOLLETTE. Certainly.

Mr. NELSON. I think the Senator is correct. The National State Guards have been examined by the surgeons of the United States and have been regularly mustered into the United States service. They are regularly mustered into the United States service just as our State volunteers were during the Civil War, and after they are mustered into the service they become United States Volunteers.

Mr. LA FOLLETTE. And are subject to the orders of the Commander in Chief, the President.

Mr. NELSON. Of the President, and can be sent over the border.

Mr. LA FOLLETTE. Beyond any question; that is, they can be, if this whole proceeding is not unconstitutional.

Mr. TOWNSEND. I agree with the Senator, but my inquiry was directed to whether the wording of the Senator's amendment applying to drafted men could be construed as applying to the men who have not as yet formally been drafted, but who are in fact serving the United States Government in the Army on the border and can, as the Senator says, be sent into Mexico, or will be, if there is occasion for it.

Mr. LA FOLLETTE. The language which I have employed in the amendment which I propose to offer is the language of a bill passed by the House of Representatives. The history of the passage of which I propose to recite as the next step in my statement as showing that the obligation to give relief, as I view it, practically rests upon us. The House of Representatives understood when the crux of this matter was the subject of contention between the conferees on House joint resolution 242, the draft resolution, after the Senate instructed its conferees not to yield to the House upon the provision to appropriate for the families of these dependents, yielded upon a tacit understanding that the matter should be taken care of in a separate bill.

Mr. BRANDEGEE rose.

Mr. LA FOLLETTE. I will yield to the Senator from Connecticut in just a moment. Pursuant to that the House, on the 1st day of July, passed and sent to the Senate an act providing for the dependent families of these militiamen. That bill passed the House with only two votes against it. That bill came over to the Senate on the 1st day of July. Mr. President, this is the 27th day of July. It came here 26 days ago. The Senate gave the bill to its Committee on Military Affairs, and that bill, Mr. President, is still in that committee.

Mr. FLETCHER. Will the Senator allow me to interrupt him at this point to suggest that it does not seem to me that there need be any argument as to the object of this amendment or its justice in a general way; but I call the Senator's attention to the fact that the suggestion made in some quarters that the National Guard can not be depended upon as a part of the armed force of the country, and the question is whether that claim ought to be strengthened by making special provisions for the National Guard which do not apply to the regular enlisted men. I ask the Senator if he will state his position clearly upon that discrimination which, it seems to me, is the crucial point of his amendment?

Mr. LA FOLLETTE. Mr. President, I purpose to do so. I was approaching it in what I believe to be a logical way and gathering up the history of this transaction step by step in order that the argument for action by the Senate when I came to the final conclusion of my statement might be so fortified that the Senate would be in such an agreement with me that a two-thirds vote would be accorded for a suspension of the rule. I will make what to my mind, Mr. President, is a perfectly clear differentiation between the obligation which the National Guardsman or State militiaman incurs when he enlists and the obligations which, according to the terms of the contract, the Regular Army soldier incurs when he enlists. I believe there is a clear distinction between these obligations, and the same rule need not be applied to these distinctive branches of the service.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I yield.

Mr. WORKS. Before we get too far away from it I want to notice the remark made by the Senator from Minnesota [Mr. NELSON] that these men are volunteers. They are not volunteers in any proper sense. They enlisted in the militia, which was quite a different thing. We have extended their obligation and made them Federal soldiers by an act of Congress, and under that act the President has been authorized practically to draft these men into the service.

Mr. CLAPP. And, Mr. President, labeled them as drafted men.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. LA FOLLETTE. I yield.

Mr. BRANDEGEE. I would not ask the Senator to yield except in reply to the Senator from California. Mr. President, I think an exception ought to be made to what the Senator from California has suggested in that respect. After these men were called into the service of the United States many of their companies were not up to war requirements, and at the same time all those who did enlist at the time of the call did volunteer.

Mr. WORKS. I think probably the Senator is right about that. If a man voluntarily enlists knowing what his obligations are, that is a different question.

Mr. LA FOLLETTE. I concede the righteousness of the position stated by the Senator from Connecticut. It is a mere contract obligation, and any man who enlists in contemplation of being taken into the Regular Army and subjected to immediate separation from his family, leaving that family without his support has no claim upon the Government for special consideration.

Mr. BRANDEGEE. Mr. President, I do not want to interrupt the Senator at this time unless he is willing to be interrupted, and I shall interrupt very briefly if he is willing to yield.

Mr. LA FOLLETTE. I yield.

Mr. BRANDEGEE. In view of the suggestion made by the Senator from Michigan [Mr. TOWNSEND], I have been informed that the State militias were called into the service of the United States under existing law at that time and were not drafted. I assume that that must be so, because the draft act to which the Senator from Wisconsin refers has not yet become a law of Congress, has it?

Mr. LA FOLLETTE. Oh, yes.

Mr. BRANDEGEE. Very well; whether it is or not, at the time the call of the President went out, I am informed, it was based upon the theory that it was a call under the Constitution to repel invasion. At any rate, that first call, according to my information, was not a draft as used in the act to which the Senator has referred. If that is so, I want to suggest to the Senator that in his proposed amendment, in line 9 of the first page, he uses the words "at the time of his being drafted," and then in the very next line, referring to the family of each enlisted man of the National Guard, he uses the phrase, "called or drafted into the service of the United States." Also, on page 2, in line 10, it says, "That this act shall not apply to any such enlisted men called or drafted." Unless there is some distinction between the two things I think the language ought to be uniform. I simply submit that suggestion to the Senator.

Mr. LA FOLLETTE. We have not yet reached the stage where the terms of the amendment can be fairly considered. All I expected to do in addressing the Senate at this time on the motion to suspend the rule was to outline in a general way conditions as they are presented at the present time. Mr. President, if the motion to suspend the rules shall prevail and we get this amendment before the Senate, then it will be an appropriate time to consider its phraseology.

Mr. CUMMINS. Mr. President—

Mr. LA FOLLETTE. But what I expected to do at this time was, as I stated, to present in a general way the claims which the amendment has for consideration by the Senate and to put them, if I could, in such a way as would appeal to Members of this body to suspend the rule and let us take up the amendment for thorough discussion and consideration.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. Mr. President, I do not speak of it in any critical way, but just recurring to what I have said many times on this floor, Senators, in anticipating a Senator who occupies the floor, thrust into his argument matters that should come up for consideration perhaps very much later in the debate and compels going over the ground again and again. I believe

I could have concluded what I have to say in urging suspension of the rule at this time if I had proceeded without interruption. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I rise simply to remove, if I can, some of the uncertainties that seem to have crept into the status of the Guard because of its attitude toward the General Government. I am in favor of suspending the rule upon the motion of the Senator from Wisconsin, and I have been and am still very much in favor of the amendment which he proposes. I think it is unthinkable to send those men to fight for their country without taking care of the families which they leave dependent behind them.

But I had something to do in the argument or discussion on the reorganization of the Army bill, especially as it relates to the National Guard. That Army bill provided a different obligation, an enlarged obligation, for members of the National Guard if they were to receive the pay which the bill provided for members of the National Guard. That additional obligation was one toward the United States. When these guardsmen came into camp under the call, they were all presented with the new obligation which really made them soldiers of the United States as well as militiamen of the States. There is not a man, I think, on the border of Mexico who has not taken that additional obligation whether he enlisted a year ago or only since the call was made by the President.

Now, I think those men who left under those circumstances are just as much entitled to have their dependent families taken care of as the men who might be drafted, because after these men were called into camp there was the stigma of a coward put upon a man if he did not take this additional oath, and the few men who did refuse to take the additional oath have been called slackers all over the country.

Mr. LA FOLLETTE. Some of them have been drummed out of camp.

Mr. CUMMINS. Yes. Now, then, the draft resolution to which the Senator from Wisconsin has referred was intended by the Judge Advocate General of the Army to supplement what some thought was a weakness in the oath; that is to say, he believed that the oath did not establish the status of a Federal soldier among the guardsmen, and he insisted that there should be given power to draft as well as the taking of this additional obligation, and therefore the resolution was passed. But there is not a guardsman on the border of Mexico now who is there under the authority given to the President in the draft resolution.

I could not forbear making this suggestion at this time in order to put before the Senate my view of the relation which these soldiers bear to the United States. I hope the Senator from Wisconsin will pardon me for interrupting him. My only reason is that I am deeply interested in his motion and in his amendment, and both ought to be adopted.

Mr. LA FOLLETTE. Mr. President, whatever may be the technical status of the men who are upon the border, they are there by the action of Congress which surrounded them with conditions that compelled them as men to go to the border under the call of the President.

Mr. President, some formal action might be taken by order of the Executive to technically place these men in a situation where they could be sent across the border. They were, whether technically or not, drafted into the service. They were, by every obligation which men in like conditions respond to, compelled to go to the border. Without any definite or formal and well-understood action upon their part changing their status from the time they enlisted in the militia, they will be sent on the orders of the President, if the occasion arises, into a foreign country.

I undertake to say, Mr. President, that not one in a thousand of the guardsmen is conscious that he has by any act of his placed himself in any position different from that which he incurred when he enlisted in the State militia. Of course, he went through the form of taking an oath. All of them were lined up; they were mobilized; they were brought together; the oath was administered to whole companies at the same time; and every man of them was under a constraint to take that oath. Now, Mr. President, the Senator from California—

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. WEEKS. Before the Senator from Wisconsin proceeds further, I wish to ask him a question.

Mr. LA FOLLETTE. I yield to the Senator.

Mr. WEEKS. I will ask the Senator if he does not think it would have made a difference to the militiaman who had taken this step whether he had supposed that he was going to perform actual service other than police service; that he would

have hesitated about taking the step if he had supposed that he was to be called upon to perform police service and that alone?

Mr. LA FOLLETTE. I do not think, Mr. President, that any considerable number of men would have stood up in the face of their comrades to question about it whatever, as to whether the service was to be on one side or the other of an international boundary line. I know how men are affected who are dealt with en masse. The man who stands out upon a technicality in responding to a call to the flag and the man who stands out now under the provisions of some of the bills we have passed to the effect that if an application is made stating that because a man's family is suffering he wants to be discharged or sent home—there is a provision to that effect, I think—

Mr. CHAMBERLAIN. It is a regulation.

Mr. LA FOLLETTE. Or a regulation, he may get this concession made to him through the War Department; but, Mr. President, the man to do that must pass through an ordeal; he has to undergo self-stigmatization, and men shrink from such actions.

His personal courage, if not openly questioned, he will feel, may be questioned in the minds of his comrades. He is restrained by his pride from asking for help for his family. It is an unfair position in which to place him. So this whole proceeding, Mr. President, as I contend, worked to take a grossly unfair advantage of these men.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. LODGE. I only wanted to ask the Senator a question. I agree with him about these men having been forced in and not having enlisted with this idea in view; but is it not true that the legislation under which this was done was framed and approved by the committee of National Guard officers who were here all of last winter?

Mr. LA FOLLETTE. Oh, Mr. President, I know nothing about that.

Mr. LODGE. I entirely agree with the Senator's view that they were forced in.

Mr. LA FOLLETTE. I do not know anything about any militia lobby, to which reference has been made repeatedly in the last month, during which this subject has been before the Senate. I never received a letter from any member of the National Guard or of the State militia with respect to this legislation. The only matter to which my attention was called by a member of the Wisconsin National Guard was relative to a provision which was covered by an amendment that I offered and which was accepted and is now part of the law, to the effect that the Army regulations, with regard to the retirement, should apply to the heads of the National Guard when they reach retiring age, to the end that they be taken out of the list of political appointments in the various States. That amendment, I think, will have a wholesome influence upon the future of the State militia of the various States.

Mr. LEE of Maryland. Mr. President, will the Senator from Wisconsin yield to a question?

Mr. LA FOLLETTE. Yes.

Mr. LEE of Maryland. In response to the question of the Senator from Massachusetts [Mr. LODGE], I should like to remind the Senator that this federalizing—and that, by the way, was proposed here as an amendment by the Senator from New York [Mr. WADSWORTH]—was naturally brought up by the friends and officers of the National Guard in sustaining the George Washington view of the Constitution, that the guard was a Federal force, and in answer to the Garrison and Breckinridge view of the Constitution, that the Guard was nothing but 48 little armies in 48 States; and the oath, and the action of the men under the oath, have speedily demolished the Garrison argument.

Mr. LA FOLLETTE. Mr. President, I do not want at this time to be drawn aside into a discussion of those matters, excepting in so far as this discussion bears upon the contract obligation which members of the State militia assumed when they enlisted. I know how it is in my own State. For six years I was pretty closely associated with the development of the National Guard in Wisconsin. I know men enlisted in the National Guard in Wisconsin, or in the State Militia of Wisconsin, with the idea that they were going into a service where they would be disciplined, where they would fit themselves for service to the State and service to the country under the Constitution and the laws of the State and the Nation. Of course, all of them, and the parents of those who were under 21 years of age, consented to enlistment in contemplation of conditions as they prevailed at the time of their becoming members of the National Guard. There was no sound or threat of war any—



where in the world. The National Guardsmen from 1865 to 1898 had served out their time; had become as proficient as it was possible for men to become under the circumstances in that service during the period of enlistment. In 1898 the United States called the National Guard. When that period of war passed the Guard was recruited upon the old basis of service. But twice in over 50 years has the National Guard been called out of their States. So these young boys and their parents assented to their enlistment as guardsmen because it meant simply drill once or twice a week at the local armory; it meant going into camps for a period of 10 days or two weeks or three weeks at the State encampment. That is all that it signified to them. It was a healthful service. So we found in Wisconsin we were able to keep up our militia to the full measure of the legal requirements; but, Mr. President, I think it fit to remind the Senate at this time that technically these men, when they enlisted, did so in contemplation of constitutional provisions. Article I, section 8, of the Constitution provides that—

The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Then there is the constitutional provision with regard to the President. The power of the President over the militia is defined by Article II, section 2, as follows:

The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

How "called into the actual service of the United States"? By congressional action. What are the limits upon that service, as fixed by the Constitution itself? To wit, that Congress may "provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

Mr. REED. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Missouri.

Mr. REED. Mr. President, without trying to draw the Senator from Wisconsin aside from the point he is making and without discussing the question whether the term "militia" means the Organized Militia, or whether it means both organized and unorganized militia—to wit, every able-bodied citizen of the United States—I ask the Senator if the power of Congress, which he has just read, could not be exercised so that it would apply to every able-bodied man in the United States just as well as to the poor fellow who happened to join the militia?

Mr. LA FOLLETTE. There is no doubt in my mind as to that, Mr. President. I quite agree with the Senator from Missouri.

Mr. REED. And therefore the obligation that these men were under was no other or different than the obligation which rests upon us all. Therefore it follows that the claim that they took a special obligation and that therefore they ought to be dragged off to the border, regardless of results and no compensation made, does not have very much merit in it.

Mr. LA FOLLETTE. Mr. President, I agree with the Senator from Missouri; and while on that point I want to distinguish—as I think it is possible easily to distinguish—between the enlisted man in the State militia—the National Guardsman—and the man who enlists in the Regular Army. It has been the contention of the Committee on Military Affairs of the Senate—and that was the point of difference between the Senate committee of conference and the House committee of conference on the draft resolution—that if provision were made for the dependent families of National Guard soldiers the same provision ought to be made for the dependent families of those who had enlisted in the Regular Army.

I contend, Mr. President, that there is not any basis for that claim. The man who enlists in the Regular Army takes an obligation which he well understands. From the moment that he enlists he obligates himself upon the call of the military arm of this Government to go wherever soldiers are required, be it to the Philippines or to any other place. He understands perfectly well that his contract is one that takes him away from his family from the very hour that he takes the obligation as an enlisted soldier in the Regular Army. Not so with the boys who have enlisted in the militia. As I said a moment ago, but twice in 51 years have those men been called into the service of the country, and it is, I think, a plain proposition under the Constitution that they can never be called into the service of the country excepting to suppress insurrection on our own soil, to enforce the laws of the Union upon our own soil and under our own flag, and to repel invasion. Their obligations are easily distinguishable from the obligations which the soldier enlisting in the Regular Army takes upon himself. When you leave out of consideration constitutional questions and technical constructions of statutes and look at it as a practical proposi-

tion as applied to men every Senator knows that it would have made a world of difference to these lads who enlisted in the National Guard or the State militia—many of them the heads of families, many of them the sole support of families—if they had understood that at the snap of a finger they could be taken away from their homes and sent to the border or into a foreign country.

I say, Mr. President, that it can not be contended that the same rule should be applied to the men who have enlisted as Regular Army men and the boys in the National Guard, who find themselves now unexpectedly snatched away from their families, removed from the occupations in which they were earning enough to support those dependent upon them, and sent down to the border, subject to the perils that attend upon the assembling of a large number of men in a climate to which they are unaccustomed.

It may be answered that there is a plan by which they can escape from their hardships; but I have already suggested, Mr. President, that they can not avail themselves of it, and that they do not avail themselves of it; that they stay there in the line of duty as they see it with their comrades, under the strain of anxiety in regard to their families, suffering more than it is possible to describe in words. Because they can not write themselves down to the possible construction that they are cowards, they will hesitate long before they will place themselves on record as having families that must be supported by charity unless they go out of the service, take off the uniform of their country, and leave their comrades to face the dangers of the border.

Mr. POMERENE. Mr. President—

Mr. LA FOLLETTE. Just a moment, if the Senator will pardon me. Mr. President, all over the land to-day committees are being formed and money is being raised to give charity to the families of the boys who have gone to the border at the call of their country; and the Congress of the United States hesitates and halts and falters when confronted with an appeal to do that measure of justice by these families which will take them out of the charity list in the communities in which they live and which will relieve the husbands and sons of these dependent ones from the awful strain that they are under.

I want to read to the Senate, in this connection, extracts which I very hurriedly made the other day from a few papers. The Detroit News-Tribune of July 23, 1916, has this dispatch from El Paso, Tex.:

Col. Barlow's biggest worry is the problem of releasing men who have families dependent upon them for support. He is sending a plea to the wives of Detroit to stop writing him those pathetic letters that fill his mail bag every day.

Can anything be stronger than that, Mr. President, in support of the statement I made a moment ago, that these men will undergo almost any sort of strain and anxiety, almost any mental or heart torture, before they will make application for release? The heads of those dependent families are in the ranks there, and it is those who are suffering at home, those who are in want, who are asking the commander to send the breadwinners home. Listen further. The Indianapolis Sunday Star of July 23 printed this in an editorial:

This Nation has an ample supply of young men who may be depended upon to fill the ranks of the army reserve without requiring married men and others with dependents to go to the front. It is illogical and unfair to ask those who are needed at home to go to the border to perform service that can be just as well done by others whose presence at home is not required.

Oh, but, Mr. President, they have been taken there—married men, sons of widowed mothers, with little children in the families younger than the boy who happened to be over 18 who was taken away from the opportunity to support the family—they have been taken there, and it is up to them either to write themselves down on the record in the face of their comrades as seeking to evade their share of the dangers or it is up to the Congress of the United States to meet this matter as it ought to meet it and provide for the dependents of these soldiers.

Listen to this, further: The New York Sun of July 23 said—  
[A pause.]

The PRESIDING OFFICER. The Senate will please preserve order.

Mr. MARTINE of New Jersey. I beg pardon of the Senator from Wisconsin.

Mr. LA FOLLETTE. I was not stopping for better order; I was just running over the number of Senators present in the Senate at this time to see whether it would be advisable to ask the others to come here in order to save the time of repeating this speech of mine, because I am going to insist upon a pretty good understanding on the part of the Senate when we come to vote on the question of suspending the rules; but I forbear. Mr. President, to call for a quorum now. We can not compel

Senators to remain here, and perhaps those who are absent have already made up their minds upon this question.

Mr. JOHNSON of South Dakota. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LA FOLLETTE. I do.

Mr. JOHNSON of South Dakota. If the Senator from Wisconsin [Mr. LA FOLLETTE] will pardon me for a moment, I wish to state that I am in perfect accord with his amendment, but want to see it extended further to cover the families of soldiers in the Regular Army under like circumstances during any period of hostilities between the United States and a foreign country.

Mr. President, I introduced a bill in the Senate two days before the House bill was introduced covering this subject fully. The bill has been lying with the Committee on Military Affairs since June 27. I included in my bill the families of the soldiers of the Regular Army during time of actual hostilities, which the House bill, introduced afterwards, did not contain.

I am obliged to leave the Chamber for a short time, but will return in time to vote for the motion to suspend the rules when it comes up, so that the Senator's amendment may be given a vote, and I shall also vote for the amendment, but I much desire that it shall cover the families of the Regular Army. I hope it may be amended to-day before it comes to a final vote, and that all of us may agree to it in that way, so that all soldiers' families may be treated equally, and I believe that the added provision will receive the support of this body.

Mr. LA FOLLETTE. Mr. President, I was just about to cite another news dispatch in the New York Sun of July 23. In a dispatch from Brownsville, speaking of the married men who have dependents upon them, it was said:

Their families are in want, and in some regiments 40 per cent of the men are miserable because their wives and their children are wondering where food and rent money will come from.

If any reader of the Sun thinks this statement exaggerated, read this telegram sent by Col. Gordon Johnston of the Twelfth New York Infantry to Gov. Whitman:

"MCALLEN, TEX., July 16.

"The condition of affairs in the New York division deserves most serious consideration. There are many soldiers whose families are in the most desperate condition. I have seen many letters which disclose a most tragic state of affairs."

I am sure that condition would appeal to both of the Senators from New York.

The Morning Oregonian of July 19, 1916, has this to say:

"More funds are needed urgently by the soldiers of Battery A, Oregon Artillery, now stationed on the Mexican border," say members of the Veterans Society.

It is stated that Federal funds paid to the men of Battery A will probably not reach their dependents in this city earlier than August 10. In the meantime rents are overdue and ready money at many homes is exhausted.

"Above a half dozen cases requiring aid were so desperate that a few of us paid money out of our own pockets to relieve sufferers," said a member of the Veteran Society last night.

Mr. President, it is a mortifying situation when the families of soldiers, in a time when this country is more prosperous, perhaps, than ever before in its history, should be upon the charity roll of givers in the great centers of population East and West, North and South.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Certainly.

Mr. POMERENE. If it will not interrupt the Senator, I wanted to say that I have had repeated requests from National Guardsmen in Ohio asking that they be released because of the fact that they had dependent families; but more pitiable than all that is the request that comes from neighbors of many of these people who have been insisting that something be done, and in the several communities they are raising funds to take care of these people.

But there is another phase that I wish to call the Senator's attention to, which he at least has not touched upon since I have been in the Chamber, and it is this: When the so-called Hay resolution was up for consideration in the Senate the Senate will remember that the committee offered an amendment releasing from the service all who were married. While this was before the Senate I happened to meet a very intelligent guardsman who was a member of the Signal Service Corps. He said that if the committee amendment was to be adopted it would practically destroy the efficiency of his company. There were 18 married men—skilled men, who had been under training for a number of years in his company. If they were to be discharged under that compulsory order it would necessitate filling the ranks of his company with 18 men who had had no training whatever.

It seems to me that if we look at this matter from the governmental standpoint alone we are serving the Army and serving the Government better when we provide for the immediate wants of the dependent families. That will at the same time take care of the families, and it will leave these guardsmen in a position where they can serve their country if they feel that they so desire.

Mr. LA FOLLETTE. I, of course, agree with the Senator's view, and I thank him for making this contribution to my argument. It is but a very pointed illustration of the futility of a makeshift proposition. It was to get rid of this obligation to take care of these dependent families—an obligation that every other civilized government on the face of the earth assumes, as I can show from the RECORD—that that proposition was incorporated in the law that the heads of families, married men, should be let out of the service. I think it is a sort of stultification upon a Congress which is consuming most of the time of this session in appropriating probably 80 or may be 90 per cent of all the appropriations of this year for preparedness to resort to a makeshift such as the releasing of these men from the service. Remember these releases can only be secured upon the application of the man and after full investigation by the commanding officer. If there was any occasion for mobilizing the National Guard, if there was occasion for putting them into touch with the Regular soldiers of the country, as a step to secure efficiency, then we are morally obligated to care for their families. But instead, we make this shifty proposition that they can get out of the service, and, as suggested by the Senator from Ohio, utterly demoralize, perhaps, the companies in which they constitute 20 or 30 per cent of the entire membership.

There is not any argument upon the other side of this question. The only thing that has been suggested in the shape of an argument was that it was a discrimination between the Regular Army soldiers and the soldiers of the militia. I have dwelt upon that, Mr. President, at some length, because I contend that their obligations, their contract obligations, their practical obligations are entirely dissimilar.

I will undertake to say that you could not have enlisted 4 per cent of the married men and the sons upon whom fatherless families are dependent in the State Guard if they had ever dreamed that they might be taken away from their homes and from their States, their families left without any means of support, and subject to become beggars and objects of charity for the communities in which they lived. I say, Mr. President, if you want to build up this arm of the service, do not put this stigma, do not put this condition upon these men. Do not permit it to continue another hour.

I know that those who want a large standing Army, and who think that the citizen soldiery ought not to be a part of the military arm of this Government, are stiff in their resistance to this proposal. I think this opposition has run all through this legislation. There was hostility to the State Guard from eminent sources. It starts with the Regular Army officials who are brought in close touch with the Committee on Naval Affairs and the Committee on Military Affairs of each branch of Congress. They did not find the popular branch of Congress as responsive to their ideas and their suggestions as they did the committees of this branch of Congress. But, Mr. President, I believe that if military preparation is to come at all the people of this country would rather see a good percentage of it come through encouraging the militia organizations and the National Guard organizations of the various States than to see it come in the method and under the system that prevails among the powers of Europe, of putting upon the back of every man who toils a soldier of the Regular Army whom he must carry as a burden represented in taxation.

Here is a clipping from the Springfield Daily Republican of July 22:

Capt. Young and Matthew J. Clarke, chairman and secretary of the relief disbursing committee, made detailed reports.

They stated that 38 families have been on their lists, but 1 has been taken care of by the firemen, who are caring for 3 families. Others have been dropped from time to time, so that to-day there are but 31 families on the list.

This committee is paying for food—

Just think of it, Senators!

This committee is paying for food \$5 a week to 25 families, \$7 to 3 families, \$6 to 1 family, and \$3 to 2 families. It is helping 21 families by paying rent, in whole or part. The rents range from \$15 to \$18 a month.

Total subscriptions thus far are \$2,023.95.

Mr. President, the war orders of munitions amount to \$3,000,000,000. The stocks of these great munition plants have increased from ten to sixteen hundred per cent in value. We have added from twelve to fifteen thousand millions of dollars to the stock values of the organizations that have profited out of



the conditions that have brought on this legislation. Factories, mills, shops of every sort all over the country are running two and three shifts of laboring men, and Congress is dealing with liberality on every hand except with regard to the families of these militiamen, these guardsmen. Forty-three million dollars have been taken out of the common purse to improve little streams and harbors—many of them of national importance, I grant, but many of them of very questionable merit. We are about to pass a bill here that in round numbers, I think, aggregates a little over \$300,000,000. We passed the other day a bill for an increased Navy amounting to \$315,000,000. For exactly the same things for which we appropriated \$429,000,000 12 months ago we are this year appropriating \$844,000,000. All of these things relate to military preparedness; and yet in the case of these guardsmen down on the national border, drawn into service unexpectedly, without any preparation, snatched away from their families, their positions where they were earning support for those families lost to them, we put aside by a vote of the Senate last June a proposition to provide for their families.

Mr. President, if I can get the consent of the Senate, I am going to offer the amendment. If Senators will vote for my motion to suspend the rules, they will give this body an opportunity to take care of the suffering families of these guardsmen. I have shown from the extracts read from clippings all over the country, and I have many others that I have not touched, how everywhere these families are dependent upon charity. If Senators on the roll call on this motion to suspend the rules will vote for suspension, then there will be a chance to offer in the Senate an amendment that will provide for these families. If Senators vote against the motion to suspend the rules, they will defeat the opportunity to take care, by suitable appropriation, of the families of these guardsmen now dependent upon charity.

For the motion that I have made proposing to suspend the rule, I hope I may have the unanimous vote of the Senate. I trust it will not be necessary to make a record vote.

I have here certain newspaper clippings, which I ask permission to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[From the Washington Post of July 18, 1916.]

**EIGHTY APPEALS FOR HELP—GUARDSMEN'S FAMILIES PROVE A PROBLEM FOR RELIEF ASSOCIATION.**

With 80 appeals for assistance now on file, the Citizens' Welfare Association for the Relief of the Families of District Guardsmen and Volunteers finds itself with numerous problems, it was said yesterday at headquarters of the organization.

Funds are not ample, and many cases that have come under the attention of the investigators are really desperate. One woman told the committee yesterday that her landlord had threatened to evict her immediately if the rent was not paid.

[From the Philadelphia Inquirer of July 20, 1916.]

**STOTESBURY ISSUES URGENT APPEAL FOR SOLDIERS' FAMILIES—SAYS SMALL BALANCE IN AID TREASURY WILL SOON BE GONE.**

Appealing for additional funds for the purpose of aiding the dependents of the Philadelphia soldiers who are now at the Mexican border, Edward T. Stotesbury, chairman of the finance committee of the Citizens' Soldiers' Aid Committee, in a signed statement issued last night, said that the small balance in the fund would soon be exhausted.

For the first few days this week giving to the committee was stimulated by letters and telegrams from men at the front telling of actual need in many families. The contributions took a slump yesterday, however, when a little over \$200 were given.

Following is Mr. Stotesbury's appeal:

To the citizens of Philadelphia:

It is vitally important that an adequate fund be raised at once to provide for the pressing needs of the families of the National Guardsmen, who have left their homes in Philadelphia for the border of Mexico. They are there at the risk of their lives to defend our Nation's honor; and we here are in duty bound to protect their wives and children, and to provide them with the necessities of life.

About 400 families have already applied for aid, and the list is increasing daily. A small balance already subscribed by a few people will soon be exhausted unless the citizens of Philadelphia generally, in proportion to their means, promptly respond to this urgent call.

Contributions may be sent to Joseph E. Widener, treasurer, Citizens' Soldiers' Aid Committee, care of Drexel & Co.

EDWARD T. STOTESBURY,  
Chairman Finance Committee.

[From the Washington Post of July 20, 1916.]

**"WHAT ABOUT FAMILY?" IS THE BIG QUESTION OF MILITIAMEN ON BORDER—WAR REPORTER FINDS UNITED STATES AND MEXICO ARE LESS CONSIDERATE OF MEN WHO VOLUNTEER TO HELP COUNTRY—GEN. FUNSTON HEARS CALLS FOR RELIEF FROM GUARD.**

(By William G. Shepherd.)

SAN ANTONIO, TEX., July 20, 1916.

Not one soldier that I rubbed elbows with in all the armies of Europe in the past two years ever worried as some of these American soldiers along the edge of Mexico.

These Americans I refer to are worrying about their families back home; they don't know whether their wives and children have enough to eat. Such a deplorable situation could not possibly exist in any European army, for European Governments care for the families of their soldiers.

**NO CARE FOR FAMILIES.**

The Mexican Government doesn't; we don't. I've talked with hundreds of soldiers of six different armies in Europe. I talked to-day with my first soldier of the new American Armies. I've talked to Europeans in artillery pits, trenches, and dugouts, but I talked with the American in a jitney going from San Antonio to the Army post.

If the Germans knew Britishers were treating the families of their soldiers as we are treating ours, or vice versa, the fact would be blazoned world-wide as an indication of governmental cruelty by the enemy. It's not cruelty on our part, only oversight, and the lesson we've learned has cost unhappiness and embarrassment in many American homes.

If an American correspondent learned from a British soldier what I learned from Frank Shepkowski, my first American soldier to-day, he would break the censorship to get the story to the world.

Shepkowski, of Company H, Second Illinois Infantry, will march up the steps of his little home at 1452 Emma Street, North Chicago, within a couple of days, give his wife a hug, and say, "Well, I'm home."

He's got a check from Uncle Sam for \$67.72, and if he's careful, after paying his fare, he ought to have about \$20 to hand over to Mrs. Shepkowski. He was born in Poland, but has served in the militia six years and his term of enlistment expired to-day, his militia career winding up with a blazing two weeks' holiday here in Texas.

**WORRY ABOUT FAMILIES.**

It was from Shepkowski that I got my first inkling that thousands of Americans here who were snatched suddenly from their families in the little breeze of war which struck America three weeks ago, are worrying about folks back home and wondering whether they are getting food and other necessities of life.

"It wasn't so bad with me," said Shepkowski, "because my wife was a dressmaker, and I could quit my glove cutter's job and go to the front without her starving, but there are lots of fellows whose wives don't work, and they're worried stiff."

There were thousands of tragedies as grim as many in Europe in American homes three weeks ago which are just coming to light here on the border. Gen. Funston and his staff officers are hearing them. Shepkowski put his finger on the greatest present fault with the American Army plan.

"Can a man be a good soldier and do good work if he's wondering whether his family at home has enough to eat?" I asked Gen. Funston, after leaving the jitney and making my way to his hot office.

The general, whose perspiring head was leaving patches of dampness on the leather back of the huge chair in which he sat, leaned forward, saying earnestly:

**SENDS 14 HOME.**

"Of course not. I permitted 14 men to return home yesterday because their dependents were suffering, and I have so many requests for relief on like grounds that it will prove necessary to release several thousand within the next few weeks."

These men are given 3½ cents mileage homeward. Money which has been spent in bringing them to the border, feeding them and outfitting them, and then after two weeks sending them back home, isn't wasted. It is our payment for the lesson that in our new Army plan we must provide well for the care of soldiers' families if we are going to insist on taking men away from their families into the Army.

"What about my family?" is the biggest question in all militia camps along the border.

Mr. MARTINE of New Jersey. Mr. President, I am very much in sympathy with the thought expressed by the Senator from Wisconsin. Some two months ago, the Senate will recall, I introduced a resolution asking that all those men in Government employ who had enlisted in the service should receive their regular wage from the Government in addition to whatever the soldier's wage might be. Some Senator objected, and the resolution went over. It has seemed, thus far, impossible to resuscitate it.

It seems to me but a case of humanity that that should be done. All over our land great firms and corporations are doing that thing, and in every town and in every hamlet, almost—I know it is the case in my own city—they have called meetings, and money has been provided to take care of the families of those soldiers who have enlisted and who were in need of funds.

This is a more comprehensive proposition, and probably infinitely better than either of the methods that I have mentioned. I can hardly believe it possible that the great Senate of the United States will leave these families of our young men, brave men all, who have gone to the front, dependent upon charity to take care of them. I remember having read within a day or two a statement from Gen. Funston or Gen. Pershing, one or both of them, wherein they declared that very, very frequently, in a great number of instances, they had signed orders permitting these soldiers to go home in order that they might sustain their families. A broader, more comprehensive, more liberal proposition, certainly grander and better in its results and ramifications, is embodied in the amendment of the Senator from Wisconsin. With all my heart I stand for it, and trust the Senate may aid in carrying it into execution.

Mr. CHAMBERLAIN. Mr. President, I am not going to undertake to make a speech on this proposition now, and probably not at all; but I do desire to say that if the Senator from Wisconsin will examine the RECORD I think he will find that no promise was made in the Senate when the conference report was before the Senate on either occasion that we would favor

the resolution, or the substance of the resolution, which is now presented.

Mr. President, when the report of disagreement of the conferees was made to the Senate I stated, in the course of the discussion which ensued at that time, what I have said since a number of times, and what I say now—that I am not radically opposed to the proposition involved in the amendment of the Senator from Wisconsin. I have no objection, and I stated yesterday that fundamentally and economically the proposition was right. The only difference I have with the Senator, and the great difference we had with the Members of the House, was on the question of excluding the Regular Army from the relief provisions. My reason for that is that to exclude the Regular Army from its provisions—and there would not be very many who would come under the provisions of such a resolution—to exclude them from the relief afforded to the National Guard, and discriminate in favor of one and against the other, would, in my opinion, absolutely disorganize the Regular Army.

Mr. WARREN. Mr. President, will the Senator yield just there?

Mr. CHAMBERLAIN. Yes.

Mr. WARREN. I think the Senator from Wisconsin rather left the inference that some promise was made by Senate conferees in connection with the conference that followed the sending back of the bill. So far as I remember, there was not one word on the part of any Senator promising what would be done as to the future regarding that problem, nor was there any allegation on the part of the House conferees that they expected us to promise that. There was no promise on their part. They said that they would probably follow it up on the House side. But the real difference, I wish to say, was exactly what the Senator from Oregon now states—that it was a discrimination, in that it was providing benefits for one portion of the battling forces without providing in a similar way for the other.

Mr. CHAMBERLAIN. That is correct, Mr. President. That was one of the points of difference between the conferees of the Senate and the conferees of the House. I still entertain the same opinion that I did then with reference to that subject. It is fundamentally wrong to do better for one branch of the service, no matter what branch it may happen to be, than is done for another branch.

The Senator from Wisconsin has given pretty generally a correct history of the provision as it got into the House resolution. House joint resolution 242 was prepared at the War Department, and I think by the Judge Advocate General, in order to bring the National Guard into the Federal service. That was all that was reported out of the committee of the House of Representatives, and on the floor of the House Mr. HAY proposed the amendment providing an appropriation to take care of the dependent families of the National Guardsmen, and the National Guardsmen only. It had no reference to the Regular Army.

Mr. President, our committee did not think that was right. We submitted it to the Secretary of War and he thought it was such a radical departure from the standing policy of the Army that it ought not to be acted upon hastily. He said the same thing in reference to the provision that was offered from the Military Affairs Committee of the Senate as a substitute for the House provision. I am going to insert in the RECORD the resolution offered on the floor of the House by Mr. HAY appropriating the sum of \$1,000,000 for taking care of the dependent families of members of the National Guard. It is section 2 of the original resolution, and is as follows:

SEC. 2. That the sum of \$1,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under direction of the Secretary of War and under such rules and regulations as he may prescribe, for the purpose of maintaining, at a cost of not more than \$50 per month, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge therefrom, which family during the term of service of said enlisted man has no other income, except his pay, adequate for the support of said family; and the word "family" shall include wife, dependent mothers, fathers, and sisters, as well as brothers under the age of 14 years.

The Senate Military Affairs Committee offered a substitute for that resolution. It took the place of section 2 of the original resolution and provided that the National Guardsmen who had dependent families might be excused from being mustered into the Federal service. That substitute is as follows:

SEC. 2. That when any member of the National Guard or the Organized Militia of any of the States, Territories, or the District of Columbia, or any member of the National Guard or Organized Militia Reserves, is called or drafted into the service of the United States under section 1 of this resolution and has a family dependent upon him the Secretary of War is authorized, under such rules and regulations as he may prescribe, to excuse such person, upon his own application, from the call or from the draft, and if drafted, upon a like application, to honorably discharge him from the service. The word "family" shall include wife, children, dependent mother, father, sisters, or brothers under the age of 14 years: *Provided*, That when

such person is excused from the call or draft, or discharged from the service, he shall be furloughed to the National Guard Reserve, unless in the discretion of the Secretary of War he is given a final discharge.

That was the fight. I believe now that if the conferees could have agreed to put into the resolution this provision to care for dependent families of the Regular Army there would not have been much trouble about it at all, but all through this fight I have stood for treating the Regular Army just exactly as the National Guard is treated.

Would the Senator from Wisconsin assent to so amend his amendment, if the rules are suspended, as to cover the dependent families of the Regular Army?

Mr. LA FOLLETTE. Will the Senator from Oregon consent that the matter be voted upon without a suspension of the rules?

Mr. CHAMBERLAIN. So far as I am concerned, I am ready to do it. I have always been ready, I will say to the Senator. As I said yesterday in reference to another proposition, all I ask is that the Regular Army shall be treated as the National Guard.

Mr. LA FOLLETTE. Mr. President—

Mr. REED. Let me suggest before the Senator accepts that, does he include the members of the Regular Army while they are engaged in Mexico or on the Mexican border and not make it a general proposition to perpetually follow that Army, so that it would result in the enlistment of men as permanent soldiers and compel us to permanently take care of their families?

Mr. CHAMBERLAIN. I want them treated the same as the National Guard as long as the National Guard is in the Federal service, and I have an amendment here to do that very thing.

Mr. LA FOLLETTE. While I believe the contract obligation of the National Guardsmen is entirely different from the contract obligation of the soldier in the Regular Army, and their equities are not comparable at all, in order to bring this matter to a speedy conclusion, if those in charge of the bill will accept the amendment which I offer, I will consent to a modification of the amendment readily that it shall apply to soldiers in the Regular Army as well as guardsmen, in both cases limited to such time as to the soldiers in the Regular Army as it is limited to the soldiers in the National Guard.

Mr. REED. The phraseology would have to be changed.

Mr. LA FOLLETTE. I understand. I am not framing it.

Mr. CHAMBERLAIN. I think I have the phraseology, I will say to the Senator. I have been working on that.

The Senator has called attention to the conditions with reference to the families of these National Guardsmen. As long ago as the Revolutionary period Gen. Greene recommended that the families of the soldiers ought to be taken care of, but that there ought not to be any discrimination between the Continentals and the militia. I think that the condition of the families of the National Guardsmen has been fully developed here and no one disputes the facts. A man can not fight for his country, Mr. President, and do his best when he knows his wife and children are suffering for the necessities of life.

While there will not be very many men in the Regular Army who would be affected by this provision, there may be some; but we do not want to drive men out of the Regular Army because they are discriminated against. Even a very small discrimination will have that effect. Let me call the Senator's attention—

Mr. VARDAMAN. May I make a suggestion to the Senator?

Mr. CHAMBERLAIN. I yield.

Mr. VARDAMAN. It seems to me, if the suggestion made by the Senator from Wisconsin should be agreed to by the Senator from Oregon, that you would bite off a good deal more than the Government could chew with comfort. The Regular Army is not doing any more now on the border of Mexico than it does ordinarily. It is not engaged in service different from that which it performs in other times of profound peace. This country is not at war with Mexico, and the Army is not suffering any of the hardships of war.

The only excuse which could be given for conferring upon the National Guard this special benefaction is because the members of the National Guard, not being professional soldiers and taken from their usual vocations, suffer an extraordinary pecuniary loss.

I am in favor of the amendment offered by the Senator from Wisconsin. If we are going to keep the National Guard in the field—and I really do not see any necessity for it at all on the border of Mexico—but if the administration thinks it necessary, I really believe it is the duty of the Government to take care of their dependent families. It is better that all the people should be taxed a little more than that the helpless women and children should suffer for food and raiment.

But if you propose to apply this rule to the Regular Army you will have to do it all the time, because the reason for doing



it now will be just the same in the future. The Regular Army, I repeat, is doing no more to deserve this extra compensation to-day than it does every day in the year. I desire it understood that I am in favor of doing absolute and complete justice to all the men and women who serve the Government, whether in the Army or the civil departments; but we must not lose sight of the fact that the people who are taxed to raise this money which the Congress is giving away with such a liberal hand are also entitled to some little consideration. There is a limit to their ability to bear the load.

Mr. NORRIS. Mr. President—

Mr. CHAMBERLAIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Without offering any objection whatever to the suggestion the Senator from Oregon has made, I want to ask him a question, and I ask it entirely for information. I suppose he has learned from his experience as a conferee whether or not the House could agree to that kind of an amendment. Has not the House taken a stand in opposition to it, and would it not delay this matter so that it would take at least quite a time to get any agreement through conference?

Mr. CHAMBERLAIN. Mr. President, I will say that the contention among the conferees was more bitter over the two propositions that were involved in the bill itself—the one with reference to providing for dependent families and the other with reference to allowing them to be excused from the service.

Mr. NORRIS. Did the House conferees take any stand on the proposition the Senator now proposes?

Mr. CHAMBERLAIN. I do not know that they have taken any record stand. I do not think they have. But I will say to the Senator, if the Senate instructs me to stand by the proposition that will go into the bill, it will remain in the bill or the bill will be returned to the Senate with a disagreement.

Mr. NORRIS. That is not the question I was submitting. The Senator has made a proposition to the Senator from Wisconsin, a proposition to which I have no objection.

Mr. CHAMBERLAIN. I understand the Senator has not.

Mr. NORRIS. I have no objection to the proposition the Senator has made; but I wanted to inquire of the Senator how the House stood on it, for if the House has taken a stand the whole thing might fail, and I would rather have a part of it provided for than not to have any.

Mr. CHAMBERLAIN. I really do not know whether the House has ever taken any position in the matter or not, and really I do not think that it makes any difference, so far as the Senate is concerned. We ought to act with entire independence.

Mr. GALLINGER. And really ought we to discuss the attitude of the House?

Mr. CHAMBERLAIN. Probably we ought not to mention it, but I thought that it was necessary in view of the discussion which was had heretofore. As I have said, these differences are honest differences between the Houses, and they were fundamental.

Mr. President, I generally have a reason for the course I take in these matters. This is not a case of first impression with me. I have given it a great deal of consideration. I venture to say that I have read as much on this subject as any Senator here. I have studied Upton's Military Tactics and other military works. Let me call attention to what Washington himself said on this subject of discrimination. One of the Senators said here the other day that Washington had been very grossly misrepresented for a great many purposes. I am going to quote him with reference to this very proposition and not rely upon my memory. Writing to Gov. Trumbull, of Connecticut, November 10, 1776, he said, with regard to an additional bounty of 20 shillings per month which Connecticut apparently had offered. Here is what he said about it:

That the advance allowed by your State may be the means of raising your quota of men sooner than it otherwise would perhaps may be true; but when it is considered that it will be an effectual bar to the other States in raising the quotas exacted from them when it is certain that if their quotas could be made up without this advance coming to their knowledge the moment they come to act with troops who receive a higher pay, jealousy, impatience, and mutiny will immediately take place and occasion desertions, if not a total dissolution of the Army; it must then be viewed as injurious and fatal. That troops will never act together, in the same cause and for different pay, must be obvious to everyone. Experience has already proved it in this Army. That Congress will take up the subject and make the advance general is a matter of which there can be but little probability, as the addition of a suit of clothes to the former pay of the privates was a long time debated before it could be obtained.

So as small a difference as that in favor of the militia in those days Washington thought would seriously affect the Army. Mr. President, if it was good in that early day, why is not the same reasoning sound now?

In 1777 Massachusetts and New Hampshire doubled the extra bounty then given, making a total of eighty-six and two-thirds dollars for each recruit. This increase at once put a stop to

reenlistments in the old regiments, as the men naturally went home to secure the State bounty, and would not take the smaller sum offered by Congress. Further than this, the large State bounties shook the allegiance of the soldier to his colors. Desertions became so numerous that Washington, on the 6th of April, issued a proclamation—

Offering a free pardon to all \* \* \* who shall voluntarily surrender themselves.

Mr. President, there was an illustration of a very small difference in the bounties paid which caused desertions from the colors of Regular soldiers, and Washington, in order to get them back to the colors, offered a free pardon to all who would return. It was a very small difference, quite different from taking care of the families of the soldiers of the National Guard, which I do not oppose, and leaving the family of the Regular soldier entirely unprovided for. The effect must be the same on the Regular Army now.

Let me quote once more, and then I will stop, because I think we have practically agreed on the form the amendment shall assume, but I want to give the reasons for the faith that is in me in reference to this matter. I believe, as I have always said, in the last analysis the Regular Army is the force to be relied upon for the defense of our country.

These citations showed the evil of unequal treatment between men already with the colors and volunteers raised by increased bounties over that given to men then with the colors. In 1779 the bounties had risen to large amounts and were very different in the different colonies, and were far greater than those given to men already in the service. The effect of these large bounties on the men already enlisted for the war, is thus described in Washington's letter of June 9 to the board of war.

In consideration of the services of the soldiers who engaged at an early period to serve during the war, and the great disproportion between the bounties they received and those given to others for the service of a few months or perhaps not more than a year at most, I have sometimes thought it might not be improper to give them, by way of gratuity and as an acknowledgment, \$100, which, besides operating as a reward might have a good effect and quiet their discontent.

So, Mr. President, I might quote innumerable cases where Washington called the attention of the country to the ill effects of discriminating between the militia and those who had been called to the colors in the Regular Army.

Now, the Secretary of War, while he agrees with me in reference to this being fundamentally correct, realizes the difficulties and the dangers that might beset the Regular Army because of making this discrimination. I am going to have printed in the RECORD his letter to me on this subject. He suggests because of the difficulties that surround this question that something ought to be done to look into the whole subject by the way of the appointment of a commission and let them investigate it.

Mr. LEE of Maryland. I ask the Senator what is the date of that letter?

Mr. CHAMBERLAIN. July 26.

Mr. LEE of Maryland. Yesterday?

Mr. CHAMBERLAIN. Yesterday.

The letter is as follows:

WAR DEPARTMENT,  
Washington, July 26, 1916.

MY DEAR SENATOR CHAMBERLAIN: With reference to H. R. 16734, Sixty-fourth Congress, first session, "An act to pay to certain families of the men of the drafted forces of the United States a sum of money for their maintenance during the term of service of such drafted men in the service of the United States," I beg leave to say that this bill by its terms undertakes to appropriate the sum of \$2,000,000 to be expended under the direction of the Secretary of War for the support of the family of each enlisted man of the National Guard called or drafted into the service of the United States, under certain restraints imposed in the bill. It will be noted that the bill does not apply to the families of Regular soldiers and volunteers but only to the families of men who, being in the National Guard, are called or drafted into the Federal service.

I am persuaded that this legislation raises several questions which are not disposed of by the bill. Under an order of this department, made some time since, authority has been granted to discharge National Guard enlisted men with dependents, so that no very great hardship ought at present to exist from this cause, and I am not, therefore, able to say whether the sum here suggested ought to be appropriated or could be usefully expended or not. I am, however, of opinion that so long as the policy of Congress is to have the Government rely upon the National Guard in times of emergency, and no legislative or departmental restraint is imposed upon membership in the National Guard by men whose families are dependent upon them, a duty arises for the Government to assume, on behalf of all the people, provision for the families thus left by the Guard being called into the Federal service. Whether the proper remedy for this situation is such additional legislation or regulation as will secure for military service men without dependents or some such provision as is here undertaken for dependents, is a question of far-reaching policy upon which opinion is sharply divided. My own judgment is that there are enough men in the country without dependent families for all military service in the least likely to be required by the Government, unless conditions become so serious as to engage all the forces and strength of the Nation. One consideration which ought to be had in mind is the creation of various branches

of the military service bearing different relations to the Government in the matter of pay and provision for their families, and the effect of inequality in that relation upon the Regular Army and enlistments in it.

In the form submitted I am not able to recommend favorable action upon this bill; but if I may go so far, I beg leave to suggest the wisdom of a committee or commission appointed for the purpose of considering the whole question in all of its bearings in the hope that consistent legislation may be suggested which will have in view all the difficulties and make comprehensive provision for them.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

HON. GEORGE E. CHAMBERLAIN,  
Chairman Committee on Military Affairs,  
United States Senate.

Mr. CHAMBERLAIN. Mr. President, that is all I am going to say on this subject. I have no right to speak for the committee, but I speak for myself as a member of the committee.

This committee has been criticized that we have neglected to report out a bill passed by the House on this subject. It is pending in the committee now. Mr. President, nearly ever since it came to the Committee on Military Affairs on the 3d day of July the committee has been engaged, first, with the Army appropriation bill and then with the Military Academy appropriation bill, and with other matters. Aside from that, on the 5th day of July, just as soon as we had a chance to do it, we sent the bill down to the Secretary of War and asked him to report on it and give us his views. We not only did that but we sent down the bill introduced by the distinguished Senator from South Dakota [Mr. JOHNSON], which provides in terms for the Regular Army as well as for the National Guard. We did not receive a report from the Secretary of War until this morning. So the committee has not been guilty of negligence in this matter. We have since been considering this matter very carefully and going to the proper sources for information on the whole subject. The letter is now here and I have had it printed in the RECORD. I have shown the difficulties we have had to adjust in this whole matter.

Mr. President, that is all I care to say.

Mr. REED. Mr. President, I understand that a substantial agreement has been arrived at; that the point of order will be withdrawn and the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE], with an amendment suggested by the Senator in charge of the bill [Mr. CHAMBERLAIN], is agreed upon. I hope that will be done and done at once. I simply wanted to say this. I think the amendment so far as it includes the Regular Army is unsound. I do not think it very material. I do know that the wives and children of men called or practically compelled to go to the colors are suffering and I want some relief, and I want it quickly. Therefore I am very glad to see this arrangement made.

Mr. VARDAMAN. Let the amendment as amended be read.

Mr. BRANDEGEE. The Senator does not want to have it read until it is to be voted on I assume.

Mr. VARDAMAN. I would just like to know how it reads.

Mr. BRANDEGEE. The Senator from Wisconsin will hand it to the Senator.

Mr. GALLINGER. Mr. President—

Mr. BRANDEGEE. I will yield to the Senator.

Mr. GALLINGER. I will inquire whether a motion to suspend the rule was made in form?

The PRESIDING OFFICER. The Chair is informed that the motion was made in form on the 22d day of July, being the Calendar Day of July 24.

Mr. GALLINGER. But it was not submitted to-day.

The PRESIDING OFFICER. It was called up. The Senator from Wisconsin made it before he began his argument.

Mr. BRANDEGEE. Mr. President, before I proceed with my remarks I avail myself of the opportunity—having the floor—to ask the Senator from Wisconsin what he considers the parliamentary status to be now. While he was engaged with the Senator from Mississippi [Mr. VARDAMAN] the question was asked whether a point of order had been made against the proposed amendment, whether it had been withdrawn, and whether the pending motion was a motion to suspend the rule or not. I will wait until that situation is cleared up.

The PRESIDING OFFICER. The occupant of the chair understands that the amendment has not yet been offered.

Mr. LA FOLLETTE. No; the amendment has not yet been offered; but I did make a motion to suspend the rule. I did not, however, make that motion until I received from the chairman of the Committee on Military Affairs the avowal that the point of order was insisted upon against my amendment; therefore it became necessary for me to make the motion to suspend the rule, and I spoke to that motion. Then, after the Senator from Oregon had taken the floor, he suggested that if an amendment were added to this contemplated amendment, if

the rule should be suspended, which I had intended to offer to include soldiers in the Regular Army, he would be in favor of it; and I did make, across the aisle here, the suggestion that we might come to an agreement upon that and that the Senate might readily accede to it. He has submitted to me an amendment which covers that point, and if it will be understood that a point of order will not be interposed against my amendment I will withdraw the motion which I made for a suspension of the rule and will offer the amendment and accept the amendment to my amendment.

Mr. BRANDEGEE. I trust the Senator from Wisconsin will understand that I did not raise this inquiry.

Mr. LA FOLLETTE. Oh, no.

Mr. BRANDEGEE. Some other Senator did, and I did not know but that the Senator wanted to state exactly the situation.

Mr. LA FOLLETTE. I think it well to have the parliamentary situation understood. That is as I understand it.

Mr. BRANDEGEE. I do not yet understand whether the Senator has already withdrawn his motion to suspend the rule.

Mr. LA FOLLETTE. I have not withdrawn it.

Mr. BRANDEGEE. As he stated it, I doubted whether he had, because he said if the point of order had not been insisted upon he would withdraw it.

Mr. LA FOLLETTE. Perhaps that is not just the form in which I ought to state it. Probably I ought to withdraw it. I can renew it if a point of order is made.

Mr. GALLINGER. Will the Senator from Connecticut yield to me a moment?

Mr. BRANDEGEE. Certainly.

Mr. GALLINGER. I rose to suggest that we are now somewhat complicated from a parliamentary standpoint. The Senator from Wisconsin can withdraw his motion, and then, if the point of order is made on his amendment, he can renew his motion to suspend the rule.

Mr. LA FOLLETTE. Does the Senator from Connecticut wish to retain the floor?

Mr. BRANDEGEE. I was going to make a few remarks on my own account.

Mr. LA FOLLETTE. I will wait until the Senator concludes, and then I will withdraw the motion and clear up the parliamentary situation.

Mr. BRANDEGEE. Although the motion is technically now to suspend the rule, I can say what I want to say just as well on the merits of the amendment as the Senator from Wisconsin, who made a speech on the motion to suspend the rule.

Mr. President, I think it is but just to the dependents of the National Guardsmen who have been called into the service of the United States to be taken care of by the Government, but I do not entirely agree with the theory of the Senator from Wisconsin or with some of the statements that he made. He seems to intimate that the National Guard have been in some way drafted into the service of the United States, and when it is suggested that they have not been drafted but have been called into the service of the United States by presidential proclamation, duly exercised under the provision of Congress made in accordance with the Constitution of the United States, that that is a technicality and should not be made. I do not consider it a technicality but I consider it a mere statement of fact.

I do not think the appeal of the dependents of these militia-men comes with any stronger force, even if they were drafted in a technical sense into the service of the United States, than it comes if they are lawfully in the service of the United States in any other way. When they entered the militia the Senator from Wisconsin intimates that they did not suppose at all that there was any chance of their being called into the service of the United States, even to carry out the three purposes specified in the Constitution, for which alone they could be called into the service of the United States by the Commander in Chief.

I can hardly believe that that is so, Mr. President. It may be so as to some of them, but I am inclined to think that almost every man of any intelligence certainly who joined a regiment of militia in his home State knew that that regiment was liable to be called into the service of the United States by the President, whom the Constitution made the Commander in Chief.

I grant you that, inasmuch as they have not been called into the service of the United States by the President except two or three times in the last generation or two generations, they may have thought their chances of being called into the service of the United States were very slim. They had the option of taking those chances or not, as they pleased. So I do not think they were in any way drafted, and I do not think they have yet been drafted into the service of the United States, unless, when they voluntarily went and enlisted to begin with, that



can be said to be a draft against their will, which I think is, of course, a contradiction in terms.

The draft act which Congress passed was not approved by the President until July 1, 1916; and, I think, before that time these men had been called into the service of the United States by presidential proclamation.

Another reason why, I think, these men had in contemplation and still have in contemplation service under the authority of the United States is because when the act of reorganization of the Army was before the Senate one of the chief arguments used was that these men wanted to be as near as possible under our Constitution Regular soldiers of the United States. They wanted to wipe out so far as possible all the distinctions and differentiations that existed between them and the Regulars of the United States. Indeed, the adjutant general of my own State wrote me to that effect, and said that he was satisfied he spoke for the entire militia of the State of Connecticut when he said that they wanted in every way to be drawn as close to the central authority of the Government and made to be as like as possible to the Regular Army of the United States. If that is not so, I do not think there is any sense to all this talk about the federalization of the National Guard of the United States, because I think they wanted to come into the service of the United States.

But, whether they did or not, I think, even if they wanted to come in and are in, their dependents are just as much entitled to be supported or have their support contributed to to some extent by the National Government as though they had been unwillingly dragged into the service of the United States, and, indeed, I may say I think they are more entitled to it, because I think that patriotism should at least not be discriminated against.

I am going to ask to print, in connection with my remarks, the draft act to which I have alluded; and I will read the constitutional provision relating to the authority to call the State militia into the service of the United States contained in the fifteenth and sixteenth clauses of the eighth section of the first article of the Constitution of the United States. The fifteenth clause reads:

The Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

The sixteenth clause reads:

The Congress shall have power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The PRESIDING OFFICER. In the absence of objection, permission to print the act referred to by the Senator from Connecticut will be granted.

The act referred to is as follows:

[Public resolution No. 23, 64th Cong.]

Joint resolution (H. J. Res. 242) to authorize the President to draft members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia, and members of the National Guard and Militia Reserves into the military service of the United States under certain conditions, and for other purposes.

Resolved, etc., That in the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section 111 of the national defense act approved June 3, 1916, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency, not exceeding three years, unless sooner discharged: *Provided*, That all persons so drafted shall, from the date of their draft stand discharged from the militia during the period of enlistment under said draft.

Sec. 2. That the provisions of section 112 of the national defense act of June 3, 1916, shall be applicable to any officer or enlisted man drafted into the service of the United States pursuant to the provisions of this joint resolution.

Sec. 3. That when organizations the members of which are drafted under the provisions of this resolution do not constitute complete tactical units the President may, by combining such organizations, organize battalions, regiments, brigades, and divisions, and may appoint officers for such units from the Regular Army, from the members of such organizations, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, or members of the Officers Reserve Corps as provided in section 38 of the national defense act of June 3, 1916, officers with rank not above that of colonel to be appointed by the President alone and all other officers to be appointed by the President by and with the advice and consent of the Senate: *Provided*, That vacancies incident to the appointment of officers of the Regular Army to the positions in the forces drafted for this emergency may be filled under the provisions of section 8 of the act of April 25, 1914.

Sec. 4. That whenever in time of war or public danger or during the emergency declared in section 1 of this resolution, two or more officers of the same grade are on duty in the same field, department, or com-

mand, or organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted into the military service of the United States: *Provided*, That officers of the Regular Army holding commissions in forces drafted into the service of the United States shall rank and have precedence under said commissions as if they were commissioned in the Regular Army; but the rank of officers of the Regular Army under their commissions in the forces drafted into the service of the United States shall not for the purpose of this resolution be held to antedate muster or draft into the service of the United States.

Approved, July 1, 1916.

Mr. BRANDEGEE. Every militiaman when he enlisted in his home State knew that Congress had passed such laws, and that the President could call the militia into the service of the United States. So I think no advantage has been taken of them; that no new contract has been made with them nor new obligation placed upon them that they did not voluntarily assume.

Mr. LA FOLLETTE. Mr. President, with the consent of the Senate, I withdraw the motion which I made to suspend the rules, with a view of offering the amendment referred to in the notice which I gave.

Mr. CHAMBERLAIN. Mr. President, I withdraw the point of order which I made, assuming that my amendments affecting the Regular Army will be accepted.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 91, after line 5, it is proposed to add a new paragraph to read as follows:

That the sum of \$2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being drafted, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge from such service, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this act shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *And provided further*, That this act shall not apply to any such enlisted man called or drafted into the service of the United States who shall marry after the 1st day of July, 1916; and the word "family" shall include only wife, children, and dependent mothers.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Wisconsin a question. It occurs to me, not knowing very much about military affairs, to inquire whether or not the family of a noncommissioned officer, of a sergeant or of a corporal, would be provided for under this legislation or whether it were wise to provide for them?

Mr. LA FOLLETTE. I am advised, upon the authority of the Senator from Wyoming [Mr. WARREN], whose long service on the Committee on Military Affairs acquaints him with these matters of regulation, that it would include the families of such noncommissioned officers.

Mr. BRANDEGEE. Very well.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Wisconsin why he desires to restrict the operation of that amendment to the 1st of July? Some of the National Guardsmen have not yet been mustered into the service of the Government and been sent out. Suppose some man should have married after the date fixed in the amendment; what then? Why not make the date the 15th of July? No man has married with a view of giving his family that protection.

Mr. LA FOLLETTE. I accept the suggestion of the Senator from Mississippi and change the date to the 15th of July.

Mr. CHAMBERLAIN. Mr. President, I send to the Secretary's desk the amendments which I propose to the amendment, and I desire that the amendment be read as I propose to amend it.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. As proposed to be amended the amendment would read as follows:

That the sum of \$2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been con-

tributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or his enlistment in the Regular Army while the National Guard is in the service of the United States, the family of each enlisted man of the National Guard called or drafted into the service of the United States until his discharge from such service and the family of each enlisted man of the Regular Army until the discharge of the National Guard from such service, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this act shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *And provided further*, That this act shall not apply to any such enlisted man who shall marry after the 1st day of July, 1916; and the word "family" shall include only wife, children, and dependent mothers.

Mr. LEE of Maryland. Mr. President, I want to suggest that the Senator from Oregon [Mr. CHAMBERLAIN] has insisted on including the Regular Army in this provision, on the theory, doubtless, that there will be some substantial number of men or families to be provided for. I think that he ought to make a slight increase in the appropriation of say \$500,000. Of course, if the Senator does not believe that there are any of the Regular Army people who have families, and that this is an entire fiction in reference to the Regular Army, there would be no occasion for the increase; but if it is a real thing, if the point was earnestly and properly pressed, if the Senator does not want a differentiation between the services, and there will be something to pay for the Regular Army people, I think the House appropriation ought to be increased by \$500,000.

Mr. CHAMBERLAIN. I will say that I really believe that there will not be found to be very many enlisted men in the Regular Army who will have families who will call for any relief; I do not know about that; but the House appropriated only \$2,000,000. I do not want an increase, and I do not think any increase will be required. Congress will convene in about three months from now, and there will be ample money, I am sure, to take care of any applications which may be made.

Mr. LEE of Maryland. I move that the amount of the appropriation be increased to \$2,500,000.

The PRESIDING OFFICER. Does the Senator from Maryland offer that as an amendment to the pending amendment?

Mr. CHAMBERLAIN. I ask that a vote be first had on the amendments submitted by me.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maryland [Mr. LEE] will be stated.

The SECRETARY. In line 1 of the amendment, it is proposed to strike out "\$2,000,000" and to insert "\$2,500,000."

Mr. CHAMBERLAIN. Mr. President, I ask that a vote first be had on the amendments offered by me.

The PRESIDING OFFICER. The Chair understood that the Senator from Wisconsin accepted all amendments to his amendment previous to that just offered by the Senator from Maryland.

Mr. LA FOLLETTE. No; let there be a vote upon the amendments offered by the Senator from Oregon to my amendment.

The PRESIDING OFFICER. The amendments proposed by the Senator from Oregon [Mr. CHAMBERLAIN] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] will be stated.

The SECRETARY. On page 1, line 9, before the word "drafted," it is proposed to insert "called or," so that it will read:

At the time of his being called or drafted.

The amendment to the amendment was agreed to.

The SECRETARY. The next amendment to the amendment is in line 9, after the word "drafted," to insert the words "into the service of the United States or his enlistment in the Regular Army while the National Guard is in the service of the United States."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SECRETARY. The next amendment to the amendment is, in line 11, after the word "service," to insert "and the family of each enlisted man of the Regular Army until the discharge of the National Guard from such service."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SECRETARY. The next amendment to the amendment is, in lines 9 and 10, on page 2, to strike out the words "called or drafted into the service of the United States."

The amendment to the amendment was agreed to.

The SECRETARY. The next amendment to the amendment is, on page 2, line 11, before the words "day of July," to strike out "first" and insert "fifteenth," so as to read:

Who shall marry after the 15th day of July, 1916.

The amendment to the amendment was agreed to.

Mr. LEE of Maryland. I now offer my amendment increasing the amount of the proposed appropriation to \$2,500,000.

Mr. WEEKS. Mr. President, I want to call the attention of the Senator from Wisconsin to the propriety of providing for a definite payment to the dependents and the children of the dependents rather than a maximum sum of \$50 a month. It seems to me that if the Secretary of War should determine, for example, that some dependent should receive less than \$50 a month, Senators and Representatives will constantly be called upon to importune the Secretary to pay the maximum amount. If we were to provide, say, \$9 a week for a wife or \$9 a week for a mother and a dollar for each of the other dependents, it would be a much wiser course for us to follow.

Mr. LA FOLLETTE. As the Senator from Massachusetts will observe, in line 6 it is provided "or so much of said amount as the Secretary of War may deem necessary." So the matter is left to be determined by the result of his investigation, which, it seems to me, will be very much better as a measure of what is requisite in any given case than for us to determine here, without any knowledge of the circumstances or conditions, upon an iron-clad classification of amounts.

Mr. WEEKS. Mr. President, that is just the criticism that I am making; that the Secretary will, of course, establish a bureau to carry out the purposes of this amendment; and whatever amount is arrived at is going to be unsatisfactory to the dependents if it is less than the maximum amount. I think we are going to be importuned beyond reason to get the maximum amount in each case, and it does seem to me—though I am not going to offer an amendment unless the Senator is willing to accept it—that it would be wiser to name a stated amount in each case.

Mr. LA FOLLETTE. Mr. President, the phraseology of the amendment which I have offered here is exactly in line with the bill which was passed by the House of Representatives, and which is now in the hands of the Military Committee. So far as I am concerned, I want to see it complicated just as little as possible—to see it changed just as little as possible—because I fear that differences may arise between the two committees which will jeopardize the legislation altogether, and I prefer, so far as my consent goes, not to accept any further amendments.

The PRESIDING OFFICER. The amendment offered by the Senator from Maryland to the amendment of the Senator from Wisconsin will be stated.

The SECRETARY. In line 1 of Mr. LA FOLLETTE's amendment, after the words "sum of," it is proposed to strike out "\$2,000,000" and to insert "\$2,500,000."

Mr. SMOOT. Mr. President, I hope the Senate will not agree to that amendment. There is not any question but that \$2,000,000 will take care of all of the dependents of soldiers until the end of the present year. The amendment provides for payments for the full year ending June 30, 1917. If at the beginning of the next session of Congress there is a shortage in the amount appropriated to take care of dependent families, an additional sum can be provided in any of the appropriation bills. So I think there is no necessity for an increased appropriation at this time. I am heartily in favor of the amendment as now agreed upon. I think the amendment ought to be adopted in justice to the men both of the Regular Army and of the National Guard, and I hope that the amendment will be adopted just as it is now before the Senate without further amendment.

Mr. LA FOLLETTE. Mr. President, I do not see how it is possible for any Member of the Senate to assert that \$2,000,000 is ample for the payments both to the dependents of soldiers of the National Guard and of the Regular Army. No Member of the Senate ever has made any investigation of the matter at all. I presume—and I think it is an assumption which we may fairly make—that the Committee on Military Affairs of the House in fixing \$2,000,000 as an amount which it would be proper to provide for taking care of dependent families of guardsmen had some basis for their calculation which led them to arrive at that amount. It is a fact that we have made, presumably, an additional draft upon the amount that is now to be paid out by adding the care of the dependent families of those who are in the Regular Army. I do not know how many such there are. There may be only a few or there may be many. However, since the House determined that \$2,000,000 was necessary to care for the dependent families of guardsmen, and we have added to the amount that the Treasury will have to pay



out sufficient to take care of the dependent families of another class, it seems to me it is fair to assume that some additional money will be required, and I can not quite understand how any Senator can say, ex cathedra, that this amount is all that is necessary.

Mr. SMOOT. Mr. President, I take it for granted that the House provided in the bill it passed sufficient for the fiscal year ending June 30, 1917, and the amount was \$2,000,000. The amendment proposed by the Senator from Wisconsin as it now reads provides for the fiscal year ending June 30, 1917, the same amount. As I have stated, between now and the 1st day of January are but five months. Congress will be in session again in four months, and I stated that I had no doubt that \$2,000,000 would take care of all needs for the four or five months period. If not, the House, has made a great mistake, and instead of appropriating \$2,000,000 it ought to have appropriated \$5,000,000 or \$6,000,000.

I took it for granted, however, that there had been an estimate made and that it had been ascertained that \$2,000,000 was sufficient for the full year, as the House bill provided and as the amendment will provide if made a part of this appropriation bill. That amount certainly ought to take care of all needs for the next four or five months, and then Congress will know whether more money will have to be appropriated. The War Department will know how many dependents there are by that time, and such amount as may be needed can be put in any appropriation bill which may be before Congress at that time, either a regular bill or a deficiency bill, and I have no doubt that if there is a deficiency Congress will provide any amount required without a doubt.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Maryland [Mr. LEE] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. [Putting the question.] The Chair is unable to decide.

Mr. SMOOT. Let us have a division, Mr. President.

The amendment to the amendment was rejected after a division.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Wisconsin as amended.

The amendment as amended was agreed to.

Mr. WARREN. Mr. President, I call the attention of the chairman of the committee to the amendment which I will send to the desk. I think it might well go to conference. The amendment should come in on page 13, in line 12.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, at the end of line 12, it is proposed to insert:

*Provided further, That nothing in this act or previous acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in of said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination, where such enlisted men are transported to the border from place of enlistment before such physical examination is made.*

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. WARREN].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. CHAMBERLAIN. I ask that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 2, after the word "professors" to strike out "\$26,500" and insert "\$27,000: *Provided, That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July 1, 1916,*

should have served not less than 33 years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army," so as to make the clause read:

For pay of seven professors, \$27,000: *Provided, That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July 1, 1916, should have served not less than 33 years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army.*

The amendment was agreed to.

The next amendment was, on page 2, line 13, after "\$462,000," to insert:

*Provided, That whenever a cadet shall fail to pass any required examination because deficient in not more than two subjects of instruction he shall have the right to apply for a second examination regarding such subjects by making written application therefor to the Academic Board within one year after being officially notified of such failure. Within 30 days after such application shall have been made, the examination demanded shall be held, and if the cadet being otherwise qualified shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be given the same credits to which he would have been entitled if he had passed such first examination.*

#### AFFAIRS IN MEXICO.

Mr. LIPPITT. Mr. President, shortly after President Wilson was inaugurated he undertook to regulate affairs in Mexico. In pursuance of that object, in August, 1913, he attempted to deprive Victoriano Huerta of his office as President by demanding that an election be promptly held to select his successor, at which Huerta should not be a candidate. This suggestion naturally was declined and led to a series of events, during which the President endeavored to drive Huerta from his position, first by pacific and persuasive means; then, on February 3, 1914, by lifting the embargo on arms so that Huerta's opponents, Villa and Carranza, could more effectively wage the kind of warfare they were carrying on, although he had in the previous August, in a message to Congress, declared—

I shall follow the best practice of nations in the matter of neutrality by forbidding the exportation of arms or munitions of war of any kind from the United States to any part of the Republic of Mexico—a policy suggested by several interesting precedents and certainly dictated by many manifest considerations of practical expediency. We can not, in the circumstances, be the partisans of either party to the contest that now distracts Mexico or constitute ourselves the virtual umpire between them—

and eventually by the use of the Navy at Vera Cruz. He finally succeeded, but left Mexico torn by the contentions of rival factions striving for supremacy. The result of the President's efforts was disorder and turmoil, where there had, at least, been the semblance of authority. He succeeded in deposing Huerta, but left distracted Mexico in the terrible agonies of factional strife.

By the beginning of 1915 he apparently despaired of good results coming from his meddling and decided to abandon further interference. He so declared in a speech at Indianapolis on the 8th of January, 1915, when he said:

I want to say a word about Mexico—or not so much about Mexico as about our attitude toward Mexico. I hold it as a fundamental principle that every people has the right to determine its own form of government. \* \* \* It is none of my business and it is none of your business how long they take in determining it. It is none of my business and it is none of yours how they go about the business. \* \* \* And, so far as my influence goes, while I am President nobody shall interfere with them.

Have not European nations taken as long as they wanted and split as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak?

This was the President's thought at the beginning of that year. But it did not last long. By June he was again all for interference, and on June 2 he issued a warning to the leaders of the Mexican factions, which was telegraphed to the American consular officers in Mexico for circulation, in which he recited the disastrous effects his policy had brought upon that country and declared that Mexico was starving and without a government. He said that—

in these circumstances the people and Government of the United States can not stand indifferently by.

And ended by declaring:

I therefore publicly and very solemnly call upon the leaders of factions in Mexico to act, to act together, and to act promptly for the relief and redemption of their prostrate country. I feel it to be my duty to tell them that, if they can not accommodate their differences and unite for this great purpose within a very short time, this Government will be constrained to decide what means should be employed by the United States in order to help Mexico save herself and serve her people.

To this solemn but unsought advice the factional leaders in Mexico—each in the field at the head of armed forces, engaged in a desperate struggle where death was the result of failure and no quarter was given—naturally paid no attention. They

preferred to take his other advice, that they were entitled to spill all the blood they wanted and as long as they wanted, and flouted advice from a man who only a few months before had declared that—

So far as my influence goes, while I am President nobody shall interfere with them.

To get out of the undignified position in which Mr. Wilson now found himself, he invited representatives of several of the South American States to join in his interference. The invitation was accepted, and on the 11th of August, 1915, this so-called A B C council issued an appeal—

to generals, governors, and other Mexican leaders—

inviting them to meet—

either in person or by delegates, far from the sound of cannon, and with no other inspiration save the thought of their afflicted land, there to exchange ideas and to determine the fate of the country—

and announced that they would expect a reply within 10 days. Gen. Villa and those associated with him agreed to the conference. Carranza and his followers declined. This third effort to dictate a settlement of Mexican affairs by a man who had announced—

while I am President nobody shall interfere—

was also a failure.

It had been carried on with great pomp and circumstance. Representatives of the press had vigilantly watched the meetings that were held and filled their papers with surmises and conjectures of what was being done. When it was all over, Mexican affairs were still going on as though nothing had happened. It was an awkward position for the President of one of the great nations of the world, and the failure was doubtless as galling to his pride as this succession of vacillating policies was disgusting to the people whom he represented.

Something had to be done to save his prestige, so on October 19, 1915, the President adopted a fourth method of interference, and the Secretary of State issued the following communication:

DEPARTMENT OF STATE,  
Washington, October 19, 1915.

MY DEAR MR. ARREDONDO: It is my pleasure to inform you that the President of the United States takes this opportunity of extending recognition to the de facto government of Mexico, of which Gen. Venustiano Carranza is the chief executive.

The Government of the United States will be pleased to receive formally in Washington a diplomatic representative of the de facto government as soon as it shall please Gen. Carranza to designate and appoint such representative; and, reciprocally the Government of the United States will accredit to the de facto government a diplomatic representative as soon as the President has had opportunity to designate such representative.

I should appreciate it if you could find it possible to communicate this information to Gen. Carranza at your earliest convenience.

Very sincerely, yours,

ROBERT LANSING.

The reasons for this selection were never adequately put before the American people. It had not become apparent that Mr. Carranza had obtained such a commanding position in Mexican affairs as would justify this selection of him as an ally of the United States. Nevertheless I think the great majority of our people, though in ignorance of the circumstances, hoped the selection was justified and that the President had adequate reasons for believing Mr. Carranza to be a capable and upright man who would be able to restore order with the support of our Government.

This was the situation when Congress convened in December. The Republican Members of the Senate had heretofore for the most part deliberately refrained from discussing this Mexican situation. They had felt it their patriotic duty to give the President as free a hand as possible toward solving the unhappy situation in which he had put himself. But he had now taken a decisive step. The negotiations, if any, leading to it had been carried on in secrecy, and they felt it was a proper time to have a full and frank statement made by the administration. Accordingly, when Congress assembled after the Christmas holidays, on January 6, the Senator from New Mexico [Mr. FALL] introduced a resolution, which was unanimously passed by the Senate, requesting full information about Mexican affairs, and specifying 10 aspects of the subject for special attention.

The answer to this request was delayed five weeks, until the 12th of February, and when received—though admitting that the data were voluminous—the reply made by Mr. Lansing was of the briefest character, occupying only 5 small pages, and with supplementary explanatory documents 46 pages. The answer to one of the questions, however, is interesting in connection with subsequent events. As to question 4, Mr. Lansing said:

As to the ability of the de facto government to fulfill its promises to protect lives and properties along the border, the undersigned has the honor to call your attention to the fact that since assurances in this respect were given to this Government by the de facto government the disturbances along the border have in a large measure ceased. In this connection a copy of a letter from the Secretary of War, dated

February 10, 1916 (inclosure No. 5), and copies of weekly reports Nos. 146 and 148 for the weeks ending January 1 and January 15, 1916, prepared by the War Department, concerning general conditions along the Mexican border (inclosures Nos. 5A and 5B), are hereto appended. It will be seen from these reports that conditions along the border are practically normal.

In respect to the evidence in the possession of this Government of the ability of the de facto government of Mexico to fulfill its promises and obligations relative to protecting American lives and property in Mexico, the department's information indicates that the de facto government is now in control of all but a few sections of Mexico, and that bearing in mind that the nation is just emerging from years of domestic strife, it may be said that within the territory which it controls it is affording, in all the circumstances, reasonably adequate protection to the lives and property of American citizens.

The inclosures referred to are reports confirming these statements that conditions were normal. They are from various places along the border for the weeks ending January 1 and January 15, saying:

Nothing of importance to report.  
Conditions have remained normal during the week.  
The past week has been very quiet.  
And so forth.

I ask permission at this point to have printed as a part of my remarks inclosures Nos. 5, 5A, and 5B, heretofore referred to.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

[Inclosure No. 5.]

Secretary of War to Secretary of State.

WAR DEPARTMENT,  
Washington, February 10, 1916.

The Secretary of War presents his compliments to the honorable the Secretary of State, and incloses, in accordance with the verbal request made this date by the Chief, Division of Mexican Affairs, additional copies of Report No. 146 of general conditions along the Mexican border based on weekly reports of January 1, 1916, from the local military commanding officers, and upon information received from all other sources, and Report No. 148 of similar conditions for the week ending January 15, 1916.

[Inclosure No. 5A.]

Weekly report of general conditions.

Weekly report of general conditions along the Mexican border, based on weekly reports of January 1, 1916, from the local military commanding officers and upon information received from all sources to date:

BROWNSVILLE.

The commanding officer, Brownsville Cavalry patrol district, reports: "Nothing of importance to report."

The commanding officer, Brownsville subdistrict, reports as follows: "Absolute quiet prevailed during the week ending December 31, 1915. A number of families who went over into Mexico with their furniture, stock, and other belongings during the height of the bandit trouble have returned to this side with their belongings. From all appearances conditions have assumed their normal state along the border."

HARLINGEN.

The commanding officer, subdistrict of Harlingen, reports: "Nothing of special interest to report. The Mexicans who attempted to cross the river near Los Indios the last week were not bandits, and their attempt has no significance."

Los Indios: "Two Mexicans were apprehended December 26 while attempting to cross the Rio Grande from Mexico below San Benito pump. Two other Mexicans were apprehended December 27, one while attempting to cross near the Harlingen pump, the other near San Benito pump. The above was made the subject of a special report dated the 28th instant."

Mercedes Headgate: "The past week has been very quiet. There is nothing further to report."

Landrum's Ranch, La Paloma: "Nothing extraordinary has happened in this sector during the period."

San Pedro Ranch, San Benito: "No unusual occurrences."

Santa Maria: "All quiet."

The commanding officer, Twenty-sixth Infantry, Harlingen, reports: "Quiet. Conditions improving."

Mercedes: "Conditions have remained normal during the week."

Mission: Following from commanding officer, Twenty-eighth Infantry: "Conditions remained normal throughout the week ending January 1. Two families emigrated to Mexico during the week and 74 families of 134 persons immigrated to the United States during the same period."

The commanding officer, Cavalry camp at Mission, reports: "Conditions have continued normal during past week."

FORT BINGGOLD, RIO GRANDE.

"Conditions have remained normal during the past week."

LAREDO.

The commanding general, Second Brigade, reports: "Conditions in this district have remained quiet during the week."

The commanding officer, Fort McIntosh, reports: "Everything has remained quiet in this district during the past week."

EAGLE PASS.

The commanding officer, Seventeenth Infantry, reports: "Nothing has occurred to report on border conditions during the week."

The commanding officer, detachment Fourteenth Cavalry, Eagle Pass, reports: "Conditions remain normal in this district."

DEL RIO.

"Nothing of importance to report."

WESTERN TEXAS CAVALRY PATROL DISTRICT.

MARFA.

"Nothing of importance to report. Quiet has maintained throughout the district. The garrison of the de facto Mexican Government at Ojinaga consists of about 300 men, 150 of whom are regulars and the remainder apparently local volunteers."



EIGHTH BRIGADE.  
FORT BLISS, EL PASO.

The following report, dated January 2, 1916, was received from the commanding general, Eighth Brigade: "The garrison of Juarez, having been transferred to Carranzista control, there were 800 Mexican (Carranza) soldiers sent there from Chihuahua on the 29th ultimo. About 2,300 Carranza soldiers with baggage and camp followers were disembarked at Pelca on the 30th ultimo and marched into Juarez from that point without incident. Gen. Obregon left El Paso on the 1st instant for Chihuahua. The whereabouts of Gen. Villa continues to be unknown. Conditions in this vicinity seem to be peaceful, and it is reported that most of the ex-Villa troops have been mustered out, paid off, and returned to their homes."

COLUMBUS.

"The Villista forces at Palomas, Mexico, and the Border Gate have transferred their allegiance to the Carranza government."

HACHITA.

"Border conditions in this patrol district for week ending January 1, 1916, have remained normal."

DOUGLAS.

The following report, dated January 2, 1916, was received from the commanding officer, Second Cavalry Brigade:

"Military situation: In and about Agua Prieta there have been no military movements of any kind. Peace reigns to the south and south-east, and no reports of Villistas have been received during the past week."

"Business outlook: Train service between Douglas and Nacozari was resumed on Saturday, January 1. The large bridges that were burned have been temporarily repaired, and it is expected that the regular traffic will be resumed within four or five days. Practically all of the mining people who were compelled to leave Sonora on account of the Villa campaign have returned to their mines, the Nacozari Railroad granting them free transportation south."

"It is expected that the whole State of Sonora will be normal within a week or 10 days."

"With the opening of the railroad there were heavy shipments of concentrates to the Copper Queen Smelter in Douglas. The Montezuma Mining Co. have their mines and mill now in operation."

The commanding officer, Seventh Cavalry, reports: "Conditions have remained normal in this vicinity during the week."

NACO.

The following report, dated January 1, was received from the commanding officer of this station: "Nothing of importance has occurred in this vicinity during the week. The mines and furnaces of the Cananea Consolidated Copper Co. are in full operation. The Southern Pacific de Mexico Railroad is operating on both the Cananea and Nogales branches. On December 30, 1915, Gen. Gavira, with his brigade, was transported by way of the El Paso & Southwestern Railroad from Naco, Sonora, to Palayas, N. Mex., en route to Juarez. Each of the two sections of the train carrying these Mexican troops was accompanied by one commissioned officer and eight men of my command."

[Inclosure 5B.]

*Weekly report of conditions on Mexican border.*

Weekly report of general conditions along the Mexican border, based on weekly reports of January 15, 1916, from the local military commanding officers and upon information received from all sources to date:

BROWNSVILLE.

The commanding officer, Brownsville Cavalry patrol district, reports as follows: "About 15 wagonloads of furniture came over the past week, with Mexican families returning to the United States, which shows to some extent increased confidence in the stability of present conditions."

The commanding officer, subdistrict of Brownsville, reports as follows: "Nothing unusual developed during the week. Conditions normal. The reported withdrawal of the squadron of the Twelfth Cavalry from the valley, in my opinion, is responsible for the several rumors of bandit movements across the river. The residents of the lower valley up to the Rio Grande will oppose the withdrawal of any troops from the valley, and any suggested movement of troops away from this locality will, no doubt, bring on a new crop of rumors."

HARLINGEN.

The commanding officer, Twenty-sixth Infantry, reports "conditions quiet during the week."

The commanding officer, Sixth Cavalry, reports: "No disturbances due to bandits this week. It is said that Miguel Garcia, from near El Soliseno Rancho, opposite Santa Maria, was trying to enlist men to make a raid into United States and offered a dollar a day as wages. He failed to get any recruits."

MERCEDES.

"Conditions have remained normal during the period in this section."

MISSION.

The commanding officer, Twenty-eighth Infantry reports: "Conditions remained normal in this district during the week ending January 16, 1916. During this week one family emigrated to Mexico and 48 families of 80 persons immigrated to the United States."

The commanding officer of the Cavalry camp at Mission reports: "Conditions have continued normal during the past week."

FORT RINGGOLD, RIO GRANDE.

Report not received.

LAREDO.

The following report, dated January 15, was received from the commanding general, Second Brigade: "Conditions in and around Laredo have remained quiet and unchanged for the past week. Americans coming out of Mexico report a great deal of typhus fever, especially in the City of Mexico and in the towns between there and our border. There are now two cases of typhus in Laredo in the city pesthouse. Up to date there have been five cases, one of which died and two recovered."

The commanding officer, Fort McIntosh, reports: "Everything has remained quiet in this district during the past week."

EAGLE PASS.

The commanding officer, Seventeenth Infantry, reports: "Nothing has occurred to report on border conditions during the week."

The commanding officer, detachment, Fourteenth Cavalry, Eagle Pass, reports: "Conditions remain normal in this district."

DEI RIO.

"Conditions remain normal in this vicinity."

WESTERN TEXAS CAVALRY PATROL DISTRICT.

MARFA.

"Nothing of importance to report. Things have remained quiet throughout the entire district during the past week."

COLUMBUS.

The commanding officer of this station reports as follows: "It is reported that the Carranzista forces at Palomas, Mexico, have been reinforced by about 50 cavalymen and 30 infantrymen."

HACHITA.

"Border conditions in this patrol district for the week ending January 15, 1916, have remained normal."

DOUGLAS.

The following report, dated January 15, 1916, was received from the commanding officer, Second Cavalry Brigade:

"Military situation: On January 13, 150 men under Col. Quevedo, left Agua Prieta for Casas Grandes, to cooperate with other Carranza forces said to have been sent from Juarez. Maj. Campbell, in command of the garrison at Agua Prieta, gave strict orders to Col. Quevedo that there should be no raiding of the country through which his troops passed and to exterminate any Villa soldiers found."

"Economic situation: South of Douglas, in the Nacozari and Moctezuma districts, great activity is reported. Mining men are returning to open up their properties, and it is probable large shipments will be made in the near future. The hotel at Nacozari is crowded and means are being taken to increase the accommodations, on account of the heavy traffic expected in the spring."

The commanding officer, Seventh Cavalry, reports: "Conditions have remained normal in this vicinity during the week."

NACO.

"All has been quiet from a military standpoint in this vicinity during the week."

Mr. LIPPITT. While the information thus given is very meager, it so happened that the country was to receive additional and very interesting information later on. And bearing these dates in mind—the recognition of Carranza on October 19, 1915, and the first half of January as a time when conditions were quiet and normal on the border—I now want to turn to this later source of information. This January condition of good order did not continue, if it ever existed. Turbulence continued and grew worse in Mexico and along the border, finally culminating in the Villa raid on Columbus, March 9, and his pursuit by American troops. The President explained this expedition by announcing on March 21 that—

As has already been announced, the expedition into Mexico was ordered under an agreement with the de facto government of Mexico for the single purpose of taking the bandit Villa.

And that the expedition would—

retire from Mexican territory so soon as that object is accomplished.

The expedition did not succeed in taking the bandit Villa and finally came to a standstill, but the troops were not withdrawn; so that on May 22—more than two months after the troops went over the border—Carranza sent a note to Mr. Wilson protesting against the continuance of American troops in Mexico, declaring that the expedition had not been undertaken with his consent, and demanding the immediate withdrawal of American troops in accordance with Mr. Wilson's promise.

The United States delayed its answer to this communication for nearly a month, but on June 20 sent a reply which from many points of view is a most extraordinary document. It is an arraignment and criticism of the administration of Mr. Wilson's choice for the head of the Mexican Government, Carranza, such that if it had been made by any of his Republican opponents would have been considered an act of extreme partisanship. No more complete evidence of the impropriety of that choice could be offered and, considering the conditions it describes and declares existed in Mexico at the time of the recognition of Carranza on October 9, 1915, and its description of conditions in January, 1916, the period Congress was told that quiet and order reigned there, calls for some explanation. I quote the third paragraph of this note of June 20:

It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed. During the past nine months in particular—

Notice this is September 20, one month before Carranza was recognized—

the frontier of the United States along the lower Rio Grande has been thrown into a state of constant apprehension and turmoil because of frequent and sudden incursions into American territory and depredations and murders on American soil by Mexican bandits, who have taken the lives and destroyed the property of American citizens, sometimes carrying American citizens across the international boundary with the booty seized. American garrisons have been attacked at night, American soldiers killed, and their equipment and horses stolen; American ranches have been raided, property stolen and destroyed, and

American trains wrecked and plundered. The attacks on Brownsville, Red House Ferry, Progreso post office, and Las Paladas, all occurring during September last, are typical.

This is the language in which the Secretary of State, Mr. Lansing, is describing conditions that existed during the month preceding the recognition of Carranza. Now, see who is responsible for these attacks.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LIPPITT. I should prefer not to be interrupted for a few minutes. At the conclusion of my remarks I shall be very glad to answer any question that the Senator from Nebraska may wish to put.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LIPPITT (reading)—

In these attacks on American territory Carranzista adherents, and even Carranzista soldiers, took part in the looting, burning, and killing. Not only were these murders characterized by ruthless brutality, but uncivilized acts of mutilation were perpetrated. Representations were made to Gen. Carranza, and he was emphatically requested to stop these reprehensible acts in a section which he has long claimed to be under the complete domination of his authority. Notwithstanding these representations and the promise of Gen. Nafarrette to prevent attacks along the international boundary, in the following month of October—

And this is the month in which, on the 19th, Carranza was recognized.

A passenger train was wrecked by bandits and several persons killed 7 miles north of Brownsville, and an attack was made upon United States troops at the same place several days later. Since these attacks leaders of the bandits, well known both to Mexican civil and military authorities as well as to American officers, have been enjoying with impunity the liberty of the towns of northern Mexico. So far has the indifference of the de facto government to these atrocities gone that some of these leaders, as I am advised, have received not only the protection of that government but encouragement and aid as well.

This is a description of conditions that were existing for a few weeks preceding and apparently following Carranza's recognition by this country. It appears that Carranza adherents and soldiers were looting, burning, and killing with ruthless brutality and perpetrating uncivilized acts of mutilation; that in spite of representations emphatically made to him they did not cease, and that even in the month of October a passenger train was wrecked and several persons killed near Brownsville; and that although the leaders of the bandits who committed the acts were well known to the Mexican authorities, they were enjoying their liberty with impunity in the towns of northern Mexico—

a section which he (Carranza) has long claimed to be under the complete domination of his authority.

It is impossible to suppose that the American Government, which now urges these facts as an accusation against Carranza, was not aware of them at the time he was recognized by this Government. In view of the existence of such facts, proclaimed by the unimpeachable authority of the American Department of State, the approval of Carranza and his acts as evidenced by his recognition, becomes one of the most extraordinary incidents in American history.

The note gives other interesting information, however—information as to the condition of affairs in the month of January, 1916, during the time, as the Senate was informed, conditions were normal and quiet on the Mexican border. I read from the fourth paragraph of Mr. Lansing's note of June 20:

Depredations upon American persons and property within Mexican jurisdiction have been still more numerous. For example, on January 3 troops were requested to punish the bands of outlaws which looted the Cusi mining property 80 miles west of Chihuahua, but no effective results came from this request. During the following week the bandit Villa, with his band of about 200 men, was operating without opposition between Rubio and Santa Ysabel, a fact well known to Carranzista authorities. Meanwhile a party of unfortunate Americans started by train from Chihuahua to visit the Cusi mines, after having received assurances from the Carranzista authorities in the State of Chihuahua that the country was safe and that a guard on the train was not necessary. The Americans held passports or safe conducts issued by authorities of the de facto government. On January 10 the train was stopped by Villa bandits and 18 of the American party were stripped of their clothing and shot in cold blood, in what is now known as "the Santa Ysabel massacre." Gen. Carranza stated to the agent of the Department of State that he had issued orders for the immediate pursuit, capture, and punishment of those responsible for this atrocious crime. Assurances were also given by Mr. Arredondo, presumably under instructions from the de facto government, that the murderers would be brought to justice, and that steps would also be taken to remedy the lawless conditions existing in the State of Durango. It is true that Villa, Castro, and Lopez were publicly declared to be outlaws and subject to apprehension and execution, but, so far as known, only a single man personally connected with this massacre has been brought to justice by Mexican authorities.

So we now have this description of conditions that were existing during the month of January, when, as the Senate was informed, conditions were quiet and normal.

There is one more interesting fact that is worthy of attention in this remarkable message. In the note of Carranza, to which this is a reply, he declared that if the American troops were

not withdrawn he would have to resort to an appeal to arms. The American reply, on June 20, declared: If—

the de facto government of Mexico is pleased to ignore this obligation and to believe that "in case of a refusal to retire these troops there is no further recourse than to defend its territory by an appeal to arms," the Government of the United States would surely be lacking in sincerity and friendship if it did not frankly impress upon the de facto government that the execution of this threat will lead to the gravest consequences.

I suppose nobody will question that in this statement President Wilson meant war. No other interpretation can be put upon the expression "gravest consequences." It was so interpreted by the press and by the people generally, and the feeling was reflected in the activities of commercial markets and the prices of securities. It was apparently so intended by the administration, for militiamen were hastily summoned from their homes, our forces mobilized, entrained, and hurried to the border at great expense to the Treasury and inconvenience to the men; and Senator Stone, chairman of the Senate Foreign Affairs Committee, announced to the press that hope of peaceful settlement was gone. (Washington Post, June 26.)

But what did the Mexican Government do? On June 21, the very next day after the American message was delivered, troops of Carranza, under the command of Gen. Gomez, at Carrizal met in battle a troop of American Cavalry advancing to attack, defeated them, killed several of them, captured others, and dispersed the balance. Here is Capt. Morey's account of what occurred:

CARRIZAL, MEXICO, June 21, 1916, 9.15 a. m.

To commanding officer, Ojo Federico:

My troops reached Ojo Santo Domingo at 5.30 p. m., June 20. Met C Troop, under Capt. Boyd. I came under Capt. Boyd's command, and marched my troop in rear for Carrizal at 4.15 a. m., reaching open field to southeast of town at 6.30 a. m.

Capt. Boyd sent in a note requesting permission to pass through the town. This was refused. Stated we could go to the north, but not east. Capt. Boyd said he was going to Ahumada at this time.

He was talking with Carranza commander, Gen. Gomez sent a written message that Capt. Boyd could bring his force in town and have a conference. Capt. Boyd feared an ambush. He was under the impression that the Mexicans would run as soon as we fired.

We formed for attack, his intention being to move up to the line of about 120 Mexicans on the edge of the town. We formed C Troop on the left in line of skirmishers, one platoon of K Troop on right of line, and another K Troop platoon on extreme right, echeloned a little to the rear.

When we were within 300 yards the Mexicans opened fire, and a strong one, before we fired a shot; then we opened up. They did not run. To make a long account short, after about an hour's fire, in which both troops had advanced, C Troop to position of Mexican machine gun, and K Troop closing in slightly to the left. We were very busy on the right keeping off a flank attack. A group of Mexicans left town, went around our rear, and led our horses off at a gallop.

At about 9 o'clock one platoon of K Troop, which was on our right, fell back. Sergeant said he could not stay there. Both platoons fell back about 1,000 yards to the west, and then, together with some men of C Troop who were there, these men scattered.

I was slightly wounded. Capt. Boyd, a man told me, was killed. Nothing was seen of Lieut. Adair after fight started, so man I saw stated.

I am hiding in a hole 2,000 yards from field and have one other wounded man and three men with me.

MOREY, Captain.

So Carranza did exactly what Mr. Wilson told him would be followed by "the gravest consequences." Now, what have the gravest consequences been? On June 24 Mr. Arredondo delivered to the American Government a curt acknowledgment and justification of the Carrizal affair, with the information that he had captured 17 American soldiers, and on the 25th we replied, saying the note evidently was—

intended as a formal avowal of deliberately hostile action against the forces of the United States—

And asking would they please release the prisoners and the property of the United States and kindly let us know what they intended to do next. This is the correspondence as printed in the Washington Post of June 26:

With the permission of the Senate, I will not read that, but will ask that it will be included in my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

NOTE TO CARRANZA DEMANDING THE RELEASE OF UNITED STATES PRISONERS AND STATEMENT OF HIS ATTITUDE.

The text of the note to the Mexican de facto government, transmitted yesterday to James Linn Rodgers, special representative of the American Government in Mexico City, says:

"Mr. Arredondo yesterday delivered to this Government the following communication:

"I am directed by my Government to inform your excellency, with reference to the Carrizal incident, that the chief executive, through the Mexican war department, gave orders to Gen. Jacinto B. Trevino not to permit American forces from Gen. Pershing's column to advance farther south nor to move either east or west from the points where they are located, and to oppose new incursions of American soldiers into Mexican territory. These orders were brought by Gen. Trevino to the attention of Gen. Pershing, who acknowledged the receipt of the communication relative thereto. On the 22d instant, as your excellency knows, an



American force moved eastward quite far from its base, notwithstanding the above orders, and was engaged by Mexican troops at Carrizal, State of Chihuahua. As a result of the encounter, several men on both sides were killed and wounded and 17 American soldiers were made prisoners."

#### STATEMENT TO CARRANZA.

"You are hereby instructed to hand to the minister of foreign relations of the de facto government the following:

"The Government of the United States can put no other construction upon the communication handed to the Secretary of State of the United States on the 24th of June, by Mr. Arredondo, under instruction of your Government, than that it is intended as a formal avowal of deliberately hostile action against the forces of the United States now in Mexico, and of the purpose to attack them without provocation whenever they move from their present position in pursuance of the objects for which they were sent there, notwithstanding the fact that those objects not only involve no unfriendly intention toward the Government and people of Mexico, but are, on the contrary, intended only to assist that Government in protecting itself and the territory and people of the United States against irresponsible and insurgent bands."

"I am instructed, therefore, by my Government to demand the immediate release of the prisoners taken in the encounter at Carrizal, together with any property of the United States taken with them, and to inform you that the Government of the United States expects an early statement from your Government as to the course of action it wishes the Government of the United States to understand it has determined upon, and that it also expects that this statement be made through the usual diplomatic channels and not through subordinate military commanders."

Mr. STONE. Is the Senator reading literally from the letter sent to Carranza?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. LIPPITT. When I began my remarks I suggested that I should prefer to be allowed to finish them.

Mr. STONE. That is all right. I was not here when the Senator began.

Mr. LIPPITT. I will not be long.

Mr. STONE. But I was wondering whether the Senator was quoting literally from the diplomatic letter. When the Senator has finished, I hope he will kindly let us know.

Mr. LIPPITT. Carranza was graciously pleased to accede to this demand for the return of the captured soldiers, and a few days later they were released, but without their arms, without their uniforms, and in all kinds of nondescript costumes.

Having obtained this much, Mr. Wilson grew bold again and apparently remembered about the bodies of the soldiers that were killed, and on June 29—eight days after their death—our consul at El Paso was informed by Gen. Trevino that we could have these bodies if we wanted to go after them, but we must pay all expenses. The announcement, as printed in the New York Times of June 30, is as follows:

OREGON GIVES PERMISSION FOR REMOVAL OF BODIES OF AMERICAN TROOPERS WHO WERE SLAIN AT CARRIZAL.

MEXICO CITY, June 29.

Minister of War Obregon to-day instructed Gen. Trevino, the Mexican commander at Chihuahua, to inform Consul Garcia at El Paso that no impediment would be placed in the way of the American authorities if they desired to remove the bodies of the American troopers killed at Carrizal to American territory for burial.

The correspondence between Obregon and Trevino arose from a request of Gen. Bell, commander at El Paso, that the Mexican Government deliver the bodies for burial. Gen. Obregon informed Gen. Trevino that the expense for the transfer of the bodies to the United States must be borne by the American Government.

So this is the situation. No request for the disavowal of this attack has been made, so far as the public has been informed; no demand for reparation has been made; no "grave consequences" of any kind have come to Carranza. But, on the contrary, Mr. Carranza celebrated American Independence Day, July 4, 1916, by sending another note to the American Government, couched in pacificatory terms, but again demanding the withdrawal of American troops; and on July 8 the Secretary of State replied, assuring Carranza—

of the sincere gratification of my Government at the frank statement of the difficulties which have unfortunately arisen in our relations—and of our desire for the—  
continuation of cordial relations.

Since then what the newspapers describe as parleys have been going on in secret between the State Department and representatives of Mexico.

Mr. Wilson began his relations with Mexico by refusing to recognize and insisting upon deposing Huerta, because he had injured the Mexican people in causing the death of Madera. He then assisted and coordinated with Villa in spite of his murder of Benton and his long list of brutal and fiendish outrages. He has now recognized Carranza, who, in Mr. Lansing's indictment, for more than nine months immediately preceding and since recognition, has been guilty of "outrage after outrage, atrocity after atrocity"; of "murders characterized by ruthless brutality"; and "uncivilized acts of mutilation" against American citizens, who ignored his call upon the "lead-

ers of factions to act together and to act promptly"; and who has, in defiance of his threat of "gravest consequences," met and defeated American troops in battle, and Mr. Wilson is now in conference with him, and rejoicing in "the continuance of cordial relations" with a man of this record and character. Three years ago, in his message to Congress on August 27, 1913, Mr. Wilson said:

We should let everyone who assumes to exercise authority in any part of Mexico know in the most unequivocal way that we should vigilantly watch the fortunes of those Americans who can not get away, and shall hold those responsible for their sufferings and losses to a definite reckoning. That can be and will be made plain beyond the possibility of a misunderstanding.

Since then he has demanded salutes to our flag which have not been fired; he has engaged the Navy in war at Vera Cruz, involving the death of sailors and marines; and engaged the Army in war at Carrizal involving the death of our officers and soldiers. He admits the continual murder and brutal outrage of our citizens, but instead of calling those responsible for such things to a "definite reckoning," establishes "cordial relations" with them. He boastfully proclaims what "he can and will do" one minute, and threatens "gravest consequences" the next, but sucks the force from both by declaring in between times that he "is too proud to fight" and that it is "none of our business" what they do, anyway. And the result of it all is that our patriotic young men are taken away from their families and affairs to mark time in the heat of the Mexican border, while he waits watchfully to decide which way he will jump next, and he calls all this "serving the Mexican people."

I ask permission in connection with my remarks to publish the description of the withdrawal of the embargo on arms as it was received in Mexico and was described in the volume by Mrs. Nelson O'Shaughnessy entitled "A Diplomat's Wife in Mexico."

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"FEBRUARY 1—10.30 P. M.

"To-night has come the long-feared cable from Washington stating that the President intends to raise the embargo on arms and ammunition. The note was for Nelson's special information, not for delivery to the foreign office yet, but the hour will come when he will have to gird himself to do the deed. It has been sent to every chancery in Europe, where it will raise a storm, to blow hard or not, according to the amount of material investments in Mexico. We scarcely know what to think; we are dazed and aghast. I am glad that a few hours at least must elapse before the facts will get out. I shall hardly dare to venture forth unveiled. Courteous as the Mexicans have been to Nelson and myself, some day, in face of the terrible catastrophes we have brought upon them, their patience must fail. This act will not establish the rebels in Mexico City or anywhere else, but will indefinitely prolong this terrible civil war and swell the tide of the blood of men and women, 'and the children—oh, my brothers.'

"I think Wilhelmstrasse, Downing Street, Quai d'Orsay, Ballplatz, and all the other ministeres will pick many a flaw in the President's document; but what can they do except anathematize us behind our backs?"

"FEBRUARY 2.

"My first thought on awaking this morning was of the irremediable catastrophe threatening this beautiful land. Nelson says he thinks Huerta will disregard it, as he has disregarded all other moves of Mr. Wilson, but it can be nothing but a further source of terrible embarrassment."

"FEBRUARY 3—11 A. M.

"The second telegram has just come, saying that the President intends within a few hours to raise the embargo, and that N. is to inform all Americans and foreigners. I keep repeating to myself, 'God! God! God!'. A generation of rich and poor alike will be at the mercy of the hordes that will have new strength and means to fight and eat and pillage and rape their way through the country."

"There will be a stampede of people leaving town to-night and to-morrow but those in the interior, what of them? There is sure to be violent anti-American demonstration, especially in out-of-the-way places."

"12.30.

"The news previously leaked out from Vera Cruz last night. Nothing gets out from the embassy, as our staff all happen to know how to keep their counsel. It is what Mr. Lind has wanted for months, and I suppose the news was too satisfactory to keep. You will read it in to-morrow's Paris Herald and the

Journal de Geneve. Don't worry about us. We will have first-class safeguard if Huerta declares war. He may not. It is his policy, and a strong one it has been, to ignore Washington's proclamations. On the other hand, he will have no intention of being caught by Villa, like a rat in a hole; and war with us may seem to him a glorious solution of his problems. Villa and Carranza will not arrive in the city together. No street is broad enough to permit the double entry of their contrary passions, violence, and greed.

"Is it 'to laugh' when Villa is thanked publicly and officially for his kind promises in regard to life and property in the north?"

—  
"FEBRUARY 3d—Evening.

"A busy day—as you can well imagine. N. had to inform the various legations. I went down town with him for luncheon, a thing I never do. We met the Spanish minister driving up the Paseo in his victoria—a pathetic figure. He has had so much worry and heartbreak over the situation and has been so helpless in the face of the disasters which have befallen his nationals that he is beyond surprise. Upon hearing the news he merely made a tired gesture of acquiescence. To him the raising of the embargo was, doubtless, only one more inexplicable thing. Von Hintze was out, and we next stopped at the French legation, just opposite the German. Eyguesseparsse, the secretary, possessed of one of the most elegant silhouettes in the world, was more than polite, but quite impassive, as he came out with Nelson to speak a word to me. He is married to a handsome young Mexican—the sister of Rincon Gaillard, Marques de Guadalupe—whose time, strength, money, and life, if need be, are at the disposition of his country.

"When we got to the restaurant in Plateros, the most public and alarm-allaying spot we could think of, the newspaper men assailed N. with questions. The 'story' that they are after is what the relations of Huerta would be to N. and the embassy, and they announce that they were not going to let the chargé out of their sight.

"After lunch, at which Mr. S. joined us, we went to the British Legation. N. gave Sir L. the news while I walked in the garden with Lady C., both of us wilted with nerves on edge. I came home, rested for a few minutes, and then dressed and went out to fulfill my afternoon program of calls, turning up late for bridge at Madame Simon's. She asked me squarely, though in the politest of French, 'What is your Government doing?' I saw many people during the afternoon, but apart from her greeting, there was no word of politics. I think the matter is too distasteful to the public to be discussed with any one like myself, where care in the expression of feeling is necessary.

"I drove home with Lady C., who was quite aghast at the situation just in time to get into a tea gown and downstairs for dinner. In the salon Seeger and the Grauxs (who leave tomorrow for Vera Cruz and New York) were waiting. N. telephoned that he was at the Palace, just going in to see Huerta. You can imagine that we had a lively dinner of surmises. He returned barely in time to say good-by to the Grauxs, and after they left we sat up late to talk over the appalling situation.

"Sir Lionel was with the President when N. got there. From the violent sounds coming through the half-opened door, N. thought that the old man was at last losing patience and control, and prepared himself for the worst. However, when N. finally went in Huerta was perfectly calm and had never been more friendly. He never mentioned President Wilson's name, and concerning the raising of the embargo quietly remarked that it would not change matters much, but would merely give a recognized name to the smuggling over the border that had been going on for three years. He kept repeating that the future would justify him; that he had had nothing to do with the killing of Madero; that the attitude of the administration toward him was simply 'a persecution.' N. said he never flinched. He terminated the interview by saying that he greatly appreciated N.'s public as well as private courtesies, and that he was 'very necessary to the situation.'

"FEBRUARY 4.

"The newspapers have appalling headlines about President Wilson. El Puritano, with his mask off, the avowed friend of bandits and assassins, is about the mildest sample."

Mr. LIPPITT. I also ask to have printed the message from Gen. Carranza to the American Secretary of State of May 22, 1916, and Mr. Lansing's reply of June 20, 1916.

THE PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

"MEXICAN GOVERNMENT'S NOTE OF MAY 22, 1916, REQUESTING A DEFINITION OF THE INTENTIONS OF THE UNITED STATES GOVERNMENT REGARDING MEXICO.

"MEXICO, D. F., May 22, 1916.

"MR. SECRETARY: I am instructed by the first chief of the constitutional army, in charge of the executive power of Mexico, to address your excellency the following note:

"1. The Mexican Government has just been informed that a group of American troops, crossing the international boundary, has entered Mexican territory and is at the present time near a place called 'El Pino,' located about 60 miles south of the line.

"The crossing of these troops, effected again without the consent of the Mexican Government, gravely endangers the harmony and good relations which should exist between the Government of the United States and Mexico.

"This government must consider the above action as a violation of the sovereignty of Mexico, and therefore it requests in a most urgent manner that the Washington Government should consider the case carefully, in order definitely to outline the policy it should follow with regard to the Mexican nation.

"In order to afford a clear understanding of the basis of the request involved in this note it becomes necessary carefully to review the incidents which have occurred up to the present time.

"2. On account of the incursion at Columbus, N. Mex., by a band led by Francisco Villa on the morning of March 9, 1916, the Mexican Government sincerely deploring the occurrence, and for the purpose of affording efficacious protection to the frontier it advanced its desires that the Governments of the United States and Mexico should enter into an agreement for the pursuit of bandits. The above proposal was made by the Government of Mexico, guided by the precedent established under similar conditions obtaining in the years 1880 to 1884, and requested, in concrete, permission for Mexican forces to cross into American territory in pursuit of bandits under a condition of reciprocity which would permit American forces to cross into Mexican territory if the Columbus incident would be repeated in any other point of the frontier line.

"As a consequence of this proposal made in the Mexican note of March 10, the Government of the United States, through error or haste, considered that the good disposition shown by the Mexican Government was sufficient to authorize the crossing of the boundary, and to that effect, without awaiting the conclusion of a formal agreement on the matter, ordered that a column of American forces should cross into Mexican territory in pursuit of Villa and his band.

"3. The American Government on this account made emphatic declarations, assuring the Mexican Government that it was acting with entire good faith and stating that its only purpose in crossing the frontier was to pursue and capture or destroy the Villa band that had assaulted Columbus; that this action did not mean an invasion of our territory nor any intention to impair Mexican sovereignty, and that as soon as a practical result should be obtained the American troops would withdraw from Mexican territory.

"4. The Mexican Government was not informed that the American troops had crossed the frontier line until March 17, at which time it was unofficially known, through private channels from El Paso, that the American troops had entered into Mexican territory. This government then addressed a note to the Government of the United States stating that inasmuch as the precise terms and conditions of an agreement which should formally be entered into between both countries for the crossing of troops had not been stipulated the American Government should not consider itself authorized to send the expedition.

"The Washington Government explained the sending of such expedition, expressing its regret that a misinterpretation had occurred in regard to the attitude of the Mexican Government concerning the crossing of American troops over the boundary line in pursuit of Villa, but that this had been done under the impression that the previous exchange of messages implied the full consent of the Mexican Government without the necessity of further formalities.

"The American Government explained also that its attitude was due to the necessity of quick action, and stated that it was disposed to receive any suggestions the Mexican Government would wish to make in regard to the terms of a definite agreement covering the operations of troops on either side of the boundary.

"5. Both Governments then began to discuss the terms of an agreement in accordance to which the reciprocal crossing of troops should be arranged, and to this end two projects from the Mexican Government and two counterprojects from the Ameri-



can Government were exchanged. During the discussion of this agreement the Mexican Government constantly insisted that the above-mentioned crossing should be limited within a zone of operations for the troops in foreign territory; that the time the troops should remain within it, the number of soldiers of an expedition, and the class of arms they should carry should be fixed. The Government of the United States opposed the above limitations, and when at last the American Government submitted the last counterdraft, accepting them in part, it stated, nevertheless, that while agreeing to sign the agreement, the latter would not apply on the Columbus expedition.

"6. This attitude of the American Government brought forth the Mexican note of April 12, which, deferring the discussion of the agreement, since the latter was not to apply to the Columbus case, requested the American Government to withdraw its troops, since their stay was not based on any agreement and the expedition was then unnecessary, inasmuch as the Villa bandits had been dispersed and reduced to impotency.

"7. While the American Government was delaying its reply to the aforesaid note of April 12, and took no action to withdraw its troops, it was considered convenient that military commanders of both countries should meet at some point of the frontier to review the military aspect of the situation and endeavor through this channel to arrive at a satisfactory solution, which, on the part of Mexico, consisted in the withdrawal of American troops from its territory.

"To this end Gens. Hugh L. Scott and Frederick Funston, representing the American Government, and Gen. Alvaro Obregon, secretary of war and marine, representing Mexico, met at Ciudad Juarez and El Paso, where they held a series of conferences with an open spirit of cordiality. During these conferences full explanations and data were exchanged concerning the military situation of the frontier.

"As a result of these conferences a draft of a memorandum was submitted to the approval of the Washington and Mexican Governments, in accordance with which Gen. Scott declared that the destruction and dispersion of the Villa band had been completed, and therefore the American Government had decided to begin the withdrawal of its troops under the promise that the Mexican Government would endeavor to maintain efficacious guard on the frontier against new incursions similar to that at Columbus.

"8. The Mexican Government refused to approve that sort of agreement, because it was stated in it besides that the American Government could suspend the withdrawal of its troops if any other incident would occur which would serve to change the belief of the Washington Government in the ability of the Mexican Government to protect the frontier.

"The Mexican Government could not accept this condition to suspend the withdrawal, because the evacuation of its territory is a matter entirely affecting the sovereignty of the country, which should at no time be subjected to the discretion of the American Government; it being possible on the other hand that another incident might occur, which would thus give the indefinite stay of the American troops in Mexican territory a certain color of legality.

"9. Gen. Scott, Gen. Funston, and Gen. Obregon were discussing this point, when on the 5th of the present month of May a band of outlaws assaulted an American garrison at Glen Springs, on the American side, crossing the Rio Grande immediately after to enter into Mexican territory via Boquillas.

"10. On this account and fearing that the American Government would hasten the crossing of new troops into Mexican territory in pursuit of the outlaws, the Mexican Government instructed Gen. Obregon to notify the United States that American soldiers on his new account would not be permitted to enter into Mexico, and that orders had already been given to all military commanders in the frontier to prevent it.

"11. When the attitude of the Mexican Government became known, Gens. Scott and Funston assured Gen. Obregon that no movement of American troops had been ordered to cross the frontier on account of the Boquillas incident, and that no more American soldiers would enter into our territory.

"This assurance, which was personally made by Gens. Scott and Funston to Gen. Obregon when the conferences were about to be adjourned was reiterated by Gen. Scott himself in a later private conversation he had with Licenciado Juan Neftali Amador, subsecretary for foreign affairs, who had had the opportunity to take part in the conference between the American and the Mexican military commanders.

"12. On account of the same incident of Glen Springs, or Boquillas, fearing that the various bands of outlaws which are organized or armed near the frontier might repeat their incursions, and with a view to procuring an effective military cooperation between American and Mexican forces, this Govern-

ment suggested through its representative, Gen. Obregon, to Gens. Scott and Funston, representing the United States, the convenience of reaching an understanding on a military plan of distribution of troops along the frontier in order that an effective watch could be kept over the whole region, and avoiding in this way, so far as possible, the recurrence of similar assaults. The Mexican Government showed by this action, not only its good faith and good wishes but also its frank willingness to arrive at an effective cooperation with the Government of the United States to avoid all further cause of friction between the two countries.

"This plan for the distribution of American and Mexican forces in their respective territories along the frontier was proposed as a means to immediately prevent any new difficulty and always with the idea of arriving later at the celebration of an agreement for the reciprocal crossing of troops, as long as the abnormal conditions exist in our territory.

"13. The conferences between Gens. Scott, Funston, and Obregon adjourned on May 11, without reaching any agreement concerning the unconditional withdrawal of the American troops. Gen. Scott insisted in the form of the memorandum concerning the conditional withdrawal of the American forces, but did not take into consideration the plan proposed by the Mexican Government for the protection of the frontier by means of detachments along the same.

"Under these conditions, it was left for the Governments of Washington and Mexico to conclude the arrangements initiated during the conferences of Ciudad Juarez and El Paso. Up to that time no complication had occurred on account of the new Boquillas incident, and all the assurances given Gens. Scott and Funston led to suppose that the above incident would not bring about new difficulties.

"14. The Mexican Government, however, has just been informed that 400 men of the Eighth Regiment of the American Army are in Mexican territory, having crossed the line in the direction of Boquillas approximately between the 10th and 11th of May, and are at present near a place called El Pino, about 60 miles south of the frontier. This fact was brought to the attention of the Mexican authorities by the commander himself of the American troops which crossed the frontier, who gave advice to the Mexican military commander at Esmeralda, Sierra Mojada, by a communication in which he informed him that he had crossed the frontier in pursuit of the band of outlaws which had assaulted Glen Springs, and in accordance with an agreement existing between the American and the Mexican Governments regarding the crossing of troops, and with the consent of a Mexican consular official in Del Rio, Tex., whom the American commander alleged to have informed of the entry of his expedition.

"15. The Mexican Government can not assume that an error has been committed a second time by the American Government, ordering the crossing of its troops without the consent of the Government of Mexico. It fails to understand, also, that a commander of troops of the United States Army would enter into Mexican territory without due authority from his superiors, and under the belief that he could secure permission for the crossing of his troops from a consular agent.

"The explanation given by the American Government in regard to the crossing of troops at Columbus has never been satisfactory to the Mexican Government; but the new invasion of our territory is no longer an isolated fact and tends to convince the Mexican Government that something more than a mere error is involved.

"16. This latter act of the American forces causes new complications for the Mexican Government, impairing the possibility of a satisfactory solution and increasing the tenseness of the international situation between both countries.

"The Mexican Government can not consider this last incident except as an invasion of our territory, made by American forces against the expressed will of the Mexican Government, and it is its duty to request, as it does, the American Government to order the immediate withdrawal of these new forces and to abstain completely from sending any other expedition of a similar character.

"17. The Mexican Government understands its obligations to protect the frontier; but this obligation is not exclusively its own, and it expects that the American Government, which is subject to an equal obligation, will appreciate the material difficulties with which this task is met, inasmuch as the American troops themselves, notwithstanding their number and in spite of the fact that their attention is not distracted by other military operations, are physically unable effectively to protect the frontier on the American side.

"The Mexican Government has made every effort on its part to protect the frontier, without disregarding on the other hand,



the considerable task of pacification which is being performed in the rest of the country, and the American Government should understand that, if now and then any lamentable incursions into American territory committed by irresponsible bands of outlaws might occur, this should be a case for pecuniary reparation and a reason to adopt a combined defense, but never a cause for the American authorities to invade our national territory.

"The incursion of bands of outlaws into American territory is a deplorable incident, to say the least, but in no way can the Mexican Government be made responsible for them, inasmuch as it is doing everything possible to prevent them. The crossing of regular American troops into Mexican territory, against the expressed will of the Mexican Government, does constitute an act for which the American Government is responsible.

"18. The Mexican Government, therefore, believes that the time has come for it to insist with the American Government that in withdrawing at once the new Boquillas expedition, it should abstain in the future from sending in new troops. In any case, the Mexican Government after having made clear its unwillingness to permit the crossing of new American troops into Mexican territory, will have to consider the latter as an act of invasion of its territory, and therefore, it will be forced to defend itself against any group of American troops which may be found within it.

"19. With reference to the troops which are now interned in the State of Chihuahua on account of the Columbus incident, the Mexican Government is compelled to insist on their withdrawal.

"The Mexican Government understands that in the face of the unwillingness of the American Government to withdraw the above forces, it would be left no other recourse than to procure the defense of its territory by means of arms, but it understands at the same time its duty to avoid as far as possible an armed conflict between the two countries; and acting in accordance with article 21 of the treaty of February 2, 1848, it considers it its duty to resort to all means of a peaceful character to find a solution of the international misunderstanding in which both countries are involved.

"20. The Mexican Government considers it necessary to avail itself of this opportunity to request the American Government to give a more categorical explanation of its real intentions toward Mexico. To this end it hopes that in speaking with entire frankness its words may not be interpreted as tending to wound the sensibility of the American Government; but that it finds itself in the condition to set aside all diplomatic euphemism, in order to express its ideas with entire frankness. If in the expression of the grievances hereinafter mentioned the Mexican Government makes use of the most perfect frankness, it is because it considers it its duty to convey the most perfect clearness to the minds of the Government and the people of the United States concerning the Mexican point of view.

"21. The American Government has for some time been making protests of friendship to Latin-American countries, and it has availed itself of all possible efforts to convince the same that it is its desire to respect their sovereignty absolutely.

"With respect to Mexico, especially, the American Government has stated on various occasions that it has no intention to intervene in any way in its internal affairs and that it wishes to leave our country to decide by itself its difficult problems of political and social transformation.

"It is still reassured when on account of the Columbus expedition the American Government, through the voice of its President, has made the declaration that it does not intend to interfere in the affairs of Mexico, nor to invade it; that it does not desire to acquire a single inch of its territory, and that it will in no way impair its sovereignty.

"The Washington Government and its representatives in the frontier have also expressly declared that it is not the will of the American people to go into war or have an armed conflict with Mexico.

"Summing up all of the above, and judging from the official declarations which have been made for some time past by the Washington Government there should appear to be an honest purpose on the part of the Government and people of the United States not to launch into a conflict with Mexico.

"22. The Mexican Government, however, regrets to remark that the acts of the American military authorities are in absolute conflict with the above statements, and therefore finds itself constrained to appeal to the President, the Department of State, the Senate, and the American people to the end that once and for all time the true political tendency of the United States toward Mexico be defined.

"23. It is equally necessary that on this account the Government of the United States should define in a precise manner its purpose toward Mexico, in order that the other Latin-American nations may be able to judge the sincerity of such purposes and

be able to appreciate the proper value of the protests of amity and fraternity which have been made to them during many years.

"24. The American Government, through the voice of its own President, stated that the punitive expedition from Columbus would withdraw from Mexican territory as soon as the band of the Villa outlaws should have been destroyed or dispersed. More than two months have elapsed since this expedition entered into Mexican territory. Gens. Scott and Funston declared in Ciudad Juarez that the Villa band had been entirely dispersed, and notwithstanding this the American troops are not withdrawn from the territory of Mexico.

"The American Government is convinced and has accepted the fact that no military task is now left for the Columbus expedition, and nevertheless the promise made by President Wilson that the forces would withdraw as soon as the purpose which caused them to go in should have been reached has not been complied with.

"Causes of any internal political order which may exist not to withdraw the American troops from Mexican territory, however justified they may appear, can not justify the above attitude, but, on the contrary, they accentuate the discrepancy between the protests of respect to the sovereignty of Mexico, and the actual fact that on account of reasons of internal policy of the United States a status should be maintained which is utterly unjust with regard to the Mexican Republic.

"25. The American Government stated that its purpose in causing the American troops to enter Mexico was only to defend the frontier against probable incursions. This statement, however, is in conflict with the attitude assumed by the same American Government in discussing the agreement concerning the reciprocal crossing of the frontier, because, while the Mexican Government maintained that said agreement should limit the zone of operation of the troops of one and the other country, as well as the time which the expeditions should last, the number of soldiers and the arm to which they should belong, the American Government constantly evaded these limitations. This attitude of the American Government, which is the one expecting to have frequent occasion to cross the frontier on account of incursions of outlaws, is one clearly indicating the purpose of having power to enter Mexican territory beyond the limit which the necessities of defense could require.

"26. The Columbus punitive expedition, as it has been called, had not, according to the statements of President Wilson, any other purpose than to reach and punish the band of outlaws which had committed the outrage, and it was organized under the supposition that the Mexican Government had given its consent to it. Such expedition, however, has had a character of such clear distrust toward Mexico and of such absolute independence that it can not justly be considered as anything but an invasion made without the consent, without the knowledge, and without the cooperation of the Mexican authorities.

"It was a known fact that the Columbus expedition crossed the frontier without the consent of the Mexican Government. The American military authorities have carried this expedition into effect without awaiting for the consent of the Government of Mexico, and even after they were officially informed that this Government has not given its consent for it they nevertheless continued it, causing more troops to cross the line without informing the Mexican authorities of this fact.

"The expedition has entered and operated within Mexican territory without procuring the cooperation of the Mexican authorities. The American military authorities have always maintained complete secrecy regarding their movements without informing the Mexican Government about them, as they would have done if they really had tried to obtain cooperation. This lack of advice and agreement was the cause of the clash which occurred in Parral between American forces and Mexican citizens.

"In conclusion, the Columbus expedition has been carried into effect without any spirit of harmony, but, on the contrary, under a spirit of distrust with respect to our authorities, as our cooperation was not only unsought, but we were not informed with regard to military operations effected, besides which the expedition was organized carrying not only Cavalry, but Artillery and Infantry forces.

"If the purpose was only to pursue a band of outlaws, which on account of its nature should be essentially light, this pursuit could only be carried into practice by means of forces of light Cavalry. The use of Artillery and Infantry can not be explained in any other way except as a means of precaution against the probable attack on the part of Mexican forces.

"Now, then, the protests of friendly cooperation made by the American authorities are not in keeping with the use of Infantry and Artillery exclusively suited to be employed only against the regular Mexican forces.



"If the Columbus expedition had taken place with the consent of the Mexican Government and its cooperation had been sought, the use of Artillery and Infantry would have been considered an insult to the Mexican authorities because of the supposition that they might feloniously assault the American forces which would have entered Mexico in pursuit of a common enemy and confiding in the friendship of the former. Nevertheless it is preferable to interpret this act as a proof that the American forces entered into Mexican territory without the consent of the Mexican Government, and therefore ready to repel any aggression on the part of regular Mexican forces who were ignorant of their presence.

"All of the above facts demonstrate that there has been a great discrepancy between the protests of sincere friendly cooperation on the part of the American authorities and the actual attitude of the expedition, which, on account of its distrust, its secrecy regarding its movements, and the arms at its disposal, clearly indicated that it was a hostile expedition and a real invasion of our territory.

"27. The American Government has stated on different occasions that the Columbus expedition had no other object than to pursue and destroy the Villa bandits, and that as soon as this would be accomplished the expedition would be withdrawn.

"The facts, however, have shown that the intention of the American Government was not the same during the conferences at Ciudad Juarez and El Paso. It can not be explained otherwise that Gen. Scott should have insisted so emphatically on the signing of a memorandum stating that the American forces would not finish their withdrawal if any other incident occurred which would mortify the belief of the American Government in the ability of the Mexican Government to protect the frontier. The conclusion to be drawn from this inconsistency of Gen. Scott regarding the signing of this memorandum is that the Columbus expedition entered into Mexico promising to withdraw as soon as it should have destroyed the Villa band, but that it is the purpose to make use of it afterwards as an instrument to guarantee the protection of the frontier.

"28. The American Government justly desires that the frontier should be protected. If the frontier should be properly protected against incursions from Mexico, there would be no reason, then, for the existing difficulty. The American Government knows of the difficulties obtaining in the protection of a frontier line where there are no natural facilities to aid in its defense, and notwithstanding its immense resources, the American Government itself has not been able to render an effective protection along a line of more than 2,000 kilometers to be guarded.

"The Mexican Government proposed that the military chiefs in charge of the troops in one and the other country should discuss a plan of cantonments along the boundary line, and notwithstanding the protests of the American Government of its desire to solve its difficulties with Mexico, Gen. Scott did not accept the above plan of cantonments, which is the only thing rational and the only plan that can be carried into effect without invading the sovereignty or territory of one or the other country. The American Government prefers to keep its troops inactive and idle within the territory of Mexico instead of withdrawing them to post them along the frontier in accord with Mexican authorities, who would do likewise on their side. By this action the American Government gives room for the supposition that its true intention is to keep the troops it already has interned in Mexico, anticipating that it may make use of them later for future operations.

"29. The American Government has on all occasions declared its desire to help the Constitutionalist Government to complete the work of pacification, and its desire that this task should be carried into effect within the least time possible. The true attitude of the American Government in relation with these desires appears to be entirely incongruous, inasmuch as for some time back it has been doing things indicating that it not only does not render any assistance to the work of pacification of Mexico but that on the contrary it appears to place all possible obstacles to the execution of this task. As a matter of fact, without considering the great number of diplomatic representations made under the pretext of protection to American interests in Mexico, which are constantly embarrassing the task of the new Government, whose intention it is to recognize the political, economic, and social conditions of the country on a new basis, there is a great number of facts which cause the influence of the American Government to be felt against the consolidation of the present Government of Mexico.

"The decided support given at one time to Villa by Gen. Scott and the Department of State itself was the principal cause for the prolongation of civil war in Mexico during many months. Later on the continuous support which the American Catholic hierarchy have rendered to the Mexican Catholic

clergy, which is incessantly working against the Constitutionalist Government, and the constant activities of the American interventionist press and business men of that country, are, to say the least, an indication that the present American Government does not wish or is unable to prevent all the works of conspiracy against the Constitutionalist Government being carried into effect in the United States.

"30. The American Government claims constantly from the Mexican Government an effective protection of the frontiers, and nevertheless the greater number of the bands which take the name of rebels against this Government is provided and armed, and perhaps also organized, on the American side under the tolerance of the authorities of the State of Texas, and, it may be said, even of the Federal authorities of the United States. The leniency of the American authorities toward such bands is such that in the majority of cases the conspirators, who are well known, whenever they have been discovered and imprisoned are released under insignificant bonds, permitting them to continue in their efforts.

"Mexican emigrants who are plotting and organizing incursions on the American side have now more facilities to cause injury than before, because, knowing that any new difficulty between Mexico and the United States prolongs the stay of American troops, they endeavor to increase the occasions for conflict and friction.

"31. The American Government claims to help the Constitutionalist Government in its task of pacification and urges that such a work be done within the least time possible, and that the protection of the frontiers be effected in the most efficacious way. And, nevertheless, on various occasions the American Government has detained shipments of arms and ammunition purchased by the Mexican Government in the United States which should be employed to hasten the task of pacification and to more efficaciously protect the frontier. The pretexts given for the detention of shipments of munitions consigned to this Government have always been futile and never have we been given a frank reason. It has been said, for example, that the munitions were embargoed because it was not known who the owner might be, or because of fear that they might fall into the hands of Villista bands.

"The embargo of war material consigned to the Mexican Government can have no other interpretation than that the Government of the United States wishes to protect itself against the emergency of a future conflict, and therefore it is endeavoring to prevent arms and ammunition which might be used against American troops from reaching the hands of the Mexican Government. The American Government would have the right to take this precaution against such emergency, but in that case it ought not to say that it is endeavoring to cooperate with the Mexican Government, and it would be preferable to give out a more frank statement concerning its procedure.

"The American Government either desires decidedly and frankly to help the Mexican Government to reestablish peace, and in this case it ought not to prevent the exportation of arms, or the true purposes of the American Government are to get ready so that in the case of a future war with Mexico the latter may find itself less provided with arms and ammunition. If this is the case, it would be preferable to say so.

"In any way the embargo on arms and ammunition consigned to the Mexican authorities under the frivolous pretext of preventing these arms and ammunition from falling into the hands of Villista bands is a clear indication that the actual acts of the American military authorities are entirely in conflict with the protestation of peace of the American Government.

"The Mexican Government can not wish war with the United States, and if this should occur it would undoubtedly be as a consequence of a deliberate purpose of the United States. For the time being the above precautionary acts of the American Government indicate that there is a purpose of preparedness for such emergency, of that which is the same, the beginning of hostility on the part of the United States toward Mexico.

"32. In conclusion, the New York Federal authorities, alleging that they act at the suggestion of a neutral peace society, have ordered the detention of several parts of machinery which the Mexican Government was forwarding to Mexico for its ammunition factory. It could not be conceived that this machinery could be used before several months after it had reached its destination. This action of the American Government tending to prevent the manufacturing of munitions in a remote future is another clear indication that its true purposes toward Mexico are not peaceful, because while millions and millions of dollars' worth of arms and ammunition are being daily exported for the European war, without the peace societies becoming impressed by the spectacle of that war, the New York authorities are showing exceedingly marked interest

in seconding the purposes of the above-mentioned humanitarian societies whenever it is a matter of exporting to Mexico any machinery for the manufacture of arms and ammunition.

"Mexico has the indisputable right, just like the United States and all other nations in the world, to provide for its military necessities, especially so when it is confronting so vast a task as that of insuring the pacification of the interior of its country; and the action of the Government of the United States in detaining machinery destined for the manufacture of ammunition is indicative either that the United States wishes to place obstacles to its complete pacification or that this action is one of a series carried into effect by the American authorities as a matter of precaution in case of a projected war with Mexico.

"33. All of the above-mentioned circumstances indicate that the true purposes of the military authorities of the United States are in absolute contradiction with the continuous protests of amity of the American Government toward Mexico.

"34. The Mexican people and Government are absolutely sure that the American people do not wish war with Mexico. There are, nevertheless, strong American interests and strong Mexican interests laboring to secure a conflict between the two countries. The Mexican Government firmly desires to preserve peace with the American Government, but to that effect it is indispensable that the American Government should frankly explain its true purposes toward Mexico.

"It is indispensable that the above contradiction between the protests of amity on the part of Washington and the acts of distrust and aggression on the part of American military authorities should be brought to an end.

"The Mexican Government and people therefore are anxious to know what they should expect, and they want to be sure that the expressions so many times made by the Government of the United States should be really in keeping with the sincere desires for peace between the two countries, a friendship which should exist not only in declarations but should crystallize in deeds.

"The Mexican Government therefore formally invites the Government of the United States to cause the situation of uncertainty between the two countries to cease and to support its declarations and protests of amity with real and effective action which will convince the Mexican people of the sincerity of its purposes. This action, in the present situation, can not be other than the immediate withdrawal of the American troops which are now in Mexican territory.

"In complying with the instructions of the first chief, I avail myself of this occasion to offer your excellency the assurance of my highest consideration.

"C. AGUILAR, *Secretary.*

"His Excellency ROBERT LANSING,

*Secretary of State of the United States of America,*

*Washington, D. C.*

THE SECRETARY OF STATE TO THE SECRETARY OF FOREIGN RELATIONS OF  
THE DE FACTO GOVERNMENT OF MEXICO.

"DEPARTMENT OF STATE,

*Washington, June 20, 1916.*

"SIR: I have read your communication, which was delivered to me on May 22, 1916, under instruction of the Chief Executive of the de facto Government of Mexico, on the subject of the presence of American troops in Mexican territory, and I would be wanting in candor if I did not, before making answer to the allegations of fact and the conclusions reached by your Government, express the surprise and regret which have been caused this Government by the discourteous tone and temper of this last communication of the de facto Government of Mexico.

"The Government of the United States has viewed with deep concern and increasing disappointment the progress of the revolution in Mexico. Continuous bloodshed and disorders have marked its progress. For three years the Mexican Republic has been torn with civil strife; the lives of Americans and other aliens have been sacrificed; vast properties developed by American capital and enterprise have been destroyed or rendered non-productive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempt at punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, and in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplorable than those which have existed there during these recent years of civil war.

"It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed. During the past nine months in particular, the frontier of the United States along the lower Rio Grande has been thrown into a state of constant apprehension and turmoil because of frequent and sudden incursions into American territory and depredations and murders on American soil by Mexican bandits, who have taken the lives and destroyed the property of American citizens, sometimes carrying American citizens across the international boundary with the booty seized. American garrisons have been attacked at night, American soldiers killed and their equipment and horses stolen; American ranches have been raided, property stolen and destroyed, and American trains wrecked and plundered.

"The attacks on Brownsville, Red House Ferry, Progreso Post Office, and Las Peladas, all occurring during September last, are typical. In these attacks on American territory, Carrancista adherents, and even Carrancista soldiers took part in the looting, burning, and killing. Not only were these murders characterized by ruthless brutality, but uncivilized acts of mutilation were perpetrated. Representations were made to Gen. Carranza and he was emphatically requested to stop these reprehensible acts in a section which he has long claimed to be under the complete domination of his authority. Notwithstanding these representations and the promise of Gen. Nafarrete to prevent attacks along the international boundary, in the following month of October a passenger train was wrecked by bandits and several persons killed 7 miles north of Brownsville, and an attack was made upon United States troops at the same place several days later. Since these attacks leaders of the bandits well known both to Mexican civil and military authorities as well as to American officers, have been enjoying with impunity the liberty of the towns of northern Mexico. So far has the indifference of the de facto government to these atrocities gone that some of these leaders, as I am advised, have received not only the protection of that government, but encouragement and aid as well.

"Depredations upon American persons and property within Mexican jurisdiction have been still more numerous. This Government has repeatedly requested in the strongest terms that the de facto government safeguard the lives and homes of American citizens and furnish the protection which international obligation imposes, to American interests in the northern States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, and Sonora, and also in the States to the south. For example, on January 3 troops were requested to punish the bands of outlaws which looted the Cusi mining property, 80 miles west of Chihuahua, but no effective results came from this request. During the following week the bandit Villa with his band of about 200 men was operating without opposition between Rubio and Santa Ysabel, a fact well known to Carrancista authorities. Meanwhile a party of unfortunate Americans started by train from Chihuahua to visit the Cusi mines, after having received assurances from the Carrancista authorities in the State of Chihuahua that the country was safe, and that a guard on the train was not necessary. The Americans held passports or safe conducts issued by authorities of the de facto government. On January 10 the train was stopped by Villa bandits and 18 of the American party were stripped of their clothing and shot in cold blood, in what is now known as "the Santa Ysabel massacre." Gen. Carranza stated to the agent of the Department of State that he had issued orders for the immediate pursuit, capture, and punishment of those responsible for this atrocious crime, and appealed to this Government and to the American people to consider the difficulties of according protection along the railroad where the massacre occurred.

"Assurances were also given by Mr. Arredondo, presumably under instructions from the de facto government, that the murderers would be brought to justice and that steps would also be taken to remedy the lawless conditions existing in the State of Durango. It is true that Villa, Castro, and Lopez were publicly declared to be outlaws and subject to apprehension and execution, but so far as known only a single man personally connected with this massacre has been brought to justice by Mexican authorities. Within a month after this barbarous slaughter of inoffensive Americans it was notorious that Villa was operating within 20 miles of Cusihuiriachic and publicly stated that his purpose was to destroy American lives and property. Despite repeated and insistent demands that military protection should be furnished to Americans, Villa openly carried on his operations, constantly approaching closer and closer to the border. He was not intercepted, nor were his movements impeded by troops of the de facto government, and no



effectual attempt was made to frustrate his hostile designs against Americans. In fact, as I am informed, while Villa and his band were slowly moving toward the American frontier in the neighborhood of Columbus, N. Mex., not a single Mexican soldier was seen in his vicinity. Yet the Mexican authorities were fully cognizant of his movements, for on March 6, as Gen. Gavira publicly announced, he advised the American military authorities of the outlaw's approach to the border, so that they might be prepared to prevent him from crossing the boundary. Villa's unhindered activities culminated in the unprovoked and cold-blooded attack upon American soldiers and citizens in the town of Columbus on the night of March 9, the details of which do not need repetition here in order to refresh your memory with the heinousness of the crime. After murdering, burning, and plundering, Villa and his bandits, fleeing south, passed within sight of the Carranzista military post at Casas Grandes, and no effort was made to stop him by the officers and garrison of the de facto government stationed there.

"In the face of these depredations not only on American lives and property on Mexican soil but on American soldiers, citizens, and homes on American territory, the perpetrators of which Gen. Carranza was unable or possibly considered it inadvisable to apprehend and punish, the United States had no recourse other than to employ force to disperse the bands of Mexican outlaws who were with increasing boldness systematically raiding across the international boundary. The marauders engaged in the attack on Columbus were driven back across the border by American Cavalry, and subsequently, as soon as a sufficient force to cope with the band could be collected, were pursued into Mexico in an effort to capture or destroy them. Without cooperation or assistance in the field on the part of the de facto government, despite repeated requests by the United States, and without apparent recognition on its part of the desirability of putting an end to these systematic raids, or of punishing the chief perpetrators of the crimes committed, because they menaced the good relations of the two countries, American forces pursued the lawless bands as far as Parral, where the pursuit was halted by the hostility of Mexicans, presumed to be loyal to the de facto government, who arrayed themselves on the side of outlawry and became in effect the protectors of Villa and his band.

"In this manner and for these reasons have the American forces entered Mexican territory. Knowing fully the circumstances set forth, the de facto government can not be blind to the necessity which compelled this Government to act, and yet it has seen fit to recite groundless sentiments of hostility toward the expedition and to impute to this Government ulterior motives for the continued presence of American troops on Mexican soil. It is charged that these troops crossed the frontier without first obtaining the consent or permission of the de facto government. Obviously, as immediate action alone could avail, there was no opportunity to reach an agreement (other than that of March 10 to 13, now repudiated by Gen. Carranza) prior to the entrance of such an expedition into Mexico if the expedition was to be effective. Subsequent events and correspondence have demonstrated to the satisfaction of this Government that Gen. Carranza would not have entered into any agreement providing for an effective plan for the capture and destruction of the Villa bands. While the American troops were moving rapidly southward in pursuit of the raiders it was the form and nature of the agreement that occupied the attention of Gen. Carranza rather than the practical object which it was to attain—the number of limitations that could be imposed upon the American forces to impede their progress rather than the obstacles that could be raised to prevent the escape of the outlaws.

"It was Gen. Carranza who suspended, through your note of April 12, all discussions and negotiations for an agreement along the lines of the protocols between the United States and Mexico concluded during the period 1882-1896, under which the two countries had so successfully restored peaceful conditions on their common boundary. It may be mentioned here that, notwithstanding the statement in your note that 'the American Government gave no answer to the note of the 12th of April,' this note was replied to on April 14, when the department instructed Mr. Rodgers by telegraph to deliver this Government's answer to Gen. Carranza. Shortly after this reply the conferences between Gens. Scott, Funston, and Obregon began at El Paso, during which they signed on May 2 a project of a memorandum ad referendum regarding the withdrawal of American troops. As an indication of the alleged bad faith of the American Government, you state that, though Gen. Scott declared in this memorandum that the destruction and dispersion of the Villa band 'had been accomplished,' yet American forces are not withdrawn from Mexico. It is only necessary to read the

memorandum, which is in the English language, to ascertain that this is clearly a misstatement, for the memorandum states that 'the American punitive expeditionary forces have destroyed or dispersed many of the lawless elements and bandits \* \* \* or have driven them far into the interior of the Republic of Mexico,' and further, that the United States forces were then 'carrying on a vigorous pursuit of such small numbers of bandits or lawless elements as may have escaped.' The context of your note gives the impression that the object of the expedition being admittedly accomplished, the United States had agreed in the memorandum to begin the withdrawal of its troops. The memorandum shows, however, that it was not alone on account of partial dispersion of the bandits that it was decided to begin the withdrawal of American forces, but equally on account of the assurances of the Mexican Government that their forces were 'at the present time being augmented and strengthened to such an extent that they will be able to prevent any disorders occurring in Mexico that would in any way endanger American territory,' and that they would 'continue to diligently pursue, capture, or destroy any lawless bands of bandits that may still exist or hereafter exist in the northern part of Mexico,' and that it would 'make a proper distribution of such of its forces as may be necessary to prevent the possibility of invasion of American territory from Mexico.' It was because of these assurances and because of Gen. Scott's confidence that they would be carried out that he stated in the memorandum that the American forces would be 'gradually withdrawn.' It is to be noted that while the American Government was willing to ratify this agreement, Gen. Carranza refused to do so, as Gen. Obregon stated, because, among other things, it imposed improper conditions upon the Mexican Government.

"Notwithstanding the assurances in the memorandum, it is well known that the forces of the de facto government have not carried on a vigorous pursuit of the remaining bandits, and that no proper distribution of forces to prevent the invasion of American territory has been made, as will be shown by the further facts hereinafter set forth. I am reluctant to be forced to the conclusion which might be drawn from these circumstances that the de facto government, in spite of the crimes committed and the sinister designs of Villa and his followers, did not and does not now intend or desire that these outlaws should be captured, destroyed, or dispersed by American troops or, at the request of this Government, by Mexican troops.

"While the conferences at El Paso were in progress, and after the American conferees had been assured on May 2 that the Mexican forces in the northern part of the Republic were then being augmented so as to be able to prevent any disorders that would endanger American territory, a band of Mexicans, on the night of May 5, made an attack at Glenn Springs, Tex., about 20 miles north of the border, killing American soldiers and civilians, burning and sacking property, and carrying off two Americans as prisoners. Subsequent to this event, the Mexican Government, as you state 'gave instructions to Gen. Obregon to notify that of the United States that it would not permit the further passage of American troops into Mexico on this account, and that orders had been given to all military commanders along the frontier not to consent to same.' This Government is, of course, not in a position to dispute the statement that these instructions had been given to Gen. Obregon, but it can decisively assert that Gen. Obregon never gave any such notification to Gen. Scott or Gen. Funston or, so far as known, to any other American official. Gen. Obregon did, however, inquire as to whether American troops had entered Mexico in pursuit of the Glenn Springs raiders, and Gen. Funston stated that no orders had been issued to American troops to cross the frontier on account of the raid, but this statement was made before any such orders had been issued, and not afterwards, as the erroneous account of the interview given in your note would appear to indicate. Moreover, no statement was made by the American generals that 'no more American troops would cross into our territory.' On the contrary, it was pointed out to Gen. Obregon and to Mr. Juan Amador, who was present at the conference and pointed out with emphasis, that the bandits de la Rosa and Pedro Vio, who had been instrumental in causing the invasion of Texas above Brownsville, were even then reported to be arranging, in the neighborhood of Victoria, for another raid across the border, and it was made clear to Gen. Obregon that if the Mexican Government did not take immediate steps to prevent another invasion of the United States by these marauders, who were frequently seen in the company of Gen. Nafarrete, the constitutionalist commander, Mexico would find in Tamaulipas another punitive expedition similar to that then in Chihuahua. American troops crossed into Mexico on May 10, upon notification to the local military authorities, under the repudiated

agreement of March 10-13, or, in any event, in accordance with the practice adopted over 40 years ago, when there was no agreement regarding pursuit of marauders across the international boundary. These troops penetrated 168 miles into Mexican territory in pursuit of the Glenn Springs marauders without encountering a detachment of Mexican troops or a single Mexican soldier. Further discussion of this raid, however, is not necessary, because the American forces sent in pursuit of the bandits recrossed into Texas on the morning of May 22, the date of your note under consideration—a further proof of the singleness of purpose of this Government in endeavoring to quell disorder and stamp out lawlessness along the border.

"During the continuance of the El Paso conferences Gen. Scott, you assert, did not take into consideration the plan proposed by the Mexican Government for the protection of the frontier by the reciprocal distribution of troops along the boundary. This proposition was made by Gen. Obregon a number of times, but each time conditioned upon the immediate withdrawal of American troops, and the Mexican conferees were invariably informed that immediate withdrawal could not take place, and that therefore it was impossible to discuss the project on that basis.

"I have noted the fact that your communication is not limited to a discussion of the deplorable conditions existing along the border and their important bearing on the peaceful relations of our Governments, but that an effort is made to connect it with other circumstances in order to support, if possible, a mistaken interpretation of the attitude of the Government of the United States toward Mexico. You state in effect that the American Government has placed every obstacle in the way of attaining the pacification of Mexico, and that this is shown by the volume of diplomatic representations in behalf of American interests which constantly impede efforts to reorganize the political, economical, and social conditions of the country; by the decided aid lent at one time to Villa by American officers and by the Department of State; by the aid extended by the American Catholic clergy to that of Mexico; by the constant activity of the American press in favor of intervention and the interests of American business men; by the shelter and supply of rebels and conspirators on American territory; by the detention of shipments of arms and munitions purchased by the Mexican Government; and by the detention of machinery intended for their manufacture.

"In reply to this sweeping charge I can truthfully affirm that the American Government has given every possible encouragement to the de facto government in the pacification and rehabilitation of Mexico. From the moment of its recognition it has had the undivided support of this Government. An embargo was placed upon arms and ammunition going into Chihuahua, Sonora, and Lower California in order to prevent their falling into the hands of the armed opponents of the de facto government. Permission has been granted from time to time as requested for Mexican troops and equipment to traverse American territory from one point to another in Mexico in order that the operations of Mexican troops against Villa and his forces might be facilitated. In view of these friendly acts I am surprised that the de facto government has construed diplomatic representations in regard to the unjust treatment accorded American interests, private assistance to opponents to the de facto government by sympathizers in a foreign country, and the activity of a foreign press as interference by the United States Government in the domestic politics of Mexico.

"If a denial is needed that this Government has had ulterior and improper motives in its diplomatic representations, or has countenanced the activities of American sympathizers and the American press opposed to the de facto government, I am glad most emphatically to deny it. It is, however, a matter of common knowledge that the Mexican press has been more active than the press in the United States in endeavoring to inflame the two peoples against each other and to force the two countries into hostilities. With the power of censorship of the Mexican press, so rigorously exercised by the de facto government, the responsibility for this activity can not, it would seem, be avoided by that government, and the issue of the appeal of Gen. Carranza himself in the press of March 12, calling upon the Mexican people to be prepared for any emergency which might arise and intimating that war with the United States was imminent, evidences the attitude of the de facto government toward these publications. It should not be a matter of surprise that after such manifestations of hostile feeling the United States was doubtful of the purpose for which the large amount of ammunition was to be used which the de facto government appeared eager to import from this country. Moreover, the policy of the de facto government in refusing to cooperate and in failing to act independently in destroying the Villa bandits

and in otherwise suppressing outlawry in the vicinity of the border so as to remove the danger of war materials while passing southward through this zone falling into the hands of the enemies of law and order is, in the opinion of this Government, a sufficient ground, even if there were no other, for the refusal to allow such materials to cross the boundary into the bandit-infested region. To have permitted these shipments without careful scrutiny would, in the circumstances, have been to manifest a sense of security which would have been unjustified.

"Candor compels me to add that the unconcealed hostility of the subordinate military commanders of the de facto government toward the American troops engaged in pursuing the Villa bands and the efforts of the de facto government to compel their withdrawal from Mexican territory by threats and show of military force instead of by aiding in the capture of the outlaws constitute a menace to the safety of the American troops and to the peace of the border. As long as this menace continues and there is any evidence of an intention on the part of the de facto government or its military commanders to use force against the American troops instead of cooperating with them the Government of the United States will not permit munitions of war or machinery for their manufacture to be exported from this country to Mexico.

"As to the shelter and supply of rebels and conspirators on American territory, I can state that vigorous efforts have been and are being made by the agents of the United States to apprehend and bring to justice all persons found to be conspiring to violate the laws of the United States by organizing to oppose with arms the de facto government of Mexico. Political refugees have undoubtedly sought asylum in the United States, but this Government has vigilantly kept them under surveillance and has not hesitated to apprehend them upon proof of their criminal intentions, as the arrest of Gen. Huerta and others fully attests.

"Having corrected the erroneous statements of fact to which I have adverted, the real situation stands forth in its true light. It is admitted that American troops have crossed the international boundary in hot pursuit of the Columbus raiders and without notice to or the consent of your government, but the several protestations on the part of this Government by the President, by this department, and by other American authorities that the object of the expedition was to capture, destroy, or completely disperse the Villa bands of outlaws, or to turn this duty over to the Mexican authorities when assured that it would be effectively fulfilled, have been carried out in perfect good faith by the United States. Its efforts, however, have been obstructed at every point; first, by insistence on a palpably useless agreement which you admit was either not to apply to the present expedition or was to contain impracticable restrictions on its organization and operation; then by actual opposition, encouraged and fostered by the de facto government, to the further advance of the expedition into Villa territory, which was followed by the sudden suspension of all negotiations for an arrangement for the pursuit of Villa and his followers and the protection of the frontier; and finally by a demand for the immediate withdrawal of the American troops. Meantime conditions of anarchy in the border States of Mexico were continually growing worse. Incursions into American territory were plotted and perpetrated; the Glenn Springs raid was successfully executed, while no effective efforts were being made by Gen. Carranza to improve the conditions and to protect American territory from constant threat of invasion. In view of this increasing menace, of the inactivity of the Carranza forces, of the lack of cooperation in the apprehension of the Villa bands, and of the known encouragement and aid given to bandit leaders, it is unreasonable to expect the United States to withdraw its forces from Mexican territory or to prevent their entry again when their presence is the only check upon further bandit outrages and the only efficient means of protecting American lives and homes—safeguards which Gen. Carranza, though internationally obligated to supply, is manifestly unable or unwilling to give.

"In view of the actual state of affairs as I have outlined it above, I am now in a position to consider the conclusions which you have drawn in your note under acknowledgment from the erroneous statements of fact which you have set forth.

"Your Government intimates, if it does not openly charge, that the attitude of the United States is one of insincerity, distrust, and suspicion toward the de facto Government of Mexico, and that the intention of the United States in sending its troops into Mexico is to extend its sovereignty over Mexican territory, and not merely for the purpose of pursuing marauders and preventing future raids across the border. The de facto Government charges by implication which admits of but one interpretation, that this Government has as its



object territorial aggrandizement even at the expense of a war of aggression against a neighbor weakened by years of civil strife. The Government of the United States, if it had had designs upon the territory of Mexico, would have had no difficulty in finding during this period of revolution and disorder many plausible arguments for intervention in Mexican affairs. Hoping, however, that the people of Mexico would through their own efforts restore peace and establish an orderly government, the United States has awaited with patience the consummation of the revolution.

"When the superiority of the revolutionary faction led by Gen. Carranza became undoubted, the United States, after conferring with six others of the American Republics, recognized unconditionally the present de facto Government. It hoped and expected that that Government would speedily restore order and provide the Mexican people and others, who had given their energy and substance to the development of the great resources of the Republic, opportunity to rebuild in peace and security their shattered fortunes.

"This Government has waited month after month for the consummation of its hope and expectation. In spite of increasing discouragements, in spite of repeated provocations to exercise force in the restoration of order in the northern regions of Mexico, where American interests have suffered most seriously from lawlessness, the Government of the United States has refrained from aggressive action and sought by appeals and moderate though explicit demands to impress upon the de facto Government the seriousness of the situation and to arouse it to its duty to perform its international obligations toward citizens of the United States who had entered the territory of Mexico or had vested interests within its boundaries.

"In the face of constantly renewed evidences of the patience and restraint of this Government in circumstances which only a Government imbued with unselfishness and a sincere desire to respect to the full the sovereign rights and national dignity of the Mexican people would have endured, doubts and suspicions as to the motives of the Government of the United States are expressed in your communication of May 22, for which I can imagine no purpose but to impugn the good faith of this Government for I find it hard to believe that such imputations are not universally known to be without the least shadow of justification in fact.

"Can the de facto government doubt that, if the United States had turned covetous eyes on Mexican territory, it could have found many pretexts in the past for the gratification of its desire? Can that government doubt that months ago, when the war between the revolutionary factions was in progress, much better opportunity than the present was afforded for American intervention, if such has been the purpose of the United States as the de facto government now insinuates? What motive could this Government have had in refraining from taking advantage of such opportunities other than unselfish friendship for the Mexican Republic? I have, of course, given consideration to your argument that the responsibility for the present situation rests largely upon this Government. In the first place, you state that even the American forces along the border whose attention is undivided by other military operations, 'Find themselves physically unable to protect effectively the frontier on the American side.' Obviously, if there is no means of reaching bands roving on Mexican territory and making sudden dashes at night into American territory it is impossible to prevent such invasions unless the frontier is protected by a cordon of troops. No government could be expected to maintain a force of this strength along the boundary of a nation with which it is at peace for the purpose of resisting the onslaughts of a few bands of lawless men, especially when the neighboring State makes no effort to prevent these attacks. The most effective method of preventing raids of this nature, as past experience has fully demonstrated, is to visit punishment or destruction on the raiders. It is precisely this plan which the United States desires to follow along the border without any intention of infringing upon the sovereign rights of her neighbor, but which, although obviously advantageous to the de facto government, it refuses to allow or even countenance. It is in fact protection to American lives and property about which the United States is solicitous and not the methods or ways in which that protection shall be accomplished. If the Mexican Government is unwilling or unable to give this protection by preventing its territory from being the rendezvous and refuge of murderers and plunderers, that does not relieve this Government from its duty to take all the steps necessary to safeguard American citizens on American soil. The United States Government can not and will not allow bands of lawless men to establish themselves upon its borders with liberty to invade and plunder American territory with

impunity and, when pursued, to seek safety across the Rio Grande, relying upon the plea of their Government that the integrity of the soil of the Mexican Republic must not be violated.

"The Mexican Government further protests that it has 'made every effort on its part to protect the frontier,' and that it is doing 'all possible to avoid a recurrence of such acts.' Attention is again invited to the well-known and unrestricted activity of de la Rosa, Ancieto Piscano, Pedro Vinos, and others in connection with border raids, and to the fact that, as I am advised, up to June 4 de la Rosa was still collecting troops at Monterey for the openly avowed purpose of making attacks on Texan border towns, and that Pedro Vino was recruiting at other places for the same avowed purpose. I have already pointed out the uninterrupted progress of Villa to and from Columbus, and the fact that the American forces in pursuit of the Glenn Springs marauders penetrated 168 miles into Mexican territory without encountering a single Carranzista soldier. This does not indicate that the Mexican Government is doing 'all possible' to avoid further raids; and if it is doing 'all possible,' this is not sufficient to prevent border raids, and there is every reason, therefore, why this Government must take such preventive measures as it deems sufficient.

"It is suggested that injuries suffered on account of bandit raids are a matter of 'pecuniary reparation,' but 'never the cause for American forces to invade Mexican soil.' The precedents which have been established and maintained by the Government of the Mexican Republic for the last half century do not bear out this statement. It has grown to be almost a custom not to settle depredation of bandits by payments of money alone, but to quell such disorders and to prevent such crimes by swift and sure punishment.

"The de facto government finally argues that 'if the frontier were duly protected from incursions from Mexico there would be no reason for the existing difficulty'; thus the de facto government attempts to absolve itself from the first duty of any Government, namely, the protection of life and property.

"This is the paramount obligation for which governments are instituted, and governments neglecting or failing to perform it are not worthy of the name. This is the duty for which Gen. Carranza, it must be assumed, initiated his revolution in Mexico and organized the present Government, and for which the United States Government recognized his government as the de facto government of Mexico. Protection of American lives and property, then, in the United States is first the obligation of this Government, and in Mexico is, first, the obligation of Mexico, and, second, the obligation of the United States. In securing this protection along the common boundary the United States has a right to expect the cooperation of its neighboring Republic; and yet, instead of taking steps to check or punish the raiders, the de facto government demurs and objects to measures taken by the United States.

"The Government of the United States does not wish to believe that the de facto government approves these marauding attacks, yet as they continue to be made, they show that the Mexican Government is unable to repress them. This inability, as this Government has had occasion in the past to say may excuse the failure to check the outrages complained of, but it only makes stronger the duty of the United States to prevent them, for if the Government of Mexico can not protect the lives and property of Americans, exposed to attack from Mexicans, the Government of the United States is in duty bound, so far as it can, to do so.

"In conclusion, the Mexican Government invites the United States to support its 'assurances of friendship with real and effective acts' which 'can be no other than the immediate withdrawal of the American troops.' For the reasons I have herein fully set forth, this request of the de facto government can not now be entertained. The United States has not sought the duty which has been forced upon it of pursuing bandits who under fundamental principles of municipal and international law ought to be pursued and arrested and punished by Mexican authorities. Whenever Mexico will assume and effectively exercise that responsibility the United States, as it has many times before publicly declared, will be glad to have this obligation fulfilled by the de facto government of Mexico. If, on the contrary, the de facto government is pleased to ignore this obligation and to believe that 'in case of a refusal to retire these troops there is no further recourse than to defend its territory by an appeal to arms,' the Government of the United States would surely be lacking in sincerity and friendship if it did not frankly impress upon the de facto government that the execution of this threat will lead to the gravest consequences. While this Government would deeply regret such a result, it can not recede from its settled determination to maintain its national

rights and to perform its full duty in preventing further invasions of the territory of the United States and in removing the peril which Americans along the international boundary have borne so long with patience and forbearance.

"Accept, etc.,

"ROBERT LANSING.

"JUNE 20, 1916"

Mr. LIPPITT. I also ask to have printed Carranza's note of July 5, 1916, to which I have referred, and the American reply of July 8, 1916.

The PRESIDING OFFICER. Is there objection?

The Chair hears none.

The matter referred to is as follows:

[From the Washington Star, July 5, 1916.]

CARRANZA'S ANSWER DELIVERED BY ENVOY TO SECRETARY TO-DAY—DESIRE TO REACH FRIENDLY ADJUSTMENT OF DIFFICULTIES MAIN POINT MADE IN COMMUNICATION.

The reply of the de facto Government of Mexico to the demands of the United States, conciliatory in terms and giving assurances of a desire to reach a friendly adjustment of the difficulty between the two countries, was delivered to the State Department to-day by a Mexican embassy attaché.

The text of the note, as transmitted by Eliseo Arredondo, the Mexican ambassador designate, follows:

"Mr. SECRETARY: I have the honor to transmit in continuation the text of a note I have just received from my Government, with instructions to present it to your excellency:

"Mr. SECRETARY: Referring to the notes of June 20 and 25 last, I have the honor to say to your excellency that the immediate release of the Carrizal prisoners was a further proof of the sincerity of the desires of this Government to reach a pacific and satisfactory arrangement of present difficulties. This Government is anxious to solve the present conflict, and it would be unjust if its attitude were misinterpreted.

"POINTS AT ISSUE ARE SET FORTH.

"It was also the Mexican Government that earnestly suggested a plan for cantonments along the boundary line during the conferences of Ciudad Juarez and El Paso. This Government is disposed now, as it has always been, to seek an immediate solution of the two points which constitute the true causes of the conflict between the two countries, to wit: The American Government believes reasonably that the insecurity of its frontier is a source of difficulty and the Mexican Government on its part believes that the stay of American troops on Mexican territory, aside from being a trespass on the sovereignty of Mexico, is the immediate cause of the conflicts. Therefore the withdrawal of American troops, on one hand, and the protection of the frontier, on the other, are the two essential problems, the solution of which must be the directing object of the efforts of both Governments.

"The Mexican Government is willing to consider in a quick and practical way, and prompted by a spirit of concord, the remedies which should be applied to the present situation.

"IS WILLING TO NEGOTIATE.

"Several Latin-American countries have offered their friendly mediation to the Mexican Government, and the latter has accepted it in principle. Therefore, the Mexican Government only awaits information that the Government of the United States would be disposed to accept this mediation for the purpose mentioned above or whether it is still of the belief that the same results may be attained by means of direct negotiations between both Governments.

"In the meantime this Government proposes to employ all efforts that may be at its disposal to avoid the recurrence of new incidents which may complicate and aggravate the situation. At the same time it hopes that the American Government on its part may make use of all efforts to prevent new acts of its military and civil authorities of the frontier that might cause new complications.

"I avail myself of this opportunity to reiterate to your excellency the assurance of my most distinguished consideration.

"C. AGUILAR."

"Having thus complied with higher instructions of my Government, it affords me pleasure to reiterate to your excellency the assurance of my highest consideration.

"E. ARREDONDO."

[From the Washington Post, July 8, 1916.]

"UNITED STATES NOTE TO CARRANZA ACCEPTING PROPOSAL TO ADJUST DIFFERENCES.

"The text of the note of the United States Government replying to the message of Gen. Carranza, proposing the settlement of the differences between the Washington Government and Mexico

by direct negotiation, delivered yesterday to Ambassador Designate Arredondo, follows:

"SIR: I have the honor to acknowledge the receipt of your communication of July 4, 1916, in which you transcribe a note addressed to me by the secretary of foreign relations of your Government, and to request that you will transmit to him the following reply:

"Mr. SECRETARY: I have the honor to acknowledge the receipt of your courteous note, transmitted to me by Señor Arredondo on the 4th instant, in which you refer to my notes of June 20 and June 25, and to assure you of the sincere gratification of my Government at the frank statement of the difficulties which have unfortunately arisen in our relations along the international boundary, and the unreserved expression of the desire of your Government to reach an adjustment of the difficulties on a broad and amicable basis. The same spirit of friendship and of solicitude for the continuance of cordial relations between our two countries inspires my Government, which equally desires an immediate solution of the matters of difference which have long vexed both Governments.

"It is especially pleasing to my Government that the de facto Government of Mexico is disposed to give quick as well as practical consideration in a spirit of concord to the remedies which may be applied to the existing condition. Reciprocating the same desire, the Government of the United States is prepared immediately to exchange views as to a practical plan to remove finally and prevent a recurrence of the difficulties which have been the source of the controversy.

"Accept, Mr. Secretary, the renewed assurances of my highest consideration. I am, sir,

"Yours, very sincerely,

"ROBERT LANSING."

Mr. LIPPITT. I ask that the matter which I have had inserted in the RECORD may be printed in the usual RECORD type.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Will the Senator from Rhode Island yield to me for a question?

Mr. LIPPITT. I yield the floor.

Mr. THOMAS. I wish to ask the Senator a question before he yields the floor.

Mr. LIPPITT. I will be glad to reply to it if I can.

Mr. THOMAS. The Senator has criticized very extensively the policy of the present administration in Mexican affairs. My question is whether in the event the Republican Party is successful at the coming election it would be the purpose of the Hughes administration to declare war on Mexico or to intervene in its affairs?

Mr. LIPPITT. The question of the Senator from Colorado it is manifestly impossible for me to answer.

Mr. THOMAS. The Senator's opinion would perhaps be interesting.

Mr. LIPPITT. I will tell the Senator what my opinion is about the Mexican affairs. When a man is sick, and his doctor prescribes various remedies to him, all of which leave him in a worse condition than he was before, I imagine he would usually send for another doctor. My opinion about Mexican affairs is that the friends of the American people ought to send for another doctor to manage the situation.

Mr. THOMAS. Then the remedy is simply a matter of change of physicians.

Mr. STONE. Is the Military Academy appropriation bill before the Senate?

The PRESIDING OFFICER. The bill is before the Senate and is being read for action on the amendments of the committee.

Mr. STONE. I desire to take the floor, and I may as well take it at one time as another.

Mr. CHAMBERLAIN. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, I heard only a part of the speech delivered by the Senator from Rhode Island [Mr. LIPPITT]. I have no intention of attempting a reply to it. In fact I did not hear enough of it, being absent from the Chamber, to undertake to reply to it, but I did hear enough to show the character of the address. I take it to have been a mere criticism of the President and the State Department with respect to their conduct of our diplomatic affairs with Mexico. The general trend of the Senator's observations was to the effect that the President has been weak and vacillating, and the expression that the President has been "weak and vacillating" furnishes the pretext, if one be necessary, for doing what I am about to do—that is to read a short editorial from the Detroit News. The editorial covers the point made by the Senator. I



do not often read editorials or other newspaper articles in the Senate, but this editorial so clearly expresses what I would like to say myself, and expresses it so much better than I could myself express it, that I adopt it.

Mr. THOMAS. Will the Senator give the date?

Mr. STONE. I have just looked for the date, but through some inadvertence I have failed to preserve it. However, I can say it was printed in the early part of June of the present year. It is entitled "Wilson's weakness," and is as follows:

"WILSON'S 'WEAKNESS.'"

"It may not much matter who administers the next presidential period of the United States. But it does matter that fairness and balance of national thought characterize this presidential campaign above all others. And there are many gratifying signs that the Nation is disposed to judge calmly and with scrupulous justice between the claims of the two candidates and parties on the issues to be determined—especially the issues which concern our procedure in home and foreign matters as they touch the war.

"It appears from preliminary statements that the main Republican contention in the campaign is to be the alleged 'vacillating weakness' of President Wilson. It equally appears from the Democratic preliminaries that their contention will rest upon the alleged wisdom and strength displayed by the President.

"The difficulty in proving President Wilson to have been 'weak' is a very real one, since the alleged 'weakness' has not involved the Nation in actual difficulty. It would have been possible for Mr. Wilson to have asked Congress to declare war on Mexico or to have created such a state of affairs as to have compelled Congress to declare war—the day after he came into office. And that war would have been going on now, with possible complications arising in Mexico's behalf from European and South American nations. A war with Mexico would have thrown our Monroe doctrine into the world ring to be fought over, and the end of it no man could foresee. Of course, Mr. Wilson did not do that. This is part of the 'weakness' charged against him.

"Again, Mr. Wilson could have declared war on Germany the day after the *Lusitania* sunk. He would have had strong support from an angered country and an aroused Congress. For days the Nation was a dangerous mass of tinder, waiting only the igniting spark. The President knew that such heats of anger suddenly cool when the actual pressure of war begins to be felt, and that the people who cried loudest for war would be the very first to turn and rend the excitable President who gave them what they asked in a moment of irresponsibility. So the thought of war was not even countenanced by the administration. And that is another item in the alleged 'weakness' of the President.

"Every course must be judged by its results. Another course than that which the President pursued in every question he has had to handle would have meant war. President Wilson never had any other choice to make—it was always simply peace or war. He always chose peace; and for that he has been called a vacillating weakling.

"It is one of the strangest psychological exhibitions this country has ever offered to the analytical mind. Here is a Nation spared the unnamable horrors of modern war, and yet a part of it professes to be dissatisfied, and a whole political party asserts that it is right to be dissatisfied. Would Germany, surveying her loss of 700,000 young men killed and 1,300,000 men crippled for life—would Germany to-day be calling 'weakness' if, by the exercise of diplomacy and by 'the writing of notes,' the Kaiser had been able to stave off the war? Would France have called it 'weakness' in President Poincaré if he had been able to preserve France whole in the midst of world cataclysm? No; these men would have been hailed as being stronger than war itself! Well, in the same way, our own President has been stronger than war itself. He was strong enough to thwart the tricks of other nations to lure us into this war. He was strong enough to thwart the war party at home that tried its best to goad us into this war. If that is 'weakness,' to what shall we give the name of strength?

"A great deal of fun has been had over 'note writing,' although we used in other days to be fond of quoting, 'The pen is mightier than the sword.' But President Wilson had just two tools he could use—his pen with his brain behind it or your life. That is all he had. He could send notes or he could send human lives. He had to use either the tools of diplomacy or he had to use American fathers and brothers and sons, of whom you would likely have been one. Now, aside from partisan preferences, which would you prefer a President to risk

first: his pen or your life? President Wilson tried his pen first. If the pen had failed through any weakness in its handling, he would have had to fall back upon the bodies of American men, offered as sacrifices on the altar of battle. But the notes did not fail, because they were not weak notes, and they were not written by a weak man. He succeeded. Again, if that is 'weakness,' where shall we look for strength?

"This is not a campaign editorial. Its object is not to make or hold a single vote for Wilson. The News believes that whichever candidate is elected the policies that have ruled until now are going to be continued, because they have proved themselves the wisest and safest policies. (The wise policy is always the safest.) The object of this writing is only to secure a fair state of mind in which to estimate the service that Woodrow Wilson has performed for the United States.

"In the circus one sometimes sees an athlete hold up 10 men. One man mounts his shoulders, another follows; he holds four men on his arms, two more brace themselves against his hips, two cling to his back and neck. And then the athlete begins to walk with them. He sways and strains. He chooses his footing with painful care. His limbs look as if they might collapse beneath him. But does anyone call that weakness? No; for they do not look at the swaying but at the tremendous burden borne.

"Likewise, in the more trying days of the past President Wilson may have seemed to sway under his burden, to walk with painful carefulness, to choose his footing with what seemed hesitation. Was it weakness? No; for look at the burden he was bearing. Strength is measured by what it does, by what it carries. By these tests, President Wilson was and is a strong man.

"Mr. Hughes may be just as strong. He may be even stronger. But that is not a good reason for miscalling President Wilson. Let the country be at least fair to the man who sent notes in order that he might not have to send men."

MILITARY ACADEMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee, which has been stated.

Mr. CHAMBERLAIN. Mr. President, I should like to perfect that amendment just a little. In lines 19 and 20, on page 2, I move to strike out the words "within 30 days after such application shall have been made," and to begin the next word, being the article "the," with a capital letter, so that the sentence will read, "The examination demanded shall be held." Then, I move to insert the words "at the next semiannual examination." The amendment then reads: "And if the cadet, being otherwise qualified, shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be." I then move to strike out the remainder of the paragraph and to insert the words "readmitted to the academy."

Mr. SMOOT. Mr. President, I should like to ask the Senator from Oregon whether this amendment is recommended by the department?

Mr. CHAMBERLAIN. No; the amendment originated with the committee itself. There are a great many young men who seek to be reexamined, whose requests are denied. Sometimes the board discriminates between young men who fail; some are allowed to stand the examination over again and others are denied that privilege. It seemed to some members of the committee that there ought to be no discrimination in that respect; that they all ought to be placed on the same footing with reference to reexamination.

Mr. SMOOT. I desire to say to the Senator that in the past upon one or two occasions I have been asked to intercede in behalf of cadets who had failed in two subjects, but whose marks had been only slightly below the required standard for passing. I was told on both occasions when I appealed to the officials that it was not advisable that cadets failing in two subjects should be allowed to take a further examination, and they gave as a reason—and it seemed to me a logical one; at any rate, I agree with it—that if a cadet understood that he could have a second examination in case of failure in two subjects there would be much more laxity on the part of the cadet in his studies than there would if he understood that there was to be no second examination. The officers of the department with whom I consulted seemed to think that if there were a second examination it would have a tendency to slacken the

efforts of the cadets—of course, with some exceptions. There would not be the incentive to study from the day they enter the academy until the day they are graduated; and I thought, perhaps, Mr. President, the position was well taken. If it be well taken, I am inclined to think that it would be better for the academy to lose a few cadets who fail in two subjects than to grant the privilege of a second examination, with at least the danger of affecting a great number of cadets who enter the academy.

Mr. SMITH of Arizona. If the Senator will permit me, would not that consume time also? For instance, if a cadet appointed by me should fail and knows he can take another examination, the interim between the time of his failure and the time when he takes the examination is entirely lost, so far as the appointment of another cadet is concerned; and he might fail also on the second examination.

Mr. SMOOT. The time would be entirely lost not only to the cadet himself but also to the Government of the United States, because no other cadet can be appointed in his place until after he has had his second examination.

Mr. CHAMBERLAIN. Mr. President, the amendment which I have just suggested in order to perfect the original amendment is offered at the suggestion of the distinguished Senator from Delaware [Mr. DU PONT], who is a graduate of the academy, and while he does not entirely approve of the proposition, I understand he is willing to accept the committee amendment.

Mr. SMOOT. I think the amendment which the Senator has just offered improves the committee amendment, and I am not objecting to that at all.

Mr. CHAMBERLAIN. Let me say to the Senator, in answer to his suggestion, that I suppose he does not hear as much in regard to this matter as I do. There are many young men who fail in one subject, and not a great many, but some, who fail in two subjects, and frequently it happens—I have a case in mind now—where during part of the year a cadet has been detained in the hospital for some reason or other beyond his control and his studies are interfered with to that extent. Yet when he makes application for reexamination he is not allowed the privilege, while it is allowed to others, to stand another examination.

Mr. SMOOT. Mr. President, I want to say to the Senator that I was about to refer to the question of sickness. I remember that that subject was referred to by the officer of the department who discussed the subject with me, and, if I recall aright, he said that wherever there was a cadet who was sick long enough to interfere with his passing the required examination, if he was up in his studies at the time he was taken sick, he would be allowed to continue his studies in the academy.

Mr. DU PONT. That is correct.

Mr. SMOOT. The Senator from Delaware says that is correct. I can see that, if it were not correct, there would be a great injustice done to many of the cadets, because there must be, of course, many young men out of the great number attending the academy who fall sick at times, but that being correct, then it does seem to me that, if by law we say to all of the cadets at the academy, "If you do not pass the examination and if you fail only in two subjects, you shall have another examination," we will interfere with the efficiency of the school itself. I rather think it will not only be a detriment to the cadet himself but will prove a loss to the United States if this amendment is adopted.

Mr. DU PONT. Mr. President, I have only had an opportunity to examine very hurriedly the proposed amendment. I had not observed when I spoke to the chairman of the Committee on Military Affairs in regard to the matter that the amendment provided that a cadet might have a reexamination who had failed in two studies. I appeal to the chairman of the committee to change the amendment so that it will read "in any one subject of instruction," for the reason that in the course of instruction of some of the classes there are really only three capital studies, and if a man fails in two it is evidently an indication either of pronounced mental deficiency or of a great deal of indolence. I think with that modification the amendment will not be very objectionable, although I do not approve of it. In certain cases there may be a young man who has great difficulty, for instance, in spelling, and fails in his English course or in some other particular study, although he may possibly be excellent in all other branches. It might be advisable, therefore, to give him a chance to retrieve himself if he fails in one subject.

Mr. CHAMBERLAIN. I will accept the amendment suggested by the Senator.

Mr. DU PONT. Now, Mr. President, a question was raised by the Senator from Arizona [Mr. SMITH] a few moments ago as to

whether appointments would not be affected by this provision. That thought had not occurred to me; but I think it is important that we should consider it before we go any further. John Smith, for instance, is found deficient next January at the examination and appeals to the academy board for reexamination. That reexamination will be held during the following June. In the meantime the Senator or Representative who is to make another appointment can not act until after June. That is going to deplete the number of cadets in the Military Academy.

Another thing I observe in examining the amendment is that there is no limit to the number of times an individual has a right to reexamination. I take it that it should be amended so as to provide that he shall have one opportunity, and only one.

Mr. CHAMBERLAIN. I have no objection to that.

Mr. GALLINGER. Mr. President, I will ask the Senator, also, why a year should be given?

Mr. SMOOT. I think that is too long.

Mr. GALLINGER. The language is—

he shall have the right to apply for a second examination regarding such subjects by making written application therefor to the academic board within one year after being officially notified of such failure.

I should think he ought to make it immediately.

Mr. CHAMBERLAIN. I have no objection to shortening the time.

Mr. GALLINGER. I should think three months would be better.

Mr. SMOOT. That would be plenty.

Mr. CHAMBERLAIN. There are a few I know of who failed in this last examination. Would it be time enough to let them in?

Mr. DU PONT. Why, yes. Under this provision they would be examined next January.

Mr. CHAMBERLAIN. So that it covers those who may have failed this time, I have no objection to shortening the time. Six months would be better.

Mr. GALLINGER. I am in sympathy with the amendment. I have one case in mind, a young man from my own city, who made a very brilliant career in the academy, but who on the final examination failed by a mere scratch, as we would say, of getting through. He was thrown out. Through my intercession he was allowed another examination, and passed, and is now on a ship doing most excellent work. He was a very remarkable scholar.

I think they usually fail, or more ordinarily, in mathematics than anything else. To pass the examinations in the Military Academy, as I was once told by Prof. Bass, who was a famous mathematician in the academy, a man ought to be something more than a good mathematician; he ought to have the mathematical instinct to get through. These boys sometimes fail by a very small percentage to make their examinations good, and they ought to have another chance. There is no doubt about it in the world, and I think we ought to make that provision in the bill.

Mr. CHAMBERLAIN. I think so, Mr. President.

Mr. GALLINGER. But I should think six months would be abundant time.

Mr. CHAMBERLAIN. I am willing to amend it, if the Senator will suggest that.

Mr. GALLINGER. Yes; I suggest that "one year" be stricken out and "six months" inserted.

Mr. DU PONT. Mr. President, the Senate must face this question: Does it propose to hold up the appointments in all those districts where men have failed for six months or not? That is the question. If it does, it will inevitably diminish the number of admissions to the Military Academy. Or will you make these supernumerary men? It is a very serious objection.

Mr. CHAMBERLAIN. Mr. President, I went through college in my younger days, and I know that this question of marking is like chasing moonshine. Here are the papers of two young men, presented to the same professor, or possibly to different professors. Some of the shades of difference are so very slight that it is a physical impossibility for a man to be exactly accurate. One of these young men is turned down and the other is advanced. These young men who fail have no appeal. I tried, at one time, to have a clause inserted in an appropriation bill allowing a young man to appeal from the academic board to the Secretary of War, but the members of my committee did not approve of it and it was not put in. So the only power that the Secretary of War has over the academic board is simply to approve or disapprove the finding. It is rather a supervisory control, and I can not help but think that they sometimes exercise an arbitrary power up there that ought to be reached in some way.

Take this last examination as an illustration: Quite a number of young men failed. They allowed some of those young



men to take another examination, and others were turned down. Now, why?

Mr. SMOOT. I will say to the Senator that I had the list of all the failures, showing the percentages in every subject. The examination board finally agreed that if any cadet fell below 2.35 per cent in a subject he could not take a reexamination. I know that there were a number of them that reached 2.32 per cent, but the examiners said that they had to make an arbitrary rate somewhere. The regular rate is 2.60 per cent, and in order to take in many of them that failed under the new system of examination they did cut that down to 2.35 per cent. That was the arbitrary percentage agreed upon by the board, and all that fell under the 2.35 per cent were denied a reexamination.

Mr. CHAMBERLAIN. I could refer the Senator to a hearing had before the Military Affairs Committee a short while ago on two young men who failed in New Jersey. They gave members of that class an opportunity to be reexamined, but they turned down these two young men. They did not pretend that they were not just as much entitled to it as some of the others on the ground of their proficiency, but they put it on the fact that they lacked military appearance, or military bearing, or something of that kind, which was wholly unjust. It is to meet that class of cases that we suggested this amendment.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question. If this amendment becomes a law, does the Senator understand that it will apply to those who are already denied reexamination?

Mr. CHAMBERLAIN. Within the time limited by the act, of course.

Mr. DU PONT. It can not be retroactive.

Mr. SMOOT. No; it can not be retroactive. Certainly after it becomes a law this can not be retroactive in its nature. It will apply only to cadets that fall hereafter.

Mr. CHAMBERLAIN. I wanted it to apply to those who failed at this last examination.

Mr. SMOOT. I do not believe it is worded so that it will apply to them. If it passes the way it is it will apply only to the cadets that fall hereafter and will not take in the cadets that have already been denied a reexamination.

Mr. GALLINGER. I think the Senator from Utah is right in that contention.

Mr. CHAMBERLAIN. I wanted it to cover those who failed at this last examination.

Mr. SMOOT. Then I will ask the Senator to let the amendment go over for the present.

Mr. CHAMBERLAIN. All right.

Mr. SMOOT. We will see if we can not agree upon an amendment that will cover just what the Senator wants; but this certainly does not.

Mr. DU PONT. I should like the amendment as perfected up to this time read, so that we can see the basis of our action.

The VICE PRESIDENT. The Secretary will read the amendment as modified.

The SECRETARY. The Senator from Oregon has proposed the following changes:

On lines 19 and 20, to strike out the words "Within 30 days after such application shall have been made," and to begin the following word—the word "the"—with a capital letter, at the beginning of the sentence; after the word "held," on line 21, to insert the words "at the next semiannual examination"; and, on line 23, after the words "shall be," to strike out the remainder of the amendment and insert the words "readmitted to the Academy." The Senator from Delaware has suggested, on line 15, to strike out the words "not more than two subjects" and to insert the words "any one subject."

Mr. DU PONT. "In any one subject."

The SECRETARY. The word "in" is already in the bill; and on line 17 he has proposed to strike out the word "subjects" and to insert the word "subject." The Senator from New Hampshire has suggested, on line 18, to strike out the words "one year" and to insert in lieu thereof the words "six months," so that if amended it would read:

*Provided*, That whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the academic board within six months after being officially notified of such failure. The examination demanded shall be held at the next semiannual examination, and if the cadet, being otherwise qualified, shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be readmitted to the academy.

Some Senator has also suggested a proviso at the end, to read:

*Provided*, That no cadet thus failing to pass the required examination shall have more than one such reexamination.

Mr. GALLINGER. I would suggest to the Senator from Oregon that as it is evident that he will have to add a proviso or some language to cover those who failed at the last examination, the period of six months ought to be reduced to three months.

Mr. SMOOT. Not more than three months.

Mr. GALLINGER. Not more than three months for the future; and I would propose that amendment—to strike out "six months" and insert "not more than three months." Then the Senator can write a proviso covering those who failed at the last examination.

Mr. DU PONT. Mr. President, there is another difference here that we might as well thrash out. If the amendment be modified so as to permit those who failed at the last examination in June to take a second examination, this will take place next January—the regular semiannual examination. They will be reexamined at that time on the subjects in which they should have been in June. A man who has been at West Point a year and fails at the June examination applies for reexamination in January, and is admitted. Of course he is examined on the curriculum that was before the academic board in June last. Now, he can only be admitted so as to enter the class below, and he will have six months again on the same studies that he pursued the year before.

Mr. SMOOT. That will not hurt him.

Mr. DU PONT. That may not hurt him.

Mr. CHAMBERLAIN. No; it will not hurt him. It is better for him. It postpones his graduation one year, and it is good for him. That is what they do now when they grant reexamination.

Mr. DU PONT. Very well. I thought it had better be clearly understood; that is all.

Mr. SMOOT. I think it ought to.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 5, line 10, after the word "service," to insert "detachment," so as to read:

For pay of general Army service detachment: One first sergeant, \$540:

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to strike out:

One hundred and eighty privates, \$32,400.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

Forty-five privates, first class, \$9,720.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert:

One hundred and thirty-five privates, \$24,300.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to strike out:

One hundred privates (Cavalry), \$18,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 8, to insert:

Twenty-five privates, first class, \$5,400.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert:

Seventy-five privates, \$13,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 24, to strike out:

One hundred and two privates, \$18,360.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

Thirty privates, first class, \$6,480.

The amendment was agreed to.

The next amendment was, on page 7, after line 1, to insert:

Ninety-seven privates, \$17,460.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to insert:

For pay of one battalion sergeant major, Infantry, \$768: *Provided*, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowance of that grade.

Mr. SMOOT. Mr. President, I should like to have the Senator explain the amendment on lines 17 and 18, and the necessity for it.

Mr. CHAMBERLAIN. In the House hearings, when Col. Townsley was on the stand, he testified in reference to the

matter. There were formerly two men holding this position, and Col. Townsley said:

I can reduce that to \$182.50, making that one man under the following conditions: On the top of page 16 I ask you to give us the pay for a battalion sergeant major. In other words, I want to promote one of these two men to a battalion sergeant major in the service.

Mr. McKENZIE. You will be satisfied to leave it just as you have it here?

Col. TOWNSLEY. No, sir; I can not say that I would. The point is here: That enlisted man is really performing the duty of a sergeant major of a regiment; he has charge of all the records and the correspondence—everything connected with the whole Corps of Cadets. He is performing duty in that position. We are using a man who has been at it for a considerable time. He is simply getting extra-duty pay amounting to \$182.50 a year besides his regular pay. Of course, his regular pay, including continued-service pay, if he is made a sergeant major, will be \$768.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 12, after line 19, to strike out "For pay of one professional civilian instructor in gymnastics, athletics, and swimming, \$1,500," and insert:

"For pay of two professional civilian instructors in gymnastics, athletics, and swimming, \$3,000;

*Provided*, That hereafter these eight civilian instructors shall be entitled to public quarters when available and to the same allowances with respect to fuel and light as those of a second lieutenant when occupying public quarters.

Mr. CHAMBERLAIN. Mr. President, the superintendent of the academy suggested that amendment. There are a number of men who can occupy these quarters, if they are not used for some other purpose, and it is only to give them that opportunity when these quarters are not used. The Senator will notice that it is not compulsory. It is not a right. It is only when they can do it without inconveniencing the academy. The reason for the increase of two professional civilian instructors is because of the increased number of cadets under the reorganization act.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 14, line 1, after "\$1,200," to insert: "*Provided*, That hereafter the chapel organist and choir-master shall be entitled to public quarters when available and to the same allowances with respect to fuel and light as those of a second lieutenant when occupying public quarters," so as to make the clause read:

For pay of chapel organist and choir-master, \$1,200: *Provided*, That hereafter the chapel organist and choir-master shall be entitled to public quarters when available and to the same allowances with respect to fuel and light as those of a second lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

For the purchase of the latest model sketching apparatus to complete the equipment of the drawing department necessary for the instruction of cadets in the course of topography, \$1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 26, line 1, after the word "barracks," to strike out "\$3,879" and insert "\$8,685," so as to make the clause read:

For supplying light and plain furniture to cadets' barracks, \$8,685.

The amendment was agreed to.

The next amendment was, on page 30, after line 5, to insert:

For one 8-ton road roller, \$2,850.

The amendment was agreed to.

The next amendment was, on page 30, after line 20, to insert:

For continuing the work of increasing the efficiency of the United States Military Academy, West Point, N. Y., in accordance with the general plan approved by the Secretary of War on January 27, 1904, and to provide for the enlargement, improvement, and extension of existing buildings, grounds, and roads, and for the erection of buildings and the improvement and extension of grounds and roads contemplated in said plan and in the supplementary plan of enlargement submitted by the board of officers appointed by the Secretary of War November 4, 1915, \$1,000,000: *Provided*, That the entire cost of the construction, enlargement, improvement, and extension here authorized, due to supplementary plan of enlargement, shall not exceed \$3,192,933: *Provided further*, That the Secretary of War shall cause the work herein provided for to be done and performed by the Corps of Engineers under the direction and supervision of the Chief of Engineers.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. One amendment was passed over on page 2. The question is on agreeing to the amendment of the committee as amended on page 2.

Mr. SMOOT. I move to insert after the word "Academy" the following additional proviso.

The Secretary read as follows:

*And provided further*, That this proviso shall apply to those former cadets who failed in any two subjects during the current year.

Mr. SMOOT. I make that two instead of one for the reason that the late examination had at which so many failed was acknowledged to be a very severe examination, and in a way it was a change from all past examinations. The cadets were not notified of any contemplated change and were hardly prepared for it when it came. Therefore I ask that this proviso include two subjects instead of one, as provided in the first proviso.

The amendment was agreed to.

Mr. DU PONT. I should like to have the whole amendment read as perfected.

The Secretary read as follows:

*Provided*, That whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the Academic Board within three months after being officially notified of such failure. The examination demanded shall be held at the next semi-annual examination, and if the cadet, being otherwise qualified, shall pass the same by compliance with the requirements existing at the time of the first examination, shall be readmitted to the academy: *And provided further*, That this proviso shall apply to those former cadets who failed in any two subjects during the current year: *And provided further*, That any cadet who thus failed to pass the required examination shall have no more than one reexamination.

Mr. DU PONT. I suggest that the word "thus" be eliminated, so as to read "*And provided further*, That any cadet who failed to pass."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. On page 5, line 8, I move to strike out "22 privates, at \$180 each, \$3,960," and to insert "6 privates, first class, \$1,296; 16 privates, \$2,880."

That is in accordance with the requirements of the reorganization act.

The amendment was agreed to.

Mr. CHAMBERLAIN. I was requested by the department to suggest an amendment. I do not know anything further about it than is contained in a message from the President of the United States transmitting a report by the Secretary of State. I will ask that it be read, as it will explain it. It might be added as an amendment at the end of the bill.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the Secretary of War be, and he hereby is, authorized to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said J. Ricardo de Borja shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said J. Ricardo de Borja shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct, and so recommended by the academic board: *And provided further*, That in the case of the said J. Ricardo de Borja the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. CHAMBERLAIN. I desire to have the message and accompanying report read to the Senate.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

[H. Doc. No. 1229, 64th Cong., 1st sess.]

J. RICARDO DE BORJA.

Message from the President of the United States, transmitting a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Ecuador.

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Ecuador.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Ecuador, and that it would follow established precedents.

WOODROW WILSON.

THE WHITE HOUSE,  
Washington, June 20, 1916.

DEPARTMENT OF STATE,  
Washington, June 17, 1916.

The PRESIDENT:

The undersigned, the Secretary of State, in compliance with the request of the Government of Ecuador made through its minister at Washington, and with the assent of the Secretary of War, has the honor to submit for transmission to Congress a draft of a joint resolution authorizing the Secretary of War to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Ecuador.



The passage of the resolution would be regarded by the Government of Ecuador as an act of courtesy, and it would be in accordance with established precedents.  
Respectfully submitted.

ROBERT LANSING.

Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. J. Ricardo de Borja, a citizen of Ecuador.

*Resolved, etc.,* That the Secretary of War be, and he hereby is, authorized to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said J. Ricardo de Borja shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said J. Ricardo de Borja shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct, and so recommended by the academic board: *And provided further*, That in the case of the said J. Ricardo de Borja the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland. I move that the Senate proceed to the consideration of House bill 15774, the District of Columbia appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15774), making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. SMITH of Maryland. I ask that the formal reading of the bill be dispensed with and that it be read for action on the amendments of the committee.

The VICE PRESIDENT. The Senator from Maryland asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Without objection it is so ordered.

Mr. SMITH of Maryland. Mr. President, as to the bill, I wish to say that your committee have used every means available to them to get all the information possible in regard to the affairs of the District of Columbia. They were in session probably three or four weeks, and we gave hearings to possibly 100 or more witnesses in order that we might ascertain the facts pertaining to District of Columbia matters. We believe that we have thoroughly investigated the affairs of the District as pertaining to this bill and, according to our judgment, we have done the best we could for the District of Columbia and the Government of the United States.

I hope the Senate will take into consideration the trouble we have been to and the pains we have taken in getting at the facts in order to ascertain what is right and what should be put in the bill. I ask that the bill may be read for action on the amendments of the committee.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, after line 2, to strike out:

That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues except amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

And insert:

That one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Mr. WORKS. Mr. President, this amendment raises the very much debated question as to the half and half, which has been a matter of controversy ever since I have been in the Senate. That question was very thoroughly considered by a special committee appointed for that purpose. I have offered an amendment to the amendment of the committee that will raise

the question of the half and half, not being satisfied with either the House provision or the amendment proposed by the Senate committee. I expect to discuss that question at some length. I ask the chairman of the committee to allow the amendment to be passed over for the present. If that is satisfactory, I will give notice that I shall address the Senate on this subject to-morrow morning. Is there any objection to passing over the amendment until to-morrow morning?

Mr. SMITH of Maryland. Very well; let it be passed over.  
The VICE PRESIDENT. The amendment will be passed over.

The next amendment was, under the head of "General expenses," on page 4, line 4, before the words "per month," to strike out "\$20" and insert "\$25," so as to make the clause read:

For transportation, means of transportation, and maintenance of means of transportation, including allowances to inspectors for automobiles at the rate of \$25 per month each and for horse and buggy at the rate of \$25 per month, \$1,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert:

Hereafter assessments of real estate in the District of Columbia for purposes of taxation shall be made biennially in the same manner as is now required by law for triennial assessments of real estate in said District; and the time for the completion of each biennial assessment, and the time in which appeals from such assessments may be taken to the board of equalization and review shall be the same as is now provided for the assessment of real property which has become subject to taxation and which has not been taxed, and for the assessment of new structures, as set forth in section 11 of the act approved August 14, 1894, entitled "An act to provide an immediate revision and equalization of real estate values in the District of Columbia; and also to provide an assessment of real estate in said District in the year 1896, and every third year thereafter, and for other purposes": *Provided*, That on and after the date of the approval of this act, all records and accounts in any way relating or pertaining to the book-keeping, accounting, and collection of taxes and assessments, now prepared and kept in the office of the assessor of the District of Columbia, shall be transferred to and kept in the office of the collector of taxes of said District; and the collector of taxes shall hereafter be charged with the duties heretofore required of the assessor in relation to the preparation and issuance of tax bills, and bills for special taxes and assessments, the preparation for public inspection of lists of all real estate in the District of Columbia heretofore sold, or which may hereafter be sold, for the nonpayment of any general or special tax or assessment; and said collector shall furnish, whenever called upon, a certified statement over his hand and official seal, of all taxes and assessments, general and special, that may be due at the time of making the said certificate; and he shall prepare the lists of taxes on real property in said District subject to taxation on which taxes are levied and in arrears on the 1st day of July of each year: *Provided further*, That on or before November 1 of each year the assessor shall prepare and deliver to the collector of taxes of said District tax ledgers in completed form, showing the assessed owners, amount, description, and value of real property listed for taxation in the District of Columbia; and on or before April 1 of each year the assessor shall prepare and deliver to the said collector personal-tax ledgers in completed form, showing the names and addresses of assessed owners, and the location and value of property assessed: *And provided further*, That in order to enable the assessor of the District of Columbia to make the biennial assessments of real property as herein provided, there are hereby appropriated the following sums for the employment of personal services, namely, record clerk, \$1,800; record clerk, \$1,500; draftsman, \$1,600; 2 stenographers and typewriters, at \$1,200 each; 5 field men, at \$2,000 each; in all, \$17,300.

Mr. WORKS. Mr. President, I should like to ask the chairman of the committee whether the question of annual assessments was presented to the committee and considered by them?

Mr. SMITH of Maryland. I will say to the Senator from California that that question was presented to and considered by the committee; but the committee thought that, instead of an assessment every third year, two years would be better than either three years or one year, for the reason that property values change in a very slight degree during a year. We thought an assessment every two years was sufficient.

Mr. WORKS. I asked that question, Mr. President, because at the special hearings, to which I have referred, that matter was very thoroughly discussed, and there seemed to be a very general impression that the assessment should be made every year. I was myself rather impressed with the idea that it would be very much better if that were done.

Mr. SMITH of Maryland. Well, the committee thought differently. The committee thought that an assessment every two years was sufficient, because, as I have stated, property values change very slightly, if any, during a year, and that every two years was sufficiently often to make the assessments.

Mr. WORKS. I am not now prepared to say what position I shall take in reference to the matter, but I will ask to have the amendment passed over until I can look into the evidence which was placed before the committee, in order that I may determine whether or not I shall seek to amend the amendment.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from California, in making his investigation he keep in mind the fact that if there is an annual assessment we shall

have to provide a much larger force in office to look after that matter.

Mr. WORKS. I have no doubt about that, Mr. President; and that is a matter which was considered—whether it was worth the additional expense and the additional number of employees that would be necessary for the purpose. I shall certainly keep that in mind.

Mr. TOWNSEND. Mr. President, when this matter was before the committee I remember raising the same point as that which has been raised by the Senator from California [Mr. WORKS], inasmuch as it was a rather strange proceeding to me—coming from Michigan, as I do, where we have annual assessments—to have assessments made here once in two years. I learned that heretofore the assessment had been made once in three years, and I thought the proposition for biennial assessments was an improvement upon that.

Mr. SMITH of Maryland. The committee thought so, too.

Mr. TOWNSEND. I also learned, what was new to me, though I suppose it ought not to have been so, that many cities in the country have biennial assessments instead of annual assessments.

Mr. SMITH of Maryland. I think the Senator will find that a majority of the cities throughout the country have biennial assessments.

Mr. TOWNSEND. Of course it occurred to me then—and I am still of the opinion—that the only correct way to levy taxes which are levied every year was upon the present value of property, to be determined by annual assessment.

Mr. SMITH of Maryland. I think the Senator from Michigan, on investigation, will find that a majority of the cities in the country have biennial assessments. This city heretofore has had triennial assessments, and we have changed that to biennial assessments, reducing the interval within which assessments are made.

Mr. WORKS. I should like to ask the chairman of the committee another question, and that is, whether any additional force has been provided for in the bill over what has been allowed in the past? I ask that question because it was perfectly evident to me, from the investigation that we made, that the assessments were not properly made because of the lack of a sufficient force to make the necessary examinations and assessments. Therefore I should like to know whether any better facilities have been provided for that purpose.

Mr. SMITH of Maryland. I am not able to say, so far as the force is concerned, whether it would be sufficient for an annual assessment; but the committee thought that it was important that there should be biennial assessments instead of triennial assessments, and therefore adopted the biennial plan.

Mr. WORKS. Mr. President, I should like to know whether the force is sufficient for the biennial assessments? It certainly, according to the evidence taken by the special committee, was not sufficient for an assessment every three years. The force was crippled because of the lack of numbers, and the assessments, in my judgment, were not fairly or properly made for that reason.

Mr. SMITH of Maryland. Did the Senator ask me whether the force would be sufficient for biennial assessments?

Mr. WORKS. Yes.

Mr. SMITH of Maryland. Undoubtedly; and possibly for an annual assessment. I think we have made arrangements for a force that, perhaps, could make annual assessments, if necessary.

Mr. WORKS. The question I asked was whether or not the force had been increased?

Mr. SMOOT. I will say to the Senator that the amendment provides an additional force consisting of—

record clerk \$1,800, record clerk \$1,500, draftsman \$1,600, 2 stenographers and typewriters, at \$1,200 each, 5 field men, at \$2,000 each; in all, \$17,300.

Mr. WORKS. Does the Senator know how many field men there are now?

Mr. SMOOT. I can not say how many there are to-day, but the amendment provides for an increased force.

Mr. WORKS. The weakness was in the field force of assessors.

Mr. SMITH of Maryland. I will say to the Senator that we gave the commissioners the force which they asked for, according to their investigation and the information we obtained from them. I will consent that this amendment go over; but I do hope that Senators will let this bill proceed without carrying different matters over. I am perfectly willing to submit to that, if Senators think it advisable; but I do hope they will not interfere with the speedy consideration and passage of the bill.

Mr. WORKS. Mr. President, I do not desire to delay the bill in the least, and I will be prepared to go on in the morning, as I have stated.

Mr. DILLINGHAM. Mr. President, I will say, for the information of the Senator from California, that in the Senate hearing when Commissioner Brownlow was upon the stand he mentioned this increase of expense of \$17,300, and said:

That would make a total of about \$67,000—less than \$70,000—which I think is a very reasonable charge on an assessment which produces about \$7,000,000 annually.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 7, line 24, after "\$11,600," to insert:

*Provided*, That the term of office of any member of the excise board whose nomination has been or may be rejected by the Senate shall be terminated by such rejection and no part of this appropriation shall be used to pay the salary of any member of the board whose nomination has been rejected by the Senate.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after "\$17,280," to strike out:

*Provided*, That hereafter no attorney for the District of Columbia shall retain any attorney fees taxed as costs in any litigation to which the District of Columbia is a party.

The amendment was agreed to.

The next amendment was, on page 10, line 18, after "\$2,500," to strike out "assistants" and insert "inspectors"; in line 19, after the word "each," to strike out "one \$1,000" and insert "two at \$1,000 each"; in line 20, after the word "clerk," to strike out "\$1,200" and insert "\$1,350"; and in the same line, after the words "in all," to strike out "\$8,900" and insert "\$10,050," so as to make the clause read:

Office of superintendent of weights, measures, and markets: Superintendent, \$2,500; inspectors—three at \$1,200 each, two at \$1,000 each; clerk, \$1,350; laborer, \$600; in all, \$10,050.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the words "assistant superintendent," to strike out "\$1,350" and insert "\$1,500"; on page 12, line 5, after the word "each," where it occurs the second time, to insert "one \$720"; and in line 12, after the words "in all," to strike out "\$177,970" and insert "\$178,840"; so as to make the clause read:

Engineer Commissioner's office: Engineer of highways, \$3,000; engineer of bridges, \$2,250; superintendents—1 of streets \$2,000, 1 of suburban roads \$2,000, 1 of sewers \$3,300; asphalt and cements—inspector \$2,400; *Provided*, That hereafter the inspector of asphalt and cements shall not receive or accept compensation of any kind from or perform any work or render any services of a character required of him officially by the District of Columbia to any person, firm, corporation, or municipality other than the District of Columbia, assistant inspector \$1,500; trees and parkings—superintendent \$2,000, assistant superintendent \$1,500; assistant engineers—2 at \$2,200 each, 4 at \$1,800 each, 2 at \$1,600 each, 4 at \$1,500 each, 2 at \$1,350 each, 1 \$1,200; transitmen—2 at \$1,200 each, 1 \$1,050; rodmen—4 at \$900 each, 8 at \$780 each; 12 chainmen, at \$650 each; draftsmen—1 \$1,500, 2 at \$1,200 each, 1 \$1,050; general inspector of sewers, \$1,300; inspector of sewers, \$1,200; bridge inspector, \$1,200; inspectors—2 at \$1,500 each, 5 (including 2 of streets) at \$1,200 each, 1 \$1,000, 1 \$900; transitman, \$1,200; foreman—12 at \$1,200 each, 1 \$1,050, 10 at \$900 each; foreman, Rock Creek Park, \$1,200; 3 subforemen, at \$1,050 each; bridgekeepers—1 \$650, 3 at \$600 each; chief clerk, \$2,250; permit clerk, \$1,500; assistant permit clerk, \$1,000; index clerk and typewriter, \$900; clerks—1 at \$1,800, 3 at \$1,500 each, 1 \$1,400, 1 \$1,350 (now paid from lump-sum appropriations), 7 at \$1,200 each (including 2 now paid from lump-sum appropriations), 2 at \$1,000 each, 1 \$900, 1 \$840, 2 at \$750 each, 1 \$720, 1 \$600; messengers—7 at \$600 each; skilled laborers—1 \$625, 2 at \$600 each; janitor, \$20; steam engineers—principal \$1,800, 3 at \$1,200 each, 3 assistants at \$1,050 each; 6 oilers, at \$600 each; 6 firemen, at \$875 each; inspector, \$1,400; storekeeper, \$900; superintendent of stables, \$1,500; blacksmith, \$975; 2 watchmen, at \$630 each; 2 drivers, at \$630 each; in all, \$178,840.

Mr. CURTIS. Mr. President, I should like to ask the chairman of the committee if the amendment on page 12, line 5, reading "one, \$720," is not a mistake, and should not be left out of the bill? I have it so marked in my copy of the bill.

Mr. SMITH of Maryland. That is all right; and it should remain in the bill.

Mr. CURTIS. Then my memorandum is wrong. I have no amendment to offer.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 13, line 4, after the words "in all," to strike out "\$30,000" and insert "\$34,000," so as to make the clause read:

Public Utilities Commission: For salaries (including inspector of gas and meters, \$2,000; assistant inspectors of gas and meters—one \$1,000, two at \$900 each; messenger, \$600, transferred from engineer commissioner's office); in all, \$34,000.

The amendment was agreed to.



The next amendment was, on page 13, line 9, after the word "Commission," to strike out "\$40,000" and insert "\$44,000," so as to make the clause read:

In all, Public Utilities Commission, \$44,000.

The amendment was agreed to.

The next amendment was, on page 13, line 13, after the word "Superintendent," to strike out "\$2,500" and insert "\$3,000," and in line 21, after the words "in all," to strike out "\$42,480" and insert "\$42,980," so as to make the clause read:

Street-cleaning division: Superintendent, \$3,000; assistant superintendent and clerk, \$1,800; chief clerk, \$1,400; stenographer and clerk, \$1,000; clerks—one \$1,200, one \$1,100, one \$1,000, two at \$720 each; chief inspector, \$1,300; inspectors—four at \$1,200 each, two at \$1,100 each; foreman of repairs, \$1,200; foremen—one \$1,300, four at \$1,200 each, eight at \$1,100 each, one \$1,000, one \$900; assistant foremen—three at \$900 each, two at \$720 each; messenger and driver, \$600; in all, \$42,980.

The amendment was agreed to.

The next amendment was, on page 14, line 2, after "\$3,500," to strike out "examiner, \$1,700" and insert "deputy and examiner, \$2,000"; in line 3, after "\$1,200," to insert "two clerks, at \$900 each"; in line 4, after the word "hire," to strike out "\$1,200" and insert "\$300"; and in line 5, after the words "in all," to strike out "\$10,140" and insert "\$11,340," so as to make the clause read:

Department of Insurance: Superintendent of insurance, \$3,500; deputy and examiner, \$2,000; statistician, \$1,700; clerk, \$1,200; two clerks, at \$900 each; stenographer, \$840; temporary clerk hire, \$300; in all, \$11,340.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

Enforcement of child-labor law: For the enforcement of the provisions of the act "to regulate the employment of child labor in the District of Columbia," approved May 28, 1908, namely, for two inspectors, at \$1,200 each, \$2,400; *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to strike out:

For keeping the central library open 52 Sundays from 2 o'clock p. m. to 9 o'clock p. m., 5 holidays from 9 o'clock a. m. to 9 o'clock p. m., and for extra services on Saturday afternoons in July, August, and September; for keeping the Takoma Park branch open on holidays and for extra services there on Saturday half holidays, \$2,000.

And insert:

For extra services on Sundays, holidays, and Saturday half holidays, \$2,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 17, line 22, after the word "cement," to strike out "\$36,900" and insert "\$41,900," so as to make the clause read:

For printing, checks, books, law books, books of reference, periodicals, stationery; detection of frauds on the revenue; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies and bicycles not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed \$800; and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, including an allowance to the purchasing officer and to the secretary of the Board of Charities of not exceeding \$300 each per annum for maintenance of vehicle for use in the discharge of their official duties, excise board, personal-tax board; harbor master, health department, surveyor's office, superintendent of weights, measures, and markets office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, \$41,900; and the commissioners shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was on page 19, line 9, after the word "vehicles," to strike out "\$13,696" and insert "\$23,860"; in line 20, after the word "exceeding," to strike out "\$700" and insert "\$1,200"; in line 21, after the word "persons," to insert "except the automobile herein provided for the assessor's office, for which a limitation of \$1,600 is hereby authorized"; in line 23, after the word "authorized," to strike out "\$500" and insert "\$600"; and in line 24, after the word "or," to strike out "\$1,000" and insert "2,000," so as to make the clause read:

In all, for motor vehicles, \$23,860. All of said motor vehicles and all other motor vehicles provided for in this act and all horse-drawn carriages and buggies owned by the District of Columbia shall be used only for purposes directly pertaining to the public services of said District, and shall be under the direction and control of the commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District; *Provided*, That no automobile shall be acquired hereunder, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding \$1,200 for one seating more than two persons except the automobile herein provided for the assessor's office for which a limitation of \$1,600 is hereby

authorized, \$600 for one seating not more than two persons, or \$2,000 for a motor truck: *Provided further*, That all motor vehicles and all horse-drawn carriages and buggies owned by the District of Columbia shall be of uniform color and have painted conspicuously thereon, in letters not less than 3 inches high and markedly contrasting in color with the body color of the vehicle, the words "District of Columbia."

Mr. GALLINGER. Mr. President, I suggest that a semicolon be inserted in place of a comma after the word "authorized," in line 23, page 19.

The SECRETARY. Following the word "authorized," in line 23, page 19, it is proposed to strike out the comma and insert a semicolon.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 20, after line 11, to insert:

For the purchase or condemnation of a site and for the erection of a central garage thereon, \$35,000.

The amendment was agreed to.

The next amendment was, at the top of page 21, to strike out:

Telephones connected with the system of the Chesapeake & Potomac Telephone Co. may be maintained in the residences of the superintendent of the water department, superintendent of sewers, chief inspector of the street-cleaning division, secretary of the Board of Charities, health officer, chief engineer of the fire department, and superintendent of police, under appropriations contained in this act.

And insert:

Telephones may be maintained in the residences of the superintendent of the water department, superintendent of sewers, chief inspector of the street-cleaning division, secretary of the Board of Charities, health officer, chief engineer of the fire department, superintendent of police, electrical inspector in charge of the fire-alarm system, one fire-alarm operator, and two fire-alarm repair men under appropriations contained in this act. The Commissioners of the District of Columbia may connect any or all of these telephones to either the system of the Chesapeake & Potomac Telephone Co. or the telephone system maintained by the District of Columbia, as in their judgment may be most economical to the District.

The amendment was agreed to.

The next amendment was, on page 21, line 21, after the word "matter," to strike out "\$11,000" and insert "\$11,500," so as to make the clause read:

For postage for strictly official mail matter, \$11,500.

The amendment was agreed to.

The next amendment was, on page 22, line 25, after the word "supplies," to insert "and repairs," and, on page 23, line 2, after the word "bodies," to strike out "\$4,400" and insert "\$4,800," so as to make the clause read:

For purchase and maintenance, hire or livery, of means of transportation for the coroner's office and the morgue, jurors' fees, witness fees, removal of deceased persons, making autopsies, ice, disinfectants, telephone service, and other necessary supplies and repairs for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, \$4,800.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

For maintenance, operation, and repairs to refrigerating plant, including salary of engineer at not exceeding \$1,000 per annum, \$1,500.

The amendment was agreed to.

The next amendment was, on page 25, line 8, after "\$60,000," to insert "*Provided*, That this appropriation and the appropriations heretofore made for the construction of said market buildings, shall be available for connecting the said market buildings with the central heating, lighting, and power plant for the purpose of securing electric light and power," so as to make the clause read:

For completing the construction of market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within the authorized limit of cost, \$60,000: *Provided*, That this appropriation and the appropriations heretofore made for the construction of said market buildings, shall be available for connecting the said market buildings with the central heating, lighting, and power plant for the purpose of securing electric light and power.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to insert:

For repainting the interiors of the Eastern and Western Markets, repainting the exterior of the Western Market, a new public toilet in Eastern Market, and repairs to retaining walls and copings and courtyard pavement of the Western Market, \$8,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 18, to insert:

For the erection of the third steel shelter at the Farmers' Produce Market, \$15,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to insert:

For the purchase and installation of a new 25-ton railroad scale, \$1,200.

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to insert:

For autotruck for office of superintendent of weights, measures, and markets, with nonremovable body equipped with test weights, balances, measures, etc., for testing work up to 500 pounds, to be used on the lighter work of the inspectors of weights and measures, \$600.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

For maintenance and repairs to autotruck, \$250.

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to insert:

For allowance to the superintendent of weights, measures, and markets for maintenance of motor vehicle used in the performance of official duties, at not to exceed \$25 per month, \$300.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to insert:

For alterations and improvements at the repair shop, 1617 U Street NW.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to insert:

For changes to provide for more orderly and systematic arrangement and distribution of materials and labor at the repair shop, \$4,800.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, to insert:

For construction of shed in yard in rear of repair shop for protection of perishable and bulky material, \$1,600.

The amendment was agreed to.

The next amendment was, on page 26, after line 14, to insert:

For machines for repair work in machine shop—one 24-inch lathe, one milling machine, and one drill press, \$3,500; in all, \$9,900.

The amendment was agreed to.

The next amend was, under the head of "Improvements and repairs," on page 26, line 20, after the word "work," to insert "including purchase and maintenance of one motor truck," so as to make the clause read:

Assessment and permit work: For assessment and permit work, including purchase and maintenance of one motor truck, \$240,000.

The amendment was agreed to.

The next amendment was, on page 26, line 24, after the date "1917," to strike out "\$186,600" and insert "\$206,800," so as to make the clause read:

Work on streets and avenues: For work on streets and avenues named in Appendix L, Book of Estimates, 1917, \$206,800, to be expended in the discretion of the commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

The amendment was agreed to.

The next amendment was, on page 27, line 5, after the word "schedule," to strike out "\$34,000" and insert "\$38,700," so as to make the clause read:

Southwest section schedule: \$38,700.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "schedule," to strike out "\$57,300" and insert "\$62,800," so as to make the clause read:

Southeast section schedule: \$62,800.

The amendment was agreed to.

The next amendment was, on page 27, line 7, after the word "schedule," to strike out "\$61,000" and insert "\$71,000," so as to make the clause read:

Northeast section schedule: \$71,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 11, to insert: Repave with asphalt the granite block roadway of Seventh Street NW., from B Street to Florida Avenue, \$15,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to insert:

For repaving the roadway of B Street NW., from Ninth Street to Twelfth Street, on plans to be approved by the Commissioners of the District of Columbia, \$28,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 17, to strike out:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500.

The amendment was agreed to.

The next amendment was, on page 29, line 10, before the word "inmates," to insert "labor of the," and in line 11, after the word "work," to strike out "\$20,000" and insert "\$25,000," so as to make the clause read:

Grading streets, alleys, and roads: For labor, purchase and repair of cars, carts, tools, or hire of same, and labor of the inmates of the Washington Asylum and Jail may be used in connection with this work, \$25,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 15, to insert:

Damages and payment for ground on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, \$1,140.

The amendment was agreed to.

The next amendment was, on page 32, line 12, after the word "reconstruct," to strike out "\$10,000" and insert "\$25,000," so as to make the clause read:

Northwest. Canal Road, south side retaining wall, reconstruct, \$25,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 17, to insert:

Southeast. Naylor Road, east of Good Hope Road, to District line, grade and improve, \$5,500; and the appropriation of \$8,000 contained in the district appropriation act for the fiscal year 1916 is hereby continued available for expenditure during the fiscal year 1917, and for that purpose is hereby reappropriated.

The amendment was agreed to.

The next amendment was, on page 34, after line 24, to insert:

Northwest. Madison Street, from Fourteenth Street to Colorado Avenue, grade and macadam, \$1,000.

The amendment was agreed to.

The next amendment was, at the top of page 35, to insert:

Northwest. Park Road, New Hampshire Avenue to Fourteenth Street, pave, \$17,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 2, to insert:

Northwest. New Hampshire Avenue, Park Road to Georgia Avenue, pave, \$19,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 4, to insert:

Northwest. Warder Street, Kenyon Street to Columbia Road, pave, \$4,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to insert:

Southeast. Livingston Road and Second Street, end of macadam to District line, grade and improve, \$9,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 8, to insert:

Northeast. Benning Road, end of macadam to Central Avenue, grade and improve, \$4,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 10, to insert:

Northwest. Keokuk Street, Connecticut Avenue to Thirty-seventh Street, grade and improve, \$3,800.

The amendment was agreed to.

The next amendment was, on page 35, after line 12, to insert:

Northeast. Queens Chapel Road, Bunker Hill Road to District line, grade and improve, \$5,200.

The amendment was agreed to.

The next amendment was, on page 35, after line 14, to insert:

Northwest. Lamont Street, Sixth Street to Park Place, pave, \$5,300.

The amendment was agreed to.

The next amendment was, on page 35, after line 16, to insert:

Northwest. Sixteenth Street, from Montague Street to Alaska Avenue, grade and improve, including viaduct across Military Road, \$90,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 19, to insert:

Northwest. Massachusetts Avenue, from the intersection of Nebraska Avenue to the District line, grade and macadamize, \$40,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 22, to insert:

Southeast. Portland Street, from the intersection of Nichols Avenue SE. to Fourth Street SW., grade and macadamize, \$30,000.

The amendment was agreed to.

The next amendment was, at the top of page 36, to insert:

Northwest. Fifteenth Street, from Sixteenth Street to Lamont Street, macadamize, \$760.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

Northwest. Belmont Street, between Sixteenth Street and Crescent Place, paving roadway, \$7,500.

The amendment was agreed to.

The next amendment was, on page 36, after line 4, to insert:

Northwest. Crescent Place, east of Belmont Street to the end of the existing roadway pavement, paving roadway, \$2,400.

The amendment was agreed to.

The next amendment was, on page 36, after line 7, to insert:

Northeast. Ninth Street, from Kearney Street to Monroe Street, grade and improve, \$2,200.

The amendment was agreed to.

The next amendment was, on page 36, after line 9, to insert:

Northwest. New Hampshire Avenue NW., from Grant Circle to Oregon Avenue, grade and improve, \$16,000.

The amendment was agreed to.



The next amendment was, on page 36, after line 11, to insert:  
 Northwest. Longfellow Street, from Fifth Street to Concord Avenue, Concord Avenue from Longfellow Street to Kennedy Street, and Kennedy Street from Concord Avenue to Blair Road, grade and improve, \$23,760.

The amendment was agreed to.

The next amendment was on page 36, after line 15, to insert:

Northwest. Kenyon Street, from Seventeenth Street to Mount Pleasant Street, grade, \$500. Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Kenyon Street northwest, from Seventeenth Street to Mount Pleasant Street, with a width of 80 feet: *Provided, however,* That the entire amount found to be due and awarded by a jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceedings hereunder, shall be assessed by the jury as benefits. There is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was on page 37, after line 11, to insert:

Northwest. Thirty-sixth Street, from Macomb Street to Woodley Road, grade and improve, \$4,000.

The amendment was agreed to.

The next amendment was on page 37, after line 13, to insert:

Northeast. Woodridge Street, Twenty-fourth Street to Thayer Street, grade and improve, \$650.

The amendment was agreed to.

The next amendment was on page 37, after line 15, to insert:

Northwest. Van Ness Street, from Connecticut Avenue to Idaho Avenue northwest, and Idaho Avenue, from Van Ness Street to Pierce Mill Road, grade and improve, \$7,800.

The amendment was agreed to.

The next amendment was, on page 37, after line 18, to insert:

Northwest. Ingomar Street, from Wisconsin Avenue to Belt Road, grade and macadamize, \$5,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 20, to insert:

Northwest. Connecticut Avenue, from Cathedral Street to the Zoo Park, resurface, \$8,300.

The amendment was agreed to.

The next amendment was, on page 37, after line 22, to insert:

Northwest. Connecticut Avenue, from Tilden Street to Pierce Mill Road, resurface, \$4,800.

The amendment was agreed to.

The next amendment was, on page 37, line 25, after the words

"In all," to strike out "\$195,950" and insert "\$529,920," so as to make the clause read:

In all, \$529,920.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to insert:

Hereafter, where formal written contracts with bonds are required to be made by the District of Columbia for work, material, or supplies, good and sufficient bonds to the District of Columbia shall be required from the contractors in a penal sum not less than 25 per cent of the amount of the contract, with sureties or a surety company to be approved by the Commissioners of the District of Columbia guaranteeing that the terms of the contract shall be strictly and faithfully performed to the satisfaction of said commissioners; that the contractors shall promptly make payments to all persons supplying them labor and materials in the prosecution of the work provided for in such contracts as now provided by law; and that such work shall be kept in repair as now provided by law for a period of one year from the date of completion of said work; but no cash retent to guarantee such repair shall be held or required on such contracts; and all laws and parts of laws contrary to the provisions hereof are hereby repealed: *Provided further,* That this provision shall also apply to contracts heretofore executed, either completed or in process of execution.

The amendment was agreed to.

The next amendment was, on page 39, line 24, after the word "act," to insert "and the Commissioners of the District of Columbia are hereby authorized in connection with the resurfacing of the roadway of Fourteenth Street SW., from B Street to Water Street, to increase the width of said roadway to not exceeding 55 feet," so as to make the clause read:

The authority given the commissioners in the District of Columbia appropriation act approved March 2, 1907, to make such changes in the lines of the curb of Pennsylvania Avenue and its intersecting streets in connection with their resurfacing as they may consider necessary and advisable is made applicable to such other streets and avenues as may be improved under appropriations contained in this act, and the Commissioners of the District of Columbia are hereby authorized in connection with the resurfacing of the roadway of Fourteenth Street SW., from B Street to Water Street, to increase the width of said roadway to not exceeding 55 feet: *Provided,* That no such change shall be made unless there shall result therefrom a decrease in the cost of the improvement.

The amendment was agreed to.

The next amendment was, on page 40, line 6, after the word "buildings," to strike out "\$15,000" and insert "\$25,000," so as to make the clause read:

For replacing and repairing sidewalks and curbs around public reservations and municipal and United States buildings, \$25,000.

The amendment was agreed to.

The next amendment was, on page 40, line 11, after the word "exceeding," to strike out "\$1,000" and insert "\$2,000," and in line 13, after the word "vehicles," to strike out "\$150,000" and insert "\$175,000," so as to make the clause read:

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including the purchase of four motor cycles, and one truck at a price not exceeding \$2,000, in lieu of four motor cycles and one truck to be exchanged, and including maintenance of motor vehicles, \$175,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to insert:

Calvert Street and Klinge Ford Bridges: For preparation of plans for construction of bridge to take the place of the existing Calvert Street Bridge crossing Rock Creek, and for preparation of plans for Klinge Ford Bridge, \$10,000

The amendment was agreed to.

The next amendment was, on page 41, after line 17, to insert:

Rock Creek and Potomac Parkway Commission: The parcel of ground west of Ashmead Place and between it and Rock Creek and the parcel of ground west of Twentieth Street NW., and between it and Rock Creek, and the parcel of ground northwest of Belmont Road and northeast of Massachusetts Avenue and adjoining Rock Creek Parkway on the southeast, being a portion of block No. 2501, which parcels of ground were included in the first official map and excluded by the Rock Creek and Potomac Parkway Commission from the area and parcel described and delineated in the map No. 2, contained in House Document No. 1114 of the present session, be, and are hereby, included as a part of the connecting parkway between Potomac Park, the Zoological Park, and Rock Creek Park.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

Location of Bartholdi Fountain: The Commissioners of the District of Columbia are hereby authorized and directed to locate the Bartholdi Fountain, now in the Botanic Garden, when the removal thereof is determined upon, on the circle at the intersection of Columbia Road, Harvard, and Mount Pleasant Streets on Sixteenth Street.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 42, line 20, after the word "basins," to strike out "\$90,000" and insert "\$107,000," so as to make the clause read:

For main and pipe sewers and receiving basins, \$107,000.

The amendment was agreed to.

The next amendment was, on page 42, line 22, after the word "sewers," to strike out "\$178,000" and insert "\$233,000," so as to make the clause read:

For suburban sewers, \$233,000.

The amendment was agreed to.

The next amendment was, on page 42, line 22, after the word "main," to strike out "interceptor" and insert "interceptor," and in line 2, after the word "main," to strike out "interceptor" and insert "interceptor," so as to make the clause read:

Anacostia main interceptor: For completing construction of the Anacostia main interceptor along the Anacostia River between the outfall sewer, sewage-disposal system, at Poplar Point, and Benning, D. C., \$39,500

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 43, line 25, before the words "per month," to strike out "\$20" and insert "\$25," and on page 44, line 5, after the word "expenses," to strike out "\$310,000" and insert "\$322,000," so as to make the clause read:

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; allowance to inspectors and foremen for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed for each inspector or foreman \$25 per month for a horse-drawn vehicle, \$25 per month for an automobile, and \$12 per month for a motorcycle; purchase, maintenance, and repair of motor-propelled vehicles necessary in cleaning streets; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, \$322,000, and the commissioners shall so appropriate this appropriation as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 44, line 18, before the words "per month," to strike out "\$20" and insert "\$25," and in line 22, after the word "expenses," to strike out "\$179,945" and insert "\$191,620," so as to make the clause read:

Disposal of city refuse: For collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; collec-

tion and disposal of night soil in the District of Columbia; payment of necessary inspection, allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed \$25 per month for each inspector for horse-drawn vehicles, \$25 per month for automobiles, and \$12 per month for motorcycles; fencing of public and private property designated by the commissioners as public dumps, and incidental expenses, \$191,620.

The amendment was agreed to.

The next amendment was on page 45, line 2, after the word "items," to strike out "\$50,000" and insert "\$60,000," so as to make the clause read:

Parking commission: For contingent expenses, including laborers, trimmers, nurserymen, repairmen, and teamsters, cart hire, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, and miscellaneous items, \$60,000.

The amendment was agreed to.

The next amendment was, on page 45, line 3, after "\$600," to strike out "one watchman at \$480" and insert "two watchmen at \$600 each"; in line 6, after "\$1,400," to strike out "to be immediately available," and in line 7, after the words "in all," to strike out "\$4,730" and insert "\$5,450," so as to make the clause read:

Bathing beach: Superintendent, \$600; two watchmen at \$600 each; temporary services, supplies, and maintenance, \$2,250; for repairs to buildings, pools, and upkeep of grounds, \$1,400; in all, \$5,450.

The amendment was agreed to.

The next amendment was, on page 46, line 9, after the word "commissioners," to strike out "\$7,500" and insert "\$10,000," so as to make the clause read:

For construction of two swimming pools, shower baths, appurtenances, and equipment on sites to be selected by the commissioners, \$10,000.

The amendment was agreed to.

The next amendment was, on page 46, line 10, after the word "playgrounds," to strike out "\$53,195" and insert "\$55,695," so as to make the clause read:

In all, for playgrounds, \$55,695.

The amendment was agreed to.

The next amendment was, on page 46, after line 13, to insert: For new public convenience station, to be located partly under sidewalk and partly under roadway at or near the intersection of Wisconsin Avenue and M Street NW., \$18,000.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 47, line 6, before "\$1,200," to strike out "cable splicer" and insert "assistant electrician," so as to make the clause read:

Electrical engineer, \$2,500; assistant electrical engineer, \$2,000; inspectors—one \$1,000, four at \$900 each; electrician, \$1,200; two draftsmen at \$1,000 each; three telegraph operators at \$1,000 each; repairmen—expert \$1,200, three at \$900 each; telephone operators—three at \$720 each, five at \$540 each, one \$450; electrical inspectors—one \$2,000, one \$1,800, one \$1,350, four at \$1,200 each; assistant electrician, \$1,200; clerks—one \$1,400, one \$1,200, two at \$1,125 each, one \$1,050, one \$750; assistant repairmen—two at \$620 each, two at \$540 each; laborers—one \$630, three at \$600 each, two at \$540 each; storekeeper, \$875; in all, \$49,015.

The amendment was agreed to.

The next amendment was, on page 48, line 2, after the word "items," to strike out "\$1,200" and insert "\$4,000," so as to make the clause read:

For extension and relocation of police-patrol system, including purchase of new boxes, purchase and erection of necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, \$4,000.

The amendment was agreed to.

The next amendment was, on page 48, line 19, after the word "labor," to strike out "\$400,000" and insert "\$414,000," so as to make the clause read:

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, and for all necessary expenses in connection therewith, including rental of stables and storerooms, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia appropriation act for the fiscal year 1912 and with the provisions of the District of Columbia appropriation act for the fiscal year 1913, and other laws applicable thereto, livery and extra labor, \$414,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 6, to insert: For the purchase of one motor truck, \$2,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 7, to strike out:

For the erection of a brick or concrete storehouse and wall on land belonging to the District of Columbia, or on the portion of the old right of way of the Baltimore & Ohio Railroad through square 857, which the commissioners are hereby authorized to use as a site for this storehouse and for any other municipal use they may deem necessary, to be used for the storage of material and supplies of the electrical department, including the grading and improving of the ground, \$7,500.

And insert:

The Commissioners of the District of Columbia are hereby authorized and directed to sell and convey the land contained in the old right of way of the Baltimore & Ohio Railroad Co. within the limits of square 857 in the city of Washington, bounded by Sixth and Seventh, I and K Streets NE., for cash, at a price to be fixed by said commissioners based upon the true value of said land as determined by the board of assistant assessors of the District of Columbia, to a person or persons designated by the owners of the majority of the property in said square, and the money derived from the sale herein authorized shall be deposited in the Treasury, one half to the credit of the United States and the other half to the credit of the District of Columbia: *Provided*, That before the sale herein authorized is made there shall be set aside so much of said land as said commissioners may deem necessary to complete the system of public alleys in said square, and the land thus reserved shall not be included in the sale herein authorized: *And provided further*, That such sale shall be consummated within a period of two years from and after the date of the approval of this act.

The amendment was agreed to.

The next amendment was, on page 50, after line 13, to insert:

#### WASHINGTON AQUEDUCT.

For operation, including salaries of all necessary employees, maintenance, and repair of Washington Aqueduct and its accessories, McMillan Park Reservoir, Washington Aqueduct Tunnel, the filtration plant, the plant for the preliminary treatment of the water supply, authorized water meters on Federal services, vehicles, and, for each and every purpose connected therewith, including not exceeding \$700 for the purchase of one new motor vehicle, \$124,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 22, to insert: For ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, \$5,000.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

For emergency fund, to be used only in case of a serious break requiring immediate repair in one of the more important aqueduct or filtration plant structures, such as a dam, conduit, tunnel, bridge, building, or important piece of machinery; all expenditures from this appropriation shall be reported in detail to Congress, \$5,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 6, to insert: For continuation of parking grounds around McMillan Park Reservoir, \$3,000.

The amendment was agreed to.

The next amendment was, under the head of "Rock Creek Park," on page 51, line 14, after the words "District of Columbia," to strike out "\$20,000" and insert "\$25,000," so as to make the clause read:

For care and improvement of Rock Creek Park and the Piney Branch Parkway, exclusive of building for superintendent's residence, to be expended under the direction of the board of control of said park in the manner now provided by law for other expenditures of the District of Columbia, \$25,000.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 51, line 22, after the word "clerks," to insert "chief, \$1,800," and in line 24, after the words "in all," to strike out "\$56,900" and insert "\$58,700," so as to make the clause read:

Officers: Superintendent, \$6,000; 2 assistant superintendents, at \$3,000 each; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of \$2,200 each; secretary, \$2,000; clerks—chief, \$1,800, 1 \$1,400, 3 at \$1,000 each, 1 to carry out the provisions of the child-labor law, \$900; 2 stenographers, at \$840 each; messenger, \$720; in all, \$58,700.

The amendment was agreed to.

The next amendment was, on page 52, after line 4, to insert:

Principal of the Central High School, \$3,000: *Provided*, That the principal of the Central High School now in the service of the public schools or hereafter to be appointed shall be placed at a basic salary of \$3,000 per annum and shall be entitled to an increase of \$100 per annum for five years.

The amendment was agreed to.

The next amendment was, on page 52, line 12, after the word "schools," to strike out "nine at \$2,000 each" and insert "eight at \$2,500 each: *Provided*, That the principals of the normal, high, and manual-training high schools, other than the Central High School, now in the service of the public schools or hereafter to be appointed, shall be placed at a basic salary of \$2,500 per annum and shall be entitled to an increase of \$100 per annum for five years," so as to make the clause read:

Principals of normal, high, and manual-training high schools, 8 at \$2,500 each: *Provided*, That the principals of the normal, high, and manual-training high schools, other than the Central High School, now in the service of public schools or hereafter to be appointed, shall be placed at a basic salary of \$2,500 per annum and shall be entitled to an increase of \$100 per annum for five years.

The amendment was agreed to.

The next amendment was, on page 52, line 18, after the word "principal," to strike out "who shall be dean of girls"; in line 19, after the word "School," to strike out \$1,800 and insert "\$2,000"; and in line 21, before the words "per annum," to



strike out "\$1,800" and insert "\$2,000," so as to make the clause read:

Assistant principal of the Central High School, \$2,000: *Provided*, That said assistant principal, hereafter to be appointed, shall be placed at a basic salary of \$2,000 per annum and shall be entitled to an increase of \$100 per annum for five years.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to insert:

Dean in charge of girls of the Central High School, \$2,000: *Provided*, That the dean of girls hereafter to be appointed shall be placed at a basic salary of \$2,000 per annum and shall be entitled to an increase of \$100 per annum for five years.

The amendment was agreed to.

The next amendment was, on page 53, line 11, after the word "instruction," to strike out "\$1,400" and insert "\$1,600: *Provided*, That the assistant director of primary instruction now in the service of the public schools or hereafter to be appointed shall be placed at the basic salary of \$1,600 per annum, and shall be entitled to an increase of \$50 per annum for five years," so as to make the clause read:

Assistant director of primary instruction, \$1,600: *Provided*, That the assistant director of primary instruction now in the service of the public schools or hereafter to be appointed shall be placed at the basic salary of \$1,600 per annum, and shall be entitled to an increase of \$50 per annum for five years.

The amendment was agreed to.

The next amendment was, on page 54, line 18, after the word "teachers," to strike out "\$1,438,200" and insert "\$1,445,600," so as to make the clause read:

In all for teachers, \$1,445,600.

The amendment was agreed to.

The next amendment was, on page 54, after line 18, to insert:

Vacation schools and playgrounds: For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, \$7,000.

The amendment was agreed to.

The next amendment was, on page 55, line 22, after the date "1912," to strike out "\$450,000" and insert "\$485,000," so as to make the clause read:

Longevity pay: For longevity pay for director of intermediate instruction, supervising principals, supervisor, and assistant supervisor of manual training, principals of normal high, and manual training high schools, the assistant principal who shall be dean of girls of the Central High School, principals of grade manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, kindergartens, and penmanship teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, May 18, 1910, and June 26, 1912, \$485,000.

The amendment was agreed to.

The next amendment was, on page 56, line 19, after the word "schools," to strike out "\$20,000" and insert "\$35,000," so as to make the clause read:

Night schools: For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, \$35,000.

The amendment was agreed to.

The next amendment was, on page 56, line 23, after the word "instruction," to strike out "\$2,750" and insert "\$3,000," so as to make the clause read:

For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, \$3,000.

The amendment was agreed to.

The next amendment was, on page 57, line 4, after the word "janitors," to strike out "\$1,200" and insert "\$1,500," so as to make the clause read:

Janitors and care of buildings and grounds: Superintendent of janitors, \$1,500.

The amendment was agreed to.

The next amendment was, on page 57, line 5, after the word "Engineer," to strike out "\$1,500" and insert "\$1,800"; line 6, before the word "each," to strike out "\$900" and insert "\$1,000"; in the same line, after the word "electrician," to strike out "\$1,000" and insert "\$1,200"; in line 8, after the word "janitor," to strike out "\$1,000" and insert "\$1,200"; in the same line, after "\$1,200," to strike out "assistant janitor, \$900" and insert "two assistant janitors, at \$900 each"; in line 9, after the word "gardener," to strike out "\$840" and insert "\$900"; in line 10, after "\$720," to insert "three lavatory women, at \$600 each"; and in line 12, after the words "in all,"

to strike out "\$16,100" and insert "\$19,760," so as to make the clause read:

Central High School (New): Engineer, \$1,800; 2 assistant engineers, at \$1,000 each; electrician, \$1,200; 3 firemen, at \$600 each; 1 coal passer, \$540; janitor, \$1,200; 2 assistant janitors, at \$900 each; gardener, \$900; night watchman, \$720; 3 lavatory women, at \$600 each; 2 charwomen, at \$480 each; 14 laborers, at \$360 each; in all, \$19,760.

The amendment was agreed to.

The next amendment was, on page 57, line 14, after the word "Engineer," to strike out "\$900" and insert "\$1,000"; in line 15, after the word "janitor," to strike out "\$900" and insert "\$1,000"; in the same line, after the words "assistant janitor," to strike out "\$840" and insert "\$900"; in line 16, after the word "two," to strike out "charwomen" and insert "lavatory women"; and in line 17, after the words "in all," to strike out "\$10,500" and insert "\$10,760," so as to make the clause read:

M Street High School (New): Engineer, \$1,200; assistant engineer, \$1,000; 2 firemen, at \$600 each; coal passer, \$540; janitor, \$1,000; assistant janitor, \$900; 9 laborers, at \$360 each; 2 lavatory women, at \$480 each; night watchman, \$720; in all, \$10,760.

The amendment was agreed to.

The next amendment was, on page 57, line 19, after the word "Janitor," to strike out "\$900" and insert "\$1,200"; in line 20, after the word "laborers," to strike out "one \$420" and insert "two, at \$480 each"; in the same line, before the words "at \$360 each," to strike out "three" and insert "two"; and in the same line, after the words "in all," to strike out "\$2,400" and insert "\$2,880," so as to make the clause read:

Central High School (Old) and annex: Janitor, \$1,200; laborers—2 at \$480 each, 2 at \$360 each; in all, \$2,880.

The next amendment was, on page 57, line 22, after the words "Business High School," to strike out "Janitor" and insert "Engineer, \$1,000; janitor"; in line 23, after the word "laborers," to strike out "1 \$420" and insert "2 at \$480 each"; in line 24, before the words "at \$360 each," to strike out "three" and insert "two"; and in the same line, after the words "in all," to strike out "\$2,400" and insert "\$3,580," so as to make the clause read:

Business High School: Engineer, \$1,000; janitor, \$900; laborers—2 at \$480 each, 2 at \$360 each; in all, \$3,580.

The amendment was agreed to.

The next amendment was, on page 57, line 26, after the word "Engineer," to strike out "\$900" and insert "\$1,000"; in the same line, after the word "janitor," to strike out "\$600" and insert "\$800"; in the same line, after the word "laborers," to strike out "1 \$420" and insert "2 at \$420 each"; on page 58, line 1, before the words "at \$360 each," to strike out "three" and insert "two"; and in the same line, after the words "in all," to strike out "\$3,000" and insert "\$3,360," so as to make the clause read:

J. Ormond Wilson Normal School and Ross School: Engineer, \$1,000; janitor, \$800; laborers—2 at \$420 each, 2 at \$360 each; in all, \$3,360.

The amendment was agreed to.

The next amendment was, on page 58, line 3, after the word "Janitor," to strike out "\$800" and insert "\$1,080"; in line 4, before the word "each," to strike out "\$360" and insert "\$420"; and in the same line, after the words "in all," to strike out "\$1,520" and insert "\$1,920," so as to make the clause read:

Jefferson School: Janitor, \$1,080; 2 laborers, at \$420 each; in all, \$1,920.

The amendment was agreed to.

The next amendment was, on page 58, line 5, after the word "Janitor," to strike out "\$1,000" and insert "\$1,200"; in the same line, after the word "laborers," to strike out "1 \$420" and insert "2 at \$480 each"; in line 6, before the words "at \$360 each," to strike out "three" and insert "two"; and in the same line, after the words "in all," to strike out "\$2,500" and insert "\$2,880," so as to make the clause read:

Western High School: Janitor, \$1,200; laborers—2 at \$480 each, 2 at \$360 each; in all, \$2,880.

The amendment was agreed to.

The next amendment was, on page 58, line 8, after the word "Janitor," to strike out "\$840" and insert "\$1,080," and in line 9, after the words "in all," to strike out "\$1,980" and insert "\$2,220," so as to make the clause read:

Franklin School: Janitor, \$1,080; laborers—1 \$420, 2 at \$360 each; in all, \$2,220.

The amendment was agreed to.

The next amendment was, on page 58, line 11, after the word "one," to strike out "\$420" and insert "\$480," and in the same line, after the words "in all," to strike out "\$2,040" and insert "\$2,100," so as to make the clause read:

Myrtilla Miner Normal School: Janitor, \$900; laborers—1 \$480, 2 at \$360 each; in all, \$2,100.

The amendment was agreed to.

The next amendment was, on page 58, line 13, after the word "Janitor," to strike out "\$900" and insert "\$1,100," and in line 14, after the words "in all," to strike out "\$1,680" and insert "\$1,880," so as to make the clause read:

Eastern High School: Janitor, \$1,100; laborers—1 \$420, 1 \$360; in all, \$1,880.

The amendment was agreed to.

The next amendment was, on page 58, line 15, after the word "Janitor," to strike out "\$900" and insert "\$1,080"; in line 16, before the word "each," to strike out "\$360" and insert "\$420"; and in the same line, after the words "in all," to strike out "\$1,620" and insert "\$1,920," so as to make the clause read:

Stevens School: Janitor, \$1,080; 2 laborers, at \$420 each; in all, \$1,920.

The amendment was agreed to.

The next amendment was, on page 58, line 17, after the word "Janitor," to strike out "\$900" and insert "\$1,100"; in line 18, after the word "engineering," to strike out "\$1,500" and insert "\$1,600"; in line 20, after the word "fireman," to strike out "\$420" and insert "\$600"; and in line 21, after the words "in all," to strike out "\$5,860" and insert "\$6,340," so as to make the clause read:

McKinley Manual Training School: Janitor, \$1,100; engineer and instructor in steam engineering, \$1,600; assistant engineer, \$1,000; assistant janitor, \$720; night watchman, \$600; fireman, \$600; laborers—2 at \$360 each; in all, \$6,340.

The amendment was agreed to.

The next amendment was, on page 58, line 22, after the word "Janitor," to strike out "\$900" and insert "\$1,000"; in line 24, after the word "engineering," to strike out "\$1,200" and insert "\$1,300"; in line 25, before the word "two," to insert "fireman, \$480," and in the same line, after the words "in all," to strike out "\$4,260" and insert "\$4,940," so as to make the clause read:

Armstrong Manual Training School: Janitor, \$1,000; assistant janitor, \$720; engineer and instructor in steam engineering, \$1,300; assistant engineer, \$720; fireman, \$480; 2 laborers, at \$360 each; in all, \$4,940.

The amendment was agreed to.

The next amendment was, on page 59, line 2, after the word "Engineer," to strike out "\$1,000" and insert "\$1,200"; in the same line, after the word "janitor," to strike out "\$900" and insert "\$1,000"; in line 3, before the word "laborers," to insert "fireman, \$600," and in the same line, after the words "in all," to strike out "\$3,400" and insert "\$4,300," so as to make the clause read:

M Street High School (O'd) and Douglass and Simmons Schools: Engineer, \$1,200; janitor, \$1,000; fireman, \$600; laborers—one \$420, three at \$360 each; in all, \$4,300.

The amendment was agreed to.

The next amendment was, on page 59, line 9, before the word "each," where it occurs the first time, to strike out "\$840" and insert "\$1,080"; in the same line, before the word "each," where it occurs the second time, to strike out "\$360" and insert "\$480," and in the same line, after the words "in all," to strike out "\$10,800" and insert "\$14,040," so as to make the clause read:

Birney and annex, Emery, New Mott, Henry D. Cooke, Gage, Powell, Van Buren, and Wallace Schools, and 16-room building on the site purchased west of Soldiers' Home Grounds, south of Rock Creek Church Road: Nine janitors, at \$1,080 each; nine laborers, at \$480 each; in all, \$14,040.

The amendment was agreed to.

The next amendment was, on page 59, line 16, before the word "each," where it occurs the first time, to strike out "\$720" and insert "\$864," and in the same line, after the words "in all," to strike out "\$22,440" and insert "\$25,608," so as to make the clause read:

Brookland, Bryan, Congress Heights, Curtis, Dennison, Force, Gales, Garfield, Garnet, Grant, Grover Cleveland, Henry, Johnson and annex, Langdon, Lincoln, Lovejoy, Monroe and addition, Peabody, Seaton, Sumner, Webster, and Strong John Thomson Schools: Twenty-two janitors, at \$864 each; 22 laborers, at \$300 each; in all, \$25,608.

The amendment was agreed to.

The next amendment was, on page 59, line 20, before the word "each," to strike out "\$700" and insert "\$864," and in the same line, after the words "in all," to strike out "\$7,700" and insert "\$9,504," so as to make the clause read:

Abbot, Benning, Berret, Sayles J. Bowen, Brightwood, John F. Cook, Cranch, Dent, Randall, Syphax, and Tenley Schools: Eleven janitors, at \$864 each; in all, \$9,504.

The amendment was agreed to.

The next amendment was, on page 60, line 8, before the word "each," to strike out "\$600" and insert "\$780," and in the same line, after the words "in all," to strike out "\$43,800" and insert "\$56,940," so as to make the clause read:

Adams, Addison, Ambush, Amidon, Anthony Bowen, Arthur, Banneker, Bell, Blair, Blake, Blow, Bradley, Brent, Briggs, Elizabeth V. Brown, Bruce, Buchanan, Carbery, Cardozo, Cardozo Manual Training,

Corcoran, Eaton, Edmonds, Eckington, Fillmore, French, Garrison, Giddings, Greenleaf, Harrison, Hayes, Hilton, Hubbard, Hyde, Isaac Fairbrother, Jackson, Jones, Ketcham, Langston, Lenox, Logan, Ludlow, Madison, Magruder, Maury, Montgomery, Morgan, Morse, O Street Manual Training, Patterson, Payne, Petworth, Phelps, Phillips, Pierce, Polk, Randle Highlands, Slater, Smallwood, Takoma, Taylor, Toner, Towers, Twining, Tyler, Van Ness, Webb, Weightman, Wheatly, Wilson, Woodburn, Wormley, and West Schools: Seventy-three janitors, at \$780 each; in all, \$56,940.

The amendment was agreed to.

The next amendment was, on page 60, line 11, before the word "each," to strike out "\$540" and insert "\$600," and in the same line, after the words "in all," to strike out "\$2,160" and insert "\$2,400," so as to make the clause read:

Brightwood Park, Crummell School, Kenilworth, Wisconsin Avenue Manual Training School: Four janitors, at \$600 each; in all, \$2,400.

The amendment was agreed to.

The next amendment was, on page 60, line 15, before the word "each," to strike out "\$300" and insert "\$480," and in the same line, after the words "in all," to strike out "\$3,600" and insert "\$5,760," so as to make the clause read:

Bunker Hill, Deanwood, Hamilton, McCormick, Orr, Reno, Reservoir, Smothers, Stanton, Threlkeld, Military Road, and Burrville Schools: Twelve janitors, at \$480 each; in all, \$5,760.

The amendment was agreed to.

The next amendment was, on page 60, after line 17, to insert: For night watchmen in the McKinley Manual Training School and the Armstrong Manual Training School, two, at \$600 each; in all, \$1,200.

The amendment was agreed to.

The next amendment was, on page 60, after line 20, to insert: For matrons in the high schools and larger-grade school buildings, including the following: New Central High School, new M Street High School, Business High School, Western High School, Eastern High School, McKinley Manual Training School, Armstrong Manual Training School, Jefferson School, Stevens School, Birney and Annex, Emery, new Mott, Henry D. Cooke, Powell, and 16-room building on site purchased west of Soldiers' Home Grounds and south of Rock Creek Road, 15 in all, at \$500 each, \$7,500.

The amendment was agreed to.

The next amendment was, on page 61, line 4, after the words "In all," to strike out "\$151,410" and insert "\$193,742," so as to make the clause read:

In all, \$193,742.

The amendment was agreed to.

The next amendment was, on page 61, line 8, after the word "schoolroom," to insert "other than those occupied by atypical or ungraded classes, for which service an amount not to exceed \$108 per annum may be allowed, \$10,000," so as to make the clause read:

For care of smaller buildings and rented rooms, including cooking and manual-training schools, wherever located, at a rate not to exceed \$72 per annum for the care of each schoolroom other than those occupied by atypical or ungraded classes for which service an amount not to exceed \$108 per annum may be allowed, \$10,000.

The amendment was agreed to.

The next amendment was, on page 61, line 15, before the word "medical," to strike out "thirteen" and insert: "Chief medical and sanitary inspector, who shall, under the direction of the board of education, assume direction of the medical inspection and sanitary conditions of the public schools of the District of Columbia, \$2,500; thirteen," and in line 18, after the words "in all," to strike out "\$6,500" and insert "\$9,000," so as to make the clause read:

Medical inspectors: Chief medical and sanitary inspector, who shall, under the direction of the board of education, assume direction of the medical inspection and sanitary conditions of the public schools of the District of Columbia, \$2,500; 13 medical inspectors of public schools, 1 of whom shall be a woman, 2 shall be dentists, and 4 shall be of the colored race, at \$500 each; in all, \$9,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 20, to insert: The appropriations herein made for the public schools of the District of Columbia are hereby exempted from the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year 1917.

The amendment was agreed to.

The next amendment was, on page 61, line 27, after the word "rooms," to strike out "\$15,000" and insert "\$16,500," so as to make the clause read:

Miscellaneous: For rent of school buildings, repairs, storage and stock rooms, \$16,500.

The amendment was agreed to.

The next amendment was, on page 62, line 6, after the word "classes," to strike out "\$4,000" and insert "\$5,000," so as to make the clause read:

For equipment of temporary rooms for classes above the second grade, now on half time, and to provide for estimated increased enrollment that may be caused by operation of the compulsory education law, and for purchase of all necessary articles and supplies to be used in the course of instruction which may be provided for atypical and ungraded classes, \$5,000.

The amendment was agreed to.



The next amendment was, on page 62, line 11, after the word "same," to strike out "and the taking down, transferring, and the reerection of portable schools, \$110,000" and insert "\$150,000," so as to make the clause read:

For repairs and improvements to school buildings and grounds and for repairing and renewing heating, plumbing, and ventilating apparatus, and installation of sanitary drinking fountains in buildings not supplied with same, \$150,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 13, to insert: For removal and reerection of portable schools, \$3,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 14, to insert:

For altering and remodeling school buildings and grounds, as follows: For central heating plant in group of buildings containing the Central High (old), the Polk, and Henry Schools, \$35,000; for covering over the roof space at the Grover Cleveland School, No. 165, for open-air classes and exercises, \$1,000; for drinking fountains and toilet facilities at the Deanwood School, \$2,500; for construction of retaining wall and fence and making alterations for lunch room at the Business High School, \$4,000; for retaining walls, copings, fence, grading, and surfacing parking spaces surrounding the Abbot School, \$2,000; for reconstructing the entrance and approach on the M Street front and improving the lighting conditions at the Sumner School, \$3,000; for installing sanitary drinking fountains and shower baths in school buildings where same are required, \$10,000; for completing the electric lighting at the Eastern High School, \$1,500; for modern lavatories, drinking fountains, sewer connections, and necessary buildings for the Conduit Road and Fort Slocum Schools, \$5,000; for completion of the remodeling of the Franklin School to provide the necessary offices for school officers and the Board of Education, \$20,000; for central heating plant and remodeling the heating and ventilating systems in the Curtis, Hyde, and Addison Schools, in square No. 1244, \$33,000; for removal of wooden stairways and reconstruction of the McCormick School, No. 16, \$5,000; in all, \$122,000.

The amendment was agreed to.

The next amendment was, on page 63, line 18, after the word "therewith," to strike out "\$27,500" and insert "\$35,000," so as to make the clause read:

For purchase and repair of furniture, tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual training, and incidental expenses connected therewith, \$35,000.

The amendment was agreed to.

The next amendment was, on page 63, line 24, after the words "Powell School," to strike out "\$3,500" and insert "\$4,200," and in line 27, after the words "in all," to strike out "\$5,870" and insert "\$6,570," so as to make the clause read:

For furniture, including clocks, pianos, and window shades for additions to buildings and also equipment for kindergartens; and also tools and furnishings for manual-training, cooking, and sewing schools, as follows: Eight rooms and assembly-hall addition to the Powell School, \$4,200; three kindergartens, \$1,020; one sewing school, \$150; two cooking schools, \$600; two manual-training shops, \$600; in all, \$6,570.

The amendment was agreed to.

The next amendment was, on page 64, line 5, after the word "exceeding," to strike out "\$240" and insert "\$300"; in line 7, after the word "janitors," to insert "and the two assistant superintendents"; in line 8, after the word "exceeding," to strike out "\$1,000" and insert "\$2,000"; and in line 9, after the word "periodicals," to strike out "\$47,500" and insert "\$55,000," so as to make the clause read:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipment for high-school cadets, and other necessary items not otherwise provided for, including an allowance of not exceeding \$300 per annum for livery of horse or not exceeding \$300 per annum for garage for each the superintendent of schools and the superintendent of janitors and the two assistant superintendents, and including not exceeding \$2,000 for books, books of reference, and periodicals, \$55,000.

The amendment was agreed to.

The next amendment was, on page 64, line 19, after the word "supplies," to insert "necessary labor not to exceed \$600," so as to make the clause read:

For textbooks and school supplies for use of pupils of the first eight grades who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education, and for the necessary expenses of purchase, distribution, and preservation of said textbooks and supplies, necessary labor not to exceed \$600, including one bookkeeper and custodian of textbooks and supplies, at \$1,200, and one assistant, at \$800, \$66,000: *Provided*, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

The amendment was agreed to.

The next amendment was, on page 65, line 7, after the word "gardens," to strike out "\$1,500" and insert "\$2,500," so as to make the clause read:

For utensils, material, and labor, for establishment and maintenance of school gardens, \$2,500.

The amendment was agreed to.

The next amendment was, on page 65, line 8, after the word "apparatus," to insert "and technical books," so as to make the clause read:

For purchase of apparatus and technical books and extending the equipment and for maintenance of the physics departments in the Business, Central, Eastern, Western, and M Street High Schools, \$3,000.

The amendment was agreed to.

The next amendment was, on page 65, line 13, after the word "materials," to insert "and technical books," so as to make the clause read:

For purchase of fixtures, apparatus, specimens, and materials and technical books, for laboratories of the departments of chemistry and biology in the Central, Eastern, Western, Business, and M Street High Schools, J. Ormond Wilson Normal School, and Myrtilla Miner Normal School, and installation of same, \$2,500.

The amendment was agreed to.

The next amendment was, on page 66, line 13, after the words "Chevy Chase," to strike out "\$80,000" and insert "\$88,000," so as to make the clause read:

Buildings and grounds: For an eight-room addition, including an assembly hall, to the Elizabeth V. Brown School (Chevy Chase), \$88,000.

The amendment was agreed to.

The next amendment was, on page 66, line 15, after the words "Petworth School," to strike out "\$72,000" and insert "\$80,000," so as to make the clause read:

For an eight-room addition, including an assembly hall, to the Petworth School, \$80,000.

The amendment was agreed to.

The next amendment was, on page 66, line 23, after the word "therefor," to insert "and the commissioners are authorized to close all public streets and alleys included within the site acquired for said Eastern High School, bounded by East Capitol Street, B Street north, and Seventeenth and Nineteenth Streets east, when the title to all of the land included within said site has been acquired for said purpose," so as to make the clause read:

The unexpended balance, not exceeding \$40,000, of the sum appropriated for the purchase of a site for a new Eastern High School is made available toward the construction of the building on the site acquired therefor; said building shall be constructed to accommodate not less than 1,500 pupils and at a total cost not exceeding \$700,000, including its complete equipment, under a contract or contracts hereby authorized therefor, and the commissioners are authorized to close all public streets and alleys included within the site acquired for said Eastern High School, bounded by East Capitol Street, B Street north, and Seventeenth and Nineteenth Streets east, when the title to all of the land included within said site has been acquired for said purpose.

The amendment was agreed to.

The next amendment was, on page 67, line 5, after the word "site," to strike out "\$40,000" and insert "\$50,000," so as to make the clause read:

For a four-room addition to the Burrville School and grading of the site, \$50,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 11, to insert:

For the purchase of additional ground adjoining the Wheatley School, and the erection thereon of an eight-room addition with assembly hall, \$97,800.

The amendment was agreed to.

The next amendment was, on page 67, after line 14, to insert:

For the purchase of additional ground adjoining the Gage School, and for the erection of a four-room addition, including an assembly hall, \$60,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 17, to insert:

For the erection of an eight-room building on the site purchased for the purpose in the fifth division, between Eighteenth and Twentieth Streets and Monroe and Newton Streets NE., said building to be so constructed as to make it easily possible to extend the same to a 16-room building at a later date, \$90,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 23, to insert:

For the purchase of a site for a 16-room building between Tenth and Sixteenth Streets, and on or near Spring Road NW., in the third division, \$40,000.

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

For the purchase of additional ground immediately in the rear of Armstrong Manual Training School, and fronting on O Street NW., \$21,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 3, to insert:

For the purchase of a site for an 8-room manual training center to serve the eleventh division, \$10,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 5, to insert:

For the purchase of additional ground adjoining the Blake School, \$2,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 7, to insert:

For the erection of a greenhouse at the J. Ormond Wilson Normal School, \$2,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 9, to insert:  
For the purchase of additional ground adjoining the Bradley School on the south, \$3,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 11, to insert:  
For the purchase of additional ground adjoining the Lovejoy School, \$1,200.

The amendment was agreed to.

The next amendment was, on page 68, after line 13, to insert:  
For the purchase of additional ground adjoining the Langdon School, \$3,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 15, to insert:  
For the purchase of additional ground adjoining the Addison School, \$6,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:  
For the purchase of additional ground adjoining the Eckington School, \$4,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 19, to insert:  
For the purchase of additional ground adjoining the Brent School on the east, \$5,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 21, to insert:  
For the purchase of additional ground adjoining the Garrison School, \$7,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 23, to insert:  
For the purchase of additional ground north of the site of the 16-room building west of Soldiers' Home grounds, \$22,000.

The amendment was agreed to.

The next amendment was, at the top of page 69, to insert:  
For the purchase of additional ground adjoining the Syphax School, \$4,500.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:  
For the purchase of additional ground adjoining the Weightman School, \$1,250.

The amendment was agreed to.

The next amendment was, on page 69, after line 4, to insert:  
For grading, resurfacing, and fencing ground recently purchased for the John F. Cooke School, \$3,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 6, to insert:  
For the purchase of additional ground adjoining the Tyler School, \$6,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 8, to insert:  
For the purchase of additional ground adjoining the Madison School, \$4,200.

The amendment was agreed to.

The next amendment was, on page 69, after line 10, to insert:  
For the purchase of site for new 16-room building in seventh division, \$35,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 12, to insert:

Hereafter so much of any balance remaining after the purchase of sites for buildings authorized by this act as is necessary to clean up, grade, drain, fence in, and place the sites in safe and suitable condition for the purposes intended may be used for such purpose; and in the event of the purchase of property with buildings or other improvements thereon, any funds or amounts remaining or realized after the removal of such structures may be applied for the purpose of putting the sites in a condition suitable for the uses for which they were purchased.

The amendment was agreed to.

The next amendment was, on page 71, line 10, after the word "commissioners," to strike out "\$12,250" and insert "\$13,200," so as to make the clause read:

Columbia Institution for the Deaf: For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the act approved March 1, 1901, and under a contract to be entered into with the said institution by the commissioners, \$13,200, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Metropolitan police," on page 71, line 24, before the word "each," to strike out "\$1,800" and insert "\$2,000"; in line 25, before the word "each," to strike out "\$1,500" and insert "\$2,000"; on page 72, line 5, after the word "crime," to strike out "\$5,760" and insert "\$11,520"; in line 7, before the word "lieutenants," to strike out "thirteen" and insert "eighteen"; in line 8, before the word "each," to strike out "\$1,320" and insert "\$1,600"; in the same line, before the word "sergeants," to strike out "forty-six" and insert "fifty-four"; in line 10, before the word "each," to strike out "\$1,250" and insert "\$1,400"; in line 16, after the date "nineteen hundred and seventeen," to strike out "\$2,731.34"

and insert "\$9,471.96"; in line 19, after the word "vehicle," to strike out "\$240" and insert "\$300"; in line 21, before the word "each," to strike out "\$240" and insert "\$300"; and, in line 25, after the words "in all," to strike out "\$919,171.34" and insert "\$970,871.96," so as to make the clause read:

Major and superintendent, \$4,000; assistant superintendent, with rank of inspector, \$2,500; 3 inspectors, at \$2,000 each; 11 captains, at \$2,000 each; chief clerk, who shall also be property clerk, \$2,000; clerks and stenographers, 1 \$1,500; clerk, who shall be assistant property clerk, \$1,200; 3 clerks, at \$1,000 each; 4 surgeons of the police and fire departments, at \$720 each; additional compensation for 24 privates detailed for special service in the detection and prevention of crime, \$11,520, or so much thereof as may be necessary; 18 lieutenants, 1 of whom shall be harbor master, at \$1,600 each; 54 sergeants, 1 of whom may be detailed for duty in the harbor patrol, at \$1,400 each; 508 privates of class 3, at \$1,200 each; 91 privates of class 2, at \$1,080 each; 41 privates of class 1, at \$900 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1917, \$9,471.96; 6 telephone operators, at \$720 each; 14 janitors, at \$600 each; clerk, \$700; messengers—1 \$600; inspector, mounted on horse or motor vehicle, \$300; 55 captains, lieutenants, sergeants, and privates, mounted on horses or for motor vehicle allowances, at \$300 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at \$50 each; 20 drivers, at \$840 each; 5 police matrons, at \$600 each, to possess police power of arrest; 2 police women, at \$900 each; in all, \$970,871.96.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert:

All original appointments of privates shall be made to class 1, and promotions shall be made from class 1 to class 2 in order of appointment to the force after three years' service as privates in class 1, and from class 2 to class 3 after two years' service as privates of class 2, in all cases where the conduct and intelligent attention to duty of any private shall justify such promotion.

The amendment was agreed to.

The next amendment was, on page 73, line 16, after the word "grounds," to strike out "\$6,000" and insert "\$7,000," so as to make the clause read:

For repairs and improvements to police stations and grounds, \$7,000.

The amendment was agreed to.

The next amendment was, on page 74, line 3, after the word "expenses," to strike out "\$30,000" and insert "\$35,000," so as to make the clause read:

For miscellaneous and contingent expenses, including purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, books of reference, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase of horses, horse and vehicle for superintendent, bicycles, motor cycles, police equipments and patrol wagons, motor patrol, and saddles, mounted equipments, and expenses incurred in prevention and detection of crime, and other necessary expenses, \$35,000; of which amount a sum not exceeding \$500 may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the War Department may, in its discretion, furnish the commissioners, for use of the police, upon requisition, such worn mounted equipment as may be required.

The amendment was agreed to.

The next amendment was, on page 74, line 13, after the word "vehicles," to strike out "\$7,000" and insert "\$7,500," so as to make the clause read:

For maintenance of motor vehicles, \$7,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 74, line 15, after the word "superintendent," to strike out "\$700" and insert "\$1,200," so as to make the clause read:

For motor vehicle for the use of the major and superintendent, \$1,200, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 74, line 23, after the words "In all," to strike out "\$54,800" and insert "\$61,800," so as to make the clause read:

In all, \$61,800.

The amendment was agreed to.

The next amendment was, under the head of "Fire department," on page 75, line 25, after the words "chief clerk," to strike out "\$1,800" and insert "\$2,000"; in the same line, after the word "clerk," to strike out "\$1,200" and insert "\$1,400"; and on page 76, line 10, after the words "in all," to strike out "\$571,680" and insert "\$572,080," so as to make the clause read:

Chief engineer, \$3,500; deputy chief engineer, \$2,500; 4 battalion chief engineers, at \$2,000 each; fire marshal, \$2,000; deputy fire marshal, \$1,400; 2 inspectors, at \$1,080 each; chief clerk, \$2,000; clerk, \$1,400; 38 captains, at \$1,400 each; 40 lieutenants, at \$1,200 each; superintendent of machinery, \$2,000; assistant superintendent of machinery, \$1,200; 27 engineers, at \$1,200 each; 27 assistant engineers, at \$1,100 each; 2 pilots, at \$1,150 each; 2 marine engineers, at \$1,200 each; 2 assistant marine engineers, at \$1,100 each; 2 marine firemen, at \$720 each; 40 drivers, at \$1,150 each; 40 assistant drivers, at \$1,100 each; 223 privates of class 2, at \$1,080 each; 44 privates of class 1, at \$960 each; hostler, \$600; laborer, \$600; in all, \$572,080.

The amendment was agreed to.



The next amendment was, on page 76, line 12, after the word "grounds," to strike out "\$12,000" and insert "\$13,500," so as to make the clause read:

Miscellaneous: For repairs and improvements to engine houses and grounds, \$13,500.

The amendment was agreed to.

The next amendment was, on page 77, line 6, after the words "In all," to strike out "\$113,000" and insert "\$114,500," so as to make the clause read:

In all, \$114,500.

The amendment was agreed to.

The next amendment was, on page 77, after line 6, to strike out:

Permanent improvements: For one fire engine, motor driven, \$8,500; For four combination chemical and hose wagons, motor driven, at \$5,500 each, \$22,000; For three tractors, motor driven, \$13,500; For one aerial hook and ladder truck, motor driven, \$12,500; For installing steam heat in engine and truck houses, \$3,000; In all, \$59,500.

And insert:

Permanent improvements: For two fire engines, motor driven, at \$8,500 each, \$17,000; For six combination chemical and hose wagons, motor driven, at \$5,500 each, \$33,000; For four tractors, motor driven, \$18,000; For two aerial hook and ladder trucks, motor driven, at \$12,500 each, \$25,000; For installing steam heat in engine and truck houses, \$5,000; In all, \$98,000.

The amendment was agreed to.

The next amendment was under the head of "Health Department," on page 78, line 3, after the word "one," to strike out "\$1,400" and insert "\$1,600"; in line 5, before the words "one \$720," to insert "one \$900"; in line 6, before the words "at \$1,200 each," to strike out "eight" and insert "assistant chief, \$1,400, seven"; in line 7, after the word "chief," to strike out "\$1,600" and insert "\$1,800, assistant chief, \$1,400"; in line 12, after the word "poundmaster," to strike out "\$1,200" and insert "\$1,400," and in line 13, after the words "in all," to strike out "\$64,940" and insert "\$68,040," so as to make the clause read:

Health officer, \$4,000; assistant health officer, \$2,500; chief clerk and deputy health officer, \$2,500; clerks—one \$1,600, five at \$1,200 each, four at \$1,000 each, one \$900, one \$720; sanitary inspectors—chief, \$1,800; assistant chief, \$1,400, 7 at \$1,200 each, 2 at \$1,000 each, 2 at \$900 each; food inspectors—chief, \$1,800, assistant chief, \$1,400, 5 at \$1,200 each, 6 at \$1,000 each, 5 at \$900 each; chemist, \$2,000; assistant chemist, \$1,200; assistant bacteriologist, \$1,200; skilled laborers—one \$720, one \$600; messenger and janitor, \$600; driver, \$600; poundmaster, \$1,400; laborers, at not exceeding \$50 per month each, \$2,400; in all, \$68,040.

The amendment was agreed to.

The next amendment was, on page 79, line 15, after the word "hospital" to strike out "\$25,000" and insert "\$30,000," so as to make the clause read:

For enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, approved May 13, 1908, under the direction of the health officer of said District, manufacture of serums including their use in indigent cases, and for the prevention of other communicable diseases, including salaries or compensation for personal services, not exceeding \$12,000, when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, and for the prevention of such other communicable diseases as hereinbefore provided, purchase and maintenance of necessary horses, wagons, and harness, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, \$30,000.

The amendment was agreed to.

The next amendment was on page 79, after line 23, to insert: For repairs to buildings occupied by health department on reservation No. 13, \$2,500.

The amendment was agreed to.

The next amendment was at the top of page 80, to insert:

For refuse incinerator for the smallpox hospital and the quarantine station, \$500.

The amendment was agreed to.

The next amendment was, on page 81, line 17, before the words "per month," to strike out "\$20" and insert "\$25," so as to make the clause read:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed the health officer, assistant health officer, medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for maintenance by each of a horse and vehicle at not to exceed \$25 per month, or motor vehicle at not to exceed \$25 per month, for use in the discharge of his official duties, and allowances for such other inspectors in the service of the health department as the commissioners may determine, of not to exceed \$12 per month for maintenance of a motor cycle each,

or of not exceeding \$25 per annum for the maintenance of a bicycle each, for use in the discharge of their official duties, and other necessary travelling expenses, \$6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 82, after line 9, to insert:

For the purchase of one motor wagon for the use in the pound service, at a cost of not exceeding \$1,500, and for maintaining and operating the same and keeping it in good order, \$500; in all, \$2,000.

The amendment was agreed to.

The next amendment was, on page 82, line 15, after the word "service," to strike out "\$300" and insert "\$400," so as to make the clause read:

For maintenance of one motor vehicle for the sanitary and food inspection service, \$400.

The amendment was agreed to.

The next amendment was, on page 82, line 18, after the word "equipment," to strike out "\$1,000" and insert "\$2,000," so as to make the clause read:

For alterations at the pond and stable to provide accommodations for motor vehicles, including heating apparatus and other necessary equipment, \$2,000, and for paying the inclosure occupied by the pond and stable, \$500; in all, \$1,500; and the appropriation of \$1,000 for a metal folding shutter for the wagon shed at the pond, provided by the District of Columbia appropriation act approved July 21, 1914, is reappropriated and also made available for said alterations and paving.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 83, line 14, after the word "clerk," to strike out "who is authorized to act as clerk in the absence of that officer," and in line 16, before "\$1,200," to strike out "clerk in the absence of that officer" and insert "a deputy clerk," so as to make the clause read:

Juvenile court: Judge, \$3,600; clerk, \$2,000; deputy clerk, \$1,350; financial clerk, who is authorized to act as a deputy clerk, \$1,200; stenographer and typewriter, who is authorized to act as a deputy clerk, \$900; stenographer and typewriter for judge's work, and to aid in keeping records in clerk's office, \$900; probation officers—chief, \$1,800, assistant chief, who shall also be investigating officer for children's cases, \$1,500, 2 at \$1,200 each, 4 at \$1,000 each; clerk for probation office, \$900; 2 bailiffs, at \$900 each; telephone operator, \$600; janitor, \$600; charwoman, \$240; in all, \$23,790.

The amendment was agreed to.

The next amendment was, on page 84, line 1, after the word "rent," to strike out "\$2,400" and insert "\$1,800," so as to make the clause read:

For rent, \$1,800.

The amendment was agreed to.

The next amendment was, on page 84, line 10, after the words "In all," to strike out "\$5,800" and insert "\$5,200," so as to make the clause read:

In all, \$5,200.

The amendment was agreed to.

The next amendment was, on page 85, line 11, before the word "each," to strike out "\$3,000" and insert "\$3,600," and in line 13, after the words "in all," to strike out "\$20,700" and insert "\$23,700," so as to make the clause read:

Municipal court: Five judges, at \$3,600 each; clerk, \$1,500; 3 assistant clerks, at \$1,000 each; messenger, \$600; janitor, \$600; in all, \$23,700.

The amendment was agreed to.

The next amendment was, on page 85, line 19, after the word "court," to strike out "\$25,050" and insert "\$28,050," so as to make the clause read:

In all, municipal court, \$28,050.

The amendment was agreed to.

The next amendment was, on page 86, line 1, after the word "exceeding," to strike out "\$1,000" and insert "\$1,500"; and in line 2, after the words "per annum," to strike out "\$3,500" and insert "and a clerk who shall be a stenographer and typewriter, \$900, \$4,900," so as to make the clause read:

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding \$1,500 per annum, and a clerk who shall be a stenographer and typewriter, \$900, \$4,900.

The amendment was agreed to.

The next amendment was, under the head of "Courts and prisons," on page 87, in line 4, after the words "Attorney General," to strike out "\$100,000" and insert "\$150,000," so as to make the clause read:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia; for expenses of shipping remains of deceased convicts to their homes in the United States, and for expenses of interment of unclaimed remains of deceased convicts; for expenses incurred in identifying and pursuing escaped convicts and for rewards for their recapture; to be expended under the direction of the Attorney General, \$150,000.

The amendment was agreed to.

The next amendment was, on page 88, line 21, after the words "District of Columbia," to strike out "\$12,000" and insert "\$15,000," so as to make the clause read:

Miscellaneous expenses: For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses other than for personal services as may be authorized by the Attorney General for the court of appeals, District of Columbia, \$15,000.

The amendment was agreed to.

The next amendment was under the head of "Charities and corrections," on page 88, line 24, after the word "clerk," to strike out "\$1,200" and insert "\$1,400"; on page 89, line 1, after the word "one," to strike out "\$780" and insert "who shall also act as foreman of stables, \$900"; and in line 4, after the words "in all," to strike out "\$18,260" and insert "\$18,580," so as to make the clause read:

Board of Charities: Secretary, \$3,500; stenographer, \$1,400; clerk, \$1,400; messenger, \$600; inspectors—1 \$1,200, 3 at \$1,000 each, 2 at \$900 each, 2 at \$840 each; drivers—1, who shall also act as foreman of stables, \$900, 3 at \$720 each; hostler, \$540; traveling expenses, including attendance on conventions, \$400; in all, \$18,580.

The amendment was agreed to.

The next amendment was under the subhead "Reformatories and Correctional Institutions," on page 89, line 14, after the word "nursing," to strike out "\$1,000" and insert "\$1,200"; in line 17, after "\$540," to insert "dietician, \$600"; and on page 90, line 3, after the words "in all," to strike out "\$29,410" and insert "\$30,210," so as to make the clause read:

Washington Asylum and Jail: Superintendent, \$1,800; visiting physician, \$1,200; resident physician, \$480; 2 assistant resident physicians, at \$120 each; clerk, \$840; engineer, \$900; assistant engineers—3 at \$600 each; night watchman, \$480; blacksmith and woodworker, \$500; driver for dead wagon, \$365; hostler and driver, and driver for supply and laundry wagon, at \$240 each; hospital cook, \$600; assistant cooks—2 at \$300 each, 1 \$180; trained nurse, who shall act as superintendent of nursing, \$1,200; 2 graduate nurses, at \$480 each; graduate nurse for receiving ward, \$480; 2 nurses for annex wards, at \$540 each; nurse for operating room, \$540; dietician, \$600; 8 orderlies, and 2 orderlies for annex wards, at \$300 each; pupil nurses, not less than 21 in number (nurses to be paid not to exceed \$120 per annum during first year of service, and not to exceed \$150 per annum during second year of service), \$5,000; registered pharmacist, who shall act as hospital clerk, \$720; gardener, \$540; seamstress, \$300; housekeeper, \$420; laundryman, \$600; assistant laundryman, \$365; 3 laundresses, at \$360 each; 2 chambermaids, 3 waiters, and 7 ward maids, at \$180 each; temporary labor, not to exceed \$1,200; operator of X-ray machine, \$600; pathologist, \$600; anesthetist, \$300; in all, \$30,210.

The amendment was agreed to.

The next amendment was, on page 90, line 7, after the word "items," to strike out "\$45,000" and insert: "\$50,000, of which sum \$1,000 shall be available for the purchase of screens for the hospital, \$200 for new surgical instruments, and \$600 for the upkeep of the X-ray laboratory," so as to make the clause read:

For provisions, fuel, forage, harness, and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, \$50,000, of which sum \$1,000 shall be available for the purchase of screens for the hospital, \$200 for new surgical instruments, and \$600 for the upkeep of the X-ray laboratory.

The amendment was agreed to.

The next amendment was, on page 91, line 7, after the word "exceed," to strike out "\$720" and insert "\$840," so as to make the clause read:

Transportation of prisoners: For conveying prisoners to Washington Asylum and Jail, including salary of driver, not to exceed \$840, and purchase and maintenance of necessary horses, wagons, and harness, \$2,000.

The amendment was agreed to.

The next amendment was, on page 91, line 9, after the word "Jail," to strike out "\$135,410" and insert "\$141,210," so as to make the clause read:

In all, Washington Asylum and Jail, \$141,210.

The amendment was agreed to.

The next amendment was, on page 91, line 10, after the word "superintendent," to strike out "\$1,200" and insert "\$1,500," and in line 20, after the words "in all," to strike out "\$15,992" and insert "\$16,292," so as to make the clause read:

Home for Aged and Infirm: Superintendent, \$1,500; clerk, \$900; matron, \$600; chief cook, \$720; baker, and laundryman, at \$540 each; chief engineer, \$1,000; assistant engineer, \$720; physician and pharmacist, \$480; second assistant engineer, \$480; two male attendants, and two nurses, at \$360 each; two female attendants, at \$300 each; three firemen, at \$300 each; assistant cooks—one \$300, one \$180; blacksmith and woodworker, \$540; farmer, \$540; four farm hands, dairyman, and tailor, at \$360 each; seamstress, \$240; laundress, hostler, and driver, at \$240 each; three servants, at \$144 each; temporary labor, \$1,000; in all, \$16,292.

The amendment was agreed to.

The next amendment was, on page 92, line 1, after the word "grounds," to strike out "\$2,500" and insert "\$3,000," so as to make the clause read:

For repairs and improvements to buildings and grounds, \$3,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

For purchase of material and erection of pigery, \$500.

The amendment was agreed to.

The next amendment was, on page 92, line 9, after the word "Infirm," to strike out "\$72,892" and insert "\$74,192," so as to make the clause read:

In all, Home for Aged and Infirm, \$74,192.

The amendment was agreed to.

The next amendment was, on page 92, line 16, after the word "Superintendent," to strike out "\$1,200" and insert "\$1,400," and in line 21, after the words "in all," to strike out "\$12,480," and insert "\$12,680," so as to make the clause read:

National Training School for Girls: Superintendent, \$1,400; treasurer, matron, and four teachers, at \$600 each; overseer, \$720; two parole officers, at \$600 each; seven teachers of industries, at \$480 each; engineer, \$720; assistant engineer, \$600; night watchman, \$480; two laborers, at \$300 each; in all, \$12,680.

The amendment was agreed to.

The next amendment was, on page 93, after line 8, to insert:

For purchase or condemnation of additional land, \$5,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 10, to insert: For additional building to be used for home of women officers and for administration purposes, \$5,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 12, to insert:

For an additional building for white girls, including furnishing of same, \$15,000.

The amendment was agreed to.

The next amendment was, on page 93, line 15, after the word "Girls," to strike out "\$25,980" and insert "\$51,180," so as to make the clause read:

In all, National Training School for Girls, \$51,180.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 93, after line 20, to strike out:

Columbia Hospital for Women and Lying-in Asylum: For maintenance and operation, \$20,000. Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and one Senator, and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff. There shall be two female members upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District, and to be paid for by the said Board of Charities. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid monthly to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital.

The Commissioners of the District of Columbia shall have supervision of the said hospital, and the board of directors thereof shall account for all receipts and expenditures to them, in such manner and at such times as they, the said commissioners, may prescribe, and all estimates for appropriations to be made by the Congress for the operation and other expenses of the hospital shall be submitted by the board of directors to the District Commissioners and by them submitted to Congress in the same manner as all other estimates for the operation of the District government are now submitted.

And insert:

Columbia Hospital for Women and Lying-in Asylum: For the care and treatment of indigent patients, under a contract to be made with Columbia Hospital for Women and Lying-in Asylum by the Board of Charities, not to exceed \$20,000.

The amendment was agreed to.

The next amendment was, on page 95, line 25, after the word "exceed," to strike out "\$14,000" and insert "\$16,000," so as to make the clause read:

For care and treatment of indigent patients, under a contract to be made with Children's Hospital by the Board of Charities, not to exceed \$16,000.

The amendment was agreed to.

The next amendment was, on page 96, line 7, after the word "Charities," to strike out "\$17,000" and insert "\$19,000," so as to make the clause read:

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with Central Dispensary and Emergency Hospital by the Board of Charities, \$19,000.

The amendment was agreed to.



The next amendment was, on page 96, line 17, after the word "Charities," to strike out "\$5,000" and insert "\$6,000," so as to make the clause read:

For care and treatment of indigent patients under a contract to be made with Georgetown University Hospital by the Board of Charities, \$6,000.

The amendment was agreed to.

The next amendment was, on page 96, line 20, after the word "Charities," to strike out "\$5,000" and insert "\$6,000," so as to make the clause read:

For care and treatment of indigent patients under a contract to be made with George Washington University Hospital by the Board of Charities, \$6,000.

The amendment was agreed to.

The next amendment was, on page 96, line 22, after "\$600," to insert "assistant resident physician, \$300"; in line 24, after "\$300," to insert "and the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year 1917 shall not apply to the payment of this salary"; and on page 97, line 9, after the words "in all," to strike out "\$18,960" and insert "\$19,260," so as to make the clause read:

Tuberculosis Hospital: Superintendent, \$1,800; resident physician, \$600; assistant resident physician, \$300; pharmacist and clerk, superintendent of nurses, and engineer at \$720 each; pathologist, \$300, and the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year 1917 shall not apply to the payment of this salary; matron, dietician, chief cook, assistant engineer, laundryman, and eight graduate nurses, at \$600 each; assistant cooks—one, \$360; two at \$240 each; assistant engineer, \$480; elevator conductor, \$300; three laundresses, at \$240 each; farmer, laborer, night watchman, three orderlies, and assistant laundryman, at \$360 each; two ward maids, at \$240 each; four servants, at \$240 each; in all, \$19,260.

The amendment was agreed to.

The next amendment was, on page 97, after line 17, to insert:

For erection of buildings to afford additional accommodations for indigent cases, \$2,000.

The amendment was agreed to.

The next amendment was, on page 96, line 20, after the word "accessories," to strike out "\$2,000" and insert "\$2,360," so as to make the clause read:

For purchase of X-ray machine and accessories, \$2,360.

The amendment was agreed to.

The next amendment was, on page 97, line 22, after the word "Hospital," to strike out "\$57,960" and insert "\$60,620," so as to make the clause read:

In all, Tuberculosis Hospital, \$60,620.

The amendment was agreed to.

The next amendment was, on page 97, after line 22, to insert:

Gallinger (Municipal) Hospital: Toward the construction of the Gallinger Hospital, including grading of the site, to be located on land now owned by the Government of the United States and the District of Columbia, at Fourteenth and Upshur Streets NW., in accordance with plans and specifications prepared under the authority contained in the District appropriation act for the fiscal year 1915, \$150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000: *Provided*, That said hospital shall be constructed with a view to making future additions as the exigencies may demand.

Mr. SMITH of Maryland. I ask that that item be passed over.

The VICE PRESIDENT. It will be passed over.

The next amendment was, under the subhead "Temporary homes," on page 101, after line 15, to insert:

For a new municipal lodging house, of which amount not more than \$10,000 shall be used for purchase of land, \$40,000.

The amendment was agreed to.

The next amendment was, on page 102, after line 6, to strike out:

Southern Relief Society: For care and maintenance of indigent and infirm men, women, and children under a contract to be made with the Southern Relief Society for the support of those under its care by the Board of Charities, \$6,000.

And insert:

Aid to Confederate veterans, their widows and dependents: For care and maintenance of indigent and infirm Confederate veterans, their widows and dependents, to be disbursed by the Board of Charities under the direction and supervision of the Secretary of War, \$6,000.

Mr. SMITH of Maryland. I ask that the Senate disagree to the committee amendment, restoring the paragraph stricken out, and that it be amended by striking therefrom the word "indigent" and inserting the word "needy," and striking out "\$6,000" and inserting "\$10,000," in line 11, so as to read:

Southern Relief Society: For care and maintenance of needy and infirm men, women, and children under a contract to be made with the Southern Relief Society for the support of those under its care by the Board of Charities, \$10,000.

Mr. SMOOT. I should like to ask the Senator why strike out the word "indigent" and insert the word "needy."

Mr. SMITH of Maryland. I will reply to that by asking the Senator why there should be any objection to striking out the word "indigent" and inserting the word "needy."

Mr. MARTIN of Virginia. I can give the Senator the explanation.

Mr. SMOOT. I can answer the Senator of Maryland right now if he wants an answer.

Mr. MARTIN of Virginia. I happen to know, I do not know whether it has been communicated to the Senator from Maryland or not, that a question of the construction of the word "indigent" has been raised and there has been a disposition to decide that the word "indigent" means a person with nothing whatever; for instance, that a man might have \$10 a year and he would not be indigent. Yet he could not live on that sum. It was to meet that possibility, to help the needy and not those absolutely in destitution without anything whatever that the word "needy" was substituted for the word "indigent," because the question had been raised by the auditing officer of the Government who held that "indigent" means absolute destitution, without anything whatever.

Some of these old and helpless people did have something; for instance, one had \$24 a year coming to him in some way for himself and his wife. The question was whether that family could have anything from this appropriation when they had \$24 a year. They were not indigent, but certainly they were needy, and they could not live on \$24 a year. The substitution of the word "needy" for the word "indigent" was made to meet that construction, which I think is wrong, and still we were confronted with a view of that sort from the auditing officer of the Treasury.

Mr. SMOOT. The word "indigent" is so often used that it seems to me it is generally understood by all classes of people.

Mr. MARTIN of Virginia. I agree with the Senator, but here we are confronted with a decision of the auditing officer. The Senator knows how arbitrary the Auditor of the Treasury is. He decided that "indigent" meant absolute destitution, without any particle of property or assistance of any kind whatever.

Mr. SMOOT. Does the Senator know what the auditor is going to decide when we change "indigent" to the word "needy"? He may decide that a person is not needy if he has \$50, or he may decide that a person who has \$600 may be needy.

Mr. MARTIN of Virginia. The best way to do was to meet the objection he made. We hope that this will do it.

Mr. SMOOT. Did the auditor recommend the word "needy"?

Mr. MARTIN of Virginia. I am not sure about that, but he objected to the word "indigent," and thought a party would not be indigent who had anything whatever. It is not the correct interpretation, I agree with the Senator. It is absolutely wrong; it is arbitrary and unreasonable, but it was easier to correct it by substituting the word "needy" than to have them enter into strife with the auditor.

Mr. SMOOT. Last year the appropriation was for \$6,000. I understand it is now proposed to raise it to \$10,000.

Mr. MARTIN of Virginia. I will say to the Senator, it is our wish that it be raised to \$10,000. There are a number of these old people here; they are not eligible to admission into the soldiers' home, or the home of the Confederates, or of the Union people in Virginia and Maryland. They are stranded here in Washington. The ladies who are in charge of this work raised a good deal of money to help out, but \$6,000 has proved entirely inadequate to relieve the immediate distress of these aged and infirm people, who are on the kindness of their neighbors here in the city of Washington.

Mr. SMOOT. I know the history of the organization, and I know the good work they have done in the past. As the Senator knows, the officers have appeared before the committee a number of times. I was in hearty sympathy with the first appropriation made for this purpose and voted for it, but I have not heard of any request on the part of the officers of the organization for any increase in the appropriation.

Mr. MARTIN of Virginia. The ladies of the association came to me and said they had contributed largely and had raised money and were doing a great deal to aid these people, but they could not get along with charity and the assistance they got and their own efforts on \$6,000 and asked us to give them \$10,000. I am sure nobody will begrudge those helpless people the extra \$4,000.

Mr. GALLINGER. Because of some disagreement on the part of the people who were the beneficiaries under that clause in the bill the amendment was changed somewhat from its form last year, but I think probably it ought to be changed back so far as to recognize the Southern Relief Society. I have

drafted an amendment which I will read, if the Senator will permit me:

Southern Relief Society: For care and maintenance of needy and infirm Confederate veterans, their widows, and dependents, under a contract to be made with the Southern Relief Society by the Board of Charities—

Then the amount, whatever it may be. It is a recognition of the society, which the language in the bill does not give, and I think we ought to deal with that society. I will ask the Senator if he does not think so.

Mr. MARTIN of Virginia. That is satisfactory, Mr. President. It is perfectly agreeable to me.

Mr. GALLINGER. I do not know about these people, so far as their domicile is concerned. I will ask the Senator if there will be any objection to say "residents in the District of Columbia."

Mr. MARTIN of Virginia. None whatever.

Mr. GALLINGER. I will add that to it. If agreeable to the Senator from Virginia I will submit the following as a substitute for what has been offered:

Southern Relief Society: For care and maintenance of needy and infirm Confederate veterans, their widows, and dependents, resident in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Charities, \$10,000.

Mr. MARTIN of Virginia. That is entirely satisfactory.

Mr. GALLINGER. I think that will meet the objections that have been raised.

The VICE PRESIDENT. The amendment of the committee will be disagreed to without objection, and the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The next amendment was, on page 102, after line 16, to insert:

AID TO THE BLIND.

National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., \$5,000.

The amendment was agreed to.

The next amendment was, on page 102, after line 20, to insert:

Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$1,500.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 108, line 22, after the word "tickets," to strike out "not to exceed \$50," and in line 24, after the word "service," to strike out "\$30,000" and insert "\$46,850," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments, for damages to private property incident to encampments, instruction, practice marches and practice cruises, drills and parades, fuel, light, heat, care, and repair of armories, offices, and storehouses, practice ships, boats, machinery and dock, dredging alongside of dock, telephone service, horses and mules for mounted organizations, street car tickets necessarily used in the transaction of official business, and for general incidental expenses of the service, \$46,850.

The amendment was agreed to.

The next amendment was, on page 109, line 3, after the word "militia," to strike out "\$16,900" and insert "\$21,125: *Provided*, That the commanding general of the Militia of the District of Columbia is authorized to enter into a contract or contracts for the lease of an armory, stable, drill shed, and warehouse for Cavalry, Field Artillery, Signal Corps, and Hospital Corps troops in one building or separately, for a period not to exceed five years, renewable at the option of the said commanding general for an additional period of not exceeding five years at an annual rental not to exceed \$8,805: *Provided further*, That the said commanding general may renew for the fiscal year 1917, or a portion thereof, the building known as 230 First Street NW., now occupied as an armory for mounted and other troops, at an annual rental of \$3,900, and the building known as 457 to 460 Virginia Avenue, used as stables and warehouses, at an annual rental of \$780, paying therefor a rental not in excess of the current rentals," so as to make the clause read:

For rent of armories, offices, storehouses, stables, and quarters for noncommissioned officers of the Army detailed for duty with the militia, \$21,125: *Provided*, That the commanding general of the Militia of the District of Columbia is authorized to enter into a contract or contracts for the lease of an armory, stable, drill shed, and warehouse for Cavalry, Field Artillery, Signal Corps, and Hospital Corps troops in one building or separately, for a period not to exceed five years, renewable at the option of the said commanding general for an additional period of not exceeding five years at an annual rental not to exceed \$8,805: *Provided further*, That the said commanding general may renew for the fiscal year 1917, or a portion thereof, the building known as 230 First Street NW., now occupied as an armory for mounted and other troops, at an annual rental of \$3,900, and the building known as 457 to 460

Virginia Avenue, used as stables and warehouses, at an annual rental of \$780, paying therefor a rental not in excess of the current rentals.

The amendment was agreed to.

The next amendment was, on page 109, line 21, after the word "armories," to strike out "\$600" and insert "\$8,000," so as to make the clause read:

For lockers, furniture, and gymnastic apparatus for armories, \$8,000.

The amendment was agreed to.

The next amendment was, on page 109, line 23, after the word "postage," to strike out "\$1,800" and insert "\$2,000," so as to make the clause read:

For printing, stationery, and postage, \$2,000.

The amendment was agreed to.

The next amendment was, under the head of "Refund of Erroneous Collections," on page 110, line 16, after the date "nineteen hundred and eleven," to strike out "\$1,000" and insert "\$1,500," so as to make the clause read:

To enable the commissioners, in any case where special assessments, school-tuition charges, rents, fees, or collections of any character have been erroneously covered into the Treasury to the credit of the United States and the District of Columbia in equal parts, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia appropriation act approved March 2, 1911, \$1,500, or so much thereof as may be necessary: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

The amendment was agreed to.

The next amendment was, under the head of "Parks," on page 111, after line 6, to insert:

For the acquisition for a public park of the tract of land known as the "Patterson tract," assessed on the records of the assessor of the District of Columbia as parcel 129 2, lying north of Florida Avenue northeast and bounded on the east by the grounds of the Columbia Institute for the Deaf, on the west by New York Avenue and the tracks of the Baltimore & Ohio Railroad Co., and on the north by Fairview Avenue, containing 81 acres, more or less, or so much thereof as may be necessary, \$500,000.

Mr. STONE. Mr. President, before that amendment is acted upon by the Senate, I should like, if the Senator from Maryland would permit me at this point, to offer—not to be voted upon until the committee amendments are disposed of—an amendment in order that it may be printed for convenience to-morrow morning.

Mr. SMITH of Maryland. I agree to that; but we can not now agree to any amendments offered because the understanding is that the bill is to be temporarily laid aside after we get through with the committee amendments.

Mr. STONE. I do not wish to interfere with that, but I wish merely to have the amendment printed. I should like, following line 24, on page 111—we have not yet reached that point—but I should like there to insert as a paragraph the amendment which I send to the desk, though it need not be read.

Mr. SMITH of Maryland. The amendment intended to be proposed by the Senator from Missouri may be offered to-morrow.

Mr. STONE. It may be inserted in the Record and printed now. If the Senator will permit me just a moment, I desire to say that this amendment is intended to make an appropriation of \$173,641.43 for an addition to the National Zoological Park. I can not go further into the matter without breaking in on the Senator's plan, but I want to offer the amendment, and I shall say something about it at that time. I should like to have the Senator from Maryland pass over the next paragraph relating to the Dean tract.

Mr. SMITH of Maryland. I can see no reason for that. The Senator from Missouri will have the privilege of offering his amendment, and it may follow the amendment to which he refers. I should like to have these amendments adopted this evening. That will not in any way interfere with any amendment which the Senator may see proper to offer.

Mr. STONE. Certainly I can offer the amendment as an amendment, but I am thinking somewhat about offering it as a substitute for the clause to which the Senator from Maryland refers.

Mr. SMITH of Maryland. The Senator can offer his amendment and let this amendment be adopted as it is and go to conference.

Mr. STONE. Then I wish my amendment also to go to conference.

Mr. SMITH of Maryland. Let this amendment be adopted as it is now, and let us get through with the committee amendments. If we start in putting other amendments on the bill this afternoon, it will be in violation of the understanding.

Mr. STONE. I am not proposing to put the amendment on now.

Mr. SMITH of Maryland. The Senator from Missouri may offer his amendment to-morrow. Let us now get through with the committee amendments.



Mr. STONE. Would not the Senator be willing to pass over the paragraph relating to the Dean tract until to-morrow?

Mr. SMITH of Maryland. I prefer, as I have stated, that the committee amendments shall, if possible, be agreed to this afternoon.

Mr. STONE. Very well.

The VICE PRESIDENT. In the absence of objection, the amendment intended to be proposed by the Senator from Missouri [Mr. STONE] will be printed in the RECORD.

The amendment referred to is as follows:

Readjustment of National Zoological Park boundaries: For acquiring, in accordance with the provisions of the sundry civil act approved June 23, 1913; for the condemnation of land for an addition to the National Zoological Park, all the lots, pieces, or parcels of land, other than the one therein excepted, that lie between the present western boundary of the National Zoological Park and Connecticut Avenue, from Cathedral Avenue to Klinge Road, \$66,441.43, together with the sum of \$107,200 appropriated for this purpose by the sundry civil act approved June 23, 1913, which is hereby reappropriated, both sums to be available until used, and said land, when acquired, together with the included highways, to be added to and become a part of the National Zoological Park; in all, \$173,641.43.

The VICE PRESIDENT. The amendment reported by the committee is agreed to, without objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 111, after line 16, to insert:

For the acquisition for a public park of the tract of land known as the "Dean tract," assessed on the records of the assessor of the District of Columbia as lots A, S15 and S19, in square 2535, containing 404,425 square feet, more or less, or so much thereof as may be necessary, \$625,000.

Mr. SMOOT. Mr. President, I ask the Senator from Maryland to allow that amendment to go over until to-morrow.

Mr. SMITH of Maryland. Very well.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 112, after line 5, to strike out:

#### WATER SERVICE.

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of the water department, namely:

#### WASHINGTON AQUEDUCT.

For operation, including salaries of all necessary employees, maintenance, and repair of Washington Aqueduct and its accessories, McMillan Park Reservoir, Washington Aqueduct Tunnel, the filtration plant, the plant for the preliminary treatment of the water supply, authorized water meters on Federal services, vehicles, and for each and every purpose connected therewith, including not exceeding \$700 for the purchase of one new motor vehicle, \$120,000.

For ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, \$5,000.

For emergency fund, to be used only in case of a serious break requiring immediate repair in one of the more important aqueduct or filtration plant structures, such as a dam, conduit, tunnel, bridge, building, or important piece of machinery; all expenditures from this appropriation shall be reported in detail to Congress, \$5,000.

For continuation of parking grounds around McMillan Park Reservoir, \$3,000.

And to insert:

#### WATER DEPARTMENT.

The following sums are appropriated to carry on the operations of the water department, to be paid wholly from its revenues, namely:

The amendment was agreed to.

The next amendment was, on page 115, line 13, after the words "nineteen hundred and," to strike out "seventeen" and insert "eighteen," so as to make the clause read:

For the fiscal year 1918 and annually thereafter estimates in detail shall be submitted for the appropriations required for continuing the extension and maintenance of the high-service system of water distribution.

The amendment was agreed to.

The next amendment was, on page 119, after line 15, to strike out:

SEC. 6. That hereafter no part of any money appropriated by this or any other act shall be used for the payment to the Washington Gas Light Co. or the Georgetown Gas Light Co. for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per 1,000 cubic feet.

The amendment was agreed to.

The next amendment was, on page 119, after line 22, to strike out:

SEC. 7. That all fees, assessments, rents, and all other receipts now required when collected, to be paid into the Treasury, one-half to the credit of the District of Columbia and one-half to the credit of the United States, shall hereafter when collected be paid into the Treasury and credited wholly to the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 120, after line 3, to strike out:

SEC. 8. That hereafter the Commissioners of the District of Columbia are authorized and directed to assess and collect rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which said space is occupied or used in connection with the business of said users.

The amendment was agreed to.

The next amendment was, on page 120, after line 8, to strike out:

SEC. 9. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: *Provided*, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

There shall be included in the area the cost of which is assessable hereunder only the roadway area abutting the property between lines normally projected from the building line of the street being improved at the points of intersection with the building lines of intersecting streets.

There shall be excluded from the cost of the roadway work to be assessed hereunder:

First. The cost of all such work beyond a line 20 feet from the side thereof.

Second. The cost of all such work within the space within which street railway companies are required to pave by law, and nothing herein contained shall be construed as relieving street railway companies from bearing all the expense of paving and repairing streets and avenues between lines 2 feet exterior to the outer rails of their tracks, as required by section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878.

The amendment was agreed to.

The next amendment was, on page 121, line 14, to change the number of the section from 10 to 6.

The amendment was agreed to.

The next amendment was, on page 122, line 17, to change the number of the section from 11 to 7.

The reading of the bill was concluded.

Mr. SMOOT. Mr. President, I ask the Senator from Maryland if he will not permit the bill to be laid aside at this time?

Mr. SMITH of Maryland. I merely want to offer three or four committee amendments, so as to complete the committee amendments.

Mr. SMOOT. Can the Senator from Maryland not do that to-morrow morning?

Mr. SMITH of Maryland. It will not take five minutes. The amendments which I intend to propose are in connection with other committee amendments, though I did not offer them as the consideration of the bill progressed.

The VICE PRESIDENT. The first amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. On page 55, line 8, it is proposed to strike out the words "the assistant principal who shall be dean of girls of the Central High School," and insert "the assistant principal of the Central High School, dean in charge of girls of the Central High School."

Mr. SMITH of Maryland. That merely makes the language conform to previous provisions.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Maryland. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 82, line 20, it is proposed to strike out "\$1,500" and insert in lieu thereof "\$2,500."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMITH of Maryland. I offer another amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, line 23, before the word "drivers," it is proposed to strike out "twenty" and in lieu thereof to insert "twenty-four."

Mr. SMOOT. What is the effect of that?

Mr. SMITH of Maryland. I will say in regard to that amendment that we had provided for the purchase of motor vehicles, but have not provided for any drivers for them.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMITH of Maryland. I also offer an additional amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 111, after line 5, it is proposed to insert:

The Secretary of War is authorized to effect an adjustment of boundaries and an exchange of lands in the District of Columbia with the Philadelphia, Baltimore & Washington Railroad, in accordance with

the plat or drawing on file in the Office of the Chief of Engineers and designated E. D. 12968/531, whereby on the left bank of the Anacostia River said railroad company shall release, quitclaim, and convey to the United States the certain lands along the Anacostia River riverward of the line shown on said plat and needed for the reclamation and development of the Anacostia River and Flats, and the United States shall release and quitclaim to said railroad company any right, title, interest, or claim in or to certain lands shoreward of said line, as shown on said plat, and will permit the extension of said company's right of way to include the triangle of land 262.10 feet on the hypotenuse lying at the junction of the railroad bridge and the original shore line of the said river, as shown on said plat, and whereby, on the right bank of the Anacostia River, the United States shall permit the rights of way of the said railroad company for its entrance into the city of Washington to be consolidated, between the bulkhead of the railroad bridge at the Anacostia River and the south line of L Street south, into one right of way of equal top width, according to the lines of said plat, and the United States and the said railroad company shall reciprocally release, quitclaim, and convey to each other the portions of square south of 1080, so called, and the accretions to the same lying respectively, northward and southward of the division line shown on said plat, and the said railroad company shall release, quitclaim, and confirm to the United States the title to all land along and adjacent to the Anacostia River from the bulkhead of the present railroad bridge to Fifteenth Street east, exterior to the portion of square south of 1080 to be released to said railroad company as shown on said plat, together with all appurtenances and riparian rights, privileges, and advantages and subject only to the consolidated right of way as hereinbefore stated and delineated on said plat.

And the Secretary of War is further authorized and directed on behalf of the United States to make, execute, and deliver and to accept from said railroad company such deeds of conveyance of quitclaim or other assurances of title as, in the opinion of the Attorney General, may be necessary or appropriate to effect such adjustment of boundaries and exchange of lands. *Provided*, That all expenses of recording such deeds and other expenses incidental to the execution of such exchanges shall be borne by the said railroad company: *Provided further*, That upon the effectuation of the adjustment of boundaries and exchange of lands herein provided for, the Commissioners of the District of Columbia are authorized to close that portion of L Street south lying between Water Street and the Commodore Barney Circle, and to permit the use and occupation of the same by the Philadelphia, Baltimore & Washington Railroad Co. in connection with the consolidated right of way authorized by this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMITH of Maryland. I offer another amendment, to follow the amendment just agreed to.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just agreed to it is proposed to insert the following:

In connection with the said reclamation and development of the river and flats the Secretary of War is authorized to acquire, for and on behalf of the United States, by purchase or by condemnation, for highway and park purposes, the fee simple and absolute title to all lands, required for said objects and not now owned by the United States, in and along the Anacostia River from the Anacostia Bridge to the center line of East Capitol Street, embraced within the area lying between the lines, one on each side of the river, following approximately the contour of 10 feet elevation above the plane of mean low water at the United States Navy Yard; and the Secretary of War is further authorized to acquire for the United States, by purchase or condemnation, for highway and park purposes, in connection with the said reclamation and development of the Anacostia River and Flats, the fee simple and absolute title to all lands, required for said objects and not now owned by the United States, in and along the Anacostia River in the section thereof running from the center line of East Capitol Street to the northeast boundary line of the District of Columbia, embraced within the limits designated "Taking Line," one on each bank of the river in said section, as indicated on the map entitled "Reclamation Anacostia River Flats, D. C., Land Map," approved by the Chief of Engineers, United States Army, and the Secretary of War, as attested and authenticated by their respective signatures and the seal of the War Department, bearing date the 24th day of May, 1916, recorded and filed in the office of the Chief of Engineers, United States Army, under Engineer Department File No. 12968/525; and the appropriation herein made for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, and all appropriations heretofore made for said purpose are hereby made available for the purchase or condemnation of all of the said lands hereinbefore authorized to be acquired and for the payment of amounts awarded as damages for said lands and the costs and expenses of the condemnation proceedings in the event that it is necessary to institute such condemnation proceedings: *Provided*, That if said lands or any part thereof can not be acquired by purchase from the owners thereof at a price satisfactory to the Secretary of War, the Commissioners of the District of Columbia, upon request of the Secretary of War, shall institute condemnation proceedings to acquire such lands under the provisions of chapter 15 of the Code of Law for the District of Columbia.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMOOT. I ask the Senator if he will not allow the bill to be temporarily laid aside at this time so that I can move to take up the calendar?

Mr. SMITH of Maryland. I will agree to lay the bill aside temporarily, so that the Senate may take a recess until 10 o'clock to-morrow.

Mr. MARTIN of Virginia. I move that at not later than 6.30 o'clock this evening the Senate take a recess until to-morrow at 10 o'clock.

The motion was agreed to.

#### THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar

under Rule VIII, beginning with order No. 452, where we left off the last time the calendar was under consideration.

The VICE PRESIDENT. Is there objection?

Mr. STERLING. Mr. President, while not objecting as yet, I should like to ask the Senator from Utah if he will not consent to go back to the beginning of the calendar, and take bills up from that point?

Mr. SMOOT. No, Mr. President; I can not do that.

Mr. STERLING. Mr. President, I want to state the situation in just a word or two.

The VICE PRESIDENT. Is there any objection? If there is an objection, that is the end of it. If there is none, then we are losing time. Is there any objection?

Mr. STERLING. I will not object now.

The VICE PRESIDENT. The Chair hears no objection, and the order is made.

#### BILL PASSED OVER.

The bill (H. R. 13391) to amend an act approved December 23, 1913, known as the Federal reserve act, by adding a new section, was announced as first in order.

Mr. SMOOT. Let that go over, the chairman of the Committee on Banking and Currency not being present.

The VICE PRESIDENT. The bill will be passed over.

#### STEAMSHIP "REPUBLIC."

The bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States, was considered as in Committee of the Whole. It directs the Commissioner of Navigation to cause the steamship *Walkure*, admitted to American registry as the steamship *Republic*, which was sunk in the harbor of Papeete, Tahiti, raised and repaired by American enterprise, capital, and labor, to be enrolled and licensed as a vessel of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PATENTS ON RECLAMATION ENTRIES.

The bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands, with amendments, on page 1, line 8, after the word "or," to insert "final"; and in line 9, after the word "until," to strike out "all sums due the United States on account of such land or water right at the time of issuance of final homestead or desert-land certificate or water-right certificate have been paid" and insert "after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate," so as to make the bill read:

*Be it enacted, etc.*, That the proviso to section 1 of the act of August 9, 1912 (37 Stat., p. 265), entitled "An act providing for patents on reclamation entries, and for other purposes," be amended to read as follows:

*Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS IN IDAHO.

The bill (S. 1740) to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby, was considered as in Committee of the Whole. It repeals an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and the grant thereby made to the city of Twin Falls, Idaho, for the benefit of said city is revoked and declared of no effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS IN MINNESOTA.

The bill (S. 5496) to amend section 5 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908, was considered as in Committee of the Whole. It proposes to amend section 5 of an act entitled "An act to authorize the drainage of certain lands in



the State of Minnesota," approved May 20, 1908 (35 Stat., 169), so as to read as follows:

Sec. 5. That at any time after any sale of unentered lands has been made in the manner and for the purpose mentioned in this act patent shall issue to the purchaser thereof upon payment to the receiver of the minimum price of \$1.25 per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws. But purchasers at a sale of unentered lands shall have the qualification of homestead entrymen, and not more than 160 acres of such lands shall be sold to any one purchaser under the provisions of this act. This limitation shall not apply to sales to the State, but shall apply to purchases from the State of unentered lands bid in for the State. Any part of the purchase money arising from the sale of any lands in the manner and for the purposes provided in this act, which shall be in excess of the payments herein required and of the total drainage charges assessed against such lands, shall be paid to the county treasurer of the county in which the land is situated to be used for the construction and maintenance of canals, ditches, and other work connected with the drainage of swampy, wet, and overflowed lands in such county.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ENLARGED HOMESTEADS.

The bill (S. 1061) to allow additional entries under the enlarged homestead act was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, after line 10, to insert:

*Provided*, That this act shall not be construed to apply to soldiers' additional homestead entries made under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto.

So as to make the bill read:

*Be it enacted, etc.*, That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February 19, 1909, for such an area of public land as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided*, That this act shall not be construed to apply to soldiers' additional homestead entries made under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF HOMESTEAD ACT.

The bill (S. 2383) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States, relating to homesteads," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 14, after the words "not less than," to strike out "\$150" and insert "\$300," so as to make the bill read:

*Be it enacted, etc.*, That the provisions pertaining to cultivation by entrymen of homestead lands as set forth in the section of the act approved June 6, 1912, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads," be amended to read as follows:

*Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead law double the area of cultivation herein provided shall be required: *And provided further*, That whenever the lands entered are covered with a growth of poles, brush, and scrub timber the entryman in lieu of cultivation required herein may make improvements upon his entry by slashing, clearing, or in any other way preparing the land for cultivation, said improvements to aggregate an amount of not less than \$300: *And provided further*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BOISE & ARROWROCK RAILROAD.

The bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDIAN LANDS IN NEBRASKA.

The bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of

Nebraska, was considered as in Committee of the Whole. It provides that all of the lands in the State of Nebraska belonging to the members of the tribe of Winnebago Indians held under trust patents of allotments, and upon which the 25-year trust period shall have expired, or shall expire, and which trust period shall have been or shall be extended as provided by law, shall be, and the same are hereby, made subject to appraisal and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and State purposes, as provided by the laws of the State of Nebraska now in force or to be hereinafter enacted.

That all of the lands in the State of Nebraska belonging to the members of the tribe of Omaha Indians now held under trust patents of allotments issued in 1885 or subsequent thereto, and upon which the 25-year trust period shall have expired, and which trust period shall have been extended, as provided by law, shall be, and the same are hereby, made subject to appraisal and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and State purposes, as provided by the laws of the State of Nebraska now in force or to be hereinafter enacted: *Provided*, That any of the lands described in section 1 and section 2 of this act, so long as the same shall be held under trust patents, shall not be subject to levy and tax sale, as provided under the laws of the State of Nebraska for the collection of such taxes; but if such tax shall not be paid within one year after the same shall become due and payable, as provided by the laws of the State of Nebraska, then the list of such unpaid and delinquent taxes on the lands of the Winnebago Indians and Omaha Indians, as above provided, shall be certified by the county treasurer of the county in which such lands are situated to the Secretary of the Interior, who shall be authorized to pay the same from any funds belonging to the Indian allottees owning such lands so taxed and arising from the rentals thereof or under his control; and in the event that no such funds shall be in the possession or under the control of the Secretary of the Interior, he shall certify that fact to the said county treasurer, which certificate shall operate as a full release and discharge of the tax assessed against the land of the Indian so without funds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (H. R. 1024) for the relief of Allen M. Hiller was announced as next in order.

Mr. OVERMAN. I object to the consideration of that bill.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1161) authorizing the promotion of an officer on the retired list of the Army who served in the Civil War was announced as next in order.

Mr. OVERMAN. Let that bill go over. The matter is taken care of in the Army bill. I will ask the Senator from Oregon if this bill might not go over under Rule IX, so as to take it off the calendar under Rule VIII?

Mr. CHAMBERLAIN. Yes; it might just as well go over under Rule IX.

Mr. OVERMAN. Let it go to Rule IX.

The VICE PRESIDENT. Why not indefinitely postpone it?

Mr. SMOOT. Yes; why not indefinitely postpone it?

Mr. OVERMAN. I have no objection to that.

The VICE PRESIDENT. The bill will be indefinitely postponed, in the absence of objection.

The bill (S. 1579) to correct the military record of Jacob Nice was announced as next in order.

Mr. OVERMAN. Let that bill go over. I just want to find out whether he is a deserter or not.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5437) to further amend the act of Congress entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, to extend the same to elections for United States Senators and for presidential electors, and to regulate, control, and limit campaign and other contributions and expenditures in connection with such elections, and to define corrupt practices in connection therewith, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### AIDS TO NAVIGATION.

The bill (S. 21) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, line 11, after the word "district," to strike out "or in the Lighthouse Service generally, \$150,000," and insert "\$120,000," so as to read:

Constructing or purchasing and equipping a lighthouse tender to replace tenders worn out in service in the third lighthouse district, \$120,000.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the word "Charles," to insert "City," so as to read:

Improving lights and fog signals leading to Cape Charles City, Va., \$12,800.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to strike out: Improvements at Detroit, Mich., lighthouse depot, \$53,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to strike out:

Light station and fog signal at or near Sand Hills, Mich., \$75,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert:

#### SEVENTEENTH LIGHTHOUSE DISTRICT.

For the establishment of aids to navigation and improvement of existing aids in Washington and Oregon, seventeenth lighthouse district, \$35,000.

The amendment was agreed to.

The next amendment was, on page 4, line 8, after the words "ninety thousand dollars," to insert:

Provided, That arrangements shall be made to use for the purposes herein lands and property now belonging to the United States and being used by the Navy for naval purposes.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "that," strike out "hereafter"; in line 5, after the word "purchase," strike out "equipment" and insert "and necessary equipment of one motorcycle and the"; and in line 6, after the words "operation of," to strike out "motor-propelled vehicles for transporting passengers or freight" and insert "the same," so as to read:

Sec. 4. That the appropriation "General expenses, Lighthouse Service," shall be available for the purchase and necessary equipment of one motorcycle and the repair and operation of the same for use of the Lighthouse Service in the Hawaiian Islands.

The amendment was agreed to.

Mr. POMERENE. Mr. President, I send to the desk an amendment which was offered by the senior Senator from Rhode Island [Mr. LIPPITT] some time ago, and it has the approval of the committee.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after line 12, it is proposed to insert the following paragraph:

Improving the light station, moving the fog signal, and constructing a keeper's dwelling at Great Salt Pond Light Station, R. I., \$25,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third time, read the third time, and passed.

#### BRIDGE AT NOGALES, ARIZ.

The bill (S. 4058) making an appropriation for the construction of a bridge at Nogales, Ariz., was announced as next in order.

Mr. ASHURST. Let that bill be indefinitely postponed.

The VICE PRESIDENT. The bill will be indefinitely postponed.

#### PUNISHMENT FOR FALSE REPRESENTATIONS.

The bill (S. 5899) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States was considered as in Committee of the Whole.

Mr. STONE. Mr. President, I should like to have that bill read.

Mr. SMOOT. I object to its consideration.

The VICE PRESIDENT. The bill will be passed over.

Mr. MYERS. Mr. President, I wish to take just a second to say to the Senate that the passage of that bill is recommended very strongly by the Interior Department. In fact, it was prepared by the Interior Department.

Mr. SMOOT. I will say to the Senator that I have not a particle of objection to the bill, but if it is going to lead to any discussion I do not want to interfere with the passage of other bills on the calendar to which there is no objection.

Mr. MYERS. I do not see why it should lead to any discussion.

Mr. SMOOT. Because the Senator from Missouri has just asked that it be read.

Mr. MYERS. It corrects a very bad practice in the Western States.

Mr. SMOOT. I am perfectly aware of that.

Mr. SIMMONS. The Senator from Missouri wants it read; that is all.

Mr. STONE. I do not know that I desire to discuss the bill, but there have been so many absolutely abominable prosecutions against people in this country of late on the charge of misrepresenting this thing and the other that I want to know what I am voting on when I vote for a bill of this type.

Mr. MYERS. I ask that the objection be withdrawn long enough to let the bill be read, and then let the Senate decide whether they want it considered or not.

Mr. STONE. It will come up again.

Mr. SMOOT. I withdraw the objection to the reading of the bill, but if it is going to lead to any discussion I shall object.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That any person who, for a reward paid or promised to him in that behalf, shall undertake to locate for an intending purchaser, settler, or entryman any public lands of the United States subject to disposition under the public-land laws, and who shall willfully and falsely represent to such intending purchaser, settler, or entryman that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, with intent to deceive the person to whom such representation is made, or who, in reckless disregard of the truth, shall falsely represent to any such person that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, thereby deceiving the person to whom such representation is made, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding \$300 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Mr. STONE. I have no objection to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TOWN SITE OF TUTTLE.

The bill (H. R. 10791) for the relief of the occupants of the Tuttle town site was announced as next in order.

Mr. MYERS. I ask that that bill be passed over, because I am of the impression that the same matter was incorporated in the Indian appropriation bill.

The VICE PRESIDENT. The bill will be passed over.

#### REPEAL OF FOREST HOMESTEAD ACT.

The bill (H. R. 10668) to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes, was considered as in Committee of the Whole. It proposes to repeal section 4 of the act of Congress approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," as amended by the act of February 8, 1907 (34 Stat. L., p. 883), and by the act of July 3, 1912 (37 Stat. L., p. 188), and that all lands within national forests in Lawrence and Pennington Counties, in South Dakota, shall be and remain subject to all other provisions of the said act of June 11, 1906, and acts amendatory thereof and supplementary thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (S. 698) to correct the military record of John L. O'Mara and grant him an honorable discharge was announced as next in order.

Mr. OVERMAN. The beneficiary is a deserter. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5504) for the relief of Louis Blanchette, alias Lewis Blanchard, alias Louis White was announced as next in order.

Mr. OVERMAN. This man has too many aliases. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish was announced as next in order.

Mr. LANE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CHAMBERLAIN. Mr. President, I hope my colleague will not object to the consideration of that bill.

Mr. LANE. I understand that it will lead to a prolonged discussion; and if that is so, there is no use in taking up time with it during this hour.

The VICE PRESIDENT. The bill will be passed over.



The bill (S. 2846) to provide compensation for accidental injuries to employees of the United States resulting in disability or death was announced as next in order.

Mr. SMITH of Georgia. Let that go over, Mr. President. I want to state that my reason for asking to have it go over is that this is a Senate bill, and we have a House bill on the same subject that will be reached farther on, with a favorable report.

The VICE PRESIDENT. The bill will be passed over.

#### CLAIMS AGAINST CHOCTAW AND CHICKASAW NATIONS.

The bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CURTIS subsequently said: Mr. President, the Senator from Utah withdraws his objection to the consideration of Senate bill 5427.

Mr. SMOOT. Is that the bill to which the Senator wants to offer one amendment?

Mr. CURTIS. Yes. It is a bill to settle a claim against the Indians, not against the Government. It was unanimously reported from the committee.

Mr. SMOOT. So as to provide that they shall pay interest?

Mr. CURTIS. That they shall pay interest.

Mr. SMOOT. Then I have not any objection.

The VICE PRESIDENT. Are we to take up the bill?

Mr. SMOOT. Yes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 1, line 4, after the word "adjudicate," to strike out "all" and insert "the following," so as to read:

That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the following claims of J. F. McMurray, as assignee, etc.

The amendment was agreed to.

The next amendment was, on page 1, line 8, after the word "rendered," to strike out "expenses incurred and paid and disbursements made," so as to read:

For professional services rendered for said nations, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the word "set-off," to insert "against either the assignors or the assignee of said claim, all statutes of limitations against said set-offs or counterclaims being hereby waived," so as to read:

*Provided*, That as to any such claims so sued upon the Choctaw and Chickasaw Nations, or either of them, shall be permitted to interpose all proper defenses by way of counterclaim or set-off against either the assignors or the assignee of said claim, all statutes of limitations against said set-offs or counterclaims being hereby waived.

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the word "owing," to insert "calculated upon a fair and equitable basis," so as to read:

*Provided further*, That any amount found to be owing, calculated upon a fair and equitable basis, by the said J. F. McMurray to the said Choctaw and Chickasaw Nations upon coal-mining leases held by him may be offset against any judgment that may be rendered in his favor upon such claims.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "claims," to insert:

*Provided further*, That if any of such leases are found not to be underlaid with merchantable coal, and all leases upon which royalties are not paid within 30 days after the final settlement of these matters, the same shall be canceled.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "within," to strike out "thirty" and insert "sixty," and on line 18, after the word "States," to insert "any or," so as to read:

*Provided*, That the Secretary of the Interior is hereby authorized to adjust, by mutual agreement with the interested parties herein, under the terms of this act and within 60 days after its approval by the President of the United States, any or all of the matters covered by the above provisions.

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the words "expiration of," to strike out "thirty" and insert "sixty," so as to read:

*And provided further*, That no suit shall be instituted in the courts under this act until the expiration of 60 days after its approval by the President.

The amendment was agreed to.

The SECRETARY. It is also proposed, on page 2, line 24, after the word "waived," to insert the following words: "and all

amounts found due to said Choctaw and Chickasaw Nations under the above provision shall bear interest at the legal rate." The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AERIAL NAVIGATION.

The next business on the calendar was the joint resolution 210, to print the manuscript entitled "Command of the air" as a Senate document.

Mr. OVERMAN. What is the resolution?

Mr. SHEPPARD. I will state to the Senator that the article is a very graphic one on the subject of aerial navigation.

Mr. OVERMAN. Let it go over.

The VICE PRESIDENT. The resolution will go over.

#### PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 6370) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. Let the bill go over.

The VICE PRESIDENT. It will go over.

#### PERMANENT EXHIBIT IN CITY OF WASHINGTON.

The bill (S. 3444) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. SMOOT. As that bill will lead to some discussion, I ask that it may go over.

The VICE PRESIDENT. It will go over.

#### JOSEPH A. BUCKHOLDT.

The bill (H. R. 2536) for the relief of Joseph A. Buckholdt was announced as next in order.

Mr. LANE. Mr. President, this is a very worthy case, and I hope the bill will be passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Joseph A. Buckholdt, of San Antonio, Tex., \$3,000, in full compensation for injuries received by him by reason of an accident which occurred on January 26, 1914, while in the employ of the United States Government on the Panama Canal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### UNVEILING OF M'CLELLAN STATUE.

The bill (S. 2292) to acquire the manuscript of Charles Chaillé Long, containing an account of the unveiling of the McClellan Statue, was announced as next in order.

Mr. SMOOT. Let that go over.

#### TIMBER FOR MINING PURPOSES.

The bill (S. 5992) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another was announced as next in order.

Mr. THOMAS. I think that had better go over.

Mr. PITTMAN. I trust there will be no objection to the consideration of this bill. It changes the law, I will say to the Senator from Colorado, in only one particular. A mining corporation in our State may cut timber for mining purposes, but foreign corporations can not. There are many corporations in our State that were organized in Colorado, Wyoming, and elsewhere.

Mr. THOMAS. Very well; I will withdraw the objection.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

*Be it enacted, etc.*, That section 1 of an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several acts amendatory thereof, be, and the same are hereby, extended so that it shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred by the aforesaid acts upon corporations incorporated

in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LASSEN VOLCANIC NATIONAL PARK.

The bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SOUTHERN STATES LUMBER CO.

The bill (S. 5439) for the relief of the Southern States Lumber Co. was considered as in Committee of the Whole. It proposes to pay to the Southern States Lumber Co., a corporation, Pensacola, Fla., \$603.79.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FORT PECK INDIAN RESERVATION LANDS.

The bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in section 1, page 1, line 3, after the word "made," to insert "or shall make"; on page 2, line 1, after the word "will," to insert "hereafter"; in the same line, after the word "due," to strike out "within one year from the approval of this act, and may thereafter obtain extensions of time within which to pay one-half the amount of any installment which becomes due"; in line 7 to strike out "extended" and insert "due and for the period of the desired extension"; in line 14, before the word "years," to strike out "ten" and insert "eight"; in line 15, after the word "entry," to insert "nor will any extension be made for less than one year"; in line 16, after "further," to strike out the following: "That any person who hereafter makes homestead entry under said act may pay the purchase money not required at the time of entry in nine equal annual installments, commencing one year from the date of entry: *And provided further*," so as to make the bill read:

*Be it enacted, etc.*, That any person who has made or shall make homestead entry under the act approved May 30, 1908 (35 Stats., p. 558), entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana," etc., may obtain extensions of time within which to pay installments of purchase money, which have become due and are unpaid or which will hereafter become due by paying to the register and receiver of the land office for the district in which the lands are situated interest in advance on the amounts due and for the period of the desired extension at the rate of 5 per cent per annum, and any payment so extended may at its maturity be again extended in like manner: *Provided*, That payment of interest on installments now due must be made in order to secure the extension; interest payments must hereafter be made at or before the maturity of the payments to be extended, and no payment will be postponed for more than eight years from the date of entry nor will any extension be made for less than one year: *Provided further*, That if commutation proof is submitted all the unpaid payments must be made at that time.

Sec. 2. That in case any entryman fails to make the payments, or any of them, when due, unless the same be extended, or to make any extended payment at or before its maturity, unless it is again extended, all rights in and to the land covered by his entry shall cease and any payments theretofore made shall be forfeited and the entry canceled.

Sec. 3. That moneys paid as interest, provided for herein, shall be deposited in the Treasury to the credit of the Fort Peck Indians, the same as moneys realized from the sale of the lands.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TETON NATIONAL FOREST.

The bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to add an additional section, as follows:

Sec. 2. That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

Sections 9 to 15, inclusive, and sections 22, 23, and 24, all in township 25 north, range 116 west, sixth principal meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ELLEN B. WALKER.

The bill (S. 5974) for the relief of Ellen B. Walker was announced as next in order and was read.

Mr. SMOOT. I notice that this bill comes from the Committee on Indian Affairs. All such claim bills ought to go to the Committee on Claims. The Committee on Claims has a regular rule which it has been following in providing for such claims. I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

#### MARCUS P. NORTON'S PATENTS.

The bill (S. 391) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, or otherwise, was announced as next in order.

Mr. OVERMAN. I think that bill will take considerable time in discussion. Let it go over.

Mr. TOWNSEND. Is there objection to its consideration?

Mr. OVERMAN. I said I think it would take considerable time, and it should not be considered now.

Mr. TOWNSEND. A similar bill has been passed by the Senate, and it has been reported favorably several times in previous Congresses. I certainly hope it will be allowed to pass.

Mr. OVERMAN. It has been before our committee for about 14 years.

Mr. TOWNSEND. Yes; time and time again.

Mr. OVERMAN. I object because it will take some time.

Mr. TOWNSEND. Unless the Senator wants to discuss it it will not take time.

The VICE PRESIDENT. The bill will go over.

#### PILLAGER BANDS OF CHIPPEWA INDIANS.

The bill (S. 6016) for the relief of the Pillager Bands of Chippewa Indians of Minnesota, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to add the following additional proviso:

*Provided further*, That said attorneys shall enter into proper contracts to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with existing laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ROSEBUD SIOUX RESERVATION.

The bill (H. R. 13298) authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDIAN LANDS IN OKLAHOMA.

The bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes, was considered as in Committee of the Whole. It directs the Secretary of the Interior, upon application therefor, to sell to the county of Tillman, State of Oklahoma, at \$1.25 per acre, not exceeding 160 acres, for county farm purposes, and to the town of Grandfield, Okla., not exceeding 40 acres, for cemetery purposes, of vacant undisposed-of lands within the town-site reserves in the State of Oklahoma, withdrawn by Executive orders under the act of March 20, 1906 (34 Stats. L., p. 80), the money received from the sale of said lands to be deposited in the Kiowa Indian Agency hospital fund, and to draw interest at the rate of 4 per cent per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADDITIONAL JUDGE FOR DISTRICT OF MONTANA.

The bill (S. 789) providing for an additional judge for the district of Montana was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, in section 1, page 1, line 3, after the word "appoint," to insert "by and with the advice and consent of the Senate"; in line 5, after the word "Montana," to strike



out "by and with the consent of the Senate"; in section 2, page 1, line 12, before the word "ninth," to strike out the word "the," and after the word "ninth" to strike out the word "district" and insert the word "circuit"; and in section 3, page 2, line 6, before the word "appertaining," to strike out the word "duty" and insert the word "duties," so as to make the bill read:

*Be it enacted, etc.,* That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the district of Montana, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

SEC. 2. That in case of disagreement in relation thereto between the judges of said district court the senior circuit judge of the ninth circuit shall make all rules for the transaction of the business of said court and all necessary orders for the division of the work and the assignment of cases for trial.

SEC. 3. That the clerk of the district court for the district of Montana and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL RECOMMENDED.

The bill (S. 3025) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. WALSH. That bill was inadvertently reported from the committee. I ask that it be recommitted.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on the Judiciary.

#### BLACKFEET INDIAN LANDS.

The bill (S. 5912) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lien land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., pp. 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS SMART.

The bill (S. 1361) to correct the military record of Thomas Smart was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Thomas Smart, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been present with his company and regiment from the 27th day of February, 1864, to May 27, 1864: *Provided*, That other than as above set forth no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Thomas Smart."

#### EDWARD S. FARROW.

The bill (S. 1691) for the relief of Edward S. Farrow was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with amendments in line 8, after the article "a," to strike out "major" and insert "first lieutenant"; and in line 11, after the word "of," to strike out "major" and insert "first lieutenant," so as to make the bill read:

*Be it enacted, etc.,* That the laws regulating appointments in the Army be, and they are hereby, suspended only for the purpose of this act. And the President is hereby authorized to nominate and, by and with the consent of the Senate, appoint Edward S. Farrow, late first lieutenant, Twenty-first Regiment United States Infantry, a first lieutenant of Infantry in the Army of the United States, and thereupon

place him, the said Edward S. Farrow, upon the retired list of the Army with the rank, grade, pay, and allowances of first lieutenant, without regard to the number now authorized by law of said retired list.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 7, before the word "Volunteer," to insert "Indiana."

The amendment was agreed to.

The next amendment was on page 1, after line 9, to strike out:

The name of Alice E. Knapp, dependent mother of Steth B. Knapp, alias Seth B. Knapp, late of Troop B, Fifth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to strike out:

The name of Charles E. Shermer, late of Company K, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to strike out:

The name of James J. McHale, late of Company M, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to strike out:

The name of Harry E. Brooks, late of Company F, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "and," to strike out "Musician Band" and insert "band," and, in line 11, before the word "Volunteer," to strike out "United States" and insert "Georgia," so as to make the clause read:

The name of George E. Grubbs, late of Company B, and band, Second Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 22, after the words "United States," to strike out "Army" and insert "Navy," so as to make the clause read:

The name of Walter J. Frink, late of the United States Marine Corps, United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to strike out:

The name of Tina Quinn, widow of John Quinn, late of Troop G, Eighth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$12 per month, and \$2 additional per month on account of each of the two minor children of the said John Quinn until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 6, after line 2, to strike out:

The name of Oscar G. Rottman, late of Troop D, Twelfth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 21, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Willard L. Anthony, late of Company M, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 23, to strike out:

The name of John Blueford, late of Troop B, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to strike out:

The name of Floyd T. Patterson, late of Batteries H and M, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to strike out:

The name of Marv McAllister, dependent mother of Francis J. McAllister, late of Company D, First Regiment California Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to strike out:

The name of Daniel M. Moser, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 9, to strike out:

The name of Mary J. Byram, widow of Quincy Adams Byram, late of Capt. Keener's company, Alabama Volunteers, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to strike out:

The name of William McClaskey, late of U. S. S. *Dixie*, United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to strike out:

The name of Joseph Daley, late of Company L, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to strike out:

The name of Andrew Conley, late of U. S. S. *Baltimore*, United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 15, after the words "Troop D," to insert "Fifth Regiment," so as to make the clause read:

The name of Jacob Amberg, late of Troop D, Fifth Regiment, United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to strike out:

The name of William C. Winslow, late of Company I, Second United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to strike out:

The name of John Shannon, late of Troop B, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

Mr. CURTIS. Mr. President, I ask the Senate not to agree to that amendment. The report shows that this man served from March 17, 1876, to March 16, 1881. It also shows from the medical records of the War Department the following hospital treatment:

August 19 to September 10, 1876, inflammation of the internal ear; February 11 and 12, 1879, vaccine fever; July 13 to August 28, 1880, headaches. No additional record found.

The report further states:

Two witnesses testify in 1915 that they have known the soldier since March, 1881, date of discharge, and that he was then quite deaf in one ear and has been so ever since.

Several other witnesses in 1915 testify they know soldier has been deaf for last 30 years.

Three doctors testify that the drum of left ear is ruptured and deafness has ensued and hearing of right ear is much impaired. One of these states that the present condition could easily result from such an injury as alleged in 1876, and subsequent abscess which soldier describes.

I do not think there is any question that technically this soldier is entitled to a pension, and the report of the House committee clearly shows that he has been suffering from this trouble for 30 years.

Mr. THOMAS. Mr. President, from what report has the Senator been reading?

Mr. CURTIS. I am reading from the report of the committee of the other House.

Mr. THOMAS. There appears to be no report submitted by the Senate committee. Can the Senator inform me why the item was stricken out by the Senate committee?

Mr. CURTIS. As I understand, the Senate committee struck out the item because of the fact that the soldier had delayed filing a claim for pension on the ground that his disability was the result of his Army service until 1913; but the records of the War Department show that he was treated in the hospital for inflammation of the internal ear, and, as I have stated, several witnesses testify that they know he has been deaf for 30 years. That is all set out in the House report.

Mr. SMOOT. Mr. President, the committee disagreed to the item because of the fact that it is not shown that the man's ailment was of service origin. For the same reason the other items in the bill, on all fours with this case, have been stricken out; and if we reject the committee amendment and reinsert this item, then we ought to restore all the other items which have been stricken out of this bill.

Mr. CURTIS. Any parallel or similar case can be taken care of in conference.

Mr. THOMAS. Mr. President, I did not object to this bill because it was a House bill. The chairman of the Committee on Pensions is not present; but, from what the Senator from Utah says, I think the action of the Senate committee is justified. I do not want to object to the consideration of the bill, but I think there is a great deal of force in the statement of the Senator from Utah, and if we begin to reinsert items which have been stricken out by the committee we will practically undo the work of the committee. I shall have to object to the consideration of the bill if the amendments of the Senate committee are to be rejected.

Mr. CURTIS. Rather than have the bill go over, I will not make the request, but will let the matter be acted on in conference.

Mr. SMOOT. It will go to conference anyhow.

Mr. THOMAS. The item will go to conference, having been stricken out by the Senate.

Mr. CURTIS. If the Senator is going to object, I withdraw my request.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 12, line 26, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Robert Trexler, late of Company K, Third Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of Simeon D. Morrison, late of Company E, Seventh Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to strike out:

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 7, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Arthur Magoon, late of Company L, Eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 23, before the words "Company I," to strike out "formerly" and insert "late," so as to make the clause read:

The name of Effa M. Rule, widow of William H. Rule, late of Company I, Fifth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 16, after line 18, to strike out:

The name of Reuben Solomon (insane), late of Company F, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month. Pay to duly appointed guardian.

The amendment was agreed to.

The next amendment was, on page 16, after line 22, to strike out:

The name of Daniel H. Gerald, late of Company L, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.



The next amendment was, on page 17, line 20, after the surname "Beckham," to strike out "deceased," so as to make the clause read:

The name of Charlotte M. Beckham, widow of Robert H. Beckham, late captain and commissary of subsistence, United States Volunteers, War with Spain, and pay her a pension at the rate of \$20 per month, and \$2 per month additional on account of the minor child of the said Robert H. Beckham until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, at the top of page 18, to strike out:

The name of Carrie A. Stillions, widow of Robert E. Stillions, late of Troop E, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the two minor children of the said Robert E. Stillions until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to strike out:

The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 14, after the words "late of," to insert "captain," and in line 16, before the words "per month," to strike out "\$20" and insert "\$24," so as to make the clause read:

The name of Cordelia Mulford, widow of Jacob Mulford, late of Capt. Lindsley's company, New Jersey Militia, War of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 4, to strike out:

The name of Mary A. Scott, widow of Jephtha Scott, late of Capt. Grant's company, Georgia Volunteer Mounted Infantry, Florida Indian War, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. WORKS. Mr. President, I move to amend, on page 8, line 12, by striking out the figures "\$30" and inserting the figures "\$50." It is the case of John W. Lattimore.

Mr. President, this is one of the most pathetic cases that I have run across in all my experience. The man is entirely helpless, being totally blind and paralyzed, and is being cared for by his wife. He has no means of support. I merely want to read a few words from the affidavit of the attending physician as it appears in the report of the committee:

The present physical state, as you can see by the photographs, is that of total blindness of both eyes, a progressive paralysis of the body with an atrophy and emaciation, both progressive, of all the muscle groups. The general nervous system is completely shattered. The man is absolutely helpless, and has been for several years, and does now have to be waited upon like a baby by his wife.

I understand that this amount was limited because of a rule of the committee in the House; but the Senate has not been bound by that rule.

Mr. THOMAS. May I ask the Senator if the disabilities of this man were the result of his service?

Mr. WORKS. Yes; they were the result of gunshot wounds. I will ask to have the Secretary read the letter which I send to the desk.

Mr. THOMAS. I will take the Senator's word for it.

Mr. WORKS. Very well; I will not take the time to have it read, then. The disabilities were the result of wounds received in the war.

Mr. THOMAS. Then I have no objection to it.

Mr. SMOOT. If that is the case, I will say to the Senator that he is entitled not only to \$50 but to \$72.

Mr. WORKS. Very well; I will change my motion, then.

Mr. SMOOT. No; but I say if that were the case, he would not be here asking for it in this bill. The Pension Department would allow him that.

Mr. WORKS. The reason—

Mr. STONE. If the Senator will pardon me a moment, evidently this matter will not be voted on at once, and it is very important that we should have a very brief executive session. I have been talking to several Senators, and it has been suggested that the consideration of the calendar should run until 10 minutes before adjournment time. It is a little past that now.

Mr. WORKS. I hope there will be no objection to this increase. It is a perfectly plain case, to my mind. The reason why he has not received his pension under the regular law—

Mr. STONE. It will be the first matter to be reached when we take up the calendar again.

Mr. WORKS. It can be disposed of in a second.

Mr. SMOOT. I will say to the Senator that I will not object to letting this increase go into conference. It will be in conference if we adopt it.

Mr. STONE. Let it be voted on, then.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6375) to authorize the changing of the name of the steamship *Aroline*.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts managers at the conference on the part of the House.

The message further announced that the House had passed a resolution inviting the Members of the Senate to attend the unveiling of the pediment on the east front of the House wing of the Capitol at 10.30 o'clock Wednesday morning, August 2, 1916.

#### UNVEILING OF PEDIMENT ON HOUSE WING OF CAPITOL.

Mr. WILLIAMS. Mr. President, the House of Representatives has passed the following resolution (H. Res. 328):

*Resolved*, That the Committee on the Library shall arrange for appropriate exercises at the unveiling of the pediment on the east front of the House wing of the Capitol at 10.30 o'clock a. m., Wednesday, August 2; and be it further

*Resolved*, That the Members of the Senate be invited to be present at the exercises.

Mr. President, I move that the Senate concur with this resolution:

That the Senate learns with pleasure of the invitation extended to its Members by the House of Representatives to be present at the unveiling of the pediment on the east front of the House wing of the Capitol at 10.30 o'clock a. m., Wednesday, August 2, and accepts the invitation with gratification.

The resolution was unanimously agreed to.

#### PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Caroline Ladd Crew, of Mount Holly, N. J., and the petition of Frank M. Leavitt, of Chicago, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented a petition of the Amalgamated Lithographers of America, American Federation of Labor, and a petition of Local Branch, Brotherhood of Railway Clerks of Cincinnati, Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. WADSWORTH presented a petition of sundry citizens of Glens Falls, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

#### LENIENCY TO IRISH PRISONERS.

Mr. STONE. Mr. President, I ask leave by unanimous consent to make a report from the Committee on Foreign Relations, which I will ask to have read; it is only about 10 lines.

The VICE PRESIDENT. The Senator from Missouri, from the Committee on Foreign Relations, submits a report, which will be read.

The Secretary read the report (No. 740), as follows:

The Committee on Foreign Relations, having considered the following resolutions referred to the said committee, namely:

S. Res. 236. Requesting the President to ask the British Government to exercise clemency in treatment of Irish political prisoners;

S. Res. 237. Requesting the President to advise the United States ambassador to Great Britain to use his influence, unofficially, to obtain commutation of the sentence of death of Sir Roger Casement; and

Amendment to S. Res. 237, proposed by Mr. STERLING; adopted the following resolution, which I am directed to report:

Your committee deem it inexpedient that the Senate should adopt any of these resolutions at this time, and are of opinion that they would not tend to accomplish the purpose sought by them. Your committee therefore report back the resolutions and recommend that none of them be adopted.

The VICE PRESIDENT. The report will be placed on the calendar.

#### AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. BRADY submitted an amendment authorizing the Commissioners of the District of Columbia to acquire the land requisite for the preservation of the Klinge Ford Valley, in the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was ordered to lie on the table and be printed.

Mr. NEWLANDS submitted an amendment providing that the Chief of Engineers be directed to appoint a board of engineer officers to collaborate with the Commission of Fine Arts in preparing and reporting a plan for the artistic and utilitarian development of the commercial water front of Washington, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing that certain lands when acquired shall be a part of the park system of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to lie on the table and be printed.

#### WITHDRAWAL OF PAPERS—LEORA L. MACAREY.

On motion of Mr. THOMAS (for Mr. SHAFROTH) it was

Ordered, That the papers accompanying the bill S. 3017, Sixty-fourth Congress, first session, granting a pension to Leora L. Macarey, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### STANDARDIZATION OF LIME BARRELS.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5425) to standardize lime barrels having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 4, 5, 6, 7, 8, and 9, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

"Sec. 2. That it shall be unlawful for any person to sell or offer for sale lime imported in barrels from a foreign country or to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia unless there shall be stencilled or otherwise clearly marked on one or both heads of the small barrel the figures '180 lbs. net' and of the large barrel the figures '280 lbs. net' before the importation or shipment and on either barrel in addition the name of the manufacturer of the lime and where manufactured, and if imported the name of the country from which it is imported."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows:

"Sec. 3. When lime is sold in interstate or foreign commerce in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold and, if imported, the name of the country from which it is imported."

And the House agree to the same.

MOSES E. CLAPP,  
J. H. BANKHEAD,  
*Managers on the part of the Senate.*

WILLIAM A. ASHBROOK,  
JOHN W. ABERCROMBIE,  
*Managers on the part of the House.*

The report was agreed to.

#### PENSIONS AND INCREASE OF PENSIONS.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 11, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 13, and agree to the same.

N. P. BRYAN,  
MILES POINDEXTER,  
*Managers on the part of the Senate.*  
EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,  
*Managers on the part of the House.*

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

N. P. BRYAN,  
MILES POINDEXTER,  
*Managers on the part of the Senate.*  
EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,  
*Managers on the part of the House.*

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 8, and 9, and agree to the same.

N. P. BRYAN,  
MILES POINDEXTER,  
*Managers on the part of the Senate.*  
EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,  
*Managers on the part of the House.*

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors having met, after full and



free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 10, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, and 16, and agree to the same.

N. P. BRYAN,  
MILES POINDEXTER,  
*Managers on the part of the Senate.*  
EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,  
*Managers on the part of the House.*

The report was agreed to.

#### RECESS.

Mr. KERN. I move that the Senate take a recess until tomorrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m., Thursday, July 27, 1916) the Senate took a recess until tomorrow, Friday, July 28, 1916, at 10 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate July 27 (legislative day of July 25), 1916.*

##### MEMBER OF THE FEDERAL RESERVE BOARD.

Charles S. Hamlin, of Massachusetts, to be a member of the Federal Reserve Board. (A reappointment.)

##### SECRETARIES OF EMBASSIES OR LEGATIONS.

###### CLASS 2.

Alexander Benson, of Pennsylvania, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

William Penn Cresson, of Nevada, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Frederic O. de Billier, of the District of Columbia, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Roland B. Harvey, of Maryland, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Alexander R. Magruder, of Maryland, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Norval Richardson, of Mississippi, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

William Walker Smith, of Ohio, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Sheldon Whitehouse, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

###### CLASS 3.

Louis A. Sussdorff, jr., of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

###### CLASS 4.

Norman Armour, of New Jersey, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4 of the United States of America.

Allen W. Dulles, of New York, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4 of the United States of America.

John Heath, of California, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4 of the United States of America.

Williamson S. Howell, jr., of San Antonio, Tex., to be a secretary of embassy or legation of class 4 of the United States of America.

Ferdinand L. Mayer, of Indianapolis, Ind., to be a secretary of embassy or legation of class 4 of the United States of America.

Stokeley W. Morgan, of Camden, Ark., to be a secretary of embassy or legation of class 4 of the United States of America.

R. Henry Norweb, of Elyria, Ohio, to be a secretary of embassy or legation of class 4 of the United States of America.

Lithgow Osborne, of Auburn, N. Y., to be a secretary of embassy or legation of class 4 of the United States of America.

Robert M. Scotten, of Michigan, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4 of the United States of America.

Benjamin Thaw, jr., of Pittsburgh, Pa., to be a secretary of embassy or legation of class 4 of the United States of America.

William S. Van Rensselaer, of New York, N. Y., to be a secretary of embassy or legation of class 4 of the United States of America.

Robert Van Wyck Maverick, of San Antonio, Tex., to be a secretary of embassy or legation of class 4 of the United States of America.

John C. Wiley, of Indiana, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4 of the United States of America.

#### APPOINTMENT IN THE ARMY.

##### GENERAL OFFICER.

Col. Frederick W. Sibley, Fourteenth Cavalry, to be brigadier general from July 27, 1916, vice Brig. Gen. George A. Dodd, retired from active service July 26, 1916.

#### PROMOTIONS IN THE ARMY.

##### CAVALRY ARM.

*To be colonels with rank from July 1, 1916, to fill original vacancies created by section 25 of an act of Congress approved June 3, 1916, "with a view further to equalize inequalities in past promotions of officers of the line of the Army," all to be additional officers in that grade.*

Lieut. Col. Sedgwick Rice, Cavalry, unassigned.

Lieut. Col. Arthur Thayer, Cavalry, unassigned.

Lieut. Col. Charles C. Walcutt, jr., Cavalry, detailed in the Bureau of Insular Affairs, subject to examination required by law.

Lieut. Col. Peter E. Traub, Cavalry, unassigned.

Lieut. Col. Jesse McI. Carter, Cavalry, unassigned.

Lieut. Col. Malvern-Hill Barnum, Cavalry, detailed in the General Staff Corps.

*To be colonels with rank from July 1, 1916, to fill casual vacancies.*

Lieut. Col. Edmund S. Wright, Cavalry, unassigned, vice Col. John B. McDonald, detailed in the Inspector General's Department.

Lieut. Col. William H. Hay, Cavalry, unassigned, vice Col. John W. Heard, detailed in The Adjutant General's Department.

Lieut. Col. Stephen H. Elliott, Cavalry, unassigned, subject to examination required by law, vice Col. George H. Cameron, detailed in the General Staff Corps.

Lieut. Col. John M. Jenkins, Cavalry, unassigned, subject to examination required by law, vice Col. George W. Read, detailed in The Adjutant General's Department.

Lieut. Col. P. D. Lochridge, Cavalry, detailed in the General Staff Corps, vice Col. Robert E. L. Michie, detailed in the General Staff Corps.

Lieut. Col. Nathaniel F. McClure, Cavalry, unassigned, vice Col. Charles C. Walcutt, jr., detailed in the Bureau of Insular Affairs.

Lieut. Col. William C. Rivers, Cavalry, unassigned, vice Col. Malvern-Hill Barnum, detailed in the General Staff Corps.

Lieut. Col. Ellwood W. Evans, Cavalry, unassigned, vice Col. P. D. Lochridge, detailed in the General Staff Corps.

*To be colonels with rank from July 12, 1916, to fill casual vacancies.*

Lieut. Col. Thomas Q. Donaldson, Cavalry, detailed in the Inspector General's Department, vice Col. George F. Dodd, appointed brigadier general.

Lieut. Col. Francis H. Beach, Cavalry, unassigned, vice Col. Thomas Q. Donaldson, detailed in the Inspector General's Department.

*To be lieutenant colonels with rank from July 1, 1916, to fill casual vacancies.*

Maj. Michael M. McNamee, Cavalry, unassigned, vice Lieut. Col. Sedgwick Rice, unassigned, promoted.

Maj. Ralph Harrison, First Cavalry, vice Lieut. Col. Arthur Thayer, unassigned, promoted.

Maj. Charles D. Rhodes, Cavalry, unassigned, vice Lieut. Col. Peter E. Traub, unassigned, promoted.

Maj. George T. Langhorne, Eighth Cavalry, vice Lieut. Col. Jesse McI. Carter, unassigned, promoted.

Maj. Charles Young, Tenth Cavalry, vice Lieut. Col. Edmund S. Wright, unassigned, promoted.

Maj. Francis C. Marshall, Fifteenth Cavalry, vice Lieut. Col. William H. Hay, unassigned, promoted.

Maj. James A. Ryan, Thirteenth Cavalry, vice Lieut. Col. Stephen H. Elliott, unassigned, promoted.

Maj. Frank M. Caldwell, Cavalry, detailed in the Inspector General's Department, vice Lieut. Col. John M. Jenkins, unassigned, promoted.

Maj. James J. Hornbrook, Sixth Cavalry, vice Maj. Nathaniel F. McClure, unassigned, promoted.

Maj. William F. Clark, Cavalry, detailed in the Quartermaster Corps, vice Lieut. Col. William C. Rivers, unassigned, promoted.

Maj. Samuel G. Jones, Fifteenth Cavalry, vice Lieut. Col. Ellwood W. Evans, unassigned, promoted.

Maj. Melvin W. Rowell, Eleventh Cavalry, vice Lieut. Col. Frank M. Caldwell, detailed in the Inspector General's Department.

Maj. Lawrence J. Fleming, Fifth Cavalry, vice Lieut. Col. William F. Clark, detailed in the Quartermaster Corps.

#### COAST ARTILLERY CORPS.

Lieut. Col. Wilmot E. Ellis, Coast Artillery Corps, to be colonel from July 19, 1916, subject to examination required by law, vice Col. Clarence P. Townsley, appointed brigadier general.

Maj. Joseph L. Knowlton, Coast Artillery Corps, detailed in the Quartermaster Corps, to be lieutenant colonel from July 10, 1916, subject to examination required by law, vice Lieut. Col. Frank W. Coe, detailed in the General Staff Corps.

Maj. Joseph Wheeler, jr., Coast Artillery Corps, to be lieutenant colonel from July 10, 1916, vice Lieut. Col. Joseph L. Knowlton, detailed in the Quartermaster Corps.

Maj. Robert E. Callan, Coast Artillery Corps, detailed in the General Staff Corps, to be lieutenant colonel from July 19, 1916, subject to examination required by law, vice Lieut. Col. Wilmot E. Ellis, promoted.

Maj. Edwin Landon, Coast Artillery Corps, detailed in The Adjutant General's Department, to be lieutenant colonel from July 19, 1916, subject to examination required by law, vice Lieut. Col. Robert E. Callan, detailed in the General Staff Corps.

Maj. Clarence H. McNeil, Coast Artillery Corps, detailed in the Quartermaster Corps, to be lieutenant colonel from July 19, 1916, subject to examination required by law, vice Lieut. Col. Edwin Landon, detailed in The Adjutant General's Department.

Maj. Joseph P. Tracy, Coast Artillery Corps, detailed in The Adjutant General's Department, to be lieutenant colonel from July 19, 1916, subject to examination required by law, vice Lieut. Col. Clarence H. McNeil, detailed in the Quartermaster Corps.

Maj. Percy M. Kessler, Coast Artillery Corps, to be lieutenant colonel from July 19, 1916, subject to examination required by law, vice Lieut. Col. Joseph P. Tracy, detailed in The Adjutant General's Department.

Capt. James A. Ruggles, Coast Artillery Corps, to be major from July 10, 1916, subject to examination required by law, vice Maj. Joseph Wheeler, jr., promoted.

Capt. Terence E. Murphy, Coast Artillery Corps, to be major from July 10, 1916, subject to examination required by law, vice Maj. George A. Nugent, detailed in the General Staff Corps.

Capt. Harry W. Newton, Coast Artillery Corps, detailed in the Quartermaster Corps, to be major from July 15, 1916, subject to examination required by law, vice Maj. Albert G. Jenkins, detailed in The Adjutant General's Department.

Capt. Allen D. Raymond, Coast Artillery Corps, to be major from July 15, 1916, subject to examination required by law, vice Maj. Harry W. Newton, detailed in the Quartermaster Corps.

Capt. James R. Pourie, Coast Artillery Corps, to be major from July 19, 1916, subject to examination required by law, vice Maj. Percy M. Kessler, promoted.

#### CAVALRY ARM.

First Lieut. Joseph I. McMullen, Cavalry, unassigned, an additional number in his grade, to be captain, subject to examination required by law, from July 1, 1916, the date on which he would have been promoted to fill a vacancy in that grade in his arm had he not been retired from active service, and to be an additional number in that grade.

#### MEMBERS OF FEDERAL FARM LOAN BOARD.

Charles E. Lobdell, of Great Bend, Kans., to be a member for the two-year term of the Federal Farm Loan Board.

George W. Norris, of Philadelphia, Pa., to be a member for the four-year term of the Federal Farm Loan Board.

William S. A. Smith, of Sioux City, Iowa, to be a member for the six-year term of the Federal Farm Loan Board.

Herbert Quick, of Berkeley Springs, W. Va., to be a member for the eight-year term of the Federal Farm Loan Board.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 27 (legislative day of July 25), 1916.*

#### POSTMASTERS.

##### IOWA.

George W. Blair Lamoni.  
Albert Neal, Clarksville.  
E. T. Wall, Osceola.

##### MINNESOTA.

R. S. Cowie, Rothsay.

##### OKLAHOMA.

H. H. Brooks, Luther.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, July 27, 1916.

The House met at 12 o'clock noon, Mr. FERRIS presiding as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, for all the great thinkers and actors of the past and present, who have added here a little, there a little, to the progress of mankind, physically, intellectually, morally, spiritually, through science, philosophy, literature, art, government, and religious attainments, all of which have broadened our conceptions of Thee and the possibilities resident in man, which make clearer our relationship to Thee and to all mankind. Continue thus, we beseech Thee, to inspire, control, and guide us, that we may move forward to yet larger attainments in all that contributes to life. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Tuesday, July 25, 1916, was read and approved.

#### EXTENSION OF REMARKS.

Mr. HUGHES. Mr. Speaker, I ask the consent of the House to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on rural credits. Is there objection?

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment the following House concurrent resolution:

#### House concurrent resolution 50.

*Resolved by the House of Representatives (the Senate concurring).* That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, requested to cancel their respective signatures to the enrolled bill (H. R. 12197) entitled "An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew."

That, upon the cancellation of said signatures, the Clerk be directed to reenroll said bill with amendments as follows: On page 1, line 8, strike out the word "five" and insert in lieu thereof the word "four"; in line 9, strike out the word "four" and insert in lieu thereof the word "five."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.

#### EXTENSION OF CERTAIN APPROPRIATIONS DURING AUGUST.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

#### IN THE HOUSE OF REPRESENTATIVES, July 27, 1916.

A bill (H. R. 17172) further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

*Be it enacted, etc.,* That the provisions of the act entitled "An act extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies," approved June 30, 1916, are extended and continued in full force and effect for and during the month of August, 1916.

The SPEAKER pro tempore. Is there objection?



Mr. MANN. Reserving the right to object, Mr. Speaker, can we not have a statement in reference to it?

Mr. PAGE of North Carolina. Mr. Speaker, at the present time the following appropriation bills have not been enacted into law: The Agricultural bill, which is now in conference between the two Houses; the Army bill, which is pending in the Senate; the District of Columbia appropriation bill, which is also pending in the Senate; the Military Academy bill, which has the same status; the naval bill, which is pending, with Senate amendments, in the House Committee on Naval Affairs; and the Post Office appropriation bill, which has been presented to the President, but has not been signed.

Of these bills, the Post Office appropriation bill, of course, will become a law before the 1st of August, but it is not probable that any of the others will; and the matter that has just been read at the Clerk's desk continues the last year's appropriations for the current fiscal year for the month of August as to such bills as have not yet become law.

Mr. MANN. I approve of the limitation at least for August, although I have no doubt that at the end of August we shall have another resolution or bill extending the time for the month of September; and I do not feel at all confident that at the end of September we will not have another resolution extending the time for the month of October.

Mr. PAGE of North Carolina. Mr. Speaker, if the gentleman will permit me, I would be sorry to have to serve notice on the country that that is going to keep us here for any such length of time. I think by the end of August we will have all these appropriation bills enacted into law, and there will be no necessity for another continuing resolution.

I considered the feasibility of having this bill so worded that it would be for the first 15 days of the month of August, but upon reflection and consultation I thought it was entirely safe and wiser to make it cover the entire month of August. [Laughter.]

Mr. MANN. Mr. Speaker, while I am perfectly willing to speed our party, and have done what I could to that effect, I feel that we are kept here unreasonably long. But there is some slight consolation in the fact that over in another body, which is delaying us, a majority of those who have to stay are Democrats, some of whom are up for reelection. If they wish to stay in Washington, I am quite willing. If the President wants to keep them here, I am quite willing. I will take my chances. We ought to have been away a month ago. I think we will be here two months longer.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PAGE of North Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### H. SNOWDEN MARSHALL.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to insert in the RECORD the judgment of Judge Hand, dismissing the writ of habeas corpus in the case of H. Snowden Marshall against Robert B. Gordon, Sergeant at Arms of the House of Representatives, in which an appeal has been taken.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to insert in the RECORD the judgment of Judge Hand, dismissing the writ of habeas corpus in the case of H. Snowden Marshall against Robert B. Gordon. Is there objection?

There was no objection.

Following is the judgment referred to:

At a term of the district court of the United States for the southern district of New York, held in the post-office building in the city of New York on the 21st day of July, 1916.

Present: The Hon. Learned Hand, judge.  
United States, ex rel. H. Snowden Marshall, against Robert B. Gordon, Sergeant at Arms of the House of Representatives of the United States.

A writ of habeas corpus having been issued out of this court, granted by Hon. Augustus N. Hand, one of the judges, directed to Robert B. Gordon, the Sergeant at Arms of the House of Representatives of the United States requiring him to produce the body of H. Snowden Marshall before this court, and the said Sergeant at Arms having, pursuant to the writ, produced said H. Snowden Marshall and made a return to the writ from which it appears that he arrested said Marshall by virtue of a warrant duly issued by the House of Representatives of the United States, and signed by the Speaker of the House; and the court having ordered, on consent of both parties, that the return might be amended and that further and supplemental return to the writ might be made by

the Sergeant at Arms as he or the House might be advised; and the court having directed that said H. Snowden Marshall should be allowed to go upon his own recognizance pending the hearing of the writ; and the said Robert B. Gordon, Sergeant at Arms, as well as for himself and as the respondent herein on behalf of the House of Representatives, having made and filed an amended and further return to the said writ of habeas corpus, and no traverse thereto having been made by the relator; and the hearing on said writ having duly and regularly come on to be heard,

Now, after hearing John C. Spooner and Charles P. Spooner, Esqs., of counsel for the relator in support of said writ, and D. Cady Herrick, Martin W. Littleton, and Henry M. Goldfogle, Esqs., of counsel for the respondent in opposition thereto, and upon reading and filing the said writ, the petition of H. Snowden Marshall, on which it was granted, and the return of the respondent and the several orders made thereon, and the amended return of the respondent herein, and due deliberation having been had thereon,

It is, on the motion of D. Cady Herrick, Martin W. Littleton, and Henry M. Goldfogle, Esqs., the attorneys for the respondent,

Ordered, That the aforesaid writ of habeas corpus be and it hereby is dismissed; and upon the motion of said relator it is

Further ordered, That the relator be retained in the custody of the court on his own recognizances until the 1st of December, 1916, and if no appeal be taken on or before August 15, 1916, he be on that day remanded to the custody of the Sergeant at Arms; and if an appeal be taken on or before that day he be remanded to the custody of the Sergeant at Arms on the 1st day of December, 1916.

LEARNED HAND, District Judge.

United States district court, southern district of New York. Filed July 22, 1916.

A true copy.

[SEAL.]

ALEX. GILCHRIST, Jr., Clerk.

#### THE SECRETARY OF THE NAVY.

Mr. POUL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. POUL. Mr. Speaker, from time to time during this Congress we have read very bitter attacks made upon the Secretary of the Navy. It has been noticed, no doubt, that these attacks were general in their character. It is easy to say mean generalities about any man. It is easy to ridicule men. The charges against this man have all been general in their character. There has not been one single charge that specified anything dishonorable ever done by Josephus Daniels, now Secretary of the Navy.

I wish that all the people of the United States knew this man as his home people know him. He is a clean man. He is a good man. He will never do anything dirty. Never in his life have his hands been soiled by dishonor, and I think I can properly bestow upon this loyal American the beautiful tribute bestowed by Secretary Thomas F. Bayard upon Mr. Cleveland—he presides over a typical American home, for around his fireside are gathered innocent and guileless childhood, gracious and refined womanhood, lofty integrity and perfect manhood. [Applause on the Democratic side.]

Mr. Speaker, I ask unanimous consent to insert in the RECORD the remarks of Senator THOMAS, delivered in the Senate of the United States on June 21, on naval management and discipline.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to insert in the RECORD the speech of Senator THOMAS. Is there objection?

Mr. MANN. Reserving the right to object, I understood the gentleman from North Carolina to ask to insert in the RECORD the speech delivered by Senator THOMAS in the Senate. That speech has already been printed in the RECORD. What good does it do to duplicate it now? In other words, the speech having been printed in the RECORD in large type in its proper place, what advantage is it now to insert it in the RECORD again in nonpareil type, which nobody can read.

Mr. POUL. I do not remember exactly how it comes about, but it was stated to me there is some saving to the Government by this procedure.

Mr. MANN. There can not be any saving to the Government by inserting it in the RECORD a second time. Mr. Speaker, this is an unheard-of proposition to insert in the House proceedings a speech that has already been delivered in the Senate of the United States and printed in the record of the Senate proceedings. I shall have to object for the present.

The SPEAKER pro tempore. The gentleman from Illinois objects.

#### PEDIMENT ON THE EAST FRONT OF THE HOUSE WING.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution authorizing the Committee on the Library to arrange for the ceremony of the unveiling of the pediment, which has just been completed on the east front of the House wing of the Capitol.

Mr. MANN. Let the resolution be reported.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 328.

*Resolved by the House of Representatives, That the Committee on the Library shall arrange for appropriate exercises at the unveiling of the pediment on the east front of the House wing of the Capitol at 10.30 o'clock a. m., Wednesday, August 2; and be it further*

*Resolved, That the Members of the Senate be invited to be present at the exercises.*

Mr. MANN. I should like to suggest to the gentleman from Texas that where it says "*Resolved by the House of Representatives*" the words "*by the House of Representatives*" be omitted. This is a House resolution.

Mr. SLAYDEN. I accept that amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the words "*by the House of Representatives.*"

The amendment was agreed to.

Mr. MANN. My attention was diverted when the first part of the resolution was read. Does this authorize the Committee on the Library to make the arrangements?

Mr. SLAYDEN. Yes.

Mr. MANN. Will the gentleman state to the House what is likely to be the plan?

Mr. SLAYDEN. Mr. Speaker, the exercises that have been provided for are very simple. Except a very few remarks by myself, the only address will be delivered by the Speaker of the House, Mr. CLARK. At the suggestion of the Superintendent of the Capitol Building, Mr. Woods, the Speaker's platform and seats for the accommodation of Members of the two Houses will be put out here under the big elm east of the House wing.

Mr. MANN. As I understand from talking with the people who have been taking an interest in this matter, including the distinguished gentleman from Texas, it is the expectation that there will be chairs put out here under the elm just east of the House wing of the Capitol, and that the exercises will be held out of doors at a place where people can see the statuary that will be unveiled.

Mr. SLAYDEN. That is correct; and, if the gentleman will pardon me, the hour was suggested by the artist, Mr. Bartlett, because at that time there will be a better view of the statuary.

Mr. MANN. The sun will be shining on the statuary if it is not cloudy.

Mr. SLAYDEN. Yes.

Mr. MANN. If it should be raining I suppose they will be likely to come inside here after the unveiling. I understand that the Superintendent of the Capitol expects to put about 1,000 chairs out here on the grounds and that Speaker CLARK will make a speech and that the Marine Band will be there.

Mr. SLAYDEN. That is it exactly.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

#### MEXICO.

Mr. McLEMORE. Mr. Speaker, I ask unanimous consent to extend in the RECORD a resolution adopted at a meeting of 300 American citizens who are refugees from Mexico.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to incorporate in the RECORD, as an extension of his remarks, a resolution adopted by some 300 Americans who are refugees from Mexico. Is there objection?

There was no objection.

#### THE DEMOCRACY OF THE POSTAL SERVICE.

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Hon. Daniel C. Roper at Alexandria Bay, N. Y., on June 27, at a convention of postmasters held there.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by inserting a speech delivered by Hon. Daniel C. Roper, First Assistant Postmaster General. Is there objection?

Mr. MANN. Reserving the right to object, when was this speech delivered?

Mr. RAGSDALE. On June 27, 1916, at Alexandria Bay, N. Y.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### NAVAL APPROPRIATIONS.

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs I report back to the House the naval appropriation bill (H. R. 15947), together with the Senate amendments thereto, with the recommendation that the House disagree to all the Senate amendments and agree to the conference asked by the Senate. (H. Rept. 1049.)

The SPEAKER pro tempore. The bill, with the Senate amendments, will be referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, with the Senate amendments, and to disagree to all of the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the naval appropriation bill (H. R. 15947), to disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. COX. Reserving the right to object—

Mr. BYRNS of Tennessee. Reserving the right to object, I want to submit an inquiry to the gentleman from Tennessee. I do not think it will embarrass him as a conferee to answer it. It is with reference to an amendment adopted by the Senate providing for a lump-sum appropriation of \$250,000 for the employment of additional clerks in the Navy Department here in the District of Columbia. That is a matter which, under the rules of the House, belongs to another bill and another committee. Personally I do not doubt that more clerks will be needed in the Navy Department by reason of the increased appropriations and work provided for by Congress, but I want to say to the gentleman from Tennessee that a subcommittee of the Committee on Appropriations has recently had before it representatives from the Navy Department on the subject of the additional clerks who will be needed. That matter is now under consideration by that subcommittee of the Committee on Appropriations, and I have no doubt they will present to the House a report which will give to the House and Senate an opportunity to directly pass on the number of clerks who will be necessary, and not by way of a conference report. In addition to that, it seems to me the matter ought to come up in the regular way, so that the House may know what clerks will be needed, and not pass a lump-sum appropriation of \$250,000, giving to the Navy Department the right to name clerks and fix salaries without an opportunity for the Congress to express an opinion on the subject. I want to ask the gentleman if, under these circumstances, he will assure the House that if the Senate conferees are not willing to strike that amendment out of the bill, he will give the House an opportunity to pass on it? Certainly it ought not to be considered by two committees.

Mr. PADGETT. I will state to the gentleman from Tennessee that the chairman of the Committee on Appropriations, Mr. FITZGERALD, spoke to me about it, and said that his committee was considering that matter and expected to report a bill caring for the matter. I said to him that that being the fact, I was sure the conferees on the part of the House would govern themselves accordingly.

Mr. BYRNS of Tennessee. Does that mean, I will ask the gentleman, that if the conferees of the Senate are unwilling to yield on the matter the House conferees will come back to the House and permit the House to express itself on the proposition?

Mr. PADGETT. It does.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Following the suggestion made by the gentleman from Tennessee, I understand, or have been given to understand, that the Senate conferees are already instructed not to recede. Does that instruction apply to the building program only, or does it apply to the entire bill?

Mr. PADGETT. I have no information on the subject at all, except the conversation I heard between the gentleman and a Member of the House relating to the building program.

Mr. BRITTEN. Does the gentleman know whether or not the Senate conferees have been instructed on the building program?

Mr. PADGETT. I do not; all I heard in reference to it is the conversation that I have referred to.

Mr. BRITTEN. That was information given to several Members of the House that the Senate conferees had been instructed on the building program.

Mr. MANN. Instructed by whom?

Mr. BRITTEN. By the Senate.

Mr. MANN. If they were instructed by the Senate, it should have accompanied the message.

Mr. BRITTEN. Then I have been entirely misled, and the instruction must have come from the White House.

Mr. PADGETT. I do not know what the gentleman refers to.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.



Mr. COX. I do not like to object to the bill, but I would like six or eight minutes to call the attention of the chairman and others to several amendments.

Mr. PADGETT. I will yield for the gentleman to make a statement.

The SPEAKER pro tempore. The gentleman has no time to yield.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana may have 10 minutes to address the House.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Indiana may have 10 minutes to address the House. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker and gentlemen of the House, when this bill passed the House it carried an appropriation of approximately \$269,000,000. With the Senate amendments, it now carries upward of \$315,000,000. The Senate has added 250 amendments to the House bill. In short, the Senate has rewritten the bill from lid to lid.

Mr. Speaker, I am for the preparedness program. I shall not put myself, nor permit anyone else to put me, in the position of opposing a reasonable preparedness program. I shall not object to this bill going to conference, nor shall I raise the point of order that there is no quorum present when the bill goes to conference. And while I am not going to make any threats to the members of the Naval Committee or the men who will serve as conferees on the part of the House, I want to say to them now, and give them fair notice and fair warning, that if the conferees yield upon some of the Senate amendments there must be a quorum here when the conference report is finally adopted.

I realize that there is no quorum present in the city to-day, and very likely we will be far short of a quorum when the conference report is finally brought to the House. I am not responsible for absenteeism of the House. I am always here, and will be when the conference report comes back.

I want briefly to call the attention of the House, as I did the other day, to Senate amendment No. 89, which provides for an addition of 82 new rear admirals. That number is out of all proportion to a well-balanced navy. Twenty-five or thirty rear admirals, at most, would make a well-balanced and well-constituted navy, as far as the officers of the line are concerned. There are to-day 145 rear admirals on the retired list, now drawing a salary of \$4,500 per year. There are 757 naval officers to-day on the retired list, and this bill carries an item of \$3,500,000 to pay retired officers. If this amendment returns here substantially in the shape that it now it, with a provision for 82 new rear admirals, I reiterate that it must take a quorum to pass it. I shall demand a yea-and-nay vote.

I want to call attention of the conferees to amendment 98, which is short, brief, and peculiar. I am well satisfied that no Senator put that amendment into the bill. The House provision was all right. I undertake to say that no Senator wrote this amendment. Somebody connected with the Navy Department looking after an easy job, looking after an opportunity to draw money from the Government, even though he may have brought on his sickness as a result of his own vicious habits.

I want to call attention to amendment 107, which the chairman of the Naval Committee said the other day that the Comptroller of the Treasury decided wrongfully and in violation of the law. I do not know what would befall this country if it was not for the Comptroller of the Treasury. For 16 years that great office was presided over by a man from my district, Robert J. Tracewell, a Republican, a man who was able and honest, a man who held up President Roosevelt when he was trying to put across something not on the square. He was followed by a gentleman from the fourth Indiana district, the Hon. George Downey, equally able and fearless, and now the office is presided over by a brave, competent, efficient, and able comptroller, Mr. Warwick.

Mr. Speaker, I read the debates on amendment 107 when it was going through the Senate. They said it only applied to one person, and that was the clerk of the Naval Committee of the House. This is not so. This is not a matter easy for me to talk about, but I made up my mind to call a spade a spade. Amendment 107 is covered all over with graft.

It is literally reeking with it. The clerk of this Naval Committee, a competent man, able, efficient, is a graduate of Annapolis. It cost the people of this country between \$50,000 and \$60,000 to graduate him. He is now a retired naval officer. How much his retired pay is I do not know, but I imagine somewhere in the neighborhood of \$2,000, and he is now the clerk to this great committee. I undertake to say that if he is

able to handle the details of this great bill, then he is perfectly able to work for Uncle Sam and repay the money that the people of this country have paid for his education.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. COX. I can not yield now. The Senate was wrong. I am reliably informed that instead of amendment 107 applying only to the clerk of the Naval Committee it applies to between 20 and 30 men occupying the same or similar positions to the clerk of this committee. Briefly, I want to call attention to one gentleman, Gen. Marshall, who for years was Chief of the Bureau of Engineers in the War Department, at a salary of \$6,000 a year. He was retired, as I recollect, a year ago upon a salary of \$4,500 per year. Gen. Marshall is to-day the consulting engineer in the Interior Department for the reclamation projects out West upon a salary of \$5,000 a year, making a total of \$9,500 per year. When he was Chief of the Army Engineers he never handled a project to exceed \$50,000,000 a year, but as chief of the engineers of the Reclamation Service he is handling projects involving \$200,000,000.

Mr. ROBERTS of Massachusetts. Is he not worth \$9,500 a year, then?

Mr. COX. We have already expended \$100,000,000 on those projects; we will have to put \$100,000,000 more in them before they are completed, and if Gen. Marshall is able to be consulting engineer of those projects, the head of that great department, why is he not able to still serve his country as Chief of the Board of Army Engineers?

Mr. Speaker, sometimes the Senate does a wise thing, not often, but sometimes it makes a mistake and passes real, genuine, efficient legislation. Last spring it incorporated in the legislative, executive, and judicial appropriation bill what is known as section 6. This section prohibits a person from drawing two salaries where the aggregate of the two exceeds \$2,000 per annum, but it provided that it should not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office, by and with the advice and consent of the Senate, and so forth. Amendment 107 proposes to repeal section 6, so far as it applies to any Army or Navy officer, or any marine officer, and so forth. The proposed Senate amendment is class legislation of the worst sort. It is favoritism, unheard of in legislation. Many score of these 757 retired Navy officers are under 50 years of age. Scores of them are between 38 and 45 years of age. Some way the officers after being graduated at Annapolis at public expense find themselves afflicted with some imaginary disease, and immediately begin to pull every string known to them to retire in order to get retired pay. But the usual and, I think, almost universal rule is that on being retired and placed on the pay roll is a quick cure, a "sure-shot" remedy for all their aches and ills, because no sooner are they retired than they begin to cast about to seek other lucrative employment with the Government of the United States or with private employers. Their sickness or injury received by them in line of duty soon disappears upon retirement, drawing a good, fat salary from the Government.

Mr. Speaker, recently I had the legislative reference bureau of the Library to look up some data for me. I made a mistake the other day in giving the ages of some of the great European generals now commanding the armies of Europe, and I want to correct it. Let me compare our retirement Army and Navy list with that of some of the great European nations now involved in that frightful conflict. Gen. von Hindenburg, Germany's great field marshal, who for nearly two years has held back the horde of Russians 175,000,000 strong, is 69 years of age. Gen. von Mackensen, his right-hand man, is 67 years of age. Gen. von Kluck, who led the German Army into France, is 70 years of age. Gen. Joffre, the hero of all France, if not the world, is 64½ years old. Paul Pau, a man who went through the Franco-Prussian War, who lost an arm in that conflict, is 68 years of age. Lord Kitchener at the time of his death was 66 years of age—the man who took England's army from a mere army on paper and raised it to a fighting machine of 4,000,000 units in 18 months' time. In our country all these great generals—every one of them, without exception—would be retired, drawing their \$4,500 per year retired pay, although they may be in perfect physical and mental health; but not one of these generals of our Army would be on the firing line; not one would be in the danger zone; all would be safe at home on the Government pay roll. We retire our Army and Navy officers at the ages of 62 and 64.

Mr. BUTLER. Oh, 64 years of age for the Army.

Mr. COX. Sixty-two and sixty-four. I have looked the question up, and I am right.

Mr. BRITTEN. But the gentleman stated—

Mr. COX. I looked up the question, and I refuse to be interrupted. We retire our Army and Navy officers in this country at the ages of from 62 to 64.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. BUTLER. How much time does the gentleman want?

Mr. COX. I would like to have five minutes more.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the gentleman may continue for five minutes—if for nothing more than to set himself right on his figures, for I know he wants to be correct.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, there is another graduate of Annapolis, 42 or 43 years of age, who is drawing down twenty-three or twenty-four hundred dollars a year in retired salary. After the taxpayers of this country spent upon him in educating him at Annapolis between \$50,000 and \$60,000, he is now drawing down a salary of \$2,400 in the subtreasury at the city of Philadelphia. There is another man down in the Bureau of Engraving and Printing on a per diem of \$4.50 per day, a retired officer, drawing down a good fat slice of retired pay; and another at the White House—they are all around, everywhere—and yet the Senator told us in debate that there was only one man who would be affected by amendment No. 107, and that man was the clerk to the House Naval Committee, and the chairman of the Committee on Naval Affairs undertakes to tell the House that the decision of the Comptroller of the Treasury was wrong. I undertake to say that the decision of the comptroller was right, and that it is within the law. What does amendment No. 107 provide? Section 6, mentioned in that amendment, provides that it shall not apply to officials of the Army and Navy or Marine Corps when appointed or elected to a public office, or whenever the President shall appoint them to office by and with the advice and consent of the Senate. That is what section 6 provides. It does not apply to those two classes of men. The Clerk of the Committee on Naval Affairs does not come within either of these two exceptions. Gen. Marshall does not come within these exceptions, nor does the man in the Bureau of Engraving and Printing, nor the man working at Philadelphia, or the 20 or 25 others.

But, Mr. Speaker, the fault is not so much with these men, although I insist that patriotism would tell these men to get on the firing line for their country instead of seeking to get private or public jobs. I hope the time will come when there will be a military and a naval committee appointed in this House that will have the nerve and the strength to back it up, to remodel, remold, and revamp all of our retired list and not to permit our officers of the Army and Navy to retire before they reach the age of 70 years. Last summer two Army men in the very prime of life, graduates of West Point, long before they reached the age of 64, were permitted to retire and hire themselves to private manufacturers making powder and other munitions of war, no doubt at an enormous salary. They are now drawing, at the expense of the people, a large salary as retired officers. It cost the people of the country between \$50,000 and \$60,000 to educate them. Mr. Speaker, it is unjust to the people to permit these men to retire before they reach the proper age and accept private employment. A Member of the House said to me yesterday, "Oh, Cox, that is a little thing, I would not mention it." Little! Let me say to you gentlemen that the \$315,000,000 that is to be raised by taxation is not paid in lump sums by the taxpayers, but it is paid in small amounts. I hope, when these conferees meet, that amendment 89 will not come back to this House in the shape in which it is now written.

I said the other day that it made an addition of 82 new rear admirals. If I am wrong, criticize Victor Blue and not myself, because he is the man who figured it out for me and told me there were 82 new rear admirals provided for in this amendment.

Mr. BRITTEN. Will the gentleman yield there?

Mr. COX. I will yield for a question.

Mr. BRITTEN. Surgeon Gen. Blue is not in the Navy.

Mr. COX. Well, Victor Blue is the man who figured it out for me; he is in the Navy, no doubt about that.

Mr. Speaker, I want to call attention to one other amendment. It is the amendment relating to the Charleston Navy Yard. I think every Secretary of the Navy for the past 20 years, with one exception, has recommended the abandonment of the Charleston Navy Yard for the purpose of building big battleships in it. Even Capt. Hobson, of Alabama, whom we all thought crazy on the question of a big Navy; but we are out Hobsoning Hobson in this navy yard proposition. The last session of Congress in which he was a Member he vig-

orously opposed the enlargement of this navy yard; and this is the report of every naval constructor who knows anything about the building of battleships, that big battleships can not be built in this navy yard because of the shallowness of the water; and yet there is an amendment which appropriates \$1,085,000 for the enlargement of this navy yard. We had just as well pour this money into the Atlantic Ocean for all the good it will do as to undertake to equip this navy yard to build big battleships in. Mr. Speaker, I am for an honest increase in preparedness of our Navy, because I know it is the first line of defense of any nation, but I am opposed to the "deadwood and graft" in this bill. Every dollar of it ought to be cut out of here. It is my earnest desire that the House conferees will see to it that every Senate amendment agreed to will bring the people a hundred cents worth of preparedness in return.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired. The question is on the request of the gentleman from Tennessee [Mr. PADGETT].

Mr. CANNON. Mr. Speaker, I would like to have three minutes, or five minutes.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. CANNON] have five minutes.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois [Mr. CANNON] may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. Speaker, I believe in the first line of defense, the Navy. I am in harmony with the Senate amendments that would speed the construction of battleships and cruisers and necessary auxiliaries. It will cost something, yes. I should be glad if in administration and legislation we could have legislation that will bring the men to operate the Navy, not only officers but seamen. We have not enough now to man the ships we have. I trust that conditions will be taken into consideration. Having said that much I shall not object to this bill going to conference, but I want to say to you that from a hasty examination of this bill in my judgment there are millions of dollars to be appropriated, unless the conferees may lop off the matters that will not aid the preparation of the first line of defense. To particularize I will give you one. Gentlemen are quite familiar with the Charleston Navy Yard. How many millions of dollars has it cost, Mr. Chairman?

Mr. PADGETT. I think there have been appropriated something like six or seven million dollars.

Mr. CANNON. Six or seven million dollars.

Mr. BUTLER. Is the chairman adding to that the three or four million put on by the Senate?

Mr. CANNON. No; I am speaking in the past. Now, then, the Charleston Navy Yard has not been utilized, and in my judgment, without being an engineer and from inquiry, it never will be utilized. For dredging, for a dry dock, there was something from a million to a million and a half provided for in the Senate amendment to this bill for this navy yard—a useless expenditure. I trust the House conferees will not agree to this amendment, but there are real improvements that should be agreed to.

Take Pensacola. I believe it is intended to be made a principal aviation station. I have nothing to criticize, but we must leave to the conferees the selection of the proper site. We need aviation. Now, if we are going loony about anything in these matters it is the scientific commissions. We have a Bureau of Standards at Washington that has a world-wide reputation, and a great deal of money has been expended upon it. It is doing a great work. Why, under the leadership of Admiral—I believe that was his title—Melville, in 1896, an experimental engineering station was created at Annapolis. I have no reason to criticize it. I presume it does good work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BUTLER. Mr. Speaker, I ask that the gentleman from Illinois may be given 5 additional minutes; would the gentleman like 5 or 10?

Mr. CANNON. Oh, well, if I could get 10—

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent that the gentleman from Illinois [Mr. CANNON] may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. That is, at Annapolis. Now this bill carries, page 149, for maintenance of engineering station at Annapolis, \$105,000, for the coming fiscal year. We have war colleges, naval colleges, engineering stations, here, there, yonder. I believe expenditures for further plants will be money thrown away. We have more plants now than can be utilized. Mr.



Speaker, I especially call attention to Senate amendment 68, on page 45 of the bill, for experimental and research laboratory, to be located at the city of Washington, at a cost not exceeding \$2,000,000 on land owned by the Government.

I believe and charge that this is a useless expenditure and will duplicate work now being done at many stations owned by the Government. The Senate amendment is hitched on to a provision in the bill as it passed the House and was subject to a point of order, being legislation on a general appropriation bill under the rules of the House, but escaped the point of order by a special rule making it in order without any consideration whatever in the House of Representatives—

Mr. PADGETT. Will the gentleman yield for a moment?

Mr. CANNON. Yes.

Mr. PADGETT. That provision that it should be placed at Washington was offered in the Senate and was adopted upon the motion of Senator GALLINGER.

Mr. CANNON. I do not care who offered it; it passed.

Mr. PADGETT. And the House conferees will give due consideration to it in the conference committee.

Mr. CANNON. I do not care upon whose motion it passed, but we are rich in naval stations and navy yards, war colleges and scientific and engineering plants. What we need, in my opinion, is real work for defense without further squandering money upon useless navy yards and plants.

I wish to emphasize my belief that we are rich in engineering ability in both the Army and the Navy. We have places in which to house them, and if they are to be efficient, as you create new buildings, together with new commissions to be created in the discretion of the Secretary of the Navy, you take from the plants that exist in order to man the new ones. So I could run along here through these amendments. And I say that if this was being considered in the Committee of the Whole House on the state of the Union, or if it had been considered last January, when this bill should have been reported, under the five-minute rule, we could have had intelligent discussion and consideration of the bill.

It is said in the public prints—I do not know whether it is so or not, but if it is not, any gentleman can deny it—that the decree has gone forth by your President—and he is my President, and the President of all of us—that this bill is to be agreed to without the dotting of an "i" or the crossing of a "t" in the Senate amendments.

Mr. PADGETT. I will say to the gentleman that I have never heard anything of that kind.

Mr. CANNON. I have read it in the public prints, and I was credulous enough to believe that it might be true, when I knew that so far as the Democratic Party is concerned in this House and in the Senate, when the President of the United States directs legislation, although you may resort to profane swearing in the cloakrooms, it is written into law.

Mr. BUTLER. Does not the gentleman understand that the report from the White House relates only to the building program in the bill?

Mr. CANNON. I do not understand that it was so stated. I am for the cruisers and battleships and necessary auxiliaries for the first line of defense. The "busy bees" will get in their work all along the line to make pork-barrel legislation and appropriation. Talk about the pork-barrel river and harbor bill! In my judgment, from the hasty examination of pork barrels proposed in this bill, it makes the river and harbor bill respectable.

Now, that is all I want to say. You ask me if I antagonize it? No. I say, again, I am for the battleships and the cruisers and necessary auxiliaries for the first line of defense, upon which we must depend, and I have made these remarks with the desire—I can scarcely say the expectation—that useless items in the bill may be cut out in conference.

Mr. BRITTEN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BRITTEN. I ask unanimous consent that I may address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Speaker, I sincerely hope that the conferees of the House will see that the Members of the House get an opportunity to vote at least on the building program and on the personnel increase embodied in this bill as sent over by the Senate; and I say that for this reason, namely, that the increases in this bill as passed by the Senate are very largely in accord with the amendments offered by the Republican side, the minority of the House, during the five-minute debate on

the bill. The minority contended all along for 8 ships this year. We also desired 8 ships the next year—a 16 first-line ship program that would put our Navy in second place as quickly as possible, at the hands of the present Congress; 8 ships this session and 8 ships next session. The amendment offered at the time by my friend from Massachusetts and colleague on the committee [Mr. ROBERTS] provided for the personnel increase, or substantially what the Senate bill now provides. They were defeated, it is true, in the House, but I think on matters so important as the personnel increase and the building program designated in the bill they at least should come back to the House and be voted on. The "small-navy" men, so called, in the House are in favor of a vote. They represent certain constituencies who desire to know where their Members stand in Congress. The so-called "big-navy" men have certain constituencies who desire to know where they stand on this bill; and I am more or less reliably assured by our conferees on the committee that the House will have an opportunity to vote on these sections in the bill.

My good friend from Indiana [Mr. COX] a few moments ago criticized certain Navy and Army officers who are drawing pensions and who are on some Government pay roll. He indicated that these gentlemen, with their good health and their knowledge which the country has paid to give them, should insist on going back into the military service. He knows just as well as you and I do that they can not go back in the service if they wanted to. They have been retired for specific reasons, and now they are giving the Government the best that is in them, and for which the Government has in part paid. He refers to an expenditure of \$50,000 or \$60,000 for educating these men. In our wildest dreams in committee we have never understood it cost that much to educate a man at Annapolis.

My colleague from Illinois [Mr. CANNON] referred to the Charleston Navy Yard, and that recalls to my mind that most of the good amendments provided in this bill by the Senate were minority amendments offered on the floor of this House and defeated. Of course, no amendment was offered by us to improve the Charleston Navy Yard. The Senate has appropriated a million for dry-dock extension there.

Mr. COX. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. COX. The gentleman does not believe for a moment that the House conferees will yield on that Charleston Navy Yard appropriation?

Mr. BRITTEN. I think they will.

Mr. COX. The gentleman does not think they ought to do so?

Mr. BRITTEN. No; I do not think they ought to do so.

Mr. COX. I quite agree with the gentleman on that. Even Capt. Hobson in his wildest dreams of a big Navy openly fought the Charleston Navy Yard the last session he was here.

Mr. KELLEY. Does the gentleman also notice that the Senate struck out the provision authorizing a commission to study the Atlantic seaboard with a view of determining a suitable base south of Cape Hatteras?

Mr. BRITTEN. Yes; I have observed that.

Mr. KELLEY. Which seems to indicate that it is their intention to make Charleston that base.

Mr. BRITTEN. I will say to my colleague on the committee [Mr. KELLEY] that there is no question about what the House and Senate intend to do with the Charleston Navy Yard. It will be made a big-ship yard. That is perfectly evident in this bill.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. I ask unanimous consent, Mr. Speaker, that I may proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. BRITTEN. Here is what occurred on the Charleston yard appropriation. Not before the entire Committee on Naval Affairs was the matter discussed, but it was discussed in the subcommittee, and a matter of \$175,000 was put in the bill in the House for dredging the Cooper River.

Now, anybody who knows anything about the Charleston yard knows that you will have to spend anywhere from \$75,000 to \$175,000 a year in keeping the silt out of the Cooper River. Otherwise its depth will decrease to 6 or 7 feet. You can not get a rowboat up there.

Mr. WHALEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. BRITTEN. In a moment. Now, what has the Senate done? We appropriated \$175,000 to dredge the Cooper River, and I said at that time that this was merely a step in the direc-

tion of making the Charleston yard a battleship yard. I was laughed down by the members of the committee, and they said, "Oh, no; we are only going to improve the Cooper River."

What occurred on the Senate side? A million dollars is proposed for extending the dry dock. What does that mean? It means that they are going to make a battleship yard out of the Charleston Navy Yard, that has been laughed at and scoffed at by every naval expert in the history of our Government. I say that advisedly. I defy any man on the floor of this House to find any expert advice indicating that the Charleston yard will make a reasonable battleship yard.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. COX. Has it not been recommended for abandonment by several Secretaries of the Navy?

Mr. BRITTEN. Yes; it has been repeatedly recommended for abandonment.

Mr. WHALEY. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. In a moment. It can now be used to advantage as a base for destroyers and light-draft vessels; but when you talk of making the Charleston Navy Yard a battleship yard, when without dredging there is but 6 or 7 feet of water, then you are running into an expense of from \$75,000 to \$250,000 annually for dredging alone for all time to come. Another item of \$200,000 for a foundry indicates clearly the intention to make that a battleship yard.

Mr. WHALEY. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WHALEY. Will you kindly tell your authority for the statement that it would cost from \$75,000 to \$175,000 a year to dredge the channel?

Mr. BRITTEN. Yes; Admiral Stanford's testimony, contained in the hearings.

Mr. PADGETT. The gentleman is mistaken about the amounts. I am not saying that I am for or against, but the gentleman's figures are entirely wrong.

Mr. WHALEY. Let me give the gentleman the figures.

Mr. BRITTEN. I will yield to the gentleman as soon as I answer his question. When the Chief of the Bureau of Yards the dredging of the Charleston yard. At one time the appropriation of \$20,000. That is the regulation appropriation for the dredging of the Charleston Yard. At one time the appropriation was not made, and the silt came in, and within a few months you had only 7 feet of water in front of the yard.

Mr. WHALEY. As a matter of fact, only \$12,000 has been appropriated for dredging the silt, and not more than \$9,000 was ever expended, and that included the dredging in the pier slips at the torpedo station, as well as at the mouth of the dock where the silt accumulates. It has cost only \$9,000 to run the dredge the whole year. The place the gentleman is speaking of with reference to the silt is in the mouth of dock—

Mr. BRITTEN. I am not talking about the silt in the dock—

Mr. WHALEY. The gentleman is talking about the silt in the mouth of the dock.

Mr. BRITTEN. Directly south of the dock. That is not in the dock.

Mr. WHALEY. As a matter of fact, does not the gentleman know that it is not the silt in the river at all, but the water flowing over the mud banks south and north of the dock where there are no concrete walls that causes the trouble? That matter has been thrashed out here time and time again, and if the gentleman has not the knowledge he can find it by reading Admiral Edward's report (S. Doc. 957, 63d Cong., 3d sess.) that it is true; \$9,000 for dredging covers all at the yard—slips, dock, etc. In the Philadelphia yard and other yards it costs vastly more to carry on the dredging than it does at the Charleston yard.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. BRITTEN. Mr. Speaker, may I proceed for a couple of minutes more in order to answer this question?

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. BRITTEN. The chairman of the committee, Mr. Speaker, has refreshed my memory as to the amount. I asked Admiral Stanford, who was before the committee, how much it would cost to keep the Cooper River open for heavier draft vessels, on the assumption that the shortening and widening of that torpedo-boat pier, originally intended for light-draft vessels and finally made larger for heavy-draft vessels, presaged a battleship yard down there. The record here is very plain. It will show that Admiral Stanford said that \$75,000 would be required annually.

Mr. WHALEY. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WHALEY. Does not the gentleman know that the east end of the torpedo pier which has just been erected—the river end of it—is in 33 feet of water at low tide?

Mr. BRITTEN. Will the gentleman tell the House whether that is a torpedo pier or a big ship pier?

Mr. WHALEY. It is a torpedo pier; but Admiral Stanford, for whose opinion I have not much respect, although the gentleman seems to quote him, made it a torpedo and battleship pier, and under his direction of the Bureau of Yards and Docks the plans and specifications were made and executed. He alone is responsible for the pier being the length it is and the mismanagement in its erection. A battleship can dock in the outer wall; torpedo boats berth in the basin.

Mr. BRITTEN. Now, the truth of the matter is that originally the House appropriated for a 1,600-foot torpedo pier; but after Josephus Daniels became Secretary of the Navy, on March 4 or 5, 1913, two days later correspondence was started, probably on the advice of some distinguished gentleman at the other end of this Capitol, and that 1,600-foot pier was cut down to about 400 feet. A short, heavy pier for big ships. Is not that true?

Mr. WHALEY. Will the gentleman yield again?

Mr. BRITTEN. In order to accommodate heavy ships—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHALEY. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes, in order that I may give him some accurate information, which he sadly lacks.

Mr. SMITH of Idaho. Regular order!

The SPEAKER pro tempore. The gentleman from Idaho demands the regular order.

Mr. WHALEY. I should like to give the gentleman a little information, of which he is in need.

Mr. SMITH of Idaho. I withdraw the request.

Mr. BUCHANAN of Illinois. I ask unanimous consent for five minutes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I acquiesced, as a member of the Naval Affairs Committee of the House, in an expenditure, provided in the House naval bill, of more than \$100,000,000 more than is necessary at this time to be expended for the Navy. I did this believing that by so doing I was saving the people fifty or sixty millions of dollars; but now the Senate has increased it to \$315,000,000. I am convinced that instead of increasing the expenditures for the Navy they should be diminished, for the reason that any possible foes of the United States are engaged to the limit of their resources, and when this European war ends will have their resources so exhausted that, when they have time to reason sanely, they will not permit themselves to be involved in another war in the next 50 years.

On Tuesday I objected to unanimous consent to the conferees being appointed. I did so for the purpose of delay. I realize how weak and ineffectual my efforts are going to be to defeat this most infamous outrage being committed on the people of America. I felt, however, that I wanted in some way to exercise some influence somewhere that it might attract the attention of the peace-loving people of the country, so that they might be aroused to exercise an influence to stop this raid on the Government Treasury. I will say, however, that I do not expect to be able to accomplish this. We have now under consideration in another body the Army appropriation bill, which will also be increased, because these vicious influences are working for this unnecessary expenditure. In fact, the expenditure of the money is the least harm in it. This thing is being advocated for the purpose of blinding the people to the real issue and the real interest of the people to-day. This system wants to continue its plunder in the way of abnormally high prices. It does not want the attention of the people attracted to that, so the columns of the papers are being kept full of war and of this preparedness agitation. What I say will probably have no effect upon the Members of this body, but it may go out over the country to people who will give sober and sane thought to the fact that this military-preparedness propaganda that is going on in this country is not desired for the protection of this country by the real promoters down behind it—the invisible power that has brought it to the front. That power does not want it for the protection of this country against any foreign enemy, but it is going to be used against the working people of this country; and if the great leaders of the American labor movement to-day are going to continue to per-



mit their activities to be chloroformed and are going to acquiesce in this by inactivity against it, they will be rudely awakened. Perhaps it will not be a year when this mobilization of the National Guard throughout the country will have its real purpose disclosed in case, forsooth, the railroad men of the country find it necessary to go on strike to enforce the reasonable and just demand which they are making at this time. I warn the laboring people of this country to give thought to this question and see whether it does not appeal to them—that there may be danger in this militarism that seems to have made almost everybody mad. It seems that both in high places and low places this military hydrophobia has been effective; and all I can do is to keep in peace with my own conscience, exercise my influence the best I can, and contribute my little, weak effort to stop this most infamous and malicious outrage that has been committed on the people of America.

Mr. Speaker, it is not my purpose to-day to make any further objections in regard to this bill. I have in a way accomplished the purpose that I had in mind; and while I did think about making further objection and perhaps make it necessary to have a quorum here, I have decided not to do so, on account of the inconvenience to which it might put some Members of the House.

The SPEAKER pro tempore (Mr. MONTAGUE). The time of the gentleman has expired. The Chair recognizes the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I ask unanimous consent to speak for five minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, some of us, with considerable mental reservation, voted for the naval bill as it passed the House. We doubted the wisdom of some of the legislation placed in the bill in the House. I doubted the wisdom of a part of the building program. It seemed to me that it was quite large enough all along the line, and unnecessarily large in some respects. Yet I desired to vote for the naval bill, which provides for our defenses upon the high seas, and without regard to my objections to certain features of the bill I did vote for it. The bill has gone to another body. The legislation we placed on it has been made the reason or excuse for much additional legislation, some of which, if it be parliamentary to say so, may be best characterized as scandalous. The enormous increase in the building program is coupled with a three-year building program, as though in the excitement of to-day we feared the sober judgment of next year, and therefore were endeavoring to pledge the country to something that a year from now we might not approve of. In this condition of affairs those who feel as I do would naturally prefer to have these matters discussed in the House and thrashed out here in Committee of the Whole. I would vote for the conference report on the naval bill, even though it contained some items of legislation and appropriation I did not approve, if the House had been given an opportunity to vote on these items separately. If, however, no opportunity is given us to vote on these objectionable items and they are retained by the conferees, some of us will feel under the necessity of voting against the conference report.

But I realize the necessity of getting this bill into conference. I have confidence in the conferees. I realize that the majority of the conferees may not hold the views that I do in regard to all these matters, but I have confidence in their desire to do the right thing, in their knowledge of the situation, and of their desire to meet what they believe to be the views of the House and the needs of the service in connection with our Naval Establishment. Therefore I shall not object to the bill going to conference, hoping, however, that if the conferees find that the Senate is insistent upon some of the legislation, and upon some of the appropriations that so very greatly exceed and vary from the provisions of the House bill, before the conferees yield they will give the House an opportunity to vote on those questions.

I realize that the conferees can make no definite promise. I am not disposed to ask them to make any such promise. I do hope, however, that before this enormous continuous program shall be yielded to, before this legislation, much of it questionable, is written into law, if that should be the unfortunate outcome, we at least shall have the opportunity of expressing the judgment of the House upon these various matters separately and in detail.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore (Mr. MONTAGUE). The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the rules of the House, in the main, are based on long experience, and in a general way advantageous in securing good legislation; and usually a departure from the rules, while the occasion may seem appropriate at the time, often leads to difficulties unseen when the departure is first taken.

We passed the naval appropriation bill in the House under a rule—a rule which took it out from under the rules of the House, and which prevented consideration of the items which were in the bill, and which introduced into the naval bill many matters which could never have gotten into the bill under the ordinary rules of the House. We made a departure from the old well-settled rules in reference to legislation on appropriation bills, and we did it with some degree of innocence, idly dreaming at the time that we could go as far as we desired and then stop. We put some items in the appropriation bill which we had some hesitation about. It comes back to us from the Senate with fifty-odd pages of amendments, most of them on matters that never have received any consideration whatever in the House, and have not received any consideration to speak of, at this session of Congress, at least, in the Committee on Naval Affairs. They comprise matters of great importance.

Now, human nature is human nature; it has not been changed materially for a good many thousand years, and is not likely to be in our day. The men in the Navy are devoted to their country's service. They are willing to fight and die for the honor of our country, equally willing to fight and die for its protection. But when it comes to legislation which affects them personally they are like other human beings; they will get the best of it if they can, not because they are designedly taking advantage of the Government but because they look at it in this way: They are interested, and when they have written a naval bill there have always been things in the bill which most of us would not be for, purely in the interest of the officers in the Navy.

There never will be a more conspicuous example in the history of this country than there will be in this naval bill when it is signed and becomes a law. There is no way out of it. When we decided to pass the naval bill under a special rule, making everything in order which the Committee on Naval Affairs had put in the bill, we opened the door so wide that it is impossible to close it. The Senate added provisions to the bill that nobody in the House knows anything about, and, in my judgment, nobody in the Senate knows very much about them. They were written by somebody connected with the Naval Establishment, and inserted as an easy matter in the Senate because they said it goes to conference and will receive consideration there. When the distinguished conferees meet it will be impossible for finite minds to understand all of these intricate subjects in the space of time they will have before them. They have to dispose of matters about which they know little upon somebody's say so, and the say so is some one who is personally interested. I am in favor of sending the bill to conference. I think it is better to have it before the conferees long enough for them to try and find out something about it rather than to have it floating around the House with no one studying the subject. But I have no confidence in this method of legislation. All of these things that are of a special nature ought to come before the House in individual bills, where they can receive the consideration of the House. [Applause.] And where we have an opportunity to protect the Government. [Applause.]

The SPEAKER pro tempore (Mr. FERRIS). The question is on agreeing to the request of the gentleman from Tennessee [Mr. PADGETT]. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts.

#### EXTENSION OF REMARKS.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

#### HAWAIIAN NATIONAL PARK.

Mr. TAYLOR of Colorado. Mr. Speaker, I present a conference report upon the bill (H. R. 9525) to establish a national

park in the Territory of Hawaii, and I ask unanimous consent that the conference report may be considered at this time without its being printed under the rule and laying over for a day. The reason I ask that is that the Senate has receded from the amendment that it made, and there is nothing else in dispute.

Mr. MANN. Mr. Speaker, if the gentleman will make a statement in reference to it, or permit me to do so, I will state that this is the Hawaiian National Park bill in which the House placed a provision limiting the appropriations authorized in the future to not exceeding \$10,000 a year. The Senate, through inadvertence, agreed to an amendment striking out that limitation.

Mr. TAYLOR of Colorado. That is correct.

Mr. MANN. The conferees have receded from that amendment striking out the limitation.

Mr. TAYLOR of Colorado. Yes; the bill is in the identical form in which it passed the House.

Mr. MANN. And it contains a limitation on the appropriations.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MANN. This is a bill for the Hawaiian National Park, which the House passed. The Senate agreed to the bill, but added an amendment. The House placed upon the bill a provision limiting the authorization of appropriations for the maintenance of the park, I believe, to \$10,000 a year. The Senate agreed to an amendment striking that out, apparently, if one may judge, thinking that it was an appropriation of \$10,000 instead of a limitation.

Mr. COX. I was misinformed in my own mind in respect to it. I had in mind that this was a general park bill.

Mr. MANN. No.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent for the present consideration of the conference report on the bill H. R. 9525, notwithstanding the rule that it shall be printed in the RECORD and lay over for a day. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the conference report.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1050).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its insistence upon its amendment striking out the following in lines 8, 9, 10, 11, and 12 on page 8 of said bill:

"Provided, That no appropriation for the maintenance, supervision, and improvement of said park in excess of \$10,000 annually shall be made unless the same shall have first been expressly authorized by law; and."

SCOTT FERRIS,  
EDWARD T. TAYLOR,  
IRVINE L. LENROOT,

Managers on the part of the House.

JOHN F. SHAFROTH,  
JNO. W. KERN,  
MILES POINDEXTER,

Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, submit the following statement explaining the effect of the action agreed upon:

There was only one amendment made in the Senate, which provided for the striking out of the limit of the annual appropriation for the maintenance of the park. The Senate receded from that amendment and accepted the bill as it passed the House, consequently there is nothing further left to consider and the bill remains identically as it passed the House.

SCOTT FERRIS,  
EDWARD T. TAYLOR,  
IRVINE L. LENROOT,

Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

#### STEAMSHIP "AROLINE."

Mr. HADLEY. Mr. Speaker, I ask that Senate bill 6375, to authorize the changing of the name of the steamship *Aroline*,

on the Speaker's desk be laid before the House, and that it be passed in lieu of a similar House bill on the House Calendar.

The SPEAKER pro tempore. The Chair lays before the House Senate bill 6375, which the Clerk will report, there being a similar bill on the House Calendar.

The Clerk read as follows:

*Be it enacted, etc.*, That the Commissioner of Navigation is hereby authorized and directed, upon the application of the owner, the Pacific Alaska Navigation Co., of Portland, Me., to change the name of the steamship *Aroline*, official No. 211426.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

#### ADJOURNMENT OVER.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to state that on Monday next in the city of New York Mr. Hughes is to be notified officially of his nomination for the Presidency. I suggest to the gentleman from North Carolina that on Saturday he ask to have the House adjourn over until the following Tuesday, or perhaps Wednesday.

Mr. KITCHIN. Mr. Speaker, I will say to the gentleman from Illinois that it is my intention to ask on Saturday that the House adjourn over until Wednesday, and I may as well do that now. Mr. Speaker, I ask unanimous consent, in addition to my other request, that when the House adjourns on Saturday it adjourn to meet on the following Wednesday.

The SPEAKER pro tempore. The gentleman from North Carolina modifies his request and asks unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next, and that when it adjourns on Saturday next it adjourn to meet on the following Wednesday. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor legislation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the occasion of our recent trip to Niagara.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD upon the subject of a visit to Niagara. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing therein a list of antisocialist books.

The SPEAKER pro tempore. Is there objection?

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing therein a list of books for socialism and against socialism.

The SPEAKER pro tempore. The gentleman from New York [Mr. LONDON] and the gentleman from Washington [Mr. JOHNSON] ask unanimous consent to publish in the RECORD a list of books, both pro and con, upon the subject of socialism.

Mr. MANN. Mr. Speaker, I do not understand that these requests are coupled together.

The SPEAKER pro tempore. The Chair understood the gentleman from New York to reserve the right to object to the request of the gentleman from Washington.

Mr. LONDON. I did not rise to object, Mr. Speaker. I thought the request had been disposed of.

The SPEAKER pro tempore. Then the question is on the request of the gentleman from Washington. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I do not like to object to these things, but I do not see how any good can be accomplished.

Mr. CANNON. What is the request of the gentleman from Washington?

Mr. JOHNSON of Washington. Mr. Speaker, I desire to publish a list of about 50 antisocialist books in the RECORD. The reason for the request is this: Children throughout the country are being asked from day to day to debate the question of socialism. They go to the public libraries in all of the towns of from 5,000 inhabitants up, to get literature upon the subject, and although they do not know it, they discover that the



Socialist Party has placed from 20 to 50 books in these libraries at its expense, advocating socialism, and some of them explaining anarchism. The children are unable to take out anti-socialist books. Even the library directors are unable—

Mr. COX. That shows the Socialists are on the job; now let the other fellow get on the job.

Mr. JOHNSON of Washington. I am trying to give the other fellow a chance to get on the job.

Mr. COX. But at public expense, and I shall object.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

Mr. BLACKMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLACKMON. Would it be in order for those gentlemen who desire to speak to be allowed to speak during days when the House is in recess?

The SPEAKER pro tempore. The Chair did not hear the gentleman.

Mr. BLACKMON. Would it be in order to allow those gentlemen who desire to speak to do so during the time we are in recess; for instance, to-morrow? Would it be in order to allow those gentlemen who want to make so many remarks to come here and speak to-morrow?

The SPEAKER pro tempore. The Chair thinks not, when the House is not in session. Without objection, the bill H. R. 16647, the corresponding House bill to the Senate bill just passed, will be laid on the table.

There was no objection.

#### CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. This being unanimous-consent day, the Clerk will report the first bill.

#### SECTION 20, ACT TO REGULATE COMMERCE.

The first business in order on the Unanimous Consent Calendar was the bill (H. R. 653) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, some gentlemen want to be heard on this bill, and I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, that is agreeable to me.

#### SPRINGS, STREAMS, AND WATER HOLES ON PUBLIC LANDS IN THE STATE OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, this bill does not look right to me at all, or the report does not look right. Now, there is a provision in the gentleman's bill—I have not got it before me at this time, but it is in my files—and I ask the gentleman in charge of this bill whether or not the language in the bill is broad enough to permit the Secretary of the Interior to provide fountains, pumps, and employ persons at all these places for the purpose of furnishing water?

Mr. RAKER. That is not the real purpose of the bill.

Mr. COX. But is not the language broad enough for that?

Mr. RAKER. Well, those who have given the matter thought do not believe that.

Mr. COX. What is the gentleman's construction; he is the author of the bill?

Mr. RAKER. No; this bill comes from the department, but Senator WORKS has given the matter much consideration, and it passed the Senate, and the House committee amended it so as to limit it, hoping to give a starter upon this most valuable work. The people in the Western States, to which this bill applies, out on these deserts, who have seen and had some personal experience, believe, and I think the gentleman would believe, that a knowledge of these water holes ought to be had, and I think if the gentleman knew all the circumstances of the case that he would be strongly in favor of the bill. The water holes and places where water can be had should be marked

so the traveling public might reap the benefit of such designation and marking.

Mr. COX. No doubt there are hardships out there, like in my country and everywhere else; if it is not a question of water it is something else. Now, I call the gentleman's attention to page 2, section 1, to this language:

Also to provide convenient and ready means, apparatus, and appliances by which water may be brought to the earth's surface at said water holes for the use of such persons.

Now, is not that language broad enough for the Secretary of the Interior to fix fountains if he wanted to do so, or sink a well, or put a pump in there, and employ some persons to stay there to look after it? What is the gentleman's construction of that language?

Mr. RAKER. At many of those places a hydraulic ram can be put in that will raise the water in a tank, and many places can be walled up with cement so the water can be used. Where it can not be, of course, if the travel justifies it, a pump could be put in. No men stay there; it is simply a means of raising the water so that people can go there and use the pump or whatever it is. A good many lives would be saved at a very little expense.

Mr. COX. The gentleman says a good many lives could be saved. I have read the report, which seems to be very voluminous, and it does not say that many lives have been lost out there.

Mr. RAKER. The report is very modest and very short. If the gentleman was familiar with the history of the past 20 years, he would be astounded—

Mr. COX. I see the Secretary of the Interior was in favor of increasing the amount to \$25,000 and the committee put it in \$10,000. It will not hit the Senate Chamber until that amount is raised to \$25,000. When you embark upon this kind of legislation I can see the finish of it, and at the end of four or five years we will be expending a great many thousands of dollars in this kind of work.

Mr. RAKER. At these places at which they are trying to locate to get the proper results on the proper domain, where once established, the public will take charge of it and all these expenses will be paid and it will be a great development.

Mr. COX. If the time ever was when any State, county, or municipality took charge of anything that the Federal Government had undertaken to do, I have never been able to find it.

Mr. RAKER. I will say to the gentleman we are expending out in these Western States for the improvement of travel upon the public highways.

Mr. COX. That is exactly what I think. The States ought to do this.

Mr. RAKER. They can not do it. It is on the public domain. Give the Secretary of the Interior a chance to start this work with this modest sum, and good results will come from it.

Mr. COX. I would not object to this present appropriation of \$10,000. That in itself is a little sum and does not amount to much. But I have seen these little \$10,000 propositions start here time and again, and in a few years multiplied many times. And if this language is not stricken out, and I am given positive assurance that it will stay out, the bill will not go through by unanimous consent.

Mr. RAKER. So far as I am concerned, I will consent to striking it out. I do not think the appropriation will be increased. I think we are willing to take that appropriation.

Mr. COX. I am sure the gentleman is, but I read in the Secretary's report here the following:

I would therefore emphasize the recommendations of the department in regard to this subject and suggest that section 2 of the proposed bill (H. R. 242) be so amended as to authorize the expenditure of \$25,000 for the contemplated work.

I have at least grounds to justify me in believing that this bill, as quick as it gets to—

Mr. RAKER. They have only given \$10,000. They have not made it a continued appropriation. This work has not been done. And I want to say to the gentleman from Indiana that this not only applies to the West, but thousands of people are traveling over this country to develop it, and it is a resource to this country and gives a chance to develop.

Mr. COX. Well, I think the Government has been generous in developing its resources.

Mr. RAKER. It is your land.

Mr. COX. It has been generous in its Reclamation Service, in the good-roads bill, and in everything else. Now, I can not, as I stated a moment ago, stand for this language in this bill unless I am given the assurance that if the bill goes to conference this language will stay out of it.

Mr. RAKER. What particular language?

Mr. COX. The language found in lines 10, 11, 12, and part of line 13.

Mr. RAKER. I have no objection to the gentleman striking it out if you give unanimous consent to its going to conference.

Mr. COX. What assurance am I going to get—

Mr. RAKER. I would like to see the principle started, and I am willing to do what I can to get the benefit of proper legislation, and if a few words would defeat the bill, let us strike them out, and get what we can and develop so far as possible.

Mr. COX. I do not know whether the gentleman gets my position or not. I want to know whether or not when this bill goes to conference and comes back here this amendment is going to be put back in here?

Mr. RAKER. I will do what I can with the conferees and before the House, to the effect that they had better leave it out rather than defeat the bill.

Mr. COX. I understand that. For the present, Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill remain on the calendar without prejudice.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

#### MINING FOR METALLIFEROUS MINERALS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 12426, to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I regard this as a rather important bill, applying to millions of acres of Indian land, and is one that I think should not be considered on the Unanimous Consent Calendar because of its very importance.

Mr. HAYDEN. If there was any other way of obtaining consideration, I would not have put it on that calendar.

Mr. STAFFORD. The gentleman's committee will be called in due season.

Mr. HAYDEN. I do not think it will be called in this Congress; and if there is anything in the bill that the gentleman does not understand and on which he would like explanation, I will be glad to enlighten him on the matter.

Mr. STAFFORD. Of course, we are seeking by this bill to appropriate the lands of Indians, as far as leasing for 50 years is concerned.

Mr. HAYDEN. I am trying to establish a system of leases for metalliferous minerals on Indian reservations in order that the Indian may get some benefit out of his land, and in order, on the other hand, that there may be a development of the mineral resources of the reservation.

Mr. STAFFORD. And the term of the lease is very long. It is virtually appropriating the Indian land. The term is 50 years, and it seems an unusually long time to tie up the unallotted lands of Indians where they have no say during the term of the lease.

Mr. HAYDEN. The gentleman will remember that when we discussed the water-power and other bills here it was generally thought that a 50-year term was a proper term for leases where there was a large risk in the business. There is no enterprise into which a man can enter in which there is more risk than in metalliferous mining. I adopted that term because I thought it was the opinion of the House that the term should be 50 years.

Mr. STAFFORD. For the time being, I object. But if the gentleman will ask to have it passed over without prejudice, I will not object. In less than two weeks we will have another Unanimous Consent Calendar.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. STAFFORD] objects.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### BRIDGE ACROSS MISSISSIPPI RIVER, MEMPHIS, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of the chairman of the committee how far advanced is the work of construction on this bridge? This act seeks to extend the time of construction.

Mr. ADAMSON. I understand it is very far advanced.

Mr. STAFFORD. I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. MANN. Mr. Speaker, I suggest that if we are going to act upon the committee substitute, it should be reported instead of the original bill. I ask unanimous consent that the substitute be reported.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the substitute proposed by the committee be read in lieu of the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read as follows:

*Be it enacted, etc., That the time for the completion of a bridge now in the course of construction across the Mississippi River at Memphis, Tenn., which the Arkansas & Memphis Railway Bridge & Terminal Co., its successors or assigns, was authorized to construct, maintain, and operate by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," be, and the same is hereby, extended to the 1st day of April, 1917.*

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on agreeing to the committee substitute.

The question was taken, and the committee substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

On motion of Mr. ADAMSON, the title was amended so as to read: "A bill extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled 'An act to amend an act approved July 20, 1912, entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River," approved August 23, 1912.'"

Mr. MANN. Mr. Speaker, there are several bridge bills on the calendar.

Mr. ADAMSON. Yes. I have them here, all ready.

Mr. MANN. I think it would be advisable to pass them now. It will take only a few minutes. I ask unanimous consent that—

Mr. ADAMSON. I will say, Mr. Speaker, that I have all those bills here ready.

Mr. MANN. I ask unanimous consent that we first take up for disposal the so-called bridge bills on the calendar.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that out of their order, and immediately following this one, the House take up the rest of the bridge bills on the Unanimous Consent Calendar. Is there objection?

There was no objection.

The SPEAKER pro tempore. Has the gentleman from Georgia all the bills there?

Mr. ADAMSON. Yes. I have them all here, but I do not think they are in the proper order.

Mr. STAFFORD. Unanimous Consent Calendar No. 302, I believe, is the first one. Then others follow.

Mr. ADAMSON. I think there are one or two there that were reported too late to get on this calendar, but I hope they will be considered.

The SPEAKER pro tempore. The Clerk will report the first one.

#### BRIDGE ACROSS RED LAKE RIVER, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16380) granting the consent of Congress to the board of supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I noticed in reading the report on this bill that the War Department did not think it necessary for Congress to grant any authorization, because the stream over which the bridge was



authorized is a purely intrastate stream. I would like to inquire of the chairman of the committee what is the policy of the committee in reporting bills when the War Department virtually recommends adversely to the measure?

Mr. ADAMSON. Mr. Speaker, usually when the State has authorized it, and that is shown to the committee, we concur with the War Department that it is unnecessary. The act of 1899 provides that the special consent of Congress is not necessary when the State authorizes it over a stream. But leaving that aside, Congress has not divested itself of the power to grant it.

Mr. STAFFORD. Of course, Congress is assuming needless work when it grants authorization for the construction of a bridge when its authority is not required.

Mr. ADAMSON. This is one of the cases where, under the State law, it was stated they were not ready to go to the War Department.

Mr. STAFFORD. Is it intended by the passage of this bill that they will not resort to the authorization of the State for the construction of the bridge?

Mr. ADAMSON. It will not be necessary.

Mr. STAFFORD. Does the gentleman think it a good policy for the National Government to preempt the authority of the States when it is not required?

Mr. ADAMSON. It does not do that. It does nothing but consent, provided the local authorities want a bridge built there. We do not authorize them to deal with the local conditions. We merely consent, so far as the rights of navigation are concerned.

Mr. STAFFORD. Mr. Speaker, I question the propriety of Congress going into that policy, but I shall not object.

Mr. ADAMSON. We never report a bill unless there is some special reason for it—a bill of that sort.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the board of supervisors of Highland Township, Pennington County, Minn., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red Lake River at a point suitable to the interests of navigation, at or near the section line between sections 28 and 29, township 153 north, range 40 west of the fifth principal meridian, in the county of Pennington, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### BRIDGE ACROSS WEST BRANCH SUSQUEHANNA RIVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16534) to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the commissioners of Lycoming County, Pa., and their successors in office be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto across the West Branch of the Susquehanna River at a point suitable to the interests of navigation where Arch Street, in the city of Williamsport, Lycoming County, Pa., would reach said river, if prolonged southwardly, to a point on the south side of said river about 20 rods west of the confluence of Mosquito Creek and the said river in the borough of Duboisstown, Lycoming County, Pa., said point being near where a small sawmill formerly stood, and where High Street, in the borough of Duboisstown, Lycoming County, Pa., if prolonged northwardly, would reach said river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I move to amend, page 1, line 5, by striking out the word "and" after the word "construct" and inserting after the word "maintain" the words "and operate."

Mr. ADAMSON. That ought to be there, Mr. Speaker. It is an inadvertence. It ought to be in.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 5, by striking out the word "and" after the word "construct" and inserting after the word "maintain" the words "and operate."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ADAMSON. Mr. Speaker, I will wait until they are all finished, and then I will ask to reconsider and lay on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### BRIDGE ACROSS WEST BRANCH, SUSQUEHANNA RIVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16604) to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the commissioners of Lycoming County, Pa., and their successors in office, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the West Branch of the Susquehanna River, at a point suitable to the interests of navigation, at or about where the public road or highway known as Second Street reaches said river, near the residence formerly owned by John Knorr, now owned by Harvey Smith, in the borough of Montgomery, to a point in public road on the east side of said river about 400 feet northeast of the residence formerly owned by S. B. Menges, now occupied by A. B. Koons, and where said public road reaches said river in the township of Muncy Creek, county of Lycoming, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### BRIDGE ACROSS WEST BRANCH OF THE SUSQUEHANNA RIVER, PA.

The next bridge bill on the Calendar for Unanimous Consent was the bill (H. R. 16764) to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the commissioners of Northumberland and Union Counties, Pa., and their successors in office, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto across the West Branch of the Susquehanna River at a point suitable to the interests of navigation at or about where Second Street in the borough of Watsonstown, Northumberland County, Pa., would reach said river if prolonged in a westerly direction to a point on the westerly side of said river near where the White Deer Creek discharges into the said West Branch of the Susquehanna River in White Deer Township, Union County, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### BRIDGE ACROSS FLINT RIVER, GA.

The next bridge bill on the Calendar for Unanimous Consent was the bill (H. R. 16875) granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to Crisp County, Ga., to construct, maintain, and operate a bridge and approaches thereto across the Flint River, at a point suitable to the interests of navigation, at or near Huguenin's Ferry, in the county of Sumter, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### BRIDGE ACROSS MAHONING RIVER, OHIO.

The SPEAKER pro tempore. The Clerk will report the next bridge bill.

The Clerk read the title of the bill (H. R. 16912) granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a bridge and approaches thereto across the Mahoning River at a point suitable to the interests of navigation, at or near the city of Warren, in the county of Trumbull, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, lines 3 and 4, strike out the words "the county commissioners of."

Page 4, after the word "Ohio," insert the words "its successors and assigns."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### BRIDGE ACROSS HUDSON RIVER, N. Y.

Mr. ADAMSON. Mr. Speaker, the next bridge bill (H. R. 16554) is not on the Unanimous Consent Calendar, but it is No. 155 on the House Calendar.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 16554) to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the time for the commencement and completion of the bridge of the Hudson River Connecting Railroad Corporation, under the provisions of the act approved March 13, 1914, be extended to and including the 13th day of March, 1920.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, strike out the words "and including" and insert in lieu thereof the words "the 30th day of March, 1918, and."

Page 2, line 2, after the word "twenty," insert the word "respectively."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### BRIDGE ACROSS ST. MARYS RIVER, FLA.

Mr. ADAMSON. There is one other bridge bill, No. 154 on the House Calendar, a Senate bill.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read the title of the bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the counties of Nassau, Fla., and Charlton, Ga., to build, maintain, and operate a bridge across the waters of the St. Marys River at a point suitable to the interests of navigation, at or near Kolars Ferry, about 2 miles below the Atlantic Coast Line Railway bridge, between the States of Florida and Georgia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the votes by which the several bridge bills were passed was laid on the table.

The SPEAKER pro tempore. The Clerk will resume the Unanimous Consent Calendar and call the next bill.

#### MARCUS A. JORDAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

#### CERTAIN EMPLOYEES OF NAVY AND WAR DEPARTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9548) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

#### SETTLERS ON NAVAJO INDIAN RESERVATION, ARIZ.

The next business of the Calendar for Unanimous Consent was the bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to substitute S. 2500, which has been favorably reported from the Committee on Indian Affairs and is identical with the House bill.

Mr. MANN. The gentleman asks unanimous consent to consider the Senate bill.

Mr. HAYDEN. Yes.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to consider S. 2500 in lieu of H. R. 10115. Is there objection?

There was no objection.

The Clerk reported the title of the bill (S. 2500) authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I should like to inquire, if these claims go back to the year 1900, why they were not presented earlier?

Mr. HAYDEN. The President of the United States issued an Executive order withdrawing all of these lands from sale and settlement and making it a part of the Indian reservation. It is usual in orders of that kind to reserve to the settlers on the land the right to perfect their title, but no reservation in the order was made, and so it is necessary to pass an act of this kind. The people are residing in the country now on this land.

Mr. STAFFORD. That is what I wish to inquire, whether they are bona fide settlers or stragglers who are coming in and appealing to claim agents to have the bill passed 16 years after the Executive order was made.

Mr. HAYDEN. The bill can only apply to settlers who were then and are now on the land.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That all lands which were occupied by settlers or persons who were entitled to make entries thereof, and submit final proof under the provisions of the general homestead law of the United States prior to the hereinafter mentioned Executive order and upon the making and approval of the public surveys of such lands, said Executive order being of date January 8, 1900, "Extending the boundaries of the tract of country lying west of the Moqui and Navajo Indian Reservation in the Territory of Arizona," and which lands were included in the said Executive order, are hereby excepted from the operations thereof, and such settlers are hereby granted authority at any time within 90 days from the approval hereof to make homestead entry of not to exceed 160 acres of such land, and submit final proof of the existence of their rights at the date of such Executive order of extension, and patents therefor shall issue upon payment to the United States of the legal fees and purchase price.

The following committee amendment was read:

Amend the bill on page 1, line 9, after the word "hundred," by striking out the period and all down to and including the word "Arizona," in line 11, and insert in lieu thereof the words "and withdrawing from sale and settlement a tract of country lying west of the Navajo and Moqui Reservations in Arizona."

Mr. MONDELL. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Arizona if it is the intention of the gentleman to authorize parties who were located as intending homestead settlers at the time of the Executive order to now make their entries and at the proper time make final proof, or is it the intention only to relieve people who at the time of the issuance of the Executive order had already sufficiently complied with the homestead law to make proof then?

Mr. HAYDEN. I think the bill speaks for itself—that the land occupied by the settlers entitled to make entry are entitled now to make entry.



Mr. MONDELL. Let me call the gentleman's attention to the language of the bill:

That all lands which were occupied by settlers or persons who were entitled to make entries thereof—

So far, so good—

and submit final proof under the provisions of the general homestead law of the United States prior to the hereinafter mentioned Executive order.

The bill as it stands would only relieve, if strictly construed, those who at the time of the issuance of the Executive order were not only in position to make entry but who had so far complied with the homestead law that they were in a position to offer final proof.

Mr. HAYDEN. I think that was the fact—the settlers had resided there for a number of years and could not make entry because the land was unsurveyed.

Mr. MONDELL. It was not the intention of the bill to relieve anyone who at that time had not been on the land long enough to make a homestead proof?

Mr. HAYDEN. No; I am satisfied with the bill as it is.

Mr. MONDELL. All right; if the gentleman is satisfied, I am.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### FORT ASSINNIBOINE RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assinniboiné Military Reservation.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object, or I will reserve the right to object.

Mr. STOUT. I would like to have an opportunity to have the bill considered to-day, and I would like to have the gentleman's grounds for his objection.

Mr. STAFFORD. My reason is because the land described in the bill does not conform to the recommendation of the Assistant Secretary of the Interior. It does not include all the land that he claims is needed for the benefit of the Indians.

Mr. STOUT. I am under the impression that it is the same.

Mr. STAFFORD. I examined it two weeks ago, and I am certain that it is not.

Mr. STOUT. It comprises fractions of townships 28 and 29.

Mr. STAFFORD. I have read the report closely, and I find it does not conform because it leaves out some of the land that the assistant secretary thought necessary for the Indians.

Mr. MANN. Will the gentleman yield?

Mr. STOUT. Yes.

Mr. MANN. My recollection is, although I have not examined the case for some time, that it provides for two townships or sections, and the Indian Office thought that this would not be enough to support the Indians and wanted more. I do not see why that is any objection to the bill.

Mr. STAFFORD. Because we are giving away a portion of the land that the Interior Department believes is necessary for the support of the Indians.

Mr. MANN. I do not understand that we are giving it away.

Mr. STAFFORD. This is public land.

Mr. MANN. This is to divert a certain amount of public land from the reservation for the Indians in Montana, and the less we give them the more land we have.

Mr. MONDELL. And the better it will be for this particular band of Indians.

Mr. MANN. The question is whether we ought to give them as much as this bill does.

Mr. STAFFORD. The department recommends that a certain amount of land be given to these impoverished Indians, and this bill does not give it to them, but seeks to deprive them of a portion of it.

Mr. MANN. We do not deprive them of anything; we are making them a present. The department thinks that we ought, for instance, to give them \$10,000, and we say that we will give them \$8,000. I think if we give them this amount of land and let them work, they are better off.

Mr. STAFFORD. The department says that they need such an acreage of land, and that the amount conveyed by this bill is not sufficient to support them.

Mr. STOUT. The bill has been amended in the Senate to conform with the recommendations of the department.

Mr. MANN. I think we are giving them too much here.

Mr. STAFFORD. In these bills I think we should follow the recommendation of the department.

Mr. MANN. This is a recommendation of the Indian Office.

Mr. STAFFORD. Oh, I beg the gentleman's pardon.

Mr. MANN. If the gentleman from Wisconsin will yield, I will say that if we follow the recommendations of the Indian Office about giving Indians lands there will not be anything left for white people to live upon.

Mr. STOUT. They recommend that fractional townships 29 north, ranges 14 and 15, be given, and the bill provides that fractional townships 28 north, ranges 15 and 16 east, be given.

Mr. MONDELL. Mr. Speaker, will the gentleman from Wisconsin yield to me for a moment?

Mr. STAFFORD. Yes.

Mr. MONDELL. How many individuals are there in the Rocky Boy Tribe?

Mr. STOUT. I want to talk about that for a moment.

Mr. MONDELL. We are not under any obligations to them.

Mr. STOUT. Oh, no; they are a band of Canadian Chippewa Indians that came down here, and we have sent them back two or three times, but they have come back, and they wander around, and the people of Montana for several years have supported them by private charities. The people went down into their pockets and kept them, and the Government for some two or three years has been appropriating some \$10,000 for the support of this band of Indians. They have no claim upon this Government of any sort, except that they are here, and we can not very well get rid of them.

Mr. MONDELL. Is it not the opinion of the gentleman that the tracts proposed to be given them are really more than they actually need?

Mr. STOUT. We propose to give them here some 56,000 or 57,000 acres of land, which will be easily 160 acres per Indian, or a little better. This land is not all agricultural land. Most of it is not. I will say to the gentleman—and I speak from personal knowledge of the land, because I have been over it a number of times myself—that it is the finest grazing land in the whole State of Montana. That is the kind of land that these Indians require. They are naturally and exclusively stock-raising folks. They would not cultivate the Nile Valley if you were to send them down there. There is no use trying to give them a great lot of agricultural land. They should have sufficient for gardens and to raise the things necessary, but we are giving them the very kind of land that they are best fitted by training and heredity and natural inclination to make use of.

Mr. STAFFORD. Mr. Speaker, coming to the question which is uppermost in my mind, of whether this bill conforms to the recommendations of the Interior Department, the gentleman from Montana [Mr. STOUT] says that it does, and I claim that it does not. I direct the gentleman's attention to page 3 of the report, in which the department recommends the following language:

On fractional townships 28 north, ranges 14, 15, and 16.

And I now call attention to the phraseology of the bill on page 2, section 10:

Fractional townships 28 north, ranges 15 and 16 east—

Thus leaving out 14, as recommended by the department. Am I correct in my original statement that the bill does not conform to the recommendations of the department?

Mr. STOUT. I think the gentleman is correct. It was a mistake, however.

Mr. STAFFORD. Then the gentleman is willing to have No. 14 incorporated?

Mr. MANN. If the gentleman is, I am not. It will not be done by unanimous consent. I think that they have too much now.

Mr. STOUT. I agree with the gentleman that he is correct in his contention. I thought the bill contained that amount of land, but I also agree with the gentleman from Illinois [Mr. MANN] that we have ample land here to take care of these Indians, and I want to put it up to the gentleman in another way.

Mr. STAFFORD. I will submit this inquiry to the gentleman. What guide are we to follow in these matters pertaining to Indian affairs—the claims of the individual representatives, which I submit are entitled to the greatest weight if they have personal knowledge of the conditions, or the recommendations of the department that has sent men out there to investigate the conditions?

Mr. STOUT. I think we are always safe in following closely the recommendations of the department, but I think that we are getting pretty close to the recommendations of the department. In all humility and modesty I submit to the gentleman that I have personal knowledge of this matter. I have been over this land, and I know this bunch of Indians. Old Rocky Boy himself has been gathered to the fathers. He died

a few weeks ago. Another chief is dead, and they are all dying pretty rapidly, partly for the lack of care and attention, simply wandering around over the country, eating out of swill barrels and making existence the best they can. The reason I am somewhat insistent in getting action upon this bill to-day is this: It will probably be the last opportunity at this session of Congress that we will have, and if we do not get the bill through now it will perhaps not get through at this Congress. I would like to have the matter underway so that we can get these Indians located down there on that tract of land before another winter comes, which may wipe a good many of them out of existence.

Mr. STAFFORD. The gentleman has stated matters on his own knowledge and information, which, of course, I accept as worthy of consideration, and more so than the recommendation of any subordinate connected with the Indian Office. If he says that the tract provided in this bill is ample to provide for the sustenance of these Indians I will withdraw my objection and not follow the report of the Interior Department.

Mr. STOUT. I thank the gentleman, and I assure him that that is absolutely the fact.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill proposes to set aside two townships as a permanent reservation for Rocky Boy's band of Chippewa Indians, and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and so forth. We do not owe these Indians anything.

Mr. STOUT. Not a thing.

Mr. MANN. Is it not sufficient to set it aside as a reservation without promising that it will be permanent?

Mr. STOUT. I think the suggestion is a good one, and I ask unanimous consent that the bill may be amended by striking out the word "permanent."

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the act approved February 11, 1915 (38 Stat. L., p. 807), entitled "An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinibolne Military Reservation and open the same to settlement," be, and the same is hereby, amended by the addition thereto of the following sections:

"Sec. 10. That fractional townships 28 north, ranges 15 and 16 east, and fractional townships 29 north, ranges 14 and 15 east, Montana principal meridian, within the boundaries of said reservation, embracing a total area of approximately 56,035 acres, are hereby set apart as a permanent reservation for Rocky Boy's Band of Chippewas and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and the said Secretary is authorized, in his discretion, to allot the lands within the reservation hereby created under the provisions of the general allotment act of February 8, 1887 (24 Stat. L., p. 388), as amended.

"Sec. 11. That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to the city of Havre, Mont., for reservoir purposes, the following-described lands lying within said reservation: The west half southeast quarter, west half section 25, and the southeast quarter northeast quarter, northeast quarter southeast quarter, section 26, township 31 north, range 15 east, Montana principal meridian, comprising reservoir site No. 1 and embracing an area of approximately 480 acres; and the northwest quarter west half northeast quarter, north half southwest quarter, northwest quarter southeast quarter, section 33; and the southwest quarter southeast quarter, southeast quarter southwest quarter, section 28, township 30 north, range 16 east, Montana principal meridian, comprising reservoir site No. 2, and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of \$1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

"Sec. 12. That the Secretary of the Interior is hereby authorized and directed to withdraw and set aside as a permanent park or camping ground the following-described land in said reservation lying on both sides of Beaver Creek within townships 29, 30, and 31 north, 15 and 16 east, to wit: The west half section 34; all of sections 33, 29, and 21; the west half southwest quarter, northwest quarter, section 22; all of section 16; the south half, northeast quarter, west half northeast quarter, section 9; the east half northeast quarter, section 8; the east half southeast quarter, section 5; the west half, northeast quarter, west half southeast quarter, section 4, township 29 north, range 16 east; and the south half southwest quarter, south half southeast quarter, northeast quarter southeast quarter, east half northeast quarter, section 33; the southeast quarter southeast quarter, north half southeast quarter, southwest quarter southwest quarter, north half southwest quarter, north half, section 28; the west half southeast quarter, west half northeast quarter west half, section 21; the east half southeast quarter, east half northeast quarter, section 20; the west half section 16; east half, east half northwest quarter, section 17; the east half southwest quarter, east half northwest quarter, east half, section 8; the west half southwest quarter, west half northwest quarter, section 9; all of section 5; the northeast quarter section 6, township 30 north, range 16 east; and the southwest quarter section 32; the south half, northwest quarter, southwest quarter northeast quarter, section 31, township 31 north, range 16 east; and the east half southeast quarter, section 25; southeast quarter southeast quarter, northwest quarter southeast quarter, northeast quarter northeast quarter, west half northeast quarter, east half northwest quarter, northwest quarter northwest quarter, section 26; south half southwest quarter, south half southeast quarter, section 23, township 31 north, range 15 east, Montana principal meridian, embracing an area of approximately 8,880 acres."

The committee amendments were read, as follows:

On page 3 strike out all of lines 14 to 25, inclusive, and on page 4 all of lines 1 to 25, inclusive, and on page 5 all of lines 1 to 3, inclusive.

The question was taken, and the committee amendments were agreed to.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that the bill be amended by striking out the word "permanent" in line 7, page 2.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 7, strike out the word "permanent."

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. STOUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LAND FOR EDUCATIONAL PURPOSES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be passed over on the calendar. I am not quite prepared myself to take it up to-day, although as far as I am concerned it will be soon.

Mr. RAKER. We can not hear the gentleman over here.

Mr. MANN. It is possible we may be able, as far as I am concerned, to take it up on the next unanimous-consent day, if nobody else has objection to it.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that this bill retain its place on the calendar and be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### TRANSFERRING LAND TO FLANDREAU, S. DAK., FOR PUBLIC PARKS, ETC.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playground.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. DILLON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the city of Flandreau, in Moody County, S. Dak., the following-described real property situated in the city of Flandreau, Moody County, S. Dak., viz: The south half of lot 14 of the southeast quarter of section 21, township 107, range 47, which shall be permanently used as a public playground for the Indian and white school children of the vicinity on equal terms, which playground shall be maintained by the city of Flandreau without governmental expense.

The committee amendments were read, as follows:

Page 1, line 9, strike out "forty-seven" and insert "forty-eight"; page 2, line 1, after the word "public," insert the words "park or"; page 2, line 3, after the word "which," insert the words "park or," and amend the title.

The question was taken, and the committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend page 2, line 4, by striking out the word "governmental" and inserting after "expense" the words "to the United States."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "governmental" and after the word "expense" insert the words "to the United States."



Mr. MANN. Mr. Speaker, the language of the bill provides that the city of Flandreau shall maintain this without governmental expense. Of course, it can not be done, and my amendment proposes that it read "without expense to the United States."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the first word in the bill. In the report on this case there is printed a letter from the Civic Improvement League, written by Mrs. L. M. Hardin, secretary, in which the Civic Improvement League asks for the transfer of the title of the north half of the lot. In fact, about the only information obtained about the bill is this statement: The bill carries provision for the south half instead of the north half of the lot. My recollection is that the gentleman from South Dakota [Mr. DILLON] told me that he had looked this matter up, as I had called attention to it when before the House before—

Mr. DILLON. Yes; it is the south half.

Mr. MANN. It is the south half the ladies want, although they did not say so.

The SPEAKER pro tempore. Without objection, the pro forma amendment is withdrawn.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds."

#### UNIFORM STANDARDS OF CLASSIFICATION OF COTTON.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I think the gentleman from South Carolina [Mr. LEVER], the author of this bill, is in conference on the Agricultural bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### PUBLIC LANDS IN THE STATE OF OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I will have to object. If the present Speaker pro tempore wants to be on the floor when it comes up—

Mr. McCLINTIC. Will the gentleman from Illinois kindly withhold his objection to allow a brief statement?

Mr. MANN. Well, I suppose a brief statement from my friend will produce one from me; however, I will withhold it. I will reserve the right to object.

Mr. McCLINTIC. Mr. Speaker, Oklahoma when admitted to the Union was composed of two Territories—the Territory of Oklahoma and Indian Territory. That portion known as the Indian Territory comprised something like 19,800,000 acres.

And the wonderfully strange thing about this is that there was not a single, solitary acre that could be made taxable, for the reason that all of it belonged to the Indians. Oklahoma Territory, on the other side, consisted of 29,979,200 acres, and the peculiar thing about this is that there were some 7,778,670 acres that belonged to the Indian tribes and were not taxable. I want you to take into consideration that my State, when admitted to the Union, when you figure up the number of acres of public lands, had less than one-fourth of the same taxable. This condition caused the citizens of Oklahoma in the early days to have extraordinarily heavy burdens to bear.

Mr. Speaker, when the statehood bill was passed there was a provision put in the same giving to the State of Oklahoma in lieu of section 16 and section 36 the sum of \$5,000,000. Senator Dolliver, in speaking upon this bill in the Senate, said that in his opinion the land that was taken away from the State at that time was worth from \$10,000,000 to \$20,000,000. And I dare say if you go to that State to-day you could not buy sections

16 and 36, in the Indian Territory, for even \$100,000,000. So the State of Oklahoma comes here to-day with a bill asking that it be given the same consideration as the 14 States admitted to the Union since the years 1862 and 1866. There was an act passed in 1862 which gave to every Territory when admitted to the Union as a State 30,000 acres of land, based upon its Senators and Representatives in Congress. Later on, in 1866, this act was enlarged and extended so that the State should have three years to accept the provisions of the act; and in calling attention to this measure, I find that each of the 14 States that have been admitted since 1862 has either participated according to the terms of these two acts or they were given lands in lieu or were especially exempted from the terms of these two acts, with the exception of the State of Oklahoma. So, Mr. Speaker, we are here with clean hands, asking for only that which we think is right. We would not accept a single dollar if we did not have precedents that have already been established for this kind of legislation.

In calling attention to this, we find that the State of Arkansas was admitted to the Union in 1866. About that time we had the Civil War trouble, and so this State did not participate in the provisions of the act until six years later; but then there was a special act of Congress passed, which gave to the State of Arkansas scrip in lieu of the number of acres it was entitled to, based on its representation in Congress. And the following language was used in the act:

Whereas the State of Arkansas has complied with all of the provisions and requirements of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and other acts amendatory, etc.

The Secretary of the Interior was authorized to issue scrip, and scrip was issued, and the State of Arkansas participated according to its representation in Congress.

Next we have the State of West Virginia. That State was admitted in 1862, with five Representatives in Congress. Later on, by the act of April 14, 1864, the State received the benefit of this act, and was given 150,000 acres in scrip.

Mr. TOWNER. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. TOWNER. Do the provisions of your bill give two sections in each township to the State of Oklahoma?

Mr. McCLINTIC. The provisions of my bill go back to the act of 1862, which provided that each State admitted to the Union should be given 300,000 acres, based upon its representation in Congress. The State of Oklahoma when admitted had five Representatives and two Senators. We were entitled to 210,000 acres of land. The legislature of my State promptly accepted the provisions of this act by passing a joint resolution, and through the governor and attorney general we made application to the Secretary of the Interior. As a precedent for this application I desire to state that a decision was rendered some time ago that where a State had complied with the act of 1862 the benefit inured to that State without further legislation, but when it was passed up to the Secretary of the Interior, or the Commissioner of the General Land Office, it was held that we could not receive that benefit unless by direct act of Congress.

Mr. TOWNER. My question was directed to what you now ask for. What is the extent of the grant you desire made from these public lands of Oklahoma?

Mr. McCLINTIC. We are asking that we receive the same treatment that every other State has received.

Mr. TOWNER. What does that amount to?

Mr. McCLINTIC. I will get to that in a minute. Every State has received lands since the act of 1862 was passed, unless especially excepted, or given scrip in lieu thereof. When the State of Oklahoma was admitted to the Union, the enabling act did not except my State from the benefit of the acts of 1862 and 1866, and consequently we are asking that we be given 210,000 acres of land or, in lieu thereof, the sum of \$1.25 per acre.

Mr. Speaker, going on further, I desire to state that the facts connected with this case probably more favorably compare with the State of Colorado than any other State in the Union. Colorado was admitted to the Union in 1875. The terms of its enabling act did not except it from the provisions of the terms of the act of 1862. Nine years later the Representatives of that State came to Congress and presented a bill asking that their State be treated in the same way as the other States that had gone before. Oklahoma, like Colorado, has had an application pending for nine years, and consequently as a Representative of Oklahoma I bring the same kind of bill to this body and ask that my State be given the same benefits that have been given to all other States, unless especially excepted or given lands in lieu of the acts of 1862 and 1866. The Department of the Interior in referring to the case of Colorado used the following language, which

supports the contention of the State of Oklahoma that no reference was made to the grant of 1862 and 1866 when the State was admitted to the Union. And when the State of Colorado made application for the benefit coming under the terms of these two acts, this language was used:

The only new matter contained in section 3 of this act is the declaration of the number of acres to which Colorado was entitled under the act of 1862, and since this enabling act did not exclude it from the benefits of said acts, the provisions of which are duly accepted by the State, this is the sole and only purpose of said section, which was enacted, as stated in the caption "To secure to the State" the benefits of the act of 1862.

Now, Mr. Speaker, let us see how that compares. The Secretary of the Interior says that the State of Colorado was not given the benefits of this act; that no mention or no reference was made to the acts of 1862 and 1866.

The enabling act for the State of Oklahoma is practically identical, in that no reference is made in it to the act of 1862 or the act of 1866, and there is not a single word in the language of that act which exempts my State from the provisions of the acts of 1862 and 1866.

Mr. MANN. Mr. Speaker, I do not want to take issue with the distinguished gentleman from Oklahoma [Mr. McClintic], and yet there are a lot of other bills on the calendar, and we have been through this bill very carefully and through the history of the legislation, and I venture to say that there is not the slightest merit in this bill.

Mr. McClintic. If the gentleman can point out to me a single, solitary word in any act where my State has received the benefit of these two acts I will withdraw the bill.

Mr. MANN. Well, I think I can do it, but I do not want to take the time this afternoon to do it.

Mr. McClintic. Well, as a Representative of the State of Oklahoma I would not stand on this floor and contend for a single dime that I did not believe my people are entitled to, and if the gentleman desires to object or to call for the regular order, of course he can do so.

Mr. MANN. I am going to object, and I will say this with reference to this bill, that if there is any merit in this bill at all, then we owe to the States of New Mexico and Arizona not only an apology but several hundred thousand acres of land.

Mr. McClintic. Mr. Speaker, in reference to that I have made a study of this proposition, and in the enabling acts of Arizona and New Mexico you will find that they are especially given lands in lieu of the acts of 1862 and 1866, and that being the case, the State of Arizona and the State of New Mexico have had a day in court and can not come in here and ask that they be given the land the gentleman refers to.

Mr. MANN. The State of Oklahoma was proposed to be admitted under an act which admitted Arizona and New Mexico.

Mr. McClintic. That act did not pass.

Mr. MANN. Let me make my statement. The State of Oklahoma was admitted under an enabling act which proposed to admit as one State the States of Arizona and New Mexico. It was proposed to give to Oklahoma for agricultural and mechanical college purposes the amount of land that is in the law, and it was proposed to give to the new State of Arizona and New Mexico 300,000 acres of land in precisely the same language—practically the same language—as it was given to the State of Oklahoma. In neither case was the act of 1862 mentioned.

Now, the gentleman from Oklahoma claims that because the act of 1862 was not mentioned in the enabling act therefore Oklahoma is entitled to the land under the act of 1862. But the States of Arizona and New Mexico did not come into the Union under the enabling act. We passed two enabling acts thereafter, and gave them precisely the same amount of land that had been proposed to be given them in this first enabling act for agricultural and mechanical college purposes. But in the second enabling acts we inserted the language covering the act of 1862, showing clearly that we contemplated under the first enabling act that they were getting land in lieu of the act of 1862. They got the same amount the second time that we proposed to give the first time, only the second time we inserted the language showing that it was in lieu of the act of 1862. And if it was in lieu of the act of 1862 for Arizona and New Mexico, it was for Oklahoma. It was as plain as the nose on your face. There is not the slightest merit to the bill.

Mr. McClintic. Mr. Speaker, I do not want to criticize the gentleman, the leader of the minority, when I say that the enabling act of Oklahoma specifically states that in lieu of the grant of land for internal improvements and the swamp act, so many acres are given the State of Oklahoma, and not a single word refers to the act of 1862 or the act of 1866.

Mr. MANN. There is no question about that, and neither did it in section 34 of the same act, where provision is made for the

new State of Arizona and New Mexico; and yet when we admitted those States by subsequent enabling acts we said, "This land is in lieu of the act of 1862," showing what the intention of Congress was.

Mr. McClintic. Mr. Speaker, of course the gentleman and I differ as to the language of this bill.

Mr. MANN. There can be no difference about these facts.

Mr. McClintic. But this is one statement that I have been unable to find—

Mr. MANN. The gentleman need only look at section 34 of the act under which the State of Oklahoma was admitted.

Mr. McClintic. I do not desire to take up the time of the House this afternoon, when many other gentlemen are interested in other important measures, and I will therefore ask unanimous consent to extend my remarks in the Record, and that the bill be allowed to remain on the calendar.

Mr. CANNON. I concede that that may be right, and yet I want to refer to a matter that has been spoken of. Under the various treaties with the Indians, which had great rights, when you extinguished the title my recollection is that we paid the Indians for land, where the titles are extinguished, \$2 and perhaps \$3 an acre, and the homesteader could homestead and pay the amount we paid the Indians. Under the leadership of Dennis Flynn, then a Member of the House, I do not know how much, but in the whole bill it must have amounted to \$30,000,000 or \$35,000,000, and half of it, I take it, and more, went to the citizens of Oklahoma, and the Government was out the amount that the original law provided.

Mr. McClintic. Just to keep the record straight, Mr. Speaker, I desire to state that we were as a State given \$5,000,000 in cash in lieu of sections 16 and 36 in the Indian Territory because there was not a single acre of the same taxable.

Mr. CANNON. I am speaking of what your citizens got. When they homesteaded the land they were to pay for that land into the Treasury as the price of homesteading what the Government had paid to the Indians, and it amounted to from \$15,000,000 to \$20,000,000.

Mr. McClintic. I have no record of anything of that kind.

Mr. CANNON. I have a clear recollection of it.

Mr. McClintic. I know that the homesteaders proved up by paying the Government \$1.25 per acre, but if there has been a single dollar of this money ever returned to the people of Oklahoma, I have not heard of it.

Mr. Speaker, I desire to state that the enabling acts of every State have been carefully read; that the reports made by the House and Senate committees in 1906 when the bill admitting Oklahoma was considered have been diligently searched; that every speech made on this subject, in the CONGRESSIONAL RECORD, and all other records fail to show that it was the intention of Congress to except the State of Oklahoma from the provisions of this particular grant.

Inasmuch as all records are silent, and it has been held in the Colorado case, where the enabling act was silent as to this particular grant, that it did not take from this State the right to participate in this grant, and later on Congress by a special act did grant to this State 30,000 acres of land for each Senator and Representative in Congress when the State was admitted, I have introduced this bill and am asking that my State be given the same consideration as the other 13 States that have been admitted to the Union since the year 1862.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. McClintic] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. McClintic. I also ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE OVER MISSISSIPPI RIVER, MEMPHIS, TENN.

Mr. ADAMSON. Mr. Speaker, through inadvertence the House a few minutes ago passed the bill (H. R. 12999) to extend the time for the completion of a bridge across the Mississippi River at Memphis, Tenn., when there was a Senate bill (S. 5886) for the identical purpose on the Speaker's table. I ask unanimous consent to vacate all the proceedings taken by the House in connection with the House bill 12999.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to vacate all proceedings of the House in regard to H. R. 12999. Is there objection?



Mr. COOPER of Wisconsin. Reserving the right to object, what is the purpose of the bill?

Mr. ADAMSON. It is to extend the time for completing a bridge across the Mississippi River at Memphis, Tenn.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Now, Mr. Speaker, I ask that the bill S. 5886 be laid before the House, a similar bill being on the House Calendar.

The SPEAKER pro tempore laid before the House the bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912."

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time for the completion of a bridge now in the course of construction across the Mississippi River at Memphis, Tenn., which the Arkansas & Memphis Railway Bridge & Terminal Co., its successors or assigns, was authorized to construct, maintain, and operate by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," be, and the same is hereby, extended to the 1st day of April, 1917.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Georgia what was the time fixed by the original act for the completion of the bridge?

Mr. ADAMSON. I will yield to the gentleman from Arkansas.

Mr. CARAWAY. By the last act the time for completion was April 17, 1916, and they are seeking to extend the time one year.

Mr. COOPER of Wisconsin. What was the time fixed by the act of 1912?

Mr. CARAWAY. April 17, 1916.

Mr. COOPER of Wisconsin. How far is the bridge toward completion?

Mr. CARAWAY. The railway portion is practically complete. Now, Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, on page 2, after line 6, by adding the following proviso:

"Provided, That the wagon-way portion of said bridge and the approaches thereto shall be completed within said time."

Mr. MANN. Let us know about this. There was nothing in the original report in regard to that. The gentleman can not do that without making an explanation of it. A simple bridge bill is one thing, but I do not know the purpose of this.

Mr. CARAWAY. Mr. Speaker, I will make a short explanation. The bridge company, when it was granted this charter to construct the bridge, entered into a contract with the county of Crittenden, in Arkansas, whereby it was to construct a wagon way and approaches thereto for a consideration of \$65,000, to be paid by the county of Crittenden; this was to be a free wagon way. Crittenden County has paid \$25,000 of the \$65,000 that was to have been paid and has given a bond for the payment of the remainder. The bridge company constructed a portion of the wagon way, but none of the approaches to the wagon way, and has quit the construction of the wagon way altogether.

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be passed over and put on the Unanimous Consent Calendar without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over and put on the Unanimous Consent Calendar without prejudice. Is there objection?

Mr. ADAMSON. I will ask the gentleman from Arkansas if he is willing to take that course, or would he forego the amendment.

Mr. CARAWAY. I do not want to forego the amendment, because it is very important to the people.

Mr. MANN. All I ask is time to look into the matter. The bill has been on the calendar for several months and passed over at the request of the gentleman from Arkansas, who never made a suggestion of this kind.

Mr. ADAMSON. I will say to the gentleman from Illinois that the committee had nothing to do with the amendment, but for several weeks we did pass it over.

Mr. MANN. The gentleman from Georgia asked unanimous consent to vacate the action on the bill without any knowledge of this sort, and then this amendment is offered, which nobody knows anything about except the gentleman from Arkansas, who offers it, and, of course, he knows all about it.

Mr. ADAMSON. I know that two or three times the gentleman from Arkansas, Mr. CARAWAY, and the gentleman from

Tennessee, Mr. McKELLAR, said that they were trying to agree on an amendment to offer.

Mr. CARAWAY. That is true, and this is the amendment that we have agreed upon.

Mr. ADAMSON. I think the gentleman from Illinois is right and that the bill should be passed over without prejudice.

Mr. MANN. I ask that it go over and take the place of the House bill on the calendar and that the House bill lie on the table.

Mr. ADAMSON. Would that cause it to lose its privileged status as a Senate bill on the Speaker's table?

Mr. MANN. It has already lost that; it has been laid before the House.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill under consideration take the place of the House bill on the calendar and be passed over without prejudice, and that the House bill lie on the table. Is there objection?

There was no objection.

#### THE VIRUS, SERUM, AND TOXIN ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the bill passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### UNCOMPAHGRE INDIAN RESERVATION, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. MAYES. I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill retain its place on the calendar without prejudice. Is there objection?

There was no objection.

#### SIOUX TRIBE OF INDIANS.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that the next two bills on the Calendar for Unanimous Consent, Nos. 281 and 282 (S. 4371 and H. R. 10774), authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, be passed without prejudice.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the two bills which he indicates be passed without prejudice. Is there objection?

There was no objection.

#### FERMENTING TUBS IN DISTILLERIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10749) amending section 3285 of the Revised Statutes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. EDMONDS. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read as follows:

*Be it enacted, etc.,* That section 3285 of the Revised Statutes be amended to read as follows: "That every fermenting tub shall be emptied at or before the end of the fermenting period; no fermenting tub in a sweet-mash distillery shall be filled oftener than once in 72 hours unless the distiller, upon giving the proper notice, is granted permission by the Commissioner of Internal Revenue to fill not oftener than once in 48 hours; nor in a sour-mash distillery oftener than once in 96 hours; nor in a rum distillery oftener than once in 144 hours; nor in a distillery where the filtration-aceration process is employed—that is, where the mash, after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, and the approval of

the Commissioner of Internal Revenue being secured, oftener than once in 24 hours. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the last vote was laid on the table.

#### HURON CEMETERY, KANSAS CITY, KANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. TAGGART. I will ask the gentleman from Wisconsin to withhold his objection for a moment.

Mr. STAFFORD. I will withhold the objection.

Mr. TAGGART. Mr. Speaker, this is a cemetery two acres in extent, in the very heart of the business section of Kansas City, Kans., the largest city in the State. It is a piece of ground that was granted to the Wyandotte Indians as a perpetual burial place, and for that purpose only. It has been and is now the property of the United States. The city of Kansas City is not authorized by law to spend any of the city funds in improving the cemetery. It is located right alongside a beautiful spot of ground called Huron Place, in the midst of which is the Carnegie Library. I have a letter from the city engineer stating that the surface of the cemetery is more than 12 feet above the surrounding streets. Some time ago an act was passed by Congress requiring this cemetery to be sold. The Wyandotte Indians have moved away from there down into Oklahoma. There was so much protest made by a few of their descendants who live in the city that the act was repealed by another act, and now the cemetery is the property of the Government. The Government is maintaining an eyesore in the midst of the greatest city of the State. If it was out in the suburbs, or out in the country, or any other place except directly opposite and across the street from the main business block of the city, nobody would ask for an appropriation to protect the surrounding property from the falling away of the banks of the cemetery.

Mr. MONDELL. Will the gentleman yield?

Mr. TAGGART. I will yield for a question, yes.

Mr. MONDELL. The gentleman says the Government is maintaining an eyesore there. Did not the Government endeavor to sell the property, and did not the people there protest against the sale?

Mr. TAGGART. No; the people there were satisfied to have the property sold, but a few of the descendants of the Indians made such a bitter protest that a Senator from Kansas was moved by it and introduced a bill in the Senate and secured its passage, which canceled the power to sell the cemetery. I will state further a matter that was noticed in nearly all the newspapers, that two young ladies, the Misses Conley, who are descendants of the Wyandotte Indians, established a house in the cemetery and lived there sometime and threatened to resist with force any attempt to remove the bodies that were in the cemetery. I can not be too emphatic in stating that this is a case to which the Government ought to give some attention. The cemetery extends across two blocks of the city. It has a frontage on the main street. It has some 400 feet of boundary unprotected by a wall, where the bank is falling down on the adjacent property. One of the finest buildings in the city, the Masonic Temple, is at one corner of the cemetery property, and the cemetery rises 8 or 10 feet above the surface of the surrounding ground, and the bank is falling away.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. TAGGART. I will yield for a question; yes.

Mr. MANN. What is done there now in the way of taking care of that cemetery?

Mr. TAGGART. Absolutely nothing, I will say to the gentleman from Illinois. There is no one authorized to spend a dollar on it.

Mr. MANN. Is there any caretaker?

Mr. TAGGART. There is no caretaker.

Mr. MANN. Are the weeds cut?

Mr. TAGGART. The weeds are not cut. There are old dead trees on the ground. The tombstones have fallen down, and, shocking to relate, the skeleton of one of the bodies that has been buried there, or a part of it, fell into the back yard of some business property at one corner of the cemetery some years ago.

Mr. MANN. It seems to me that I have a recollection of the legislation which we passed before, authorizing the sale of this cemetery. Some of the Wyandotte Indians made a very bitter protest against it.

Mr. TAGGART. Extremely bitter; yes.

Mr. MANN. And Congress rescinded its action for the sale. Why should it cost \$20,000—I see the Secretary of the Interior says \$25,000—to put in very good order 2 acres of a cemetery which is practically a grass plot?

Mr. TAGGART. I do not think it will cost that, and the bill does not authorize any appropriation except as much as may be necessary.

Mr. MANN. The bill as introduced proposed \$50,000. The Secretary of the Interior recommended \$25,000. Of course he knew nothing about it, had no occasion to know anything about it, I mean, and the committee recommended \$20,000. But why should it cost \$25,000 to put in very good shape a cemetery of 2 acres of land?

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. TAGGART. Yes.

Mr. TOWNER. I notice that the gentleman said that the surface of this cemetery was in some places at least 10 feet above the street.

Mr. TAGGART. Yes; more than that.

Mr. TOWNER. That would undoubtedly require that retaining walls should be constructed.

Mr. MANN. The bill provides that Kansas City shall build a retaining wall.

Mr. TAGGART. Allow me to call attention to the bill—walls are to be built only where the cemetery does not bound the streets.

Mr. MANN. There is no occasion for a retaining wall anywhere else.

Mr. TAGGART. Let me read the letter from the city engineer, a very responsible man:

Subject: Huron Cemetery.

DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS,  
City of Kansas City, Kans., July 18, 1916.

HON. JOSEPH TAGGART,  
House of Representatives, Washington, D. C.

DEAR SIR: Yours to Mayor Green, in regard to walls around "Huron Cemetery," was referred to me.

The outside boundary, not abutting on streets, is as follows:

On the west side, 445 feet.

On the south side, 189.5 feet.

On the east side, 462 feet.

The height of surface of the cemetery above Minnesota Avenue is 16 feet.

The height of surface of the cemetery above Seventh Street is 12 feet.

The question of cost of wall, where necessary on boundary not abutting on streets, is not easy to give. There are walls along the west line now, some to the surface of the cemetery, others not half way. I would consider it necessary to build a wall along the south boundary, and probably what would be equal to 200 feet of wall along the west boundary, which will take 600 cubic yards of masonry.

Some of the wall will be exposed and some in rear of buildings.

Averaging it at \$7.50 per cubic yard will make \$4,500.

You will understand that much will depend on the idea, as to the necessity and kind of wall, of the one who plans the work.

Yours, truly,

WM. BARCLAY, City Engineer.

The \$4,500 would be for the walls alone on that part of the boundary of the cemetery not abutting on the streets.

Mr. MANN. This ground was probably level originally where this cemetery is?

Mr. TAGGART. Yes.

Mr. MANN. If somebody else has excavated ground up to the cemetery, the Government is under no obligation to build a wall there for the protection of the cemetery ground. That is the duty of the other man.

Mr. TAGGART. But if the abutting owner wants to protect his property from the falling of any of the embankment he may build a wall, but he can not be compelled to build it.

Mr. MANN. Yes.

Mr. TAGGART. The Government owns that cemetery, and there is nobody else under obligations to build any wall there. The city can not use its money to build a wall where the cemetery is not bounded by a street. It can go on and look just as ugly as nature can make it, and there is not a living soul—the city or anyone else—that can be made to do anything with it.

Mr. MANN. I was trying to help the gentleman get his bill passed, but I have not been able to see how you could expend \$20,000.

Mr. TAGGART. I think you can.

Mr. MANN. In putting in repair 2 acres of land.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. TAGGART. Yes.

Mr. STEPHENS of Texas. This bill provides that the sum of \$20,000, or so much thereof as may be necessary, is to be appropriated. It is not to be presumed that they will use a



sum unnecessary. I think that is the safeguard that the committee had in view.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. TAGGART. Yes.

Mr. BORLAND. I think that the cemetery unquestionably needs some attention this year. Can the gentleman from Texas tell us how much would be necessary, in case an objection is raised to the full amount of \$20,000?

Mr. STEPHENS of Texas. This is the amount estimated for and agreed upon by the committee after full investigation of the whole matter. We thought that would be sufficient, but in order to guard against an overcharge we used the language "or so much thereof as may be necessary."

Mr. BORLAND. There is no question but that the cemetery needs attention, and that it needs it from the only owner able to give it—the Government. The United States Government must take care of it, because there is no one else to do it; but I was inquiring how much it would take this year.

Mr. STAFFORD. Mr. Speaker, when I read the report I was under the impression that the bodies in the cemetery had been disinterred and that it was capable of sale. I have obtained information from the gentleman that gives me a more accurate idea of the situation, but I could not consent to such a large appropriation as \$20,000. I think \$8,000 would be ample under the circumstances.

Mr. TAGGART. Let me say to the gentleman that the Wyandotte Tribe of Indians moved there in 1844. This cemetery was given to them, and they began burying their dead there at that time and have continued to do so until a few years ago. Several hundred bodies have been buried there, and among the dead there I understand are the bones of soldiers who served in the Revolutionary War, in the War of 1812, in the Mexican War, and in the Civil War.

Mr. MANN. I do not know how the Revolutionary soldiers could well get there.

Mr. TAGGART. They got there as early as 1844, only 61 years from the treaty of peace.

Mr. MANN. They must have had a wearisome time of getting out there, at 100 years of age.

Mr. TAGGART. They were only 80 when they got there—not any older than some of our Civil War soldiers are now. It was only 61 years after the Revolutionary War closed when they moved there. I believe the Interior Department will not be extravagant. I think the department will spend the money carefully.

Mr. STAFFORD. The author of the bill is rather liberal in his reduction, and I am not going to haggle on this hot day over \$2,000. Therefore, I withdraw my objection.

Mr. COX. Mr. Speaker, I renew the objection. I want to ask the gentleman from Kansas one or two questions. What is going to happen when this bill becomes a law? Will the next request be for a caretaker to go out there and take care of that cemetery, at a cost of \$1,200 or \$1,300 a year, or will Kansas City obligate itself to take care of it?

Mr. TAGGART. Mr. Speaker, I will say to the gentleman from Indiana that there is no provision for a caretaker in this bill. If these walls are constructed so as to retain the banks and hide away that unsightly horror, of course, nothing will need to be done with it for centuries to come.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. TAGGART. Yes.

Mr. STEPHENS of Texas. I would suggest to the gentleman from Indiana that there are thousands, at least hundreds, of Indian cemeteries scattered all over the United States that have no caretakers.

Mr. COX. That is all true, but here is a great big city that wants to get rid of this eyesore, as the gentleman from Kansas said, and I do not blame them, but I question very much the work of Congress taking care of an eyesore of the city of Kansas City, which, with the legal power and legal provision, will come to Congress later on and get a caretaker to take care of it.

Mr. BORLAND. Will the gentleman yield?

Mr. COX. I will.

Mr. BORLAND. This cemetery was reserved by the city with the Wyandotte Indians—

Mr. COX. I have read the report.

Mr. BORLAND. By which they surrendered their lands at the junction of the Missouri and the Kaw. In 1906 an attempt was made to sell the cemetery in violation of the treaty, and the descendants of the Wyandotte Indians, including Miss Lida B. Conley, a very bright young woman, objected very strongly. She and her sister camped on the place and finally took the

case to the Supreme Court of the United States. Sentiment became so strong that the Government saw it was not proper to sell the cemetery, because it actually contained these bodies that had not been removed, and they repealed the legislation requiring the sale. That left the title in the Federal Government. Now, that cemetery is in the very center of Kansas City, Kans. When I was a boy it was on the outskirts of the town, a beautiful rural place.

Mr. COX. Is this place a part of the district of the gentleman from Kansas or the gentleman from Missouri?

Mr. BORLAND. It is in the district of the gentleman from Kansas [Mr. TAGGART]. The Federal Government is the owner of the cemetery, and it is the only one authorized to take care of it and see that it is put in condition. This preliminary appropriation is necessary this year to put it in condition.

Mr. COX. What is going to be necessary next year?

Mr. TAGGART. Will the gentleman permit me—

Mr. BORLAND. I will undertake to say the expense of keeping it up will be nominal, and be probably assumed by the local authorities. They are willing to assume it and they are able to do it.

Mr. COX. That is what I am trying to get at. The gentleman is a member of the Committee on Appropriations—

Mr. BORLAND. Yes.

Mr. COX. And he will agree with me this law, if it passes now, is strong enough later on to justify the Committee on Appropriations to make appropriation for a caretaker.

Mr. BORLAND. It would be, but I do not think we would make the appropriation for a caretaker for the care of the cemetery. Usually there is an appropriation of \$250 or \$300 for the care of such small cemeteries; \$250 or \$300 is amply sufficient to take care of a small cemetery, and it would not require a caretaker.

Mr. CARTER of Oklahoma. If the gentleman will permit, I remember the original bill carried something like \$500 annually for the care of the cemetery and the Committee on Indian Affairs struck that out; that is my recollection.

Mr. BORLAND. Usually it requires from \$250 to \$500 to take care of a small cemetery. It provides for cutting the grass, looking after the headstones, and so forth.

Mr. COX. Not often; I do not remember it.

Mr. REAVIS. Are these Indian girls still in possession of the cemetery?

Mr. BORLAND. No. They went there and camped there and held possession for about two years. Then they took the case to the Supreme Court of the United States and this young lady came to me and I took her over and introduced her to the court, and they held that as she was arguing her own case she was permitted to appear before the Supreme Court of the United States without license to practice in that court. She did appear, and although the law was against her and the legal proposition which she offered was against her, she made it so clear the Federal Government had committed itself to the Wyandotte Indians when it took over their lands at the junction of the Missouri and the Kaw that this would be maintained perpetually, as the Indians say, as long as water runs and grass grows, that the sentiment was in favor of the repeal of the law. Now it is not probable that in the immediate future there will be another law passed to sell the cemetery, and therefore some provision for its care is necessary.

Mr. REAVIS. What became of the Indian girls?

Mr. BORLAND. They are still living with their friends in Kansas City.

Mr. GREEN of Iowa. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object—

The SPEAKER pro tempore. The gentleman from Iowa demands the regular order.

Mr. MONDELL. Mr. Speaker, I shall object unless the gentleman in charge of the bill agrees to an amendment striking out the proviso. My opinion is we are on a proposition to expend \$20,000 of the people's money over a matter of pure sentiment affecting two more or less misguided—probably well meaning—Indians. The property should be sold, and if it were anything but an Indian cemetery it would be sold. The city ought to use it in some way, either for a park or build upon it, but yielding to this sentiment, which we all approve, we are proposing to expend \$20,000 of the people's money in maintaining, for a time at least, this old cemetery, which some day must be abandoned.

But in doing that we certainly should not do the foolish thing of making declaration that this is to remain a cemetery for all time to come for the Wyandotte Indians.

Mr. CARTER of Oklahoma. If the gentleman will permit me, I think it is put in in pursuance of the treaty with the Wyandotte Indians.

Mr. MANN. If it is a treaty, why put it in there?

Mr. CARTER of Oklahoma. Unless some part of the bill should repeal it perhaps it will not be necessary.

Mr. TAGGART. I will say that I remember speaking to the committee about this at the request of the descendants of the Wyandottes, who are much concerned about it.

Mr. MANN. Very likely. They do not pay any money. It does not do any good in here so far as this bill is concerned.

Mr. BORLAND. This law is subject to repeal at any future time, and it would not hurt anything to put it in here.

Mr. TAGGART. Congress can do as it pleases with the Government property at any time.

Mr. MONDELL. As the gentleman from Illinois suggests—

Mr. MANN. The gentleman is mistaken. Congress can not do as it pleases. Because it has legal power it does not affect its moral obligations.

Mr. MONDELL. So far as the cemetery is concerned, it has not the power to sell and dispose of it.

Mr. MANN. We have no right to make a promise to-day that we are to break to-morrow.

Mr. TAGGART. I am willing to accept the amendment.

Mr. COX. Will the gentleman accept an amendment to the effect that hereafter Kansas City shall take care of it?

Mr. MANN. You can not do that very well.

The SPEAKER pro tempore. Is there objection?

Mr. TAGGART. I do not think we can do that.

Mr. SMITH of Idaho. Reserving the right to object, I would like to inquire why the city of Kansas City, Kans., can not take care of this property, which is within the boundaries of the city? If legislation is necessary, let us enact it. It seems to me absurd to impose upon the Federal Government the expense of taking care of a cemetery in a city simply because red people are buried there instead of white people.

Mr. MANN. After all, we make an obligation to the Indians about cemeteries. We have made many profligate obligations pertaining to western lands. We have not always lived up to them. But here is an Indian cemetery. We promised that it should remain an Indian cemetery. We have taken the lands of the Indians. There is no one else to take care of it.

Mr. SMITH of Idaho. Why can not the city of Kansas City take care of it?

Mr. MANN. They can not be expected to unless we turn the land over to them, and we can not be expected to do that.

Mr. SMITH of Idaho. We can give them authority to take care of it by act of Congress.

Mr. MANN. We could give the State of Idaho authority to spend money there, but they could not be expected to do so.

Mr. TAGGART. The charter governing the city of Kansas City does not provide for it.

Mr. SMITH of Idaho. The charter could be amended by the legislature so as to permit the city to take care of this land within its own borders.

Mr. TAGGART. Here the Government is asked to take care of its own property.

Mr. HUDDLESTON. I would like to ask the gentleman from Kansas whether there is any precedent for the National Government taking care of one of these Indian cemeteries?

Mr. TAGGART. I will say to the gentleman from Alabama that I am informed by the Bureau of Indian Affairs that this is the only Indian cemetery that is located in a city in the United States.

Mr. HUDDLESTON. Of course, there are hundreds of those old Indian family cemeteries.

Mr. TAGGART. But out in the country.

Mr. HUDDLESTON. At various places, as well as cemeteries for white people, and unless the people of the community exercise care of these cemeteries is it necessary for the Government to take care of them?

Mr. TAGGART. Let me say to the gentleman from Alabama that this is a particularly unsightly piece of property owned by the United States, across the street from the main business block in a large city, and 12 or 15 feet higher than the surrounding streets, with the banks of it falling over onto private property abutting on it, and without anybody having authority to do anything with it at all, or to spend a dollar of the city's money to take care of it. There is no way of compelling the abutting landowners to put retaining walls there.

Mr. HUDDLESTON. Does the gentleman think we should establish a precedent for looking after these Indian cemeteries?

Mr. TAGGART. It is not a precedent, because there is not a similar situation like it in the whole Union.

Mr. HUDDLESTON. Not identical.

Mr. TAGGART. I am informed by the Department of the Interior there is nothing even similar; that there is no Indian cemetery in the midst of a city elsewhere.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill is on the Union Calendar.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent that the substitute submitted by the committee in place of the bill be read.

The SPEAKER pro tempore. Without objection, the substitute will be reported in lieu of the regular bill.

There was no objection.

The substitute was read as follows:

A bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans.

*Be it enacted, etc.,* That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the preservation and improvement of Huron Cemetery, a tract of land in the city of Kansas City, Kans., owned by the Government of the United States, the use of which was conveyed by treaty to the Wyandotte Tribe of Indians as a cemetery for the members of said tribe: *Provided,* That the authorities of Kansas City, Kans., will construct and maintain all necessary retaining or outside walls along all the boundaries of said cemetery abutting on streets: *And provided further,* That said tract shall remain perpetually as a cemetery exclusively for the use of the Wyandotte Tribe of Indians and their descendants, and the right of burial in said cemetery for any Indian of the Wyandotte Tribe, or any descendant of said tribe, shall not be infringed.

Mr. MANN. Mr. Speaker, I move to amend, in line 3, page 2, by striking out "\$20,000" and inserting "\$10,000."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, line 3, page 2, by striking out "\$20,000" and inserting "\$10,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move to strike out the words "And provided further" on line 13, and all of lines 14, 15, 16, 17, and 18.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, page 2, by striking out the proviso following the word "streets," in line 13, as follows:

*"And provided further,* That said tract shall remain perpetually as a cemetery exclusively for the use of the Wyandotte Tribe of Indians and their descendants, and the right of burial in said cemetery for any Indian of the Wyandotte Tribe or any descendant of said tribe shall not be infringed."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. BORLAND. Mr. Speaker, let me suggest to the gentleman from Wyoming that this provision does not extend any existing law, but, if anything, it confines the cemetery exclusively to the treaty purposes for which it was established. The Federal Government has the general title to that property, and it might use it for other purposes. But the purpose is to use it only for cemetery purposes; and if the time comes when it is not available for that, it can be entirely relinquished. Possibly the gentleman has not looked at it from that standpoint—that this is a restrictive clause, and not extensive.

Mr. MONDELL. If this is a treaty provision, it is not necessary. This is new law.

Mr. MANN. It will not be perpetually preserved as a cemetery. Everybody knows that. What is the use of unnecessarily lying?

Mr. BORLAND. The word "perpetual" might come out, but the words "exclusively for the Wyandotte Tribe" ought to remain in it.

Mr. MONDELL. Whatever their rights may be, they will be preserved and the treaty provisions ratified.

Mr. COOPER of Wisconsin. Let me suggest to the gentleman from Wyoming to let the proviso remain and have it read this way: *Provided further,* That the right of burial in said cemetery for any Indian of the Wyandotte Tribe shall not be infringed."



Mr. MONDELL. Let me suggest to the gentleman from Wisconsin that the members of that tribe now have, no doubt, that right, and therefore that provision is not necessary.

Mr. TAGGART. Mr. Speaker, let me say that the tribe moved over to Oklahoma, and not a great many members of the tribe remain. Of course, perhaps in the course of time the tribe might cease to exist, but this treaty will remain. In that event there may be people descended from the tribe who would like to be buried there.

Mr. MONDELL. Whatever their treaty rights are, they continue unaffected by the improvement we make.

Mr. TAGGART. As I recall the language of the treaty, this tract shall be set apart for the use of the Wyandotte Indians as a cemetery.

Mr. MANN. Does the gentleman from Kansas think we will be under obligations, every time a Wyandotte Indian dies in Oklahoma, to transport the remains and bury the deceased in this cemetery?

Mr. TAGGART. No; I do not think that.

Mr. MANN. We will be called on to do that if this provision stays in.

Mr. TAGGART. I accept the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAGGART, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### IMPORTATION OF VIRUSES, SERUMS, TOXINS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 199) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. STAFFORD. Mr. Speaker, this is a companion bill to a bill that has been passed over.

Mr. ADAMSON. Oh, no; it is not a companion bill; it is a parent bill. It has been reported several times before.

Mr. STAFFORD. There is a similar bill that was passed over without prejudice; a bill relating to serums and viruses pertaining to cattle, and this pertains to the human species and is of the same general character. Therefore, I will ask to have it passed over.

Mr. ADAMSON. This relates to humans and not hogs. I ask that it be passed over and remain on the calendar without prejudice.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the bill be passed over and remain on the calendar without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### BILLS OF LADING IN INTERSTATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (S. 19) relating to bills of lading in interstate and foreign commerce.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I noticed when the title was read—

Mr. MANN. I reserve the right to object—

Mr. COOPER of Wisconsin. The title, as read by the Clerk, was "An act relating to bills of lading in interstate and foreign commerce." The title, as printed here, is much broader than that.

Mr. MANN. The Clerk read it correctly. I ask to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That bills of lading issued by any common carrier for the transportation of goods in any Territory of the United States, or the District of Columbia, or from a place in a State to a place in a foreign country, or from a place in one State to a place in another State, or from a place in one State to a place in the same State through another State or foreign country, shall be governed by this act.

Sec. 2. That a bill in which it is stated that the goods are consigned or destined to a specified person is a straight bill.

Sec. 3. That a bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill. Any provision in such a bill or in any notice, contract, rule, regulation, or tariff that it is nonnegotiable shall be null and void and shall not affect its negotiability within the meaning of this act.

Mr. MONDELL. Mr. Speaker—

The SPEAKER pro tempore. The Clerk has not completed the reading of the bill.

Mr. MONDELL. This is a long bill, and it will take considerable time to read it. It is very evident to all of the gentlemen present that the House can not, under unanimous consent, consider a bill as important as this, that has as many important features as it has; and while I do not know that there is anything in the bill of which I do not approve, I shall be compelled to object, because of the importance of the measure.

The SPEAKER pro tempore. The gentleman from Wyoming objects.

Mr. MANN. I hope the gentleman will not object to letting the bill keep its place on the calendar. I think myself that while it might not be possible to pass the bill in the remainder of this afternoon, it would not take a great while to pass it on the next unanimous-consent day, if it stays on the calendar.

Mr. MONDELL. I am perfectly willing that the bill shall remain on the Unanimous Consent Calendar. I have no doubt it is excellent legislation, but we can not give it the time this afternoon that it requires.

Mr. CULLOP. I will say to the gentleman that we could not devote our time this afternoon to a better purpose than to considering this bill.

Mr. MANN. It is now nearly 4 o'clock, and I am quite sure you could not finish the bill to-day. I think the gentleman from Georgia [Mr. ADAMSON] ought to ask unanimous consent to pass the bill over without prejudice.

Mr. ADAMSON. Of course that is what I will ask if the bill is objected to. I hoped the gentleman would not insist on the objection.

Mr. MANN. Let us be on the square about it. Everybody knows we could not finish it to-day. It is possible that on the next unanimous-consent day we may get it up and pass it, and I hope we may.

Mr. ADAMSON. I supposed that everybody understood it and was ready to vote on it.

Mr. MANN. I think we ought to be on the square about these things. I am acting on the square myself, and gentlemen ought not to bluff about these matters. It makes me tired when they do.

Mr. CULLOP. We are not bluffing. We could pass it if gentlemen would stay here and consider it.

Mr. MANN. The gentleman from Indiana is not in good faith about the matter—

Mr. CULLOP. The gentleman from Indiana is in good faith. We could have a session to-morrow if we did not get through to-day.

Mr. MANN. We could not. We have already agreed to adjourn over until Saturday.

Mr. CULLOP. We could take it up Saturday.

Mr. MANN. The gentleman would not have the nerve to make that request in the absence of the gentleman from North Carolina [Mr. KITCHIN], and he knows it.

Mr. CULLOP. We can have the gentleman from North Carolina come in here on Saturday—

Mr. ADAMSON. I do not know what gentlemen are talking about on either side about bluffing. I do not want to make any bluff, or fall over any, but if objection is made, then I ask unanimous consent that the bill remain on the calendar without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ESCH. If we are to have a meeting next Wednesday, it is likely that the Committee on Interstate and Foreign Commerce will be called. Will the gentleman call up this bill?

Mr. ADAMSON. I will state to the gentleman that I am authorized by the committee to avail myself of any parliamentary method I can in order to get it considered at any time.

Mr. ESCH. Then it will be possible to take it up Wednesday?

Mr. ADAMSON. I do not know.

Mr. PARKER of New Jersey. There are a good many matters which ought to come up. I do not think this bill ought to be considered.

Mr. EVANS. I object.

The SPEAKER pro tempore. The gentleman from Montana objects. Does the gentleman object to the bill remaining on the calendar?

Mr. EVANS. Not at all. I am simply objecting to its present consideration for the purpose of getting the gentleman from Georgia to request that it be passed over without prejudice.

Mr. MONDELL. I have no objection to that.  
Mr. ADAMSON. There is no objection to the bill remaining on the calendar.

Mr. EVANS. Not at all.  
The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the bill remain on the calendar and be passed over without prejudice. Is there objection?  
There was no objection.

## MILITIA OF GEORGIA.

The next business on the calendar for unanimous consent was the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. I ask unanimous consent that this bill be passed over without prejudice. I think the gentlemen interested in it are looking up some information.  
The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that this bill be passed over without prejudice. Is there objection?  
There was no objection.

## THE FIVE CIVILIZED TRIBES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 108) to confer upon the superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled members of the Five Civilized Tribes and their individual moneys.

The SPEAKER pro tempore. Is there objection?  
Mr. STAFFORD. I object.  
Mr. CARTER of Oklahoma. Will not the gentleman from Wisconsin consent that the bill remain on the calendar and go over without prejudice?  
Mr. STAFFORD. No; I can not consent to that. I am decidedly opposed to the bill.  
The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

## STREET RAILWAYS IN HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16640) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. STAFFORD. Mr. Speaker, for the present, I object.  
The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. WATKINS. Will the gentleman reserve his objection?  
Mr. STAFFORD. I will reserve it.  
Mr. WATKINS. Mr. Speaker, this is a case in which the franchise for this street railway system in the district of Hilo is about to expire. The right to the charter will expire on the 1st of August. Unless it is passed this afternoon it will probably be the last chance that we will have to get it through the House and the Senate in time to prevent its expiration.

Hilo is a little city of 9,000 inhabitants on the island of Hawaii. The people are extremely anxious for this road. It is simply a street car privilege. Its terminus is at the wharf, where the people have been subject to extortion by hack drivers who convey the passengers from the steamers.

Mr. STAFFORD. Does the gentleman think that a 10-cent fare for a taxi is outrageous?

Mr. WATKINS. No.  
Mr. STAFFORD. I can testify that that is the charge.  
Mr. WATKINS. I have been there, and I never got carried for that price. The uniform price is 25 cents, I am informed. Sometimes when there is a large crowd they charge much more. But, Mr. Speaker, regardless of that, the people want this privilege. They are in a financial condition now to avail themselves of the privileges of the charter.

Mr. BORLAND. Will the gentleman yield?  
Mr. WATKINS. Yes.  
Mr. BORLAND. What has been the cause of their not availing themselves of the franchise within the limits of the act?  
Mr. WATKINS. Because the promoters of the enterprise were not able to raise the funds or the capital, and it is only

until recently that they have made financial arrangements whereby they can avail themselves of the privilege.

Mr. BORLAND. Is it ascertained that they are going to be able to finance it now?

Mr. WATKINS. That is what those interested in the passage of the bill say; the representative from the island—the Delegate—and the governor of the Territory and Members that have appeared before the Committee on the Territories all vouch for that fact.

Mr. BORLAND. Is there any contention made that they are trying to dispose of the franchise, to treat it as an asset and use it for speculation, or anything of that kind?

Mr. WATKINS. Not at all. Three of the wealthiest inhabitants of the island are among the promoters.

Mr. BORLAND. And they really intend to build the road and put it in operation?

Mr. WATKINS. Yes.  
Mr. STAFFORD. Will the gentleman advise the House what was the purpose of exempting from taxation for a period of 10 years all the property of every kind and nature used as a part of the railway and power system? You would include under that phraseology not only the rolling stock, the roadbed, but you would exempt any power plant that furnished them any power even in an incidental way in the operation of this street-car system. The gentleman can not approve of any such exemption as that.

Mr. WATKINS. Yes; I do, and for this reason: The Territories are not in a financial condition as are the States of the United States; they have not got the capital or the facilities.

Mr. STAFFORD. Oh, some of them have more capital than the States have.

Mr. WATKINS. A few individuals, those interested in sugar.

Mr. STAFFORD. No; but banks and bankers.

Mr. WATKINS. There are some wealthy banks in Honolulu, but not in Hilo, or only one at the most. The great mass of the people are impoverished. All the enterprises in Honolulu—the gas companies, electric light plants, traffic, and power plants—have a similar privilege of exemption accorded to them for the purpose of encouraging them to make investments.

Mr. STAFFORD. The gentleman does not mean to say that if a power plant is established and a part of the power is used in propelling a street car system that thereby it should be completely exempt from taxation for 10 years?

Mr. WATKINS. Not unless it is a part of the corporation itself, a part of the enterprise.

Mr. STAFFORD. This would grant exemption from taxation any power plant whose power was used incidentally in the propulsion of this street car system.

Mr. WATKINS. That is not the object of the bill, and if the gentleman wishes I will accept an amendment to that effect.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over until the next unanimous-consent day.

Mr. WATKINS. If the gentleman takes that course, it virtually vitiates the whole enterprise. The bill has to go to the Senate and then to the President.

Mr. STAFFORD. That is not my fault; I am not responsible for the phraseology reported in the bill. It is in a form that would exempt any power plant that furnished a part of its power for this street railway system.

Mr. WATKINS. I would be glad if the gentleman would offer an amendment to strike that out.

Mr. STAFFORD. I have not the amendment prepared to correct that evil.

The SPEAKER pro tempore. The question is, Is there objection?

Mr. STAFFORD. I object.

Mr. MONDELL. Has the gentleman any objection to the bill remaining on the calendar?

Mr. STAFFORD. No; I have already stated that I have not.

Mr. WATKINS. Mr. Speaker, I ask that the bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

## AGRICULTURAL LAND IN ABANDONED MILITARY RESERVATIONS, NEV.

The next business on the Calendar for Unanimous Consent was the bill S. 5466, an act to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890.

Mr. MANN. Mr. Speaker, I ask to have that bill passed over without prejudice.

Mr. RAKER. Will the gentleman yield?



Mr. MANN. Does the gentleman prefer that I would object?

Mr. RAKER. No; I ask that the gentleman withhold his request.

Mr. MANN. I will. I have no bill on the calendar that I want to reach, but I can not consent to this bill going through by unanimous consent. This bill has a title that has no relation to the bill and it shows that the author has given no study to it. The bill says "to amend an act entitled an act to open abandoned military reservations in the State of Nevada to homestead entrance," approved October 1, 1890, and there is no reference to such an act in the bill. That shows that the gentleman who reported the bill has not read it.

Mr. RAKER. Oh, yes; the gentleman has.

Mr. MANN. Not carefully.

Mr. RAKER. Yes; very carefully. Let us get the facts before the House.

Mr. MANN. If the gentleman wants to take up the time of the House, very well.

Mr. RAKER. I will take up a few moments, if the gentleman will withhold his objection. The gentleman has made his statement, and I think I should be permitted to make a statement in reply. The committee fully considered this bill, and the title of the report is the same title that the Senate used.

Mr. MANN. That does not make any difference.

Mr. RAKER. I know; but the Senate having used the title and the bill having been passed, to cover agricultural land in the military reservations the committee thought to use this same title. That is all there is to it, agricultural land in the military reservations that is subject to homestead—that is, subject to desert-land entry—and the Committee on the Public Lands amended the bill so as to make it specific and to cover the question and the only question in the bill, namely, that desert-land entries should be permitted only upon land that the desert-land law applied to, and, therefore, covered the report of the Secretary of the Interior. We gave that due consideration for that purpose, and I asked the committee myself, was appointed chairman of the subcommittee, and asked that the bill be amended and wrote the amendment myself upon the matter so as to correspond with the secretary's report, to the end that the people of Nevada might get exactly what they wanted, and we thought that we were creating a good act for them. I trust that the gentleman may see his way clear to withdraw his objection.

Mr. MANN. I have read the report and examined the bill. How many acres will the bill affect?

Mr. RAKER. I will read the report to the gentleman.

Mr. MANN. Oh, do not read it to me. The report does not show. Does not the gentleman know that?

Mr. RAKER. The report shows.

Mr. MANN. I have read the report and the report does not show how much acreage is affected by the bill. What the report does say is, quoting the letter from the Secretary of the Interior:

There are six reservations in the State of Nevada that will perhaps be affected by the proposed legislation.

Then it gives the acreage of those reservations, one of them 257 acres, and so forth. To say that that shows how much acreage will be affected by the bill is ridiculous. There has been no investigation even by the Interior Department. They say there are perhaps six reservations which will perhaps be affected. Nobody knows anything about it, unless it is my distinguished friend from California [Mr. RAKER]; and if he does, he has not told us.

Mr. RAKER. Of course I could not develop it all at once, but I want to say to the gentleman that the gentleman from Nevada [Mr. ROBERTS] appeared before the committee, and, in addition to this statement, gave to the committee information—

Mr. MANN. He may have the information, and therefore I ask to have the bill passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

#### DECLARATIONS OF INTENTION TO BECOME CITIZENS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, for the purpose of asking the gentleman a question, can the gentleman state when these petitions for naturalization were dismissed by the court?

Mr. RAKER. The record here does not show, but the hearings do show, my recollection is, though that was not the main

thing before the Committee on Naturalization and Immigration. They have been dismissed within the last year, as I recollect.

Mr. WALSH. Only within the last year?

Mr. RAKER. That is my recollection; yes.

Mr. WALSH. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That declarations of intention to become citizens of the United States filed prior to the passage of this act in the counties of Cascade, Chouteau, Teton, Hill, Blaine, and Valley, State of Montana, under the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," as amended by the acts of March 4, 1909, June 25, 1910, and March 4, 1913, are hereby declared to be as legal and valid as if such declarations of intention had been filed in the judicial district in which the declarants resided, as required by section 4 of said act of June 29, 1906: *Provided,* That such declarations of intention shall not be by this act further validated or legalized.

With the following committee amendments:

Page 2, line 6, after the word six," insert: "and that the petitions for naturalization dismissed on account of such invalidity in the declaration of intention shall be given a rehearing without additional cost, upon informal application therefor by the candidate for citizenship to the clerk of court upon notice to the Bureau of Naturalization."

Page 2, line 13, after the word "legalize," insert: "and that this act shall apply only to those persons who have heretofore made homestead, desert land or timber and stone entries."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### STREET RAILWAYS IN HAWAII.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to recur to the bill (H. R. 16640) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914, as we have agreed to strike out section 7 of the bill.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent to recur to the Hawaiian street railway franchise bill H. R. 16640. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," as amended by an act approved July 25, 1914, is hereby amended by striking out subsections (b), (c), and (f) thereof and inserting new subsections (b) and (c), which shall read as follows: "(b) 'Commission' shall mean the public utilities commission of the Territory of Hawaii.

"(c) 'County of Hawaii' shall mean the present county of Hawaii, or such political division as the legislature shall from time to time designate, including the district hereinafter defined."

SEC. 2. That wherever the words "board" or "governor" or "board with the approval of the governor" are contained in said act there shall be substituted "commission," if being the intention to grant the powers granted in said original act to said board and the governor to said commission, excepting, however, that where the word "board" is used in subsections (a), (f), and (h) of section 4 of said original act, the said word "board" shall refer to and mean the board of supervisors of the county of Hawaii.

SEC. 3. That section 4 of said act is hereby amended so that subsection (e) thereof shall read as follows:

"(e) The construction of the railway shall be commenced and at least the sum of \$20,000 shall have been expended or contracted to be expended on or before August 1, 1918, and at least 2 miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement.

"At least two additional miles of the railway shall be completed, equipped, and ready for operation within six years from the passage of the amendatory act by the Congress of the United States, and in case of failure to comply with such requirements the privileges granted by section 2 of this act shall cease as to any streets, roads, thoroughfares, or places not then occupied:

*Provided,* That if there is any period during which work shall be suspended by reason of bona fide actions, suits, or injunctions instituted through no fault of the association but causing delay in the construction or commencement of operations of said railway, the time so lost shall not be counted as part of the periods of limitation above specified.

"Additions and extensions of the railway shall be constructed by the association, and when so constructed, or constructed by others, shall thereafter be maintained and operated by it whenever, after notice and an opportunity to be heard, it shall be directed so to do by the public utilities of said Territory: *Provided,* That the commission shall not so direct unless in its opinion the earnings of the association when operating such additions and extensions, together with its previously existing railway system, will be sufficient for its reasonable expenses of maintenance and operation, interest, and sinking fund on its indebtedness, and dividends of 8 per cent per annum on its issued stock; and the commission may likewise permit the association to cease the maintenance and operation of any portion of the railway system whenever in its opinion conditions so warrant or require."

SEC. 4. That section 8 is hereby amended by striking out the second paragraph in said section relating to a public-utility board.

SEC. 5. That section 12 of said act is hereby amended by striking out the words "chapter 64 of the Revised Laws of Hawaii," in lines 10 and 11 thereof, and inserting in lieu thereof the words "chapter 52 of the Revised Laws of Hawaii, 1915."

SEC. 6. That section 15 of said act is hereby amended so that the same shall read as follows:

"SEC. 15. That the rights, privileges, and franchises hereby granted to the association shall continue during the pleasure of the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States, subject only to the limitations in this act contained."

SEC. 7. That section 16 of said act is hereby amended so that the same shall read as follows:

"SEC. 16. That all property of every kind and nature forming or used as a part of the railway and power system of the association, including this franchise, shall be exempt from any and all taxation under the laws of the Territory of Hawaii until the expiration of 10 years from and after the passage of this amendatory act."

SEC. 8. That section 17 of this act is hereby amended as follows: Strike out all after paragraph 2 and insert in lieu thereof the following:

"The association shall pay to the county of Hawaii, within one month after the expiration of each year, 2½ per cent of the gross receipts derived from transportation during the preceding calendar year."

"No member of the association, or of any assignee or successor of the same, and no stockholder or officer of any corporation securing any or all of the rights herein granted to the association shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the railway or for the supply of its rolling stock."

SEC. 9. That section 19 of said act is hereby amended so that the same shall read as follows:

"SEC. 19. The Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, within or including the district of South Hilo, may at any time after the expiration of 20 years from the date of the passage of this act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon."

"The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or, in case it should fail to do so within 30 days after having been requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii; one by the purchaser, and the third by the two so appointed; or, in case they should fail to agree upon the third member within 30 days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid."

"Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may in its behalf take or require further evidence to be introduced by either party."

"Within six months after the determination of the purchase price, as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal."

Mr. WATKINS. Mr. Speaker, I move to amend by striking out section 7.

Mr. STAFFORD. Mr. Speaker, since this bill was under consideration I have examined the original section which this section 7 seeks to amend and find that it is substantially in the language embodied here, except the general provision that requires the assent of Congress. The striking out of this merely leaves the law as it is, and I can not see any reason for striking it out. Therefore I shall not insist upon the amendment, and will ask the gentleman from Louisiana to withdraw it.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to withdraw the amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LAND NEEDED FOR TOWN SITES IN CONNECTION WITH IRRIGATION PROJECTS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15958) to amend an act providing for the withdrawal from public entry lands needed for town sites in connection with irrigation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to have the bill reported and some explanation made.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, as amended by the act entitled "An act to amend an act entitled 'An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes,' approved April 16, 1906," be amended to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands under any project undertaken under the said act, or any opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 50 years, giving preference to irrigation districts duly organized under State law and to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which said power is derived: Provided, That no lease shall be made for such surplus power or power privilege as will impair the efficiency of the irrigation project: Provided further, That the Secretary of the Interior is authorized, in his discretion, to make such a lease in connection with the Rio Grande project in Texas and New Mexico for a period not exceeding 50 years, with the approval of the water users' association or associations, under any such project organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act approved June 17, 1902."

The committee amendments were read, as follows:

Page 1, line 8, after the word "act" insert the words "of February 24, 1911." Page 2, line 8, strike out the words "said act" and insert the words "reclamation law." Page 2, line 10, after the word "Interior" insert the words "with the approval of the legally organized and acting water-users' association or associations under any such project." Page 2, line 13, after the word "preference" insert the words "to municipal purposes and." Page 2, line 15, strike out the words "and to municipal purposes." Page 2, line 21, after the word "project" strike out all down to and including line 4, page 3.

The SPEAKER pro tempore. Is there objection?

Mr. BORLAND. Mr. Speaker, I have reserved the right to object. As I understand this bill, the purpose of the amendment is to increase the power to grant these leases of water power from 10 to 50 years?

Mr. SMITH of Idaho. That is the purpose of the proposed legislation.

Mr. BORLAND. Is there anything else in the amendment?

Mr. SMITH of Idaho. Nothing except it provides that the water users shall give their permission to any leases that may be entered into by the Secretary of the Interior before such leases become effective. The present law does not contain that provision, and inasmuch as many of these projects are almost completed and will be turned over to the settlers, it was deemed advisable to insert this provision requiring the permission of the water users to any leases that the Secretary should enter into with those who desire to lease the surplus power.

Mr. BORLAND. Now, the gentleman is aware of the fact that the dams themselves will not be turned over to the water users?

Mr. SMITH of Idaho. I understand they are reserved to the Government.

Mr. BORLAND. They will remain the property of the Government.

Mr. SMITH of Idaho. Yes; they remain the property of the Government.

Mr. BORLAND. And exactly what is the necessity now of putting the veto of the water users upon the operation by the Government of its own property?

Mr. SMITH of Idaho. The water users living within a project naturally feel that they have a direct interest in the project, and that the Secretary of the Interior should not enter into a lease without the permission of the water users' associations, and there is no particular objection to this provision as far as the department is concerned, and I think it would have a tendency to make the water users more satisfied if they are consulted before the contracts are entered into to lease this power, especially in view of the fact that they pay the cost of constructing the projects.

Mr. MONDELL. And is not this true, the settlers being upon these projects they pay for the dam? They pay all the expenditures that produce the power. It is true that the title to the dam remains in the Government, but the settlers really own it in that they are the people who pay for it, and therefore there should not be any long-time contracts for the use of power developed at the expense of the settlers except with the approval of the settlers. I will say to my friend I think it will result in greater care in the granting of these contracts, and a more careful scrutiny of them than heretofore.

Mr. BORLAND. Under this amendment the gentleman will observe it does not make any difference whether a lease is a long-time lease or not. This gives the right to approve any lease, but the period is not to exceed 50 years, but a lease for six months would be just as much subject to their veto as a lease for 50 years. It is not confined to long-time leases.



Mr. MONDELL. I discussed that matter with some members of the committee, and suggested to them that so far as some of the short-time leases were concerned it probably was not necessary to have that provision in the bill, and I think no one would especially object to an amendment which would authorize the Secretary to make the short-time lease. The intent is for the water users to have something to say about the leases, especially for a considerable length of time, and personally I can see no real objection to having the water users consulted in case of any lease. If the lease was only for a brief period, the probability is it would only require formal action on the part of the water users' association. They could be gotten together very promptly, I think, without any delay, and even if the lease is only for a year or two I think they ought to be invited in and their advice sought in the matter. So even for a brief period I think it is a very good provision, although it seems to me there would be no very great objection to giving the Secretary authority to make short-time contracts. We have reached the time when these improvements ought to begin operations.

Mr. BORLAND. The gentleman realizes that there is one dam, the Arrowrock Dam, I think, to which this is especially applicable; but the general situation is ripe where the power is practically completed. There are other dams in the course of construction and in order to realize on them their surplus power temporarily must be disposed of.

Mr. MONDELL. What possible objection could the settlers have to entering into a lease—

Mr. BORLAND. There occasionally arises friction between the water-users' association and the Reclamation Service, sometimes about the imposition of charges, sometimes about the collection of charges, and there might not be complete harmony of action on every project between the service and the settlers. The hands of the settlers and the service would be tied.

Mr. RAKER. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. RAKER. The Committee on Irrigation, having charge of this matter, you will notice simply amended the bill so that in all instances not only in the one provided by law, but in all instances hereafter before this lease can be made, it must be approved by the legally organized water-users' association or associations. This bill, instead of simply allowing the municipality to lease, extends it to irrigation districts that may be organized in the State, with the consent of the water-users' association. I want to say to the gentleman from Missouri, it seems to me no better piece of legislation could be passed than to permit this water-users' development in the way of electrical energy to be established, and I trust the gentleman will not make an objection to this. Really it is valuable and means much to those irrigation projects, and brings a revenue to them.

Mr. BORLAND. The department can be expected to get the best revenue out of the dams and water power. It does the best it can on that, but it seems to me during the construction days the hands of the department ought to be free. They ought not to be asked to have the approval of the water-users' associations, who in some cases have not contributed anything to their construction.

Mr. RAKER. If you are going to permit the leasing of that power the man who pays for it eventually ought to have some say in regard to it.

The SPEAKER pro tempore. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, is this a bill to lease water power?

Mr. RAKER. Surplus water power in reclamation projects, if there is any development. The Secretary must have the consent of the association before he can do it. There is a law now on the statute books allowing the municipality to do it.

Mr. COOPER of Wisconsin. I think a bill of this importance better keep its place on the calendar and go over for a few days, until we have a chance to look at it. The leasing of water power is the greatest question before the American people, or one of the greatest, to-day. Otherwise I shall have to object.

Mr. SMITH of Idaho. Will the gentleman withhold his objection for a moment? This bill is simply to amend an existing law. The present law provides for a lease of 10 years for sale of surplus power on Government irrigation projects. It has nothing to do with general legislation affecting power sites or dam sites, absolutely nothing, and because of the short period of time provided by the present law it is impossible to get the money to build power plants that are necessary, costing from \$100,000 to \$500,000.

Mr. COOPER of Wisconsin. You want to make this 50 years?

Mr. SMITH of Idaho. Not exceeding 50 years.

Mr. COOPER of Wisconsin. That is modest.

Mr. SMITH of Idaho. It is within the discretion of the Secretary; not exceeding 50 years.

Mr. COOPER of Wisconsin. Forty-eight years would be considerable time. I shall object, unless it can go over.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. COOPER of Wisconsin. Unless it can go over without prejudice.

The SPEAKER pro tempore. Does the gentleman make that request?

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that it may go over without prejudice.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

#### SALE OF COAL DEPOSITS IN MONTANA.

Mr. STOUT. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution No. 50, authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation.

The SPEAKER pro tempore. Is there objection?

Mr. MAYS. I object, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Utah object?

Mr. MAYS. If the gentleman from Montana wants to make a statement, I will reserve the right to object.

Mr. STOUT. I do not know that the statement will make any difference if the gentleman has his mind made up to object. He is on the committee. This simply provides that the Republic Coal Co., which is a subsidiary company of the Chicago, Milwaukee & St. Paul Railway Co., may lease from the Government 1,440 acres of coal land at prices which will be fixed by the Secretary of the Interior. In further explanation of that I will simply state that the information which we have been able to gather leads to the conclusion that the railroad company is practically without coal for a distance of 1,300 or 1,400 miles of its railroad. The competing lines have all the coal they need. They secured it in the early days, before the present restrictive provisions with reference to the disposition of Government coal lands were passed; but this road, having been built out there within the last 10 years, was not in position to take advantage of such opportunities. There is no way to get coal unless they buy it from the competing line, and a competitor will not sell coal on a reasonable basis. The Senate passed a resolution for the sale of coal land to this railroad company on terms fixed by the Secretary of the Interior, which appeals to me to be entirely fair. We have 8,000,000,000 tons of coal in that field there. This takes up only 8,000,000 tons of it. We get our price for it, and I can see no reasonable objection whatever for handling the matter in this way. I trust that the gentleman may in time see fit to withdraw his objection.

Mr. COX. Will the gentleman yield?

Mr. STOUT. Yes.

Mr. COX. Does the resolution provide for outright sale or royalty?

Mr. STOUT. It shall be leased as provided by the House committee.

Mr. COX. It provides for royalty?

Mr. STOUT. It provides for any sort of a price that the Secretary of the Interior may fix—royalty, cash price, or anything.

Mr. COX. For the benefit of the railroad or the people along the railroad?

Mr. STOUT. Well, it is a necessity for the railroad, and the railroad naturally performs a function for the public.

Mr. COX. Was there any estimate as to how much coal they have got there?

Mr. STOUT. There is an estimate here in the report. There is in that coal field several hundred thousand acres of coal land, with 8,000,000,000 tons of coal, and this proposes to sell something like—

Mr. COX. Is there any estimate as to what the value of the 1,500 acres is?

Mr. STOUT. Well, it is appraised by the Secretary of the Interior.

Mr. COX. That is what I wanted to find out—what it is appraised at.

Mr. STOUT. I have not the figures, but being acquainted with the coal fields in that section, I would say it is appraised

at \$40 or \$50 an acre. It is a low-grade coal, fit only for steaming purposes. This particular railroad had only a section of coal land to start with and they worked that out, and they now have no coal land from the Missouri River to the coast.

The SPEAKER pro tempore. Is there objection?

Mr. MAYS. I object.

The SPEAKER pro tempore. The gentleman from Utah objects.

#### BAGGAGE IN INTERSTATE COMMERCE.

Mr. ADAMSON. Mr. Speaker, I would like to submit a request to consider the bill known as the Cummins amendment to the interstate commerce law, affecting baggage.

Mr. RAKER. Mr. Speaker, I move that the House do now adjourn.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I hope the gentleman will withhold that motion for a moment.

Mr. RAKER. I will withhold it for a minute.

Mr. WM. ELZA WILLIAMS. I ask unanimous consent, Mr. Speaker, that next Wednesday, as soon as the preliminary business on the Speaker's table is disposed of, I may be recognized for 30 minutes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WM. ELZA WILLIAMS], asks unanimous consent that on next Wednesday, after the disposition of routine business on the Speaker's table and conference reports, he may be recognized for 30 minutes. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. MAYS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the copper-tax feature of the revenue bill.

The SPEAKER pro tempore. The gentleman from Utah [Mr. MAYS] asks unanimous consent to extend his remarks in the RECORD on the copper-tax feature of the revenue bill. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ADAMSON. If we are to sit next Wednesday, will the almanac calendar be called?

Mr. MANN. I take it that the gentleman from Georgia wants it called.

Mr. ADAMSON. I ask for information. That is "sacred Wednesday." I want to be prepared.

Mr. MANN. I do not think there will be any objection to it.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the child labor bill and infantile paralysis.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. HELVERING] asks unanimous consent to extend his remarks in the RECORD on the subjects indicated. Is there objection?

There was no objection.

#### WOMAN SUFFRAGE.

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a resolution passed by the women voters of the eighth congressional district of Kansas at the Wichita Club on July 17, 1916.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by incorporating the resolution indicated. Is there objection?

There was no objection.

Following is the resolution referred to:

*Resolved*, That we women voters of the eighth congressional district, meeting this 17th day of July, 1916, at the Wichita Club, Wichita, Kans., determine to do all in our power to help the women of the East secure Federal recognition, hereby call on our representative in Congress, the Hon. WILLIAM A. AYRES, to work constantly to bring about the passage of the Susan B. Anthony amendment in the quickest, surest way possible; be it further

*Resolved*, That a copy of this resolution be mailed to Hon. WILLIAM A. AYRES with the request that it be read in the CONGRESSIONAL RECORD.

Mrs. THOR JÄGER,  
Chairman Woman's Party for the  
Eighth Congressional District.  
BERNICE BEACHY,  
Secretary Woman's Party for the  
Eighth Congressional District.

Passed unanimously July 17, 1916.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 14576. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 12194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 11240. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill (S. 5425) to standardize lime barrels.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 968. An act granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois; to the Committee on Interstate and Foreign Commerce.

#### EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Huron Cemetery bill that passed to-day.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. RAKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned, pursuant to the order previously made, until Saturday, July 29, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required for the service of the War Department for the fiscal year ending June 30, 1917 (H. Doc. No. 1305); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to continue the provisions of an act approved June 30, 1916, entitled "An act extending appropriations for the necessary operations of the Government and of the District of Columbia, and for the payment of pensions under certain contingencies" (H. Doc. No. 1306); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting eleventh annual report of the American National Red Cross, made pursuant to the provisions of the act of Congress approved January 5, 1905, entitled "An act to incorporate the American National Red Cross" (H. Doc. No. 1307); to the Committee on Military Affairs and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KONOP, from the Committee on Indian Affairs, to which was referred the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., reported the same with amendment, accompanied by a report (No. 1041), which said bill and report were referred to the Committee of the Whole House on the state of the Union.



Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, reported the same without amendment, accompanied by a report (No. 1044), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 11245) to authorize the establishment of an auxiliary or field fish-cultural station on the Klamath River, in the State of California, reported the same without amendment, accompanied by a report (No. 1045), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17188) supplemental to a bill entitled "A bill to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes," reported the same without amendment, accompanied by a report (No. 1046), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16891) granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 1051), which said bill and report were referred to the House Calendar.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 16873) to authorize the adoption of a national trade-mark for the use of the manufacturers of the United States, particularly for export purposes, and to authorize the Secretary of Commerce to license manufacturers to use the same, and for other purposes, reported the same with amendment, accompanied by a report (No. 1056), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams, reported the same without amendment, accompanied by a report (No. 1040), which said bill and report were referred to the Private Calendar.

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1042), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1043), which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (S. 1818) for the relief of Nelson T. Saunders, reported the same without amendment, accompanied by a report (No. 1047), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16974) for the relief of John L. Kelley, reported

the same without amendment, accompanied by a report (No. 1048), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16318) granting a pension to N. Ellen Peters and George N. Peters; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16390) granting a pension to John W. Echols; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. PAGE of North Carolina: A bill (H. R. 17172) further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

By Mr. DEWALT: A bill (H. R. 17173) authorizing the Secretary of War to donate to the city of Reading, county of Berks, State of Pennsylvania, condemned cannon and balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17174) authorizing the Secretary of War to donate to the city of Allentown, county of Lehigh and State of Pennsylvania, condemned cannon and balls; to the Committee on Military Affairs.

By Mr. STEELE of Pennsylvania: A bill (H. R. 17175) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17176) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. BURKE: A bill (H. R. 17177) to provide for the purchase of a site and the erection of a public building at Hartford, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. CARAWAY: A bill (H. R. 17178) authorizing the Secretary of War to deliver to the city of Marianna, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17179) authorizing the Secretary of War to deliver to the city of Paragould, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17180) authorizing the Secretary of War to deliver to the city of Forrest City, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17181) authorizing the Secretary of War to deliver to the city of Wynne, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17182) authorizing the Secretary of War to deliver to Mrs. John S. Hornor, Helena, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 17183) to prevent the enlistment of negroes in the military service of the United States; to the Committee on Military Affairs.

By Mr. WALSH: A bill (H. R. 17184) to further amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. WEBB: A bill (H. R. 17185) to prohibit and punish the manufacture or counterfeiting of coin or paper intended to be used or passed as money, or of securities issued or intended to be issued by an unrecognized government, faction, or body of insurgents in a country with which the United States are at peace; to the Committee on the Judiciary.

By Mr. BRITT: A bill (H. R. 17186) to purchase a site and to erect a public building in the city of Asheville, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART: A bill (H. R. 17187) to amend the acts of July 1, 1862, and July 2, 1864, and June 24, 1912, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, the legalizing of certain conveyances heretofore made by the Union Pacific Railroad Co., and providing for the

occupation by the adjacent landowners of the excess portions of said company's right of way; to the Committee on the Judiciary.

By Mr. CLARK of Florida [from the Committee on Public Buildings and Grounds]: A bill (H. R. 17188) supplemental to a bill entitled "A bill to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of commissioner of public buildings; to fix the salary and prescribe the duties and powers of the said commissioner of public buildings; to create a board of estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes"; to the Committee of the Whole House on the state of the Union.

By Mr. WEBB: A bill (H. R. 17189) to prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosives, or otherwise; to the Committee on the Judiciary.

Also, a bill (H. R. 17190) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission; to the Committee on the Judiciary.

Also, a bill (H. R. 17191) to authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained; to the Committee on the Judiciary.

By Mr. ROUSE: A bill (H. R. 17192) granting condemned cannon to the city of Ludlow, in the State of Kentucky; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 17193) authorizing the Secretary of War to donate to the city of Atkins, in the county of Pope and State of Arkansas, two bronze or brass cannon or fieldpieces with their carriages; to the Committee on Military Affairs.

Also, a bill (H. R. 17194) authorizing the Secretary of War to donate to the city of Plummerville, in the county of Conway and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

Also, a bill (H. R. 17195) authorizing the Secretary of War to donate to the city of Conway, in the county of Faulkner, State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

Also, a bill (H. R. 17196) authorizing the Secretary of War to donate to the city of Plainview, in the county of Yell and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. YOUNG of North Dakota: A bill (H. R. 17197) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 17198) authorizing the Secretary of War to donate to Burbank Post, No. 33, and Woburn Post, No. 161, Grand Army of the Republic, one cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WHEELER: Joint resolution (H. J. Res. 282) authorizing the Postmaster General to provide the postmaster at Springfield, Ill., with a special canceling die for the one hundredth anniversary of the admission of the State of Illinois into the Federal Union; to the Committee on the Post Office and Post Roads.

By Mr. DOUGHTON: Joint resolution (H. J. Res. 283) for the relief of the destitute sufferers from the flood waters in western North Carolina; to the Committee on Appropriations.

By Mr. ADAMSON: Resolution (H. Res. 325) for the consideration of Senate bill No. 19; to the Committee on Rules.

By Mr. GARDNER: Resolution (H. Res. 326) requesting the Secretary of War to send to the House of Representatives certain information with regard to the number of Members of the National Guard recently taken into the United States service who are raw recruits; to the Committee on Military Affairs.

By Mr. HUDDLESTON: Resolution (H. Res. 327) suggesting that furloughs for an indefinite time be granted to such members of the National Guard who have been called into the service of the United States and are now under arms as may apply for same; to the Committee on Military Affairs.

# PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 17199) granting a pension to Mary Moffitt; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 17200) granting a pension to Clarence L. Wimer; to the Committee on Pensions.

By Mr. BARKLEY: A bill (H. R. 17201) reinstating James B. Ray to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. CARTER of Massachusetts: A bill (H. R. 17202) for the relief of Austin Foster Hitchcock; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 17203) granting an increase of pension to Alice Eliza Utter; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 17204) for the relief of John Flaherty; to the Committee on Military Affairs.

By Mr. GANDY: A bill (H. R. 17205) to correct the military record of Andrew N. Bray; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 17206) granting a pension to Albert C. Schuman, of Newark, N. J.; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 17207) granting an increase of pension to William Gibson; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 17208) granting a pension to George Roberson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17209) granting a pension to Marie G. Harding; to the Committee on Pensions.

Also, a bill (H. R. 17210) granting an increase of pension to William F. Bailey; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 17211) granting an increase of pension to John W. Lanham; to the committee on Invalid Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 17212) granting an increase of pension to Edward Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17213) granting an increase of pension to Simon D. Mitchell; to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 17214) granting an increase of pension to Jefferson C. Garrigus; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 17215) granting an increase of pension to Franklin Manning; to the Committee on Invalid Pensions.

By Mr. OAKLEY: A bill (H. R. 17216) granting an increase of pension to Nancy Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17217) granting an increase of pension to Johanna Flynn; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17218) granting an increase of pension to Isham Swain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17219) for the relief of Francis E. Stone; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 17220) granting an increase of pension to Jerry Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17221) granting an increase of pension to William P. Duncan; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 17222) granting an increase of pension to William P. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17223) granting an increase of pension to George M. Fell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17224) granting a pension to Robert E. Lee; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 17225) granting an increase of pension to Julius A. Keeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17226) granting an increase of pension to William Weingard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17227) granting an increase of pension to George W. Clay; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 17228) granting a pension to Kathleen B. Watkins; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 17229) for the relief of Winona May Devers and Emma McElvaine; to the Committee on Indian Affairs.

By Mr. TAVENNER: A bill (H. R. 17230) granting an increase of pension to John C. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17231) granting an increase of pension to George W. Ellis; to the Committee on Invalid Pensions.



## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the National Hay Association, relative to railroad regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of G. E. Palmer, of New York, favoring House bill 10845, relative to military preparedness; to the Committee on Military Affairs.

Also, petition of Thomas A. Tower, of New York City, favoring House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of German-American Button Co., of New York, favoring House bill 14666, relative to copyrighting new designs, etc.; to the Committee on Patents.

By Mr. CAREW: Petition of the Merchants' Association of New York, relative to House bill 16707 (Webb bill); to the Committee on the Judiciary.

By Mr. CARTER of Massachusetts: Memorial of science department of the National Education Association, favoring the international metric system for weights and measures; to the Committee on Coinage, Weights, and Measures.

By Mr. DALE of New York: Petition of O. Cutting, of Oakdale, Long Island, N. Y., against House bill 16307, relative to registration of pure-bred live stock; to the Committee on Agriculture.

Also, petitions of sundry women of the United States, relative to woman-suffrage amendment; to the Committee on the Judiciary.

Also, memorial of Association to Resist British Domination of American Commerce, relative to rights of American citizens; to the Committee on Foreign Affairs.

By Mr. DARROW: Petition of A. M. Rowe, past department commander of Idaho, Grand Army of the Republic, relative to bill to increase pensions of maimed veterans; to the Committee on Invalid Pensions.

By Mr. DOOLING: Petition of the Merchants' Association of New York, relative to House bill 16707, the Webb bill; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of Association to Resist British Domination of American Commerce, relative to removal of restrictions upon American citizens, etc.; to the Committee on Foreign Affairs.

By Mr. FARR: Petitions of N. H. Yennis and Thomas J. McDermott, of Scranton, Pa., favoring censorship of motion pictures; to the Committee on Education.

Also, petition of B. E. Woodcock, of Scranton, Pa., against war-revenue tax on munitions of war; to the Committee on Ways and Means.

By Mr. FLYNN: Petition of O. Cutting, of Oakdale, Long Island, N. Y., against House bill 16307, relative to registration of all pure-bred live stock; to the Committee on Agriculture.

Also, memorial of the Association to Resist British Domination of American Commerce, relative to restrictions on American citizens; to the Committee on Foreign Affairs.

By Mr. HELGESEN: Memorial of Commercial Club of Drayton, N. Dak., relative to wage disputes between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDDLESTON: Petition of J. B. Huffman and others in relation to House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of W. S. Hooper and others relating to House bill 652; to the Committee on the District of Columbia.

By Mr. MAGEE: Petition of 51 citizens of Syracuse, N. Y., favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MATTHEWS: Evidence to support House bill 17145, granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

By Mr. NOLAN: Memorial of Connaught Social and Benevolent Association, of San Francisco, Cal., relative to treatment of Irish republic by British Government; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of Boice, Gates & Johnson, of Los Angeles, Cal., favoring passage of the Borland resolution, No. 148; to the Committee on the Judiciary.

Also, petition of Home Industry League of California, against tax on copper and copper industry; to the Committee on Ways and Means.

By Mr. ROWE: Petition of Association to Resist British Domination of American Commerce, relative to restrictions upon American citizens; to the Committee on Foreign Affairs.

Also, memorial of Canarsie Yacht Club, relative to conservation of harbor of Great Kills, Staten Island; to the Committee on Rivers and Harbors.

By Mr. SLOAN: Petition of sundry citizens of Wahoo, Crete, and David City, Nebr., relative to wage controversy between railroads and employees; to the Committee on Interstate and Foreign Commerce.

## SENATE.

FRIDAY, July 28, 1916.

(Legislative day of Tuesday, July 25, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

## DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMOOT. Mr. President, it seems to me that every morning at 10 o'clock there are only three or four Senators in the Chamber, and if we are not going to be on time I think the hour of meeting ought to be changed. In order that we may have a quorum some one is compelled to call for it every morning. Therefore I suggest the absence of a quorum again this morning.

Mr. PENROSE. Mr. President, I wish to support what the Senator from Utah said. Many of us try to get here at very great inconvenience. I left a number of engagements at my hotel this morning, and I shall have to go back there; and it is a waste of time.

Mr. SMOOT. It is a regular farce.

Mr. PENROSE. I have never believed, in my long service here, in meeting at 10 o'clock. Senators do not come here, we do not accomplish anything by it, and we curtail the time that ought to be devoted to matters outside of this Chamber. I think the gentlemen on the other side who are managing the proceedings of the Senate ought to seriously consider whether we would not really accomplish just as much business by meeting at 11 o'clock.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Simmons
Brandegge	Husting	Norris	Smith, Md.
Bryan	Johnson, S. Dak.	O'Gorman	Smoot
Chilton	Jones	Overman	Stone
Clapp	Kenyon	Page	Taggart
Clark, Wyo.	Lane	Penrose	Thompson
Culberson	Lee, Md.	Ransdell	Townsend
Curtis	Martin, Va.	Robinson	Walsh
Dillingham	Martine, N. J.	Sheppard	Williams
Gallinger	Myers	Sherman	Works

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. I will allow this announcement to stand for the day.

Mr. MARTINE of New Jersey. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. BECKHAM, Mr. GRONNA, Mr. LA FOLLETTE, Mr. McCUMBER, Mr. PHELAN, Mr. SMITH of South Carolina, Mr. STERLING, and Mr. VARDAMAN answered to their names when called.

Mr. POMERENE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The first amendment passed over will be stated.

The SECRETARY. The first amendment passed over is the first amendment in the bill, known as the half-and-half plan of taxation in the District, striking out from line 3 on page 1 to line 10 on page 2 and inserting from line 11 on page 2 to line 17, inclusive.

Mr. WORKS. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 2, strike out lines 11 to 17, inclusive, and insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to convey, by good and sufficient deed of conveyance, to the Government of the United States all property

of the District of Columbia of every kind and nature, real, personal, and mixed, and the United States Government, in consideration of such conveyance, shall, and does hereby, assume and will pay all the debts of every kind and nature of the said District of Columbia.

That the municipality of the District of Columbia shall, upon such conveyance of its property, be, and it is hereby, dissolved and abolished, and its powers, duties, and obligations transferred to and vested in the United States, and the said District shall become and the territory now constituting the District of Columbia shall hereafter be known and designated as the City of Washington; and said City of Washington is hereby declared to be the Capital of the United States and under the direct ownership control, and supervision of the Government, without the intervention of any municipal corporation or body.

That until otherwise provided by act of Congress the officers of the District of Columbia shall be and continue as the officers of the National Government, and shall perform for the Government the same duties now performed for the District of Columbia, and be subject to all laws and rules and regulations now in force as to their appointment, terms of office, and removal until otherwise provided by law: *Provided*, That such commissioners shall hereafter be known and designated as the Commissioners of the City of Washington, and all other officers of said District shall be known, respectively, and designated as officers of said City of Washington.

That all privately owned property in the District of Columbia, hereafter to be designated as the City of Washington, shall be subject to reasonable and just taxes, to be used to pay the expenses of said City of Washington: *Provided*, That the rate of taxation and the basis of assessment of property shall remain as now provided by law, and all other provisions for raising revenues for said District shall remain in force and be applied to the payment of the expenses of the City of Washington as herein provided.

That all moneys derived from such taxation assessments or other means provided by law shall be paid into the United States Treasury, to be applied to the expenses of said City of Washington, but the expenses of the City of Washington shall be paid by the Government out of its Treasury by appropriations made by Congress, without regard to the amount collected from privately owned property, and the property owners, within the District shall not be responsible therefor, except for the payment of their taxes, the purpose and intention being to constitute the District of Columbia, hereafter to be known as the City of Washington, the Capital of the Nation, and to make the Government wholly and alone responsible for its government, maintenance, upbuilding, and beautification, and to deprive the municipal government of all control over the same, and to relieve the property owners and residents of the District of all such responsibility or control, except for the payment of such taxes as may be lawfully assessed against them or their property.

That until otherwise provided by act of Congress taxes shall be levied, assessed, and collected as now provided by law, except that the same shall not be based upon the estimated expenses of the District, or the one-half thereof, but upon a reasonable and just estimate of the obligations of property owners and residents of the District as compensation for the benefits and advantages resulting to them from the maintenance and support of the Capital by the Government in which they live or own property, according to the rate of taxation and basis of assessment above provided for.

That all causes of action that might under the laws as they now exist be prosecuted against the District of Columbia, whether arising before or after the passage of this act, may hereafter be prosecuted by appropriate action in the courts against the United States the same as they may, under existing law, be prosecuted against such District.

Mr. SMITH of Maryland. Mr. President, I am not disposed just at this moment to raise the point of order upon this amendment. It is certainly new legislation, and legislation of the utmost importance. I think, however, that the Senator from California may have some views to express, and at this time I shall not raise the point of order. I may do so later on.

Mr. WORKS. Mr. President, that is very kind of the chairman of the committee. I should have said about the same in dealing with the general subject of the half-and-half, whether this amendment were declared out of order or not. So no time will be lost by the concession made by the chairman of the committee.

Mr. President, I have been a member of the Committee on the District of Columbia ever since I have been in the Senate. In the performance of my duties I have tried to represent what seemed to me to be the best interests of the District, not alone of the people who happen to live in the District but in the broader sense the interests of the whole country, as this is the capital of the Nation.

Unfortunately, there are a good many people in the city of Washington who seem to think that this is purely a local question, and that the District of Columbia is maintained and managed and controlled in the interest of the people who live within the District. The broader view of the fact that it is the capital of the Nation and that the people in my State and other States of the Union are interested in the District of Columbia is to a very great extent overlooked.

Unfortunately for the District, it is located a little too far east and south. It has suffered from the deadly conservatism of the East and the mañana, never do anything to-day that you can put off until to-morrow, of the South. They are both too well content with things as they are.

We are living under what is called the organic act, which was enacted nearly 40 years ago and which is entirely inadequate and inefficient to meet the needs of the District as it is to-day. That I shall attempt to demonstrate in the course of my remarks.

I am not going to enter into a detailed history of the District. That can be found by Senators, if they desire to look into it, in

the extensive hearings which were held by a joint select committee of the two Houses that performed the duty imposed upon it during the last vacation.

I want, however, to call attention, in a very general way, to the conditions as they have existed since this became the seat of government. The District of Columbia was acquired for that purpose, because it was found by experience that it was exceedingly unwise and undesirable to undertake to maintain the capital of the Nation within one of the States, where conflicting interests were constantly arising, and which finally resulted in riots in the city of Philadelphia. Therefore it was acquired for the purpose of giving absolute and exclusive control over the territory covered by the seat of government to the Congress of the United States. It certainly was not intended that there should be any local municipal organization for that purpose. The Constitution provides in express terms that Congress shall have exclusive jurisdiction over the District of Columbia; but when the Government took possession of its seat of government it was exceedingly poor, and, as might be expected, it lacked the means to build up the National Capital and to make the necessary improvements that were called for at that time. Congress was content, therefore, to leave in existence the municipal corporation that then existed within the territory, including the city of Washington, the city of Georgetown, and the city of Alexandria.

That experiment of divided authority and divided responsibility as between a local municipal corporation and the National Government proved a failure. Then it was attempted to form a government taking in the whole of the territory, the government of which was constituted of a mayor and city council, which was eventually largely under the control of Mr. Shepherd, who came to be called "Boss" Shepherd, and who, by the way, did a great service to the District of Columbia and the Government by pressing improvements that should have been made. He brought some life into the administration of the District of Columbia; he brought about improvements of the greatest consequence to the District; and he did it largely in defiance of law and without authority. In doing it he involved the District in an indebtedness of something over \$20,000,000. The District as a local government was totally unable to meet that debt. The Government of the United States was compelled to come to the rescue in order to maintain its own credit and to meet its obligations. It did so by funding that debt, in the first place, and in the enactment of the law provided that the indebtedness should be paid one-half by the District of Columbia and one-half by the National Government, but providing a sinking fund to meet the principal, so that the obligation on the part of the two was simply the payment of the interest accruing upon the bonds, and to gradually pay off the principal of the debt.

That debt has been reduced now, until there is an indebtedness upon the District of Columbia, so called, of something like \$6,000,000, and the question as to how that obligation should be met was one of the things that was considered by the committee to which I have referred.

So the second venture—if it was the second; there may have been others—by which it was attempted to govern the District of Columbia through a mayor and a city council, or municipal organization, proved to be a complete failure. Something had to be done by the National Government in order to meet the situation. That resulted in what is now called the "organic act," that was passed in 1878, nearly 40 years ago, by which it was provided that one-half of the expenditures necessary to carry on the government of the District of Columbia should be paid by the National Government and one-half by the District of Columbia. In bringing that condition of things about, however, the District of Columbia, as a municipal government, was stripped of all authority, of all power, and was left a mere shell. It is a municipal corporation merely in name. It has no power to collect money; it has no treasury; it has no power to pay out any money; it has no power to legislate; in fact, Mr. President, it has no power to do anything; but while it is maintained in this anomalous way the Government of the United States, acting through Congress, is the sole power to deal with the questions that are presented in the District.

The statute providing for the half-and-half payment was a compromise. It was brought about by an endeavor to bring the District out of the difficulties that had resulted from the Shepherd administration of affairs, and to put the District upon a more solid basis. I think the Members of Congress who brought about that compromise statute had no idea that it would last until now.

I am going to call the attention of the Senate to the testimony before the committee of one of the ex-Senators who had himself to do with that matter, who was at the time the organic act was



passed a Member of the other House, who so testified before the committee, and who gives it as his opinion that as conditions now are the half-and-half principle ought not to be maintained.

Ever since I have been in the Senate, and I do not know for how long before that, there has been a controversy between Congress and the people resident in the District of Columbia over this half-and-half question, and, very unfortunately, as it seems to me, some of the Members of Congress—and I think I may fairly say Congress as a body—have placed the Government of the United States in the peculiar situation of imposing upon the taxpayers of the District the burden and an obligation of managing and maintaining the District of Columbia, and the Government has contented itself with being a mere contributor to the fund necessary to pay the expenses of its own Capital.

Mr. President, that is utterly foreign to my ideas of what the District of Columbia should be and of the obligations of the National Government and the duty of Congress in dealing with the affairs of the District.

Mr. POMERENE. Mr. President, may I interrupt the Senator from California to ask him a question?

Mr. WORKS. Certainly.

Mr. POMERENE. If I understand the Senator from California, one of his objections to the present situation is that the residents of the District are required to pay taxes and that they are having no voice in their own affairs locally. I understand the Senator himself to favor the election of a Delegate, does he not, to the House of Representatives, at least, from the District?

Mr. WORKS. Mr. President, I was not intending to discuss that question at the present time. I have no objection, however, to giving my views upon the subject, as the Senator seems to desire that I shall.

Mr. POMERENE. I should like to have the Senator express his views upon that subject, with this thought in mind: The Senator's amendment contemplates the taking away from the people of the District their public buildings and deeding them over to the Government of the United States. We have these helpless people here without any voice in their affairs, and they are thus to be stripped of the municipal property which they in part own, without their having anyone of their own choice to represent them on the floor of either the Senate or the other House. That would place them in an even more helpless condition than they now are.

Mr. WORKS. Mr. President, the Senator from Ohio makes the common mistake that has resulted in much of the controversy on this subject, that the people of the District of Columbia have any public buildings or that they have any protection through the District of Columbia. There never was a greater mistake. While the legal title to some of the public buildings rests in the District of Columbia, the District is a mere naked trustee for the Government. The people have no more share or interest in the public buildings which are now held in the name of the District than have the people of my State.

I am utterly opposed, Mr. President, to anything like local self-government in the District. I do not believe that it is possible, under conditions as they exist and under the provisions of the Constitution, for any such double authority to exist in the District; but, looking at it from my own point of view, that this is the National Capital pure and simple, and that there is in fact no District of Columbia and no municipal government at all having any control over this situation, I do believe, as suggested by the Senator from Ohio, that the people of the District of Columbia, just like the people of my State, should have representation in Congress, not because I believe they have any superior rights here in the District, for I do not, but because I believe that every American citizen should be represented in the Congress of the United States, wherever he may live, and in that way have the right of a voice in the Halls of Congress in dealing with the Capital, in which he is interested just the same as I am.

Mr. President, as I have said, this controversy has been going on right along ever since I have been in the Senate. It came up at the last session of Congress, the House taking the position that it takes now, that the half-and-half system should not prevail, but that the people of the District of Columbia should be compelled to pay all that could be gotten out of them and the National Government contribute only the additional amount necessary to meet the expenses, and the Senate taking the position that the half-and-half system should be continued in force and that the Government should meet one-half of the expenses; or, in other words, meet an amount equal to that raised in the District by taxation, whether it met the needs of the District or not.

Mr. KENYON. Mr. President—

Mr. WORKS. I yield to the Senator from Iowa.

Mr. KENYON. I want to ask the Senator a question. When he used the phrase "compelled to pay all that could be gotten

out of them," he meant by that, did he not, by having them pay a fair rate of taxation?

Mr. WORKS. Mr. President, that is a disputed question. There is a very strong feeling among the people of the District that they have been overtaxed. I will come to that after a while. There is also a strong feeling on the part of some Members of Congress that the people here have been undertaxed, and that is one of the crucial questions that has called up all this controversy on the subject. The result of the conflict between the two Houses on that subject was that the conference committee inserted in the bill then under consideration the provision that a joint committee of the two Houses should be raised for the purpose of investigating and reporting upon the whole matter of the fiscal relations between the District of Columbia and the Government, and it so happened that I was honored by an appointment upon that committee.

The joint committee made the fullest possible investigation of the whole question. It opened the hearings to everybody who desired to be heard. There was absolutely no limitation upon it. The difficulty was that only one side of the question was adequately or scientifically presented to the committee, and that was the side favoring the half-and-half principle. A committee of one hundred was appointed by some of the citizens of the District to represent that interest, and three of that committee, very able gentlemen, presented the whole matter to the committee. Mr. Henry B. F. Macfarland, who has had this matter in hand for a good many years, and who has probably made speeches enough about it to fill a number of volumes, and Theodore W. Noyes, who has written enough on the subject to fill 20 volumes, were two of the members of that committee who were called upon to present the matter to the joint committee. These men have become popular heroes in the minds of the people of the District of Columbia because of their efforts to maintain what they conceive to be their rights in dealing with this question.

These are very estimable gentlemen, and I have nothing to say against them; but I do believe, Mr. President, that they have done more to injure the District of Columbia with respect to this matter than any two men within the District. They have kept the District tied to the dead body of the half-and-half system and kept alive the controversy between the people of the District and Congress that has led to much animosity and discord that has been very injurious to the District.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I do.

Mr. GALLINGER. Mr. President, while I have been, and still am, a believer in the law as it stands on the statute books to-day, I was the author of the provision under which the joint committee was appointed; and I had this thought in mind, that the Members of the two Houses of Congress who would sacrifice themselves to that work—because I knew that it would be a very laborious and thankless task in a sense—would make a careful investigation of the whole subject, as they did, that they would make a report, as they did, and that then the Committee on the District of Columbia of the two Houses of Congress would formulate a bill and that we would have legislation covering this subject.

Nothing has been done in that direction at all, and I think the Senator will agree with me that it is rather a violent way of trying to solve this disputed question to have it put on an appropriation bill at the present time.

Mr. WORKS. No; I do not acquiesce in the Senator's views in that matter, I am sorry to say, principally because the trouble apprehended here is wholly imaginary. It has no real substance, as I shall try to point out; and if there were a direct provision made—as I shall ask to be done if the amendment that I have now offered is either held to be out of order or is voted down—that the money for the maintenance of the District of Columbia shall be paid out of the National Treasury, that is a very simple way of settling this question. It is not going to harm anybody. In fact, it is leaving the situation just as it is to-day. The Government is paying all of these expenses out of the National Treasury, and it is getting a part of them in by taxation. That is the whole situation. That is precisely as it should be, except that we are making this false issue; we are creating discord and inharmoniousness between Congress and the residents of the District upon the fictitious idea that there is another government, that it has a treasury, and that part of this money is being paid out of that treasury, which is not true in any sense, as I shall attempt to show before I conclude.

I recognize the justice of the position taken by the Senator from New Hampshire, that the Government should contribute toward the expenses of the District. I do not question that at all. I am not at all in sympathy with the position taken by the House upon that question. But my own position is that this is

a Government affair; that the people of the District of Columbia have no rights except the same as are held by citizens of different States in the country; that there is but one Treasury and that the money should be paid out of that Treasury, and the people of the District be taxed a reasonable amount on account of the benefits that they receive as citizens of the District of Columbia. The popular idea about it is that because the Government owns a large amount of property within the District that is untaxable it should contribute toward the expenses of the District, and not leave it to the taxpayers here to pay all of the expenses.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. I do.

Mr. CURTIS. I should like to ask the Senator a question. Is it not true that if a plan were adopted to make the Government pay all the expenses, and the present law were continued as to the assessment or tax collected per hundred dollars, the residents of the District would pay about 66 per cent of the taxes and the General Government would pay only about 34 per cent?

Mr. WORKS. Mr. President, that depends altogether upon what the appropriations are.

Mr. CURTIS. I meant, with the appropriation as it came from the House of Representatives.

Mr. WORKS. But the trouble about it is, Mr. President, that the proper appropriations are not made, and the Government does not contribute what it ought toward the keeping up and maintenance of the Capital, and it is prevented from making the proper appropriation that should by all means be made by the half-and-half system, in this way:

The law provides for taxation of the residents of the District. It fixes the rate of taxation at one dollar and a half per hundred dollars, and the valuation at two-thirds of the value of the property, which definitely fixes the amount that the taxpayers shall pay, dependent only upon the work of the assessor, who may assess the property too high or too low. But the amount to be paid by the taxpayers of the District is fixed now. It would not be changed in the least by the amendment that I have offered. They would pay just the same, if the District of Columbia were abolished and this made a national affair, that they are paying to-day. It does not change the situation in the slightest degree.

The Senator from Kansas says that the National Government would pay about 34 per cent. The truth about it is that the half-and-half plan, as I shall show further along, is not maintained. It has not been in practice. Sometimes the District has paid more than half, and in certain years the Government has paid more than half; but taking a general average, as the testimony taken by the committee shows, it is now very nearly an equal division of the amounts paid by the two. But, now, look at this situation:

By the law that is now in existence, the Government is confined in its contribution to an amount equal to that raised by taxation. For instance, if the estimated amount of taxes to be realized by the assessment should amount to \$8,000,000, under this law the Government would be required to put up a like sum.

Mr. NORRIS. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I do.

Mr. NORRIS. I am reminded of this suggestion by the suggestion made by the Senator from Kansas. Assuming that it is true that the District does pay more than half, if the people of the District are fairly and honestly assessed, who ought to object to it? What objection can there possibly be if the District pays all, providing its people are not overtaxed?

Mr. CURTIS. Mr. President, may I just make a suggestion there, if the Senator pleases? The objection to the citizens of the District paying 66 per cent and the Government only 34 was covered by a statement made by the Senator from California. Under the appropriation bill as it comes from the House, and even as it comes to the Senate, the improvements that ought to be made in this city are not provided for, and unless Congress will appropriate what is needed, then it is unfair to the people of this District to make them pay a greater percentage of the tax than the Government pays, because the Government gets the greater benefit, and you do not give the people what they really need and what they deserve.

Mr. NORRIS. The Senator would not relieve the people of the District from the payment of an honest and fair tax; and as long as they pay that, and the Senator from California assumes that, I can not see how anybody can object if Congress does not appropriate enough.

Mr. CURTIS. I would only make them pay their fair share of what was used for the benefit of the District.

Mr. WORKS. Mr. President, that shows the false quantity that enters into this whole question under the half-and-half act. There ought to be no question about who should contribute the expenses of maintaining the Capital of the Nation. The Government should do it. Nobody else should be called upon to do it, except in the way of taxation. The Government should levy fair and reasonable taxes upon the residents or property owners within the District, and they should be paid into the National Treasury, and then the Government of the United States should take care of its own Capital.

There is no escaping from the justice of that position. There is no escaping from the law of it; because, under the Constitution, the Government is given absolute control over the District of Columbia, and is responsible for its maintenance. But here is the difficulty: The people of the District of Columbia are afraid, and they have some right to be afraid, that Congress will levy taxes upon them and will not appropriate the amount of money that should be appropriated to maintain and build up the Capital; and we should give some weight to that position. It appeals to them, it appeals to any just-minded man, that that ought not to be done. But, on the other hand, the Government is limited by this act, so that it can not appropriate what it should do without violating its provisions. That is to say, it is limited to a certain amount to be appropriated for the good of the District.

Now, how simple it would be, how just it would be, and how reasonable, to say, irrespective of the other provisions of the amendment I have submitted here, that the Government should do what is its plain duty—pay the expenses of its own Capital out of its own Treasury. Why should we provide that any part of the expenses of carrying on the Capital of this great country of ours should be paid by somebody else, or out of some other treasury? To my mind, the thing is not only unjust but it is absurd.

As the evidence before the committee developed, there are two things that have been moving the citizens of the District here to contest this question for years past. One of them—and they very frankly admit it—is the fear that they will be overtaxed, with the hope on the part of Congress that the National Government may be spared the appropriation from its Treasury of the amount that should be appropriated. That is one thing. Then they are afraid, even if they are taxed a reasonable amount, that the Government will not appropriate sufficient money to carry on and maintain and upbuild the Capital in which they are interested.

That is the whole secret of their insistence upon the half-and-half system. They do not question the fact that the position I am now taking here upon the floor of the Senate is a just and fair position. Some of them went so far as to say that it was the ideal way of maintaining the Capital of the Nation; but they are distrustful of Congress, and fear that it will not do its duty in dealing with its own Capital.

Well, that is a sorry situation of things; is it not? It is an imputation upon Congress. But let me tell you, Senators, it is an imputation that is not wholly without foundation. Congress has not made the necessary and proper appropriations to carry on and maintain the Capital of the Nation. It has contented itself with and held itself down to contributing only the limited amount that is provided by the half-and-half system. It is a very narrow view to take of it, I think a very unpatriotic view, but that has been the situation. There are things in existence in this Capital to-day that might have been removed by proper appropriations that should bring the blush of shame to every American citizen who knows of their existence, and who knows that they are allowed by the Congress to continue to exist. The slums are one of them. I have talked about that matter here until I have made myself a sort of nuisance. I am not going to continue it, except to say that I think Congress should, without any delay—it should have done it in this appropriation bill—provide for the removal of these plague spots here in the Capital of a great nation. They have allowed a hospital condition to prevail here that is a disgrace to the country. They have allowed the engine houses, occupied by the firemen, to continue in a condition that is a reproach to Congress and to the Nation. They have left the police stations in the same condition. I see there is a slight appropriation in the present bill to remedy in part that condition, and I am glad of it.

They have permitted a system of building here, the construction of insanitary attached buildings, that should never have been allowed in a city like this. So the people of the District—not attempting to enumerate other things that I have in mind—have a just right to complain that Congress has not done its duty to its own Capital, and has been shifting upon the shoulders



of the taxpayers of the District the duty that belongs to the Government.

Mr. President, the Senator from New Hampshire has referred to the select committee that was appointed to investigate and to report upon this whole situation. He says he had hoped, and so have I, that some legislation would be offered in Congress to supersede what is called the organic or half-and-half act, and try to settle this question as between the Congress of the United States and the taxpayers of the District. Why should it be allowed to continue? There is no reason for it. As a matter of fact, there is no foundation for it except in fear and distrust, the one of the other. There is no substantial foundation for it at all.

I had expected that my Democratic associates upon the committee, who naturally would be expected to act in the matter, would present some form of bill to meet what was reported by the committee; but for some reason they have not done so. I am not saying that in criticism of them. They may have thought it unnecessary; but it seems to me that it would be the wise thing to do, as the Senator from New Hampshire has suggested. But, as I have stated, this matter was fully investigated by the committee. They made their report. The hearings are printed. I should just like to know how many Members of this body have read the evidence taken before that committee so as to inform themselves of the actual conditions. I see that one Senator holds up his hand. Are there any others? Two of them.

I should like to know how many Members of this body have read the reports that were made by that committee. I see one hand raised now. There are two. I wonder, Mr. President, whether it is true that after raising this committee by a vote of Congress, and after two months of hard labor, conscientiously done, with a view to settle this question, only two Members of this body have read those reports.

Mr. GALLINGER. If the Senator will permit me, I want to somewhat enlarge that number. I was busy on another matter and did not raise my hand.

Mr. WORKS. Then we have three, Mr. President. That is a little bit better. Now, I want to say to Senators in all good will that I think they have not treated this committee with common and ordinary courtesy, to say nothing of their failure to perform the duty that rests upon them of investigating this question as the committee has done, in order that they might come here to-day and be informed in their own mind as to what ought to be done.

Mr. SMITH of Maryland. Mr. President—

Mr. WORKS. I yield to the Senator from Maryland.

Mr. SMITH of Maryland. I will say to the Senator from California, speaking of those who have read the report, that I have endeavored to inform myself as to what is in the report, and, as probably the Senator is aware, possibly many have done so, though they have not read it all. As far as I am concerned, I have endeavored to inform myself as to the report of the commission.

Mr. WORKS. Mr. President, it is a melancholy fact that the Congress of the United States will appoint a committee upon an important matter of this kind, involving the future prosperity and building up of the Capital of the Nation, and then pay no sort of attention to the reports that were made by the committee or the evidence that was taken upon that important question.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from West Virginia?

Mr. WORKS. I yield.

Mr. CHILTON. As illustrating what the Senator is now saying, he took it for granted a moment ago that the people of the District of Columbia are for the half-and-half plan. Is not the Senator of the opinion from the evidence actually taken before the commission, what we ascertained from the citizens outside of the few who are undertaking to run the city of Washington, and, as some of us think, the Congress of the United States, that a majority of the people of the District of Columbia are not for the half-and-half plan?

Mr. WORKS. I have not reached that point yet.

Mr. CHILTON. The Senator will recall that those opposed to it asked Congress to give them a plebiscite, and they said it would show that the great mass of the people are not in favor of it.

Mr. WORKS. I have already said, Mr. President, that practically only one side of this question was presented, and it was very ably presented, too. But the committee of its own motion endeavored to get in a few of the residents within the city to find out what their individual views were on the subject. Some of them did not come at all. They were afraid to come. They knew what was being done by this committee of one hundred to maintain the half-and-half, and they were afraid it would be

unpopular to appear in opposition to what was being maintained by that committee. Some of them did come, however, and the statement was made by some of them that they believed the majority of the people within the District were opposed to the half-and-half system, and thought it ought to be abolished.

Mr. President, in view of the disclosure made here that Senators have not read the report of the committee and have not read the evidence, I am going to burden the Senate for a little while with the reading of some extracts from the report and some of the testimony that was taken by the committee in order that the Senate may know that at least we had a foundation for the unanimous conclusion the committee reached. I do hope that Senators, however uninteresting what I am saying may appear to them, will stop a little while here in the Senate and listen to some of this testimony and the views that are expressed by the committee.

Mr. President, I want to read first an extract from the report of the whole committee, in which the committee was unanimous, as showing just what conclusion was reached and in a brief way their reasons for it, as follows:

#### REPORT OF JOINT SELECT COMMITTEE.

The committee next determined the question of the proper proportion of the expenses of the government of the District of Columbia or any branch thereof which shall be borne by said District and the United States, respectively.

We find after a most careful consideration of all of the evidence and circumstances as shown to exist at this time that there is no reason for any arbitrary rule of proportionate contribution for the expenses of the District of Columbia by the residents thereof and by the people of the United States who reside outside the District of Columbia; that the correct rule should be that the responsibility in taxation of the residents of the District of Columbia be as fixed and certain as the responsibility of residents of other American cities comparable with the city of Washington; that with the payment of such taxes as may be equitably and properly assessed against privately owned taxable property, the financial responsibility of the residents of the District should be concluded; that the present assessment valuation of privately owned real estate in Washington is fair and reasonable; that the sum of money collected as such taxes be paid into the Treasury of the United States, there to be incorporated into a trust fund for the benefit of the District of Columbia, and that the revenues thus collected be expended in the government of the District of Columbia and for no other purpose; that the United States pay from its moneys all the balance of whatever sum is deemed necessary to appropriate for the proper municipal expenses of the District of Columbia after consideration of the reports and estimates of the Commissioners of the District of Columbia and the needs of said District; and as a conclusion, which should be of the greatest weight, we urge upon Congress that its appropriations for the expenses of the District of Columbia should always be in such sum as will not only continue the city of Washington and the District of Columbia in every respect as the splendid and beautiful central residence of this great Nation, but also cause it to become and be forever maintained as a model for all the cities of the world.

The Constitution of the United States of America in clause 17 of section 8 gives Congress the power—

"to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

The expressed provision of "exclusive legislation" necessarily makes the control of this body of land known as the District of Columbia vest in the National Government and makes this highest national power the government of this Federal District.

Mr. President, I myself prepared and filed a separate report. I am going to read from it, if Senators will pardon me, because it states in a brief and more satisfactory way than I could orally what my views are on the subject in relation to the existence in the District of Columbia of the half-and-half system, and, in addition, to quote from it in part some of the evidence upon which I founded my own personal opinion. Some quotations will be found also of a like kind in the general report of the committee. I shall follow it by calling the attention of Senators to testimony that was given that is not quoted at all in the report.

In this separate report I have this to say in part, and I think if Senators will listen to the evidence that was taken or take the pains to read it they will find that the statements I make here are fully sustained by the evidence.

Mr. STERLING. Can the Senator give the page of the printed report?

Mr. WORKS. I am not sure whether I have done so; probably not. It might compel the Senator from South Dakota to read all the evidence in order to find it, which I think would not be a misfortune, for I believe it is all instructive:

#### EXTRACTS FROM THE SEPARATE REPORT OF MR. WORKS.

The bill raising the committee provides: "Whose duty it shall be to prepare and submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based."

Evidently the imposition of duty upon the committee in this form proceeds upon the theory that there are within the territorial boundaries of the District of Columbia two distinct corporate or governmental organi-

zations, each of which is responsible, in part, for the administration of the District and liable for a portion of its expenses. Nothing could be further from the truth. The District is the Capital of the Nation. Congress is by the Constitution given complete and exclusive jurisdiction and control over it. Being exclusive, this power can not lawfully be delegated to any other municipal organization or body. In fact, none of this power or jurisdiction has been delegated to the District of Columbia. It is a nominal municipal corporation only, without officers, without authority, and without any function whatever to perform as such. The so-called District officers are appointed by and are in fact the officers of the National Government. It can make no laws, but is governed wholly by laws enacted by Congress. Its treasury, so called and mentioned so often in appropriation bills, has no existence in fact. It has no money and no power to collect any. Its nominal officers, who are in fact officers of the Government, are only instruments of the Government for the levying and collection of taxes from property owners within the District. It can not make appropriations or pay any of its expenses.

The money collected as taxes from property owners is not paid into the treasury of the District, because it has none, but into the National Treasury. It is not paid out by the District, but by the Treasurer of the United States upon the order of Congress. The title to some of the property in the District is held in its name, but the property belongs to the Government and is held by the District as a mere naked trustee without power or control over it. In short, the nominal municipal corporation of the District of Columbia is a mere shell, without any authority, power, or responsibility, and without any of the attributes or functions of a municipal government. It is worse than that. It is a delusion and a snare. It has led the people of the District to believe that they have a local government that is some shield and protection to them as against the power of Congress, and at the same time has led some Members of Congress and people outside of the District to believe that the National Government can divide the responsibility of maintaining, building up, and beautifying its own Capital with such a local government. The situation is wholly misleading and hurtful.

This bill, directing the committee to ascertain the proper proportion of the expenses of the Capital to be borne, respectively, by the Federal Government and the District of Columbia, is founded upon a wrong impression of the conditions as they exist and is itself misleading. The District of Columbia never has been liable for any proportion of the expenses of the District and never can be, properly. It has never paid any part of the expenses and probably never will. Its nominal officers, who are in fact the officers of the Government, have collected taxes from private individuals within the District and paid them into the National Treasury without any responsibility or liability of any kind on the part of the District as a municipal power or entity. Obviously, therefore, the real and only possible question before the committee is not what proportion of the expenses of the District shall be paid by the District of Columbia but what proportion of such expenses to be paid by the National Government shall be raised by taxation of the privately owned property in the District?

#### SHALL THE DISTRICT OF COLUMBIA BE ABOLISHED?

I need say but little more on this branch of the subject. I have shown that practically the District of Columbia is a mere name without authority or responsibility. This is the Capital of the Nation, for which the Nation alone is responsible. It must be apparent that there can be no divided authority or responsibility. I think the Government should once for all take over its own Capital and provide for and maintain it. And the name of it should be changed. To call the Capital of the country a "district" is incongruous and anything but pleasing. It should be made the City of Washington. Commissioners of the City of Washington should be appointed as a branch of the Government with authority within proper limits to manage and control its affairs. The commissioners should be Government officers and responsible as such. I am convinced that they should be given much broader and more comprehensive power and authority in dealing with local affairs than the District commissioners now have. Provision should be made by Congress for a complete readjustment of conditions in the District. The laws regulating assessments and collection of taxes are badly in need of revision. So I have no doubt are other laws affecting District affairs.

The District of Columbia as a municipal corporation, as I have already pointed out, is worse than useless and should be speedily abolished.

#### SHALL THE HALF-AND-HALF SYSTEM BE ABOLISHED?

It may well be inferred from what I have said that in my judgment there should be no half-and-half system nor any other proportionate liability for the expenses of the District of Columbia as between the District and the Government. It is the Capital of the Nation, over which the Government has full and exclusive jurisdiction and control. Its obligations and responsibilities should be equally broad and exclusive. It can not either lawfully or justly transfer any part of its duty or responsibility to the so-called municipality, the District of Columbia, or anybody else. It should have no wish or desire to do so. But that is just what it has attempted to do by the act of 1878, by which the half-and-half system was established. Congress fixes by law the tax rate and the basis of assessment and then matches what is raised by taxation, dollar for dollar. So Congress not only shifts half its responsibility to the taxpayers of the District, but limits its own responsibility by the amount thus raised.

The so-called organic act, after requiring the commissioners to estimate the amount necessary to defray the expenses of the District, provides:

"To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia."

This clause of the act expressly limits the amount to be appropriated by the Government to 50 per cent of the amount estimated. It was contended at the hearing that there was no limit upon the amount that might be appropriated by the Government. But this is in the very face of the law and can not be maintained without doing violence to its express and unambiguous terms.

This system may have been justified at that time as a compromise and as a means of extricating the District from a very unfortunate condition, but that reason no longer exists and there is no reason or excuse for even its nominal continuance.

But, as a matter of fact, the half-and-half system has never been in effect in any practical sense. The amount of taxes to be assessed and collected has never been founded upon the one-half of the expenses of

the District. On the contrary, as I have said, Congress has fixed the rate of taxation at \$1.50 a hundred and the basis of assessment at not less than two-thirds of the true value of the taxable property. The needs of the District have nothing to do with the amount raised. If it happens that the amount raised by taxation on this fixed basis, matched by an equal amount contributed by the Government, exceeds the needs of the District for the year there must be a surplus. If it falls short of the needs of the District, then the District must go without and suffer the consequences. And the fact is that the estimates for the expenses of the District are founded on the previous revenues raised by this hard-and-fast system of taxation and not by the actual needs of the District. It is an illogical and unjust system, whatever proportions may be fixed, and is wholly indefensible.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I yield.

Mr. GALLINGER. I apprehend it has not escaped the attention of the Senator from California that for several years, when the revenues of the District were inadequate to meet one-half of the expenditures of the government, the General Government loaned the District money at 2 per cent, to be repaid—and all of which has been repaid—for the purpose of enabling the District to meet its obligation of paying one-half?

Mr. WORKS. I have not overlooked that.

Mr. GALLINGER. So that the District has never suffered because of inadequate revenues on the part of the District of Columbia.

Mr. WORKS. I have not overlooked it; but that was a simple loan of the Government to itself; that is what it amounted to.

Mr. GALLINGER. It was a loan to the District of Columbia.

Mr. WORKS. It was not a loan to the District of Columbia, because the District of Columbia had no obligation and had no money. The fiction that we have loaned money to the District of Columbia or that we are appropriating money out of the treasury of the District of Columbia has no foundation.

Mr. GALLINGER. If the Senator will permit me one further observation, it may be a fiction in the mind of the Senator, but it is not a fiction in the organic act, which the Supreme Court of the United States has declared to be the organic act of the District, which provides that the District of Columbia shall furnish one-half of the revenues for the conduct of the District government; and when those revenues fell below a sufficient amount to match the money of the Government, the Government loaned the District of Columbia money at 2 per cent, every dollar of which has been repaid.

Mr. WORKS. The Senator is quite mistaken.

Mr. GALLINGER. I am not mistaken.

Mr. WORKS. It is a fiction not only in fact, but it is a fiction in the organic act, because the organic act, as I have said, takes away absolutely all power from the District of Columbia. The District of Columbia has no power to contract a debt; it has no power to borrow money; it has no power to do anything; and the whole thing is done by act of Congress, not by the District in any sense or in any way. Therefore, there is no force in the fact that we have fictitiously or nominally loaned money to the District of Columbia. It was nothing more nor less than the loaning of money to the Government by the Government.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I do.

Mr. BRANDEGEE. I am not at all familiar with District affairs, but—

Mr. WORKS. I am sorry the Senator is not familiar with them.

Mr. BRANDEGEE. I suppose I ought to be more familiar with them than I am.

Mr. WORKS. I did not say that, but I should be glad to have the Senator investigate and look at the subject from an investigation of the facts as I think they exist.

Mr. BRANDEGEE. I know the Senator has paid a great deal of attention to this matter. I have never had service on the District of Columbia Committee, and my attention has not been directly called to the existing organization, so to speak, of the District or its quasi corporate character, if it has any.

I understand the Senator now to claim that it has no such character as has an ordinary city; that it is not a municipality in itself, in the Senator's view—

Mr. WORKS. It is only so in name.

Mr. BRANDEGEE. That there is a name which is properly descriptive of a certain territory, but that it has no authority except what Congress has conferred upon the District Commissioners to administer the administrative affairs and to carry out such acts as Congress may pass. Is that the Senator's view?

Mr. WORKS. That is the condition.



Mr. BRANDEGEE. But that in contemplation of law there is really no such thing as a District of Columbia collecting taxes for itself? It is that which the Senator from California means is a legal fiction?

Mr. WORKS. Yes.

Mr. BRANDEGEE. But really it is the General Government doing the whole thing and utilizing the District Commissioners to disburse the funds within certain territory?

Mr. WORKS. Yes. That matter was brought out and discussed somewhat with some of the witnesses—some of the members of the committee of one hundred. They were asked the question whether the District had any legal functions to perform or whether or not it had any powers. The answer was that it was simply the agent of the Government. It may have that character; it may be a convenient instrumentality through which the Government itself manages and controls the District; but every dollar of money which comes from taxation is paid into the National Treasury. As I have stated, there is no District treasury at all, and there never has been.

Mr. GALLINGER. But, Mr. President, that money is credited to the revenues of the District of Columbia on the books of the Treasury Department.

Mr. WORKS. I am coming to that a little later on. It is credited to the District of Columbia, but the District has no power whatever to deal with it one way or another.

Proceeding further with reading from this report:

When the so-called organic act of 1878 was under discussion in the Senate, Senator Bayard, speaking of the half-and-half provision and of the peculiar conditions of the city of Washington, had this to say:

"If it is to be, as I think it ought to be, a Federal city worthy of the great Nation whose seat of government it is, then it seems to me that by far the greater portion of the expense must be borne by the Federal Government and not by the local inhabitants. Is it just that one-half of the expenses of these broad avenues, of these extensive improvements of these luxurious streets, is to be borne by the local inhabitants? It seems to me that it is unreasonable. I do not think they can bear it."

"This town is the mere center and habitation of the employees of the Government, the clerical force of the departments, people who are swept in and out of their offices by the ebb and flow of the power of political parties, strangers who come here during the sessions of Congress for a few days or a few weeks, or Members of Congress, whose interests and whose property lie entirely elsewhere."

"I want to ask the honorable Senator who has charge of this bill whether it is just that the people of Washington City shall pay the proportion of one-half of this expensive government, in regard to the scale of which they never were consulted, in regard to which property that is to be taxed never was considered, or whether the fraction should not be much less."

And, in speaking of the expense of maintaining and keeping up the streets, he said further:

"That will entail an enormous expenditure, which, having some experience in regard to the expenses of that kind, I would say the local population of Washington are totally unable to bear. The property will not bear it; it is not worth it. If it is to be paid, it must be paid out of the Treasury of the United States, from which in my judgment it ought to be paid, because the laws contracting the expense and authorizing the outlay were passed without consultation with or without sufficient consideration in any way for the people whose property lies here."

"Is it just and right that they should be called to pay one-half the expense of this scale of adornment and improvement, intended not half so much for their use and delectation as for the use of those who come here and pass away after a few weeks' stay? I submit that it is a very grave and very fundamental question in this bill, whether this equal division of the expense is just or right."

Now, I want to say right in this connection, Mr. President, that I am not opposing the half-and-half system upon the theory that the people of the District of Columbia are not paying enough; quite the contrary. I think, in comparison with the amount paid by the Government, as the estimates are made, that the people of the District are paying too much; but I do think that the Government should be compelled to pay more, because of the appropriations that I think should be but have not been made.

Mr. GALLINGER. Mr. President—

Mr. WORKS. Just one moment. So the Senator from New Hampshire and myself are not disagreeing on this question as to where the burden justly lies; not at all. Now I yield to the Senator.

Mr. GALLINGER. Mr. President, the Senator has not failed to observe the fact that the controversy that is now upon us is due to the circumstance that Congress has refused to make adequate appropriations to equal the revenues of the District of Columbia, and that, as a result, there was a surplus on the part of the District of Columbia, which reverted to the Treasury in some form or other.

The committee this year has been met with a proposition that we have endeavored to deal with as best we could for one year more. I agree with the Senator—and the Senate of the United States is not responsible for the existing condition—that we ought to get rid of the slums of the city of Washington—every one of them.

Mr. WORKS. I know the Senator does.

Mr. GALLINGER. I agree with the Senator that there are a great many other appropriations that ought to be made for the betterment of this great city and for the welfare of the people; but we have another body to deal with; and the Senate has added two or three million dollars over the bill as it came from the House. What does the Senator think will be the result when the bill gets into conference?

Mr. WORKS. I think several other million dollars ought to have been added.

Mr. GALLINGER. I think so, too. The bill came to us in this form. It provides that the District of Columbia shall pay 66 per cent, at least, of the expenses of its government for the next fiscal year, and the National Government shall pay 33 per cent, or thereabout. It is a very serious matter, and the committee had to deal with it as best they could, and not having time to revise the law, not having time to go through all the statutes—and I will point out to the Senator that here are 111 statutes which we have got to deal with before we solve this problem—they thought it was wise to retain the half-and-half principle for one year more, and have the committees of Congress try to work out a bill that would fairly and equitably adjust this contention. That is the attitude which the committee holds to-day, and I hope that it will prevail.

The other House, by a very small majority, voted against the half-and-half principle a few weeks ago, and I think probably the result will be, unless the Senator's amendment is agreed to—and that opens up a new avenue and a new thought—that we will, in all human probability, continue the existing condition, which would work well so far as the interests of this city are concerned if the views of the Senate could prevail that appropriations ought to be made to meet all the requirements of the District; but the Senate is powerless when it gets into conference with men who say that the Government is paying too much and who refuse to accede to the appropriations which the Senate places in the bill. What can we do under those circumstances?

Mr. WORKS. Mr. President, I hope the Senator from New Hampshire will understand that I am not in any sense criticizing the committee. I appreciate the difficulties.

Now, with respect to the present year and last year, the assessment of private property within the District is away above what it has been in the past.

Mr. VARDAMAN. Mr. President—

Mr. WORKS. I yield to the Senator.

Mr. VARDAMAN. Will it annoy the Senator for me to ask him a question?

Mr. WORKS. Not at all.

Mr. VARDAMAN. What is the assessment of property in the District as compared with the other cities of the United States of equal size? Is the assessment higher or lower?

Mr. WORKS. That is a matter that was very thoroughly gone into by the special committee. We had evidence on that subject, including tables of all sorts and kinds, from various cities throughout the country. That was one of the subjects which took up most of our time; and the committee came to the conclusion that the assessment in Washington, as compared with that of other cities, was at least as high as it should be; but the Senator will see, if he consults the report, that it is stated that the assessment and the taxation are reasonable.

Mr. VARDAMAN. Does the taxation embrace all the forms of property that are taxed in other cities?

Mr. WORKS. Oh, yes; of every kind. The matter was very thoroughly sifted and considered by the committee, but it would take a long time to go back over that and present it fully.

Mr. CHILTON. Mr. President, it is impossible to hear the questions of the Senator from Mississippi.

Mr. VARDAMAN. I asked the question if all property that is taxed in other cities is taxed in the District of Columbia. My impression is that choses in action and property of that character is not taxed in the District of Columbia.

Mr. WORKS. And they are not taxed in other cities.

Mr. VARDAMAN. What property can the Senator, without taking too much of his time, say is not taxed in the District?

Mr. WORKS. What is called intangible property, evidences of indebtedness, are not taxed in the District, and they are not taxed in some of the States and in some of the other cities. It is a very grave question as to whether or not they ought to be taxed.

Mr. SMOOT. Mr. President—

Mr. WORKS. I yield to the Senator.

Mr. SMOOT. In answer to the question asked by the Senator from Mississippi, the record shows that the assessed value of

property in the District of Columbia is from one and a half to twice the assessed valuation of the property of certain cities in the United States of equal population. The assessed valuation of the District of Columbia is greater than in Detroit, Buffalo, Milwaukee, Cincinnati, Newark, New Orleans, Minneapolis, Indianapolis, and Louisville. These cities all have an equal or greater population than that of Washington.

Mr. TOWNSEND. Detroit has twice as many people as Washington.

Mr. SMOOT. For instance, the assessed valuation of Louisville is \$176,975,840, whereas the assessed valuation in Washington is \$508,708,485. That, I will say to the Senator, is an extreme case; but take, for instance, Detroit. The assessed valuation of property in Detroit is \$447,509,420—

Mr. BRANDEGEE. What is the population of Detroit as compared with that of Washington?

Mr. SMOOT. I think it has double the population.

Mr. TOWNSEND. It is just about twice as large.

Mr. SMOOT. As against an assessed valuation of \$508,000,000 in the District of Columbia.

Mr. VARDAMAN. What is the rate of taxation in those cities?

Mr. SMOOT. I will ask the Senator to wait until I explain assessed valuations a little further.

Mr. WORKS. What is the Senator taking his figures from?

Mr. SMOOT. I am giving figures taken from a document showing the assessed valuations of each of the cities named by me, and comparing them all on a basis of 100 per cent valuation. I will say to the Senator that the assessed valuation in Baltimore on the basis of 100 per cent is \$372,651,502. Baltimore has nearly twice the number of people that there are in the District of Columbia. In Detroit property is assessed at 75 per cent of the value; but the amount of assessed valuation as given by me is on 100 per cent basis. In Buffalo the rate is 75 per cent, in Milwaukee, 90 per cent; in Cincinnati, 100 per cent; in Newark, 100 per cent; in New Orleans, 75 per cent; in Minneapolis, 50 per cent; and in Louisville, 70 per cent; but the figures to which I have called the Senator's attention are figured on 100 per cent, so that the amounts named will show a fair comparison.

Mr. McCUMBER. One hundred per cent of what?

Mr. SMOOT. Of the valuation of the property assessed.

Mr. McCUMBER. Is that the assessed valuation or the actual value?

Mr. SMOOT. That is the actual valuation. Few cities assess at 100 per cent value. For instance, in the District of Columbia the assessment is on a basis of 66½ per cent of real value.

To make the comparison I have taken the actual percentage of assessed valuation of each city and added to the assessed percentage of valuation so as to show just what the assessed valuation would be if assessed upon a basis of 100 per cent or actual value, and I will say to the Senator that Washington is assessed higher than any other city of equal population, and higher than a number of cities with a population double that of Washington.

Mr. VARDAMAN. In the city of Washington I understand real estate only is taxed. Am I correct in that impression?

Mr. SMOOT. Oh, no.

Mr. GALLINGER. There are personal taxes here, too.

Mr. SMOOT. It taxes everything that other cities tax, with perhaps the exception of intangible property; and as the Senator from California has said—

Mr. VARDAMAN. What is embraced in intangible property?

Mr. SMOOT. Indebtedness between individuals that the assessor can not find.

Mr. VARDAMAN. Are mortgages taxed?

Mr. SMOOT. In the District of Columbia?

Mr. VARDAMAN. Yes. Are bonds taxed?

Mr. SMOOT. I doubt whether bonds are taxed.

Mr. VARDAMAN. Is money taxed?

Mr. SMOOT. Money is taxed, if returns show any on hand. It all depends on whether it is returned or not, just the same as it is in other States.

Mr. VARDAMAN. Has the Senator any information in regard to the amount of money and bonds that are taxed in the District of Columbia?

Mr. SMOOT. No; I have not that information.

Mr. WORKS. Mr. President, I should like to be allowed to go on.

Mr. VARDAMAN. I beg the Senator's pardon. I did not intend to take so much of the Senator's time.

Mr. SMOOT. I beg the Senator's pardon.

Mr. McCUMBER. Mr. President, may I ask the Senator a question right here, before he goes on?

Mr. WORKS. Yes.

Mr. McCUMBER. I want to get definitely in my mind whether or not the taxation here, based upon the actual value of the property taxed, is greater or less than it is in the great cities. Now, I know a great many cities where the assessed valuation of the property is not more than one-third of its selling value or renting value, and others where it is 90 per cent. I understand that the property here is taxed at about 66 per cent of its actual selling value. Now, measured by the actual value of the property assessed, are the taxes levied in this city greater or less than the taxes generally over the country?

Mr. WORKS. The committee investigated that feature of it very carefully, and they came to the conclusion that upon that basis and by that comparison the taxpayers here were being fairly taxed—not overtaxed or undertaxed—bringing the other cities together, some higher and some lower.

Mr. McCUMBER. The average.

Mr. WORKS. Yes; taking the average. The property in the District of Columbia is not assessed at its full value, but at two-thirds of its value. In some of the cities and States the property is by law required to be assessed at its full value, but often, by some arbitrary rule of the assessor, it is reduced away below that, below 50 per cent; so there is no fixed basis upon which you can make a comparison satisfactorily.

Mr. GALLINGER. And, if the Senator will permit me, there are the most striking irregularities in the cities. If figures I have in my possession are correct, in Salt Lake City the assessed value is only about 33 per cent, and in Omaha 20 per cent. Then it runs up from that to 95 per cent.

In my own State the law requires property to be taxed at its full value, but it is never done.

Mr. SMITH of Maryland. Mr. President, there is just one word I should like to say to the Senator. Did not the select committee find that the per capita assessment in this city was as high or probably higher than in most of the cities? I understand it is about \$17 per capita.

Mr. SMOOT. Sixteen dollars.

Mr. SMITH of Maryland. About \$17 per capita; and, in my judgment, that is higher than most of the cities find their per capita tax is.

Mr. WORKS. I think that has very little to do with it. It is a question of the value of the property, and whether or not the property itself has been properly taxed. It might all be owned by one man.

Mr. SMITH of Maryland. At the same time, I understood that the committee found that property here, according to the taxes in other cities, was taxed about right, as nearly as it could be gotten. Of course there are discriminations and undervaluations, and possibly overvaluations.

Mr. WORKS. I want to say in this connection, Mr. President, that my own opinion is that the people of the District of Columbia are at this time being overtaxed. The committee found that they were being reasonably taxed, but, compared with taxation in other cities, I think they are being overtaxed to some extent.

That has happened in this way: As Senators know, there was an investigation instituted by the House a few years ago by what was known as the George committee, and there was a report made that is denominated the George report. That report was before the special committee, of which I was a member. It was found in that report, and properly so, that a great many of the properties were being underassessed and undertaxed, and there was a sort of reaction from that, and it was exaggerated in a good many ways.

The result of it was that the assessor's office, as I think, went to the other extreme, raised these various properties throughout the city, and raised a good many of them beyond what they should have been. The Senator from New Hampshire is right in saying that there are great irregularities in the assessments, and that was excused by something that I mentioned yesterday—that they have not a sufficient force to make the assessments properly.

Mr. GALLINGER. Mr. President, if the Senator will permit me just a word—

Mr. WORKS. Certainly.

Mr. GALLINGER. In consequence of the agitation resulting from the George report, beyond a question the officials of the District government felt it rather incumbent upon them to "jack up," as we say, the assessed valuation of property in this District. Now, I chance to know a little something about that. I never bought but one piece of property in the District of Columbia, and I never want to buy another, because I think it is the worst possible place to own real estate on earth. A friend of mine came to me the other day and said to me, naming a building, "There is a building that is assessed for \$14,000. You can



buy it for \$9,000. You ought to buy it." I said, "Thank you; I do not want it. I made one purchase in the District of Columbia and lost money on it."

These great apartment houses are depopulating the ordinary residence property, and there is a constant depreciation; but the tendency of the officials in this District is to keep the assessments very high for fear they will be criticized. That is my opinion, and it is based upon some knowledge.

Mr. WORKS. Mr. President, the officials are not wholly to blame for that. The speculative tendency of the people in Washington is responsible for most of it.

Mr. GALLINGER. Yes.

Mr. WORKS. They have got property values—actual values, as they call them, which are not really actual values—away up out of sight, and then they complain because the assessor assesses their property upon their basis of values. I think not only that the property is overassessed, but that it is largely overvalued; and that results in an overassessment, very naturally.

Mr. BRANDEGEE. Mr. President, before the Senator proceeds with his argument, will he allow me to ask the Senator from Utah whether the figures that he put in the Record as to comparative valuations for assessment purposes in the various cities applied simply to real estate, or included personal property?

Mr. SMOOT. They applied to all the assessed property in the cities.

Mr. BRANDEGEE. Does the Senator mean to say that the entire assessment of the city of Detroit—the grand list, as we call it, of that city of half a million people—is less than that of the city of Washington, with about 350,000 people?

Mr. SMOOT. I say that that is the case.

Mr. WORKS. Mr. President, the Senator from Connecticut must not place too much reliance upon those figures.

Mr. BRANDEGEE. I simply wanted to know whether the Senator meant to assert that or not.

Mr. WORKS. We found it a very difficult matter to compare the city of Washington with other cities. There is the State organization that intervenes and State taxes, and various other things.

Mr. GALLINGER. And county taxes.

Mr. WORKS. And county taxes. That made it very difficult for us to determine, by comparison, what was a just tax here as compared with other cities.

Mr. BRANDEGEE. But, Mr. President, that is not the point. I am talking about the grand list of the several places—the amount of valuation of property subject to taxation. I am not talking about how much extra they pay to counties or States. There can be no question about that.

Mr. SMOOT. I will say to the Senator that the figures I gave are the actual assessed valuations of property in the cities named.

Mr. DILLINGHAM. Made by whom?

Mr. SMOOT. By the city assessors; and the tax records of the cities show the amount of assessed valuation named.

Mr. WORKS. I want to say to the Senator from Connecticut that that probably results in a great measure from the overvaluation of property in the city of Washington that I have already mentioned. I think the valuations of property here are away out of sight, and beyond anything like their reasonable and proper value.

Mr. SMOOT. I think the Senator is perfectly correct in that statement.

Mr. STERLING. Mr. President, I should like to ask the Senator from Utah, if the Senator from California will permit me, if the statement he gives shows the different classes of property in the cities that he has mentioned, real and personal?

Mr. SMOOT. No; it is the total assessed valuation of all property—real estate and personal property.

Mr. STERLING. Does the Senator know whether moneys and credits are taxed in these several places?

Mr. SMOOT. They are supposed to be, but it is the same in Washington as it is in other cities.

Mr. WORKS. To continue reading, Mr. President:

In January, 1896, a bill was introduced in the House of Representatives to repeal the half-and-half provision of the act of 1878. On May 22 of the same year, in a report of the Committee on the District of Columbia against the bill, this was said:

"The six millions expended annually upon the Capital are not enough to meet the current reasonable and increasing municipal needs. The three millions contributed by the local taxpayers would be inadequate to sustain the National Capital as it now exists, or to keep it in line of natural development. One million of the three would be absorbed in interest and sinking fund upon the heavy debt; the greater part of another million is demanded for the schools, the District having no public-land grant to help it like those enjoyed by many of the States. The remaining million would have to meet such expenses as maintenance of the police, fire, and health departments, the construction and maintenance of municipal public works, the support and maintenance of

charitable and reformatory institutions, the cleaning of streets, and the general cost of administration. And how they would be met may be imagined when it is remembered that over \$3,500,000 are now expended upon these objects, and that the present appropriations are inadequate in respect to many of them.

"Nothing is more conspicuous in all the early utterances of our Presidents and public men than their insistence upon the nationality and the permanence of the city of Washington as the Capital. Why did Washington call it so continually 'the Federal City' if it was to be only a mere municipality?"

On March 6, 1901, the Senator from New Hampshire [Mr. GALLINGER] introduced in the Senate a resolution directing the Committee on the District of Columbia to investigate the tax system in vogue in the District. In speaking of that question, Senator Hoar said:

"It seems to me that there is just one simple principle that ought to be applied to the residents of the District of Columbia. We should ascertain the average rate of taxation in well-ordered American cities, whether it be \$1 on the thousand, or \$10 on the thousand, or \$15 on the thousand, or whatever sum, and then apply that to the personal property and real estate of every resident here.

"When that is done, with such exemptions as experience suggests in all like cases, the Government should pay the rest of the reasonable expenses of this District. I do not think that having one-half paid by the District and one-half paid by the Government has any scientific merit whatever. There is nothing in reason why it should be one-half rather than two-thirds or three-fourths. The Government is a great property owner here, and the credit of the city of Washington is the credit of the Nation. It is the National Capital, and it is the great national interest to have a well-ordered and beautiful and well ornamented and arranged city here."

Senator Blackburn, who supported the act of 1878 and whose statements in its favor are often quoted in the briefs of the committee, was a witness at the present hearings and gave his reasons for thinking that the half-and-half system that he then favored should not be continued in force under present conditions, said:

"After a good deal of time was spent and the fullest investigation and research possible at that time was made, it seemed to me that the act known as the permanent form of government bill, the act of 1878, was proximately a fair adjustment of these questions. I did not believe at that time that the individual taxpayer here in equity should bear one-half of the expenses incident to the maintenance of this District. I believe it was an approximation to equity. And I not only believed, but I was absolutely sure that that was the best that could be obtained for the property holders of the District at that time. Consequently, I favored the adoption of what was known as the half-and-half payment of municipal expenditures.

"If the half-and-half division of the expenditures was fair in 1878 it certainly is not fair now. For 36 years there has been a shifting of the holdings of real estate in this city, and those changes have always been one way. I am not aware of the fact that the Government has ever parted with a foot of real estate in the last 36 years. We only need to look out here to see the conclusive evidence that the Government for 36 years past has been acquiring additional real estate here and to that extent disturbing the equilibrium on which that act was based.

"I think if the people of the District, the taxpayers, the property holders here, were paying their fair proportion of the expenditures in 1878 they certainly are paying more than their fair proportion of these expenditures now. We have seen all this property acquired by condemnation proceedings here between the railway station and the Capitol, and a much larger body of land down south of the Avenue acquired in the same way. The status of 1878 no longer exists now. For that reason I believe that the time has come to abolish the 50 per cent division of expenses between the private property holders and the Federal Government.

"There are other reasons that commend themselves to my judgment. I do not believe that the Federal Government ought to be in a business partnership with anybody. I don't think it comports with the dignity of a Nation of 100,000,000 people to maintain a business partnership with those who pay taxes in this District.

"I do not believe that any man should be benefited by or penalized because of his living in the Capital City. I think the property holders here ought to pay a fair, just tax upon their holdings. Congress has the absolute power over this District. Its control is not limited; its responsibilities ought to be as limitless as its power and authority. I believe that that partnership ought to be dissolved. The law of 1878 has stood the test of experience for more than one-third of a century. It has lasted longer than I thought it would endure at the time of its enactment.

"I think an unprejudiced, fair judgment would declare that it has not only lasted longer but has answered the purposes of its enactment better than was contemplated at that time. These people have had a satisfactory form of government now for all these years. It has never been the policy of the United States to carry business partnerships. There never was an insurance policy held upon any of its property by the Federal Government. There is not a public building here, including the Capitol, that has ever been insured. The Federal Government deems itself able to carry its own risks, and it has never patronized private corporations in the shape of insurance companies.

"I believe that Congress should fix the rate of taxation to be paid by the people who live in this city without the slightest regard to its being the Capital of the country. I believe those taxes should be collected and covered into the Federal Treasury, and that every penny expended for the maintenance, ornamentation, extension, and development of the city of Washington should be appropriated directly out of the Federal Treasury.

"I know it is objected to by some that in that event probably Congress would be parsimonious in its appropriations, and that the development and extension of the city upon broad plans would be halted. I have no sympathies with those apprehensions at all. I speak in the light of the experience of one who for a third of a century was a Member of one House or the other of Congress. I do not believe there is a more responsive set of men to public sentiment to be found in our country than those who are elected every two years in the House and every six years in the Senate. To charge a cheese-paring policy in its appropriations for this Federal Capital is to impeach the patriotism of 100,000,000 people, and I have no sympathy with that impeachment effort. I believe that the people of this District should pay a legitimate, fair taxation upon their holdings, that to be determined by Congress. The Constitution of the United States puts this District completely at the mercy of Congress, and I would not alter that condition if I could. I believe those taxes should go into the general fund of the Federal Treasury without any regard to the location here in Wash-



ington, and I believe that the Capital City should be maintained, enlarged, embellished, and developed by appropriations direct from the Federal Treasury.

"Until this partnership is dissolved I see no way to escape the constantly recurring wrangles that you are treated to every time Congress meets and an appropriation bill for the District is considered. There naturally will be varying views held by Members of the House and Members of the Senate as long as this lasts. I think it eminently desirable to get rid of these constantly recurring clashes in Congress, and I confess my inability to discover any method by which they may be eliminated and avoided so long as you keep this partnership between the individual proper holder in the District of Columbia and the Federal Government."

Now, just a word with respect to the disposition or indisposition of Congress to make necessary and proper appropriations. I have believed ever since I have gone through this investigation that one of the prime causes of the failure of Congress to make the necessary appropriations is just this half-and-half system. If the whole responsibility was cast upon Congress, if this were treated as a national affair and this as a national capital, Congress, or a good many Members of Congress, would feel quite differently toward it, in my judgment. I feel that, whatever may have been the mode of meeting the expenses, there are a good many Members of Congress, I am sure, who excuse themselves from making the necessary appropriations upon the theory that this is the District of Columbia, a local affair, and that it should be kept up by the taxpayers of the District. That is a very erroneous view of it, but that it is the view of a good many Members of Congress I have no doubt whatever.

Now, if you remove this obstacle, if you put out of the way the nominal and useless District of Columbia and bring this matter directly under the control of Congress and make it a national affair, you will remove one of the greatest reasons for the conflict and the inharmony and the ill feeling that have grown out of the management of the District in the past, in my judgment; and it is a matter that I feel so keenly that I hope Congress will give it fair consideration.

Mr. DILLINGHAM. May I interrupt the Senator?

Mr. WORKS. I yield to the Senator.

Mr. DILLINGHAM. The House provision is as follows:

The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated in full, for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917.

It appears that the amount estimated for the District revenues for 1917, available for the payment of District items on the half-and-half basis carried in this bill, exclusive of the water department, is \$7,735,000.

The appropriations made by this measure as it comes from the House are only \$11,931,000, making the proportion to be paid by the District of Columbia or the people of the District of Columbia and the Government substantially as stated by the Senator from Kansas [Mr. CURTIS], I think, in his remarks a few moments ago. In other words, the District of Columbia would be paying \$7,735,000 and the Government of the United States, in round numbers, about \$4,000,000. The estimate made by the commissioners for the expenses of the government for the fiscal year are fifteen and a half million dollars, or, to give the exact amount, \$15,473,676.34.

The Senate has added to the bill as passed by the House over \$3,000,000.

This statement may sustain the argument made by the Senator that, if the half-and-half system were abolished, Congress would have a keener sense of responsibility. To my mind, it discloses a disposition on the part of some to secure from the District of Columbia all possible in the way of taxation and then to pare down the appropriation of the Government just as low as they can.

If the Senator will look at the report of the committee upon this bill, and of course he is familiar with it, he will find that the committee have recommended an increase of the amount appropriated by the House under the head of general expenses of more than \$27,000, and under the head of contingent and miscellaneous expenses of \$87,814, and under the head of improvements and repairs of streets, \$451,310. Our committee have recommended an increase for sewers of \$72,000 and on streets of \$54,895; in the electrical department, \$18,800; for the Washington Aqueduct, \$4,000; and for Rock Creek Park, \$5,000.

In considering the question of public schools it is clear to me that the provisions of the bill as passed by the House fall far below what the Government should provide for the erection and maintenance of school buildings. The Senate committee have recommended an increase in these appropriations of \$751,891.

Then, too, the Senate committee have increased the appropriation for the Metropolitan police and for doing work which the Senator advocates in improving police stations, for the fire

department, for the health department, for the courts, and on the question of charities and corrections the Senate has increased the appropriation \$237,000; and there are other items which I have not mentioned. It has seemed to me that the disposition of some has been to secure large contributions from the District and have the Government pay only the balance.

If I could be satisfied that the Senator is right in his conception of the good results which would follow the adoption of his amendment, I might be persuaded to favor his plan.

But I should like to ask the Senator if he does not think it is true that there is a disposition on the part of Congress to reduce District expenses to the lowest possible amount? No Member of either body of Congress is influenced by any fear of the vote in the District of Columbia. The citizen in the District of Columbia can be taken advantage of; the voter in the State stands upon a better basis; the man in the District of Columbia has no vote, while in the State he can express his disapprobation at the polls. I have a feeling that Congress as a whole has not had the same respect for the citizen of the District of Columbia that it has had for the citizen of the State.

I presume the Senator has thought that matter out most fully, and the suggestion I make will not modify his views, yet I would be glad to have him discuss that point a little more fully.

Mr. WORKS. Mr. President, I hope the Senator from Vermont will not understand that I am trying to defend the course taken by the House in this bill.

Mr. DILLINGHAM. I understand that perfectly.

Mr. WORKS. I think it is perfectly indefensible. If we are to proceed on the half-and-half theory, then if only \$10,000,000 are necessary to carry on the affairs of the District the property owners here should only be compelled to raise \$5,000,000, not \$7,500,000 or any other larger sum. But they are not doing that this year. What has already been done shows that in actual practice they have not done that. Applying to the assessment that has been made and the estimate of the revenues to be derived from the assessment, the appropriation by the House places upon the taxpayers the burden of two-thirds of the amount instead of one-half. That is manifestly unjust. I have no sympathy with it at all.

Mr. DILLINGHAM. I knew the Senator had no sympathy with that. It does seem to me the fact that the estimated revenues of the District are something over \$7,000,000 and that the bill as passed by the House appropriates only \$11,931,817.34 has strengthened the Senate committee to make these recommendations, which perhaps they might not have made had it not been for the existing system, and it is possible the half-and-half system may work advantageously for the District when the other system might not.

Mr. WORKS. I do not think the Senate committee need any justification or any defense at my hands. I think they have done the best they could under the existing circumstances, if they are not willing to abandon entirely the half-and-half system in meeting these conditions. That is the whole question, I will say to the Senator from Vermont.

Now, my idea about it is this: Taking in view what we know of human nature, if this half-and-half system were entirely abolished, if this were treated as purely a governmental affair and Congress being called upon to make an appropriation, it would look upon it quite differently, for some Members of Congress would look upon it quite differently from what they do now, when evidently they are looking upon it as a local affair; and, as the Senator says, of course there are no votes here.

But I think the people of this country feel that if fixed on a national basis they would make their representatives in Congress understand it, and they would make proper appropriations to maintain this Capital as it ought to be maintained. I think the Members of Congress would feel that to be so, and it would bring about a better condition of things.

If that is not so, it does not make very much difference whether we abolish the half-and-half or leave it standing as it is, but I think it would have that result. I hope it will. I think it is worth while trying. It does not make any particular difference whether that portion of my amendment providing for the abolition of the District of Columbia is adopted or not, in view of that situation. It can be carried out by a simple provision that the expenses shall be paid out of the National Treasury and that the taxpayers shall be taxed a reasonable amount. That presents the whole question.

But the reason why I am trying to get rid of the District of Columbia is that I think it is a bone of contention and brings about misunderstanding on the part of citizens of the District of Columbia in thinking that they have a real local government that is of some use to them, when it is not. I think it ought to be gotten out of the way. It is a useless appendage and serves no useful purpose.



Reading further from this report, Mr. President:

It is perfectly evident to my mind—

This is my own language—

It is perfectly evident to my mind that the Capital can not be properly maintained under the half-and-half system. Under that system either the taxpayers must be overburdened with taxes or the necessary, the vital, interests of the city must be neglected in the future, as I shall show presently they have been in the past under the system.

So much for the general principles that I think should control in dealing with the District. But there are other strong and controlling reasons why the partnership, the divided responsibility between the Government and the District, should be brought to a speedy termination. It has been anything but beneficial to the District, as I shall attempt to point out.

The whole question in the hearings and elsewhere has been presented entirely as a matter of dollars and cents. The Government has been placed in the unfortunate and humiliating position of trying to get rid of its responsibility to take care of its own Capital and shove it off onto somebody else. It has been met with the claim that if the half-and-half system is not continued Congress will not appropriate money enough to properly carry on the affairs of the seat of government, over which it has exclusive control. It was a nice spectacle for the American people. And, more unfortunately still, this claim that the Government would, through its Congress, neglect to care for the Capital is not by any means without foundation. It did do it, as the hearings clearly disclosed, before the half-and-half system went into operation. It has continued to do it, however, while the half-and-half system has been in force, as I shall presently show. So the half-and-half system has not remedied the evil.

The question submitted to the committee by the bill which created it is also purely one of dollars and cents. The hearing proceeded upon that theory. The effect of the limitations of the half-and-half system on the moral and social conditions of the District and upon the means of preserving the health of its people received no consideration, and the neglect to preserve the beauty of the city of Washington, the regulation of its buildings, improvement of its streets, and other important public works very little. So but little will be found in the record of the hearings on these important questions. But we are asked to give our reasons for the conclusions we reach on the main question submitted to us, and I am going to give some reasons that have led me to the conclusion that there should be no divided responsibility in dealing with the social and moral welfare of this Capital and that the Government should assume the burden and be wholly responsible for every interest of the people in the District and the management of its affairs.

Mr. President, that is all I wish to call attention to as coming from the report. I have extracts here from statements, letters, and oral testimony of a number of citizens of the District of Columbia bearing upon this question. In view of the fact that there are very few Senators present who are taking sufficient interest in what I think is a very important matter, I shall not read some of them that I had intended to read, as I have been taking up more time, partly as a result of very proper interruptions, than I had intended to take.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Norris	Simmons
Brandegee	Husting	O'Gorman	Smith, Ga.
Broussard	Johnson, S. Dak.	Oliver	Smith, Md.
Bryan	Jones	Overman	Smith, S. C.
Chamberlain	Kenyon	Page	Smoot
Chilton	Kern	Penrose	Sterling
Clapp	La Follette	Pittman	Stone
Clark, Wyo.	Lee, Md.	Poincxeter	Thomas
Culberson	Lodge	Pomerene	Tillman
Curtis	McCumber	Ransdell	Underwood
Dillingham	Martin, Va.	Robinson	Warren
Gallinger	Martine, N. J.	Sheppard	Williams
Gronna	Nelson	Sherman	Works
Harding	Newlands	Shields	

Mr. THOMAS. I desire to announce the necessary absence of my colleague [Mr. SHAFROTH] on account of the illness of a relative. This announcement will stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. WORKS. It has been suggested that it would not be well to make the change provided for in this amendment because it would necessitate a change of other statutes and the enactment of new laws. For example, it was said that provision has already been made for the erection of a bridge to be paid on the half-and-half plan. But this amendment does meet exactly that situation, and if adopted no additional legislation on the subject will be necessary. It provides that all such things and all the debts of the District shall be paid out of the National Treasury. Therefore, notwithstanding this legislation, if this amendment were adopted, then that bridge indebtedness would become the indebtedness of the National Government. It would be paid out of the National Treasury just as it will be anyhow, because it is all out of the National Treasury, as I have attempted to explain, and no additional legislation on the subject would be necessary.

It may seem to some that the amendment I have offered is radical in its character and effect, but it is far from that. It leaves conditions almost exactly as they are. It simply gets out of the way a fictitious government that is causing all this trouble

and leaves the National Government to go on with its business, just as it is doing now, without any disturbance whatever.

After what I have said it seems to be hardly worth while to take up the time of the Senate in reading what I intended to read when there were so few here. There is a very respectable number present now, and I want to read a part of what I had in mind as bearing on this question. First, I read a letter from William E. Shannon written to Edwin C. Brandenburg, president of the Washington Board of Trade. The Washington Board of Trade was represented with other organizations by the committee of 100 to which I have referred, and Mr. Shannon says in his letter to Mr. Brandenburg:

LETTER FROM WILLIAM E. SHANNON.

THE NATION AND ITS CAPITAL.

[An open letter.]

APRIL 17, 1915.

EDWIN C. BRANDENBURG, Esq.,  
President Washington Board of Trade.

MY DEAR SIR: Your organization has issued a circular letter carrying a proposal "to raise funds among its members to defray our portion of the expense of properly presenting the case of the citizens of the District of Columbia before the joint committee of Congress appointed to investigate fiscal relations between the Federal Government and the District."

Current reports indicate that it is the intention of the citizens' committee to defend the so-called "half-and-half" plan. There are, however, many of our citizens who are firmly convinced that the perpetuation of that plan constitutes a grave menace to the welfare of the Nation's Capital. Careful study and thorough investigation of the relations of our own Government to its Capital City and of the relations of Italy, France, Hungary, Austria, Germany, and England to their respective capitals point clearly to a conclusion that the time has come for the United States Government to take over, in fact as well as in theory, its own Capital, to conduct its affairs and to improve its conditions in such manner as it may deem best. Had that been done when it was urged, when the so-called "half-and-half" plan was accepted as a compromise, there can be little doubt that the park commission plans would now be a reality instead of a dream; that our parks would long since have been connected; that the Anacostia Flats would now be a field of beauty; that the charms of the city generally would have been greatly enhanced. Full evidence of this appears in Panama, in Porto Rico, Manila, the Yellowstone and other national parks, and in all other municipal and reservation enterprises in which the Government has operated with a free hand.

Such control by the Government would remove the city from politics, as the Army and the Navy are removed. It would do away with the so-called District day in Congress, now a source of constant irritation. There should no more be a District day than an Army day or a Navy day or an Agricultural day. This method would end the present friction between the citizens of the District of Columbia and the United States, a condition of which all are weary. It would permit the Government to spend, without criticism, whatever money it might see fit to spend, just as appropriations are now made for the Reclamation Service, for rivers and harbors, and other Government enterprises. It may be assumed with safety that a sum would be expended far in excess of the appropriations now made.

It is urged that the "half-and-half" plan has worked well for 36 years. Yet it appears only as a colossal failure when comparison is made with the growth and the beauty of the capitals of Argentina, of Brazil, Italy, Hungary, and of other nations. Should not the citizens of the District of Columbia now say to the citizens of the United States: "This is your city; take it as your own; run it as your own," and so place full responsibility where it rightly belongs? Should they not say to the people of the Nation: "We are living in your city. We are doing business in your city. We desire to stay here. We deem it a great privilege to live here. We desire that those of you who are able to do so should come here and live with us. We would have you understand distinctly that we do not ask something in exchange for nothing. We have been and are entirely willing to pay just taxes. We do not care what system of taxation is employed; whether that of Baltimore, Kansas City, Los Angeles, New Orleans, or Boston is immaterial to us. We are content to leave to those in authority the determination of system and rates, confident that the people of the United States will see to it that their Capital City is made worthy of its great place among the capitals of nations."

Under such a plan let us pay our just taxes directly to the Government. Let the Government spend our money, and as much more as it sees fit to spend. We can trust the Government to provide for our schools, our fire and police departments, our health bureau, and all other branches of the municipal organism. Surely, under such a plan we should be regarded by all our sister cities as fortunate. Why not, then, bury the old "half-and-half" plan and unitedly urge the Government to come into its own for the greater glory of the Nation and the greater future of its Capital City?

Yours, sincerely,

WILLIAM E. SHANNON.

Mr. Shannon is one of the leading and most enterprising citizens of the District of Columbia. In this letter he clearly sets forth the views, I believe, of the majority of the people of the District of Columbia who have thought upon this subject at all.

I want to quote just a short extract from the statement of Mr. MacFarland, to whom I have referred. It occurs in a colloquy that took place at the hearing, and is as follows:

STATEMENT OF H. B. F. MACFARLAND.

Senator WORKS. Laying aside for the moment the question as to the amounts that should be contributed respectively by the Government and by the taxpayers of the city, what important function does the District of Columbia as a municipality exercise at the present time under the laws as they exist now?

Mr. MACFARLAND. As the agent of Congress—for that is what it is; it is practically a permanent standing committee of Congress, or the equivalent of it—it carries on the municipal administration in all its details, which is of course a large and important service.

Senator WORKS. I presume that could be done just as well by officers appointed by the Government directly. In fact, the officers are appointed by the Government now, are they not?

Mr. MACFARLAND. Certainly. Senator WORKS. And the District, so far as this service is concerned, is a naked trustee. It has no powers of its own.

Mr. MACFARLAND. It represents the United States. It represents Congress. There are many other features, but there is one to which I should like to direct your attention, and that is the idea that although the agent of Congress, of the Federal power, it is in a sense a local government to which the people can go with their wants, and through which they may have a certain measure of representation before Congress; and the organic act in providing for the two civil commissioners of this government of three commissioners endeavors to provide that they shall be local residents, obviously in order that they may know intimately (what others may not know) all the needs and the plans of the District of Columbia and all the desires of its people. The arrangement, so far as the form of government is concerned, was evidently designed to give the people a local government in so far as that was practicable under the plan that was adopted for the national participation.

That is the real fact respecting the District of Columbia, but unfortunately it is not so regarded by the people of the District; and that is what has caused very much of the friction.

I also offer, without reading, an extract from a statement on the subject by James Hugh Keeley, who appeared before the committee.

The statement referred to is as follows:

STATEMENT OF JAMES HUGH KEELEY.

As to the plan or system of taxation of the District of Columbia, so far as I have been able to study the subject—and I do not come as I understand Mr. Browne probably comes, as an expert upon this line of investigation both as to the facts and as to the philosophy of it—as far as I have been able to become familiar with the situation here and with the Constitution, etc., and the bearing of the half-and-half system, I am convinced that it has served well, probably, its day; but it has been a mischief-maker, I think, later, and it is now high time that there should be a change. I do not think there is any debate as to that fact, but the debate still in my thought is exactly what the change had better be—how large a change may be best.

I was very much pleased at the reading of the resolution by the eminent Senator from California [Mr. WORKS] at the very opening of this hearing. Personally I concluded that it was very fortunate that he offered the resolution; first, because it has merit in it; it says a whole lot in very condensed form; and, secondly, it opens the door to consider more things than those which the committee might otherwise feel that they were confined to under the very narrow language of the resolution under which the committee was appointed. The proposition is that the National Government is the principal and the District only a subordinate, if indeed anything at all; for I understand that some one in the debate here wanted to eliminate it entirely; that there was practically no District—only a fiction. I understand that actions are airy creations for convenience, but not that you can embody them in tangible durability. We are more than that here.

I rather like the proposition in this way: There is only one of two ways to have a capital, and in neither one of those ways have we a capital now. That is why I support the proposition to change the present order of taxation, and with that change necessarily make the changes that fit in with the change.

Mr. WORKS. Then, I want to read at length a very comprehensive letter written on the subject by Mr. George E. Hamilton, who is an able lawyer, and one of the business men of the District of Columbia, who, I can see from his letter, has given this matter very careful consideration. He says:

BRIEF OF GEORGE E. HAMILTON.

When finally adopted by Congress, the half-and-half provision was received by the people of the District generally as a satisfactory solution of a difficult problem, but there were those in the District who were in full sympathy with the views expressed by the minority in Congress in opposition to fixed quantiles and in favor of some more flexible provision which would better care for the equities existing and which, because of the peculiar relations between the Government and the District, might, and would necessarily, come into existence with the increase of Government occupation and the normal growth of our citizenship.

Since the passage of the act of June 11, 1878, the provision referred to, with some variation and exceptions, has regulated the apportionment of expenses for the Government of the District of Columbia.

The soundness of this provision in principle and its usefulness in application have been the occasion of frequent question and debate in Congress, and these, growing in intensity with the passage of time, have in recent years threatened its repeal, a culmination averted in the last Congress only by the adoption of the resolution directing an inquiry and report by this honorable committee.

This growing sentiment of doubt and opposition, and even of hostility, in Congress has solidified the citizens favoring the plan in their support of the same, and to these it would seem that the act of June 11, 1878, was a solemn compact between Congress and the District, fixed and irrevocable, and that any opposition or effort to repeal was based on enmity to the District and its interests.

Some of our citizens, however, in the beginning doubtful both as to the soundness and usefulness of the half-and-half rule of contribution, have, in view of its application and the results therefrom, become more convinced that at the time of its passage it was at best a questionable expedient, and that in subsequent application it has proven an impediment to fair appropriation by Congress and a hindrance to the development of Washington along the larger lines of progress and improvement. Such, certainly, is my conclusion in the premises.

My observation of and contact with the affairs of the District forces me to the conclusion that the half-and-half plan has hindered rather than promoted the growth and development of the National Capital.

It has tended to create in the minds of Congress the feeling that the interests of the District and the interests of the Government are separate and distinct, and even at times opposite if not antagonistic, and that, in the matter of District appropriations, the Government needed to be protected against the efforts of the citizens who, in the opinion of some Congressmen, were paying too little taxes and seeking always to avoid proper taxation.

It has created in the minds of some citizens the fear and feeling that Congress intended to overtax the citizens of the District to a point where Government contribution will cease; and these counter tendencies thus created have been productive of criticism, of charge and recrimination, at times unseemly and always injurious.

Items of expenditure for District needs presented by the commissioners have been cut down below what was actually necessary, because one-half would come out of the Treasury of the United States; the effort has been to reduce all appropriations and to limit and postpone useful improvements, expenditures, and projects, and at times the tendency to avoid governmental contribution by omitting items from appropriation bills and including them in separate acts, where the entire cost would be placed on the District, has been observable; it has created in Congress a spirit of illiberality; it compels, for its maintenance, a constant fight on the part of some of the people, who, resenting criticisms and attack from Congress, are fearful always of the repeal or modification of the plan.

Such conditions existing between the governed and the Government are necessarily injurious and, if continued in, will prove disastrous.

Fundamentally, I believe the half-and-half plan is unjust.

If the Government should desire to create additional parks and to take therefor large tracts of land within the District, thereby reducing still further the area of privately owned and taxable property, would it be fair to impose one-half of the cost upon the citizens, who are amply provided already with parks, and without voice in such proposed occupation? Such a taking might be only for the purpose of a greater national city, and not at all beneficial to the citizens, because of the withdrawal of property taken from private use and enterprise and taxation.

If millions are to be spent, primarily for Government needs, in utilizing the water power of the Potomac at Great Falls, should one-half of this great expenditure be placed upon the citizens of the District?

Is it not obvious that whether viewed from the standpoint of the Government or that of the citizens, a rule of fixed proportions in contributions to the expenses of Government is unsound in principle, unequaled and injurious in application, and a positive hindrance to the progress and development of Washington?

I believe, and have for years believed, that the growth of Washington along the lines intended by its founder, desired by the Government, and hoped for by its residents has been delayed, if not dwarfed, by the half-and-half rule, and the feeling and contention by it engendered between Congress and its citizens; and I believe that further limitation to growth and prosperity will follow a continuance of that rule, or any other rule, of fixed proportions in contribution to the expenses of government.

It may be urged that the District might suffer from an unfriendly Congress, or an unfriendly element in Congress, or from indifference and wrong judgment and action, attributable to the want of knowledge of District affairs on the part of Congress, or some of its Members.

That there may be in Congress at times some men ignorant of District affairs and the relations existing, or which should exist, between the District and the National Government, or men prejudiced against the District and its people, or men even hostile to the District, is possible and even probable, but it is hard to believe that the Congress of the United States, or a majority of that body, will permit injustice to be done to the Federal Capital or its people, either through ignorance or indifference, or prejudice or hostility.

If Congress can be relied on to fairly consider, protect, and sufficiently appropriate for the larger and more important national interests and purposes, may it not be relied upon to consider and protect, to provide and appropriate for the support of the Nation's Capital, and its development, especially if the full responsibility for the same is committed to, and assumed by it, and if Congress is determined not to give a fair and liberal treatment to the District, can it, in its absolute power, be coerced and driven thereto by a rule which may be repealed at its will and pleasure?

A fuller and better understanding of relations existing, a fair realization of duties and rights, should be brought into existence between Congress and the people of the District; fault-finding, abuse and intemperate assertion upon the part of the people should cease, and the tendency too often observable, especially in new Members of both Houses, to experiment in legislation at the expense of the District, and for political advantage in the States, should be discouraged and made impossible, and legislation for the District limited to its real needs and its sane and sensible development.

Protect the District by providing a fair and equal assessment, and a full but fair rate of taxation to be levied only on privately owned real estate and improvements and on tangible personal property; avoid proportionate contribution to the expense of government, which, of necessity, creates a division and separation of interests and view, and breeds contention, and let Washington be in fact what the framers of the Constitution intended it to be, the great Capital of a great Nation, to be nourished, expanded, and made beautiful by and for all people of the United States, the people of the District of Columbia contributing their fair share only.

I also desire to insert a quotation from a letter from Mr. Thomas J. Stealey, as follows:

LETTER OF THOMAS J. STEALEY.

I wish to be frank and candid in this matter, that I am opposed to the continuation of the half-and-half principle as termed under the organic act for reasons which are fully and at large set forth in my brief, and which I am prepared to give you a synopsis of before your committee.

There is also a short colloquy between the committee and Mr. J. Altheus Johnson, who appeared and expressed his views before the committee in part, as follows:

STATEMENT OF J. ALTHEUS JOHNSON.

Senator WORKS. If you took away the half and half and the Government assumed the responsibility of the whole thing, as I think it should—

Mr. JOHNSON. I agree with you on that point, heartily. Senator WORKS. The probability is the people in the District would be taxed less than they are now.

Mr. JOHNSON. I think so myself, and I think, as the chairman says, we would rather err on the side of the National Government doing too much than too little. That is my idea and the idea, I have no doubt, of



every American citizen who is proud of his Capital City. And hence I do not appreciate this concern and anxiety that the taxpayers of the District have. It is like a nervous disease affecting a patient.

All I have in mind at present is to see a remedy found, a condition brought about, that will remove this friction, this irritation, this unhealthy condition here—this something which one of the speakers a moment ago called an "autoeratic sore" on the body of this "great American democracy."

If you abolish the half and half, can you not at the same time give some tangible assurance to the people of the District that they will be treated with fairness in the matter of taxation—not more exacted of them than is ordinarily paid by people who live in well-governed cities in the States? Can you not do something that will allay their fears and give assurance, if their taxes are already heavy enough, that their assessments will not be run up until the taxes collected in the District will be double what they now are?

Now, Mr. President, I come to a statement made by one of the Commissioners of the District, Mr. Newman. It is very comprehensive, and, as I am pretty well tired of reading, I am going to ask permission to allow it to be read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

Mr. WORKS. I think this statement is quite important and that it should be listened to.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. GALLINGER. Before the Senator from California proceeds to that phase of the discussion I should like to ask him a question, because his answer may shorten the discussion. At any rate, it will relieve my mind of a matter that is troubling me, if the Senator answers it satisfactorily to me.

In looking over the statutes last year—and it was but a hurried look—I found 111 separate statutes, some of them inconsequential in a way, that provide for the expenditure of money on the half-and-half principle. We have recently appropriated a million dollars for the Francis Scott Key Bridge, to take the place of the Aqueduct bridge, on the half-and-half principle; we are building a reformatory at Occoquan, and the law relating thereto provides that it shall be constructed on the half-and-half principle. Now, what are we going to do about those statutes if we offhand accept the proposition of the Senator from California? Would it not be necessary to repeal those statutes? I want the Senator's opinion about it.

Mr. WORKS. Mr. President, the Senator was probably not in when I mentioned that subject a little time ago, but my attention was called by the Senator from Vermont to the bridge case. This amendment provides that all of the indebtedness of the District shall be paid out of the National Treasury. The money is already in the National Treasury; it all comes from the National Treasury, as the Senator knows. The adoption of my amendment would not disturb those statutes in the least. The only effect of it would be that the amounts would be paid directly by the Government, instead of sorting the two funds and assuming to pay half of the expenditure out of the District funds and half of it out of the Government funds. It would not disturb those statutes, and it is not necessary to repeal them. That is very clear to my mind.

Mr. GALLINGER. It does not so appear to me, but, of course, the Senator's opinion is worth a great deal more than mine on that point.

Mr. WORKS. I should be very sorry to mislead the Senator, but I am quite clear about it myself, that my amendment would lead to no legislation that could have any injurious effect or interfere with those appropriations at all.

The VICE PRESIDENT. The Secretary will read as requested by the Senator from California.

The Secretary proceeded to read the statement of District Commissioner Newman.

Mr. WORKS. Mr. President, I am quite certain that I am unnecessarily burdening the Secretary and taking up the time of the Senate with the reading of the statement. In looking about I do not think any of the Senators are paying any attention to the reading. It seems to me to be an important matter, but evidently other Senators do not so regard it. So I will ask leave to include the statement as part of my remarks, without reading. I hope Senators will feel interested enough in it to read it hereafter.

The VICE PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The statement referred to is as follows:

STATEMENT OF HON. OLIVER P. NEWMAN.

In 1878, as is well known now, Congress adopted an act establishing a form of government of the District of Columbia, and laid down in that act a principle which has since become widely known as the half-and-half. I believe that a great deal of friction which has arisen in the last few years is due to a misunderstanding as to just what Congress in the act of 1878 agreed to do. In the minds of a great many people of the

city of Washington and in the minds of a great many Members of Congress I have found an impression that Congress not only agreed to pay one-half of the expenses of the District of Columbia, but that it agreed to match dollar for dollar of revenue raised by the District of Columbia. Even a casual reading of the act of 1878 shows that Congress did not agree to or propose to do any such thing. What Congress did believe the United States should do was to pay one-half of the expenses on account of the District of Columbia, and not one-half of the money since raised by local taxation.

The act of 1878 provided that the Commissioners of the District of Columbia each year should make an estimate of the expenses of the District of Columbia for the next fiscal year. Then Congress said, paragraph 16 of the act of 1878, "to the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof."

I think the reason for the impression that Congress agreed to match dollar for dollar the money raised in the District is due to the fact that most of the time from 1878 until the present the revenues of the District of Columbia have been less than one-half of the expenditures of the District of Columbia, so that in actual practice Congress has matched dollar for dollar the amount of money raised locally.

The act of 1878 was absolutely sound in theory, provided you grant the logic or propriety of fixing the District and Federal contributions upon a percentage basis. I say this because in that act, paragraph 17, immediately following the paragraph just quoted, Congress said: "And the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia."

In other words, in 1878 Congress said "the United States will pay one-half of the expenses of the District of Columbia, and by proper legislation will levy such taxes as will produce the District's half."

That was obviously the intent of the act of 1878—for the United States to pay one-half and for Congress to levy such taxes as would produce the District's one-half.

Had this purpose been followed, the present crisis in the fiscal affairs of the District might not have arrived. But very soon after the passage of the act of 1878 Congress fixed the tax rate in the District of Columbia at \$1.50 per hundred, and it has stood ever since. This rigid tax rate has necessarily produced each year an increasing sum of District revenues until at this time those revenues exceed the District's half of its annual expenditures and brings sharply to the surface for consideration the whole question of how much the District and how much the Federal Government should pay of the annual bill. On July 1, 1916, we anticipate that we will have a surplus of revenues of the District of Columbia of something in the neighborhood of a million and a half to two million dollars.

In other words, if they had really stuck to the half-and-half; that is, if Congress appropriated one-half of the approved estimates and then levied a tax rate to produce the District's half of it, that would have been absolutely sound, but they established a rigid tax of \$1.50, and that tax rate, automatically applied to increasing values, automatically provided an increasing sum of District money, until now that sum exceeds the District's half of the bill to a very considerable amount—I mean the amount that a considerable revenue in excess of what the District needed to pay its half arrived, just such a thing as this investigation was bound to happen, as Congress obviously would not go ahead raising more money in the District than is needed to pay the District's portion of the standard under which the District is being conducted.

We would have had a surplus of nearly a million on July 1, 1915, had it not been that we met an unusually large payment on account of old debts which, for one reason or another, had accumulated against the District. In the fiscal years 1914 and 1915 we paid wholly from District revenues an old bill for care of insane of \$719,536.09, an old interest debt on 3.65 bonds of \$586,067.23, an old debt to Freedman's Hospital of \$37,996.70, we restored to the Federal Government \$165,937 of rentals on property belonging to the United States, and we made up a shortage of \$63,000 arising from a defalcation of a District employee—an old case. So that last year we would have had a surplus of \$1,000,000 if we had not paid these old debts. At the end of this fiscal year we expect to have a surplus of between a million and a half and two million dollars.

Senator WORKS. That is the amount in excess of one-half of the District expenses that has been derived from taxation?

Commissioner NEWMAN. Yes, sir. The amount automatically produced by this rigid tax rate in excess of the District's half of the expenditures.

But let us look at the future. We find an additional reason why it is very important that this increase in District revenue be carefully considered. It seems to me that these figures alone show the necessity of a rearrangement of the fiscal relation between the District of Columbia and the United States, because, unless they are rearranged, in 1920 we will have a surplus of District revenues of about \$9,000,000, which obviously would be absurd.

Senator SAULSBURY. You mean a cumulative surplus?

Commissioner NEWMAN. A cumulative surplus; yes, sir.

It seems to me, in view of this situation, that this committee is confronted by what is really quite a simple situation and not so complicated and difficult as one would presume from the vast amount of evidence, discussion, and argument that has been presented in this matter. It seems to me that these certain surpluses automatically dispose of the half-and-half, for this reason, that to defend the half-and-half in the face of them means to do one of two things—appropriate twice as much money every year as the District raises, and thereby absorb the surplus, or reduce the tax rate in the District of Columbia.

I do not anticipate that any member of this committee would seriously propose to this Congress a reduction of the tax rate in the District of Columbia.

Senator WORKS. Let us see about that. You say that this committee will not consider the reduction of the taxes of the people in the District of Columbia. I do not know why you say that. If it was contemplated by the act of 1878 that the Government should pay one-half of the expenses of the District and that the people of the District, by way of taxation, should pay the other one-half, why should the people be taxed for more than one-half?

Commissioner NEWMAN. They should not be.

Senator WORKS. Then why do you say that this committee would not consider the question of reducing the amount of taxes to be collected? It might be our duty to do that, under those circumstances.

Commissioner NEWMAN. That is my contention—that if, for instance, this committee reports back to Congress that the half-and-half plan should be continued, you have either got to permit the accumulation of this unusable—and, as I think, inexcusable—surplus or reduce the tax rate to produce only the District's half. The reason I said I did not anticipate that you would make a report of that kind, Senator, was that I think I know the temper of Congress on that subject, and I should be very much surprised if Congress would receive favorably that sort of thing.

Senator WORKS. Do you not think that under those conditions it might be a good deal better to allow the responsibility to rest with the Government, or the money acquired by taxation to be paid to the Treasury, without thinking about the one-half or two-thirds or any other amount?

Commissioner NEWMAN. That is what I am going to advocate, sir. Senator WORKS. I am glad to hear you say that.

Commissioner NEWMAN. I now want to make a statement to the committee which will not be received with enthusiasm in some quarters of the District of Columbia, but which I am compelled to make because I am absolutely convinced of its truth. I believe that 90 per cent of the friction between Members of Congress and citizens of the District of Columbia and 90 per cent of the friction between individuals or groups of individuals in Congress or the District of Columbia is due to the very existence of the half-and-half plan, because it causes everything in the District to be discussed on the basis of the half and half and not on the basis of the merits of the subject under discussion. Every question pertaining to the District of Columbia, as to text-books for the schools, or street paving, or the cost of sidewalks, or the collection of garbage, or the paying for street car tickets for policemen and firemen, or the salaries of the commissioners, or the pay of an additional messenger in the courthouse, is discussed not at all upon the merits, on whether the thing should be had or whether the thing is needed, but upon the basis of "why should the United States pay half of this," and "why should the District of Columbia pay half of this, that, and the other thing?"

I wish now to outline very briefly the plan of fiscal relationship which Commissioner Brownlow and I believe ought to be adopted in the District of Columbia.

Going back to the fact that the dominant element in the equation under consideration is the National Government, I come to the declaration of the plan of fiscal relation which Commissioner Brownlow and I believe should exist between the District and the United States. That is, the District of Columbia continuing to be a city of 350,000 people, but being the minor factor of the equation, and the National Capital being the major factor, that for purposes of government, for purposes of financing the municipality, the primary, the whole responsibility is that of the National Government.

The National Government should pay all of the expenses of the District of Columbia just as it pays all of the expenses of the Agricultural Department, the Navy Department, the War Department, the Department of Commerce, and of all other executive departments or branches of the Federal Government. It should pay all bills out of moneys in the Treasury not otherwise appropriated. So much for what the Federal Government ought to do in the District of Columbia.

Now, what should the 350,000 people in the District do? What should the second, minor element in the equation do. Take an individual member of that group of 350,000; take a man, John Hobbs, living anywhere in the District of Columbia. John Hobbs should pay into the Treasury of the United States a fair and reasonable sum of money for the privilege, protection, and civic rights that he enjoys by living in the District of Columbia. All of the John Hobbses in town should pay a reasonable and fair sum of money because they live here, just as anybody in any city pays for the privileges and advantages of living in that city. In Washington John Hobbs would pay it into the Treasury of the United States as a tax for the privilege of living here. That money should be covered into miscellaneous receipts along with moneys derived from internal revenue, customs receipts, income tax, post-office receipts, and all the other moneys that the United States collects, and it should bear no relation whatever to the amount of money that Congress appropriates for the establishment and upkeep of its National Capital.

Mr. COOPER. Can you indicate for what purpose you think the money of John Hobbs should be paid?

Commissioner NEWMAN. No, sir. Mr. Cooper, I would not place it on that basis at all. At this point, or rather in considering this point of this plan, it is necessary—as it is necessary, I think, in any plan for the District of Columbia—to be arbitrary. I mean in this particular. My idea is that he should pay what it would cost him to live in any other city of this size. Now, what is done with that money I do not think ought to be considered. I think that money ought to be dumped into the Treasury, and then all of the expenses of the District be paid by the United States.

Mr. GARD. His payment would be regulated by his possessions, would it not?

Commissioner NEWMAN. Yes.

Mr. WORTHINGTON. By what?

Mr. GARD. By his possessions.

Senator WORKS. Under that plan obviously you could not apply the money of any or all of the taxpayers to any specific obligation.

Commissioner NEWMAN. No, sir.

Senator WORKS. They would simply pay what would be reasonable and just for the privileges which they enjoyed in living in a city like this.

Commissioner NEWMAN. Yes.

Senator WORKS. And the responsibility for the payment of all these obligations would rest on the Government and not on the taxpayer, John Hobbs, or anybody else?

Commissioner NEWMAN. Yes.

There is another thing I did while I was making this same effort to divide these expenses, trying to see whether there is any justification for saying that half of the amount should be paid by the United States and half by the District of Columbia. It is absolutely undemonstrable. It can not be. There is no human brain or human ingenuity which can take the expenditures of the District of Columbia for the year that

closed the 1st of last July and show that half of them should have been paid by the United States and half by the property owners of the District of Columbia.

Mr. WORKS. I want also, in the same way, to include as part of my remarks the statement of Hon. Louis Brownlow, another member of the board of commissioners, who goes into this question quite thoroughly and explains in detail how the funds as between the District and the National Government are manipulated, if I may use the term. The effect of his statement is to show that the money finally goes into the Treasury of the United States and becomes a part of its funds, and is paid out as such.

The VICE PRESIDENT. Without objection, the statement referred to by the Senator will be printed in the RECORD without reading.

The statement referred to is as follows:

#### STATEMENT OF HON. LOUIS BROWNLOW.

I believe that the National Government should assume full and sole responsibility for the National Capital, meeting its every expense by a direct appropriation from the Federal Treasury; that the people here should contribute toward the national expenses an amount equal to the taxes paid by citizens of other American cities of approximately the same size. The people here will gladly bear such a burden; the Nation will not willingly ask them to bear more.

After a study of this problem for several years as a citizen, and after a careful examination of the question for a short time from the position of a Commissioner of the District I have reached the conclusion that no adequate presentation of the problem in all its phases can be made unless it is based upon the fundamental facts.

The act of 1878 provided that the commissioners should annually make estimates of the expenditures proposed for the next ensuing fiscal year; that they should be submitted to the Secretary of the Treasury, who, in turn, should, after revision, if it be necessary, transmit the estimates to Congress. The act then says:

"To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District, other than the property of the United States and of the District of Columbia."

Since that time the annual appropriation act for the District of Columbia, immediately after the enacting clause, says:

"That one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia."

Notwithstanding the mandatory character of this legislative language, I shall, I believe, be able to show you that the expenditures of the District of Columbia have not been made on the half-and-half basis and that, as a matter of fact, there is no such thing as the half-and-half system.

It is purely a legislative fiction. When the collector of taxes of the District of Columbia, at the end of his day's work, deposits with the Treasurer of the United States his collections for the day he is given a receipt by the Treasurer which reads as follows, to read from an example I have before me:

"I certify that Ben L. Prince, collector of taxes, District of Columbia, has this day deposited to the credit of the United States \$27,681.77, on account of collections, District of Columbia, for which I have signed duplicate receipt."

Every cent collected from the taxpayers of the District of Columbia goes into the Treasury to the credit of the United States; there is no account of the District of Columbia in the Treasury Department; and Congress is at liberty to do with the moneys collected from the taxpayers of the District anything it may do with the money collected at the customhouses, or the offices of the internal-revenue collectors anywhere in the Republic. Because it is necessary for the purpose of supporting my views to clearly establish these facts, I shall go into them in some detail.

These daily deposits remain in the hands of the Treasurer until the close of each month, at which time the accounting officers of the Treasury prepare what is known as a covering-in warrant, which takes not only the moneys deposited by the District but moneys deposited by all Federal agents out of the hands of the Treasurer and covers the amount into the Treasury, where the Federal accounting and bookkeeping system begins. No distinction is made as to the money collected by Federal agencies and the amount collected by the District, the whole amount being covered into the credit of miscellaneous receipts of the United States.

There is not on the books of the Treasury Department any account between the United States and the District of Columbia which shows or purports to show that there is any such class of moneys in the Treasury Department held as a trust fund or otherwise known as the revenues of the District of Columbia. As a matter of fact, the accounting officers of the Treasury hold that there is nothing contained in any act of Congress which calls for or requires the provision upon the books of the Treasury of an account dealing with revenue of the District of Columbia or the maintenance of a trust fund in the Treasury for such moneys.

Senator WORKS. If there was an attempt to carry out the provisions of that appropriation act there would not be any revenue to apply to it, would there? There is not any District revenue in the Treasury?

Commissioner BROWNLOW. There is none, and never has been since the passage of the act of 1878.

The comptroller further says that if the municipal corporation of the District of Columbia were considered as a distinct legal entity, independent of the United States in its relations to such revenue, this would indicate that the revenues were to be kept separate and apart in the Treasury and accounted for as the revenues of the municipal corporation of the District of Columbia and not as a part of the general fund in the Treasury arising from the revenues of a particular source. For the reason stated by the comptroller in his decision he declined to permit an account to be kept on the books of the Treasury as a trust-fund account showing the payment into the Treasury of revenues of the District of Columbia, thus indicating that the ac-



count of the District of Columbia shall be kept only as a personal account between the United States and the District and that all revenues paid into the Treasury shall be treated as payments on account and credited to the District as such. The revenues of the District of Columbia in the Treasury Department are just as separate as and no more separate than are the customs collected by the collector of customs of the port of New York or the excise taxes collected by the collector at Peoria, Ill.

Senator WORKS. In other words, in that capacity he is simply an officer of the Government collecting the funds of the Government and paying them into the Treasury. Then, where is your District?

Commissioner BROWNLOW. Fiscally, there is no such thing.

Notwithstanding the fact that the annual appropriation acts of the District of Columbia and any number of special acts contain provisions for the payment of certain expenses one-half from the revenues of the District of Columbia and one-half from moneys in the Treasury not otherwise appropriated, there is in reality no distinction as far as the money is concerned between these two classes. The actual effect of these provisions for half-and-half appropriations is to charge the full amount of the appropriations for the District of Columbia to moneys in the Treasury not otherwise appropriated, because there being no account on the books of the Treasury Department and no revenues of the District of Columbia in the Treasury Department, there can be no charge made for any part of appropriations against the revenues of the District of Columbia. It is in this respect that the so-called half and half is purely a legislative fiction, because, while Congress does, it is true, appropriate under the half-and-half system, the actual transaction which takes place is that all expenses of the District of Columbia are paid out of miscellaneous receipts of the United States in the Treasury Department which are not otherwise appropriated. Not only are the so-called revenues of the District of Columbia treated as miscellaneous receipts of the United States, but in addition to these moneys which are collected by the District authorities and paid into the Treasury and which are in their very nature trust funds are also treated and considered to be miscellaneous receipts of the United States, and like the revenues of the District of Columbia they form part of the general appropriating fund to which resort is had by Congress for expenses of government and other uses, and are available for any purpose that Congress sees fit to make of them.

While the half-and-half plan is a fiction, it is a legislative fiction, and therefore has a great deal of influence, the greater part of which is harmful.

Senator WORKS. You did not say that these things are being done lawfully, did you?

Commissioner BROWNLOW. No. They are being done because the character of the half-and-half plan makes it so unworkable that the Treasury Department can not do it in any other way.

Senator SAULSBURY. They are being done in accordance with the opinions of the officials of the Treasury Department?

Commissioner BROWNLOW. Yes.

If Congress is to continue the half-and-half, I trust that you will incorporate in your report suggestions for legislation which will make it an actuality instead of a fiction. To do this it will be necessary for Congress to direct the Treasurer to accept deposits of tax moneys collected in the District of Columbia as a trust fund, to be held to meet the 50 per cent of the annual appropriation chargeable to the District. Inasmuch as the District government can not know in advance of the action of Congress what the total amount of the appropriations will be, it will be further necessary, if the half-and-half is to be made an actuality, to refrain from levying any tax until after the appropriations are made, then divide the total of the appropriations by 2 and apply the result to the assessed values of the District of Columbia and fix a tax rate that will bring in the desired amount. Of course, I do not believe that Congress, in its wisdom, would ever agree to so cumbersome and impracticable a system.

The only theory upon which the half-and-half can be sustained, and the same statement would apply to any other fixed percentage proportion, is that in the District of Columbia there are two distinct entities, the municipality and the National Capital; that these two entities, have some interests in common, some interests that do not touch each other, and some interests that are mutually antagonistic, so that the supreme legislative power is required to decree an arbitrary compromise.

But if there be two such interests, is it fair, is it right, is it just, is it equitable, that the absolute control of both should be vested in the one? If the local municipality possesses rights, it should have the power to exercise them. If it is a separate political entity, it should have separate political powers.

I am convinced that this is a mistaken theory. There is only one political entity here, only one power, and only one interest. This is the Federal city, the National Capital, the seat of the Government of the United States of America. That people live here in great number or in few, that the ordinary affairs of city life are carried on here to a greater extent or less, is beside the mark. If it were not for the primary and fundamental fact that this is the Nation's Capital, the community would not exist.

If it is a municipality in fact, despite the residence of the Federal Government here, it should be erected into an actual municipality and the Government treated only as a resident. If it is in fact, as I contend, the National Capital, and nothing else, then it should be controlled by the National Government absolutely. Every expense should be met out of the Federal funds, and Congress in making laws and providing money for the National Capital should not be limited by any arbitrary rule predicated upon the fictional existence of a mythical municipality nor should it match dimes with the folks who happen to live here.

If we take the view that this is the Nation's Capital, it is absurd that 350,000 persons should rule and control that which belongs to a hundred million, and, on the other hand, if Congress is appropriating money for the use and benefit of the National Capital on behalf of a hundred million, it is absurd that it should be limited or even influenced by the tax-paying abilities of the three hundred and fifty thousand.

At the end of this present fiscal year, according to the best obtainable estimate, the District revenues will exceed one-half of the appropriations by \$1,136,286.03. For convenience it is customary to term this balance a surplus; but, as a matter of fact, it will be a part of the moneys of the United States, and will be available for the purposes of

any appropriation made by Congress for any purpose whatsoever. Thus it will be seen that, in so far as it works at all, the half-and-half works against the District and not for it.

Mr. WORTHINGTON. What power has the Government to ask us to pay the expenses of the United States Government?

Commissioner BROWNLOW. I am not going into what power it has. I am just stating here what the facts are. It has been suggested here, I believe, that the Government could not tax the District at all, but it has been doing it.

I firmly believe that all of our troubles with respect to this problem would be ended if the next appropriation bill, instead of reading "that one-half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia," should be changed to read: "That the following sums are appropriated out of any money in the Treasury not otherwise appropriated." That would leave our present laws of assessment and taxation as they are. It would not cost any taxpayer in the District of Columbia an additional cent, it would not impose the burden of another cent upon any taxpayer out of the District of Columbia, and it would not even affect the bookkeeping arrangements of the Treasury Department. It would simply break down a legislative fiction and bring the statute books into accord with already existing facts.

My suggestions with respect to a plan are very simple.

In the first place, I would have Congress declare that since the District of Columbia is the National Capital, it should be governed and supported solely by the Federal Government. Then, that this District may not become a haven of refuge for tax dodgers and that the people who live here may pay, as they are willing to pay, for the benefits and privileges enjoyed by them, I would provide that a just and equitable tax be levied, comparable in so far as possible with that paid by citizens of other cities of approximately the same size as Washington.

Now, herein lay the benefit of the half-and-half: While it was a fiction then as it is now, yet it was a fiction that left the people here thinking they still have a separate government and at the same time accustomed Congress, who also still thought the people had a separate government, to provide annually for the needs of the District. Before 1878, before the passage of the organic act and the ordination of the half-and-half system, all provisions anywhere for improvements of a permanent character or for current expenses were made in a haphazard fashion. One year the appropriations were large and another year they were small. There was no regular budget.

I can freely say with the people who still support the half-and-half, that it was a great benefit to the National Capital in that it induced Congress to get into the annual habit of taking into consideration all the projected requirements of the District of Columbia and to make this annual appropriation based upon the needs of the District of Columbia. That was its chief function and that function it has performed. We now have an orderly budget. We now have an annual scheme of appropriations. So I can see that the half-and-half has been beneficial, but its benefits have been benefits resulting solely from the psychological influence of a legislative fiction upon a legislative mind.

Now, a psychological fact is just as stubborn a fact as a physical fact, but you can not expect other than a psychological result from a psychological impulse. Everything that the half-and-half can do in the way of influencing Congress to take into consideration the needs of the District of Columbia has been done. Indeed, Congress has become so accustomed to the annual routine of approving the budget of the District of Columbia that it now accepts that as just as much a part of its duty as it does to pass the annual appropriation bill for the Post Office, or for the Navy, or for the Army, or for any other branch of the Federal Government, and, having accepted that fact, it has forgotten the chaos that existed here prior to 1878, and it is asking "Why this limitation? Why this half-and-half?" So that now in the year 1915 the half-and-half, instead of being psychologically advantageous to the National Capital, has become psychologically disadvantageous.

If you could get this hard and fast half-and-half rule out of the way, this unjust and inequitable rule, there would not be any reason on earth why the patriotism and civic pride of men from Oklahoma, North Dakota, Maine, and South Carolina might not meet and blend with the civic pride of the men from Georgetown, Chevy Chase, Anacostia, and Brookland. They are all Americans and it doesn't make anyone the less an American because he happens to live in the District of Columbia instead of Pennsylvania. He may still vote in Pennsylvania. He is an American, and the Pennsylvanian is an American and they are both equally interested in developing the District of Columbia into the most magnificent Capital that any nation has ever had, because unless it is the most magnificent Capital on earth, it can not express the aspirations of the greatest Republic of all times.

This most unfortunate condition I believe is due to the pernicious psychological influence of the half-and-half. Holding as I do that the half-and-half is but a legislative fiction, that its effects and influences are altogether psychological, conceding as I do its one-time benefit, I say that now it is almost altogether harmful. It is breeding distrust of the District in Congress; it is breeding distrust of Congress in the District; it is fomenting a feud that, if carried on to fruition, will result in dire disaster.

Mr. COOPER. You, as I understand it, are opposed to the retention of the half-and-half plan, and you say if it were abolished Congress would still continue to appropriate for its just share of the District's expenses, and also for public improvements in the city?

Commissioner BROWNLOW. I so believe.

Mr. COOPER. You say the record which Congress has made in the way of appropriations for great national improvements in the city of Washington is not at all based on the half-and-half plan and has no relation to it.

Commissioner BROWNLOW. It has no relation to it and never has had. No appropriation for that purpose has ever been made based on that plan.

Mr. COOPER. For instance, the Lincoln Memorial; you think Congress would have appropriated for that even if there had been no half-and-half plan in existence?

Commissioner BROWNLOW. Undoubtedly Congress would have appropriated for it. It was not appropriated for under that plan.

Mr. COOPER. And the other great national improvements which have been made here—the appropriations for those improvements have had no relation whatever to the half-and-half plan?

Commissioner BROWNLOW. That is true.

Mr. COOPER. Your idea is, as I gather from your argument, if we were to put into operation the plan which you propose—to levy a tax on the taxpayers of Washington which would approximate the amount borne by the residents of other cities to which this city is fairly comparable—that Congress under those conditions would appropriate whatever was necessary to pay for the rest of the District expenses, and that in addition to this Congress would continue to appropriate for the national improvements just as it has done since the year 1878, without any regard to the half-and-half plan.

Commissioner BROWNLOW. And also for the so-called local improvements.

Mr. COOPER. Yes; for the local improvements, too.

Commissioner BROWNLOW. They have never paid any attention to the half-and-half plan. I have only predicated my opinion on that matter, as to what Congress will do in the future, by what it has done in the past.

Senator WORKS. There is this reason for making a change. The people are being deluded and made to believe that that thing is being done, when, as a matter of fact, it is not. Nominally it is being done, because the appropriations are being made, so much out of the National Treasury and so much out of the District treasury. But there is no District treasury; and the people here have been led to believe that the division is being made on that theory and on that basis, when it is not. It seems to me we ought at least to quit deceiving the people into believing we are doing something that we never have done.

The CHAIRMAN. This is an answer; but if you can make the people feel good and it does not cost any more, why should you make a change?

Commissioner BROWNLOW. You do not make them feel good. There is a feeling among the people here that Congress has been unfair to the District when there has been any apparent deviation from that plan. You hear a great many people here speaking of the Members of Congress as enemies of the District, and some of the Members of Congress occasionally say something about the people of the District which is pretty harsh; and you have an unfortunate condition, and that is due—that feud is due—to the half-and-half plan, and it has resulted in the fact that the District has been unable to get legislation through Congress, except an occasional rider on an appropriation bill. That is the harm in the situation.

Mr. COOPER. Without indicating my own judgment in the matter, Mr. Commissioner, do you think if we changed the system and levied a tax equivalent in amount to that paid in other cities comparable to Washington it would do away with this bitter feeling which has arisen, the feeling that certain interests in this city, because of the half-and-half plan, have an unfair advantage?

Commissioner BROWNLOW. I think so.

Mr. COOPER. There would not be any opportunity for criticism in that event, would there?

Commissioner BROWNLOW. None at all.

Mr. COOPER. There would not be any sort of opportunity for the people in the District to say that Members of Congress were the enemies of the District if Congress was levying upon them only what their fellow citizens in other cities comparable to Washington were paying?

Commissioner BROWNLOW. Yes, sir; that is correct.

Mr. COOPER. In other words, there are two great grounds of criticism: First, Members of Congress and their respective constituents feel that certain interests in the District of Columbia are favored, and that feeling would be done away with. A second ground of criticism is the feeling among the residents of the District that Congress is unfair to them, and that would be done away with, you think?

Commissioner BROWNLOW. Absolutely. That is one of the benefits which would result from that change, and that makes me feel very strongly in regard to it.

The other benefit is this: Congress having assumed its obligation to the District, when matters affecting the District came up in Congress they would be considered solely on their merits, and there would not be any quarrel as to whether or not Congress should pay half or any other particular proportion.

Senator WORKS. Mr. Brownlow, I would like to get at the process by which appropriations by Congress for the District of Columbia are reached. I understand the first step is the work of the assessor, which under the fixed dollar-and-a-half rate will determine precisely what amount of money will come from taxation. The next step is the making of estimates by the commissioners, which must be founded on the appraisement made by the assessor.

Commissioner BROWNLOW. Must be limited by it, not founded upon it. Senator WORKS. Well, limited by it. That is, you can not go beyond it if you follow out the half-and-half system.

Commissioner BROWNLOW. Quite true.

Senator WORKS. You simply make your estimates at double the amount that would be realized from the assessments that are made. Then when Congress comes to deal with it, if it follows the half-and-half plan, it is limited in precisely the same way. Its duty is to appropriate one-half of the amount from the revenues of the District which do not exist and the other half from the National Treasury. That would be the process if the half-and-half system was carried out to the letter, would it not?

Commissioner BROWNLOW. If it were carried out to the letter; Congress would double the amount of the revenues.

Senator WORKS. Then, as a matter of fact, under the law as it exists to-day, the assessor's office under the half-and-half system could establish absolutely what revenues should be raised for the purpose of improving and carrying on the affairs of the District?

Commissioner BROWNLOW. The assessor's office when it is making its appraisement has not in mind the revenues to be produced at this time. At the same time the actual effect is that the assessor's office, under the present law and under the half-and-half system, by its valuation of property can put a limit upon what Congress shall do for the District?

Senator WORKS. Well, by saying it can put a limit upon it, you mean that Congress may appropriate less than the amount but not more?

Commissioner BROWNLOW. Yes; not more. There is an upset limit, as I say.

Senator WORKS. Then if Congress should desire to make any appropriation beyond that amount it would have to do it in violation of what they call the organic act?

Mr. BROWNLOW. Precisely; and they would have to put in the appropriation bills things that were not estimated for by the commissioners.

I would like to read this provision of the law of 1899:

"Hereafter the Commissioners of the District of Columbia shall not submit, nor shall the Secretary of the Treasury transmit, to Congress regular annual estimates for the expenses for the government of the District of Columbia for any fiscal year that shall exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year."

Senator WORKS. Then, under these conditions, if you and your associates, as commissioners, should regard it as in the interest of the District of Columbia that additional improvements should be made that would exceed that amount, you would be prevented by that act from submitting estimates for them?

Commissioner BROWNLOW. We have been.

Senator WORKS. You have been limited in that way?

Commissioner BROWNLOW. We have.

Senator WORKS. In violation of your own judgment of what should be done?

Commissioner BROWNLOW. In violation of our own judgment as to what should be done.

Mr. GARD. You can call the attention of Congress to special needs, and Congress could do that.

Commissioner BROWNLOW. Oh, yes; in another way, of course, as to the things that we are prevented from doing. There is another section of the law here which says that we can not publish or make known our estimates until they are transmitted to Congress, but some of the things that we would like to estimate for, that we would like to urge upon Congress, involve such large expenditure of money for this next fiscal year that we could not include them in our estimates.

Senator WORKS. And when you make these recommendations as to the special improvements that go beyond the amount of the estimate, you are doing that in violation, or outside of, the half-and-half rule, are you not? You go beyond it entirely?

Commissioner BROWNLOW. We go beyond the half-and-half rule entirely.

Senator WORKS. And that is not controlled by the half-and-half rule?

Commissioner BROWNLOW. Not at all.

Senator SAULSBURY. I think exact figures give the best examples of what conditions a given law can work out, and I have been making some figures here, and if I am mistaken I wish you would point out wherein I am mistaken.

Commissioner BROWNLOW. I will do so if I can.

Senator SAULSBURY. I find as to land and improvements, that the total real estate assessment for 1915 amounts to \$390,000,000 plus. Assume for convenience in figuring, as I shall do, that it is \$400,000,000. That means that the full value of the land and improvements of the District of Columbia would be 50 per cent more than that, or say \$600,000,000; that is correct, I believe.

Commissioner BROWNLOW. Six hundred millions; yes, sir.

Senator SAULSBURY. Then it would be within the power of the assessor under the law, in performing his duties, to make an assessment of full value equal to \$600,000,000?

Commissioner BROWNLOW. Yes, sir; but the difference between full value and the amount that he actually assesses it at represents his discretion in the premises.

Senator SAULSBURY. Yes; so he could assess the real estate in the District at either \$400,000,000 or \$600,000,000; is that correct?

Commissioner BROWNLOW. Yes, sir; he has that discretion.

Senator SAULSBURY. Then at \$400,000,000 the fixed tax rate of \$1.50 would produce \$6,000,000?

Commissioner BROWNLOW. Yes, sir.

Senator SAULSBURY. If he saw fit in his discretion to make an assessment at 100 per cent valuation, \$600,000,000, the fixed tax rate of \$1.50 would produce \$9,000,000; that is correct, is it?

Commissioner BROWNLOW. Yes, sir.

Senator SAULSBURY. In other words, in the exercise of his discretion, without knowing anything about what the appropriations were desired to be, he could raise \$3,000,000 more from the real estate of the District; is that correct?

Commissioner BROWNLOW. He could. That is, every three years he could bring about the change.

Senator SAULSBURY. Now, assuming that he assessed at full value instead of two-thirds value, on the half-and-half basis the Government would be supposed to contribute to the municipal government \$3,000,000 more, would it not, to make an amount equal to that raised by the city?

Commissioner BROWNLOW. If the half-and-half were followed.

Senator SAULSBURY. In other words, it is possible for the assessor to so exercise his legal powers, perfectly properly, that he could cause to be expended in the District of Columbia practically \$6,000,000 more than would be expended if he assessed the property at a two-thirds rate?

Commissioner BROWNLOW. That is absolutely true, if there were such a thing as half and half in fact.

Senator SAULSBURY. If it were carried out.

Commissioner BROWNLOW. Yes, sir; if it were carried out.

Senator SAULSBURY. It produces a most extraordinary situation, and I wanted to know if there was any fault to be found with that calculation.

Mr. WORKS. I also ask to include in the same way statements of Mr. Charles C. Lancaster, William E. Shannon, Justice F. L. Siddons, John Joy Edson, Edward F. Colladay, M. M. Parker, and Evan H. Tucker. Most of them are quite short; but the statements made by the two commissioners are quite long, and it would take some time to read them.

The VICE PRESIDENT. Without objection, the statements referred to by the Senator will be printed in the RECORD without reading.

The statements referred to are as follows:

#### STATEMENT OF CHARLES C. LANCASTER.

The first point in my brief is this: As the Congress of the United States exercises all legislative control under the Constitution, it should now assume full and complete financial responsibility for all expenditures of the seat of Government of the United States, and that Congress should pay all of its obligations by direct appropriations from the Treasury of the United States.



The second proposition: The Congress, by appropriate legislation, should collect all taxes on private property in the seat of the Government of the United States, by a fixed and reasonable rate of taxation and valuation, and the amount so collected should be deposited in the Treasury of the United States as other public moneys.

The third proposition: For the local administration of the seat of Government the Congress shall provide by proper legislation the selection and appointment of all local officers and employees, which shall be limited to the citizens permanently residing in the seat of Government.

That act of 1878 provided that Congress should appropriate what it approved of the estimates and the citizen should pay the other one-half. Now, take that proposition right there. This whole thing—and in the discussion here they have not got it right, in my judgment—the whole thing is radically wrong, financially, morally, and legally wrong. It says that what Congress approves of the estimates they shall appropriate one-half and the citizens the other. Why, under that plan Congress could appropriate \$40,000,000 or \$50,000,000 and say to us, "Put up your part." We are not able to do it. We can not put it up. Not only that, but how is that thing worked?

I am going to tell you something now, gentlemen, that I want you to think over carefully. I am a practical man about this matter. What have you done? You have not gone as far as that, but you might have done it; you could have done it. But what have you done? You have gone to work here and squeezed us to raise our taxes to meet your 50 cents; you have gone to work and squeezed us here until now you have got us up to \$8,000,000 or \$9,000,000 of taxes in the poorest town of its size in the United States. That is what you have been doing with us. You have been squeezing the life out of us in order to meet your half dollar.

I say that is wrong. That is wrong in every sense of the word. You have no right; the Constitution does not give you that authority, because the Constitution simply says that you are the trustees of the American people over this Capital, and we living here, the American people, are the cestui que trust.

Senator WORKS. Then you do not agree, Colonel, with these gentlemen who are insisting upon paying that one-half, that that is the only just way of settling these differences between the people and the Government?

Mr. LANCASTER. I do not. I think it is radically wrong. They hold that proposition; but I take the view of it, as a lawyer and a citizen, that the conception of that proposition was an absolute failure; Congress did not do its duty. Instead of passing the act of 1878 on the half-and-half plan, Congress should have assumed then and there the entire responsibility. That is what the law says.

Congress should have assumed the entire responsibility after going into partnership with the poor man, and should have said to the people of Washington, "We will pay all the bills; we will appropriate all the money, and we will assess you what is reasonable and fair in comparison with other cities, and you pay your taxes into the United States Treasury, and that ends the business so far as the financial condition is concerned, and you gentlemen may go home and feel easy and go ahead with your business."

#### STATEMENT OF WILLIAM E. SHANNON.

I fully believe that the half-and-half plan is detrimental to the people and the city of Washington, as clearly pointed out by Commissioners Newman and Brownlow. I am firmly convinced it is the half-and-half plan that forces Congress to look upon this city merely as any other city of 350,000 people, instead of looking upon it as the Capital of the richest and greatest Nation on earth. It keeps Congress from looking upon it as its own, as belonging to its constituents, 100,000,000 strong.

As to the proportion of expenditures between the United States and the District, let Congress investigate and decide what constitutes just taxes. I am of the opinion that we are somewhat overtaxed; but, in any event, let us pay our just taxes directly to the Government. Then, without any consideration as to the ratio, let the Government spend our money, and as much more as Congress may deem wise, on our municipal organism and the beautification of the Nation's city. I feel it may be assumed with perfect safety that if this is done the Nation's Capital will not suffer in its development along the broad lines we all have so much at heart, but differ as to the method of accomplishing.

In closing I wish to say that I am sufficiently optimistic to predict that irrespective of what system may be put in force, I firmly believe that "just as sure as the Nation grows just so sure will its Capital grow; nothing can stop it." But it will grow better and bigger and approximate the ideal we all have for the Nation's Capital if its growth is exclusively undertaken and directed by Congress.

#### STATEMENT OF JUSTICE F. L. SIDDON.

First of all, with respect to the question which I suppose underlies this inquiry, whether or not the so-called half-and-half principle should be either repealed or modified.

My own conclusion, based upon observation of its operation over a considerable period of years, with a brief official connection with the administration of District affairs as a commissioner for some 18 months, is that the repeal of the half-and-half plan is eminently to be desired in the interests both of the people of the District of Columbia and the great legislature which enacts our laws.

I have reached that conclusion for the following, among other reasons: I believe that in the process of the years that have passed since the enactment of the so-called half-and-half plan it has become a fruitful source of vexation and irritation, both on the part of the citizens of the District and of Congress, more particularly those Members of the House and Senate whose official duties charge them with the care and supervision, legislatively, of the affairs of the District of Columbia.

I believe it is now objectionable because it proceeds on what seems to me to be a fixed, narrow, and arbitrary method of determining what should be the contribution upon the part of the local taxpayers and what should be the contribution from the Federal Government.

I say that because, in my humble opinion and judgment, there is but one power, one governing power, in the District of Columbia, and that is the Congress of the United States; I mean, of course, with respect to District affairs. Constitutionally it has supreme and exclusive power, and with that lodgment of supreme and exclusive power follows necessarily a heavy responsibility on the part of Congress to so legislate that the National Capital may be developed as every man and woman who loves his country would wish to see it developed and grow.

I have no disposition at all to pass judgment upon what has taken place in the past, either in respect to specific legislation from time to time, or the attitude of some of our citizens with respect to such legis-

lation. I only can repeat that my observation has been that for a long period, at least 15 years, in Congress and out, the existence of this so-called half-and-half principle has been forever the cause of the irritation and vexation that I have adverted to, and in addition to that there is never a piece of legislation proposed for the District of Columbia that involves expenditure of money that the old wrangle over the half-and-half principle does not make its appearance.

I believe the existence of that irritation on both sides can hardly be gainsaid, as a matter that has been very unfortunate in its effect upon the District of Columbia in this, that it has postponed over and over again the enactment of desirable and necessary legislation.

Another reason why I have reached the conclusion that the half-and-half principle should be repealed is this: I have observed the influence of its existence and operation in several different ways, with respect especially to the matter of assessments for purposes of taxation in the District of Columbia, and with respect to the estimates submitted year by year by the commissioners to Congress, as they are required to do, and in the approach in Congress to consideration, either in the matter of appropriation or legislation.

I believe that Commissioner Brownlow, in his recommendations to this honorable committee, has probably suggested the wise course. Before I read his statement to the committee I had been very greatly impressed by the resolution offered, I think, by the honorable Senator from California, as to what, in his judgment, would be a wise disposition of the matter. It has seemed to me that it will never be possible to frame legislation that will be really permanent in its character which proceeds upon the theory of a partnership between the local taxpayers on the one side and the Federal Government, represented by the Congress of the United States, on the other.

I find no warrant for any such conception, either in the constitutional provision under which Congress operates or in the legislation of Congress from time to time.

I find none in the act of 1878, which established the so-called half-and-half principle.

We have heard over and over again in the last 10 or 15 years the justification for the existence of the half-and-half principle laid on the basis that the act of Congress in 1878 was a compact between the Congress of the United States and the people of the District; that it was a contract between the Congress of the United States and the people of the District of Columbia. I repeat that I find no warrant or justification either in the constitutional theory which has clothed Congress with this supreme and exclusive legislative power or in any act of Congress giving it effect from time to time.

#### STATEMENT OF JOHN JOY EDSON.

The District of Columbia is probably the most peculiar territory that there is in the United States, or in any country. The provision made by the Constitution for the establishment of this District was never complete and never comprehensive, and from the day that the District of Columbia was established there has been no complete, lasting form of government or definite adjustment of the relation between the Federal Government and the District; they have never been clearly defined or permanently fixed. The result of that has been one form of government after another has been tried, each unsatisfactory. Up to 1878 little progress was made as compared with other cities, especially as the Capital City of the Nation. I think that is the most serious aspect our history unfolds. Take it from a broad and farseeing standpoint it would seem that in the beginning the District status and its relation to the Federal Government should have been permanently defined. Now, if a commission could be designated and it took ample time to consider this question, there might be wrought out something, even if it required an amendment to the Constitution, fixing the District government in a way that it would have permanency. The government should not be founded upon a single act of Congress or legislation enacted upon the appropriation bill. To establish any fundamental government you have to have a fundamental arrangement with the National Government that the frequent legislative amendments to appropriation bills will not be made that will undermine and disturb public and private conditions. That should not be so. There are Territorial governments, there are State governments, it is true, but this is a territory that is not like other Territories or a State. What is it? We can not define it; we do not know what it is.

Senator WORKS. Well, is there any government at all?

Mr. EDSON. There has not been a well-defined government establishing the true relation that should exist between the Federal Government and the District.

Now, it would seem that the District situation must be recognized as extraordinary and this should not continue, but be adjusted upon wise and sound principles in accord with the absolute control and jurisdiction of the Congress.

#### STATEMENT OF EDWARD F. COLLADAY.

My view is that it would be better if the half-and-half system should really be restored and literally administered here in the District of Columbia. I do not believe that we have had a full, free, and literal administration of the half-and-half rule during recent years; but if for any reason this committee should choose not to recommend the restoration and strict application of the half-and-half rule, then I believe that we are confronted with the necessity of choosing between two other plans—No. 1 plan being the plan of a fixed proportion, less than one-half, to be paid by the Federal Government; or No. 2 plan, substantially the plan of Senator WORKS, the plan which he has advanced and which the civilian commissioners have advanced, and which, after slight modifications, I would prefer; that is, that the Federal Government, through Congress and with the approval of the President, should enact a statute not simply striking out the enacting clause, as stated by Commissioner Brownlow, but enact a statute solemnly declaring the liability of the Federal Government for the entire maintenance and development of the District of Columbia; second, that a fair tax should be levied upon the property in the District of Columbia, exclusive of intangibles; third, that a proper means of raising the revenues, assessing, levying, and collecting the taxes, should be secured substantially as at present, but as a part of that I would have a separate tax appeal board. I do not think that the same persons who make the assessments should be allowed to review their own assessments, and I base that upon my personal experience, representing clients before the assessors acting as a board of equalization and review.

#### STATEMENT OF M. M. PARKER.

I would be in favor of the proposition submitted by Senator WORKS, and so nicely set forth by ex-Senator Blackburn, that the Government assume entire charge of the District, fixing such taxation as in their

judgment the people of Washington ought to pay. I would be entirely satisfied with that, except for the fact that I would be afraid that the same influences that have been operating to do away with the half-and-half plan would be brought to bear on Members of Congress and Senators of the United States, so that the burden would rest entirely on the District of Columbia. I am afraid Congress would limit the improvements to the revenues of the District.

STATEMENT OF EVAN H. TUCKER.

Coming back to the question, Mr. Chairman, I will say that I do think the plan of Senator WORKS and Commissioners Newman and Brownlow is theoretically the solution of this question.

Senator WORKS. In principle it is all right, is it not?

Mr. TUCKER. In principle it is all right, absolutely. There is no question about it. But I am afraid that in practice it would be to the great detriment of our citizens.

Senator WORKS. Is not that the same with the whole opposition to any change from the half-and-half theory, that you people here in Washington are afraid?

Mr. TUCKER. I think so.

Senator WORKS. And you are afraid of Congress?

Mr. TUCKER. I think so.

Senator WORKS. That is the whole situation.

Mr. WORKS. Mr. President, I have shown that the District of Columbia is a useless organization; that it can by no possibility do any good; and I think I have shown that it is doing positive harm. I have tried to show, as dispassionately as I could, the conditions as they exist and the probable, almost certain, injurious effects of carrying on the District government under the half-and-half system.

As I have said, the adoption of my amendment, while it may seem radical, would have but very little effect practically. Things would go on just as they are now going on, but under a different form. The money necessary to carry on the District of Columbia would be paid directly out of the National Treasury instead of being paid one-half out of the pretended District treasury and one-half out of the National Treasury. I have shown that there is in fact no District treasury. The District has none. It does not collect any money; it has no power to collect money; it can not pay it out; it can not deal with it in any way except that the officers of the District collect the money from taxpayers and pay it into the National Treasury.

I have given this matter a good deal of careful attention. I may be entirely wrong in my views about it, but I have not come to my conclusions without the most careful consideration and thought.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

Mr. WORKS. I yield to the Senator.

Mr. CURTIS. Would it not be better, if a plan of this kind were to be established at this time, for the Senator to offer his amendment as a proviso to the Senate committee amendment, so that the three suggestions would be in conference? For instance, if the amendment of the Senator should be adopted, it would supersede the committee amendment, the latter going out of the bill, and there would be nothing then in conference between the two Houses except the Senator's plan and the plan proposed by the House.

Mr. WORKS. That would be a very inconsistent thing, it seems to me, for the Senate to do, because my amendment certainly is in direct conflict with the amendment reported by the committee.

Mr. CURTIS. What I meant was that the Senator's amendment be put in the form of a proviso to take effect on and after July 1, 1917, so that in the meantime the plan could be worked out, it could be ascertained whether it does in any way conflict with existing law; and the necessary provisions could be made to carry the provisions of the Senator's amendment into effect.

Mr. GALLINGER. Mr. President, I will suggest to my colleague on the committee that Congress has not any time to work out a plan now.

Mr. CURTIS. I say they could do it at the next session of Congress, if the provision proposed to be incorporated by the Senator from California were to take effect on and after July 1, 1917.

Mr. GALLINGER. Mr. President, will the Senator from California allow me to ask him a question?

Mr. WORKS. Certainly.

Mr. GALLINGER. The Senator from California says that the District has no treasury and has no money which belongs to it. To whom does the money belong which has already been contributed by the District of Columbia and not expended?

Mr. WORKS. It belongs to the Government, without any question.

Mr. GALLINGER. And the Senator thinks that that could be taken back into the National Treasury?

Mr. WORKS. Certainly.

Mr. GALLINGER. That was attempted several years ago, and it did not meet with the approval of Congress; and so it has not been done.

Mr. WORKS. I am not dealing with the past, I will say to the Senator; I am dealing only with the future. There is nothing in this amendment that disturbs anything that has already taken place, except that it provides for the payment of all of the debts of the District government by the National Government out of the National Treasury.

Mr. GALLINGER. What struck me was the Senator's suggestion that the District had no treasury and no money belonging to it, and yet here is an excess of money contributed by the District which the Government ought to have matched in amount, but did not do so. Now, surely, that money must belong to the District and not to the United States Government, the District having contributed it.

Mr. WORKS. Not at all.

Mr. GALLINGER. The Senator thinks not.

Mr. WORKS. No; there is no way by which the District can make any demand upon the Government for the repayment of the money they have paid under legal taxation. It is quite unjust, I agree, that that money should be held by the Government and not matched under the half-and-half system.

Mr. GALLINGER. Does, or does not, the Senator think, as there is an obligation jointly imposed upon the District of Columbia and the National Government to the extent of several million dollars in connection with the 3.65 bonds, that that money which the taxpayers have contributed should be used for the liquidation of a portion of that obligation resting upon the District?

Mr. WORKS. I think not. The trouble with the attitude of the Senator from New Hampshire—

Mr. GALLINGER. No; I am asking the question for information.

Mr. WORKS. If he will allow me to suggest it, it is that the Senator is treating the District of Columbia as an actual entity, when it is not. It is merely an agent of the Government, and nothing more, and the Government may certainly change its agency at will.

So far as the interests of the taxpayers are concerned, they are not disturbed in the least. They will go on paying just the same taxes as they have paid in the past, and under exactly the same law. The only difference will be that, instead of a pretense—because it is a mere pretense—that we are paying half of this amount out of the revenues of the District, we will be doing exactly what we are doing in fact, paying it out of the National Treasury.

Mr. GALLINGER. Mr. President, of course I can not quite follow the Senator.

Mr. WORKS. I regret if I have been unable to make myself understood. I am doing the best I can.

Mr. GALLINGER. I am delighted to listen to the Senator, but I can not quite follow him to his conclusion. The Supreme Court declared that the act of 1878 was the organic law of the District of Columbia. The Supreme Court recognized the District of Columbia as an entity.

Mr. WORKS. As an agent.

Mr. GALLINGER. Well, as an entity, I should call it; and yet the Senator just wipes it out, and says it does not exist; that it is not of any account.

Mr. WORKS. Oh, no.

Mr. GALLINGER. That it is a mere governmental agency, as I understood the Senator, although I may have been mistaken.

Mr. WORKS. I am stating the plain facts about it. That is exactly what it is. I am not attacking the validity of the so-called organic act; it is good for what it is worth; but I am trying to change it so that things will work out a good deal better than I think they are doing now.

Mr. President, I do not know whether the Senator from Maryland [Mr. SMITH] proposes to insist upon his point of order. If so, I should like to be permitted to say just a word about that. If not, I do not care to take up the time of the Senate further.

Mr. BRANDEGEE. Mr. President, will the Senator permit a question before the point of order comes up?

Mr. WORKS. Certainly.

Mr. BRANDEGEE. Some question having been raised as to whether the District is an entity, I desire to ask the Senator, can the District of Columbia maintain suits in the courts and be made defendant in suits?

Mr. WORKS. Yes. The Government, in effect, consents to sue or be sued in the name of its agent.

Mr. BRANDEGEE. To that extent, then, it is an entity?

Mr. WORKS. Yes; as a mere agent of the Government, as I have said.

The VICE PRESIDENT. As the Chair understands, this matter is coming before the Chair, and the Chair would like to be advised concerning it, but the Chair did not catch the state-



ment of the Senator from Connecticut and the answer of the Senator from California.

Mr. BRANDEGEE. This has nothing to do with the point of order, Mr. President.

Mr. WORKS. It may have.

The VICE PRESIDENT. The Chair thinks it has.

Mr. WORKS. The question of the Senator was whether the District of Columbia was an entity to the extent of having the power to bring suits in its own name and to defend them, and I said "yes." That right has been recognized, and for that reason I have included in my amendment a provision that would protect the people who might sue the District by giving them the right to sue the Government, the principal, under the same circumstances, just as its agent is allowed to sue and be sued in its name.

Mr. BRANDEGEE. Then I want to ask the Senator a question in reference to his statement that the District of Columbia was simply the agent of the General Government in collecting taxes upon the property of the residents of the District and depositing the taxes so collected in the Treasury of the United States. The Senator says that the money so collected and deposited is not the money of the District. Now, I want to ask the Senator, under his conception of the mutual relations of the General Government and the District, whether he thinks the General Government could take those taxes collected from the District and appropriate them to other purposes than District purposes?

A very singular condition of things exists—and if I had read the testimony of Mr. Brownlow, one of the commissioners of the District, it would have explained that whole matter of the money collected in the District. There is no record account kept between the District and the Government. The tax collector collects a certain amount of money, takes it to the Treasury, and deposits it there, and he is given a slip showing that he has put in that amount of money; but otherwise it is carried into—well, I am not sure, but I think into the miscellaneous fund. There is no regular account of District funds kept even in the Treasury Department. They are simply carried into the miscellaneous fund and paid out upon the order of the Treasurer and not upon order of the District. It is a very singular condition of things.

Mr. STERLING. Mr. President, I should like to ask the Senator a question. Suppose under the present system—the half-and-half system—the District of Columbia should raise by taxation more than one-half or its share of the expenses of the District, could Congress, without any reference to the District of Columbia, appropriate that money—

Mr. WORKS. Undoubtedly.

Mr. STERLING. To whatsoever uses it pleased?

Mr. WORKS. Oh, no; not to any uses.

Mr. STERLING. Outside of the expenses of the District?

Mr. WORKS. I think there may be some trust character imposed by which the Government would be under obligation to apply it to the expense of carrying on the District; but that the Government could keep it all, I have no doubt whatever.

Mr. STERLING. If the Government did not apply it to the expenses of the District of Columbia, the District would have a right of action, would it not?

Mr. WORKS. I do not know whether it would or not. I think it is quite doubtful under the law. It is a very peculiar law, a very peculiar condition of things.

Mr. STERLING. If the District can sue and be sued, it would seem that that might follow.

Mr. WORKS. It might sue and not maintain the action.

Mr. BRANDEGEE. A sovereign State can not sue the General Government.

Mr. STERLING. That is true.

Mr. WORKS. I have not heard from the chairman of the committee whether he insists upon his point of order or not.

Mr. SMITH of Maryland. I will make an explanation after the Senator concludes.

Mr. WORKS. Very well. Then, if the point of order should be made, if the Vice President would care to listen to me, I should be glad to say just a few words about it.

During the delivery of Mr. WORKS's speech,

Mr. CLARKE of Arkansas. Mr. President, will the Senator from California yield to me for a moment?

Mr. WORKS. Yes.

#### BLACK RIVER BRIDGE, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of House bill 16068, being No. 587 on the calendar. It is a bridge bill that proposes to authorize a county in Arkansas to proceed to the construction of a bridge across one of the small navigable streams of that State. The bill will not provoke the slightest opposition.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16068) to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark. It authorizes the county of Clay, Ark., to construct, maintain, and operate a bridge and approaches thereto across the Black River at or near Bennetts Ferry at a place where the public highway leading from Corning to Piggott crosses the river, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER and Mr. SMITH of Maryland addressed the chair.

The VICE PRESIDENT. The Senator from California has the floor.

Mr. SMITH of Maryland. I thought the Senator had concluded.

[Mr. WORKS resumed and concluded his speech.]

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMITH of Maryland. Mr. President, it is not my intention in any way to criticize the amendment that has been offered by the Senator from California as to its merits or demerits; nor do I question for a moment the good intentions of the Senator from California or his desire to bring about legislation that is for the best interests of the citizens of the District of Columbia and for the Government of the United States. I am satisfied that is his intention.

But, Mr. President, an appropriation bill is no place in which to bring about legislation of this character. How can we determine its wisdom at this time? I do not know. This may be an excellent amendment of the Senator from California, but I am not in a position to say whether it is or whether it is not. It is a matter that should be considered more thoroughly than we can consider it in this body, at such short notice, as to whether an amendment of this kind is the proper thing to bring about legislation pertaining to the District of Columbia and the Government of the United States.

So far as my judgment is concerned, and the judgment of the committee, it was that legislation of this character should not be put upon an appropriation bill. We feel that if there is a better way of administering the affairs of the District of Columbia and the Government of the United States than that which now exists, it should be done by a special act, after full consideration and full digestion of the various conditions that exist in the District of Columbia pertaining to both the people of the District of Columbia and the Government of the United States.

I want to say, Mr. President, so far as this bill is concerned, the half-and-half bill, that I can see no injury that is done to anybody. If you will look over the assessments of private property in the District of Columbia and compare them with the valuation of property owned by the Government in 1914, you will find that the Government owned more property than the people of the District of Columbia. I have here the report made by the commissioners, in which it is stated that the Government owned \$396,550,898 worth of property, whereas the people of the District of Columbia owned, according to the assessment, about \$392,000,000 worth. So far as that is concerned, when you come to put taxes upon property, it is about half-and-half; and, as I understand, from the time this organic law was passed up to the present time the amounts raised by the people of the District of Columbia and those paid by the Government of the United States do not vary 1 per cent. So, therefore, there is no harm being done to anybody. There is no injustice being done to anybody.

Besides that, Mr. President, this is no place to enact a law of such great importance as this. There are many laws on the statute books that have grown out of this law. I have been told by some parties, whose information I value, that there are as many as 100 laws that are in harmony with the half-and-half law. This half-and-half law may not be what it should be, but this is no place to enact a law of such great importance by offering an amendment of this character, good though it may be, for us to determine what we shall do.

When you come to look at the assessment, I understand that there is no difficulty about concluding that it is a proper assessment. They say that the property of this District is assessed about in the same manner that the property in other cities has

been assessed. In fact, I believe the Senator from California has said himself that it is probably overassessed. Therefore I can see no reason for this hurry to get a provision of this kind on an appropriation bill; besides, if you will notice the per capita assessment, the per capita assessment is probably higher than that of the average city of the United States.

I did not in the beginning raise a point of order in regard to the amendment that was offered by the Senator from California, because I felt that we wanted to hear what he had to say. I felt that it probably would be a good thing to have it upon the Record, so that in discussing these matters and considering these matters further we would have his views and the information that he has given us to-day to consider. But I do say, with all due respect to him, that I will have to raise a point of order upon this amendment that has been offered by him, because I think it is not only new legislation but legislation of the greatest importance, and should not be considered in an appropriation bill.

The VICE PRESIDENT. Does the Senator mean general legislation or new legislation?

Mr. SMITH of Maryland. General legislation and new legislation, both. It is general legislation and new legislation. It is most general, because it not only pertains to the District of Columbia, but it pertains to the whole United States.

The VICE PRESIDENT. The Chair rules upon this question with a very great deal of diffidence, because it has been a good many years since the present occupant of the chair endeavored to try a lawsuit, and because, further, the Chair may not be in possession of all the facts in the case; but there undoubtedly will be an appeal from the Chair to the Senate, and time will be conserved by the Chair making a ruling on this question.

Everybody knows that the Constitution of the United States gives to the Congress of the United States the power to exercise exclusive legislation in all cases whatsoever over the District. It is not my purpose to discuss the question as to whether the Congress of the United States can divest itself of legislative authority over the District or not, as to whether the Congress of the United States can or can not create a municipal corporation out of the District of Columbia. It is sufficient, for the purposes of ruling upon this point of order, to inquire, What has the Congress of the United States done?

There are certain definitions that can not be escaped from, perhaps as well set out in Dillon on Municipal Corporations as anywhere else in the law, wherein he says:

A municipal corporation, in its strict and proper sense, is the body politic and corporate constituted by the incorporation of the inhabitants of a city or town for the purposes of local government thereof. Municipal corporations as they exist in this country are bodies politic and corporate of the general character above described, established by law partly as an agency of the State to assist in the civil government of the country, but chiefly to regulate and administer the local or internal affairs of the city, town, or district which is incorporated.

We may therefore define a municipal corporation in its historical and strict sense to be the incorporation, by the authority of the government, of the inhabitants of a particular place or district, and authorizing them in their corporate capacity to exercise subordinate specified powers of legislation and regulation with respect to their local and internal concerns. They are simply the administrative form of the fundamental American idea of government, namely, that the people are the source of all political power, and have the right to exercise it. This, with us, is no mere rhetorical declamation, but a foundation of principle upon which our political institutions rest. As local matters can better be regulated by the people of the locality than by the central power, we provide that each road district, each school district, each city, and each county shall, as to its local concerns, be self-governing.

A thing may be what it is called, and it may not be. A deed may be a deed, and it may be a mortgage. The Supreme Court of the District of Columbia may have decided that the act of 1878 is the organic act of the District of Columbia. That is far afield from the question as to whether this is a municipal corporation or whether it is not. It provides, among other things, that—

The District of Columbia shall remain and continue a municipal corporation, as provided in section 2 of the Revised Statutes relating to said District, and the commissioners herein provided for shall be deemed and taken as officers of such corporation.

When you refer to section 2—if it is the act that has been placed in my hand by calling upon the law library—there is not a word in it that constitutes the District of Columbia a municipal corporation or confers upon it any right or power or authority. It levies no taxes, which must be one of the great principles of government. It collects and spends no taxes itself. It pays them all into the Treasury of the Government of the United States. While the law provides that the money goes there to the credit of the District of Columbia, still, so far as I have been able to see, in reading the organic act of 1874 and the organic act of 1878, there is not an earthly power conferred upon anybody in the District of Columbia save and ex-

cept as it is created and constituted as an agency of the Congress of the United States.

Mr. GALLINGER. Mr. President, may I interrupt the Chair? The VICE PRESIDENT. Certainly.

Mr. GALLINGER. I am greatly interested in the discussion of this subject by the Chair. I presume that the Chair is aware of the fact that claims for damages against the District of Columbia are valid, and that if the claim is sustained the District of Columbia pays that damage, whatever it may be. It is true that the money is in the General Treasury to the credit of the District of Columbia, but, nevertheless, in the courts the District of Columbia is held to be an entity to that extent.

The VICE PRESIDENT. That does not, to the mind of the present occupant of the chair, make this a municipal corporation.

Mr. GALLINGER. I was going a little further than that. The Chair, of course, is aware of the fact that before the act of 1878 the District of Columbia had a governor at one time and a legislative assembly. It had a mayor and a board of aldermen. So that, under the Constitution of the United States, it was recognized as being entitled to those officials—in the one case officials corresponding to those of a State, and in the other case officials corresponding to the cities of the country. So that there was that recognition of the District on the part of the Government as a municipal corporation, and to a certain extent as a State corporation.

In view of certain happenings in the District of Columbia it was thought desirable to change that form of government, and very wise men took it up. I will not name them, but they were very wise men, and they abolished both the right of the District of Columbia to have a governor and a legislative assembly and the right of the District of Columbia to have a mayor and a board of aldermen; and this existing law was placed on the statute book as a law to supersede what had theretofore existed. So it does seem to me that the Government, under the Constitution of the United States, has recognized in the past the principle that this is a municipal corporation. I do not see that by the statute of 1878 that was done away with. It may be so, but it does not strike me so, just at first blush.

The VICE PRESIDENT. There will be an appeal from the ruling of the Chair.

Mr. GALLINGER. Perhaps not.

Mr. CHILTON. Mr. President, if the Chair will hear me a moment, I think at this point the information I am about to give the Chair and the Senate will be very interesting.

One witness who appeared before the joint high commission, you might call it, of the two bodies—the Committee upon Fiscal Relations—was Mr. Worthington, a very honored, and justly so, member of the bar of the District of Columbia. Mr. Worthington has been for practically all his life a member of the bar of the District of Columbia. He is now retired; but we found him, as practically everybody who ever came in contact with him found him, a very eminent man and a great lawyer. Now, in line with what the Chair was saying, and also in response to what the Senator from New Hampshire said, I want to read this colloquy between Mr. Worthington and the chairman of the committee:

The CHAIRMAN. What is the District of Columbia now, in all essential respects, but a bureau of the Government?

Mr. WORTHINGTON. It is not anything. It is nothing but an agency of the Government.

The CHAIRMAN. Well, you may call it what you please. In all essential respects it is a bureau of the Government.

Mr. WORTHINGTON. I think so. It is simply the machinery by which the Government undertakes to perform its duty, put upon it by the Constitution, of running this District. You might put all those duties upon the Secretary of the Interior or the Secretary of Agriculture, or you might call them regents, as they were called in this bill, or call them something else; but it would simply be a matter of form and not of substance.

That is in line with what the Chair has said.

The VICE PRESIDENT. The Chair is a little more strongly confirmed in the tentative opinion which he was expressing by the information conveyed by the Senator from New Hampshire, which the Chair possessed simply as a vague historic memory—that is, that at one time this Government did create a municipal corporation out of the District, and it ran into debt. It was swamped with debt, and the Government took it back. The Chair, while very liable to be wrong in this hasty opinion, from the reading of these acts does not believe that the District of Columbia is a municipal corporation. He thinks it is nothing on earth but an agency of this Congress. This Congress is making appropriations to run the affairs of the District for the ensuing year. The House of Representatives beyond all doubt, if there is to be any change in the existing conditions with reference to the collection of taxes in the District, entered into the field. The Senate amendment seeks to restore it as it formerly was. The Senator from California has not



interfered with any vested right by his amendment, save as to the half-and-half plan, or changed any law in force therein, the duty of any official, or deprived anybody of any right or privilege that he is exercising. In view of the House provision the Chair does not believe that it is subject to an objection as being general legislation. He believes it is special, applies to this particular agency of government, is germane to this bill, and overrules the point of order.

Mr. GALLINGER. Mr. President, the Chair suggested that an appeal probably would be taken, but I trust that no appeal will be taken. I think we can well go to a vote on the direct proposition. I will urge the chairman of the committee not to take an appeal.

Mr. SMITH of Maryland. I shall take no appeal. I accept the ruling of the Chair.

The VICE PRESIDENT. The Chair wants it to be understood that if the Chair had thought there was not going to be an appeal there would not have been any ruling; but the Chair thought it would clear up the matter.

Mr. GALLINGER. We all respect the views of the Chair—I certainly do—and while they differ from my view on this particular question, I can see very clearly that there is a just ground for a difference of opinion. Therefore, I hope we will take a direct vote on the amendment offered by the Senator from California.

The VICE PRESIDENT. The question, then, is on the amendment of the Senator from California.

Mr. GALLINGER. Mr. President, I will say that I trust the amendment will not be agreed to. I think there is a better way to solve this problem for the ensuing fiscal year, and that the proposition submitted by the Senator from California, as well as other propositions, may well engage the very careful attention of the two Committees on the District of Columbia, so that after a time we may have more information, and information that will enable us to legislate more wisely than we can do at the present moment. I feel very clear in my mind about that matter, and I trust that the action of the committee will be sustained.

Mr. CHILTON. Mr. President, I want to inquire the legislative status.

Mr. GALLINGER. The point of order is overruled.

Mr. CHILTON. The motion of the Senator from California, as I understand it, is a motion to strike out and insert. If this motion shall be defeated, then the question will recur upon the amendment of the Senate committee?

Mr. GALLINGER. Certainly.

The PRESIDING OFFICER (Mr. BRYAN in the chair). The vote would then recur upon the amendment of the committee.

Mr. WORKS. The effect of the amendment is to strike out that portion of the bill inserted by the Senate committee, leaving that portion which was contained in the House bill stricken out, and making this in effect a substitute for both of them.

Mr. BRANDEGEE. Mr. President, if the amendment of the Senator from California should prevail, I assume it would still be possible for the conference committee to report in favor of the amendment suggested by the Senate committee, would it not?

Mr. SMOOT. No; it would not.

Mr. GALLINGER. No.

Mr. BRANDEGEE. Is not the whole question in conference?

The PRESIDING OFFICER. It would put the whole question in conference.

Mr. BRANDEGEE. I suppose there may be a difference of opinion among Senators about that. I should think, as between the two plans, that a third plan could be reported by the conferees.

Mr. SAULSBURY. Mr. President, I ask that the amendment may be stated. I was not in the Chamber when it was stated, and I am anxious to know what its terms are. If it is printed, I will get a copy of it.

The PRESIDING OFFICER. The amendment is printed.

Mr. SAULSBURY. I will get a copy of it, then.

Mr. SMOOT. Mr. President, I did intend to take some time to-day in discussing this amendment; but the substitute that has been offered by the Senator from California has been discussed in detail, and in that discussion there has been considerable said in relation to the half-and-half plan. This same proposition comes before the Senate every year, and every time the Senate votes upon it there is at least a 2 to 1 vote in the Senate against abolishing the half-and-half principle.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. SMOOT. Certainly.

Mr. GALLINGER. When the matter was voted on last year, the Senator from Colorado [Mr. SHAFROTH] proposed that the Government should pay 60 per cent and the District of Columbia

40 per cent, and the yeas were 10 and the nays 57. The Senator from Kentucky [Mr. JAMES] proposed that the Government should pay one-third and the District of Columbia two-thirds, and the yeas were 19 and the nays 49. On the direct vote as to the continuance of the half-and-half principle, the yeas were 46 and the nays 20. That is the record.

Mr. SMOOT. That record is correct, Mr. President, as I have it before me at the present time. I shall not take any time now, as I say, in discussing this question, but I do express the hope that the amendment offered by the Senator from California will not be adopted nor will the House provision be adopted. I will say that whenever we undertake in the Appropriations Committee to consider the House provision abolishing the half-and-half plan, we find that it interferes with at least a hundred laws that have been passed, and it is simply useless to undertake to abolish the plan without legislation covering the acts that have been passed that affect the District of Columbia and the finances of the District.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield.

Mr. WORKS. If the Senator looks into the situation, he will find that this amendment really covers the whole situation. It does not disturb any of the acts that are in existence now at all. It is just simply a question of paying the money out of the Treasury; that is all.

Mr. SMOOT. But if the plan suggested by the Senator from California were adopted with no other legislation it would be inconsistent with the legislation that has already been passed. As I said, I think there are over 100 bills—116 I think is the exact number—that would be affected by this legislation.

Mr. WORKS. Mr. President—

Mr. SMOOT. The only proper way to do is to take the whole subject matter up and frame a bill covering the whole ground, and let it go to the Committee on the District of Columbia and be thrashed out there and reported to the Senate.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield.

Mr. WORKS. Mr. President, the Senator from Utah is entirely mistaken. There is not the slightest necessity for changing any of these statutes. They are not disturbed by this amendment, if it should be enacted. There is no occasion for an extensive bill modifying or changing the statutes to which the Senator refers. It would be a useless expenditure of time and labor.

Mr. SMOOT. The Appropriations Committee of the Senate has had this matter under consideration a good many times, and every time it was discovered that to merely abandon the half-and-half plan would create conflicts between existing laws affecting the District. I do not believe there is a member of the committee—and the committee has given hours and hours and days of time to this question—who will not admit this to be a fact, if the act simply abolishing the half-and-half proposition is adopted without further legislation. It seems to me it would be very inappropriate, and I hope the amendment will not be agreed to.

Mr. MARTINE of New Jersey. Mr. President, I have been very much interested in this matter of a half-and-half system in the District in the legislation for the District of Columbia ever since it has been my fortune to be down here. I have been, in fact, all my life very largely interested in realty, and the question of assessment and taxes is a matter that affects us all. I have inquired very diligently and I have had no protest from the people of the District of Columbia. I have heard of no considerable discussion from anybody in favor of the abolishment of the half-and-half system. I remember a year or two ago when the matter was up I gave it considerable thought, and I asserted then, and I assert now, that any other system than the half-and-half system would, to my mind, be cruelty in an exceeding degree.

This is unlike any other city that I know of. The average street in the average city will run about 60 feet wide or 66 feet wide. With a 36-foot roadway there will be a 12-foot sidewalk on a 60-foot street or a 42-foot roadway with a 12-foot sidewalk on a 66-foot avenue.

With our system here, with the tremendous width of streets and the width of the sidewalks, you maintain a sidewalk 30 or more feet, together with the little parking system that you are obliged to maintain before coming to the edge of the street line. All those things are a burden upon the property that, to my mind, would be absolutely unjust.

It seems to me that this is a splendid city in its beautiful central layout and general proportions, and I believe it is a

splendidly governed city. I have heard my friend from California cite instances to show how iniquitous it was, and the slums, and all that sort of thing. I have looked the city over and it compares most favorably with any other city in the land I have been in. I say Washington is par excellence. It is the most beautiful city I know of, and I believe generally the best governed city I know of. Hence I shall oppose anything which looks like an abolition of the half-and-half plan.

But as I read this bill I find on page 28 something that disturbs me, and I feel like wrangling over it. Since attention has been first drawn to it I have gone into it and I have been more and more disturbed. I conversed with the chairman of the Committee on the District of Columbia and asked him about it. Look on page 28 of the bill. I am told that the amendments have all been agreed to. It was my stupidity or lack of attention mayhap, but I did not see it before. I read on page 28 the following item which was stricken out:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500.

Yet I find on page 28 the following items which are retained in the bill:

Repave with asphalt the roadway of Twelfth Street NW., from E to F Streets, 45 feet wide, and this width of roadway or less is authorized for use hereafter on other portions of this street in connection with their resurfacing, \$6,600.

Repave with asphalt the roadway of Third Street NW., from Pennsylvania Avenue to B Street south, \$13,500.

Repave with asphalt the granite-block roadway of Seventh Street NW., from B Street to Florida Avenue, \$15,000.

For repaving the roadway of B Street NW., from Ninth Street to Twelfth Street, on plans to be approved by the Commissioners of the District of Columbia, \$28,000.

Repave with asphalt the roadway of First Street SW., from Maryland Avenue to Canal Street, \$6,700.

For repaving the roadway of B Street NW., from Seventh Street to Ninth Street, on plans to be approved by the commissioners.

I find that the item I first read the Senate has stricken out absolutely. So that section from Pennsylvania Avenue on Fourteenth Street to F Street, 75 feet wide, shall not be repaved, and the property holders will be saved the assessments of that particular block. I can see no particular reason why this should be done. If all these assessments are made on these other streets, and if the property holders bear their assessments, why should not those men bear their assessments?

I had a little consultation with the chairman of the committee. I went over to the map to find out just where Fourteenth Street between Pennsylvania Avenue and F Street lies. I find that Fourteenth Street between Pennsylvania Avenue and F Street is abutted on both sides by the property of one of the millionaires of the District of Columbia. The Willards own the Willard Hotel on one side and they own the Ebbitt House property on the other. So they are not molested by assessments or taxation. I understand that their vaults and their private property reach out into the street line. They are using that for private purposes, and they have never paid an iota of tax to the District. Yet these men are rich beyond a dream, fattening on rich rentals and the yearly increments in value that are paid. To my mind it is unjust, and I can see no good reason for it except they want to keep on the pleasant side of the Willard family. That is my feeling in the matter. I believe that my criticism of it is justified. I realize that it is too late now to correct it, but I would not be myself if I did not give expression to it.

Mr. CHILTON obtained the floor.

Mr. O'GORMAN. Will the Senator from West Virginia yield to me for a moment?

Mr. CHILTON. I understand the Senator from New York has a matter of great importance to bring before the Senate, and I am perfectly willing to yield to him for that purpose.

#### PANAMA CANAL.

Mr. O'GORMAN. It may not be convenient for me to be present at the morning hour to-morrow morning, and I ask leave to make a report from the Committee on Inter-oceanic Canals, and also to request unanimous consent for immediate consideration. It is an urgent matter, recommended by the War Department.

The PRESIDING OFFICER. The Secretary will state the bill.

The SECRETARY. The Committee on Inter-oceanic Canals reports favorably with an amendment the bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

Mr. SMOOT. I wish to say to the Senator that it has been understood that I would object to granting unanimous consent

for the consideration of bills reported from committees while the Senate was recessing from day to day with an understanding that there would be two adjournments during the week allowing bills on the calendar to be considered. Bills reported should go to the calendar and be considered in their regular order.

Mr. O'GORMAN. This was done to-day. I do not know whether the Senator was present or not.

Mr. SMOOT. I was not present.

Mr. O'GORMAN. I hope the Senator will make an exception in this case, because it is the urgent recommendation of the War Department and the suggestion of Gen. Goethals. If this bill does not go through now—

Mr. SMOOT. It will go through to-morrow.

Mr. O'GORMAN. I do not expect to be here to-morrow. I hope the Senator will make no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I dislike to refuse one Senator and then allow another Senator to report a bill and have it acted upon when it has been virtually agreed that bills reported from committees should go to the calendar, and that on two days each week we would take up the calendar for consideration.

Mr. O'GORMAN. A bill was taken from the calendar to-day and passed without any objection. The Senator from Arkansas [Mr. CLARKE] made the request and there was no objection made to the immediate consideration of the bill.

Mr. SMOOT. Did the Senator from Arkansas report it from the committee to-day and ask for its immediate consideration?

Mr. O'GORMAN. He asked for its immediate consideration.

Mr. SMOOT. If so, it was when I was at lunch. I will ask the Senator if he reported the bill to-day.

Mr. O'GORMAN. He asked for the immediate consideration of the bill which had come over from the House.

Mr. SMOOT. That could not be done without reference to a committee.

Mr. O'GORMAN. It was done.

Mr. CLARKE of Arkansas. Does the Senator from Utah refer to the request I made this morning?

Mr. SMOOT. I am asking if the Senator had a bill passed this morning.

Mr. CLARKE of Arkansas. It was a mere license to construct a bridge, and such measures always go through by the mere asking and by unanimous consent on their presentation. The bill had been reported some two weeks ago.

Mr. SMOOT. It was not presented to-day by the Senator.

Mr. CLARKE of Arkansas. No; the bill has been here for two weeks, and I called it up.

Mr. O'GORMAN. It is a fact that the Senator from Arkansas asked unanimous consent for the consideration of the bill, and it was granted?

Mr. SMOOT. It was taken from the calendar, and he asked unanimous consent for that purpose. I was not here, and I knew nothing about it. All I want is to act consistently in this matter, and if we are going to act consistently all bills ought to go to the calendar when reported.

I hope the Senator from New York will not put me in a position now to be compelled to object to the consideration of this bill. I am quite sure there will be no objection to-morrow.

Mr. O'GORMAN. I hope, under the circumstances, the Senator will not object. He wants to do right and he will not mean to press a useless objection.

Mr. SMOOT. I must object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made to the present consideration of the bill, and it will be placed on the calendar.

Mr. O'GORMAN. The Senator does not object to the presentation of a report of the committee?

Mr. SMOOT. Not at all.

#### ACTIONS FOR DEATH ON NAVIGABLE WATERS.

Mr. O'GORMAN. From the Committee on the Judiciary, to which was referred the bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters, I report it with amendments and submit a report (No. 741) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

#### PANAMA CANAL.

Mr. CHILTON. Mr. President—

Mr. O'GORMAN. By permission of my friend from West Virginia, to bring myself within the precedent recognized to-day in the case of the Senator from Arkansas, I ask unanimous consent to take the bill first reported from the calendar for immediate consideration.



The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, I shall say to the Senate now that I want the Senator from Ohio and one or two other Senators who have asked this privilege in the past and been denied to now ask that their bills be taken up and passed.

Mr. O'GORMAN. The Senator will have an opportunity later in the day to make that suggestion to the Senator from Ohio, but he does not want all the suggestions to come at the same time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York to the immediate consideration of the bill?

Mr. SMOOT. I wish to say to the Senator that there is no man in the Senate who makes so many requests as the Senator from New York for the immediate consideration of bills and nominations. The Senator knows that I have no objection to this legislation, but I think the Senator—

Mr. CHILTON. Mr. President, I yielded only for a matter that would take a few moments. We have the appropriation bill under consideration.

Mr. O'GORMAN. I shall not delay the Senator further.

Mr. SMOOT. If I consent to the present consideration of the bill, it will be with the understanding that I shall inform the Senator from Ohio and other Senators that they can, as far as I am concerned, call up their bills for consideration.

Mr. O'GORMAN. That is perfectly satisfactory.

Mr. TOWNSEND. Before that is done—

Mr. CHILTON. There is no right in my time to make an agreement.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the present consideration of House bill 15955. Is there objection?

Mr. GALLINGER. Mr. President—

Mr. O'GORMAN. It is an urgent proposal coming from the War Department.

Mr. GALLINGER. We had yesterday an opportunity to go to the calendar, and I imagine we will in the near future again return to it and clean it up. I hope no objection will be made to the request of the Senator from New York.

Mr. TOWNSEND. What has become of the District of Columbia appropriation bill?

Mr. O'GORMAN. By unanimous consent this request is being made.

Mr. TOWNSEND. Does the chairman of the Committee on the District of Columbia agree to lay aside the appropriation bill?

Mr. SMITH of Maryland. No, sir.

Mr. CHILTON. Mr. President, I think I have the floor.

Mr. SMITH of Maryland. The appropriation bill is before the Senate. The Senator from West Virginia has the floor and he allowed the Senator from New York to bring in a bill.

Mr. TOWNSEND. If the Senator will yield, I want to say something.

Mr. CHILTON. I yield.

Mr. SMITH of Maryland. The Senator from West Virginia yielded in his time. I did not yield.

The PRESIDING OFFICER. The Senator from West Virginia yielded to the Senator from New York.

Mr. CHILTON. I yielded, but there was an objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for the consideration of the bill?

Mr. TOWNSEND. Unless the Senator from West Virginia wants to yield long enough for an understanding, I shall object, although I do not want to object if we can have some understanding as to what we are going to do. I have asked unanimous consent here on several occasions for a bill that has been on the calendar for a long time. I have been induced to withdraw my objection to all unanimous-consent demands or requests with the understanding that the bill which I am interested in would be considered. Is it to be the policy of Senators to allow certain bills to go through and not to give some of the rest of us an opportunity to have our measures considered, or a motion even? I am not asking unanimous consent for mine. I am anxious to call it up and get a vote on the motion. I feel inclined to object.

The Senator from New York took the floor while I happened to be temporarily absent. If, as he states, he has a measure in charge which requires immediate consideration, I shall not feel like objecting to that, but I shall want to have it understood that we shall take up other measures that come along.

Mr. CLARKE of Arkansas. If consent is granted it will be done absolutely and without any condition. I shall not consent to any condition in connection with this matter. Let it be understood that by granting unanimous consent a Senator shall

not acquire any right which he does not possess under our rules.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. WORKS. I inquire if it is not a direct violation of the rule of the Senate, irrespective of any objection made by a Senator, to undertake the passage of a bill while a Senator has the floor.

The PRESIDING OFFICER. The Senator from West Virginia yielded to the Senator from New York.

Mr. WORKS. I understand; but under the rule he has no right to yield for any such purpose.

The PRESIDING OFFICER. The Senator having done so, yielded the floor, in the opinion of the Chair. Is there objection to the request of the Senator from New York for the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was to strike out section 10 and to insert a new section as section 10, changing section 10 to section 11, so as to make the bill read:

*Be it enacted, etc.,* That, until otherwise provided by Congress, the President is authorized to make rules and regulations in matters of sanitation, health, and quarantine for the Canal Zone or to modify or change existing rules and regulations and those hereafter made from time to time. Violations of any quarantine regulations provided for herein shall be punished by fine not to exceed \$500 or by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment, in the court's discretion; and a violation of any sanitary regulations hereunder shall be punished by a fine not to exceed \$25 or by imprisonment in jail not to exceed 30 days, or by both such fine and imprisonment, in the court's discretion. Each day such violation may continue shall constitute a separate offense.

Sec. 2. That, until otherwise provided by Congress, the President is hereby authorized to make and from time to time change rules and regulations for levying, assessing, and collecting ad valorem, excise, license, and franchise taxes in the Canal Zone, or to modify or change existing rules or regulations for that purpose. Ad valorem taxes imposed shall not exceed 1 per cent of the value of the property, nor shall franchise or excise taxes exceed 2 per cent of gross earnings.

Sec. 3. That, until otherwise provided by Congress, it shall be lawful for the President to make, publish, and enforce all rules and regulations for the use of the public roads and highways in the Canal Zone, and also for regulating, licensing, and taxing the use and operation of all self-propelled vehicles using the public highways, including speed limit, signals, tags, license fees, and all detailed regulations which may be from time to time deemed necessary in the exercise of the authority hereby conferred. The taxes on automobiles may be graded according to the value or the power of the machine, and such rules and regulations as now exist may be changed by such order from time to time, and any that may be hereafter made may be changed from time to time. The President may make mutual agreements with the Republic of Panama touching the reciprocal use of the highways of the Canal Zone and the Republic of Panama by self-propelled vehicles touching taxes and license fees, and any other matter of regulation to establish comity for the convenience of the residents of the two jurisdictions.

Sec. 4. That it shall be unlawful to commit any breach of the peace or engage in or permit any disorderly, indecent, or immoral conduct in the Canal Zone. The President is authorized to enforce this provision by making rules and regulations to assert and exercise the police power in the Canal Zone, or for any portion or division thereof, and he may amend or change any such regulation now existing or hereafter made.

Sec. 5. That any person who commits any act or who carries on any business, trade, or occupation in the Canal Zone without complying with the rules and regulations established by the President for the levying, assessing, and collecting of taxes, or who violates any rules or regulations for the use of the public roads and highways, or who violates any rules and regulations touching the licensing, taxes, operation, and use of self-propelled vehicles, or who violates any of the police regulations authorized hereunder, shall be punished by a fine not to exceed \$25 or by imprisonment in jail not to exceed 30 days, or by both such fine and imprisonment, in the court's discretion.

Sec. 6. That deposit money orders issued in the Canal Zone in lieu of postal-savings certificates, in accordance with the rules and regulations heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding 2 per cent per annum.

Sec. 7. That the interest received from the Canal Zone money-order funds deposited in banks under Canal Zone regulations shall be available to pay the interest on deposit money orders authorized by the preceding section. Such interest shall also be available to pay any losses which are chargeable to the Canal Zone postal service.

Sec. 8. That whenever a customs officer of the Canal Zone shall certify an invoice, landing certificate, or other similar document, or shall register a marine note of protest, or shall perform any notarial services, he shall be authorized to collect a fee equivalent to the fee prescribed by the United States consular regulations for the same act or service when performed by consular officials.

Sec. 9. The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such seamen of such vessels bestowed by law upon consular officers of the United States in foreign ports and upon shipping commissioners in ports of the United States are hereby bestowed upon the shipping commissioner and deputy shipping commissioners on the Panama Canal Zone.

Sec. 10. The President is hereby authorized to make rules and regulations, and to alter or amend the same from time to time, touching the right of any person to enter or remain upon or pass over any part of the Canal Zone; for the detention of any person entering the Canal Zone in violation of such rules and regulations, and the return of such person to the country whence he or she came, on the vessel bringing

such person to the Canal Zone, or any other vessel belonging to the same owner or interest, and at the expense of such owner or interest; and in addition to the punishment prescribed by this section for violation of any such rules and regulations, the authorities of the Canal Zone may withhold the clearance of such vessel from any port in the Canal Zone until any fine imposed and the cost of maintenance of such person are paid. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding 20 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

SEC. 11. That all laws, orders, or ordinances in conflict with this act are hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. GALLINGER. Mr. President I wish to ask my friend the Senator from New York, not having had an opportunity to examine this bill and having simply listened to the hurried reading of it, if the passage of the bill will increase the revenues of the canal.

Mr. O'GORMAN. I can not answer that definitely. I desire to say that this legislation was recommended in the first instance by Gen. Goethals and then by the War Department, and it has passed the House except the amendment which is now proposed, which amendment is urged by the War Department.

Mr. GALLINGER. I propounded the question for the reason that I read in the newspapers of yesterday, or possibly of this morning, that the revenues derived from the operation of the Canal last year were a million and, I think, three hundred thousand dollars less than the expenses. That brings us to this situation. We have built a canal costing \$400,000,000, and in our false liberality opened it to all the nations of the world. We are keeping it in repair at a heavy expense, and now it is running at a loss of over a million dollars a year. It is the most extraordinary business proposition that ever faced intelligent people.

Mr. O'GORMAN. I think I might add there was not only a loss of a million dollars in the year in the operating expenses, but without any return on the investment which was originally made.

Mr. GALLINGER. Absolutely.

Mr. O'GORMAN. The Senator and I are in accord in that view.

Mr. GALLINGER. While I do not object to this bill at all, I am going to venture the hope, but it may be a false hope, that either during the present administration or during the next administration, whatever it may be, we will reconsider the whole subject of the Panama Canal and see if we can not make foreign Governments contribute something toward the expenses that are falling upon the taxpayers of the United States.

Mr. SMOOT. I wish to ask the Senator from New York if this is a unanimous report from the committee?

Mr. O'GORMAN. It is unanimous. The report was agreed to by every member of the committee with whom I have been able to come in contact—more than a majority.

Mr. SMOOT. The committee was polled?

Mr. O'GORMAN. Yes. There has been no opposition. The Senator from Connecticut [Mr. BRANDEGEE] considered the bill, the Senator from Vermont [Mr. PAGE], and I think the Senator from Idaho [Mr. BORAH].

Mr. SMOOT. Of course no one from the mere reading of the bill as it was read here can tell much about it.

Mr. O'GORMAN. I give the assurance to the Senator that it is a meritorious bill.

Mr. SMOOT. I thought it was an emergency bill when I gave my consent.

Mr. O'GORMAN. The last clause makes it an emergency.

Mr. SMOOT. It is a very poor emergency.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. O'GORMAN. I am very much obliged to the Senator from West Virginia.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. CHILTON. Mr. President, at the last session of Congress the fight between the half and half and between those who would abolish it, so to speak, came before Congress on the District of Columbia appropriation bill. Let us not forget what that fight was about and the history of the commission which took the matter later under consideration and about which the Senator from California has spoken. Then the effort was made directly upon the floor of the Senate to reduce the proportionate part which the Government should pay for running the District of Columbia, first to 33½ per cent, again to 40 per cent, and again an effort was made to put upon the assessment roll of the District of Columbia what was alleged to have been millions of dollars' worth of untaxed property. In other words, it was alleged by reports of committees and it was stated upon the floor of the Senate that quite an amount of intangible property in the District of Columbia was not taxed as such property is taxed in the various States, and it was further alleged that the city of Washington was becoming the home of the tax dodger, the house of refuge, where men with large wealth could come with a certainty that their intangible property would not be taxed. Such was the basis or general lines of the fight. That is what brought up originally this contest over the plan which is called "half and half."

Now, what did the Senate do with it? It was argued then as now that it was not the time to consider such questions when the Senate was considering an appropriation bill. Then as now Congress was asked to put it off, not to decide it, not to march up to the merits of that question, whatever it might be, and decide it. It was again put off; but that time Congress was a little harder to put off than usual. The Senate wanted to take up those questions upon their merits. The representative of the people did not want to go back to his people and say that he voted for laws here that let people escape taxation in the District of Columbia when that was not the case back in the States. It was, however, put off again, and a fiscal relations committee composed of three Members from each of the two Houses of Congress was created, to which all of this subject was referred. That joint commission was to report distinctly what proportion of the expenses of the District of Columbia should be borne by the Government, including interest upon the sinking fund. Following is the exact language of the law creating the commission:

That a joint select committee shall be appointed consisting of three Senators to be named by the Presiding Officer of the Senate and three Members of the House to be named by the Speaker of the House of Representatives, whose duty it shall be to prepare and submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based.

Let us see what that commission did. That commission started in, and it had probably as complete hearings as ever were given by any committee of the Senate. It did not dodge the duties imposed upon it. I do say that for it, if I did happen to be a member. It was the greatest talkfest, barring some proceedings in the Senate of the United States, that probably ever came off in the city of Washington. All were invited and none refused.

The organized bodies came before us by attorney and in person. The unorganized citizens came before that commission in person and by attorney. In other words, a full and complete hearing was given to all the citizens of this city, from every part of it, and to the different business and civic bodies. All of that evidence was reported back to the Senate and to the House of Representatives, and it shows upon what this report was based.

What did that committee report? They reported that no reason could be assigned by anyone why there should be an arbitrary fixing of a proportion of the expenses of the District government so that a definite part should be always borne by the city and the other part by the National Government. Is that conclusion justified by the facts? Is it a fair solution of the difficulty? That is the report which was made by the joint committee of the two Houses of Congress. Who is here to say that that report is not based upon evidence, upon reason, and upon the best of considerations? No reason is alleged against it. There is nothing here but the old plea—"wait; this is not the place and this is not the time for such legislation." There is no one who has said that we have concealed any evidence



upon which we made that recommendation to Congress. Nobody has said that it is not reasonable, that it is not based upon the very best evidence and upon the very best considerations that were presented to us.

Who came before us? Some of the greatest lawyers of this city, the most prominent bankers and business men, representatives selected by the chamber of commerce, representatives of the joint citizens' committee, representatives of the committee of the Single Tax League, and representatives of the various guilds and societies in different parts of the city. I think that probably over a hundred witnesses were examined, and I will say that a speech of three hours was considered short when we were in session. All of that evidence is here; and, after it is all summed up, I want to say to you that there is not any law which will be violated, there is not any place where the Government will be embarrassed, there is not any place where anything will be embarrassed by the adoption of the committee's plan or the proposed amendment offered by the Senator from California [Mr. Works]. No such embarrassment can be shown.

We went into every detail of that matter. No legislation concerning streets, no legislation concerning the sinking fund, nothing regarding the police, nothing regarding public utilities—absolutely nothing will be compromised and nothing will be embarrassed by the adoption of the Works amendment. The plea that embarrassment will result is another shadow of the many shadows which have been interposed in the fictitious plan under which this Government has been discharging the duty which it owes to the people of the District, to the people of the country, and to this Capital City.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. CHILTON. Yes, sir.

Mr. GALLINGER. Has it not almost been a uniform custom, when a joint committee or commission has been appointed to take up some great question, that a bill follows its investigation?

Mr. CHILTON. I will answer the Senator very frankly that I do not know. The Senator from New Hampshire knows that I have not been very long in this body; but I will say that I presume that what he has suggested would be the usual course. The reporting of a bill, however, is not necessary. That is another fiction; it is purely a mental attitude. So far as that is concerned, there is no bill needed. If Senators will carefully read the report of the testimony on this subject, if they will read the legislation, the constitutional provisions, and will read what the great lawyers who were here contending for the half-and-half principle themselves admit, and will then read the report of the committee, which studied this matter, they will find that the fiction of the half and half is nothing more than an act of Congress, which any subsequent Congress may repeal, directly or by implication.

It reminds one of Chinese scenery. I understand that the Chinese in their theaters turn a chair over, and that means a storm at sea; if the chair is standing upright, that means sunshine and bright weather; if the chair is placed in another position, that means something else, and so forth. They do not go to the trouble and expense to paint the scenery and to set the scenes as we do in this country; it is all play anyway; it is all fiction; and they say if you want to get yourself in that mental attitude you can do it just as well by imagining a storm at sea when a chair is turned over as by having the elaborate stagings with the lightning and thunder. This "half-and-half" plan is simply Chinese scenery.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. CHILTON. I yield.

Mr. CHAMBERLAIN. I simply want to ask the Senator what legislation, if any, would be necessary to carry out the recommendations of the joint committee?

Mr. CHILTON. I will come to that in a moment.

I was going on, Mr. President, to show to the Senate that we have here absolutely a fiction, and nothing else. Let us approach this question from the three standpoints from which we should approach it. Let us approach it from the legal standpoint and from its economic standpoint. Then when you have considered it from those standpoints you will find that everyone has been approaching it purely from a psychological standpoint. There is nothing from the legal standpoint in the way of the amendment of the Senator from California, and there is nothing from an economic standpoint.

In order that we may understand the matter—the Senator from California well stated it, and I do not want to go over the history again—the District of Columbia was acquired by President Washington on account of the insecurity of the capital then in existence; in other words, the capital was under local influences, and the Revolutionary soldiers absolutely mobbed Congress in the city of Philadelphia. Congress then took up the question of getting a reservation absolutely apart from any kind of local influence, a place that could not come under any kind of local influence, that would be like a Government reservation, absolutely under the control in its minutest details of the Congress of the United States. They did not desire that it should be so that they would have to call upon a mayor of a town to protect the Congress; they wanted it so that they would not have to call upon the governor of a State or of a Territory or any local authority whatever for protection. They desired that in order to establish the complete jurisdiction and power of the National Congress to do anything it wanted—with what? With the Nation's Capital.

Congress first got authority from the Legislature of Maryland and authority from the Legislature of Virginia and came here and marked this spot out. It acquired the property by contract and purchase.

Mr. SMITH of Maryland. It acquired it largely by gift.

Mr. CHILTON. Not mainly by gift. I beg the Senator's pardon; it was not mainly by gift. I state it accurately. The property was acquired principally by purchase, and by a certain form of agreement setting forth what should be done as to the interests in the property when it should be sold. The evidence does not show that it was mainly acquired by gift; but that makes no difference.

Mr. GALLINGER. Mr. President, if it was not acquired by gift, we certainly did a most remarkable thing by giving back almost half of it to the State of Virginia. I think if the Senator from West Virginia looks the matter up he will find that it was acquired principally by gift.

Mr. CHILTON. The Senator from West Virginia has looked it up; the Senator has not only looked it up, but he has put the contracts and the deeds into the record, so that no man need make a statement here upon guess or belief. It is all in the report. We got copies of the original contracts, the original agreements, all of the papers, and these copies have been put in here, so that anyone can see what the arrangement was. There is no need now to have another committee of Congress appointed to ascertain what those papers were, for they have been printed for the use of the Senate for now over six months.

We have had various experiments at government in this city. First, we had the dregs, partly, of the laws of Maryland, which, in part, controlled here for a time. We have had the old city government of Georgetown, which was the principal municipality here when this Government was formed. Then later, a local government was established, and at one time there was a mayor of the city of Washington for quite a long while. We have been through all of that experience; and the record shows what it did for the National Capital. It did it no good. You can not have Congress controlling and exercising its full constitutional power as directed by the Constitution when you have any kind of local interference. The result was that those forms of government were each and all abolished. The tendency has been to restore to Congress, and not to take away from it, power over the destinies of the District of Columbia.

In 1874 the people of the District of Columbia and the people of the country at large were under a peculiar psychological condition regarding a gentleman known as "Boss Shepherd," who had gone forward and had improved the streets of this city. He was subjected to a great deal of abuse for several years, but finally the people found that what he had done was in the interest of the city, and they built a monument to him; and when he returned here, they received him with great honor and with a great celebration. That, however, marked a period in the history of the government of the District of Columbia.

In 1878 there was passed what is known as the "organic act." You might just as well call it a constitution; you might just as well call it a half-and-half act; you may call it anything; but what was it? It was nothing but an act of Congress. It could not bind the next Congress; it could not take the constitutional power out of Congress to govern this city. It was, I repeat, simply an act of Congress.

It has so happened that in the 38 years that that has been working, sometimes the contributions of the Government have dropped down to 38 or 40 per cent and sometimes they have risen to 69 or 70 per cent; but it has also happened that Congress has kept the books properly and they have figured it out to preserve a half-and-half plan. There may be a very few dol-

lars difference; but it has been practically a fifty to fifty division, running it out through the 38 years during which the plan has been in existence.

It is known that the author of that half-and-half plan was ex-Senator Blackburn, who was at the time, I think, a member of another body. I think he drew the bill and supported it in its various legislative stages. He was before our joint committee, together with a great many other prominent citizens of this city, and he testified to the influences which made what is called the organic act possible, and the reasons why it is now absolutely out of date, and not what the people want and not what Congress should retain. Ex-Senator Blackburn gave the reasons for that; and his statement is in the report.

The statement has been made here loosely that the people of this District want the half-and-half plan. I desire to say, Mr. President, that I, of course, do not know and no one absolutely knows what the people of the District of Columbia want; but I was impressed with the fact, as I know other members of the joint committee were, that a majority of the people of this city do not want the half-and-half principle. They feel—and as I shall show you in a minute that will be the inevitable result—that it will injure the development of this city and will necessarily make Congress careless. The absolutely necessary tendency of the application of the half-and-half plan is not only to embarrass Congress in the discharge of its duties, but also to diminish the appropriations which this Congress ought to make for the benefit of the people of this city and of the country, and cause the neglect of the paramount duty which it owes to this city as the Capital City of the Nation.

That is what we reported. We did not submit a report specifically against the half-and-half system, because when we examined it we found that there is no such thing as a fixed half-and-half plan; it is a fiction; it is a mental attitude; that is all it is, because under the Constitution a half-and-half plan could not be established that would last longer than the Congress chooses to repeal it and substitute something else for it.

Mr. SMITH of Maryland. Mr. President, if the Senator will permit me, did I not understand him just now to suggest that the half-and-half plan had been followed for 38 years?

Mr. CHILTON. That is not the way I put it.

Mr. SMITH of Maryland. Did not the Senator say that?

Mr. CHILTON. No, sir; I did not say that.

Mr. SMITH of Maryland. Then, what did the Senator say?

Mr. CHILTON. If the Senator wants me to repeat it, I said that in some years the contributions of the National Government had dropped down to thirty-odd per cent and sometimes they had gone as high as from 60 to 70 per cent, but in figuring it all up—

Mr. SMITH of Maryland. Averaging it.

Mr. CHILTON. It had been practically half-and-half; in other words, the Government itself had paid about as much out of one hand as the Government paid out of the other hand, if you want to call it that.

Mr. SMITH of Maryland. But the average was half-and-half, as I understand?

Mr. CHILTON. The Senator can state it in that way if he wants to.

Mr. SMITH of Maryland. I understand that is the way the Senator stated it.

Mr. CHILTON. I did. Now, Mr. President, what is the situation? Is the money collected from the District of Columbia legally District money? Not at all. It is all paid into the Treasury of the United States; it is the money of the United States, and it goes into the Treasury as does any other money.

From the representatives of the various organizations who came before us and from the eminent men who were there contending for the half-and-half system, the committee tried to ascertain what it was that made these people sit up at night and work, during the unreasonable hours that the committee sat, over a thing that they admitted was a mere fiction, was nothing more than a mental attitude. We wondered what on earth the reason was, and I believe we finally solved it. It consists mainly of two parts. To the extent of about 50 per cent it was a case of people wanting to have their own way, and as to the other 50 per cent a case of people craving a lever with which to work upon Congress continually, as has been the case in the past.

Mr. President, do you know that the half-and-half plan is nothing on this earth but a system of matching dollars? The idea of a great Government—the greatest on earth—trying to build the greatest Capital City on earth, saying that “we will leave to the assessor of the District the determination of how much the Congress is going to appropriate” and then for Congress to finally and slavishly accept his estimate instead

of taking the matter in their own hands! Such is the situation. The half-and-half plan contemplates not that Congress will appropriate what is needed, but will appropriate a sum double what the District revenues shall amount to.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from California?

Mr. CHILTON. I do.

Mr. WORKS. I desire to suggest to the Senator that it is not only the matching of dollars, but it is the matching by the Government of its own dollars.

Mr. CHILTON. Absolutely. I made the statement just now that to-day the strongest man in the government of the District of Columbia is the assessor appointed by the commissioners. Under the half-and-half plan, he is stronger than the Congress and stronger than the commissioners. Why? Because it is not what is needed that is appropriated, but it is double what the assessor produces when he brings in his returns. Then Congress simply multiplies District revenues by two and takes both dollars out of the pockets of the Government. Is not that a ridiculous course for a great Government to pursue? Is it astonishing that nobody surrounds with any particular sanctity such a system as that?

Now, see if I am not right. The evidence before the committee of every man who appeared before the committee as to the present law and its workings and the evidence of the District commissioners was to that very effect; in other words, under the half-and-half system, if only \$4,000,000 are derived from the taxation of property in the District, then the Congress can only appropriate \$8,000,000, no matter how much may be needed, even though \$20,000,000 may be needed in some exigency. If \$5,000,000 are raised by taxation in the District, then Congress must appropriate \$5,000,000 more to go with it. So the amount that is appropriated is really fixed by the assessor. If he goes to work and reduces the valuation so that the \$1.50 assessment will only produce \$4,000,000, the hands of Congress are tied down to an \$8,000,000 budget. The assessor ties them, for the assessor fixes the estimates in the last analysis.

Mr. GALLINGER. But, Mr. President, is it not a fact that the assessors have so well discharged their duties that the assessed valuation has constantly increased? Is there any evidence that it has ever been reduced arbitrarily?

Mr. CHILTON. Mr. President, whenever Senators undertake to argue a mental attitude—and this is only a mental attitude—

Mr. GALLINGER. That is what the Senator has been doing.

Mr. CHILTON. And seek to establish a fiction, of course the combinations are kaleidoscopic, and you can view the matter from many standpoints. It is like a little boy playing in a nursery. He can call a chair a soldier at one time, and the next time he can call a broom a soldier, but the broom is still a broom and the chair is still a chair. It is nothing in the world but a fiction after all. Of course, if the assessor does right, he does right, and if the assessor does wrong, he does wrong. I am bound to say “yes” to the Senator’s question; but still it is true that the assessor is the power and not the Congress, for he fixes the yardstick of appropriations and not the Congress of the United States.

Mr. GALLINGER. But, Mr. President, if the Senator will permit me, the assessor is subject to the will of the Commissioners of the District of Columbia, who appoint him.

Mr. CHILTON. Certainly; and they are subject to our will, and the half-and-half division is subject to our will, and you can not get it out from under our will or power, because the Constitution has placed full legislative power over this District in the hands of Congress, and the effort to induce Congress to relinquish that power is a waste of time and energy. The effort to fix or hold the half-and-half plan is therefore useless.

Mr. LEE of Maryland. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. CHILTON. I do.

Mr. LEE of Maryland. I do not want to intrude too suddenly upon the train of thought of the Senator, but I have been sitting here listening to some of his statements, and I recall what he has said concerning the half-and-half plan being a fiction, a mental attitude, his reference to the imagination of a little boy in a nursery as to a chair or a broom being a soldier, and his statement that it is all a matching of dollars somehow or other that belong to the Government with other dollars that belong to the Government. Now, Mr. President, it seems to me, with all due respect, that the Senator is getting into the realm of fancy, because I have the impression that the dollars that are matched come out of the pockets of certain taxpayers.

Mr. GALLINGER. Certainly.



Mr. LEE of Maryland. And there is no fiction about it; they are taxed-raised dollars.

Mr. CHILTON. I have never denied that, Mr. President.

Mr. SAULSBURY. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Delaware?

Mr. CHILTON. I do.

Mr. SAULSBURY. I merely wish to correct what I think is a misapprehension on the part of the distinguished Senator in regard to the assessor and what the assessor can do and what he does do. As a matter of fact, the law in regard to the assessor, as the Senator will remember, permits him to assess the property in the District at not less than 66 $\frac{2}{3}$  valuation, which, at a dollar and a half on the hundred, will raise practically a dollar per hundred on the property assessed.

The assessor may go ahead and fix the assessment of the property at a hundred dollars, and in that way get a dollar and a-half, or 50 per cent more, than the amount raised when the assessment is based on a valuation of 66 $\frac{2}{3}$  per cent. We are not in the Congress bound to appropriate additional money because the assessor does that, but I want to say to the Senator—and I think the joint committee were practically unanimous in the opinion—that the way to remedy that condition is not to allow the assessor to continue with the amount of discretion he has, so that he may put the Congress in a false position and raise an undue amount of money. We are not controlled in any way by the action of the assessor in making our appropriations, because we can change them at any time, and if he has not sense enough to raise a proper amount of money, we can control him by subsequent legislation.

Mr. CHILTON. Mr. President, certainly the Senator is right, and he is also wrong. It depends on one's mental attitude. You have something here that is all fiction. Here is the Congress of the United States vested with the power by the Constitution to legislate in all matters concerning the District of Columbia. Congress can not surrender that power. It is possible to put all of that fiction inside of that which anyone may desire; but Congress has the power, and it can not surrender it.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. CHILTON. Yes.

Mr. WILLIAMS. In reenforcement of what the Senator from West Virginia has just said, to the effect that the assessor is the paramount power, whatever else he might be, and that the assessor's business has been carried on in a rotten way, to say the least of it, I want to mention an instance.

With the idea of saving myself rent, I bought a house on Sixteenth Street. I paid \$12,000 for it in cash, not a nickel more nor a nickel less. The law requires the assessor to assess property at not over two-thirds of its real value. The assessor took it into his head to assess that property at \$14,000, when it cost only \$12,000, and when I wrote to him about it, such is the iniquity of this system here that he said it had been done, and having been done, like the laws of the Medes and Persians, it could not be changed for three years. I did not care much; but I began to inquire then, and I found that that was the usual course, and that they managed through the assessor's office to make nonresidents pay a great deal more tax than residents of the District of Columbia. So the assessor is not a fiction, whatever else he may be.

Mr. CHILTON. Mr. President, I was so shocked at receiving the information that the Senator from Mississippi had \$12,000 that I am not sure that I heard what he said afterwards. [Laughter.] But, as I recall now, he said that that \$12,000, when it went into real estate, was assessed in the District of Columbia at \$14,000. Of course, we found instances of that kind in our investigation. It appeared that in some parts of the District property was assessed too low, while in other parts it was assessed too high.

Mr. WILLIAMS. But in this case the property had changed hands recently before the assessment, and there was no excuse for it. The transfer was upon the records and in the register's office; and I learned that they treat nonresidents that way pretty generally.

Mr. CHILTON. Everybody knows the Senator from Mississippi so well that they probably thought he would make a good bargain, so that if he bought a given piece of property the assessor ought to put on \$2,000 more in order to make him go to the assessor's office to explain.

But, Mr. President, the rule is and the law is that those assessments can be changed, but it is necessary to make application within a certain length of time, and probably in the case to which the Senator from Mississippi referred he did not make the application in time, and so did not secure a correction.

Mr. WILLIAMS. In that connection, just a word. There seems to be no machinery whereby notice is given. Nobody knows what the assessments are. I did not know at what figure they had assessed me; in fact, I did not know for a year afterwards. They give no notice of the figures at which they are going to assess property. In my State there is always notice given of an assessment.

Mr. CHILTON. I do not know how it is concerning that at this time.

Mr. CLAPP. Mr. President, a few moments ago the Senator from Maryland called the attention of the Senator from West Virginia to a statement that of two dollars appropriated, both dollars came out of the pocket of the Government. A few moments before that the Senator from West Virginia had stated that the assessor first fixed the value, then the tax was laid, then the Government met the dollar so raised by another dollar, and that both dollars went into the Government Treasury. I confess, his answer to the Senator from Maryland did not seem to clear what he meant. I do not understand just what he meant by saying that both dollars are appropriated by the Government, except pro forma.

Mr. CHILTON. I will explain to the Senator what I mean. I mean this: Mr. President, if the Congress of the United States thinks it is wise and best to build here a great capital, beautiful parks, wonderful streets, a fine water system, a modern lighting, heating, and sewerage system, and allow the people to live here and pay no taxes, then it is not necessary to say that the result will be that everybody will want to come to Washington. Do you not think that the people of West Virginia—

Mr. CLAPP. Well, but nobody—

Mr. CHILTON. Now, let me—

Mr. CLAPP. I do not think the Senator understood my question. The taxpayers in Washington combined pay \$4,000,000, we will say.

Mr. CHILTON. Yes.

Mr. CLAPP. Then, Congress appropriates an equal amount.

Mr. CHILTON. Yes.

Mr. CLAPP. Now, I understood the Senator to say something that would warrant the suggestion that the \$8,000,000 was being paid by the Government.

Mr. CHILTON. Exactly. The Senator does not think the Government stole the \$4,000,000 from the people, does he?

Mr. CLAPP. No; nor did the Government pay more than \$4,000,000.

Mr. CHILTON. The Government got the whole \$8,000,000 from the people.

Mr. CLAPP. It got \$4,000,000 from the people in the District of Columbia.

Mr. CHILTON. Exactly.

Mr. CLAPP. Now, there is nowhere else in the United States that men pay taxes on real estate.

Mr. CHILTON. What is the Senator talking about? I pay a tax on real estate.

Mr. CLAPP. A Federal tax?

Mr. CHILTON. I pay the same kind of a tax that the people of this District pay.

Mr. CLAPP. But the Senator does not pay any tax on real estate into the Federal Treasury.

Mr. CHILTON. Oh, Mr. President, that is like everything else, of course. If a man becomes different from anybody else when he lives in Washington, if he can have everything and pay nothing, if he has no obligations, of course—

Mr. CLAPP. But, Mr. President, if the Senator will pardon me, a man in Washington has a piece of property, a home or a store—I do not care which—upon which he pays a tax of a thousand dollars a year. Another man has a store in Baltimore upon which he pays a tax of a thousand dollars a year. Both of these men, through the internal-revenue and tariff laws of the country, the income tax, and so forth, also contribute a thousand dollars each to the Federal Treasury. Now, you do not reckon the thousand dollars that the Baltimore man pays upon his real estate as anything upon which the Federal Government has any claim, but, according to the Senator's logic, the thousand dollars that the man in Washington pays upon his real estate should be treated as a tax due from the citizen to the Federal Government, but it is simply for local purposes.

Mr. CHILTON. Oh, Mr. President—

Mr. WORKS. Mr. President, will the Senator allow me?

Mr. CHILTON. Yes; I yield to the Senator.

Mr. WORKS. I should like to ask the Senator from Minnesota whose money it is, wherever it comes from, when it is paid into the National Treasury?

Mr. CLAPP. Ah, I agree with the Senator from California that when it comes to appropriating this money it is appro-

printed by Congress; but Congress is only acting as the agent of the local taxpayer in Washington as to one-half of it.

Mr. WORKS. Not at all. The taxpayer pays his money into the Treasury for the benefit he receives under the Government.

Mr. CLAPP. Not toward the benefit of the national defense, or anything of that kind—

Mr. WORKS. For the benefit of everything that the Government affords.

Mr. CLAPP. But for the local purposes of a city, just as the taxpayer in St. Paul or New York City pays his city tax for a local purpose.

Mr. WORKS. Why, of course.

Mr. CLAPP. The fact that the taxpayer here turns it over to us, and we act as agents, makes it none the less his additional contribution.

Mr. CHILTON. Mr. President, it would be entirely within the power of Congress not to tax a single item of property in the District of Columbia. It need not tax real estate or personal property, tangible or intangible property, unless it chooses to do so. It has been conceded that a reasonable tax should be imposed upon these people; and what is the report of this committee? The report of this committee recommends not to go into the taxation of intangible property, but to impose upon the people of the District of Columbia what would be a reasonable and fair tax, taking into consideration the various cities similarly situated of about the same size—that is, with which it should be comparable—to fix that definitely and certainly, and then for this Congress to proceed liberally, generously, and not wait longer, but go at it at once and make this the great, splendid National Capital that it should be. You will never do it under the half-and-half plan. You will never do it with local influence prodding at you for every crossing, for every gutter, for every bridge, for everything that you want to do. This is the time for Congress to be big. This is the occasion for Congress to realize that this is the time to build a city to meet the aspirations of the people, and for one time to do a practical thing in response to a committee that has tried to do its duty.

Here is a committee that tried to settle this thing, to untangle it. It has given you all the facts. There is no use for anybody to say he has not the facts. They are here. There is no use for anybody to say that there is something down under it, that there might be a reason for not acting now. There is not anything hidden. It is all exposed here in this report. There is no use for anybody to conjure up in his mind that there is a danger of interfering with some legislation. There is not any legislation that could interfere with abolishing the half-and-half fiction. It is all out here before you. You have the facts. You have the report of the committee, and the House has acted upon it.

Mr. GALLINGER. Mr. President, the iridescent dream the Senator has about the liberality of Congress would be dissipated if he would take my place as a conferee upon the District of Columbia appropriation bill. The liberality of Congress is shown in the House bill as it came to the Senate. The Senator will not stand for it. That is the liberality of Congress.

Mr. CHILTON. Of course, it is proper for the Senator from New Hampshire to criticize another House, but a new Senator like myself has to keep within the rules of the Senate.

Mr. GALLINGER. I am not criticizing the other House. I am talking about the bill which has been reported. I have a right to do that.

Mr. SMITH of Maryland. I will say to the Senator from West Virginia that the House did the same thing before the Senator's committee made its report.

Mr. GALLINGER. Yes.

Mr. CHILTON. Now, of course, it is a great job, as we all know, when you "buck" the Appropriations Committee. Pardon the expression, but when you "buck" the Appropriations Committee of the Senate you have something to do. We all understand that. We understand that it is a powerful body. This committee carries big guns. We know who they are. They are sometimes arbitrary. They are only men, however, though splendid Members of this body; but, Mr. President, the tendency is to go with the big things and the strong things of Washington, with Washington power, from the Star down.

Mr. SMITH of Maryland. Mr. President, I want to deny that charge. I want to say that in the investigation of the matters of the District of Columbia there was as much, and possibly more, attention paid to those who are of a lowly character and of small means.

Mr. CHILTON. Why, Mr. President, I hope the Senator did not—

Mr. SMITH of Maryland. I only took what the Senator said, sir. I want to say for the Senator who had charge of the affairs of the District of Columbia that when matters came up

before us he was on the side of those who have small properties, and not against the others, and tried to see that they had their rights. I think the Senator has no right to make such an assertion—that the Appropriations Committee always went with the strong.

Mr. CHILTON. I never said it. I said the "tendency" is toward the strong.

Mr. SMITH of Maryland. To the contrary, it was their disposition to take care of the weak.

Mr. CHILTON. Well, Mr. President, that again shows the "mental attitude" in this thing.

Mr. SMITH of Maryland. I think the Senator has some mental attitude that he had better explain. He is talking about "mental attitude." I do not know what he means by "mental attitude." My mental attitude is such that I can understand when a man says that I, as a member of a committee, am disposed to go with those who have as against those who have not. I think he had better look after his mental attitude.

Mr. CHILTON. Well, Mr. President, as I said before, you can not have anything to argue against the report of this committee except a straw man. If you have not a straw man, you have nothing. I never said anything about the character, the honesty, or the fair dealing of the members of that committee. They are all good friends of mine—splendid men. I compliment them. I say, and this report shows, that they have not investigated this subject like the committee that was charged with this duty. The facts are here. No man would say that there is some law here that stands in the way of the amendment of the Senator from California if he had studied the question and read the report. That is what I say. No, Mr. President, I did not say that anybody could control the Committee on Appropriations. From its great chairman down, every man there is above reproach, and stands high. I do say this, Mr. President: That there are clawing at this committee the big things of Washington all the time, and the little ones are not heard; from the great Star newspaper that pounds at this Congress forever down to nearly every other instrumentality and business in this city the fiction of the half-and-half is overplayed. Their "teeth have been set" that the Congress shall not abolish the half-and-half plan. That is what I say. They are fighting the instrumentalities of this Congress and this Congress itself. That is what I say; and I would not be surprised if honest men who do not read this report would be misled by these powerful influences.

Now, let us see what the Congress does.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a minute?

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. CHILTON. Certainly, I yield to the Senator.

Mr. GALLINGER. The Senator quotes the Star newspaper.

Mr. CHILTON. Yes, sir.

Mr. GALLINGER. It never had any effect on my mental attitude; but I want to say to the Senator that 42 citizens' associations have sometimes almost driven my mental attitude to the lunatic asylum.

Mr. CHILTON. Let me correct the Senator there.

Mr. GALLINGER. And they represent the people whom the Senator says we are neglecting.

Mr. CHILTON. Will the Senator let me correct him there in his statement?

Mr. GALLINGER. Yes; I will.

Mr. CHILTON. The Senator never had before him any citizens' associations as a body. He had a few men from citizens' associations who called themselves citizens' associations and assumed to speak for the people of this city.

Mr. GALLINGER. Well, that may be so; but I thought—

Mr. CHILTON. That is right. That is what we had before us—22 sometimes speaking for 600, it was claimed, if my memory is correct.

Mr. GALLINGER. I thought they had a right to do it. I never questioned their right.

Mr. CHILTON. Well, we went into the matter and found out that they did not always speak for the people. We looked a little further into it, and reported that to you. That is, the evidence—all that was said—is in the printed testimony at the hearings.

Mr. GALLINGER. Oh, well, I know something about it myself, because I have attended their meetings, and the Senator has not.

Mr. CHILTON. Of course it is a big statement for the Senator to allege a negative, but for one time he guessed right. I have not.

Mr. GALLINGER. I thought so.



Mr. CHILTON. But it was a guess when the Senator made it. Now, Mr. President, we made a report to the Congress. As I said, the Senator from Delaware, the Senator from California, and the Senator from West Virginia who now has the honor to have the floor, investigated this matter, and we reported our findings to the Congress. There were three splendid Members of the other House who gave it their undivided time during the vacation. We neglected nothing to get all the facts. There is not any intimation that we have not given all the facts to the Congress.

Now, the other House in its bill adopted our recommendations. They said in effect: "Fiction it is; let it go." They said: "Fiction it will ever be, and you can not make it anything else but fiction. Why keep up the fiction? Why not do something to give an incentive to the Congress to go out and see what its duty should be, and let us not forever follow the miserable yardstick of an assessor as the basis for large appropriations?" If the District happens to raise a little, we will not put a corresponding amount on. We said: "The plan is unreasonable, ridiculous, and can not be sustained in any place where people think before they act." We condemned it, and we gave our reasons for it; and the other House adopted those reasons, and sent us a bill which we can adopt or amend. I will strive with the great Senator from Maryland to raise these appropriations for these people. I will take the recommendation of the Appropriations Committee upon all of it; but I ask the chairman when he assaults a report that a committee has made here to give one reason, and just one reason, for it.

Mr. SMITH of Maryland. Mr. President, I want to ask the Senator in what way I have assaulted his report.

Mr. CHILTON. Did I say the Senator assaulted our report?

Mr. SMITH of Maryland. That was the Senator's statement.

Mr. CHILTON. Well, Mr. President, I say this: We made a report here to the effect that there is absolutely no reason on earth for maintaining the fiction called the half-and-half plan.

Mr. SAULSBURY. Mr. President—

The PRESIDING OFFICER. Does the Senator yield, and to whom?

Mr. CHILTON. I want to read what it says, if there is any question about it.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SMITH of Maryland. I want to say to the Senator that I have seen no place in the report where they advised doing away with the half-and-half plan.

Mr. CHILTON. Yes, sir. Let me read page 8 of our report.

Mr. SMITH of Maryland. Pardon me one minute. Let me explain it. If you had, and if I felt that it was a proper thing to do, I would not favor doing it on an appropriation bill. If you want legislation pertaining to this matter, it ought to be in a separate bill, considered and digested, and not in an appropriation bill. It is not the proper place for legislation of such great importance as this to be put, without consideration, and amendments brought up on the floor of the Senate which we are asked to adopt, which in their effect change the entire control over the District of Columbia.

I do not think I am capable of determining now whether such legislation is wise or not; and in what I said with regard to the argument which was made by the Senator from California, I was not criticizing his amendment. I merely said I did not think this was the time and place to put it on the statute books; but I was very glad to hear what he had to say, and it may be that he has exercised good judgment in the report and the speech he has made, for somebody may get information and enlightenment from it and introduce a bill in accordance with it.

Mr. CHILTON. Of course, Mr. President, in my judgment you will never get anything to change the half-and-half plan as to which somebody will not say, "Wait, mañana, to-morrow; put it off. We want some more information."

Now, I say that we have had for six months as nearly all the information that a responsible—largely responsible—body of the two Houses ever furnished to the two Houses of Congress. It has been printed. Everybody can see it.

Now, somebody raised a question as to what this report says. I read from page 8 of the report, the unanimous report, of the committee:

We find, after a most careful consideration of all the evidence and circumstances as shown to exist at this time, that there is no reason for any arbitrary rule of proportionate contribution for the expenses of the District of Columbia by the residents thereof and by the people of the United States who reside outside the District of Columbia; that the correct rule should be that the responsibility in taxation of the residents of the District of Columbia be as fixed and certain as the responsibility of residents of other American cities comparable with the city of Washington; that with the payment of such taxes as may be equitably and properly assessed against privately owned taxable property the financial responsibility of the residents of the District should be concluded; that the present assessment valuation of privately owned real estate in Washington is fair and reason-

able; that the sum of money collected as such taxes be paid into the Treasury of the United States, there to be incorporated into a trust fund for the benefit of the District of Columbia, and that the revenues thus collected be expended in the government of the District of Columbia and for no other purpose.

Then the report proceeds to recommend that the United States should start upon a plan to make this a grand, beautiful, splendid city, such as was contemplated by the fathers and is demanded by the people of this great Republic. Now, why did we recommend that? Because that wipes out the fiction. That is what we should do now. That takes us away from the chain which binds us to the assessor's yardstick and leaves us there at the mercy of the assessments in the District to gauge the bounty, the justice, of the Congress of the United States.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. CHILTON. Certainly.

Mr. GALLINGER. Does the Senator think that the Government is paying too much or too little?

Mr. CHILTON. I think the Government is paying too little—much too little. I so expressed myself. But, Senators, you will never get away from it under this old plan.

Mr. GALLINGER. If the Senator will permit me—

Mr. CHILTON. Certainly I think it is too small.

Mr. GALLINGER. I will not interrupt the Senator unless he wishes me to.

Mr. CHILTON. I am very glad to have the Senator interrupt me.

Mr. GALLINGER. The Senator thinks the Government is paying too little. Let me tell him what would have happened had his system been in vogue. The people of the District of Columbia would have contributed over \$7,000,000 this year, and the bill comes to us carrying four millions on the part of the Government. Now, that is the way we are going to build this magnificent city.

Mr. CHILTON. No, no.

Mr. GALLINGER. Yes.

Mr. CHILTON. Mr. President, I am here prepared to vote with the District of Columbia Committee and the Appropriations Committee to make this a grand city and to appropriate sufficient money and to stand back of that committee. Every member of the joint committee, I believe, will do it. We talked that over. All you have to do is to get rid of this "mental attitude." We have a lot of old things to get rid of. We have to change our way of looking at it. That is what I ask the Senate to do. The other side never will get away from it, because they have been thinking and acting on the half-and-half plan fiction so long that it is hard to get even the Congress down on the ground of facts to look the real situation squarely in the face.

Mr. GALLINGER. Mr. President, if the Senator will permit one further suggestion, I have no doubt the Senator will stand by the committee.

Mr. CHILTON. I will yield.

Mr. GALLINGER. The committee has added to this bill almost enough to bring it to the point that the estimates asked us to do; but the Senator surely has not assumed the mental attitude that leads him to think that we can keep in the bill those added appropriations that we have put in it.

Mr. CHILTON. I think we can; yes, sir. I think so, if we will adopt the constitutional, logical plan suggested by the fiscal relations joint committee.

Mr. GALLINGER. I wish the Senator would become a member of the committee of conference on the District of Columbia bill.

Mr. CHILTON. Well, Mr. President, it is hard to get on the Appropriations Committee of the Senate, I know. It is hard to break into that select body. That is a great committee, and I should like to be on it. I have several committee places that I should like to swap for a place on that committee. I would stand hard and strong for my theory, and for liberal District appropriations.

Mr. SMITH of Arizona. Mr. President, will the Senator permit a question for my own information?

Mr. CHILTON. With pleasure.

Mr. SMITH of Arizona. Aside from the half-and-half plan that has been so long the rule here, does the Senator think, from the investigation of his committee, that by imposing a reasonably low rate of taxation upon the property of Washington City, its real estate and the other property, such as bonds, the gas company, the electric light company, and so forth, there would be in the end any greater obligation on the part of the Government to raise money to meet it, or would it be as great as it now is under the half-and-half plan? In other words, would not a reasonable taxation of the actual, taxable property in Washington raise enough, with the Government contributing sometimes more and sometimes less, and leave the city under a

less burden, and give relief at last to both the Federal Treasury and the people of Washington?

Mr. CHILTON. In order to answer the Senator properly, Mr. President, there are many things to take into consideration. There is no doubt in the world that there is quite a large amount of intangible property in this city that escapes taxation. It is a doubtful question as to whether or not that is best. I am willing to let that matter rest for the present.

Mr. GALLINGER. That is true everywhere.

Mr. CHILTON. I do not want to go into that field, because, as far as that is concerned, this is the Capital of the Nation, and I am willing that it shall be different from other cities. I am willing that the Capital of this country shall offer inducements to the home builders; and, so far as I am concerned, I am perfectly willing to take the average taxation that the people of West Virginia and New York and Massachusetts and Mississippi and Arizona and California pay, and then let the people of this city pay a little less. I would rather it should be a little less than more. But let us fix it certainly, as we report here, so that when a man comes here he will know exactly what his rate of taxation is; but let us make that rate of taxation simply for the purpose of raising revenue. Do not make it the yardstick of our generosity or our justice. Let us not make it the basis upon which we will estimate how we should build the greatest Capital for the greatest people and the greatest country on earth. Let us get out from under this servitude, this nothing that you call the half-and-half system, and let us start this Capital on its march to be the great city that it should be. You will never do it unless you adopt the plan passed by the House of Representatives.

The House of Representatives has carried out the recommendation of the committee. That recommendation has never been assailed. No reason has been given against it. I suppose when this matter is disposed of it will then be proper to vote upon the amendment of the Senate. The amendment of the Senate looks back 38 years. The House of Representatives has turned its face to progress, and to what is shown to be also good sense, by the evidence taken by this committee.

Mr. SAULSBURY obtained the floor.

Mr. LEE of Maryland. Mr. President—

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Maryland?

Mr. LEE of Maryland. I have not wanted to interrupt the discussion of the Senator, but this is a very far-reaching decision of the Chair, and I should just like to reserve an appeal from it. I do not care to press the appeal at this moment; but, as a matter of fact, yesterday or day before I was ruled out of order when I thought the House had opened the door on another general appropriation bill. This is another matter, of course. This is the District of Columbia appropriation bill, and I do not know that the point of the House having opened the door is applicable at this particular place; but last year I remember offering an amendment that limited the application of the very money voted, and I was ruled out of order on the ground of its being general legislation.

Now, this opens the door too wide. You can abolish the District of Columbia every 15 minutes under this ruling. It is a ruling that makes legislation dealing with the District the mere whim of the body. It is a most revolutionary ruling. It was so revolutionary that I do not believe the Senate took it in at all; so I reserve the right to appeal. I do not want to interfere with the discussion.

Mr. JONES. Mr. President, I make a point of order against that.

Mr. SMITH of Maryland. I hope the Senator will not appeal from the decision of the Chair. This matter can be decided by a direct vote upon the amendment which is now before the Senate.

Mr. LEE of Maryland. But I appeal from the ruling of the Chair, and, of course, I would like to have that settled before we get to a vote on the proposition.

Mr. SMITH of Maryland. I was going to say that I think—

Mr. JONES. I make the point of order against that that it comes entirely too late. Too much business has intervened since the ruling of the Chair was made, and no appeal taken.

The PRESIDING OFFICER. Does the Senator from Maryland wish to press his appeal from the ruling of the Chair at this time?

Mr. LEE of Maryland. I will if any Senator insists that I must press it now or give it up. I do not want to abandon my right to appeal from so sweeping a decision.

Mr. JONES. I insist that the Senator has already abandoned the right, not having insisted on it in time.

The PRESIDING OFFICER. Will the Senator from Washington point to some ruling on that point? The Chair is not aware of any.

Mr. JONES. I am not aware of any particular ruling in the Senate here. I have not looked it up. It came up unexpectedly; but I know the general rule is that an appeal must be taken from the rule of the Chair at once.

The PRESIDING OFFICER. The Chair has no doubt that an appeal is usually taken at once, but he is asking for information.

Mr. SAULSBURY. Mr. President, I think I was recognized, and I have not yielded to anybody. While those who are so familiar with the rules are looking up their precedents and desiring to raise this point of order may I ask leave to continue?

The PRESIDING OFFICER. The Senator from Delaware was recognized. So far as the point of order made by the Senator from Maryland is concerned, it will not be prejudiced by the interruption.

Mr. SAULSBURY. I shall try to say in a few words what I have to say in regard to this bill; and I wanted to make my remarks immediately following those of the Senator from West Virginia, who was the chairman of our Joint Committee on Fiscal Relations.

It seems to me that he has misapprehended some portions of the report which we all signed. I certainly misapprehended the reasons which one member of that committee had for signing the report. I think the questions of taxation, and of appropriation of the taxes raised, are pretty hard-fisted questions, where idealism and fiction have little place. The report of this committee shows in terms that for 38 years this city has gone along admirably well under what is commonly referred to as the half-and-half system. There has been no hard-and-fast rule in regard to appropriations for this District; but for 38 years the appropriations for this District have been practically on the 50-50 basis, one half coming out of the people of this city and the other half out of the Treasury of the United States.

While the select committee reported as the Senator from West Virginia has quoted, yet it went no further in its report than to say that this arbitrary rule—which shows that there was no reason for any such rule—need no longer be applied to District appropriations. It need not be applied to District appropriations if there is some better rule suggested or if there is some legislation enacted which renders the application of this rule unreasonable. But anyone who sat on that committee, Mr. President, and heard the pleas of the people of this District must, I think, know and understand that this is the shadowy right to which they cling with great insistence. It is what they feel is some protection to them and, in a way, it is.

I think the report of this committee would very properly be followed by a bill embodying such changes in the government of this District as the Senator from West Virginia, who was the chairman of this committee, thinks should be proposed to Congress, but until there is a reasonable scheme of government suggested for the government of this District, it is not merely put in here as a rider on an appropriation bill.

I consider that is the general wish of the people of this community that the conditions of taxation and the appropriation of money for District expenses shall follow the precedents of the last 38 years. I think that is a reasonable hope, and it is the only thing certainly that the people of this District can rely upon to come reasonably near what they desire.

I differ with the chairman of this committee when he says our hearings show that the people of the District did not want this half-and-half system to continue. From the evidence which I have heard—and I was at nearly every meeting; I was very industrious, I think, as the chairman will bear me out, in these hearings—I believe the people of the District do want this system which has been in force for 38 years to continue, unless some one can show them by suggesting a better system that something else should be done.

There has been no one, so far as I know—and I have been quite familiar with this whole subject—who has suggested what appears to give, with whatever information and knowledge I can possess myself of, a better system than that which has obtained for 38 years, and although I joined in that report, although I heard this testimony, until somebody brings before the Senate a proposal which, in my judgment, will better meet the conditions of this District and provide more safeguards for the taxpayers of this District I shall vote to continue this system.

I am in favor of appropriating a large sum of money to beautify this District and, as the Senator said, make this a splendid and magnificent Capital, but I can not see that we are going to make this a splendid and magnificent Capital if we do not take from the Government of the United States funds which have been supposedly and have in a measure been regularly contributed to beautify this Capital and rely entirely upon taxation in this District.

Mr. CHILTON. Mr. President—



Mr. SAULSBURY. I yield to the Senator.

Mr. CHILTON. The Senator says he does not want to give up what he calls the half-and-half until he has something that is better or that he thinks is better in its place. Will the Senator just mention one thing which the people of the city can get under the half-and-half that they could not get under any other system in any other way than that provided by the House.

Mr. SAULSBURY. Mr. President, tradition and sentiment and the common course of action by any people, by any community, by any legislative body, largely control interest in legislation and in the way the people act.

I might be in favor of appropriating from the Treasury of the United States money distinctively that had not been raised from the people of this District, yet, as is now happening, Congress proposes to take only the money that the people of this District contribute for the uses in the District, but does not intend to carry out the ideal plan of the Senator from West Virginia, does intend to do what he wants to do; that is, appropriate more money for the uses of the District than it collects, as I understand his proposition. I think we ought to consider that the people of this District should be in a measure protected, and we should not spend for the purpose of beautifying the city as a National Capital the money which they contribute without in a measure bringing from the pockets of the citizens generally of this country, which will affect us as their representatives, a reasonable amount to be added to those dollars which have been contributed by the people of the city in taxation.

Mr. LEE of Maryland. Mr. President, I do not want to appear to unduly interfere with the debate of Senators, but while there is no limitation of time under Rule XX when an appeal from the decision of the Chair may be taken, that rule goes on to say that when an appeal is taken it must be decided promptly.

The PRESIDING OFFICER. The Chair will inform the Senator that the Senator personally had not the floor when he brought up the matter of an appeal before, but he will be recognized.

Mr. STONE. Mr. President—

Mr. SAULSBURY. I yield to the Senator from Missouri.

Mr. STONE. For many years we have had what is commonly known as the half-and-half principle in taxation for the support of the District of Columbia.

Mr. SAULSBURY. If I may interrupt the Senator, in appropriations, not for taxation.

Mr. STONE. I confess myself to be not very familiar with the subject, but I will ask the Senator if the impression under which I am laboring is correct, that appropriations are made by Congress on the theory that the support of the District should be borne one half by the Government out of the Treasury of the United States and the other half by taxes levied on the property?

Mr. SAULSBURY. Generally speaking, that is true, and this joint committee reported, if I may continue for a moment, that with regard to the bond issue now outstanding and commonly known as 3.65 bonds, the Government and the District were bound to provide equally.

Mr. STONE. The general principle I have stated is a correct statement of the principle?

Mr. SAULSBURY. Practically so.

Mr. STONE. Now, I wish to ask the Senator if he can tell me how long that practice, if I may so designate it, has been in vogue.

Mr. SAULSBURY. Since 1878, generally speaking. That is the date of what is called the organic act.

Mr. STONE. Is that division along the line indicated of the burden of supporting the District based upon affirmative law?

Mr. SAULSBURY. Of course, any rider on an appropriation bill can change that division. As a matter of fact, it has been the custom of the two Houses to make a provision that it should be paid in that way, and the law as determined by the Comptroller of the Treasury was that with respect to the 3.65 bonds. The Government had practically assumed the payment of one half of those bonds and the District the other half.

Mr. STONE. I do not quite see that the 3.65 bonds or any other particular obligation is important and is determinative of the question which I have in mind or which I have propounded. Of course, I know that we can by an amendment in the form of legislation to an appropriation bill change any law if no point of order is made against it when it is acted upon by the Senate. The mere fact that it is in an appropriation bill does not concern its validity. But what I wish to know is whether in the organic act of which the Senator speaks, passed in 1878, there is any provision for a division of the tax burden between the Government and the District.

Mr. SAULSBURY. In reply to the Senator, I will say that the so-called organic act passed in 1878 contains this provision:

To the extent to which Congress shall approve of said estimates—

That is, estimates made by the commissioners—

Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimate shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

That is on page 10 of the report of the joint committee.

Mr. STONE. That is a quotation from the organic act?

Mr. SAULSBURY. It is a quotation from the act.

Mr. STONE. Does the Senator or did his committee interpret that as fixing a statutory basis for the division?

Mr. SAULSBURY. I may say to the Senator that the joint committee reported in this wise on the half-and-half, and I was going to read that. Referring to this act, the joint committee says on page 11 of its report:

Under this act the appropriations by the General Government in all the years since 1878 have averaged just about 50 per cent of the expenses of the District of Columbia.

We believe the fact that the national appropriation has averaged half of these expenses is not the result of chance, but of design, and that the so-called "half-and-half law," which was conceived as an economic necessity to lift the burden of debt from the oppressed District and its tax-paying citizens, was justified by the exigencies of the time and the conditions of that day. It came into being because the consensus of the best thought of that day was that justice demanded that the Federal Government should definitely come to the aid of the District and its citizens in the payment of this vast debt incurred for public works. This, we think, is the real reason for the passage of the "half-and-half" law.

Mr. STONE. I was not concerned, if the Senator please, about the reason; I am after facts.

Mr. SAULSBURY. Then, I may say to the Senator, that the fact is that while there has been a difference varying in some cases, say, from 40 per cent to 50 or 60 per cent on one side or the other, yet for 38 years in which this law has been in force assessments have been made from year to year which have made with practical exactness a division of the expenses of the District government between the National Government and those taxpayers of the District who have contributed.

Mr. STONE. I think I have not made myself understood by the Senator. He misapprehends me. I wish to know whether the amendment offered by the Senator from California is a change of the existing law, of the organic law, for example.

Mr. SAULSBURY. It undoubtedly changes the existing law, in my opinion, in many respects. Among other things it gives the right of action against the United States which it might have against the municipal corporation of the District of Columbia. It undoubtedly, from my understanding of the statement of members of the Committee on Appropriations, would change the amounts of money which would be obtained from the people of the District and applied to the municipal government of this District to the betterment of the Treasury of the United States, because we would not contribute as much as we otherwise would from the General Government.

I am afraid that I do not make myself plain to the Senator from Missouri. The question has always been settled about whether the appropriations were made from the District moneys or from the General Treasury funds, not by any separate fund held in the Treasury, but books have been kept in the Treasury where discrepancies from one side or the other have been made up, and the balance has been equaled every time there was a balance on either side.

Mr. CURTIS. Is it not the best answer to the Senator's question that if the amendment is adopted the organic act is wiped out and hereafter all business is done under the amendment offered by the Senator from California, and there is no regard paid to the half-and-half system which is provided for?

Mr. SAULSBURY. I think probably that is a better answer than I have given myself. I thank the Senator.

Mr. STONE. Does the Senator from Kansas think that if the amendment were agreed to it would change the law under which the District has been governed?

Mr. CURTIS. There is no question about it.

Mr. GALLINGER. Absolutely.

Mr. STONE. Why, then, is it not general legislation?

Mr. GALLINGER. It is.

Mr. STONE. Why, then, is it not amenable to that objection as a parliamentary question put into the form of a point of order?

Mr. MARTIN of Virginia. Perhaps the question of the Senator from Missouri may have been answered, but not feeling sure that it has been I want to say to him that I do not think any-one questions the fact that the organic act, so called, which was enacted into law in 1878, distinctly provided that one half of the expenses should be paid by the taxpayers of the District and

the other half out of the National Treasury. That is the law on the statute book now, and it has been there since 1878.

Mr. STONE. Would not this amendment change that?

Mr. MARTIN of Virginia. I can not conceive that anybody would question it. It changes it distinctly and radically and absolutely as any thing can be changed by another thing.

Mr. STONE. Then I should like to make a parliamentary inquiry without taking the Senator from Delaware from his feet at this point, whether an appeal from the decision of the Chair can now be made?

The PRESIDING OFFICER. The Chair will inform the Senator from Missouri that as soon as the Senator from Delaware has concluded and yielded the floor the Chair will recognize the junior Senator from Maryland, who has given notice that he will take that appeal, and the Chair will then put that appeal to the Senate.

Mr. SAULSBURY. Mr. President, I only have a few words more to say. It seems to me that this rule has worked most admirably in this city for the end it was intended; that is, to make economical appropriations so far as the money of the city which was paid in by the residents of the city. This is not a city in a municipal sense exactly as moneys appropriated by Congress are concerned, and until that very good rule of Congress about taxation in this city and the expenditures of money raised in taxation here can be bettered in some way, for one it seems to me it is a good plan to adhere to. There is no reason why 50 per cent on either side is better than 49 per cent on one side and 51 per cent on the other, but 50 per cent is better than no measure at all, until you have some form of government here which will give a reasonable opportunity for the citizens of Washington to be represented and to have the proper right of appeal. I know that there are many provisions in the law in regard to the city government would could be much improved upon. The law in regard to the assessment of property, which means the taxation of property in this city, could be very much improved. There is a rigid rule of taxation upon real-estate assessments here that one dollar and a half shall be levied upon 66½ per cent of the valuation, and it gives the assessor a discretionary power to assess that property at 66½ or at 100 per cent. It is a perfectly absurd and ridiculous law, because if there is a levy on the real estate of this city, say, of \$6,000,000 under a dollar and a half at two-thirds the assessor could raise instead of \$6,000,000 a year \$9,000,000 a year out of the people of this city by taxation. Under the half-and-half notion Congress ought under those circumstances to appropriate nine other million dollars, making \$18,000,000 expended here for municipal purposes, because the assessor in this city thought that he had better make his assessment—the rate would act automatically—100 per cent instead of 66 per cent. Such a condition as that is, of course, absurd, whether a mere assessor could cause an expenditure here of \$6,000,000 more or \$6,000,000 less. The law is a poor law, and there is no amendment offered to this bill and there has been no amendment offered in the Senate or in the other House changing the duties of the assessor. There ought to be, but that is not any crying question. We all want to let things go that are running along pretty well.

Let me show you what the result of that ridiculous and absurd law is. The joint committee reports on that as follows:

The subjects of taxation in Washington differ somewhat from those of many other American cities. Here, for instance, intangible personal property is not a subject of taxation, and taxes on franchises and earnings of public-service corporations are not classed as personal taxes.

We find from the evidence of fair-minded men, residents of Washington familiar with real-estate values in general, that the present assessment of real estate for taxation is fair and reasonable.

We are perfectly aware that many discrepancies may appear even in the best-regulated assessment plan, and instances of inequality may be found in the present assessment in Washington; but, taken as a whole, the assessments made against all classes of property in the different locations in the city are equitable.

An examination of the assessments in some former years leads us to believe that in those years many of the tax valuations were too low and that then many more inequalities of taxation existed than now, and that under the present assessment an earnest and honest effort has been made to adjust assessments for taxation, so that substantial justice may be done to all concerned.

The committee found that the assessor was performing his duties reasonably well for the purposes of the people of the city. Therefore none of us has taken the trouble to bring in a bill here to change his duties.

The point that I desire to make with regard to the discussion of the half-and-half principle is this: Things are going along very well; the people of this city are pretty well satisfied, although they have very little voice in their government. They are not complaining in regard to this matter of taxation very much now; and the officials here in levying the taxes are acting reasonably well, as well, I think, as such officials are acting in any municipality in the country. They are raising per capita

in this city \$16 for municipal purposes, which is practically the same as is raised by every well-regulated and similarly situated municipality in the United States, so far as I know; certainly by any municipality which is comparable to this. If, as I believe, most of the people of this city desire this condition to continue—if this be true, if property as reported by the committee is fairly assessed, if it raises a reasonable amount for municipal purposes from the people here that cities do elsewhere—why tear up by the roots something which has been going along, and going along well, and which rescued this city from turmoil and trouble 38 years ago, and ever since has continued reasonably to satisfy the expectations of the city? Why enter into ideal schemes of government for this city which, in my humble judgment, nothing shows better than this very bill which is now before us will never be carried out?

Mr. LEE of Maryland. Mr. President, I gave notice just now of a point of order against the amendment of the Senator from California [Mr. WORKS]. I was a good deal surprised by the decision of the Vice President, because I have occasion to recollect the strictness with which on previous occasions he has enforced the rule against general legislation on this particular bill. For that reason I reserved this point of order, and for the particular reason that I do not think, of all the appropriation bills which have come before the Senate, that this bill should be made the one for general local legislation.

The District of Columbia is an unrepresented community, and I do not think it should be laid open to every form of political experiment that may come "down the pike." I do think that vested rights here should be respected to some extent and that the same rules that apply to the national legislation for the general protection of the country should not be taken away from the District of Columbia with reference to this appropriation bill.

Mr. President, I appeal from the decision of the Chair on the previous point of order, and insist that the amendment was out of order because it is broad and general legislation of the most marked type, authorizing the District Commissioners, in the very first line, to do what they have no legal authority now to do—that is, to convey, by good and sufficient deed of conveyance, to the Government of the United States all property belonging to the municipality known as the District of Columbia.

It is not worth while going through the details of this amendment; but from the beginning to the end, it is general legislation of the broadest and most sweeping kind.

Mr. JONES. Mr. President, I make the point of order that the appeal comes too late. In support of that point, I simply want to cite the Chair to the ruling of Vice President Marshall, on pages 9532 and 9533 of the CONGRESSIONAL RECORD of the second session of the Sixty-third Congress. If the Chair would like to have it read, I will read it.

The PRESIDING OFFICER. The present occupant of the chair will rule that an appeal may be taken from a ruling of the Chair unless other business has intervened since the ruling was made.

Mr. JONES. Well, other business has intervened.

The PRESIDING OFFICER. The Chair understands no other business has intervened.

Mr. JONES. Yes; there has been a bill relating to the Panama Canal passed.

Mr. GALLINGER. But that was by unanimous consent.

Mr. JONES. I know; but it was business—legislation—just the same.

The PRESIDING OFFICER. The Chair will have to inform himself on that point. The present occupant of the chair has been here ever since the ruling was made, and, so far as he is aware, no other business has intervened.

Mr. JONES. I desire to appeal to the RECORD on that question, because I know that the Panama Canal bill was passed, for I was here when it was done, and remember that there was quite a colloquy with reference to it.

Mr. VARDAMAN. Mr. President, I suggest that the RECORD be consulted as to what has taken place.

Mr. JONES. Yes; I appeal to the RECORD.

The PRESIDING OFFICER. If the Senator will bear with the present occupant of the chair for a moment, it is impossible at the same time to attend to Senators and to ascertain from the Secretary what has intervened and what has not. The Chair is informed that other business has intervened. That being so, the appeal is taken too late.

Mr. GALLINGER. Before the Chair—

The PRESIDING OFFICER. The Senator from New Hampshire will pardon the Chair for a moment. On this point, as on all others, an appeal will lie from the ruling of the Chair. The Chair, in order to expedite business, rules that the appeal is taken too late. If there is a desire to take an appeal from



that ruling of the Chair, the Chair will submit the question to the Senate.

Mr. GALLINGER. I desire to suggest—

The VICE PRESIDENT resumed the chair.

Mr. GALLINGER. I have nothing to say, Mr. President, inasmuch as a change has taken place. I merely wanted to be allowed the courtesy of making an observation.

The VICE PRESIDENT. The present occupant of the chair does not want the Senator from New Hampshire to understand that the Vice President took the chair for that purpose.

Mr. GALLINGER. Mr. President, the observation I wanted to make was that the Senator in the chair a moment ago ruled that other business had intervened. I do not know where the rule is to be found that would even then exclude a point of order being made; but the business that intervened was transacted by unanimous consent, the District bill was being kept continuously before the Senate, and was not even laid aside temporarily.

The VICE PRESIDENT. With due deference to my friend, the Senator from New Hampshire [Mr. HOLLIS], who took the chair and who was not aware of what the ruling of the Chair was, the present occupant of the chair announced, in making the ruling, that he made it upon the theory that there was to be an appeal from the decision of the Chair, and would not have made the ruling at all had he not expected to get the opinion of the Senate upon a question that is doubtful, in the mind of the Chair.

Mr. HARDWICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. HARDWICK. The ruling being that no appeal can be taken after business has intervened, would it, in the opinion of the Chair, be intervening business to take up a matter by unanimous consent while the pending bill was still before the Senate and not displaced?

Mr. POMERENE. And the pending question being the same then as now.

Mr. HARDWICK. And the pending question even being the precise one that is now under consideration?

The VICE PRESIDENT. The present occupant of the chair, if he had been here at the time, in view of the statement which he made to the Senate of the uncertainty of his own view about it, would have been glad to entertain an appeal.

Mr. HARDWICK. Mr. President, in view of the uncertainty about this entire thing, I respectfully appeal from the decision of the Chair with respect to the Works amendment. The pending bill, to wit, the District of Columbia appropriation bill, was not displaced, but was kept continuously before the Senate, and the pending question was the amendment of the Senator from California. Now, the only thing that could be called intervening business was the taking up by unanimous consent of some pro forma matter, to agree to a House bill, or to agree, perhaps, to some House amendment to a Senate bill; and it does seem to me, therefore, that the spirit of the ruling laid down by the Vice President in the Sixty-third Congress, which was undoubtedly sound, that unless there had really been intervening business an appeal would be in order, would be applicable here. I believe, under those circumstances, that the appeal ought to be entertained.

The VICE PRESIDENT. It is not very often that the present occupant of the chair prefers any request to the Senate of the United States, but the Chair again wants to say that in the tentative ruling as announced, while the Chair thinks the ruling was right, he understands that there is a very grave question about it, and the Chair expected and believed that there would be an appeal from the ruling of the Chair to the Senate. The Chair respectfully asks that an appeal be granted from the Chair to the Senate, whether it be strictly in order or not, in order that the Senate, which is the final judge of this question, may determine the matter.

Mr. CHILTON. Mr. President, it is a matter of fact that at least three bills have been passed—two, certainly—since the decision of the Chair.

The VICE PRESIDENT. The present occupant of the chair was not here during that time.

Mr. CHILTON. Does not the RECORD show that that is the fact about it?

Mr. HARDWICK. Mr. President, if the Senator will pardon me, whatever bills were passed were purely passed pro forma, as a matter of consent.

Mr. CHILTON. That is true.

Mr. HARDWICK. While the District bill was still before the Senate.

Mr. CHILTON. But, nevertheless, those bills were passed.

Mr. HARDWICK. The District bill was still before the Senate, and the pending question was then the precise amendment which was the subject matter of the ruling.

The VICE PRESIDENT. The present occupant of the chair is not complaining of the ruling of the Senator from New Hampshire [Mr. HOLLIS] when in the chair.

Mr. HARDWICK. Oh, no.

The VICE PRESIDENT. The Chair believes that the ruling was right under the circumstances; but in view of what the Chair has said and what the Chair stated when the ruling was made, the Chair would respectfully ask the Senate to permit the appeal to be taken.

Mr. CLARKE of Arkansas. Mr. President, the ruling announced by the Chair seems to have excited some interest. It is deemed by many to have been a new departure. I am not entirely familiar with the scope of the ruling, and certainly am not familiar with the argument by which the Chair sustains it. I think that the matter can be reached in a perfectly parliamentary way when the bill gets into the Senate, when the same point of order can be raised and the ruling repeated. We can then deal with it directly. In the meantime we may have an opportunity to read in the RECORD what the Chair actually said about it and the ground upon which the ruling was based. There is enough in the bill, outside of this particular question, to consume the remainder of the afternoon; and I think we might lay the matter over until to-morrow, by which time the RECORD will be printed, and we will all have familiarized ourselves at first hand with what the Chair actually ruled. In that way I think we can treat the matter with the dignity and thoroughness that its importance deserves. To continue the discussion this afternoon would probably simply result in dispute about what was done, and most of our time would be consumed in matters that do not go to the substance.

Mr. GALLINGER. Mr. President—

Mr. CLARKE of Arkansas. I shall be very glad to yield to the Senator if he desires to interrupt me.

Mr. GALLINGER. I will wait until the Senator gets through. I had a remark to make.

Mr. CLARKE of Arkansas. What I have said is only a suggestion. Of course I would not want to delay this particular bill, but I think there are enough disputed matters connected with it to consume the remainder of the afternoon.

Mr. GALLINGER. Mr. President, when the Chair made the ruling I felt that the ruling was not a sound one, but I believe I was responsible for saying to the Senate that I hoped an appeal would not be taken and that we would vote direct upon the question. I thought then we would get a speedy vote. That has not eventuated.

The reason why I felt that the decision was not well grounded was from the fact that the amendment which was before the Senate changed entirely the form of government for the District of Columbia, and I could not conceive that it was not general legislation. I hope that the suggestion of the Chair, which is a very kindly one, that the matter may be submitted to the Senate will not be resisted, and that we will decide it now, and not put it off until to-morrow. It is pretty well understood what the decision was; and I hope that we will get this bill through in the near future, so as to take up other very important legislation which is ahead of us.

Mr. POMERENE. Mr. President, I desire to make a suggestion. I was not in the Chamber when the Presiding Officer rendered the decision now under consideration, but the Vice President has indicated a desire that the Senate shall take a vote upon the appeal from the decision of the Chair. Very clearly it is a matter of very grave importance. Personally my judgment is that this is general legislation. If it be not general legislation, then any Senator can present any amendment which would result in the repeal of any section of any statute which relates to the affairs of the District of Columbia. I simply make that statement now as indicating the importance of the question before the Senate.

In view of the fact—and this seems to be the opinion of many of the Senators who have addressed the Senate upon the subject—that the President of the Senate has asked that an appeal be taken without interposing a technical objection, I want to ask the Senators who have interposed the objection whether they feel it is fair either to the Presiding Officer or to Senators, individually or collectively, to attempt to take advantage of a mere technicality. It smacks of the technical rulings that we sometimes have in courts, which result in a denial of justice; and we are trying to get away from such rulings.

Mr. VARDAMAN. May I suggest to the Senator that if the Senator thinks the ruling of the Chair is correct, why prefer the request that the Senator makes?

Mr. POMERENE. I did not say that it was correct; I do not believe that it is.

Mr. VARDAMAN. But, suppose the Senate thinks it is correct and suppose the Senator from Ohio should be the only Senator here who thought the ruling of the Chair was not correct, why have a vote? It is not taking advantage of any technicality.

Mr. POMERENE. It is quite apparent that the Senator has not been in the Senate Chamber while this discussion was going on, otherwise he would not be of the opinion that the ruling was correct.

Mr. VARDAMAN. The Senator from Mississippi has been in this Chamber ever since we met this morning.

Mr. WORKS. Mr. President, I will ask the Chair to repeat the request that was made to the Senate.

The VICE PRESIDENT. The request that the present occupant of the chair made was this: He stated that he was ruling upon the point of order with the belief that an appeal would be taken from his ruling to the Senate, and that he did it with very great diffidence. Subsequently no appeal was taken.

There are manifestly Senators here who want the Senate to be the ultimate judge of the ruling of the Chair, and want to be heard upon the question. The Chair would not have ruled, but would have originally submitted the question to the Senate, if it had not been for the belief of the Chair that an appeal would be taken, and the question settled by the Senate. So the Chair was asking, regardless of any precedent that there may be, or intervening rulings, that an appeal may be taken from the Chair, and the Senate may settle the question.

Mr. WORKS. Mr. President, I suppose I am as directly interested in this ruling as any other Senator. I am sorry to have been the innocent cause of all this disturbance. I am not myself inclined to take advantage of a mere technicality at this time, and I shall certainly not object to the taking of this appeal after the request is made by the Chair.

The VICE PRESIDENT. Is there any objection to the Senate settling the question whether the ruling of the Chair is right or wrong? The Chair hears none, and the question is now before the Senate.

Mr. CLARKE of Arkansas. Mr. President, what is the question the Chair submits to the Senate?

The VICE PRESIDENT. The question the Chair submits to the Senate is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. CLARKE of Arkansas. There is no occasion to submit a request for unanimous consent. There is no practical doubt about what occurred in the Senate on June 1, 1914. It is hardly necessary to read it, although I will if it is necessary.

The ruling of the Chair stands until it has been reversed by the action of the Senate. If an objection to setting aside by unanimous consent the decision of the Presiding Officer who occupied the chair during the absence of the Vice President precluded the Senate from passing on this appeal, I should, of course, not insist upon it. I think the matter ought to be submitted to the Senate, and I shall do anything that is necessary to bring it properly before the Senate; but I think before we vote upon a question of that sort we ought to have the benefit of the reasons advanced by the Chair for his action. It seems to have provoked some comment. It does not seem to be universally accepted. I think we can reach that result by conforming to what has heretofore been done.

On the 1st of June, 1914, this occurred:

Mr. REED. Mr. President, a parliamentary inquiry. Do I understand that the amendment offered by the Senator from New York has been ruled out of order?

The VICE PRESIDENT. The Chair has ruled it out on the ground that it is general legislation.

Mr. REED. Has any business intervened?

The VICE PRESIDENT. An amendment has been presented just now, but the Chair has not the slightest objection to an appeal being taken from the decision of the Chair and will grant that right.

Mr. REED. Mr. President, with all respect in the world for the opinion of the Chair, I appeal from the decision. I think, for once, the Chair is mistaken.

Mr. SWANSON. I make the point of order that business has intervened.

The VICE PRESIDENT. But the Chair never proposes to take advantage of that. The Chair will recognize the right of the Senator from Missouri to appeal.

Mr. SWANSON. The Chair might not; but business has intervened.

Mr. REED. I will say to the Senator from Virginia that I was in the Senate; I heard the colloquy; my attention was distracted for an instant by some one speaking to me and I was utterly surprised when I knew that the point of order had been sustained. I do not think we ought to stand on a technicality of that sort when the Chair is entirely willing to let the Senate pass on the proposition.

Mr. MARTIN of Virginia. Mr. President, it is not a question, as I see it, as to what would be pleasing to the Chair; but it is a question of order on which we, of course, expect—

The VICE PRESIDENT. Of course, business has intervened; and if any Senator objects—

Mr. MARTIN of Virginia. I object. I consider the matter finally disposed of, and I raise the point of order.

Mr. REED. Mr. President—

The VICE PRESIDENT. It is therefore not the fault of the Chair that the Senator from Missouri can not now appeal from the ruling of the Chair.

Mr. JONES. I should like to have the amendment last submitted again stated.

Mr. REED. I beg the Senator's pardon. I heard the Chair rule this particular question in order. I was called from the Chamber a moment, and no appeal was entered to the ruling of the Chair that the amendment was in order. On my return I heard the colloquy. Of course, if the Senator from Virginia insists upon it, I presume the only way to bring the question up will be upon the floor of the Senate when we are sitting as a Senate, and I give notice now that I shall raise the question at that time. I desire to debate it.

Now, that is the proper practice here. It has this added virtue: It gives us an opportunity to familiarize ourselves with what the Chair actually did rule, and have the additional benefit of the reasons upon which he rested his judgment. We do not have that opportunity now.

Mr. HARDWICK. Mr. President, will the Senator yield just a moment?

Mr. CLARKE of Arkansas. Certainly.

Mr. HARDWICK. It might put us at this disadvantage, however: If other propositions are submitted during the day that rest upon this ruling, the Senate might be embarrassed by the fact that that ruling stands unreversed. Therefore, it may be of some practical importance to the Senate to determine it now, and we can take the time now. Now is the time to determine whether this ruling is right or wrong. That is the reason why I think it ought to be decided now.

Mr. CLARKE of Arkansas. If my consent were necessary to bring the matter before the Senate in the very broadest sense, I should, of course, give it very cheerfully, but I think the procedure indicated in the colloquy in which the junior Senator from Missouri took part is so clearly laid down and so satisfactory and so comprehensive that it is hardly necessary to invent something especially for this case. The consideration of this bill might proceed, and when the matter gets to the Senate it can be then disposed of. It may turn out that a decision of this appeal is not required at all, because this amendment may be defeated and may never be brought up in the Senate. It would present at this stage a moot question; and we are not called upon to decide those things unless there is involved a principle that needs immediate recognition. Now, I am going to object.

Mr. SMOOT. Mr. President, will the Senator yield for a question?

Mr. CLARKE of Arkansas. Certainly.

Mr. SMOOT. In connection with the remarks that the Senator has just made, would it not be better to have a decision of the Senate upon the ruling? I say that because if the amendment is not agreed to there will be no chance at all to consider the matter when it gets into the Senate, and the ruling of the Chair will stand as the ruling of the Senate.

Mr. CLARKE of Arkansas. It can be challenged at any time it is sought to enforce it.

Mr. SMOOT. But there will be nothing to enforce it on if the Senate votes upon the amendment and rejects it. I think the ruling was wrong. I think the Senate ought to vote upon the matter, and I do not know how we will get a chance unless we vote upon it now, because I do not believe the Senate is going to agree to the amendment of the Senator from California, and then the ruling will stand.

Mr. CLARKE of Arkansas. I am not prepared to say it is wrong. I thought I heard a good many things said by the Chair that seemed plausible, if not conclusive. I am not familiar with the entire matter, and therefore I do not care to proceed with it now. I think that the balance of the afternoon will be consumed in proceeding with other matters that do not particularly relate to this question, and by to-morrow morning we will have the benefit of the printed Record and can pass upon the matter more intelligently than we can this afternoon.

Of course, that is only in the nature of a request. For the present I object to the consideration of the reversal of the ruling of the Senator from New Hampshire, and unanimous consent is properly required for that.

Mr. WORKS. Mr. President, in view of the suggestion made by the Senator, and as I know there are other matters to be taken up here that will probably take the balance of the afternoon, I ask that this amendment may be passed over for the present.

The VICE PRESIDENT. Is there objection?

Mr. JONES. Mr. President—

The VICE PRESIDENT. Just one further question. There is an objection now to the request that the Chair preferred. Of course, it can not be granted unless unanimously. The



Chair's recollection is, though he does not recollect what Senator took it, that there was an appeal from the ruling of the Senator from New Hampshire. Is the Chair correct about that?

Mr. VARDAMAN. Mr. President, I understood that that was the question that the Senate was discussing—that there was an appeal taken from the decision of the Chair, when occupied by the junior Senator from New Hampshire, that the appeal from the decision of the Vice President was not in order because business had intervened.

The VICE PRESIDENT. Then, that appeal is pending before the Senate—as to whether the ruling of the Senator from New Hampshire, who was then the occupant of the Chair, shall stand as the judgment of the Senate.

Mr. HOLLIS. Mr. President, there was no appeal taken from the ruling of the Senator from New Hampshire. He intimated that an appeal would lie if any one desired to take it; but none was taken, so far as I recall.

Mr. WORKS. The Senator is mistaken about that.

The VICE PRESIDENT. I think it was taken after I resumed the chair.

Mr. STONE. Mr. President—

Mr. WORKS. An appeal was taken, I am sure.

Mr. HARDWICK. Mr. President—

Mr. STONE. Mr. President, I rise merely to say that a day or two ago I heard the Chair complain, and almost reprimand the Senate, because Senators did not speak loud enough for the Chair to hear. I think the rule should work both ways.

Mr. HARDWICK. I am following the precedent of some years ago. I merely desire to give notice now that when this matter is reached in the Senate I shall then ask to take the judgment of the Senate on the ruling of the Chair.

Mr. STONE. By taking an appeal?

Mr. HARDWICK. Yes.

Mr. CHAMBERLAIN. Mr. President—

The VICE PRESIDENT. The Senator from Oregon.

Mr. CHAMBERLAIN. I assume that this matter has gone over now, and I desire to make a few observations.

The VICE PRESIDENT. It is not over if the Chair's recollection is correct. The Chair has a recollection that somebody, after the present occupant took the chair, appealed from the ruling of the Senator from New Hampshire.

Mr. CLARKE of Arkansas. That somebody can not be found now. "Somebody" can not take an appeal. A Senator can take an appeal.

The VICE PRESIDENT. No; some Senator must.

Mr. CHAMBERLAIN. I do not believe I am confined in my remarks to the point before the Senate now, and I desire to make some general observations on this bill.

Mr. STONE. Mr. President, may I make a parliamentary inquiry? I do not wish to leave this question where it is until we have some more definite ruling. I do not wish to interfere with the Senator from Oregon if his speech being made now does not change the status of the case.

Mr. CHAMBERLAIN. I think I have the floor.

Mr. STONE. Well, I do not know. Of course, the Senator has in a way. He has been recognized; but as there is a point of order pending before the Chair, I think that is the thing in order.

The VICE PRESIDENT. The reporters will kindly look up the RECORD and see whether any appeal was taken from the decision of the Senator from New Hampshire.

Mr. CLARKE of Arkansas. Could not the result be reached more quickly by asking the Senators if any one of them took an appeal?

SEVERAL SENATORS. He may not be here now.

Mr. CHAMBERLAIN. The Senator from Maryland [Mr. LEE] took an appeal from the decision of the Senator from New Hampshire while he was temporarily occupying the chair.

The VICE PRESIDENT. Then that must be the pending question.

Mr. CHAMBERLAIN. Mr. President, I believe I have the floor.

Mr. STONE. The Senator has. I wanted to make sure what was the pending question.

Mr. SMITH of Maryland. Mr. President, I do not understand, however, that this amendment has been laid aside.

Mr. CHAMBERLAIN. Oh, no.

Mr. President, I presume I will be as much in order as Senators usually are in discussing the question before the Senate if I do not confine myself to the point of order that has been made and proceed to discuss briefly the bill itself, or the proposed change in the so-called half-and-half plan.

The distinguished Senator from West Virginia [Mr. CHILTON], in speaking of the so-called half-and-half plan, said that there was really nothing in it, but that it was altogether a matter of

the attitude of mind of the Members of Congress. Now, Mr. President, I have very great respect for the opinion of the Senator from West Virginia, but in order that the Senate and others who may be interested in the subject may know that it is not altogether an attitude of mind, I am going to ask to have printed, as a part of my remarks, the organic act of 1878.

The VICE PRESIDENT. In the absence of objection, that may be done.

The act is as follows:

ACT OF 1878.

[Chapter 180.]

An act providing a permanent form of government for the District of Columbia.

*Be it enacted, etc.,* That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act. The District of Columbia shall remain and continue a municipal corporation, as provided in section 2 of the Revised Statutes relating to said District, and the commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

SEC. 2. That within 20 days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia, and who, from and after July 1, 1878, shall exercise all the powers and authority now vested in the Commissioners of said District except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said commissioners. The commissioner who shall be an officer detailed, from time to time, from the Corps of Engineers, by the President, for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else, and one of said three commissioners shall be chosen president of the board of commissioners at their first meeting, and annually and whenever a vacancy shall occur, thereafter; and said commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law; and said commissioners appointed from civil life shall each receive for his services a compensation at the rate of \$5,000 per annum, and shall, before entering upon the duties of the office, each give bond in the sum of \$50,000, with surety as is required by existing law. The official term of said commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years. Neither of said commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District.

SEC. 3. That as soon as the commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, duties, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the commissioners appointed under the provisions of the act of Congress approved June 20, 1874, shall be transferred to and vested in and imposed upon said commissioners; and the functions of the commissioners so appointed under the act of June 20, 1874, shall cease and determine. And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid; but said commissioners, in the exercise of such duties, powers, and authority, shall make no contract nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress. The commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than \$10 nor more than \$100, to be recovered before any justice of the peace in an action in the name of the commissioners. All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof, but they may borrow, for the first fiscal year after this act takes effect, in anticipation of collection of revenues, not to exceed \$200,000, at a rate of interest not exceeding 5 per cent per annum, which shall be repaid out of the revenues of that year. And said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law; said commissioners shall have power to erect, light, and maintain lamp-posts, with lamps, outside of the city limits when, in their judgment, it shall be deemed proper or necessary. *Provided,* That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the commissioners thereof, or affect any right, penalty, forfeiture, or cause of action existing in favor of said District or commissioners, or any citizen of the District of Columbia, or any other person, but the same may be commenced,

proceeded for, or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation. The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year: *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress. To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing and return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredempted property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act: *Provided*, That the rate of taxation in any one year shall not exceed \$1.50 on every \$100 of real estate not exempted by law; and on personal property not taxable elsewhere \$1.50 on every \$100, according to the cash valuation thereof: *And provided further*, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed \$1 on every \$100. The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes; and any person who shall, within 30 days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of 5 per cent on the amount of his tax; all penalties imposed by the act approved March 3, 1877, chapter 117, upon delinquents for default in the payment of taxes levied under said act, at the times specified therein, shall, upon payment of the said taxes assessed against such delinquents within three months from the passage of this act, with interest at the rate of 6 per cent thereon, be remitted.

SEC. 4. That the said commissioners may, by general regulations consistent with the act of Congress of March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto. All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said commissioners, or a majority of them; and the accounts of said commissioners, and the tax collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States. Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

SEC. 5. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of \$1,000, notice shall be given in one newspaper in Washington, and if the total cost shall exceed \$5,000, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week, for proposals, with full specifications as to the materials for the whole or any portion of the works proposed to be done; and the lowest responsible proposal for the kind and character of pavement or other work which the commissioners shall determine upon shall in all cases be accepted: *Provided, however*, That the commissioners shall have the right, in their discretion, to reject all of such proposals: *Provided*, That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than \$1,000. All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the commissioners of the District, and all contracts shall be copied in a book kept for that purpose and be signed by the said commissioners, and no contract involving an expenditure of more than \$100 shall be valid until recorded and signed as aforesaid. No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner; and good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and

faithfully performed to the satisfaction of and acceptance by said commissioners; and that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts; and 10 per cent of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per cent shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors. The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of 2 feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the commissioners, may use such cobblestone or Belgian blocks for paving their tracks or the space between their tracks, as the commissioners may direct; the United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work: That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia; and if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company; and if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section. It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down; and the Washington Gas Light Co. under the direction of said commissioners, shall at its own expense take up, lay, and replace all gas mains on any street or avenue to be paved, at such time and place as said commissioners shall direct. The President of the United States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the engineer officer belonging to the Board of Commissioners of said District to act as assistants to said engineer commissioner in the discharge of the special duties imposed upon him by the provisions of this act.

SEC. 6. That from and after the 1st day of July, 1878, the board of Metropolitan police and the board of school trustees shall be abolished, and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act. And the Commissioners of the District of Columbia shall from time to time appoint 10 persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said commissioners shall fix. Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

SEC. 7. That the offices of sinking-fund commissioners are hereby abolished, and all duties and powers possessed by said commissioners are transferred to and shall be exercised by the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

SEC. 8. That in lieu of the board of health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as health officer, whose duty it shall be, under the direction of the said commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said commissioners; and the board of health now existing shall, from the date of appointment of said health officer, be abolished.

SEC. 9. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation; and said commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each; and said inspectors shall be respectively required to make, at least once in two weeks, a report to said health officer, in writing, of their inspections, which shall be preserved on file; and said health officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

SEC. 10. That the commissioners may appoint, on the like recommendation of the health officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said health officer than the public interests demand and the appropriation shall justify.

SEC. 11. That the salary of the health officer shall be \$3,000 per annum; and the salary of the sanitary inspectors shall not exceed the sum of \$1,200 per annum each; and the salary of the clerks and other assistants of the health officer shall not exceed in the aggregate the amount of \$7,000, to be apportioned as the Commissioners of the District of Columbia deem best.



Sec. 12. That it shall be the duty of the said commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia; and said commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

Sec. 13. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the \$200,000, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding 10 years and by fine not exceeding \$10,000.

Sec. 14. That the term "schoolhouses" in the act of June 17, 1870, chapter 30, was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain; and that all taxes heretofore imposed upon such establishments in the District of Columbia since the date of said act are hereby remitted, and where the same or any part thereof has been paid, the sum so paid shall be refunded. But if any portion of any said building, house, or grounds in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

Sec. 15. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, June 11, 1878.

Mr. CHAMBERLAIN. Now, Mr. President, that is a positive enactment. In speaking of that, to show that there have been eminent gentlemen who have taken a different view from the Senator from West Virginia, I call attention to the decision of the Supreme Court of the United States in the case of *Eckloff v. The District of Columbia* (135 U. S., 240).

The court below—

Says the court in that case, referring to the Supreme Court of the District—

placed its decision on what we conceive to be the true significance of the act of 1878. As said by that court, it is to be regarded as an organic act, intended to dispose of the whole question of a government for this District. It is, as it were, a constitution for the District. It is declared by its title to be an act to provide "a permanent form of government for the District." The word permanent is suggestive. It implies that prior systems had been temporary and provisional. As permanent it is complete in itself. It is the system of government. The powers which are conferred are organic powers. We look to the act itself for their extent and limitations. It is not one act in a series of legislation, and to be made to fit into the provisions of the prior legislation, but is a single complete act, the outcome of previous experiments, and the final judgment of Congress as to the system of government which should obtain. It is the constitution of the District, and its grants of power are to be taken as new and independent grants, and expressing in themselves both their extent and limitations. Such was the view taken by the court below, and such, we believe, is the true view to be taken of the statute.

So we have here, Mr. President, the decision of the Supreme Court of the United States that this is more than a mere attitude of mind, and that it is the constitution of the District of Columbia. That view has been maintained ever since 1878, when the organic act was passed, and has been so acted upon by Congress and by the people of the District.

Mr. WORKS. Mr. President—

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. WORKS. The Senator from West Virginia does not seem to be here to answer with respect to—

Mr. CHILTON. The Senator from West Virginia is here.

Mr. WORKS. I beg pardon. Then I will say what I have to say on my own account. I have never maintained that the act itself was a mere attitude of mind. My position is that the effect of the act is to create the District of Columbia a mere agency of the Government; it has no distinct functions of its own of any kind either to raise revenue or to maintain a treasury or anything of the sort; that therefore the District, even conceding the whole effect of the bill, is merely a shell, it has no practical existence.

Mr. CHAMBERLAIN. I do not believe the Senator from California used the expression "attitude of mind" but we who have differed from the Senator from West Virginia are included in the very broad category of being in a sort of fog upon the meaning and intent of the act of 1878.

Mr. CHILTON. Mr. President—

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. CHILTON. Does the Senator regard Judge Worthington, of the city of Washington, as a lawyer and man who knows something about the government of the District of Columbia?

Mr. CHAMBERLAIN. He is a very able man.

Mr. CHILTON. What do you think of his opinion when he was appearing as an advocate? Do you think his opinion was purely a fiction?

Mr. CHAMBERLAIN. I will say that while I have a very high regard for the ability of this distinguished lawyer I have a higher opinion of the decision of the Supreme Court of the United States which I read before the Senator came into the Chamber.

However that may be, Mr. President, the people of the District since that last act went into effect have acted under it

and upon its terms and conditions exactly as the people of a Territory would act under a constitution which had been adopted by the people and by the Congress of the United States.

I know as well as the Senators do that it is an act which may be repealed. It may be amended, it may be dealt with as any other act of Congress, but it goes deeper and has greater significance than that in view of the fact that at the time it was enacted it was intended to be a permanent act for the government of the District, and the people here have lived up to its provisions. In Congress itself, although there have been repeated efforts to change the organic act, they have failed in every instance to accomplish its utter downfall and destruction, and I think it ought not to be disturbed now.

I am very glad indeed to see that one of the members of this joint select commission, the Senator from Delaware [Mr. SAULSBURY], was in utter disagreement with the distinguished Senator from West Virginia and the distinguished Senator from California on this subject.

Let me as briefly as possible review the history of the District, its government, and the conditions which prevail under the act of 1878, and the results likely to follow from the proposed change.

Under its constitutional authority and responsibility Congress is vested with exclusive jurisdiction over the 10 miles square set apart as the seat of Government of the United States. In the exercise of that authority and the discharge of that responsibility Congress has been called upon from time to time to consider the matter of District government and to determine the manner in which the municipal organization shall be maintained. For many years, however, that duty was neglected and the District was permitted to develop municipally and as a community with but little attention from the United States and with less assistance. Definitely restricted in area by the original act of creation out of soil given by two States, and subsequently reduced in area by the retrocession to Virginia, the District has never had before it the possibility of growth into a great commercial or industrial center. It has, indeed, been kept by deliberate policy from growth in that direction and is now regarded permanently as a place for the maintenance exclusively of the business of government, with incidental municipal organization for the care of the community thus created.

It is not to be said that Congress has discharged its duty toward its ward, the District of Columbia, in full conscientiousness. It has left it neglected during long periods and has, in the moments of attention, treated it at times harshly and with a singular injustice and inability to realize the needs and rights of the voteless citizens intrusted to its care. In 1878, after a long procedure of inquiry, which was the climax of decades of congressional inattention and indifference, resulting in the virtual bankruptcy of the District, Congress passed an act which placed upon the United States the burden of one half of the expenses of the National Capital municipality and the other half upon the taxpayers of the District.

The inquiry which led to the act of 1878, which has come to be known as the organic act, was exhaustively conducted by Members of the House and Senate in a practical effort to secure the most equitable and workable method of providing for the development of Washington the city as well as Washington the Capital. Experiments had been tried which had proved failures. It was plain that the municipal administration could not be maintained upon the old basis of corporations and levy courts or upon the later basis of the territorial government.

It is, of course, within the power of Congress to amend or repeal any enactment. Nothing in our system of government is fixed beyond the possibility of change. Even the Constitution of the United States itself can be amended by one of two processes, and it has been several times so amended by the invocation of one of those processes. But every change is attended with formalities, with ample notice, with care that the change is not hastily effected. When the organic act of the District of Columbia was adopted in 1878 it was recognized by the District and viewed by Congress as, in a way, a constitution; in a way, I may say, of a guaranty of future relationship and obligation, not to be lightly amended or changed, not to be modified by indirection, but to be observed in good faith and with strictness in its essentials so that from year to year, from decade to decade the District would know what was expected of it, and what it might expect from the United States save in the mere details of legislative enactments.

Although from time to time after the enactment of 1878 there were protests by Members of both Houses, it was viewed generally as equitable, as practicable, and most of all as assuring for the first time in the history of the District the proper development of the seat of government as a Capital worthy

of the United States and befitting its dignity among the nations of the world. No one can hold that Washington did not prosper as a community under the organic act. It was intended that it should prosper, that its people should be relieved of the burden of hopeless indebtedness, should be given the benefit of public improvements adequately financed, should enjoy municipal life. It was intended that Washington should become more attractive, that it should be lifted from the slough into which it had fallen as a result of long years of neglect and haphazard improvements, and inadequate provision of the bare necessities of municipal life.

The organic act was a great success. Had it been designed by Congress as a temporary expedient, however, it may be questioned whether it would have been so successful. With permanency as the foundation after years of transitions the District grew from its own impulses, grew in the spirit and in the flesh, expanded beyond its boundaries, became a live municipality. Had there been a time limit on the organic act, expressed or implied or reserved, that growth would never have occurred. Washington went forward in good faith, confident that Congress in equal good faith would not destroy or change the basis of its new development.

And the course of Congress during over a quarter of a century, nearly a third of a century, justified the belief that the act of 1878 was in truth organic, that it was a foundation, that it was not an expedient or an experiment. Now and again efforts were made to evade the Federal obligation of equal sharing of the District's cost of maintenance, but in the main these efforts were always defeated and the organic act was recognized until a very recent time as a fixed equity for a change in which there was no reason and no necessity.

It would have been infinitely better if 10 years ago, when these efforts began to be made in one form and another, Congress had deliberately referred the matter to some commission, as it did in the seventies, to ascertain whether the relationship established in 1878 was equitable still, whether the 50 per cent payments by the United States were still necessary or desirable, whether the District should pay more than half of the cost or less in view of the change of conditions since the organic act was adopted.

That conditions to-day are greatly different from those that prevailed when the organic act was passed is evidenced at a single glance at the Washington which lies around this building. The changes have been physical, social, economic, and political. Washington has become a city of permanent homes. It has become a great social, artistic, and literary center. It has grown to be one of the great convention cities of the country. It has not grown in business save as it has needed to grow to care for its own necessities. It has become infinitely more comfortable, more agreeable, more secure. It is healthier. It has grown in beauty.

These changes are the result of the equity underlying the act of 1878, the equity of equal financial responsibility, the equity of congressional interest. The United States has done much on its own account toward making Washington attractive and dignified and giving it a world-wide prestige. But the people of Washington have done no less. They have built beautiful homes, have done their share of improvements, have given lands for street extensions, have invested their money wisely and effectively, and have become as never before a community of highly developed public spirit. It is to me a marvel that without political rights, with no outlet for the expression of their views save their own neighborhood associations, with no representatives to speak for them before their legislature save those who volunteer this difficult service, with no voice in the selection of their rulers, and barred by a foolish law of apportionment from employment in the Government of the United States, the people of Washington have done so well and are to-day such splendid examples of American citizenship.

Mr. President, here let me say that some time ago I introduced in the Senate a proposed amendment to the Constitution of the United States so as to permit the people of the District to have representation in Congress. It is the only government in the civilized world that is taxed without any representation. As yet nothing has come of this effort in behalf of this splendid and typically American citizenship.

Although the organic act has been maintained for all these years as the guiding principle in the treatment of the District by Congress, there has been an increasing disposition for some time to disregard it, to nullify it by indirection. These efforts have persisted for more than a decade, culminating in the action of the last session. Meanwhile the essential factor of this relationship between the District and the Government—the equal division of cost of capital maintenance—has been disregarded now and again. Under a strict observance of the or-

ganic act a surplus of District tax money is impossible, as according to the act of 1878 the District supposedly raises only so much by taxation as is necessary to meet half the cost of the estimated expenses. Actually, as a matter of practice, the appropriations have been made on the basis of the estimated revenues, but even under that system there should never be a surplus of District tax revenues. Nevertheless, occasionally Congress has failed to appropriate a sum equal to twice the amount of the District's revenues, thus leaving a surplus of local tax funds unmatched by Federal dollars. This process, continued for several years, resulted in the accumulation of a large amount of unused District money, which, in equity, should have been appropriated for some needed public work on the half-and-half basis. Instead, however, of doing this, Congress took this surplus and applied it to the payment, exclusively out of District revenues, of a large share of the cost of making a great aqueduct extension. It also took a considerable sum of this surplus and applied it to the cost of entertaining the Grand Army of the Republic on the occasion of its encampment here in 1893, without an equal sum of Federal money.

These inequities were never justified by any condition of the Federal Treasury. Congress yielded to a temptation presented by the spectacle of a large sum of District tax money lying idle in the Treasury.

The distinguished Senator from West Virginia complained a while ago that the District is the Mecca to which the eyes of the wealthy turn, and that it is a place to which this class come in order that they may escape taxation, particularly on intangible property.

Mr. CHILTON. Mr. President—

Mr. CHAMBERLAIN. If the joint select committee had devised some system, not through the repeal and destruction of this organic act but to reach and assess property that it is charged is brought here to escape taxation, they would have done not only the District good but the National Government as well.

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. CHAMBERLAIN. I yield.

Mr. CHILTON. I wish to say to the Senator that I did not make exactly the statement he attributes to me. I said it had been charged that this was the home of the tax dodger. I did not say that we said that in our report, and that I thought that myself. I distinctly stated, as the report will show, that we did not propose to tax intangible property. I made no such criticism.

I want to say to the Senator in regard to the inequitable thing he speaks of regarding the management and the improvement of streets having one rule for what we might call the rural part of the city and another for that part which is in the business and residential section. Certainly, the plan by which the Government shall take all that upon its shoulders and relieve property of individuals entirely would be preferable. The report of the committee contemplates that the individual shall have nothing to do with pavements and improvements, but that all of it shall be done, as it should be done, in our opinion, out of the Public Treasury.

Mr. CHAMBERLAIN. I understand the full purport of the report of the joint committee; I studied it with a good deal of interest and followed the proceedings of the committee; but I predict, Mr. President, that if the Congress adopts the recommendations of the committee, appropriations will never be large enough to do more than provide for the actual and necessary expenses of the District, and the matter of making Washington what it ought to be, the most beautiful Capital in the world, will be entirely neglected. Congress will not appropriate money in excess of the taxes paid into the Treasury. Even now, although the general average is fifty-fifty, for many years Congress did not appropriate 50 per cent, and sometimes provided for barely enough to defray the expenses of the Government.

During the recent period of insidious attacks upon the organic act a disposition has prevailed to put more and more items upon the whole-cost basis; that is, to force the District here and there to bear the full burden of maintenance. This was done in the case of the playgrounds, which are as much a part of the municipal system as the schools, the police, the fire department, or the health service.

It is urged by those who contend against the continuation of the organic act that under it the District has become an under-taxed community. For a long time this charge was made in the course of debates on the District bill and other measures, but was not effectively refuted on the floor of Congress, although statistics were being published in Washington repeatedly demonstrating its fallacy.

Mr. President, I am a small property owner here, but I want to say that the assessment rate and the taxes are as high as



they are in the progressive and growing city of Portland, Oreg., where the people are forging ahead and beautifying the city from local taxation. Every foot of property is subject to taxation except a few exemptions made by law.

Mr. GALLINGER. Mr. President, will the Senator yield to me?

Mr. CHAMBERLAIN. Yes; I yield.

Mr. GALLINGER. The Senator has very wisely said that there is great danger that adequate appropriations will not be made for the upbuilding and beautification of the city of Washington. The Senator has spoken truthfully. I have been trying for 25 or 26 years to do what I could for Washington, for the betterment of the citizens, and for the beautification of the city. It just occurs to me at this moment that twice, if not three times, I have been instrumental in passing a bill through the Senate, having introduced it myself, for the establishment of a home for the feeble-minded in the District of Columbia, something that every State in the Union has, but it has had no consideration elsewhere. I was instrumental in getting a bill through for an inebriate asylum in the District of Columbia, but it fell by the wayside. I have been struggling for a great many years to get a decent municipal hospital, but we have not got it yet. I have taken great interest in a municipal lodging house. The one we have here would be a disgrace to any community on the face of the earth. I have been interested in a great many other improvements, but we do not get them. The Senate passes appropriations for them, but they fail.

The Senator from California [Mr. WORKS] to-day spoke of the alleys of the District of Columbia. We have done what we could in that direction, but we do not get sufficient appropriations to clean them up. So I say to the Senator that he is uttering words of truth and wisdom when he says that what we want is a more liberal policy on the part of the Government toward the District of Columbia.

Mr. CHAMBERLAIN. Mr. President, I do not think there is any question about that; and I want to say to the Senate that I can verify the statement which the Senator from New Hampshire makes with reference to his efforts in behalf of this District. I am glad, indeed, that he has called attention to these things, because in the "wild and woolly West" we treat diseased animals with more consideration and more humanity than the poor and unfortunate of the human family are treated in this the Capital of the Nation.

Mr. GALLINGER. Mr. President, I might have added that for 10 years I advocated the establishment—and other Senators also did so—of a tuberculosis hospital. We have it now, but it took us a good while to get it.

Mr. CHAMBERLAIN. That is true, Mr. President. It may be that Congress does not mean to be niggardly on these subjects, but, like the Senator from New Hampshire, since I have been here I have taken very great interest in the affairs of the District. I have visited some of its eleemosynary institutions and its hospitals. Less than a week ago I visited a hospital in the eastern section of the city that pretends to be supported by the Congress of the United States—

Mr. SMITH of Maryland. It is a disgrace.

Mr. CHAMBERLAIN. It is a disgrace to a civilized people, and particularly to the Capital of the Nation. Mr. President, in that place are to be found men, women, and children, black and white, and of different nationalities, crowded into old and out-of-date structures, so poorly equipped as not to protect the inmates from the inclemencies of the weather or against insect life, the bearers of every form of infection and disease.

I say it may not be niggardliness on the part of Congress, but sure it is that Congress does not take enough interest in the subject to go and advise itself about the conditions which exist here.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. CHAMBERLAIN. I do.

Mr. CHILTON. Of course it is very pleasant to have the members of the Appropriations Committee hand bouquets to one another on the floor of the Senate and criticize the rest of us for not making liberal appropriations—

Mr. CHAMBERLAIN. I am not criticizing the Senator from West Virginia.

Mr. CHILTON. But I want to say now we may get this proposition agreed to by unanimous consent if the Committee on Appropriations has struck a liberal attitude in its history and if they want to do what the joint committee has recommended let them go on with their appropriations; but what I do not understand and what I should like to have the Senator explain is how he has gotten himself worked up to a position where he

can see that we can remedy these things any better under a fiction than we can by ourselves getting down on the ground and admitting the facts?

Mr. CHAMBERLAIN. Mr. President, the Senator keeps talking about a fiction, an attitude of mind. The organic act is a fact; it is an act of Congress passed in 1878 and which has been construed by the Supreme Court of the United States as being "a constitution for the District of Columbia"—a permanent form of government.

I am not criticizing the Senator from West Virginia; I am criticizing Congress because it does not do its whole duty toward the District. The Senate committee are frequently liberal, but the Senator knows the difficulties they have about getting appropriations through both Houses.

The suggestion has been made here that the distinguished chairman of this committee has been looking after the larger interests. If Senators will take the trouble to examine the bill, they will find that many of the increases in the bill have been in behalf of the moderately paid employee who does not get enough to live on.

Mr. VARDAMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I do.

Mr. VARDAMAN. Does not the Senator from Oregon think that it shows rather a dereliction of duty on the part of officers in charge of the government of this city in not calling attention to the sad condition of the hospital which the Senator has just described, and which, I agree with him, is a disgrace to the civilization of the country?

Mr. CHAMBERLAIN. Even when estimates are made Congress fails to allow for them, but, on the contrary, reduces the appropriations far below the estimates.

Mr. SMITH of Maryland. Mr. President, we have more than once put into our bill an appropriation for a hospital here for municipal purposes, and it has been taken out; we could not carry the appropriation through.

Mr. VARDAMAN. Mr. President, I confess this is the first time I have ever heard that neglect mentioned on the floor of the Senate since I came here. The Senator from Oregon and I have talked about this matter privately, but this is the first time that I have heard the attention of Congress called to the condition of that hospital.

Mr. CHAMBERLAIN. I have referred to the matter on the floor of the Senate once before, and I am again calling attention to these conditions.

Mr. SMITH of Maryland. Mr. President, during the consideration of the last District of Columbia appropriation bill, I myself called attention to this hospital, and I then pronounced it as a disgrace to the city of Washington.

Mr. VARDAMAN. I desire to say that I shall be glad at any time to vote any amount of money which may be necessary for the improvement of the character of that hospital.

Mr. CHAMBERLAIN. Mr. President, I want it understood that I am not criticizing the men who have these institutions in charge. They do the very best they can with the money that Congress allows them, and they are sometimes compelled to create small deficiencies, but, as a rule, they are afraid to do that. I merely invite Senators to visit these places and see for themselves. I am calling attention to the delinquencies of Congress, and I predict that, if the proposition urged by the Senator from West Virginia [Mr. CHILTON] becomes the law, those people will be worse off next year than they are this year, and that Congress will not make the appropriation necessary to meet the conditions.

Mr. OVERMAN. Was the item for the hospital in the estimate sent in by the commissioners? The committee acted upon the estimate sent in by the Commissioners of the District of Columbia, and if it has not been provided does not the fault lie at the feet of the Commissioners of the District of Columbia?

Mr. CHAMBERLAIN. Not entirely. I think Congress, in the first instance, is responsible. Congress holds the purse strings, and even when the appropriations are increased in the Senate they are usually reduced in conference. I ask the chairman of the committee How much does the Senate bill increase the appropriations as the bill came to us from the House?

Mr. MARTIN of Virginia. It increases the amount carried by the House bill about \$3,000,000.

Mr. SMITH of Maryland. Three million dollars.

Mr. GALLINGER. Mr. President, if the Senator will permit me, the estimates which came to Congress through the regular channels for the District of Columbia this year amounted to \$15,476,676.34.

Mr. CHAMBERLAIN. How much is appropriated in the bill as it came to the Senate?

Mr. GALLINGER. As the bill came to the Senate it carried \$11,931,817.34, nearly \$4,000,000 less than the estimates. The Senate committee has increased the amount to \$14,952,002.96, or about \$500,000 less than the estimates.

Mr. CHAMBERLAIN. That answers the distinguished Senator from North Carolina. The bill comes to the Senate carrying \$11,931,817.34, when the estimates were \$15,476,676.34.

Mr. OVERMAN. What I asked the Senator was whether the hospital had been estimated for. When an estimate is made and sent to the committee, the committee usually follow the estimate.

Mr. GALLINGER. It has been estimated for.

Mr. CHAMBERLAIN. The Senator asked the question if the Commissioners of the District were not responsible for this neglect. I say no. They came to Congress this year with estimates of \$15,000,000, and they got two-thirds of that amount in the House, while the Senate increases it not quite up to the estimate.

Mr. OVERMAN. I was asking the Senator in reference to this particular hospital.

Mr. SAULSBURY. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Delaware?

Mr. CHAMBERLAIN. Yes.

Mr. SAULSBURY. If the Senator will yield for a statement, the point he is bringing up shows very strongly how the law in relation to the conduct of District affairs might be improved very greatly. I do not think that any fault can be charged against the District Commissioners, for the reason that they are limited in their estimates to double the amount that is raised by taxation; and, even when so limited, when they come to Congress they do not secure all they estimate for.

Mr. CHAMBERLAIN. Certainly not.

Mr. SAULSBURY. So that the taxing laws of this District undoubtedly need very great modification, because there should be lodged somewhere in somebody other than the assessor a discretion in tax matters. At present there is a positive rule that property shall be assessed at a valuation of two-thirds; and, in fact, in regard to the raising of funds in the District there is no discretion anywhere which may enable it to raise money for the needs of the District as those needs arise.

Mr. CHAMBERLAIN. Mr. President, I appreciate what the Senator says; and I am not criticizing the District Commissioners or any other city official. Their power and authority are limited. My criticism is directed to Congress and not to any particular individual. I say that Congress does not treat the unfortunates of the District of Columbia as humanely as most of the States treat the brute creation. That is a pretty broad statement to make, but I say that is true because I know from actual observation.

Mr. President, I say to you without fear of contradiction, that the patients in the Washington Asylum are not housed as well as the cows kept at the insane asylum of the State of Oregon, for the use of the patients at that institution. These latter are housed in modern barns, with screens to keep out the flies and other insects, and with running water and other up-to-date appliances. I was led to digress from what I had in mind by the suggestion of the Senator from New Hampshire, and I am glad that he called attention to the matters suggested by him, and I hope Members of the Senate will visit these institutions and verify what has been said on the subject.

Mr. GALLINGER. And, Mr. President, if the Senator will permit me, in response to the suggestion made by the Senator from Mississippi [Mr. VARDAMAN], I will say that I have on a great many occasions called attention in the debates in the Senate to that wretched institution which we call a municipal hospital in Washington.

Mr. CHAMBERLAIN. And tried to secure an appropriation to remedy the condition?

Mr. GALLINGER. Yes.

Mr. CHAMBERLAIN. Now, Mr. President, if we revert to the system that the Senator from West Virginia proposes, the conditions will be even worse than they are now.

Mr. CLAPP. Mr. President, I am not asking the question I am about to ask in any spirit of criticism, but for information. As I understand the situation, Congress can not appropriate more than the District Commissioners estimate for; that is, Congress can not directly impose a tax upon the property in the District. That property is assessed by the assessor and the amount to be obtained from that assessment, plus an equal amount supposed to be contributed by the Government, is the limit of what the commissioners, who are the ones who make the estimate, can estimate for; but Congress can not of its own

volition by an appropriation in excess of that impose any additional tax upon the District. I ask whether that is not the case?

Mr. CHAMBERLAIN. I think not. I think that Congress is limited in its appropriations to 50 per cent of the amount of the estimates approved by them, the remaining 50 per cent of such approved estimates to be levied and assessed upon the taxable property of the District.

Mr. CLAPP. In other words, the Senate could not now go ahead and add \$2,000,000 more, say, for hospitals and schools, having already reached in the bill reported by the committee the limit under the present assessment.

Mr. CHAMBERLAIN. I do not know that they have done that. I have not examined the estimates critically or the assessment roll for the current year.

Mr. SMITH of Maryland. Mr. President, I will say to the Senator that Congress does not appropriate in excess of the estimates that are made. The Senate committee has recommended \$3,000,000 additional, thus approximating the estimates made by the commissioners.

Mr. CLAPP. I understand that; but I am trying to get at the fault here. Under the present system, as outlined by the Senator from West Virginia this afternoon, the assessor is bound by certain rules in making the assessment. The assessment, of course, is the basis of the tax and is the basis also of the appropriations. Consequently, no matter how deplorable the conditions at the hospital may be, until we get some system under which other than by action of the assessor, bound as he is automatically by law, Congress can apply the remedy by additional appropriations.

Mr. SMITH of Maryland. On several occasions an appropriation for this hospital has been put in the bill in the Senate and subsequently stricken out.

Mr. CLAPP. I am speaking of the condition that the Senator from Oregon has described. He says, very properly, that the District authorities are not to blame. That is undoubtedly true; but, on the other hand, it seems to me that a system exists here under which Congress is also limited. There is the evil that ought to be remedied.

Mr. CHAMBERLAIN. The fault lies largely in the inaction of Congress. It does not appropriate to the limit.

Mr. SMITH of Maryland. If Congress would go up to the limit of appropriations which it might make for the District, there would be a healthy condition.

Mr. CLAPP. In this bill we approach the limit, do we not?

Mr. CHAMBERLAIN. For this year we nearly approach it.

Mr. SMITH of Maryland. That can not be said to be so as yet, for, in the first place, we do not know what will happen when the bill gets into conference.

Mr. CLAPP. But assuming that the larger amount will be granted in conference?

Mr. SMITH of Maryland. Then we will come up to within about \$500,000 of the estimate.

Mr. CLAPP. Exactly.

Mr. SMITH of Maryland. But we do not know what will be taken out before the bill finally becomes a law. In other years appropriations have been made by the Senate committee, from which they have been compelled to recede.

Mr. CLAPP. Now, if the Senator should discover to-day some need in the District of Columbia that required an additional million dollars, the hands of the Senate would be tied, as I understand?

Mr. TOWNSEND. Is that quite so?

Mr. CLAPP. That is what I am asking.

Mr. CHAMBERLAIN. No; it is not entirely correct to say that. I have stated the rule of apportionment as between Congress and the revenue derived from taxing the property of the District.

Mr. CLAPP. Then there is a condition here under which it may be that neither the District nor the Congress is to blame, but the fault lies with the condition.

Mr. SMITH of Maryland. I will say to the Senator, however, that local taxes could be increased if it were necessary, and then, of course, under the present law the appropriations could be increased.

Mr. CLAPP. But Congress could not enforce such an increase.

Mr. SMITH of Maryland. The rate of taxation could be increased in the District. The tax rate now is a dollar a half a hundred. That could be made higher.

Mr. CLAPP. After the assessment has been made?

Mr. SMITH of Maryland. No; not after the assessment has been made.

Mr. TOWNSEND. Let me ask the chairman of the committee this question: The commissioners having estimated



\$15,000,000, suppose Congress wanted to appropriate \$8,000,000 as the contribution of the General Government, which would be more than half of the revenues raised in the District, is there anything in the law that would prevent Congress from appropriating more than one-half of the expenses of the District?

Mr. CLAPP. No; except that Congress would be appropriating more than its share, more than half.

Mr. TOWNSEND. Yes; that is true.

Mr. CURTIS. Mr. President, Congress has in the past appropriated more than the share as a debt against the District, which is paid back to the Government, I think, at the rate of 2 per cent.

Mr. CHAMBERLAIN. The law now governing the matter is contained in the act of 1878. That act was passed, containing the following legislative provision:

To the extent to which Congress shall approve of said estimates—

That is, the estimates made by the officers of the District—

Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimate shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

Now, Mr. President, continuing after this digression—which I assure you I did not intend—speaking again of the charge of underassessment upon the citizens of the District, permit me to say that for a long time this charge was made in the course of debates on the District bill and other measures, but was not effectively refuted on the floor of Congress, although statistics were being published in Washington repeatedly demonstrating its fallacy. The result of this iteration was that it came actually to be believed in some quarters that the effect of the half-and-half system was to absolve the people of the District from taxation to such an extent that they had become mendicants upon the Federal bounty. When the matter was considered by the joint select committee named at the last session of Congress, however, abundant proof was brought forward by representatives of the citizens to show its complete lack of foundation. The joint committee's report shows on the face of it, in its conclusions, that the citizens here are taxed at reasonable rates.

Mr. SAULSBURY. That is what it says.

Mr. CHAMBERLAIN. Yes; it says so in express terms. So that from the charge that the District people here were mendicants before Congress the report of the committee absolves them, and shows that they are taxed about as are the people in other cities of the same size.

The only way to measure taxation comparatively is by per capita tax payments; that is, the amount of money which the average citizen pays in taxes.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. CHAMBERLAIN. Yes, sir.

Mr. CHILTON. I know the Senator does not want to misquote the report. The statement which was made expressly confines it to the tax upon real estate. I read it this morning. It does not pretend to decide this moot question that originated all of this talk about intangible property. It simply says that the taxes upon real estate are about fair, about reasonable, as compared with cities with which this city should be compared in making that kind of an estimate.

Mr. SAULSBURY. Mr. President, I happened to be a member of that committee, and I think the chairman of the committee, the Senator from West Virginia, is quite wrong in saying that that refers to real estate. If the Senator from Oregon will permit me, I will refer to two lines of this report, which will show that he is mistaken.

Mr. CHILTON. What page?

Mr. SAULSBURY. On page 12. The committee says:

We would therefore recommend that the people of Washington pay a tax comparable in assessment rate and amount to that tax paid by the residents of other cities similar in population and location to the city of Washington.

This, we believe, is eminently fair, and there should be no greater exaction in taxation from the people of the District of Columbia.

And that, they say, the people of the District have done in their \$16 per capita rate.

Mr. CHILTON. If the Senator will look at page 8, which I have already put in the Record—I do not want to do so again—that all fits in with the recommendation of the committee and with the statement that this only relates to the tax upon real estate; that is all.

Mr. CHAMBERLAIN. Assuming, however, that that is correct, the general conclusion of the committee was that, leaving out of consideration a lot of property that ought to be brought under the taxing power, still the people of the District are reasonably taxed. Now, I repeat that this committee would

have erected a monument to themselves if they had suggested some system for bringing within the taxing power this property which they say escapes taxation. It would not only relieve the citizens of the District who now pay taxes, but it would relieve the Government of the United States from an additional burden and so lower the appropriation made by Congress.

The committee in its report says:

The subjects of taxation in Washington differ somewhat from those of many other American cities. Here, for instance, intangible personal property is not a subject of taxation, and taxes on franchises and earnings of public-service corporations are not classed as personal taxes.

Why did not the committee bring in some system for reaching this class of property that they say is escaping taxation instead of suggesting that a well-tried plan of 38 years should be abandoned and a new system attempted?

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. CHAMBERLAIN. I yield.

Mr. CHILTON. While the Senator says he is not criticizing, yet he does ask, with a vigor which implies criticism, that the committee should have proposed something to the Congress. If he will look at the resolution appointing the committee, he will find that the sole purpose of the appointment of the committee was to ascertain what was a just proportion of the burdens of government to be borne by the property of the District and the proportion to be borne by the Government. We had no power to go further. That would have been overstepping the bounds of the commitment which we had.

Mr. President, I want to answer what the Senator is saying about that. We found many other things which should be said in favor of the people of the District. For instance, we found that the number of property holders here who pay taxes is comparatively small; in other words, that a large proportion of the people here do not pay taxes, and for that reason the per capita estimate that is given here is really complimentary to the people of the District who do pay taxes. Nobody is criticizing the taxpayers of the city, and in all that the Senator says as to the needs of the city and the duty of Congress we concur, and the report so shows. But we are still up to the question, How are you going to remedy it, and what difference does this fiction of half-and-half make?

Mr. CHAMBERLAIN. Mr. President, I concede the limitation upon the powers of the joint select committee, but the committee had it in its power to make some very valuable suggestions there as to the way to reach the tax dodgers. They did make some suggestions. They did not have power to do that much, but they did make some; but they did not make the right kind of suggestions to meet the difficulties which they point out in their report.

Mr. SAULSBURY. Mr. President, with the permission of the Senator from Oregon—

Mr. CHAMBERLAIN. I yield.

Mr. SAULSBURY. I want to say that I do not enjoy occupying the position of the "innocent bystander" who is getting shot in this matter. I do think the Senator from Oregon is criticizing the committee, and is criticizing it unjustly. I would not have signed this report had it recommended the abolition of the half-and-half system until the committee had proposed some different method of assessment and collection of taxes and appropriation by Congress. That committee did no such thing.

The only thing that the committee said which can be construed into a recommendation of its abolition is that it need not be continued. That need, in my judgment, will exist until a better system of appropriation is devised.

I think the criticism of the Senator from Oregon, had we been charged with the duty of proposing some other than the present system, would be a perfectly good criticism of the committee. We were not, however, charged with that duty. It may be that we should have asked for authority to bring in a bill of that sort, proposing such changes as we thought would better the conditions in this city; but we did not do it, as that would have necessitated asking for additional power. Now, we might possibly have brought it in and then asked that it be considered. I should have been very glad for myself, as one member of the committee, to do that; but if this report had said that the half-and-half system should be abolished until some better system was proposed, I would not have signed it.

Mr. CHAMBERLAIN. I am glad to have the Senator say that he is opposed to the repeal of the half-and-half principle, Mr. President.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. CHILTON. The statement of the Senator from Delaware, it seems to me, makes it proper to make a correction at that point. I can not see how anyone can say that this committee did not specifically and affirmatively make another recommendation to the Congress. It is inexplicable to me how anyone can read this report and then charge the committee not only with having recommended against the half-and-half plan but with failure to recommend something specifically and affirmatively to take its place.

If the Senator will pardon me for just a word, there never has been a time when there has been any act of Congress upon the statute books which the next Congress could not repeal; there is not now and there can not be any under the present Constitution. We recommend that we do what? That instead of taking the plan—it is not a system—instead of taking the old plan of Congress, adopted in 1878, of appropriating half-and-half, so to speak, that hereafter Congress shall fix definitely what the people of the District shall be taxed, and that the Government shall pay all of the balance, whether it is four-fifths, two-thirds, five-sixths, or one-half. That is what we adopted, and we especially recommended it. It takes no system. It takes no act of Congress. It can be done in this appropriation bill. It does not require any report of a committee. We are talking about something that we know we can do right in this appropriation bill, because that is the way it always has been done in the past.

Mr. CHAMBERLAIN. Mr. President, I concede that Congress can do as it sees fit in the matter of legislation affecting the District. The question is as to the wisdom of changing the organic act of 1878. I think it unwise.

I am advised by people who live here, and who know what they are talking about, that since this agitation for the repeal of the half-and-half plan, properties have depreciated in value. In other words, it has been accepted as a sort of a constitution for the District. Values have adjusted themselves around it. People have gone ahead and invested, and relied upon the good faith of the Government to keep their part of the contract, believing this to be a permanent form of government; and yet this constant agitation on the subject unsettles values. Men do not know what to do. They do not know what their taxes may be next year. They are afraid to invest; and, Mr. President, once for all, any proposition to change the half-and-half plan ought to be so overwhelmingly voted down at this time that it will never be brought up again.

Now, speaking about this charge of undervaluation again, the per capita tax levy, the amount paid by the average citizen, is a composite of the tax rate and the assessment. If the assessment and the rate are low, the tax levy will be low. If the assessment is high and the rate is low, the tax levy will be average; and just so, if the tax rate is high and the assessment is low; whereas if the assessment is high and the rate is high, the tax levy will be high. That is an economic fact. In order to find out whether the people of Washington pay much or little in taxes it is necessary to combine the rate and the assessment, bringing everything to the same standard. When this is done it appears conclusively that Washington is not undertaxed. On the contrary, it is highly taxed. The participation of the Government in capital maintenance, theoretically on the half-and-half basis, has not relieved the average Washingtonian from any share of the tax burden which, as an average American, he ought to pay. In 1913, the last year for which comparative figures are obtainable, the District's per capita property tax was \$16. It was exceeded by only 42 out of 198 cities having more than 30,000 population, while in 158 of those cities the per capita tax was smaller. It was smaller in Baltimore, in Richmond, in New Orleans, Indianapolis, and Louisville, for instance. Even in wealthy Chicago it was exceeded by only 60 cents, and in Cleveland by only 9 cents. A study of the taxation figures presented to the joint select committee leaves the unavoidable conclusion, instead of being an undertaxed community, it is highly taxed. And there is a reason for it, Mr. President. All you have to do is to go down here on the Mall and walk from one end of it to the other and see the magnificent properties there that are absolutely exempted from taxation. If the Government properties in this city—and I have read the statements here as to the value of the properties of the United States in the District of Columbia—were assessed at their just valuation, there is not any question but that the United States would pay as much as half, if not more than that, toward the support of the District.

Mr. SMITH of Maryland. Mr. President, I will say to the Senator that in 1914 the valuation of the property of the Government was \$396,000,000, as against about \$392,000,000 for the property of the citizens of the District of Columbia. In other words,

the Government property was valued at \$4,000,000 more than the property of the citizens of the District of Columbia, showing that the half-and-half plan is not unjust to the Government.

Mr. CHAMBERLAIN. That is the reason, Mr. President, why there is no justice in interfering with the fifty-fifty provision of the organic act. If any change is to be made, the Government of the United States ought to pay more. The most valuable properties in the city of Washington are owned by the United States, and they are exempted from taxation.

Much has been made in the attacks upon the organic act of inequalities of assessment in this city. It is probably true that there are inequalities. They are acknowledged frankly by the citizens who have endeavored to maintain the half-and-half system by means of their public-spirited labors before Congress. They are an inevitable result of our taxation methods. They exist everywhere, in the cities of all the States represented in this body. Every Senator here knows that in his own home town there are assessment inequalities. Until you get superhuman tax assessors you will have these inequalities. They are no worse in Washington than elsewhere.

Further, Mr. President, many of the citizens of this District hesitate to come up before the committees of Congress. They hesitate to confer with the individual Congressmen or to talk to them about their needs. I do not know why it is, Mr. President, but it is so in every capital city. I think it is unfortunate that there is a sort of chasm between Congress and the citizens of the District, speaking, of course, in a general way.

Mr. CLAPP. Mr. President, will the Senator pardon me?

Mr. CHAMBERLAIN. Certainly.

Mr. CLAPP. I do not think it is that. I think the Senator himself, if he were a resident of this District, would be loath to hang around and try to importune men that he knew were busy. There is a natural hesitation which the Senator would feel himself if he were a citizen of the District. Not having been a Member of the Senate, not possessing the privilege of the floor, he would hesitate to come up here to the Senate.

Mr. CHAMBERLAIN. I am not claiming that the citizens should feel that way.

Mr. CLAPP. Oh, no. I know the Senator is not. He is referring to a condition.

Mr. CHAMBERLAIN. It is a condition that exists. It is a mental attitude, as the Senator from West Virginia says.

One of the leading opponents of the half-and-half system came forward early in the discussion, in testimony before a committee, and made the claim that if the District realty were properly assessed it would show a valuation in 1912 of \$744,000,000, although in that year it was assessed for only \$330,000,000. It is extraordinary how this statement persisted in commanding belief and consideration, although it was absurd up its face and would not stand analysis for a moment. It seems to have been at the bottom of all this persistent attack upon a system that has given the American people a magnificent capital city of which they are to-day so proud. This grotesque claim of a true assessment value in Washington of \$744,000,000 was completely shot to pieces in the course of the hearings before the joint select committee, and I am glad to say that it has never been seriously heard from since, although by a singular persistence, the idea of an under-taxed Washington, which was so effectively refuted during that hearing, has cropped out again in the course of a debate previously had upon this bill.

Mr. President, I believe the testimony before this committee showed that the assessments varied from one-half to two-thirds of the cash value of the property. I venture to say that there is not a city in the United States where that same rule does not prevail. Not only does it prevail with reference to municipal property, but it prevails with reference to farm property. It is so in my State, and I think I may safely say it is true in nearly all the States.

It was shown before the joint select committee that if Washington, in truth, had real property actually worth \$744,000,000 upon a proper assessment it would raise in taxation from that source alone \$11,160,000 and would thus raise from that single source more than was raised in that year of 1912 from both realty and personalty by such cities as Cleveland, Baltimore, Detroit, Buffalo, Cincinnati, Los Angeles, San Francisco, Milwaukee, Newark, and New Orleans. It would have raised more from this single source than was raised from both realty and personalty by Minneapolis and Jersey City combined. That shows the absurdity of the contention.

Illustrations might be multiplied, from the undisputed testimony given before the joint select committee, to show the complete absurdity of this claim of a true valuation in this District of \$744,000,000 in 1912. It is needless to go further



than to say that the joint select committee accepted that testimony and declared that Washington was fairly taxed and in the main fairly assessed. The committee said:

The annual tax in Washington is approximately \$10 per capita. In the judgment of your committee this is a reasonable tax levy at this time, especially when we consider, as we must, that a large proportion of the population here pays but a small amount of the taxes imposed. \* \* \* The committee believes that independently of the question of what should be the proper subjects of taxation in the District of Columbia, the payment of taxes on real estate from the assessments as they are now constituted is a fair and reasonable response in such taxation for municipal benefits received by the citizens of the District.

This bill as it was passed by the House radically departed from the vital principle of the organic act, that of a fixed, dependable ratio of participation by the District and the United States in the maintenance of the Capital. It substituted a sliding scale of indeterminate contribution by the Federal Government. As the bill was passed it made appropriations on the basis of which the District would be paying about 70 per cent and the United States about 30 per cent, roughly speaking, of the cost of capital maintenance. It would be infinitely better to declare in positive terms that henceforth the proportions should be seventy-thirty instead of fifty-fifty than to leave the matter on the basis of the indeterminate shifting percentage. The indefinite contribution plan embodied in this bill as it came to the Senate is full of evil for the District, and is but a sorry discharge of duty by the constitutionally designated District Legislature, the Congress of the United States. It deprives the Capital of the effective safeguard, afforded by the half-and-half plan, against excessive local taxation and of the guarantee of a substantial, annual contribution by the Nation toward the proper maintenance of the District. It furnishes no ground whatever for stimulating and enlarging the Nation's sense of obligation toward the Capital. It was the plan, in truth, upon which Congress treated the District from 1800 to 1878. Throughout that period the national obligation was primary, exclusive, and dominating as it is to-day. With full liberty to measure its obligation to the Capital in dollars and contributing just what it pleased, it actually contributed little or nothing. The result of this fluctuating, indefinite plan was distress for Washington and shame for both Washington and the Nation.

In order to corroborate what I was saying, I only call attention to the arguments of the distinguished men who participated in the organic act of 1878 in an effort to cure the evils that had grown up under former systems.

It has been urged that the abandonment of the half-and-half plan in favor of indefinite contributions varying from year to year would have the effect of stimulating Capital development by the United States alone. There is no reason to believe this. There is no ground for assuming that what it is not compelled by its obligations to do the United States will do freely and generously when relieved of all obligations whatsoever.

Under this bill as it stood when it reached the Senate the citizens of Washington would be deprived of the last vestige of participating and governing themselves which remains to them under the operations of the organic act. It virtually fixes the tax rate and governs the assessment and thereby mulcts the District in a certain sum of tax money and then sweeps that money into the Treasury of the United States to be classed as Federal funds and to be expended with just so much of additional revenue as one Congress after another may see fit to appropriate. It is the last word in taxation without representation.

Why should the organic act be changed? What urgent reason is there for destroying that which has resulted in the Washington of to-day, the Washington of which we, as American citizens, are proud; the Washington which is recognized as developing into the most attractive city in the world? What urgent reason is there for making this change? None has been advanced. It has been shown that the half-and-half plan does not tend to a low taxation here. It has been shown that it has not cost the people of the country at large an appreciable penny to do the Nation's part in Capital maintenance which the framers of the Constitution plainly recognized as part of the Federal responsibility.

The real issue in this case is whether there should be a fixed or indeterminate sharing of the cost between the people of the District and the United States.

From the point of view of the District taxpayer the indeterminate system is a menace and he has reason to shrink from it with dread. Under it every dollar that can be wrung from him by an increased rate or increased assessment, or both, or by the imposition of new and strange forms of taxation, will have the effect of reducing the amount of money paid by the United States and the Federal contribution. It puts a premium upon increasing the District tax revenues, which are to be held, in the

future as in the past, within the control of Congress. Even though the total amount expended for District maintenance should never be increased, the almost inevitable result of an indeterminate contribution system would be a gradual swelling of the volume of District tax revenues, an increase of the per capita tax burden upon the average Washingtonian.

As the case stands under the half-and-half system, this matter of taxation operates under an automatic check. Every dollar raised from the District by taxation must be matched by a Federal dollar. As long as the organic act stands, Congress is prevented by national selfishness from greatly and inequitably increasing the local tax revenues lest they call for similarly increased sums from the Federal Treasury. And in this fact alone lies the guarantee of the unrepresented Washingtonian against injustice at the hands of its irresponsible local legislation.

Mr. President, I for one feel a pride in the growth and development of this city, and shall live in the hope that in time to come it may at least equal the beauties of the capitals of Brazil and Argentina and other capitals of the world. I stand opposed to any change in a law that for 38 years has worked beneficially to the people of the city and the District.

Mr. CURTIS. Mr. President, I think if Senators will read the first provision of the bill as it came from the House and then read the figures they will see what a great injustice is done in this new plan to the citizens of the District. I want to call the attention of the Senate to this House provision:

That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues except amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

That is the provision that is sent here by the House.

Now, I want to call the attention of the Senate to the figures. The bill appropriates, as it came to the Senate, \$11,662,000. The tax on the District of Columbia would raise from the people of this District \$8,235,000. In other words, if the House provision is agreed to the citizens of the District of Columbia will pay of the \$11,662,000, \$8,235,000, while the General Government will pay only \$3,396,000.

Mr. WORKS. Is the Senator giving the figures under the bill as passed by the House?

Mr. CURTIS. I am giving the figures under the bill as it came from the House. Later on I will give the figures under the bill as amended on the report of the Senate committee. I do this, if the Senator will excuse me for a minute, for the reason that the Senator from West Virginia said that this House provision carried out the plans recommended by the joint committee. He also stated that it was fair. I want to ask the Senators here this afternoon if it is fair to compel the citizens of the District of Columbia to contribute \$8,200,000 and to take from the Federal Treasury only a little over \$3,000,000?

Mr. WORKS. Mr. President—

Mr. CURTIS. I yield.

Mr. WORKS. I want to say that the provision of the House does not carry out the spirit and purpose of the report made by the committee as I understand it. I have never believed that the people of the District ought to be compelled to pay more than half the amount, even under the present system. My contention has been that the Government is not paying enough, instead of paying too much. Therefore the House provision does not meet with my approbation at all.

Mr. CURTIS. I realized that; but I simply call the attention of the Senate to the fact because the chairman of the joint committee, the Senator from West Virginia, does indorse the House plan, and is not, as I understand it, in favor of the proposition submitted by the Senator from California.

Mr. CHILTON. Mr. President—

Mr. CURTIS. I yield.

Mr. CHILTON. This shows the vice of taking an individual instance without going to the principle. I never have said that. I said to the contrary, that I did not agree with the House as to the amount of some of the appropriations. I judge the principle was carried out, which is simply this, as the Senator from Oregon said: The important thing to the people of the District is to have certainty of taxation. The joint committee reported that they should be taxed a specific sum. I would rather have it even a little lower than the average that we have ascertained, and have fixed taxation, so that every property owner knows what he is to be taxed. Then whatever else is required, little or much, is to be paid by the General Government.

That is the principle announced by the bill as passed by the House. Of course I do not agree with the division that happens



to be made, and I am here ready to help the Senator and the committee to rectify it, but the principle is correct. The principle announced by the House makes that certainty of taxation which the Senator from Oregon says he wants. There should be certainty of taxation, and then you have the incentive to Congress to make the appropriations liberal and generous.

Mr. CURTIS. Mr. President, the measure as it came to us from the House carries out the principle advocated by the Senator from West Virginia and shows that that can not be depended upon. The people of this District have been fearful all the time that Congress would not deal liberally with them. That is the trouble. Congress has not dealt liberally with the people of the District of Columbia.

Mr. CHILTON. Mr. President—

Mr. CURTIS. Congress is constantly cutting down the estimates in behalf of the District which are submitted to it.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. CURTIS. Certainly, I yield.

Mr. CHILTON. Now, let us see where we are. The Senator says the people are fearful that Congress will not be liberal. Then does he not admit, does he not know, that they want to hold the half-and-half plan to compel Congress to do something which Congress might not want to do? Is he in favor of that? Does he want them to hold the whip hand on the Congress of the United States to make the appropriation?

Mr. CURTIS. The Congress of the United States always holds the whip hand. The people of the District can not be placed in a position where they would hold the whip hand. Congress holds the whip hand. I am in favor of carrying out this half-and-half plan until some definite plan that is better for the people and for the General Government can be suggested and adopted as a law.

Now, let us see what the result is in the Senate committee's bill.

Mr. GALLINGER. If the Senator will permit me, first, I think the Senator has overstated the revenues of the District for the present year. If the Senator will turn to the report, he will find that it is \$7,410,761.48.

Mr. CURTIS. If the Senator will excuse me, I was reading from the bill as passed by the House and the House report. The House report says that the general revenues of the District for the fiscal year 1917, it is estimated, will amount to \$8,235,050.

Mr. GALLINGER. There is a mistake in that; but, no matter whether it is \$7,000,000 or \$8,000,000, the District of Columbia is a growing community and is being extended very rapidly. They raise approximately \$8,000,000 this year. Suppose this new scheme goes into operation; 10 years from now they will raise \$15,000,000. Is it beyond the bounds of reasonable possibility that an economical Congress may say that is enough to run the government without the General Government making a contribution? There is where the danger comes, and I do not wonder that the people of the District fear that probable result.

Mr. CURTIS. That is exactly the danger, and that shows the trend of Congress. Last year under the appropriation there was a surplus in the District of about \$2,000,000. If the bill had been adopted as it came from the House, there would have been a surplus of some \$4,000,000 this year.

The bill as presented by the Senate committee appropriates \$14,952,000. If the Senate conferees would happen to be successful and induce the House conferees to agree to all the amendments, yet the Government would not pay as much money as would be raised by the District of Columbia.

I need not tell Members of this body how hard it is to get the House to agree to these various amendments. There is no one here who hopes that all the amendments put in by the Senate will be retained; but this must be said for the Senate committee: Every material amendment placed in the bill by the Senate committee is one that will result in benefit to the people of the District of Columbia. The Senate committee provided for new streets, new schoolhouses, new hospitals, better police service, better fire service, playgrounds for the children, and made appropriations that the District badly needs now.

As was said, I think by the Senator from California, the appropriation could be greatly increased and many more million dollars spent each and every year in this District to the benefit of the people of the District.

I do not care to take up much of the time of the Senate on this measure, but I wish to call the attention of the Senate to this part of the report of the joint committee. If the half-and-half plan should be abandoned, I want to ask the chairman of the joint committee why it was that, on page 7 of this report, the joint committee recommend that the interest on the sinking

fund shall be paid half and half? I call attention to the language of the report:

It is our opinion that the original intent, the understanding of Members of Congress, the unvarying practice of the years, the provisions of the various laws of appropriation, the law definitely fixing the respective apportionment of payment, and, above all, the justice of the matter as affecting the General Government, the holders of the bonds, and the District of Columbia lead certainly to the conclusion that the interest on the funded debt be continued, to be paid 50 per cent from the revenues of the District of Columbia and 50 per cent by appropriation from the moneys of the United States.

That is what the joint committee reported; and if the District of Columbia should pay half of the interest on the funded debt, why should it not be limited to half on the expenses of the General Government? The funded debt was created to pay the obligations of the District of Columbia for improvements that had not been paid for prior to the organic act.

Mr. CHILTON. Mr. President—

Mr. CURTIS. I yield to the Senator.

Mr. CHILTON. Mr. President, the Senator has asked me a question, and in answer to it I will say that the part of the resolution appointing the joint committee required us to report upon the funded debt and what proportion of that debt both the District and the General Government should pay. I went into that subject because a controversy came up in another place about the liability of the Government upon that funded debt. We went back into all of the acts of Congress; we got the various appropriation bills and the different acts in which that was mentioned; and we came to the conclusion that, under law and under specific acts of Congress, the Government had bound itself to pay one-half of that indebtedness; that it was not right to regard it in any other way than that it was a part of the original contract, and we so reported; in other words, a condition arose—and that is the only case where there was any difficulty—and we reported the fact and reported that recommendation.

If, however, the plan under the amendment of the Senator from California [Mr. WORKS] should be adopted, that would at once cause the assumption of all of the indebtedness by the Federal Government. That is the only way in which you could negotiate the indebtedness. The bonds could not have been sold originally but for the indorsement and the guaranty of the Federal Government, to wit, that it would itself pay half of the indebtedness, and as trustee would see to it that half the revenues from the District of Columbia should be kept as a fund with which it should be paid. Of course, the Government is a guarantor.

Mr. GALLINGER. Mr. President—

Mr. CURTIS. I yield to the Senator.

Mr. GALLINGER. Notwithstanding the suggestion of the Senator from West Virginia that he has investigated this matter and found that the Government is held for one-half of this debt, and the court has decided likewise—

Mr. CHILTON. And there is no doubt the court decided right.

Mr. GALLINGER. But, notwithstanding the findings of the commission and the decision of the court, the original bill offered in the House of Representatives placed that entire burden on the District of Columbia, but they found out better after a while.

Mr. CHILTON. But the Senator from New Hampshire will recall that that never bothered this committee a particle. We have reported the exact condition and the exact legal status in regard to it.

In justice, now, to the amendment of the Senator from California, I will say it disposes of that, and proposes that the Government shall assume the whole indebtedness or pay it.

Mr. CURTIS. Mr. President, I am not criticizing the committee; I believe the committee has done a wonderful work. All I regret is, that the committee did not, after it had gathered all the evidence, and after it had made its report, prepare a bill and have it introduced in the House and in the Senate, and have, if necessary, a joint committee of the House and Senate consider the measure so as to give a permanent law for the District of Columbia one that would be an improvement over the present plan.

Mr. WORKS. Mr. President, I should like the Senator from Kansas and the Senate to understand that the funded debt stands upon an entirely different footing from the ordinary expenses of the District. That was covered by a special statute on the subject, which obligated the Government to pay one-half of that indebtedness. That had already occurred, and does not depend upon the organic act at all.

Mr. CURTIS. But if the Senator is going to change the organic act, he might just as well change the provision in reference to the funded debt.



There has been some question raised as to the justness of the half-and-half plan. I find in the report of the joint committee, on page 13, the statement that the "total assessed valuation of real estate in the District of Columbia for the fiscal year ended June 30, 1915," was \$390,098,849, and the personal tax for the fiscal year ended June 30, 1915, at 1½ per cent, was \$517,962.35.

I find at the bottom of the same page this statement:

Total full value of all exempt property in the District of Columbia, \$396,550,898.

So if Senators will take the value of the real estate and the value of exempt property they will find it is about equal in this District. I have never thought—and I have studied this question very carefully not only this year, but at other times—that the people of the District were paying less than they should. I believe, with the committee, that they are paying their fair share under the organic act.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. CURTIS. I do.

Mr. WORKS. I should like to call attention to the fact, in that immediate connection, that the amount paid by the taxpayer is not affected in the least by the half-and-half plan, nor will it be affected by the amendment which I have offered if it shall be adopted. The only trouble, I think, is the fear that the Government will not pay enough. It will not increase the amount which the taxpayers will pay, because that is fixed by law.

Mr. CURTIS. That is true. As I said a moment ago, the fear is that Congress will not appropriate the money that is needed. I want to ask the Senate, Are not the people of this District justified in the belief that Congress will not appropriate the money that is needed, while this very measure as it comes to us appropriates \$4,000,000 less than was estimated; and if the House provision should go through, the District would pay eight million and some odd thousand dollars, while the General Government would pay only \$3,000,000. I want to call attention to the testimony of former Senator Blackburn. I find, on page 1428 of the testimony taken before the joint committee, the following:

If the present rate of dividing expenses, 50 per cent upon the property holder and 50 per cent upon the Federal Government, is the best—I mean speaking from the standpoint of the private property holder here—that this joint committee can be persuaded to recommend, then I should be glad to see the half-and-half condition maintained.

Here is what he says in reference to the measure:

All sorts of forms had obtained here, the mayor form and the District government régime. The trouble I found then was that the people living within this District were absolutely unable to fix any value upon their real estate for the reason that there was no fixed rate of taxation; and of course the value of all real estate is largely dependent upon the rate of taxation to which it is subjected. Prior to that time Congress, in the exercise of its discretion—sometimes charged by some to be the exercise of its caprice or whim—would appropriate whatever per cent the individual Congress saw fit toward the expenses of the municipal government here, and those sums varied with different Congresses.

Now, if you abandon the half-and-half principle and go back to the old system, the people will be again complaining. Again he says:

I did not believe at that time that the individual taxpayer here in equity should bear one-half of the expenses incident to the maintenance of this District. I believed it was an approximation to equity; and I not only believed, but I was absolutely sure, that that was the best that could be obtained for the property holders of the District at that time.

Further on he says:

If the half-and-half division of the expenditures were fair in 1878 it certainly is not fair now. For 36 years there has been a shifting of the holdings of real estate in this city, and those changes have always been one way. I am not aware of the fact that the Government has ever parted with a foot of real estate in the last 36 years. We only need to look out here to see the conclusive evidence that the Government for 36 years past has been acquiring additional real estate here and to that extent disturbing the equilibrium on which that act was based.

I do not think, if the people of the District, the taxpayers, the property holders here, were paying their fair proportion of the expenditures in 1878, they certainly are paying more than their fair proportion of those expenditures now.

And yet the provision which the chairman of the joint committee indorses requires the people of this District to pay over 66 per cent, and requires the General Government to pay about 34 per cent.

Mr. CHILTON. Mr. President—

Mr. CURTIS. I yield.

Mr. CHILTON. I want to ask the Senator what is the rate of taxation in Kansas?

Mr. CURTIS. It varies. We have township, county, and State taxes.

Mr. CHILTON. In the Senator's home city, what is the rate? Mr. CURTIS. I am not certain as to the amount but will give the figures later.

Mr. CHILTON. Does the Senator think that a rate of \$1.50 on a 66½ per cent valuation basis is a fair average taxation on real estate?

Mr. CURTIS. I should say so.

Mr. CHILTON. Now, suppose the valuation in this city should go on increasing until \$12,000,000 could be raised under the present rate, and suppose it required \$20,000,000 to run the city, would the Senator be in favor of the Government paying \$8,000,000 or paying one-half of the \$20,000,000?

Mr. SMITH of Maryland. I will say to the Senator that if that were the case the District of Columbia would pay the bill and there would be nothing for the Government to pay.

Mr. CURTIS. Mr. President, I will answer the Senator's question. I believe the citizens of the District should pay a fair tax, and I believe the Government should pay its fair share. I believe that the showing to-day proves that the fair share is half and half, but I want to say, furthermore, that the Government could expend now in the District of Columbia \$20,000,000, yes, \$24,000,000, a year and properly expend it.

Mr. CHILTON. I think that is probably true; we have no disagreement as to that, but the Senator is talking about an instance instead of considering the principle involved. Is the Senator in favor now of the people of the District of Columbia paying a fair tax all the time upon their property?

Mr. CURTIS. I am.

Mr. CHILTON. Whatever they raise by taxation ought to go into the Treasury, ought it not?

Mr. CURTIS. It ought to go into the Treasury under the condition—and that is the question we are now facing—that the Government should appropriate an equal amount, because there is a funded debt here of some \$6,000,000 that should be paid. When the funded debt is wiped out and when the conditions change, that is the time to change the matter of the Government's contribution rather than to change it now.

Mr. CHILTON. The Senator must know that the funded debt is not due, and that it is a splendid investment. It can not be paid until it is due, and in the meantime every requirement in connection with it is being met.

Now, recurring to the original question, the Senator says he is in favor of the people of the District paying a fair rate of taxation and that it should be fixed and certain. If that condition is met and that is all that is required, why should the Government pay any more, and if three times that much is required, why should not the Government pay it?

Mr. CURTIS. Why, Mr. President, the Government has not in the past, and did not in the last appropriation bill, appropriate what the District has needed, and it is not appropriating what the District needs in the present bill, and until all the money is appropriated that is needed, then it is useless to ask the question that is now being asked by the Senator from West Virginia.

Mr. SMOOT. Mr. President—

Mr. CURTIS. I yield to the Senator.

Mr. SMOOT. The Senator from West Virginia endeavored to make comparison between the taxation in a small city and in the District of Columbia. The Senator knows that taking cities having about the same population as the District of Columbia, and some of them larger cities, the District of Columbia pays a higher rate of taxation than any of those cities. If that is the case, then the District of Columbia pays a fair tax to-day.

Mr. CHILTON. I think the Senator is mistaken.

Mr. SMOOT. The Senator says I am mistaken. I will call his attention to the cities to which I have reference. They are Baltimore; Detroit; Buffalo; Milwaukee; Cincinnati; Newark, N. J.; New Orleans; Louisville; and Memphis, Tenn. I say to the Senator that the tax paid in those cities is no greater than the tax paid in the District of Columbia, taking the rate of taxation and assessed valuation into consideration.

Mr. WORKS. Mr. President, will the Senator allow me just a moment? I have been trying to find out what document the Senator is reading from. What is the compilation?

Mr. SMOOT. It is made up of figures collected as to assessed valuation in the different cities.

Mr. WORKS. Collected by whom?

Mr. SMOOT. Collected by Mr. Noyes, or by the Washington Star—I presume through Mr. Noyes's efforts—and they show exactly the valuations in the cities indicated and the rate of assessment.

Mr. WORKS. Mr. President, we had a great mass of matter concerning taxation before the joint committee. The compilation to which the Senator from Utah refers may have been

made up partly from that, but I assure the Senate that it can not be relied upon.

Mr. SMOOT. Does the Senator say that the rate of taxation in the city of Washington is lower than it is in the cities I have just named?

Mr. WORKS. I do not say that it is, because I have no recollection as to that, but the testimony before the committee, if the Senator will take the pains to examine it, will show the facts, and, instead of relying upon the ex parte statement made by somebody who has an interest in the question, I think it would be better to consult the figures furnished by the committee.

Mr. SMOOT. I have enough confidence in Mr. Noyes to believe that he would not make the statement over his own signature that he had taken these figures directly from the assessment rolls of the cities and had given the rate of taxation, unless he was satisfied that that was the fact.

Mr. WORKS. That may be true.

Mr. SMOOT. I simply say that because of my faith in the man.

Mr. WORKS. It may be true that Mr. Noyes is acting in perfect good faith, but there are so many different things that enter into this matter, so many different kinds of taxes—State taxes, county taxes, and various other taxes—that any general statement is bound to be misleading.

Mr. SMOOT. I want to say that this has reference only to city taxes in comparison with the taxes paid in the District of Columbia.

Mr. CURTIS. Mr. President, before we proceed I desire to say to the Senator from West Virginia that the rate of tax of each \$100 valuation in the city of Topeka, Kans., is \$1.904, except special improvements. This amount of a little over \$1.90 includes the levy for State, county, city, and board of education purposes.

Mr. CHILTON. Mr. President, if the Senator will permit me, I will say to him and to the Senate that, beginning on page 207 of the hearings, there is a complete report which was obtained by the committee from persons who appeared before it, showing all the items of taxation, per capita and otherwise, the size of the cities, and other information of similar character.

They are put in there. Every city in the United States that is comparable to the city of Washington, and all of the data, are in there, and the conclusions of the committee were conservative conclusions drawn from those data.

Mr. SMOOT. Then there is no need of having any conclusion at all. All you have to do is to take the absolute figures, and those will show.

Mr. CHILTON. Yes. We are lower than the average, instead of above the average.

Mr. KENYON. Mr. President, if the Senator from Kansas will permit me—

Mr. CURTIS. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from West Virginia whether there is any tax in the District of Columbia on moneys and credits.

Mr. CHILTON. None whatever.

Mr. KENYON. A tax on those matters would yield a very large revenue, would it not?

Mr. CHILTON. Well, we do not know. We presume that it would.

Mr. CLAPP. Mr. President, the Senator, I think, is mistaken. A Senator told me to-day that there is a tax here on bank deposits. I had not supposed, up to that time, that there was, and I still think the District is very liberal toward people who have large quantities of property in the shape of credits and money. There is some tax, undoubtedly.

Mr. CHILTON. Oh, they will tax your cow and your horse—

Mr. CLAPP. No; I mean money in bank.

Mr. CHILTON. But they do not tax the intangible property. Now, that is where it all started and that is what this was all about. We have not said anything about it. We are trying to get it down to fixed principles first before we go to arguing things.

Mr. CLAPP. I can not speak from experience, but a Senator told me to-day just the contrary—that bank deposits are taxed here.

Mr. SMOOT. That all depends upon whether they make a showing upon the return that they have money on hand, and that is just exactly the same as it is in every other State. There is a provision made for the return of moneys on hand. They do not get very much out of it, however.

Mr. STERLING. Mr. President—

Mr. CURTIS. I yield to the Senator from South Dakota.

Mr. STERLING. I just wanted to suggest to the Senator that as I understand the law of the District of Columbia relating to taxation I do not think moneys and credits are taxed. I do not think any returns are required to be made on moneys or credits. All tangible personal property is taxed, of course. Stocks in banks, and so forth, are taxed, but what we ordinarily mean by moneys and credits are not taxed. I think the Senator from West Virginia is right in saying that credits are not taxed.

Mr. CHILTON. That was my information. We asked the witnesses about it, and we examined the commissioners and the assessors and others who ought to know.

Mr. CURTIS. Mr. President, I shall detain the Senate only a minute or two longer. I want to call attention to part of former Senator Blackburn's testimony, at the bottom of page 1426:

The law of 1878 has stood the test of experience for more than one-third of a century. It has lasted longer than I thought it would endure at the time of its enactment. I think an unprejudiced, fair judgment would declare that it has not only lasted longer but has answered the purposes of its enactment better than was contemplated at that time. These people have had a satisfactory form of government now for all these years.

I read from page 1430 of his testimony:

If 50 per cent was fair in 1878, taking into account the shifting of holdings, the constant acquisition by the Government, and the constant diminution of the holdings by private citizens, leaving out of view the new factor that the Senator from Delaware suggests—if 50 per cent was fair toward the property holder and private taxpayer in 1878, I should say that 65 per cent on the part of the Government and 35 per cent on the part of the property holder would not be more than fair to him now.

So you see the Senator upon whose testimony the members of this joint committee rely says that, in his judgment, instead of the Government only paying 35 per cent or 34 per cent it should pay 65 per cent, and that the taxpayer should pay only 35 per cent, instead of paying 66 per cent, as he would be required to do under the House bill.

In conclusion I want to repeat that the Senate Committee on Appropriations studied this question carefully. It called before it people from the various sections of the District. Everyone that wanted to be heard had a chance to be heard, and men came there, and so did women, telling us the conditions and what was needed in their sections, and the Senate committee amended the bill in a manner they thought was the very best under all the circumstances. We increased the appropriations for the schools, for the fire department, for the police department, and all of that, and we believe that we have given the District a good measure. We believe that it is best to stand by the half-and-half plan until some better scheme is devised by Congress. We believe that any measure proposed should be carefully prepared by a committee, carefully considered by the Senate and by the House, and acted upon as a separate proposition, rather than upon an appropriation bill.

Mr. GALLINGER. Mr. President, I had intended to discuss the so-called half-and-half principle when the committee amendment came before the Senate for consideration. But as there is a little leisure time this afternoon, perhaps I might as well say a few words now as later.

Last year, when this question was before the Senate, I find by reference to the CONGRESSIONAL RECORD that I made a speech of some considerable length on the subject, which I have been tempted to make the basis of what I shall say to-day; but I find that it is too long for that purpose, and I will simply, as briefly as possible, give expression to the views that I hold now, which are in accord with those I held one year ago.

I am against the amendment submitted by the Senator from California [Mr. WORKS] for the reason that I do not think the time has come for the abrogation of the statute of 1878, known as the organic act of the District of Columbia. I quite agree with those who have preceded me that before we take that step the matter should receive much more careful and considerate examination than it has had up to the present time.

It has been my privilege for 30 years, Mr. President, to have a direct interest, and sometimes I have thought too great a personal interest, in the affairs of the District of Columbia.

About the only criticism that ever has been made upon my legislative career at home, aside from the criticism of some votes which I have cast, which perhaps were well founded, has been that I have given too much time to District of Columbia affairs. I became a member of the Committee on the District of Columbia when I entered the Senate over 25 years ago, and before that I was interested in the affairs of the District of Columbia when I was a Member of the other House. I remained on that committee until three years ago, covering a period of 19 years, about 12 years of which time I was chairman of the committee. I think I understand the ins and outs of District of Columbia affairs fairly well. It has been my



purpose to lend my influence and vote to every proposition intended to develop the District along correct lines, to make it the "city beautiful" of this continent, and I have sometimes felicitated myself that with the aid of other Members of this body and of the other House a great deal has been accomplished in that direction.

When I stop to think that when I first came here we rode down Capitol Hill in a little dinky car drawn by two bedraggled horses, each passenger being his own conductor, and that when we came back, in wintertime particularly, a cold, shivering boy met us at the foot of the hill to hitch an added horse to the car to pull it up to the Capitol. I can see a picture of the great development that has come to Washington since that time. Our car lines are among the best in the world. We have the splendid Union Station, which took the place of two dilapidated structures that were not a credit to the city of Washington. We have these beautiful buildings all around us. We have the magnificent Congressional Library and other buildings that I will not stop to talk about.

But, Mr. President, notwithstanding all that has been accomplished, notwithstanding the fact that beautiful homes have been built, magnificent avenues have been opened, splendid public buildings have been erected, the city has extended itself to the northwest for miles and miles and miles, and that all parts of the city have been developed along correct lines, notwithstanding all that I have felt that there was a great deal more to be done.

I was particularly struck to-day in reading the criticism that the Senator from California, in his report as a member of the joint committee, made on the city hall. I want to read it, for the information of my colleagues, if I can turn to it. He pictures a condition that ought to be attended to by this Congress. It ought to be attended to in this bill, if we could get an appropriation for the purpose, so as to give this city a decent city hall. Why, when we go into our other cities, when we go into small cities, such as the one I live in, and see those beautiful city halls, when we call to mind what we see in European cities, where they take great pride in their city halls, when we remember those things, and then go down here on Indiana Avenue and look at that old, dilapidated structure, where our courts meet and other business is being transacted, we can not help wondering why it is that an appropriation of a million or two million dollars, or whatever sum might be needed, has not long ago been made to give this city a hall that would be a credit to Washington.

Mr. STONE. Mr. President, I have sometimes wondered that when we were building this new city hall down here across from the Willard Hotel we did not do the thing the Senator is talking about.

Mr. GALLINGER. Of course that is a purely municipal building.

Mr. STONE. I know that.

Mr. GALLINGER. And in that building the affairs of the government of the District of Columbia—this "fiction," that fancy of the brain, that the Senator from West Virginia talks about—are attended to. The affairs of the District are being conducted there, and every square foot of space is occupied, so that unless it had been very greatly enlarged we could not have utilized that building for the purposes for which the City Hall proper is used.

The Senator from California had this to say in his report, and I beg the attention of Senators while I read it:

The poor old City Hall—

Says the Senator from California. That expresses exactly what it is.

The poor old City Hall! It seems a pity to say anything about it. It is 91 years old. It gives every evidence of having gone through a long series of inefficient, irresponsible, half-and-half legislation. If not, it would have been removed many years ago and replaced by an adequate and modern building in a more suitable place. It has remained so long it might be worth saving as an antique, but not at its present location. It is situated on the edge of one of the beautiful parks of the city, where no business building should be allowed to remain. It is dingy with age. I have not seen the inside of it. A view of the outside is quite enough. The plastering on the outside has been off for I do not know how long in spaces of 10 feet square or more, and it looks otherwise dilapidated. It should, for the credit of the city, be destroyed and a new building of sufficient size, modern in style, and with modern improvements, erected on Pennsylvania Avenue, where all public buildings should be brought together. A suitable building, large enough to accommodate all of the District courts, should be constructed and the courts brought together.

It will be a long time before Washington can be made anywhere near a model city while such public buildings are allowed to stand. As it is now, it is a blot on the face of a beautiful park that should be removed.

Mr. President, that is a picture worthy to be framed and hung in the home of every Senator of the United States. I think we ought to have the hall itself photographed, and there should

be placed at the top of the picture those words so eloquently and justly uttered by the Senator from California.

Now, what is true of that old City Hall is true of a great many other things in the District of Columbia that ought to be remedied. But I want to say to the Senate that if we should place an appropriation of a million dollars in this bill or \$2,000,000, which perhaps would be a better figure for a new City Hall, we might felicitate ourselves on the fact that the Senate had taken a step in the right direction, and that there was some hope of getting a new building; but, Mr. President, when the conference report came back it would in all probability be found that that amendment had not been agreed to by another body, and that the Senate had been compelled to recede from its amendment.

I called attention a little while ago to the fact that there are a good many other things that we ought to do here. Just think of it, Mr. President, we have no home in the District of Columbia for the feeble-minded, and those poor people, boys and girls and men and women, are roaming around our city without any adequate protection to the community or to themselves and without the care that they are justly entitled to at the hands of this great Government.

I have on two occasions introduced bills for an institution for the feeble-minded. They passed the Senate, but never became laws. I have introduced bills for a hospital for inebriates, but they failed to become laws, and if we should put an appropriation in this bill for that purpose we would find when the conference report was submitted, that our amendment had not been agreed to by another body, and that the Senate conferees had receded from its amendment.

The same is true of a good many other things that I might talk about if I had time. We find great difficulty in getting adequate appropriations for many worthy purposes. We have fortunately, by dint of perseverance and constant hammering away at Congress, been able to erect a workhouse over in Virginia, and we are going to have another much-needed institution near it—a reformatory—which we are about erecting. Those two institutions will be a blessing to the people of the District of Columbia as long as time lasts. But it took us a long, long time to get them, and we had hard work to secure the appropriations for those institutions. We need to look after a good many unfortunate classes in our community who are being sadly neglected.

The Senator from Mississippi said he never heard on the floor of the Senate a suggestion until to-day concerning the miserable institution that we call a municipal hospital, located on the banks of the Anacostia River. Why, Mr. President, I commenced looking at that institution not only on the outside but the inside 15 years ago, and I have been doing my best, and some other Senators have been helping me, to get that disgrace removed from this great Capital.

Mr. WORKS. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. WORKS. The Senator may remember that I said something about that also in the same report that I made. I went through that institution and it is enough to make one heartsick to see what sort of a place is maintained by the National Government to take care of those poor people.

Mr. GALLINGER. Yes; the Senator from California did discuss that abomination called a municipal hospital, and I thank him for it.

Mr. President, we had a great struggle to abolish grade crossings in the District and get the Union Station. It took a good while to get it, but we finally got an appropriation and we got the building. But it took us nearly two years to get the electric cars to that station so that people coming into the city of Washington could get proper transportation. That seems a startling assertion, and yet it is a fact. The railroad companies were willing to spend a million dollars to get to the station, but they could not get the permission of Congress to do it for nearly two years, and when we finally got the bill through it was carried by only a slender majority in another body, and it was passed only a short time before the inauguration of a President of the United States. The companies had the material on hand, they knew they would get to that station sometime, but, as I said, it took us nearly two years of patient endeavor and argument and entreaty to get those railroad tracks to the station. And why? Mr. President, it was held up by a distinguished gentleman who lived in a town of 350 inhabitants, in whose entire congressional district there were but 4 miles of horse railroad—not electric railroad, but horse railroad.

That distinguished gentleman had influence enough to hold that bill up for two long years on the ground that we were doing something for corporations in the District of Columbia. And yet those corporations, Mr. President, had to pay a million

dollars to get their cars to that great station, which they were glad to do.

That is what we are up against in the city of Washington. It is not fiction, it is not a state of mind, it is not fancy, but it is a solemn fact.

Now, let us see how this thing works. I do not want to criticize anybody. I take it for granted that every man in public life is as honest and as conscientious as I am, but I can not for the life of me understand the attitude certain men take, and why they refuse to do more than they do for the development and the beautification of the National Capital and for the health and comfort, not only of the people of the District, but of the people of the entire United States who come here.

I do not know how it may be in other parts of the country, but I know that New England is willing, if necessary, that the Government of the United States should pay every dollar toward the upbuilding, the advancement, and the beautification of this great city. I never heard a criticism in my State, I never heard a criticism in New England against what the Government is doing for the District of Columbia; but we do know, Mr. President, that that issue is raised in certain quarters, and that the statement is made and repeated and reiterated that the District of Columbia is robbing the Government and that the Government is paying something for the District of Columbia that it ought not to pay. It is such statements that have brought about the controversy that faces us to-day—the effort to tear up by the roots a system of government that has worked well for nearly 30 years.

I am sorry it is so, but it is so. We have added to this bill approximately \$3,000,000, as I remember it. How large a proportion do you suppose of this \$3,000,000 will remain in this bill when the Senator from Maryland [Mr. SMITH] asks for the consideration of the conference report on the District of Columbia appropriation bill? I venture to prophesy that not one-half of that amount will remain in the bill when it finally becomes a law.

But, Mr. President, is the proposition that the Senator from California and the Senator from West Virginia are advocating going to help this matter any? Now, let us look at it. The District of Columbia raised nearly \$8,000,000 by taxation this year. The organic act says in substance that the Government ought to equal that amount by an appropriation from the Federal Treasury, thus making an aggregate of over \$15,000,000. The District Commissioners estimated something over \$15,000,000 as the amount they could expend during the coming fiscal year, and then they left out scores and scores of things that ought to be taken care of in this District. But, Mr. President, as the bill came to the Senate it carried \$11,000,000 of appropriations; the District revenues were swallowed up and approximately half the amount raised by the District was added from the Treasury of this great, rich, powerful Government of ours. Is the proposition advanced by the Senator from California and so earnestly advocated by the Senator from West Virginia going to improve that condition any?

They say that all the revenues of the District should be put into the Federal Treasury and whatever else is needed should be added by the Government. Well, have we any reason to suppose that under those circumstances the Government will be any more liberal in the future than it has been in the past and is this year? Have we any reason to suppose that if the \$8,000,000 of District revenues go into the General Treasury and the District of Columbia is blotted out by calling it a city and saying that it is not an entity, but a mere fiction; have we any reason to suppose that in the next appropriation bill there will be any greater liberality shown by Congress than is shown in the bill that is before us to-day?

It is not to be wondered at that the citizens of the District of Columbia are somewhat alarmed about this matter, because, Mr. President, if they raised \$8,000,000 this year, and if this city grows, as I hope it will grow and as it ought to grow, they will be raising \$15,000,000 in 10 years from now, and if 10 years from now a Congress such as the economical Congress of to-day, which thinks that \$11,000,000 is now enough, comes to the conclusion that \$15,000,000 is enough for all the purposes of the District, they will take the \$15,000,000 of District revenues, will proceed to expend it, and the Government will escape any contribution as a consequence.

Mr. CHILTON. Mr. President, will the Senator permit me to interrupt him?

Mr. GALLINGER. I yield to the Senator with pleasure.

Mr. CHILTON. As I understand, the Senate bill now carries approximately \$14,000,000?

Mr. GALLINGER. Something over that.

Mr. CHILTON. Eight million dollars of that is from the District revenues?

Mr. GALLINGER. About \$8,000,000.

Mr. CHILTON. Under the half-and-half plan only one-half, to wit, \$7,000,000, appropriated by the Senate bill will come out of the District revenues, and the other \$7,000,000 will come from the Federal Treasury. Is not that right?

Mr. GALLINGER. Yes; provided that amount remains in the bill.

Mr. CHILTON. What would the Senator do with the surplus which the District revenues will raise?

Mr. GALLINGER. I do not think there ought to be any surplus. We ought not to let a surplus accumulate. We ought to make expenditures that would exhaust that surplus.

Mr. CHILTON. But, with all respect to the Senator, he has not answered my question. Suppose the Senate bill should now be adopted. There will be a large surplus of approximately \$2,000,000 already raised by the District of Columbia unexpended.

Mr. GALLINGER. Yes; but no one expects that the bill will carry the full amount when it emerges from conference.

Mr. CHILTON. The Senator will recollect what Bill Allen, of Ohio, said about a surplus, that it was worse than a powder mill in hades.

Mr. GALLINGER. The Democratic Party knows more about deficits than about surpluses, and always has.

Mr. CHILTON. That is the Senator's opinion; but we can indulge in surpluses now about as well as the Senator's party ever could. I wish to ask the Senator what will become of the money which has been raised in the District but not appropriated?

Mr. GALLINGER. I say that that is a striking example—

Mr. MARTIN of Virginia. Mr. President, if the Senator from New Hampshire will permit me, it would go over for future years to the credit of the District of Columbia, for disposition when Congress may be more liberal than it is now. That surplus would be used in that way.

Mr. GALLINGER. A distinguished Senator took issue with that idea to-day when I asked him a question, but I will get to that in a moment. He claimed that the surplus belongs to the General Government.

Mr. CHILTON. I merely want to say to the Senator that the Senate itself is not sticking to the half-and-half plan. The Senator is arguing for something which he does not put into practice. If we would put it into practice we would appropriate double the amount raised by the District; we would match dollars with the District.

Mr. GALLINGER. Well, we have come pretty near doing it in this bill as it comes from the Senate committee.

Mr. CHILTON. We have not done it by almost \$2,000,000 in this instance. So I have a plan, while the Senator has not.

Mr. OLIVER. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. OLIVER. I will suggest to the Senator from West Virginia that, judging by our experience since the 4th of March, 1913, it is easier to handle surpluses than it is deficits.

Mr. CHILTON. All I have to say to that is—

Mr. GALLINGER. I hope that no political discussion will ensue.

Mr. CHILTON. I hope so, too, but at the right time we will meet that question, and we are not nervous as to surpluses or deficits nor what is going to happen.

Mr. GALLINGER. Mr. President, the Senator from West Virginia is wrong in his figures. I was going to say that the fact that there is a surplus is a reproach to the Congress of the United States. Last year, as I recall, the District taxpayers collected between six million and seven million dollars. Congress refused to appropriate more than \$5,000,000 out of the National Treasury, and hence there was a surplus. Now, there ought not to have been any surplus, and there would not have been any surplus if the bill as reported to the Senate by the committee had become a law.

In answer to the interrogatory of the Senator from West Virginia as to what would be done with the surplus, I have very clear views of what ought to be done with it. I believe the District of Columbia ought to be allowed to apply that to the funded debt of the District, but the Senator from California says that the money belongs to the Government of the United States. Of course I can not follow that reasoning. That was asserted two or three years ago, but Congress did not agree to that proposition.

Mr. CHILTON. It can not be applied to the funded debt until that debt is due. The owners of the bonds representing the funded debt can not be forced to give them up until they are due.

Mr. GALLINGER. But does the Senator not think that the holders would be willing to give them up? They are only getting 3.65 per cent interest upon them.



Mr. CHILTON. No; in these democratic times they will not give up an investment paying 3.65 per cent. They might under Republican rule, but not now.

Mr. GALLINGER. Now, politics are injected again, mixed with false reasoning.

Mr. CHILTON. I beg the Senator's pardon.

Mr. GALLINGER. If the surplus could not be used for that purpose, of course, it would be tied up. It would lie in the Treasury of the United States to the credit of the District of Columbia. To say that the Government of the United States can reach out its hand and take possession of that money raised from the taxpayers of the District of Columbia is to me a rather startling proposition; and yet the Senator from California says that is what can be done, and certain gentlemen in another place asserted and argued for a long time when another bill was under consideration by a conference committee that that money belonged to the United States and not to the District of Columbia at all, but that was not asserted by the Senate conferees.

Mr. President, I wish I had time—but I have not, for it is almost the hour for adjournment—to go into what I think ought to be done in the way of improvements in the District of Columbia. Does any Senator know any city in any civilized community on earth that would allow Rock Creek longer to continue in the condition in which it is, running through a portion of the city and emptying its polluted waters into a polluted river? I think a million dollars or \$2,000,000, or even more, could very well be used there. We did, after a tremendous struggle, get Congress to agree to appropriate money to take care of the horrible condition that has existed along the Potomac Flats and the Anacostia River, and I wish Senators would go down there and see the great work that is going on. Because we were liberal enough to make the necessary appropriation a place that was a menace to the health of the city of Washington is rapidly being reclaimed. We are doing a great work there, but we had a long, hard struggle before we got an appropriation for that purpose.

The Senator from Nevada [Mr. NEWLANDS] is greatly interested in beautifying the banks of the river from the War College to the Potomac Drive. It is a very laudable purpose that the Senator has in view, but I am afraid that I will not be in the Senate, even if I live out my present term, when the Senator gets that work completed. In common with the Senator from Nevada, who has a very much higher artistic taste than I ever claimed to have, I know what foreign Governments are doing for their city water fronts. In Germany, in France, in England, and in Holland great development has taken place along that line, and it is a disgrace to the city of Washington, as well as to the other cities of the United States, that our water fronts are in the wretched condition in which they are. We ought to make an appropriation for the purpose of accomplishing the results that the Senator from Nevada has in view. I am not quite sure that we ought to turn the work over to the Commission on Fine Arts, as the Senator from Nevada would have us do. I think we ought to see that somebody who has a little more practical knowledge of real work of that kind ought to be put in charge of that great development; but however that may be, the improvement ought to be made.

But, Mr. President, that is not all that we ought to do, by any manner of means. Why, we are educating our children in part in the District of Columbia in portable schoolhouses! Now, we can imagine that 50 years ago, on the borders of civilization, they might properly have used portable schoolhouses in which to house the children; but the idea of the District of Columbia, the seat of the Government, the Capital of this great Nation, asking children to go into those little portable schoolhouses to get their education—just think of it! Furthermore, a good many schoolhouses that are not portable are almost unfit for human habitation. They ought to be repaired, or we ought to have new schoolhouses.

We are about to open the magnificent new Central High School; but if Senators knew the struggle we had to get an appropriation to build that Central High School—which is going to be an ornament to the city of Washington, one of the grandest school buildings in the United States, and we went to the State of the Senator from Missouri to get the plans for that beautiful building—they would understand the difficulties of our task. We built it to accommodate 2,500 pupils. Why, Mr. President, we were told over and over and over again that they never would have one-half of that number of pupils to attend that school; and yet the number of those taking the entrance examination this year, as I understand, will be between seventeen and eighteen hundred, and it will not be five years before the capacity of that beautiful high-school building will be filled to overflowing.

Our hospitals are what they are. Some of them are splendid, but the Municipal Hospital is a disgrace to common decency.

Mr. JONES. Mr. President, before the Senator passes from the schools—he probably knows this better than I do—but I have seen one school out here, for instance, in which there are several rooms where the children come half of the day and then they have to stay at home so that other children may come the other half of the day.

Mr. GALLINGER. There are hundreds and hundreds of such children.

Mr. JONES. Some of them were down in damp and dark basements; others were in cold, portable frame structures, on the outside.

Mr. GALLINGER. Yes; that is true, Mr. President, and it ought not to exist in this city for a single day.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I do.

Mr. WORKS. Another very serious trouble connected with the schools is that there are no grounds about the school buildings where the children can take exercises or be out of doors.

Mr. GALLINGER. That is true. Has the Senator examined the amendments made by the committee of the Senate all through the bill in that regard?

Mr. WORKS. I have not. I have been told—

Mr. GALLINGER. I wish he would. I want to call attention to that, because it shows that we are really trying to do the right thing; but we probably will get beaten before we get through with this, in part, at least.

Mr. WORKS. I hope the Senator will understand that I have not been criticizing the committee for what it has been doing.

Mr. GALLINGER. Oh, no. I know the Senator has not.

Mr. WORKS. I have not discussed this question in any such sense. I am very glad to know that that is being done, because it is one of the things that I investigated when I was making a sort of general survey of the city of Washington.

Mr. SMITH of Maryland. We have provided for about a dozen of them.

Mr. WORKS. I am very glad of it.

Mr. GALLINGER. I will state that I know the Senator has not criticized the committee. The Senator is always kind, and, as I understood his remarks, he rather complimented the committee than otherwise. But I did want to call attention to the fact that there are at least 12 schools named in the bill in connection with which we have made an appropriation for added ground. Some of them have not a foot of space outside of the school buildings—not literally, but practically so—and the children are housed up in those hot rooms without any place to get exercise. We made appropriations for new school buildings—I do not know how many, but quite a number—in this bill. What will be the result? We will fight for them. The Senator from Maryland [Mr. SMITH] is a good fighter in conference, and his associates on the committee will do the best they can, but I am afraid the children will not get very many playgrounds outside of their school buildings. I think they may get some; but the school buildings that are so sorely needed for the proper education of the children of the District will not be appropriated for to the extent that we think they ought to be and that the people of any community that has the civic pride that we ought to have would demand.

So I say that, while we will do all we can, we can not accomplish the impossible. If the Senate could do this work alone, there would be no trouble, in my opinion, in every civic necessity of the District of Columbia being attended to very liberally; but we can not do that.

Here is the additional ground for school buildings. There are 14 different school buildings in the case of which we have made appropriations for enough ground to allow the children to enjoy themselves outside of the heated rooms of those buildings. At present, as the Senator from Vermont [Mr. DILLINGHAM] very properly suggests, practically they have to go into the middle of the street.

We are trying to do the best we can; and if I believed that the amendment submitted by the Senator from California would tend to greater liberality on the part of Congress, and the accomplishment of better results than we were accomplishing under the law that has been on the statute books since 1878, I should not hesitate long to vote for it. But I do not see how it could possibly have that result, because, in the first place, you take every dollar that the people of the District of Columbia pay in taxes and apply it to the needs of the District, and then a parsimonious Congress, if it thinks it wise to add something to it, will do it; otherwise, it will not. So I think

we are better off as we are. The half-and-half principle does say to the Congress of the United States that they are expected to put up as much money as the District raises by way of revenue. If they do not do it, we can not help it; but it is a stimulus, at least, for the Government to do it; and I feel sure that we will have better results under the existing system than we possibly can have under the proposed changed system as contemplated in the amendment offered by the Senator from California.

Mr. President, the hour is at hand for adjournment. I may have something more to say on the subject to-morrow.

#### REFUNDS OR DRAWBACKS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 10, 1916, and of July 5, 1916, a statement showing the amount of money refunded under paragraph 9, section 4, of the present tariff act during the fiscal year 1914, showing the articles, amount, to whom paid, and the name of the real party in interest, etc., which, with the accompanying papers, was referred to the Committee on Printing.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia.

The message also announced that the House had passed the bill (S. 2500) authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation, in the State of Arizona, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assiniboine Military Reservation, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10749. An act amending section 3285 of the Revised Statutes;

H. R. 10089. An act making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans.;

H. R. 14944. An act authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds;

H. R. 16380. An act granting the consent of Congress to the board of supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa.;

H. R. 16554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York;

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.;

H. R. 16640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.;

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties; and

H. R. 17172. An act further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

#### PETITIONS AND MEMORIALS.

Mr. GALLINGER presented telegrams in the nature of petitions from G. M. Goethe, of Sacramento, Cal., and of Mrs. R. P. Halleck, of Provincetown, Mass., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

Mr. O'GORMAN presented telegrams in the nature of memorials from sundry citizens of the State of New York, remonstrating against the seizures of United States mail by the British Government, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of memorials from sundry citizens of New York City, N. Y., remonstrating against the action of the British Government in preventing the committee of the Friends of Irish Freedom from landing in England, which were referred to the Committee on Foreign Relations.

#### CLAIMS OF SHOSHONE INDIANS.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 6526) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation, in Wyoming, to submit claims to the Court of Claims, reported it without amendment and submitted a report (No. 742) thereon.

#### AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. LEE of Maryland submitted an amendment providing for the transfer of the site for the Municipal Hospital from Fourteenth and Upshur Streets, NW., to Reservation No. 13, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was ordered to lie on the table and be printed.

#### EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. Mr. President, a bill has come over from the House, being H. R. 17172, further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies. It is vitally important that the bill should be passed. I do not think it will take three minutes to act upon it, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Chair lays before the Senate House bill 17172.

An act (H. R. 17172) further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies was read twice by its title.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the provisions of the act entitled "An act extending appropriations for the necessary operations of the Government and of the District of Columbia and for the payment of pensions under certain contingencies," approved June 30, 1916, are extended and continued in full force and effect for and during the month of August, 1916.

Mr. TOWNSEND. How long does the bill extend the appropriations, Mr. President?

The VICE PRESIDENT. For one month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### STATISTICS OF COTTON SEED.

Mr. CHILTON. A few days ago the Senator from Texas [Mr. SHEPPARD] submitted a conference report on the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes, and it was ordered to lie on the table and be printed. I ask the Senate to consider the conference report at this time.

The VICE PRESIDENT. The conference report will be read. The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4767) entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes," having met, after full and



free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of said bill and agree to the same.

WM. E. CHILTON, *Chairman*,  
MORRIS SHEPPARD,  
ROBERT M. LA FOLLETTE,  
*Managers on the part of the Senate.*  
H. W. SUMNERS, *Chairman*,  
J. B. ASWELL,  
GEO. R. SMITH,  
*Managers on the part of the House.*

Mr. CHILTON. I move the adoption of the conference report.

The report was agreed to.

#### NAVAJO INDIAN RESERVATION, ARIZ.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2500) authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation, in the State of Arizona, which was, on page 1, in lines 9, 10, and 11, to strike out "extending the boundaries of the tract of country lying west of the Moqui and Navajo Indian Reservation in the Territory of Arizona" and insert "and withdrawing from sale and settlement a tract of country lying west of the Navajo and Moqui Reservations in Arizona."

Mr. SMITH of Arizona. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16380. An act granting the consent of Congress to the board of supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.;

H. R. 16554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York;

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.; and

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties.

H. R. 10749. An act amending section 3285 of the Revised Statutes was read twice by its title and referred to the Committee on Finance.

H. R. 10989. An act making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans., was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 14944. An act authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds, was read twice by its title and referred to the Committee on Public Lands.

H. R. 16640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914, was read twice by

its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. SMITH of Maryland. I move that the Senate adjourn until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 27 minutes p. m., Friday, July 28, 1916) the Senate adjourned until to-morrow, Saturday, July 29, 1916, at 10 o'clock a. m.

## SENATE.

SATURDAY, July 29, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy divine favor that we may be thoroughly furnished for every good word and work. May the work of this day be acceptable in Thy sight and may our hearts respond to every appeal that is noble and high. Enable us to extend the influence of Thy truth in all the world. Save us from every error that will bring any degree of unrest or unhappiness to men. Grant that as we work in harmony with Thy will we may see the pleasure of the Lord prosper in our hands. For Christ's sake. Amen.

#### THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, July 25, 1916, when, on request of Mr. Smoor and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9525) to establish a national park in the Territory of Hawaii.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. McKENZIE managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message also informed the Senate that Hon. CHARLES M. STEDMAN, a Representative from the State of North Carolina, had been appointed by the Speaker of the House as Speaker pro tempore for this day during the temporary absence of the Speaker and had been empowered to sign as Speaker pro tempore during this day enrolled bills and joint resolutions and to appoint conferees.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker pro tempore of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 17053. An act making additional appropriations for the Public Health Service for the fiscal year 1917; and

H. R. 17172. An act further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

#### PETITIONS AND MEMORIALS.

Mr. MARTINE of New Jersey. Mr. President, I have a number of telegrams here on the question of the rejection of Thomas H. Kelly and Joseph Smith, who were refused permission to land in England for the purpose of distributing the relief funds that were secured in New York by generous voluntary contributions for the relief of Irish sufferers. It is asked that something be done. I do not know just what may be done. I present these telegrams for such action as the President of the Senate may deem wise.

The VICE PRESIDENT. The telegrams will be referred to the Committee on Foreign Relations.

Mr. TOWNSEND. Mr. President, I desire to state in connection with the telegrams received by the Senator from New

Jersey that I received similar telegrams several days ago and took the matter up directly with the Secretary of State. The Secretary of State informed me that he thought it was a case of mistaken identity, and had cabled to our ambassador to take up the matter, and he thought it could be adjusted; and it was in the process of adjustment that same day.

Mr. MARTINE of New Jersey. Very well. I am glad to have the information.

Mr. WORKS presented a petition of sundry citizens of Lodi, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Hercules Powder Co., of San Diego, Cal., remonstrating against a tax on gunpowder and other explosives, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the National Association of Union Volunteer Officers, of Indianapolis, Ind., praying for the passage of the so-called Volunteer officers' retirement bill, which was ordered to lie on the table.

He also presented petitions of Miss Mary Wilkinshaw, of Elizabeth, N. J.; Mrs. Helen Bruce, of Louisville, Ky.; May F. Hallett, of San Francisco, Cal.; C. P. Sabonisse, of Annisquam, Mass.; Ethel Wickes, of San Francisco, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of the United Textile Workers of America, and of the Wood, Wire, and Metal Lathers' International Union, of Cleveland, Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

#### CLEMENCY TO IRISH PRISONERS.

Mr. STONE. May I ask the Chair a question? Yesterday or the day before I presented a report from the Committee on Foreign Relations on several resolutions referred to that committee relating to what is known as the case of Sir Roger Casement. The report is lying upon the table of the Vice President. Is this a proper time to ask to have it laid before the Senate?

The VICE PRESIDENT. The Chair is of the opinion that when a report comes from a committee it goes to the calendar, and that it can only be taken up by unanimous consent or upon motion at the proper time. The Chair does not think a report from a committee can lie on the table.

Mr. STONE. It is on the table; at least there was no objection to that course when it was suggested. If it has not been sent to the calendar, I should like to withdraw the report.

The VICE PRESIDENT. The Chair can only express the opinion that the Chair has heretofore expressed that a report from a committee goes to the calendar.

Mr. STONE. I ask unanimous consent to withdraw the report.

The VICE PRESIDENT. Without objection, it is so ordered. The resolutions go back to the Committee on Foreign Relations.

Mr. STONE subsequently said: By direction of the Committee on Foreign Relations I report back Senate resolution 236 and Senate resolution 237 and an amendment proposed by the Senator from South Dakota [Mr. STERLING] to Senate resolution 237.

I should like to say that I will ask presently to have the resolution laid before the Senate for consideration, but before doing that I think I should say that the order by the committee as reported in the main represents the judgment of the committee.

By that I mean to say that in the opinion of the committee and its membership it was regarded as a mistake and inadvisable that these resolutions should have been brought before the Senate, and that from practically every point of view, and especially from the point of view of Sir Roger Casement, the whole proceeding has been a mistake.

The opinion of the committee, as stated in this report, is that none of the resolutions in the form in which they were offered and referred would tend to promote the end the proponents of the resolutions had in mind to accomplish, but would produce a contrary effect.

I think I should say, however, that while I believe that is the general sentiment of the committee it was the opinion of some members of the committee, a minority, that inasmuch as this matter had been precipitated here a resolution in a modified form should have been reported as a substitute for all the resolutions referred. But I am presenting the order as made by the committee as a body. I am doing this only as the chairman and spokesman of the committee.

I present this report and ask unanimous consent that it may be laid before the Senate for present consideration.

The VICE PRESIDENT. Is there any objection?

Mr. OWEN. I shall object if it is going to lead to endless debate and the consumption of the entire morning hour. We have

had two morning hours taken from the Senate by a discussion of this matter. If it is laid before the Senate for action, I shall not interpose any objection. Otherwise I shall feel it my duty to do so.

Mr. STONE. I will say to the Senator, as far as I am concerned, I have not another word to say, and so far as I know there is no other Senator who intends to debate the resolution; but as to that I can not speak with certainty.

Mr. SMOOT. I should like to ask the Senator to modify his request and ask unanimous consent to bring it up after the morning hour is over. I have objected to the consideration of a bill reported by the Senator from Montana [Mr. WALSH], as I have objected in the past to similar requests.

Mr. STONE. The morning hour will probably be occupied by the calendar until the unfinished business is laid before the Senate.

Mr. SMOOT. Then I suggest to the Senator to modify his notice and say that at the close of the morning business he will call it up.

Mr. STONE. The Senator means routine business?

Mr. SMOOT. Routine morning business.

Mr. STONE. I have no objection to that. I will ask, then, that as soon as the routine morning business is concluded it be laid before the Senate.

Mr. OWEN. I suggest to the Senator that he ask unanimous consent to vote upon it at the conclusion of the morning business.

Mr. STONE. Well, I will ask unanimous consent that when it is laid before the Senate at that time, at the conclusion of the routine morning business, it may be voted upon without debate.

Mr. MARTINE of New Jersey. Mr. President, I am quite ready to vote upon this question; but it seems to me, inasmuch as the chairman of the Committee on Foreign Relations has presented his report—a report which is in utter contradiction to the resolutions the committee had under consideration—it is not only just and fair but parliamentary and fit that I should be given an opportunity to say a few words. I have no desire to be prolix or to drag the thing along indefinitely. I should like if the Senator would concur—

Mr. SMOOT. I call for the regular order. If we are going to have a speech, it might just as well be made when the subject is regularly before the Senate.

The VICE PRESIDENT. The question is whether there is to be an objection to the request of the Senator from Missouri.

Mr. STONE. I said I would make the request at the conclusion of the routine morning business.

The VICE PRESIDENT. Very well.

Mr. MARTINE of New Jersey. I want now to say, without—

The VICE PRESIDENT. Bills and joint resolutions are still in order.

#### LIENS, JUDGMENTS, AND DECREES.

Mr. WALSH. From the Committee on the Judiciary I report back favorably the bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1898," and I submit a report (No. 744) thereon. This bill affects the State of Louisiana, and refers to liens and judgments in the Federal courts. The Senator from Louisiana [Mr. BROUSARD] is very much interested in the passage of the bill, and as it has the unanimous report of the Judiciary Committee, I ask unanimous consent for its present consideration.

Mr. SMOOT. I object.

The VICE PRESIDENT. There is objection, and the bill will be placed on the calendar.

#### MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16185) to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes, and I submit a report (No. 743) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 6712) authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes; to the Committee on Public Lands.



By Mr. PENROSE:

A bill (S. 6713) granting an increase of pension to Lewis Mensch; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6714) for the relief of street railway crossing policemen, and for other purposes; to the Committee on the District of Columbia.

By Mr. CLAPP:

A bill (S. 6715) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913; to the Committee on Indian Affairs.

By Mr. MYERS:

A bill (S. 6716) to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont.; to the Committee on Public Lands.

By Mr. LANE:

A bill (S. 6717) granting a pension to Ethel Borden (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6718) for the relief of Joel J. Booth; to the Committee on Post Offices and Post Roads.

By Mr. SHIELDS:

A bill (S. 6719) granting a pension to Henry Ferguson; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6720) to increase the limit of cost of public building at Park City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART:

A bill (S. 6721) authorizing the formation and organization of volunteer motor-car reserve companies (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6722) granting an increase of pension to Alice R. Finney;

A bill (S. 6723) granting an increase of pension to Zachariah Taylor;

A bill (S. 6724) granting an increase of pension to John M. Barber; and

A bill (S. 6725) granting an increase of pension to Hiram K. Brooke; to the Committee on Pensions.

#### ADJUDICATION OF PRIVATE CLAIMS.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

#### CONDITIONS IN IRON-ORE MINES.

Mr. CLAPP. I submit a resolution and ask that it lie over under the rule.

The resolution (S. 242) was read, as follows:

*Resolved*, That the Surgeon General of the Public Health Service transmit to the Senate copies of the reports of Drs. Olson and Bolton, of the United States Public Health Service, made in November, 1914, concerning conditions in the iron-ore mines of Minnesota and Michigan.

The VICE PRESIDENT. The resolution will lie over and be printed.

#### WAR DEPARTMENT ORDERS.

Mr. JONES. I desire to call up the resolution I submitted during the last morning hour. It is on the table.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 238, submitted by Mr. JONES on the 25th instant, as follows:

*Resolved*, That the Secretary of War be, and he is hereby, directed to transmit to the Senate copies of all orders issued by his department during the last three years directing the nonemployment of or discriminating between citizens of the United States in connection with the work, activities, and projects carried on by his department.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

#### PUBLIC BUILDING AT STEUBENVILLE, OHIO.

Mr. POMERENE. I ask unanimous consent to take up Order of Business No. 628, being Senate bill 20. It is a local bill, and I probably will be away when the calendar is called again for consideration. It is a matter of very great importance, and I ask unanimous consent to take it up at this time.

Mr. SMOOT. I will ask the Senator if this is the post-office bill.

Mr. POMERENE. It is a post-office and public-building bill.

Mr. SMOOT. It is an emergency matter, and I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 20) providing an additional appropriation for the Federal building at Steubenville, Ohio, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, such additional lands or rights contiguous to the building site now owned by the United States in Steubenville, Ohio, as may be necessary for the erection and completion on the lands thus owned and acquired of a suitable building, with fireproof vaults therein, for the use and accommodation of the United States court and post office, at an additional cost not to exceed \$150,000 (over and above the amount heretofore authorized to be expended), which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. For the information of the Senate and of the House, I ask that the report accompanying the bill be printed in the RECORD. It is very short.

The VICE PRESIDENT. Without objection, it is so ordered.

The report submitted by Mr. ASHURST on July 19, 1916, is as follows:

Mr. ASHURST, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany S. 20:

The Committee on Public Buildings and Grounds, to whom was referred S. 20, "providing an additional appropriation for the Federal building at Steubenville, Ohio," reports the same to the Senate with the following amendment, and as amended recommends that the bill do pass:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, such additional lands or rights contiguous to the building site now owned by the United States in Steubenville, Ohio, as may be necessary for the erection and completion on the lands thus owned and acquired of a suitable building, with fireproof vaults therein, for the use and accommodation of the United States court and post office, at an additional cost not to exceed \$150,000 (over and above the amount heretofore authorized to be expended), which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The original authorization for this building was contained in the acts of May 30, 1908, and June 25, 1910, which provided \$120,000 as the limit of cost for the site and building. Of this amount \$35,000 has been expended for a site, leaving \$85,000 available for the building. The post-office building, however, was not erected, because legislation was begun for the purpose of holding United States court at Steubenville. This legislation was passed March 4, 1915, and it became necessary, therefore, to provide a building to accommodate both the post office and Federal court.

The site purchased is not of sufficient size to accommodate a building of the ground area required, and it is estimated that the sum of \$10,000 additional will be required to purchase sufficient additional land adjoining the site heretofore acquired.

It is estimated on data received from the various departments, including the amount of space necessary for the accommodation of the courts, as stated by the Department of Justice, that a three-story building of 9,000 square feet ground area will be needed and that the sum of \$150,000 additional will be necessary for the completion of this project, making the total limit of cost for the site and building \$270,000. The additional appropriation of \$150,000 provided for in this bill has the approval of the Treasury Department.

—  
TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, June 28, 1916.

Hon. ATLEE POMERENE,  
United States Senator.

MY DEAR SENATOR: There is inclosed herewith a copy of a report of even date submitted to the Committee on Public Buildings and Grounds on S. 20, which provides for an increase in the limit of cost for site and building at Steubenville, Ohio, in which it is estimated that \$150,000 additional will be necessary for the completion of this project.

Respectfully,

B. R. NEWTON, Acting Secretary.

—  
TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, June 28, 1916.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUND,  
United States Senate.

SIR: Referring to the report submitted to your committee on March 20, 1916, on S. 20, which provides for an increase in the limit of cost of site and building at Steubenville, Ohio, the following supplementary report is submitted herewith:

The report of March 20 estimated that a three-story building with a ground area of 9,000 square feet would be required to provide adequate quarters for the post office, Department of Justice, and Civil Service Commission, and that the cost of such a building would be \$200,000. It was also estimated that in order to purchase additional land adjoining the site which has been acquired the sum of \$10,000 would be necessary, and, as the amount heretofore authorized for site and building was \$120,000 and \$35,000 had been expended for a site, a total sum of \$125,000 in addition to that heretofore authorized would be required for the construction of the building and the purchase of the necessary additional land.

From information which has been received in this department subsequent to the submission of the report of March 20, it is estimated that the sum of \$150,000 instead of \$125,000 will be necessary for the completion of this project, making the total limit of cost for site and building \$270,000.

Respectfully,

B. R. NEWTON, *Acting Secretary.*

#### COMPENSATION TO INJURED EMPLOYEES.

Mr. TAGGART. Mr. President, on July 12, when House bill 15316 was being discussed, a query was made in regard to the workmen's compensation act, and during the discussion in the House a question was asked in regard to the number of actions and the cost and the amount that had been paid. One of the gentlemen in the House made the remark that it was utterly impossible for them to get from the Labor Bureau the amount that had been distributed to the various persons.

On the strength of that remark, I called the attention of Secretary Wilson of the Department of Labor to the matter, and received a response from him, with the facts and figures fully set out in a very short communication, which I do not care to take the time of the Senate to read, but I would like to have it printed in the Record, if there is no objection. If there is objection, I shall read it.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMITH of Georgia. Is that a letter from the Secretary of Labor with reference to the United States employees' compensation act?

Mr. TAGGART. Yes, sir.

Mr. SMITH of Georgia. I have since had a letter from the Secretary withdrawing his suggestion of changes.

Mr. TAGGART. This letter does not deal with changes in the bill. It simply gives the information asked for.

Mr. SMITH of Georgia. I could not hear what it was, but the Secretary had suggested that some changes should be made, and then withdrew them.

Mr. TAGGART. This letter relates to information which it was said had been withheld.

There being no objection, the letter was ordered to be printed in the Record, as follows:

DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, July 22, 1916.

MY DEAR SENATOR: In response to your inquiry of the 20th instant, as to the truth of the statement made by a Member of the House of Representatives on Wednesday, July 12, 1916, during the discussion

of the bill (H. R. 15316) to provide compensation for injured employees of the United States, to the effect that this department and the Bureau of Labor Statistics concealed information as to the amount of money allowed as compensation for injuries sustained by employees of the Government during the past few years, and the statement that if we did have information we would not furnish it, I beg to say that both the department and the Bureau of Labor Statistics have at all times been ready and willing to furnish to either House of Congress, to any individual Senator or Representative, or to any other authorized person, any information concerning the administration of the Federal workmen's compensation law.

The department and the bureau referred to have taken every proper opportunity to call attention to the glaring inadequacies and inconsistencies of the present Federal workmen's compensation law, and have been glad to further, in the way of furnishing statistics on the operation of the current law, or in any other manner possible, all efforts to broaden and liberalize the scope of such legislation.

No request for information as to the amount of money paid in compensation during the past few years has been made by any Member of either House of Congress, and although Congress has appropriated only \$3,000 per annum since the Federal workmen's compensation law was enacted in 1908 for the administration of the law, including the payment of all fees for medical examinations in disputed cases, we would have been entirely willing to go through our records for the purpose of compiling and tabulating the data to which reference was made.

As soon as it was evident from the remarks of the Member of the House above referred to, as quoted in the CONGRESSIONAL RECORD of July 12, that there was any desire for information as to the amount of compensation paid in the last few years, a force of clerks was at once put to work to compile and tabulate the total number of fatal and nonfatal compensated cases by departments and the total amount of compensation paid during the fiscal years 1914, 1915, and 1916. Complete data covering the operation of the present compensation law for the period beginning August 1, 1908, when it took effect, and ending with the close of the fiscal year 1913, have been already published in Bulletin 155 of the Bureau of Labor Statistics.

The attached table shows the information to which reference has just been made for the fiscal years 1914, 1915, and 1916, but as the latter fiscal year ended on June 30 last, no reports for compensation paid during the fiscal year 1916 have been received in a very considerable number of cases, due to the fact that a sufficient time has not elapsed for the reports to be received in Washington or the fact that a large number of injuries occurring in the fiscal year 1916 had not terminated at the close of that year, and it is not at this time possible, therefore, to furnish accurate figures of the total amount of compensation paid in the fiscal year 1916. In order, however, that some idea of the amount that is likely to be paid might be obtained, an average of the cases in each department for 1915 has been applied to the pending cases for the fiscal year 1916 in each department. That estimate is shown separately in the table from the reports of completed cases.

Sincerely, yours,

W. B. WILSON, *Secretary.*

HON. THOMAS TAGGART,  
United States Senate, Washington, D. C.

Cost of compensation for fatal and nonfatal injuries during the fiscal years 1914, 1915, and 1916 (a portion of the latter year estimated).

Department.	1914		1915		1916			
	Total amount of compensation paid.	Claims allowed.	Total amount of compensation paid.	Claims allowed.	Completed cases.		Incomplete cases. <sup>1</sup>	
					Total amount of compensation paid.	Claims allowed.	Estimated amount of compensation.	Claims allowed.
Navy.....	\$131,147.20	1,166	\$181,687.44	1,530	\$111,981.91	1,207	\$83,679.73	463
War.....	114,445.52	761	110,074.45	819	41,312.43	555	52,378.60	401
Interior.....	64,754.08	373	63,808.64	383	9,413.73	113	10,727.20	92
Post Office.....	882.50	2	95.75	2	155.10	3	47.86	1
Treasury.....	9,305.01	78	12,967.77	76	7,276.38	60	4,948.27	20
Agriculture.....	13,622.70	50	17,766.25	73	4,162.19	36	8,274.68	34
Commerce.....	12,531.09	32	9,089.02	42	2,301.95	25	7,357.72	31
Government Printing Office.....	4,825.15	44	4,111.10	52	2,287.91	32	474.36	6
Miscellaneous.....					30.00	1		
Total.....	351,513.25	2,506	399,603.42	3,007	178,941.63	2,032	167,888.42	1,093
Total for 1916, \$346,830.05.								

<sup>1</sup> These are cases in which reports of compensation paid have not yet been received, and the amounts shown have been computed by multiplying the number of such claims allowed by the average payment per case in each department for the fiscal year 1915.

#### COURTS OF THE UNITED STATES.

Mr. WALSH. Mr. President, I desire to give notice that on Monday, at the conclusion of the routine business, if we shall have a morning hour—if not, at the convenience of the Senate on that day—I shall address the Senate on Senate joint resolution 142, introduced by the Senator from Colorado [Mr. THOMAS], proposing to amend Article III, section 1, of the Constitution of the United States.

#### ARMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16400) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House,

the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. WARREN conferees on the part of the Senate.

#### MILITARY ACADEMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16099) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.



The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT conferees on the part of the Senate.

#### CLEMENCY TO IRISH PRISONERS.

The VICE PRESIDENT. Are there further resolutions? If not, the morning business is closed.

Mr. STONE, Mr. OWEN, and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I ask unanimous consent for the present consideration of the report I made this morning relating to Sir Roger Casement. Permit me to make this one observation: If the report of the committee should be expressive of the attitude of the Senate, it would not matter whether or not it was agreed to to-day or at any future time; but if that report does not express the sentiment of the Senate and if the Senate should desire to take some other action, I wish to call attention to the fact, which may not be generally known here, that the date of the execution of Sir Roger Casement is set for Thursday of next week, and, if any affirmative action is to be taken, it should be taken now. I ask unanimous consent for the present consideration of the report.

Mr. OWEN. Mr. President, I reserve an objection, if the consideration of the report leads to debate.

Mr. STONE. Well, no objection has yet been made.

Mr. TOWNSEND. Mr. President, let us have the report read, so that we may understand what it is.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. STONE, from the Committee on Foreign Relations:

[To accompany S. Res. 236 and S. Res. 237 and the amendment proposed by Mr. STERLING July 25 to S. Res. 237.]

The Committee on Foreign Relations having considered the following resolutions referred to the said committee, namely, Senate resolution 236, requesting the President to ask the British Government to exercise clemency in treatment of Irish political prisoners; Senate resolution 237, requesting the President to advise the United States ambassador to Great Britain to use his influence, unofficially, to obtain commutation of the sentence of death of Sir Roger Casement, and amendment to Senate resolution 237, proposed by Mr. STERLING, adopted the following resolution, which was ordered to be reported:

"Your committee deem it inexpedient that the Senate should adopt any of these resolutions at this time, and are of opinion that they would not tend to accomplish the purpose sought by them. Your committee therefore report back the resolutions and recommend that none of them be adopted."

The VICE PRESIDENT. The question is on agreeing to the report of the Committee on Foreign Relations.

Mr. PITTMAN. Mr. President, I feel that I should say to the Senate while the resolution—

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Connecticut will state it.

Mr. BRANDEGEE. As I understand, the Senator from Missouri [Mr. STONE] has asked unanimous consent for the present consideration of the report of the committee. I should like to have that consent given before the report is considered, if it is to be considered now.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Missouri?

Mr. OWEN. Mr. President, I shall object at any time in this proceeding if the report leads to debate. I have the right to reserve the objection, as I understand the parliamentary practice of the Senate.

The VICE PRESIDENT. No; the Senator has not any such right. The objection must be made now or not at all.

Mr. OWEN. Then I object.

Mr. STONE. I move that the Senate proceed to the consideration of the report.

The VICE PRESIDENT. The Senator from Missouri moves that the Senate proceed to the consideration of the report.

Mr. OWEN. I make the point of order that until the hour of 1 o'clock arrives the Senator has not the right to make that motion.

The VICE PRESIDENT. The point of order is overruled, the morning business having been closed. All in favor of the motion of the Senator from Missouri will say aye [a pause]; those opposed no. [A pause.] The ayes have it, the motion is agreed to, and the report of the Committee on Foreign Relations is before the Senate for consideration.

Mr. PITTMAN. Mr. President, the position of the Committee on Foreign Relations has been stated by the chairman of the committee [Mr. STONE]. I believe the committee were practically unanimous with regard to the intent of the report they

have sent in. The report deals with the resolutions that were referred to the committee. I feel it my duty, however, to state on behalf of the minority of the committee that while there was no material disagreement with regard to the questions submitted to the committee by the Senate, that there were some questions of difference with regard to the action the Senate should take in full and final disposition of the entire subject.

There was a minority of the committee—and I believe I am at liberty to state that the chairman of the committee was one of that minority, as well as were the Senator from New York [Mr. O'GORMAN] and myself—that believed that this whole question having come before the Senate of the United States and having been publicly discussed as it has been, should not be dismissed without some affirmative action or at least without some expression of hope. The minority to which I have referred believed that this body as a body may express hope that the political prisoners of Great Britain may be treated with clemency.

The minority feel that, while there may have been a question as to whether or not it was advisable for this matter to have ever been brought before the Senate, yet it having been brought before the Senate, there should be some more definite expression than that contained in the report. The report states that certain resolutions which were introduced in this body and referred to that committee in the opinion of the committee would not serve the purposes for which they were intended. That is probably true; that has practically been agreed to by every member of the Foreign Relations Committee; but that report does not deal with anything else, and leaves this entire question, which has been thrown before this body, without any definite determination.

While the action of this body may be quasi official, I do not think that the action of the Senate, through the medium of a simple resolution, is the action of the Government of the United States. It is the expression of the hope of the Members of this body that these political prisoners will be treated with clemency; it is the expression of this group of men, upon whom has been thrust this question that justice will be tempered with mercy; and I do not believe that any such expression of hope by this body will be misunderstood or unkindly received. So, Mr. President, on behalf of the minority of the committee, under the circumstances which I have stated, I offer, as a substitute for the report submitted by the Senator from Missouri, the resolution which I send to the desk, and I ask for its adoption.

The VICE PRESIDENT. The Secretary will read the resolution offered by the Senator from Nevada as a substitute for the report submitted by the Senator from Missouri on behalf of the Committee on Foreign Relations.

The Secretary read as follows:

*Resolved*, That the Senate expresses the hope that the British Government may exercise clemency in the treatment of Irish political prisoners; and that the President be requested to transmit this resolution to that Government.

Mr. MARTINE of New Jersey. Mr. President, for myself I desire to say that neither the report of the committee nor the substitute submitted by the Senator from Nevada satisfies the thoughts and prompting which led me to introduce originally the resolution which I offered, and I am unqualifiedly opposed to both of them.

Mr. President, if the report submitted by the Committee on Foreign Relations, a great committee selected because of their learning and profound intelligence, is the expression of the sentiment of that committee, then, I say, God help our country. Alas, Sir Roger Casement, patriot, statesman, author, and poet, thy name must not even be lisped in the Senate of the United States lest the British lion may growl disapproval! Again I say, God help America.

I do not believe that any of the resolutions which have been presented as substitutes for my original resolution are direct enough. They are too indirect. It may be that none of the resolutions offered will avail anything, but they may. I feel that we must not leave this Chamber without positive action. Casement's blood shall not be on my hands, and it must not be on the hands of the Senate of the United States.

I am in receipt of a letter, sad and touching, from the sister of Sir Roger Casement. I am not at liberty to present that letter to the Senate, but I feel I must heed this woman's appeal. Further, I am just in receipt of a telegram from Atlantic City, where she is, pleading in agonizing words, "For God's sake do what you can to save my poor brother, who is in the very shadow of the gallows." In the face of this situation, will the Senate stand idle? Can Senators go to their homes without doing what little they can in a positive way for this unfortunate man? Shall it be written that the Senate of the United States of the Sixty-fourth Congress is deaf and dumb to the pleas

of humanity? Have you forgotten the slogan of 60 years ago, "You will hear from old Ossawatimie Brown when you nail the lid of his coffin down." The South did hear from old Ossawatimie Brown when the lid of his coffin was nailed down. I was not in sympathy with Ossawatimie Brown's activities and proceedings, but a generous, humane course toward him would have saved the South from years of torment and disaster. I fear, Mr. President, we have grown drunk and sodden with our wealth and prosperity, and I feel that the propositions that now come to us are most miserable makeshifts. I lament the lack of spirit and backbone of the committee.

God knows my heart is in this case. According to the latest report, it is decreed that this unfortunate man is to be executed on the 3d day of August, now so close at hand, and I shudder at the very thought. My efforts have been directed toward stopping this cruel and brutal execution; but every step that I have taken has been met with parliamentary rebuff and technical objection, carrying my efforts over for days and even for weeks, until the fatal hour is near at hand, and I feel we must do something.

Oh, that the spirit of '76 might prevail to-day! Oh, Mr. President, think of what our Washington said, think of what our Washington did, think of his deep sympathy for Ireland, and then look upon us—dumb, stoic, and idle. On July 20, 1788, George Washington wrote to Sir Edward Newenham as follows:

MOUNT VERNON, July 20, 1788.

TO SIR EDWARD NEWENHAM,

DEAR SIR: \* \* \* If Ireland were 500 miles farther distant from Britain the case with respect to the former would be speedily and materially changed for the better.

I have the honor to be, etc.,

GEORGE WASHINGTON.

Then, again, as showing his sympathy with Ireland, a sympathy which we seem to lack, I quote the following letter of George Washington:

MOUNT VERNON, January 20, 1784.

TO THE YANKEE CLUB,

Stewartstown, County Tyrone, Ireland.

GENTLEMEN: It is with unfeigned satisfaction that I accept your congratulation on the late happy and glorious revolution.

If in the course of our successful contest any good consequences have resulted to the oppressed Kingdom of Ireland, it will afford a new source of felicitation to all who respect the interests of humanity.

I have the honor to be, with due consideration,

GEORGE WASHINGTON.

Again he writes:

Patriots of Ireland!—Champions of liberty in all lands—be strong in hope! Your cause is identical with mine. You are calumniated in your day; I was misrepresented by the loyalists of my day. I triumphed. Had I failed, the scaffold would be my doom. But now my enemies pay me honor. Had I failed, I would have deserved the same honor. I stood true to my cause even when victory had fled. In that I merited success. You must act likewise.

WASHINGTON.

He had the courage of his thoughts; he had the courage to express his sympathy.

Again I presented to the Senate and asked to have printed in the RECORD an address by the Continental Congress to the Irish Parliament in Dublin. I quote from it as follows:

We sympathize with you in your distress, and are pleased to find that the design of subjugating us, has persuaded the administration to dispense to Ireland some vagrant rays of ministerial sunshine.

Throughout the address there are expressions of sympathy even stronger than the one I have read. The address was signed by the immortal John Hancock, signer of the Declaration of Independence, and was dated Philadelphia, July 28, 1775.

These men had the courage of their convictions. Then it was not a question how the British Parliament would feel. The Continental Congress were expressing their sentiments of humanity and of justice.

I am criticized by some. I want to read just a little scrap of a letter I received from a very dear friend of nearly 40 years of my life:

Permit me to congratulate you on the efforts you are making to save the life of Sir Roger Casement. "Superior diplomacy" may call your plea a blunder, but the heart of humanity is with you. It would indeed be a victory of honest sympathy over polished punctillos, indifferent to the throb that makes the whole world kin.

D. M. BOGAN,  
Rector of St. Mary's Church.

I have received 50 or more letters of that and of kindred character. And so now I say, Mr. President, it may be that I can get nothing better. This may be all I can hope to attain, simply to express myself; and this substitute, or the resolution reported from the committee, may be all I can secure. This committee, after deliberation and redeliberation, this great committee, ponderous in intellect and intelligence, and knowledge of law, have brought forth a mouse—a miserable little mouse—bereft of ribs and backbone. A veritable jenny mouse is the report of this committee.

Well, Mr. President, if I must, I must. I feel that something must be done for Sir Roger Casement. But three days remain before this man may be on the gallows, and I feel that I would be short of my duty as a human being and as a man did I not express myself as I have. However good may be your promptings—and I believe they may be of the best—I oppose the adoption of the report, and I shall oppose the adoption of the substitute.

I ask to have printed, as part of my remarks, a newspaper clipping containing a letter from the Irish poet, William Butler Yeats, on this subject.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

[By International News Service.]

POET YEATS PLEADS FOR CASEMENT PARDON.

LONDON, July 27.

William Butler Yeats, the Irish poet and playwright, has written the following letter to Premier Asquith:

"DEAR SIR: I have never written to an English minister on any Irish question, but I am convinced that the execution of Sir Roger Casement will have so evil an effect that I break the habit.

"The evil that has been done can not be undone, but it need not be aggravated weeks afterwards with every circumstance of deliberation.

"I am convinced that his execution will have an evil effect on America. I had a letter a couple of weeks ago from a keen political observer in New York describing the execution of 15 Irish leaders as a greater shock to American opinion than the sinking of the *Lusitania*. "The pardon of Casement may give an opportunity for more moderate opinion in Ireland to recover something of its weight."

Mr. PHELAN. Mr. President, as I had the honor of submitting one of the resolutions to the Senate, I was naturally interested in the action of the Committee on Foreign Relations; and I was very much surprised to hear that out of the membership of that committee only the Senator from Missouri [Mr. STONE], the Senator from Nevada [Mr. PITTMAN], and the Senator from New York [Mr. O'GORMAN] dissented from the majority report which recommended that no action be taken on the subject matter by this body. I can not account for it in any other way than by believing that they were not informed either of the purpose of the resolution or of the precedents, which, from the earliest days of the Republic, have been established in such matters by the Congress; or possibly, as has been intimated, they fear to recommend a favorable report on any of the resolutions because it might offend the Government of Great Britain.

What is the subject matter which engages our attention? It is simply the expression of sympathy, in a broad way—departing from the language of the resolution—with the aspirations of the people of another country for liberty, for autonomous government; and in this particular country, Ireland, that struggle has been going on for a very great number of years, and therefore it ought to be well known.

In 1782 a home-rule Parliament was established in Ireland, under circumstances not unlike those that exist to-day, and doubtless that example was in the minds of the men who recently engaged in a revolution. England was involved in a foreign war. If I recollect aright, she was engaged in trying to suppress the independence of the United States; and the Irish, taking advantage of her foreign war, as they did the other day, rose in rebellion, and finally established in Dublin a Parliament, which consisted of 300 members and which lasted for 18 years, during which time, under the leadership of such men as Henry Grattan, it enacted legislation which led to the extension of Irish commerce and the promotion of Irish industries and manufactures; and it was so eminent a success that this same British Government at the end of 18 years plotted to destroy it.

There was no revolution to put down. The country was prosperous and at peace; but as England in that day only held subject States for the benefit of enhancing its own wealth, making them tributary to the mother country, it had no sympathy with the reestablishment of Irish nationality as expressed in a local legislative body and undertook its destruction, having no excuse whatever outside of the fact that I have stated. Ireland was at peace. There was no domestic tumult; there were no threats against England. It was simply, in an orderly way, pursuing its own proper interests, as expressed by its legislative body in laws, just as our American States are doing every day.

In order, however, to destroy that Parliament, England resorted to the methods of Walpole, and, as told by Sir Jonah Barrington, in his History of the Rise and Fall of the Irish Nation, \$5,500,000 was used as bribe money. The rotten boroughs were all bought. The members were corrupted, not only by money where necessary, but by that more polite and insidious method of conferring honors and baronetcies and titles. And so this Parliament was led to dissolve itself, and, as Lord Byron said,



that celebrated "act of union," so called, was simply the union of the shark with its victim.

From that day the Irish people, resenting such treatment, have persisted in a demand for a local legislative body; and Mr. Gladstone, who began life as a Tory, inimical to Irish interests, and who was described as the rising hope of the stern and unbending party, gradually, by a process of evolution, convinced himself, as he did the country, that Ireland was entitled to a local legislative body.

Coming down hastily to the present day, the Government of England, under Mr. Asquith, promised home rule to Ireland, and just prior to the outbreak of the European war a statute was put upon the books by which Ireland was given a local legislative body. What happened? At that very time, when the nation was trembling in the balance between war and peace, the men of the north of Ireland, under Sir Edward Carson, incited a mutiny among the troops, and generals of the line laid down their batons, insubordinate; and hence the British Parliament hesitated, and finally decided not to grant at that time a local legislative body to Ireland. The mutiny of the troops and the insubordination of the generals—the treason, if we are to reprobate treason under such circumstances, of the men of Ulster—taught the men of the south, the greater number, that there was apparently no means within the constitution of acquiring their cherished and promised rights; and that must have led them to this recent revolution. It was apparent that there was no way of accomplishing anything except by violence. That is the advantage of our system of government, where we have representation and where the people vote. There is no excuse for treason, as there is no excuse for violence, because within the Constitution we can acquire whatever benefits we may desire.

I do not believe that the people of Ireland are loyal to England, whether in the north or in the south, and I find much palliation for their course. It has been said by a philosopher that liberty is impossible without order, order is impossible without government, and government in any worthy sense of the term is impossible without a settled conviction on the part of the people of its legitimacy and their obligation in conscience to obey it; and therefore the people of Ireland are, if you please, disloyal, because there is no settled conviction on their part that the government which is imposed upon them is legitimately their government.

So the dealings of England with Ireland have been a source of constant friction, but the realization of legislative independence would have, I believe, put an end to all trouble. The wisdom of conciliation and clemency is manifest, and in that connection I desire to call the attention of the Senate to the opinion of a man great in authority. Mr. Seward, Secretary of State, addressing Mr. Adams, the minister to England, December 9, 1867, said:

The judgment of mankind is that in revolutionary movements which are carried on by large masses and which appeal to popular sympathy capital executions of individuals who fall within the power of the Government are unwise and often unjust. Such severity, when practiced upon a citizen of a foreign State, excites a new sympathy by enlisting feelings of nationality and patriotism. \* \* \* The soundness of this principle is quite easily understood after the revolutionary movement is ended.

Mr. President, we are in the midst of revolutionary days, if you please. We are considering something without perspective that is very close to us; and Mr. Seward's observation, when he says that the soundness of the principle is quite easily recognized after the revolutionary movement is ended, is quite true.

He goes on to say:

It is difficult to accept the truth in the midst of revolutionary terror or violence. When the President of the United States dismissed the prosecutions in the United States courts of the so-called Fenians who attempted an unlawful and forbidden invasion of Canada, and returned them to their homes at the expense of the Government and at the same time obtained, through the wise counsels of Sir Frederick Bruce and the Governor-General of Canada, a mitigation of the capital punishments adjudged against those who were convicted in the Canadian courts, the President adopted proceedings which have practically assured the continuance of peace upon the Canadian border.

Hence I am disposed to believe, Mr. President, that England, if indeed she did intimate to this Government that she would regard as an ungracious act any interposition in favor of Sir Roger Casement or other Irish prisoners of war, has acted unwisely in her own interest; and, on the other hand, it does not appear to me of any particular importance if that intimation were verified. I doubt if England made to our ambassador in London an intimation that such an act on the part of this Government would be objectionable. I doubt it because the President has already, relating to Irish prisoners, made a plea for clemency; and I doubt if the President, charged under the Constitution with the duty of directing our foreign affairs, would so transgress if there were a clear intimation from England.

It appears, according to the philosophy of Seward and the facts of history, that carrying out the extreme penalty of the law in political cases ultimately operates to the detriment of the government engaging in such a business. I do not know that we consult any foreign Government when we desire to make a protest, believing that our protest, however, is based upon sound judgment, patriotic considerations, and ample precedents. I do not know that this Government has fallen away from the virtues of the earlier days; but it does seem to me very strange that there has not been a more spontaneous demand for an expression of sympathy and a request for mitigation of sentence in these cases.

I do not refer alone, in order to emphasize this matter, to the case of Sir Roger Casement. He is but one of the Irish prisoners of war; and I do not believe, although his fate is imminent, in making at this time a discrimination in his favor. If we pass the resolution which has been presented by the minority of the Foreign Relations Committee, it will be entirely agreeable to me, because I believe it will affect not only Sir Roger Casement but all the other patriotic men who were willing to give up their lives for a cause which is dear to us as Americans.

I want to emphasize "as Americans," because this is not a plea we are making for Ireland alone. It might be Poland or it might be Hungary or it might be Greece. It might, as in other days, be Cuba. We are pleading for the cause of liberty, expressing sympathy with the aspirations of a brave people; and when men are willing to die for a cause it is a cause worthy of our consideration. Those men went against the power "whose morning drumbeat," in the language of Daniel Webster, "following the sun and keeping company with the hours, encircles the earth daily with one continuous and unbroken strain of the martial airs of England." They went against the power of that nation. It was almost futile, but they made their protest, and they died. The history of liberty has been from scaffold to scaffold and from stake to stake. The path to American liberty has been paved by the bones of Irishmen and Frenchmen, and all those who participated from time immemorial in every land in the struggle for liberty which finally overthrew kingcraft and gave republican institutions and free government, under whatever form is established, an opportunity to exist.

I recall now that Webster, when he used those eloquent words to describe the power of England, just quoted, had reference to—what? Under what circumstances were they uttered? They were uttered in order to show the patriotism, the valor, and the love of liberty of the men of America, who, notwithstanding the strength of that power, matched the Continental Army against it. That is identically what Ireland has done in our time as formerly—willing to lead an almost hopeless battle for rights which we all concede she is entitled to, because we can not claim any rights for ourselves which we are not willing to accord to others.

But I was surprised, I repeat, Mr. President, that there should not have been a more spontaneous demonstration in the cause of liberty in this body. There was once a man who was a great ornament to the Senate of the United States, who made a plea for Grecian independence. That seems a far cry—Grecian independence. There is no such intimacy between Greece and America as there is between Ireland and America. But there is a principle involved—and yet it was shown here the other day that the Irish participated to a very great extent in winning for us our independence when other colonists stayed at home, because, perhaps they found it convenient to lean to the Tory side of that conflict at that time. But Daniel Webster in 1824—and this should convince the Senate as to the propriety of our action, as contemplated, on the revolution in Greece—proposed a resolution providing for the appointment of a representative to the independent government set up by the revolutionists. It was a recognition stronger than a mere expression of sympathy.

Its adoption created a strong sentiment throughout the civilized world, which ultimately led to the liberation of a portion of Greece from the Turkish yoke. He spoke of the criticisms which were made about an expression of American opinion on the subject of Grecian independence, and stated that, in his judgment, such comment found no justification. He added—these are his words:

In my judgment the subject is interesting to the people and Government of this country, and we are called upon by considerations of great weight and moment to express our opinions upon it. These considerations, I think, spring from a sense of our own duty, our character, and our own interest.

Referring to the duty of America, he said:

Let it comprehend, not merely her present advantage but her permanent interest, her elevated character as one of the free States of the world, and her duty toward those great principles which have hitherto maintained the relative independence of nations, and which have, more especially, made her what she is.

The President, James Monroe, had stated in his message, and Mr. Webster had quoted him that—

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare.

I might well, Mr. Chairman—

Said Mr. Webster—  
avoid the responsibility of this measure—

Here is a matter which I am sure appeals to the Senate, because the Senate apparently is in a doubting frame of mind. Mr. Webster said:

I might well, Mr. Chairman, avoid the responsibility of this measure if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy I am quite satisfied. The Nation is prosperous, peaceful, and happy; and I should very reluctantly put its peace, prosperity, or happiness at risk. It appears to me, however, that this resolution is strictly conformable to our general policy, and not only consistent with our interests but even demanded by a large and liberal view of those interests.

In the next place, I take it for granted that the policy of this country, springing from the nature of our Government and the spirit of all our institutions, is, so far as it respects the interesting questions which agitate the present age, on the side of liberal and enlightened sentiments. The age is extraordinary, the spirit that actuates it is peculiar and marked, and our own relation to the times we live in and to the questions which interest them is equally marked and peculiar. We are placed by our good fortune and the wisdom and valor of our ancestors in a condition in which we can act no obscure part. Be it for honor or be it for dishonor, whatever we do is sure to attract the observation of the world. As one of the free States among the nations, as a great and rapidly rising Republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world. It rests, probably, with ourselves to determine whether the influence of these shall be salutary or pernicious.

Mr. President, that was the declaration of Webster at a time when this Republic did not have the power and importance which it enjoys to-day. Have we receded from our belief in the wisdom of such a policy, the supreme Republic of the world refusing, through its Senate, to express in respectful and even mild language a word of sympathy for a people that is guilty of no other offense than seeking for themselves by open revolution and warfare that measure of self-government which our States enjoy?

Following illustrious precedent and in harmony with our established policy, we again, in 1851, took up the cause of the Hungarian patriot, Louis Kossuth, and you will observe that England herself joined with the United States in saving the life of this revolutionist.

The Hungarian Diet demanded from the Austrian Emperor freedom of press, trial by jury, a national system of education, and a responsible ministry. Then a modern State was demanded under Kossuth, with a ministry responsible to Parliament and a people equal before the law. They declared a Republic and made Kossuth governor. Then Russia intervened and crushed the Republic. The Emperor Franz Joseph's vengeance was terrible. Thousands of Hungarians were hung, shot, or imprisoned. Kossuth fled to Turkey and was later liberated by the intervention of the United States and England and he visited the United States. On December 15, 1851, the House, in concurrence with the Senate, passed the following:

A joint resolution of welcome to Louis Kossuth.

*Resolved*, That Congress, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the Capital and the country; and that a copy of this resolution be transmitted to him by the President of the United States.

Mr. President, I know that the resolution before us is inspired by the worthiest motives. In no sense is it political. It is in no sense baiting the power of England. It is simply an expression of sympathy by the greatest Government on earth, republican in form, for those who have aspirations for liberty.

But I read in the Washington Herald, in its edition of July 27, that while we are debating not only is the sentence running against Sir Roger Casement but that 2,000 innocent Irishmen held in British jails are subject to the greatest abuse. The dispatch reads:

LONDON, July 26.

In the House of Commons to-day Timothy Healy, one of the Irish leaders, charged that of the 3,000 men and women arrested in connection with the Irish rebellion, 2,000 were innocent and were treated with a cruelty and ferocity that even Germany had not shown to Belgium.

Two thousand innocent persons, even innocent of a righteous revolution, are being punished in British jails. Hence the scope of the resolution should include not only Sir Rober Casement but all others who are in a similar plight.

Mr. President, I do not believe that the committee is without sympathy with the cause, but they fear that this proposed act is one of supererogation, perhaps, and that it involves some impropriety. I think I have shown you that there is no impropriety, and that England can not justly take offense, because, in the view of history, if clemency is shown these

men, England will profit by it. Her immediate desire for vengeance and punishment may not be gratified, but by an act of clemency she will save perhaps the constant recurrence of revolutionary movements, and then by granting the measure of home rule promised she will conclude in a satisfactory way her relations with her unhappy neighbor.

It is unfortunate that there is at this moment a disposition on her part to seemingly justify the traditional taunt against England that she is perfidious, caused by the report that she is about to violate her own agreement with Ireland. But that only accentuates the necessity on her part to exercise moderation at this time.

I wish to call the attention of the Senate, in conclusion, to simply one fact. During the discussion in this body the President of the United States properly charged with the conduct of our foreign relations has already taken action; and so the resolution before this body, if Senators have not heard it, reads:

That the Senate expresses the hope that the British Government may exercise clemency in the treatment of Irish political prisoners.

It is merely an expression of hope.

Hope, for a season, bade the world farewell,  
And Freedom shriek'd as Kosciusko fell!

The expression of a hope is certainly the least expression that could possibly be made. It is not a demand, it is not even a request, but in a spirit of compromise, in order to meet some opposition, this resolution was evolved, and the Senate ventures to express the hope.

I accept that amendment in lieu of my own, because I believe it will fairly put the Senate upon record, and I do not think that the Senate is unwilling to go on record on a subject of this kind notwithstanding the apparent adverse report of the committee.

But I said the President has acted. I hold in my hand a letter addressed to the Knights of St. Patrick, signed by the Secretary of the President, Mr. Tumulty, in which he says:

THE WHITE HOUSE,  
Washington.

MR. ROBERT P. TROY,  
President of the Knights of St. Patrick, San Francisco:

Immediately upon the receipt of your telegram of May 19 the subject matter of your message was taken up with the State Department. Every effort has been made by the department to see that Americans are fully protected, and each case has been taken up vigorously. From the information received by the department, it appears that the courts-martial in the cases to which you referred have been suspended and that the trials have been conducted in the regular criminal courts.

Sincerely, yours,

J. P. TUMULTY,  
Secretary to the President.

I am told that the Senator from New York [Mr. O'GORMAN] at about that time went to the President of the United States in behalf of an American citizen named Lynch and he had but three hours before the appointed time of the execution in order to make his protest, and the President immediately in the dead of night sent a protest to England against the execution of this American citizen for a crime involved in the revolution. It was no ordinary crime. A crime committed in the process of a revolution should not be designated a crime at all. England yielded.

The same is true as to two other citizens, I believe, of New York, named Volera and Kilannan, and, in both those instances also, the intervention of the President saved the lives of American citizens who resided in Ireland temporarily at that time, and could not restrain their American spirit to help the people of Ireland in their struggle for independence.

In acknowledging the action of the President, the society, to which the letter was addressed, says:

SAN FRANCISCO, CAL., July 11, 1916.

HON. WOODROW WILSON,  
The White House, Washington, D. C.

DEAR MR. PRESIDENT: On behalf of the Knights of St. Patrick, I beg to acknowledge your esteemed letter of July 7, forwarded through Mr. Tumulty, advising us of your kind and prompt action upon receipt of our telegram of May 19 urging, in accordance with established diplomatic usage, friendly suggestion from you to the British Government in behalf of clemency for the prisoners who were concerned in the recent Irish uprising.

I know that our members will be highly pleased when they learn through the medium of your esteemed letter that you have ascertained through the State Department that courts-martial in the cases which we referred to have been suspended and that the accused have been put to trial in the regular criminal courts.

I have taken the liberty of assuring our members at all times that we could depend upon you to take such action as would be consistent with discretion and established diplomatic precedents.

I shall present your communication to our society at its regular monthly meeting, and I know that it will feel grateful for the kindly consideration which you have given to its telegraphic request.

Very sincerely, yours,

ROBERT P. TROY,  
President Knights of St. Patrick.

Now, the members were grateful to the President. Shall they not also be grateful to the Senate?



The effect, Mr. President, of passing a resolution by the Senate will not only give solace to our numerous fellow citizens in this country who look with extreme solicitude upon the fate of the thousands of Irish political prisoners now in British jails, but it will cheer the prisoners themselves. It will awaken sentiments of gratitude in the breasts of the people of that country who in the earlier days fought our battles and sustained our ascendancy as against the power of their greater neighbor, who has not always been friendly to our aspirations. I think the action of the Senate will not only serve that purpose, but it will serve the greater purpose which we have in view of accomplishing results.

When Mr. Webster was taunted in his debate on Grecian independence by Members, who asked, "Well, what are you going to do? Are you going to enlist the armies of the United States in behalf of Greece?" he said, "Oh, no; there is a greater power than fleets and armies." In other words, then—and it is truer to-day than it was in 1824—the power of public opinion—to which he referred—was the dominating force of the world. In the chancelleries of Europe it is asked, "How do the United States feel on this subject? What is the public opinion of the great Republic across the water? What will be their attitude?" And it having been ascertained that the power and force of American public opinion is in favor of clemency, then clemency will be granted; but if there is apathy and indifference or inaction here in the Senate to-day, it will be reported that America is not interested nor concerned in the fate of the Irish revolutionists, nor in the fate of men seeking anywhere to set up a legislative independence, nor of men struggling and making the highest sacrifice in the cause of human freedom. Let not that be said.

What are the elements of public opinion, which, according to Mr. Webster, is a force greater than fleets and armies? It is in the free expression of a sentiment passing from man to man, the views of the press, the conversations in the streets, the resolutions of legislative bodies, from the humblest council to the highest legislative. So the Senate of the United States by merely expressing a hope, if it shall so decide, will add its contribution to the volume of public opinion; and, without striking a blow, or saying an unkind word, or in any way offending a friendly nation, the great purpose, which I am sure we all seek to compass, I sincerely believe will be accomplished.

Mr. WILLIAMS and Mr. OWEN addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. Mr. President, in spite of an apparent conflict of opinion in the Committee on Foreign Relations, there was really no conflict at all. The committee was in absolute agreement as to a desired end, which every member of the committee wished to be consummated. The members of the committee differed only about the best means to accomplish that end. Three members of the committee thought that it could be best accomplished by adopting the Phelan resolution as amended and reported to the Senate by the minority. The remainder of the committee thought that the passage of that or of any other resolution upon this subject, directed simply to one European power and ignoring like cases under other European powers, would not accomplish the purpose sought, to wit, a commutation and finally a pardon for Sir Roger Casement, for whom everybody had sympathy, not only in the committee but all over the United States, because of the fact that it is perfectly evident that he is half dreamer and idealist on the one side, and, subjectively speaking, patriot on the other. Whatever may be the relationship of what he did to statute law, no man who has studied the evidence and who has studied the man can doubt the fact that he thought he was serving a patriotic and a holy purpose.

The entire committee therefore felt that the man ought not to be executed any more than Lord George Gordon ought to have been executed away back yonder. By the way, there is a very great resemblance between the characters of the two men—reason not altogether sound in either case, idealists, dreamers, pure purposes, and all that. The only difference in the committee was as to whether or not any resolution of this sort would accomplish its purpose. All the members of the committee, except three, were of the opinion that it not only would not accomplish its purpose, but that it would not even tend to bring about the end sought; that, upon the contrary, it might be detrimental to Sir Roger Casement's chance of pardon—not probably but possibly in the last case. As one member of the committee said, and said rightly, "If I were Sir Roger Casement's attorney, I would wire the Senate of the United States, 'Please drop this matter.'"

Mr. President, the time may come, but it has not as yet come, when national sensitiveness about the interference of other peoples with a particular people's domestic concerns will cease to exist; the time will come, though it has not yet come, when

a narrow nationalism, sometimes chauvinism, will give place to a broader internationalism; when a citizen of every country may become also a "citizen of the world"; but, as the things are now organized and men are now constituted, every people has a sensitiveness, which is acute, about the attempt of any other people, through any of its official bodies to interfere with its domestic affairs and quarrels.

It is idle to say that the Senate of the United States can pass an unofficial resolution. The Senate of the United States is an official body, a constituent part of the American Government, and everything which it does is necessarily official, and can not be unofficial.

There would be no objection in any country in the world, I suppose, to a petition signed as individuals by nonresidents and aliens asking clemency in a case. I myself would be perfectly willing to-day or to-morrow to sign a petition to the British Home Office for the pardon of Sir Roger Casement, just as we here might receive any day a petition for Armenians, Poles, Irish, English, Scotch, or Welsh for the pardon of some favorite citizen of theirs; but that is a totally different thing from having a branch of the Government of the United States pass a resolution of that sort. Nor is it at all on a footing with Daniel Webster's resolution recognizing the independence of Greece. We not only passed resolutions recognizing the independence of Greece, but we have passed resolutions in the case of a score or more of South American Republics who sought and had measurably attained independence. We were generally the first Government to pass such a resolution, although in the case of Texas we were not, several European powers having recognized her independence before we did; but that was simply because of an apprehended slavery issue growing out of the Texas situation.

Mr. President, Seward was right in the language quoted from him by the Senator from California. A nation which treats those living in a part of its territory struggling rightly or wrongfully for community independence as ordinary criminals after the struggle is over and put down is simply a mad nation; it is a crazy nation. Leaving out the immorality of it, the lack of magnanimity in such cases is a lack of sense. The history of the whole world proves it. Had the United States Government after the Civil War proceeded to execute Robert E. Lee and Joseph E. Johnston the stings of the war would have lasted until now and far beyond now.

It need not be thought that the Government of England is composed of fools. It has seldom been. There sits in Parliament now Sir Arthur Lynch, a British subject and an Irishman, who took a gun in his hand and fought for the Boers against England. Subject to the ordinary penalties of treason, he was sentenced to death after a fair and very considerate and courteous trial—such as Sir Roger Casement also received—under the laws of Great Britain, and was subsequently pardoned. Great Britain is an independent nation, and makes her own laws. The leaders of the Boer Republics were not only pardoned at once, but the English Government went further than the northern Government went after the Civil War, and, had you imitated her example, the scars of our war would have been healed over sooner than they were. The English Government not only did not undertake to execute, nor even to try, nor to do anything else with a single Boer that had fought her during the Boer war, nor with a single Irishman—and there were many of them who had joined the Boer army—but she went further and turned over the government of the country to the South African confederacy, one State of which is the Transvaal and another which is the Orange Free State, and made premier Gen. Botha, who was the most accomplished perhaps of all the Boer military leaders. What was the result? When this great war came on everybody thought that Great Britain would find mutiny and trouble in South Africa. She found virtually none. Not a British soldier was necessary to put down what little trouble occurred there. Botha and the Boers and the South Africans, the men of Cape Colony and Natal and the Transvaal and the Orange Free State, put it down themselves; and then they themselves went further and proceeded to conquer and take over, as far as they could, the German possessions in South Africa.

Do you suppose that wise men and educated men like the English statesmen of all parties in the present cabinet have not learned this lesson? They are no longer ruled over by a fool or half fool like George III, who afterwards went crazy. They no longer have a premier who is kept in power by corrupt parliamentary methods and royal command as Lord North was. No Government in the world is any more responsive to local public opinion than is the present English Government. Petitions are raining in now from England and Scotland and Wales, as well as from Ireland, to the British Government asking clemency in the case of Sir Roger Casement and other Irish



political prisoners, if they can be called political prisoners—for that raises another question—but, at any rate, the petitions are pouring in for them.

What the committee feared was not alone the effect of this sort of a resolution by an official body of the United States Government upon the British Government itself; it feared still more the effect upon public opinion in England and Scotland; that it might check the great movement headed by a score of the greatest newspapers of England.

Why, Mr. President, the English ministry would be madmen if they executed Sir Roger Casement; they would be fit subjects for incarceration as lunatics; they would not be statesmen; they would show themselves so shortcoming as not to be possessed even of the ordinary shrewdness of a "peanut politician." I myself have no doubt of the fact that the first thing to follow in this case will be a commutation to imprisonment; that that imprisonment will last until the expiration of the war; and that then a pardon under the great seal will be issued to Sir Roger Casement.

I picked up the other day a communication from a correspondent in London to the Washington Post, and I presume from the very fact that he was a correspondent of the Washington Post that his sympathies were not on the side of the British Government; but however that may be, he wrote that the general opinion all over London, so far as he could learn it, in private and in official circles, was that Sir Roger Casement's sentence would be commuted to life imprisonment and that just as soon as the war was over he would be given a pardon.

That being the case, the majority of the committee thought it was not well to rush in. There are those who "rush in where angels fear to tread," and very frequently men defeat their own purposes by undertaking to do that which does not accomplish but does spoil them, and, in my opinion, that is the case here.

Oh, so far as the word "rebel" is concerned, I can assure the Senator from California that it has no terrors for me in any country at any time. I am like him about that. One of us wore the uniform of the Colonies and was a rebel; one of us wore the uniform of the Confederacy and was a rebel; and that reminds me that the South also fought for community independence, and among the bravest and most effective soldiers that we had to meet in battle array, and who helped as much as any to put us down, were the Irish. Nobody has ever blamed them for that; they happened to take a different view than ours; but I merely cite it to show that it depends upon whose shoulder the water is carried. I do not remember that at that time Ireland raised any great commotion in behalf of southern independence, nor do I remember that the British Parliament ever expressed any sympathy for it. Both of them acted properly and in a perfectly neutral manner, and regarded the American trouble as a matter for America to settle—and America did settle it. We went down under the fate of war; and after that, although the North put us through 10 years of saturnalia, arming recently emancipated ignorant slaves with the ballot, and disqualifying those who were competent to cast a vote all though the South, yet, upon the whole, with that exception, you acted with exceedingly great reasonableness, considering the way that human nature ordinarily runs, and we therefore worked out our own salvation as best we could; and to-day it has been wrought out, and the sections of this country were never before so close together since the Missouri compromise alarmed Thomas Jefferson "like a fire bell in the night" as they are to-day.

Now, Mr. President, the word "rebel" has no terrors for me, as I said. My sympathies are with people everywhere who are contending for community independence, and certainly when they are of a different race and of a different language from their rulers. My sympathies are with the Bohemians in Austria, with the Armenians in Turkey, with Alsace and Lorraine, in Germany; with Poland, in Russia; and all over this world my heart beats sympathetic to the cause of a people who are struggling to throw off an alien rule. Austria is much more alien to Bohemia, Germany is much more alien to Alsace and Lorraine, than England is to Ireland, because there are not, perhaps, a thousand Irishmen who speak the Irish language. They all speak English. So that in language, at any rate, they are one, and in the other cases cited not even that is the case.

Since Senators have rather unprecedentedly talked upon the floor of the Senate about what occurred in the committee, I may be allowed to go a little bit further in that direction. If this resolution is to pass, the scope of it ought to be extended. There are political prisoners held in jail under anticipation of death to-day by Austria, a score of them—Italians from the Trentino and from the Trieste country. Bohemians have been executed,

others are in prison and may be. If we are going to ask Great Britain to show leniency to political prisoners, we ought to ask Austria to do it; we ought to ask Russia to do it. When a poor man who speaks French, and whose very heartstrings are tied to La Belle France and to her republican institutions, joins the French Army he is given by the Germans no trial for treason, I can assure the Senator from California. He is tried, if at all, by a drumhead court-martial; he is shot upon the spot. When a poor little English woman in Belgium—Miss Cavell, I believe her name was—committed the inexplicable and inexpressible crime of aiding Belgians to escape from Belgium through Holland, so that they could join the army of their own country, defending their country from an absolutely unprovoked invasion, she "was shot before sunrise." No demand for clemency was expressed by the Senate nor was it given time to express any. True, it, too, was not our affair. Mr. Roosevelt has attempted to make it our affair to have interfered against the invasion of Belgium—ruthless, unprovoked, cruel—no claim, even, that any provocation had been furnished. His position may do credit to his heart, but it does none to his head. We had no treaty obligations in the case, and it was not our affair.

Mr. President, how many tens of thousands of Armenians have been not only ruthlessly killed and shot and butchered but have been deported—men, women, and children driven like cattle out of their country—by the Turkish Empire? What protest or plea for clemency has been addressed by the Senate to the Sultan? If either had been, it would have done them more harm than good. If this resolution passes at all, it ought to be addressed to all the belligerent powers of Europe, expressing the hope upon the part of the United States that they would all show clemency to their several lots of political prisoners.

Senators tell me that it could not hurt the sensibilities of a country. Why, if I were an Englishman, as I am an American—to paraphrase Lord Chatham—I think it might hurt mine.

If a country which had had nothing to say about the execution of Miss Cavell, which had had nothing to say about the ruthless deportation and merciless murder of Armenians, which had had nothing to say to Austria about the execution of Bohemians who for centuries have aspired to liberty, which has had nothing to say about the summary execution, without even a court-martial, of any Belgian who has dared to fight for his native land without a uniform on, executed as a franc-tireur; if such a country should find its only occasion to protest against the barbarities and ruthlessness of the general European situation in the case of my country, and not in the case of any other, I would find it very difficult not to think that there was something discriminatory and somewhat unfriendly in it.

The proposition was made in the committee to extend, as just suggested, the scope of this resolution. The extension was not welcome to those who wanted the resolution passed. We thereupon adopted the resolution which is now before the Senate; to wit, that your committee, having looked through the matter and considered it, find that in their opinion it is "inexpedient at this time to pass any resolutions" upon this subject; and moreover that in our opinion "the resolutions, if enacted, or any of them, would not even tend to accomplish the purpose sought."

Now, even the Senator from New Jersey, as much as I like him, can not plant himself upon a plane of superior humanity, as far as I am concerned or as far as the members of this committee are concerned. We owe as much allegiance to humanity as he does, and we feel as much. We are as susceptible to an appeal for humanity as he is. The Senator says that he has been cut off by technical objections here and there. Nobody who reads the Record would suppose so. Technical objections did not keep him from occupying altogether some four hours of the Senate's time. He says that Sir Roger Casement's hour for execution is approaching on August 3. If so-called technicalities do not check him any more than they hitherto have, his debating of this question will go on until after Sir Roger Casement has been executed. Nobody has met him with any technical objection. He was met at the time when his resolution was introduced with the rule of the Senate that ordinarily resolutions pertaining to foreign affairs should go to the Committee on Foreign Relations, and there he was met in the committee by simply a difference of opinion.

If I were the British premier, I would just as soon commit any other idiosyncrasy to permit the execution of this dreamer and idealist upon the scaffold as an ordinary criminal. A Government which knew how to extend the right hand of fellowship to the Boers in South Africa and a pardon to Sir Arthur Lynch—and he was not the only one; I merely mention him because he was very prominent, and afterwards became a member of Parliament—and to do it because it was wise to do it, sagacious to do it, for the very reasons that Seward stated in what was quoted



from him, is not a Government likely to commit this act of political insanity, unless it might possibly, though not even probably there, be driven to such a foolish course by having its sensitiveness touched by outside interference. It would be foolish and childish even then.

Mr. President, one other word and I am through. We are all acquainted with the long travail of Ireland. It has added to the pages of history one of the many stories of a people bravely struggling against alien government. In the olden time the blackest page upon the history of Great Britain—as its own statesmen, like Gladstone and Bryce, and its own historians, almost without exception, have confessed—was her treatment of the Irish people. Here of late years a different spirit has come over the people, beginning with Gladstone's adhesion to home rule, and it did seem as if Ireland was to escape alien government in its home affairs. There was only one difficulty in the way, and that was that the very Irish people who were seeking to escape alien government in *their* home affairs wanted to put over Ulster alien government in *her* home affairs. That aroused the movement in Ulster and among Ulstermen to which the Senator has referred. There is no trouble now about home rule in the fullest measure, as fully as it is enjoyed by any State of this Union—and even more fully—being conferred upon Celtic Ireland, where there is one race, one purpose, one aspiration, and, for the most part, one religion. I believe that the people of England and Scotland and Wales have learned with regard to Ireland what the American Revolution taught them with regard to their colonies—"a wiser and a better way"; and if they do not grant to Ireland that full measure of home rule or control of her local affairs to which she is entitled, then Ireland will be right in struggling at any cost for her independence, and everybody's sympathy will be with her.

Mr. President, I have concluded.

Mr. POMERENE obtained the floor.

Mr. STONE. Mr. President, before the Senator from Ohio begins, if he will permit me, it is five minutes to 12. At 12 o'clock, unless this matter is disposed of, it will go to the calendar, as I understand. Does the Chair concur in that view?

The VICE PRESIDENT. It will go to the calendar.

Mr. STONE. I think this matter ought to be disposed of now while we have it up. We have had it up several times, and we ought to get rid of it. We ought to dispose of it. It consumes time unnecessarily. I am going to request that the Senator from Maryland [Mr. SMITH] will temporarily lay aside the District bill, so that at 1 o'clock—

Mr. MARTIN of Virginia. Why not vote immediately? Lay it aside if we are going to vote, but let us not keep up the debate. Why not vote right now?

Mr. STONE. I am perfectly willing; but the Senator from Ohio has the floor to address the Senate, and I am trying to make an arrangement that at 1 o'clock this matter will be disposed of.

Mr. TOWNSEND. Which matter?

Mr. STONE. The Casement resolutions and report, the thing before the Senate at this moment. I ask that it may be disposed of by a vote, first upon the resolution reported by the Senator from Nevada [Mr. PITTMAN] in the nature of a minority report, and so on to the conclusion—I suppose the next thing to be voted upon, if the resolution as reported by the Senator from Nevada be not agreed to, would be the committee report—and that it shall be concluded not later than 1 o'clock.

Mr. SMITH of Maryland. Mr. President, replying to what the Senator from Missouri says, the Senator from Ohio [Mr. POMERENE] says he will not speak longer than five minutes.

Mr. POMERENE. I said 5 or 10 minutes.

Mr. SMITH of Maryland. I do not see the necessity for carrying it on until 1 o'clock.

Mr. STONE. I said not later than 1 o'clock.

Mr. SMITH of Maryland. Suppose we say not later than 12.30. I do not want to object to the request.

Mr. STONE. Well, I will say not later than 12.30.

Mr. SMITH of Maryland. I was just called upon to lay aside the District appropriation bill for another matter. If we keep on laying it aside, these appropriation bills will never get through. I would suggest saying not later than 12.30.

Mr. STONE. I will amend the request, and ask that 12.30 be substituted for 1 o'clock.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that when the hour of 12 o'clock shall have arrived, and the Chair lays before the Senate the unfinished business, the unfinished business shall be temporarily laid aside until the hour of 12.30 o'clock to-day, and that at the hour of 12 o'clock the matter now pending, touching the resolution with reference to Sir Roger Casement, shall be taken up by the

Senate, and that the report of the committee and all amendments thereto shall be voted on not later than 12.30 o'clock.

Mr. SMITH of Maryland. I want to say, Mr. President, that in addition to this matter I have already been called upon this morning for 30 minutes' time, which I declined to give; but in this case, as the matter is before the Senate, I feel that possibly it will save time to let it go on and be concluded.

The VICE PRESIDENT. Is there any objection?

Mr. McCUMBER. Mr. President, I first wish to know what the matter now pending is. There are several resolutions and a report concerning the Casement matter. Which is the one before the Senate at the present time?

The VICE PRESIDENT. It is the amendment of the Senator from Nevada [Mr. PITTMAN].

Mr. STONE. Presented in the form of a minority report.

The VICE PRESIDENT. Presented in the form of a minority report.

Mr. McCUMBER. Has the report from the committee been presented for adoption?

The VICE PRESIDENT. It has.

Mr. McCUMBER. Under the rules can the report be amended?

The VICE PRESIDENT. The report is not amended. It is a minority report which the Senator from Nevada offered to substitute in place of the majority report.

Mr. McCUMBER. That is an amendment, is it not? I simply desire to know whether the Chair holds that the report of a committee can be amended by substituting a minority report.

The VICE PRESIDENT. It is not an amendment in the strict sense of an amendment. It is a minority report which is offered as a substitute for the majority report; and the Senate can if it chooses take the minority report rather than the majority report. The hour of 12 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15774) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. STONE. Now, I ask the Senator from Maryland to lay aside the unfinished business.

Mr. SMITH of Maryland. I agree that it shall be laid aside until 12.30, and that it shall then be taken up.

Mr. STONE. My request follows, which had not been submitted, that at 12.30 a vote be taken on the report submitted by the committee and the amendment thereto presented by the Senator from Nevada, and that in the meantime speeches be limited to five minutes.

SEVERAL SENATORS. Make it 10.

Mr. POMERENE. Mr. President—

Mr. STONE. Several Senators asked me to submit it, but if it is objectionable I will withdraw the five minutes' proposition.

Mr. SMITH of Maryland. I understand when the hour of 12.30 arrives there will be no further debate and this proposition will be voted upon.

Mr. STONE. I am asking that a vote be had at that time. I should like to have the Chair state the proposition.

The VICE PRESIDENT. As the Chair understands it now, the Senator from Missouri asks unanimous consent to proceed to the consideration of the majority and minority reports of the Committee on Foreign Relations with reference to these resolutions, that after the hour of 12.30 there shall be no further debate, and that the vote shall be taken on the said majority and minority reports.

Mr. LA FOLLETTE. I also understood the request provided that speeches should be limited in time to five minutes.

The VICE PRESIDENT. That was withdrawn by the Senator from Missouri.

Mr. LA FOLLETTE. I will ask the Senator if he will not consent to that.

Mr. STONE. I did not because I was notified that it would be objected to.

Mr. SAULSBURY. Mr. President, I wish to say that the Senator from Ohio [Mr. POMERENE] has been on his feet prepared to address the Senate for possibly 10 minutes. He stated when he rose that he would desire 5 or 10 minutes, and unless that request is modified so that the Senator from Ohio, if he desires, may have 10 minutes I shall object, because I think under the circumstances his request might have been granted, and I do not think it is courteous to him to insist upon a limitation in view of his statement before the discussion arose.

The VICE PRESIDENT. It is not in the unanimous consent asked.

Mr. SAULSBURY. Then I have no objection to it.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered. The Senator from Ohio will proceed.

Mr. POMERENE. Mr. President, the report submitted by the majority of the committee represents my view. I would not occupy the time of the Senate to discuss this question except for the fact that the courage, the sentiments, the heart of every member of the committee who voted in favor of the majority report have been questioned here on the floor of the Senate. I am quite sure that the hearts of every member of that majority are as full of kindly sentiment toward Sir Roger Casement and toward the Irish people and toward the oppressed of all nations as are the breasts of those who present the minority report. But I trust that I have not reached that point in my life where I am willing to say that all reason shall be set aside and that we shall be controlled by sentiment entirely, and give expression to it, though to so do may tend toward the destruction of the life that we hope to save.

Mr. President, let us pause to consider this question as it is for just a minute. Lawyers or other persons representing with authority Sir Roger Casement are not asking for the passage of this resolution. The newspapers yesterday indicated that one of the high courts of Great Britain convened in session for the purpose of taking up and further hearing the case against Sir Roger Casement and his attorneys appeared in open court and said they did not care to be further heard. A message from a beloved sister was forwarded through diplomatic channels as a personal message from her to the British Government and was delivered to the British authorities by the American ambassador. He later made a report to our Department of State. In discussing this subject the distinguished chairman of the Committee on Foreign Relations said in substance that having delivered this message the Department of State had gone as far as it was deemed advisable to go. And then he added:

I think I may properly say that the department was advised by our representative in London that official representations to the British Government by this Government touching this case would not be received in a kindly spirit.

We are admonished in advance that the British Government regards this as a domestic proposition, and that they will not receive in a kindly spirit any representations made by us in a governmental capacity. That should be, it seems to me, a sufficient hint to those who claim to be interested in the welfare of Sir Roger Casement that we are more likely to do him harm than we are to do him good by the passage of resolutions like those presented to the Senate.

I hope that the British Government will see fit to commute the sentence of Sir Roger Casement. If it were in my power I would commute the sentence of Sir Roger Casement and I would extend that clemency to the political prisoners of every government engaged in this unhallowed war, because I feel that, in common with every citizen of the United States, we have become sickened by the shedding of oceans of blood, and we want to see it stopped.

But, Senators, let us see what this situation is for a minute. Great Britain has told us how she feels with reference to representations from this Government. Sir Roger is under sentence now. Figuratively speaking his head is in the lion's mouth. Notwithstanding this fact, we are called upon here to pass resolutions which the British Government has hinted would not be acceptable. While seeking to secure clemency, Senators on the floor insist all the while upon twisting the lion's tail. How much do we expect to gain by this? "Not everyone who cries unto me, Lord, Lord, shall enter the kingdom of heaven," and it is not everyone who professes friendship for Sir Roger Casement who is doing him a real act of kindness.

My belief is that the British Government intends to commute the sentence, but whether it does or not it is my judgment that the passage of the resolution at this time would do him more harm than it would good. I am quite sure, expressing a sentiment which was given voice to on the floor of the Senate the other day by the distinguished Senator from Idaho [Mr. BORAH], if I were the attorney in charge of Sir Roger Casement I would beg, I would plead to be delivered from the kindly offices of some of his friends.

Mr. President, reference has been made to the fact that representations were made by this Government on the part of certain American citizens who were involved in this revolution. They were made and our Government did succeed in having clemency extended by the British Government, but they were American citizens. We had the legal right, the international right, to interfere. But in the instance now under consideration it is a citizen of Great Britain who has been indicted and

tried and convicted and sentenced by the British courts. We would not look with a kindly eye upon a foreign Government if some citizen of the United States were under indictment and conviction and sentence under our laws and by our courts if another Government would seek to interfere.

Mr. President, in view of the involved relations existing between this country and the countries of the Old World, the constant international disputes which are arising, I believe we can serve the purposes of America best and the fate of Sir Roger Casement best if we shall take a kindly hint from the message which was sent to us by our American ambassador and adopt the report which was submitted by the majority of the Committee on Foreign Relations.

Mr. STERLING. Mr. President, I had the honor of introducing one of the resolutions which was referred to the Committee on Foreign Relations along with the other resolutions, on all of which there has been this adverse report of the committee. The fact that I did introduce one of the resolutions, and nothing else, impels me to say a word.

I have been struck, Mr. President, by the one-sidedness of the discussion and the one-sidedness of the sympathy manifested in the discussion. This appears in the resolutions introduced by the Senator from New Jersey [Mr. MARTINE] and by the Senator from California [Mr. PHELAN], and more particularly in the remarks made in support of these resolutions.

The resolution introduced by myself, Mr. President, recognized a great problem confronting the English and the Irish people, the problem of home rule, and manifested the interest of the Senate in the problem and expressed the hope that it might be solved. I did that because the condition relative to the Irish insurrection, the revolt at Dublin, in which so many were killed and so many were wounded, is not an unrelated proposition to that of home rule.

I thought some reference to that in the resolution would appeal to the statesmen of England who have been so interested and so earnest in their efforts to further the cause of home rule, and that therefore there would be some basis in reason for our representations and that clemency would be more likely to be extended to Sir Roger Casement and other political prisoners than if we had refrained from the mention of any cause or any problem in which the statesmen of both England and Ireland are interested.

Let me call attention briefly to the progress made by the home-rule cause up until the time of the breaking out of the European war. It was the Asquith bill of 1912. The Irish people to the number of 8,000 met in Dublin in a great convention, and this is the resolution there passed:

*Resolved*, That we welcome the government of Ireland bill as an honest and generous attempt to settle the long and disastrous quarrel between the British and Irish nations; and this national convention of the Irish people accept the bill in the spirit in which it is offered; and we hereby declare our solemn conviction that the passage of this bill into law will bind the people of Ireland to the people of Great Britain by a union infinitely closer than that which now exists, and by so doing add immeasurably to the strength of the Empire.

This same bill became a law and was duly signed by the King on September 17, 1914. Then the war and then the suspension of the operation of the law, and then, Mr. President, during the progress of the war this scene in the city of Dublin itself, this great revolt in which wounded soldiers, Irish soldiers, returned from the front were shot down without mercy; 120 of them were killed and nearly 400 of them were wounded; 180 civilians were killed and about 600 wounded.

Led how? We can hardly say the insurrectionists were led by intelligent patriots. We can not, for example, as is here sought to be done, compare Sir Roger Casement with Washington and with the patriots and statesmen who founded the Republic.

Mr. President, I think that all such comparisons are absurd. It would be more just to compare with the leaders of the American Revolution those who have fought for the cause of home rule and for the loyalty of Ireland, like Charles Stewart Parnell, Dillon, Michael Davitt, and Justin McCarthy, and, too, like the great statesman and devoted patriot, John E. Redmond, who now is laboring so earnestly both in the interest of home rule and of loyalty to Great Britain.

So, Mr. President, it was with this in view that I introduced my resolution, hoping that the appeal in such form might find response with the statesmen of England through which they would be led to clemency, the hint or the suggestion contained in the resolution being that the cause of home rule might be hindered by the execution of Sir Roger Casement and other Irish leaders.

I want to call attention just briefly to some expressions in regard to the conditions. Mr. George Batemen, in writing to the New York Evening Post, had this to say.



The writer, it is said by the editor of the Outlook, from which I read, is a home ruler, and until convinced by common sense was of the physical force movement, yet he says:

I am in favor of the death sentence on Casement, not so much because he conspired against England as because he dared to usurp the mischievous position of dictator to the Irish people, ignoring the elected representatives and spokesmen of the nation and in his mad efforts stabbed in the back Irishmen who are fighting in the trenches, dimming the glory of those who have already given their life for a cause that to them is and was as consecrated and holy as Irish independence is to men like this Irish-pro-German knight of King George. The task of establishing legislative independence in Ireland has been made harder; the work of the mis-called Unionists has been facilitated; and hundreds of young Irishmen and Irish officers and soldiers, with innocent women and children, injured and killed, is all he has achieved.

Mr. Bateman does not say that he is in favor of the death sentence being carried out. I trust he is not in favor of that. I think he means that under the law and the evidence in Sir Rogers case the sentence itself should follow. That it might be commuted is another consideration. I quote him to show how the revolt might have affected home-rule sentiment.

More pertinent to the question is an article by Sydney Brooks in the July number of the North American Review. He says:

In suppressing the revolt Irish regiments and Irish volunteers played an extremely active and eager part, and their efforts were warmly seconded and applauded by the Irish citizens of Dublin.

But further he says:

Had it occurred at a time of peace I do not suppose that the Government would have thought it worth while to inflict the death penalty on its authors and instigators. But it occurred in a time of war, when the whole Empire is fighting with its back to the wall and when an Irish rebellion might make so heavy a draft on the military energies of the nation as to prejudice very seriously the chances of success in the main theater. Therefore the authorities were right in crushing it with an unsparring hand. Can it be maintained that the execution of those who actually signed the proclamation of the Irish Republic and who actually commanded the rebels and were caught red-handed in their work of murder was not, in such an emergency and with such tremendous stakes at issue, an act of just retribution? Its justice seems to me to be beyond question. Over 300 deaths lay at the door of those who planned the outbreak, and the fact that some of them were poets and dreamers, and youths of noble natures and shining promise does not alter the essential character of what they did. But the wisdom and the expediency of the measures taken by the Government after the rising was quelled, are more open to question. The better course would have been to have shown a magnanimous clemency, to have spared life rather than to have taken it, and to have cut down the arrests and deportations to a minimum. That course was not adopted and the danger is great that Irish sentiment, which at first was dead against the rebellion, may come round to making martyrs of the rebels.

It is in this spirit, Mr. President, exactly that I introduced the resolution that I did, hoping for this "magnanimous clemency" toward Sir Roger Casement, and which, it is predicted by the Senator from Mississippi, will be extended without any resolution of the Senate, and for which, it seems, every member of the Foreign Relations Committee hopes.

But the Foreign Relations Committee has deemed it possible, or probable even, that a resolution like any of these may not be in the interest of clemency; rather against it; the committee has, of course, weighed and considered the matter carefully, and having full confidence in the judgment of the committee, I feel like bowing to that judgment and shall be inclined to vote for the report.

Mr. OWEN. Mr. President, while I made objection against having the morning hour consumed in this discussion this morning, because I anticipated losing the morning hour, I should like to say that I approve the minority substitute. I believe that Great Britain as a Government is sufficiently generous to hear the appeal for mercy for political prisoners. I think there is no reason why the Senate of the United States should be precluded from an expression of that sentiment. I do not think that it is any interference with the internal affairs of Great Britain. I believe, in the excitement of war, it is not improper for neutrals who are removed from like excitement to express an opinion in favor of mercy, which, in the long run, will be better for the British Government itself and for the British and for the Irish people.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). The question before the Senate is the substitution of the minority report introduced by the Senator from Nevada [Mr. PITTMAN] for the majority report.

Mr. PITTMAN. I ask for the yeas and nays.

Mr. GALLINGER. Mr. President, before the vote is taken I want to say I think it is rather an unusual proceeding in the Senate of the United States to substitute a minority report for a majority report; but I have nothing further to say about it.

Mr. McCUMBER. Mr. President, so that the question may be settled, I raise the point of order that under the rules of the Senate the only question now is upon the majority report. That is the only report. The other is an opinion by a minority; it is not a report. Under the rules the committee report can not be amended. It must be either adopted or rejected.

Mr. PITTMAN. Mr. President, in the first place, I think the motion to adopt the report is subject to amendment. But the chairman of the Foreign Relations Committee in asking the unanimous consent, under which we are now acting, asked that the report be taken up and voted on in this order, and that was agreed to without objection. The Vice President, who was then in the chair, stated that that was the order in which the vote was to be taken.

Mr. McCUMBER. I ask for the reading of that unanimous-consent agreement. I think the Senator from Nevada will find that it does not read as he contends, but it was simply that both questions shall be disposed of. It does not deal with the order of the questions.

The PRESIDING OFFICER. The unanimous-consent agreement was not put in writing, and is therefore not in the hands of the Secretary. The reporter will have to read it from his notes.

Mr. UNDERWOOD. Mr. President, out of order I desire to present an amendment—

The PRESIDING OFFICER. The Chair must rule that, as the Senate is working under a unanimous-consent agreement at present, the amendment can not be received.

Mr. UNDERWOOD. Mr. President, I should like to have the original resolution offered by the committee read.

Mr. McCUMBER. Let us have the unanimous-consent agreement first read.

The PRESIDING OFFICER. The reporter will read the unanimous-consent agreement.

The reporter read as follows:

The VICE PRESIDENT. As the Chair understands it now, the Senator from Missouri asks unanimous consent to proceed to the consideration of the majority and minority reports of the Committee on Foreign Relations with reference to these resolutions; that after the hour of 12.30 there shall be no further debate; and that the vote shall be taken on the said majority and minority reports.

Mr. PITTMAN. Mr. President, as I take it, when a committee presents a report on a matter the question is on the adoption of the report of the committee.

The PRESIDING OFFICER. The Chair must rule that he must enforce the unanimous-consent agreement at the hour of 12.30 o'clock, which has now arrived, and that the vote must be taken on the adoption of the minority resolution as presented in lieu of the majority report.

Mr. PITTMAN. I call for the yeas and nays.

Mr. LODGE. The statement of the unanimous-consent agreement is that the vote shall be taken on the majority and minority reports. There is no mention of the word "substitute" in the unanimous-consent agreement.

Mr. STONE. Mr. President, what is the need of debating here about little, indifferent things? My suggestion was to the Chair—and I am sure if we should go back and have it read it would be so found—that at a certain time we should proceed to vote on this question—first, upon the minority report, and, if that be disagreed to, then upon the majority report. There was some talk afterwards, back and forth, and finally the Chair made the statement which has been read here.

Mr. President, the question before the Senate in its original form—for the moment putting aside what we are calling, somewhat by courtesy, "the minority report"—would have been upon the adoption of the majority report; in other words, Will the Senate agree to the report made by the Committee on Foreign Relations? That would have been the only thing before the Senate, except that the Senator from Nevada [Mr. PITTMAN], as a member of the Committee on Foreign Relations, presented simultaneously a resolution, which was submitted, as he has stated, to the Committee on Foreign Relations, and there acted upon adversely, and he reports it as a minority expression and asks to substitute it for the report of the committee.

SEVERAL SENATORS. Regular order!

Mr. STONE. I am discussing a question of order, and I am in regular order.

Mr. SMOOT. Mr. President, it was the unanimous-consent agreement that we should vote at 12.30 o'clock.

The PRESIDING OFFICER. The Chair rules that the question before the Senate, on which no debate is now permissible, is on the adoption of the resolution presented by the Senator from Nevada [Mr. PITTMAN], which has been referred to as a minority report, in lieu of the resolution presented by the majority. The yeas and nays have been asked for.

Mr. UNDERWOOD. Mr. President—

Mr. POINDEXTER. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. UNDERWOOD. I was not in the Chamber when the minority report was presented. I understand it is not printed. I should therefore like to have it read in order that I may understand it and vote intelligently on the question.

The PRESIDING OFFICER. The Secretary will read the majority report.

The SECRETARY. The report reads as follows:

The Committee on Foreign Relations, having considered the following resolutions referred to the said committee, namely, Senate resolution 236, requesting the President to ask the British Government to exercise clemency in treatment of Irish political prisoners; Senate resolution 237, requesting the President to advise the United States ambassador to Great Britain to use his influence, unofficially, to obtain commutation of the sentence of death of Sir Roger Casement; and amendment to Senate resolution 237, proposed by Mr. STERLING, adopted the following resolution, which was ordered to be reported:

"Your committee deem it inexpedient that the Senate should adopt any of these resolutions at this time, and are of opinion that they would not tend to accomplish the purpose sought by them. Your committee therefore report back the resolutions and recommend that none of them be adopted."

Mr. LEWIS. Mr. President, I ask that the minority report now be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. The Senator from Nevada offers as a substitute to the resolution of the committee the following:

#### Resolution 241.

Resolved, That the Senate expresses the hope that the British Government may exercise clemency in the treatment of Irish political prisoners, and that the President be requested to transmit this resolution to that Government.

Mr. CLARKE of Arkansas. Mr. President, whilst the communication which comes from the committee is called a report, the committee submit a resolution, which would be the main question, and the Senator from Nevada [Mr. PITTMAN] proposes a substitute for that resolution, his resolution being called the minority report. I take it for granted that the Chair will state the proposition in parliamentary form, so that Senators may vote intelligently upon it.

The PRESIDING OFFICER. The question is on the adoption of the resolution offered—

Mr. CLARKE of Arkansas. I understand that the proposition before the Senate is to strike out the resolution reported by the committee and to substitute for it the resolution offered by the Senator from Nevada—

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. Mr. CLARKE of Arkansas. And those who favor that action will vote "yea," and those who are opposed to it will vote "nay."

The PRESIDING OFFICER. The Chair may say that that is the opinion of the present occupant of the chair. He was told that that was the question before the Senate by the Vice President, when he asked the present occupant of the chair to take the chair.

Mr. BRANDEGEE. Mr. President, I desire to make a parliamentary inquiry. Is it not true that the Committee on Foreign Relations does not report any resolution whatever to the Senate, but makes a recommendation that none of the resolutions which were referred to the committee should be passed by the Senate? My understanding, as a member of the committee, is that the Committee on Foreign Relations have reported no resolution favorably to the Senate, but adopted a resolution in the committee that none of the resolutions referred to the Committee on Foreign Relations should be passed by the Senate.

The PRESIDING OFFICER. The Chair would think that that is undoubtedly the case, but the resolution of the Senator from Nevada was presented as a substitute for the resolution adopted by the committee. The yeas and nays have been called for.

Mr. POINDEXTER. Mr. President, the unanimous-consent agreement was that a vote on this report should be taken at not later than 12.30 o'clock. It is now later than 12.30 o'clock, as a matter of fact, by both clocks in the Senate Chamber. I suggest that a vote can not now be had under that agreement at that hour.

The PRESIDING OFFICER. The Senator from Washington will understand the embarrassment of the Chair in taking Senators from their feet immediately when they rise, not knowing but that they may desire to rise to points of order, or what not.

Mr. GALLINGER. Question!

Mr. LA FOLLETTE. Vote!

The PRESIDING OFFICER. The yeas and nays have been called for. Is the demand seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I am paired with the senior Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

I should also like to announce that the Senator from Mississippi [Mr. VARDAMAN] and the Senator from Tennessee [Mr. SHIELDS] are absent from the Chamber on official business.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], which I transfer to the Senator from Colorado [Mr. SHAFROTH] and vote "yea."

Mr. GALLINGER (when his name was called). I have a pair with the senior Senator from New York [Mr. O'GORMAN], but that pair has been so arranged that I may vote on all questions to-day. I vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to my colleague [Mr. GORE] and vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New York [Mr. O'GORMAN] and vote "yea."

The PRESIDING OFFICER (when the name of Mr. SAULSBURY was called). The present occupant of the chair is paired with the Senator from Rhode Island [Mr. COLT] and therefore refrains from voting.

Mr. THOMAS (when Mr. SHAFROTH's name was called). I desire to announce the necessary absence of my colleague [Mr. SHAFROTH], which is caused by a death in his family.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA], I vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is absent from the city. He is paired with the Senator from Kentucky [Mr. JAMES].

The roll call was concluded.

Mr. JONES (after having voted in the affirmative). I desire to inquire whether the junior Senator from Virginia [Mr. SWANSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. JONES. I have a pair with that Senator for this week, and, not knowing how he would vote if he were present, I withdraw my vote.

Mr. GRONNA. I inquire if the Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. I have a general pair with that Senator, and, as I can not secure a transfer, I will withhold my vote. If permitted to vote, I should vote "yea."

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WALSH. I desire to announce the unavoidable absence of my colleague [Mr. MYERS]. If present, he would vote "yea."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN].

The result was announced—yeas 46, nays 19, as follows:

#### YEAS—46.

Ashurst	Johnson, S. Dak.	Owen	Smith, S. C.
Bankhead	Kenyon	Page	Stone
Broussard	Kern	Phelan	Taggart
Bryan	La Follette	Pittman	Thomas
Chamberlain	Iane	Poincxter	Thompson
Chilton	Lee, Md.	Ransdell	Tillman
Clapp	Lewis	Reed	Townsend
Clarke, Ark.	Martin, Va.	Robinson	Underwood
Culberson	Martine, N. J.	Sheppard	Walsh
Hardwick	Newlands	Simmons	Works
Hughes	Norris	Smith, Ga.	
Husting	Overman	Smith, Md.	

#### NAYS—19.

Borah	Fletcher	Nelson	Smoot
Brandegee	Gallinger	Oliver	Sterling
Clark, Wyo.	Harding	Penrose	Warren
Curtis	Lodge	Pomerene	Williams
Dillingham	McCumber	Sherman	

#### NOT VOTING—30.

Beckham	Gore	Lippitt	Smith, Mich.
Brady	Gronna	McLean	Sutherland
Catron	Hitchcock	Myers	Swanson
Colt	Hollis	O'Gorman	Vardaman
Cummins	James	Saulsbury	Wadsworth
du Pont	Johnson, Me.	Shafroth	Weeks
Fall	Jones	Shields	
Goff	Lea, Tenn.	Smith, Ariz.	



So the resolution offered by Mr. PITTMAN as a substitute for the report of the Committee on Foreign Relations was agreed to.

The PRESIDING OFFICER. The question now is, as the Chair understands, on the adoption of the resolution reported by the Committee on Foreign Relations as amended.

The resolution as amended was agreed to.

Mr. LODGE. Mr. President, I was detained in a conference this morning and only entered the Chamber in time to vote on the resolution which the Senate has just adopted. I had hoped to have an opportunity to have stated my reasons for upholding the majority report of the Foreign Relations Committee and for the vote which I gave in support of that report when the roll was called.

I know, Mr. President, that every Senator in this body desires that the sentence of Sir Roger Casement shall be commuted. On that there can be no difference, for we all feel alike. There can be no doubt that all Senators also earnestly hope that clemency will be shown to political prisoners in Ireland and in other countries as well. I hope clemency will be shown to the Italian political prisoners, some of whom have been shot; I hope clemency will be shown to the Bohemian political prisoners, who are now held in confinement. I will not go on with the list, but I know that all Senators feel alike in regard to it.

The view of the committee was that it was inadvisable to pass resolutions of this character at this time, and the principal reason for their thinking it inadvisable was the belief that it would do harm to the very purpose we all had at heart; that in the particular case of Sir Roger Casement, which was before our minds and which has led to this general resolution, it would bring about the very result that we should all deplore and that we all hope will not occur. Personally I have expressed my earnest hope that the sentence of Sir Roger Casement might be commuted, in the quarter where alone it could do good, if my opinion is of any weight at all. But the action of a Government is a very different thing from that of an individual man. It might well be resented and shut the gates of mercy which I at least wish to keep open.

I merely wished to say this much, Mr. President, as I had no opportunity, being engaged in a conference, to explain my vote before the roll was called.

#### AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 522).

Mr. SMITH of Maryland. I call for the regular order of business.

The PRESIDING OFFICER. The regular order is called for, which is the District of Columbia appropriation bill.

Mr. SMITH of South Carolina. I present the report of the committee of conference on the Agricultural appropriation bill.

The PRESIDING OFFICER. Conference reports, the Chair understands, are in order any time. The report will be received.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 8, 9, 12, 14, 19, 20, 24, 26, 30, 31, 35, 37, 39, 41, 48, 51, 52, 53, 56, 57, 58, 60, 63, 64, 69, 70, 71, 72, 73, 74, 77, 84, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 109, 110, 111, 121, 165, 166, 174, 179, 211, and 214.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 10, 13, 17, 18, 21, 23, 25, 27, 28, 29, 32, 33, 34, 36, 38, 43, 44, 45, 46, 47, 55, 59, 61, 62, 66, 67, 68, 75, 76, 79, 80, 81, 82, 85, 86, 87, 103, 104, 105, 106, 107, 108, 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 159, 160, 161, 162, 163, 164, 168, 169, 170, 171, 175, 176, 177, 180, 182, 183, 184, 185, 186, 187, 189, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 217, 218, 219, 220, and 221, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of "\$1,431,200" insert "\$1,411,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of "\$1,767,260" insert "\$1,747,260"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of the Senate amendment after the word "cheese"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$2,436,276" insert "\$2,277,776"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of "\$3,179,246" insert "\$3,020,746"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out "The" in the first line of the Senate amendment and in lieu thereof insert "Provided, That the"; strike out the period at the end of the Senate amendment and insert the Senate amendment as thus amended after "\$87,175," in line 2, page 19, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of "\$1,900,490" insert "\$1,866,340"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of "\$2,318,730" insert "\$2,537,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of "\$3,213,415" insert "\$3,188,415"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out all of the Senate amendment after the word "thereof," in line 7 of said amendment, and in lieu thereof insert "shall be covered into the Treasury as miscellaneous receipts"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the amount proposed by the Senate amendment insert "\$578,230" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of "\$130,000" insert "\$122,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$2,981,680" insert "\$2,969,680"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Strike out the matter contained in the Senate amendment and in lieu thereof insert the following:

"Sec. 6a. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section 5 hereof not inconsistent with this section: *Provided*, That nothing in this section shall be so construed as to relieve from the tax levied by section 3 of this act any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any 'fixed difference' system, or by arbitration, or by any other method not provided for by this act.

"Contracts made in compliance with this section shall be known as 'Section 6a, Contracts.' The provisions of this section shall be deemed fully incorporated into any such contract

if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures act, section 6a."

"Section 10 of this act shall not be construed to apply to any contract of sale made in compliance with section 6a hereof." And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "ninety"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: After the word "may" in said amendment insert "sell, offer for sale, or consign for sale"; after the word "ship" in said amendment insert a comma; strike out the words "not sold," in line 9, page 97, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: Strike out the comma inserted by the Senate amendment; strike out the words "offered for sale," in line 9, page 97, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: Strike out the matter inserted by the Senate amendment; strike out the words "by grade," in line 9, page 97, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: Strike out the matter inserted by the Senate amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: After the word "Act," where it first occurs in the Senate amendment, strike out the words "when shipped from a place at which no such licensed inspector is located"; after the comma following the word "inspection," where it occurs the second time in said amendment, insert "which inspection shall be"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: Strike out the matter proposed in the Senate amendment and in lieu thereof insert as a separate paragraph, at the end of section 7 of Part B, as a part thereof, the following:

"The Secretary of Agriculture shall require every inspector licensed under this act to keep complete and correct records of all grain graded and inspected by him, and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year, shall make publication of a summary of such facts as are ascertained, showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to the elevator or warehouse and the amount and grade of grain delivered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: After the comma in said amendment insert the word "or"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "either with or without reinspection"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert after the word "fee" where it occurs the second time in line 4, page 100, of the bill, the following: "in case of an appeal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with

an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: Insert a comma after the word "commerce" in line 22, page 100, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the word "standard" in said amendment insert "standards"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Provided further, That no person licensed by the Secretary of Agriculture to inspect or grade grain or employed by him in carrying out any of the provisions of this act shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the "\$55,000" insert "\$60,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: After the comma following the word "hereafter" in said amendment insert "nothing in this paragraph or in" and strike out the word "not" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "Provided further, That so much of the appropriation of \$2,500,000 made by the Agricultural appropriation act of March 4, 1915, for the fiscal year ending June 30, 1916, for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, as remains unexpended at the close of said fiscal year, is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1917, for the objects mentioned in said appropriation act, including necessary investigations to determine whether said diseases have been completely eradicated in districts where they previously existed"; and the Senate agree to the same.

On the amendments of the Senate numbered 50, 54, 112, and 223 the committee of conference have been unable to agree.

E. D. SMITH,  
HOKE SMITH,  
MORRIS SHEPPARD,  
A. J. GRONNA,

*Managers on the part of the Senate.*

A. F. LEVER,  
GORDON LEE,  
THOS. L. RUBEY,  
G. N. HAUGEN,

*Managers on the part of the House.*

Mr. SMOOT. Mr. President, the Senator from South Carolina, I assume, does not intend to ask for the consideration of the conference report at this time.

Mr. SMITH of South Carolina. Yes; I should like to have immediate consideration given to it. It is important that it be passed promptly.

Mr. SMOOT. I want the conference report to be printed, so that Senators can know what changes have been made in the Senate amendments.

The PRESIDING OFFICER. The presentation of the report is in order, but its consideration is not, as the Chair understands.

Mr. SMOOT. That is correct. I ask for the printing of the report and hope that will be done.

Mr. SMITH of South Carolina. I should like to make this statement: The new fiscal year began on the 1st of July last, and a month of that year has already elapsed. There has been no joint resolution adopted, as I understand, extending the appropriations for the Agricultural Department, and the House is ready to consider this conference report.



Mr. SMOOT. A bill was passed a day or so ago extending all appropriations for the Government which have not been provided for.

Mr. SMITH of Maryland. I ask for the regular order.

The PRESIDING OFFICER. The regular order before the Senate is the District of Columbia appropriation bill.

Mr. SMITH of Georgia. Will the report of the conference committee upon the Agricultural appropriation bill be printed without any direction to that effect?

The PRESIDING OFFICER. The report of the conference committee will lie on the table and be printed, under the rule.

Mr. CLARK of Wyoming. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The District of Columbia appropriation bill is before the Senate.

Mr. McCUMBER, Mr. GALLINGER, and Mr. TILLMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. SMITH of Maryland. If I may be pardoned a moment, the Senator from New Hampshire [Mr. GALLINGER] was addressing the Senate last evening when the Senate adjourned, and had not finished his remarks. I hope he may be allowed to proceed at this time.

Mr. GALLINGER. If recognized, I will yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Chair was unaware of the fact that the Senator from New Hampshire had not concluded, and, as the Senator from North Dakota first rose, he recognized him.

Mr. GALLINGER. I yield to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I had hoped that within the time fixed for voting on the resolution just acted upon, being one of the members of the committee who supported the resolution which has been modified by a vote of the Senate, I would have had an opportunity to express my views concerning the reasons why I supported the committee in the action taken by it.

Mr. President, there may have been more than one purpose in the introduction of the various resolutions concerning clemency to Sir Roger Casement. I shall assume that the resolutions were introduced for the sole purpose of securing that clemency, and not for the political effect they might have upon the constituency of any Senator. The only question which concerns me is whether the adoption of any of these resolutions will tend to secure this clemency. If I believed the Phelan resolution would tend to secure a commutation of the sentence I should vote for it. Further, if I believed it would do no harm I should vote for it, just to express my wish for clemency. What will be the effect, if any?

Let us remember that the chairman of the Committee on Foreign Relations several days ago stated that the British Government had given our Government to understand that a resolution by the Senate concerning the internal affairs of that Government would not be kindly received. That was a hint of itself which I think ought to have had weight in this Senate—ought to be considered when we are seeking something from that Government.

In the face of this hint that the British Government would be more liable to exercise clemency if left to its own volition than it would if its action was the apparent recognition of foreign influence, the Senators who had pressed these resolutions for clemency introduced into their remarks very severe arraignments of the very Government from which they were asking for clemency, remarks tending to arouse the hostility of the people of this Nation, whose passions and prejudices are excited by the events of a great war, and making the granting of that clemency more difficult.

It was the view of the committee, a view in which I concurred, that the British Government could scarcely dissociate the remarks of those who had introduced the resolutions from the mild tenor of the resolutions themselves, and that, accepting those resolutions in the spirit in which they were offered, as indicated by the addresses which were made upon them, it would not tend to soften the hearts of those whose duty it was either to insist upon the rigid enforcement of the law or to grant clemency.

Mr. President, it is my most sincere wish that clemency be accorded in this particular case. I am of the opinion that if it is accorded, however, it will not be because of the resolution passed by the Senate, in the face of an indication from the British Government that it would not be kindly received, but will be accorded despite the resolution. We simply make it more difficult for the British officials to bring about a commutation of the sentence. So I still think that the resolution as passed, under the circumstances, is ill advised.

Mr. President, I know that every reader of American history would read the history of our Civil War with a great deal more pleasure if he did not find in it the record of the execution of Mrs. Surratt. I believe the future German reader of German history would read the record of the great achievements of the German Army in this the greatest of all the world's wars with greater pride if he could eliminate from it the record of the shooting to death of a little nurse girl because in her impulsive love and sympathy for her own people and country she assisted prisoners to escape. And, Mr. President, I believe that the reader of future English history will read it with far greater satisfaction if it shall record a great national generosity in the exercise of clemency toward all political prisoners; but the action of the Senate of the United States, Mr. President, in forcing a resolution which it has been politely requested not to urge, taken in connection with the early arguments which have been made in support of the resolutions, will not conduce, in my opinion, to the result sought by them. I hope my apprehension is not well founded. I hope the resentment which the severe criticism of their country will naturally have on a people in the throes of a struggle which they believe involves their very national life will not check or destroy what I believe to be the present purposes of British officials to commute the death sentence of Sir Roger Casement.

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Carolina will state it.

Mr. SMITH of South Carolina. A moment ago objection was made to the consideration of the conference report on the Agricultural appropriation bill presented by me. Rule XXVII explicitly provides that when a conference report is submitted and consideration asked for it, the question shall be determined without debate. I invoke that rule now, and ask for the immediate consideration of the conference report. It has been carefully considered and agreed upon by the conferees, and the House is very anxious to have the Senate take action, in order that it may also act upon the report.

The PRESIDING OFFICER. To what rule does the Senator refer?

Mr. SMITH of Maryland. I will say to the Senator from South Carolina that the Senator from New Hampshire has not yet concluded the speech which he began yesterday evening.

Mr. SMITH of South Carolina. It will take only a moment to act upon the report. I think there will be no debate on it, and the rule to which I have referred gives it precedence over everything else.

Mr. SMOOT. I will assure the Senator that there will be debate on the conference report. I may also say that I have never seen in this body before a conference report on a great appropriation bill being submitted and immediate consideration asked before the report is printed, so that Senators might see what has been agreed to by the conferees.

Mr. SMITH of South Carolina. I will say to the Senator, if he will allow me, that there is nothing to conceal at all in the conference report. The conference on the part of the committees of both Houses was as agreeable probably as any conference that has ever taken place. I think justice has been done to the claims of both the House and the Senate. The Senate has not suffered, nor has the House suffered, in my opinion. The rule to which I have referred expressly provides that when the question is raised it shall be decided without debate, and I appeal to the Chair for a decision.

Mr. SMOOT. If I have been correctly informed, the Senate has suffered in the report.

The PRESIDING OFFICER. The Chair did not understand that the Senator from South Carolina moved to proceed to the consideration of the conference report.

Mr. SMITH of South Carolina. I did.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. SMITH of South Carolina. Then I make that motion now.

The PRESIDING OFFICER. The Chair has recognized the Senator from New Hampshire [Mr. GALLINGER], who is entitled to the floor, and the other matter has been passed some time since. If there is a motion made which the Chair can put to the Senate, he will gladly do so.

Mr. SMITH of South Carolina. I was of the opinion that the Senator from New Hampshire would allow the vote to be taken, and on this point of order there can be no debate at all. It is simply a question of whether or not the conference report shall be considered.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. I think if the rule provides that—I have not examined it—

Mr. SMITH of South Carolina. The rule provides it.

Mr. GALLINGER. In that event I think the question ought to be submitted to the Senate, if it is in accordance with the rule.

The PRESIDING OFFICER. The Chair understands from the rule that it should be submitted to the Senate and determined immediately, without debate.

Mr. BRANDEGEE. Mr. President, I see that Rule XXVII does provide that; but I was of the impression that there is another rule that provides that if objection is made to the consideration of a conference report it has to be printed and go over for a day. I am not sure about it, however.

The PRESIDING OFFICER. The Chair is informed that that refers to reports on bills.

Mr. SMITH of South Carolina. That only refers to committee reports.

Mr. BRANDEGEE. What is this conference report on, may I ask the Chair?

The PRESIDING OFFICER. It is on the Agricultural appropriation bill.

Mr. BRANDEGEE. That is a bill, I suppose?

The PRESIDING OFFICER. Yes; a conference report.

Mr. SMOOT. Mr. President, I want to ask the Senator from South Carolina to allow this conference report to be printed before it is acted upon. I do not know, nor do other Senators outside of the Senate conferees know, what the report shows. The Secretary will simply read that amendment number so and so was agreed to, and amendment number so and so was disagreed to; that the Senate receded from this, and the House receded from that. There is nothing else to show us what has been done; and there are some items in the bill that are of very great importance to the country.

Mr. SMITH of South Carolina. I want to say to the Senator, as chairman of the committee, that he is entitled to know that no matter of very great importance put in by the Senate has been left out.

Mr. SMOOT. I will ask the Senator if the appropriation of \$100,000, to which the Senate agreed, for the development of artesian wells by boring has been agreed to or disagreed to by the conference committee?

Mr. SMITH of South Carolina. It has been disagreed to.

Mr. SMOOT. Ah, yes. Now, the Senator says that is not of any great importance. It may not be to the Senator's State, but it is of great importance to all of the Western States. I will say to the Senator that the West has very little in this bill, and it seems to me it is wrong to allow it all to be cut out by the conferees.

The PRESIDING OFFICER. The Chair must rule that this question is to be submitted without debate. It is the privilege of the Senate to vote down the motion to proceed to the consideration of the conference report, if it so desires.

Mr. REED. Mr. President, I have just come into the Chamber. Will the Chair kindly have the proposition stated?

The PRESIDING OFFICER. The Senator from South Carolina [Mr. SMITH] moves to proceed to the consideration of the conference report on the Agricultural appropriation bill.

Mr. REED. I ask to be permitted to address a suggestion to the Senator, not in the way of debate. I hope the Senator will not insist upon this motion. It will not result in getting the bill through any sooner, because some of us propose to address some considerations to the Senate, and it may take all the afternoon to do so. I suggest to the Senator that he let the report go over until to-morrow morning, and it may be satisfactory.

Mr. SMITH of South Carolina. Mr. President, it will settle the matter one way or the other; so I must insist on a vote, and try the temper of the Senate.

Mr. BRANDEGEE. I understand that the Senator from New Hampshire has the floor.

The PRESIDING OFFICER. The Senator from New Hampshire had yielded to the Senator from South Carolina to make the motion to proceed to the consideration of the conference report on the Agricultural appropriation bill.

Mr. GALLINGER. I yielded for the reason that I understood the rule provides that a conference report is a privileged matter.

The PRESIDING OFFICER. And the Chair did not hear the motion of the Senator from South Carolina when made.

Mr. SMITH of Maryland. The regular order is up, and I hope the Senate will let the consideration of the District of Columbia bill proceed.

Mr. OLIVER. A point of order, Mr. President.

The PRESIDING OFFICER. The Chair must rule that debate is out of order. The Senator from Pennsylvania will state his point of order.

Mr. OLIVER. I wish to ask whether, if this motion is adopted, it will displace the District of Columbia appropriation bill as the unfinished business?

Mr. BRANDEGEE. It will.

Mr. OLIVER. I am informed by the Senator from Connecticut that it will.

The PRESIDING OFFICER. Temporarily, the Chair thinks, it would; but the District of Columbia appropriation bill would continue as the unfinished business after the disposition of this privileged matter, as the Chair understands.

Mr. OLIVER. I think that is not the parliamentary situation, Mr. President. It will absolutely displace it.

The PRESIDING OFFICER. The Chair, then, will try to decide that question when it comes to it.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Johnson, S. Dak.	Owen	Smith, Md.
Brandeggee	Jones	Page	Smith, S. C.
Chamberlain	Kenyon	Penrose	Smoot
Chilton	Kern	Pittman	Sterling
Clapp	La Follette	Poindexter	Taggart
Clark, Wyo.	Lane	Pomerene	Thomas
Clarke, Ark.	Lewis	Ransdell	Thompson
Curtis	McCumber	Reed	Tillman
Dillingham	Martin, Va.	Saulsbury	Townsend
Fletcher	Martine, N. J.	Sheppard	Walsh
Gallinger	Nelson	Sherman	Warren
Gronna	Norris	Simmons	Williams
Hardwick	Oliver	Smith, Ariz.	Works
Husting	Overman	Smith, Ga.	

Mr. THOMAS. I desire again to announce the unavoidable absence of my colleague [Mr. SHAFROTH]. I will let this announcement stand for the day.

Mr. SMITH of Arizona. I desire to announce that my colleague [Mr. ASHURST] is absent on account of important business. This announcement may stand for the day.

The PRESIDING OFFICER. Fifty-five Senators have answered to the roll call. There is a quorum present. The question is, Shall the Senate proceed to the consideration of the conference report on the Agricultural appropriation bill?

Mr. SMITH of South Carolina. Mr. President, in view of the interest expressed on both sides of the Chamber, I withdraw my motion for the immediate consideration of the conference report and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. That action will be taken.

Mr. GALLINGER. Mr. President, the chairman of the Committee on the District of Columbia is properly anxious to have this bill disposed of as speedily as possible. As a member of that committee I sympathize with his wishes; and yet it is a very ungracious thing, and something that we do not like to do, to refuse to yield, especially to a Senator who has been here a great many years.

Inasmuch as the Senator from South Carolina [Mr. TILLMAN] has made an appeal to me, I feel like yielding the floor for the present to allow the Senator from South Carolina to present whatever he may have. I shall occupy only about 10 minutes, or possibly a little less time than that; and if the Senator from South Carolina feels like postponing whatever he has to say for about 10 minutes, I shall be through.

Mr. TILLMAN. I do not know whether I can get the floor after that or not, because what I am going to say is out of order; but what I want to say right now is a matter of personal privilege.

Mr. GALLINGER. That is the Senator's right. I yield for that purpose, of course.

#### PERSONAL EXPLANATION—ARMY APPROPRIATION BILL.

Mr. TILLMAN. Mr. President, Senators know that I do not stay in the Senate much on account of the condition of my health.

When the bell rings I come down from my committee room, where I work from six to eight hours a day attending to my correspondence and other things for my constituents, and answer to my name if it is for a roll call, and vote if it is a vote. I inquire of some Senator upon whom I think I can rely as to what the question to be voted on is, and am guided by what I am told. When the Army appropriation bill was being discussed, I voted "no" when I wanted to vote "aye."

I am not in favor of the prohibition of stop watches, as provided in the Army bill, nor am I in favor of that provision in the naval appropriation bill, but there was no yea-and-nay vote demanded on that bill; so I had no opportunity to show which side of the question I stood on. I believe in the payment of bonuses to encourage men and I believe in any scheme to increase efficiency.



In this instance I was told that to vote "no" meant to strike out the provision of stop watches, and I voted "no" under that impression when I should have voted "yea." I deem it due myself to make this explanation, and am sorry I was misled.

Mr. President, will the Senator from New Hampshire indulge me for a few minutes longer?

Mr. GALLINGER. With pleasure, I yield for that purpose.

MEMORIAL AMPHITHEATER, ARLINGTON, VA.

Mr. TILLMAN. Mr. President, I suppose it will take me about six or eight minutes to say what I want to say. I desire to introduce a bill out of order and explain why I am introducing it, and when I make this statement Senators will all understand why I am so insistent. I was not in the Chamber this morning on account of being one of the conferees on the naval appropriation bill.

I will ask the Senator from New Hampshire to look at the clock and see if I take more than 10 minutes. I do not think I will take more than 6. I introduce a bill and ask that it be received and properly referred.

The bill (S. 6726) to make it the duty of the commission created to direct the construction of the Memorial Amphitheater at Arlington, Va., assisted by a board of officers of the Army and Navy, to make recommendations to Congress as to subjects for busts and tablets to be placed therein, was read twice by its title.

Mr. TILLMAN. Mr. President, last April, at the instance of Mrs. Gaillard, I conferred with the Secretary of War in regard to the bill authorizing her to place a tablet in the Memorial Amphitheater at Arlington to the memory of her husband, the late Col. David Du Bose Gaillard, of South Carolina, whose distinguished services in the digging of the Panama Canal are known to the whole country. I asked the Secretary to prepare two bills, one for Mrs. Gaillard especially, the other for the general management of the amphitheater in the future.

I was disinclined at first to have anything to do with any bill for the control of Arlington Cemetery, because the South has always considered it one of her holy places, fallen into unhallowed hands. To the North Arlington is the last resting place of heroes who gave their lives that the United States might live; to the South it is the graveyard of once cherished hopes, for which there can be no resurrection. Southerners have always bitterly resented the uses to which Arlington was put. Fighting heroically, we were driven southward step by step, and to the bitterness of approaching defeat was added the gall of humiliation when we were forced to stand by helplessly while the North took the home of our great military leader, Robert E. Lee, and made of it a cemetery for his and our enemies, as we considered them and as they were in fact. Our hearts were wrung with anguish at the action of our conquerors, and we hated them intensely. Through all the years Arlington has been to us the home of Lee—a shrine, as it were—and we have always thought that the turning of it into a cemetery for Federal soldiers was an unforgivable wrong.

So, as I say, I was disinclined to do anything in regard to the amphitheater. The old fires flared up again—those that burned so fiercely 50 years ago. Bitter memories came trooping to me. I saw the Confederate soldiers marching off to defend our homes against the invaders; I saw my Spartan mother giving my older brothers to the State; I saw my friends, neighbors, and kinsmen leaving their homes and loved ones to go to the battle fields of Virginia; I thought of the thousands and thousands of unmarked graves of Confederate soldiers; I saw the South, a land of sorrow, under the heels of her enemies; I saw Sherman marching to the sea again, and from the sea through South Carolina, his trail marked by burned farmhouses, towns, and cities, whose destruction served no military purpose; I heard the widows and orphans, their husbands and fathers slain in defense of home and fireside, wailing because they were desolate; I remembered when we received the news of Lee's surrender, and how it seemed that the end of the world had come, that the crack of doom had sounded. Then I thought of reconstruction, when horrors piled on horrors and northern bayonets dethroned civilization and enforced the rule of carpetbaggers, scalawags, and negroes. And as I thought of these things the hot blood surged up, and for the moment I hated Yankees as intensely as I had in 1865. The South is in the Union, I said, but not of it, and I shall have nothing to do with the management of the amphitheater. I will not go into partnership with the conquerors who robbed me and my people.

But the more I thought of it the less angry I grew, and I finally reached the conclusion that there was no reason why I should not and every reason why I should do everything in my power to make Arlington a Mecca for the South as well as for the North.

The war closed 50 years ago. The South fought a glorious fight for a righteous cause; for no man now—if he has regard for his reputation for intelligence—will dare say that we did not have a constitutional right to withdraw from the Union. The bravest, best army that ever trod this continent kept the faith to the bitter end, and while, worn to a remnant, it was forced to yield at Appomattox, impartial history must give it the credit for having done all that was humanly possible. The struggle and final defeat of the Army of Northern Virginia brings to mind Addison's couplet:

"Tis not in mortals to command success,

But we'll do more, Sempronius—we'll deserve it."

That army did deserve success, but it could not achieve it, and, in my mind's eye, I see the great Lee himself accepting in good faith the result of the appeal to the sword, and advising his soldiers—the might of whose arms had been felt on a hundred battle fields—from Bull Run to Appomattox—to go home and become good citizens of the United States. And the thought came to me that one of the best ways to show that I had accepted the advice of "the noblest Roman of them all" was to try to make the memorial amphitheater erected at his old home by a common country—North and South alike—representative of both sections. I have come to think, since the unveiling of the Confederate Monument at Arlington, that the North itself has at last realized that Gen. Lee's home, in a sacred and inalienable sense, belongs to the South, and I am willing to help make of it a place where both sections can go for inspiration.

Half a century since Appomattox! There is a man in this Chamber still who wore the Confederate gray—and two and perhaps three who wore the Union blue! Half a century since the Constitution was amended by the rifle and the bayonet; since might made right; since gunpowder prevailed over logic! I never believed it possible that I could do it, but slowly and by degrees I have come to think that it was best for all concerned that the South was defeated; and for me to say that is a marvel to myself. Slavery was a curse which had to be destroyed ere the South and the world could advance. It was a curse for which the South was no more responsible than the North. Both sections were responsible—and both paid four long, bloody years of penance for their joint sin. It had to go, and while it went in the worst possible way and its going gave birth to an apparently unsolvable problem, still I, who was born in and of the Old South, am glad it is gone never to return. I am glad, also, that the idea of nationality has supplanted that of confederation, despite the dangers involved. And so I can find it in my heart to want to make the amphitheater at Arlington truly national in its scope.

I ask that the bill I introduce, together with the correspondence between the Secretary of War and myself, be published in the RECORD, and referred to the Committee on the Library.

The PRESIDING OFFICER. If there is no objection, that course will be adopted.

The matter referred to is as follows:

A bill (S. 6726) to make it the duty of the commission created to direct the construction of the Memorial Amphitheater at Arlington, Va., assisted by a board of officers of the Army and Navy, to make recommendations to Congress as to subjects for busts and tablets to be placed therein.

Be it enacted, etc., That it shall be the duty of the commission created by the act approved May 30, 1908, and continued for the purpose of directing the construction of the Memorial Amphitheater at Arlington, Va., by the acts approved March 4, 1913, August 1, 1914, and March 3, 1915, assisted by a board of officers of the Army and officers of the Navy which the President shall appoint, to submit to the Congress of the United States annually, before the first Monday in December and through the President, recommendations as to what, if any, busts or tablets shall be placed in the Memorial Amphitheater at Arlington, Va., during the ensuing year, and when said commission shall recommend the placing of a bust or tablet it shall also make recommendation as to size and artistic design thereof.

Sec. 2. That no bust or tablet commemorating any person or occasion except the inscriptions provided for in the original design for the Memorial Amphitheater at Arlington, Va., shall be placed therein without the authority of the Congress of the United States specifically granted in each case, and applications for such authority shall hereafter be made through the commission mentioned in section 1 of this act.

WAR DEPARTMENT,  
Washington, April 24, 1916.

MY DEAR SENATOR TILLMAN: In your letter dated April 19, 1916, you invited my attention to your previous request that I have prepared and transmitted to you two bills, one to permit Mrs. David Du B. Gaillard to install in the Arlington Memorial a tablet as a memorial to her husband, and the other bill of general character giving the Secretary of War power to determine what kind of monuments, both as to artistic design and size, to be installed, and also the causes or persons to be commemorated thereby. I regret that, due to the pressure of departmental business, your previous request was not promptly complied with.

The construction of the Arlington Memorial is under the direction of a commission consisting of the Secretary of War; the Secretary of the Navy; the Superintendent of the United States Capitol and

Grounds; Ivory Kimball, representing the Grand Army of the Republic; the commander of Camp 171, United Confederate Veterans of the District of Columbia; and Charles W. Newton, representing the United States Spanish War Veterans. This committee is charged with the duty of constructing—

"A memorial amphitheater, including a chapel, at the national cemetery at Arlington, Va., and in accordance with the plans of Carrere & Hastings, architects, of New York City."

The design prepared by Carrere & Hastings calls for inscriptions to be placed in certain places—names of persons and battles—and the contract calls for the making of these inscriptions. Inferentially, the commission directing the construction is authorized and required to select the names of persons and battles to be inscribed; but since the selection involves much delicacy, particularly with reference to sectional feeling, it has been suggested that a committee of Army and Navy officers and others be appointed to suggest names to the commission. This suggestion has not so far been acted upon.

While the design for the memorial provides certain places for the placing of busts and tablets, it does not extend to the character of such busts and tablets or the persons or occasions to be commemorated thereby. The placing of busts and tablets, therefore, is not comprehended in the existing contract, and the selection of names of persons for whom busts or tablets are to be placed is not a part of the duty or authority of the present commission. In respect of this matter it has been suggested that the selection of a subject for a bust or tablet should be an honor accorded by an act of Congress in each instance in order that the honor so accorded may be in keeping with the dignity of the memorial. Speaking for myself only and not for the others as a commission, I suggest that since the space in this memorial to be occupied by busts and tablets is designed to serve not only as a shrine for tributes to those who have rendered illustrious military services in the past, but also for memorials to those who may hereafter become entitled to commemoration in the Nation's greatest memorial, great care should be exercised in utilizing the space, and no individual case should be considered without reference to the claims of others.

I inclose herewith, in response to your request, two bills—one giving authority for Mrs. Gaillard to place in the memorial amphitheater a tablet in memory of her husband and the other providing that the commission created to direct the construction of the memorial amphitheater shall, with the assistance of a board of Army and Navy officers to be appointed by the President, recommend annually to Congress the names of persons and causes to be commemorated by the installation of busts and tablets in the memorial and the design and size of bust or tablet in each instance. In submitting these bills I do not act with the authority of the commission having under its direction the construction of the memorial since the commission has not been consulted with respect thereto, nor do I recommend the enactment of either bill.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

Hon. B. R. TILLMAN,  
United States Senate.

WAR DEPARTMENT,  
Washington, July 7, 1916.

Hon. B. R. TILLMAN,  
United States Senate, Washington, D. C.

DEAR SENATOR TILLMAN: I have your letter of June 27 in regard to the bill (S. 5752) to authorize Mrs. Gaillard to place in the Arlington Memorial Amphitheater a tablet to the memory of Col. Gaillard. Is there not some mistake in your information that this bill had been referred to the Arlington Memorial Amphitheater Commission? I am informed that the bill was not referred by the Senate committee to anyone, but that the committee has directed that the bill be reported favorably to the Senate, with amendments to make it conform to changes suggested in my letter of May 2. This action will, I suppose, meet your wishes in that direction.

With my letter to you under date of April 24, 1916, I sent to you, in accordance with your request, drafts of two bills. One of these is now pending as the bill (S. 5752) referred to above. The other was a bill to provide a general law for the placing of memorials to individuals in the amphitheater at Arlington. With my letter of May 2 I sent you revised drafts of each of these bills.

I believe that it is highly important that a general law of the kind referred to should be enacted for the protection of the amphitheater against the indiscriminate erection of memorials to those who may be selected for such distinction through momentary excess of popular emotion without well-founded reason. I would therefore be glad if you could introduce the general bill inclosed with my letter of May 2. Do you feel any hesitancy about this?

Sincerely, yours,

NEWTON D. BAKER.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. GALLINGER. Mr. President, I am always glad of an opportunity to do a courtesy to the Senator from South Carolina, but I confess that I regret the Senator has used some expressions in his speech, if I understood him correctly; but the close of his speech is certainly worthy of the highest commendation. The war is over, the sections are united—at least, we claim that they are—and I do not like to listen to severe criticisms of the action of the Government during that unfortunate struggle. Let us try to forget it all.

When I concluded my desultory remarks last evening on the District of Columbia appropriation bill, Mr. President, I suggested that I would probably have something further to say on the subject to-day. When I said that I had in mind the purpose of pursuing the line of thought that had engaged my attention and pointing out a great many other public improvements that ought to be made in the city of Washington, and that would require a liberal appropriation from both the Treasury of the United States and the treasury of the District of Colum-

bia. I have changed my mind about it, however, and will leave that for others, if they choose to take up the subject, feeling that perhaps on yesterday I pointed out enough needed improvements to warrant the passage of the bill as it has come from the Committee on Appropriations, and I trust that what I said may direct the attention of Senators to the need of future liberal appropriations for the development of the District of Columbia.

I was somewhat surprised yesterday to have eminent Members of this body—eminent in their profession as lawyers—say that this was not a municipal government. It was an entirely new thought to me, and it seemed to me that it was one that may well be inquired into a little further. For the purpose of trying to clear up this debated question I have gone to the statutes of the United States, and I think I have found sufficient evidence to sustain the contention I made that it is a municipal government and ought to be treated as such.

I turn in the first place to the United States Statutes at Large, volume 16.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I yield to the Senator.

Mr. WORKS. I do not know whether the Senator from New Hampshire included me in the statement that he made or not. If so, I have never claimed that the District of Columbia was not nominally, and by virtue of the statute, a municipal corporation. My claim is that it has no powers or functions to perform under the statute, but nominally it is a municipal corporation, and is so declared in terms by the act.

Mr. GALLINGER. Well, Mr. President, the Senator from West Virginia [Mr. CHILTON] certainly did not treat the matter as seriously as does the Senator from California, because the Senator from West Virginia said it was but a figment of the imagination, a mere shadow—without substance and without reason—a "mental attitude," to use the Senator's exact words.

I think it is well to put in the RECORD—it will take but a few moments to do it—what the statutes of the United States say on this subject. As I said, I turn to the United States Statutes at Large, volume 16, page 419, under the title "An act to provide a Government for the District of Columbia," a statute that was passed on February 21, 1871. The language of the statute is:

"That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act."

Now, turning to the act approved June 11, 1878, known as the organic act of the District of Columbia, declared as such by the Supreme Court of the United States, I find these words:

"The District of Columbia shall remain and continue a municipal corporation, as provided in section 2 of the Revised Statutes relating to such District, and the commissioners herein provided for shall be deemed and taken as officers of such corporation."

Section 2 of the Revised Statutes alluded to above, relating to the District of Columbia, is in substantially the same words as what I read from the act of 1871. Section 2 says:

"The District is created a government by the name of the District of Columbia, by which name it is constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this title."

Mr. WORKS. Mr. President—

Mr. GALLINGER. I yield to the Senator from California.

Mr. WORKS. The Senator will notice the fact that in the amendment which I offered the District of Columbia is denominated a municipal corporation. One of the objects and purposes of the amendment is to dissolve it as such.

Mr. GALLINGER. Yes.

Mr. WORKS. If that were not so, that portion of the amendment would be wholly unnecessary.

Mr. GALLINGER. I am addressing myself more particularly to what another Senator, the Senator from West Virginia said, because if the Senator from West Virginia was right in saying that the District government is a mere state of mind, a mere fiction, a mental attitude, the statutes that I have read ought to be repealed and something be put in their place.

Mr. President, I discussed at considerable length yesterday the question whether we ought at this time and under existing circumstances to change the form of government of this District. In doing so I argued that the amendment submitted by the Senator from California ought not to be agreed to, and



that we ought, in a more deliberative way, taking plenty of time to accomplish the result, investigate the matter thoroughly by a bill that should be introduced in both Houses of Congress, considered by committees, and debated on the floor of the House and the Senate, and thus reach a conclusion which would be wiser and better than any conclusion we can reach offhand by placing an amendment changing the form of government on an appropriation bill. I still hold to that view.

I want to say in a very few words that I hold no brief for the District of Columbia. I served on the committee for a long time. I made sacrifices of time and labor, sometimes of comfort, in trying to do my part toward developing the District. I had a dream which I still entertain that there is an opportunity to make Washington the most beautiful and attractive city on the face of the earth. I believe it is to-day in many respects as attractive and beautiful as any city on this continent or any city in any foreign land that it has been my privilege to visit. But there is a great deal yet to be done, and we ought to have open minds and liberal hearts in dealing with this great question. We ought not as the ex-Senator from Maine, Mr. Hale, used to say "stick in the bark" in dealing with this question, but we ought to practice a real liberality and wise generosity, and not haggle about the question as to whether we are appropriating a few dollars too much when perhaps we are appropriating a great many dollars too less.

I say I hold no brief for the District of Columbia. It does not make any difference to me what the legislation is; it will not affect me either beneficially or harmfully so far as I know. I have no interests here that can possibly influence me in the utterance of a single word or the casting of a single vote, and I give credit to every other member of this body for the same impartiality of feeling and the same honesty of purpose which I entertain for myself. So in any argument that I have made or may make regarding this bill I am simply representing an honest conviction, which may be wrong, because certain other Senators feel, notably the Senator from California, that he has a better method of the administration of the affairs of this District than is found in the statutes that I have quoted and under which we are operating to-day.

In holding that view, Mr. President, I trust that the amendment submitted by the Senator from California may not be agreed to. I appeal to Senators to follow the recommendations of the committee which gave days and weeks and months to a careful and conscientious consideration of all the questions involved in this controversy. The committee wanted to do the right thing, the members of that committee want to do the right thing now, and I feel sure that the conclusions that they reached after the most careful and conscientious investigation of the subject ought to be accepted by the Senate and become a part of the law.

I make this plea Mr. President, in the full belief that the committee under all the circumstances has acted wisely, and that the rejection of the recommendations of the committee will result in confusion worse confounded and utterly fail to solve the problem. Let us not act hurriedly but take time to review the matter in the light of what has developed during this discussion, which has been a most interesting and illuminating discussion. For one I am extremely glad that the question has been presented and that it has been discussed with calmness and kindness, and with a view to reach the very best possible results.

I said yesterday, if I remember correctly, that I appreciate to the fullest possible extent the work that the joint committee did. When I prepared the resolution which created that joint committee I felt that it would be a good thing for us to have a joint committee made up of members of the two Houses of Congress who were willing to do that work, inquire into the matter, and present their conclusions to the Congress of the United States. I did not feel that I could give the time or the attention to that work and I besought other Senators to take it up, and was gratified to find that three Senators of high intelligence, of splendid acquirements, were willing to give weeks and months to the consideration of the matter. I took occasion to read the report and was gratified to find that they had endeavored to go to the bottom of the questions involved.

I read the individual report made by the Senator from California, with which I largely agreed, with the single exception of his purpose to tear up by the roots, because that is what it means, the existing government and substitute a different form of government in its stead.

It will be of great benefit to us in the future to read the testimony and the findings of that joint committee, but I do not find, Mr. President, that the committee itself are fully satisfied

that they have found a better system, for the present at least, than the one that was created in 1878, which wise men, like the late Senator Allison, of Iowa, and he was one of the wisest men who ever sat in this Chamber, took so much interest in, and gave his time, thought, and ability to the creation of a statute that has worked so admirably during 38 long years.

Mr. President, this agitation for a change in the government of the District of Columbia is of recent origin. It is one of those things that burst upon the world apparently without any adequate reason. There were a few men who became dissatisfied because they were led to believe from a report made by Henry George and the testimony given by Mr. Herbert Brown, if I recall his name properly, that there were great abuses in the District of Columbia, that the system of taxation was all wrong, Mr. George arguing of course for his single tax idea and Mr. Brown arguing from data which have been utterly disproved by the testimony of men who knew very much more about the matter than did he. The agitation was started only a few years ago; it was taken up by a few men in Congress; and as a result we have been faced with the proposition that for some reason or other, inscrutable to me, we ought to proceed along different lines and get rid of the so-called half-and-half plan.

I said yesterday, and I want to repeat to-day, that if the Congress of the United States had been as liberal as it ought to have been, and had year in and year out appropriated from the Federal Treasury as much money as the citizens of the District of Columbia raised in taxation, and had applied that to the development of this city, there would have been no reason for faultfinding, and we would have had a much more beautiful city than we have to-day. But the Congress of the United States, for some reason or other, did not do it. There was a time when the District funds were not sufficient to meet its obligations under the act of 1878, and again I quote Senator Allison, because I served on the committee with him. He solved that problem by saying, "Why should the Government, which is rich and abundantly able to do this, not loan the District of Columbia funds sufficient to meet their obligations at 2 per cent interest, to be repaid?" and for a good many years the District of Columbia appropriation bills contained a clause under which advances of a certain amount, in some cases of very considerable amount, were made out of the revenues of the General Government; and be it said to the credit of the District that the taxpayers met that obligation, and to-day the District does not owe the Government a cent, but, on the contrary, has a surplus which, according to my notion, belongs to the District, but according to the opinion of some other people belongs to the Government and ought to be placed in the Treasury of the General Government.

My idea is, as I have already said, that this matter ought to go over for the present year at least. Of course I can not accept the proposition of the House of Representatives. It is unfair in every respect to the District of Columbia. We must have some other solution than that offered by the House. The Senate committee, after reviewing this whole subject, after taking into consideration the report of the joint committee, concluded, in its wisdom or unwisdom, that it is a proper thing to continue the existing system at least for another year, and they have so reported.

Now, Mr. President, there is a strong reason why that should be done. It will save a good deal of friction. It will save, according to my notion, a good deal of legislative action which will become necessary if we change the form of the District government.

I have called attention to the fact that there are more than a hundred statutes on the books which to-day provide that they shall be administered on the half-and-half principle, that appropriations shall be made on the half-and-half principle. Recently we voted to erect a bridge, the Francis Scott Key Bridge, across the Potomac River to take the place of the old Aqueduct Bridge. We provided that the District of Columbia should pay one-half of the expenses and the Government one-half the expenses, and we are going along in that way at the present time. The Senator from California says that his proposed change will wipe away all those statutes—in other words, repeal them.

Mr. WORKS. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. WORKS. The Senator is entirely mistaken in that statement. I said no such thing. The Senator must have misunderstood me.

Mr. GALLINGER. I will be glad to have the Senator state what he did say.

Mr. WORKS. I did not say it would wipe out the statutes. I said the statutes continue in force. The only change that

could possibly result from the amendment would be that the money should be paid out of the National Treasury instead of the pretense that half of it is paid out of the National Treasury and half out of the District treasury that does not exist. It does not affect those statutes in the least.

Mr. GALLINGER. How those statutes can remain in force when they provide in terms that one-half of the money shall be paid out of the Treasury of the United States and one-half out of the District of Columbia if the law shall be changed and the half-and-half principle is repudiated, I confess that is legal reasoning that I can not follow, and I think it will need revision on the part of as distinguished a jurist as the Senator from California.

Of course, I am talking as a layman. I am simply looking at what I think is the common-sense view of the situation. I believe, in view of my contention, that we ought not to be hasty in this matter, that we ought to restrain our impetuosity, to use a phrase that has a very significant meaning sometimes when it is applied, and take time to look this matter squarely in the face a little further and ask ourselves seriously whether we have yet reached the point where we can do what is proposed without doing violence in other directions.

The law as it is on the statute book has worked well. It has resulted in splendid achievements, and it would have worked still better and resulted in greater achievements if the Federal Government had met in good faith the terms of the act of 1878 and appropriated money sufficient to equal the amount that the taxpayers of the District have contributed.

Last evening I looked out of my window and saw some other things that have been accomplished under this law, and I again indulge the dream that has been a fancy with me for a long time as to what this District may be, as to what this city may be, if we divest ourselves of provincialism and take a broad and comprehensive and liberal view of the duties and responsibilities we owe to the District of Columbia.

Mr. President, I said yesterday, and I repeat to-day, so far as I know there is not a citizen of New England who has not a personal pride in the District of Columbia and in the city of Washington. They feel as we ought all to feel that we are stockholders in this enterprise, and they feel as we ought all to feel that we can not be too liberal in our appropriations for the purpose of carrying on and developing a great city like Washington.

The law that is on the statute books was placed there, Mr. President, because of certain irregularities that had prevailed in the government of the city. The law has answered its purpose. It has resulted in wondrous improvements and marvelous development, and I confess that I can not for the life of me see why we should to-day, responding to a clamor that has little substance as I view it, repudiate that law and adopt offhand a new system that is untried and that may or may not work well.

Now, I want to say just a word and only a word on the amendment submitted by the Senator from California. The present law proposes that the District of Columbia shall raise by taxation a certain amount and that the Federal Government shall appropriate an equal amount for District purposes. Had that been done in good faith we would have had no agitation about this matter.

Mr. President, the estimates for this year are \$15,000,000 and a little over. In the judgment of those who have charge of the municipal affairs of this District they say they can use to advantage that amount—indeed, in my judgment they could use from \$20,000,000 to \$25,000,000 to advantage.

Mr. SMITH of Maryland. If the Senator will pardon me, it was in evidence by the commissioners before our committee that there were many things they thought ought to be estimated for that they left out and they did not estimate all that they thought would be required.

Mr. GALLINGER. The Senator is right. I called attention to some of them on yesterday. But they estimated \$15,000,000 and a little over—the exact figures are \$15,473,676.34—as necessary to carry on the work that they had mapped out and which they thought was imperative at the present time, leaving out items covering millions and millions of dollars that any liberal-minded man would say ought to be appropriated for at the present time.

Now, we are confronted with a bill which in place of carrying \$15,473,676.34 carries \$11,931,817.34. Of course, the Senate is trying to remedy the matter, but, as I said yesterday, he would be a rash man indeed who believes that the additions that the Senate committee have made to this bill will be agreed to as a whole in conference, which carries substantially the amount estimated by the commissioners, being \$324,000 below the estimates, and that was left because individual Senators will doubtless offer amendments which will require that amount,

Now, what does the Senator from California propose? The Senator from California proposes that the \$7,735,377.50 which have been collected in taxes from citizens of the District of Columbia the present year shall be turned over in a lump sum to the Treasury of the United States, and that then the Congress shall appropriate whatever additional sum they think is necessary. To my mind, it is a system which will be infinitely worse than the present, and it ought not to be seriously considered, because we must constantly keep in mind that we are dealing with men, a considerable proportion of whom I am safe in saying have not taken the trouble that you have, Mr. President [Mr. SAULSBURY in the chair], or that the Senator from California has or that the Senator from Maryland has, to acquaint themselves with the actual needs of the District. The House of Representatives, acting upon its rights in the matter, concluded this year to cut down the estimates almost \$4,000,000.

If we take the approximately \$8,000,000 that the District have taxed themselves with, and I am glad to note that the joint committee found that the taxation in the District of Columbia was sufficiently high, because it certainly is, and then allow Congress, composed of two bodies to add such amount as they choose, it goes without saying, Mr. President, that there may be a parsimonious Congress which will make a very small addition to the revenues derived from taxation in the District of Columbia. As I suggested yesterday, while the citizens of the District are raising to-day \$8,000,000, 10 years from now, if the development of this great city goes on, as I hope it will, and as it ought to go on, the chances are that they will be raising \$15,000,000, and is it conceivable that a Congress composed of men, some of whom feel that the Government ought not to make any appropriation for the support of the government of the District of Columbia, should conclude that the District ought to take care of itself? It is not an idle dream, it is not a fancy; it may happen if we change the form of government as suggested by the Senator from California.

Now, Mr. President, I simply want to repeat that I trust the Senate will strongly stand by its committee and reject the amendment submitted by the Senator from California and that it will agree to the amendment that is proposed in the bill as it comes from the committee. In that way it will instruct its conferees to stand firmly, for the present at least, for the existing order of things and not try an experiment that may be a failure; indeed, that may be disastrous to the best interests of this great city, of which we are all so proud.

I want to see Washington the city beautiful of the world. I wish I might flatter myself that I will live long enough to see that, but, whether I live long enough to see it or not, I believe that some of these pages at least will live to see this city surpass in beauty, in grandeur, in all that goes to make up a great municipality, and in this way become the leading city of all the cities of all the nations of the earth.

Mr. POINDEXTER. Mr. President, I confess that I rose not so much for the purpose, in fact, to discuss the question which the Senator from New Hampshire has just now been discussing in such a very interesting and well-informed way, as to take advantage of the opportunity to occupy a very few minutes—because of the probable difficulty of getting any other opportunity in the state of the business of the Senate—to talk about a matter that is really not germane to this bill, but one which is of very great importance, and to which I will refer in a few minutes.

In passing, however, Mr. President, as I have listened to the debate upon the amendment offered by the Senator from California and the discussion as to whether or not Congress in this appropriation bill should abolish the District of Columbia, it has seemed to me to be a strange proposition to present to the Senate or to receive any consideration in the Senate, in view of the fact that the District of Columbia is established by the Constitution of the United States and can not be abolished by any act of Congress. Of course, everyone is familiar with the provision of the Constitution of the United States relating to the District of Columbia, but it may not be improper to read it in order to refresh our memories in this particular debate as to the exact status of the District of Columbia in the fundamental law of the land. Among the powers vested by the Constitution of the United States upon the Congress is the following:

To exercise exclusive legislation in all cases whatsoever over such district, not exceeding 10 miles square, as may by cession of the particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, etc., for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

It would not seem that a difference of opinion could arise, even among lawyers, under the very specific and unequivocal



language of that provision; but nevertheless the question has in times past been carried into the courts, and the Supreme Court of the United States, although it would seem to be a work of judicial supererogation, in case after case—a number of which I have already cited in connection with legislation in which I am interested, relative to the establishment of the franchise in the District of Columbia and the election of a Delegate to Congress—decided that this constitutional provision means exactly what it says, and nothing else; that there is no other power in existence which can legislate for the District of Columbia in any respect, and that the exclusive power rests in the Congress of the United States. Of course, under that decision the District of Columbia could not be abolished and the fundamental structure of its government could not be changed except by an amendment of the Constitution of the United States. The amendment of the Senator from California, at the top of page 2, provides:

That the municipality of the District of Columbia shall, upon such conveyance of its property, be, and it is hereby, dissolved and abolished, and its powers, duties, and obligations transferred to and vested in the United States.

Why, Mr. President, while that amendment would abolish the corporation of the District of Columbia, which has been created by a statute, it would not in any way whatever increase the powers of the United States. That corporation and the Commissioners of the District of Columbia, who are referred to later on in the amendment, are the mere agents of the Congress of the United States for exercising its exclusive legislative jurisdiction. So the act of transferring, as the amendment provides, to the United States the powers, duties, and obligations now vested in the municipality of the District of Columbia is wholly unnecessary to accomplish that object, because that situation already exists. The amendment proceeds on the same page to provide:

That until otherwise provided by act of Congress the officers of the District of Columbia shall be and continue as the officers of the National Government, and shall perform for the Government the same duties now performed for the District of Columbia, and be subject to all laws and rules and regulations now in force as to their appointment, terms of office, and removal until otherwise provided by law.

Substantially that does not change the situation in any material respect whatever. So I fail to become interested in the importance of the question which is being debated. Those officers are already subject to all of the laws, rules, and regulations which may be passed by Congress. The amendment provides that there shall be no difference in their duties; that they shall continue to perform the same duties as now performed; and that they shall be subject to the regulations now in force in the District of Columbia until otherwise provided by law. That is already the case. At any time Congress provides otherwise by law those regulations would be changed whether this amendment is adopted or not.

So as to the provision on page 4 of the amendment:

That until otherwise provided by act of Congress taxes shall be levied, assessed, and collected as now provided by law.

It is not necessary to adopt this amendment in order to establish that state of affairs. Taxes will continue to be levied, assessed, and collected as now provided by law until another law specifying some different method is enacted. Such other law can be passed at any time by the Congress regardless of the action upon this amendment, and will have to be passed by the Congress if such change is made, whether this amendment is adopted or not.

Mr. President, the creation of the Commissioners of the District of Columbia and the incorporation of the District of Columbia are simply the exercise of that additional power which was specified in the Constitution of the United States immediately following the section which I have just read, vesting in Congress the power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The District of Columbia is firmly founded in the Constitution of the United States; the present agencies of its government are the immediate and direct agents and representatives of Congress. It can not be abolished without changing the Constitution, and any legislation to put these powers into the hands of Congress is wholly unnecessary.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. I yield to the Senator from South Dakota?

Mr. STERLING. While I am not at all in sympathy with this amendment, I want to ask the Senator from Washington if he

is of the opinion that the amendment itself contravenes the Constitution of the United States?

Mr. POINDEXTER. Not at all.

Mr. STERLING. The Senator thinks that the amendment does not contravene the Constitution?

Mr. POINDEXTER. Not so far as I have examined it. I do not contend, and nothing that I said would indicate, that the amendment in any way contravenes the Constitution of the United States.

Mr. STERLING. I rather inferred from one of the Senator's expressions that he had so contended.

Mr. POINDEXTER. What I was arguing was that the amendment seeks to accomplish something already accomplished by the Constitution of the United States. I think the amendment is wholly superfluous. I have not argued the more specific question of the advisability of the present method of carrying out the powers of Congress—whether we should have laws as to taxes and as to the powers of the commissioners enacted from year to year, at each session of Congress, rather than having it in the supposed more or less permanent form of the agents already created by statute. That is another question. So far as that is concerned, there is nothing provided in the amendment of the Senator from California in the way of such administration to take the place of the present administration. It simply provides that these agents shall go on until some other provision is made, so that it leaves us just where we were in the beginning.

I expect to vote against the amendment, but it was not for the purpose really of discussing it that I rose. There is a measure on the calendar of the Senate, which has been favorably reported by the Committee on the District of Columbia, which establishes a very carefully worked out and modern electoral system in the District of Columbia, and which provides for the election of a Delegate from the District to Congress. It has been my opinion and it was so when I introduced the bill, that it would be not only in the interests of the District of Columbia, but would be in the interests of all of the States as affected by the work of their Representatives and Senators in Congress, that Congress should have the benefit of some representative of the District, who would have no other immediate obligations than those relating to the District, whose whole time could be devoted to the study of questions in which the District was particularly concerned, not vesting him with any great power but establishing such a Delegate for the benefit which Congress would get from his information and from the light which he would be in a situation to get on the various questions that from time to time, during so large a share of the time of Congress, have to be acted on, that relate exclusively to the District of Columbia.

It would be advantageous also for another purpose. The present disfranchised condition of 300,000 people in this District is not in harmony with the times or with the spirit upon which our Government is founded; it is not in harmony with the principle of a participation by the people in government.

It would be, Mr. President, a benefit to the entire country, to Congress, and to the people of the District of Columbia, if there were some means, some channel through which and by which their views upon the vital questions which necessarily concern them as residents of the District of Columbia could be ascertained, and could be expressed in a formal, solemn, and legal way; not that this Congress, which has exclusive legislative control over the District, would be bound by those expressions, but that it might be enlightened by them; that it might be so advised and aided.

So, Mr. President, I expect at the proper time to urge that bill upon the consideration of the Congress; but I agree with what has been said by the chairman of the District Committee, who is in charge of this bill [Mr. SMITH of Maryland], and by the Senator from New Hampshire [Mr. GALLINGER] that it is better that measures of that kind, involving substantial changes in the status of the people of the District of Columbia, should be separately considered, and considered at more leisure and with greater attention than it is possible to obtain in the more or less formal and perfunctory method in which of necessity appropriation bills are considered. So, upon the suggestion of the chairman of the committee and of its senior minority member, I shall not offer that bill as an amendment to this one; but I expect at a later date to bring it up and to ask for a vote upon it, it having been favorably reported by the District Committee.

Mr. President, I want to say a very few words at this time in expression of disappointment that the Senator in charge of the immigration bill, House bill 10384, has not found an opportunity or taken opportunity to present it to this body for an expression of the Senate's opinion upon it. That, Mr. President, is a bill of far more importance than the amendment to



the District bill which the Senate has been engaged in considering now for two days. The immigration bill is a measure upon which the Congress is fully advised, upon which from time to time it has expressed its opinion, both Houses having acted upon it favorably, and on one occasion at least the Senate having passed it notwithstanding the veto of the President.

Mr. President, for some time we have been discussing here various kinds of national defense. We have passed a vast mass of legislation for national preparedness of various kinds. The attention of the Senate and of the country, through Senators whose words command attention, one of them being the chairman of the Foreign Relations Committee, has been called to moving acts of the great powers of the world looking toward compacts among themselves controlling international trade and industry and the effect which those compacts will necessarily have upon the people of the United States.

There are three kinds of national defense, each one of which is essential to a complete whole. One of them is military defense, physical defense, the ability to back up whatever position we may take through our proper representatives, with the necessary physical force in order to command the attention and the respect of the world. We have been making progress in that direction.

There is an industrial protection which also falls within the category of defense measures, each one of which is necessary to support and render effective the other. A just and proper protection against the conditions that will ensue after this world-wide war, which has upset the balance of the nations, changed the currents and the impulses of their people and of their trade, must be provided, in order that we may not be overrun by the products of different standards of living and industry under the conditions that will ensue when the preoccupation which is now engaging the great civilized powers of the world is ended, as it necessarily sooner or later, and probably sooner than later, must be ended.

But, Mr. President, although we may appropriate hundreds of millions of dollars for a Navy and for an Army, though the Senate amendments to the naval bill may become law, and a proper administration may construct the battleships, cruisers, and other implements of defense which those amendments provide, though we may increase our Army, improve the standing of our National Guard, provide for proper reserves, teach our young men the art of self-care, of self-defense, of self-discipline, of self-development, which will be necessary if this country is ever called upon to meet the crisis which will probably sooner or later be its fate, as it has been the fate of every civilization in the world—and though we may amend the tariff law and, with the utmost wisdom, establish schedules and classifications, and even a scientific system of administration, which this country has never yet done, those laws would not be sufficient to defend the Nation or its people or to preserve their economic, industrial, and social standards. If we shut out the products of cheaper labor, and yet allow the cheaper labor itself to enter our doors, of what benefit will it be to that great element of our population in whose name the great principle of protection has prevailed in this country? Though we are able with fleets and armies to meet and conquer any hostile military demonstration that may be made against us, if our doors are open to the influx of the millions from the lands from which those fleets and armies are sent, who quietly and insidiously come into the currents of our life, bringing with them their cheaper and perhaps lower, at least, different methods of work and of living, and industrial and family and social conditions, our armies and our protective system will be futile and of no avail. They will be undermined; the great structure which we will have erected will be eaten away at its foundation. While we are in the act of admiring its finished form and its beautiful outline, we will witness it crumble into ruins.

Mr. President, it is for the purpose, in part at least, of meeting that insidious danger—more of a danger now than it has ever been at any time since we have been a Nation—that the immigration bill, which has had so much of the favor of Congress, having passed both Houses on two occasions, which has been so carefully wrought out and with so much patience and so much labor, should be taken up and enacted by Congress. So I call attention to the time that the Senate is occupying with matters of lesser importance, some of them of no importance at all, but of perfect inutility, while begrudging the shining hour which we might improve by adopting this essential measure for the welfare of all our people.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield to the Senator from Idaho.

Mr. BORAH. Has the Senator worked out in his own mind how we can get a hearing upon the immigration bill?

Mr. POINDEXTER. I have expected myself, Mr. President, to make an effort in that direction by moving on some occasion, if the strategic parliamentary situation seemed to justify it at all, the consideration of the immigration bill, and asking for a roll call upon it. Whether such an opportunity will be presented I do not know. I am very much afraid that I will not be able to be present at all times when those opportunities might occur, but if such an opportunity does occur, although I should hesitate very much to do it, and would do it in a very humble and contrite spirit, I nevertheless would make such a motion and insist, so far as I was able, upon a vote upon it.

Mr. BORAH. As the Senator has said, the immigration bill has been debated and debated and passed upon, and it would seem that it might very properly pass the Senate without practically any discussion at all. I suppose every Senator here has fully made up his mind with reference to the merits of the bill, and has in all probability expressed himself upon it; and so I hope the Senator will find an occasion to give the Senate an opportunity to vote on it.

Mr. POINDEXTER. I am glad the Senator has suggested it, and I am very much encouraged by his expression. The first morning hour that we have after an adjournment of the Senate I give notice that I shall move, at the conclusion of the routine morning business, that the Senate proceed to the consideration of House bill 10384, to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. BORAH. Mr. President, I hope the Senator will do that. I have offered that bill, as the Senator perhaps knows, as an amendment to what is known as the child labor bill.

Mr. POINDEXTER. I know the Senator has done so.

Mr. BORAH. I did so with some hesitation, because I do not want to do anything to impede or embarrass the passage of the child-labor bill, and I should be very glad if some other means of getting the immigration bill before the Senate were found to be practicable. If so, I should not undertake to present the immigration bill as an amendment to the child-labor bill.

Mr. POINDEXTER. I was much gratified at the notice that the Senator from Idaho gave, that he would take that action. I would be gratified at any indication of interest in regard to the immigration bill looking toward its enactment, although I realize the hesitancy of the Senator from Idaho, a hesitancy which I feel myself as a minority Member, to intervene and assume the responsibility of pushing forward a bill which has been favorably reported by the majority of the Committee on Immigration; but, nevertheless, Mr. President, as the days go by, as the time of the Senate becomes more and more occupied by the more immediate questions of money appropriations, and as final adjournment looms larger and larger to the immediate sight, it seems to me that the Senator from Idaho is justified in what he has done; and while I would much prefer to see a vote upon the bill alone, not encumbered by even the child-labor bill, because, while I am strongly in favor of the child-labor bill and very much interested in its enactment, there are many Senators here who are very violently opposed to it, and their opposition to that bill would, of course, impede the enactment of the immigration bill if attached to it. So I thought I would supplement the action of the Senator from Idaho by moving to consider the immigration bill separately, upon its own merits, not encumbering any other bill and not being in its turn encumbered by any other bill.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I am glad the Senator has given the notice that he has, but I hope he will not, without considerable thought, commit himself to the proposition of the Senator from Idaho [Mr. BORAH] to attach the immigration bill to the child-labor bill. I feel an intense interest in both of those bills and hope they may pass; but it seems to me it would be very injurious to the final success of the child-labor bill to have the immigration bill attached to that bill as an amendment. There is no connection between the two subjects whatever. Moreover, the immigration bill has once been vetoed by the President, and the probability is that it would again be vetoed, notwithstanding the child-labor bill might be attached to it.

Mr. POINDEXTER. Mr. President, if the Senator will allow me, what I approved of was rather the activity of the Senator from Idaho [Mr. BORAH] in calling attention to this immigration bill and in agitating it rather than the question of whether I would approve of attaching it to the child-labor bill. I agree with the Senator from Iowa in what he said in regard to that. I do not know that I would vote to attach the immigration bill to the child-labor bill, but I am very glad indeed to see the Senator from Idaho bringing the question forward.

Mr. REED. Mr. President—



Mr. POINDEXTER. I yield to the Senator from Missouri.

Mr. REED. Mr. President, since we are wandering from the main question, and the suggestion has been made by the Senator from Iowa and is in a general way brought forward in this colloquy as to the effect of attaching the immigration bill to the child-labor bill, I thought perhaps the Senator would pardon me if I contributed my mite to the discussion.

Mr. POINDEXTER. I will conclude in probably five minutes.

Mr. REED. I shall be very brief.

It is well known that a large majority of the Democratic Members are earnestly in favor of the child-labor bill. It is well known, and has been publicly announced by the Democratic leader, the Senator from Indiana [Mr. KERN], that it has been determined on this side to make the child-labor bill the next unfinished business. If Senators upon the Republican side will contribute their assistance the child-labor bill will be passed within a few days' time. Now, it is also well known that the President will sign that bill, and therefore if the course I have just suggested is taken the child-labor bill will become a law at this session of Congress.

Mr. POINDEXTER. I am very glad to hear that. Now, if the Senator will pardon me, I will continue what I have to say.

Mr. REED. But will the Senator just let me add one or two sentences, so that my statement will not be cut up?

It is well known that the President vetoed the immigration bill. It is well known that there will be bitter opposition to its passage here in the Senate, but it is also known that there is probably a majority of the votes for it. But if you attach it to the child-labor bill it will mean a delay, and a great delay, in the passage of the child-labor bill; and if the two bills go to the President together he must sign the two measures or veto the two measures.

In view of the fact that he vetoed the immigration bill before, giving very strong reasons for it, it follows that he will almost certainly be compelled to veto both of these measures if they are tied together. Therefore I say that no sincere friend of the child-labor bill ought to want to jeopardize it by attaching the immigration bill.

I say to you, further than that, that it is well understood that the Democrats have determined on their side to ask the Republicans to agree to a day certain to vote on the immigration bill in December, and are ready to make that agreement.

Mr. KERN. The first day.

Mr. REED. The first day of the session, if you want it; and if you do not do that, if agreement is refused by the Republicans, the Democrats in their conference have pledged themselves to make it the unfinished business. Now, under those circumstances no sincere friend of the child-labor bill ought to want to jeopardize it by tying to it the immigration or any other bill.

Mr. BORAH rose.

Mr. POINDEXTER. Mr. President, if the Senator will pardon me just a moment, I will yield. Of course the Senator from Missouri has stated the very program which the friends of the immigration bill apprehended would be undertaken; that is, to postpone action upon it until after the elections. What a great many friends of the immigration bill want particularly is a vote on the immigration bill before the election. My opinion is, without casting any reflections on anybody at all, that the defeat of the immigration bill on past occasions has been due to the fact that the vote, notwithstanding the veto of the President, took place just after the election instead of just before it, and that is very likely to happen again. Now, I will ask unanimous consent of the Senate that at the conclusion of the routine morning business on the next day on which we have a morning hour we proceed to the consideration of the immigration bill, H. R. 10384.

Mr. OWEN. Mr. President, it is my purpose, if no other Senator does so, to move the consideration of the child-labor bill immediately after the conclusion of the District appropriation bill. I therefore object to the proposed unanimous-consent agreement.

Mr. POINDEXTER. I will make a motion later, Mr. President, to take up the immigration bill at the earliest opportunity, the first morning in which we have a morning hour, if I can be recognized for that purpose.

Mr. HARDWICK. Mr. President, will the Senator yield just for a moment?

Mr. POINDEXTER. I will yield for a question.

Mr. HARDWICK. Well, not exactly a question; but I do not want to make a speech.

Mr. POINDEXTER. Very well.

Mr. HARDWICK. I simply wanted to controvert the proposition advanced by the Senator from Missouri [Mr. REED]

that there has been any binding Democratic caucus action to the effect that the immigration bill is not to be considered during the present session. Of course I do that with all personal deference to the Senator; but my information is that there was no binding action taken in that respect and that there was a bare handful of people present and no vote even taken on the question. So I say that for one Democratic Senator I do not feel bound not to vote to take up the immigration bill.

Mr. REED rose.

Mr. POINDEXTER. I decline to yield further at this time.

Mr. REED. I want to clear up that matter. Will not the Senator let me clear it up?

Mr. POINDEXTER. The Senator will have an opportunity to do so in just a moment.

Mr. REED. Well, all right. The Senator has been very courteous, but I simply wanted to—

Mr. POINDEXTER. It goes on indefinitely. One thing leads to another.

Mr. REED. No; it will not.

Mr. POINDEXTER. If I were going to occupy the floor for any length of time, I would yield to the Senator.

Mr. REED. I will agree to get through in a minute.

Mr. POINDEXTER. I will yield the floor in a moment.

Mr. REED. Very well.

Mr. POINDEXTER. Mr. President, to call attention to a particular situation which calls urgently for the consideration of the immigration bill, I refer to the illegal and very active immigration of Chinese laborers into the United States, particularly over the border line between British Columbia and the State of Washington. This immigration bill codifies the immigration laws. It changes their administration to some extent.

I have ventured to offer and have printed an amendment to the bill applying to the Immigration Service the same principle that has been found so salutary in the administration of the War Department, intended to do away as far as possible with bureaucrats and bureaucracy, providing that the chiefs of bureaus in the Immigration Service and all officials, except the Commissioner General of Immigration—who is appointed as a matter of political patronage—shall be detailed from the field service, and that at the end of four years they shall return to the field service.

Now, it is thought by men of experience and contact with the problem with which our people are confronted in this unfair competition of Chinese and other foreign labor that that amendment would put the Immigration Service upon a more efficient basis, that it would put it in charge of men with practical knowledge of these problems, and that it would do away with some of the conditions which seem to a "man up a tree" very mysterious.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I do.

Mr. GALLINGER. I have been unavoidably absent from the Chamber for a little while. I should like to ask the Senator from Washington what provision of the District of Columbia appropriation bill he is discussing?

Mr. POINDEXTER. I am discussing the amendment of the Senator from California [Mr. WORKS]. I have also made some brief reference to a bill which I introduced for a Delegate from the District of Columbia.

Mr. GALLINGER. All right.

Mr. POINDEXTER. Mr. President, the State of Washington is the chief point of entry of Chinamen into the United States. I am making this statement now with particular reference to what I last referred to—the inefficiency of the administration of the immigration law, and the opportunity, if this immigration bill is put upon its passage, to amend it and incorporate in it some salutary measures for the purpose of enforcing the law after we have passed it.

The labyrinth of protected waters lying along the boundary between that State and British Columbia, and the great extent and more or less unsettled condition of the forested and mountainous region through which runs the entire northern boundary of the State, separating it from the Province of British Columbia, make exceptionally favorable conditions for the illicit entry of Chinese and other aliens into this country.

Accentuating this opportunity for the violation of the immigration laws is a contract which has been entered into between the immigration service of the United States and the Canadian Pacific Railway, under which the Canadian Pacific Railway furnishes offices for United States immigration inspectors at its Pacific coast terminals, and the United States immigration serv-

ice conducts there at the Canadian port of entry the examination of immigrants supposedly seeking to enter this country. A large force of United States employees is maintained in connection with the execution of that contract at Vancouver and other British Columbia cities, while the service in the United States itself is crippled without equipment of motor cars or motor boats, and other obvious essentials, in the efficient exclusion of prohibited immigration of Chinese and others. The Dominion of Canada, on the other hand, protecting its interests, has enacted a law requiring that all Chinese immigrants to that country shall come direct to a Canadian port of entry and not through the United States. This statute, together with the contract of the United States officials with the Canadian Pacific Railway, referred to above, strengthened by the placing of headquarters of the United States service for that boundary in Montreal, transfers to a foreign soil practically the entire administration of our immigration laws on the Canadian border while the service in the United States finds itself largely confined to a weak and halting attempt to punish offenders long after the damage has been committed, namely, by the weak effort to arrest illicit immigrants after they are in the country and have become absorbed into the population, instead of keeping them out in the first place. It diverts Chinese immigration into the United States to Canadian railways and over Canadian territory, while absolutely relieving Canada of Chinese immigration through the United States, while our border itself is, to all intents and purposes, left wholly unprotected. The American immigration office in the Canadian Pacific Railroad building at Vancouver, which is so vitally connected with Chinese immigration into the State of Washington, has no direct relations with the immigration service in the State of Washington, but is under the direction and control of the United States office in Montreal.

The great war in Europe, in which Canada is involved, has made the United States especially attractive to certain classes of residents of British Columbia and other Provinces in the Dominion of Canada as a refuge and asylum from the exactions of the war. The depression of industry in Canada by the absorption of the energies of the country in war has resulted in a condition of unemployment and afforded an additional reason why aliens of various kinds domiciled in Canada should especially desire to enter the United States, regardless of the restrictions of our immigration laws. Far more important than this, however, is the great desire upon the part of those interested in Chinese immigration to import Chinamen into the United States. A considerable money value attaches to every illicit entry of a Chinese laborer, and a flourishing illicit industry in the smuggling of these orientals into this country has developed and grown to gigantic proportions. Powerful interests are connected with it and extraordinary influences manifest themselves in the protection against criminal prosecutions of those arrested for this crime.

Instead of organizing its forces and strengthening its lines of defense against this tide of cheap labor competition and for the enforcement of the important laws, which have been placed upon the statute books for the protection of our standards of labor and civilization, the Immigration Service, in the face of increasing violations, has grown weaker and weaker. Men have been laid off or furloughed without pay in large numbers, and the whole organization of the Immigration Service in relation to alien immigration through the State of Washington, and particularly illicit Chinese immigration, is organized upon an illogical and inefficient system and theory. The chief immigration office, or what ought to be the chief immigration office, of the service in that State is located in the great city of Seattle, but instead of the authority of the United States being represented there by an official with power to direct the service and to enforce the laws the entire work is supervised by an official located, not in the United States but in the city of Montreal, 3,000 miles away, or through bureau officials in the city of Washington, who have not the slightest practical knowledge of the conditions involved.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Washington allow me to ask him a question right there?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from South Carolina?

Mr. POINDEXTER. Yes; I yield to the chairman of the Immigration Committee.

Mr. SMITH of South Carolina. The Senator doubtless has carefully read the present pending bill. Does he not think that that difficulty would be relieved by the present bill?

Mr. POINDEXTER. That is the reason why I am urging that the bill be taken up and passed.

Mr. SMITH of South Carolina. Yes; I thought that was it, and we found—

Mr. POINDEXTER. If the Senator will pardon me, of course it will not be relieved until the bill is passed.

Mr. SMITH of South Carolina. But the point I wanted to make was that that abuse is going on because, under the present law, we have to deport them to the foreign countries from which they came. The Canadian law almost prohibits sending them back once they have been smuggled in. The pending bill provides that they may be sent back to the country of their origin, regardless of where they come immediately to this country.

Mr. POINDEXTER. It is another illustration of the superior sagacity displayed by others in the international arrangements which have been made with the Canadian officials. They have gotten a much better situation for themselves than we have for ourselves. The same thing appeared in the treaty that was made for the regulation of the salmon fisheries, a most important industry along the boundary line threading the Sound waters between the State of Washington and British Columbia, in which some ichthyologists undertook to go up against the good business acumen of the statesmen of Canada and got the worst of it; and apparently the same thing is true in regard to the immigration arrangements to which the Senator from South Carolina has referred.

Although I have had no conversation or communication of any kind whatever with the United States immigration commissioner at Seattle, I am thoroughly satisfied from information which I have obtained that he is an honest and efficient official, sincerely endeavoring to enforce the laws under the handicaps of Montreal supervision and constant interference from Washington, inadequate force, and absence of essential equipment.

As an instance of this sort of interference, very shortly after this commissioner was appointed at Seattle the special agent of the bureau at Washington appeared in his office and sought to impose upon the commissioner some person selected by the agent as the chief deputy of the office. Under a rule issued from the bureau relative to the investigation of the smuggling of Chinese into the country, all inspectors engaged in that work are required to report not to the chief official of the service—the commissioner at Seattle—but to the bureau's agent, whose principal office is in the city of Buffalo.

Another person whom this agent sought to have appointed to special duties in connection with the investigation of Chinese smuggling was a full-blooded, American-born Chinese interpreter, named Frank H. Tape.

These are some of the things I referred to a moment ago as looking quite peculiar. This American Chinaman, with whom the department's agent referred to was on terms of intimate friendship and personal association, whom the agent of the Immigration Bureau was desirous of intrusting with the investigation of Chinese smuggling in the State of Washington, received from the Government a salary of \$110 a month. Upon this apparent salary Tape maintained a sumptuous home in a fashionable district of the city with a white woman, whom he afterwards married. He maintained an expensive automobile and employed a chauffeur, with several other servants in his home. Upon an investigation, undertaken without the authority of the special agent of the bureau, it was discovered that during the preceding year Tape had deposited in a bank in Seattle between nine and ten thousand dollars, of which more than \$7,000 was in gold, silver, and currency. Upon examination Tape refused to explain how it was that he enjoyed this income upon a salary of \$1,320 a year. He was arrested and put to trial, during which powerful influences were brought into play to secure his acquittal, which ensued. A Chinese witness who testified against him was murdered, and in retaliation of the first a second murder was committed.

I do not care at this time to relate the persistent reports and rumors which were in general public circulation relative to the connection of these occurrences and certain features of the contract, described above, between the bureau and the Canadian Pacific Railroad with important officials of the United States Immigration Service. I desire only to call the attention of the Senate, of the service, and of the public, who are concerned in these matters, to events and transactions which have been fully exposed and which are within the personal knowledge of a number of responsible people. I do not care either to go into details of information which I have in my possession, but to state only a few of its essential features. I am offering an amendment of a very plain and inoffensive character to the bill, which has passed the House and is now pending in the Senate, dealing with this service. I ask leave to print that amendment at this point as a portion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.



The amendment referred to is as follows:

Amendment intended to be proposed by Mr. POINDEXTER to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, viz: Add at the close of section 24, page 55, line 16, as part of said section the following:

"The Assistant Commissioner General of Immigration, chiefs of division and assistant chiefs of division and all supervising officers of every description in the Bureau of Immigration shall be appointed by the Secretary of Labor from field officers of the Immigration Service for a period of four years' duty, at the expiration of which they shall return to the field service unless reappointed as hereafter indicated. Such officers may be reappointed for an additional period of four years' bureau duty, but no such officer shall serve more than eight years bureau duty until he shall have actually served four years in the field following said period of bureau service. Upon the taking effect of this act all supervising officers of the Bureau of Immigration who have served more than eight years in such position, except the Commissioner General of Immigration, shall be assigned to field stations."

Mr. POINDEXTER. This amendment, it is thought by some who have given especial attention to the question, will gradually remove some of the more flagrant abuses referred to. I would much prefer if these abuses had been corrected by the department itself upon their attention being called to them. It is true that there are energetic, diligent, and honest officials in the service, and through these the exposures which have recently been made of wholesale violations of the law, together with attempts to prosecute the criminals engaged therein, have been initiated. But, notwithstanding the fact that months ago urgent representations were made to the department of the complete demoralization of the immigration service in the State of Washington, complaints so varied, so well established by the testimony of prominent and responsible witnesses that they demanded attention and action, no apparent effort has been made to correct these flagrant abuses in so far as the actual prevention of the violation of the law is concerned. The people are entitled to an efficient and rigorous enforcement of the provisions of our exclusion acts, but the field force has continually been cut down where it should have been increased, while expensive establishments have been maintained where they were not essential, and instead of improving the service it has become completely demoralized.

I ask leave here to print as a part of my remarks a letter dated March 31, 1916, from E. P. Marsh, chairman of the Washington State Federation of Labor, dealing with the conditions of the administration of the immigration laws on the Washington-British Columbia border.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

WASHINGTON STATE FEDERATION OF LABOR,  
EXECUTIVE AND LEGISLATIVE COMMITTEE,  
Everett, Wash., March 31, 1916.

Hon. MILES POINDEXTER,  
Senate Chamber, Washington.

DEAR SENATOR: Referring to our conversation of last summer, and to my letter of January 7, last, relative to the immigration question and general conduct of the United States Immigration Service in this State, in which I requested that the working men and women of the Pacific Northwest be given some protection from the flood of unemployed pouring, unrestrained, over the border from western Canada, Chinese, and Europeans of every class, I wish to again bring the matter to your attention, my letter of January 7 being without reply, doubtless due to the many matters calling for attention this session.

Briefly, the immigration force in this State has been reduced, stations closed and men taken away, until it does not begin to be able to enforce the law. While this is the case, a large force of inspectors is maintained in British Columbia—Victoria, Vancouver, etc.—whose main business seems to help the Canadian Pacific take traffic from American roads. From five to seven men at a time were laid off without pay in this State, while at the very same time, a \$10 or \$12 a day file expert from the Immigration Bureau, Washington, named Heberle, was in the Seattle office arranging files, and is still there. While these men were laid off last year, the salary of this file expert would have paid the salary of several men laid off.

Chinese smuggling on a gigantic scale has been discovered within the past year. The Everett immigration officer unearthing one underground route in oil-tank cars, reported to have brought in 400 Chinese within a year; he discovered a second route in loaded-lumber cars, and others in automobiles and launches. In the face of this, there is not a cent available for auto patrol of the road. One gang, just discovered, confess to have landed Chinamen by wholesale at the foot of Pike Street, in the heart of Seattle—say they brought in about 2,800 Chinamen in two or three years, with a million dollars worth of opium. Seattle officers found the latter. Notwithstanding this, the active field officers have been steadily reduced on the plea of lack of funds, while at the same time, they spend the salary of two or three inspectors on a fancy file clerk in the office. There is apparently no hope of doing anything through the Bureau of Immigration until a change is made, hence I renew my request of January 7, 1916, and ask that you introduce a bill as follows:

"The Assistant and Acting Commissioner General of Immigration, chiefs of division and assistant chiefs of division, and all supervising officers of every description in the Bureau of Immigration shall be appointed by the Secretary of Labor from field officers of the Immigration Service for a period of four years duty, at the expiration of which they shall return to the field. Such officers may be reappointed for an additional period of four years bureau duty, but no such officer shall serve more than eight years bureau duty until he shall actually have served four years in the field."

"Upon the taking effect of this act, all supervising officers in the Bureau of Immigration, except the Commissioner General of Immigration, shall be assigned to field stations."

I am convinced that no change can be looked for in the present enforcement of immigration, contract labor, and Chinese exclusion laws until we have men at the head with some practical experience themselves in putting these laws into effect. What can the present force of department clerks be expected to know of conditions on the Pacific coast? Their mistakes and lack of knowledge are made at the bitter cost of the working men and women of the Pacific Northwest.

Wages in the State of Washington have been reduced below the level of existence within the past two years, due to the flood of aliens entering, unrestricted, from Canada. They have come over by tens of thousands. It is time a change took place, and I trust that you will introduce the amendment above set out.

Kindly favor me with half a dozen copies of the Burnett bill, as it passed the House.

With best wishes, I am, very truly, yours,

E. P. MARSH,

Chairman Washington State Federation of Labor.

Mr. POINDEXTER. The matter which I have put into the RECORD will serve to advise the public of these conditions, that they have been reported months ago, and that the department officials who were responsible have had full knowledge of them for a year or more.

As throwing some further light upon the relations existing between the agent of the bureau and those who were profiting by Chinese smuggling, was a telegram sent by the interpreter, Tape, referred to above, to which he signed the name of Fred Chew, addressed to the agent of the bureau at his office in Buffalo. This telegram was addressed to him shortly after the investigation of the unusual expenditures of the interpreter. The agent of the bureau replied to this telegram suggesting to Tape that he await a letter which the agent was then forwarding. In connection with the trial referred to, efforts were made to obtain this letter, but wholly without avail. This same agent is still representing the department at Buffalo in Chinese smuggling cases. The acquittal of Tape destroyed the hope of obtaining this letter, at least, for the time being, and also of further exposition of these relations. Tape was protected, and while I desire to make it perfectly plain that I have had no communication of any kind from or with them, directly or indirectly, I assert that efficient and capable inspectors, who had developed the evidence against Tape, were suspended from the service. This policy of punishing faithful officials was checked somewhat by the investigation which was conducted at Seattle by the Federal Commission on Industrial Relations, with Mr. Frank P. Walsh, as chairman, and certain changes were made in the bureau at Seattle which for the time being relieved the local immigration service in the State of Washington of the obstacles which had been interposed against its efforts to enforce the law. But this relief was only temporary. The crippling of the service was later continued with the results which have already been described.

Mr. President it is this sort of a betrayal of the people by those entrusted with the enforcement and administration of their laws that breeds discontent and creates a greater menace at home than military armaments abroad. One clear order from those responsible for this condition of affairs, giving complete authority to the representative of the Government in the immigration service in the State of Washington to enforce the immigration act upon its borders, with a reasonable number of men and reasonable equipment to make it practically possible for him to execute his authority, would remove the evils complained of and give to the people of our State and the country at large the protection which these statutes were intended to afford.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. POINDEXTER. I yield.

Mr. JONES. I merely wish to make a suggestion to my colleague. He submitted a request that the immigration bill be taken up by the Senate the next day we have a morning hour, or at the conclusion of the morning hour, and that was objected to by some one on the majority side of the Chamber—

Mr. POINDEXTER. It was objected to by the Senator from Oklahoma [Mr. OWEN].

Mr. JONES. Under the plea that he was going to call up the child-labor bill. I wish to suggest to my colleague that he submit a request that the immigration bill be made the unfinished business immediately upon the conclusion of the consideration of the child-labor bill.

Mr. POINDEXTER. I adopt that suggestion of my colleague. It occurs to me that it is a very excellent one, and I make that request for unanimous consent as he has stated it.

The VICE PRESIDENT. Is there any objection?

Mr. REED. You can not arrange a legislative program for the Democratic majority in that way. I object. I have been

objecting and I am going to continue to object to that sort of a proposition.

Mr. JONES. I suggest that we ought to be able to arrange it in the Senate if it can not be arranged in the Democratic caucus.

Mr. REED. Mr. President—

Mr. POINDEXTER. I decline to yield any further, Mr. President, and will conclude in a few moments.

Mr. REED. Very well.

Mr. POINDEXTER. I want to say when I conclude the Senator from Missouri will have an opportunity to answer all these things.

Mr. REED. I understand. I am very much obliged to the Senator for permitting me to answer in my own time.

Mr. POINDEXTER. The Senator is entirely welcome.

Mr. President, it is not so much a question whether this legislative program will be arranged in this way, as the Senator from Missouri says, as to whether or not it will be arranged at all. That is what we are particularly interested in. I do not care by what method the arrangement is made to have a vote upon the immigration bill so that we shall have a vote upon it. That is what we are aiming at; that is the result to be obtained.

The Senator from Missouri objects to arranging it in that way, and has just stated to the Senate—and I know it is nothing personal with the Senator from Missouri, because he stated it was done by those in authority upon the Democratic side of the Chamber—that not only had they not arranged to have a vote upon it, but they had arranged not to have a vote upon it until the winter session of Congress.

What I have said, Mr. President, in regard to the deplorable conditions of the service is not a light matter by any means—the necessity of our laboring men in competing on all hands with what is probably the cheapest labor in the world, with a standard of living utterly different from theirs, through the inefficiency both of the law itself and its administration along the northwest border of the United States. It is because it is serious and vital to labor in this country which makes it vital for everyone in the country.

I am not the special advocate of labor, but it is the foundation upon which our social and civic structure rests, and it is the material out of which we must draw the supply for the other classes of our citizens.

Mr. GALLINGER. Mr. President—

Mr. POINDEXTER. I yield.

Mr. GALLINGER. Passing through the Chamber a few minutes ago, I noticed that the Senator from Washington and the Senator from Georgia [Mr. HARDWICK] were having a little colloquy with reference to the immigration bill. I think I understood the Senator from Georgia to say that the majority had not determined not to take up the bill. The Senator from Washington now says he learns from the Senator from Missouri that the majority have determined not to take it up. Am I correct in that?

Mr. POINDEXTER. That was my understanding of what the Senator from Missouri said. He is present and will have an opportunity in a moment to state his position.

Mr. GALLINGER. I have never been permitted to enter the inner portals of the Democratic caucus, and I was about to ask the Senator from Washington whether he had learned exactly what action is necessary on the part of the majority to determine that a bill shall not be taken up. Is it decided by a majority vote, does the Senator know?

Mr. POINDEXTER. The Senator does not mean to intimate that I have been attending the Democratic caucus? I have been charged with a good deal of party irregularity, but I have not got quite so far as that.

Mr. LEWIS. Permit me to say to both Senators, there is time for reformation.

Mr. GALLINGER. I understood the Senator, who always speaks wisely. I did not mean to intimate that the Senator had been in the Democratic caucus.

Mr. POINDEXTER. No; that was only facetious.

Mr. GALLINGER. But I was a little curious to know how our Democratic friends settled the question, whether by a majority vote, a two-thirds vote, as they do in the national convention, or by a unanimous agreement.

Mr. POINDEXTER. That is a very pertinent inquiry of the Senator from New Hampshire in view of the feeling that has been manifested at different times on the Democratic side in regard to caucus rule and the desire which we all have for an opportunity on our side of the Chamber to participate, as far as our own votes go, in the disposition of a legislative program. I will say that the Senator was not present at the time of the remark to which the Senator from Georgia replied.

Mr. HARDWICK. Will the Senator yield to me?

Mr. POINDEXTER. I will yield.

Mr. HARDWICK. I do not want the Senator to misapprehend what I said, or certainly what I intended to say. What I intended to say and what I do intend to say is this: So far as my information goes there has been no authoritative or binding action by the Democratic caucus on the subject of whether or not the immigration bill shall be considered during the present session. It may be quite true that some resolution of an advisory character might have been offered from the few who were present at a late hour at night, but no attempt was made to bind the Democratic Party to any action in reference to this matter in the way provided by the rules of the caucus itself, according to my information.

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield?

Mr. POINDEXTER. I have concluded. I will yield the floor.

Mr. KERN. For the benefit of the Senator from Georgia, who was not present when the caucus adjourned, and who was there only a short part of the time, I desire to say that at the time of the adjournment all the Members who had been there before were there, save himself and two others, and—

Mr. HARDWICK. To correct the Senator's statement and make it accurate, there were never more than a bare majority there at all.

Mr. KERN. There were 33.

Mr. HARDWICK. Thirty, I think.

Mr. REED obtained the floor.

Mr. LEWIS. Clearing up a matter, does the Senator from Washington indulge in the belief that the immigration bill to which he alludes could carry with it a clause respecting Chinese and Japanese immigration that would override the treaties prevailing between those two countries and our own until the treaties themselves are superseded by similar laws of similar dignity, such as treaties?

Mr. POINDEXTER. My opinion is that a treaty is necessarily modified or repealed, in so far as it is in conflict with the law of the United States. But that question is not really involved. It is not necessary to discuss it. I assume we would undertake to proceed in a diplomatic way to adjust those questions, as the Senator from Illinois intimates we should do. I agree with him upon that; but, as a legal proposition, this is a sovereign country, and if we choose to proceed—whether we ought to or not—to repeal a treaty by a law of the United States we have the power to do it.

Mr. REED. Mr. President, my excuse for taking the floor just a moment ago is that the Senator from Washington [Mr. POINDEXTER] declined to allow me to utter a few words in completion of a colloquy in which I had been a party, so that the subject then under discussion was left without being finished. I confess to a little surprise that the Senator, whom I esteem very highly, denied me that privilege while repeatedly extending the courtesy of interruption to others.

Mr. POINDEXTER. If the Senator will allow me, I apologize. I certainly intended no discrimination. I have the most friendly feeling toward the Senator from Missouri.

Mr. REED. I know the Senator has.

Mr. POINDEXTER. My only desire was to conclude and give the floor to him.

Mr. REED. Now, Mr. President, in order that the entire question may be stated together, let me repeat very briefly what I said and then add the few words that are necessary to a complete statement of the proposition.

It is proposed or suggested by those who are, or claim to be, earnestly in favor of the child-labor bill to add the immigration bill to the child-labor bill as an amendment. The immigration bill, as all know, is absolutely foreign in every respect to the child-labor bill.

I ventured to call attention, and I now repeat what I said, that every informed man in the Senate is aware that the child-labor bill will, if it comes up by itself, have the support of a very large majority of the Democratic Senators. It is also claimed that it will have a very large support upon the Republican side of the Chamber. The bill has already passed the House of Representatives by an overwhelming vote.

It is also well known that if the bill is put upon its passage in the Senate, unless it is filibustered against by Republicans, it will be passed speedily, and at this session. While there is opposition among certain Members on this side, all of them so far as I have heard, and I think I have heard from all, have said that they would content themselves merely with expressing their views in opposition to the bill without an attempt to obstruct it. Likewise it is generally known that no obstructive tactics will be employed by the Republicans. So the situation is, if the bill



is let alone it will be passed at this session, and within a few days' time. The Senator from Oklahoma [Mr. OWEN] has stated in the open Senate that it is his purpose to move to make the bill the unfinished business after the conclusion of the pending District of Columbia appropriation bill.

Moreover, the Democrats had a conference, and I use the term in contradistinction to "Democratic caucus." At the conference there was present when the meeting was called to order 33 Senators. Afterwards 3 Members withdrew without excuse. Subsequently one or two others were excused, but by unanimous consent were permitted to leave their votes. That conference passed a resolution providing that this child-labor bill should be made the unfinished business immediately upon the conclusion of the District of Columbia appropriation bill. All this is well understood. Indeed our conference action was publicly announced both in the press and in the Senate.

Now, it is true that the conference vote or resolution was not under the rules of the caucus a binding resolution. It is only persuasive, and it is the only kind of a resolution that has ever been adopted in a Democratic conference or caucus in the five years I have been a Member of the Senate, with the exception of probably four or five occasions. It is the ordinary method of expression, not intended to absolutely bind as a party mandate but always regarded as highly persuasive and in a sense committing the party and its members.

Mr. HARDWICK. Will the Senator yield to me?

Mr. REED. Yes.

Mr. HARDWICK. Under the rules of that conference, as well as under the rules of common honor in politics, that sort of a resolution can not be very persuasive to a Senator who is pledged to his constituency.

Mr. REED. The Senator understands that even in our caucuses there are certain exceptions which, if they exist, exempt a member. Among them are these provisions, that a man's conscience or his pledges or his opinion that the measure is violative of the Constitution intervening he is not bound.

I am not claiming that any action of this Democratic meeting binds my good friend from Georgia or binds any other man save and except that as gentlemen get together and agree to confer, generally speaking, when there is a pronounced and decided vote most of them do abide by the will of the majority.

But I do not care to discuss caucus matters. I am presenting this situation to friends of the child-labor bill. I say to you that if you keep hands off and do not undertake to load this bill down by attaching to it another measure it is as certain as anything can be that has not transpired in this legislative body that the child-labor bill will be passed within the next six days of time. It is as certain as anything can be that has not transpired at the White House that the President will gladly affix his signature, because the country knows that he came over here to the Senate and urged that this bill be put upon its passage at this session of Congress.

So I am appealing now to the real friends of the child-labor bill to let that measure become a law and not to jeopardize it.

Now, what is proposed to be done? It is proposed by the friends of the child-labor bill, or by the ostensible friends of the child-labor bill, to add as a rider or amendment the immigration bill. When that is done, these gentlemen will have added to the child-labor bill another and different bill that will not bring a single vote for the child-labor bill. The men who assume that responsibility do so with their eyes open. They know the effect of their act. The country will also know; nobody will be deceived. The gentlemen who advance the scheme know that no additional vote to the child-labor bill is necessary; that it has an overwhelming majority in this body. What, then, will be the effect? They will add to the child-labor bill and make a part of the child-labor bill a measure that has already been vetoed by the President, and his veto has been sustained by the House of Representatives. What action might have been taken here I do not know, because the bill was killed before it reached us by the action of the House in sustaining the veto of the President.

Mr. BORAH. Mr. President, will the Senator permit one question?

Mr. REED. Yes.

Mr. BORAH. Has the Senator any doubt but that there is an overwhelming majority in the Senate for the immigration bill also?

Mr. REED. I have not a doubt of that. I am coming to that. It is an additional argument why you should not jeopardize this bill by putting it up against the veto, because if you are a friend of the immigration bill and also of the child-labor bill, it is not necessary to jeopardize either by tying them together, for each is certain to pass if presented singly.

Observe, it is proposed to add to a bill that is certain to pass, that is certain to be signed by the President, that is almost cer-

tain to become a law within 10 days if you keep hands off, a bill that is almost certain to be vetoed, so that both measures will be vetoed at once, for by adding one to the other you make them one bill, and to veto one the President must veto both.

Mr. HARDWICK. Mr. President, will the Senator from Missouri allow me to ask him a question right there?

Mr. REED. Yes.

Mr. HARDWICK. Has the Senator any authority for making that statement or is it merely his own idea?

Mr. REED. I think I know what the President's views are on the immigration bill; but I do not profess to speak for him.

I have never claimed to be the voice of the White House or to speak with authority for the President. I know, however, that he once did veto the bill; I believe he will veto it again; and the Senator from Georgia believes he will veto it again. The Senator from Georgia is against the child-labor bill, and he is fighting it tooth and nail, beak and claw; and, smart, keen lawyer, as he is, he hopes to defeat it by adding the immigration bill to it and having it vetoed by the President. While I am talking he has said here under his breath to me that I am right about what I have said.

Mr. HARDWICK. Mr. President, if the Senator will yield to me, I will say I will do anything in the world that is honorable to defeat that bill.

Mr. REED. Exactly; and that is the Senator's purpose in supporting the proposition to add the immigration bill to it.

Mr. HARDWICK. Undoubtedly the Senator is right about that, and if I vote at all to add the immigration bill to it, it will be for that reason.

Mr. REED. Exactly. Now, you have it. The Senator has made the bold avowal in open court that that is the purpose, and the Senator from Georgia is about as smart, as keen, and as intelligent as they make them here or in any other place—a skilled lawyer at the bar, a skilled debater in the forum, a man whose keen and active mind sees every advantage; and he tells us and he tells you, my friends on the other side of the Chamber, who favor the child-labor bill, that if his object, namely, the defeat of the child-labor bill, will be furthered and aided by adding the immigration bill to it he will vote to make the addition, and of course it will aid in such defeat, because it will, in all human probability, put the measures up against a veto.

Another thing. It now transpires when these two measures tied together and having, as I assume they will be, been vetoed, comes back to Congress, one-third of the vote in either House will sustain the veto. Accordingly this will happen: Every enemy of the child-labor bill will vote to sustain the veto, because by sustaining the veto that bill will be killed. In like manner every man opposed to the immigration bill will vote to sustain the veto in order to kill that bill. So the united votes of the enemies of both bills will go to sustain the veto. The aggregate of these two votes will be certain to exceed one-third of either House of Congress. So both of the measures will be killed. Accordingly the enemies of the child-labor bill will have won their fight, and the keen, incisive, determined, almost invincible little warrior from Georgia will laugh in the faces of the friends of the child-labor bill, and he will have a right to laugh. That is the situation. Now, I yield to my friend from Idaho.

Mr. BORAH. Mr. President, as I understand the Senator from Missouri, who I understand is a friend of the child-labor bill, his view is that by attaching the immigration bill to the child-labor bill it will, in all probability, defeat the child-labor bill, because of the veto of the President and the sustaining of the veto by a third of each House?

Mr. REED. Yes, sir. Now, one other thought, and I shall be through. What is the situation with reference to the immigration bill? I am now addressing myself to the Senator from Washington [Mr. POINDEXTER]. He wants a vote before election. Why? The men who will assemble here next December will be the men who are assembled here now. No matter who is elected in November, this same Congress will sit here, the same membership will sit here that is here now. The real friend of the immigration bill knows that the thing which is necessary to secure the success of the bill is a vote on a day certain. It is wholly unimportant whether that vote shall be taken on the 1st day of December or on the 1st day of August. He knows that the opposition to the immigration bill is active and is determined that it can delay a vote at this session, if it sees fit to do so, and that it can absolutely keep off a vote until this Congress shall have adjourned.

With that situation staring him in the face, and with the statement made to him, that the Democratic conference agreed that the Democratic majority would submit to the Republican side of the Chamber a proposition for a unanimous-consent agreement to vote on the immigration bill at any day they saw

fit to name in the month of December, and that if that were not acceded to, the Democrats would make the immigration bill the unfinished business and would keep it the unfinished business until a vote was had upon the merits of the bill, how can any man complain that that is not reasonably speedy action, and more certain action than the other course would be, because it gives you a vote; it will give it to you on a day certain in December, if you gentlemen on the other side of the Chamber will agree upon that day certain; and you know that in all human probability the moment you get the bill to a vote it will pass. Moreover you all know there is no danger of an influx of European immigration before December. You know perfectly well that immigration from Europe has practically ceased and that it will not be resumed until the war is over and perhaps not then for years.

That being the case, I appeal to the Senators who are in favor of child-labor legislation, who want to pass that beneficent legislation, not to do the hazardous and dangerous thing of tying to that bill a measure which is likely to provoke a veto and which will concentrate the enemies of both bills in a vote to sustain that veto.

Moreover—and I say this by way of conclusion—I tell no stories out of school and I break no confidences when I say that it is well understood that, whatever strength there is back of the motion to add the immigration bill to the child-labor bill upon our side of the Chamber, comes, without a single exception, from men who are opposed to the child-labor bill for one reason or another. I challenge none of their motives; I challenge no man's motive or good faith who is opposed to the child-labor bill, but it will be a burning and crying shame if the child-labor bill is defeated or hazarded by adding to it another measure of a different kind, particularly when it is wholly unnecessary to add it in order to pass either it or the child-labor bill, when both measures could be passed singly. It will not redound to the credit of those gentlemen who are friends of child-labor legislation if they thus hazard the measure which, if not amended, is certain to become a law, by adding another measure that is almost certain to be vetoed, thus bringing about the veto of both and probably the failure of both to become a law.

Mr. SMITH of South Carolina. Mr. President, before the Senator from Missouri takes his seat I should like to ask him a question. I do not know whether he has grounds upon which to base his opinion, but I should like to ask him, does he believe that the President's opposition to the immigration legislation is so profound and determined that, if the two bills were to happen to be put together, he would jeopardize the splendid benefit to the country at large contemplated by the child-labor bill and would kill it in order that he might also destroy the immigration bill?

Mr. REED. Mr. President, I repeat that I have no authority to speak for the President; but if I can indulge so violent a presumption for the moment as to assume myself seated in the position the President now occupies, this is what I would say: I would say to Congress, "You claim to be in favor of both of these bills; you have the power to pass them singly. I send back this bill that you have sent to me embodying two propositions, one of which I think is bad and the other of which I think is good, and I request you to pass the child-labor measure, as you have the authority and the power to do. It is a good measure. Let me act on it alone, and I will sign it; when that has been done, send me the other measure by itself and I will pass on it on its merits. But you can not compel me to sign a bad measure by attaching it to one I believe to be meritorious."

I am glad the Senator from South Carolina has pronounced a eulogy upon the child-labor bill, even by putting the words in a supposititious case in the mouth of the President, because it is the first time I have heard him have anything to say of the child-labor bill of a commendatory nature.

Mr. SMITH of South Carolina. Mr. President, I may take what seems to be a disease prevalent in high and low places and reverse myself later on. [Laughter.]

Mr. REED. Mr. President, yes; men do frequently change their minds. I have been waiting for that evidence of wisdom on the part of my friend, waiting with hope in my heart, and I trust that I shall not be disappointed.

Mr. OWEN. Mr. President, I regret that the rules of the Senate are such that it apparently becomes impossible to discuss matters of interest in their proper order. For that reason I am compelled, if I say what I have the purpose of saying at all, to avail myself of the privilege which is accorded under the rules when considering appropriation bills to discuss other subjects. I have tried to have the rules amended, but my efforts have been in vain.

Mr. President, on July 14, 1916, on an occasion when, as chairman of the Committee on Banking and Currency, I had

submitted a report suggesting several amendments to the Federal reserve act, the Senator from Kansas [Mr. CURTIS] took occasion to deliver an address which could only have been intended for campaign purposes, as it had no relation to the pending amendments of the Federal reserve act and sought no amendment thereto. The expiration of the morning hour then prevented my reply, and I have had no opportunity since to make an answer.

He challenged the accuracy of a statement alleged to have been made by President Wilson at Detroit, to the effect that those who opposed the Federal reserve act "*now admit that it saved the country from a ruinous panic when the stress of war came on.*" Certainly many of those who opposed the Federal reserve act were generous enough to make this just acknowledgment, and all of those who opposed the Federal reserve act ought to make the acknowledgment, as I shall endeavor to show.

The Senator praises the Vreeland-Aldrich Act of 1908—that was made effective by the Federal reserve act and the amendment of August 4, 1914—and does what even the Republican national convention did not feel willing to do—denounces the Federal reserve act, saying:

What has the Democratic administration given the country to take the place of the workable and successful Aldrich-Vreeland emergency act of 1908?

Why, the Federal Reserve System, which provides for 12 Federal reserve banks in different sections of the country and gives employment to 593 new officeholders.

It would seem that the Senator would like to abolish the Federal Reserve Bank of Kansas City in order to be rid of the new officeholders, officers of that bank charged with the duty of protecting the credit and commerce of that section. The Senator favored one central bank, as did his party. He and his party favored that one bank under the absolute control of the banks of the country, instead of the Federal reserve banks under the control of the people of the United States.

The Aldrich central bank plan, it will be remembered, provided, in section 9, for 42 directors, controlled by the banks, and four Federal officers, thus placing the system absolutely in the control of the banks and merely using the officers of the Government to give respectability to this arrangement without giving the Government any power. (S. Doc. 243, 62 Cong., 2d sess.) Those who favor control of the credit system of the United States by the banks favored the Aldrich plan, as did the Senator from Kansas. Those who favor controlling the credit system of the United States by the people of the United States favored the Federal reserve act plan, as did the Democratic Party.

It is a difference in point of view. The Senator from Kansas would have the absolute control of credits in this country in the hands of the banks of the country, as the defeated central bank plan proposed, and the Democracy and the overwhelming majority of the people of the United States would have the credit and banking system under the control of the people of the United States, and not in the hands of the allied groups who created the panics of 1873, of 1884, of 1893, and of 1907—not to mention many smaller financial disturbances, by all of which these auxiliaries of the Republican Party privately profited and absorbed thousands of millions of property, while they carefully preserved the loyalty of the Republican leaders by contributing royally in funds to conduct their Republican campaigns, and by contributing the controlled votes of various corporate employees and the support of that portion of the plutocratic press, which was under the domination of these groups.

The Senator from Kansas praises the workable and successful Aldrich-Vreeland Act of 1908, and says:

A panic in August, 1914, was prevented by the Republican emergency act of May 30, 1908.

The act of May 30, 1908, by its own terms, expired June 30, 1914, a month before the European war arose, in the following words:

Sec. 20. That this act shall expire by limitation on the 30th day of June, 1914.

The Vreeland-Aldrich Act was not workable and was not successful. It was an absolute failure; not a dollar of currency was ever issued under it from 1908 to 1914 or until it was made workable by the amendments of the Democratic Party of the most radical character, making it a substantially new act, as I shall immediately point out.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER (Mr. UNDERWOOD in the chair). Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator.

Mr. CURTIS. Does the Senator deny that the Secretary of the Treasury, Mr. McAdoo, announced to the country in 1913, in his annual report for that year, that there was \$500,000,000



of emergency currency ready to issue, and that he further states in said report that by reason of that announcement a panic was prevented? Does the Senator deny that?

Mr. OWEN. I recall the quotation of the Senator, and I am proposing now to answer that if he will permit me to do so.

Mr. CURTIS. I shall be very glad to have the Senator answer it.

Mr. OWEN. I shall do so.

The Secretary of the Treasury can not be justly interpreted as attributing to the act of May 30, 1908, the safeguarding of the country from panic in 1914 when he made the statement that he had \$500,000,000 of emergency currency available in 1913, because the Democrats were in absolute control and in a position to make effective the Vreeland-Aldrich Act by amendment, as they had already determined to do, and did do, in the then pending Federal reserve act and by the act of August 4, 1914. While these notes had been printed, they had not been issued, and the notes referred to under that bill were not issued until after the Democratic Party had amended the bill and practically changed its entire character. It was no longer properly describable as the act of May 30, 1908, because it was modified in the most substantial respects on the 23d of December, 1913, and on the 4th of August, 1914, as I shall particularly point out.

To attribute to the Secretary an acknowledgment that the protection of the country from panic was due to the Vreeland-Aldrich Act of May 30, 1908, passed by the Republicans, has no justification of fact and ought not to be made by the Senator from Kansas.

In the beginning of the Democratic administration of 1913 the Democrats immediately framed the Federal reserve act, reported it in the Senate November 22, 1913, and enacted it as soon as the filibuster of the Republican Party made it possible—December 23, 1913—and it was well understood what its principles were, especially by the Secretary of the Treasury, when he made his reports in 1913 and 1914.

The Vreeland-Aldrich Act, passed by the Republicans on May 30, 1908, was not a conveniently workable or successful bill. It pretended to be nothing more than a temporary expediency against a possible emergency for currency, and in sections 1, 3, 5, 7, and 9 hindrances and obstructions were placed in the way that made the bill almost impossible of execution.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator.

Mr. CURTIS. I should like to read just the closing paragraph on the first page of the report of the Secretary of December 7, 1914, in which he says, referring to the prevention of the panic to which the Senator from Oklahoma refers:

This has been accomplished notwithstanding the fact that the Federal reserve system authorized by the act of December 23, 1913, was at that time only in process of formation, and was therefore unable to render any service in the situation.

That is what the Secretary of the Treasury says in the report of 1914.

Mr. OWEN. Mr. President, the language used by the Senator from Kansas is entirely immaterial. The fact was that the Federal reserve act of December 23, 1913, changed the law of May 30, 1908, and made it workable, which it was not theretofore. The act of 1908 required the banks to pay as high as 10 per cent for money, and no bank not in the throes of bankruptcy would dare to go before the country as borrowing money at 10 per cent.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma further yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator.

Mr. CURTIS. Does not the Senator realize that the first issues under that act were authorized at 6 per cent?

Mr. OWEN. Oh, yes; first 6, and then after 30 days 7, 8, 9, 10. The banks that would consent to borrow money on such terms—the banks that would, in the transaction of their orderly business, appeal to the Government for money upon such terms—would announce to the country that they were in the throes of an impending panic.

Mr. CURTIS. Mr. President—

Mr. OWEN. I yield to the Senator.

Mr. CURTIS. The Senator realizes, does he not, that the act was not passed for ordinary circumstances, but was enacted to be used in case of emergency?

Mr. OWEN. The trouble about the act was that it was passed for the purpose of giving relief after a panic had started, while the Democrats proposed to prevent panics from starting in this country.

Mr. REED. Mr. President, will the Senator permit a suggestion from me?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I yield to the Senator from Missouri.

Mr. REED. Not only is it true that the Aldrich-Vreeland Act was practically unworkable, but it was so inferior to the new act that the two or three banks that did have out a little Aldrich-Vreeland money, even after we had reduced the interest rate so that they could take it out, immediately retired their money when the Federal reserve act was passed.

Mr. CURTIS. Mr. President, does not the Senator from Missouri know that the emergency currency issued under the Aldrich-Vreeland Act was not retired until after the Vreeland-Aldrich Act, as amended, had expired?

Mr. REED. Oh, no; it was retired almost at once.

Mr. CURTIS. The Secretary of the Treasury does not say so.

Mr. REED. Well, I do not want to get into the discussion of a question of fact with the Senator.

Mr. OWEN. Mr. President, I shall ask to be permitted to make a coherent argument, and after I have concluded I shall be very glad to be interrupted by any Senators who desire to ask me questions. In the meantime, however, I must insist that I be permitted to make an argument which is itself coherent.

The PRESIDING OFFICER. The Chair will protect the Senator.

Mr. CURTIS. Mr. President—

Mr. OWEN. I yield to the Senator from Kansas.

Mr. CURTIS. I simply ask the Senator, if he does not want to be interrupted by me, please not to misinterpret my position.

Mr. OWEN. I will yield to the Senator as soon as I have completed my argument, and I will yield to him at any time he thinks I am misinterpreting what he said. I quoted his language, and I think I did not make any mistake in making the quotation from the Senator, either as to his words or as to his meaning.

As I have said, the Vreeland-Aldrich Act, passed by the Republicans on May 30, 1908, was not a conveniently workable or successful bill. It pretended to be nothing more than a temporary expediency against a possible emergency for currency, and in sections 1, 3, 5, 7, and 9 hindrances and obstructions were placed in the way that made the bill almost impossible of execution.

For example, in order to get emergency notes it was absolutely necessary as a preliminary step for *not less than 10 banks to organize an association*.

Second. Each of the 10 banks was required to have a surplus of not less than 20 per cent.

Third. These banks were required to have not less than five millions of capital and surplus. No small banks need apply for relief.

Fourth. Not more than one association was permitted in any city.

Fifth. They had to occupy a contiguous territory.

Sixth. No bank which did not have circulating notes secured by deposit of Government bonds of *40 per cent of its capital stock* was permitted to participate, and this excluded many of the greatest banks in the country, such as the National City Bank of New York, whose present assets exceed \$500,000,000.

Seventh. The circulating notes were limited to 75 per cent of the cash value of securities and commercial paper deposited against such issue.

Eighth. The issue had to be passed upon individually by the Comptroller of the Currency and the Secretary of the Treasury, as well as by the officials of the National Currency Association.

Ninth. In case of bonds based upon the taxing power, only 90 per cent of currency was permissible.

Tenth. No national banking association was permitted in any event to receive circulating notes on commercial paper in *excess of 30 per cent of its unimpaired capital and surplus*.

Eleventh. With all these obstructions in the way, section 3 further provided that no national banking association which had not outstanding national-bank notes of 40 per cent of its capital stock and a surplus of 20 per cent *could apply for circulating notes secured by the deposit of bonds other than bonds of the United States*.

In addition to these various obstructing provisions section 5 provided that *in no contingency* should any of these banks issue notes in *excess of their unimpaired capital and surplus*.

A further obstruction was interposed, that *in no event should the amount of total issue exceed five hundred millions*, although the panic of 1907 demonstrated that we required in this country an amount of currency of approximately one thousand millions.

In addition to these various obstructions section 7 provided that even the amount of emergency currency which was pro-

vided for would have to be apportioned equitably between the various sections of the country, whatever this meant. But if this condition remained, in no event might the people of New York City expect to receive more of the five hundred millions than in proportion to their numbers, and yet New York City was the place of all others where the financial need was most urgent, as the reserves of 7,000 banks from all the States were concentrated in New York.

Mr. President, I pointed out these defects in this Vreeland-Aldrich bill on the floor of the Senate on February 25, 1908, and in the debates which followed to May 30, 1908. I pointed out at that time the particulars in which these obstructions would make the Vreeland-Aldrich bill comparatively unsatisfactory, even as an emergency measure, and unavailingly urged the Republicans to modify it.

The Vreeland-Aldrich bill imposed so high a rate of taxation on the issuance of these emergency notes that only banks in the very throes of an existing panic could be induced to use the system.

The Vreeland-Aldrich Act provided, for example, a tax on these emergency notes of 5 per cent for the first month, 6 per cent for the second, 7 per cent for the third, and so forth, until a tax of 10 per cent per annum was reached.

A bank resorting to this system would only do so when face to face with a most disastrous panic, and it would not do so for the mere purpose of obviating and preventing a panic.

The Senator from Kansas praises the simplicity of the Vreeland-Aldrich Act. It was complicated in the extreme and unnecessarily and over Democratic protest.

It interposed all sorts of difficulties before the bank or the customers of a bank needing currency could obtain the currency.

The emergency currency of the Vreeland-Aldrich Act was exclusively in the control of the big city banks and only open to their initiative.

Under the Federal reserve act a private citizen can take commercial paper to his country bank and have that commercial paper converted into currency as good as gold within a day or two, without complication, without a national currency association, and free from all the red tape provided by the Vreeland-Aldrich Act.

The truth is the Republican Party, which has been in substantial control of the Government ever since the war, except a few years of a divided Democracy and divided responsibility, permitted the gigantic panic of 1873, the great panic of 1884, the ruinous panic of 1893, and the still worse panic of 1907 to shake this country to its foundations, without ever having taken any adequate steps to protect this country against financial panic and against currency stringency. It is a shameful record.

Mr. CURTIS. Mr. President—

Mr. OWEN. I yield to the Senator from Kansas.

Mr. CURTIS. Did not the Republican Party provide for the Monetary Commission that really laid the foundation for the Federal reserve act, and upon whose report the committee prepared the Federal reserve act?

Mr. OWEN. Yes, Mr. President; in so far as the establishment of a Monetary Commission is concerned, and delaying the settlement of this matter for five years, the country may be duly grateful; but I remind the country and the Senator that the Monetary Commission brought in here a bill intended to concentrate the control of the credits of this country in the hands of the big banks of New York, and they were not permitted to do it, because the Democrats had control of the Senate and the House and the Presidency. They had 42 directors of their own choosing to concentrate the control of the credit system of this country in their hands.

The Republicans left the United States and its people at the mercy of the big banks and trust companies, who were allowed to control the credit system of the United States, enriching the few at the expense of the many unfairly and unjustly, and the Republicans profited by this cold-blooded policy.

The panic of 1907 was so disastrous that the country demanded action in terms the Republican Party could not ignore, and they brought out the emergency legislative fiasco called the Vreeland-Aldrich Act, which had the sole merit that *under great difficulty, on almost impossible terms*, the country could get emergency currency at an almost prohibitive rate—if the big banks consented.

The only thing of value in the Vreeland-Aldrich Act was the bare possibility under any circumstances of getting currency after a panic had taken place, because the conditions were too severe to obtain money until a panic had taken place or was actually impending.

The vital principle of the Vreeland-Aldrich Act of issuing emergency notes against adequate collateral under an interest charge high enough to cause automatic contraction had been presented

to the Republicans in 1900 by the then chairman of the Democratic conference on the floor of the Senate, and had been rejected by the Republicans. The only principle of any value in the Vreeland-Aldrich bill was the principle above referred to, to wit:

*Emergency currency issued against adequate collateral, under an interest charge sufficient to cause automatic retirement.*

Just to the extent to which the Vreeland-Aldrich bill made the application of this principle difficult—and it did so in very numerous particulars, as I have pointed out—to that extent it was made unworkable, and was a fault and not an advantage.

On February 25, 1908, when the Senate of the United States had under consideration the so-called Aldrich Act (S. 3023) I felt it my duty to call the attention of Mr. Aldrich to the fact that he had rejected a proposal to conveniently and economically and quickly provide emergency currency which had been offered by the Democrats through Senator James K. Jones on February 6, 1900 (CONGRESSIONAL RECORD, p. 1534), as an amendment to the then pending act amending the national bank act. This amendment was as follows, to wit:

Amendment proposed by James K. Jones, February 6, 1900: "That the Secretary of the Treasury is hereby directed to have printed and to keep on hand United States Treasury notes under a special account to be called the 'emergency circulation fund.' Such notes shall be full legal tender. Any citizen of the United States shall have the right to deposit United States bonds under rules and regulations to be prescribed by the Secretary of the Treasury, and to receive from such fund 90 per cent of the face value of such bonds in United States Treasury notes, and shall have the right at any time within 12 months to redeem such bonds by repaying in United States Treasury notes the amount so received by him on account of such bonds, with interest at the rate of 6 per cent per annum on such amount. Failure to redeem such bonds within the limit of 12 months shall operate as a forfeiture of such bonds to the United States; and such bonds shall be sold to the highest bidder in the open market, and the balance, after the payment of the principal of the amount advanced, the interest on the same, and the expenses, shall be paid to the former owner of such bonds. Any moneys received from such sale may be exchanged with other moneys in the Treasury so that this fund shall consist alone of Treasury notes. The principal of all sums so advanced when repaid shall be returned to the 'emergency circulation fund,' and all interest upon such sums shall be passed to the credit of the Treasury under miscellaneous receipts."

The act passed, and this amendment was not accepted by Mr. Aldrich or by the Republican Senate.

I myself had prepared this amendment, as is pointed out in a letter of Hon. James K. Jones, copy of which I insert, as follows:

[Law offices of James K. Jones, James K. Jones, Jr., James K. Jones, 621, 622 Colorado Building. Telephone Main 638.]

WASHINGTON, D. C., February 11, 1908.

HON. ROBERT L. OWEN, United States Senate, City.

DEAR SENATOR: I inclose a copy of the amendment which I offered to the financial bill on February 6, 1900 (CONGRESSIONAL RECORD, p. 1534).

You will, of course, recall the fact that you prepared the original draft of this proposed amendment, which I introduced in almost, if not in exactly, the form submitted by you. I think you will find the debate on that bill at that time quite interesting.

If that amendment had been adopted at that time and it had been written in the law, it would, in my opinion, have prevented the late panic.

I am glad to see that at last the principle of an emergency currency properly secured is recognized, and that the Committee on Finance of the Senate indorse it.

Congratulating you on your early connection with this idea, I am,  
Very sincerely, yours,

JAMES K. JONES.

It will be observed that the leader of the Democrats proposed to Mr. Aldrich on February 6, 1900, a simple emergency provision, by which any citizen of the United States should have the right to deposit United States bonds and receive 90 per cent of the face value thereof in United States Treasury notes, under a penalty not exceeding 6 per cent for the use of such notes.

This simple provision, if accepted by the Republicans, would have prevented the panic of 1907, which Mr. Aldrich himself declared—

was the most acute and disastrous in its immediate consequences of any which has occurred in the history of the country—

That—

the shrinkage in values of securities and property and the losses from injury to business resulting from and incident to the crisis amounted to thousands of millions of dollars—

That—

a complete disruption of the exchanges between cities and counties throughout the country took place—

That—

it is impossible to estimate the losses which were inflicted by this interruption of payments by the banks and the resultant interruption of exchanges—

And so forth.

But the Republicans were absolutely at fault in not providing the remedy.

The Democrats offered them an absolute remedy on February 6, 1900, which the Republicans refused to accept; and the



failure to accept this provision made the Republican Party responsible for not having legislated so as to protect the country against this panic, even after they were urged by the Democrats to do so.

And when the Aldrich bill was passed, authorizing a monetary commission to make an investigation of the matter, I made a demand for an investigation of the panic of 1907—who caused it, who profited by it, and the extent to which they profited, and the investigation was refused me, as I verily believe, because it would have exposed, disgraced, and dishonored men who have contributed corruptly millions of dollars to finance Republican campaigns.

On December 23, 1913, over Republican opposition, the Democrats passed the Federal reserve act, conceded by all the world to be the most important piece of constructive legislation of the last half century. It has stabilized our finance, our industry, and our commerce; has established an unbreakable confidence, leading tens of thousands of men into new enterprises because of their faith in the stability of credits, and because of their belief that the old credit-destroying practice of creating credit stringencies from time to time, that the powerful few might profit at the expense of the masses, was substantially powerless to break down legitimate industry.

It has done more. It has set a great standard for the nations of the world, by which they can all profit when they realize its value.

By section 27 of that act the Vreeland-Aldrich bill was extended until June 30, 1915, from June 30, 1914, the day upon which it expired under the statute, with several very important amendments, reenacting sections 5153, 5172, 5191, and 5214 of the national-bank act, so that they should be restored as they were prior to the passage of the Vreeland-Aldrich Act, and amending the bill further so that the tax on circulating notes for the first three months should only be 3 per cent per annum.

This latter amendment was of vital importance, because it did not carry the implication that the banks were struggling in a panic when they chose to avail themselves of this act and take out emergency currency.

The Secretary of the Treasury perfectly well understood that the Democrats were going to pass this act as it had been drawn, and when the political enemies of the administration undertook to create a sentiment of pessimism, of distrust and doubt, and panic throughout the country during the summer of 1913 the Secretary of the Treasury took the bull by the horns and stated that he had in print five hundred millions in new national bank-note currency which he would not hesitate to issue if an emergency arose. This declaration from the Secretary of the Treasury was sufficient to overcome the timidity for which enemies of the administration, in my judgment, were responsible.

The act of the Secretary of the Treasury was one of patriotism and sound sense. He had the united Democrats behind him to make the Vreeland-Aldrich Act workable, as they did do when occasion arose, August 4, 1914, and he was fully justified in reassuring the country.

He had no occasion to enlarge upon the fallibility and weakness of the Vreeland-Aldrich Act. In his effort to restore confidence he made as strong a statement of his disposition to render service as was possible under the circumstances.

It was not an indorsement of the act of May 30, 1908, whose impracticable character was well known to the Secretary of the Treasury.

But, after all, when it came to the European war and it became necessary to meet an occasion which would have been sufficient to cause a gigantic panic in the United States, the Democratic administration amended the Vreeland-Aldrich Act within 48 hours, authorizing the Secretary of the Treasury to suspend the limitations imposed by sections 1, 3, 5, 7, and 9 of the Vreeland-Aldrich Act, which contained the obstructions which I have above pointed out; and, moreover, providing that the banks, in exchange for this privilege, should furnish the Treasury with an adequate gold supply for redemption of such notes; and, moreover, providing that the national banks might issue additional circulation under the increased authority of the suspension of the provisions of the Vreeland-Aldrich Act; and, moreover, providing that the Secretary of the Treasury should extend the benefits of this act to all qualified State banks and trust companies which had joined the Federal Reserve System, or which might contract to do so within 15 days of the passage of the act.

The Federal reserve act was being put into operation and had already given the people of the United States a new spirit of hope and confidence and was soon after this in active operation.

The Senator from Kansas now boldly claims the credit for the protection of the country against a panic in August, 1914, under a Republican statute, which by its own terms would have expired June 30, 1914, which was vitally amended by the

democracy on December 23, 1913, and which was in effect suspended as to its obstructive provisions on August 4, 1914, at the prayer of the leading banks of the country, who recognized that the bill which the Republicans passed was not a workable bill.

The fact is when it came to a vote on the act of December 23, which extended the Vreeland-Aldrich Act from June 30, 1914, to June 30, 1915, we find the following Republican Senators voted against it (CONGRESSIONAL RECORD, p. 1230, Dec. 19, 1913):

Senators Borah, Bradley, Brandegee, Bristow, Burton, Catron, Clapp, Colt, Cummins, Dillingham, du Pont, Gallinger, Goff, Gronna, Jackson, Kenyon, La Follette, Lippitt, McCumber, McLean, Nelson, Oliver, Page, Penrose, Root, Sherman, Smith of Michigan, Smoot, Sutherland, Townsend, Warren, and Works.

And the only Republicans who voted for it were:

Senators Crawford, Norris, Perkins, Sterling, and Weeks.

Senator POINDEXTER as a Progressive also voted for the bill.

Mr. JONES. Mr. President—

Mr. OWEN. I yield.

Mr. JONES. I think the RECORD will show, if my recollection is correct, that I voted for the bill also.

Mr. OWEN. I am very glad to be reminded of that.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. GRONNA. Does the Senator from Oklahoma mean to say that 3 per cent was the maximum rate of interest charged the banks under the act?

Mr. OWEN. No, sir; I said the first three months it was 3 per cent.

Mr. GRONNA. Is it not also true that it would rise as high as 6 per cent?

Mr. OWEN. Yes.

The Republicans did, however, vote for an amendment which would have extended the Vreeland Act for one year from June 30, 1914, to June 30, 1915, without liberalizing it in any degree. (CONGRESSIONAL RECORD, p. 1224, Dec. 19, 1913.) But even this they did merely in an attempt to defeat the Democracy in the passage of the Federal reserve act as drawn by the Democracy. And they only permitted the Federal reserve act to pass at the end of a serious opposition in which the Democrats were compelled to meet early in the morning and hold the Senate in session until late at night, week after week, until by physical exhaustion the Republicans relinquished the fight against the provisions of this great act.

The stubborn, unintelligent conduct of the Republicans, as a party, in their hostility to this bill of itself would be regarded by the people of the United States as unpardonable political incapacity if the people could only be made to know the facts. Great credit should be given the few individual Republicans who generously supported the bill and tried to improve it.

This great act is the basis of our present prosperity. It has established confidence in the minds of the people of the United States from the Atlantic to the Pacific and from Canada to the Gulf. Hundreds of thousands of new enterprises are springing up throughout the land. The national banks have increased in their deposits over two thousand millions in less than two years. The outflow of gold in 1913 and 1914 has been entirely corrected.

January 1, 1912, we had a gold stock in the United States (according to the estimates of the Director of the Mint) of \$1,799,600,000, while June 30, 1916, we have \$2,439,921,902. In the United States Treasury we have \$1,854,000,000 gold and \$501,000,000 silver as reserve against gold and silver certificates. Gold in the Treasury July 1, 1912, was \$1,207,464,264; July 1, 1916, the gold in the Treasury was \$1,854,000,000; a gain of \$647,000,000 in 3½ years of Democratic administration. The record is unparalleled. On July 25, 1916, we had in the general fund of the Treasury \$323,635,343.49, with an enormous net balance of \$229,263,994.68, in addition to \$249,569,000 of indebtedness to the Treasury of the Panama Canal (bond issue authorized, but not issued). Call money is available at 2 per cent, time money at 3½ per cent, mercantile credit at 4 per cent, bankers' acceptances at 2½ per cent, and domestic acceptances at 3 per cent.

The Department of Commerce, May 13, 1916, issued the statement that steel merchant vessels building or under contract from the United States now number 368, exceeding one million tonnage—the greatest ship-building activity the country has ever known. Every ship-building plant is working to capacity and very great enlargement is in progress.

The National City Bank of New York, analyzing the 1915 census returns, puts the manufactories of the United States at twenty-four billion for that year, and it would not be an overestimate to put those of 1916 at from twenty-eight to thirty bil-

lions. It will be observed that the Secretary of Commerce has understated the case according to this analysis.

The Manufacturers' Record of June 22, 1916, contains the following statement:

The value of the output of the steel works and rolling mills of the United States, which was \$919,527,244 in 1914, will this year, by virtue of an increase of nearly 100 per cent in output in iron and steel products, and a very large increase in value, probably run to \$2,500,000,000.

The clearings for 131 leading cities of the United States for June, 1916, amounted to \$20,515,438,480 (Dun's Review). These clearings comprise only a part of the business activity of the United States and do not include internal checks nor transactions not paid by checks, and for the 12 months it is obvious that the business transacted by the people of the United States will easily run up to *between two and three hundred billions*. The increase of clearings of June, 1916, over the clearings of June, 1915, amount to about 46 per cent.

The following figures, taken from Babson's Desk Sheet of June 22, 1916, furnish an excellent comparison of business conditions existing during the first five months of the last three years of the Republican administration, 1911, 1912, and 1913, with the first five months of the present year under a Democratic administration (last available figures):

#### NEW BUILDING.

First five months of 1911, \$209,644,754; 1912, \$233,040,687; 1913, \$216,982,789, as against \$246,719,599 in 1916.

#### BANK CLEARINGS.

During the first five months of 1911, \$66,164,734,000; 1912, \$72,220,126,000; 1913, \$72,397,164,000, as against \$98,958,477,000 in 1916.

LOANS OF NEW YORK CLEARING-HOUSE BANKS (EXCLUSIVE OF TRUST COMPANIES).

Average per month during the first five months of 1911, \$1,318,230,000; 1912, \$1,397,481,000; 1913, \$1,342,243,000, as against \$2,287,909,000 in 1916.

DEPOSITS OF NEW YORK CLEARING-HOUSE BANKS (EXCLUSIVE OF TRUST COMPANIES).

Average per month during the first five months of 1911, \$1,354,048,000; 1912, \$1,439,322,000; 1913, \$1,344,750,000, as against \$2,456,389,000 in 1916.

CASH HELD BY NEW YORK CLEARING-HOUSE BANKS (EXCLUSIVE OF TRUST COMPANIES).

Average per month for the first five months in 1911, \$373,631,000; 1912, \$381,864,000; 1913, \$350,744,000, as against \$380,134,000 in 1916.

SURPLUS RESERVES OF NEW YORK CLEARING-HOUSE BANKS (EXCLUSIVE OF TRUST COMPANIES).

Average per month for the first five months in 1911, \$35,118,867; 1912, \$22,033,700; 1913, \$14,549,412, as against \$118,193,185 in 1916.

#### TOTAL RESERVES OF ALL NEW YORK BANKS.

Average per month for the first five months of 1911, \$531,767,388; 1912, \$610,479,375; 1913, \$555,467,921, as against \$926,393,987 in 1916.

#### IMPORTS OF MERCHANDISE.

For the first four months for the year 1911, \$511,124,608; 1912, \$597,923,043; 1913, \$614,617,315, under the Payne-Aldrich Act, as against \$809,635,241 for the first four months in 1916 under the Democratic tariff.

#### EXPORTS OF MERCHANDISE.

For the first four months in 1911 was \$692,961,450; 1912, \$786,002,403; 1913, \$808,270,021, as against \$1,548,242,644 for the first four months of 1916.

#### BALANCE OF TRADE.

For the first four months in 1911, \$181,836,842; 1912, \$188,079,360; 1913, \$193,652,706, as against \$738,907,403 for the first four months in 1916.

#### MONEY IN CIRCULATION.

Per capita, average, first six months, 1911, \$34.49; 1912, \$34.54; 1913, \$34.59, as against \$38.46 for 1916.

#### SHARES TRADED ON NEW YORK STOCK EXCHANGE.

First five months in 1911, \$43,919,539; 1912, \$62,166,829; 1913, \$36,609,124, as against \$72,231,817 for the first five months in 1916.

#### BONDS TRADED ON NEW YORK STOCK EXCHANGE.

During the first five months of 1911, \$377,595,000; 1912, \$360,016,500; 1913, \$240,797,000, as against \$462,970,950 in 1916.

#### NEW SECURITIES LISTED ON NEW YORK STOCK EXCHANGE.

For the first five months in 1911, \$480,026,430; 1912, \$790,653,220; 1913, \$308,318,215, as against \$809,756,575 in 1916.

#### RAILROAD NET EARNINGS (10 LEADING ROADS).

For the first four months in 1911, \$60,007,477; 1912, \$55,102,225; 1913, \$58,041,026, as against \$79,670,528 in 1916.

#### IDLE CARS.

On March 1, 1911, there were 189,842 idle cars; February 28, 1912, 7,842; March 1, 1913, 31,381; and on March 1, 1916, there was a net shortage of 20,551 cars.

NEW CORPORATIONS (IN EASTERN STATES WITH AUTHORIZED CAPITAL OF MILLION OR OVER).

For the first five months in 1911, \$890,414,000; 1912, \$958,129,000; 1913, \$1,061,898,000, as against \$1,208,125,300 in 1916.

#### PRODUCTION OF PIG IRON.

May, 1911, 1,893,000 tons, at \$13.95 per ton; May, 1916, 3,351,000 tons, at \$17.90.

The failures for first half of 1916 were \$111,000,000, while for the same period of 1914 they were \$185,000,000.

An absurd Republican attempt has been made to attribute our present prosperity exclusively to the European war and the

shipment of goods abroad and to make the people believe our prosperity is transient and temporary for that reason.

A just and very temperate estimate of the export of war munitions and of supplies during the last two years giving the benefit of the doubt in favor of the larger estimate, made by Hon. William C. Redfield, Secretary of Commerce (New York Annalist, June 12, 1916, p. 708), compared to our gross foreign exports amounts to only about 17 per cent; that is, the volume of 17 per cent of four and a half billions would be less than a billion dollars per annum of war munitions and supplies.

The estimated volume of internal commerce in the United States for the last fiscal year amounts to over \$45,000,000,000 on one turnover annually of the primary products from agriculture, forests, mines, manufacturing industries, and fisheries. Our foreign shipments because of the war is only 2 per cent of our internal activities on this low estimate. As a matter of fact, our internal commerce is easily a hundred billions, because our primary products are probably turned over on an average of between two or three times before being consumed. Estimated by our exchanges, it would be over two hundred billions. I submit as an exhibit a letter from Hon. William C. Redfield, Secretary of the Department of Commerce, of July 18, 1916, and of E. E. Pratt, chief of the bureau, giving the authority upon which I make this statement, merely pausing to point out that the possible amount of articles classified as suitable for war purposes include many articles which are available both for war and peace, and that these shipments are not shipments merely to countries at war, but shipments to neutral countries as well as belligerent countries.

The probability is that our shipments for war purposes will not amount to 1 per cent of our internal domestic activities. It is therefore entirely clear that the attempt of the Republican Party leaders to make our national prosperity appear to be dependent on the European war is entirely unsound and that they are engaged in a mischievous attempt to impair public confidence with a view to their own political advantage. This conduct shows how untrustworthy such leadership is.

If it were not for this war, our conditions would be more satisfactory, as in that event we would have been able to still more rapidly expand our foreign commerce. This war has enormously interrupted the ability of the European people to manufacture things which we desire, the purchase of which from them would enable them to buy more largely from us the things which we have that they want.

The Republican theory that we prosper in degree as we ship the products of our labor abroad, and refuse to accept the products of the labor of other people, is a fundamental error, a hoary-headed myth that can not be defended by sound sense or pure reason. Undoubtedly American commerce can be impaired by unfair practices from abroad, precisely as domestic American commerce can be injured by unfair practices at home, but in the long run foreign people can only buy the products of the labor of others in degree as other nations buy from them.

They can not pay for their imports (our exports) with gold without wrecking the gold redemption feature upon which every financial system of every important nation is founded. The great prosperity of the United States is largely due to the freedom from obstruction to the commerce between our 48 States.

The Senator from Kansas exhibits an astonishing temerity in his attempt to give the Republican Party credit for protecting this country against the threat of a panic in August, 1914, by passing a proper emergency currency act.

An abstract simple statement of the facts in this case are that on February 6, 1900 (p. 1534, CONGRESSIONAL RECORD, 1900), the Republicans rejected a Democratic proposal for a simple, workable, emergency circulation. On May 30, 1908, the Republicans passed an emergency act, the Vreeland-Aldrich Act, full of obstructions and difficulties, as set forth in sections 1, 3, 5, 7, and 9. The Democrats protested unavailingly in May, 1908, against this grossly defective statute.

The Democrats on December 23, 1913, amended this act substantially by lowering the tax on the emergency circulation, restoring the provisions of the bank acts repealed by the Vreeland-Aldrich Act, and extending its provisions one year. *The Republicans all voted against this liberalization.*

On August 4, 1914, the Democrats suspended sections 1, 3, 5, 7, and 9, and otherwise liberalized the act, so as to make the Vreeland-Aldrich Act workable, and did this on the prayer of the leading banks of the country.

The Republicans themselves agreed to these overwhelming changes in the Vreeland-Aldrich Act on August 4, 1916, without a vote of objection, because it was perfectly obvious the old Republican act was grossly defective and unworkable. The Democrats extended its life over Republican opposition December 23, 1913, and made it workable by Republican consent August 4,



1914. It was a complete confession of Republican financial legislative incompetency.

The Secretary of the Treasury was entirely justified in his report of December, 1913, and in his action in the summer of 1913, in advising the country that the country would be able to obtain from him the emergency currency necessary to protect the country against any currency stringency. He was justified because the Democrats had already determined to extend the act of May 8, 1908, and made it workable, and moreover because the Democrats were completely in control, and could, within 48 hours, make this measure completely workable by suspending the obstructive features of the act, as they did actually do on August 4, 1914, when an exigency really arose:

DEPARTMENT OF COMMERCE,  
OFFICE OF THE SECRETARY,  
Washington, July 16, 1916.

MY DEAR SENATOR: I take pleasure in transmitting herewith statements showing the estimated value of our internal trade during 1915, together with a statement of the principal component factors, as outlined in your oral request. I also send you an estimate of the year's export trade in ammunition, war materials, etc., based upon official reports for 11 months. From this it will be noted that the approximate value of the fiscal year 1916 exports of each of the groups in question will be:

Ammunition and firearms.....	\$478,000,000
Articles mainly suitable for war purposes.....	682,200,000
Total, above groups.....	1,160,200,000
All other articles.....	3,184,800,000
Total exports 1916 (estimated).....	4,345,000,000

Very truly, yours,

WILLIAM C. REDFIELD, Secretary.

Hon. ROBERT L. OWEN,  
United States Senate, Washington, D. C.

P. S.—Above includes all our trade in all above articles with neutral as well as with belligerent countries.

Exports of merchandise from the United States during the fiscal year ending June 30, 1916.

[Approximate only, reports for June, 1916, not being available, yet the figures for that month are estimated on the basis of the returns for May.]

Articles.	Value.
Ammunition and firearms:	
Cartridges.....	\$24,300,000
Gunpowder.....	165,900,000
Other explosives (except dynamite).....	259,300,000
Firearms.....	18,500,000
Total.....	478,000,000
Articles mainly suitable for war purposes:	
Animals—	
Horses.....	73,000,000
Mules.....	23,000,000
Brass and manufactures of.....	162,400,000
Cars, carriages, etc.—	
Automobiles, commercial.....	57,600,000
Aeroplanes and parts of.....	7,200,000
Copper and manufactures of.....	170,700,000
Hay.....	3,400,000
Iron and steel, manufactures of—	
Horseshoes.....	2,200,000
Wire, barbed.....	24,000,000
Lead, manufactures of.....	14,000,000
Leather, manufactures of—	
Boots and shoes, men's.....	37,800,000
Harness and saddles.....	6,200,000
Surgical appliances (not including instruments).....	3,200,000
Wool, manufactures of—	
Wearing apparel.....	19,400,000
All other (except rags).....	33,600,000
Zinc and manufactures of.....	44,400,000
Total.....	682,200,000
Total above articles to all countries.....	1,160,200,000
All other articles.....	3,184,800,000
Total exports.....	4,345,000,000

#### Factors of internal trade of the United States, 1915.

Value.	Official data.	Estimate 1915.
	Billions.	Billions.
Manufactures produced, 1909.....	20.7	128.5
Agricultural products, 1910.....	8.5	10.5
Mineral products, 1914.....	2.1	12.5
Fisheries, forests, etc.....		1.5
Imported goods, 1915.....	1.7	1.7
Value added to domestic products by transportation.....		1.3
		45.0

<sup>1</sup> Estimated by Bureau of Foreign and Domestic Commerce.

<sup>2</sup> Estimate supplied by Department of Agriculture, July 18, 1916.

DEPARTMENT OF COMMERCE,  
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,  
Washington, July 18, 1916.

Hon. ROBERT L. OWEN,  
United States Senate, Washington, D. C.

MY DEAR SIR: Recurring to your oral request, I beg to confirm the estimate of \$45,000,000,000 as the value of the commerce between the States of the Union in a single year. This total merely represents the aggregate value of a single turnover in products of manufacture, agriculture, mining, fisheries, and imported commodities, including a reasonable amount as the value added by transportation. To these factors for the latest year covered by census or other official measurements was added an estimate for the normal increase since that year.

Very truly, yours,

E. E. PRATT, Chief of Bureau.

The President was entirely justified in his Detroit speech, which the Senator from Kansas has unjustly criticized.

Mr. President, I will be glad to answer any question any Senator wishes to ask or any objection any Senator cares to make.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Georgia?

Mr. OWEN. I yield the floor.

Mr. HARDWICK. Mr. President, I only want to say a word or two. I will not detain the Senate very long from the consideration of the business supposed to be before it. My remarks are rendered necessary by some remarks of my friend from Missouri [Mr. REED]. In colloquy with that Senator I stated what is true, that if I thought by any honorable means I could defeat the Federal child-labor bill I should not hesitate to employ those means.

It is necessary, I think, Mr. President, in the interest of historical accuracy that there should be some slight review of what has happened with reference to this particular measure.

About two weeks ago the members of the majority party on the floor held a free caucus or conference on this subject. I like the second word best. After a full discussion of the matter we determined that it was best and wisest that this measure should go over until December, when it could be considered at more length and with less partisan and political prejudice than it can be at the present moment.

Soon after that decision became known, intervention from outside sources took place. Very soon we were convened in conference again to reconsider our action on that question. We were notified when the second conference on the subject was called, which, I think, was last Tuesday night, that the sole object of that conference was to consider the child-labor legislation. I attended that conference, but left soon after what I saw was the inevitable and certain result of it. It became apparent that a majority of my party associates were determined that there ought to be a vote on this question during the present session, although their previous judgment, uninfluenced from any outside sources, had been entirely different.

The object of the conference had been stated to be the consideration of this one question. It was my understanding that after I had gone away and other Senators had gone, and while there was probably no one knows certainly—an actual physical attendance of something like 20 Democratic Senators out of 56—

Mr. KERN. More than 20.

Mr. HARDWICK. The Senator will correct me if I am in error, because I was not there. I said there were probably, according to the best information I can get, something like 20 Democratic Senators out of 56 actually present in person. Then another matter about which we had no notice that there was to be any action was taken up in some way, shape, form, or fashion by that little gathering, and a resolution of some sort was passed reciting that it was the sense of those gentlemen present that there should be no action with respect to the immigration legislation during the present session of Congress.

There is no particular controversy between myself and the junior Senator from Missouri on that question. That is about what happened. It may be that there were as many as 25 Senators, or something like that number, present instead of 20. I am not undertaking to state that fact with accuracy, but substantially I think I have stated the fact with accuracy.

I say there is no controversy between us, because the Senator from Missouri concedes all that I have ever contended, and that was that there was no effort to take any authoritative, official, or binding action with respect to this matter.

Senators may have passed some resolution stating that they did not want to take up the immigration bill just on the eve of election, but that has very little weight with me, persuasive or otherwise, because I am committed to my constituency to take the immigration bill at the first and at every opportunity that I shall get, and regardless of any action that these gentlemen

might take. I think I can say that not only I but many other Democratic Senators would vote to dispose of this immigration legislation, in which we believe sincerely and for which we are willing to fight stoutly whenever the occasion arises.

Now, so much for that feature of it. Our caucus rules, of course, do not attempt or undertake to bind the Senators on the majority side to support any proposition about which they have constitutional scruples or concerning which they have made pledges to their constituencies.

Therefore the contention is not made, it could not be made, that with respect to the consideration of the immigration bill, either the Senator from Georgia or any other Senator on this side of the Chamber is bound to vote not to consider it during the present session.

The Senator from Missouri [Mr. REED] suggested that the proposition to tie the immigration bill to the child-labor bill as an amendment was a scheme of mine; in substance and effect that was his suggestion; that it was a method I had employed with which to fight child-labor legislation.

Mr. President, the Senator is in error about that, although, frankly, if I vote for the amendment which the Senator from Idaho [Mr. BORAH] has suggested that he may offer, I admit that my object in doing so, and my sole object in doing so, will be to defeat the Federal child-labor bill; but it is unfair to the Senator from Idaho and to Senators who think as he does about this matter, and who have given notice of their intention to offer this amendment to the child-labor bill, to charge them with responsibility for my motives, if I should happen to vote for the amendment.

As a matter of fact, from the beginning I have been in very grave doubt as to whether or not I could afford to vote for the amendment if it were proposed by the Senator from Idaho, for the reason that I am so much opposed to the child-labor law; and I am so thoroughly convinced of its unconstitutionality that I should be compelled to vote against it, no matter what amendments were placed on it, and no matter how much I should favor any amendment to it that might be agreed to.

Mr. President, that is all I wanted to say about that. At a later time, and at very much more length, I expect to discuss the child-labor bill and the various questions involved in that legislation; but for the present all I want to say in that connection is that if I vote for the Borah amendment at all—the Senator from Missouri is right—it will be because I want to defeat the main proposition. I hesitate to do that, and I have not yet decided that I will do that, because I am sincerely and thoroughly in favor of the immigration bill, and I urgently insist that it ought to be taken up and acted upon during the present session of Congress. I therefore hesitate to tie the two propositions together. I do not know whether it would beat them both or pass them both. I should be sorry to see either happen. Therefore I should be in a very bad fix if they did tie them together. As the Senator from Minnesota [Mr. CLAPP] suggests, I would be very much happier if either one "of the fair charmers were away." I should like to see the immigration bill passed, and I should be utterly displeased if the child-labor bill were to pass.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I do.

Mr. THOMAS. The Senator from Georgia is in favor of the immigration bill, is he not?

Mr. HARDWICK. Yes.

Mr. THOMAS. Does the Senator think that it would be businesslike or practicable to take up and consider the immigration bill at this late period in the session, in view of the fact that the last Congress passed the bill and the President vetoed it?

Mr. HARDWICK. I will answer the Senator's question by saying that I think it is perfectly feasible and perfectly practicable; and I will tell the Senator why. Because the bill reported from the committee, of which I am a member, is almost identical with the one we have heretofore passed.

Mr. THOMAS. Precisely.

Mr. HARDWICK. It would not, therefore, take long to pass it in this body—I venture that prophecy—unless a determined effort were made to delay it for the purpose of delay only, and I hardly think that would be done.

Mr. THOMAS. Does not the Senator think that if we should pass the bill the President would veto it?

Mr. HARDWICK. I do not hesitate to face that question also, and I believe I voice the sentiments of 99 per cent of my constituency when I answer it as I am going to answer it. If

the President does veto the bill the Senator from Georgia is prepared to vote to pass it over his veto. Not only that, but I venture the statement in this presence that more than two-thirds of the Members of both Houses of Congress are equally prepared to do the same.

Mr. THOMAS. Will the Senator from Georgia vote to pass the combined bill or both bills over the President's veto?

Mr. HARDWICK. I have just said I would not; and if I vote for the so-called Borah amendment, it will be simply because I hope the Senator from Missouri was right in his prediction that the President would veto them both. Then my idea would be that we should take up the immigration bill as a separate and independent proposition and send it to the President separately.

Mr. THOMAS. Does the Senator suppose for a moment that the Democratic Party in power in both Houses would override the veto of its own President on an important matter of that kind at this juncture?

Mr. HARDWICK. I have not the slightest doubt about it, to give the Senator my own opinion.

Mr. THOMAS. Neither have I, I want to say to the Senator, any doubt that the Democratic Party would not do it.

Mr. HARDWICK. The Senator from Colorado, I think, is venturing into the realms of prophecy.

Mr. THOMAS. I am venturing into the realms of political wisdom and propriety.

Mr. HARDWICK. I do not know whether the Senator is doing that or not. My own opinion is precisely contrary to his.

Mr. LEWIS. Mr. President—

Mr. HARDWICK. Just a moment, if the Senator please. Members of both Houses of Congress, who have settled convictions on this great question, who have obligations on this great question, who represent the settled views and the well-matured opinions of great constituencies on this question, will not lightly surrender them at the behest of any man at any time, in my judgment. Of course, if the Senator from Colorado thinks otherwise, he is welcome to his opinion. My opinion is that on this one question—immigration—the Members of both Houses of Congress entertain opinions so well founded, entertain opinions so maturely formed, that they are not likely to yield them to any man, be he either President of the United States or what not, at this or at any other time. Of course that is a mere matter of opinion.

What I want to do, representing what I know are the wishes and views of my own constituency, is to have an opportunity to get this legislation acted on at the earliest possible moment. Of course, if the Senator from Colorado should be right in his opinion, if he entertains the opinion that it can not pass over the President's veto, we shall be no worse off than we are now, because we shall not have the legislation in either event.

Mr. THOMAS. Mr. President, I am as strongly of the opinion that the immigration bill should be placed upon the statute books as is the Senator from Georgia, but I am not willing to waste valuable time in the consideration of a measure, however important, the passage of which will probably be attended by a presidential disapproval, and I do not believe, if that disapproval should occur, it will be overruled or overridden by the action of the two Houses of Congress, certainly not at this time.

I am willing to stay here as long as anybody; it is our duty to remain here as long as we have indispensable business to transact; but I am not willing to stay here to transact business which, when transacted, will probably prove abortive. My judgment is that if this immigration bill is attached to the child-labor bill both will meet with the Executive disapproval. I do not know it; I have no right to go beyond an expression of opinion; but I think that opinion is pretty well founded. I believe and I hope that if, for the purpose of placing the President in an embarrassing position, he being a candidate for the Presidency, and for the purpose of compelling him either to veto the child-labor bill or to repudiate his action on the immigration bill at the last session, he should be asked to affix his signature to the bill with the rider, that he will refuse to do so; I think he ought to refuse to do so; and I think that if that is designed—and I am not attributing any such motive to the Senator from Georgia—

Mr. HARDWICK. Oh, I have said I have no such purpose.

Mr. THOMAS. As a political movement, the President, in public opinion, will be justified, under the circumstances, in refusing his consent to the measure with the amendment.

Mr. LEWIS. Mr. President—

Mr. HARDWICK. I yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I do not wish to divert the Senator from Georgia from an immediate reply to the Senator from Colorado, but I should like to ask the Senator from Georgia if he has observed in the public press the reports that



the Government of Norway, the Government of Italy, and the Government of Greece have tendered an inducement for the return of their people from the United States, the inducement being in the form of offering land and money compensation, to make up the great losses they have endured? I ask the Senator does he not think that the war and these evidences to which I have referred have removed any immediate exigency for the consideration of the immigration bill, and does not the situation differ now from that which prevailed immediately previous to the war, thus permitting the bill to go over until after the election without detriment to anybody?

Mr. HARDWICK. I will answer the Senator in just a moment.

Mr. President, answering first the suggestion of the Senator from Colorado [Mr. THOMAS], I am one of those who believe that those of us who would pass this bill before election and over the President's veto, if necessary, are the truest and wisest friends of the President of the United States. I believe that by passing this legislation, in which I think fully two-thirds of the people of the United States believe and which two-thirds of the people of the United States demand, before election and removing it from the field of politics, we will have strengthened the hands of our President rather than have weakened them. Why? Because the men who get the legislation they want are not resentful; men who get what they are after are not mad with those who opposed them. If you remove it from the field of mooted politics, of mooted political issues, before the election, you may save the President the loss of many thousands of votes, which it is quite possible he might lose by the action which he has already taken in this matter.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. STONE. I should like to ask the distinguished Senator from Georgia if he does not believe, what I do believe, that in the settlement of matters of this kind—the order of business, the program of legislation—the majority party over here might arrange that without discussing it on the floor of the Senate?

Mr. HARDWICK. Well, I do not think that I entertain any such notion as that. I do not think that the party situation is quite so desperate as to require any secret caucuses about this thing. I do not think that the temper of the American people is such that we have to consider behind closed doors what we will or will not consider on this floor or elsewhere. Not at all. If the party is going to take action in an authoritative binding manner, in the manner prescribed by the rule of the majority of Senators, then I am willing to abide by it on every question where I am not exempted by the rules themselves from abiding by that decision; but until such action is taken, what constitutes the will and program of the majority of Senators? What this Senator says or what that Senator says or what some other Senator says? No. It can be determined in no such way. I know of no way that we can determine the precise question whether we are going to take up the immigration bill before the adjournment of the session except by a vote of the United States Senate, unless Senators on this side deem it a matter of such grave party interest as to justify, if not to require, party caucus action in the manner prescribed by the rules, and after notice to every Democratic Senator that that is the question which is to be determined and settled by the caucus.

Mr. LEWIS. Mr. President, I should like to have from my able friend from Georgia an answer to the question which I asked, namely, if the conditions have not removed the exigency?

Mr. HARDWICK. I will come to that in just a moment. I must get to it in regular order. I want first to answer the other question.

The Senator from Colorado says that he does not believe on the eve of an election a Democratic House or a Democratic Senate would pass a bill of this sort over the presidential veto. With all respect, I differ as earnestly and as completely as possible from my distinguished friend from Colorado. I do not believe that the Democrats are made of that sort of stuff. The opinions that they have on the immigration question come from their constituents. They represent, as I said just now, the well-settled and well-matured opinions of the people back home on this question; every one of us does; and my judgment is that, regardless of who stands against the wishes, the interests, and the desires of our people and our own obligations to them, every Senator and every Representative, Democratic and Republican, is likely to vote pretty much as his convictions go and as his obligations to his constituents run. I know that is true in my case, and I think it is true of 90 per cent of the membership of this body and of the other House of Congress.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. HARDWICK. I yield.

Mr. VARDAMAN. Is it any more a discourtesy or a lack of consideration for Congress to pass a bill over the President's veto than it is for the President to veto a bill that passes Congress with practical unanimity?

Mr. HARDWICK. Certainly not. Talk about "teamwork"—

Mr. VARDAMAN. If the Senator will pardon me a moment.

Mr. HARDWICK. Yes.

Mr. VARDAMAN. The legislative department of the Government is the head, the thinking department in the matters of legislation. Here the laws are initiated, framed, and enacted. The framers of our peculiar form of government intended that Congress should do the thinking, while the executive department should perform the functions of the hand. The Congress has supreme power in the matter of making laws. And being a coordinate branch of the Government—of equal dignity and power with the executive department of the Government—I can not see how the passage of a bill over the President's veto could be construed as lacking in consideration for the President any more than the President's veto of a bill passed by Congress with practical unanimity would be taken as an affront to Congress by the President. The Congress and the President have their proper functions to perform, and they should perform those functions with independence and prudence, uninfluenced by any other consideration than a deep sense of responsibility to the American people, our common master. If I may be permitted to add in this connection, I will say that one of the dangers to the permanency of the form of government as established by its founders is the arrogation of authority by the Executive and the supine subserviency of the legislative department to presidential domination.

Mr. HARDWICK. The Senator from Mississippi is undoubtedly right. Speaking of "teamwork," are the Members of this body or of the other House of Congress to be criticized if they do not happen to agree with the President about some legislative proposition, and then is he to be allowed to differ from more than two-thirds of his legislative colleagues in both Houses of Congress and to be exempt from like criticism? Is it to be considered, forsooth, high treason on the eve of an election for us to consider whether we will pass a bill, the veto of the President to the contrary notwithstanding? To the suggestion of the Senator from Colorado I say no, in the name of American manhood, in the name of Democratic independence, in the name of our responsibility and duty as legislators.

Mr. CLAPP. And, Mr. President, especially when it is the function of Congress to act first upon a measure.

Mr. HARDWICK. Undoubtedly. The President of the United States—I dislike to suggest such a possibility—but it is barely possible that he may have changed his mind since he vetoed the immigration bill the last time. It may be that the Senator from Colorado is unduly, unnecessarily, and prematurely alarmed. It may be that when we send to the President this measure, which three-fourths of our people want, we will find that the President of the United States is willing for them to have it on the eve of an election.

Mr. THOMAS and Mr. HARDING addressed the Chair.

Mr. HARDWICK. Just one moment and I will yield to the Senators. I want to finish the sentence. Of course, I dislike to suggest the possibility that the President might change his mind on this question, but wise men have done so; wise men do sometimes change their minds, and who knows but that even President Wilson might with respect to this matter, after he knows the sentiment, the wishes, the will, and the desires of the American people, be willing to change his mind and let three-fourths of the Congress of both Houses have their way on this question?

Mr. THOMAS. Mr. President—

Mr. HARDWICK. I yield now to the Senator from Colorado.

Mr. THOMAS. Mr. President, I want to assure the Senator that the suggestions which I made were not prompted by any feeling of timidity or alarm, or even of expediency. The thought I had in mind was this: We are approaching the end of the session, and we have an enormous amount of unfinished business. I think that it is unwise to spend our time on measures, however important, which, after we have passed them, may not receive the Executive approval. I think the Senator will concede that I am as liable to act upon these matters with a reasonable degree of independence, and in a spirit entirely free from a fear of the consequences—

Mr. HARDWICK. I hope the Senator will not misunderstand me. My remarks, although some of them were in the nature of a reply to the Senator's question, were in nowise personal to the Senator. I have the very highest regard for him—

Mr. THOMAS. Oh, I understand that.

Mr. HARDWICK. And for his position, and for his independence, mentally and politically.

Mr. GALLINGER. Mr. President—

Mr. HARDWICK. I yield first to the Senator from Ohio, if the Senator from New Hampshire will pardon me.

Mr. HARDING. I have been so much diverted and enlightened, as well, by the remarks of the Senator from Georgia that I am very reluctant to cast even a pebble into the troubled waters on that side of the aisle. But since we are having a discussion of senatorial consideration for the Executive in connection with the legislative program, I want to ask the Senator from Georgia if it would not be wise to invite the Executive into the majority caucus. I have been reading in the newspapers not a little lately, Mr. President, about the Executive determination that Congress shall sit until certain measures are enacted. In view of the different functions of the legislative and executive branches of the Government, I am curious for some enlightenment on this Executive order that Congress must accept its orders from the White House.

Mr. HARDWICK. Mr. President, answering the very interesting suggestion of the Senator from Ohio—if my friend from New Hampshire will pardon me just a moment—I want to say this; and I am going to speak with absolute candor and frankness about this thing, though it is a subject that is right hard to discuss in that spirit.

Under our American system the President of the United States is not only the Chief Executive of the Nation, but also, and sometimes I think unfortunately, he is the recognized leader of a great political party. Therefore, whether he belongs to your political party or to mine for the time being, it is not beyond the limits of propriety, as these things go and as our system has developed, that the President should make suggestions of a political nature to members of his own party. Of course, I do not think that they should ever take the form of commands; and I should feel very much hurt, indeed, if I believed that in the case which the Senator has in mind the President of the United States had undertaken to lay anything like a command upon this branch of Congress or upon the Congress as a whole.

We have read a great deal in the newspapers about this. The Senator knows how inaccurate and how unreliable most of it is. I take it, to be fair to the President of the United States—and I know the Senator from Ohio wants to do that—that he has made no commands or demands about this business; that he has merely expressed his opinion, his desires, and his wishes under the circumstances. That is as far as he could with propriety go; and I venture the assertion, without any personal knowledge of the facts, that he has not gone one inch farther in this matter, although in this particular matter I think he made a very great mistake in going even that far.

Mr. LEWIS. Mr. President, will the Senator from Georgia allow me to contribute some slight reply, in addition to his own, to the query or suggestion of the Senator from Ohio?

Mr. HARDWICK. Just a moment. I beg the pardon of the Senator from New Hampshire. I promised to yield to him.

Mr. GALLINGER. I will wait.

Mr. HARDWICK. I hope the Senator will not think I was rude to him.

Mr. GALLINGER. No; the Senator is always courteous.

Mr. HARDWICK. I yield to the Senator from New Hampshire right now.

Mr. GALLINGER. I rose to propound a question to my good friend the Senator from Colorado. The Senator from Colorado calls attention to the large amount of work that is ahead of us between now and the time of adjournment. I know that there is a large amount of work ahead of us; and I was going to ask the Senator from Colorado if he does not think it would be a good plan to drop the shipping bill and take up the immigration bill instead?

Mr. THOMAS. I do not.

Mr. GALLINGER. The shipping bill will of necessity take a good while. The immigration bill, I think, we could pass in a very short time.

Mr. THOMAS. Mr. President, if anything would determine me to insist upon considering the shipping bill at this session, it is the recent publication of a blacklist of American merchants and American business institutions by the British Government. And I assert that if the shipping bill had not been defeated by the Republican filibuster of last session, we would have to-day

a merchant fleet sailing upon the ocean that would make that blacklist absolutely ineffective.

Mr. GALLINGER. We would have one ship, would we? That is all; and we would have had to buy that from some foreign country. Now, I just want to ask one other question. How would it do for the Senator's administration to take up that blacklist matter and call Great Britain to account?

Mr. THOMAS. The Senator need not be alarmed. The administration is active. It has taken the first step; and I want to assure the Senator that while he may not be entirely satisfied—we can not expect our opponents to be satisfied with everything we do—the subject is in good hands, and will be dealt with with vigor and determination.

Mr. GALLINGER. If the President is going to do that, we do not need the shipping bill.

Mr. LEWIS. Mr. President—

Mr. HARDWICK. I yield now to my friend from Illinois.

Mr. LEWIS. Mr. President, with the permission of the Senator from Georgia, I should like to revive to the memory of the eminent Senator from Ohio that if there is any disposition in any President to direct Congress that it shall remain in session until certain things shall be done it was in pursuit of the precedent established by the administration of Roosevelt and Fairbanks, when the direction came from the President to the Vice President, who was then the Presiding Officer of the Senate, that two bills should be passed—one known as the Panama bill and the other a railroad bill for amending the interstate commerce act and giving certain privileges for the chastisement of certain railroads unfriendly to the then President—and the Vice President, then the Presiding Officer of the Senate, carried out the direction, and held this body in such slavish obedience until they did pass, notwithstanding the party of the President was opposed to them, that it not only succeeded, but the convention over which the eminent Senator from Ohio lately presided rewarded that former Vice President by giving him a renomination.

Mr. HARDWICK. Mr. President, if the Senator is through, I hope that no such sorry precedent as that will ever be followed by a Democratic President. If any Republican President was ever guilty of any such conduct as that—and I am assuming it is true, as the Senator asserts it—I hope that no Democratic President ever will do such a thing. My own defense of the President of our country and the leader of our party is that he has not been guilty of such conduct. It is inconceivable to me that the President should undertake to lay his commands upon Congress or upon Members of it. I can not and do not believe that he would adopt such a course.

Mr. WORKS. Mr. President—

Mr. HARDWICK. I yield to the Senator from California.

Mr. WORKS. The Senator has referred to the very unfortunate fact that the President of the United States has come to be regarded also as the leader of the political party to which he belongs.

Mr. HARDWICK. I think it is an unfortunate fact.

Mr. WORKS. I want to ask the Senator whether he understood that these suggestions about bringing on certain legislation were made in the capacity of President of the United States or in the capacity of leader of the Democratic Party?

Mr. HARDWICK. I will answer the Senator very frankly. My understanding—I did not talk to the President about this last matter—but my understanding, in a way, is that the suggestion was made by the President as the party leader and advised in a party way.

Mr. WORKS. Would not the Senator regard it as an impropriety for the President to urge any action on the part of the Senate as President of the United States?

Mr. HARDWICK. Except in a message to Congress in the way pointed out by the Constitution.

Mr. WORKS. I agree with the Senator very heartily in that statement.

Mr. HARDWICK. But the Senator from California and other Senators on that side, and Senators on this side as well, must readily concede the truth of what I have said. Under our American system, as it has grown up and developed, whether it be fortunate or unfortunate—and I think it is unfortunate—the President of the United States, in all cases, whether he belongs to one party or the other, is a great party leader, and that sometimes gets him in embarrassing positions, I admit.

Mr. WORKS. It is not a political question. It has existed on both sides.

Mr. HARDWICK. Undoubtedly.

Mr. WORKS. But I think that does not make it any the less unfortunate.

Mr. HARDWICK. Or any the less undesirable. I agree with the Senator.



Now, Mr. President, I want to let the consideration of the pending bill be resumed, so I am going to quit in just one more minute; but I want to say this in defense of the President of the United States; I have already stated that his position as a party leader sometimes forces him into positions of this kind. Sometimes his activities are purposely exaggerated by people who have a definite purpose in doing so, either by the friends of a bill who are trying to put it through, or by the opponents of a bill who are trying to defeat it, and who claim presidential support in the one case or presidential aid in the other. But, Mr. President, the point I am making, and the plea I am making, is for congressional independence, for congressional assertion—for the Congress of the United States to stand for what it knows the American people want, and to stand for it now.

Why delay? Why halt? Do your people want to halt? Do mine want to halt? I tell you "no," as far as mine are concerned. I believe I can say "no" as far almost any one of your constituencies is concerned. I believe that if there is any one proposition upon which a vast majority of the American people concur it is this great immigration question. I believe that recent events showing the undesirability of some elements of our foreign population under some circumstances and conditions have strengthened the determination generally throughout this Republic to proceed to enact such laws as will keep out the more undesirable immigrants from foreign shores, who bring over all sorts of theories and ideas about government to corrupt and lower the standard of our own body politic.

We know our constituents want that legislation, and want it now. I believe, as far as I am concerned, and I do not hesitate to express the belief, that two-thirds of both Houses of Congress stand ready now to pass that legislation over the veto of any President, Democratic or Republican. Besides, I do not think we ought to be certain that the measure is going to be vetoed if it is sent to the President again, for the reason I suggested just now.

Besides that, Mr. President—I do not want to take time to answer the suggestion of the Senator at any length—it is true that for the present there are not as many immigrants coming into this country as formerly; but I will say to the Senator from Illinois that my information is that the quality of the immigrants we are getting now is fully as bad as it ever was, if not worse than it ever has been. I say to the Senator from Illinois that now, when there is no pressure from foreign Governments to let their people in here, when there is no demand on us to keep an open door from the people of these different nations with whom we are at peace and with whom we have treaties of amity and friendship—now, when they want to join with us to keep their own people at home, is the accepted time to enact restrictive legislation of this character, because we will have the aid of all the Governments of the earth if the Senator is right; and now we can readjust our laws, without giving offense to anyone, in such a way as to establish the conditions that we want to establish in this country, that your constituents and mine, Senators, are demanding at your hands and at mine.

The responsibility is on us and not on the President of the United States. We are legislators, and not the President of the United States. His legislative functions as President of the United States begin when we send the bill to him and not sooner.

It is up to us, primarily, as to what legislation we will or will not pass; and I urge you, Senators, before this session shall adjourn, to send to the President of the United States the restricted immigration bill, commonly called the Burnett bill. If we will do that, and if it should be vetoed, I believe its passage by a two-thirds majority is certain in both Houses of Congress.

Mr. SMITH of South Carolina. Mr. President, before the Senator takes his seat I should just like to ask him a question.

Mr. HARDWICK. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. In the Senator's opinion, which is the more pressing need from the standpoint of Congress—the enactment of the immigration bill, which has to be dealt with from a national standpoint, or the enactment of the child-labor bill, where 46 States are already meeting, at least in part, the requirements?

Mr. HARDWICK. There can be no doubt as to the answer to that question, from my point of view at least. I regard the immigration bill as one of the most important and desirable before this country. Before long I hope to be able to demonstrate to the Senate that the so-called Federal child labor bill is not only the most undemocratic but the most un-American measure that ever was forced upon the attention of a great Congress, utterly destructive of American standards and of American

ideals, utterly ignoring fundamental American principles of every kind that were dear to our fathers, and that are still important if the American system is to be preserved to the people of this Republic.

Mr. SMITH of Maryland. I move that the Senate adjourn until 10 o'clock on Monday morning.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until Monday, July 31, 1916, at 10 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, July 29, 1916.

The House met at 12 o'clock noon, and was called to order by the Clerk, Hon. South Trimble, who read the following communication:

THE SPEAKER'S ROOMS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., July 26, 1916.

Hon. SOUTH TRIMBLE,  
Clerk of the House:

I hereby designate Hon. CHARLES M. STEDMAN, a Representative from North Carolina, to preside in the House on Saturday, July 29.  
CHAMP CLARK.

Mr. STEDMAN took the chair as Speaker pro tempore amid applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, infinite in wisdom, power, and love, our heavenly Father, help us to worship Thee in spirit and in truth by a faithful, conscientious, and efficient service in all the affairs of life, that we may leave in our wake a record worthy of the talents Thou hast bestowed upon us, be they few or many. The special order of the day proves the worth of a noble life, a man of large parts, true to his convictions, faithful as a public servant, still lives in the hearts of his people. His statue placed in this Capitol will speak to coming generations and inspire men to go and do likewise. So may we live and pass on to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of Thursday, July 27, was read and approved.

### THE SPEAKER PRO TEMPORE.

Mr. KITCHIN. Mr. Speaker, I send to the desk the resolution, and I move its adoption.

The Clerk read as follows:

#### House resolution 329.

*Resolved*, That the designation and appointment by the Speaker of Hon. CHARLES M. STEDMAN, a Representative from the State of North Carolina, as Speaker pro tempore for this day during the temporary absence of the Speaker, be, and the same is hereby, approved, and the said CHARLES M. STEDMAN is hereby empowered to sign as Speaker pro tempore during this day enrolled bills and joint resolutions and appoint conferees.

*Resolved*, That a copy of these resolutions be sent to the Senate as notice of the action of the House.

*Resolved*, That a copy of these resolutions be sent to the President as notice of the action of the House.

The resolution was agreed to.

#### BRIDGE ACROSS MAHONING RIVER, OHIO.

Mr. MANN. Mr. Speaker, on Thursday last the House passed the bill H. R. 16912, granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio. The bill was amended but the title was not amended, and I ask unanimous consent that the title be amended by striking out the words "the county commissioners of."

Mr. ADAMSON. I thought that was done, but it was overlooked.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the title of the bill referred to may be amended by striking out the words "the county commissioners of." Is there objection?

There was no objection.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On July 26, 1916:

H. R. 6057. An act to amend section 14 of the reclamation extension act approved August 13, 1914;

H. R. 11261. An act for the relief of Mary S. Corbin; and

H. R. 11262. An act for the relief of Mrs. C. D. Corbin.

On July 27, 1916:

H. R. 12193. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

On July 28, 1916:

H. J. Res. 218. Joint resolution authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.; and

H. R. 10484. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

#### PANAMA CANAL ZONE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an opinion recently rendered by the Hon. Henry D. Clayton, judge of the United States court of the State of Alabama, which settled certain questions in the Canal Zone.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an opinion by the United States judge, Henry D. Clayton. Is there objection?

There was no objection.

#### ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill (H. R. 16460), disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. BUCHANAN of Illinois. Mr. Speaker, I object to the unanimous consent.

Mr. HAY. I will ask the gentleman from Illinois what is the purpose of his objection, if he simply wants delay?

Mr. BUCHANAN of Illinois. My purpose is delay. I want to give Members an opportunity to think and see whether they can not serve the people of the country by helping them to exercise an influence to stop this increase in the Army bill.

Mr. GLASS. Mr. Speaker, I raise the point of order that the objection comes too late.

Mr. BUCHANAN of Illinois. Oh, no, Mr. Speaker, I was on my feet.

#### MILITARY ACADEMY BILL.

Mr. HAY. I ask unanimous consent, then, Mr. Speaker, to take from the Speaker's table the Military Academy bill (H. R. 16699), disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Military Academy bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. MCKENZIE.

#### ARMY APPROPRIATION BILL.

Mr. MANN. Mr. Speaker, may I get the attention of the House for a moment to ask my colleague a question? Of course, the Army appropriation bill will eventually go to conference. Is it the determined purpose of my colleague that this bill shall be referred to the Committee on Military Affairs, reported back to the House, and then to object to sending the bill to conference, there having been delay enough to know what the Senate amendments are? In other words, what I am trying to get at—

Mr. GARNER. Whether it will be necessary to have a quorum.

Mr. MANN (continuing). Is whether we will be under obligation at this time to send out word to Members who have gone home, or who are away on private or public business, that they must return in order to get this bill into conference.

Mr. BUCHANAN of Illinois. I am not prepared to state just now what course I shall pursue. I will say that it is my purpose now to attract the attention, if I can, of the people of the country to what I believe is the most vicious proposition that has ever been considered in the House in the way of unnecessary appropriation, one that will create militarism and practically put the country into a military camp. If I can be of service in that way, I shall be gratified. I will say to the gentleman that it is not my purpose or intention to put any Member of the House to any inconvenience, but I hope gentlemen will understand that this is not due to any personal feeling on my part against any Member of the House.

Mr. MANN. I understand the gentleman's position.

Mr. BUCHANAN of Illinois. I feel keenly that this is a very vicious proposition. The people and the leaders of this great legislative body, the greatest in the world, seem to have their faculties and activities in opposition to this vicious legislation chloroformed.

Mr. MANN. My colleague will realize this as quickly as anybody else in the House. The suggestion is to disagree to the Senate amendments. That is what the House will do eventually, and that is what my colleague wants to do eventually. There is no escape from the proposition practically that the Army appropriation bill, in some shape, will become a law, and that before it becomes a law it will go to conference. If the proposition should be to agree to the Senate amendments in the House, then there would be a very strong point in objecting to it; but, after all, in the end we shall disagree to the Senate amendments and send the bill to conference. I am only speaking in behalf of Members of the House. There are a large number of us here, but the House is not very actively engaged just at present, and many Members have been told that they might properly leave Washington. I have said that to Members upon this side of the House, and the same thing has been said to Members upon the Democratic side of the House. To call these gentlemen back to accomplish a thing which is bound to be accomplished anyway would be to impose a great inconvenience upon many Members. I have no objection myself to the bill going over and being referred to the committee and reported back, but the question is whether we shall have to send out word to everybody to come back here. Some one may move to concur in the Senate amendments if it comes before the House, and then we will want the Members here. It seems to me that my colleague has accomplished his purpose already, which is to attract the attention of the country to the proposition and to his position.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. HAY. Yes.

Mr. TOWNER. Mr. Speaker, permit me to suggest to the gentleman from Illinois [Mr. BUCHANAN] that if he at this time permits this bill to be sent to conference disagreeing to the Senate amendments, which are all increases, he will prevent a motion to concur being considered, for the reason that we have not a quorum present; but if he forces the presence of a quorum here, when the motion to concur may be made, it may be carried, and in that event is he not defeating the very object that he had in view, which is to prevent the large increases which have been placed upon the bill by the Senate? Has the gentleman considered that phase of the question?

Mr. BUCHANAN of Illinois. Mr. Speaker, I am not stating that because of my action it will be necessary to call members back here to get a quorum. I have not made any statement to justify that opinion at this time. I simply object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

#### TROOPS OF NATIONAL GUARD IN UNITED STATES SERVICE.

Mr. HAY. Mr. Speaker, I present herewith a privileged report from the Committee on Military Affairs, and ask for its adoption.

The SPEAKER pro tempore. The gentleman from Virginia presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 323 (H. Rept. 1060).

*Resolved*, That the Secretary of War be, and he is hereby, directed, if not incompatible with the public interest, to inform the House of Representatives—

First. How many troops of the National Guard are now in the service of the United States in compliance with the President's order of June 18, 1916?

Second. What is the prescribed war strength for the organizations called into the service of the United States by the above order?

Third. Have any organizations been accepted into the service of the United States whose strength fell short of the minimum prescribed peace strength? If so, was the minimum requirement waived by the President?

The SPEAKER pro tempore. The question is on the adoption of the resolution.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GARDNER], pending the consideration of the resolution, may address the House for 15 minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may address the House for 15 minutes. Is there objection?

Mr. HAY. Mr. Speaker, I have no objection to that. I control the time, and yield the gentleman 15 minutes.

Mr. GARDNER. Mr. Speaker, I introduced this resolution which we are now considering, but it is not upon the subject of this resolution that I desire to speak. I have some observa-



tions to offer on the Army appropriation bill as it came from the Senate. Let me preface my remarks by saying that the Senate has done a very sensible thing in yielding to the House in the matter of the appropriation for the dependent families of National Guardsmen in the service of the United States. We have no business to force a National Guardsman with a dependent family to make his choice between asking for his discharge and leaving his family unprovided for. I am also glad that the Senate has provided for the families of Regulars called to Mexico or to the border. It will not cost very much. There are very few Regulars who have families, and most of those families are not dependent. I think, however, that the Regular soldier will feel better satisfied if he feels that his family will get the same treatment as the family of the National Guardsman.

The day before yesterday I was exceedingly glad to see the Navy appropriation bill go to conference. In the form in which the Navy bill passed the Senate, it was a thoroughly good bill and will mark the beginning of a real Navy. That the bill is in such splendid shape is in my opinion due more to Senator SWANSON and Senator LODGE than to any one else. I wish I could say that this Army appropriation bill which we are now considering is good. I wish that I could even say that it is not bad; but the fact is, Mr. Speaker, this bill is bad because it is utterly inadequate, and any one who really believes in preparedness must know that it is utterly inadequate. The fact alone that the RECORD does not show a single antipreparedness Senator voting against the bill is an exceedingly significant circumstance. I do not think the fault lies with Senator CHAMBERLAIN. The fault lies fundamentally with the recent Hay Army reorganization law, and with the War Department, which refuses to grasp its nettle in the matter of field artillery and field-artillery ammunition. The actual facts which can not be disputed are these: The country has been cockered up into the belief that the Regular Army has been increased by the Hay Act to 175,000 enlisted men of the line, peace strength. Theoretically, that will be the case in the fiscal year ending June 30, 1921, and not before. This Army appropriation bill, which we have before us, permits us to pay 105,000, and no more, enlisted men of the line of the Regular Army during the next year.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. TOWNER. I received word yesterday from The Adjutant General's Office that the net increase in the Regular Army under the act passed some months ago up to the present time was 3,700 men. How long does the gentleman think it will be before we get this 175,000 men in the Regular Army?

Mr. GARDNER. It will be a very long time, and there will have to be a total reorganization of the Army before this can be done.

Mr. TOWNER. May I ask the gentleman another question?

Mr. GARDNER. Certainly.

Mr. TOWNER. What is the gentleman's idea about what will be necessary to get the Regular Army up to that quota?

Mr. GARDNER. That involves a very long discussion. I published that in the RECORD at one time and I should be very glad to go into it. There are four principal things which I believe ought to be done before we can get our organization into proper shape, and I shall try and remember to send the gentleman a copy of my remarks upon the subject, but I want to read now an extract from a letter from the Secretary of War to Hon. GEORGE W. LOFT, a Democratic Member of this House from the State of New York, written on July 7, 1916:

WAR DEPARTMENT,  
Washington, July 7, 1916.

Hon. GEORGE W. LOFT,  
House of Representatives, Washington, D. C.

SIR:

The Hay-Chamberlain Act authorizes about 105,000 enlisted men for the line of the Regular Army during the fiscal year ending June 30, 1917; this is also the number provided for in the pending Army appropriation bill.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

As to the appropriations in this bill for field artillery and field-artillery ammunition, we are simply nibbling at the problem instead of digging our teeth into it. The board of expert Army officers known as the Treat Board has just made its report to the War Department. The report tells us what we ought to accumulate in the way of field artillery and field-artillery ammunition in order to have enough on hand to take care of us if war with a first-class power should break out. The Treat Board's figures show that we must expend \$441,000,000 for field artillery and field-artillery ammunition. This pending bill, together with a bill passed earlier in the session, allows us to

expend \$38,000,000 for that purpose. At that rate of appropriation it will be between 11 and 12 years before we shall have enough field artillery and field-artillery ammunition on hand to give us an adequate supply for the early months of a war. The War Department absolutely refuses squarely to face the greatest lesson taught by this war, to wit, the necessity of field guns, big and small, quantities of artillery ammunition, and plenty of machine guns. The joke of it is that the Army appropriation bill this year carries just seven times as much for field artillery and field-artillery ammunition as was carried by the Army appropriation bill last year, and yet last year we had pretty much the same information available as we have now. Twenty months have elapsed since Maj. Gen. WOTHERSPOON, Chief of Staff, United States Army, in his annual report told Congress pretty much the same story as the Treat Board has told us this year. Our present situation with regard to field-artillery ammunition if it were not pathetic would be ludicrous. We have on hand an accumulation of a little less than 550,000 rounds. Here is a letter from Gen. Crozier setting forth the facts:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ORDNANCE,  
Washington, July 5, 1916.

Hon. A. P. GARDNER,  
House of Representatives.

MY DEAR MR. GARDNER: In reply to your letter of July 1, 1916 (O. O. file 000.71/574), I may state that there are actually completed and in the possession of the United States 698 field guns and carriages of modern types and 545,300 rounds of ammunition therefor. This does not include the 2.95-inch mountain guns, with which part of the service is equipped, and for which there is a reasonable supply of ammunition on hand.

Very truly, yours,

WILLIAM CROZIER,  
Brigadier General, Chief of Ordnance.

The newspapers tell us that in preparing for the Somme advance the British Army alone expended 1,000,000 rounds of artillery ammunition per day. In other words, in a single day, on a single sector of a single front, a single one of the European belligerents used up nearly twice as much field-artillery ammunition as our entire national supply.

Mr. HAY. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Virginia.

The question was taken, and the resolution was agreed to.

#### FEDERAL FARM-LOAN ACT.

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 330.

Resolved, That there be printed 50,000 copies of public law No. 158, known as the Federal farm-loan act, of which 10,000 shall be placed in the House document room and 40,000 in the folding room.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

#### WAR-RISK INSURANCE BUREAU.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have no objection to the consideration of the bill or any objection to the bill. The gentleman from Pennsylvania [Mr. MOORE] has been giving considerable attention to this matter and offered objection when this bill was up. He informed me the other day that he was willing for the passage of the bill if it could be amended so as to extend the time of the bureau one year instead of two years as proposed. Is that satisfactory to the gentleman from Missouri?

Mr. ALEXANDER. Mr. Speaker, where it states in the bill that these powers of the war-risk insurance bureau shall be extended four years from the date of its passage, I suggest an amendment in line 7, by striking out "four" and inserting "three." That will be one year from September 2.

Mr. MANN. That meets with the suggestions of the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

*Be it enacted, etc.,* That section 9 of an act establishing a Bureau of War Risk Insurance, approved September 2, 1914, be, and it is hereby, amended so as to require the suspension of the operations of the act within four years from the date said act was approved.

Sec. 2. That all moneys received from premiums and from salvage shall be covered into the Treasury to the credit of the appropriation made for the payment of losses and be available for the purposes thereof.

Mr. ALEXANDER. Mr. Speaker, I move to amend by striking out the word "four" and inserting the word "three" in lieu thereof, in page 1, line 7.

The SPEAKER pro tempore. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 7, strike out the word "four" and insert in lieu thereof the word "three."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

#### STATISTICS OF COTTON SEED AND COTTONSEED PRODUCTS.

Mr. ASWELL. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and I move the adoption of the report.

Mr. MANN. Has the conference report been reported?

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. MANN. The conference report is short enough. Let it be read.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1002).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4767) entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of said bill, and agree to the same.

H. W. SUMNERS, *Chairman,*

J. B. ASWELL,

GEO. R. SMITH,

*Managers on the part of the House.*

WM. E. CHILTON,

MORRIS SHEPPARD,

R. M. LA FOLLETTE,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4767) entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products," submit the following statement in explanation of the report agreed upon:

Amendments 1 and 2 provide for taking into account, along with crude cottonseed oil, refined cottonseed oil held by refiners, brokers, exporters, and warehousemen. Your committee recommends their adoption.

Amendments 3 and 4 are intended to render the provisions of section 3 of the bill applicable to the owners, officers, or agents of refineries. Their adoption is also recommended.

Amendment 5 is as follows:

SEC. 4. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics of raw and prepared cotton and lint, cotton waste, and hull fiber consumed in the manufacture of guncotton and explosives of all kinds, and of absorbent and medicated cotton, during the calendar year 1915, and quarterly thereafter, and the quantity held in such establishments at the end of each quarter. The statistics herein provided for are in addition to those now collected in compliance with the act of Congress approved July 22, 1912, the provisions of that act being made applicable to and governing the collection and publication of the data.

Your committee believes that the section thus added will, if carried into the law, serve a useful and practical purpose, and its adoption is therefore recommended.

Amendment 6 was receded from by the Senate.

H. W. SUMNERS,

J. B. ASWELL,

GEO. R. SMITH,

*Managers on the part of the House.*

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. ASWELL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes;

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby;

S. 5496. An act to amend section 5 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908;

S. 1061. An act to allow additional entries under the enlarged homestead act;

S. 2383. An act to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads";

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska;

S. 21. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States;

S. 5427. An act referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims;

S. 5992. An act authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another;

S. 5430. An act for the relief of the Southern States Lumber Co.;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.;

S. 6016. An act for the relief of the Pillager Bands of Chippewa Indians of Minnesota, and for other purposes;

S. 789. An act providing for an additional judge for the district of Montana;

S. 5912. An act to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation projects.

S. 1361. An act to correct the military record of Thomas Smart; and

S. 1691. An act for the relief of Edward S. Farrow.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrow-rock Railroad, and for other purposes;

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;



H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes;

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota; and

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.; and

H. R. 15957. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15955. An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17172. An act further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2500) authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 16460. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917; and

H. R. 16699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes; and

H. R. 16068. An act to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Senate accepts the invitation of the House of Representatives to attend the exercises at the unveiling of the pediment on the east front of the House wing of the Capitol at 10.30 o'clock a. m., Wednesday, August 2, 1916.

The message also announced that the President had approved and signed joint resolution and bills of the following titles:

On July 21, 1916:

S. J. Res. 150. Joint resolution to authorize the Secretary of the Treasury to accept from the city of Pittsburgh certain lands in exchange for other lands of equal area.

On July 26, 1916:

S. 35. An act to authorize the Secretary of the Interior to issue patent for certain lands to the town of Myton, Utah;

S. 36. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah; and

S. 2845. An act authorizing the sale of the marine-hospital reservation in Cleveland, Ohio.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5912. An act to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in

connection with the Blackfeet Indian reclamation projects; to the Committee on Indian Affairs.

S. 1361. An act to correct the military record of Thomas Smart; to the Committee on Military Affairs.

S. 1691. An act for the relief of Edward S. Farrow; to the Committee on Military Affairs.

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States; to the Committee on the Merchant Marine and Fisheries.

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes; to the Committee on the Public Lands.

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby; to the Committee on the Public Lands.

S. 5496. An act to amend section 5 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908; to the Committee on the Public Lands.

S. 1061. An act to allow additional entries under the enlarged homestead act; to the Committee on the Public Lands.

S. 2383. An act to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States, relating to homesteads"; to the Committee on the Public Lands.

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska; to the Committee on Indian Affairs.

S. 21. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 5992. An act authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another; to the Committee on the Public Lands.

S. 5439. An act for the relief of the Southern States Lumber Co.; to the Committee on Claims.

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.; to the Committee on the Public Lands.

S. 6016. An act for the relief of the Pillager Bands of Chippewa Indians of Minnesota, and for other purposes; to the Committee on Claims.

S. 789. An act providing for an additional judge for the district of Montana; to the Committee on the Judiciary.

#### PENSIONS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to take the omnibus pension bill (H. R. 15957) from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to take the bill H. R. 15957 from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Let the bill be reported by title.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore named the following conferees: Mr. KEATING, Mr. VINSON, and Mr. SELLS.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that on next Wednesday, after the special orders that have already been made, I may address the House for one hour.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that on Wednesday next, after the special order is disposed of, he be allowed to address the House for one hour. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have no objection to the gentleman addressing the House. A number of gentlemen on this side want opportunity to address the House at an early date, but it is quite possible that on Wednesday the House may want to consider some bills on the Wednesday Calendar from the Committee on Interstate and Foreign Commerce.

Mr. BORLAND. I understand that.

Mr. MANN. If it is done, the gentleman from Georgia [Mr. ADAMSON] desires to proceed.

Mr. BORLAND. I do not want to interfere with anything that comes up before the House that the House desires to consider in the ordinary course of its business.

#### EXTENSION OF REMARKS.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### TARIFF ON WOOL AND SUGAR.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for one minute and extend my remarks in the RECORD on the tariff on wool and sugar.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to address the House for one minute and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming is recognized for one minute.

Mr. MONDELL. Mr. Speaker, the tariff act of October 3, 1913, known as the Underwood bill, reduced the duty on sugar 25 per cent and provided that on and after the 1st day of May, 1916, sugar should be admitted free of duty. The act of April 27, 1916, repealed these provisions of the Underwood bill and restored the rates of duty carried in the Payne tariff law. No reduction in the price of sugar resulted from this reduction of duty. On the contrary, the price gradually but steadily advanced. The result to the American sugar industry was, however, disastrous.

The Louisiana and Texas planters believed that they could not carry on their cane-sugar production without a loss, even with the 25 per cent reduction in tariff, if it brought about, as was certainly intended and expected by those who favored it, a corresponding reduction in the price of sugar. The sugar-beet growers and beet-sugar producers of the West were hopeful that they might be able to weather a 25 per cent reduction, but both they and the cane-sugar producers realized that when sugar went to the free list, if the price of sugar went down correspondingly, as the advocates of free sugar prophesied it would, they would be unable to conduct their business without a heavy loss.

The result of all this was enormous loss in the shutting down and dismantling of sugar mills and factories, both in the cane and beet sugar regions, a great reduction in the acreage devoted to cane and beet raising, and corresponding loss to the farmers and growers.

But the reduction claimed and expected never materialized. The importers promptly absorbed the 25 per cent reduction and added it to their profits. The Treasury lost the revenue and the people paid more for their sugar. Then came the European war, cutting off from the markets of the world the enormous beet-sugar production of Germany and Austria, and to a considerable extent that of Russia, a condition which, together with the control over the markets exercised by the refining interests, boosted sugar over 50 per cent in price almost immediately and finally sent it to and maintained it at a price almost double that of the period before the war. In the meantime the Federal Treasury was losing the difference between the old and new tariff rates, and these differences amounted in the period from March 1, 1914, to the end of the fiscal year 1916 to \$46,284,603, and for the fiscal periods in question, according to the Bureau of Domestic and Foreign Commerce of the Department of Commerce, were as follows:

*Sugar imported under new law and approximate difference in duty between old and new rates.*

	Pounds	Value.	Approximate difference between duty under old and new rates.
Sugar, Mar. 1 to June 30, 1914.....	2,566,121,216	\$25,318,021	\$9,258,485
Year ending June 30, 1915.....	4,931,466,032	155,204,278	17,185,144
Year ending June 30, 1916.....	5,786,446,863	285,451,870	19,840,974
Total.....			46,284,603

Such has been the result of Democratic tariff blundering as affecting a single article of commerce. Tremendous loss of revenue when sorely needed, at no gain to the people in lower

prices. It is true the Democratic Party is not responsible for the high price of sugar during the war period, but the fact that sugar did not decrease in price between the 1st day of March, when the duty was reduced, and the following August, when war was declared, but actually advanced, is conclusive proof that the Democratic Party erred in its contention that high duties necessarily maintained high prices for sugar and that a reduction in price would follow a reduction in the tariff rate.

The fact is, as the Republicans have always contended, that with free sugar or a low tariff rate the importers' trust could afford to reduce the price of sugar so low as to put the domestic grower out of business and would undoubtedly reduce the prices temporarily for that purpose and then raise them again immediately the purpose was accomplished. The domestic industry would not dare to take advantage of such a raise to again embark in the business, knowing that the importer had it in his power by a reduction in the price to compel them to sell at a loss.

A duty on sugar has made possible the building up of a great American industry, the effect of which has been to take from the importers' trust the power to manipulate the market. The tariff has therefore served the double purpose of bringing large revenues to the Federal Government and building up a domestic industry whose increasing product tends constantly to reduce the price below what it would be under free-trade manipulation by the importers. Furthermore, the industry thus built up has been of great and growing value to the farmers; in fact, to all the people of the sections where sugar is produced.

#### WOOL.

As I said at the beginning of my remarks, the tariff act of October 3, 1913, known as the Underwood bill, placed wool on the free list, beginning December 1, 1913. Wool was placed on the free list on the claim that the tariff on wool was a great burden on the consumers of the country, the users and wearers of woolen goods, and that under free wool the people would be able to obtain articles composed wholly or in part of wool at a much lower figure. The failure of the repeal of the tariff on wool to accomplish any such purpose is known and patent to all who purchase or use woolen goods. And this is not only true now, but it was true from December 1, 1913, when wool went on the free list, to August, 1914, when the war in Europe began. The proponents of free trade raked the country over during that period to find examples of reduced costs of woolen goods, without success. As a matter of fact, there was a slight but nevertheless definite and certain general increase in the cost of woolen goods in that period. Since the beginning of the European war wool and woolens have still further advanced, owing to the enormous demand which war creates for woolen goods and products. In the meantime the Public Treasury has a large portion of the time been in an impoverished and depleted condition, and one of the reasons—in fact, the most important single reason for that condition—is the loss of the wool duties. These losses of revenue, as estimated by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, amounted for the period from December 1, 1913, to June 30, 1914, to \$121,799,124.66, the amount for the various fiscal periods being as follows:

<i>Estimated revenues from wool, applying Payne law rates.</i>	
Dec. 1, 1913, to June 30, 1914.....	\$28,726,263.92
July 1, 1914, to June 30, 1915.....	31,872,118.66
July 1, 1915, to Mar. 31, 1916.....	44,946,031.74
Apr. 1 to June 30, 1916 (estimated on basis of general imports of wool).....	16,254,710.34
	121,799,124.66

Where shall we go to find more striking illustrations of Democratic tariff blundering and Democratic incompetency in handling the revenues and finances of the country than is to be found in the figures of revenue losses from these two items alone, totaling, as they do, \$168,081,727.66.

The House passed a few days ago a revenue measure which it was estimated would yield annually something over \$200,000,000 in revenue. The great bulk of that vast sum it is proposed to raise by direct, burdensome, inequitable, and in some cases almost confiscatory levies on the business, the enterprise, and the resources of the country and its citizens. If the duty had been retained on wool and on sugar, more than three-quarters of the sum which it is expected will be raised during the next year through this burdensome and inequitable revenue measure would now be in the Treasury available for current needs, assuming, of course, that the administration had not squandered it in the meantime. Let it not be forgotten that this entire sum of over \$168,000,000 would have been obtained from duties on wool and sugar without placing an additional burden of a single penny on any consumer of these articles, for whatever may be claimed



as to the effect of tariff duties under other circumstances and conditions in increasing the cost of products to consumers, no one with even superficial knowledge of the facts or the slightest regard for the truth will claim that during this period in which the price has been fixed by foreign demand and supply, the price to the consumer would have been increased one iota by the maintenance of the duty on sugar or on wool. We should have had in the Treasury \$168,000,000 contributed wholly by those who seek our markets for these articles. It would have been paid mostly by the foreign producer, though in the case of sugar some part of it would undoubtedly have been taken from the swollen profits of the Sugar Trust.

Now, Mr. Speaker, I further ask unanimous consent to extend my remarks in the RECORD on the subject of woman suffrage, and to insert an editorial on that subject.

#### WOMAN SUFFRAGE.

Mr. Speaker, on December 6, the first day of the present Congress, I introduced House joint resolution No. 2, proposing an amendment to the Constitution of the United States extending the right of suffrage to women. The resolution was referred to the Committee on the Judiciary, and there remains unacted upon to this day. The members of organizations devoted to the cause of suffrage, individuals interested in the cause of suffrage, associations of various sorts and kinds organized to promote the public good, have appealed to the members of the Judiciary Committee in person, by letter, and by petition, constantly and continuously, to report the resolution, or a resolution of the same tenor and effect, and yet nothing has been done.

The Democratic members of that committee are in full control. They could report the resolution out at any time. In fact, so nearly unanimous are the Republican members of the committee in favor of the resolution that two or three favorable Democratic votes joined with the Republican votes would have reported the resolution at any time. The Democratic membership, as representing the Democratic Party in the House, is therefore responsible for the failure to give the House an opportunity to pass upon this proposed legislation.

Of course, Democratic Members who may be, or who may claim to be, favorable to woman suffrage will endeavor to absolve their party from responsibility, but they will hardly be successful in so doing. The situation would not be so exasperating from the standpoint of the friends of suffrage if Democratic members of the committee and Democratic Members generally had been more frank and candid in their attitude toward this question. The friends of suffrage have reason to feel that there has been much of backing and filling, of indirection, of lack of candor, and seeming lack of sincerity in the attitude of many on this subject.

But if Members of Congress are open to the charge of not being entirely frank and definite and foursquare in their attitude on this question, what shall we say of the attitude of the President, the leader of the Democratic Party? His shifting and shuffling in the matter has been fairly amazing, and it is no wonder that it has left the friends of suffrage in a position and frame of mind that inclines them to doubt the President's sincerity and fixedness of purpose on any and all questions. I shall avail myself of the opportunity accorded to me by placing in the RECORD as a part of my remarks an editorial from the New York American of yesterday, the 28th, on this subject, which is as follows:

#### THE PRESIDENT'S EXTRAORDINARY EXCUSES TO THE SUFFRAGISTS.

The President has set himself in opposition to the desires and ambitions of the women enrolled under the banner of equal suffrage.

His opposition is frank enough. The reasons he gives for this opposition are, however, disingenuous.

Mr. Wilson has, of course, the right to be opposed to equal suffrage or to the maintenance of that doctrine as a national issue. But if he wishes his position to inspire respect it should at least show sincerity.

For the President to say that he opposes woman suffrage because his party platform did not declare for it is an obviously insincere statement.

No President ever violated so many party pledges as he, and none has ever manifested such utter disregard for the will of the Democratic masses as expressed in their platform.

Consider his record:

The Democratic platform upon which he was elected promised the free use of the Panama Canal for American ships. This pledge he forced a Democratic Congress to repudiate.

The platform proclaimed the ineligibility of Presidents to a second term. The President elected on that platform began planning for his second term before being inaugurated to his first.

The platform promised a discriminating duty on goods imported in American ships, and this duty when imposed by Congress was revoked by the Executive order of Mr. Wilson.

The platform guaranteed an adequate Navy, but the President, until the opening of his campaign for reelection, opposed suitable naval legislation with such insistence that the sincerity of his present eleventh-hour conversion is questioned by many.

For all President Wilson's present reverence for the sanctity of platforms no Executive has been readier than he to incorporate in his policies matters upon which the platform was either silent or against which a long and unbroken line of party precedents can be cited.

If Mr. Wilson had always held scrupulously to the pledges of the platform of his party, then his excuse to the suffragists would be valid.

If, indeed, he had been governed in the main by platform pledges, his excuse would be intelligible, if not wholly convincing.

But when he has made a specialty of departing from the platform in nearly every particular, it is absurd for Mr. Wilson to excuse his attitude in opposition to woman suffrage on the ground that the party platform has not declared in favor of it.

The second excuse offered for not complying with the request of the suffragists is equally unconvincing. He says that he can not dictate to his party!

This statement should have been followed by Artemus Ward's famous footnote: "N. B.—This is wrote sarkastical."

We can imagine the somewhat sour smiles with which Senators STONE and KERN, Chairmen KITCHIN, HAY, PADGETT, and FLOOD will greet this statement of the man who has been accustomed to call them to the White House and give his orders for Congress to execute.

There never has been a President who has dictated to his party in Congress as much as has Mr. Wilson, and there has never been a Congress which has with equal servility submitted to that dictation as has this Democratic Congress.

The suffragists will perforce have to accept President Wilson's declaration that he opposes equal suffrage. His excuses they may dismiss as mere moonshine.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the subject of woman suffrage. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

#### FREDERIC C. HOWE.

Mr. MANN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the gentleman from New York [Mr. BENNET], with an inclosure, being a letter written by some gentleman to him, taking exception to some remarks that he made on the floor. It is very short and gives an explanation.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent to insert in the RECORD a letter from the gentleman from New York [Mr. BENNET], with an inclosure, addressed to him. Is there objection?

There was no objection.

Following is the inclosure:

SLACONSET, MASS., July 20, 1916.

HON. W. S. BENNET,  
Washington, D. C.

DEAR MR. BENNET: In reading the newspaper account of what you said about me the other day in the House I note some things that are not true. I admit that I am a radical in my political and economic beliefs, and you can term me a "half-baked radical" if you choose, but I do not believe in free love and have never said anything to justify the statement which you quote to the effect that the immigrant could do anything he liked with his body. Inasmuch as these and several other things of the same kind are not true, I feel that they ought to be stricken from the CONGRESSIONAL RECORD. I am quite willing to stand on the things I believe in and the principles I hold, but it isn't sportsmanlike to quote some chance enemy. I think you will agree with me in that. You and I have different opinions as to how Ellis Island is run and how it ought to be run, and that is a public matter quite proper for contention. But I feel that I have a right in fairness to ask that you strike from the CONGRESSIONAL RECORD in editing your speech the gossip and the purely personal matters, for, of course, I have no hearing in Congress. It isn't quite fair to let them stand, is it? I think you will agree with me on that, even though we honestly differ about Ellis Island and the propriety of the Government running its own feeding establishment.

Very respectfully, yours,

FREDERIC C. HOWE.

#### ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill (H. R. 16460), disagree to all the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker pro tempore announced as the conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

MESSAGE FROM THE PRESIDENT—SAMUEL SCHWARTZ (H. DOC. NO. 1308).

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents and photographs,

referred to the Committee on Foreign Affairs and ordered to be printed:

*To the House of Representatives:*

In response to the resolution adopted by the House of Representatives on July 14, 1916, reading as follows:

*Resolved*, That the Secretary of State be, and he is hereby, requested to furnish the House of Representatives with a statement of what he has done to secure the release of Samuel Schwartz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain since proof was given him that the said Samuel Schwartz did not expatriate himself, but on the contrary resided at 22 West One hundred and twelfth Street, New York City, from 1902 to 1907—

I transmit herewith a report from the Secretary of State and accompanying papers, showing the action taken by the Department of State in the case of Samuel Schwartz, claiming American citizenship and alleged to have been unjustly deprived of his liberty by authority of the Government of Great Britain.

WOODROW WILSON.

THE WHITE HOUSE, July 29, 1916.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HERNANDEZ, for three weeks, on account of important business.

To Mr. PRICE, for 10 days, on account of important business.

CHANGE OF REFERENCE.

Mr. HARRISON. Mr. Speaker, I would like to get a change of reference. On July 25 I introduced a joint resolution (H. J. Res. 280) authorizing the Secretary of War to use such means as he has or may be furnished him for the relief of distress and need among the people of Alabama and Mississippi occasioned by the recent storm, which was referred to the Committee on Appropriations. I desire to have it referred to the Committee on Military Affairs. The latter committee has all these resolutions, as I understand, and is considering them now.

Mr. MANN. I think not.

Mr. HARRISON. They had a hearing yesterday upon those resolutions.

Mr. MANN. My impression is that the Committee on Appropriations had several of them. There is a whole raft of those resolutions.

Mr. HARRISON. I think on one day of this week a motion was made by some gentleman—I do not know who it was—to change the reference of these bills to the Committee on Appropriations from the Committee on Military Affairs, but a point of order was raised, and they remained with the Committee on Military Affairs. Yesterday there was a hearing before the Committee on Military Affairs touching this question.

Mr. MANN. The gentleman is slightly in error. The Speaker laid before the House the other day a request that these resolutions be transferred from the Committee on Military Affairs to the Committee on Appropriations; that is, two specific resolutions; an effort was made to do that. A large number of these resolutions have been introduced. My impression is that most of them, or at least some of them, are pending before the Committee on Appropriations. I think it likely that that is the only committee that can do anything in reference to those resolutions.

Mr. HARRISON. My only object in getting this transfer from the Committee on Appropriations to the Committee on Military Affairs is that if there is any action taken it will probably come from the Committee on Military Affairs, and the question should be considered as a whole by the same committee. If any relief is granted, it ought to be general, comprehended in one bill.

Mr. MANN. I think it likely that some help ought to be granted. Here is the situation: The Committee on Military Affairs, having some of these resolutions before it, will probably be authorized to report a resolution in lieu of the various resolutions which it has before it covering the same subject. I suppose the Committee on Appropriations can do the same thing. All of these resolutions which have been introduced referred to floods in particular rivers, which were named. Of course we do not expect to pass a dozen such resolutions. I think the gentleman would be better off to have the resolution pending in both committees.

Mr. HARRISON. I prefer that my bill be considered with other similar bills now pending and being considered by the Committee on Military Affairs.

Mr. MANN. I take it that if the Committee on Military Affairs reports a resolution, it will be a general resolution, covering all these floods in the several States.

Mr. HARRISON. I think that is what ought to be done.

Mr. QUIN. If the gentleman will permit, Mr. Speaker, I want to say to the gentleman that the Committee on Military

Affairs is waiting for reports from the engineers. We have a meeting in prospect to consider those reports.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman from Mississippi yield to me for a moment?

Mr. HARRISON. Yes.

Mr. PAGE of North Carolina. A few days ago, at my request, the Speaker submitted a request for unanimous consent to change the reference of two specific bills for the relief of flood sufferers, one introduced by the gentleman from Alabama [Mr. BURNETT] and the other introduced by the gentleman from Georgia [Mr. LEE], from the Committee on Military Affairs, to which they had been referred, to the Committee on Appropriations. The gentleman from Virginia [Mr. HAY], the chairman of the Committee on Military Affairs, saw fit to object to that request for a change of reference.

I was of the opinion then, and I am still of the opinion, that the proper reference of all bills relating to this subject was to the Committee on Appropriations. Possibly no Member on this floor has a greater personal interest in this particular subject than I, the district from which I come having been almost destroyed—certain sections of it—by the flood waters of one of these rivers, and the people are helpless. But, Mr. Speaker, without prolonging this discussion, believing as I do that the Committee on Appropriations should take cognizance of this subject, if any committee does at all, and should then suggest some measure, as indicated by the gentleman from Illinois [Mr. MANN], that will embrace all this stricken territory, I object to the request of the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Will the gentleman reserve his objection for a moment?

Mr. PAGE of North Carolina. I will reserve it.

Mr. HARRISON. May I ask the gentleman, who is a distinguished member of the Committee on Appropriations, whether that committee contemplates giving hearings and bringing out soon a resolution that will take care of the situation?

Mr. PAGE of North Carolina. I will say that the Committee on Appropriations and no member of it has yet had specific and definite information furnished through reliable channels on which it can act. Certain bills have been referred to that committee, and I think the gentleman from Mississippi and no Member of the House would be willing to say that the Committee on Appropriations would not act upon the resolutions. It has often acted on resolutions for relief of this kind when it had the evidence before it.

Mr. HARRISON. I do not think that the Appropriations Committee would not act, but I am of the opinion that one committee ought to have full jurisdiction of the question, so that we can get action, and I do not care whether it is the Committee on Military Affairs or the Committee on Appropriations.

Mr. PAGE of North Carolina. It was not until the last session of Congress that a bill of this kind was ever referred to the Committee on Military Affairs. I think there was one, but I believe that the Committee on Appropriations has jurisdiction of this matter.

Mr. ADAMSON. Will the gentleman from Mississippi yield?

Mr. HARRISON. I will yield.

Mr. ADAMSON. Mr. Speaker, when we received the intelligence of the devastation by flood, a number of us appealed to the War Department for relief and investigation. Investigations were immediately ordered; and a few days ago, when the wrangle or altercation came up in the House as to which committee should have jurisdiction, we discovered that both committees had some of these bills. I have one before the Committee on Military Affairs and my colleague [Mr. HOWARD] has one before the Committee on Appropriations. The suggestion I made to both committees is in line with what the gentleman from Illinois suggested, that, no matter what resolution they act upon, it should be amended by a substitute or otherwise, so as to embrace all the flood district and to provide for some measure of relief for all the sufferers. My judgment is that it is better to let them stay in both committees, and the committee that acts on it can act so as to apply relief to the whole territory.

Mr. BRITT. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BRITT. I have introduced a similar joint resolution for the relief of the sufferers in my district, which was referred to the Committee on Appropriations. It is a matter of indifference to me which committee considers it. I heartily approve of the suggestion that all the resolutions be consolidated and acted upon by some committee.

Mr. PAGE of North Carolina. I will say to my colleague that my information is that all the bills introduced on this subject for various localities have been referred to the Committee



on Appropriations, except the two first introduced—one by the gentleman from Alabama [Mr. BURNETT] and one by the gentleman from Georgia [Mr. LEE]. Those two by inadvertence, I am sure, were referred to the Committee on Military Affairs.

Mr. BURNETT. Not by inadvertence, because they properly belong there.

Mr. PAGE of North Carolina. I am advised by the authorities of the House that it was by inadvertence, and, I think, by people who at least know as much about parliamentary rules as the gentleman from Alabama. The records of Congress will show that measures of this kind, until the Arkansas bill in the present Congress was referred to the Committee on Military Affairs, and which was the first one referred to the Committee on Military Affairs, have been referred to the Committee on Appropriations.

Mr. BURNETT. I think the gentleman is mistaken. My recollection is that the Ohio resolution was referred to the Committee on Military Affairs and the matter of the boll-weevil conditions in Texas. I think the gentleman from Mississippi [Mr. HARRISON] reported one of the bills and the gentleman from South Carolina [Mr. NICHOLS] the other. There have been a number of cases, Mr. Speaker, that have been referred to the Committee on Military Affairs.

Mr. RAGSDALE. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. RAGSDALE. I have been much interested in the proposed legislation, but I differ somewhat in the scope of the bills introduced, because I think that Congress ought to go further than the proposed legislation. I have been to the War Department more than once, and in the first instance, before I offered any resolution or took any action, I requested the Secretary of War to send an Army officer to my district, which he did, and I understand from conversations that I had with the Chief of Engineers to-day, and with the Secretary of War, that they sent other officers into other States. They have heard from all the officers except one and were in telegraphic communication with him to-day, and expect to hear from him soon, giving final information upon which they propose to make a recommendation to Congress.

My idea is, and I hope that the legislation will conform to it, and I understand that it is the intention of the War Department to recommend not only the giving of sums of money or rations to those in immediate need of it, but also to provide work on the highways and roads under the Chief of Engineers of the Army. My idea is that this legislation, if it includes that recommendation, should go to the Committee on Military Affairs; because the construction work on the roads will be done under the direction of the engineers of the Army. For that reason, it seems to me, and for that reason I ask that my resolution be referred to the Committee on Military Affairs. This information is received from the officers they have sent into the field and the whole recommendation will come from the Secretary of War asking for a lump-sum appropriation to provide for the immediate necessities for the sufferers and to provide for sums to be appropriated to provide employment for those who want to work.

The SPEAKER pro tempore. Is there objection?

Mr. PAGE of North Carolina. Mr. Speaker, I object to the request of the gentleman from Mississippi.

#### EXTENSION OF REMARKS.

Mr. McKINLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short statement by Congressman GREENE, of Vermont, on how President Wilson has kept us out of war.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a statement by the gentleman from Vermont [Mr. GREENE]. Is there objection?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that upon Wednesday next, after the address by the gentleman from Missouri [Mr. BORLAND], subject to the same conditions upon which his request was granted, I be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GREEN] asks unanimous consent that on Wednesday next, after the address of the gentleman from Missouri [Mr. BORLAND], he be allowed to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Speaker, I desire to make a similar request, following the address of the gentleman from Iowa [Mr.

GREEN], for 20 minutes, to address the House on the subject of John Ericsson.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that on Wednesday next, after the address of the gentleman from Iowa [Mr. GREEN], he may be allowed to address the House for 20 minutes. Is there objection?

There was no objection.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I desire to give notice to the House that on Thursday next I shall call up the conference report on the Agricultural appropriation bill. There may be a necessity for the presence of a quorum at that time, though I am not sure.

Mr. MANN. Does not the Senate act on that conference report first?

Mr. LEVER. Yes; but I am assuming that they will act upon it in the meantime.

#### PENSIONS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4654, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, and that the same may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent for the present consideration of the bill S. 4654, and that the same may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Joseph Wessler, late of Battery B, Battalion Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$16 per month.

The name of Charles A. Myers, late of Company B, Fifty-first Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of William Peters, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of Floyd E. Driskel, late of Troop I, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George Beals, late of Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Omar E. Brown, late of Company K, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Anson Meyers, late of Company E, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph D. Sovern, late of Company H, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Virginia Watson, widow of Eugene W. Watson, late rear admiral United States Navy, retired, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of James Conway, late boiler maker, United States Navy, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The name of Henry Dussault, late of Company H, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James C. Larimer, late of Troop K, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$14 per month.

The name of Lizzie Breen, widow of Patrick Breen, late of Troop G, First Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of George Milholland, late of Company H, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cyrenus Rodgers, late of Company C, Third Regiment Kentucky Volunteers, War with Mexico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James M. Freeman, late of Company E, Eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John A. Smith, late of Company C, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Caleb St. Clair, late of Company B, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month.

The name of Carrier Thompson, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James G. Royse, late of Capt. Parker's company, Iowa Dragoon Volunteers, War with Mexico, and pay him a pension at the rate of \$20 per month.

The name of Dennie Dixon, late of Company L, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julia P. Denny, widow of Frank L. Denny, late colonel and quartermaster, United States Marine Corps, and pay her a pension at the rate of \$30 per month.

The name of Louisa M. Fletcher, widow of William Fletcher, late of Company G, First Regiment Ohio Volunteers, War with Mexico, and captain, Twentieth Regiment United States Infantry, and major, United States Army, retired, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of William Bradley, late of Company L, Second Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel A. Greenlee, late of Company I, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Caroline Heywood, widow of Charles Heywood, late major general commandant, United States Marine Corps, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of John A. Avirett, late of Company I, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of Andrew Houllhan, late of Company D, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edward J. Galman, late first lieutenant Company D, First Regiment Montana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of John P. Todd, late of Troop I, Second Regiment United States Cavalry, Texas and New Mexico Indian War, and pay him a pension at the rate of \$20 per month.

The name of Sarah Warnack, widow of Frederick C. Warnack, late of Company E, Second Regiment Illinois Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frank McCabe, late of Company I, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Grant E. Getchell, late of Company M, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Clifford T. Cheek, late of Company C, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward J. Cuzzort, late of Company E, Eighteenth Regiment United States Infantry, and Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Louise M. Swift, widow of Franklin Swift, late lieutenant, United States Navy, Regular Establishment, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Joseph C. Chilton, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth J. Burt, widow of Andrew S. Burt, late brigadier general United States Army, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Edward Lenfesty, late of Company M, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Edward D. Smith, late of Company H, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Williamson S. Wright, late first lieutenant Fourteenth Company United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Paul E. Busch, late of Company D, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Emer A. Robbins, late of Company L, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Michael H. Spaulding, late of Company H, Third Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Benjamin Kelsey, late of Troop D, Second Regiment United States Dragoons, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph A. Nolan, late of Company B, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Fred Lamke, late of Company A, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Robert F. Seawell, late of Company B, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Curt Seay, late of Battery C, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$16 per month.

The name of John T. Krenek, late of Company A, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sophronia Neel, widow of Thomas Neel, late of Company C, First Regiment Illinois Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Samuel C. Cochran, late of Company E, First Regiment Idaho Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James A. Saurbaugh, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Frank L. Simpson, late of Company D, Fifty-first Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of Viola C. McConville, widow of Edward McConville, late major First Regiment Idaho Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Bertha Z. Smith, widow of Howard Smith, late surgeon, United States Navy, Regular Establishment, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth W. C. Allen, widow of Charles J. Allen, late brigadier general, United States Army, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellie Jones Quinby, widow of Ira Quinby, late major First Regiment United States Infantry, and lieutenant colonel, United States Army, retired, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Joseph H. Cote, late of Company G, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Maria L. Dougherty, widow of William E. Dougherty, late brigadier general, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza J. Salmon, widow of John Salmon, late of Capt. Thomas Graves's company, Virginia Militia, War of 1812, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 8, strike out "\$16" and insert "\$12." (Joseph Wessler.)  
Page 1, line 11, strike out "\$30" and insert "\$12." (Charles A. Myers.)

Page 2, line 3, strike out "\$30" and insert "\$12." (William Peters.)

Page 2, line 24, strike out "\$40" and insert "\$30." (Virginia Watson.)

Page 3, strike out lines 22, 23, 24, and 25. (James M. Freeman.)

Page 4, strike out lines 15, 16, 17, and 18. (Dennie Dixon.)

Page 5, line 1, strike out "\$40" and insert "\$35." (Louisa M. Fletcher.)

Page 5, strike out lines 11, 12, 13, 14, and 15. (Caroline Heywood.)

Page 5, strike out lines 16, 17, and 18. (John A. Avirett.)

Page 5, line 21, strike out "\$36" and insert "\$30." (Andrew Houllhan.)

Page 6, strike out lines 22, 23, and 24, and, on page 7, strike out lines 1 and 2. (Edward J. Cuzzort.)

Page 7, line 13, strike out "\$50" and insert "\$30." (Elizabeth J. Burt.)

Page 7, line 21, strike out "\$16" and insert "\$12." (Edward D. Smith.)

Page 7, strike out lines 23 and 24, and, on page 8, strike out lines 1 and 2. (Williamson S. Wright.)

Page 8, line 8, strike out "\$20" and insert "\$12." (Emer A. Robbins.)

Page 8, strike out lines 13, 14, 15, and 16. (Benjamin Kelsey.)

Page 8, strike out lines 17, 18, 19, and 20. (Joseph A. Nolan.)

Page 9, line 5, strike out "\$16" and insert "\$12." (Curt Seay.)

Page 9, strike out lines 14, 15, and 16. (Samuel C. Cochran.)

Page 9, line 19, strike out "\$40" and insert "\$30." (James A. Saurbaugh.)

Page 10, line 7, strike out "\$30" and insert "\$12." (Bertha Z. Smith.)

Page 10, strike out lines 8, 9, 10, and 11. (Elizabeth W. C. Allen.)

Page 10, line 15, strike out "\$40" and insert "\$30." (Ellie Jones Quinby.)

Mr. KEATING. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:  
Page 3, line 3, after the word "month," insert as a new paragraph: "The name of Peter Black, late of the United States Navy, U. S. S. Ohio, War with Mexico, and pay him a pension at the rate of \$20 per month."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 83. Joseph Wessler.	S. 1703. James G. Royce.
S. 89. Charles A. Myers.	S. 1775. Dennie Dixon.
S. 90. William Peters.	S. 1804. Julia P. Denny.
S. 91. Floyd E. Driskel.	S. 1827. Louisa M. Fletcher.
S. 97. George Beals.	S. 1895. William Brac y.
S. 99. Omar E. Brown.	S. 2074. Samuel A. Greenlee.
S. 114. Anson Meyers.	S. 2238. Caroline Heywood.
S. 115. Joseph D. Sovern.	S. 2265. John A. Avirett.
S. 573. Virginia Watson.	S. 2284. Andrew Houllhan.
S. 629. James Conway.	S. 2309. Edward J. Galman.
S. 653. Henry Dussault.	S. 2476. John P. Todd.
S. 862. James C. Larimer.	S. 2534. Sarah Warnack.
S. 959. Lizzie Breen.	S. 2546. Frank McCabe.
S. 1122. George Milholland.	S. 2596. Grant E. Getchell.
S. 1124. Cyrenus Rogers.	S. 2601. Clifford T. Cheek.
S. 1346. James M. Freeman.	S. 2660. Edward J. Cuzzort.
S. 1506. John A. Smith.	S. 2721. Louise M. Swift.
S. 1510. Caleb St. Clair.	S. 2725. Joseph C. Chilton.
S. 1651. Carrier Thompson.	S. 2728. Elizabeth J. Burt.



S. 2780. Edward Lenfesty.  
S. 2834. Edward D. Smith.  
S. 2951. Williamson S. Wright.  
S. 2960. Paul F. Busch.  
S. 3112. Emer A. Robblas.  
S. 3150. Michael H. Spaulding.  
S. 3176. Benjamin Kelsey.  
S. 3229. Joseph A. Nolan.  
S. 3237. Fred Lamke.  
S. 3288. Robert F. Seawell.  
S. 3317. Curt Seny.  
S. 3323. John T. Krenck.

S. 3324. Sophronia Neel.  
S. 3623. Samuel C. Cochran.  
S. 3624. James A. Sautbaugh.  
S. 3638. Frank L. Simpson.  
S. 3643. Viola C. McConville.  
S. 3655. Bertha Z. Smith.  
S. 3671. Elizabeth W. Allen.  
S. 3903. Elie Jones Quirby.  
S. 4258. Joseph H. Cote.  
S. 4469. Maria L. Dougherty.  
S. 4546. Eliza J. Salmon.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. HUGHES] is entitled to one hour by special order, and has been waiting for some time.

Mr. HUGHES. Mr. Speaker, I will have to yield to my friend from Colorado again, and then I will yield about two minutes to the gentleman from Indiana [Mr. Cox].

Mr. KEATING. Mr. Speaker, I ask unanimous consent to call up the omnibus pension bill, S. 5914, and ask its immediate consideration.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent for the immediate consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER pro tempore. Is there objection to its present consideration? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Bell, late of Company A, Twenty-fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of Michael Lacey, late of Company L, Third Battalion Engineers, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Margaret Rowsell, widow of George Rowsell, late of Company D, Fourth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Odell Valcour, late of Seventy-eighth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of \$20 per month.

The name of John E. Halaas, late of Company I, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Michael Orell, alias Charles Welsh, late of Company K, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month.

The name of Thomas F. Lancaster, late of Troop E, Eleventh Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Adesta L. Kendall, widow of Lucius H. Kendall, late colonel First Regiment Maine Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$30 per month.

The name of Wilber Feaster, late of Company C, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Joseph T. Kling, late of Company G, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Minnie A. Curtis, widow of Lee A. Curtis, late of Battery B, Utah Volunteer Light Artillery, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of Thomas E. Sims, late of Company K, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Jennie G. George, widow of Charles P. George, late captain, Sixteenth Regiment United States Infantry, and major, United States Army, retired, Regular Establishment, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Charles P. George until she reaches the age of 16 years.

The name of George A. Wilson, late of Battery C, Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of Henry Lee, late of Company K, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mary S. Colborn, widow of Robert G. Colborn, late of Company G, Fifteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of the minor child of said Robert G. Colborn until he reaches the age of 16 years.

The name of Edward Smith, late of Company E, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of Martha L. Sternberg, widow of George M. Sternberg, late brigadier general and Surgeon General United States Army, Regular Establishment, and pay her a pension at the rate of \$100 per month in lieu of that she is now receiving.

The name of Henry Koehler, late of Troop D, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$18 per month.

The name of William R. Claxton, late of Company B, Second Regiment New Jersey Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Dale C. Cook, late of Company C, Fortieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Raymond Christian, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of George P. Thompson, late of Company B, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of Henry Sparman, late of Company G, Second Regiment Louisiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Milford W. Oxley, late of U. S. S. *Franklin*, United States Navy, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Lucas, late of Battery A, Missouri Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Minnie Jeffers, widow of Le Roy Jeffers, late of Company I, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of said Le Roy Jeffers until they reach the age of 16 years.

The name of Fonetta W. D. Scott, widow of Bernard O. Scott, late commander, United States Navy, Regular Establishment, and pay her a pension at the rate of \$30 per month.

The name of John McClintic, late of Company G, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Minnie Kinder, widow of Everett Kinder, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, and One hundred and third Company, United States Coast Artillery, War with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of the said Everett Kinder until they reach the age of 16 years.

The name of William Meyers, late of Company M, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$16 per month.

The name of Joseph England, late of Company B, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George W. Mosler, late of Company C, Second Battalion, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Reuben Allred, late of Company A, Mormon Battalion, Iowa Volunteers, War with Mexico, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Harry B. Helm, late of Company A, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George Rhode, late of Troop I, Second United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Margaret S. Gemberling, widow of John W. Gemberling, late second lieutenant Company F, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and dependent mother of George B. Siegles, late of Company A, Fourth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jennie S. Gilman, widow of Forrest J. Gilman, late of Company M, First Regiment Maine Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of the said Forrest J. Gilman until they reach the age of 16 years.

The name of William A. Bowen, late of Company E, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mary A. C. Kaigler, widow of William Kaigler, late of Company D, First Regiment Georgia Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Willie Hall, late of Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of Thomas Campbell, late of Battery L, First Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Caroline Carr, dependent mother of William H. Carr, Company A, Thirty-third Regiment Michigan Volunteer Infantry; Alvin Carr, Company K, Thirtieth Regiment United States Infantry; and Philo V. Carr, Company K, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$20 per month.

The name of Charles Groves, late of Company D, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of Newton H. Reed, late of Company M, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Oliver Bryant, late of Company F, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Horace A. Gerald, late of Company K, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Sarah J. Lewis, widow of Samuel Lewis, late of Company C, Mormon Battalion, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jen Rody Chauncey, late of Company H, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles M. Bradbury, late of Company G, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert H. Cowan, late second lieutenant Company K, Second Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Irene Bialock, widow of Vernon D. Bialock, late of Sixth Battery, United States Field Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of the minor child of said Vernon D. Bialock until she reaches the age of 16 years.

The name of Joseph W. Carrier, late of Company A, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William B. Hanley, late of Company F, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Peter F. Weasel, late of Company I, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$10 per month.

The name of Karl S. Newstrom, late of Company H, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Margaret A. Ede, widow of Alfred L. Ede, late Lieutenant (junior grade), United States Navy, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said Alfred L. Ede until they reach the age of 16 years.

The name of Flora C. Plumb, widow of Charles F. Plumb, late of Company A, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of Margaret R. Thompson, widow of Richard E. Thompson, late colonel, Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of \$30 per month.

The name of Mary O'Hara Carnes, widow of John Carnes, late of Battery M, Seventh Regiment United States Artillery, War with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said John Carnes until they reach the age of 16 years.

The name of Grace W. Post, widow of Henry B. Post, late second Lieutenant, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Edward Loudon, late of Company F, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Mary A. Loveland, widow of Leslie R. Loveland, late of Company H, Third Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Leslie R. Loveland until they reach the age of 16 years.

The name of Maria A. Hastings, widow of Daniel M. Hastings, late of Capt. Walker's company, First Regiment Texas Volunteer Cavalry, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lillias E. Knapp, widow of John J. Knapp, late captain, United States Navy, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isalah S. Watkins, late hospital steward, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Sarah A. Herndon, widow of Dabney Herndon, late assistant surgeon, United States Army, Florida Indian War, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Susan L. F. Rand, widow of Stephen Rand, late rear admiral, United States Navy, retired, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise D. Finley, widow of Walter L. Finley, late colonel First Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Susan S. Stran, widow of Thomas V. Stran, late of Company A, Second Regiment Indiana Volunteer Infantry, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frank D. Haskell, late of Ordnance Detachment, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Helen A. Gibbs, dependent mother of Randolph H. Gibbs, late of U. S. S. *Annapolis*, United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas J. McBride, late of Battery K, Fourth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 74. William Bell.	S. 5226. Mary A. Loveland.
S. 408. Michael Lacey.	S. 5241. Marie A. Hastings.
S. 449. Margaret Rowsell.	S. 5277. Lillias E. Knapp.
S. 572. Odolon Valcour.	S. 5278. Isalah S. Watkins.
S. 601. John E. Halaas.	S. 2782. Minnie Kinder.
S. 863. Michael Urell, alias Charles Welsh.	S. 2784. William Meyers.
S. 891. Thomas F. Lancaster.	S. 2788. Joseph England.
S. 916. Adesta L. Kendall.	S. 2838. George W. Mosier.
S. 1149. Wilber Feaster.	S. 2871. Reuben Allred.
S. 1150. Joseph T. Kling.	S. 2954. Henry B. Helm.
S. 1208. Minnie A. Curtis.	S. 3313. George Rhode.
S. 1356. Thomas E. Sims.	S. 3316. Margaret S. Gemberling.
S. 1418. Jennie G. George.	S. 3418. Jennie S. Gilman.
S. 1421. George A. Wilson.	S. 3701. William A. Bowen.
S. 1555. Henry Lee.	S. 3712. Mary A. C. Kaigler.
S. 1600. Mary S. Colborn.	S. 3718. Willie Hall.
S. 1709. Edward Smith.	S. 3992. Thomas Campbell.
S. 1716. Martha L. Sternberg.	S. 4023. Caroline Carr.
S. 1755. Henry Koehler.	S. 4081. Charles Groves.
S. 1815. William R. Claxton.	S. 4115. Newton H. Reed.
S. 1903. Dale C. Cook.	S. 4183. Oliver Bryant.
S. 1937. Raymond Christian.	S. 4235. Horace A. Gerald.
S. 2063. George P. Thompson.	S. 4285. Sarah J. Lewis.
S. 2196. Henry Sparman.	S. 4318. Jen Rody Chauncey.
S. 2247. Milford W. Oxley.	S. 4335. Charles M. Bradbury.
S. 2269. John B. Lucas.	S. 4359. Robert H. Cowan.
S. 2563. Minnie Jeffers.	S. 4433. Irene Blalock.
S. 2599. Fonetta W. D. Scott.	S. 4601. Joseph W. Carrier.
S. 2617. John McClintic.	S. 4653. William B. Hanley.
S. 5104. Mary O'Hara Carnes.	S. 4741. Peter F. Weasel.
S. 5177. Grace Post.	S. 4758. Karl S. Newstrom.
S. 5219. Edward Loudon.	S. 4875. Margaret A. Ede.
	S. 4996. Flora C. Plumb.

S. 5089. Margaret R. Thompson.  
S. 5279. Sarah A. Herndon.  
S. 5333. Susan L. F. Rand.  
S. 5359. Louise D. Finley.

S. 5429. Susan S. Stran.  
S. 5430. Frank D. Haskell.  
S. 5446. Helen A. Gibbs.  
S. 5505. Thomas J. McBride.

The following committee amendments were severally reported and severally agreed to:

Page 1, strike out lines 6 to 8, inclusive (William Bell).  
Page 2, strike out lines 5 to 8, inclusive (Odolon Valcour).  
Page 3, strike out lines 10 to 22, inclusive (Jennie G. George).  
Page 3, line 25, strike out "24" and insert "12" (George A. Wilson).  
Page 4, line 3, insert dollar mark before "12" (Henry Lee).  
Page 4, line 10, strike out "\$100" and insert "\$50" (Martha L. Sternberg).  
Page 4, line 20, strike out "18" and insert "12" (Henry Koehler).  
Page 4, strike out lines 21 to 24, inclusive (William B. Claxton).  
Page 5, strike out lines 23, 24, and 25, and on page 6, lines 1, 2, and 3 (Minnie Jeffers).  
Page 6, line 6, strike out "30" and insert "12" (Fonetta W. D. Scott).  
Page 6, line 22, strike out "\$16" and insert "\$12" (William Meyers).  
Page 7, line 4, strike out "\$30" and insert "\$24" (George W. Mosier).  
Page 8, line 25, strike out "\$20" and insert "\$12" (Caroline Carr).  
Page 9, strike out lines 1, 2, and 3, inclusive (Charles Groves).  
Page 11, line 4, strike out "\$50" and insert "\$30" (Margaret A. Ede).  
Page 11, strike out lines 8 to 11, inclusive (Flora C. Plumb).  
Page 11, strike out lines 12 to 15, inclusive (Margaret R. Thompson).  
Page 11, strike out lines 16 to 21, inclusive (Mary O'Hara Carnes).  
Page 12, strike out lines 4 to 9, inclusive (Mary A. Loveland).  
Page 12, strike out lines 15 to 18, inclusive (Lillias E. Knapp).  
Page 13, line 4, strike out "\$50" and insert "\$30" (Susan L. F. Rand).

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. HUGHES] is recognized for one hour.

#### VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker and gentlemen of the House, the Congress authorized, and under that authorization the President appointed a commission to consider the question of vocational education. That commission was in session for three months. They had numerous and varied hearings. They made a report to this House, and a bill was suggested by it. The bill was introduced in the House and referred to the Committee on Education. The committee considered that bill and the subject of vocational education for four or five months, and after having given it most thorough consideration they reported out that bill unanimously. One of the special regrets I have is that it will be impossible to pass that bill at this session of Congress, but it will be the endeavor of the committee, and my endeavor as its chairman, to present that bill to this House early in December, and I hope and believe it will be passed.

#### THE CASE STATED.

There is a tremendous wastage of youth in the United States. With very few exceptions it may be said that American boys and girls leave school at 14 years of age, or earlier, and go to work. At least 2,000,000 boys and girls between the ages of 14 and 16 are working for wages in this country. They are unskilled at that age and unfit for responsibility. Each year 1,000,000 young people are required simply to maintain the ranks of our working population.

There are 24,000,000 persons 18 years of age and over in this country engaged in farming, mining, manufacturing, and mechanical pursuits, trade, and transportation. Of the 14,250,000 engaged in manufacturing and mechanical pursuits not 1 per cent have had, or at the present time have, any chance to secure adequate industrial training.

#### VOCATIONAL TRAINING IS NEEDED TO PREVENT WASTE OF HUMAN LABOR.

We are among the world's great industrial peoples, striving mightily for our place in the commercial sun. We need that place to keep our workmen employed and their families happy, but we omit a necessary thing to win and hold the position for which we strive. We train the physician for his job, the lawyer for his profession, and we teach the veterinarian how to care for the horse. With exceptions, excellent indeed, but all too rare, we are letting the city boy and the mechanic's son go it alone. We are so busy with winning our way, so concerned with our own National, State, and local affairs that a great problem like the wasting of our youth has been almost untouched.

Hence it has come to be that the early years of a young mechanic's life are often wasted in learning how to earn his living after he has reached the time of life when it is his desire and duty to earn that living. Here is a weakness and a waste that may well alter the place of the United States in the commercial and industrial world.



The American people have hardly begun the work of providing for the practical education of these millions of our wage-workers. In this whole country there are fewer trade schools than are to be found in the now unfortunate little German kingdom of Bavaria, with a population not much greater than that of New York City. There were at the outbreak of the war more workers being trained at public expense in the city of Munich alone than in all the larger cities of the United States, representing a population of more than 12,000,000. It is substantially true that practically every German citizen who could profit by it may receive vocational training for his life work in the schools and classes supported out of the public treasury.

Mr. McKELLAR. Will the gentleman yield?

Mr. HUGHES. I will.

Mr. McKELLAR. I am not entirely familiar with the provisions of the gentleman's bill, and I know they are at his finger's end. Will the gentleman state just what his bill, in a general way, provides—the one which has been reported?

Mr. HUGHES. If the gentleman will wait, I will get to that in a few minutes, and I will be very glad to get to it.

To provide in our educational system some opportunity for our workers to improve their efficiency and thereby better their own and the communities' well-being is a social obligation which can not be avoided with impunity. But, disregarding for the moment this obligation, even to replace the annual mortality and superannuation of our great army of workers, each year 1,000,000 young people are required simply to maintain the ranks of our working population. Therefore, the immediate problem of vocational education is the problem of equipping for the successful pursuit of some useful trade or occupation the youths who go to work at the rate of more than 1,000,000 a year.

If we assume that a system of vocational education pursued through years of the past would have increased the wage-earning capacity of each of these to the extent of 10 cents a day, this would have made an increase of wages for the group \$2,500,000 a day or \$750,000,000 a year with all that this would mean to the wealth and life of the Nation. [Applause.] This is a very moderate estimate and the facts would probably show a difference between the earning power of the vocationally trained and the vocationally untrained of 25 cents a day. This would indicate a waste of wages through lack of training amounting to \$6,250,000 every day, or \$1,875,000,000 for the year. [Applause.] That is difficult for us to conceive and believe, but these figures are true.

Vocational training is required to conserve and develop our natural resources. These resources are decreasing. Successful competition with foreign countries in the future will depend upon our ability to "sell more brains and less raw material." [Applause.]

Despite the fact that the average intelligence is very high here, in this country perhaps higher than elsewhere in the world, we have begun to lower it, because our present system of universal education takes insufficient heed of the youth who goes to work. Large-scale production, the extreme division of the labor and the "all-conquering march of the machine," have practically driven out the apprentice system which, in a simpler age, taught the young not only details, but complete crafts. So, for the training which the trades themselves once furnished we now must substitute school training.

The returns of the old trade, technical, and apprenticeship school showed that the wage-earning power of their graduates steadily increased in direct ratio with their learning. This mind development is wealth creation, as certain as mine development. We must remember this, and we have not been doing so.

The increased demand for trained workers is an irresistible urge toward vocational training. The supply is relatively diminishing with the constantly increasing demand upon our industries for more and better goods. The European war and its disastrous results will be certain to emphasize this situation.

The unexampled prosperity of the American manufacturer has been in days past due, first, to the abundance and cheapness of the raw material which he has found at hand; second, to the inventive genius of the American people; third, to the presence in the American brain of organizing ability leading to production on a large scale; and, fourth, to the presence in this country of a great body of cheap foreign labor of the first generation, working its way upward to civic and industrial worth.

The opening of new foreign sources of supply and the depletion of our own stock of virgin raw material, the deterioration in the quality of cheap labor coming to us from Europe, both tend to make action imperative to our welfare. In proportion as our natural resources fail, we must increase the efficiency of human labor in the shop as well as on the farm.

#### TRAINED INTELLIGENCE NEEDED.

Only trained intelligence can conserve our mines, our forests, and our water powers; only trained intelligence can restore to our depleted land its old fertility [applause]; only trained intelligence can make it possible for us to maintain our higher standard of living for workers, and yet successfully compete with the workshops in lands where lower standards prevail.

The greatest resource of any nation is the undeveloped skill and vocational possibilities of its population. We must work this as industriously as we have worked our water power, our mines, our fields. Vocational training is especially needed to prevent waste of human labor, which is the most destructive form of extravagance of which a nation can be guilty.

The conservation and full utilization of our natural resources can be accomplished only in proportion as we train those who handle them. Public discussion and legislative fiat must be supplemented by an agricultural education which will teach the farmer how to make the soil yield an abundance and at the same time leave it rejuvenated, and by an industrial education which will teach our workers in shops and factories how to use material without waste and how to turn the products of our forests and our mines into articles of higher and still higher value.

#### THE SOCIAL AND EDUCATIONAL NEED FOR VOCATIONAL TRAINING IS EQUALLY URGENT.

Different tastes and abilities and equal opportunities to all to prepare for their life work, equality of opportunity in our present system of education, is not afforded to the mass of our children. While our schools are opened freely to every child, their aims and purposes are such that a majority of the children are unable to take advantage of them beyond a certain grade, and hence do not secure at public expense a preparation for their work in life. Although here and there we see the beginnings of change, it is still true that the schools are largely planned for the few who prepare for college rather than for the large number who go into industry.

The commission appointed to study this subject found that only half of the children who enter the city elementary schools of the country remain to the final elementary grade, and only one in ten reaches the final year of high school. On the average, 10 per cent of the children have left school at the age of 13; 40 per cent left by the time they are 14; 70 per cent by the time they are 15; and 85 per cent by the time they are 16 years of age. On the average, the schools carry their pupils as far as the fifth grade, but in some cities great numbers leave below that grade.

If we assume that all children should have a minimum school training equivalent to the eight grades of the elementary school, we must acknowledge that the schools now furnish this minimum to less than half the children who enter them. The rest leave school with inadequate general education and with no special training to fit them for work. Vocational courses are therefore needed to attract and hold in school pupils who now leave because they are unable to obtain suitable preparation for useful employment. For such pupils the vocational courses also offer the only opportunity which the schools have to give further training in citizenship.

Our existing scheme of education presupposes leisure to acquire academic culture or to prepare for leadership in the professions. Vocational culture and training for leadership in industry is equally important, and these can come only when education is broadened to meet the needs of all the children, so that each and every one may have a chance to develop in accordance with his or her capacity and be prepared to render to society the particular service of which he or she is capable.

Vocational training is needed for its indirect but positive effect on the aims and methods of general education, by introducing into our educational system the aim of utility to take its place in dignity by the side of culture, and to connect education with life by making it purposeful and useful.

Mr. MANN. Will the gentleman yield?

Mr. HUGHES. Yes, sir; gladly.

Mr. MANN. Like the other Members of the House, I have been very much interested in what the gentleman has said so far in his speech and will be in the rest of it. The subject of vocational education I think is one of the most important subjects before the American people to-day, or, for that matter, before the peoples of the world, but particularly with us. We are going to be in competition with other nations, where they do better than we about instructing their youth in the vocations. The gentleman is chairman of the committee and has given a great deal of study to this subject. I think the most valuable study that has been given in this country has been given by our distinguished friend from Georgia [applause] to this subject, and he has reported a bill into this House. I think I asked upon one occasion that the bill be passed over—if I did not I

had intended to do so when it was reached on the Unanimous Consent Calendar—because I thought the bill ought to be very carefully considered when we are entering upon so broad a domain, and if there is any man in this House who knows the subject it is our distinguished friend from Georgia, and if there is any man in this House who has influence on the subject in the House it is our distinguished friend from Georgia. [Applause.]

Of course, it is none of my business about the politics in his district or State, but if his district wants to do a service to the American people it will give him an opportunity to largely dispose of the subject of vocational education in this country by keeping him in the Congress. [Loud applause.]

Mr. HUGHES. Mr. Speaker, I assure the House that I can not find words to express my gratitude for the kindly expressions of my distinguished friend who has just made these remarks so complimentary to myself. I hope to God I may continue to deserve them. [Applause.]

Mr. MANN. Without wishing to interrupt the gentleman further, I want to say, if I may be permitted, that what I said is what I feel, and is the unanimous sentiment of everybody on both sides of the House. [Applause.]

Mr. HEFLIN. Will the gentleman yield?

Mr. HUGHES. I will.

Mr. HEFLIN. As a member of the Committee on Agriculture, I want to say that the gentleman from Georgia has made a profound impression upon me in discussing this question of training the youth of the country in the work of scientific and intensive farming, and I know of no man in this House who has been more industriously engaged in behalf of the agricultural classes than has my good friend from Georgia. [Applause.]

Mr. HUGHES. Of course, I am always a little weak when you speak of agriculture, my chosen profession. God knows I love it. [Applause.] I have devoted all my life to agriculture, and expect to continue it until I die. I thank the gentleman most kindly for his consideration.

The mission of vocational education is not only to provide definite training in the technique of the various occupations, but to relate that training closely to the sciences, mathematics, history, geography, and literature which are useful to the man and woman as a worker and a citizen. Under such instruction the student worker becomes familiar with the laws of health and with his rights and obligations as a worker and a citizen in relation to his employer, his fellow employees, his family, the community, the State, and the Nation. By thus relating education closely to the world's experience it becomes purposeful and useful and enables the worker to see the significance of, to use, and to interpret in terms of his own experience the knowledge and culture which the race has accumulated. Such education is at least entitled to a place in dignity by the side of the more formal and literary culture now given by the schools.

Vocational education is needed for its social value. It advances the time for the full earning power in mechanical and other trades by nearly or quite 10 years. This means the ability to save earlier in life; therefore the earlier establishment of homes and on a more secure basis. Furthermore, it means adding about one-third to the life period of full earning power.

Vocational education is a wise business investment. In the last analysis expenditure of money for vocational education is a wise business investment, which will yield larger returns, not only in educational and social betterment but in money itself, than a similar amount spent for almost any other purpose. It is recognized that boys and girls can not be valued in terms of dollars and cents, save as these represent returns in social well-being both to themselves and to society.

National grants are justified by the national character of the problem, for it concerns all the people and is of nation-wide interest and importance.

Vocational education as at present contemplated is peculiarly a national problem. It is beneficial to the entire community, since it has to do with the happiness and productive powers of the producers in the country. Nothing is of more vital importance to the community as a whole than to serve the full talents and capacities of its future citizens. This vocational education seeks to do. The problem is so extensive that it can not properly be worked out unless undertaken by the Nation as a whole. It should also be pointed out that such a problem as vocational education will never be enthusiastically and fundamentally taken up by local communities, because school workers rarely stay in the community where they are educated, but go to other communities and States to find a better market for their labor and skill. The problem should not only be made a national one but should be undertaken in a way that would give permanent results.

It is the duty of the National Government, in so far as it does not interfere with the constitutional rights of the States, "to promote the general welfare." National efficiency is the sum total of efficiency of all individual citizens and the national wealth is the sum of their wealth-producing capacity. While, therefore, our national prosperity in the past has been based largely upon the exploitation of our national resources, in the future it must be based more and more upon the development, through vocational education, of our national resource of human labor. In the markets of the world we compete, not as individuals but as a unit against other nations as units. This makes the protection of our raw material and of our productive skill and human labor a national problem, and unquestionably introduces a national element into vocational education, making the right preparation of the farmer and the mechanic of vital concern to the Nation as a whole. On national grounds, therefore, Federal aid for vocational education becomes necessary, and unless it is undertaken as a national duty, the national welfare, which is a time-honored provision of the Constitution, is at stake.

Since the founding of the Government Congress has passed, in all, more than 42 acts which conferred directly upon all the States, or upon specific States, usually at the time of their admission to the Union, national grants of either land or money to be expended for the benefit of education.

Abundant precedent for national grants to education is found in the grants given under the Morrill, Nelson, Hatch, and Smith-Lever Acts to colleges of agriculture and mechanic arts. Probably no aid given by the National Government for education has ever proved so fruitful as have these grants. New and vigorous colleges have been created, small and feeble State institutions have been awakened into new life, the agricultural and engineering professions have been developed, and the States have been stimulated to make large and rapidly increasing appropriations to these colleges and to their State universities.

The problem is pressing. The opportunity for highly skilled labor in all its forms was never what it is to-day. The nations of the world reach out to the United States and we to them. Our ability to seize this opportunity depends in large measure upon an abundant supply of highly skilled artisans in every line. The urgency is such that the States and cities can not meet it if they would. The Nation must help if it is to be done in time.

Only 9 of the 48 States have established State systems for vocational education, and these systems are not as yet reaching even 1 per cent of the workers who need training. These States are New York, Connecticut, New Jersey, Pennsylvania, Indiana, Wisconsin, California, Nebraska, and Massachusetts.

While the task confronting us is difficult and stupendous it can be overcome and will be overcome just in proportion as we work at it. Germany has done much, but her experience has for us only suggestion, never precedent and rule. By beginning now, under the stimulus of national encouragement, we shall learn by experiment and study how to meet the varied and complex demands of industry, due to peculiar social, economic, industrial, educational, and administrative conditions in each State and locality.

Vocational education is further justified by the interstate character of the problem, due to the interstate character of our industries and the national character of State business and industrial life. Because of its extreme mobility labor, particularly that which is skilled and is therefore in great demand, has taken on a national character. A man may be born in Indiana, trained a worker in Massachusetts, and spend his days as a machinist in California. A State can not be expected to devote large sums from her public revenues to the making of good workmen for the benefit of other States. Only out of a common fund like the National Treasury can the burden be equalized and adjusted so that each State may in justice be expected to meet the obligation resting upon its schools.

Industries are so interrelated that every State is interested commercially in the quality of workmanship in every other State. Cotton is grown in Georgia, woven into cloth in Rhode Island, and consumed in Iowa. Iron is rolled in Pennsylvania or Alabama, made into plows in Wisconsin, and used in Oregon. The widespread distribution of many large-scale industries is such that State lines must be disregarded when we think of the places and problems involved, not only in the making and selling of products but also in the education and employment of labor.

WHAT THE BILL FOR NATIONAL AID TO VOCATIONAL EDUCATION PROVIDES.

The bill provides:

1. National grants to be given to the States for stimulating vocational education in agriculture and in the trades and industries.



The term "agricultural education," as used in this bill, includes education for the farm home as well as for that farm itself. Hence, home economics, so far as it relates to the farm home, is included in the grant for instruction in agriculture.

2. The grants to be given are in two forms:

a. For the training of teachers of agricultural, trade and industrial, and home economics subjects.

b. For the paying of part of the salaries of teachers, supervisors, and directors of agricultural subjects, and of teachers of trade and industrial subjects.

3. Appropriations are to be made to a Federal board for making studies and investigations which shall be of use in vocational schools. These studies cover the subjects of agriculture and home economics, trades and industries, commerce and commercial processes, and methods of teaching and courses of study for such subjects.

#### KINDS OF SCHOOLS TO BE AIDED BY NATIONAL GRANTS.

The schools to be aided in part by the National Government must be—

1. Schools supported and controlled by the public.

2. The instruction given in them must be of less than college grade.

3. They should be designed to prepare boys and girls over 14 years of age for useful or profitable employment in agriculture, in the trades and industries, and in home economics.

4. The schools should be of three types in order to meet a variety of needs:

(a) All-day schools in which practically half of the time should be given to actual practice for a vocation on a useful or productive basis.

(b) Part-time schools for young workers over 14 years of age which should extend either their vocational knowledge or give preparation for entrance to a vocation or extend the general civic or vocational intelligence of the pupils.

(c) Evening schools to extend the vocational knowledge for mature workers over 16 years of age.

All costs of maintenance, including the cost of buildings, lands, or equipment other than the salaries of teachers, are to be borne by the State and local communities.

#### ADMINISTRATION.

A Federal board is to be created to administer and to cooperate with the States in promoting vocational education and for studies, investigations, and reports to aid the States in establishing and administering vocational schools.

The States shall designate or create State boards through whom the National Government will deal. The State board is required to submit its plans for using the fund to the Federal board, which will approve such plans when it finds them to be in conformity with the purposes and provisions of the act appropriating the grants. In this way the contractual relation between the State and Federal Governments is recognized and put into effect. The State, as the resident partner, conducts and supervises the business, and the Federal Government, as the nonresident partner, approves the plan of action as a condition of Federal aid.

#### CONDITIONS FOR PROPER SAFEGUARDING OF EXPENDITURES.

1. For each dollar received from the Government the State shall expend an equal amount for the same purpose, besides meeting all costs of plant, equipment, and maintenance.

2. The controlling purpose of all such education must be to "fit for useful employment." It must be less than college grade, and designed to meet the needs of persons over 14 years of age who have entered upon trade, industrial, farming, or home-making pursuits.

3. The schools aided in part by the National Government must be supported and controlled by the public.

4. Before money for training teachers can be received, each State must show that such training will be given only to persons who have had adequate vocational experience in the line of work which they are preparing to teach.

5. To administer these funds in the States, each legislature is required to designate or create a State board of not fewer than three members. The existing State board of education may be so designated. Thus each State will have its own board and study its local needs, being free to develop its own plans and always taking the initiative in the movement.

Summarizing its provisions, the bill extends to the States the help of the Government in establishing vocational education and in training persons to teach. This is to be done by grants of money and by the establishment of a Federal board for vocational education to work with and through the States in

starting this form of education. The purpose of the proposed law is not to enable the Federal Government to enter the educational field and establish schools but to extend such aid as will stimulate the different States of the Union to develop the work themselves. In effect, the bill proposes to extend to the boy and girl of less than college grade opportunities for training in the vocations which our young people are entering at the rate of more than 1,000,000 a year.

So here we have the United States coming forward with what, at least, is the most ambitious plan for educational advance likely to be carried out anywhere in the world during the immediate future. While Europe is killing off its trained workers we are preparing to train ours.

Mr. TOWNER. Mr. Speaker, I am a member of the committee and know, perhaps, better than others do who are not members of the committee what has been done by the chairman of the committee in the study of this great subject of industrial education. The chairman of the committee has been not only assiduous in his work but he has been so wise, Mr. Chairman, in management of the affairs that there has never been the slightest friction in the committee. They have all worked together harmoniously for the purpose of securing the very best class of legislation. [Applause.]

There have been some differences of opinion in the committee. Sometimes the committee has not agreed with the chairman in his views, but he has taken such a broad view of this whole matter that I am very sure the bill which is now submitted has his approval, and that means a very great deal in the estimate of those who know him best, because he knows better than anybody else what is needed, and he knows best what can be practically obtained, and that is almost equally important. I am very glad, indeed, to say that the service which he has rendered to the country in the preparation of this legislation for submission to Congress, both as a member of the commission which first formulated this regulation and then as chairman of the committee which has perfected it, as we believe, and presented it to the House, has been such as to entitle him to a debt of gratitude from the entire country. [Applause.]

Mr. HUGHES. Mr. Speaker, I thank the gentleman sincerely.

Mr. TILLMAN. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Arkansas is recognized.

#### RURAL CREDITS AND OTHER DEMOCRATIC LEGISLATIVE ACHIEVEMENTS.

Mr. TILLMAN. Mr. Speaker, many of my constituents are asking for information on the subject of the recently passed Federal land-loan act, and I take this opportunity to give them the information desired. I have compiled for them an analysis of the new law and will add a few thoughts on the achievements of the Democratic administration.

#### FARM LOANS BOARD.

The rural-credits law contemplates a farm-loan board of five members, four of whom are to be appointed by the President, the Secretary of the Treasury being a member ex officio. The expenses of this board will be paid by the Government, and its office is to be in Washington. It will have supervision over the rural-credits system much the same as the Federal Reserve Board has supervision over the 12 reserve banks of the United States. The country will be divided into 12 districts, in each of which will be established a Federal land bank authorized to make long-term loans on farms. Each bank is to have a capital stock of \$750,000. This stock may be subscribed for by the public within 30 days; if not, it is to be subscribed for by the United States Government.

#### FEDERAL AID TO THE BANKS.

The sum of \$9,000,000 is appropriated for the use of the land banks provided for by this system. This money is finally repaid to the Government without interest. The Secretary of the Treasury is authorized to deposit as much as \$500,000 in any land bank so that its operation may not be crippled for lack of abundant means. For the purpose of making the bonds and mortgages issued by the land banks attractive to investors these securities are exempted from all Federal, State, and municipal taxation. It would be better for the farmer if these bonds bear a small rate of interest, the smaller the better, as it is provided that these land banks shall lend money to the farmer at a rate of interest not to exceed 1 per cent more than the interest paid on the bonds, this 1 per cent being allowed for the expenses of the bank, and in no case shall a farmer be required to pay more than 6 per cent interest.

As I stated in a speech on June 27, the farmers of the country have been paying interest rates averaging 8½ per cent, totaling \$500,000,000 annually. This rate of interest is greater than the farmers can afford to pay. Hence it is important that

the interest rate be lowered, and this is accomplished by the act in question.

#### SUBJECT OF LOANS.

The right to make loans by a Federal bank is prescribed as follows:

1. To provide for the purchase of land for agricultural purposes.
2. To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm.
3. To provide buildings and for the improvement of farm lands.
4. To pay off the indebtedness of the owner of land mortgage existing at the time of the organization of the farm-loan association.

The Federal land bank under this act is permitted to loan 50 per cent of the value of the land mortgaged and 20 per cent of the value of the improvements situated thereon.

A loan can be made for not less than 5 nor more than 40 years. To avail yourself of the provisions of this act you must be a farmer at the time you borrow or shortly become engaged in the cultivation of the farm that is mortgaged. When the subscription to the stock in any Federal land bank has reached the sum of \$100,000 the officers and directors of said bank shall be chosen by the national farm-loan association and the Federal Farm Loan Board, as follows: Six of said directors shall be known as local directors and shall be selected by and be representative of the national farm-loan association, and the remaining three directors shall be known as district directors, and are appointed by the Federal Farm Loan Board and represent the public interest. In other words, each Federal land bank will be controlled by nine directors, each holding office for a term of three years. When the subscription reaches \$100,000 the borrowers who own the stock in the bank will control the same.

#### FARM-LOAN ASSOCIATION.

In order to secure a loan a farmer must be a member of the national farm-loan association. These associations are local and are composed of not less than 10 members, all of whom must be borrowers. Each association elects a president, vice president, secretary-treasurer, and a loan committee of three, none of whom shall receive a salary except the secretary-treasurer, who acts as the business manager. When an application for a charter for a local association is filed with the district land bank an examiner is sent to the locality to appraise the lands represented by the application, and if the lands are found eligible for loans the charter is granted. These associations are organized to solicit loans, pass upon the character of the applicant for the loan, and to make a final appraisal of the lands which the applicant offers as security.

#### HOW LOANS ARE MADE.

The borrower is required to make application for membership in the association. His application must be accompanied by subscription for stock in the association to the amount of 5 per cent of the amount he wishes to borrow. If he desires to borrow \$1,000 he must subscribe for ten \$5 shares, or \$50 worth. When the loan is paid this stock money is refunded to the farmer. The stock purchased need not be for cash, but the amount may be carried in the loan. The borrower's application is forwarded to the district land bank, together with the stock subscription. The land is appraised and the title investigated by the land bank, and if it is found satisfactory the loan is made and the money is sent to the secretary-treasurer of the local association for the borrower. All payments of principal and interest are made to the local secretary-treasurer.

#### AMOUNT LOANED, DATE OF MATURITY, AND INTEREST RATE.

The farmer can borrow 50 per cent of the value of his lands and an additional 20 per cent of the value of his improvements.

#### BORROWER'S LIABILITY.

One borrower is not liable for the debts of other borrowers in his association, but each member is liable for 5 per cent of the capital stock subscribed for by him and an additional 5 per cent on this stock, so if the Federal land bank should fail the borrower would only be responsible for the unpaid balance on his loan and 10 per cent of the original face value of his loan. In the case of the failure of the land bank, the loss to the borrower would not exceed the amount he now pays the local agent for procuring a loan for him.

#### HOW LOANS ARE PAID.

When the borrower pays his interest each year he can also pay an additional sum to be applied on the principal. This is known as the amortization plan. For instance, if a man pro-

cures a loan of \$1,000 for 20 years at 5 per cent, the same can be paid according to the table that follows:

Amortization table.

Annual periods.	Total annual payment.	Interest at 5 per cent.	Paid on principal.	Amount of principal still unpaid.
1.....	\$80.24	\$50.00	\$30.24	\$969.76
2.....	80.24	48.48	31.75	938.00
3.....	80.24	46.90	33.34	904.67
4.....	80.24	45.22	35.01	869.66
5.....	80.24	43.48	36.76	832.90
6.....	80.24	41.64	38.59	794.31
7.....	80.24	39.71	40.52	753.79
8.....	80.24	37.68	42.55	711.23
9.....	80.24	35.56	44.68	666.56
10.....	80.24	33.32	46.91	619.64
11.....	80.24	30.98	49.25	570.39
12.....	80.24	28.51	51.72	518.67
13.....	80.24	25.93	54.31	464.36
14.....	80.24	23.21	57.02	407.34
15.....	80.24	20.35	59.87	347.46
16.....	80.24	17.37	62.87	284.60
17.....	80.24	14.23	66.01	218.59
18.....	80.24	10.93	69.31	149.28
19.....	80.24	7.46	72.78	76.50
20.....	80.24	3.82	76.50	.....
Total.....	1,604.80	604.80	1,000.00	.....

The following table gives the figures for the payment of a loan of \$1,000 for 36 years at 6 per cent interest:

Annual periods.	Total annual payment.	Interest at 6 per cent.	Paid on principal.	Amount of principal still unpaid.
1.....	\$68.39	\$60.00	\$8.39	\$991.61
2.....	68.39	59.49	8.90	982.71
3.....	68.39	58.96	9.43	973.28
4.....	68.39	58.40	9.99	963.39
5.....	68.39	57.80	10.59	952.80
6.....	68.39	57.16	11.23	941.57
7.....	68.39	56.49	11.90	929.68
8.....	68.39	55.79	12.60	917.08
9.....	68.39	55.02	13.37	903.71
10.....	68.39	54.28	14.11	889.60
11.....	68.39	53.37	15.02	874.58
12.....	68.39	52.47	15.92	858.66
13.....	68.39	51.52	16.87	841.79
14.....	68.39	50.50	17.89	823.89
15.....	68.39	49.43	18.96	804.93
16.....	68.39	48.29	20.10	784.83
17.....	68.39	47.08	21.31	763.52
18.....	68.39	45.81	22.58	741.04
19.....	68.39	44.45	23.94	717.09
20.....	68.39	43.02	25.37	691.63
21.....	68.39	41.49	26.90	664.73
22.....	68.39	39.88	28.51	636.22
23.....	68.39	38.17	30.22	606.00
24.....	68.39	36.36	32.03	573.97
25.....	68.39	34.43	33.96	540.01
26.....	68.39	32.40	35.99	504.02
27.....	68.39	30.24	38.15	465.87
28.....	68.39	27.94	40.45	425.42
29.....	68.39	25.52	42.87	382.55
30.....	68.39	22.95	45.44	337.01
31.....	68.39	20.22	48.17	288.84
32.....	68.39	17.33	51.06	237.78
33.....	68.39	15.26	53.13	184.65
34.....	68.39	11.07	57.32	127.33
35.....	68.39	7.63	60.76	66.57
36.....	70.55	3.99	66.57	.....
Total.....	2,464.21	1,464.21	1,000.00	.....

#### GENERAL STOCK LAND BANKS.

The law also authorizes individuals to organize general stock companies for the purpose of making farm loans. The banks are to be organized with the capital of private individuals, and the Government does not contribute to the capital stock of these banks. Each bank must have at least \$250,000 worth of capital stock. These banks may issue bonds on mortgages the same as Federal land banks, and their interest charge is limited to 6 per cent. It will require several months for the Government to organize and put in operation the machinery necessary to make these loans.

#### WHAT THE PRESENT CONGRESS HAS DONE.

Besides passing the rural-credits act, this Congress has passed a good-roads bill providing for the following annual payments for good roads:

First year.....	\$5,000,000
Second year.....	10,000,000
Third year.....	15,000,000
Fourth year.....	20,000,000
Fifth year.....	25,000,000

The States will have to make available an equal amount or its equivalent, so that the amount of money to be expended



upon highways throughout the country in the next five years will amount to \$150,000,000. The Republican Party has been in power almost continuously since the Civil War and has never given the farmers either rural-credits legislation or good-roads legislation. The Democratic Party has given to the country the income-tax law, statehood for New Mexico and Arizona, election of Senators by direct vote of the people. It has abrogated boss rule in the House; it has provided for the publicity of campaign expenses; it has given us the Federal Trade Commission law, the war-risk insurance law. This administration has enacted the Clayton antitrust law, the Underwood tariff law, the Federal reserve law, and it has given beneficial labor legislation for America's toilers, the eight-hour day, the Children's Bureau, the child-labor bill, safety of railway employees, Bureau of Labor Safety, workmen's compensation law, the seamen's law, the anti-injunction law. The House during this Congress has passed bills to prevent gambling in farm products, the immigration bill, a warehouse bill, grain-grades bill, a ship-purchase bill, conservation bills, the flood-control bill.

It has been a Congress of achievements, especially in the interest of the farmers and the laborers of the country. The country has never been so prosperous as it is to-day because of Democratic policies and performances. The Republican Party makes promises, but does not fulfill the same. The Democratic Party made promises and has delivered more than it promised. The average price of wheat under Roosevelt was 78 cents per bushel; under Taft, 87½ cents per bushel; and the present price is 99½ cents per bushel. The average price of corn under Roosevelt was 45 cents per bushel; under Taft, 54 cents per bushel; and the present price is 71½ cents per bushel. The average price of oats under Roosevelt was 35 cents per bushel; under Taft, 37 cents per bushel; and the present price is 39½ cents per bushel. The average price of cattle under Roosevelt was \$8.22; under Taft, \$9.73; and the present price is \$11.30. The average price of horses under Roosevelt was \$184; under Taft, \$202; and the present price is \$205. The price of hogs under Roosevelt was \$7.23; under Taft, \$9.38; and the present price is \$9.85.

#### PROSPERITY IS GENERAL.

The total resources of the national banks of the country on March 1, 1916, were \$13,830,000,000, which exceeds by \$370,000,000 the greatest resources ever recorded in the history of the United States. In New England, under the Wilson administration, the bank deposits have been increased 31 per cent. The bank deposits of the Dakotas, Nebraska, Kansas, Montana, Wyoming, Colorado, New Mexico, Oklahoma, and Arkansas have increased during the same period 42 per cent.

The Republicans claim that much of this prosperity is due to the war in Europe. Some of it is due to that fact, but more is due to the fact that under the Wilson administration everybody has had a square deal—the people have had their day in legislative court—and every effort has been made honestly to serve all the people. The Republican Party brought about prosperity in spots; the Democratic Party has brought about prosperity in every nook and corner of the land. And let me stress the important fact that the President and this Congress kept the country out of war. On this record the Democratic Party, the oldest and yet the youngest and most progressive party in the country, can with confidence go to the people for justification and indorsement.

The SPEAKER pro tempore (Mr. GARNER). The gentleman from Texas [Mr. SLAYDEN] is recognized for 40 minutes.

#### THE NATIONAL GUARD.

Mr. SLAYDEN. Mr. Speaker, in order that I may not too greatly tax the patience of the House, I shall ask permission to print in the RECORD some data furnished me by one of the departments of the Government.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Speaker, during the War with Spain 18 years ago the country was painfully shocked when word came from Porto Rico that the Army was being fed on meat that was unfit for consumption. It was charged that putrid or "embalmed" beef was being served to the country's military servants.

There was a great scandal, and instantly the strongest of all powers—public opinion—demanded an investigation. The investigation was made, the deplorable truth ascertained, and the remedy applied.

That incident passed into history. I believe that it had an influence for good, for the conditions of 1898 can never be duplicated. Since then we have developed a system of inspection of

all the food furnished to the Army and much of that consumed by citizens, and the horrors of 1898 are now impossible.

But the fact that there exists no reason now for criticism of the supply corps of the Army has not prevented some partisan newspapers and scandal mongers from assailing the administrative officers of the War Department. A desperate but futile effort is being made to discredit capable officers and to show unfitness where a high degree of efficiency exists.

The fact is, Mr. Speaker, that a considerable army has been moved from far away parts of the Union to the Mexican border without hitch and with all the dispatch the occasion required. These troops were moved in safety and comfort even if Pullman berths and 9-foot linen sheets could not be supplied to all the men.

There was complete and satisfactory cooperation between the railways and the military. One hundred and two thousand National Guardsmen were taken from places as remote as Massachusetts and Connecticut to the Mexican border with only one minor accident. Three members of a Minnesota battery were hurt, two very slightly, and one seriously but not dangerously.

I have been advised by an officer at the War Department that the railway service was wonderfully efficient. Indeed, he said that it could not have been bettered, even from the military viewpoint, unless the country, its commerce, and its citizens had been completely subordinated to the Army. I need not say that if that had been attempted there would have been a roar of indignation that no officer, civil or military, could have stood against.

We now have an army on the border and across the international boundary so well prepared for any prospective duty that no citizen need give himself the slightest uneasiness as to what will happen.

Of course, they are not all veterans, not all regulars, but they are both in comparison with any enemy they are apt to meet. In equipment, discipline, and other military essentials they are completely ready for such tasks as may be assigned them.

As to numbers—but, mind you, I only speak an opinion now—I believe they exceed all the armies of all the factions in Mexico at any one time since the outbreak of civil war in that country in December, 1910. With the cooperation of the Navy and Marine Corps we have force enough on the border to smother Mexico without much sacrifice and without a call for reinforcements. Of course, if we should be called on to garrison a country with nearly 800,000 square miles of territory, to suppress guerrillas and maintain order for an indefinite time, another problem would have to be solved.

But, Mr. Speaker, all of us hope that there will be no conflict with Mexico, and it begins to appear that there will be none. Every good citizen hopes that the President will succeed in his efforts to keep us out of war, and that order will soon be re-established in Mexico. I am convinced that only an unimportant part of the people want war, and I am also convinced that those who do want it will furnish very few recruits for the service if it should come.

It is much to be regretted that a show of force, in its nature a threat against a neighbor, had to be made. However, conditions seemed to require it. It was made and I sometimes think that my Republican friends have been chagrined at its success. Comparative calm on the border has succeeded the turbulence and threat of war that was disturbing the country 30 days ago, and it is this very calm and prospect of peace that is displeasing to some of the critics of the administration. It does not fit in with certain commercial schemes, and the newspapers—some of them—say it is displeasing to the National Guard.

A few days ago one of the great New York papers contained a news dispatch from the border in which it was said that the National Guard had broken down under the first severe test and "through no fault of its own."

If the National Guard has broken down we ought to know it, for we have relied upon it as one of our arms of defense in times of danger. If it has broken down through "no fault of its own" we ought to know it, and, by all means and at almost any cost, we should make an effort to find out whose fault it is.

But has it broken down? I do not believe that it has, and certainly the story in the New York paper was not convincing. The charge was sustained by arguments—if they can be called arguments—that only provoked a smile. The story in the New York paper said that "90 per cent of the men are dissatisfied and discontented and are anxious to get back home to their work and families."

I think it probably true that many of the men do want to get back home to their work and their families, although the percentage mentioned is certainly a gross exaggeration. Of course they are discontented. We belong to a discontented race.

That is why we achieve. Being discontented they must ease their minds by blaming some one, and so they aim their maledictions at the most conspicuous target—the President. They are reported to have said that they "have been buncoed by the President," that they were "promised that they should go into Mexico," and a lot of other foolish things.

Let me read you a part of this sensational story about the breaking down of the National Guard:

[Special to the Washington Post.]

NEW YORK, July 23.

The Sun this morning prints the following special from Brownsville, Tex.:

Under its first severe test the National Guard is breaking down, and through no fault of its own.

Ninety per cent of the men are dissatisfied and discontented and are anxious to get back home to their work and their families. This statement may come as a surprise to a public that is being fed daily by assurances from Washington that everything is lovely along the Rio Grande and that the militia are bubbling with joy over their present situation and future prospects, but it is the indelible truth, and any candid person with persistence enough to get under the surface of things can find it out for himself.

Let it be thoroughly and completely understood that they are not trying to play the baby act, that they are not merely seeking to crawl out of the hard labor of training in a climate as tropical as Panama, and that they are not lying down on the country. In no sense are they quitters, but they have reasoned it out among themselves as American citizens have a habit of reasoning things out, and they have made up their minds that they were tricked and deceived and they are being kept here for the political purposes of the administration.

They stayed in the National Guard and responded enthusiastically to the order to go to the border, because they wanted to fight for their country. They wanted to play a part in helping their country defend itself and maybe pacify a troublesome and dangerous neighbor. They were assured and believed they were going into Mexico. They believe now that they were very unfairly and very insincerely treated. They think they were purposely deluded, and they are beginning to get mad.

How absurd all that is! No one worth while, no one with authority to speak, ever told recruits to the Guard any such things. Overzealous and indiscreet recruiting officers now and then may have drawn on their imaginations in picturing the delights of soldiering on the border, but there are not many full-grown American citizens in the Regular Army, or the Militia, who do not know that they have no authority to promise such things. All this is part of a scheme to discredit the administration.

The truth is, I suspect, that the realities of military service on the border in midsummer are not to their taste. Drilling under a hot sun and routine camp duties are not pleasant work, and they pall quickly.

The charge that they are being kept on the border for political purposes is somewhat more serious, because it is calculated to develop discontent, where it does not exist, and lack of respect for the President and others in control.

These troops were sent to the border for a serious purpose, and that purpose has been largely accomplished. There was grave danger of war. That danger seems to have passed. There were occasional incursions of bandits, with danger to the lives and property of American citizens. These incursions, notwithstanding the extraordinary difficulty of guarding an 1,800-mile-long border with only a fordable river or an imaginary line between Mexico and the United States, have almost ceased. Perhaps they never will be entirely done away with, for they have occurred now and then ever since 1836, when Texas ceased to be a part of Mexico.

In the old days these invaders were called bandits or cattle thieves. Now they are given a new dignity, and are called Carranzistas or Villistas, according to taste or the proximity to the border of this or that faction of Mexican patriots.

But their nature is unchanged. They will kill when they can, and they still have an unsatisfied longing for the Texan's cattle and horses.

It is the duty of the Government to protect its citizens and their property, and it was in the discharge of that duty the President sent a military force to the frontier. He sent a greater force than was ever on the border before, because the menace was greater. I believe it is his duty to keep them there as long as there is any danger, and I think he will. Their presence on the international boundary has had a quieting effect. It was distinctly a peace move, and that, I suspect, is why it displeases so many people. Before they reached the border the Mexicans were truculent and war seemed imminent, but precisely in the ratio in which the Mexicans came to appreciate the earnestness of the Government of the United States their own inclination to war diminished.

Where is the politics in keeping them on the border? If they are so discontented and hold the Wilson administration responsible, they can do as much harm with letters as if they were at home.

When order has been restored and any Mexican Government has shown itself able to protect the lives and property of for-

eigners—in other words, when the danger shall have passed—they will be withdrawn. I believe it will be done then, no matter what unfriendly political critics may say.

#### THE QUESTION OF RATIONS.

Now, Mr. Speaker, I want to speak briefly about the specific charges of inefficiency that have been brought against the present management of the War Department, with particular reference to the recent troop movement, food supplies, and medical service.

First in importance is the charge that the National Guardsmen were not given sufficient food while on the way from their home stations to the Texas-Arizona border. The answer is that the charge is false.

Fortunately every order and other thing of importance in connection with the disposition of the Army is a matter of record, and every statement I shall make—and they are based on data supplied by the Secretary of War at my request—can be verified by a visit to the Department of War. So it is easy to learn just what was done for the militia while on the way to the Mexican boundary.

There is no State in the American Union which is more than five days' travel by rail from the border. When the men from northern and remote States were ordered to the front they were given 10 days' rations. These are the same rations furnished the Regular Army. As the maximum estimate of the time required for the longest possible journey to the seat of the "near war" is less than five days, that is a hundred per cent margin of safety. And yet I am told the newspapers carried a story a few weeks ago telling how, owing to an inadequate supply of food, the Nebraska troops, who entrained at Lincoln, in that State, were in a starving condition before they reached Omaha.

Mr. STEENERSON. Will the gentleman yield?

Mr. SLAYDEN. Yes; briefly. I want to get through.

Mr. STEENERSON. I received a letter this morning from a judge in my town who has a son on the Mexican border, inclosing a letter from the young man, who is in Company K, I believe, of the Third Minnesota, in which he complains that the soldiers now on the border—at least in his company—could not get bread; that their breakfast was bacon and coffee; and that nobody but officers had any bread to eat; and the soldiers had no money with which to buy it. He said that it was obtainable at the post trading place. Now, this is a reliable man. I know the young man, and his father is a judge there, and this complaint came to me this morning.

Mr. SLAYDEN. It is conceivable that some accident may have happened that would temporarily deprive them of the ordinary conveniences. A bakery might burn, as bakeries sometimes do. I am going to tell the gentleman in a moment just what is supplied to these men.

Mr. STEENERSON. The complaint I believe to be true. I have referred it to the War Department. I did not want to make any sensation about it.

Mr. SLAYDEN. I do not know about the particular instance. I have been without bread on the border when I have been out camping.

Mr. STEENERSON. The strange thing is that the soldiers could get no pay when due, and the only way they could get bread was to buy it.

Mr. SLAYDEN. I did not get any data about that from the department. I do not know why it should be.

Mr. STEENERSON. I wish to say that this complaint comes from a very worthy person.

Mr. SLAYDEN. Let us hear from the pay department about that.

Mr. STEENERSON. Yes.

Mr. SLAYDEN. Mr. Speaker, what marvelous appetites these Nebraskans must have. They seem to have consumed 60 ounces of beef and the five days' allowance of bread, prunes, and other stuff in the travel ration all in one day. Of course if their food supply was gone in a few hours it was simply thrown away and there should have been an investigation. But I don't believe that it happened.

In this connection I shall ask your attention to the Regular Army ration, the kind supplied to these hungry militiamen on their recent expedition to the border. There is a garrison ration and a travel ration. I will print both. But first let me quote a statement made by the Acting Quartermaster General to the House Committee on Military Affairs.

Gen. Sharpe said:

There is no army in the world which is fed as well as ours.

That is a fact that is known to everybody who knows anything about the military establishments of the various governments in the world. Our Army is not only well fed, it is lavishly fed.



Here is the garrison ration and the things that may be substituted:

Garrison ration.	Substitute ration.
Beef, fresh.....oz.. 20	Mutton, fresh.....oz.. 20 Bacon <sup>1</sup> .....oz.. 12 Canned meat, when impracticable to furnish fresh meat.....oz.. 16 Hash, corned beef, when impracticable to furnish fresh meat.....oz.. 16 Fish, dried.....oz.. 14 Fish, pickled.....oz.. 18 Fish, canned.....oz.. 16 Turkey, dressed, drawn, on Thanksgiving Day and Christmas, when practicable.....oz.. 16 Soft bread.....oz.. 18 Hard bread, to be ordered issued only when the interests of the Government so require.....oz.. 16 Corn meal.....oz.. 20
Flour.....oz.. 18	Rice.....oz.. 1.6 Hominy.....oz.. 1.6 Potatoes, canned.....oz.. 15 Onions, in lieu of an equal quantity of potatoes, but not exceeding 20 per cent of total issue.....oz.. 15 Tomatoes, canned, in lieu of an equal quantity of potatoes, but not exceeding 20 per cent of total issue.....oz.. 15 Other fresh vegetables (not canned) when they can be obtained in the vicinity or transported in a wholesome condition from a distance, in lieu of an equal quantity of potatoes, but not exceeding 30 per cent of total issue.....oz.. 15
Baking powder.....oz.. .08	Apples, dried or evaporated.....oz.. 1.28 Peaches, dried or evaporated.....oz.. 1.28 Jam, in lieu of an equal quantity of prunes, but not exceeding 50 per cent of total issue.....oz.. 1.12 Coffee, roasted, not ground.....oz.. 1.4 Coffee, green.....oz.. .32 Tea, black or green.....oz.. .32
Beans.....oz.. 2.4	Pickles, cucumber, in lieu of an equal quantity of vinegar, but not exceeding 50 per cent of total issue.....oz.. .014 Cloves.....oz.. .014 Ginger.....oz.. .014 Nutmeg.....oz.. .014 Lard substitute.....oz.. .64 Oleomargarine.....oz.. .5
Potatoes <sup>2</sup> .....oz.. 20	Flavoring extract, vanilla.....oz.. .014
Prunes.....oz.. 1.28	
Coffee, roasted and ground.....oz.. 1.12	
Sugar.....oz.. 3.2	
Milk, evaporated, unsweetened.....oz.. .5	
Vinegar.....gill.. .16	
Salt.....oz.. .64	
Pepper, black.....oz.. .04	
Cinnamon.....oz.. .014	
Lard.....oz.. .64	
Butter.....oz.. .5	
Syrup.....gill.. .32	
Flavoring extract, lemon.....oz.. .014	

<sup>1</sup> In Alaska, 16 ounces of bacon, or, when desired, 16 ounces salt pork, or 22 ounces salt beef.

<sup>2</sup> In Alaska the allowance of fresh vegetables will be 24 ounces instead of 20 ounces, or canned potatoes, 18 ounces instead of 15 ounces.

NOTE.—Food for troops traveling on United States Army transports will be prepared from the articles of subsistence stores which compose the ration for troops in garrison, varied by the substitution of other articles of authorized subsistence stores.

Mr. COX. Mr. Speaker, will the gentleman yield there?

Mr. SLAYDEN. Yes.

Mr. COX. Is that all in the ration of one day?

Mr. SLAYDEN. Yes; that is all in the ration of one day. These substitutions may be made in order to give a greater variety.

Mr. KINKAID. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. SLAYDEN. Yes, if the gentleman will be brief about it. I have only a limited time, as the gentleman knows.

Mr. KINKAID. I desire to know whether the gentleman, who has had so long an experience on the Committee on Military Affairs—

Mr. SLAYDEN. I am not now a member of that committee.

Mr. KINKAID. The gentleman used to be. I forgot. I would like to know whether the gentleman has given any special consideration to the question of whether the Army of the United States is fed as scientifically as it might be fed; that is, whether the ration is balanced as well as it might be balanced, upon scientific principles?

Mr. SLAYDEN. I have given casual investigation to it, and I will say to the gentleman that I think it is, and this list shows that the requisite quantity of carbohydrates and proteids are in the ration and that it is balanced. They give them all the fresh fruit and vegetables they can, whenever they can be had.

Mr. KINKAID. The gentleman was just reading some exceptions there. They may elect to take other food than the foods prescribed for them. They may elect therefore to un-

balance the ration. The gentleman has noticed that. They may elect to take it almost all in the one kind or in the other, and therefore they may get what is not suitable for winter or what may not be suitable for summer.

Mr. SLAYDEN. Where does the gentleman find that authority?

Mr. KINKAID. I found it in a book I was reading for my own good.

Mr. SLAYDEN. This is the ration that is served to them. I do not believe the line officers or the medical officers would permit the men to change that so as to affect their health.

Mr. KINKAID. I will call the matter up again. I do not want to take up the gentleman's time now.

Mr. SLAYDEN. Here is the travel ration, a full 10 days' allowance of which was given men from the Northern States when they started to the South:

Travel ration (for troops traveling otherwise than by marching, and separated from cooking facilities).

Component articles and quantities.	Substitute articles and quantities.
Soft bread.....oz.. 18	Hard bread.....oz.. 18
Beef, corned.....oz.. 12	Hash, corned beef.....oz.. 12
Beans, baked.....oz.. 4	
Tomatoes, canned.....oz.. 8	
Jam.....oz.. 1.4	
Coffee, roasted and ground.....oz.. 1.12	
Sugar.....oz.. 2.4	
Milk, evaporated, unsweetened, oz......5	

The fact that all this food is not consumed in a day by the Regular Army man, who has a celebrated appetite, attests its adequacy. The saving is credited to the soldier and paid to him in cash and can be, and usually is, spent to procure for the company mess luxuries not provided by the Government. This saving amounts to an average of about \$50 a month for each company.

The story of starving soldiers in the troop movement of Texas is absurd. I am of the opinion that it is a baseless sensation and that it is probably connected with the determination of partisan papers to discredit the troop movement and make political capital.

It has never been my fortune to see anything of war, except as a very youthful spectator in the later Civil War days, but when I realize the quantity and quality of the food supplied American soldiers now, and recall the parched corn and raw turnip that on some occasions was the fare of the Confederate, I wonder what Lee's men would have accomplished if they had been as well fed and armed.

How they would have laughed at the complaint of the militiaman that the Government had not given his company a professional cook! That charge I am afraid will stick. It is a way of remissness that governments have, and I doubt if even the soldiers of France who have been heroically battling at Verdun since February are furnished Parisian chefs.

On the order of the Secretary of War Gen. Sharpe, acting chief of the Quartermaster Corps, has furnished me a statement which shows how carefully the comfort and health of the American soldier is looked after. With the permission of the House I shall also print that in connection with my speech, but for the benefit of those who would not read so long a document I will give a brief summary.

The meat supply is first inspected at the great packing houses in Fort Worth, St. Louis, Kansas City, Omaha, Chicago, and Buffalo by specially trained officers of the Quartermaster Corps. Other officers are stationed wherever troops in large numbers are located, and before meats are distributed to the company and regimental cooks it is again inspected. Other food supplies are also inspected by experts, many of whom have had special training in the chemistry of foods.

The quality of the supplies and the general efficiency of the corps in distribution have been certified to time and time again by people wholly unconnected with the service.

Gen. Tasker H. Bliss, an officer of great experience and recognized ability, who was sent to the frontier to look into these charges of dereliction, says that the men are contented, the food abundant, excellent in quality, and of a suitable variety. That is what officers and men told him.

One gentleman remarked in my presence that "Uncle Sam appears to have furnished his soldiers nearly everything but nursing bottles." [Laughter.] Before quitting this subject of supplies I will ask the House to remember that no complaints have come from the Regulars. Solicitous governors who are candidates again seem to have forgotten them.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SLAYDEN. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. SLAYDEN. Then I regret I can not yield.

#### TRAVEL FACILITIES.

There has been unimportant complaint of the railway accommodations provided for the troops when going to the border. One State executive was, if correctly reported, vociferous in his demand that Pullman cars be supplied to the troops from his State. I wish it could have been done, Mr. Speaker, but if Pullman berths are to be supplied to all the men of the ever-increasing armies in all their movements we must open new mines of silver and gold to meet the bills. It is a new idea in campaigning. To pass two or three nights in an ordinary day coach once or twice in a lifetime is an endurable hardship, and one that the great majority of our people undergo in their travels.

It is evidence of their forethought and efficiency that our Quartermaster Corps long ago sought to provide for just such an emergency as the transfer of our Army to the Mexican border. Specifically they worked out the movement to Mexico a year ago with railway officials.

And may I digress right here long enough to say that the cooperation of these railway officials made the movement to Mexico the complete, easy, and brilliant success that it most assuredly was.

The men were moved for long distances and in many cases for hundreds of miles over single-track roads. Yet it was quickly, comfortably, and safely done. It took 300 trains of more than 3,000 ordinary passenger, tourist, and standard Pullman coaches, 400 baggage cars, 1,300 box cars, 2,000 stock, and 800 flat cars.

Think what it means to move over a hundred thousand men, their baggage, food, artillery, harness, and horses for distances that in some cases approximated 3,000 miles and have them converge on a remote frontier line.

It is an accomplishment that sheds equal glory on the military and the transportation people. More than 7,500 coaches and freight cars were suddenly withdrawn from ordinary commercial work, much to the inconvenience of business men, but no word of complaint was ever heard from them or from the railway people.

#### HOSPITAL AND MEDICAL SERVICE.

The parents and other relatives of the soldiers on the border have been needlessly alarmed by the meddling of a few people who dearly love the limelight and newspaper paragraphs. As Col. Birmingham, the Acting Surgeon General, says, "The sick rate is low and no epidemics of camp diseases are expected."

The truth is, Mr. Speaker, that the great majority of these men were never in as healthful a climate as they are at this time. There are no swamps, no malaria, and few of the dangers that might be expected in a colder section of the country. It is hot during the day, but there is little humidity, and the difference between day and night temperature always more than 20 degrees, and that insures comfortable nights and sound sleep.

The Surgeon General, by order of the Secretary of War, has sent me a report from every military camp in Texas, New Mexico, and Arizona, which I shall print, but will not take the time to read. I also append a list of the hospitals, number of beds, and other data bearing on the care of the sick and disabled. These, with a copy of the letter sent to a gentleman in Richmond, dispose of the sensational appeal for funds to provide hospitals.

I hope gentlemen of the House who are interested in the question and who have seen the absurd appeals sent out by some excited people for funds to provide the Army of the United States with hospital service and hospital conveniences will read that letter.

#### RECRUITING THE GUARD.

Mr. Speaker, one method of recruiting the guard has been resorted to in at least one State that the Army resents.

In giving me the data bearing on this question an officer connected with the War Department said:

It is a low conception of the military obligation of its citizens that will permit the paroling of felons to furnish its quota of troops to meet an emergency.

Yet that is precisely what was done in one instance.

When the history of the military movements of the first half of the year 1916 comes to be written I am sure it will be said that in sending the Army to the Mexican border the President did a wise and patriotic thing. It quieted the fears of the timid, manifested the purpose of the Government to protect

its people, and prevented war. It will be justified by all the people. [Applause on the Democratic side.]

Now I will yield to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. I wanted to ask if the gentleman had made any personal investigation of transportation facilities, and whether he believed it was proper, for instance, to bring men to Texas from the State of New York in day coaches, with two men in a seat?

Mr. SLAYDEN. Well, I will publish with this a communication from the Quartermaster General, stating in detail what they did, and what they tried to do, and what they could not do because the railways did not have the equipment in the country for it. The gentleman means just two men to one seat?

Mr. SMITH of New York. Yes; two men to one seat.

Mr. SLAYDEN. That was not often done. Often, when they traveled in day coaches, according to the statement given to me by the Quartermaster General—and I do not doubt its accuracy—they had one seat; I mean by that one entire bench, to one man, sometimes two seats facing each other to three men, and then they had tourist Pullmans whenever they could be had. I have not time to read his statement or go into it in detail here, but it gives the number of tourist Pullmans that were available in the country, all that the corporations owned, and my recollection is that it was 786. But my memory may be at fault on that. The Quartermaster General, however, has copies of all these documents that he supplied to me, and he will no doubt be glad to give them to the gentleman if requested by him.

Mr. SMITH of New York. Has the gentleman from Texas heard that the railroads provided cars which they would not use in the ordinary traffic, because the traveling public would not ride in such cars?

Mr. SLAYDEN. I have not heard that statement.

Mr. SMITH of New York. The cars I saw in Buffalo that were used by soldiers looked as if they never had been used in 25 years, and there was a great deal of complaint about the carriage of the men of New York State, and practically all of them.

Mr. SLAYDEN. Mr. Speaker, it is the privilege of the soldier to grumble. It is a privilege that all of us have, and that all of us exercise, and I have no doubt if he had not that to complain about he would find something else. But soldiering is not a pastime. As I heard a major general say the other day—and I may not quote all his language, because it might be censored by the editor of the CONGRESSIONAL RECORD, but I will whisper to the gentleman from New York that he said to me confidentially—that they were d—d lucky they did not have to walk. [Laughter.]

Mr. Speaker, I wish to append these papers as a part of my remarks:

#### HOSPITAL AND MEDICAL SERVICE.

Memorandum for the Surgeon General in re bed capacity of hospitals in Southern Department.

Location.	Under construction.		Total beds.	Sick rate.
	Beds.	Will be completed.		
Brownsville, Tex.	180	Under construction	360	No report, but low.
McAllen, Tex.	150	3 weeks	150	Do.
Llano Grande, Tex.	150		150	Do.
San Houston, Tex.	230		750	16 per 1,000 for garrison.
Laredo, Tex.	90		130	12 per 1,000.
Eagle Pass, Tex.	180	4 wards completed	180	7 per 1,000.
Del Rio, Tex.	60		60	No report, but low.
Marfa, Tex.		Ward hospital under construction, but no report as to bed capacity.		
Bliss, Tex.	440		880	Do.
Columbus, N. Mex.				5 per 1,000.
Douglas, Ariz.	200		200	No sickness in militia.
Nogales, Ariz.			330	4 per 1,000.
Deming, N. Mex.	120		120	No troops.
Total	1,820		3,310	General sick rate very low.

In addition there are 6 field hospitals, each with capacity of 216 beds—total of 1,296, available for use in an emergency.

With the Militia there are 20 field hospitals, each of 216 bed capacity—total of 4,320.

Field hospitals are mobile hospitals, but available for care of sick in an emergency. Each regiment has a regimental hospital to care for minor cases.

A hospital train has been authorized—capacity, 210 patients—and is now being completed at Chicago and will be sent to the southern department within 10 days.



Plans are under way to evacuate from the border to Forts McPherson, Oglethorpe, Thomas, and Sheridan such sick or convalescents as may be necessary. The sick rate is low, and no epidemics of camp diseases are anticipated.

In addition to the above the Letterman General Hospital, United States Army, Presidio of San Francisco, San Francisco, Cal., can care for an additional 625 patients; the Army and Navy General Hospital, Hot Springs, Ark., for 150 additional, and the Walter Reed General Hospital, United States Army, Takoma Park, D. C., for 250 additional.

Each of these hospitals can expand its bed capacity to meet any ordinary requirement.

(Telegram.)

NEW YORK, July 28, 1916.

Surgeon General BIRMINGHAM,

Washington, D. C.

Reply to your telegram, found sanitary condition in encampments, both of the National Guard and regular troops along border and in Mexico; on the whole, in remarkably good condition. In majority conditions excellent and only in a few camps of National Guard were there minor details capable of improvement which, however, were being rectified in some of the camps of regular troops which have been occupied in the neighborhood of a year, conditions were excellent. Water supply as being employed in all camps safe. So far as could ascertain, food of good quality and sufficient in amount. Health of troops on the whole excellent, with no prevailing infectious disease. Some of men suffering from effects of exposure to sun, but majority appear to be becoming acclimatized.

Sanitation of the various camps is being most efficiently looked after by medical officers of the Regular Army Corps, and if present measures employed are continued in force there should be no reason to fear epidemics of infectious disease among these troops. Climatic conditions also not favorable for development of epidemic disease in camps at present time. Believe that the regular Medical Corps deserving of very high praise in the manner in which they are supervising sanitary matters, and particularly so because of rapid mobilization of such large number of troops, think Medical Corps may become overtasked, however, and would recommend increase which will certainly be necessary in case of increased demand. Sanitary conditions in Pershing's encampments in Mexico and condition of men excellent.

R. P. STRONG.

FORT SAM HOUSTON, TEX., July 28, 1916.

The SURGEON GENERAL,

Washington.

No. 96. Supplementing my telegram No. 91 there are at McAllen 77 sick under canvas, of whom 40 are venereal; at Douglas, 44, and at Llano Grande, 12. No other sick under canvas known. Latest rates of sick, dated July 27 and 28, are as follows: Per thousand; San Benito, Tex., 13; McAllen, Tex., 22; Marfa, Tex., 13; Del Rio, Tex., 14 for artillery and 17 for cavalry; El Paso, Tex., 23; New Mexico, District, 2 in Twelfth Cavalry and 30 in New Mexico Regiment. Yuma, Ariz., 27; San Antonio, Tex., 17; Llano-Grande, 19; Arizona District, 27; camp Eagle Pass, Tex., 10; Camp Gaillard, Eagle Pass, 32; camp Shafter, Eagle Pass, 38; Camp Ord, Eagle Pass, 17. The prevalent diseases in these Eagle Pass camps are vaccinia, venereal diseases, and mumps. Brownsville, Tex., 24; at Laredo, Tex. the organizations have sick rates ranging from 1 to 8 per thousand except one regiment, which has 17.

CROSBY.

JULY 19, 1916.

#### Memorandum for the Secretary of War.

1. Returning the letter of Mr. W. G. Mahone, of Richmond, Va., and inclosure from the American Committee for the Maintenance of the Border Hospital, Brownsville, Tex., signed by Mrs. Florence J. Harriman. The sensational report inclosed herewith, upon which is based an appeal for money contribution for hospitals for troops on the border, was evidently made by one who had no information concerning the actual conditions, as it is in effect wholly without foundation. In fact, the following equipment in the way of hospital accommodations for troops on the border is now in operation, is being rapidly extended, and has easily met the requirements up to date, and will readily meet all future requirements.

2. The Medical Department has supplied every need and request from the southern department. In addition to the various small hospitals at minor posts along the border we have established base hospitals at Fort Sam Houston and Fort Bliss, Tex. Base hospitals have also been authorized and are now being completed, supplied with personnel and equipment, at Brownsville, Eagle Pass, Laredo, Nogales, and Fort Crockett. The hospital at Fort Crockett is not in process of organization. Should it be necessary to establish this hospital, it will occupy the building of the post. In addition there are hospitals at Fort Huachuca, Clark, McIntosh, Columbus, Camp Douglas, Marfa, Del Rio, and Deming. There are also seven field hospitals with the troops on the border, each with a capacity of 216 beds. This does not include the field hospitals of the Organized Militia now on the border. Field hospitals, while mobile hospitals, are always available to take care of the sick with troops until they can be evacuated to base hospitals.

3. The Government has expended large sums of money constructing new hospitals and increasing the bed capacity of the hospitals already built. The southern department has at its disposal, in addition to the money already expended on hospitals, \$300,000 to be used at the discretion of the department commander.

4. In addition the department has organized and is now having completed a hospital train for the transportation of the sick and wounded from the border stations to the base hospitals mentioned above.

5. The Army at this time has established general hospitals at the Presidio of San Francisco, Cal., with a maximum capacity of 953 beds; at the Army and Navy General Hospital, Hot Springs, Ark., 600 beds; and at Walter Reed General Hospital, Takoma Park, D. C., 320 beds. The department has completed plans for the establishment of general hospitals at Fort McPherson, Ga.; Fort Sheridan, Ill.; Fort Douglas, Utah; Fort Oglethorpe, Ga.; and Fort Benjamin Harrison, Ind., should conditions warrant. These hospitals will have a capacity of from 500 to 1,000 beds.

6. Plans have been completed for disinfecting trains in case it is necessary to enter Mexico, for the purpose of disinfecting clothing of the soldiers in order that they may be protected against typhus fever. All soldiers on the border have been vaccinated against smallpox and

typhoid fever. Medical supplies are on hand sufficient for the needs of the Army now in the field or under orders for the border.

7. Attention is invited to the fact that for approximately five years the greater part of the Regular Army in the United States has been upon the Mexican border; the health conditions of the troops has at all times been excellent, and they have been and are now free from the usual camp diseases.

8. I believe the best interests of the Government can be served by announcing through the press bureau that the Government is not at this time in need of such committees as the American Committee for the Maintenance of the Border Hospital, Brownsville, Tex., and that appeals such as that filed by Mrs. Harriman convey a false impression and tend to create a feeling of insecurity and distrust in the minds of the people of the Government's ability to care for its soldiers. Contributions such as requested in the letter of Mrs. Harriman are absolutely unnecessary and the activities of such organizations should, especially at this time, be discouraged by the Government.

H. P. BIRMINGHAM,

Colonel, Medical Corps, Acting Surgeon General.

#### FOOD SUPPLY.

WAR DEPARTMENT,

OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,

Washington, July 22, 1916.

HON. JAMES L. SLAYDEN,

House of Representatives.

MY DEAR MR. SLAYDEN: In compliance with your request of to-day, I beg to submit the following regarding food and its supply to the Army in connection with the present mobilization and service on the border, for any use you may see fit to make of it, not to be quoted, however, but to embody in the substance of your remarks if deemed desirable.

It can not fail to be known that Army officers and administrators are deeply concerned with the health, contentment, and efficiency of the troops. This is their first and anxious thought. To make proper provision regarding the soldier calls for the best thought and effort of their superiors at all times; and it can well be said that everything possible is being done to deal conscientiously with all the problems that confront the administration of the Army at this time, to remedy anything that may be found wrong, and to meet every emergency, so far as it is in their power.

It must be realized, too, that in a time like the present, and because of action upon such a vast scale, it is impossible to escape some mistakes and even hardships; but, as you know, sensational and harrowing accounts of conditions that appear in the press are so often untrue, and serve no purpose other than to increase the sufferings and inflict additional cruelties upon the mothers and others who are the real burden bearers at home, who are worried and wrought up about their relatives at the front; while the troops at the front do not seem to be so much worried about themselves as they are about those at home and as to how they are getting on and what is being done for their comfort and protection, so that these stories and methods of dealing with them act and react to the disadvantage and suffering of all concerned, besides tending to cripple and bring the military administration into disrepute.

The ration of the American soldier is the most liberal of any furnished to any army in the world (inclosed is a copy of Bulletin No. 21, war Department, 1914, which gives the components of our various rations).

And, due to the passage of the pure food and drugs act of 1906, and amendments since, as to the sale, etc., of poisoned or deleterious food, and also the meat-inspection law of 1906, and amendments since, against the use of meat that is "unsound, unhealthful, unwholesome, or otherwise unfit for human food," the food supply now is most carefully safeguarded.

Meat for use of the Army is rigidly inspected at the packing houses, the inspection beginning with the animal before it is killed and all through the after process by inspectors of the Agricultural Department stationed at the various packing houses throughout the country. In addition to this, meat inspectors and experts of the Quartermaster Corps are also stationed at great packing centers like Chicago, Kansas City, Omaha, Buffalo, and elsewhere where meat is being prepared or cured for the Army, and they also watch it through the whole process, from the killing of the animal until turned over to the Government.

In addition to the above safeguards, inspectors have been ordered stationed at all places where large bodies of troops are located, to inspect meats before their acceptance and use by the troops.

With regard to other food articles or stores purchased for the Army, trained experts at depots and purchasing stations carefully inspect all supplies purchased, and at stations where troops are actually located inspections are made by the officers who procure the supplies.

There are no subsistence or food supplies purchased in this office, as was done in the system pursued in 1898; so that the method of supply is entirely decentralized, all supplies being procured, as stated, at the great supply depots, where trained officers and inspectors test and inspect all foods purchased for the Army, or at posts by officers who purchase the particular supplies.

Experience so far under the new system or conditions is very gratifying, and as an evidence of the satisfactory conditions that obtain attention is invited to the experience in the late expedition to Vera Cruz in 1914, also to the supply of troops now on the Mexican border and those in Mexico, wherein no word of complaint has been received regarding the food furnished, which is very gratifying and is even more than was hoped for.

That you may get some additional idea as to the food supply, it may be stated that the purchasing officers at the depots, so far as the food supplies are concerned, were heretofore given a course, which was established at the Bureau of Chemistry, Department of Agriculture, under Dr. Wiley, in analytical chemistry, so far as it relates to qualitative analysis of foods and the use of the microscope in making food inspections. This course took several months, after the completion of which the officers went to a depot as assistants, where they were able to apply this knowledge and also gain further experience by seeing how the officer in charge of the depot made his inspections. From these depots they were then sent to Chicago, where they were given a thorough course of several months in meat curing and canning and the method of inspection of the product during all the stages of these processes. After that these officers were sent to take a course at the bakers' and cooks' schools, and then they were eligible for assignment to one of the purchasing stations as assistant to the purchasing officer.

We still have these officers; but since 1912 have been unable to give the officers who have joined the corps the course of training above indicated, for the reason that in the consolidation bill of 1912 the law prohibited any regimental officer from being responsible for property or

funds at a post, although the law of 1901 reorganizing the Army had provided a regimental quartermaster, a regimental commissary, and three battalion or squadron quartermasters and commissaries, who were to be responsible for property relating to their units. The passage of the law of 1912 (act Aug. 24, 1912) prohibiting this necessitated the assignment of a larger number of officers of the Quartermaster Corps for duty at posts, precluding the possibility of continuing this course of training.

But, as before stated, we still have these trained officers, and, in addition, have at all the principal purchasing stations expert chemists who give assistance in making the inspections of foods submitted by bidders. All of our depots are also equipped with a Koelner flour-testing apparatus, and this apparatus is also in the schools for bakers and cooks.

In addition to this instruction of officers, noncommissioned officers of the department were also given instruction in the method of canning and preserving meat, and also given a course at the school for bakers and cooks.

The methods of organization and administration have enabled the troops to be promptly and adequately supplied, no matter where they were stationed.

The department has furnished the supplies in many instances where distress or suffering have befallen some part of our people, or in foreign lands, and upon all such occasions has received high encomiums for the manner in which it operated and the celerity and efficiency with which it performed the duty imposed upon it.

In addition to the various instances of relief furnished in this country in cases of conflagrations, floods, earthquakes, etc., the following cases are cited: The relief of the citizens in Porto Rico in 1900; the relief of the citizens of the French West Indies in 1902; and the relief sent to China by the Christian Herald through this department, with the consent of the Secretary of War, in 1907. In this latter case the editor of the Herald, Dr. Louis Klopsch, expressed his admiration for the organization and the effective work done by the department and stated:

"The services which you and your department rendered could not have been improved upon."

The militia troops come from homes where they enjoy daily the surroundings, comforts, and cooking accustomed to, and the change comes somewhat as a revulsion when they go from such homes and food and cooking to the camp and to the food and diet of the soldier.

The Army has also the latest designs and devices for cooking food in the field and baking excellent bread. The field bakery will compare most favorably with the very best types of this device in any of the European armies of to-day. In addition, there are trained cooks and bakers who prepare the food and bake the bread for the Army. These trained experts are taught in the various bakers' and cooks' schools that are established at certain places in the United States, in the Hawaiian Territory, and in the Philippines, and it is hoped soon to establish a school in the Canal Zone. At present the personnel of the bakers' and cooks' schools from Washington Barracks, D. C., from Fort Riley, Kans., and from Monterey, Cal., are all ordered to the border to continue instructions in the field and also at the same time to provide food for the soldier. And in these schools officers as well as enlisted men are being instructed in the art with the happiest results, for it is very essential that the officers should be able to supervise the feeding of their men, which requires unremitting attention, just as in the case of an athletic trainer, who never relaxes vigilance or care while the crew is under his charge. It is folly to train soldiers to the highest state of efficiency and then, by lack of care or attention for a short season, prepare the way to put them out of condition at the most critical moment.

Gen. Tasker H. Bliss, who is inspecting the militia troops on the border, in various reports within recent days, in inspecting the New York division and the troops of the Minnesota, Indiana, and Nebraska Infantry, declares that officers and men interviewed state that the rations are abundant in quantity, excellent in quality, and of suitable variety, and only in a very few cases stating that more variety is desirable. Also that there is a general spirit of contentment, for it is humanly hopeless to expect that every single individual will be found contented. This statement of Gen. Bliss was testified to and confirmed by Dr. Thomas Darlington, the representative of the National Civic Federation, who is in that region investigating conditions at first hand for the National Civic Federation.

From reports of inspectors general who are making inspections on the border and also in Mexico it is learned that wherever the troops have been stationed that the food supply has been adequate and fully met requirements.

In conclusion it may be stated that Regular troops at posts, when traveling, or when campaigning have very rarely complained. This is very largely due to the years of training and experience of Regular troops in caring for themselves. Such knowledge and experience the militia and Volunteers naturally lack, but this deficiency will be largely overcome in time, especially among the men who in their youth joined or served in some boy-scout organization and have such experience or received such instruction as tended to give them self-reliance and a knowledge of how to care for oneself.

HENRY G. SHARPE.

[First indorsement.]

OFFICE OF THE QUARTERMASTER GENERAL,

July 25, 1916.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. In order that method of arranging for the transportation of the troops of the Organized Militia to the Mexican border may be clearly understood, the following general outline of the plans followed is submitted:

(a) Immediately on receipt of the order for mobilization of the Organized Militia, routing schedules were prepared in the Office of the Quartermaster General and furnished to all department quartermasters. These schedules specified the routing to be used by each organization from the State mobilization camp to the Mexican border and were arranged with a view to an expeditious movement, employing all available lines, so far as practicable, so that if it had become necessary to transport all the militia at once the carriers interested could have performed the service without congestion or delay.

(b) The railroads of the country, acting through a "special committee on cooperation with the military authorities" of the American Railway Association in conjunction with the Office of the Quartermaster General of the Army (whose office is charged, amongst other functions, with the transportation of troops), immediately set in order a plan of cooperation which had been contemplated for some time. The plan included the stationing of representatives of the American

Railway Association at all mobilization points to furnish railway information to local quartermasters and to assist them in every way possible in arranging details of transportation with the railroads concerned; similar representatives were stationed at the headquarters of the Eastern, Central, Southern, and Western Departments. There was also located in the city of Washington, D. C., a bureau of the American Railway Association, with the object of keeping in constant touch with the railway situation throughout the country and with the Office of the Quartermaster General in the extraordinary transportation of troops which the railroads were suddenly called upon to effect.

(c) The Pullman Co., in order to centralize the furnishing of tourist sleepers and to utilize the available supply of these cars to the best possible service, changed the supervision of the supply and movement of tourist cars from Chicago, the headquarters of the company, to Washington, where they stationed a competent force, in order that the officials engaged in making this movement could be in immediate touch with the Office of the Quartermaster General.

2. To have effected the entire movement of all the troops moving in Pullman or tourist equipment would have required the use of approximately 3,000 cars. The Pullman Co. has made available for the movement of these troops 623 tourist cars, which is approximately 80 per cent of all cars of this class that it owns in the country. Tourist equipment has been furnished troops from the beginning of the movement whenever it has been possible to do so.

3. In case tourist cars could not be furnished, day coaches were usually supplied by the railroads at the rate of one double seat for each man. In some instances day coaches were supplied at the rate of two double seats (four seats) for each three men for at least a portion of the distance, which was due to the fact that the railroads anticipated that movements would be kept up in the same intensity throughout as in the first 48 hours, in which case there was not even sufficient railroad equipment immediately available to have promptly met the requirements of all troops expected to move. In cases where it has not been possible to furnish tourist equipment for the entire movement, the troops have been met en route and transferred to tourists in every case possible, so that the tourist equipment has been constantly in use.

4. Official reports from all military departments show that no organization moved in coaches with less space than three men to two double seats (four seats), and that whenever equipment was available the railroad of their own accord furnished one double seat (two seats) for each man. The number of men transported in coaches shows an average of about 30 to each coach.

5. Particular attention is invited to the fact that the effort to furnish tourist sleepers for organizations leaving in coaches did not cease until after the organization had actually reached its destination, and that wherever tourists could be secured enroute they were placed in the train and the men transferred from coaches to these tourists up to the number that could be comfortably berthed. Taking as an example some of the New York organizations: Headquarters, band, and Battery A, First Field Artillery, left Yonkers, N. Y., for Brownsville, Tex., on July 3, requiring four tourists. There was only one available at starting point, but the organization was furnished one at Poughkeepsie, N. Y., one at Buffalo, N. Y., and one at Sapulpa, Okla. The Seventy-fourth New York Infantry leaving Buffalo, N. Y., on July 5, required 25 tourists, but none were available at Buffalo, Chicago, or Kansas City. Four were furnished at Harrington, Kans., 13 at Caldwell, Kans., 3 at El Reno, Okla., and 5 at Fort Worth, Tex. These two examples are a fair illustration of the efforts made to furnish tourists for these organizations wherever they could be secured; even though it might be only for the last night or two that was to be spent on the train.

6. The militia troops began leaving their mobilization camps for the Mexican border about midnight June 26. On July 1 there were en route to the border from various sections of the United States 122 troop trains, carrying over 2,000 freight and passenger cars, with a total strength of 36,042 men. On July 4, at a time when the demands on the railroad companies were exceptionally heavy on account of the large holiday travel, 101 troop trains were en route to the Mexican border, and 52,681 militia troops were either at the border or en route thereto. As the movement did not begin until June 27, it will be readily seen that even had tourist cars been furnished for all of the first organizations to leave this equipment could not have been returned in time to have taken care of the following movements up to July 4. From the beginning of the movement up to the evening of July 24 there have been 102,835 militia troops transported to the border. The distances traveled by these organizations vary from 608 miles, in the case of the Louisiana troops, to 2,916 miles in the case of the Connecticut troops.

7. Some idea of the task imposed upon the railroads of the country by the transportation of the National Guard may be had when it is considered that 350 trains were necessary to carry the National Guard already transported to the border. Over 3,000 passenger cars, including standard Pullman and tourist cars and coaches, were required for the troops, and in addition about 400 baggage cars, 1,300 box cars, 2,000 stock cars, and 800 flat cars were used in transporting the material and equipment of the troops. A large number of locomotives were required in these movements, as will be realized when it is remembered that at each railroad division point a different locomotive was attached to each train section, and that the number of division points at which it was necessary to change locomotives varied from three, in the case of the Louisiana troops, to 24 in the case of the Connecticut troops.

8. With all these large number of persons transported in special trains but one accident involving any injury to the men has been reported, that occurring to a train of the First Minnesota Field Artillery, at Bay City, Tex., on July 23, in which three men were injured, two of them slightly and one seriously, but not dangerously.

9. Instructions were issued by all railroads concerned that the movement of troop trains were to be given preference over other travel, and, despite reports to the contrary, it is believed that this has been done in all cases. These reports have, no doubt, arisen from the fact that many of the western roads being single-track lines it has, in some cases, been necessary for the troop train to take the siding in order to meet a train proceeding in the opposite direction, but this action is often necessary on these roads with even the fastest limited trains. The passenger traffic manager of one of the largest south-western railroads wired this office:

"Instructions have been issued to all concerned that all military trains are to be given right of way. Sunshine Limited was sidetracked last night for the first time in its history. We are doing everything possible to facilitate handling this business."

It is also known that many of the roads canceled excursion trains (for July 4) already arranged for, in order to take the proper care of troop movements. Reports have been received in this office that



troop trains were delayed by officers in command of troops for the purpose of giving the men on the train opportunity to take baths; for the purpose of exercising; for the purpose of consolidating sections at the request of commanding officers; and to allow troop trains to catch up with one another, in order to effect exchanges of equipment and supplies. An investigation conducted through the various department headquarters resulted in official statements from each of the departments that no information could be secured showing that any troop trains were sidetracked or delayed while troops were traveling. While these troop trains did not make the same time as the fastest passenger trains, the reason for this can be readily understood when it is considered that these trains, as a rule, were heavy trains of from 17 to 22 cars and were composed of both freight and passenger equipment, and that it is never safe to attempt to make the same time with freight cars as can be made with an all-passenger equipment train. The fact that over 100,000 troops were transported from all parts of the country to the Mexican border with but a single accident, and that of a comparatively minor character, and the celerity with which the trains were moving, has proved that the problem of rail congestion, the bugaboo of the mobilization of 1898, has been entirely eliminated.

10. With reference to the equipment of the militia with clothing and equipage, paragraph 455 (a), Army Regulations, 1913, provides that—"Governors of States and Territories and the commanding general of the District of Columbia Militia are required at all times to keep on hand, either at the various company armories or in suitable storehouses, a sufficient supply of arms, uniforms, and equipment to completely equip for the field the minimum number of men prescribed by the President for each organization, so that on being called into the service, any organization will be completely equipped from the stores on hand in the State, Territory, or the District of Columbia without calling on the War Department for assistance."

When the militia were called into the United States service it was found that none of the militia from any State was completely equipped with quartermaster supplies, and it became necessary to provide not only the articles lacking to complete the equipment but also a full outfit for all new men.

11. Congress has heretofore appropriated funds sufficient only to accumulate a reserve that would equip enlisted men required to bring the militia in the eastern department from peace to war strength (approximately enough to equip 45,000 additional men). It will thus be seen that the demands from the central, southern, and western departments, which also had to be met, soon exhausted the available stock, necessitating emergency purchases, which were resorted to, and all available merchants, mills, and producers were exhausted in an effort to procure supplies to meet the demands. Notwithstanding these efforts the output was not sufficient to meet all requirements immediately, but with a few minor exceptions it can be stated that the militia were equipped within 30 days from the time they were called into the service.

12. It might also be stated in this connection that some criticisms of failure to promptly equip certain militia organizations resulted from the fact that department commanders listed the States in the order in which they were to be supplied, it being impossible to issue supplies to all States at one and the same time in consequence of the limited tracking facilities and the enormous labor involved in packing and handling the supplies. This particular feature apparently has not been taken into consideration in all cases. A careful analysis of the result of the mobilization of the militia in so far as same affects the supply of clothing and equipage, indicates clearly that sufficient funds should be appropriated to provide an adequate reserve; also that the number of issue points should be increased and located more advantageously, considering shipping facilities and territory covered. This latter proposition is receiving the careful consideration of the department.

13. In this connection it may be stated that there was no lack of means of transportation such as escort wagons, ambulances, and harness for the equipment of militia organizations mustered into the service. As a matter of fact there were but 387 escort wagons and 2,094 single sets of harness required to complete the allowance for all States at the time that the organizations were mustered into the service. An ample supply of wagons and harness were on hand at the Jeffersonville depot to meet any shortages, and instructions were issued by the Quartermaster Corps to provide a stock of this transportation at the Fort Sam Houston and El Paso depots to equip troops upon arrival at the border, by shipments from the Jeffersonville depot.

14. With reference to supply of animals for militia organizations, it may be stated that funds appropriated by Congress only provided for the supply of a sufficient number of animals to replace wastage in the Regular Army to the extent of 10 per cent of the authorized peace allowance. No funds have ever been available for the purpose of accumulating animals for reserve purposes. As soon as the militia was called into the service the Quartermaster Corps advertised for a sufficient number of horses and mules to equip these organizations on a war footing. Instructions were issued to advertise for the animals by wire on June 19 last, bids were opened at seven points throughout the United States, and on June 27 contracts were awarded for the number of animals required, and deliveries commenced immediately. Request was made upon The Adjutant General of the Army on June 22 whether animals required for equipment of militia organizations should be sent to mobilization camps or be forwarded to auxiliary remount depots which were established at Fort Sam Houston and El Paso, Tex., for distribution upon arrival of the organizations at the border. In response to this request, department commanders were directed to wire to the commanding general, Southern Department, any shortages in field transportation of each militia organization, so that the commanding general, Southern Department, might take steps to complete it after arrival in his department, and instructions were given this office to send the animals required to complete the equipment of militia organizations to such place or places as may be designated by the commanding general, Southern Department. Reports show that a sufficient number of animals have been shipped to equip organizations which have so far arrived on the border, and animals are being shipped daily for the purpose of equipping the organizations which are still at mobilization camps. A large number of the animals contracted for are being delivered at points in Texas. These animals are acclimated and can be placed in service a short time after being received.

15. Data as to rations and food supply was furnished Mr. SLAYDEN July 22, 1916, an additional copy of which is inclosed herewith.

HENRY G. SHARPE,  
Brigadier General, Quartermaster Corps,  
Acting Quartermaster General.

The SPEAKER pro tempore (Mr. STEDMAN). The time of the gentleman from Texas has expired.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa to extend his remarks in the RECORD?

There was no objection.

#### AMERICAN ARMS TO MEXICO: A CHRONOLOGY OF SELF-DESTRUCTION.

Mr. ROGERS. Mr. Speaker, the recent history of Mexico presents many aspects, most of them extremely complex, most of them discreditable alike to Mexico and to the United States. I desire to deal as briefly as may be with but one of these aspects, namely, the part which has been played by the United States during the past three or four years in supplying arms and munitions of all kinds to any Mexican who applied and who could afford to pay. This particular aspect, unlike most of the others, is not especially complex; but I venture to say that none is more disgraceful to the United States or more deeply to be deplored for the consequences which have followed and will follow in its train.

My remarks will be largely in the form of a narrative. I shall not attempt to enlarge upon or discuss the incidents which I shall relate; I shall seek to avoid, so far as may be, any expression of personal opinion. This is a chronology; let the hearer draw his own conclusions from the facts.

The recent history of the relations of the United States with Mexico in the matter of the exportation of arms and munitions of war begins with the joint resolution of Congress approved March 14, 1912, which provided:

That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

This joint resolution is still in force.

On the date of his approval of the foregoing resolution, namely, March 14, 1912, President Taft issued a proclamation declaring that he had found "that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said joint resolution"; and he admonished all citizens of the United States and every person to abstain from every violation of the provisions of the joint resolution above set forth, thereby made applicable to Mexico.

The effect of the resolution, coupled with the proclamation, was, of course, to impose a complete embargo upon the exportation of arms and munitions of war from the United States to Mexico.

From that time throughout the remainder of the Taft administration an embargo continued; when President Wilson was inaugurated domestic conditions in Mexico were, as is well remembered, in a condition even more chaotic than usual. President Wilson therefore wisely continued the embargo imposed by President Taft. Indeed, after he had been some six months in office, he expressly and formally indorsed the policy which had then been in operation about a year and a half. In his address to the Congress delivered August 27, 1913 (CONGRESSIONAL RECORD, p. 3826), he says:

For the rest, I deem it my duty to exercise the authority conferred upon me by the law of March 14, 1912, to see to it that neither side to the struggle now going on in Mexico receive any assistance from this side the border. I shall follow the best practice of nations in the matter of neutrality by forbidding the exportation of arms or munitions of war of any kind from the United States to any part of the Republic of Mexico—a policy suggested by several interesting precedents and certainly dictated by many manifest considerations of practical expediency. We can not in the circumstances be the partisans of either party to the contest that now distracts Mexico, or constitute ourselves the virtual umpire between them.

These were strong, and as I believe, unanswerable arguments. No dissent to them was expressed anywhere in this country. Yet within six months from that time the President had completely reversed himself and discarded the policy which had continued for two years. By proclamation issued February 3, 1914, President Wilson revoked the Taft proclamation of March 14, 1912. The effect of this, of course, was to permit the free and lawful exportation of arms and munitions of war of all kinds from the United States to Mexico.

An interesting sidelight upon what the issuance of this proclamation meant to sorely stricken Mexico is found in "A Diplomat's Wife in Mexico," written by Mrs. O'Shaughnessy, wife of Nelson O'Shaughnessy, who during this period was our

chargé d'affaires at the Mexican capital. In her diary under date February 1, 1914 (p. 174), she says:

To-night has come the long-feared cable from Washington stating that the President intends to raise the embargo on arms and ammunition. \* \* \* We scarcely know what to think; we are dazed and aghast. \* \* \* This act will not establish the rebels in Mexico City or anywhere else, but will indefinitely prolong this terrible civil war and swell the tide of the blood of men and women, "and the children—oh, my brothers."

Recent history has amply justified Mrs. O'Shaughnessy's predictions of the prolongation of the "terrible civil war."

Again, her diary says on February 3 (p. 175):

The second telegram has just come, saying that the President intends, within a few hours, to raise the embargo. \* \* \* I keep repeating to myself: "God! God! God!" A generation of rich and poor alike will be at the mercy of the hordes that will have new strength and means to fight, and eat, and pillage, and rape their way through the country. \* \* \* It is what Mr. Lind has wanted for months. \* \* \* Villa and Carranza will not arrive in the city together. No street is broad enough to permit the double entry of their contrary passions, violence and greed.

The newspapers of the day after the issuance of the proclamation carried the following message, signed by Gen. Villa himself at Juarez:

Raising the embargo on arms is an act of justice on the part of the American Government toward the people of Mexico and signifies the prompt pacification of the Republic. Within three months the war will have ended.

Other reports from the border carried such headlines as, "Villa waves his hat in joy"; "Carranza elated," etc. A dispatch stated that 4,000,000 rounds of cartridges and 20,000 rifles were already upon the Mexican border ready for immediate shipment to the Mexican consignees. The next day the dispatches stated that—

Arms are flowing to the border. Two million rounds are at Brownsville awaiting export. The supply will be sufficient for the revolutionists of all northeastern Mexico.

Thoughtful men in this country, whether remembering the strong words of President Wilson the previous August or reasoning simply from common sense, were astounded and aghast at this change of policy. It is not too much to say that they foresaw what has in fact happened as a direct result of the lifting of the embargo. Army officers especially, from their intimate knowledge of the situation, were able with unusual distinctness to read the handwriting on the wall.

I quote a Washington dispatch to a New York paper reading as follows:

Army officers are not pleased over the lifting of the embargo. They have taken the position all along that it would be a dangerous experiment to permit the unrestricted shipment of arms and ammunition into Mexico for the constitutional forces. Their argument is that if occasion should arise for intervention in Mexico by the United States the constitutionalists would probably join forces with the Huerta following and use against the American troops the arms that had been supplied to them through American sources.

It is not necessary to retell the story of our first Wilson war with Mexico in April, 1914. It is not necessary to do more than refer to the battle of Vera Cruz, at which some 20 American soldiers, sailors, and marines lost their lives and some 50 were more or less grievously wounded.

The country promptly demanded the restoration of the embargo. The debates of April 23, 1914, in the Senate are particularly interesting. (CONGRESSIONAL RECORD, pp. 7120 to 7132.) Senator LODGE spoke, in part, as follows:

Three or four days ago 2,700 stand of arms went over the Mexican border to Villa. Some have gone since, I am told; I do not know how truly. This movement at Vera Cruz was precipitated for the military reason—which I do not question to be a sound one from a military point of view—that it was necessary to seize the arms going to Huerta, because these arms would be used against the forces of the United States and that it was the most obvious military prudence to stop them for that reason, the force of which I entirely admit. Yet they were allowed to go over the northern border at the same time. You can not do much more for any ally than that. And now we see that Mr. Carranza disapproves of what has been done at Vera Cruz. Hardly friendly in an ally whom we are arming. It will be but a short time when those men of the north are united with the rest of Mexico against us. That is not an unreasonable anticipation. Why are we not taking the ordinary military precaution there? Why are we allowing more arms to go into those parts of Mexico? They will be used against our armies within 30 days.

There is brought to my mind very strongly, sir, that verse that was written by James Russell Lowell at the time of the Civil War:

"You wonder why we're hot, John?  
Your mark wuz on the guns;  
The neutral guns that shot, John,  
Our brothers an' our sons."

Now we are letting the guns and munitions of war go into Mexico, and by and by the mark on the guns in northern Mexico which shoot our brothers and our sons will not be neutral marks; they will have our own marks upon them.

I say, Mr. President, the time has come to stop, as we have stopped at Vera Cruz, the admission of any arms into the Mexican Republic. If war, alas, or armed intervention can not be escaped, that is the surest way to bring this war to a close. That is the method the President adopted in order to prevent Mr. Huerta from protracting resistance to our troops, and yet arms are going in freely over the border, and I do

not think I am mistaken when I say we are in danger of a fight on that border at any minute. I do not want to see those people furnished with weapons.

The thing that seemed worse to me, more than anything else in the whole framing of the issue with Mexico, was this putting us in the attitude of an ally of Pancho Villa. \* \* \* I think every military reason demands that we should put an embargo on arms everywhere, and I think the distinction that we are making is one that is utterly false, both from the military and the moral point of view.

Senator FALL, of New Mexico, pointed out that the Villa troops—

are receiving constant shipments of arms, and that the shipment of arms is not being stopped, but is continuing.

Senator SMITH of Michigan stated—

that protests by myself and others were made to the President last February, when he threatened to remove the embargo and give arms and ammunition more freely to Villa and Carranza, and he was urged by members of the Committee on Foreign Relations not to take such action, as it would be a backward step and the guns that he permitted to be taken across the border might later be used against our own soldiers. I told him at that time that if the revolutionists in northern Mexico were entitled to American arms they were entitled to recognition as belligerents; that it would be lawful to thus recognize a state of war, but that it would be diabolical to give them arms with which to kill one another.

The Washington Post of that morning contained an article with headlines as follows:

Arms free to rebels—President declines to renew the embargo—Urged by military men—Chief officers of both branches of the service believe it wrong to permit passage of guns, which may be turned upon United States soldiers—Secretary of State trusts Constitutionalists.

The text of the article stated that—

for nearly a week the General Staff of the Army, headed by Maj. Gen. Leonard Wood, has urged repeatedly that a general embargo be declared. At first this step was desired not only to prevent the shipment of munitions of war to Gen. Huerta, but also to the Constitutionalists, on account of the possibility that the latter as well as the other might use them against United States soldiers, sailors, and marines.

Yielding to the importunities which came to him from every section of the country, the embargo was, that night or the following day, again put in force by President Wilson, though without presidential proclamation. It was stated, however, that this action—

was due to the implied threat of Carranza to resent the invasion of Mexican territory by the United States as an act directed as much against the Constitutionalists as against the Huerta authorities.

In the light of the foregoing Senate debates it can hardly be urged in behalf of the administration that it had not, in February as well as in April, been aware of the powerful and unanswerable arguments against the raising of the embargo so long as conditions continued in Mexico as they then existed. As President Wilson himself had pointed out, there was no analogy whatever between the continuance of an embargo of this sort and the imposition of an embargo upon exportations to the European belligerents. To allow arms to go to Europe is, upon analysis, a measure of self-protection; to allow arms to go to Mexico is a species of self-murder.

The Vera Cruz storm blew over somewhat more quickly than might have been expected. As early as May 8 we find Villa urging the raising of the embargo, which, he said, was—

protracting the struggle needlessly. Every humanitarian consideration argues for the lifting of the embargo. The sooner we can procure the arms and ammunition that we need, the sooner the country will be pacified.

And again, on May 15, in an interview, Villa said:

How can we take Mexico if we have no ammunition?

To an administration which yearned above all things to be an ally of Villa these arguments were no doubt exceedingly persuasive; they did not, perhaps, appeal to the rank and file of the American people as especially cogent.

At all events on May 16, 1914, came another somersault. The dispatches informed us that thereafter the embargo would apply only to shipments across the land frontier, but that arms and ammunition might be freely exported by sea to Mexican ports. I quote from the newspapers of that date:

The Constitutionalists (Villa and Carranza) will probably receive large shipments of arms and ammunition through Tampico. The rebels need them. Wilson has stopped shipments of guns and ammunition across the frontier, but the order of prohibition applies only to the border. The War and State Departments make it plain that it is not unlawful to ship from New York or Galveston to Mexican ports, including Tampico.

The same news article refers to the vast quantities of arms and ammunition that crossed the Mexican border destined to Villa and Carranza between the lifting of the embargo in February and its reimposition in April.

The bars having thus again been let down, the rush of exportations of explosives, and so forth, was immediately resumed.

The months of May and June, 1914, were noteworthy for the sessions of the A. B. C. mediators at Niagara Falls. The newspapers of June 4 report, apparently verbatim, an interview with Secretary of State Bryan, in the course of which he said that—



The mediators had an understanding with the United States that pending their efforts at Niagara Falls the United States would permit no arms to be shipped into Mexico either across the border or by water from American ports.

About the same time appeared the statement that the complete embargo might be reimposed, as the administration "wishes to avoid the charge that arms once within the grasp of the American officials were later turned against American soldiers." Mr. Bryan's statement proved that it was a point of honor on the part of the United States, pending the conduct of the mediation proceedings, that no arms or munitions should be sent into Mexico either by land or by sea. Yet, as we have already seen, the embargo of May 16 in nowise applied to shipments by sea from the United States to Mexican ports. On June 2 the steamship *Antilla* left New York for Tampico carrying 1,500 to 2,000 cases of ammunition containing some 3,000,000 cartridges and two aeroplanes. She landed her cargo safely on June 11. Not only did the United States not interfere with this procedure, although in honor bound so to do, but we actually had our Navy keep watch at the Mexican port to prevent the possibility of any interference by Huerta with the safe landing of the munitions. On June 6 another million cartridges were shipped on the steamship *Sunshine* from Galveston to Tampico. On June 10 still another million rounds, said to have been destined for Mexico, cleared from Baltimore on the steamship *Arcadia*.

All these shipments were known at the time and were freely discussed in the newspapers. There is no doubt that all of them constituted an absolute violation of the Bryan pledge to the mediators. It is said, however, that Villa had teased President Wilson that he be permitted to get his hands on these particular cargoes, and that thereafter the United States might do as it saw fit. In any event, the United States did not interpose any objection, and, as we have seen, even assisted in the safe conduct of at least one of the cargoes.

These three cargoes, and very likely many more, having thus departed for their destination, the United States on June 10 again imposed an absolute embargo by sea as well as by land.

Thereafter exportations of arms and munitions nevertheless continued with unabated activity. The schooners *Sunshine*, *Grampus*, and *Susan* made six trips from Galveston to Tampico, each time carrying heavy shipments of war materials. All were consigned to Habana, but "by stress of weather"—more than once it was a flat calm—they were "blown into" Tampico.

The *Sunshine*, for example, landed 2,050 cases of ammunition on June 29. In all there were probably not less than 6,000,000 rounds of cartridges, together with many other supplies, introduced into Mexico during the month of June. "There is more than one way to skin a goose." The dispatches of July 23 state that in spite of the embargo Villa had gotten together across the border—in addition to the sea shipments which, as we have seen, were very large—about 8,000,000 rounds of ammunition during this period.

Then on September 10, 1914, the embargo was again lifted, for what reason mortal man can not perceive. This state of affairs continued for over a year—until October 20, 1915. During this period, as I shall later show in detail, we were making constant and tremendous shipments of all kinds of war materials. During this same period American lives were being lost at the hands of Mexicans and American property was being destroyed. Late in the year 1914 occurred the so-called Naco affair, in which from 50 to 60 Americans living on or near the border were killed and wounded. Of this outrage former President Roosevelt in "Fear God and Take Your Own Part" says (pp. 254, 255):

Perhaps the most extraordinary feature of the whole Naco affair is that at that point there is an open port of entry. The arms and ammunition used to kill American women and children and American soldiers were openly purchased in the United States and openly delivered through a port of entry to the warring factions in Mexico.

During this entire year, too, peace was "raging" throughout northern Mexico. Anarchy, starvation, rapine, desolation, and chaos were the order of the day, and to that order the United States contributed mightily by furnishing in huge quantities the fuel to fan the flames.

On June 9, 1915, the New York Times, regarded as an administration paper, said:

The best course would be to prohibit, as we have a right to do, further supplying of arms and ammunition to any of the factions. If by evil chance our soldiers should be compelled to invade Mexico to restore order it would be folly to let the various bands of bandits and revolutionists be equipped to oppose the invasion. It is hardly necessary to point out that the case presents not the slightest analogy with the question raised over the export of arms to European belligerents. \* \* \* Probably if the exportation of arms is stopped there will be no need of armed intervention.

The very next day the dispatches state that—

in anticipation of a renewal of the embargo on June 15 Villa rushed 5,200 rifles and 1,000,000 rounds of ammunition south to-day on a special train.

The expected embargo against Villa, however, did not actually arrive until October, 1915. Villa, who had been in high favor with the administration during most of its tenure of office, had lately been losing ground. The administration had at length decided that the Carranza brand of desperado held out more hope than did the Villa type. Carranza had been going up in the scale as Villa descended. On October 12, 1915, what amounted to an impartial embargo on shipments of arms and ammunition into Mexico was put into rigid effect at Douglas, Ariz., supplies consigned both to the Villa and Carranza factions being held up. Villa, however, had been making hay while the sun was shining. At this time he jocosely stated that he had enough arms and ammunition to keep on fighting for at least two years.

Three months ago the Villista agents let three contracts for a great quantity of arms and ammunition and these contracts have all been delivered, the supplies having entered Mexico several weeks ago.

On October 19 President Wilson recognized Carranza.

On the same date he issued a proclamation practically identical with the Taft proclamation of 1912 reestablishing the embargo on arms and ammunition destined to Mexico. Simultaneously, however, by Executive order, he exempted Carranza and his forces from this prohibition. The net result of the prohibition, therefore, was that Carranza could get all the arms which he wished while Villa could, lawfully at least, get none.

The winter of 1915-16 was comparatively uneventful, although the clouds were gathering. The Santa Ysabel massacre, in which 19 Americans lost their lives at the hands of Villa, occurred January 12, 1916.

With the spring of 1916 came the Columbus raid, Parral, Glenn Springs, and finally Carrizal.

The Columbus raid occurred on March 9, 1916. On March 12 the United States revoked all permits held along the border for exporting explosives into Mexico. On the 15th 500,000 cartridges consigned to Gen. Calles, military governor of Sonora, were seized by United States soldiers. March 16 the Carranza consul demanded the surrender of the cartridges, but was refused. On the same day, on request of the State Department, orders were sent to our collectors of customs at seaports and along the borders to hold up all shipments of arms, ammunition, and explosives consigned to Mexico except "such as, it is clearly established, are for the Carranza government." A large consignment for Villa was then on the way south.

On March 18, consequently, Carranza was permitted to take over the half a million cartridges of which the military authorities had sought to prevent the delivery. March 24, 60 cases of cartridges were turned over to Gen. Calles, each containing 1,000 rounds.

The foregoing are among the references which I find in the newspapers to such exportations, but represent only a small fraction of the shipments actually permitted to proceed.

Indeed there is considerable evidence that arms were freely, though, of course, illicitly, passing across the border to Villa who, it was stated, "will not be hampered by lack of ammunition."

During all this time, moreover, the transit by sea was entirely uninterrupted. Nine days after the raid on Columbus the Ward Line steamer *Esperanza* arrived in Vera Cruz with 1,350,000 rounds of ammunition, all soft-nosed or dum-dum bullets, consigned to the Carranza government, together with other munitions of war. About this same time Gen. Pershing and his forces were marching south in Mexico in pursuit of Villa and with orders to take him dead or alive. It did not take a prophet or the son of a prophet to know that Carranza was no true friend of ours and that we might soon be engaged in hostilities with him also. Yet the instruments of self-destruction were going south in great quantities.

On March 29 the Ward Line steamer *Saratoga* touched at Habana with 1,243 cases of ammunition for Carranza.

On April 1 the Ward Line steamer *Monterey* landed at Vera Cruz another 1,350,000 rounds of soft-nosed cartridges and other munitions of war for Carranza.

On May 13, a month after the Carranzista garrison at Parral had attempted to ambush the American expeditionary troops under Maj. Tompkins and had attacked them, the *Esperanza* landed at Vera Cruz 300,000 rounds more ammunition for Carranza. This cargo was, I am informed, transshipped in Cuba.

Between May 13 and the 1st of June still another shipment of arms was unloaded at Vera Cruz for Carranza.

Recurring to the border exportations within a month after Columbus, on April 11, 332,000 rounds of ammunition left Laredo, Tex., for Carranza, and on April 14 a dispatch from Douglas, Ariz., stated:

The State Department has issued a permit to the de facto government of Mexico to pass 1,000,000 rounds of small-arm ammunition across the line to Agua Prieta during the next few days. The ammunition is now en route to the border.

The pursuit of Villa in March last may be regarded as the second Mexican war of the administration. Last month came the break with Carranza over the Carrizal and other outrages, the mobilization of our troops at the Mexican border, and the beginning of the third war.

On June 20 Mr. Lansing's note to the Carranza government was sent, and tucked away in it we find the last—or rather the latest—embargo on ammunition, although the language plainly shows that its removal may be expected ere long if conditions change. The language in question follows:

As long as this menace continues and there is any evidence of an intention on the part of the de facto government or its military commanders to use force against the American troops instead of cooperating with them, the Government of the United States will not permit munitions of war or machinery for their manufacture to be exported from this country to Mexico.

Mr. HILL. Will the gentleman yield?

Mr. ROGERS. I beg the gentleman's pardon, but I have but little time.

Mr. HILL. I simply wanted to ask the gentleman was not the embargo lifted and is it not now lifted from all foodstuffs to Mexico?

Mr. ROGERS. That is true.

Mr. HARRISON. Does the gentleman from Connecticut object to that?

Mr. HILL. I do object to feeding an enemy while we have 100,000 American boys on the border waiting for them to attack us.

Mr. HARRISON. The speech of the gentleman from Massachusetts carries with it, indirectly at least, a criticism of what the administration has done respecting the embargo. Is the gentleman going to point out in each particular where he objects to it and what he would have done under the same circumstances if he had had the authority to act?

Mr. ROGERS. I can tell the gentleman from Mississippi exactly what I would have done. I would have left in effect the embargo which Mr. Wilson found when he came into office and which he indorsed when he delivered his address to Congress in August, 1913, until Mexico was in fact and in every way absolutely pacified, and until all possibility had passed that our arms and munitions should be turned against the American soldiers. [Applause on the Republican side.]

There the situation now stands, although El Paso dispatches in the newspapers of July 8 indicate an attempt on the part of Mexico to secure still another removal of the embargo. No man can, in the light of the past, say just how soon the administration will, in its wisdom, do what it has so often done before.

No portrayal of what the American policy has done in Mexico could be more vivid than that which Mr. Lansing himself furnishes in the note of June 20. He says:

The Government of the United States has viewed with deep concern and increasing disappointment the progress of the revolution in Mexico. Continued bloodshed and disorders have marked its progress. For three years—

Wilson first raised the embargo two years and four months previously—

the Mexican Republic has been torn with civil strife; the lives of Americans and other aliens have been sacrificed; vast properties developed by American capital and enterprise have been destroyed or rendered nonproductive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempted punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplorable than those which have existed there during these recent years of civil war.

It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed during the last nine months in particular—

The embargo against Carranza was raised eight months before—

the frontier of the United States along the lower Rio Grande has been thrown into a state of constant apprehension and turmoil because of frequent and sudden incursions into American territory and depredations and murders on American soil by Mexican bandits, who have taken the lives and destroyed the property of American citizens, sometimes carrying American citizens across the international boundary with the booty seized. American garrisons have been attacked at night; American soldiers killed and their equipment and horses stolen; American ranches have been raided, property stolen and destroyed, and American trains wrecked and plundered.

The attacks on Brownsville, Red House Ferry, Progreso post office, and Las Pelades, all occurring during September last, are typical. In these attacks on American territory Carranzista adherents and even Carranzista soldiers, took part in the looting, burning, and killing. Not only were these murders characterized by ruthless brutality, but uncivilized acts of mutilation were perpetrated.

Yet it is interesting to note that the recognition of Carranza occurred in October, 1915, the month following the acts of which Secretary Lansing complains. Mr. Lansing goes on with much

cumulative evidence to the same effect, but perhaps enough has been quoted to indicate the administration version of the result of its policy, in which, beyond question, the permission to export arms and ammunition played a most important part.

The exact number of American lives which have been lost during the last three years is in dispute; indeed, it is, as a practical matter, probably incapable of ascertainment. In a report to the United States Senate by the President upon affairs in Mexico submitted February 17 last (S. Doc. No. 324) it appears that the number is about 112 for the years 1913, 1914, and 1915. This total, however, does not include the Vera Cruz deaths nor, of course, the outrages of the last six months. Men familiar with border and Mexican conditions generally say that the number of Americans who have lost their lives in the past three years is between 275 and 300.

I have been furnished by the Department of Commerce with figures which show officially the amount of our exportation of arms and explosives for the fiscal years ending June 30, 1914, June 30, 1915, and for the 11 months ending May 31, 1916. The table referred to is as follows:

Periods year ended June 30—	Dynamite.		Gunpowder.		Other explosives, value.	Car- tridges, value.	Fire- arms, value.	Total.
	Pounds.	Value.	Pounds.	Value.				
1914.....	5,561,725	\$801,212	129,182	\$15,006	\$63,532	\$749,995	\$488,274	\$1,923,039
1915.....	2,395,704	280,877	36,198	25,599	116,247	2,896,244	1,280,442	4,599,379
1916 <sup>1</sup> .....	3,343,957	450,113	50,435	20,771	159,201	1,969,114	508,428	3,107,627

<sup>1</sup> 11 months to May 31.

During March, 1916, in the face of the Columbus raid, \$202,774 worth of cartridges entered Mexico, and in April \$51,875 worth entered Mexico. This, of course, is confined to exports of which the Department of Commerce, through the Treasury Department, has official knowledge. It does not indicate any exportations which have illegally crossed the border or which have reached Mexico from the United States via Cuba. Since July 1 last, as the foregoing figures disclose (taking cartridges at \$42 per thousand), nearly 50,000,000 rounds of cartridges have been sent to Mexico through the customhouse. How much more has also been sent no one can say. Practically every one of the cartridges which has gone forward is of the soft-nosed or dum-dum type, abhorrent to civilization. The spectacle of the civilized United States acting as purveyor of these accursed things has inspired a poem which has been widely circulated in Mexico:

#### THE DUMDUM.

It's cursed and it's damned and it's banned by the law;  
It's cruel, no end; it's satanic and raw.  
No sportsman will use it, except in a pinch.  
When man eaters, crouching, are ready to clinch.

But—  
Our Christian country permits it to go,  
Without let or hindrance, to poor Mexico.

The allies protested, when came the great war,  
That Germans were outlawed barbarians, for  
They shot the dread soft nose. The world stood aghast  
At this savage return to the Hun-ridden past.

But—  
That is the only ball patriots know  
In their looting and shooting of poor Mexico.

It kills when it strikes and it flies with a moan;  
It rips out the flesh and it blasts out the bone.  
There's no use for first aid or hospitals where  
The double-damned dum-dum drones dense in the air.

But—  
Our pious President fixes it so  
It goes in a stream into mad Mexico.

Are we "serving mankind" and the "eighty per cent"?  
Our only excuse is, our course was well meant.  
Look! now the lead points are shot back at our boys,  
And tear out their lungs. So they die without noise.

But—  
Supinely we sit, and we let dum-dums go  
To blood-drunk, desperate, red Mexico.  
Let us pray.

As I have recited in detail, one of the numerous liftings of the embargo occurred on September 10, 1914. The removal of the embargo permitted death and devastation to pour into Mexico. Yet the day before the embargo was raised President Wilson had issued a proclamation appointing a—  
day of prayer and supplication—

And requesting—

all God-fearing persons \* \* \* to unite their petitions to Almighty God that, overruling the counsel of men, setting straight the things they can not govern or alter, taking pity on the nations now in the throes of conflict \* \* \* He vouchsafe His children healing peace again and restore once more that concord among men and nations without which there can be neither happiness nor true friendship.

Is it any wonder that the friends of Mexico and the friends of mankind found it difficult to square the act with the profession? Is it truly "a service to humanity" to let the Mexi-



cans murder each other and murder us with dumdum bullets? Is it truly the highest altruism to permit frequent and long-continued "open seasons" on American citizens in Mexico or, oftentimes, within their own borders near Mexico? When the claim is made that the administration has kept the country at peace, does the peace not resemble that of which Jeremiah, the prophet, sang:

For they have healed the hurt of the daughter of my people slightly, saying, "Peace, peace, when there is no peace."

Mr. Speaker, I have supported President Wilson by my vote and by word of mouth when the United States seemed to be standing face to face with a foreign power. I upheld the administration in the Vera Cruz incident and in the submarine controversy with Germany. I trust I shall never deviate from this course, whatever may be the politics of the man in the White House.

But I can not condone the course of the present administration in connection with munitions exportation to Mexico. Let me very concisely review what I have before given in detail. When President Wilson was inaugurated the Taft embargo against shipping arms to Mexico was in effect. February 3, 1914, President Wilson raised the embargo. April 24, 1914, at the time of the Vera Cruz affair, he restored the embargo. May 16, 1914, he raised the embargo so as to permit exportations by sea. June 10, 1914, he absolutely restored the embargo, sea and land. September 10, 1914, he raised the embargo. October 19, 1915, he restored the embargo, simultaneously excepting the forces of Carranza. June 20, 1916, he restored the general embargo. Each time the embargo was imposed the action was taken as the result of outrages upon Americans, which surpassed even the ordinary run of outrages to which we are, alas, somewhat benumbed. Each time the embargo was lifted the action was taken because of a slight improvement in the internal condition in Mexico; yet at no time during the past three years could any man truly state that the internal troubles of Mexico were at or approaching an end.

It has been plain throughout to the most casual onlooker that even when conditions were relatively improved the flames were only smoldering. It required neither prescience or omniscience to see that the arms and cartridges with which we were supplying the desperados of Mexico might at any time be turned against us as they had repeatedly been turned against us in the past. We must never forget that our dead were killed with American ammunition and that without American ammunition they would not have met their dreadful fate. Mexico herself makes little or none, and during the last two years Europe has, of course, had other uses for hers and vast quantities beside. So the United States has been practically the sole purveyor. When we think of the hideous traffic with Mexico, authorized—nay, aided and abetted by the administration—our cheeks must blush for shame. The story is one of the blackest and saddest in our entire history.

Every American should read an article in the August (1916) McClure's, by Potter Emerson Browne, entitled "Scars and Stripes," in the course of which he says:

Villa is still free. Villa is still sore. Villa still has men and guns, and munitions; munitions that we gave him!

And with these men, and guns, and the munitions that we gave him he crosses the border one night and slaughters the men and women of Columbus, N. Mex.; American men, American women, and on American soil! Yes; he kills on American soil American men and American women; and he kills them with American guns and American powder and American bullets given him by the American Government! \* \* \*

And who is Carranza? A vain and purblind old gentleman that we ourselves helped put in power and to whom we have furnished arms and ammunition that again have been used to kill us with! \* \* \*

And until we prepare ourselves both physically and mentally to administer that force we can make up our minds, and make 'em up now, that just so long will American men, American women, and American children be slaughtered on American soil. Pray God it won't be done any longer with American guns and American ammunition. That much, at least, we can prevent.

I have meant to tell the story fairly, without modification or enlargement. I have meant to state the facts impartially, leaving the hearer to form judgment for himself. I wonder if a single true American citizen of our hundred million can take pride in the recital.

In closing I desire to quote a poem which appeared in the Portland Oregonian on the date of the funeral of Lieut. Henry Adair, killed at Carrizal, Chihuahua, by an American bullet from an American gun:

ADAIR OF CARRIZAL.

[By Dean Collins.]

I had thought our hearts would leap, Adair,  
That our hands would clutch at the sword and gun;  
I had thought that our spirit of old would flare  
At the tale of the deed that you have done.  
But silent we walk and silent you lie,  
And "Peace," says the bishop, above your pall—  
But the blood you shed is red, how red!  
Red on the sands of Carrizal.

I had thought we would rise on the wings of fame;  
That a river of swords would southward flow,  
And voices of battle would cry your name,  
As they cried the name of the Alamo.  
But we mutter our prayers for the rest of your soul—  
And how shall rest on your spirit fall  
When we bow the head, while the blood you shed  
Cries from the sands of Carrizal?  
I had thought—but my thoughts were lies, Adair,  
For my heart was not with that art imbued  
That fashions a diplomatic snare  
To throttle a nation's gratitude.  
The statesmen build up the forms of peace,  
Where words look large and where lives look small,  
While my hot cheeks flame with the blush of shame  
For the cry, unanswered, from Carrizal.  
The funeral honors are done, Adair,  
And under the earth your body lies;  
Thrilling and sweet on the vibrant air  
That last long wail of the bugle dies.  
Well was your duty done, Adair,  
And duty to us alone may call;  
And the blood you shed, how red, how red!  
Cries like a bugle from Carrizal.

[Applause on the Republican side.]

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. Sisson] is recognized. [Applause.]

THE DEMOCRATIC PARTY AND THE FARMER.

Mr. Sisson. Mr. Speaker and gentlemen of the House, I want to thank my friend from Massachusetts [Mr. Rogers] for giving me a portion of the time allotted to him. Before I discuss the matters I had intended to discuss I want to say this in view of the speech just made by my friend Mr. Rogers from Massachusetts. I am at a great loss to know just exactly how it would be possible for anyone occupying the position that President Wilson now occupies to have handled the situation in Mexico any better than he has handled it, and at the same time keep the country out of war. [Applause on the Democratic side.] Can the gentleman say that if it had been managed differently we should not have had war? Can he say that he would have done better? Under Wilson's management we all know that he has avoided war. If President Wilson, Mr. Speaker, succeeds in conducting this troublesome affair to a proper solution—to which I pray, and all of us should pray, that he may bring us—a complete settlement, without bloodshed and without war, the American people, the American mothers, the American fathers, will owe him an everlasting debt of gratitude, and so will the entire world, because he will be able to demonstrate that troublesome situations between nations may be settled without war. [Applause on the Democratic side.] I ask that an all wise Providence continue to guide his head and his hand so that he may be able to settle this question without war. [Applause on the Democratic side.]

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. Sisson. Certainly.

Mr. ROGERS. Does not the gentleman think that a continuance of the embargo on arms would have been more likely to lead to war and bloodshed than the reverse policy?

Mr. Sisson. I can not say, because I do not have all of the facts, I do not have all of the information that the President and the diplomatic officers of the Government have; but I may say this, that it perhaps will be better if it is possible to get the people of Mexico under one head or under two and let them fight the thing out among themselves and bring the question to a final issue among themselves, just so long as they are able to conduct their affairs without doing damage to the people of the United States and to their property.

But I did not intend to discuss this question. The great question which is agitating, and ought to agitate the minds of the people not only of the United States but of the world is, What the issue will be after the European war is over? Will we be called into conflict, necessitating a great Army and a great Navy? Out of precaution with the troubled condition of the world, the administration has urged upon Congress and upon the people a reasonable condition of preparedness for whatever may happen at the close of the European war.

Mr. Speaker, while we have been considering this question of preparedness for war, should it come, it seems to me that many shortsighted men lose sight of the very best preparation. Our cities and those people interested in the profits they are making out of munitions of war and building battleships forget the true relation of things. We are taught in the sacred Scripture that "The love of money is the root of all evil." This is the national sin of America to-day. This love of money has caused too many of our people to lose sight of the very foundation of all America's greatness, strength, happiness, and prosperity, and that is the American farmer.

I maintain that the greatest preparedness in any nation is that preparedness which comes from well-cultivated farms and unlimited food supplies. [Applause on the Democratic side.] Cannon, battleships, submarines, airships, small arms all are

useless unless you first feed the soldier. In addition to the amount necessary to furnish the food supply for the people at home you must have that adequate supply and have the farms producing so much more than the country itself consumes in time of peace, which may in time of peace be shipped abroad, so that this surplus will be sufficient to feed the people at home and feed the Army in time of war. When war comes the able-bodied farmer is called to the front and taken from the field, so the fields must be productive enough to feed the families left at home and feed the Army with the loss of the labor of all at the front.

A nation is no stronger than its agriculture. A nation is no stronger than the farm, which supplies that which is necessary to all prosperity. The manufacturing enterprises of our cities are based upon no stronger foundation than that foundation which is at the foundation of all institutions, the food supply, which comes absolutely from the soil.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. Sisson. Yes.

Mr. HILL. How, then, does the gentleman account for the strength of Great Britain, which has not produced its food supply, nor 25 per cent of it, for the last 60 years?

Mr. Sisson. Great Britain has colonies which supply her with food. In addition to that, she sells her manufactured products, such as clothing, shoes, and thousands of other articles, that she may get the first essential for her national existence, to wit, food, which is the product of the farm. Much of this comes from the American farmer.

Mr. HILL. All granted.

Mr. Sisson. And it has been upon that theory, and that wholly, that Great Britain is compelled by the necessities of the case to have the greatest navy on earth, in order to prevent her being starved to death in a day.

Mr. HILL. Then her strength does not consist in her agricultural production?

Mr. Sisson. But without the agricultural production it would be absolutely impossible for the Englishman to live, as it would be absolutely impossible for the gentleman to live in Connecticut. I fear the gentleman from Connecticut has been away from the soil so long, or he lives in a State where he and his people have forgotten the true relation of the human race to the productivity of God's earth, that he and his people forget that he sells his wooden nutmegs and other trinkets for bread and meat which is produced by the American farmer.

Mr. HILL. But the gentleman—

Mr. Sisson. Oh, I have but little time, and my friend knows it. You have had your industries fostered for 50 years by favoring legislation, and it has been at the expense largely of the great agricultural interests of the country.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. Sisson. I must decline to yield, because I have only 15 minutes.

Mr. STEENERSON. Would not the gentleman's logic compel him to encourage the production of sugar?

Mr. HILL. Will the gentleman concede that some 50 years—

Mr. Sisson. I will not concede anything. I can not yield. The gentleman and everyone in the House knows that when I have time I yield, and have never declined when my time will permit. But the special order for to-day will not permit the House to give me more time.

To go back to what I intended to say when I was interrupted: We find ourselves in this condition in the United States, that there are certain food supplies that are getting scarcer per capita than they were in former times, and it is necessary, in order that we may be thoroughly prepared for war, that the Federal Government take a most active interest in the development of every farm in the United States and through all proper legislative means extend to the farmers that assistance which they so much need. If you do not, the plumes of the admirals and generals, their brass buttons and glittering show, will amount to nothing.

These generals and admirals must eat, and they demand the fat of the land. The soldier may have all of the equipment that modern science has devised, but he is useless unless he has food, and food comes from the farm. Is it not strange that so many men of great intelligence fight any effort on our part—we who are real friends of the farmer—to extend relief and help to the very people who feed the world. Let the farmer quit selling the products of his farm for one year and our cities would be charnel houses, our factories would be silent, and the scream of the locomotive would no more be heard.

Now, what is Germany's principal strength to-day? Not her army. The first few days of the present war, with all her trained soldiery, it looked as if it would be an easy victory. But the allies, with their navies, quickly bottled Germany up

and blockaded her coast. Her food supply from abroad was cut off. She had, and has now, to depend upon her own farms for her food supply; and while the issue is now not much longer in doubt, Germany's great resistance is caused by Germany's great aid to agriculture in directing her farmers along lines of the most efficient and scientific cultivation of the soil. Still the problem in Germany is that of a food supply. This is what she is struggling for now. She is cut off from the American farmers. She is endeavoring to sail beneath the tumbling seas in order that she may get something for her soldiers to eat.

If a cordon of ships were locked around our shores the Nation that we love so much might be in the condition that the Southern Confederacy was during the Civil War. There was a great portion of the people of that section who had devoted their energies to the production of cotton, and during the war they did all they could to transform the country from the growing of cotton into a grain-producing country and into a cattle and hog producing country. It was essential that they should eat, and they had no grain, no cattle, and no hogs to enable them to feed themselves, and at the same time feed the army. The very foundation of the food supply of the South was swept away. This caused the war to end. There is no telling just how long this war might have continued if it could have been possible for the South to have obtained plenty of food. In other words, the southern soldier was literally starved into surrender and into a victory for the Union. All students of that struggle will tell you that that was the greatest weakness of the South.

Now, let us learn the lesson from Germany; let us learn the lesson from the South in that conflict; and let the United States Government push forward the preparedness movement by helping the American farmer in the very beginning. You Republicans were in power for 50 years, and you never did one thing to aid him or to take one burden from his back.

Your whole program has been to do all that you could for the manufacturer at the farmer's expense. For 50 years he has been knocking at the door of Congress asking for recognition. For that long he has been denied recognition. He knocked and you would not open unto him. He sought but he could not find. He asked for bread; you gave him stone. He asked for fish; you gave him a serpent. What has this Congress and what has this administration done for the American farmer, you may ask?

#### WHAT THIS ADMINISTRATION HAS DONE.

The Democrats came into power. What has this Democratic Congress and this Democratic administration done for the American farmer? I wish I had time to go into the matters more in detail, but I can only mention them briefly. Since I have been a Member of Congress every Member of this House knows that I have consistently fought for all of the measures that tend to advance our agricultural interests. My motto is, "Make the farmer prosperous and all will prosper."

#### GOOD ROADS.

For years the American farmer has been asking, yea begging, that you give him Federal aid to construct farm roads, which do more, in my judgment, to build up the agricultural interests of the country and help the farmer than any one piece of legislation that the Government can pass. [Applause.] The farmers' organizations asked the Federal Government to cooperate with their States and counties and help develop our dirt roads. "Ye would not."

During all of the years of Republican rule the farmers were denied Federal aid. The Republican committees declined to report the bill. There was no good roads committee in the House. We Democrats created the Good Roads Committee. That great and good Democrat, my friend DORSEY SHACKLEFORD, of Missouri, was made its chairman, and my good friend H. D. STEPHENS, of Mississippi, resigned his position on the Banking and Currency Committee to get on this committee because he thought that he could best serve his people there. For the first time in the history of the legislation this Democratic House has taken this wise step to aid and assist the various States and counties in the building good roads for the use of the farmers. [Applause.]

#### RURAL CREDITS.

What next? Notwithstanding the fact that the farmers' organizations, the Grange, the Farmers' Union, and other farmer organizations have knocked at the door of Republican Congresses for years asking for rural-credit legislation, it was denied them by you Republicans when you had control of the Government. You made no effort to give them relief. But when the Democrats came into power and Wilson became President we passed a rural-credit bill for the farmers, and this bill was signed a few days ago by the President. [Applause on the Democratic side.] This bill is not perfect and is not what the American farmer wants, nor is it all that he



needs or deserves, but it is a great beginning and commits the Government to the principle, and the American farmer will insist and demand that this law be extended and improved. I have advocated rural-credit legislation since I have been a Member of Congress and am glad to see this legislation go on the statute books. But I am not satisfied and will continue the fight until the farmers get real rural-credit legislation.

#### AGRICULTURAL EXTENSION BILL.

Mr. Speaker, soon after I was elected to Congress I began the fight for farm-demonstration work. After the first session of Congress I carried this work into every county in my district, and went in person with the men assigned me by the Department of Agriculture, and each meeting was attended by great crowds of farmers. I then saw the practical results of the work. This work was then supported by private contributions. I thought the work should be on a permanent basis and advocated that the Agricultural Department do this work in cooperation with the States and that it be made permanent work. But not until this Democratic administration came into power could the farmers get this legislation. This bill was fathered by my distinguished friend from South Carolina [Mr. LEVER]. [Applause.] And under his wise management those of us who were for this legislation made the fight with him and won. My friends, Mr. CANDLER, of Mississippi, and Mr. HEFLIN, of Alabama, were earnest and enthusiastic workers on the Agricultural Committee for this legislation, and it is proper to say that they are entitled to a great deal of credit for the effective work which they did. Not until the Democrats came into power did the farmers get this legislation. This will grow and should grow. If the Democrats continue to control the Government after the November elections, they will push this farm-demonstration work vigorously and give the American farmer the benefit of scientific soil improvement and proper cultural methods.

In some sections of the Union the soil is wearing out and needs proper treatment to bring it back to a high state of fertility, and our farmers are ready, willing, and glad to have this information, and it is the highest duty which we all owe to our people and to posterity to see that this information is given. My own section needs this information badly, because for many years we have produced nothing but cotton, but now the boll weevil is with us to stay, and our farmers will have to begin to diversify. This is difficult to do with negro labor. We face the problem with courage, but we ask the assistance of the great Agricultural Department, with all its information, to help us solve the problem. I call upon all of our colleagues of both parties to support this great work. The great German Government helped her farmers to solve the problem of soil improvement, and by the adoption of scientific methods Germany, which is naturally the poorest soil in all Europe, has become one of the most productive countries in the world. The farmers of the country should congratulate themselves that this Democratic administration has awakened to the necessity of improving the farms of our country. I have only one criticism, and that is that we ought to have gone further. But it is perhaps quite as far as we could go at this time, because the House can not settle all matters of legislation. I wish I had time to discuss this law further, but can only say that the scientific determination of what the soil needs can only be ascertained by sending experts to examine the soil. This can and will be done under this law.

#### BUREAU OF MARKETS.

The Bureau of Markets is in its infancy. There has been for years a bureau in all of the consulates to enable the manufacturing interests of this country to find, through these consular reports, the best markets for everything they manufacture; but there has been no effort to connect the American farmer with the best markets for his products, either at home or abroad. The middlemen have absolutely controlled the price of his products at both ends of the line—to the people in the city and the people on the farms. But, with a proper extension of the Bureau of Markets, the American farmer can be brought into contact with the best markets, and, with proper cooperation, can sell his products in the best markets and get the benefit of the profit himself, and the people in the city would be able to get the benefit of cheaper and better food. This has been done by this Democratic Congress. [Applause.] The great work is just begun; but in a few years, if Congress does its duty, the farmers will see a new day dawn and not be at the mercy of the trusts and speculators.

#### WAR INSURANCE.

I wish I had time to discuss the war-insurance bill. I can tell you that it affected the price of cotton immediately. Upon the passage of this bill the insurance on cotton dropped from the exorbitant high rate fixed by marine insurance companies at the outbreak of the European war to a low rate, and cotton went

up one cent a pound, which was exactly the difference between the war-rate insurance and that fixed by the Government.

If we would have coupled it up with the ship-purchase bill, instantly the shipping companies would have reduced their rates to a reasonable rate fixed by the Government, and the American farmer shipping his grain, cotton, and the other products of his farm to European markets would have gotten the benefit in the price. [Applause.] This would have meant millions to the South.

#### INCOME TAX.

Next comes the income-tax law. This bill which has just passed the House is a Democratic administration measure. I have advocated such a law since I became a Member of the House, and so have nearly all Democrats. I am glad to have had a part in helping to pass this law, for it places the burden of taxation and the expense of running the Government where it belongs, upon the backs of the enormously rich. [Applause.] It puts some of the burden upon the wealth of the country and takes some of the burden off of the hungry and poor throughout the United States.

Mr. LEVER. Will the gentleman yield for a suggestion?

Mr. SISSON. Just for a suggestion.

Mr. LEVER. I would like to call the attention of the gentleman to the matter of the warehouse bill.

Mr. SISSON. I have the warehouse bill on the list, but I have not time to discuss it, and can only say that this Democratic House has passed this good piece of legislation for the farmers. I want to call attention to one other matter before I close.

#### RURAL SANITATION.

I now ask this Congress and each and every one of you to give your assistance at the next Congress and see that we get through this House and through the Senate a rural-sanitation bill to preserve the health of the people in the country and on the farms. [Applause.]

Mr. Speaker, there is no higher duty that we can perform as a Government than to do all in our power to protect the health and lives of our people when we can do so. The Bureau of Public Health assures me that there are certain diseases that can be controlled by proper sanitation. Among them are typhoid fever, consumption, malaria, hookworm, and so forth. These diseases take our people off by the thousands. The cities have, as a rule, good sanitary laws and can enforce them. The Federal Government always cooperates with them and sends experts when the cities ask for them. Why should not the people in the country have a like service for them? They should have, and this Democratic House has passed a bill to give them this same service, but the bill is now held up in the Senate. The Bureau of Public Health is anxious to pass this bill, but I understand that it is held up in another end of the Capitol by one man, who, by the way, is not a Democrat. Here we find again the Democratic administration anxious to advance the interest of the farmers and a Republican stands in the way.

When I see all over this fair land our loved ones languishing on beds of sickness and their frames racked with pain; when I see them touched with the cold hand of death and know that in the majority of cases this agony and pain and death could be prevented by simply removing the cause of the disease, and that cause known to the Medical Department of the Government, and that department asks for a few thousand dollars to cooperate with the State and county authorities, it makes my heart sick to see men from the cities fight these small appropriations. What better service can you render the farmers of this country than to assist in making his home healthy? What can you do that will add more to the happiness and comfort of country life than to render it free from these terrible diseases? Why do you maintain a Bureau of Public Health to study disease unless you give the people the benefit of that study? The Government exists for the people, not the people for the Government. Let not our city Members believe that they will not pay for their folly. Their food comes from the farm, and if that food is infected it will find its way into city homes, and all of the precautions as to water supply and other precautions come to naught. I appeal to them in the name of their loved ones—if my appeal to them in the name of the loved ones who live in the country can not reach them—give us this law and let us save many people and millions in money. Give us proper rural sanitation, and you not only protect the life of the man on the farm but you protect the life of the man in the city, as I have just said, because the foodstuffs and food supplies must come from the farm.

Now, Mr. Speaker, I only have a few minutes left, but before I close I want to say that every Democrat can look the farmers of American in the face and say we have tried to benefit you. You have knocked and we have opened unto you. We have passed more good legislation for the farmers during the three years of Democratic control than the Republicans have since

the organization of that party [applause]. Our great Democratic leader, Woodrow Wilson, will as the Executive Head of the Nation soon put these measures into operation, and let us all hope that the American farmer will get the full benefit of these measures that have been passed by this Democratic House, and that this is the dawn of a new day for him. I am glad to have done my humble share in this great work for our people.

When the record of this Democratic administration is known, what American farmer ought to hesitate to vote the Democratic ticket in November?

There are other matters I would like to discuss, but I have promised the gentleman from Indiana [Mr. Cox] two minutes. [Applause.]

#### REAR ADMIRALS IN THE NAVY.

Mr. COX. Mr. Speaker, I ask two minutes for the purpose of making a statement. I do not wish to do any man an injustice, nor do I want to make an erroneous statement on the floor of the House. On Thursday, while the Senate amendment to the naval bill was under discussion, I called attention to amendment 89. I made the statement that amendment 89 increased the number of rear admirals to 82. I made the statement upon the strength of a letter which I received from Victor Blue, in the Navy Department. In the letter which Rear Admiral Blue wrote me, dated July 25, I find the following:

Engineers Office, additional in grade, 3. Total authorized in each grade immediately upon passage of bill, 32. Total authorized in each grade when maximum of 2,988 is reached in five to six years, 45.

I received a letter from Rear Admiral Blue this morning, in which he calls my attention to the statement and says it is erroneous. I ask leave to print the letter which I received from him on the 25th day of July and the one which I received from him this morning, July 28, in the Record, and let the facts contained in these letters speak for themselves. It is a known fact that there is a naval factory here in the city of Washington turning out admirals, rear admirals, and minor commanding officers, putting them on the retired list much faster than we are able to turn out ships, guns, and so forth, to supply the officers with. This naval factory is nothing short of the Army and Navy Club, whose chief function is to work overtime in getting salaries increased, officers retired for trivial reasons, and placed upon the retired list with a good round salary.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Cox] asks unanimous consent to print the letters just referred to in the Record. Is there objection? [After a pause.] The Chair hears none.

The following are the letters referred to:

NAVY DEPARTMENT,  
BUREAU OF NAVIGATION,  
Washington, D. C., July 25, 1916.

MY DEAR MR. COX: Referring to your request of yesterday for information pertaining to the grade of rear admiral in the Navy as it exists under present law and as it will exist in case the pending naval appropriation bill is passed in its present form, I have the honor to advise as follows:

In computing the total authorized number of officers on the 4 per cent basis, it is intended to use the figures 74,700 as the "authorized enlisted strength of the Navy, as contemplated under the provisions of the pending bill. Four per cent of 74,700 equals 2,988, the total number of line officers there will eventually be under the provisions of the bill. This number can not be reached, however, inside of five or six years. The present number and the number that will exist on passage of the bill is 2,126. There can not be an immediate increase of the actual number upon the passage of this provision in the bill, as the increase in the line depends upon the supply of graduates from the Naval Academy. Under the law as it exists at present the total number of line officers is unlimited. The numbers are limited only in the grades of lieutenant and above. The numbers in grades of lieutenant (junior grade) and ensign are unlimited and depend upon the number of midshipmen graduated each year and the number of warrant officers commissioned as ensigns. The Senate provision in the pending bill fixes the maximum total for the line at 2,988, and this maximum stands to be reached in about five to six years.

The following table gives the data desired by you:

Grade.	Appor- tion- ment in each grade.	Present author- ized number in each grade.	Addi- tional numbers in grade.	Engi- neer officers addi- tional in grade.	Total in each grade at present.	Total author- ized in each grade immedi- ately upon passage of bill.	Total author- ized in each grade when maxi- mum of 2,988 is reached in 5 to 6 years.
Rear admiral (senior 9).....	1.5	9	2	2	13	16	22
Rear admiral (junior 9).....		9	.....	1	10	16	23

Sincerely, yours,

VICTOR BLUE.

Hon. WILLIAM E. COX, M. C.,  
House of Representatives, Washington, D. C.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,  
Washington, D. C., July 28, 1916.

Hon. WILLIAM E. COX, M. C.,  
House of Representatives, Washington, D. C.

DEAR MR. COX: I have just seen in the CONGRESSIONAL RECORD of yesterday, July 27, top of page 13525, a statement made by you on the floor of the House that I had told you that 82 new rear admirals were provided for in the Senate amendment to the naval appropriation bill.

I am sure that you would not intentionally misquote me in the matter, and am inclosing a copy of my letter to you with the request that you will kindly read it over again carefully. You will find in my statement that we now have 18 rear admirals, regular numbers, and 5 rear admirals, additional numbers, making a total of 23 now on the list, and that the Senate amendment would authorize 32 rear admirals upon passage of the bill and 45 rear admirals after five or six years, when the line of the Navy has been recruited up to its maximum strength.

It therefore appears clear from the figures given you by me that the Senate amendment provides for an increase of only 14 rear admirals at this time, and for a further increase of 13 distributed over a period of five to six years.

The number of rear admirals provided for in the Senate amendment was estimated for by myself after a careful study of the organizations of the principal navies of the world and of our own needs. It is very moderate and reasonable, and far below what other naval powers deem necessary for a proper organization. You can, therefore, readily see that a statement understood as coming from me that the Senate amendment carries an increase of 82 rear admirals places me in a ridiculous light in the eyes of Congress and of the country.

I am confident that out of fairness to me you will now correct the statement referred to.

Very sincerely, yours,

VICTOR BLUE,  
Chief of Bureau.

#### MEMORANDUM REGARDING REAR ADMIRALS PROVIDED FOR IN THE SENATE AMENDMENT.

This amendment authorized a total of 32 rear admirals upon passage of the bill, and an eventual total of 45 when the line of the Navy has reached its maximum after a period of five to six years. This means an immediate increase of 14, and a further increase of 13 distributed over a period of five to six years.

In order to mobilize the Navy for war at the present time we require at least 35 flag officers if our organization is to be in any way comparable to that of foreign naval powers. Forty flag officers is nearer the number we ought actually to have at this time.

Naturally the requirements in this respect will increase from year to year as ships are completed and added to the fleet.

The percentage of 1.5 flag officers to the total number of line officers is intended to care for the increased requirements due to the constantly increasing number of ships and to the constantly increasing number of officers and men to man them.

This is the minimum number that will give us an organization that can reasonably be expected to reach the degree of efficiency maintained by the organizations of the principal naval powers of the world.

The organization of the British Navy contains 2 per cent of flag officers of the line; that of Germany, 1.7 per cent; that of France, 2.1 per cent; that of Japan, 2.4 per cent; and that of Russia, 2.3 per cent. Their percentage of captains runs from 4.4 to 6.

We have asked for 4 per cent of captains and 1.5 per cent rear admirals. This is very moderate, and could hardly be expected to make our organization for war equal to theirs.

In these times the result of naval engagements largely depends upon the organization of the units of the fleet commanded by flag officers.

Should our Navy be mobilized now we would have to assign to 18 flag officers the duties of 35 at least or else place 17 untried and untrained captains in command.

The selection feature in the Senate amendment would enable our Navy to obtain flag officers at an age which would permit of their having active training in the fleet and of being available for further duty afloat before retirement.

An important point in the selection feature is that it makes for economy as well as efficiency.

It guarantees that the most efficient officers will reach the grade of rear admiral and will remain in that grade long enough to give the Navy the benefit of their experience and training in command afloat.

The economical part is that hereafter fewer officers will retire with the rank of rear admiral than is the case under existing law.

As an illustration, about 30 captains will retire for age during the next five years. Under our present system all of these will retire with the rank of rear admiral—nearly all with the pay of the senior nine—after having spent but two years, on the average, on the active list of rear admirals.

It is clear that if the selection feature will bring officers into the grade of rear admiral at an age that will permit them to serve six years before retirement, the result will be that the average number of officers retired each year as rear admirals will be reduced in the ratio of 6 to 2, or 3 to 1.

In connection with the personnel feature of the Senate amendment, it should be borne in mind that existing law provides for more rear admirals than does this amendment. The difference is that existing law provides for more on the retired list and less on the active list, while the reverse obtains under the Senate amendment.

There can therefore be no doubt that after a number of years of operation of the Senate provision the number of rear admirals on the active and retired lists combined will be much less than it would be under existing law.

This provision will have the effect in the course of time—possibly in 10 years—of cutting down the retired list of rear admirals to one-half or one-third of what it is to-day.

In other words, under the Senate provision the active list of the Navy will gain rear admirals at the expense of the retired list. In consequence, there can be no doubt that the provision will produce economy as well as increased efficiency.

VICTOR BLUE.

ZEBULON BAIRD VANCE.

The SPEAKER pro tempore. The Clerk will report the special order.



The Clerk read as follows:

House resolution 322.

*Resolved*, That exercises appropriate to the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall, in the Capitol, be made a special order for Saturday, July 29, 1916, not later than 3 o'clock p. m.

Mr. KITCHIN. Mr. Speaker, I send to the Clerk's desk the following Senate concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 24.

*Resolved by the Senate (the House of Representatives concurring)*, That the statue of Zebulon Baird Vance, presented by the State of North Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of North Carolina for the contribution of the statue of one of its most eminent citizens, illustrious for the high purpose of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of North Carolina.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. SMALL] is recognized.

[Mr. SMALL addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HOOD] is recognized.

Mr. HOOD. Mr. Speaker, in response to legislative invitation by act of Congress of July 2, 1864, the great State of North Carolina contributes to the National Statuary Hall a bronze statue of Zebulon B. Vance.

The people of North Carolina with one accord decided that he was "illustrious for his historical renown and for distinguished civil and military service" rendered to the State and Nation, and deserved a niche in the pantheon of the Republic. Side by side with Washington, Lee, Webster, Calhoun, Morton, Ingalls, Benton, Houston, and other great statesmen and warriors of our land, the massive figure of Zebulon B. Vance towers as an inspiration to the thousands who, beholding it, studying the life and character of this great North Carolinian, will be prompted to greater service, higher ideals, and nobler living.

I shall not attempt to follow minutely the history of the "Old North State's" statesman, lawyer, orator, patriot, scholar, and friend, nor delineate with any degree of elaboration his wonderful traits, splendid characteristics, and unique personality.

Leave thee alone for a comparison.

I realize that it would be superfluous to do so in view of the fact that others have done this with marked precision and ability.

I simply desire, as one of a younger generation, to pay a feeble tribute to his memory. Although of fine parentage, he began life's struggle in an humble home under adverse circumstances, his father having died when he was quite young. During the early years of his life he supported a widowed mother, acquired an education, and with an energy and determination that knew no defeat carved his way to fame.

After attaining an education through his individual efforts and the sacrifices of his Godly mother, in 1854, soon after reaching his majority, he received his license to practice law, locating in his mountain home—Asheville.

"With new-fledged hope still fluttering in his breast" he began his memorable career.

He was elected solicitor of the county court, State legislator, twice to Congress, three times governor, and four times as United States Senator.

In addition to the service rendered in civil life, upon the breaking out of the Civil War he organized and was made captain of the "Rough and Ready Guards," which company was called to the front immediately, and soon thereafter, on account of his gallant services in battle, he was elected colonel of the Twenty-sixth North Carolina Regiment.

With a public service of nearly a half century, in peace and in war, he filled every position entrusted to him by the people with fidelity, credit, and distinction. The people loved to honor him; they knew he was their friend. He was idolized by all classes; the rank and file felt that he never failed to use his best efforts for their interests and welfare.

His hopes, aspirations, desires, and ambition seemed to be to serve his country well and faithfully. His heart seemed to throb in harmony with that of the masses, and he longed to do everything in his power for them at all times and under any conditions.

Senator Blackburn made the following statement in his eulogy of Senator Vance:

This man's character, Mr. President, is best illustrated by an instance with which I became acquainted only within the last week and but for which I would not have asked indulgence of the Senate to attest my love to his memory. The general commanding the Armies of this country told me less than a week ago that when the war ended he was left in command of the district of North Carolina. He received an order peremptory from the war office here to arrest Gov. Vance, capture all his papers and correspondence, and send them to the War Department. He said he knew full well that Vance was not seeking to flee the country or avoid arrest, but that he sent an officer up to his mountain home with instructions to capture every paper that belonged to his official or his personal correspondence and bring them there; and the officer did.

Gen. Schofield sent Gov. Vance, with those papers and records, here to the then Secretary of War. We all remember that that was Pennsylvania's great war officer, Stanton, whom some people thought was not mild, whom some thought was even savage, but who, in my judgment, in point of efficiency and ability, was the greatest war minister that the earth has known since the days of the elder Carnot of France.

Gen. Schofield sent Gov. Vance here, and among those records he sent the book which contained every particle of correspondence that Vance had ever held with the President of the dead Confederacy. All was open and Stanton examined it all. When he did and saw what this man had done, how persistent his efforts had been to ameliorate the conditions of Federal prisoners and to assuage the horrors of war, the great Secretary said to him, "Upon your own record you stand acquitted; you are at liberty to go where you will."

[Applause.]

Thus you see that notwithstanding the sufferings of his own people, under such trying conditions, he was always ready and willing to relieve the suffering of Federal prisoners. This is an index to his true character.

I can not do better than embody as part of my remarks a portion of the magnificent address delivered by Hon. Charles W. Tillet, of Charlotte, soon after the death of Senator Vance, which is as follows:

Zeb Vance is dead! Soldier, statesman, patriot, friend! In war and peace, the one of all her sons to whom his mother State looked most for succor and relief; and can it be that in the days to come, when dreaded dangers threaten all around, we nevermore can call for him, before whose matchless powers in days gone by our enemies have quailed and fled?

Zeb Vance is dead! His was a name you could confide with, and oftentimes in the past, when this loved Commonwealth of ours has been stirred to its inmost depths and men knew not which way to go nor what to say, the cry was sounded forth that "Vance is coming," and from the mountain fastness of the west and the everglades of the eastern plain the people came who never would come forth to hear another living man, and gathering around in countless multitudes they hung upon his every word with eager eye and listening ear, and all he told them they believed because "our Vance" had said it.

Zeb Vance is dead! And where shall come the man to tell the world the soul-inspiring story of his hero life; how coming forth from humble home he baffled and overcame the fates that would have crushed beneath their feet a man of meander mould: how serving faithfully and well in every trust committed unto him he soon won first place in the hearts of all his countrymen and held that place for three score years unto the end; how when his native land was plunged in throes of civil strife he went forth in the front ranks to defend and save her and fought with valor all her foes; how called to rule as chief executive in times that tried men's souls he ruled so wisely and so well; how when the war was over and the cause was lost, when down upon his bleeding, prostrate country came the hordes of vampires from the North to suck the last remaining drops of life-blood from his people, he rose with power almost divine and drove them back; and then with gentle hand he caused the wounds to heal and his loved land to prosper once again as in the years gone by; and how at last, when after years of faithful, honest toil, upon his noble form was laid the icy hand of death, he bowed his head in meek submission to His will and yielded up to God his manly soul? Who can be found to sing the praise of such a one, and who can speak the anguish of the people's hearts at his untimely death?

Zeb Vance is dead! He was the friend and tribune of the people. Though he rose to place where he held converse with the great and mighty of the earth, his sympathetic heart was open to all mankind, and his strong arm was first stretched forth to lift the lowliest of the sons of men that cried to him for help, and in the Nation's Senate halls his voice was ever lifted up to plead the cause of the down-trodden and oppressed against the favored classes and the money kings.

I believe, Mr. Speaker, that the sublimest, most beautiful and grandest of God's creation is that man who loves his fellow man and observes the golden rule—

Whatsoever ye would that men should do to you, do ye even so to them.

Ever ready to minister to their wants and necessities, dispelling the clouds of gloom and adversity, and spreading sunshine, radiance, and happiness, such a man was Zebulon B. Vance.

Thousands have been made happier, brighter, and better as a result of his noble and God-like life.

He has builded a monument in the hearts of his countrymen greater than human skill can devise or human hands construct.

The tender, affectionate memory of self-sacrifice and glorious deeds done for friends and constituents will forever linger as "an alabaster box of precious ointment."

So lives he still, in soul and heart,  
Heroic and sublime.

[Applause.]

Mr. **POU.** Mr. Speaker, it was very fine that the people of North Carolina, through their Representatives, should decree the placing of the statue of Zebulon B. Vance in Statuary Hall with such unanimity. The State has given to the world many great men, but of them all North Carolina, his native State, said this son of mine by his life hath earned a place in the Nation's Hall of Fame.

And as I look upon that stately form I am strong in the faith that the virtues more than any others of the many possessed by Senator Vance which influenced our people to place his statue in this building were his rugged, unquestioned honesty, and his deep-rooted love for his people—the latter being the overruling passion of his life.

The whole world is always looking for the man who loves every other man more than he does a dollar. Thank God there are such men, and out of the agony of war poor, stricken North Carolina found such a man, used him in rebuilding her own crushed fortunes, and later on offered him to the Nation. He left behind a glorious memory. He did not live in vain.

His heart throbbed with love and sympathy to the very end. There was no gloom in his philosophy, no sting in his boundless humor, no offense in his remonstrance. He looked at things with kindly eyes. He loved us all. He felt keenly for the sorrows of his fellow man. All classes of his beloved native State will long remember him with tenderness and gratitude. He taught by his life the beautiful gospel of humanity. No king, no conqueror, no magistrate, no ruler ever bequeathed a fairer legacy to his people. He made no schisms. He inspired no conflicts save in the cause of justice. He lit no fires of hate. He despised money save when it made man happy.

And, Mr. Speaker, from the hour when he kneeled at his mother's knee to his last hour upon this earth he followed with unflinching footsteps the shining star of truth. [Applause.]

Mr. **SMALL** took the chair as Speaker pro tempore.

Mr. **STEDMAN.** Mr. Speaker, the elevation of the human race, its advancement physically, intellectually, and morally has commanded the highest and most unselfish efforts of heroic men and women in every age. It has long been an established truth that the destiny of every individual is controlled in a large degree by the ideals established in their early days. The great ideals which the youth of every land should strive to form, emulate, and cherish are the highest standards of physical, intellectual, and moral excellence in their respective spheres. To a marked extent they are interdependent. It need not be said that the last named far outweighs the former in its influence upon the life of all. Wonderful is the effect of environment on ideals so created—of association, of scenery, of paintings, of sculpture, of nature in all its wondrous and varied charms, of forest, of stream, of mountain, of ocean. The history of the people of all times verifies the statement that collectively and individually we reflect our environment.

The Greek youth of old represented the highest type of physical perfection the world has ever known. As the boy grew into manhood he witnessed the Olympic games. He rejoiced in the applause which greeted the victor. He returned home with the supreme desire in his heart that by rigid asceticism and unceasing athletic practice he might some day wear the crown of wild olive.

The child of Italy looks with rapture and delight upon the golden splendor of its skies, wanders amidst the creations of art, which everywhere adorn its public buildings, and lies down at night to dream of the happy days when his own work, chiseled in marble or painted upon canvas, shall rival that of the great masters, which has led captive his heart and his imagination.

But there is a force which fascinates and entrances the minds of all, whether in the glory of youth, in the meridian of manhood, or in the decline of age. It is more impressive and lasting than the golden splendor of the ocean when lighted up by the rays of the sun, than the silent and majestic grandeur of the mountain, than the most costly temple reared by the skill of man, than any landscape arrayed in nature's most attractive garb. It is a vision of a man who bears the temptations of victory without seduction and the ordeal of suffering without dismay—a man set apart by Providence from the mass of humanity, that by his exalted mental and moral endowments he may stand forever as a mighty rock in the ocean, as a beacon light through all ages.

Profoundly impressed with the importance of the influence which will be exerted upon the lives and fortunes of the many thousand visitors who throng to this beautiful and attractive Capitol, as well as upon the thoughts of national legislators who assemble here; by the environment of exalted thought and by reflection upon the great qualities which elevate and adorn humanity, the Thirty-eighth Congress of the United States

during its first session in 1864 enacted a bill for the construction of Statuary Hall and authorized the President—

to invite each and all of the States to provide and furnish statues, in marble or bronze, not exceeding two in number from each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civil or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national Statuary Hall.

Gladly accepting the invitation thus extended, the General Assembly of North Carolina, during the year 1907, adopted without a dissenting voice a resolution authorizing the governor and council of state to place a statue of Zebulon Baird Vance in Statuary Hall. The bill was introduced by Hon. J. C. Buxton, senator from Forsyth County. No man or woman living in North Carolina doubts that above all others he is preeminently entitled to this distinction. In pursuance of that resolution, Gov. Craig, of North Carolina, appointed a commission to see that in all respects the work was properly done. You will know how faithfully and efficiently the commission has discharged its duty when you look upon the splendid bronze statue of North Carolina's illustrious and best-beloved son, unveiled in Statuary Hall, and which it is our grateful pleasure to accept.

Statuary Hall was not constructed as a monument to preserve the memory of the illustrious dead and nothing more. It was intended as a shrine to be preserved under the fostering care of the National Government to which the youth of our land may come with ever-increasing numbers in the recurring years and gaze with awe and delight upon the greatest and best citizens of the Republic and learn from their lives the lesson of virtue in its broadest sense and all that it implies.

To what better school for reflection could a young man or woman be sent than to a great temple, where hung upon its walls are the portraits and embedded in its niches are the statues of those who by their virtues in private life or their valor in war have brought renown and glory to their native land?

The traveler from distant lands who sojourns in London will find his way to Trafalgar Square. His eyes will be fixed upon the monument to the greatest naval hero the world has ever known. He will hear the booming of Nelson's cannon, as their echo reverberates from Trafalgar to the British Channel, telling the world that the contest with Napoleon is not unequal so long as English blood maintains the fight. But with that echo comes the sound of the admiral's trumpet, more distinct, forever to linger in the memory of Nelson's countrymen—"England expects every man to do his duty." And you leave Trafalgar Square feeling and knowing that a supreme sense of duty leads to lasting renown, which remains unwithered when the garlands of military and naval glory have faded forever. And you wander to Blenheim Castle. Its walls are covered with the portraits of John Churchill, Duke of Marlborough, and paintings of the memorable fields upon which he won his glory and overthrew the armies of Louis XIV, led by his greatest commanders. And then you will think of the avarice and meanness of the man whose statues surround you and whose face looks down upon you, and all the memories of Blenheim and Ramillies can not take the stain or the tarnish from the marble and bronze. And your heart tells you that the love of money is incompatible with true greatness and unselfish patriotism.

Perhaps from England you may cross the Channel and go to the gay—I will not say the happy—capital of her ancient and inveterate foe. You will seek the Mausoleum of Napoleon. You will stand by the splendid sepulchre which contains his ashes, brought from the island of St. Helena to be deposited upon the banks of the Seine amongst the people who witnessed his glory and his crimes. With his image in your mind, you will traverse the Italian plains, the valleys of the Danube and the Rhine, stand by the banks of the Vistula, and linger upon the shores of the Neimen. Lodi, Arcola, Marengo, Austerlitz, Wagram, Eylau, and Friedland crown him with more than imperial splendor. You see his sun go down in blood and gloom upon the field of Waterloo, but the horizon of his life is still resplendent with the luster of his unrivalled military achievements. A fair and beautiful land drenched in blood and white with the bones of youthful conscripts lies before you. Your spirit cries aloud, "It is vanity of vanity; his whole life was vanity."

You joyfully turn to the monuments which everywhere mark the landscape in your own land. You find your way with eager step to its beautiful Capitol. You wander to Statuary Hall. Your eyes rest upon the statues of the mighty dead, the busts of Washington, of Jefferson, of Lincoln, of R. E. Lee.



What a story of self-denial, of truth, of beauty, of valor, of gentleness, of all the virtues which adorn and beautify humanity their lives declare to you as you stand before them, whether their images and features be portrayed by the painter's canvas or the sculptor's art.

The bronze image of Vance is before you, selected by his grateful State as worthy of the resting place where the great and good of our Republic sleep.

When you look upon his statue, will you simply contemplate the features and say that the work is well done and that the figure upon the pedestal was worthy of being so perpetuated and then pass on? Are you satisfied alone with the grandeur which lights up his manly face? Not at all. His whole character comes in review before you and fastens itself indelibly upon your mind.

This is an occasion intended rather to signify our acceptance of his statue, one worthy of the sculptor's highest art, which has been recently unveiled in Statuary Hall, than to give a biographical sketch of his life. I will not speak of the early days of his boyhood, so prophetic of the splendor of his future career, of those elements of his character, creating a personality which charmed and delighted all whose good fortune it was to meet him, which made him the center of attraction alike in the abodes of the poor and the humble as well as in the mansions of the rich and powerful, of his ready and unflinching wit, of his tender sympathies, of his unselfish charities, of his deeds of kindness extended to all in distress when the opportunity came to him to assist them.

Years ago, on the 23d of April, 1895, a few months after his death, which occurred on the 14th of April, 1894, many eulogies were delivered commemorative of his life, of his attractive personality, of his splendid achievements, now and for all time to come the pride and glory of North Carolina.

But as monuments should not only be the images of those whom they represent but are intended also to call the attention of posterity to their leading characteristics, by which they were enabled to be of service to all humanity as well as to their own country, it is proper and appropriate to mention to-day, briefly at least, some of those great qualities possessed by him which are ever essential to glorious achievements.

His life was picturesque, eventful, and elevating. The beauty and grandeur of nature in the region where he was born and reared gave a majestic character to his thoughts.

A supreme love of truth, a lofty and generous patriotism, a forgetfulness of self, moral courage, personal fearlessness, absolute sincerity in word, in thought, and in deed; these, with an intense love of humanity, constituted the basis of his character, which will ever be resplendent in the galaxy of great names which America has furnished to the world.

Nature had endowed him with a rare and wonderful gift of eloquence, the power of which seldom failed to carry every audience by storm and enabled him to impress his hearers with the truth of his own convictions. The effect of his oratory can be best illustrated by a most remarkable incident occurring during the Civil War.

The time for which the Twenty-sixth North Carolina Regiment had enlisted—one year—had expired. He was the first colonel of that famous regiment, whose name will gild with splendor the pages of history, so long as the world loves enduring courage and patriotic heroism.

The men were packing their knapsacks and preparing for their journey home. They were singing gay songs of happiness in anticipation of meeting again those so near to their hearts. The fathers of many of the young soldiers had arrived at camp to accompany them.

Vance ordered the drum to be sounded and calling the men together addressed them. He urged them to reenlist, to protect the honor and glory of North Carolina. The sweet and happy memories of their homes faded from their vision, as he appealed to their supreme sense of duty in an effort, pronounced by those who heard it, to be unequalled and unrivaled. Every man in the regiment reenlisted as they cheered for Vance, and then sang in full chorus the Old North State Forever.

His military career was full of honor and glory, but was of brief duration. He raised a company in Buncombe County, N. C.—the Rough and Ready Guards—which was organized on the 4th of May, 1861, with Vance as captain. This company was placed in the Fourteenth Regiment of North Carolina troops. In the fall of 1861, he was elected colonel of the Twenty-sixth Regiment.

On the 14th of March, 1862, the Battle of Newbern was fought. He greatly distinguished himself by his coolness, skill, and utter indifference to danger. Soon thereafter his regiment was ordered to Virginia, and was actively engaged in the seven days fight around Richmond.

At Malvern Hill, on July 3, 1862, he attracted the admiration of all who witnessed his splendid conduct.

In August, 1862, he was elected governor of North Carolina. He did not seek the office and did not desire it. He declared publicly that the only honor he coveted was to lead the brave men entrusted to his command. In obedience to their wishes and the recognized preference of the people of North Carolina for him, above all others, to conduct the affairs of the State, he yielded, and in its hour of peril was inaugurated on the 8th of September, 1862.

There has been no period of time in the history of the State when its people were so beleaguered with obstacles which threatened the destruction of their aspirations and hopes, and of all that was dear to their hearts, than during his administration.

Sustained by his unselfish and devoted love, their efforts directed by his consummate ability, their fortitude and unconquerable spirit triumphed over every misfortune, and they emerged from the chaos of ruin encircled with a halo of renown which shall live untarnished and undimmed through all the years to come. [Applause.]

His administration was illustrious for its many achievements which commanded the admiration of men in those perilous days; but its crowning glory, in the estimation of all, whether friends to the cause of the Union or adherents of the Southern Confederacy, was the untiring care, the provident wisdom, and unstinted labor given to provide every possible comfort for North Carolina soldiers and their helpless wives and children. To this object above all others Gov. Vance devoted the best energies of a great and active mind.

Of the success of his efforts I will not speak to-day, as recently, upon another occasion, I have referred to it at length in an address delivered at a Confederate camp in this city. Suffice it to say that, under his administration and due to his foresight, North Carolina not only clothed her own troops during the entire war but furnished clothing for troops from other States, and that for many months previous to Gen. Lee's surrender the army of northern Virginia had been almost entirely furnished with food from North Carolina.

It is a truth questioned by none that no troops in any corps of the Confederate Army were more thoroughly equipped and provided for in every way necessary to their efficiency and comfort, both as to arms, food, and clothing, than were the soldiers from North Carolina.

For their helpless wives and children he caused to be established depots of provisions for their subsistence, and appointed committees to see that they were not neglected. With him it was a labor of love and enthusiasm, to which he gave unceasing personal attention.

He was devotedly attached to the Union and exerted himself to prevent its dissolution. He was opposed to secession until the proclamation of President Lincoln calling for troops to coerce the Southern States left him no choice. The destiny of North Carolina was his destiny. When once the loyalty of North Carolina was pledged to her sister States of the South, his loyalty was unalterably linked with hers.

As governor of the State he manifested an especial pride in the high morale of North Carolina troops. He made many visits to them.

No period of his eventful life was marked by an incident more attractive by its glamor of romance and patriotic heroism than his visit to the North Carolina troops in Lee's army in March, 1864. This interesting episode in his wonderful career has been often alluded to and was mentioned in an address delivered by Mr. Woodward, of North Carolina, in this House when he paid a tribute to his memory in recognition of his illustrious services to his State and our Republic. The North Carolina troops whom he visited comprised 13 brigades, aggregating more than one half of the army. They were encamped along the bank of the Rapidan River. Gen. Lee, with members of his staff, captivated by the eloquence of Vance and the lofty sentiments to which he gave expression, accompanied him from brigade to brigade. The enthusiasm of the soldiers knew no bounds. It was the prelude to the campaign which soon thereafter commenced, in which they won imperishable renown. His last speech was made at a general review of Lee's army near Orange Court House. It was ordered by that great commander as a special compliment to Vance, an honor bestowed upon none other in all its history.

No orator in all the annals of time ever had an audience whose presence was more calculated to inspire heroic sentiment and high resolve. It was the remnant of the Army of Northern Virginia. Upon its banners were names which will long live during the ages to come—Manassas, Chancellorsville, Sharpsburg, Fredericksburg, Gettysburg. The greatest com-

mander of the English-speaking race was beside him. Stonewall Jackson had gone to his final rest. Pettigrew had joined him in immortality. But A. P. Hill and D. H. Hill, Longstreet, and Ewell, Early, and Gordon were before him. They forgot the fields of their glory as they listened to him. J. E. B. Stuart was there and never so happy, unless at the head of a cavalry charge. Hoke, of North Carolina, who had established his reputation forever as one of the foremost of all the great soldiers of the Civil War, gazed upon him with mingled pride and affection.

He knew him and loved him. M. W. Ransom—illustrious in war and in peace—whose fame spans the American Continent, and whose statue should stand beside that of Vance, shared the exultation of Hoke; Pegram, of Virginia; and Haskell, of South Carolina, those unrivaled artillery officers who had discarded the ancient method of artillery fighting and carried their guns to the front line of battle—leaned forward to catch his every utterance. History has no more splendid scene to record.

Another marked feature of his administration was the maintenance of the supremacy of the civil authority of the State against the military power of the Confederate government, although he had equipped and sent to the field from North Carolina more troops, according to its military population, than were sent from any other State.

He issued an order dated the 26th of May, 1863, commanding the militia force of the State to resist the arrest of any citizens of the State who had been discharged by writ of habeas corpus tried by any judge of the superior or supreme court of the State.

He ever kept steadily in view the principles of liberty and the rights of its citizens as interpreted by our fathers. He won the fight and achieved for North Carolina the honor of maintaining the privilege of the great writ of liberty in the midst of the strife of millions of people. A memorable triumph, which came to no other State either of the United States or Confederate States, with perhaps one exception.

Nor will posterity forget the spirit of humanity ever manifested by him when, as governor of North Carolina, he rose superior to every environment amidst the horrors of war.

His efforts to relieve the necessities of the Union prisoners held in the military prison at Salisbury, N. C., will attract the admiration of the brave and generous from every civilized land.

Although the people of North Carolina were making a supreme effort to provide for their own soldiers and their wives and children left at home, at his request they gave ungrudgingly to the Federal prisoners a portion of their provisions, in many instances depriving themselves of needed comforts. [Applause.]

Union soldiers were fed from the homes of men who were sleeping upon the fields of northern Virginia, following the banner of Robert E. Lee.

When the full truth of the conditions existing in the prison at Salisbury, made inevitable by the Civil War raging at the time, shall be known to the world, as well as the unselfish conduct of the people of North Carolina, prompted in their labor of charity and humanity by the greatest of all her sons in that era of heroic names, additional luster will be given to the name of a State already illumined by the achievements of her children on the battle field.

The ties which bind together every section of our country will be made stronger and more enduring. The descendants of both Union soldiers and Confederate soldiers, as they rejoice together, over the glory of our reunited country, will rise up and with one acclaim bless the name of Zebulon B. Vance, of North Carolina.

Early in life he was intrusted with high office. He was equal to any responsibility cast upon him. He possessed the true elements of greatness which ever lead to lasting renown.

Few men in public life have ever filled the positions of honor and trust for which they have been chosen with so much credit to themselves and honor to those whom they represented.

He was three times elected governor of North Carolina, twice elected to the House of Representatives of the United States, and four times elected to the Senate of the United States.

He was one of the greatest debaters who ever appeared upon the floor of that body. His speeches showed profound thought, patriotic sentiment, lofty eloquence, and rare wit. They attracted the attention of the entire country. He commanded the respect, admiration, and affection of his associates, regardless of party ties.

The attachment of all classes of citizens of North Carolina for him has been without a parallel in the history of the State.

Unlike many great men, he never experienced the fickle tenure of popular applause nor the ingratitude of those whom he had both served and honored.

Unlike Scipio Africanus, the conqueror of Carthage, who died an exile from home and whose remains rested on a foreign shore, he was buried amidst the people he loved so well by the banks of the French Broad River, the melody of whose rippling, laughing waters gave to the happy dreams of his boyhood that joy and delight which neither gold nor place nor power can buy. [Applause.]

Unlike Themistocles, the savior of Athens, who sought refuge at the court of an alien king, he never desired, sought, or needed an appeal from the arbitrament of his own countrymen.

To-day his memory is treasured with the same love which went out to him when in the full meridian and splendor of his fame.

He died in the triumph and faith of the Christian religion and left a name without blemish and without reproach—a heritage of honor to his descendants, to his State, and to our common country.

May the high and patriotic mission for which Statuary Hall was designed by its founders be fulfilled.

Let it be made a living fountain of life and truth for all those who are inspired by example.

May it send out with ever-increasing volume and power a stream of high, pure, lofty, and patriotic thought to bless our entire land.

May the lovers of innocent pleasure as well as the lovers of truth and art assemble there together—fair women and brave men, scholars and philosophers, mechanics and lawyers, farmers and statesmen from every section of the Republic.

May they realize that it is moral grandeur alone which can permanently enchain the attention of mankind.

They will not fail to halt their steps before the splendid image of the illustrious North Carolinian. They will linger long over the entrancing story of his life. His simple habits, his absolute scorn for the vulgar love of money, his self-abnegation, his supreme devotion to the welfare and glory of his country will be fastened indelibly upon their minds. They will carry with them these thoughts and will be better citizens if they are worthy to stand in the hall where heroes sleep.

Fortunate is the nation and exalted will be its destiny which can furnish to the world such a model for emulation as portrayed in the character and life of Zebulon B. Vance.

His name and fame belong not to North Carolina alone but are the common property of the American people, and will be preserved by them in their pristine splendor when the bronze statue which we have accepted has perished by decay and crumbled into dust. [Loud applause.]

Mr. BRITT. Mr. Speaker, I come here to pay tribute to one with whom I did not politically agree, but in whose life and character I feel a pride not excelled by any other man, here or elsewhere.

Twenty-five years ago, in this Capitol, I first met Zebulon Baird Vance. I saw him occasionally thereafter until his death on April 14, 1894. He impressed me as have but few other men. He was strong in body, great in intellect, rich in humor, and eloquent in speech.

In my district, near the city of Asheville, at the foot of the great mountains, his eyes first saw the light; on the green slope of beautiful Riverside, overlooking the winding French Broad, his cherished dust reposes, and up from the heart of Asheville there rises a rugged granite shaft, tall and majestic, to tell to the passer-by the story of the people's love for him, and hard by are the scenes of his early struggles, his rising hopes, and his unfolding aspirations. It was here that he became the brilliant lawyer, the influential State legislator, and the great Representative in Congress, and where he first took captive the hearts of the people.

He came of a powerful lineage. His ancestors were makers of history. Through the sturdy Irish he went back to the hardy Norseman. In his blood there were touches of many noble strains. This it was that gave him his marvelous versatility. For he could speak with a logic that convinced, with an eloquence that charmed, and make a statement of fact that left no denial. And he could play on all the manifold chords of the human heart. There was the mild humor that provoked an unconscious smile, the telling joke that brought peals of laughter, the burning sarcasm that left anger, the wit that sparkled, and the tender pathos that touched the fountain of tears.

From yonder Senate gallery I have looked down upon him in gladiatorial debate. It was a scene not easily forgotten. Like a great master he held the stage. The subject was war, reconstruction, or the tariff. The Chamber and galleries were filled. There was the eager listening, the tense look, the pervasive interest. Such as agreed with him, shouted; such as could not, admired. His opponents were Allison and Ingalls, Morton and



Sherman, Hoar and Morrill. And they were giants worthy of his steel. Whether it was a blow of the bludgeon, a thrust of the rapier, or a sweep of the broadsword, he knew when and where to strike. But he took no mean advantage. He fought an honorable fight. He observed the rules of fair debate. But he gave no quarter and asked none. He was a master polemic. As a forceful speaker he has rarely been excelled.

He possessed the greater qualities of popular leadership. He knew the way to the hearts of the people. He sounded all their depths, interpreted their feelings, took their part, and sympathized with their wants; and they showered upon him the rich plenitude of their affection. In calling so many of their sons by his name and in telling over again his stories they pay their unconscious tribute to the memory of a great friend. If I could bring to this Capitol the warm hearts of the people of my section, the generous affections of those who followed him from childhood to greatness, there would be poured out at the base of yonder bronzen image a wealth of love, deep as the fountain of the human heart and sweet as ever embalmed a Pantheon shrine.

The great and distinguishing quality of Mr. Vance's character was his superb humanity. He was intensely human. He was a man, and he knew it. He was not a saint, and did not affect to be. To him this was a plain, workaday world, filled with good and bad, joy and sorrow, hope and fear. He believed in the great essential virtues. He had no patience with shams and pretensions. With him life was an open book. His door was always open, his words were frank, and his manner firm. But his heart was warm and responsive. His handclasp was magnetic. No one ever forgot its thrill. His voice was deep and rich and never failed to charm. His stories were fresh, original, and telling. His wit and humor were easy, natural, and unstudied, but delicious and wholesome. When he told a story it was always just the story for that time and place.

I shall never forget the day the news of his death came. I was at a distant place in the country. The news had in some way reached the community. Two plain men called to tell me the sad intelligence. One of them, a great, stout man, broke down and cried like a child. The other, with a pale face, repeated several times the words, "Our great friend is gone." You will thus see how he had swept the hearts of the plain people. He was of them, with them, and for them.

We do not understand the laws that fix the different orders of men. Thinking as babes, we can not see how one man can be so far above or below another. Children of the same Father, nourished by the same earth-mother, living under the same kindly heavens, our statures ought not to be so unequal. Yet it is not so. Like the stars, we differ one from another. Some of us come and go, leaving no trace of our hurried stay. Others, a little stronger and a trifle higher, linger for a while only to go and be forgotten. But some there are that move so powerfully among the forces of the world and the affairs of men that they abide through the generations. Vance was one of these.

His name is an institution in North Carolina. He has touched every phase of the life of our State. His achievements are our inspiration. We trusted him and we honored him. We gave him the best we had. He was a county attorney, a member of the general assembly, twice a Representative in Congress, a captain and a colonel in the Confederate Army, three times governor of the State, and four times elected to the Senate of the United States. All these trusts he filled with the highest fidelity. He did more than this. He led the people upward and onward.

He impressed upon them the force of a great and towering personality. He quickened their lives, steadied their course, and directed their progress. He moved them by moral force and intellectual greatness. Our State will probably not again see his like, but there is left to us the example of his matchless life and character and the splendor of his glorious achievements.

There is no night; the stars go down  
To rise upon some other shore;  
And bright in Heaven's jeweled crown,  
They shine forevermore.

[Applause.]

The SPEAKER pro tempore (Mr. STEDMAN). The gentleman from North Carolina [Mr. PAGE] is recognized next.

[Mr. PAGE of North Carolina addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. DOUGHTON] is recognized.

Mr. DOUGHTON. Mr. Speaker, others, by reason of a personal acquaintance and intimate association with the late Senator Vance, have been far better fitted than I to pay tribute to his memory, and it would seem that all that can be said now must be repetition. Yet the beautiful story of the life and

character of North Carolina's most beloved son and his noble and unselfish service to his State and the Nation can not be told too often, and never may be told so fully as his wonderful career justifies. His life has been and ever will be a source of pride and inspiration to every patriotic citizen of North Carolina and a favored topic around the firesides from the mountains to the sea. Countless will be the patriots of that State whose hearts will swell with pride when they look upon this statue which our State has so appropriately presented to our country, and which stands among those of the Nation's great men, none of whom was the superior of our Vance. It is the first statue of a North Carolinian to be thus placed in this Hall of Fame of the National Capitol, and it represents our State nobly, for he interpreted and exemplified by his life the true spirit, patriotism, and worth of our people.

When a great man dies, one whose greatness has come through genuine service to his country, the Nation mourns and its sorrow is deep and solemn. But there is always a circle where this sorrow goes far beyond the deep and solemn sorrow of a nation. It is the sorrow that wrings the heart and brings bitter tears from those who knew him as he was, his faults as well as his virtues, those who feel a great personal loss at his taking away. From the number of people who thus mourn on such an occasion we may judge the esteem in which a great man is held.

When on the 14th day of April, 1894, Senator Zebulon B. Vance breathed his last in Washington City and the sad news was flashed back to the State and passed solemnly from town to town and from home to home, the sorrow of our people was keener and more general than was ever evidenced in the State before. In many places strong men wept as children, unashamed, and as the funeral train passed through the State on its way to his mountain home, the land of his birth, great sorrow was manifest at every place where the train halted. In the towns where the people gathered to pay tribute, the most eloquent and touching that has yet been uttered, such sorrow was evidenced as never before and may never be again. It was so all over the State, for he was known and loved by a greater percentage of its population than any other man, and none who ever saw him failed to remember and admire him, for his masterful personality at once grasped and forever held the people.

May we know the cause of this universal sorrow? We can account for the solemn sorrow that pervades the Nation when such a man is called away, but why does the stalwart, brave-souled veteran who has faced death on many battle fields weep when he is told that "Zeb Vance is dead"?

If we can answer truly, we have the secret of the greatness of this truly great man. Vance had rendered to every man, woman, and child in his State a personal service. Did not the sturdy hero of many bloody battles know that his wife and little children had been kept from grim want during the terrible days of war by the great Gov. Vance? Did not he remember that when he was held fast in the relentless grasp of that awful struggle and suffering agonies, not because of his own condition or the fear of death, but because a dependent wife and children whom he had sworn to protect were starving and he was helpless to prevent it, that the glad news came to camp that Vance had found a way to feed and clothe them? What greater service could one render under such circumstances than to find a way under such difficulties to perform the first great duty of a father—to keep the wolf from the door? This service Vance performed for every patriotic son of North Carolina who followed Lee and Jackson and Johnston and brought glory to southern arms. Against what difficulties this service was performed history may sometime tell. Thus he bound the people to him inseparably, and in turn they loved and honored him and gave him prestige and power, and when he died they knew that as a people their best friend was gone.

Ten years after the war had closed Vance was again called to be governor of his State. He had guided its destinies through the dark and stormy night of a terrible war, and by his unselfish and patriotic devotion to the cause of the people had made his name famous and his memory forever cherished. Now, another burden was pressing down upon his people. They had tried for 10 years to bear this burden in their great desire for peace and righteousness after they had fought so valiantly for a lost cause, but their patience was rewarded only by cruelty and oppression. The hand of the tyrant was clutching at their throats and the demon of anarchy was intrenching himself around their homes. The proud head of southern chivalry was bowed low before the unearned power of a horde of vampires, the slum of northern society, that had swooped down on the vanquished South like vultures following the trail of an army. Heathen ignorance had been exalted to power by the incidents of war and was incited to deeds of atrocity too terrible to relate. Thus it became necessary for the South to fight again, to fight a great battle of peace.

She fought and won. Though she had been crushed in war, she could bear it because honors won would compensate, but now it seemed she would forever be put to shame by a cruel hand that could feel no sympathy for her suffering. The germ of civilization and liberty was smoldering in the ruins of a vanquished land, and a great spirit must come to fan it into flame—a flame of emancipation of the dominant race of the South and of the world. A great victory must be won, not with sword and saber, not in the spilling of blood, but by sheer force of courage and intelligence directed against the arrogant power of anarchy, ignorance, and prejudice. This required leadership, wisdom, patience, and statesmanship of the highest order. Fortunately such men still lived in the South, and in North Carolina Vance heard the call and responded.

The gubernatorial campaign of 1876 will ever be remembered as a vital part of the State's history. Vance was opposed by Judge Settle, a man of high character and exceptional ability, but lacking in the traits of leadership that characterized his opponent. A sweeping joint campaign was made of the entire State, and notwithstanding the opposite party had been in complete control of every branch of both the National and State Governments since the war, Vance was elected by a large majority. Thus his people called him to render the second great service to his State, to emancipate them from a political bondage.

Previous to this he had been elected to the United States Senate, but was denied his seat, though he was elected again in 1879 and admitted. His career as a Senator was a fitting climax to his great services to his State and the Nation. He at once took rank among the foremost orators and statesmen of the time, and his work was marked for close study and untiring industry, which undoubtedly hastened his death. His last great speech in the Senate, delivered during the famous debate on the repeal of the Sherman law, and which is considered by many as the ablest defense of bimetalism ever presented, so completely exhausted him that he never was able to enter the Senate Chamber again. His utterances were classic, and he was authority on the subjects he investigated, and he was the leader of his party in the Senate on the important questions of the tariff and finance for several years prior to his death.

In conclusion, I wish to speak briefly of another great service Vance rendered to the country at this time. When he entered the Senate prejudice was still rife both in the North and in the South, though it was slowly waning. But it was evident that bitterness and misunderstanding must obtain for generations if a better understanding were not brought about. Even though the issues had been settled so far as the sword can settle issues, there remained the bitterness of sectional feeling. Of the few southern men of the day who were able to bring to the North the true spirit of the South, Zebulon B. Vance, of North Carolina, and Henry W. Grady, of Georgia, stand out as shining lights. Grady showed the North that the spirit of Lee's army, which they had learned to respect in battle, was the spirit that still lived in the South, and that when these brave men laid down their arms to Grant at Appomattox the war was forever over so far as the true South was concerned. Vance by his good-natured humor, sound logic, and magic personality, and abundant knowledge of political history showed the intelligent audiences of New York and Boston that if "secession and slavery" were crimes, they must have been none the less crimes when advocated in Hartford and Boston—and they applauded him when he told them these things.

Before the unanswerable appeals of Vance and Grady the wall of sectional prejudice melted away like a mist before the morning sun, and they were glad to carry a message back to the South, for they saw that the North and the South would soon clasp hands over the graves of the noble men of the "Blue and the Gray," who died that we as a Nation might live and understand.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized.

[Mr. KITCHIN addressed the House. See Appendix.]

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that any Member of the House shall have the right to extend his remarks in the Record on the subject for an indefinite time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KITCHIN. I move, Mr. Speaker, the adoption of the resolution which has been reported at the desk.

The SPEAKER pro tempore. The question is on agreeing to the Senate concurrent resolution.

The question was taken, and the Senate concurrent resolution was agreed to.

Mr. KITCHIN. Mr. Speaker, I do not know that it is exactly in order at the present time, but I ask unanimous consent for the passage of the resolution for printing. It will have to be passed at sometime this session, and we may as well consider and pass it now.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution (S. Con. Res. 25) to authorize the printing of the proceedings in Congress and in Statuary Hall relative to unveiling of the statue of Zebulon Baird Vance, and so forth.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zebulon Baird Vance presented by the State of North Carolina, 10,500 copies, with suitable illustration, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of North Carolina.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the discharge of the Committee on Printing, and ask that the resolution be considered now.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the Committee on Printing be discharged from further consideration of the resolution just read, and that the resolution be considered now. Is there objection?

There was no objection.

Mr. KITCHIN. I move the adoption of the concurrent resolution, Mr. Speaker.

The Senate concurrent resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 17053. An act making additional appropriations for the Public Health Service for the fiscal year 1917; and

H. R. 17172. An act further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 17053. An act making additional appropriations for the Public Health Service for the fiscal year 1917; and

H. R. 17172. An act further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned, pursuant to the order previously made, until Wednesday, August 2, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War, submitting an estimate of appropriation for the service of the fiscal year 1917 (H. Doc. No. 1309); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copies of communications from the Secretary of the Interior, submitting a supplemental estimate of appropriation for the Columbia Hospital for Women and Lying-in Asylum for the fiscal year, 1917 (H. Doc. No. 1310); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, in response to House resolution 292, information regarding the transportation of troops to the Mexican border (H. Doc. No. 1311); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of War, transmitting tentative draft of an item of legislation, with the recommendation that the same be incorporated in the general deficiency bill (H. Doc. No. 1312); to the Committee on Appropriations and ordered to be printed.



## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a joint resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 1159) authorizing the Secretary of War to grant the use of Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, both being municipal corporations, for park purposes, reported the same without amendment accompanied by a report (No. 1057), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the powder-house lot, reported the same without amendment, accompanied by a report (No. 1058), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10926) to amend the act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," reported the same with amendment, accompanied by a report (No. 1061), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6901) authorizing a report upon the feasibility of constructing the Colorado River Indian Irrigation project, reported the same with an amendment, accompanied by a report (No. 1062), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7621) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1063), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7587) to require the recital of the real consideration in deeds of property in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1064), which said bill and report were referred to the House Calendar.

Mr. OAKLEY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14816) to provide for the use of public school buildings in the District of Columbia as community forums, and for other purposes, reported the same with amendment, accompanied by a report (No. 1066), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCKINLEY, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 230) authorizing the National Society United States Daughters of Eighteen Hundred and Twelve to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof, reported the same without amendment, accompanied by a report (No. 1067), which said joint resolution and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 2212) to correct the military record of George F. Reid and to pay to his widow, Isabella Reid, a pension, reported the same without amendment, accompanied by a report (No. 1059), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. HULL of Iowa: A bill (H. R. 17232) regulating the rental to be charged for post-office boxes in post offices where there is no free delivery; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES: A bill (H. R. 17233) to provide for the publication of textbooks for the use of State school systems; to the Committee on Education.

By Mr. BENNET: A bill (H. R. 17234) to punish discrimination by common carriers engaged in either interstate or foreign commerce on land or by water; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: A bill (H. R. 17235) granting the consent of Congress to W. H. Crosby; W. H. Andrews, E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; and William A. Morgan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHALL: A bill (H. R. 17236) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

By Mr. PARK: Joint resolution (H. J. Res. 284) authorizing the Secretary of War to loan, issue, or use and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Flint and Chattahoochee Rivers and their tributaries; to the Committee on Appropriations.

By Mr. CANDLER of Mississippi: Joint resolution (H. J. Res. 285) authorizing the Secretary of War to use such means as he has or may be furnished him for the relief of distress and need among the people of Mississippi occasioned by the recent storm; to the Committee on Appropriations.

By Mr. RAGSDALE: Joint resolution (H. J. Res. 286) authorizing the Secretary of War to loan, issue, or use and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed in South Carolina, and to purchase and use tools and to employ such persons as may be necessary to perform labor upon the highways, roads, and bridges of said flooded districts; to the Committee on Appropriations.

By Mr. HAYDEN (by request): Resolution (H. Res. 331) directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to violations of the antitrust laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WATKINS: Memorial from the Legislature of the State of Louisiana favoring an amendment to the Constitution of the United States prohibiting polygamy; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17237) granting an increase of pension to Zachariah Holland; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 17238) granting an increase of pension to William Newman; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 17239) granting an increase of pension to William Kingston; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 17240) granting an increase of pension to Mrs. Julia M. Dodd, Mansfield Center, Conn.; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 17241) granting an increase of pension to Josiah H. Gordon; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 17242) granting an increase of pension to Carrie E. Sutton; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 17243) for the relief of Weldon B. Page; to the Committee on Military Affairs.

By Mr. KREIDER: A bill (H. R. 17244) granting an increase of pension to Emanuel Lash; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 17245) granting an increase of pension to John C. D. Lower; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 17246) granting an increase of pension to John C. Lazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17247) granting an increase of pension to Levi Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17248) granting an increase of pension to Erasmus Bucy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17249) granting an increase of pension to Benjamin Aplin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17250) granting a pension to Eliza Peel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17251) granting a pension to Elizabeth Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17252) granting a pension to Sturgis G. Grim; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 17253) granting an increase of pension to Christina Althen; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 17254) granting a pension to Mary E. Little; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17255) granting an increase of pension to David Fultz; to the Committee on Invalid Pensions.

Also a bill (H. R. 17256) granting an increase of pension to Jesse S. Miller; to the Committee on Invalid Pensions.

Also a bill (H. R. 17257) granting an increase of pension to Joshua Griffith; to the Committee on Invalid Pensions.

Also a bill (H. R. 17258) granting a pension to Elizabeth A. Carrell; to the Committee on Invalid Pensions.

Also a bill (H. R. 17259) granting a pension to Margaret J. Cutright; to the Committee on Invalid Pensions.

Also a bill (H. R. 17260) granting an increase of pension to Edwin H. H. McKnight; to the Committee on Invalid Pensions.

Also a bill (H. R. 17261) to correct the military record of Francis M. S. Pursell; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 17262) granting an increase of pension to Jesse C. D. Laney; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 17263) granting an increase of pension to Francis M. Dick; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 17264) for the relief of the victims of the *Eastland* disaster; to the Committee on Claims.

By Mr. SCULLY: A bill (H. R. 17265) for the relief of John Harding; to the Committee on Naval Affairs.

By Mr. SHERWOOD: A bill (H. R. 17266) granting an increase of pension to James E. McCracken; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: Resolution (H. Res. 332) to pay George H. Boske; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUCKNER: Petition of German-American Button Co., favoring House bill 14666, relative to copyrighting designs; to the Committee on Patents.

Also, memorial of Association to Resist British Domination of American Commerce, relative to rights of American citizens; to the Committee on Foreign Affairs.

Also, petition of Herman Nessel, the Bronx, N. Y., favoring passage of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of J. P. Edward, favoring House bill 10845, relative to military training in civil educational institutions; to the Committee on Education.

By Mr. DALE of New York: Memorial of National Association Union Volunteer Officers, relative to House bill 386, volunteer officers retired list; to the Committee on Military Affairs.

Also, petition of Oakrest Association, Brooklyn, N. Y., relative to investigating the price of anthracite coal; to the Committee on Rules.

Also, petitions of sundry women of the State of Massachusetts, relative to woman suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of Association to Resist British Domination of American Commerce, relative to rights of American citizens; to the Committee on Foreign Affairs.

By Mr. ELSTON: Petition of Charlotte O. Whiting, against preparedness; to the Committee on Military Affairs.

By Mr. FARR: Memorial of Members of the United Garment Workers of America, favoring the pure food and dairy products resolution; to the Committee on Rules.

Also, petition of William F. Kiesel & Son, of Scranton, Pa., against unlawful seizures by the British Government of the United States mails; to the Committee on Foreign Affairs.

Also, petition of David A. Cotner and David Boies, of Scranton, Pa., against taxation on certain munitions of war; to the Committee on Ways and Means.

By Mr. FLYNN: Memorial of Oakrest Association, Brooklyn, N. Y., relative to investigating price of anthracite coal; to the Committee on Rules.

Also, memorial of executive committee National Association Union Volunteer Officers, relative to House bill 386, Volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. KETTNER: Petition of George Fuller; Ernest Riall; A. W. Woods; Charles E. Summer, president Home Telephone Co.; John F. Forward, sr., president Union Title Co.; Alfred D. Lamotte, president Merchants' Association; George E. Bridgeford, Wankowski-Osborn Co.; F. C. Spaulding, president United States National Bank; John Shearer, president Colorado State Society; W. E. Sterne; Ed. F. Stahle, executive secretary Chamber of Commerce; Merchants' National Bank; Mrs. Martha Ingersoll Robinson; H. N. McKie, Parker-Boutelle Hardware Co.; Sam Ferry Smith; E. S. Babcock, proprietor Western Salt Co.; Benard H. Fitzwilliams, Charles Engebretson, Moses Taylor, Leo M. Hickley, C. D. Selsh, Oscar Dennhardt, William Frederick Niedfelt, J. H. Rivers, A. A. Samson, R. G. Reid, Hercules Powder Co., all of San Diego, Cal., protesting against tax on gross receipts of manufacture of munitions in House bill 16763; to the Committee on Ways and Means.

Also, petition of Mammoth Copper Mining Co., the Mountain Copper Co., Selby Smelting & Lead Co., and J. H. Harbour, president Home Industry League of California, all of San Francisco, Cal., protesting against further tax on copper and copper industry in revenue bill; to the Committee on Ways and Means.

Also, petition of J. H. Lubkin, president Inyo Live Stock Association, Lone Pine, Cal., and Boyce, Gates & Johnson, Van Nuys Building, Los Angeles, Cal., favoring Borland resolution No. 148; to the Committee on Labor.

Also, petition of John B. and Helen D. Johnstone, North San Diego; Mrs. Helen H. Landis, Palm City; S. H. Gaines, Palm City; and Fred G. Rew, North San Diego, Cal., protesting against income-tax bill, favoring amendment to double supertax rates, and providing for full publicity of returns; to the Committee on Ways and Means.

Also, petition of George M. Whitney, National City, Cal., favoring passage of House bill 3457, bonus for ex-employees of Panama Canal; to the Committee on Appropriations.

Also, petition of W. W. Workman and 25 other residents of Riverside, Cal., protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Fred G. Rew, North San Diego, Cal., protesting against inheritance-tax bill; to the Committee on Ways and Means.

Also, petitions of M. F. Harlin and 152 other residents of San Diego, and Mrs. Anna Whitelock and 57 others, of San Diego, Cal., protesting against House bill 13778, authorizing the Postmaster General to exclude from the mails certain publications; to the Committee on the Post Office and Post Roads.

Also, petition of J. E. Johnson and 173 others, of San Diego, Cal., protesting against Senate bill 5677, Sunday closing; to the Committee on the District of Columbia.

Also, petition of Mrs. C. C. Clay, president California Division, United Daughters of the Confederacy, and 26 others, of Los Angeles, Cal., favoring House bill 478, to use cotton money in pensioning Confederate soldiers and widows; to the Committee on Invalid Pensions.

By Mr. PRATT: Petition of H. H. Wing, professor of animal industry, New York State College of Agriculture at Cornell University, Ithaca, N. Y., opposing House bill 16307, to authorize the registration of pure-bred live stock; to the Committee on Agriculture.

#### SENATE.

MONDAY, July 31, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the light of Thy truth shines fair and beautiful on the pathway of man. Thou dost invite us to walk in the light as Thou art in the light, that we may have the fellowship of God. We come before Thee to ask Thy guidance in the duties that are before us for this day, as the thoughts of this Chamber shall be transmuted into the acts of a great Nation. We pray that we may feel the weight of responsibility to our fellow men and to God; and as we think and out of our thinking project plans and make policies for a great Nation, above all may there come only the loving peace of God and the continued blessing and prosperity of the people. For Christ's sake. Amen.

#### THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.



## CALLING OF THE ROLL.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	Norris	Smith, Ga.
Bryan	James	Overman	Smith, S. C.
Chamberlain	Johnson, S. Dak.	Owen	Sterling
Chilton	Jones	Page	Stone
Clapp	Kenyon	Penrose	Swanson
Cullerson	Kern	Pittman	Taggart
Curtis	La Follette	Polindexter	Thomas
Dillingham	Lane	Pomerene	Tillman
Fletcher	McLean	Ransdell	Townsend
Gallinger	Martin, Va.	Reed	Vardaman
Gronna	Martine, N. J.	Sheppard	Walsh
Hardwick	Myers	Sherman	Works
Hollis	Nelson	Simmons	

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the concurrent resolution (S. Con. Res. 24) accepting from the State of North Carolina the statue of Zebulon Baird Vance and tendering the thanks of Congress for the contribution.

The message also announced that the House had passed the concurrent resolution (S. Con. Res. 25) to authorize the printing of the proceedings in Congress and in Statuary Hall relative to the unveiling of the statue of Zebulon Baird Vance, etc.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEATING, Mr. VINSON, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914; and

H. R. 16912. An act granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio.

## PETITIONS AND MEMORIALS.

Mr. GRONNA presented a memorial of the North Dakota Conference of the Seventh-day Adventists, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of Emma J. Brazier and Martha Foote Crow, of New York City, N. Y., and of Mrs. Frank A. Tapon, of Kansas City, Mo., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

Mr. McLEAN presented a petition of the Central Labor Union of Norwich, Conn., praying for the establishment of a national employment bureau in the Department of Labor, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 205, International Brotherhood of Locomotive Engineers, of Hartford, Conn., remonstrating against the compulsory arbitration of railroad matters, which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented a memorial of the East Michigan Conference of the Seventh-day Adventists, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a memorial of sundry citizens of Los Angeles County, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of sundry citizens of Baldwin, Kans., praying for the enactment of legislation to pro-

vide pensions for veterans of the Indian wars, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hutchinson, Kans., praying for the enactment of legislation to increase the pensions of widows of veterans of the Civil War, which was ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. RANDELL, from the Committee on Public Health and National Quarantine, to which was referred the bill (H. R. 204) to promote the efficiency of the Public Health Service, reported it with amendments and submitted a report (No. 745) thereon.

He also, from the same committee, to which was referred the bill (S. 5885) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes, reported it with amendments and submitted a report (No. 746) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the amendment submitted by Mr. JONES on the 10th instant to the bill (H. R. 3690) repealing certain sections contained in the urgent deficiency act, approved December 22, 1911, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. HUGHES, from the Committee on Patents, to which was referred the bill (S. 4857) granting an extension of patent to Thomas A. Dicks, reported it without amendment.

Mr. BROUSSARD, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 143) granting permission for the erection of a monument in the Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War, reported it without amendment and submitted a report (No. 747) thereon.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (S. 2512) to provide for the appointment of an additional district judge for the southern district of West Virginia, reported it without amendment and submitted a report (No. 748) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 168) submitted by the Senator from Michigan [Mr. SMITH] on April 11, 1916, requesting the Attorney General to examine into the facts concerning the illegal killing of seals, etc., reported it without amendment.

## BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS:

A bill (S. 6727) granting a pension to Victoria Gore Owen (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6728) granting an increase of pension to Samuel Holiday (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6729) granting an increase of pension to Corinth A. Root (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 6730) revoking authority to lease Sibley Island, in the Missouri River, to the city of Bismarck, N. Dak.; to the Committee on Public Lands.

By Mr. CHILTON:

A joint resolution (S. J. Res. 158) proposing an amendment to the Constitution; and

A joint resolution (S. J. Res. 159) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment providing that moneys and credits, etc., of any person, firm, association, or corporation within the District of Columbia, shall be assessed at their fair cash value and on which taxes shall be collected at the rate of one-half of 1-per cent thereof, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was ordered to lie on the table and be printed.

Mr. LEE of Maryland submitted an amendment proposing to appropriate \$475.45 to pay John A. Warfield for injuries received while in the discharge of his duties as assistant engineer, United States Treasury Department, intended to be proposed by him to the general deficiency appropriation bill, which was

referred to the Committee on Appropriations and ordered to be printed.

#### THE REVENUE.

Mr. PHELAN submitted amendments intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

#### TABLES OF IMPORTS.

Mr. GAILLINGER. Mr. President, I have a brief table showing the imports of merchandise and agricultural products in March, 1916 and 1915, as compared with March, 1913, also a table giving a comparison between April, 1916 and 1915, and April, 1913, which I ask to have inserted in the Record without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The tables referred to are as follows:

Imports of merchandise and agricultural products in March, 1916 and 1915, under the Underwood law, and March, 1913, under the Payne law, using for comparison products having the most extreme foreign competition.

Products.	Values, 1916.	Values, 1915.	Difference.	Payne law, 1913.
			<i>Increase.</i>	
Automobiles and parts.....	\$121,023	\$101,407	\$19,616	\$119,950
Breadstuffs.....	1,534,701	1,340,194	194,507	1,314,298
Cloths (cotton).....	1,101,237	928,566	172,671	721,902
Films and plates.....	125,834	97,842	28,292	145,019
Fish.....	1,163,229	1,010,480	152,749	969,993
Fruit and nuts.....	3,604,387	3,215,684	388,723	3,088,108
Handkerchiefs (linen).....	182,579	158,975	23,604	101,474
Hides and skins.....	14,252,917	9,205,815	5,047,102	8,891,428
Lace and lace articles.....	880,678	860,407	20,271	1,370,713
Laths and shingles.....	366,782	342,785	24,017	127,123
Leather and tanned skins.....	1,287,923	831,969	455,954	635,669
Nets and nettings.....	246,926	88,638	158,288	104,091
Paper and manufactures.....	2,268,803	2,109,826	158,977	1,783,404
Perfumery, etc.....	266,348	221,659	44,689	177,529
Seeds.....	2,437,164	1,775,208	661,956	1,194,231
Silk manufactures.....	3,675,949	2,332,822	1,343,127	2,437,253
Vegetables.....	1,115,631	1,062,969	52,662	960,857
Watches.....	304,669	261,080	43,589	205,280
Wool.....	19,014,608	13,674,121	5,340,484	4,262,694
Yarns.....	171,918	79,620	92,298	55,958
<b>Totals 20 products.....</b>	<b>54,131,300</b>	<b>39,399,127</b>	<b>14,732,173</b>	<b>28,666,618</b>
			<i>Decrease.</i>	
Aluminum crude.....	105,452	129,759	24,307	305,451
Aluminum manufactures.....	6,303	18,618	12,315	60,767
Clocks.....	19,975	56,639	36,664	55,827
Cutlery.....	47,363	153,990	106,197	146,979
Eggs.....	15,417	24,746	11,329	807,350
Embroideries (cotton).....	456,632	489,470	32,838	64,362
Enameled ware.....	37,582	46,232	8,650	27,735
Glass (plate).....	160	1,476	1,316	470,939
Other glassware.....	179,664	412,815	233,151	755,242
Gloves (leather).....	364,559	711,965	347,406	44,675
Knit goods less stockings.....	140,110	348,905	208,795	157,430
Meat and dairy products.....	1,860,204	2,931,545	1,071,341	1,121,931
Oilcloth and linoleum.....	44,882	100,879	55,997	257,355
Silk artificial.....	261,944	328,877	61,933	241,455
Stockings (cotton).....	22,754	172,575	149,821	23,293
Tin plate.....	7,535	8,575	1,040	1,268,567
Wood pulp.....	1,062,922	1,519,121	456,199	1,127,488
Wool manufactures.....	1,419,913	2,020,791	600,878	1,437,488
<b>Totals 18 products.....</b>	<b>6,071,401</b>	<b>9,471,006</b>	<b>3,399,605</b>	<b>28,666,618</b>
<b>Increase list.....</b>	<b>54,131,300</b>	<b>39,399,127</b>	<b>14,732,173</b>	<b>28,666,618</b>
<b>Totals 38 products.....</b>	<b>60,202,701</b>	<b>48,870,133</b>	<b>11,332,568</b>	<b>35,633,469</b>

C. H. Brown, chairman of the hosiery manufacturers' legislative committee, in presenting the import comparison for March, 1916, 1915, and 1913, shows that there was an increase in the imports of 20 products in March, 1916, compared with an increase of 3 products in March, 1915.

Automobiles and parts, breadstuffs, cotton cloth, films and plates, fish, fruit and nuts, handkerchiefs (linen), hides and skins, lace and lace articles, leather and tanned skins, nets and nettings, paper and manufactures, perfumery, seeds, silk manufactures, vegetables, watches, wool, and yarns increase from \$39,399,127 in March, 1915, to \$54,131,300 in March, 1916, compared with \$28,666,618 in March, 1913, under the Payne law.

Aluminum scrap, aluminum manufactures, clocks, cutlery, eggs, embroideries, enameled ware, plate glass, other glassware, leather gloves, knit goods (less stockings), meat and dairy products, oilcloth and linoleum, artificial silk, cotton stockings, tin plate, wood pulp, and wool manufactures show a slight decrease in imports of \$3,399,605 from \$9,471,006 in March, 1915, to \$6,071,401 in March, 1916, compared with \$6,966,851 in March, 1913, under the Payne law.

Total imports of the 38 products in March, 1916, were \$60,202,701; in March, 1915, \$48,870,133; in March, 1913, \$35,633,469, which shows that imports of the 38 products in March, 1916, increased almost 100 per cent over the imports of the same products in March, 1913, under the Payne law.

The total imports of all merchandise in March, 1916, were \$213,589,785; in March, 1915, \$157,982,016, showing an increase of \$55,607,769, while the ad valorem rate of duty, based on imports for consumption, falls from 12.66 per cent in 1915 to 9.97 per cent in March, 1916, compared with 15.84 per cent for the nine months ending March, 1914.

Statements are made by public speakers and in the press that much of our present prosperity is due to the decrease in imports since the beginning of the foreign war, but official customs figures show a very heavy increase in imports of leading competitive products, and, furthermore, imports of these products have been much heavier under the Underwood law than they were under the Payne law; consequently American producers of these products are justified in demanding additional protection now as well as after the close of the foreign war.

Imports of stockings are at present, and have been for some time, very small, but stocking manufacturers know that this is caused entirely by the foreign war, and also, that if the foreign war had not occurred and imports had increased as rapidly as they did from March, 1914, up to the beginning of the war, they would find it very difficult to run mills on anything near full time, and no stocking manufacturer in American can compete with the price at which stockings of foreign make have entered this market since the Underwood law became operative, and, while not being positive, think this same condition no doubt applies to many other products having strong foreign competition; and it can be stated that quite recently knit goods have entered the United States in considerable quantities from Japan, causing knit-goods manufacturers to believe that the long-threatened invasion of cheap knit goods from Japan has finally become a reality.

Imports of merchandise and agricultural products in April, 1916 and 1915, under the Underwood law, and April, 1913, under the Payne law, using for comparison products having the most severe foreign competition.

Products.	Values, 1916.	Values, 1915.	Difference.	Paynelaw, 1913.
			<i>Increase.</i>	
Aluminum scrap.....	\$206,548	\$50,139	\$156,409	\$586,837
Automobiles and parts.....	145,728	123,649	22,079	131,065
Watches and parts.....	302,587	224,202	78,385	225,165
Cotton cloths.....	831,837	433,367	398,470	690,083
Lace and lace articles.....	835,141	833,225	1,916	1,027,181
Nets or nettings.....	278,147	85,874	192,273	97,793
Yarns (linen).....	68,350	62,744	5,606	62,216
Fruits and nuts.....	3,677,163	3,567,753	109,410	3,851,220
Hides and skins.....	16,453,552	10,937,002	5,516,550	10,407,873
Enameled ware.....	25,429	23,566	1,863	60,731
Tin plate.....	31,224	5,947	25,277	30,092
Leather and tanned skins.....	1,353,186	764,075	589,111	759,737
Leather gloves.....	375,735	353,250	22,476	427,036
Paper and manufactures.....	2,191,679	1,832,541	359,138	1,795,320
Perfumery, etc.....	275,157	191,801	83,356	194,984
Seeds.....	2,164,767	1,585,012	579,755	558,754
Silk manufactures.....	3,250,210	1,783,979	1,466,231	2,008,567
Lath and shingles.....	464,000	436,294	27,706	228,146
Wood pulp.....	1,701,985	833,004	871,981	1,189,688
Wool and angora hair.....	13,797,063	12,978,767	818,296	2,843,112
<b>Total, 20 products.....</b>	<b>48,432,488</b>	<b>37,126,200</b>	<b>11,306,288</b>	<b>27,174,627</b>
			<i>Decrease.</i>	
Aluminum manufactures.....	3,774	8,317	4,543	102,472
Breadstuffs.....	1,915,186	2,000,526	85,340	1,443,851
Clocks and parts.....	6,965	20,421	13,456	62,601
Embroideries.....	284,671	476,549	191,878	841,801
Stockings (cotton).....	6,232	70,999	64,767	239,674
Knit goods (cotton).....	33,131	144,335	111,204	41,690
Eggs.....	5,856	28,113	22,257	807,350
Handkerchiefs (linen).....	86,731	123,176	36,445	76,532
Fish.....	843,307	906,386	63,079	746,895
Plate glass.....	528	538	10	33,863
Other glass.....	177,911	226,037	48,126	544,336
Cutlery.....	27,857	83,431	55,574	136,157
Meat and dairy products.....	1,975,979	2,594,047	618,068	1,179,020
Oil cloth and linoleum.....	25,139	82,761	57,622	138,871
Films and plates.....	106,682	150,122	43,440	184,132
Silk, artificial.....	166,051	207,782	41,731	204,374
Vegetables.....	778,991	937,375	158,384	738,414
Wool manufactures.....	1,100,829	1,367,136	266,307	991,382
<b>Total, 18 products.....</b>	<b>7,545,820</b>	<b>9,428,051</b>	<b>1,882,231</b>	<b>7,706,067</b>
<b>From increase list.....</b>	<b>48,432,488</b>	<b>37,126,200</b>	<b>11,306,288</b>	<b>27,174,627</b>
<b>Total, 38 products.....</b>	<b>55,978,308</b>	<b>46,554,251</b>	<b>9,424,057</b>	<b>34,880,694</b>

Very little can be added to the story told by the above figures, which show a rapid increase in imports. Twenty products increase heavily, as against 5 products in April, 1915, and the decrease in imports of 18 products is very small; but the totals, covering the entire 38 products, have increased nearly 100 per cent over imports under the Payne law in April, 1913, or April, 1915, and is a very decided warning to manufacturers as to what they can expect after the close of the foreign war.

#### HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Commerce:

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914; and H. R. 16912. An act granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio.

#### AMENDMENT OF FEDERAL RESERVE ACT.

The VICE PRESIDENT. The morning business is closed.

Mr. OWEN and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. OWEN. I move that the Senate proceed to the consideration of House bill 13391, the amendment of the Federal reserve act.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma.

The motion was agreed to.



And the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

Mr. ASHURST. Mr. President, I wish to make a parliamentary inquiry. What becomes of the calendar?

The VICE PRESIDENT. The calendar is taken out of the way by the adoption of the motion to proceed to the consideration of this bill.

#### JUDGES AS CANDIDATES FOR OFFICE.

Mr. WALSH. Mr. President, in the nomination by the national convention of the Republican Party at Chicago, on June 10, 1916, of Charles Evans Hughes, then an Associate Justice of the Supreme Court, as its candidate for the office of President of the United States, a tradition was broken which had acquired, as it was supposed, the force and vigor almost of a constitutional mandate. No political party contemplating a successful campaign, whatever the exigencies confronting it, had ever theretofore ventured to offer as its choice for the suffrages of the American people for the office of Chief Magistrate one who had assumed the duties of a judge of the highest tribunal of the Republic.

One Chief Justice sullied his fame by intriguing to secure a nomination for the Presidency first from one political party and then from another. His successor added to the esteem in which his country held him by dignifiedly rejecting the suggestion that he become a candidate. Roscoe Conkling was offered the place of Chief Justice by President Grant but declined, as it was popularly understood at the time, because he cherished the ambition to become President himself and felt that acceptance would imply the surrender of any chance which the unrevealed future might bring to realize it.

There seems to be historical foundation for the story that the talented and spirited daughter of Salmon P. Chase, then the wife of Gov. Sprague, of Rhode Island, on being told by Senator Sumner that her father had been nominated for Chief Justice, shook her pretty finger angrily in his face and accused him of being in a conspiracy to defeat her ambition to see him President.

These incidents, occurring over 40 years ago, have served to intensify the conviction that has prevailed since our Government was established that a citizen who is elevated to the position of a Justice of the Supreme Court should, and that he may as well, dismiss every ambition to rise, if it be to rise, to the office of President. In a general way the reasons underlying this heretofore hallowed sentiment are well understood.

The Federal judiciary system has been extolled by discriminating students of government as ideal in respect to the manner of the selection of the judges and in the provisions intended to secure their independence, particularly that under which they enjoy a life tenure. It has, on the other hand, been attacked by men eminent in learning and public service as fundamentally wrong, a solecism in a republic, under which it is charged the national courts have become the refuge of arrogant and defiant wealth, and all questions having a social aspect are viewed from the standpoint of suitors of that class. The struggle between these two contending forces has gone on since our Government began. Jefferson was a particularly bitter assailant of the Federal system. The Dred Scott decision gave rise to renewed attacks upon it at a period about midway between his time and ours. The modern muckrakers have found it a shining mark.

Having in mind their virulent, if not vicious, criticisms, and particularly their demand that the judges of the Federal courts be elected for a limited term, a writer who exhibits a deep veneration for the system they seek to supplant notes that organized labor favors the change and despairingly asserts that it is bound to come, quoting an eminent British economist of the last century, who asserted that the great problems of the future will be industrial in character. This was the belief of Judge Seymour D. Thompson, one of the foremost of the modern American law writers, who, in arguing for an appointive as against an elective judiciary, said:

If the proposition to amend our judicial institutions so as to make the Federal judiciary elective instead of appointive is once seriously discussed before the people nothing can stay the growth of that sentiment.

A commentator, who recognizes the weaknesses of both systems, has the following to say:

An elective court is to a certain extent a demagogic court, especially if its judges are candidates for renomination and reelection. On the other hand, an appointive court is tyrannical. \* \* \* Moreover, an appointive judiciary does most of its thinking on the side of money and power. An appointive judge has no more sympathy with what is called popular right than a professional soldier, and for the same reason. (25 Am. Law Review, p. 290.)

I am not enamored of the Federal system so generously eulogized, but I am not unmindful of the force of the arguments

advanced in vindication of it nor of the excellencies which may be justly claimed for it. Whether they are offset by vices which inhere in it and flame forth from time to time is another question. The agitation to which reference has been made was so rife in his day that Story, in his commentaries on the Constitution, entered upon an elaborate justification of the method of selecting Federal judges and the tenure under which they hold, which dissertation, however it may have been excelled in respect to diction, has never been surpassed in the strength and fullness of its reasoning.

The whole burden of the argument is that the necessary tendency of the elective system is to impair the independence of the judges, who, in consequence of the ordinary frailty of human nature, would be influenced to a greater or lesser degree in their official action by the risk of retirement as a penalty for decisions bringing them into popular disfavor. It assumes that the judge who must go before the people at intervals, if he would remain in office, would be altogether likely to accommodate his views in respect to questions submitted to him to those prevalent among those whose suffrages he must seek or to yield to the desires of those whose power and influence are potent in the election. The learned author betrays some uneasiness lest popular opinion may not be without influence upon the minds of the judges, even with the safeguards which the Constitution, as he views it, so wisely provides. He says:

The truth is, that even with the most secure tenure of office during good behavior, the danger is not that the judges will be too firm in resisting public opinion, and in defense of private rights or public liberties, but that they will be too ready to yield themselves to the passions and politics and prejudices of the day. \* \* \* Few men possess the firmness to resist the torrent of popular opinion or are content to sacrifice present ease and public favor in order to earn the slow rewards of a conscientious discharge of duty; the sure but distant gratitude of the people; and the severe but enlightened award of posterity. (2 Story on the Constitution, sec. 1619.)

To support the views for which he contends, Story appends a note, being an extract from the appendix to Tucker's Blackstone, in which the very erudite author, one of the earliest writers on the Constitution, says:

Judges ought not only to be incapable of holding any other office at the same time, but even of appointment to any but a judicial office. For the hope of favor is always more alluring, and generally more dangerous, than the fear of offending. (2 Story on the Constitution, p. 433.)

He would have judges ineligible to appointment even to any but a judicial office lest they should court the favor of the appointing power by conforming their decisions to its wishes actual or conjectural.

It is of no consequence whether the preferment to which the judge looks comes by appointment by the President or by election by the people. If there is just cause for believing that the effect of his ambition would be evil in the one case, it must be malign in the other.

The argument against the elective system is thus put by Prof. Leonard Jones, a law writer of renown, in an article in the American Law Review:

"The worst thing, however, about the elective system is not the fact that it affords unworthy men the chance to obtain judicial office by purchase or other corrupt practices, but that it necessarily to a greater or less extent destroys the independence of the judges. What chance," he adds, "is there that a judge who is shortly to seek a reelection by the people will uphold the law and justice in a case where the popular clamor is against law and justice?"

Obviously, if there is no chance to secure justice against popular clamor before a judge seeking reelection, there is no chance to secure justice under such conditions before the same judge contemplating becoming a candidate before the people for any other office.

I would not have it understood that I indorse altogether the views thus expressed. I refer to them in order to make it clear that the claim of superior excellency in the Federal judiciary system rests upon the fact that under it the judges are subject to no temptation to consult the popular will or the popular whim in their official acts. But if one of those same judges may voluntarily become a candidate for public office, if he may resign and enter the arena of politics to solicit the suffrages of the people for a place more to his liking, or more to be coveted than the honorable station to which he has been appointed for life, without incurring the penalty of public disfavor and consequent defeat, all, or practically all, the advantages claimed for the Federal system are gone.

In all solemnity I warn the defenders of that system and those who believe it the bulwark of vested rights, the safeguard of liberty under the Constitution, that it can not endure if a justice of the Supreme Court of the United States shall ever, except under the most extraordinary circumstances of national peril, difficult to conceive, become a successful candidate for President of the United States.

Such a precedent would be abundant warrant for Federal judges generally to become candidates for governor, for United States Senator, for Representative in Congress, or other elective offices eagerly sought for and giving promise of a more eventful career or offering other attractions beyond those of the bench. Indeed, it may be expected that whenever the factional spirit runs high within a party the eyes of the managers would be turned to the bench for a candidate who, temporarily withdrawn from the arena of politics, had no part in the contentions that created or threatened to create a schism, and who is consequently acceptable to all those professing allegiance to the party to which he belongs. The very aloofness of the judge will often add to his availability as a candidate.

I am disposed to believe that the danger is not so much that a judge harboring ambitions for further political preferment will actually be influenced by his hopes as it is that becoming a candidate or being known to cherish a desire to fill an elective office, or being suspected of entertaining such a desire, those whose wishes concerning litigation upon which he may have been called upon to pass have been defeated, will attribute to him a purpose in connection therewith to improve his political prospects. A proneness to assign to others, and particularly to political antagonists, unworthy motives is a vice that is quite too common. The deplorable consequence of criticism of that character must be recognized by all. He who undermines the just confidence of the people in the courts sets the torch to the temple of liberty, but he is scarcely more reprehensible than the man or set of men who, for partisan advantage or in the hope of party success, gives occasion for such criticism.

The considerations which have been advanced apply with redoubled force to the Justices of the Supreme Court of the United States. Indeed, they lose in weight almost in direct proportion as the court to which they are applied suffers in dignity by comparison with that great tribunal.

No one would esteem it particularly reprehensible in a justice of the peace, though he held by appointment for life, to aspire to some elective office generally regarded as higher in grade. It is perhaps because only petty cases come before such magistrates that they are rarely appointed for life. And so with a judge of a State court of first instance. In the case of a justice of the highest court of a State the evil would be limited not only geographically and in the number of people affected, but in respect to the gravity of the questions touching which an unappealable judgment may be rendered.

A great gap lies between even the inferior Federal courts and the Supreme Court of the Nation—the errors of the former may be corrected by the latter. It is the last resource of the wronged citizen, the final arbiter of all controversies involving—the Constitution, the laws of the United States, and treaties made or which shall be made under their authority.

It is given a special dignity by the Constitution itself beyond that arising from its appellate powers, by which it is provided that the President—

shall, with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, judges of the Supreme Court—

Not of inferior courts—

and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

The section quoted continues to the effect that—

Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Judges of the inferior courts are not specifically named in the section at all, and it is even plausibly argued that the law might authorize their appointment without the concurrent action of the Senate. But the functions of the Supreme Court, its vast powers, and its magnificent history set it apart, so that what might be tolerated in a member of a court invested with less majesty might be an offense in one whose talents and the favor of the constituted authorities had raised him to a place in the greatest court on earth. Its eulogists have been many. Martin Van Buren, speaking of it, and borrowing from Madison, once said:

There exists not upon this earth, and there never did exist, a judicial tribunal clothed with powers so various and so important.

The following epigrammatic expressions from De Tocqueville evidence the profound impression which a study of its jurisdiction and its work made upon that philosophical writer. He says:

A more imposing judicial power was never constituted by any people.

It may be affirmed that, although its constitution is essentially judicial, its prerogatives are almost entirely political.

In the nations of Europe the courts of justice are only called upon to try the controversies of private individuals, but the Supreme Court of the United States summons sovereign powers to its bar. When the clerk of the court advances on the steps of the tribunal and simply says,

"The State of New York versus the State of Ohio," it is impossible not to feel that the court which he addresses is no ordinary body; and when it is recollected that one of these parties represents one million and the other two millions of men, one is struck by the responsibility of the seven [nine] judges whose decision is about to satisfy or to disappoint so large a number of their fellow citizens.

The peace, the prosperity, and the very existence of the Union are vested in the hands of the seven [now nine] judges.

Without their active cooperation the Constitution would be a dead letter.

It is because of the tremendous responsibilities which they assume that an enlightened public opinion has until now frowned upon any movement to take from among the members of that court a candidate for the office of President or to countenance any ambition by which any of them might be stirred for the chair of the Executive. When Chief Justice Waite was tempted, he wrote the beautiful letter quoted in the following press notice appearing in the New York Times of November 27, 1875:

CHIEF JUSTICE WAITE IS ASKED TO RUN FOR PRESIDENT AND DECLINES, GIVING HIS REASONS.

TOLEDO, November 26.

The Commercial of to-morrow morning will contain an article on Chief Justice Waite and the Presidency, embracing an extract from a private letter from that gentleman in answer to one from a friend urging his assent to a movement in his behalf in that connection. The judge positively refuses such assent, and in giving his reasons therefor, says:

"Of course, I am always grateful to my friends for any effort in my behalf, and no one ever had those more faithful or indulgent. But do you think it quite right for one occupying the first judicial position in the land to permit the use of his name for a political position? The office came to me covered with honor, and when I accepted it my chief duty was not to make it a stepping-stone to something else, but to preserve its purity, and, if possible, make my name as honorable as that of my predecessors. No man ought to accept this place unless he shall take a vow to leave it as honorable as he found it. There ought never to be any necessity for rebuilding from below. All additions should be above. In my judgment, the Constitution might wisely have prohibited the election of a Chief Justice to the Presidency. Entertaining such a view, could I properly or consistently permit my name to be used for the promotion of a political combination as now suggested? If I should do so, could I at all times and in all cases remain an unbiased judge in the estimation of the people?"

Justice Hughes felt impelled to take the same view when ardent and impulsive friends would have him become a candidate in 1912. The story of his refusal to entertain the idea is told in an article over the signature of Rabbi Stephen S. Wise, appearing in the same journal, referred to heretofore, under date of June 21, 1912, which I ask may be printed in full in the RECORD as an appendix to my remarks.

THE VICE PRESIDENT. Without objection, it is so ordered.

[The article referred to will be found in the appendix to Mr. WALSH'S remarks.]

MR. WALSH. Mr. President, in this article, in which the distinguished divine repeats the substance of an interview just had with the then Justice Hughes, the latter is represented as saying:

The Supreme Court must not be dragged into politics. A judge of the Supreme Court should not be available, though he be nominally eligible for elective offices. The moment he assumes the judicial office he ceases to be a partisan and knows, or should know, no partisan obligation. The moment he accepts a party nomination one or more things happen and happen explicable.

First, a political party may undertake to capitalize the judicial decisions of its candidate, than which nothing could be more deeply violative of the spirit of the judicial institution. His decisions would, moreover, become subject to the partisan and passionate review of partisan strife. Worst of all, it is not inconceivable that, if men are to step from the bench to elective office, decisions may ultimately be rendered with a view to the contingency of such public and necessarily partisan review.

Such a situation would be certain to lessen the independence of the judiciary, as it would inevitably impair the Nation's confidence in the unswerving integrity of the court. Of what real and permanent value were the decisions of a judge to-day who on the morrow may choose or be chosen to sue for the favor and suffrage of the electorate?

More important than the outcome of the present political contest, however large it looms at the present, is the perpetuating of the organic institutions or sovereignty of the Republic. One such institution coordinate with the executive and legislative is the judicial. The people rightly believe in the integrity and the incorruptibility of the Supreme Bench. The Justices of the Supreme Court of the United States are privileged by virtue of their office to render service of the highest order to the Nation.

The performance of that service and the maintenance of the dignity of that office depends in largest part upon the will of the members of that court to suffer no personal ambition for elective office, however great their gifts, and though their fitness be in every other respect beyond question, to influence their judgment or to affect the attitude of the Nation to the Supreme Court as a tribunal, which, without personal aims and above private ambition, seeks to interpret the law upon the basis of the Constitution of the United States.

I hope that as a Justice of the Supreme Court, I am rendering public service, and may continue to do so for some years, but the Supreme Court must not be dragged into politics, and no man is as essential to his country's well-being as is the unstained integrity of the courts.

Among the encomiums pronounced upon the determination which the eminent justice then formed, none attracted more widespread attention than that delivered by ex-President Taft, who appointed him, in the course of an address before the American Bar Association at its annual meeting in the city of



Montreal, Canada, on September 1, 1913. It was an occasion of exceptional brilliancy in the history of the American bar. There was assembled the brightest and brainiest lawyers of the Republic and of the Dominion. They had congregated there to listen to an address by Viscount Haldane, Lord High Chancellor of Great Britain, who was introduced by the Chief Justice of the United States, temporarily presiding. He was followed by the distinguished ex-President, then, as now, a professor of law in Yale College. The latter dwelt upon his favorite theme, the excellence of the Federal judiciary, and particularly the supreme wisdom of the life tenure and of the appointive as against the elective system. He restated and amplified with great skill the arguments outlined heretofore, saying in the midst of his discourse:

Other benefits from the life tenure in its effect upon the judges who enjoy it are that it makes the incumbents give their whole mind to their work, to order their household with a view to always being judges, and to take vows, so to speak, as to their future conduct. They must put aside all political ambitions. One of the great debts which the American people owe to Mr. Justice Hughes is the example that he set in the last presidential election, when the most serious consideration was being given to making him the candidate of the Republican Party. He announced his irrevocable determination not to enter the political field because he had assumed the judicial ermine.

This was in accordance with the common sense of the proprieties expressed, at the time of his appointment to the Supreme Bench, by the Washington Star, thus:

Public sentiment is opposed to going to the Supreme Court for a presidential candidate, and all political aspirations are expected to die under the folds of the black silk gown.

Mr. THOMAS. Mr. President, if it will not interrupt the continuity of the Senator's remarks, I venture to inquire whether the ex-President, Mr. Taft, has not, since the nomination of Mr. Hughes, expressed his entire satisfaction both with his nomination and with his acceptance?

Mr. WALSH. That is my understanding.

Mr. GALLINGER. Mr. President, will the Senator cite the time and circumstance?

Mr. THOMAS. The time was a very few days after the nomination, the occasion being the meeting of the two gentlemen, the ex-President and the presidential candidate, I think at the Astor Hotel in New York, a few days after the candidate went there. My authority is derived from the reports in the New York press.

Mr. GALLINGER. Yes; some newspaper reports.

Mr. THOMAS. Well, Mr. President, I have not seen that statement denied or challenged by anyone, and least of all by either of the parties to the reputed conversation.

Mr. WALSH. It appears that another distinguished justice held similar views as to the propriety of his entering the race for the Presidency, as is to be gathered from the following from the Washington Chronicle of August 28, 1874:

When the name of Justice Miller was urged in certain Republican journals he very promptly authorized a publication in the New York Times that under no circumstances would he allow himself to be a candidate for any political office; that when he accepted his judicial position he abandoned political aspirations, and that he believed it inconsistent with the dignity or purity of the bench for judges to allow themselves to become possible or probable candidates for any political office, however distinguished or honorable.

Justice Miller is said to have written more opinions interpreting the Constitution while on the Supreme Court than any other member save Marshall.

The late Senator John T. Morgan, of Alabama, a profound lawyer, thought an amendment to the fundamental law should enforce the virtue exhibited by the justices to whose views reference has just been made. In an article contributed to the North American Review for February, 1887, he said:

The Constitution should provide and public opinion should earnestly support the provision that a judge appointed for life should be consecrated for life to the service of the country only in a judicial calling.

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. WALSH. I shall be glad to do so.

Mr. GALLINGER. As to the inferior courts provided for by the Constitution, it is provided that the judges shall be appointed for life. Does the Senator extend his criticisms to the justices of those courts, or does he simply include the Supreme Court of the United States?

Mr. WALSH. My criticism is a matter of no great consequence. I have laid before the Senate the criticism of men whose word before the country goes very much further than anything I can submit. As the Senator asks me, however, for my own view, I answer yes. If there is any reason whatever for giving a life tenure to judges of the inferior Federal courts, that same reason demands that they never become candidates for any political office.

Mr. GALLINGER. If the Senator will permit another question. In certain States judges are appointed for life by the governor. Would the Senator extend his criticism to those cases?

Mr. WALSH. I do; and I am just going to call attention to a large number of constitutional provisions recognizing the evil, and forbidding any such judges to become candidates for office.

Mr. GALLINGER. The Senator answers my question very frankly. I simply wanted to get his view of the case. I did not know whether the Senator was simply arguing that the principle should apply to the justices of the Supreme Court or whether he would extend it as he has extended it, and I am very much obliged to the Senator for answering.

Mr. WALSH. The Senator will understand that I have argued that it extends to all of them, but applies with especial force to the justices of the Supreme Court of the United States.

Mr. OWEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH. I do.

Mr. OWEN. I call the attention of the Senator to the fact that in every case where a State judge is appointed for life the constitution of the State provides for his recall by act of the legislature.

Mr. GALLINGER. I think not, Mr. President.

Mr. OWEN. I state that as a fact.

Mr. GALLINGER. The Senator has not acquainted himself with the constitution of the State of New Hampshire, where a few years ago the Democratic Party undertook to nominate a member of the supreme court of our State for the office of governor, and there is no recall in our constitution.

Mr. OWEN. The constitution of New Hampshire provides for the recall, by act of the legislature, of the judges of the supreme bench of New Hampshire.

Mr. WALSH. The universality of the belief in America that judges, in the language of Judge Taft, "must put aside all political ambition," finds expression in the constitutions of many of the States. California has preserved, through various mutations, the following from its constitution of 1849:

The justices of the supreme court and district judges shall be ineligible to any other office during the term for which they shall have been elected.

The people of Illinois attempted to assure themselves against the evils of ambitious judges by inserting the following provision in their constitution, adopted in 1848:

The judges of the supreme and circuit courts shall not be eligible to any other office or public trust in this State or the United States during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office (except that of judge of the supreme or circuit courts), given by the general assembly, or the people, shall be void.

This became the model for a like inhibition of the Nevada constitution of 1864, as follows:

The justices of the supreme court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointments of any such judges by the people, legislature, or otherwise, during said period, to any office other than judicial, shall be void.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. I merely wish to remind the Senator that notwithstanding that very just inhibition, two judges of the Supreme Court of Nevada—one a Republican and the other a Democrat—are defying the restraints placed upon them by that provision, and I think by their oaths of office, and are candidates, respectively, for the Senate of the United States. I have no doubt they have received some stimulus in their respective campaigns from the action of the Republican national convention in taking a justice of the Supreme Court for their candidate.

Mr. WALSH. The constitution of Wisconsin, adopted in 1848, provides that:

Judges of the supreme and circuit courts shall hold no office of public trust, except a judicial office, during the term for which they are respectively elected, and all votes for either of them for any office, except a judicial office, given by the legislature or the people shall be void.

The Michigan constitution of 1850 provides that:

Judges of the circuit court shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the legislature or the people, shall be void.

That of New York, adopted in 1894, has the following provision:

The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the legislature or the people, shall be void.

Many of the States, notably Indiana and Iowa, provided in terms like those employed in the constitution of California, that a judicial officer shall not be eligible to hold any other office during the term for which he was elected, evidently to

disqualify a judge who might otherwise resign to become a candidate.

These provisions were not inserted on the suggestion of the theorists and doctrinaires speculating upon evils which might ensue, but which had never been felt. They originated with practical men who thus provided against the recurrence of abuses and scandals of which their experience afforded them abundant knowledge.

The resolution to which I address myself, introduced by the senior Senator from Colorado on June 13, 1916, looks to embodying in the National Constitution the principle which finds expression in the clauses heretofore quoted from the various State constitutions, by proposing the following amendment:

No judge of the Supreme Court or any inferior court now or hereafter ordained or established shall, during his continuance in office or for a period of two years after such continuance, be qualified for or eligible to any elective office under the Constitution and laws of the United States.

The disposition of that resolution may well be postponed until calmer counsel may be looked for and the spirit of party is less rampant. It may be that the people ought not, by express provision of the Constitution, to preclude themselves from calling to the chief magistracy of the Republic some towering genius or superlatively wise and sagacious patriot among the members of the Supreme Court, who in some great national emergency might be looked to with practical unanimity as the savior of his country. It must be confessed that such occasions will be rare and that no such occasion ever has arisen in our history. Judging by the past there must be general acquiescence in the view of Justice Hughes that "no man is as necessary to his country's well-being as is the unstained integrity of the courts."

A departure from the salutary rule in consequence of which no justice of the Supreme Court has ever until now contended as the candidate of any party for the office of President can be justified only in some crisis involving the national life, or when possibly the state of public morals should become so corrupt that, as a brilliant writer puts it, "a Papinian or an Ulpian at the helm of State may be the only choice as against a Nero or a Caracalla." What condition calls for a disregard of the rule in the present exigency? What radical change is demanded in order to preserve the country or its institutions from impending collapse or ruthless destruction? From what quarter is our independence threatened? Must we wage war upon any enemies across the water instead of composing such differences as have arisen or are likely to arise through peaceful diplomatic negotiation as we have fortunately succeeded in doing until now? Does national honor or true national interest, if it have an existence separate from national honor, require that we invade and conquer Mexico either to annex it or to train its people for true self-government with a purpose to withdraw when they shall have learned the lesson to our satisfaction?

With respect to transoceanic countries, no individual commanding in any degree the respect or the confidence of the country is counseling any radical change in policy, however some may think that more skillful negotiators might be assigned to the task of carrying it out. With respect to Mexico, no policy of intervention is proclaimed by any party, notwithstanding the vociferous demands and insinuating suggestions of adventurers who, allured by the rich resources of that country but in the full knowledge of the unstable character of its government, have become financially interested in it.

The present administration is determined to protect our border and allow the Mexicans to work out their own salvation, albeit in blood, extending such kindly aid as may be toward the pacification of the country. What better plan is to be substituted?

Much clamor was made within recent months over "preparedness," but the present Congress has passed an Army reorganization bill increasing the standing Army to considerably more than double the strength it ever before had in time of peace, federalizing the militia and making other changes in the arm of the service with which it deals, an act said by competent critics to place the Army on a better footing as a fighting force than could be secured under any law any Congress since the Revolution could be induced to pass. A naval appropriation bill has just secured the concurrence of both Houses making provision for a program of construction greater than was ever undertaken by any nation. It is not seriously proposed in any quarter to augment the provision already made for the public defense.

There is no crisis in the Nation's affairs demanding that we forget the lessons of the past. The crisis is in a political party, not in the Nation. Justice Hughes was nominated to save his party, not to save the country. I should hesitate to say so had it not been charged on the floor of the Senate by a distinguished

Republican, the senior Senator from California, who in the course of debate in this body on April 12, 1916, said:

Partisan politics is ruthless in its demands, and invades the most sacred precincts of the National Government. It is seeking place and pelf and power wherever and whenever it can find entrance. Just now it is attempting to invade the Supreme Court of the United States. It is presenting to a member of that body the greatest temptation that could be offered to an American citizen—to surrender his place on the bench and become a candidate for a political office. This attempt to bring the highest judicial tribunal of the country, or any member of it, into politics should be resented not only by the member to whom the tempting offer is made but by the whole country. To my mind it is of the gravest importance that that great tribunal should be separated absolutely and forever from politics, candidacy for office, or any interest in elections beyond that of the disinterested and patriotic private citizen. If any member of the Supreme Court is tempted by an offer of a nomination as a candidate for the Presidency of the United States, and refuses the offer because he is a justice of the Supreme Court, and for that reason can not conscientiously accept a nomination to a political office or engage in politics, he will have rendered his country a great and lasting service. If he does that one act of unselfish patriotism and devotion to the best interests of his country that has so signally honored him, it will keep his memory green in the minds of his countrymen long after the politicians who thus tempted him are forgotten. The use of his name as a candidate is an offense to him and to the country.

Mr. President, it is appropriate to defer action on the resolution of the Senator from Colorado for another reason. The election in November will be in some measure a referendum on the principle it announces. If Justice Hughes is defeated, no political party is likely to have the hardihood again to name as its candidate for President a member of the Supreme Court, and there will be a lesson of prudence in the result so forcible in character as to chill and check any rising ambition that may vex future justices. In that event there will be little need of the amendment. The unwritten law, efficacious until now, will be renewed in vigor. If, on the other hand, he should be elected and his party emerge triumphantly from the contest, it could not stultify itself by submitting or consenting to the submission of the amendment, though the evil against which it is aimed would obviously be intensified in that event. There would no longer be any check whatever upon the ambitious judge who looked with longing eye upon the White House.

Instances beside the conspicuous one to which reference has been made in which such an ambition has been cherished by members of the Supreme Court have been rare, and, as stated, uniformly unfortunate. Stephen J. Field was disappointed in his expectation of becoming the Democratic candidate for President in 1880. David Davis accepted, in a way, the nomination of the Labor Reform Party in 1872, and was among those for whom ballots were cast at the convention of the Liberal Republican Party, from which it was understood he was willing to accept a nomination. Justice John McLean was mentioned before the convention of the Free Soil Party in 1848, and he competed in the balloting in the Republican national convention for the nomination for the Presidency in 1856 and again in 1860.

Mr. President, just before I came to the Senate this morning I received a most interesting communication from an estimable lady related by marriage to Justice McLean, to whom I have just made reference—a letter so pertinent to the present discussion that I ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

A reference of the position of Justice John McLean relative to the Republican nomination for President.

My attention has been called to recent communications of the press in reference to the custom of Justices of the United States Supreme Court seeking the nomination for the Presidency.

It has been stated that Justice McLean was the most pronounced in his activity of any Justice of that court relative to presidential aspirations.

This statement is positively incorrect. Justice McLean's name was very prominent for some years for the nomination by the Republican Party.

Like Justice Hughes of the Supreme Court, he always declined to be interviewed on the subject, but, unlike Justice Hughes, had decided in his own mind he would never accept a nomination for the Presidency.

In the famous Dred Scott decision Justice McLean and Justice Curtis dissented from the opinion of the court.

This was just previous to the Republican convention. Justice McLean asked the Chief Justice as a favor to him not to announce the decision of the court until after the Republican convention. The Chief Justice granted his request.

Justice McLean feared if his dissent from the opinion was known, it might stampede the convention in his name, and subject him to the embarrassment of declining the nomination, which he certainly would have done.

There was much favorable comment at this time of this man's noble character.

It seems strange he should now be so misrepresented.

Alas! How soon we do forget!

S. K. MC. (SARAH K. MCLEAN).

Mr. WALSH. Mr. President, I deem it highly significant that the relatives and friends of this distinguished Associate Justice of the Supreme Court 50 years after his death should be solicitous about clearing his memory from the suspicion that he was



willing to accept a nomination for the office of President of the United States.

Mr. PHELAN. May I interrupt the Senator?

Mr. WALSH. I yield to the Senator.

Mr. PHELAN. The Senator from Montana has just referred to the candidacy of Justice Stephen J. Field, of California. It may be pertinent to inform the Senate, in connection with the Senator's remarks, that Justice Field's candidacy for the Presidency was condemned by the Democratic convention which met in California for the purpose of nominating presidential electors, and during the discussions of that body his entire judicial career was the subject of much bitter criticism and comment, which practically destroyed the usefulness of the justice when, after his political canvass, he resumed his position upon the Supreme Bench.

Mr. WALSH. It is only just to assume that the nomination which made Justice Hughes the candidate of his party for the Presidency came to him unsought, and that he had no hand in the well-ordered preconvention campaign that was conducted in his behalf. That is quite beside the question. His success in the election would excite hopes in the breasts of men less rigidly scrupulous, and it would, as a practical matter, be impossible to differentiate between the man who had remained discreetly but expectantly silent and the man who had actively connived at efforts to secure his nomination.

The historical incidents to which reference has been made gave rise to no little comment on the general subject during the decade following the Civil War. In its issue of August, 1874, Harper's Weekly, said:

The absolute independence of the judiciary is indispensable, and patriotism and good sense alike warn us to avoid any practice which tends to compromise it. Yet if the bench is to be considered as a stepping stone to purely political offices, if, indeed, it is not to be regarded as a bar to such positions, its independence is necessarily imperiled. . . . The disposition to disregard this peril and to consider judges as not practically debarred from the seductions of caucuses and conventions ought to be imperatively checked. . . . Party managers and judges should be taught that political candidates are not to be taken from the bench, for judicial deliberations must be guarded, as far as possible, from that most insidious of influences in a free government—party spirit.

The Central Law Journal, in the course of some editorial comment in its number of September 3, 1874, remarked:

It is not improbable that the popular confidence in the integrity of the highest court of the Nation may have been, to some extent, impaired within the last few years by the knowledge that some of its members were possible, or even probable, candidates for the Presidency.

And thereupon observed:

Whenever the integrity of the bench is subject, in any considerable degree, to the misgivings of intelligent hope, it is a public misfortune. The repose of society requires that the popular judgment should rest with confidence in the impartiality of the bench, and this can not be if the bench comes to be looked upon as a stepping stone to political preferment. Judges, however, are but men, and as long as the people will bring them forward as candidates for high political offices there are very few that will have the self-denial to resist the temptation.

No more deadly blow at the Federal judicial system has ever been directed against it than the nomination of Justice Hughes by the Republican convention. Polemics innumerable have been written in denunciation of that system without any appreciable effect upon the public mind. Let one of the justices of the Supreme Court, however, resign to wage a successful campaign for the Presidency, and it will never again determine a case like Lawlor against Lowe, for instance, without calling out speculation as to how far the result was due to ambition, "the last infirmity of noble minds," on the part of some dominant member of the court. It can not maintain the high place it has achieved before the world under criticism of such a character. It can not hold the confidence of the people which it now, happily, enjoys in such generous measure under conditions that afford room even for detraction upon such ground. The very basis upon which the life tenure and the appointive system in the case of Federal judges rests would be undermined, and a constitutional amendment such as the resolution of the Senator from Colorado contemplates alone could, if anything could, arrest the rising demand that would certainly ensue for a radical change in those provisions of the Constitution through which the fathers believed they had secured the independence of the national judiciary.

#### APPENDIX.

HUGHES WILL DECLINE IF HE IS NOMINATED—HIS DECISION NOT TO BE A CANDIDATE IS IRREVOCABLE, HE TELLS RABBI WISE—WON'T SULLY THE COURT—MUST NEVER BE DRAGGED INTO PARTY POLITICS, THE ASSOCIATE JUSTICE SAYS.

LAKE PLACID, N. Y., June 20, 1912.

Basing what he had to say upon a personal interview he had had with United States Supreme Court Justice Charles E. Hughes, Rabbi Stephen S. Wise, of New York, who is a close personal friend of the justice, and whose summer camp here is near the Hughes's camp, issued to-day to a representative of the Associated Press a signed statement

setting forth the real reasons, he says, why Justice Hughes can not allow his name to be considered by the Republican convention at Chicago. The statement follows:

"I have just come from a visit to Justice Hughes, at Camp Abenaki, Lake Placid, and deem it of importance to set forth the reasons, as I understand them, which have led him to refuse to permit his name to be considered in connection with the nomination for President at the convention of the Republican Party in Chicago.

"Of these reasons it may be said that they prove his own position to be unassailable, and at the same time serve to explain why Justice Hughes has, within less than a decade of public service, attained to a unique place in the respect and confidence of the American people.

"It appears to one who is not unacquainted with men and motives that Justice Hughes has succeeded in doing the extraordinary thing of viewing the whole question in a nonpersonal and detached way. He seems to have asked, and to his own satisfaction to have answered, one question: 'Is it right that I should permit my name to be used?' His answer has been, 'No,' and as far as another may judge that answer has been reached without regret and repining. This 'no' is the reasoned and unalterable decision of an unbending conscience, a decision as honoring to him as has been every hour of his noteworthy public career.

#### WOULD DECLINE IF NAMED.

"The decision is not to be recalled if extraordinary circumstances arise or unforeseen contingencies come to pass. But it will be reaffirmed as final and irrevocable even in the event of the Chicago convention now assembled nominating Justice Hughes for the Presidency. It is no little thing to say, but I may say that he would decline the nomination if tendered him.

"Why? The Supreme Court must not be dragged into politics. A judge of the Supreme Court should not be available though he be nominally eligible for elective office. The moment he assumes the judicial office he ceases to be a partisan and knows, or should know, no partisan obligation. The moment he accepts a party nomination one or more things happen and happen explicable.

"First, a political party may undertake to capitalize the judicial decisions of its candidate, than which nothing could be more deeply violative of the spirit of the judicial institution. His decisions would, moreover, become subject to the partisan and passionate review of partisan strife. Worst of all, it is not inconceivable that if men are to step from the bench to elective office, decisions may ultimately be rendered with a view to the contingency of such public and necessarily partisan review.

"Such a situation would be certain to lessen the independence of the judiciary, as it would inevitably impair the Nation's confidence in the unswerving integrity of the courts. Of what real and permanent value were the decisions of a judge to-day who on the morrow may choose or be chosen to sue for the favor and suffrage of the electorate?

"More important than the outcome of the present political contest, however large it looms at the present, is the perpetuating of the organic institutions or sovereignty of the Republic. One such institution co-ordinate with the executive and legislative is the judicial. The people rightly believe in the integrity and incorruptibility of the supreme bench. The justices of the Supreme Court of the United States are privileged by virtue of their office to render service of the highest order to the Nation.

"The performance of that service and the maintenance of the dignity of that office depends in largest part upon the will of the members of that court to suffer no personal ambition for elective office, however great their gifts and though their fitness be in every other respect beyond question, to influence their judgment or to affect the attitude of the Nation to the Supreme Court as a tribunal, which, without personal aim and above private ambition, seeks to interpret the law upon the basis of the Constitution of the United States.

"In all this I have studiously refrained from exact quotation of Justice Hughes's words, though perhaps it has been possible to reproduce his thought with measurable accuracy. As we parted I turned to him and asked the final question:

"Do you not conceive that an extraordinary crisis might make it your duty to accept the nomination for President in order to render a great public service?"

"Unhesitating and unequivocal was the answer:

"I hope that, as a judge of the Supreme Court, I am rendering public service, and may continue to do so for some years, but the Supreme Court must not be dragged into politics, and no man is as essential to his country's well-being as is the unstained integrity of the courts."

"The answer was the measure of the man. What though he declined to be considered for the Presidency by the Republican Party, Justice Hughes remains a moral asset of the Republic.

"STEPHEN S. WISE."

Mr. OWEN and Mr. TOWNSEND addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. OWEN. Mr. President, I want to call attention to the New Hampshire case in regard to the recall of judges. The constitution of New Hampshire not only provides for the recall of judges but the New Hampshire Legislature has four times in its history recalled its supreme bench. I thought it would be interesting to have that observation go into the Record.

Now, Mr. President, I ask for the regular order, and for some action upon the proposed amendment of the Federal reserve act.

#### AMENDMENT OF FEDERAL RESERVE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

The PRESIDING OFFICER (Mr. JAMES in the chair). The Secretary will state the pending question.

The SECRETARY. The pending question is the amendment offered by the Senator from Massachusetts [Mr. WEEKS]. He has offered an amendment as follows:

On page 18, beginning at line 21, strike out the paragraph following, as amended by the Senate, down to and including line 10, on page 19.

Mr. OWEN. I move to lay the proposed amendment on the table.

Mr. CURTIS. Mr. President, in view of the absence of the Senator who offered the amendment, I hope the Senator from Oklahoma will let it go over until to-morrow morning.

Mr. OWEN. I have for two months and a half been trying to get action on the part of the Senate. I am myself compelled to leave the city to-morrow.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Overman	Smith, Ariz.
Bankhead	Hughes	Owen	Smith, Ga.
Beckham	Husting	Page	Smith, Md.
Broussard	James	Phelan	Stone
Bryan	Jones	Pittman	Taggart
Chamberlain	Kern	POINDEXTER	Thomas
Chilton	La Follette	Ransdell	Thompson
Clapp	Lane	Reed	Townsend
Clarke, Ark.	Lewis	Saulsbury	Underwood
Culberson	Martin, Va.	Sheppard	Vardaman
Curtis	Martine, N. J.	Sherman	Walsh
Fletcher	Newlands	Shields	Williams
Gallinger	Norris	Simmons	

Mr. THOMAS. I desire to announce the necessary absence of the Senator from Colorado [Mr. SHAFROTH] and also the necessary temporary absence of the Senator from Ohio [Mr. POMERENE].

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. OWEN. Mr. President, I moved that the amendment proposed by the Senator from Massachusetts [Mr. WEEKS] be laid on the table. If, however, any Senator desires for a reasonable time to express an opinion upon it, I shall be willing to withhold that motion; but I am perfectly willing to state exactly what the amendment is and the purpose of it, and I think I can do it in a way that will be entirely satisfactory to any friend of the amendment of the Senator from Massachusetts.

The proposed amendment simply permits banks to establish branches not more than 25 miles away from the parent bank, under the conditions named in the amendment, and then only in such States as expressly authorize the State banks to establish branch banks. The Senator from Massachusetts does not think that that is a judicious method. I am not attached to it in such a way that I should care whether it stays in or goes out.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I yield to the Senator.

Mr. CURTIS. As one Senator, I will state that I have received letters from a very large number—I will not try to state the exact number—of State banks in Kansas protesting against that provision, and the small banks over the country are more or less opposed to it. I hope the Senator will not insist upon the amendment.

Mr. OWEN. I am willing to have it go out, so far as I am concerned; but if it does go out, then the first paragraph of section 25a should have an amendment providing that it should not be in force in any State whose statutes do not specifically authorize branches for banks having State charters.

Mr. CURTIS. That would be satisfactory.

Mr. OWEN. Then, I move that the amendment of the Senator from Massachusetts be adopted.

The PRESIDING OFFICER. The Chair understands that the Senator from Oklahoma has withdrawn his motion to lay the amendment proposed by the Senator from Massachusetts on the table.

Mr. OWEN. I withdraw my motion to lay the amendment on the table.

The PRESIDING OFFICER. The question, then, is on the adoption of the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. OWEN. I move to amend, in line 18, on page 20, by inserting the words:

*Provided, That no such branch shall be established in any State whose statutes do not specifically authorize branches for banks having State charters.*

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On line 18, page 20, after the word "located," it is proposed to insert the following proviso:

*Provided, That no such branch shall be established in any State whose statutes do not specifically authorize branches for banks having State charters.*

Mr. CURTIS. I would like to have the amendment read as it will read as proposed to be amended.

The PRESIDING OFFICER. The Secretary will now read the provision as proposed to be amended.

The SECRETARY. As proposed to be amended, the provision would read:

SEC. 25a. That any member bank located in a city or incorporated town or village of more than 100,000 inhabitants and possessing a capital and surplus of \$1,000,000 or more may, under such rules and regulations as the Federal Reserve Board may prescribe, establish branches, not to exceed 10 in number, within the corporate limits of the city, town, or village in which it is located: *Provided, That no such branch shall be established in any State whose statutes do not specifically authorize branches for banks having State charters.*

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Oklahoma what need there is for that provision?

Mr. OWEN. The need is that in some States they permit branch banks in State institutions within cities having more than 100,000 inhabitants, and the intention is to put the national banks upon an equal footing with those in the city of New York.

Mr. POINDEXTER. It would seem to give an opportunity to certain banks to monopolize the business of an entire community.

Mr. OWEN. Mr. President, the banks in New York City, which is the only place where this is supposed to apply, could not possibly exercise any monopoly, because there is a very large number of large State banks in New York City. The Corn Exchange Bank, for instance, has an advantage over the national banks, and the intention is only to put the national banks upon a like basis of competition with the State banks.

Mr. POINDEXTER. Why does the Senator say that it will apply only to as large a city as New York? According to its terms it applies to any city of a hundred thousand inhabitants or more.

Mr. OWEN. The proviso is so framed that it will not apply except in a State which specifically provides for this right to the State banks.

Mr. POINDEXTER. In any such State that has any city having the population mentioned it would apply.

Mr. OWEN. The city of New York is the only place of which I know to which it does apply. There may be others, however, with which I am not acquainted.

Mr. POINDEXTER. It would apply in any State which authorized State banks to establish branches in any city of a hundred thousand inhabitants, would it not?

Mr. OWEN. Yes, it would; but I do not recall any case, except that of New York, though there may be some others.

Mr. POINDEXTER. The Senator may intend that it shall apply only to New York City, but there is no way of confining it to that city.

Mr. OWEN. If in future any State should pass a law providing for branch banks in such cities, then this would take care of it and put the national banks upon an equal basis with the State banks. That is all there is of it.

Mr. POINDEXTER. I think I may say that there is very general opposition to it from banks in my section of the country.

Mr. OWEN. That is because they do not understand that it will apply only to States which specifically authorize it. They do not want to have it apply in States which do not provide for it by State law.

Mr. POINDEXTER. Does the Senator know of any case where national banks have suffered any hardship from the competition of State banks?

Mr. OWEN. They think they have in New York.

Mr. POINDEXTER. The national banks of New York seem to be in a flourishing condition; they are not anemic in any way at all.

Mr. OWEN. Oh, I think that is entirely true. If the Senator objects to putting the national banks of New York on a parity with the State banks, he is within his rights in taking that position. I have merely stated the case.

Mr. POINDEXTER. I object to this amendment on account of the very general opposition that has manifested itself to it, and on the further account that, so far as I know, there is no demand for it. There is no hardship being suffered by any national bank that would be remedied by this provision.

Mr. OWEN. I repeat that the opposition is due to a misconception. It was believed that this provision would apply regardless of State law.

Mr. POINDEXTER. The antagonism of which I am speaking is due to the general opposition to the consolidation of banks and to a departure from the principle of small local independent banks. The Federal Reserve System in itself has provided ample means, to say the least, for the strengthening of the banking system of the country by affording a degree of cooperation and opportunity to unite the banks in large areas of the country,



and there is no reason that I know of why we should go any further at this time to interfere with the local banking institutions of the country.

Mr. OWEN. I think that both sides of the matter are fairly well understood, and I am content with whatever the Senate wishes to do about it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma. [Putting the question.] The "ayes" seem to have it.

Mr. POINDEXTER. I ask for a division.

The amendment was agreed to after a division.

Mr. TOWNSEND. Mr. President, I rise immediately at the conclusion of the carefully prepared speech of the Senator from Montana [Mr. WALSH], not for the purpose of making any extended reply to what he has said, because I had not anticipated such a speech, and I do not think, so far as that is concerned, that it is necessary to make any extended reply, but I do not care to have it go unprotected.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. TOWNSEND. Yes.

Mr. OWEN. Will the Senator excuse me just a moment? I am compelled to leave the city to-morrow. Will not the Senator permit this matter to be disposed of? It will take only a few moments, and there is now no opposition to it whatever, so far as I know, on either side of the Chamber.

Mr. TOWNSEND. As I understand, this legislation has been opposed in some respects by the Senator from North Dakota and by the Senator from Massachusetts, the latter of whom is not present.

Mr. OWEN. Their opposition was to the branch-bank item, which has been stricken out of the bill.

Mr. TOWNSEND. I do not know what other items the bill may contain to which there may be objection, but I intend only to speak briefly, and I propose to occupy the time now, because it seems to me that the injection of the political speech of the Senator from Montana—and it was nothing more nor less than that—into the proceedings this morning at least warrants a passing notice.

As I understand it, the Senator from Montana is opposed to the selection of Presidents by the people from the Federal Bench, and particularly the selection of Mr. Hughes, because of its political effect upon the bench and, through the bench, upon the country. His soul does not seem to have been disturbed by the fact that almost from the beginning of the Government, and especially during the last three years, appointments to the bench have been made many times for political reasons; and if this be an offense the Democratic Party has been a great offender.

It is somewhat surprising that an incorruptible judge, with an unblemished record for exalted character and ability, should be criticized for accepting an unsolicited call to the Presidency, while the critics raise no voice of protest against the too-frequent practice indulged by Presidents of nominating men for Federal judges whose chief qualification is partisan political service rendered. It would be better for the country to have a great judge for President than a time-serving politician for judge. I think there is more danger to be apprehended to popular government from the nomination of men who are unfit and who are not on the bench but who are selected for partisan political reasons only than there is to come from the practically spontaneous choice of a great majority of the people in favor of one man for President, even though the call comes to him on the bench.

It is a compliment to Mr. Hughes that no man has raised his voice against him for any other reason than that he was a justice of the Supreme Court. Words, and partisan political words, alone are the only arguments that can be presented against him. Not a single thing in his official career has been pointed to as indicating that he has swerved a hair's breadth from what he considered to be his sworn duty. He has never pandered to classes or to transitory public sentiment, but has adhered to the duties that were imposed upon him under the Constitution as he has seen those duties.

The history of the selection of Mr. Hughes stands alone in the annals of the American Republic. I think no one, unless he be a partisan who is urged beyond reason to take advantage of politics, will claim that Mr. Hughes has ever done or said a thing to induce his selection by his party as its candidate for President. He was chosen against the opposition of so-called practical politicians; and when he was nominated the first thing he did was to resign from the bench, and he did that even though it was known that the strongest member of the Progressive

Party had been nominated by that organization, and that under such conditions his hope of political success was not good. Under such circumstances could his action in resigning from the bench and in accepting the nomination for President have been the desire for political power and preferment, solely or even largely? He accepted that nomination because he believed that the people had called him, and that he had no right to disobey that call. He believed that there was an emergency in the American Republic.

At a later time I am going into this subject more in detail, unless some other Senator shall precede me in the matter. I think a supreme emergency does exist in this country and has existed for the last three years. I believe that our domestic and foreign policies have been vacillating, weak, and dangerous. I believe that, whatever may be said about our President as to whether he is intellectually honest or not—and I need not express an opinion upon that at this time—everybody must admit that he is certainly unstable and uncertain and an opportunist without a peer. No one knows how he is going to meet the problems which are now pressing for solution, but everyone knows that he is not well fitted to grapple with conditions which exist now and which will be more complex at the close of the European war. Everybody must know that in spite of the President we are not in actual war, and not because of any act of his. I believe that every thoughtful man understands that if we had had a President who had meant what he said and had spoken the meaningful doctrines of American traditions we would not have been so involved in difficulties growing out of the European war as we are now. Every thoughtful, unbiased person knows that the President has interfered in Mexico, and largely because of his interference we are in the deplorable plight of the present. He has not kept us out of war with Mexico. Twice we have been at war with that country, and no one knows what our real present status is. To me it is clearly political, in a most offensive manner. He assumed to make war on Huerta and to use the armed forces of his Government to drive the Mexican President from his Republic. After the President did this he loudly proclaimed that Mexico had a right to such government, or lack of it, as she pleased. It was none of our business. He was right in this statement, but he almost immediately again repudiated his own words by acts of interference.

But as I said, Mr. President, I do not wish to detain the Senate by an answer to the political speech of the Senator from Montana. The Democratic necessities of the hour evidently seemed to him to require that such a speech should be made now. I have no doubt that the Senator supported with great vigor and loyalty the candidate of 1904 on the Democratic ticket for President. He was selected from the bench in New York to take that position. I will go with the Senator from Montana as far as he likes in his efforts to maintain incorruptible the integrity of the Supreme Bench. I maintain that Mr. Justice Hughes was an incorruptible and incorruptible Justice of the Supreme Court. He is a patriotic citizen of this Republic which is ruled by the people, and he had no right to disobey their mandate to serve them in the highest and most responsible position in the world. I believe that a majority of the people called Mr. Hughes for service. The people make and they can remake precedents, yea—even constitutions. He did not seek the nomination. The nomination sought him as it has sought no other since Washington. He gave no man encouragement that he would accept, even. They called him and under such circumstances he had no right to refuse. He will answer his critics for himself, as indeed he has already answered them.

The frantic efforts of political orators to detract from a man who is universally admitted to be supremely fitted for President in these critical times is distinctly complimentary to the Republican candidate for President. He is attacked, not for anything that he has done, not for any decision that he has rendered, not for swerving a particle from the direct path of duty, not because he is lacking in courage, ability, and uncompromising patriotism, but because he is a most formidable candidate for President, selected by the people without political influence, but accepting only after he had resigned his position on the Supreme Bench, which was not exactly following the Democratic precedent of 1904.

So, Mr. President, I repeat that later on, but at the proper time, I shall discuss the political questions that have been raised by the Senator at this time, although Mr. Hughes needs no defense from any Member of this body, or from any citizen of the United States.

Mr. OWEN. Mr. President, I ask for action now on the amendment.

Mr. SHERMAN. Is the Senator asking for a vote?

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment.

Mr. SHERMAN. I do not wish to offer any amendment; but if the Senator from Oklahoma will permit me a moment, I wish to submit, for a very few minutes, some remarks on the amendment that has been offered.

Mr. OWEN. I yield to the Senator.

Mr. SHERMAN. This bill, with the amendment that has been adopted this morning, that no such branch shall be established in any State whose statutes do not specifically authorize branches for the banks organized under State charters, apparently limits the provision to States where branch banking is authorized by State charters.

Mr. OWEN. That was the intention.

Mr. SHERMAN. I have no personal interest in this as it applies to my own State, with this limitation. The only reason why I shall vote against the bill, even as amended, is that it opens the way, in whatever State, to create practically a banking monopoly, as I see it. Without this amendment, in my own State there are, say, two cities, possibly three, if the school census were allowed to be the measure of population, where its provisions would apply. I am talking now without reference to the original amendment. In the city of Peoria, the city of East St. Louis, and in the city of Chicago, without this amendment it would apply so that a national bank of \$1,000,000 capital stock would be permitted to establish branches. With the amendment it would not do so.

I oppose the bill in its present form because of the precedent created. All that would be necessary to apply it to such cities in my own State would be to remove this limitation, which can be done with a very short amendment. At some future time, after this measure shall have been enacted, it will be easy enough to take out this restriction and apply it to all States. With this amendment taken out, it gives the banks in the downtown district, inside of the loop in the city of Chicago, the power to destroy every small bank in the city of Chicago, State bank and national bank.

I can conceive of no scheme that would so expeditiously create a monopoly in the banking business and destroy every small competitor in the suburban districts of the city. With the limitation applied by the amendment it does not at present do so, but the amendment, once made, will leave it open for the amendment to be stricken out in some subsequent session of Congress. Then the section will be unlimited in its character.

Because of the evil precedent that is set and the untoward conditions of competition that will be instituted, even in a State that comes within the limitations of this amendment, I feel constrained to vote against the measure. I oppose the system of branch banks in domestic banking on principle, and I do not want it extended even to a State that would be within the limits of this amendment. I think the banks have ample power, have ample business, and a sufficient field for the exercise of their activities, with the present limitations upon them; and with the large banks in the cities to which this would apply, even with this amendment, and especially with the easy process by which the amendment can be removed in subsequent sessions of Congress, it would create in the city of Chicago a condition that I could not tolerate by any vote of mine. I shall not even vote to create a precedent that could be made hereafter the means of enabling the banks of the downtown district of \$1,000,000 or more capital, some two, at least—the Continental-Commercial National Bank and the First National Bank of Chicago, with the means at their command, with their very large deposits of a commercial character, with some depositors maintaining very large accounts—I can not even create a precedent that would open the way, by an amendment that may be in some future session, as I suggested, very easily expedited in its passage, to turn these large banks loose, with at least 10 branches in the city of Chicago, to compete with and ruthlessly destroy the smaller banks that have built up a legitimate business.

Mr. LEWIS. Mr. President, will the Senator from Oklahoma, the chairman of the committee, allow me to give some information to my colleague?

Mr. OWEN. Certainly.

Mr. LEWIS. May I inform my colleague that the amendment to which he alludes was to a degree shaped after information had been imparted to the chairman of the Banking and Currency Committee as to the wishes and the interests of the Cook County (Ill.) Bankers' Club and the representatives of the State banks of the State of Illinois? I am pleased to inform my colleague that much of the spirit of this amendment to which he alludes, and which he says at present rescues this bill from the ills he fears, was accepted after being first disclosed to us who were shaping these amendments. The eminent chairman of the committee was, in my presence, conferred with by the representatives of the Illinois State banks who were down here, and

but for the information brought to us by the State bankers I, too, would have opposed this amendment. It is only because the State that we both represent, I may say to my colleague, has expressed satisfaction, through the representatives of its State banks and Federal banks, with the amendment that I aided in its latter construction and now give my approval to it.

The VICE PRESIDENT. The question on agreeing to the amendment as amended.

Mr. GRONNA. Mr. President, may I inquire what the amendment is that is now pending?

The VICE PRESIDENT. It is the entire amendment.

Mr. GRONNA. Mr. President, may I ask the chairman of the Banking and Currency Committee to explain the provision on page 3, line 19, which reads as follows:

(1) To carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults.

As I understand it, Mr. President, that would permit taking all of the reserves of any member bank and depositing them in some reserve bank. In other words, the member banks would be, if I may use the expression, at the mercy of the Federal Reserve Board. I think one can very easily imagine that the Federal Reserve Board is interested in building up the Federal reserve banks, and that all the reserves of the little banks would have to be deposited in these large centers.

Mr. OWEN. Mr. President, the provision referred to by the Senator was inserted in the bill at the request of two classes of banks—one class the members of which were on the frontier, and did not want to be compelled to carry a large amount of cash in their vaults, because they did not have adequate protection against highway robbery; and another class of banks in the centers which found it more convenient to keep their gold in the Federal reserve bank treasury. Now, I do not care whether it stays in or goes out. This is the purpose of the amendment. It is only permissive. It is not controlling at all; and I call the attention of the Senator to the fact that in England, for instance, they leave entirely with the banks the care of their own reserves, and without any imposition by act of Parliament they keep their reserves, and most of them keep a very large part of their reserves, in the Bank of England, which in that way concentrates there a very powerful amount of gold available for the service of the Empire.

Mr. GRONNA. But the Senator will remember that in 1907, when the little country banks were loaded with money—I know of banks in my own State that had 50 and 60 per cent reserve—the most of that reserve, of course, was deposited with other banks in the reserve cities, and because they could not get their own money we had the panic. At that time we were compelled to have a certain percentage of our reserves, and the banks would be penalized if they did not have a certain amount. Now you are practically compelling these same banks to take their reserves and deposit them in some central reserve city.

Mr. OWEN. Mr. President, in the case to which the Senator refers, in 1907, these reserves were within the control of private persons.

Mr. GRONNA. I know that.

Mr. OWEN. In the case proposed in this bill they are in the control of the Federal reserve banks, which are under the control of the Government of the United States through the Federal Reserve Board, and these reserves could not be denied if the exigency should ever arise. It is the exact reverse of what took place in 1907, when payment of the reserves was refused.

Mr. GRONNA. But I want to remind the Senator that these central reserve banks are authorized to discount paper in accordance with the amount of money they have on hand, and there is no protection to the country district. The Senator must not overlook the fact that these central reserve banks, in order to make profits, are compelled to invest the money deposited with them. They are permitted to invest this money, and it is no excuse for passing this bill to say that they are under the control of the Federal Reserve Board. This board is permitted to and must discount paper whenever it is called upon to do so. Whenever it has paper which is in accordance with the law it is authorized, and not only authorized but compelled, under the law, to discount that paper; and so they part with this reserve just the same as in the case of private banking institutions.

Mr. OWEN. The Senator surely does not intend to say that they are compelled to discount paper, because that really is not the case under the Federal reserve act.

Mr. GRONNA. The Senator does intend to say that they are compelled to do so if they are going to live up to the spirit of the law. The Federal reserve act was enacted for the purpose of taking care of honest, legitimate business; was it not?

Mr. OWEN. No, sir; it was not. It was intended to safeguard the reserves of the banks of this country, to perform the



very function which we found so necessary in 1907, when the reserves were in the hands of private parties. We took those reserves out of the hands of private parties and put them where they should be always, at the command of the banks of the country.

Mr. GRONNA. Does the Senator from Oklahoma maintain that all money deposited with the reserve banks must remain there as money?

Mr. OWEN. No; certainly not.

Mr. GRONNA. My contention was, Mr. President, that the Federal Reserve Board is permitted under the law to discount mercantile paper.

Mr. OWEN. Quite right.

Mr. GRONNA. Now, then, if all the money is taken out of the vaults of the little banks, will not the Federal Reserve Board be compelled to take this money and to invest it in mercantile paper?

Mr. OWEN. No, sir.

Mr. GRONNA. May I ask the Senator how it will be invested, then?

Mr. OWEN. It is invested now only to a limited degree in commercial bills, and those commercial bills are available to be turned into currency in the form of United States notes, and it gives an extraordinary opportunity to the little banks not only to use their own reserves but to take their commercial bills and turn them into money.

Mr. GRONNA. The only difference between my argument and that of the Senator from Oklahoma is that I said "mercantile paper," and he uses the term "commercial bills." That is the only difference so far as I can see.

I will say to the Senator from Oklahoma that I am very much opposed to this provision. I for one shall oppose it, and I do not propose that it shall go into this bill if I can help it. It is fundamentally wrong. It is an injustice to the outlying agricultural parts of the country. Every Senator knows that the member banks would be under the influence of this board, and that the reserves of these little country banks would have to be deposited in the main in the Federal reserve banks. It is simply another scheme to eliminate the little State banks. It is simply another scheme to eliminate the small national banks. Unless they comply with this law, if this ever becomes a law, they would not be permitted to do business in their orderly way.

Mr. President, has the Senator from Oklahoma yielded the floor?

Mr. OWEN. I was yielding to the Senator from North Dakota.

Mr. GRONNA. Of course, if the Senator has not yielded, very well; but I expected to debate this question.

Mr. OWEN. I was going to ask action on the bill unless the Senator wants to continue his remarks. Of course he understands that the morning hour expires at 12 o'clock.

Mr. GRONNA. I do not propose to have action on this bill and let this provision go in. I will say to the Senator from Oklahoma that if he is willing to strike this out of the bill, I shall have no objection to it, with the amendments proposed.

Mr. OWEN. Mr. President, I yield the point that it be struck out of the bill.

The VICE PRESIDENT. The way to do it, I assume, is for the Senator from North Dakota to move to strike out lines 19, 20, and 21 on page 3.

Mr. GRONNA. I make that motion.

Mr. OWEN. I accept the amendment.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The Senator from North Dakota moves to strike out certain words. Does the Senator from North Dakota desire these words stricken out?

(1) To carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held at their own vaults.

Mr. GRONNA. Those are the words.

Mr. OWEN. I have agreed to have them stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to further amendment.

Mr. LA FOLLETTE. I wish to inquire of the Senator from Oklahoma if there is a provision in the bill with regard to interlocking directorates.

Mr. OWEN. That is provided for in the Clayton Antitrust Act.

Mr. LA FOLLETTE. Is there some provision in this bill touching that subject?

Mr. OWEN. Yes; there is a provision.

Mr. LA FOLLETTE. On what page?

Mr. OWEN. I shall have to find it.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. OWEN. May I ask the Senator in charge of the appropriation bill to lay it aside until we can get this adjusted?

Mr. SMITH of Maryland. I will agree to do that.

The VICE PRESIDENT. By unanimous consent, the appropriation bill is temporarily laid aside while the Senate continues the consideration of this bill.

Mr. OWEN. The interlocking directorate feature was on another bill that passed the Senate some time ago. I will get it for the Senator from Wisconsin. That provision is not in this bill. I thought it was when the Senator first spoke, but it passed the Senate some time ago on another bill, introduced by the Senator from Indiana [Mr. KERN].

Mr. LA FOLLETTE. I understood from the Senator from North Dakota [Mr. GRONNA], who is a member of the committee, that there is such a provision in the bill. I have been making diligent search to find it, but I have not been able to do so.

Mr. OWEN. I will state for the information of the Senator that the bill to which I refer was disposed of a month or so ago.

Mr. LA FOLLETTE. I do not refer to that bill, but I was advised by a member of the Committee on Banking and Currency that there is such a provision in this bill.

Mr. OWEN. The Senator from Indiana advises me that that bill was passed by both Houses and has been signed by the President.

Mr. LA FOLLETTE. I understand such a bill did pass, but I was informed by the Senator from North Dakota, who is a member of this committee, that there was a further provision on that subject in this bill.

Mr. OWEN. If so, I do not know it.

Mr. LA FOLLETTE. If so, I want to move to strike it out.

The VICE PRESIDENT. It is found on page 19.

Mr. OWEN. The Senator does not refer to the branch-bank provision on page 19, I suppose.

Mr. GRONNA. That will be found on page 19, beginning at line 5.

Mr. LA FOLLETTE. On page 19 I find it.

Mr. OWEN. On page 19 there is a provision for branch banking. Where the State laws permits branch banks in the State it puts the national banks on the same basis with the State banks.

Mr. LA FOLLETTE. I move to strike out of the bill, on page 19, beginning with line 5, all of that paragraph down to and including line 14. I understood the Senator to say that he would accept that.

Mr. OWEN. Beginning where?

Mr. LA FOLLETTE. Beginning on line 5, page 19, of the copy I have.

Mr. OWEN. Does the Senator understand that that relates only to foreign banks?

Mr. LA FOLLETTE. I ask to have those lines read and then the Senate can see what is their scope.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. In the original bill, commencing with page 17, line 23, it reads as follows:

Any director or other officer, agent, or employee of any member bank may, with the approval of the Federal Reserve Board, be a director or other officer, agent, or employee of any such bank or corporation above mentioned in the capital stock of which such member bank shall have invested as hereinbefore provided, without being subject to the provisions of section 8 of the act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes."

Mr. OWEN. I call the attention of the Senator to line 8, "of any such bank or corporation above mentioned." That is an organization intended to do foreign business only.

Mr. LA FOLLETTE. Does that refer only to foreign business?

Mr. OWEN. To foreign business only.

Mr. LA FOLLETTE. With that understanding I do not press the amendment.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the act approved December 23, 1913, known as the Federal reserve act."

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The amendment offered by the Senator from California [Mr. WORKS] in lieu of that offered by the committee, so far as the insertion of matter is concerned, from line 11 to line 17 on page 2.

Mr. NEWLANDS. Mr. President, I desire to say a few words regarding an amendment which I have offered to the pending bill. On page 25 there appears an item providing—

For completing the construction of market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within the authorized limit of cost, \$60,000.

This market building is to be on the commercial water front of Washington, a stretch of about a mile or a mile and a quarter, from the Bureau of Engraving and Printing to the War College. Upon that water front the Government has provided for two important structures—one a steam heat and power plant, at a cost of several hundred thousand dollars, and the other a market place for fish and other products, at a cost of \$185,000; and for this latter purpose all the money has been appropriated, except the \$60,000 provided for by this bill.

To this provision I have offered an amendment, as follows:

And provided further, That the Chief of Engineers of the Army is hereby directed to appoint a board of engineer officers, of which the local district engineer officer in charge of river work at Washington and the officer in charge of public buildings and grounds shall be members, and of which the latter shall be executive and disbursing officer, to collaborate with the Commission of Fine Arts in preparing and reporting a plan for the artistic and utilitarian development of the commercial water front of Washington, on which the said market buildings are to be constructed; that the board be authorized to employ such engineers, experts, and other assistants as they deem necessary; that \$10,000, or as much thereof as may be necessary, is appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of the board.

With reference to this water front, I wish to say that it has recently been determined by judicial decree that it belongs to the Government or to the District of Columbia, and it has come under the control of the Government. Hitherto I believe the impression prevailed that it was in private ownership.

That water front is now under divided control, a part of it near the War College being under the control of the engineer officer in charge of public buildings and grounds and the other part being under the control of the District commissioners, though, I believe, without any special legislation relating to the subject. It is the only part of the water front with reference to which the Government has not made definite and conclusive plans.

The Senate will realize that all the way from Georgetown down to the end of the so-called island park opposite the War College, which is represented by a map in this Chamber, the engineer officers of the Government have absolute control and are now, in connection with the park development, making a very beautiful water front which is a part of the park system.

So also with reference to that portion of the water front on this island park looking toward the commercial front. That is under the control of the engineers. The War College itself is under the control of the engineers. So there remains only the space of about a mile and a quarter which has not been provided for, and that for the reasons—its ownership by the public was in doubt.

Now, the Government is about to put these two very important buildings upon this water front, arrangements are being made for their construction, and it is of the highest importance that the water front itself should be planned not only from engineering but also from the artistic point of view, so that these buildings will properly fit into the surroundings, so that they will be convenient of access with reference to wharves and piers, so that they will not obstruct the contemplated wharves and piers, and so that the entire surroundings of these costly buildings will be attractive to the eye.

This matter of water-front construction from the artistic point of view has received very little attention in the United

States thus far. It has received great attention in Europe and in the Orient. There you will find every water front in a state of high development, both from the engineering and artistic standpoint, and the commercial water fronts are the most attractive parts of the cities. We are all familiar with the water-front development of the Seine and the water-front development of the Thames and the water-front development of the cities of the Rhine and the Danube and the Volga. All these water fronts are being developed to the very highest degree, with a view to commercial facilities, with a view to promoting easy and economical transfer from car to ship and from ship to car, and at the same time with a view to preserving the water scenery of the cities in such a way as to make the whole effect attractive to the eye.

I have had a number of photographs of water fronts of the various cities of Europe placed upon the wall, and I invite the attention of Senators to them as indicating the great care and solicitude which have been shown elsewhere throughout the world regarding the development of water fronts.

I imagine that America will take up this development actively and energetically as it has other phases of internal development and will eventually surpass the rest of the world in creations of this kind. But the fact remains that upon both our ocean water front and our river fronts there has been almost entire neglect of the artistic features and in many cases neglect of the engineering and mechanical features.

I undertake to say that there are few water fronts in this country that are as highly developed from the engineering and economic point of view as those of Europe and those of Asia.

Now, I am aware that it may be claimed that this amendment opens up the old heat, light, and water contest regarding the contemplated building. I wish to address myself particularly to the Senator from Virginia [Mr. MARTIN] upon that subject, and to say that there is no purpose so far as this amendment is concerned of interfering at all with the construction of the heat, light, and power building which has been ordered by Congress. Any legislation upon that subject will have to be enacted in another way and at another time.

The whole purpose of this amendment is to provide that in case that building does go up the water front will be planned with reference to its foundation, to its site, to its wharves, and to the general conveniences of the water front and in such a way as to promote the uses of that building as well as the general uses of the water front itself.

I regard it as just as unwise to commence the construction of these buildings upon that water front until the water-front plan is made as it would be to put up a costly building without properly planning the foundation.

Now, the appropriation asked for is a small appropriation of \$10,000, and the instrumentality for this plan is the Board of Engineers, of which Col. Harts, Superintendent of Public Buildings and Grounds, will be the executive official. He is now in charge of all the park development and water-front development in Washington. We all realize the energy and the skill and the judgment which he has shown in perfecting this work.

Mr. GALLINGER. Will the Senator permit me?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I am afraid, Mr. President, that the Senator from Nevada has rather slept on his rights. Two years ago there was an appropriation in the District of Columbia appropriation bill for the reconstruction of the wharves at the fish market. I will parenthetically suggest that the fish market is almost as much a reproach to the District of Columbia as the municipal hospital; and it became evident that we had in self-defense, so far as the health interests of the District of Columbia are concerned, to have a new fish wharf. We made an appropriation two years ago for the rebuilding of the wharves and last year for the construction of the building, and I apprehend the plans and specifications are all prepared for that building.

So I suggest the Senator is not quite as diligent as he usually is in watching these appropriations of the District of Columbia or he would have interposed the objection he interposes now before we made those appropriations.

Mr. NEWLANDS. I must say that the matter slipped my attention. My attention was only recently called to the fact that a fish market was contemplated there, but I will say that I am inclined to think that the engineer commissioner of the District of Columbia will be one of this board, for the act names only two members of the board, and the third can be appointed by the Chief of Engineers. They will be glad, I have no doubt, to receive the assistance and advice of the art commission, which is composed not only of the most eminent architects and artists in the country, but men of great constructive capacity,



who have been in charge of great undertakings and whose experience and advice on the practical side of the question would be of great value. I am glad to say that the Engineer Corps of the Army is showing a disposition to collaborate with this art commission, and that whereas in the past years the engineers and the artists seem to have been in opposition, of late years they are showing the greatest disposition to unite in the perfection of great engineering and constructive work.

Mr. MARTIN of Virginia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. MARTIN of Virginia. As the Senator from Nevada has made a personal reference to me, I want to ask him to yield to me for a moment.

Mr. NEWLANDS. Certainly.

Mr. MARTIN of Virginia. I will not occupy three minutes. I wish to say for his information and for the information of the Senate that I am in no sense antagonistic to his ideas of inaugurating a plan for the development and the beautification of the water front in Washington. It is a very important matter, and it ought to be taken up, and something ought to be done, and the fewer things put in front of it the better. The fish markets and the power plant have both gotten a long way in progress of construction. I am not at all disturbed about any interference with those great public utilities, and it is not on that account that I hesitate about the Senator's plan of development and improvement of the water front.

The only question in my mind is as to the time and manner of taking up these very important matters. I am in full accord with the Senator as to the importance of it. It ought to be done, and it ought to be done at an early day, and done in a thorough and exhaustive and systematic manner, and the talent of the country ought to be devoted to the development and improvement of this water front.

But I have not been able to get my mind to see as the Senator does that the wise way to do it is without the consideration that it ought to have in advance by a committee bringing it before the Senate on an appropriation bill.

It is the time and manner of doing what the Senator is advocating that makes me hesitate, but I do not wish him to think that I am antagonistic at all, nor do I wish the Senate to think that I am antagonistic at all. On the contrary, I am ready to cooperate with the Senator from Nevada and with others in putting on foot just such a scheme as he advocates, after a thorough investigation of our water front for development in a manner consistent with the beauty of this city.

Mr. NEWLANDS. I am very glad to have that statement from the Senator from Virginia. It is what I had expected from him, knowing his breadth of view with reference to national legislation. As I understand the Senator, he hesitates about putting this amendment on this bill. He is not opposed to a full consideration of the question of a plan for this water front by competent authority.

Mr. MARTIN of Virginia. Just one word further, if the Senator will permit me. If he would bring in an independent bill for these purposes I would support it.

Mr. NEWLANDS. Let me state to the Senator, however, that, in the first place, I think this is entirely germane, because the bill itself provides for an additional installment for the fish market. The fish market is on the water front, and it seems to me it is entirely proper in that connection, as the matter has been brought up in legislation in the District of Columbia appropriation bill. There is a proviso that a scientific plan shall be made not only for that part of the water front on which this building rests, but the entire water front of which its foundation is a part. It seems to me that opens up the question of legislation.

I wish to say to the Senator from Virginia also that this matter is not simply a matter of individual action on my part. The Committee on the Library, which is charged with jurisdiction regarding matters of art, has had under consideration for a long time legislation relating to the power plant, and in that connection as an entirely separate matter from the mere construction of the power plant the committee became convinced that it was of the highest importance that this particular water front should receive the careful planning that the rest of the water front is receiving, and they authorized me to report a measure which contained a provision for the planning of that water front such as I have offered as an amendment here. That bill contained other matter, but it contains this, and I have selected this particular matter from that bill which received the favorable report of the Library Committee as an amendment to this bill.

Let me say that almost all the provisions relating to the putting of parks under the jurisdiction of the engineer officer

as a part of the park plan have been adopted by amendments upon appropriation bills.

The Senator realizes, of course, that it is almost impossible now to get up any individual bill for action. Congress is eager to adjourn and has a legislative program before it which it must finish. It is almost impossible to go to the calendar and take up a particular bill and secure its consideration and pass it.

So it seems to me this matter ought especially to appeal to the Senator from Virginia as one worthy of immediate consideration. I have not the slightest doubt as to its being germane to the bill by reason of the appropriation for the finishing of the fish market. It is just as much a part of the fish-market development to see to it that its foundation, its wharves, its exterior surroundings are suitable as it is to provide for the building itself, and I trust when this amendment comes before the Senate it will receive the cooperation of the Senator from Virginia.

Mr. SMITH of Georgia and Mr. JONES addressed the Chair.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Will the Senator from Washington indulge the Chair to ask did the Senator from Georgia address the Chair, he having risen before the Senator from Washington?

Mr. SMITH of Georgia. Yes; I understood it would be probably desirable to temporarily lay aside the appropriation bill, and I rose for the purpose of asking, if that was done, that the Senate take up the bill known as the vocational educational bill.

The PRESIDING OFFICER. The Chair will ask the Senator from Washington if he desires to address himself to the subject under discussion?

Mr. JONES. I do.

Mr. SMITH of Georgia. I shall not make the suggestion at this time if the Senator from Washington desires to address the Senate on the District of Columbia appropriation bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. JONES. Mr. President, I know that the Senator from Maryland [Mr. SMITH] is very anxious to dispose of the District appropriation bill, yet I see no special disposition on the other side of the Chamber to bring the discussion to a close or to hasten the disposition of the business in order that the session of the Senate might come to an early conclusion. I have thus far refrained from taking any of the time of the Senate in connection with this bill in the hope that the business of the Senate might be expedited. I have concluded, however, that the majority does not desire to get through with the business of the Senate; at least that they have no anxiety to get through very soon. In fact, I have about come to the conclusion that they do not want to get through for some time; and when the Senator from Colorado [Mr. THOMAS] the other day expressed the view that the end of the session was near at hand, and for that reason a consideration of certain legislation should be postponed, I wondered what basis he had for any such supposition as that. It occurs to me as though the session is just about begun, and that it will probably continue for about four months longer, anyway. In that time we ought to be able to take care of all the important measures that have been suggested, including immigration, as the Senator from Idaho [Mr. BORAH] suggests.

Of course if we are going to be here during all of the hot weather, as it is certain now that we are, so far as I am concerned I do not see why we should not go on and take care of the legislation that the country would like to see passed and of which Senators are in favor. So I have concluded to take a little bit of the time on this bill, in consideration of it and of other matters that seem to be of some little interest to the Senate.

As I understand, the real proposition that is before the Senate is an appeal from the decision of the Chair holding that an appeal from the decision of the Chair came too late, because business of the Senate had intervened. So far as the appeal from the last decision of the Chair is concerned, it seems to me there can be no difference of opinion as to its merit and that the decision of the Chair was entirely right.

The facts are that a decision had been made by the Vice President; then a discussion had followed of two or three hours in extent; one bill, at any rate, had been passed by the Senate and sent to the other House; and two or three reports had been submitted from committees and placed on the calendar. Then an appeal was attempted to be made from the previous ruling of the Vice President. To that it was objected that it came too late. The Chair held that that point of order was well taken. From that decision the appeal that is now pending was taken, and is the first matter that is to be decided upon by the Senate.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Texas?

Mr. JONES. I yield to the Senator.

Mr. SHEPPARD. Does the Senator from Washington recall what Senator took the appeal to which he has referred?

Mr. JONES. I do not; but I have understood that it was the junior Senator from Maryland [Mr. LEE]. I have looked through the RECORD rather hastily, but I could not find where that Senator took an appeal. It was stated, however, that the appeal was taken.

The PRESIDING OFFICER. If the Senator from Washington will permit the Chair, the Chair desires to inform him that the Chair is informed that there was no appeal registered and that there is none now pending. The Chair would like to know if such is true; because, if such is true, the Chair has misstated the pending question, having stated to the Senate the question was on the amendment of the Senator from California [Mr. WORKS]. If the question is on the appeal from the decision of the Chair, then the present occupant of the Chair has misstated the proposition now before the Senate.

Mr. JONES. Mr. President, my recollection is that the Vice President stated that the appeal from the decision of the then Presiding Officer [Mr. HOLLIS] was taken after the Vice President assumed the chair. What the Journal and the RECORD really show with reference to the matter I do not know. I know, however, that several Senators have stated that the Senator from Maryland did appeal. That, however, is not very material anyway. If no appeal was taken, then the question comes back, of course, on the amendment of the Senator from California. If the appeal was in fact taken, that is the pending proposition.

Mr. LEE of Maryland entered the Chamber.

Mr. JONES. The Senator from Maryland [Mr. LEE] is now present, and can say for himself as to whether or not he did take an appeal from the decision of the Senator from New Hampshire, who was then Presiding Officer, that his appeal from the original decision of the Vice President came too late. If the Senator from Maryland desires to make a statement with reference to that matter, I shall yield for him to make any statement with reference to it which he may desire to make.

Mr. LEE of Maryland. I did not hear what the Senator said.

Mr. JONES. It was stated the other day that the Senator from Maryland—

The PRESIDING OFFICER. If the Senator from Washington will permit the Chair, the Chair desires to ask the Senator from Maryland [Mr. SMITH], the chairman of the Committee on the District of Columbia, whether he will inform the Senator from Washington whether there is a question pending before the Senate upon his appeal from the decision of the Chair?

Mr. SMITH of Maryland. It was my colleague, the junior Senator from Maryland [Mr. LEE], to whom the Senator from Washington referred.

Mr. JONES. I referred to the junior Senator from Maryland. It was stated that the Senator from Maryland took an appeal from the decision of the Presiding Officer, being then the Senator from New Hampshire [Mr. HOLLIS], that his appeal from the decision of the Vice President came too late. I will ask the Senator from Maryland whether or not he did take an appeal from that decision?

The PRESIDING OFFICER. The Chair will recognize the Senator from Maryland, with the permission of the Senator from Washington, at this time.

Mr. LEE of Maryland. Mr. President, I just came into the Chamber and heard the Senator from Washington refer to the Senator from Maryland. The fact is that I did take an appeal from the decision of the Senator from New Hampshire, who was then the Presiding Officer, but I did not press it, and, under the rules, I presume that appeal is naturally lost.

Mr. JONES. Under the rules that appeal, if it were taken, is still pending, and has never been reached for decision.

Mr. LEE of Maryland. Under the rules, Mr. President, an appeal can be taken at any time, unless business has intervened; but, when taken, the appeal must be pressed; otherwise it is lost. That is the distinct statement of the rules.

Mr. JONES. It is debatable, and we have been discussing that appeal here for two days.

The PRESIDING OFFICER. The Secretary of the Senate informs the Chair that there is nothing in either the Journal or the RECORD disclosing the entry of an appeal.

Mr. JONES. Then, I understand the Senator from Maryland does not desire to insist that his appeal is pending. If so, that leaves the amendment of the Senator from California as the pending question.

The PRESIDING OFFICER. Then the RECORD will stand that the Senate is now discussing the amendment of the Senator from California, as the Senator from Washington understands?

Mr. JONES. Yes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JONES. Mr. President, there was considerable discussion the other day with reference to the offering of the immigration bill as an amendment to the child-labor bill. I want to refer to that for just a moment. I am earnestly in favor of both those measures. I have voted, I think twice, to pass the immigration bill over the President's veto. I am prepared to do so again.

I have long been in favor of a child-labor bill and of the exercise of any power that the National Government has with reference to child labor. I was glad when the committee submitted a report to the Senate recommending a bill along those lines.

It was charged the other day that it was a matter of politics in offering the immigration bill as an amendment to the child-labor bill. I, of course, do not know what the motives of the Senator from Idaho [Mr. BORAH] were in offering it; but, so far as I am concerned, in supporting the amendment I am not animated by political motives at all. It is not a political question; it is entirely nonpartisan. The large majority of the Members of both parties have heretofore voted for the immigration bill; a large majority of both parties have heretofore voted to override the veto of a Republican President and a large majority of both parties have voted to override the veto of a Democratic President. There is no partisan difference upon the bill, and my support of it as an amendment to the child-labor bill is based entirely and solely upon my feeling in favor of legislation of that character and has no political significance whatever.

I believe that there is no measure that the country better understands and is more earnestly in favor of than the immigration bill. It has been pending, as we all know, for a great many years. It has been acted upon by Congress several different times. The sentiment of the country has been growing in favor of such legislation. The support in Congress of such legislation has been increasing; and, in my judgment, there are more votes to-day in Congress in behalf of immigration legislation than there ever were before.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. I yield to the Senator.

Mr. GALLINGER. If the Senator from Washington will permit me, he called attention to the proposed amendment by the Senator from Idaho to the child-labor bill, attaching the immigration bill to it. If that should not be done, I assume that the Senator from Washington would join with me in the express hope that the majority side of the Senate, who have the responsibility for the program of legislation, should favor action upon both the child-labor bill and the immigration bill as separate measures.

Mr. JONES. I certainly would.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator.

Mr. BORAH. If it should turn out that the purpose of the Senator from Idaho in offering this immigration amendment to the child-labor bill was not to play politics, but was for the purpose of resuscitating and putting renewed life into the dying immigration bill, I think it will be conceded that that purpose has been attained.

Mr. JONES. I think that is right.

The PRESIDING OFFICER. Did the Senator from Idaho state that if it should turn out that the purpose in offering it is politics?

Mr. BORAH. The Senator from Idaho said if it should transpire that it was not for the purpose of playing politics, but for the purpose of resuscitating and putting life into the immigration bill, that that purpose has been well attained.

Mr. JONES. Mr. President, I hope, that purpose having been attained, it will not lead the Senator from Idaho to withdraw his proposition as to offering the immigration bill as an amendment to the child-labor bill.

Mr. BORAH. The Senator from Idaho will endeavor to do anything and everything that is proper and reasonable in order to keep life in the immigration bill, to the end that it may be passed at this session.

Mr. JONES. I shall cooperate with the Senator to the utmost in his efforts in that direction, and I think we may express some hope of success.

I am satisfied that it was because of the activity of the minority that the child-labor bill has the advantageous position



that it now has. I know it is not always safe to rely, or we can not always rely, entirely upon the reports that we see in the newspapers, and yet it has been my experience that while they may get a good many things into their reports that are not just exactly right, they generally get the truth there along with other things. So I am satisfied that the reports in the newspapers a short time ago with reference to the action of the Democratic caucus, or conference, or whatever they see fit to call it, were about correct.

It was reported that our Democratic friends had held a caucus, or a conference, and had laid out a program for the session as to the measures that should be disposed of, and then the list of measures was given, including appropriation bills, the shipping bill, the revenue bill, the workmen's compensation bill, the corrupt-practices bill, and so on. Nowhere in the list was the child-labor bill; and it was reported that it was decided, on account of the opposition of some of our friends on the other side of the Chamber, that that bill would be postponed until the next session.

Then the Republicans began to make inquiry with reference to the situation, and began to express their hope that this bill would be included in the program of the majority. We did this several times. Very suddenly a messenger came down from the White House to the Senate, and apparently conferred with some of the majority leaders, and then it was reported that a conference would be held again to consider whether or not the child-labor bill should be taken up.

As a result of that conference, brought about very largely by the prodding of this side of the Chamber, the inquiries on this side of the Chamber, and the expressions of hope on this side of the Chamber that that bill would be taken up, it seems that our Democratic friends in caucus decided to make the child-labor bill one of the legislative articles on their program. So we have that bill now on the program, and, as I understand, it is to be called up at the conclusion of the District of Columbia appropriation bill. It might not be proper for me to suggest that the majority is playing politics. I think it is, but I am glad that something will lead to action on this desirable bill. Even if politics is animating them, I am glad of it.

We are very hopeful that the immigration bill will be made a part of this program, and we think that it ought to be. We can see no reason why it should not be. Everybody in the country knows the attitude of Congress with reference to it, and the country will know, too, why it is postponed, if it is postponed. While I am not anxious for Democratic success this fall, and while I hope and believe that they will be defeated, I do not think that the consideration of a measure like this, which has been acted on so many times heretofore, ought to be postponed or affected by any possible political effect it might have, whether for or against any political party. As I have said, it is not a party question at all; it has never been considered as a party question; it has never been voted upon in a party way, and therefore it rests with the majority itself as to whether or not any party tinge shall be attached to this measure. If it is postponed, it will be postponed by the action of the majority of the Senate, and the Democratic majority will be held responsible for such postponement before the people of the country, and I will have a right to say in the campaign, if this legislation is not enacted, that the sole reason why it was not enacted was because of the action of the Democratic majority in the Senate, which would not permit it to be considered.

Then we may inquire as to what the reasons were that actuated the Democratic majority in postponing the consideration of this legislation. I would have to state that, in my judgment, the great majority of the Democrats of the Senate, as well as of the House of Representatives, are in favor of the immigration bill and that they did not let it come up simply because they were told not to do so by the President of the United States; in other words, that their candidate for the Presidency is so unalterably opposed to immigration legislation that he not only heretofore vetoed it officially but that now he absolutely throttled the majority and prevented their taking action upon it. If you want to get yourselves in an attitude of that character, of course I am not responsible; it is "not my funeral"; but I do not like to see legislation of this character dealt with in that way. If it brings political benefit to you to pass it, well and good; I care not for that. I should like to see the legislation enacted into law, and I should like to see it enacted now, because I believe that it is most important that it should be enacted now.

I am in favor of attaching it to the child-labor bill as an amendment. It was urged last Saturday that that would probably insure the defeat of both measures. If I believed that, if I thought that, I would not be in favor of attaching it, because I am not in favor of attaching it in order to defeat the child-labor

bill; but I am in favor of putting it on in order to secure its enactment into law, and, in my judgment, if we will put it on the child-labor bill it will become a law. I do not believe that the President will veto the child-labor bill and the immigration bill together. Nobody on this floor has stated that the President has assured him or advised him or suggested to him that he would veto the two bills put together; and, judging the future by the past, I believe that we have more reason to think and more reason to expect that the President would sign these bills under these circumstances than that he would stand by his former opinion to the extent of vetoing both of them because of his opposition to the immigration bill.

The President has been known to change his mind, and he has changed his mind upon matters as important and upon matters of less importance than the immigration bill.

Mr. GALLINGER. Including the child-labor bill.

Mr. JONES. I was going to refer to that in a moment. The President would have more reason to change his mind or to allow the immigration bill to become a law without his veto, if Congress should again act, than he has ever had for changing his mind upon any legislative proposition.

The President of the United States was in favor of permitting American ships to go through the Panama Canal without the payment of tolls. His party platform declared for that, and four years ago he made his campaign upon it. He very soon changed his mind with reference to that proposition after he became President. He not only changed his mind but he came to Congress with a message, and without giving the reasons for the change of his mind forced his party to change its mind and to repeal the legislation that we had solemnly placed upon our statute books.

The President came to Congress and in a message declared most solemnly and emphatically that he was opposed to any further or additional preparedness. He said we did not need it; he said we were adequately prepared, and urged our people not to get nervous and excited. Within a year from that time—

Mr. SMITH of Arizona. Then the war broke out.

Mr. JONES. Oh, no; the war was going on when he delivered the first message, as the Senator well knows, and it had been going on for months. Then, within a year from the time of delivering that message he joined the ranks of the "nervous and excited," and again came to Congress and said, "I have changed my mind. We want and need and must have additional preparedness."

The President and the Democratic Party have always opposed the creation of a tariff commission. The Republican Party provided for a tariff commission, but when our Democratic friends secured control of the House of Representatives they absolutely refused to appropriate for it and insisted that it be wiped out of existence. The President did not recommend any tariff commission in connection with the Simmons-Underwood tariff law. There was not any commission provided for in that law or in connection with it.

We passed what is known as the Federal Trade Commission act, but there was not any talk of a tariff commission in connection with that; there was not any suggestion that that covered the tariff commission situation when it was under consideration.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I do.

Mr. WORKS. Before the Senator leaves that subject—

Mr. JONES. I am not through with the tariff commission.

Mr. WORKS. I am glad the Senator is not, but I merely want to say what the Senator probably never knew, or, if he did, has forgotten, that I introduced a bill in the last Congress providing for a tariff commission and introduced a similar bill again during the present Congress. It has been pending in committee during all of that time and has not been reported.

Mr. JONES. Oh, yes; I knew that, and I knew that action had not been taken. As I have said, we provided for a Federal Trade Commission. Nobody suggested that that took the place of a tariff commission; no suggestion was made on the floor of the Senate that it covered a tariff commission; and yet, when apparently the sentiment of the country was getting pretty strong for a tariff commission, when the business interests of the country were insisting upon a tariff commission, the President, apparently feeling a sort of a change coming on, went out to Indianapolis and said, "We slipped something over on the Republicans; we have it covered in the Federal Trade Commission, and that commission can perform the duties and the powers of a tariff commission." That was news to the Senate and it was news to the country; but apparently the President, getting more firmly of the opinion that we ought to have a tariff com-

mission, and beginning to feel probably that the Federal Trade Commission would not take the place of a tariff commission, finally changed his mind entirely with reference to a tariff commission and now says, "We must have one," and he tells our Democratic friends, "You must pass this measure that the Republicans have been advocating for a long time and that you have been denouncing and opposing all the time. You must pass it." It has passed the House of Representatives in some form, and we are expected to pass it here—another change of mind.

Mr. GALLINGER and Mr. SMITH of Georgia addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. JONES. I yield to the Senator from New Hampshire, because I think he rose first.

Mr. GALLINGER. The Senator calls attention to the fact that the President, in his Indianapolis speech, said that they had "put something over" on the Republicans in the Federal Trade Commission bill. The Senator will recall the fact that in that same speech the President very kindly referred to the Senate as being composed largely of ignorant men.

Mr. JONES. Oh, yes. I did not want to call up such an unpleasant thing as that, however. I have a very vivid recollection with reference to it.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington now yield to the Senator from Georgia?

Mr. JONES. Yes.

Mr. SMITH of Georgia. That part of the speech I overlooked; but what I wanted to ask the Senator was this: If the Republicans have been in favor of a tariff commission all this time, and have been in power nearly all the time, why did they not create one and establish it permanently?

Mr. JONES. Why, Mr. President, we did provide for a tariff commission. To be sure, we called it a tariff board, but it amounted to the same thing. Its powers may not have been quite so broad as those outlined in the pending bill or as some of us desired, but those powers would have been widened and broadened and the scope would have been made greater, and so on. We provided it. The record will show that. I do not care what any Senator may say about it; the legislative records will show that we provided it, and they will also show that the Democratic House of the last two years of President Taft's term absolutely refused to make appropriations to carry it on, and forced its abolition. Now, if our Democratic friends can get any consolation out of that they are certainly welcome to it. Before it was abolished it made some very important investigations and valuable reports, which were used very extensively and profitably in connection with the "pop-gun" tariff bills which our Democratic friends passed the last of President Taft's term.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Georgia?

Mr. JONES. Oh, yes.

Mr. SMITH of Georgia. The Senator calls that a tariff commission. That was the only kind of tariff commission you wanted, I suppose?

Mr. JONES. Oh, no.

Mr. SMITH of Georgia. That was what suited you.

Mr. JONES. Oh, no, Mr. President. Does the Senator always get the legislation that suits him here, that he votes for? Is it not generally true that when important legislation comes up and is passed the Senator would like to have something a little better, and would be pleased to have something better? But he takes the best he can get at the time, in the hope that thereafter it will be improved.

Mr. SMITH of Georgia. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. SMITH of Georgia. But the Republican Party were in power for nearly 50 years, and they certainly had the opportunity of creating the kind of tariff commission they believed in; and as that was the thing they left as a tariff commission, have not we the right to presume that it was all they wanted on that subject?

Mr. JONES. Oh, Mr. President, the Senator is certainly mistaken in saying that we were in power for 50 years.

Mr. SMITH of Georgia. Most of the time.

Mr. JONES. Oh, no; not in control of all branches of the legislative department and the executive department of the Government. We had the Executive most of the time, but a good part of the time when we had the Executive you had one House or the other.

Mr. THOMAS. Mr. President—

Mr. JONES. That was the condition at the latter part of our last administration. You had the House, and you undid what we had been trying to do. Of course, everybody concedes that the idea of a tariff commission was of slow growth, and that the Republicans as a party from the beginning were not in favor of it. It was just like it is with reference to a great many matters. Support for them comes gradually. That is true of the tariff commission idea; but it has been, since it originated, a Republican idea and a Republican doctrine, and it is necessarily Republican. If you are going to stand by your "tariff-for-revenue" doctrine, you do not need any tariff commission.

Mr. THOMAS. Mr. President—

Mr. JONES. And you are perfectly consistent in opposing a tariff commission; but I assume that you are getting ready and your President is getting ready to abandon your "tariff-for-revenue" doctrine and take up the principle of protection, possibly under some other name.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes; now I yield to the Senator.

Mr. THOMAS. The Senator has been in public life longer than I have and can enlighten me if I am mistaken; but is it not true that President Taft in 1909 recommended, and used his influence in endeavoring to secure a tariff commission, which was not embodied in any tariff bill, but which culminated in the board to which the Senator refers, I think, in 1910?

Mr. JONES. I am not sure now as to just what attitude President Taft took, but I do know that there were a good many Republicans here in the Senate who were urging a tariff commission of very broad powers, and I was with those Senators in that, so far as I was concerned. But it is true that the majority of the Senate—probably the majority of the majority—were not in favor of a commission as broad as that, and the result was the tariff board, which seemed as far as we could go at that time.

Mr. THOMAS. Mr. President, I think it is quite true that the idea of a tariff commission has been of slow growth, and I think there have been times when both parties have opposed it, as now they seem, in common, to favor it.

Mr. JONES. As I have said, I have always thought with reference to a tariff commission that it was one of the necessary instruments or concomitants of the Republican system of protection, and that a tariff commission is not necessary at all from the Democratic standpoint or from the standpoint of a tariff for revenue only, and from the standpoint that "protection is robbery." If protection is robbery, why have any of it; and if protection is not needed to encourage our industries, why do we want to investigate the conditions abroad or at home, or the cost abroad or at home? If we are not going to take these conditions into account in framing a tariff law, why do we need a commission to investigate them? And if we are going to take them into account, then we are following Republican principles; that is all there is to it, and that is what we believe in.

I would welcome my Democratic friends over to our position. I read some time ago in a magazine, with very great interest, a very interesting article by the present distinguished and able Presiding Officer of this body [Mr. LEWIS in the chair], taking the very position that Republicans have taken and have upheld for many years on the doctrine of protection. I was glad to welcome him into our ranks upon the principle, anyhow, if he will not come to us under our name. Then I heard with a great deal of interest some time ago the distinguished senior Senator from Oklahoma [Mr. OWEN] urging a tariff commission, basing its necessity upon the fundamental principles of Republicanism.

I am glad that our Democratic friends as a party are getting around to our position; and if they would come out squarely and say that they have abandoned their doctrine of a tariff for revenue only, and that they proposed, in levying our tariff, to take into account the conditions at home and abroad industrially, the labor cost, the different elements of cost, and frame our tariff so as to put our people at least upon an equality with those abroad, then indeed there would not be very much difference between the two parties, because, as I have often said, so far as I am concerned the only real party difference that I see between Democrats and Republicans as parties has been and is upon the tariff question.

They say, "We want a nonpartisan tariff commission," and the business men say they want a nonpartisan tariff commission. I do not know what they mean, except this: I have noted, wherever they have passed resolutions declaring for a nonpartisan tariff commission, that they have preceded it with resolutions and declarations to the effect that in framing our tariff we want to take into account the different conditions abroad and balance them or equalize our conditions with theirs,



or bring them up to ours, so that we will contest with them upon an equality in the cost of production. If that is what you mean by a nonpartisan tariff commission, I am for it, because that is a Republican tariff commission, and that is all there is to it. You never can have a nonpartisan tariff commission of any kind or character, except that all the parties of the country shall say that our tariff commission shall be to carry out the principles of protection. In other words, the only kind of a nonpartisan tariff commission that will do any good in this country is a protective tariff commission, and that is in fact a Republican tariff commission. You can call it a protective tariff commission in order to get the party word "Republican" off of it; or if all the people of this country come around to the theory that our tariffs should be levied only for revenue, then you can have a tariff commission, if you need it, for revenue purposes only, to carry out revenue purposes, and it will be a Democratic tariff commission; if you want to call it nonpartisan, however, you can do it, but it will be a commission to carry out protection principles or it will be a commission to carry out the principles of a tariff for revenue only. It will be nonpartisan only as the country unites on one or the other of the systems, so that there is no division over that.

No, Mr. President, if you mean by a nonpartisan tariff commission that it is to be a protective tariff commission, I am in favor of it, because it is a Republican tariff commission, even if you want to call it something else.

Then, Mr. President, some time ago the President of the United States was opposed to the child-labor bill because he believed it to be unconstitutional. Now he has changed his mind, and he is for it. In view of all these changes—some of them sudden and some of them unexplained, others probably based upon more mature thought and reasoning and experience—I believe that if we put these two bills together we insure their passage, because, in my judgment, the President, having seen one previous veto overruled in the Senate and defeated in the House by only a few votes, having seen his own veto overruled in the Senate and sustained in the House by only a few votes—I think only about half a dozen—

Mr. SMITH of Georgia. We never voted on it after the President's veto. We never got a chance.

Mr. JONES. On his veto; yes. Of course it passed the Senate by more than two-thirds. It was sustained in the House by a very small vote—I think only about half a dozen; only six or seven, maybe less than that.

Mr. SMITH of Georgia. Mr. President, we had the bill first in the Senate, and we passed it over President Taft's veto in the Senate. The House had it first under this administration, and the effort to pass it over the veto was defeated in the House, and we did not have the opportunity. I have no doubt we would have passed it. I certainly should have voted to pass it.

Mr. JONES. Yes; the Senator is correct and I thank him for the suggestion and correction. Now then, he says, the bill has passed the House by a still greater proportionate vote than it ever did before, as I understand. If it passes the Senate by a large vote, as it will, it seems to me that the President of the United States would be fully warranted and fully justified in saying: "In view of my previous veto, and the close vote in the House on it; in view of the tremendous vote now of the representatives responsible to the people of the country, and of the great vote of the Senate, I am not justified in interposing my sole will against the overwhelming sentiment of the people of the country; and therefore, while I have not changed my view with reference to the merits of this measure"—if he has not done so—"yet it is a matter of such importance, and has been so overwhelmingly declared for by the people and their representatives, and as there is incorporated in this bill a provision with which I am heartily in accord, of tremendous importance, I therefore sign the bill." I think that will be done, and that is the reason why I am in favor of attaching it to the child-labor bill.

"Oh," our friends say, "we will put it over until December, until next session." Well, Mr. President, next session is a short session. The appropriation bills will be crowding. They have the right of way. They will have to be passed. We may pass the bill. Probably there will be prolonged discussion which will run it over until after the holidays. Then it goes to the President. He vetoes it. Then it has to come back to both Houses for consideration and discussion, and it will be a very easy matter then to put it over until the 4th of March, and then it will all have to be gone over again. If we want this bill to pass, and we do, we ought to pass it now or this session.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I yield to the Senator.

Mr. STONE. Allow me to inject into the Senator's able speech this question: I think it is the desire of the Senator and of the Senate to dispose of the business we have before us, as far as we can dispose of it, as speedily as possible, and adjourn. The Senator, I am sure, concurs in that hope and wish. Would the Senator from Washington agree that a vote on this bill of which he is speaking should be taken on the third or fourth or fifth day, or any other day that he may name, after the meeting of the second session of this Congress in December next? If we agree upon that, if a suggestion should be made to do that, would the Senator agree to it, and would he not be reasonably well satisfied with that arrangement?

Mr. JONES. Mr. President, the Senator from Missouri has not honored me with his presence since I began my little talk. I have practically covered all the suggestions he made.

Mr. STONE. I have not done so because—

Mr. JONES. I know the Senator has been busy; I am not complaining.

Mr. STONE. I have been very busy. I just came in and heard what the Senator has just said.

Mr. JONES. I know it. The Senator is one of the busiest men on that side of the Chamber. He heads one of the most important committees. I recognize that, and I did not say what I have in any spirit of criticism at all. I know the Senator could not be here, but I merely suggested as a fact that I have covered practically all of the suggestions the Senator has made in his question.

Mr. STONE. Then I withdraw the question.

Mr. JONES. I will answer it directly, however, and let the rest of the speech go. I have not, of course, answered the direct question of the Senator. If I can not get this bill through at this session, then I would be willing to agree to vote upon it as early as possible; but I am not going to make the agreement until it is shown to be impossible to get it through this session.

The other suggestion of the Senator I have already covered in my remarks.

Mr. President, there was a very interesting situation developed here the other day. The amendment of the Senator from California [Mr. WORKS] was offered to this bill, and a point of order was made to it as general legislation upon an appropriation bill.

Mr. STONE. Before my friend enters upon that subject would he in his own time be good enough to ask unanimous consent of the Senate that on the third day after the next meeting in December of this Congress a vote be taken upon the immigration bill and all amendments thereto not later than 5 o'clock of that day? Would the Senator be good enough to make that request?

Mr. JONES. In my own time I will very likely—

Mr. STONE. No; right now.

Mr. JONES. I told the Senator a moment ago, in answer to his question, that I would not consent to fix a time early in the next session until I have become satisfied that we can not pass it at this session. I am not satisfied of that yet, and in my early remarks I suggested that I did not believe that the majority wanted to get away from here.

Mr. STONE. I wish to say to my friend that I would second that request if he would make it.

Mr. JONES. Oh, yes; very likely; and the Senator may get an opportunity to second it. But he will probably have an opportunity to second some other request for an earlier consideration of the bill and an earlier vote upon the bill before he has an opportunity to second a request of that character. Why, just Saturday my colleague [Mr. POINDEXTER] asked unanimous consent to consider the immigration bill, I think, upon the disposition of the District of Columbia bill. The Senator from Oklahoma [Mr. OWEN] objected on that side, and stated as his reason for it that he proposed, as soon as this bill was disposed of, to move to take up the child-labor bill. Then my colleague submitted another request, that immediately upon the disposition of the child-labor bill the immigration bill should be made the unfinished business. Senators on that side of the Chamber objected to that request. But I have not despaired yet, Mr. President, of getting a vote upon the immigration bill at this session, and its passage; and until I am satisfied that we will not be able to get a vote, as I said a while ago, I will neither make any request for a vote on the 3d day of the second session in December nor would I consent to it at this time.

Mr. STONE. Let me ask the Senator if his idea, and that of his political colleagues in the Senate, is not this: I am putting it to him for a straight, square, frank answer, man to man.

Mr. JONES. I thought I had answered squarely and frankly.

Mr. STONE. I wish to ask the Senator if what he is after, and those who are cooperating with him, is not this—to press

these two measures together for political purposes in this campaign?

Mr. JONES. Mr. President, I answered that squarely, and have answered it fully. I stated emphatically no, so far as I am concerned; that I do not consider this a party question. I do not think I will go over what I said a while ago, but I will ask the Senator from Missouri—and it may be asking too much of him, because I know he is busy, and has very important matters—if, in some of his leisure hours, he will just glance over what I have said with reference to that particular subject.

Mr. STONE. I shall be glad to do so.

Mr. JONES. I have tried to show clearly that, so far as I am concerned, it is not a matter of politics, and that I would not want political considerations to weigh on this matter on either side, so far as that is concerned.

Mr. STONE. Mr. President, that is such a fine position for a Senator to assume that I congratulate the Senator on the statement, and accept what he says.

Mr. JONES. I mean exactly what I say with reference to it, and if the Senator will do me the honor to read my remarks I want him to take them at their full face value, because that is the way they are intended to be taken. I did say this—that if the majority should refuse to allow this matter to come to a vote, then we could justly make some political appeal with reference to it, and I think we can. I suggested that, and I will not take the time to go over that further.

Mr. STONE. I hope not.

Mr. JONES. No; because I covered it fully.

Mr. President, as I was saying, when the Senator from California [Mr. WORKS] offered his amendment to this bill the other day a point of order was raised with reference to it. The Vice President held that it was in order, for reasons set forth in his ruling. All seemed to be well. The discussion of the amendment proceeded for several hours. But after a little while there seemed to creep into the minds of some of our friends the real effect of the decision of the Vice President, and then indeed there was scurrying to-and-fro. There were movements in hot haste. There were hurried consultations. Heads were put together, and other things were done that I can not refer to on the floor of the Senate. By and by, after, as I say, intervening business had occurred, after debate had continued for two or three hours, an attempt was made to take an appeal from the decisions of the Chair. When the Chair rendered his decision, he invited an appeal to the Senate. In fact, he expressed the belief that an appeal would be taken; but no appeal was taken then. But when the far-reaching effect of this decision was realized, then there was this scurrying to-and-fro that I have referred to, and these consultations, and all that sort of thing; and then came this appeal. Why was it?

Why, it was stated in discussing the proposition that it opened the door to other important legislation being inserted upon the bill; and my good friend from Ohio, the senior Senator from that State [Mr. POMERENE], in a very vigorous utterance, suggested that if the decision of the Chair should stand as the rule of the Senate legislation of various kinds would be inserted or attempted to be placed upon this bill, and he objected to what he called technical objections to the admission of this appeal. I had made this objection. He appeared to be shaking his ebony locks at me. He wanted this appeal allowed. Other Senators suggested the same thing, and that was the reason why they wanted an appeal. It did open the door, Mr. President, just as wide as it could be opened, to legislation upon the District appropriation bill.

What particular legislation was had in mind that was likely to go on this bill that caused such an agitation? Why, we might just as well speak frankly. It was prohibition for the District of Columbia.

That is the character of legislation that it was feared would be offered next to this bill, and, Mr. President, if the ruling of the Vice President stands as the ruling of the Senate, prohibition legislation on this bill will go on, or else it will have to be cut out by a substantive, distinct ruling applicable solely to prohibition legislation, but not in accordance with the rule laid down by the Vice President in passing upon the point of order raised with reference to the amendment of the Senator from California.

I am not sure but that the ruling of the Vice President is correct irrespective of my interest in this other question. The Vice President said that the District of Columbia is simply the agency of the Federal Government, carrying out under the provisions of the Constitution the government of this District and this territory, and therefore this amendment is special legislation. If that is correct, then the District of Columbia appropriation bill is special legislation for this special agency of the Government, and it is not a general appropriation bill at all, and there-

fore the prohibition against general legislation upon general appropriation bills would not apply.

But the ruling of the Vice President would carry the case still further. He held that the amendment of the Senator from California is special legislation, because it applies to this special agency. If that is true, as I said, this is not an appropriation bill, it is a special appropriation bill, and the proposed amendment for prohibition in the District of Columbia would be special legislation to a special appropriation bill and sustainable on either ground. Of course, I am satisfied that if this matter is submitted to the Senate in accordance with the request of the Vice President made the other day, to which I myself would make no objection, the Senate will vote that the Vice President's ruling was wrong; and if that is true, then, of course, the Senate would hold the other out of order.

Mr. SHEPPARD. May I make a suggestion here?

Mr. JONES. Certainly; I yield.

Mr. SHEPPARD. I wish to reaffirm what the Senator from Washington said. If the ruling of the Chair, to which the Senator from Washington has referred, should be sustained by the Senate my bill for prohibition in the District of Columbia will be offered as an amendment to the District of Columbia appropriation bill.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. I do.

Mr. VARDAMAN. The Senator seems inclined to take a little rest, and while he is getting his wind I want to express the hope that the Senate will not overrule the excellent decision of the Vice President.

Mr. JONES. I join in that hope.

Mr. VARDAMAN. The Vice President a few days ago, in a very lucid moment, delivered a very elucidating opinion upon the matter under discussion. I was impressed while listening to the delivery of that opinion that the Vice President had given very careful and thoughtful consideration to the subject matter. While I may not altogether agree with his conclusions with reference to the character of the bill—that is, whether it is general or special legislation—I was very glad indeed that he saw fit to render the decision, because I saw in the new rule what seemed to me an opportunity for the enactment of some very salutary legislation for the District of Columbia and for the American people. If the question of saloons or no saloons for the District of Columbia should ever be put squarely to the American Senate, I have no doubt about the saloon hearing its death knell in so far as action in this body is concerned. The American people demand it and the interests of humanity call for such legislation. The open saloon is an evil without a mitigating incident, and I submit that the great Capital of the greatest nation on earth should not be marred by such social cancers and festering sores. It is not in keeping with the highest order of Christian civilization, and the Senate should not overrule the Vice President's judgment, which opens the way for getting rid of this pernicious thing. I do not think anything like that decision has happened since the great commoner in Chicago in 1896 prevented Senator David B. Hill, of New York, and other gold bugs from pressing down upon the brow of labor the crown of thorns and the crucifixion of mankind upon a cross of gold which would accomplish as much for the good of mankind as would be accomplished by the Senate making the decision of the Vice President the rule of the Senate. I sincerely hope, therefore, that this mature, robust child of the Vice President's great intellect may not by a vote of the Senate be immolated upon the bar of the saloon keepers of Washington. The Senate can not afford to permit the sacrifice. It would be an unfortunate surrender to the worst influence in American politics and an outrage upon every idea of loyalty to the best interests of the American people. It would be a sad blow to morality, and above and beyond all a great wrong to the residents of the District of Columbia.

Mr. STONE. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. STONE. I can remain in the Chamber but a little while, and I apologize to the Senator.

Mr. JONES. The Senator does not need to do that.

Mr. STONE. Will the Senator allow me to make an observation at this moment?

Mr. JONES. Certainly.

Mr. STONE. Mr. President, the observation I wish to make is this: I think we could, if we devoted ourselves assiduously and sincerely to the work before us, conclude the business of the Senate in time to adjourn within 30 days. But I fear we are not going to do that. This is a presidential year. Senators on both sides, one as bad as the other, are going afield with



splendid inspiration, as they see it and feel it, to tell the American people what they severally think about political questions.

Mr. President, I speak with deference and apology, but I doubt whether these eloquent expressions Senators have delivered, are delivering, and will deliver on the various political features of the ensuing campaign will reach the multitudes except in rare instances. More than likely the speech my friend from Washington is delivering to our general delight may be circulated in large numbers by his national or local political organization; but if so, it will be an exceptional case.

May I be permitted to say that as I judge the situation I am inclined to the opinion that the two national committees have some sense of discrimination and that they will be rather inclined to select the speeches made here, so far as they select them at all, with a great deal of care, and therefore that very few of them will ever be circulated in large numbers. Therefore I think we are wasting the time of the Senate in discussing these political questions, for most of those speeches will never be heard of. We could make these speeches to better purpose on the stump in talks to our own constituents, and we might get to them sooner by exercising some restraint now.

Mr. President, if the chairman of the Democratic national committee desired a speech made here setting forth certain views, or if the President, as our party candidate, desired a particular speech to be made, or if there was any general consensus of opinion here on the Democratic side that a speech or a document or anything of that kind should be laid before the Senate to be printed for circulation, I would not object.

The same is true of the other side. If the candidate of the Republican Party, or the chairman of the Republican committee, or if the general judgment of Republican Senators should be that certain things should be said and printed to be circulated among the people, I would not object to that; but for every Senator here on either side to arise and speak on his own motion, with the idea of saying something that will go abroad to influence public opinion and exercise a potent force in deciding the result of the election is a vain presumption, and the only real effect is to waste the time of the Senate.

Mr. President, I have said this much because I believe it better that we should quit talking and go on with the business of the Senate, finish it, and adjourn. If my good friends on the Republican side, and equally my good friends on the Democratic side, wish to go on the stump before their constituents and assault or defend anything whatsoever, they will have abundant opportunity, provided only we can have an adjournment.

If we do not adjourn soon, you Senators will have little opportunity to do that; and, so help me, Cassius, I think you make a mistake by this procrastination. You would have a greater opportunity to present your views to your constituents and to the country on the stump than you will ever have by encumbering the CONGRESSIONAL RECORD with your brilliance. Your views expressed in the RECORD will probably slumber there. At this moment there are a half dozen or so of gentlemen in the news gallery—there were only two when I began, but several have complimented me by appearing since I took the floor—and I know I am not saying anything they will ever report. I am not saying anything worth reporting. I regret that I rarely say anything these acute and discriminating gentlemen consider worth while reporting. They are discriminating, and because they are discriminating they are not going to take up and exploit these long-winded speeches Senators are making for political reasons wholly foreign to the business before the Senate. They become as weary of this peanut politics as other people. They see how utterly improvident and foolish it is. When one of these harangues begins I am told they say, "The dog is barking; let's go out." In this I think they are smart; they have business of more consequence on their hands. And so it almost always happens that this superfluous senatorial eloquence sleeps the sleep of the dead in the RECORD.

Mr. GALLINGER. Mr. President, the acute Senator, who does not allow anything to escape him, doubtless noticed that there has been as much barking on the Democratic side as on the Republican side.

Mr. STONE. My dear friend, I have just said that I charge nothing to your side that is not equally chargeable to my side. I am talking about my colleagues over here as well as my colleagues over there.

Mr. GALLINGER. The Senator has a right to do that.

Mr. STONE. I think both amenable to the criticism I have ventured to make. That is all I have to say.

Mr. GALLINGER. Will the Senator from Washington permit me a moment?

Mr. JONES. Certainly.

Mr. GALLINGER. Mr. President, the Senator from Washington has been a Member of this body for a good many years, I have been a Member of the body a much longer time. Does the Senator remember any time during his membership, or, for that matter, has he acquainted himself with the fact at any time during my longer membership when the business of the session was ever in the condition it is to-day?

Mr. JONES. Never.

Mr. GALLINGER. Has it not been a fact—

Mr. STONE. What does the Senator mean by that?

Mr. GALLINGER. I mean that the Democratic Party seems to be incapable of conducting the legislative business of Congress.

Mr. STONE. Oh, that is an easy thing to say.

Mr. GALLINGER. That is what I mean.

Mr. STONE. But I would like the Senator to say in what way it is incapable so far as this session's uncompleted business is concerned.

Mr. GALLINGER. I will particularize. I do not recall during the long term of the Republican Party in power that we had to pass resolutions extending the appropriations of one session to another. We got our appropriation bills through before the fiscal year ended as a rule.

Mr. STONE. Will the Senator assert that the appropriations during the ascendancy of the Republican Party in Congress were not extended?

Mr. GALLINGER. I do not say they were not in one or two instances, where an appropriation bill had not gotten through; but look at the situation to-day. We are a month after the end of the fiscal year.

Mr. STONE. Now, the Senator is making another political speech.

Mr. GALLINGER. Oh, no; no political speech. I am reciting a fact, modern history, current events.

Mr. STONE. I contradict the fact.

Mr. GALLINGER. Well, Mr. President, the RECORD speaks for itself.

Mr. STONE. Yes; it does.

Mr. GALLINGER. We are in a deplorable situation so far as the business of the session is concerned. In my judgment there never has been a parallel. And now I want to say to the Senator that it looks to me as though we are going to be here all summer. I have been here every day since we met in December, with one exception, and I am not the youngest man in this body.

Mr. STONE. No; about the oldest.

Mr. GALLINGER. But I am prepared to stay here until the snow flies, if necessary, to do the business of the session.

Mr. STONE. I take pleasure in complimenting the Senator on his attendance upon the duties of the Senate.

Mr. GALLINGER. I hope during that time, whether it be longer or shorter, we will pass the remaining appropriation bills and agree to all the conference reports and that we will act upon every good measure that ought to be acted upon, including the child-labor bill and the immigration bill; but I think it would be the part of wisdom for the majority to put over one or two other bills that they are going to urge upon us and that will keep us here longer than the Senator from Missouri would like to stay. I sympathize with the Senator from Missouri that we ought to get home; I should like to get home; but I am not going to abandon the ship during the summer months.

Mr. STONE. Particularly the shipping bill.

Mr. GALLINGER. I am going to stay here and fight it out if it takes all summer.

The PRESIDING OFFICER (Mr. CLAPP in the chair). The Chair will hear again the Senator from Washington.

Mr. JONES. The Senator from Missouri referred to the boys coming out of the press gallery. They always like to be amused, like the rest of us, and they always like to be entertained, like the rest of us. The Senator from Missouri is always entertaining.

Now, he seemed to think that I had an idea that my speech was going to be circulated either by the press or otherwise. It never entered my mind until he suggested it, and I take it as quite a compliment that it should have entered his mind. I did not intend to say many things when I rose that I have said. This is not intended as a political speech at all. It is not for the galleries, press or otherwise, nor is it intended for political circulation. I have been trying to give my real reasons for what I have expressed with reference to the position I have taken in reference to the immigration bill, and the references to the changes of attitude on the part of the President were simply to show the basis for the hope I have that he will very likely

change in reference to the immigration bill when it is put up to him.

The Senator from New Hampshire called attention to the condition of the business of the Senate. I have taken some little pains to examine the Record during the period prior to my entrance here, and the Senator from New Hampshire is absolutely correct in saying that there never was a time in the history of the country when the legislative business of this Government was so behind as it is now.

I put in the Record not long ago a statement prepared by the chairman of the Appropriations Committee of the House of Representatives showing how many times resolutions have been passed extending appropriations for many, many years. That is in the Record. Senators can find it and they can get that information by a very brief examination. My recollection is that until the Democrats got control of Congress in the last year of President Taft's administration not since 1894 has a resolution been necessary to extend appropriations, and since that time, the last of Taft's term, every Congress they have had to pass one or more.

Mr. SMITH of Maryland. If the Senator will pardon me, I will say there never was a time when there were as many important bills which had to be attended to as at this session. I recognize the fact, and we all deplore it, that these matters have been put over; but there never was a time in the history of the country when there were so many important bills and as much important legislation before Congress. That has been the cause of the delays in the appropriation bills.

Mr. JONES. I venture the assertion that during the last four years of President Taft's administration there were more important general legislative matters enacted into law than there have been during this administration and of just as great importance as these. As far as a discussion of that is concerned, of course it is not profitable here, but it will be profitable somewhere else; and I have not any doubt, so far as I am concerned, of maintaining my position with reference to it.

Now, Mr. President, I had come to the proposition of this amendment that was intended to be offered to the bill. Under the ruling of the Vice President we will have to await the action of the Senate with reference to that. But in connection with the interest that apparently got very active when they realized the import of that decision I wish to refer for a short while—and this is the real purpose for which I rose—to the excise conditions in Washington City. I have reduced what I have to say with reference to the matter to writing. I know this will not be so interesting as extemporaneous colloquies, but I want to make it as concise as possible.

Mr. President, there is no interest so corrupt in its influence as the liquor traffic. Its insidious agents delve the deepest and rise the highest to serve its ends and accomplish its purposes. No one has a good word for it, and yet its power is almost without limit. It prevents legislation and nullifies it when enacted. It controls public officials directly or indirectly and defies public sentiment openly and brazenly.

Its power and influence were never so plainly manifested and never reached higher sources than here in the Capital of the Nation. The time has come for a plain statement of the facts in order that the people of the country may know what has been done here in the highest places of trust, honor, and responsibility.

The conditions in the District of Columbia were such a few years ago as to arouse a public sentiment for a more stringent regulation of the liquor traffic here. Five or six hundred saloons were doing business. They were massed about the public schools, confronted public institutions, were in close proximity to houses of religious worship, and were scattered all through the residential section of the Capital of the Nation.

To remedy these and many other deplorable conditions the excise law of 1913 was passed after overcoming the power and extreme methods followed and used by the liquor elements to prevent its enactment.

The act placed the enforcement of the law in the hands of an excise board of three members, to be appointed by the President of the United States. He was not restricted to any section of the country, or in a partisan way, in the selection of the members of this board. It was thought that the President of the United States in the selection of men to administer a law in the interest of temperance and good morals in the Capital of this great Nation would be beyond the reach of the baneful influence of the liquor interests. It was believed that the President of the United States would consider carefully the character of the law to be enforced, the purpose to be accomplished, and the moral sentiment of the community to be regarded. It was thought that the President of the United States would seek to appoint men upon the excise board who would administer the law in the in-

terest of temperance, morality, and the welfare of the community. This has not thus far been done.

The law was not, and was not intended to be, a prohibition measure. Those interested in its passage did not desire any fanatical enforcement of its provisions. They simply asked for a fair, reasonable, and sincere administration of the spirit and letter of a law under which not more than 300 saloons might be permitted in the District of Columbia. They did not urge the selection of any particular individual, but they did urge the President to appoint men who would be in favor of the enforcement of the spirit and letter of the law, and suggested a list of names, any of whom would be satisfactory to them. None of these men were selected. Three men were named without any consultation with the friends of the law. Upon the presentation to the President of certain facts with reference to two of the nominees, which would have been called to his attention if any inquiry had been made, their names were recalled by the President. The third appointee was from New Jersey. He was not considered very satisfactory, but it was understood that he was the personal selection of the President, and no objection was made and he was confirmed. Two others were nominated. Their attitude was not known. There was no special reason to warrant serious objection and they were confirmed. One of these two was an attorney. Largely through his influence, rules were adopted which in some instances nullified the plain provisions of the law, and in every case the saloon interest was favored and all doubts resolved for its benefit. Afterwards this attorney resigned and became a regular practitioner before the board of which he had been a member. The facts warrant the assumption that he had special influence with the board in securing licenses and transfers which should have been acted upon by the board without the intervention of any attorney. It was shown in court that he had entered into a contract to secure a license, for which he and another party were to be paid \$5,500. This contract was held by the court to be against public policy. This attorney continued to appear before the board, and, from general rumor, has been able to secure licenses and transfers from the board when others have failed.

The maladministration of the board was so flagrant and so notorious that charges against it were made on the floor of the Senate. Upon the presentation of these charges Senator MARTINE of New Jersey said:

Mr. President, in view of the statements made here by the Senator from Washington [Mr. JONES] on Saturday last, which, if they are half true, the Senate owes the duty to itself and to the country that they should be diligently inquired into, I desire to make a motion. I am unalterably opposed to prohibition, but I am square, and I believe in being square. To that end I move that a committee of five be appointed by the President of the Senate to inquire into all the charges which have been made by the Senator from Washington.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey. [Putting the question.] The "ayes" have it, and the motion is agreed to.

Under this authority the Vice President appointed as such investigation committee Senators MORRIS SHEPARD, WILLIAM HUGHES, WILLIAM H. THOMPSON, WILLIAM P. DILLINGHAM, and W. L. JONES. Subsequently, the following resolution was passed:

Senate resolution 522.

*Resolved*, That the special committee appointed by the President of the Senate to investigate the conduct of the excise board is hereby further authorized to investigate fully into the manner in which the excise law, so called, is being administered in the District of Columbia, and said committee is hereby authorized to send for persons and papers, to administer oaths, to compel the attendance of witnesses, to employ stenographers to report such hearings as may be had at a rate not to exceed \$1 per printed page. The expense of such hearings shall be paid out of the contingent expenses of the Senate, upon vouchers to be approved by the chairman of the said special committee. The said committee is also authorized to sit during the sessions of the Senate.

This investigation was conducted by two Democratic Senators and two Republican Senators, one of the Democratic Senators being unable to attend the meetings of the committee. Its report was signed and concurred in by the two Democrats and the two Republicans, and can not be charged to party bias. The evidence taken and the report made were submitted to the Senate and printed as a document under date of March 4, 1915.

Mr. President, I ask permission to insert at the close of my remarks the report of the committee without the testimony.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

[The report referred to will be found at the close of the speech of Mr. JONES as an appendix.]

Mr. JONES. Mr. President, the committee found nothing to commend in the administration of the law by the Excise Board, but it did find that the law had been nullified in its plain provisions in the interest of the saloons, and that in the exercise of its discretion the board had always favored the saloons and has resolved every doubtful question in their favor.



It found that the plain provisions of the law prohibiting the issuance of a license to a hotel with less than 50 bedrooms had been evaded and violated by the granting of hotel licenses under the name of restaurants; that the plain provision of the law prohibiting a license to a barroom on any side of a street with less than 50 per cent of its frontage used for business purposes other than saloons had been violated; and that the board, in order to favor the granting of saloon licenses, provided in its rules that this positive restriction in the law should not apply to hotels and clubs; that the board, by the adoption of a rule unauthorized by the law, had permitted minors to enter stores where intoxicating liquors are sold, contrary to the positive provisions of the law; that while the law requires every barroom to be closed between the hours of 1 o'clock a. m. and 7 o'clock a. m. and on Sundays, the board by rule permits the saloons to be opened by 6.45 a. m. and on Sunday, between the hours of 10 a. m. and 12 noon under the excuse of cleaning up; that the board by rule authorized receivers, trustees and other representatives of licensees to conduct the business of the licensee for a period of 60 days, without any authorization by law for so doing; that while the law placed the maximum number of barroom licenses at 300, the board had not exercised its discretion for a smaller number, but that the testimony showed it to be the opinion of the board that it should keep the number at 300; that while the law expressly prohibits the establishment of more than one bar under a license, the board had permitted the violation of this provision in at least two instances; that while the law provides that no more than one entrance should be permitted from the street to a barroom unless the board shall specially permit an extra entrance, out of 39 applications for extra entrances 38 were granted; that while the law expressly provides that no license shall be granted west of the western line of the fire limits "as now established," meaning at the time of the passage of the act, the board licensed two saloons which were beyond the line when the law passed, but which were included by a subsequent change of the line before the law took effect, and evidently for the express purpose of defeating the law, which facts and conditions were brought to the attention of the board before it granted the licenses.

I might add here, Mr. President, that this matter finally reached the courts, and the court of appeals has affirmed the decision of the lower court holding that the granting of these licenses was illegal. The committee found further that, while the law expressly provides that no more than three saloons shall be permitted on one side of a block, the board has permitted four saloons on one side of the principal business blocks of the city; that while the law prohibits the location of a barroom within 300 feet of an alleyway occupied by residences, except upon unanimous vote of all three members of the board, the board granted licenses in practically every instance where applied for within 300 feet of these places, and in some instances permitted three or more barrooms to be located within 300 feet of an alley; that while the law prohibits the location of a place where liquor is sold at retail or wholesale within 400 feet of a schoolhouse or a house of religious worship, measured between the nearest entrances by the shortest course of travel, the board has adopted a system of measurement by the longest usual course of travel, so that in many cases where the shortest course of travel which pedestrians would naturally and conveniently take would prevent the granting of licenses, the board has resorted to square-corner measurement so as to permit the saloons to operate; but, worse than all that, the committee found that the board had permitted plain attempts to evade the law by the construction of parkings and other obstructions for the evident purpose of making the distance greater than 400 feet; that wherever a building is not used exclusively for religious purposes the board held that it is not a place of religious worship or school within the meaning of the law, as in several instances the board granted licenses within 400 feet of a building where large schools are conducted and large congregations carry on religious worship; that while the law prohibited the granting of a license to a hotel the character of which, or the character of the proprietor of which, is shown to be objectionable to the board, the board granted a license to the proprietor of the Grand Hotel, notwithstanding that he had been convicted of selling liquor to a minor girl and that his license had formerly been canceled, and that he had organized a corporation which he controlled, in whose name he was applying for a license, and that a strong report was made against him by the police, and that other hotels which had been conducted in a disreputable manner were granted licenses; that the board had refused licenses to properly conducted barrooms and had granted licenses to disreputable places in the same neighborhood over strong protests; that, while the law provides for the transfer of licenses of deceased licensees by their personal rep-

resentatives, the board permitted the widow of a licensee to operate a barroom long after her husband's death, although the corporation counsel had given it as his opinion that the bar was being operated contrary to law, and that the board did not stop such violation until pressure was brought to bear upon them through one of the District Commissioners; that the provision of the law requiring the interior of a barroom, when selling is prohibited, to be exposed to full view from the street is almost wholly disregarded; that plain violations of the provision of the law requiring 50 per cent of the frontage of a block to be used for business purposes before a license can be granted have been permitted by allowing saloon entrances to be changed from one side of a square to another without any change in the saloon itself, and in some cases by a mere change in the number without changing even the entrance, and that in some cases, where it is plainly apparent that buildings of very unsubstantial character were constructed for the sole purpose of making business frontage in order to secure saloon license, the board has approved such action by granting the license; that in the case of the Hotel Thyson, which is located just across P Street from the Polk School, while it was apparent that additional rooms were constructed in an attempt to technically comply with the law, the board, notwithstanding such plain purpose to evade the law, and notwithstanding the fact that it was just across the street from a public school, granted the license; and that the board, in the exercise of its discretion, granted licenses to at least four saloons within 403 and 436 feet of the Polk School and the McKinley Manual Training School, attended by hundreds of boys and girls of the city. That in practically every case where the board issued a license under circumstances that constitute a violation or evasion of the true purpose and spirit of the law all phases of the situation were brought to its attention before the issuance of the licenses, and the special Senate investigating committee closed its report with this language:

The committee believes, however, that a careful and dispassionate review of the evidence before us as to the conduct of the board in the administration of the excise law shows that it has disregarded the underlying purpose of the law; that it has nullified its most beneficial features; and that it has encouraged and approved plain evasions and perversions of the law. It is the judgment of the committee that the board has resolved practically every doubt as to law or fact in the interest of saloons. It has shown no proper comprehension of its duties in the execution of a law framed in the interest of morality and good government. The policy of the board in fostering the liquor traffic to the fullest extent permitted by the law, and in many instances at the expense of both its spirit and its letter, is fraught with increasing danger to the health, peace, and morals of the people of the District of Columbia.

In view of the nature of this report the members of the board were expected to resign. They ought to have done so. They did not. They continued to act. No action looking to their removal was taken by the President of the United States, who alone could remove them. In his statement made before the subcommittee of the Senate opposing Gen. Smith's confirmation Senator Sheppard said:

I called the attention of the President to our report and inclosed him a copy of the summary and directed his attention to the hearings. That was before the term of Gen. Smith, the chairman of the Excise Board, had expired.

On the 1st day of July, 1915, the term of Robert G. Smith expired. It was believed then by the friends of law and temperance that the President would surely appoint some one else. Congress adjourned. During the recess it was given out that Gen. Smith had received a recess appointment, and on the 10th day of December, 1915, after Congress had met, the President of the United States sent his name to the Senate for confirmation as a member of the Excise Board. By this action the President declared the report of the Senate committee untrue, or he approved the acts of Gen. Smith and the board in nullifying, evading, perverting, and debauching the excise law of the District of Columbia.

The friends of temperance, morality, and law observance were shocked at the unexpected action of the President. His action was inexplicable to them. Because of his high character and ideals and devotion to sobriety and regard for law observance his action can not be explained, except on the theory that in some way he had overlooked the facts brought out by the investigation carried on by a committee of the United States Senate in the Capital of the country, of the acts of a board appointed by him to administer a law enacted for the special well-being of the people of the District of Columbia.

The Senator from Texas [Mr. SHEPPARD] wrote him a letter asking him if he had seen the report. The President's reply was:

Your memorandum about the Excise Board I note with concern, because I have had the impression that the members of the board were confronted by a very difficult and almost impossible task. I have not had the time to read the report of the investigating committee, but I have seen a summary of it and am very much concerned what to do in the matter.

To this Senator SHEPPARD replied:

I appreciate the fact that there are such tremendous demands upon your time, but I am sure that if you could find the time to read the report of the investigating committee you will agree with its conclusions as to the conduct of the Excise Board. (Hearings before the subcommittee, p. 33.)

How concerned he was may be judged by his subsequent action. He did not withdraw Gen. Smith's name, but left it to come to a vote in the Senate. On the 27th day of April, 1916, the Senate voted upon the question of Gen. Smith's confirmation. He was rejected. The Senate confirmed the report of its committee and put its seal of approval upon that report and expressed its condemnation of the nullification, evasion, and perversion of the law passed for the welfare of the sober, temperate, and moral-loving people of the District.

On the 1st day of July, 1916, the term of office of Henry S. Baker expired. He was one of the original appointees to the excise board. From the beginning he approved and assisted in the perversion of the law by the board, and showed by his action an utter disregard for its provisions, and an abject subservience to the liquor interest. Notwithstanding the report of the Senate committee; notwithstanding the rejection of Gen. Smith by the Senate, of which the President of the United States was duly and officially notified, and notwithstanding the concern with which the President viewed the situation after the nomination of Gen. Smith, the President of the United States renominated Henry S. Baker as a member of the excise board, and sent his name to the Senate July 14, 1916. I do not know whether he had read the investigating committee's report when he reappointed Mr. Baker. He said he had not read it when he reappointed Mr. Smith. When Mr. Smith was rejected I think he should have examined that report and testimony most carefully. By his action he again denounced the report of the Senate committee as false, indicated again his approval of the nullification and perversion of the law passed in behalf of temperance, morality, and good government in the District of Columbia, and directly rebuked the Senate for its action in rejecting Gen. Smith.

Mr. President, the excise law of the District of Columbia was not enacted in the interest of the liquor traffic. It was enacted to promote temperance, morality, and good citizenship. Certain definite restrictions were placed by the law upon the power of the board to secure these purposes, and a wide discretion was left in it which was hoped, believed, and expected would be used in the interest of the people and not in the interest of the saloon. The board resolved every doubtful provision of the law in favor of the saloon; it has exercised its discretion always in favor of the saloon, and it has directly nullified, disregarded, and perverted the plain provisions of the law in the interest of the saloon. Robert G. Smith and Henry S. Baker have done all these things. They have been reappointed by the President of the United States after their acts have been called to his attention. Why he has done so I shall not surmise. The Senate has rejected the reappointment of Robert G. Smith and thereby shown its condemnation of these acts and its respect for the law. What will it do now? If Henry S. Baker is confirmed, the Senate should apologize to Gen. Smith and ask the President to withdraw Mr. Cummings's name and again appoint Gen. Smith in order that the inexcusable and perverted administration of the excise law, which seems to meet with his approval, but which has been condemned by the Senate committee and the Senate itself, may be continued.

Mr. President, in this connection I desire to call attention, merely as indicating some of the influences as to these appointments, to the fact that the Secretary to the President sent to the subcommittee of the Senate which was investigating the nomination of Robert G. Smith, a list of the letters which he had received indorsing Mr. Smith. The first one on the list is from Gen. Dennis F. Collins, of the National Guard of New Jersey. I desire simply to print in connection with my remarks the first letter from Dennis F. Collins, of Elizabeth, N. J.

The PRESIDING OFFICER. Without objection it is so ordered.

The letter referred to is as follows:

NATIONAL GUARD NEW JERSEY,  
HEADQUARTERS SECOND BRIGADE,  
Elizabeth, March 15, 1913.

Hon. JOSEPH P. TUMULTY,  
Washington, D. C.

MY DEAR JOE: It has come to my attention that the President has the appointment of a board of excise commissioners for the District, said board to consist of three persons at a salary of \$2,400 per annum each.

I take great pleasure in recommending to the President, through you, Gen. Robert G. Smith, a gentleman whom I have known for a long term of years and been closely associated with in the military service of New Jersey. Gen. Smith has been a resident of Washington for some years past and not actively engaged in any business and would, to my mind, make an ideal man for such a position. He is a loyal Democrat and a

staunch friend and just the character of man whom I know the President would desire and would be pleased to appoint to a position of such responsibility.

Anything that you can possibly do to advance his interest in this matter would be greatly appreciated.

With kind personal regards to Mrs. Tumulty and the six little Tumultys, believe me,

Very truly, yours,

DENNIS F. COLLINS.

Mr. JONES. As further identifying Dennis F. Collins, I desire to call attention to the fact that the City Directory of Elizabeth, N. J., for 1913, when the first letter was published, gives the only Dennis F. Collins there as:

Dennis F. Collins, president of the Peter Breidt City Brewery Co., 604 Pearl; h. 414 S. Broad.

The 1915 Directory makes the same statement.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. JONES. I do.

Mr. MARTINE of New Jersey. What purpose is there in dragging in the name of Gen. Dennis F. Collins? I can not understand that. It is, of course, to bring him into disrepute, if the Senator can do so. I will say to the Senator from Washington that I happen to know Gen. Dennis F. Collins very well, indeed. I have known him for thirty-odd years. He is a most dignified, reputable, cultured, and intelligent gentleman, standing high in the city of Elizabeth, a city with a population of 75,000 or 80,000 people, in New Jersey. He has recently been elected as the comptroller of that city and has held very many other offices of distinction and trust. He is the president of the Peter Breidt City Brewing Co. I know nothing particularly dishonorable in that fact. He has been honorable in all of his dealings; he stands high and reputably in the community; he is trusted and respected alike by all classes and conditions of men; he is a splendid citizen, an honorable and generous father, a good husband, and in every way stands well in the community. That he is the president of a brewing company does not necessarily reflect upon him. Matthew Vassar, who founded Vassar College at Poughkeepsie, on the Hudson, that splendid college for the education of girls, was a brewer, and every dollar of the money that went into Vassar College and that to-day maintains it came from the brewing industry. The brewing industry would not stand one hour if there was not a demand for its product. It is the ceaseless and endless demand of humanity for these things which prompts brewing.

It is the opinion of some of the wisest and best advocates of temperance in our land that if light beers could be brought more into use there would be less of intoxication and less inebriety induced by the use of alcohol.

I am not here, however, to discuss that question; but I do say that it is ungenerous and it is unfair to endeavor to drag this gentleman into disrepute because of the fact that he is the president of a brewing company. Knowing him, as I do, knowing the repute and respect in which he is held in the community in which he has lived for thirty-odd years, I should be ungenerous and untrue to myself if I did not resent it.

Mr. JONES. Mr. President, I did not make any suggestion at all that it was to the discredit of Mr. Collins that he was the president of this brewing company.

Mr. MARTINE of New Jersey. Then what was the Senator doing it for?

Mr. JONES. I simply wanted to show the fact; that is all. I did not intend to comment upon it or to say anything about it.

Mr. MARTINE of New Jersey. But you did. Why did the Senator go so far as to look up the Elizabeth Directory in order to find out who Gen. Collins was? I could have told the Senator that without the trouble of getting the directory.

Mr. JONES. I did so because in the letter from Mr. Tumulty he did not say what the business of Mr. Collins was, and I simply looked to see what his business was. He might have been the manager of a department store; I did not know. He might have been the president of a bank; I did not know. He might have been a day laborer; I did not know. I simply set out the fact as to what his business is, and I did not intend to comment upon it one way or the other.

Mr. MARTINE of New Jersey. I want to say right there—

Mr. JONES. Why the Senator should get so enthusiastic over the matter I do not know.

Mr. MARTINE of New Jersey. I am not enthusiastic. I feel sad for the Senator's line of thought. The Senator says he does not know whether Gen. Collins is the president of a bank.

Mr. JONES. I said I did not know until I saw the directory.

Mr. MARTINE of New Jersey. I can say for the Senator's information that there are presidents of banks in the city of Elizabeth, N. J., and in the counties of Union and Essex that use considerable of his wares and products.



Mr. JONES. That may be true. I have not questioned that. As I say, I have not said that this reflected upon him. The Senator from New Jersey seems to think that it does.

Mr. MARTINE of New Jersey. Nor do I think that it reflects upon him.

Mr. JONES. The Senator seemed to object to my putting the fact in the RECORD that his business, that of president of a brewing company, is a reflection upon Mr. Collins. That did not enter my mind at all. Why it entered the Senator's mind I am not able to say. His suggestion is the only reflection that anyone has made on Gen. Collins.

Mr. MARTINE of New Jersey. I know what the purpose was. Mr. JONES. I wanted to get the facts; that was all.

Mr. President, I have here a very short address delivered by the Rev. Dr. Charles Wood, of the city of Washington, with reference to the liquor question, which I ask to make a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address referred to is as follows:

#### THE WEAK BROTHER AND THE WINE QUESTION.

[A sermon by the Rev. Charles Wood, D. D.]

"It is good neither to eat flesh nor to drink wine, nor anything whereby thy brother stumbleth or is offended or is made weak." (Romans 14: 21.)

Paul places extraordinarily high honor upon the weak brother. He puts him on a pedestal and asks that all the Roman Christians should look at him. He makes the treatment given him the standard by which even now we may judge whether or not our Christian charity is of the Pauline type. However clear our course may seem to be, we must not sail in it if we are in danger of sinking the weak brother.

This gives us a very different valuation of a very unpopular member of society from that to which we are usually accustomed. The weak brother is seemingly so superfluous that many of us are inclined to accept any suggestion promising to eliminate him. He is much in the way; he interferes with the freedom of our swing and the liberty of our movements. But Paul says: It is good not to do anything that may cause him to stumble or to be made weaker than he already is.

Paul puts remarkable honor upon the wine bottle as well as upon the weak brother. He places the bottle by the side of the platter, in as good company as even the owner of a French or California vineyard could desire, and tells us we do well to use neither if by our use of either we are to make our brother stumble and fall. Paul is speaking, of course, of meat that had been offered to idols; such meat was stamped with a sign which showed to which particular god—Jupiter or Mars or Venus—it had been sacrificed. Paul is speaking not as a vegetarian or a hygienic expert. He never dreamed, probably, that an excessive meat diet produces a tendency to rheumatism and gout. He is speaking only as a Christian apostle. He is thinking exclusively religiously and spiritually. It was generally supposed that those who ate the meat consecrated on the altars of pagan gods were themselves worshippers of the very gods to which the meat was offered. Therefore Paul says it is good not to eat such meat, though you yourself may understand perfectly that an idol is nothing in the world and that you are eating this particular meat because it is excellent and cheap. Some weak brother who sees you buy and eat it is convinced that you have gone over to the pagans, and that really you are as much an idolator as any of them.

This weak brother may have very little sense, but Paul thinks that they exercise the highest kind of wisdom who for the weak brother's sake refuse to buy this meat, even though they may have to pay more for the same thing sold in the next shop without the stamp upon it.

For the weak brother himself, no one has ever seemed to care much except the Man of Nazareth and those who, like Paul, get their ideals of men and things from Him. Christ made brotherhood broad, deep, and real. It is no mere matter of blood, but of choice. When we choose Christ, we choose all His brethren as ours. The feeling we might have for the stupid or defective son of an old friend—the care we would take not to do anything that would injure him—Christ wants us to exercise for all the sons and daughters of our Father. What a day that will be when every man treats every man and woman with the same carelessness and respect with which he would treat his own brother or sister!

On behalf of the weak brother the question may be asked of those who are eagerly testifying against him, "Why is he so weak, and why are you, who despise him because of his weakness, so strong?" You are strong because you had a Christian father and mother; the blood in your veins may not be blue, but it is pure, good, old Puritan, Huguenot, or Quaker blood. Your parents gave you a body unmortgaged to disease or vice. They rocked you in an untainted cradle. You were well born; none of your nerves were exposed; none of your teeth, when they came at the proper time, were set on edge. "What have you that you have not received?" You remember it sometimes on Thanksgiving Day, and thank the Lord that you are not like other men—like his weak brother, for instance. He was not well born; he came into life in the slums or the alleys; his cradle was unclean and unhygienic. Or, if he was born in a palatial home, it may be that every corpulence, red or white, was tainted with disease or lust.

But not all the weak brothers were born weak. Many of them have come out of Christian homes, and for the first half of life, it may be, they seemed as strong as anybody. Then something happened, and their strength vanished, and now they are classified with the derelicts. "It is good, neither to eat flesh nor to drink wine, nor anything whereby thy brother stumbleth or is offended or is made weak." It would be absurd to say that all those who were born weak have been kept weak by the use of wine or alcohol or strong drink or "booze"—call it by any name you like. It would be equally absurd to say that all who were once strong became weak through the use of intoxicating liquors. But is there any one thing that has caused so much weakness and wretchedness for all sorts and conditions of men as alcohol? "If we could sweep intemperance out of our country, there would be hardly enough poverty"—poverty is usually a sign of weakness; a man is too weak to get work, or to weak to keep it after he gets it—"left to give healthy exercise to the charitable impulse," says Bishop Phillips Brooks.

When we ask such a question as this, "Whether there is any other

one thing that causes so much weakness and wretchedness as alcohol," we must go for our answer to the specialist. We may say very severe things about specialists when we have no need of them, but the moment we are threatened by some mysterious disease we immediately go in search of some one who has made the suspected malady the study of a lifetime. In our haste we probably hurry over to New York, and very likely do not stop till we reach England, France, or Germany, when in all probability—it is certainly true in two or three cases, at least—the best specialist for that particular trouble lives here in Washington.

The specialist whom we wish first to question about alcohol is the physiologist. We find that he has something to say about the use of wine in "moderation"—which some one has defined as "the vanishing point between a bucket full and a thimble full." Our physiologist has studied the effect of doses between these extremes, and he has found that the injurious results are in direct proportion to the quantity employed. Perrin and Lallemand, two French chemists of high repute, were among the first to find that alcohol is treated by the human system as an intruder, and every effort is made to expel it. But before such an effort can succeed the poison produces a partial paralysis of the nerves and muscles of the arteries. The arterial walls are expanded; the blood flows, therefore, more rapidly to the heart, and the heart being compelled to keep the pace may beat itself out in half its allotted time.

The brain is but one twenty-third the weight of the entire body, yet it receives one-sixth of all the blood passing through the system. The blood corpuscles are made rough and ragged by alcohol. Forty per cent of the blood is albumen, and the effect of alcohol on the albumen of the white of an egg is as well known to cooks as chemists—it is turned into a leathery substance. The brain supplied with rough and ragged corpuscles and a fluid much like leather in its appearance shows the results immediately. Shakespeare makes Cassio say in Othello, "Oh, that men should put an enemy in their mouths to steal away their brains." Their brains are still there, but the blood poured into them is of a quality so poor that they find themselves in the position of an engine fed with slag instead of coal. When the physiologist talks to men of brawn instead of brain he says to them, "The only temperance for you is total abstinence; the only dose of alcohol that you will be permitted to take is infinitely smaller than that of a child's thimble full." No boat's crew, no baseball or football team, no track athlete, no brute training to batter the face of another brute, is given so much as a thimble full. The physiologist knows that total abstinence has the greatest chance of recovery from disease and wounds. Life insurance companies give abstainers special rates. They are considered 23 per cent better risks than the thimble-full drinkers.

The sociologist is a specialist on a large scale. He studies society as a whole; he considers its wastes and burdens from the side of political economy. Gladstone, though not a specialist, was almost as great as a sociologist as a statesman. No man can be a great statesman who is not something of a sociologist. Gladstone asserted in Parliament that the loss to England by the use of alcohol was greater than that "by war, pestilence, and famine combined."

Our own ex-Secretary of State has given startling statistics that have not been denied as to the waste caused by alcohol. He points out that while we have spent \$400,000,000 on the Panama Canal, we spend each year six times as much for drink; that while our bill for education of all the children in the United States, from the time they enter the kindergarten till they graduate from the universities, is \$750,000,000—this, our only defense against barbarism—costs us only one-third as much as we pay for drink; that our National Government always considered—especially by the party in the opposition—as incredibly extravagant, expended last year a little less than one and a quarter billions of dollars—one-half the sum that was spent for drink; that the war in Europe, costing more than \$50,000,000 a day, could be carried on for six weeks by the amount paid here every year for alcohol. Two billions and a half of dollars is said by Mr. Bryan to be the sum of our annual drink bill. Cleopatra's solution of pearl was a pauper's beverage compared with the river of gold which is poured annually down the American throat.

The philanthropist is a specialist of a still broader type; he loves humanity and hates all that destroys men; his words are like jagged lightning with the roll of thunder behind them when he sees the weak, hopeless in their weakness, and the strong becoming weak, because of alcohol. Statesmen, scientists, orators, poets, preachers, drink and go reeling from the Senate and the House of Representatives; from laboratories and lecture halls; from the forum and the academy, and from the pulpit, flinging their crowns in the dust—"oh, the misery of it!" A young man dressed in the height of fashion stood leaning heavily against a lamp-post. He was evidently intoxicated. The passers-by laughed and pointed at him and a crowd soon gathered. A woman drove up in a superbly-appointed carriage, with coachman and footman on the box, and as she looked through the crowd and saw the reeling form upheld by the post she leaped from the carriage and rushed to his side, crying "Oh, my poor boy, my poor boy!" You can not represent the cost of such a cry by mathematical notation. Just such cries come every day, not only from the lips of mothers and fathers, but of wives and sisters; and not seldom, so it is said, from the lips of husbands and brothers.

What is the world doing for the weak brother? No man knows ordinarily just who he is or where he is. Who can tell of the thousands of graduates from our educational institutions this year, which of them 10 years from now will be sitting as weak or strong? "Do you know that superb looking man sitting opposite us?" said one of the guests at a public banquet. "Oh, yes," was the answer. "I know him, he is a very distinguished writer." "But do you know him well enough?" was the next question, "to take away his wine glasses?" "Oh, no," was the reply, "I do not know him well enough for that." "Then look out," said his friend, and before the dinner was over it was evident there was great need for everyone to look out. Nobody can remove the glass or the bottle of the dipsomaniac, but it is possible to make it difficult for him to procure alcohol in public places.

For the sake of just such weak brothers the strong have voluntarily surrendered their rights in 19 States of our Union. You could cross the continent, if you chose, on foot or in automobile, passing over our Long Bridge into Virginia and then on through Tennessee, Arkansas, Oklahoma, Kansas, Colorado, and, with the exception of a little corner of Wyoming, where you might get your feet or your wheels into the mire, you could push forward through Idaho to Oregon and up through the State of Washington to Puget Sound without having once seen a saloon, with the exception of those few hours spent in Wyoming.

Total abstinence is compulsory in our Army and Navy, in railways, and factories. It has been proven to be an industrial necessity. Nothing has yet been discovered which has so increased efficiency as total abstinence. Russia was the first nation to see this, and its eyes might never have been opened except for the war. The use of vodka was prohibited during the first year of the war, and, by petition of the peasants, the time limit has been removed by the Czar. The billion dollars lost in revenue were immediately repaid. Whatever may be the results of the war, Russia will win if she maintains prohibition. Germany has greatly restricted the use of beer, and England sees that her greatest enemy thundering at her gates, threatening her civilization, is not Germany but gin. King George has set the example of total abstinence. Alas, that the loudest protest against prohibition in England has been from the prelates!

Our Southern States, east of the Mississippi, are all dry except Florida. The strong men of the South have done this for the sake of the weak brother, who is black. May we not do as much for our weak brother, though he is white? If the bill now before Congress passes—and it is said if Congress has a chance to vote on it it will vote for it—the District of Columbia will fall in line with the 19 dry States.

Two-thirds of the District is already under practical prohibition. A navy yard, a war college, an Army post, a church, a school, a group of homes, are quite sufficient to expel saloons as silently and irresistibly as light expels darkness. Give the saloon all it asks and our churches and homes and schools will be wrecked as if a mine had exploded beneath them.

Prohibition is so practical that it is its own best advocate. States that have tried it recommend it to others that have not yet introduced it. The richest State per capita in our Union is not New York, but North Dakota. The State in which prosperity is most widely diffused is not Pennsylvania, but Kansas—both these States are dry. Colorado has lately made the venture of prohibition, encouraged by the experience of its neighbor, Kansas. Complete and irretrievable ruin was predicted, but the results have been quite the reverse. Deposits in the savings banks having increased, the sales of groceries and clothing in all the shops have doubled. Rents have been raised. The prosperity of Colorado was never so great as to-day. Only an infinitesimal minority would be willing to return to the licensed saloon. The inevitable results in the District of Columbia, supported on one hand by Virginia, and now, since last week, fortunately, on the other hand by Maryland, will be no less beneficial.

But the principle of prohibition, so it is said, is undemocratic. A man who is not only a lifelong Democrat but who was a Democrat before he was born, through his father and grandfather, said the other day, "Prohibition seems to me undemocratic. I have always been opposed to sumptuary laws of every sort. But if prohibition shall be found beneficial—and I am beginning to believe it has already been proved to be the best method of dealing with the liquor traffic—I will not lift my hand against it." We have high authority for asserting that prohibition is neither un-Democratic nor un-Republican. The United States Supreme Court has twice handed down opinions on this subject—in 1847 and again in 1887. The last decision states, "As it is a business attended with danger to the community, it may, as has already been said, be entirely prohibited." Our general assembly, the supreme court of the Presbyterian Church, has approved of the principle of prohibition in a long series of deliverances.

Our personal relation to the weak brother and the wine question may be not unlike Paul's. If there is a warm spot in our hearts for the weak brother; if we are touched with a feeling of his deficiencies; if we believe that the strong ought to bear the infirmities of the weak; if when he stumbles and falls we are hurt; if when he loses his way in the thick forests of life we involuntarily lift our voices to tell him where the path lies; if when he battles with the waves, though he may have gone out in a leaky boat, against our protest, we find it altogether impossible to stand on the shore content with merely wringing our hands and crying for help, but are pulled into the waves by his desperate need—then we shall feel with Paul, that there are times when our own pleasure and profit must be sacrificed for the weak brother's safety and for the salvation of his soul.

Mr. JONES. Now, Mr. President, I think I will say a few words in reference to a nomination which has been made to the Senate, and I think I can say them with propriety in the open session. A gentleman by the name of Cummings has been nominated to fill the place made vacant by the rejection of the nomination of Gen. Smith. I do not know anything about Mr. Cummings. I hope he is a high-class man. I had hoped, however, that in the filling of this board again we would secure men not fanatics, not men who would execute the law in a fanatical way, but men who would have due regard to the letter and the spirit of the excise law which they are to enforce. If Mr. Cummings is the kind of man who will do that, then, all right; I am for his confirmation. The senior Senator from Maryland [Mr. SMITH] is very anxious for his confirmation, and I want to say, in order that his constituency may know it and that Mr. Cummings may know it, that the Senator from Maryland is doing everything in his power to secure the confirmation of Mr. Cummings. He has even polled the committee and secured more than a majority of the committee indorsing his nomination. But, Mr. President, I want to say that matters have been brought to my attention which, if true, show that Mr. Cummings is absolutely and wholly unfit for the position, and if I can prevent his confirmation until these things are investigated I propose to do so. If they are investigated and nothing found to be in them, no one will more quickly respond to the request for his confirmation than will I. I simply wanted to say this in justice to the Senator from Maryland, who has a splendid letter in behalf of Mr. Cummings from the superintendent of the Anti-Saloon League at Baltimore, commending Mr. Cummings very highly, written to either him or Mr. Cummings. Whether the superintendent knows about the suggestions that have been made concerning Mr. Cummings, I do not

know. I will not say anything about what they are here and now, because it would not be proper. There may be absolutely nothing to them, and I hope this is the case; they may be unjust charges against Mr. Cummings; but, in justice to the Senate and in justice to the proper administration of the excise law, we should be given ample time to investigate these charges, and I propose to insist upon ample time for their investigation before he is confirmed. I hope there is nothing to the charges. I hope that the letter commending Mr. Cummings, from the superintendent of the Anti-Saloon League of Baltimore, is entirely and fully justified. I trust that that will develop; but I do say that we ought to have an abundance of time to see whether or not the charges are correct. We do not want any more appointees like the past and no continuance of the present disgraceful administration of the excise law. That is all I have to say.

#### APPENDIX.

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE THE CONDUCT OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

To the Senate of the United States:

We, the committee appointed by the President of the Senate to investigate the conduct of the excise board in the administration of the excise law of the District of Columbia, respectfully report as follows:

The resolution authorizing this committee was passed in the following terms:

Senate resolution 522.

"Resolved, That the special committee appointed by the President of the Senate to investigate the conduct of the excise board is hereby further authorized to investigate fully in the manner in which the excise law, so called, is being administered in the District of Columbia, and said committee is hereby authorized to send for persons and papers, to administer oaths, to compel the attendance of witnesses, to employ stenographers to report such hearings as may be had at a rate not to exceed \$1 per printed page. The expense of such hearings shall be paid out of the contingent expenses of the Senate, upon vouchers to be approved by the chairman of the said special committee. The said committee is also authorized to sit during the sessions of the Senate."

We have examined many witnesses and submit herewith a transcript of the evidence we have taken.

We have also made personal investigations of various premises in controversy.

1. We find that the present excise board was appointed to administer what is commonly known as the Jones-Works excise liquor law of the District of Columbia, which became effective July 1, 1913, and that said board was originally composed of Joseph C. Sheehy, chairman; Robert G. Smith, and Henry S. Baker. Mr. Sheehy resigned from the board early in 1914 and was succeeded as chairman by Mr. Robert G. Smith, who remains chairman. Cetter T. Bride was appointed to the vacancy thus occasioned and is now a member of the board.

2. We find that the excise board in administering the excise law has adopted certain rules which in many instances change the substance and letter of the law.

(a) The law as to hotels is as follows:

"Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is shown to be objectionable to said board."

The rule adopted by the board in the administration of this clause of the law is as follows:

"Sec. 2. No license shall be issued to a hotel, as such, having less than 50 bedrooms for guests."

As the result of this unauthorized change of the law by the board, several hotels with less than 50 bedrooms for guests have been granted licenses for the sale of intoxicating liquors. The board granted these hotels licenses under the name of restaurants. The fact remains, however, that they are licensed as hotels by the District Government, and are not entitled to liquor licenses under the true spirit and purpose of the law.

(b) The law provides:

"That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than 50 per cent of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes."

In this connection the board adopted the following rule:

"Sec. 6. Beginning November 1, 1914, no barroom license shall be granted on any side of a street where less than 50 per cent of the foot frontage between intersecting streets, excluding the part of buildings wherein barroom licenses are held, is used for business purposes: *Provided*, That this restriction shall not apply to hotels and clubs."

This proviso is not in the law and is wholly unauthorized. Under it, however, the board has licensed a number of hotels and clubs on sides of squares or blocks with less than 50 per cent of the foot frontage used for business purposes.

Licenses for barrooms have been given to hotels or clubs where the hotel or club is the only business on the side of the square in which the same is located and where the district is wholly residential.

(c) The law provides:

"That no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel, restaurant, or club."

The rule of the board on this subject is as follows:

"Sec. 18. Minors under the age of 18 may enter a wholesale liquor store in a case where the licensee also sells merchandise other than intoxicating liquors, and where the intoxicating liquors are carried in stock and sold in a section of the store set apart for that purpose by a railing: *Provided*, That no minor under the age of 18 shall be permitted to enter the place so set apart: *And provided further*, That no intoxicating liquors shall be sold, given away, or in any way disposed of to a minor."

This rule permits minors to enter stores where intoxicating liquors are sold, contrary to the express provision and real intent of the law.

(d) The law provides:

"No licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of 1 o'clock a. m. and 7 o'clock a. m., nor on Sundays or Inauguration Day; and



between said hours, and on Sundays, and Inauguration Day every barroom or other place where intoxicating liquors are sold shall be kept closed."

The rule of the board is as follows:

Sec. 18 (a). For the purpose of cleaning up and doing other necessary work licensed premises may be entered or occupied by licensees and their regular employees between 6.45 o'clock a. m. and 7 o'clock a. m., except on Sundays and Inauguration Day, and between the hours of 10 o'clock a. m. and 12 o'clock noon on Sundays and Inauguration Day: *Provided*, That neither said licensees nor their employees shall drink, sell, give away, or dispense any intoxicating liquors during the times mentioned."

Members of your committee saw a number of individuals in several saloons during the two-hour Sunday period permitted by the board for cleaning-up purposes, and in several saloons during this time saw men who were apparently bartenders, dressed as if for dispensing liquors, and from one saloon came two or three young men dressed in business clothes.

(c) In section 20 (b) of the rules the board has added what is in effect a complete new section of the law, as follows:

"Sec. 20 (b). Except in case of the death of a licensee any person or persons duly authorized by the Supreme Court of the District of Columbia may, with the consent in writing of the excise board, conduct the business of a licensee for a period of not exceeding 60 days. In such cases posting of the licensed premises shall not be required."

This gives express authority for receivers, trustees, and other representatives of licensees appointed by the Supreme Court of the District of Columbia to conduct the business of a licensee, for which no provision whatever is made in the excise law.

3. The law places the maximum limit upon the number of barroom licenses at 300, but it gives to the excise board the discretion to license any smaller number it may see fit to permit. The board has not exercised its discretion for a smaller number. The testimony shows that it is the intention of the board to keep the number at 300, thereby adopting the construction most favorable to the saloons.

4. The law provides:

"Nor shall any barroom licensee establish more than one bar under his license."

This provision has been violated in two instances by permitting the operation of double bars under a single license—one at the corner of Fourteenth Street and Rhode Island Avenue and another at the corner of Fourteenth and U Streets.

By the operation of a double bar we mean that in each case the bar was extended into two separate rooms by making about a 10-foot opening between the rooms and running the bar through the opening and on both sides of the partition separating the rooms.

5. The law also provides:

"Nor provide or permit to be used more than one entrance to said barroom from the street \* \* \* unless the excise board shall especially permit an extra entrance."

This provision clearly means that no more than one entrance shall be provided unless some special condition or reason warrants it; and naturally the board would be expected to grant but few such permits. According to the report of the board, out of 39 applications for extra entrances 38 were granted and only 1 refused.

6. The law also provides that:

"No saloon, barroom, or wholesale liquor business shall be licensed west of the western line of the fire limits as now established."

Between the time of the passage of the law and the time it was to go into effect the Commissioners of the District of Columbia so changed the fire limits as to bring two saloons from prohibited territory into license territory; and the territory changed was so small as to raise the unavoidable presumption that it was made for the special purpose of keeping the saloons within the license limits.

Protests were filed with the board against the granting of the licenses to the saloons thus brought within license limits, and the conditions were fully disclosed. Although it had the discretion to refuse these licenses, even though the location might be outside the prohibited zone, and although a plain attempt had been made to nullify the positive provision of the law, the board granted the licenses.

7. The law provides:

"Not more than three saloons or barrooms, other than in hotels or clubs, shall be permitted upon one side of a street between intersecting streets."

Contrary to this provision of the law, four saloons are now permitted to operate on E Street between Thirteenth and Fourteenth Streets NW., one of the principal business sections of the city. The saloon on the corner of Fourteenth and E Streets, opposite the New Willard Hotel, which is owned by Miller Bros., had been refused a license while its entrance was on E Street because there were three other saloons located on that side of the block. License was then applied for by Miller Bros. as fronting on Fourteenth Street, and the license was granted. Immediately the window fronting on Fourteenth Street was broken out, made into a door, the entrance on E Street was closed, and the board licensed the saloon, although its location was exactly where it was before.

8. The law provides:

"No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residence or of places commonly called slums, except upon the unanimous vote of all three members of said excise board."

The plain purpose of this provision was to remove barrooms a reasonable distance, at least, from these places and protect to that extent the poor people living in them from the baneful influences of saloons. The board has apparently disregarded this purpose. It has granted licenses in practically every instance where applied for within 300 feet of these places, and there are instances where there are three or four or more barrooms located within 300 feet of a single alley.

9. The law provides:

"No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 400 feet of any public schoolhouse or a now located or established college or university or within 400 feet of any now established house of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and such public schoolhouse, college, or university, or established house of religious worship."

The board has construed the language "measured between the nearest entrances to each by the shortest course of travel" to mean a square-cornered or right-angled measurement; that is, having in many instances, where saloons are located within 400 feet of schools

or places of religious worship by the shortest course of travel which pedestrians would naturally and conveniently take, resorted to the square-cornered measurement, thereby permitting the saloon to operate. However, in several instances, even by the square-cornered measurement, the saloons are located within the prohibited distance, particularly Graff's saloon, No. 222 Seventh Street SE, where by square-cornered measurement, even around a parking which he himself constructed evidently for the purpose of making the distance farther, the saloon is still within 400 feet of the Eastern High School.

Also at Schriener's place, 730 Fourteenth Street NW, which by square-cornered or other measurements is located within 400 feet of the New York Avenue Presbyterian Church. In one instance, at Mergner's place, No. 415 East Capitol Street, an iron fence was permitted to be constructed across a sidewalk close to the building in order to throw the measurement and course of travel around the parking to make the distance more than 400 feet from a public school at No. 25 Fifth Street SE.

Several other barrooms have been granted licenses within 400 feet of public schoolhouses, churches, and colleges.

We submit herewith plats (see p. 393) made at our request by the District surveyor, giving the measurements at the above and other places, and showing the distances between saloons and churches, schoolhouses, and colleges by the shortest course of travel to be in many instances less than 400 feet.

10. In this connection attention is called to the fact that wherever a building is not used exclusively for religious or school purposes the board contends that it is not a house of religious worship or a school or college within the meaning of the excise law. It has, therefore, in several instances permitted saloons to be operated within 400 feet of buildings where large schools are conducted, or where large congregations carry on religious worship.

11. We direct attention to that clause of the law which requires that no license shall be granted any hotel the character of which, or the character of the proprietor or manager of which, is shown to said board to be objectionable.

The most notable instance of a violation of this clause is as follows: The proprietor of the Grand Hotel, which occupies Government premises, was granted a license notwithstanding he had been convicted of dispensing liquor to a minor girl, and his license formerly canceled, and notwithstanding it was shown he had organized a corporation which he controlled and in the name of which he was applying for a license, and that a strong report was made against him by the police. At the hearings conducted by the board on the question of giving him a renewal of license in October, 1914, the police report was as follows:

"The manager, Edward L. Gardiner, conducts a garden in the basement of this hotel, where they have music and singing. Dancing is allowed on a platform set aside for that purpose. This is a resort for street walkers and women of questionable character, and the result is a meeting place for men and women. In my opinion these conditions are objectionable, in connection with a bar, and should be eliminated."

This police report was signed by J. L. Sprinkle, acting captain first precinct.

This testimony was corroborated by Sergt. Catts, of the vice squad of the District police, both at the hearings before the excise board on the question of renewing Gardiner's license and before our committee.

It also developed in the testimony before our committee that cases are now pending against the proprietor of this hotel, Gardiner, for selling liquor to a minor.

The testimony before this committee also shows that other hotels were granted licenses which had been conducted in a disreputable manner.

12. The excise board has refused licenses to properly conducted barrooms and has granted them to disreputable places in the same neighborhood, over strong protests. A saloon on the north side of Pennsylvania Avenue had been carried on for many years by Mr. Hurdle. No complaint had been made against him. He was refused a license, or transfer of a license, and across the street, the Philadelphia House, which was clearly shown by the testimony before us to be a most disgraceful and disreputable resort, was granted a license. The testimony showed that the Philadelphia House is a place of resort for colored prostitutes and for men and women of questionable character.

13. The law also provides:

"That the personal representative of any deceased licensee may within 30 days after the death of such licensee transfer said license in accordance with the provisions of this law touching transfers of licenses."

In violation of this provision the board permitted Mrs. Gordon to operate the bar of her husband long after his death, although the attention of the board was called to the violation of the law, and they did not act to prevent such violation until pressure was brought upon them through one of the District Commissioners, and although the corporation counsel had rendered an opinion that the bar was being operated contrary to the law.

14. The law provides:

"That the interior of every barroom shall at all times when selling is prohibited be exposed to full view from the street, without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this section and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom."

The committee found on a tour of personal observation that but little attention is paid to this provision of the law. Glass doors and windows are stained and are obstructed by curtains, partitions are frequently erected across the barroom a short distance from the entrance, and the only compliance with this provision of the law in most cases was the drawing aside for just a short distance of one curtain.

15. The law provides:

"PAR. 3. That the said board shall appoint a clerk at a salary of \$1,500 per annum, and an inspector with police powers at a salary of \$1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board."

Instead of appointing an inspector and requiring him, as contemplated by the law, to inspect places of license holders, the board appointed a stenographer under the name of inspector, who does the stenographic work of the board and makes a stenographic record of the proceedings before the board, and his principal time is occupied by clerical work. He inspected only 130 places prior to November 14, 1914, and has made no inspections whatever since that time. This



official testified before our committee that no orders or instructions regarding inspections had been given him by the board, but that he has been made simply a clerk or stenographer.

Licenses have been granted for barrooms on the sides of a square or block where there is no other substantial business, and in many cases where it is evident that there is not 50 per cent of the frontage used for business purposes. Plain violations of this provision have been permitted by allowing the saloon entrances to be changed from one side of the square to another side of the square without any change in the saloon itself or its location.

In some instances it is apparent that buildings of a very unsubstantial character have been constructed for the purpose of making business frontage in order to secure a barroom license, and the board has apparently approved such action by granting the license.

A frontage occupied by a board fence, with a business sign on top but with the ground occupied only by brick or tiling or boards or old barrels, or not occupied at all, has plainly been counted as frontage used for business purposes in order to grant a barroom license.

16. We regard it as significant of the attitude of the board that it has not exercised its discretion in favor of the schools as against the saloons by refusing licenses to saloons which may be located only a few feet beyond the 400-foot limit. The actual distance between the Polk School and the McKinley Manual Training School is 838.5 feet. Just across P Street from the Polk School is the saloon located in the Hotel Thyson. In the case of this hotel it is apparent that additional rooms were constructed in an attempt to comply with the law, and the board granted a license notwithstanding the fact that it was just across the street from a public school. The Hotel Thyson bar fronts on Seventh Street, and can not be distinguished from an ordinary separate bar.

Farther along the block, on the same side of the street with the Thyson Hotel, is the Murray saloon, only 402.6 feet from the entrance to the Polk School and 435.9 feet from the south door of the McKinley Manual Training School. Immediately opposite Murray's, on the other side of Seventh Street, are two other barrooms. In other words, within approximately 400 feet of these large schools are four saloons. This is a clear case of the exercise of a discretion in the interests of the saloons and against the schools. The same condition prevails in a number of cases as to churches.

17. It should be stated that in practically all instances where the board has issued licenses to saloons under circumstances that constituted a violation or evasion of the true purpose or spirit of the law all phases of the situation were brought fully to the attention of the board through numerous protests and representations of citizens before the issuance of the license.

18. The committee finds no evidence of corruption or venality on the part of any member of the board, and believes that each member should be exonerated from any charge or imputation of this character. The committee believes, however, that a careful and dispassionate review of the evidence before us as to the conduct of the board in the administration of the excise law shows that it has disregarded the underlying purpose of the law; that it has nullified its most beneficial features; and that it has encouraged and approved plain evasions and perversions of the law. It is the judgment of the committee that the board has resolved practically every doubt as to law or fact in the interest of the saloons. It has shown no proper comprehension of its duties in the execution of a law framed in the interest of morality and good government. The policy of the board in fostering the liquor traffic to the fullest extent permitted by the law, and in many instances at the expense of both its spirit and its letter, is fraught with increasing danger to the health, peace, and morals of the people of the District of Columbia.

Dated at the city of Washington, in the District of Columbia, March 4, 1915.

MORRIS SHEPPARD.  
WM. H. THOMPSON.  
WM. P. DILLINGHAM.  
W. L. JONES.

#### STATEMENT OF SENATOR HUGHES.

Because of a death in my family I was unable to be present at the hearings of the committee at which the testimony was taken. Therefore I feel that in justice to the excise board, the members of which I believe to be upright, honorable men, I should not give my approval to the report of the majority.

WM. HUGHES.

Mr. SMITH of Maryland. Mr. President, in reference to the Senator's remarks about Mr. Cummings, I wish to say that, so far as my personal knowledge of the gentleman is concerned, I believe he will carry out in good faith the letter and the spirit of the excise law. I believe he is recognized as a man of strong intelligence, and I believe that he recognizes that that is the proper way to conduct the affairs of the office, and that he will carry out the purposes and intent of the law.

The letter in regard to Mr. Cummings, referred to by the Senator from Washington in his remarks, is a very strong one from Superintendent Hare. I think that Mr. Hare has had an opportunity to know this man probably as well as anybody else connected with the Anti-Saloon League. I shall not present the letter now, but it is a letter of the strongest character, by a man from the same State as Mr. Cummings, a man who has had every opportunity to know what Mr. Cummings has done in the past in regard to such matters.

So far as time is concerned, it has been nearly three weeks now since this nomination was sent to the Senate, and I have heard of no objection to Mr. Cummings from any source in any particular.

Mr. SHEPPARD. Mr. President, I want merely to observe that the same reasons which prompted the Senate to reject the nomination of Gen. Smith apply with equal force to the nomination of Mr. Baker. His conduct in the administration of the Excise Board was exactly the same as that of Gen. Smith. The Senate can not confirm Mr. Baker and at the same time adhere to its action in rejecting Gen. Smith, without stultifying itself.

If it should confirm Mr. Baker, then it ought, as the Senator from Washington has said, apologize to Gen. Smith and ask for his reinstatement.

Mr. SMITH of Maryland. I will say, Mr. President, that I was not speaking with regard to Mr. Baker. My remarks were in regard to a citizen of my own State.

Mr. SHEPPARD. I understand that perfectly, and I spoke not in answer to the Senator from Maryland, but merely to confirm the remarks of the Senator from Washington [Mr. JONES] in relation to Gen. Smith and Mr. Baker.

Mr. SMITH of Maryland. Mr. President, in view of the statement of the Senator from Washington [Mr. JONES] concerning Mr. Cummings, who is a citizen of my State, knowing him as I do and believing that he will carry out the provisions of the excise law, I felt that it was my duty to defend him and to call attention to the letter to which I have referred, showing that he has been backed by the Anti-Saloon League superintendent of the State of Maryland.

#### IMMIGRATION.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. The Senator from Washington. Mr. POINDEXTER. Mr. President, I move that the District of Columbia appropriation bill be laid aside and that the Senate proceed to the consideration of House bill 10384, being the immigration bill.

Mr. GALLINGER. Mr. President, the Senator had better not make that motion. The chairman of the committee has that matter in charge, and I understand will ask that the District of Columbia bill be temporarily laid aside.

Mr. SMITH of Maryland. What is the motion of the Senator from Washington?

Mr. POINDEXTER. To temporarily lay aside the District of Columbia appropriation bill.

The PRESIDING OFFICER. The Chair will say to the Senator from Washington that that properly is the function of the Senator in charge of the bill.

Mr. SMITH of Maryland. For what purpose does the Senator ask that the District bill be laid aside?

Mr. POINDEXTER. I did not catch the observation of the Chair.

The PRESIDING OFFICER. The Chair observed that it was more properly the function of the Senator in charge of the bill to request that it be temporarily laid aside.

Mr. POINDEXTER. Undoubtedly, if the chairman of the committee is disposed to do that.

The PRESIDING OFFICER. The Chair understands he is.

Mr. SMITH of Maryland. For what purpose does the Senator from Washington make the request?

Mr. POINDEXTER. For the purpose of moving the consideration of other business, namely, the consideration of the immigration bill.

Mr. GALLINGER. Mr. President, a great many Senators are absent to-day who desired to be present when the further consideration of the District of Columbia appropriation bill was had, and I will ask the Senator in charge of the bill to lay it aside for the day.

Mr. SMITH of Maryland. Mr. President, the Senator from Georgia asked the privilege this morning of taking up another bill.

Mr. SMITH of Georgia. I desire to say to the Senator from Washington that it had been pretty well arranged among a number of us to give an opportunity for the consideration of the vocational education bill this afternoon, which is Senate bill 703. The Senator from Vermont [Mr. PAGE] has already discussed it, and I believe if we are allowed to take it up at this time we can dispose of it in a little over an hour. Probably we have not a quorum present. The suggestion of the Senator from Washington undoubtedly would result in the call for a quorum, and I think we will have an opportunity to pass the vocational education bill, in which nearly every Senator is interested.

Mr. President, I ask the chairman of the Committee on the District of Columbia to consent that the District appropriation bill be temporarily laid aside in order that we take up Senate bill 703.

The PRESIDING OFFICER. The trouble is that the Senator from Washington [Mr. POINDEXTER] has obtained the floor. The Chair desires to assure the Senator from Washington that, so far as such matters can be understood, the Chair thinks it was understood that at the conclusion of the speech of the Senator from Washington [Mr. JONES] the Senator from Maryland would move to lay aside the District appropriation bill, and, as the vocational education bill would probably not necessitate a roll call, the Senator from Georgia had intended to ask for the consideration of that measure by the Senate; but the Senator from



Washington has obtained the floor, and, of course, is entitled to proceed.

Mr. GRONNA. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. POINDEXTER. Certainly.

Mr. GRONNA. I trust the Senator from Washington will let us take up the vocational education bill. We all know how diligently the Senator from Vermont [Mr. PAGE] has worked to get that bill through, and I do not believe there is any opposition to it in the Senate. Furthermore, I do not believe that it will take to exceed an hour to pass it, and I therefore ask the Senator from Washington to yield to the request of the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, it is true that when you [Mr. CLAPP in the chair] were not in the chair I obtained the floor this morning, and was on the point of making the motion when I yielded to the Senator from Washington [Mr. JONES], who desired to proceed with his remarks.

The PRESIDING OFFICER. The Chair understands that when he took the chair it was understood, so far as such a matter could be understood, that at the conclusion of the speech of the senior Senator from Washington [Mr. JONES] a request would be made to lay aside the pending bill, and then the Senator from Georgia expected to be recognized.

Mr. SMITH of Maryland. I will say to the Senator that the Senator from Georgia this morning got up on the floor and made a request concerning the vocational education bill.

Mr. SMITH of Georgia. I had the floor and would have proceeded this morning, but yielded because the Senator from Washington wanted to speak before the District appropriation bill was laid aside.

Mr. POINDEXTER. Mr. President, I appreciate that entirely, and do not want, of course, to interfere unnecessarily with any arrangement that has been made. Of course everyone is familiar with the importance of the immigration bill, the public interest that there is in it, and also familiar with the difficulty that there is of getting the matter presented to the Senate for a vote. That is all I want. If the Senate desires to vote it down, it will not take very long to do that; and if it votes the other way, it equally would not take very long. I am satisfied that it will lead to no debate. Every Senator has long ago come to a conclusion as to how he will vote on the immigration bill, and it can be disposed of in a very short time. I insist upon my motion.

Mr. SMITH of Maryland. Mr. President, so far as I am personally concerned, I should feel, if I had any say in the matter, that it would be my duty to yield to the taking up of the bill suggested by the Senator from Georgia, as he had previously referred to it this morning. However, it is a matter for the Senate, and I am willing to abide by its determination.

Mr. JONES. That is a matter for the Senate to determine.

Mr. SMITH of Maryland. I stated that, and appreciate it. The PRESIDING OFFICER. The status of the matter is this: The Senator from Washington [Mr. POINDEXTER] rose and was recognized. There was no haste or anything of that sort in connection with the proceeding, and he has the floor.

Mr. POINDEXTER. Upon my motion, I ask for the yeas and nays.

Mr. SMITH of Maryland. Mr. President, I have not agreed as yet to let go by default or to lay aside temporarily the District of Columbia appropriation bill.

Mr. HARDWICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Martin, Va.	Smith, Ga.
Chamberlain	Hughes	Martine, N. J.	Smith, Md.
Chilton	Husting	Nelson	Smith, S. C.
Clapp	James	Overman	Stone
Clarke, Ark.	Johnson, S. Dak.	Page	Taggart
Curtis	Jones	Phelan	Thomas
Fletcher	Kenyon	Poinexter	Tillman
Gallinger	Kern	Pomerene	Vardaman
Gronna	Lee, Md.	Sheppard	
Hardwick	Lewis	Sherman	
Hitchcock	McLean	Smith, Ariz.	

Mr. THOMAS. I again announce the necessary absence from the city of my colleague [Mr. SHAFROTH]. I will let this announcement stand for the day.

Mr. HOLLIS. I desire to announce that the junior Senator from Montana [Mr. WALSH] is absent on official business.

The PRESIDING OFFICER. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. BROUSSARD, Mr. DILLINGHAM, Mr. LA FOLLETTE, Mr. LANE, Mr. NORRIS, Mr. RANDELL, Mr. ROBINSON, Mr. SIMMONS, Mr. UNDERWOOD, and Mr. WILLIAMS answered to their names when called.

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of House bill 10384, an act to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. SMITH of Maryland. Mr. President, I hope that motion will not prevail. We have up this bill, which has been here for several days, and I am unwilling to lay it aside. I hope the Senators will keep the bill before the Senate until it is passed.

Mr. STONE. Mr. President, is that motion debatable?

The PRESIDING OFFICER. The Chair assumes that it is; yes.

Mr. STONE. I should like to say just a word or two.

Mr. SMITH of Maryland. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. STONE. I do.

Mr. SMITH of Maryland. I want to say that I have never yet consented that this bill be laid aside, and it has been continuously before the Senate all the morning.

Mr. STONE. But the motion now is to take up another bill, and if it is agreed to it would displace the District bill.

Mr. SMITH of Maryland. It would.

Mr. STONE. Mr. President, I shall not keep the Senate more than a few minutes.

I had something to say a bit ago about the waste of time, about making political speeches and endeavoring to promote political ends here, and that it all resulted in a mere waste of the time of the Senate without promoting any end Senators engaging in such things seemed to think they might promote. I will not repeat what I said then, although there are twice as many Senators present now as were present when I made that speech a half an hour ago.

I want to say this, Mr. President, in addition to what I said then, and as an addendum, for I forgot to say it then: I have had my heart, or stomach, or mentality [laughter], or some part of me, or all of me, full to overflowing with political speeches that I have been anxious to unload. Personally, I have been impressed with the perhaps vain notion that these speeches have merit in them, and might be of some value to the Democratic Party.

Mr. President, in my time here I have thrown aside a number of speeches.

Mr. OVERMAN (in his seat). Good!

Mr. STONE. It was good, Senator. If I had not, on reflection, thought it was good, I would not have thrown them aside. I have thrown into the wastebasket speeches that I have labored upon in preparing. I have some speeches in my stomach now, or in my heart, or in my mind—I am uncertain just where they are—that it is hard for me to suppress. I should like to come over here on the Republican side and shake my clenched fist into your faces and tell you some things you ought to be told.

SEVERAL SENATORS. Come on.

Mr. STONE. No; I am not coming; but I would like to.

Mr. NELSON. "Lay on, Macduff!" [Laughter.]

Mr. STONE. No; I will not say "Lay on," for I know my friend from Minnesota would retort—

Damn'd be him that first cries, "Hold, enough!"

[Laughter.]

And that is the trouble about this situation. Such things lead on and on to endless struggle. We do not get anywhere.

Mr. President, if I believed that the speeches that I have incubating would be taken up by these men up there in the press gallery and exploited before the millions of men and women who read their papers, I doubt if there is any power in the Senate or outside that could keep me from delivering them. I would sure make them. But, as it is, I know what would happen if I made them. If these newsmen said anything about them at all, they would have the good judgment, the discriminating taste, to confine their observations to a space about as long as my index finger. That is true of all of us, and we all know it. Then, what are you making these speeches for? These men there in the press gallery are not going to scatter your utterances broadcast, and nobody else is going to do it. That is the common experience of statesmen here, and therefore I ask what are you killing all this time for, talking only to empty benches and to a few good men and women in the gallery who are visiting the Capital and who drop in here to look upon the

Senate and go away—with what sort of an impression I do not know? We are killing time, Mr. President; valuable time. The Senator from Washington is now bringing up a question he knows he is bringing up purely for political reasons—the immigration bill. Well, he can make speeches, and good ones, too—strong, intelligent, and forceful speeches—

Mr. WILLIAMS (in his seat). And long.

Mr. STONE. And long, my friend says.

Mr. SMITH of Arizona (in his seat). And loud.

Mr. STONE. And loud, another Senator says.

SEVERAL SENATORS. And good.

Mr. STONE. Yes; he does all that; and he will kill one, two, three, four hours of the time of the Senate in the making. I ask the representatives of the press gallery to mark this, and will you please record it? Before the Senator has spoken 10 minutes, ordinarily, there will not be over a half dozen Members of the Senate present. Will you newsmen say that?

Senators will disappear, not because they do not appreciate the Senator, but because they understand his purpose and are not interested. Perhaps I ought not to have said that, because some of my Republican friends may stay against their will, as a sort of forced compliment, and I would now myself like to stay after having said this, as a compliment, only I have an engagement that will necessarily take me away. Mr. President, the Democratic Party is in the majority here, and it must assume responsibility. The Democratic Party is not going to agree to the motion of the Senator, and he knows it, to take up the immigration bill at this time and displace the District appropriation bill. What, then, does he make the motion for? Evidently he thinks he is making some sort of politics to be used out in Washington, or that somebody else can use somewhere else. He can say, "Here is the Record, my fellow citizens. Here is a motion I made, and the Democratic Party in the Senate voted it down. What do you think of that?" And he will roar out there like he roars here [laughter], as eloquently, as forcibly, as engagingly, and as beguilingly as he does here.

Mr. President, we know this is pure, simple, undiluted politics, and every man of us knows we are wasting time. For one I would like to get along with the business of the Senate. If the Senator from Washington would just make his motion and let us vote on it without that long speech he is fixing to make, and thus dispose of this matter—if we could do that and go on, the Senator would still have the benefit of his politics.

Mr. POINDEXTER. I will agree to that, Mr. President.

Mr. STONE. On that assurance, I quit. Let us vote.

Mr. SMITH of South Carolina. Mr. President, I think it is my duty as chairman of the committee just to state to the Senate that I have not lost my zeal for this bill or my interest in it, nor do I think any of my colleagues on this side or on that side have; and I want to assure them, so far as I am concerned as chairman of the committee, that whatever can be done to facilitate the passage of this bill I shall certainly do. Of course, I reserve to myself the right, at the proper time and at the proper place, being charged with this duty as chairman in a way, to give the Senate an opportunity to say whether or not they are going to pass this bill; and I think I might go further and say they will have that opportunity at this session.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. Did I understand the Senator to say that he felt that we would have an opportunity to vote on the bill at this session?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. Of course, Mr. President, if I could be reasonably certain of that matter it would control my action in regard to another matter. I know that the Senator believes in the bill, and would like to see it passed; and if the Senator feels reasonably assured that we will be given an opportunity, it will certainly have much to do with my course with regard to another procedure.

Mr. SMITH of South Carolina. In reply to the Senator, I will state that so far as the Senator who has charge of the bill from the standpoint of committee work is concerned, he will use every means within his power to give the Senator from Idaho that opportunity.

The VICE PRESIDENT. The Senator from Washington [Mr. POINDEXTER] moves that the Senate proceed to the consideration of House bill 10384, to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. POINDEXTER. On that I ask for the yeas and nays.

Mr. SMITH of Maryland. I move that the motion be laid on the table.

Mr. POINDEXTER. Upon that motion I ask for the yeas and nays.

Mr. SMITH of Maryland. The motion is to displace the District of Columbia appropriation bill and to take up the immigration bill.

The VICE PRESIDENT. The Senator from Washington moves that the Senate proceed to the consideration of House bill 10384. The Senator from Maryland moves to lay the motion on the table. On that the Senator from Washington requests the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from New York [Mr. WADSWORTH], I transfer that pair to the senior Senator from New York [Mr. O'GORMAN] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the senior Senator from Montana [Mr. MYERS] and will vote. I vote "yea."

Mr. STONE (when his name was called). I have a standing pair with the senior Senator from Wyoming [Mr. CLARK]. For the present, at least, I withhold my vote, as I do not see that Senator in the Chamber.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "yea."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether or not the junior Senator from Ohio [Mr. HARDING] has voted?

The VICE PRESIDENT. He has not.

Mr. UNDERWOOD. I have a general pair with that Senator, and in his absence I withhold my vote.

Mr. VARDAMAN (when his name was called). I desire to inquire whether or not the junior Senator from Idaho [Mr. BRADY] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a pair with that Senator. Being unable to secure a transfer, I withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with that Senator. In his absence, I withhold my vote.

Mr. THOMAS (after having voted in the affirmative). I understand that a transfer to the Senator from Oklahoma [Mr. GORE] was made before my transfer to that Senator. I therefore make the transfer to my colleague [Mr. SHAFROTH] and allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the affirmative). I will state that I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I was told that I could transfer that pair to the junior Senator from Oklahoma [Mr. GORE], which I now do, and let my vote stand.

Mr. LIPPITT. I transfer my pair with the Senator from Montana [Mr. WALSH] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. McLEAN (after having voted in the negative). I have a general pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withdraw my vote.

Mr. JAMES. I desire to ask if the junior Senator from Massachusetts [Mr. WEEKS] has voted.

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a general pair with that Senator, and in his absence withhold my vote.

Mr. CURTIS. Mr. President, I wish to announce the following pairs:

The Senator from Rhode Island [Mr. COIT] with the Senator from Delaware [Mr. SAULSBURY];



The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Arkansas [Mr. CLARKE] with the Senator from Utah [Mr. SUTHERLAND].

Mr. WILLIAMS (after having voted in the affirmative). I understand that the Senator from Pennsylvania [Mr. PENROSE] has not voted. I transfer my pair with the senior Senator from Pennsylvania to the Senator from Arizona [Mr. ASHURST] and permit my vote to stand.

Mr. REED (after having voted in the affirmative). In voting "yea" I transferred, or undertook to transfer, my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Montana [Mr. MYERS]. I learned since voting that the Senator from Montana is paired, and therefore I could not transfer to him. I have been unable to get a transfer, and hence I am obliged to withdraw my vote.

The result was announced—yeas 35, nays 17, as follows:

#### YEAS—35.

Bankhead	Johnson, S. Dak.	Pittman	Smith, Md.
Broussard	Kern	Pomerene	Smith, S. C.
Bryan	Lane	Ransdell	Swanson
Fletcher	Lee, Md.	Robinson	Taggart
Hardwick	Lewis	Sheppard	Thomas
Hitchcock	Martin, Va.	Shields	Thompson
Hollis	Martine, N. J.	Simmons	Tillman
Hughes	Newlands	Smith, Ariz.	Williams
Husting	Phelan	Smith, Ga.	

#### NAYS—17.

Borah	Gronna	Nelson	Townsend
Clapp	Jones	Norris	Works
Curtis	Kenyon	Page	
Dillingham	La Follette	Poin Dexter	
Gallinger	Lippitt	Sherman	

#### NOT VOTING—43.

Ashurst	Cummins	McLean	Smoot
Beckham	du Pont	Myers	Sterling
Brady	Fall	O'Gorman	Stone
Brandeggee	Goff	Oliver	Sutherland
Catron	Gore	Overman	Underwood
Chamberlain	Harding	Owen	Vardaman
Chilton	James	Penrose	Wadsworth
Clark, Wyo.	Johnson, Me.	Reed	Waish
Clarke, Ark.	Lea, Tenn.	Saulsbury	Warren
Colt	Lodge	Shafrath	Weeks
Culberson	McCumber	Smith, Mich.	

So Mr. POINDEXTER's motion was laid on the table.

#### VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, I had hoped at this time that we might be given an hour in which, with the aid of the Senator from Vermont [Mr. PAGE], we would be able to complete our presentation of Senate bill 703, providing for national aid to vocational education, and to bring that bill to a vote.

We have given a great deal of time at this session to preparation for war. We might well give some preparation for peace and to the better preparation of our girls and boys for the struggles of life, for its joys and its trials. We well might present the fact that even in case of war more men and women would be required at home to prepare the instruments of war and to prepare the food and clothing for the soldier than those who would be required to be in the front. They should be prepared for their duties in war and in peace.

#### ORIGIN OF THE BILL.

The bill which we have presented to the Senate is largely the work of a Commission on National Aid to Vocational Education which was created by act of Congress approved January 20, 1914.

Pursuant to this act the President appointed, in addition to Senator PAGE and myself, Representatives HUGHES, of Georgia, and FESS, of Ohio; John A. Lapp, director Indiana Bureau of Legislative Information, Indianapolis, Ind., secretary of Indiana Commission on Industrial Agricultural Education, 1912; Miss Florence M. Marshall, director Manhattan Trade School, New York City, member of Massachusetts Factory Inspection Commission, 1910; Miss Agnes Nestor, president International Glove Workers' Union, Chicago, Ill., member committee on industrial education, American Federation of Labor; Charles A. Prosser, secretary National Society for the Promotion of Industrial Education, New York City; and Charles H. Winslow, special agent, Bureau of Labor Statistics, Washington, D. C., member of Massachusetts Commission on Industrial Education, 1906-1909.

The work of the commission, consisting of the bill, the report, and the testimony, will be found in two volumes, printed as House documents of the Sixty-third Congress, second session.

The plan of the bill is through capable leadership and some contribution to promote vocational instruction throughout the States. It in no sense is contemplated that the final responsibility for the work shall be removed from State authorities.

#### APPROPRIATIONS.

The appropriations are divided into four heads:

First. For the salaries of teachers, supervisors, and directors of agriculture.

Second. For the salaries of teachers of trade and industrial subjects.

Third. For the training of teachers of agricultural, trade and industrial, and home economic subjects.

Fourth. For the work of the Federal board for vocational education. The funds are to be used by the Federal board for vocational education to administer the grants to the States and to furnish information and give stimulus to vocational education.

The appropriation carried by the bill for the salaries of teachers, supervisors, and directors of agriculture is, for the first year, \$500,000, to be increased \$250,000 each year until the total reaches \$2,000,000; then to be increased \$500,000 each year for two years until the appropriation reaches \$3,000,000, which will be in 1924 and 1925, and annually thereafter the sum of \$3,000,000.

The appropriation for the salaries of teachers of trade and industrial subjects is the same as that for agriculture.

The appropriation for the training of teachers of agricultural, trade and industrial, and home economic subjects is to be, for the first year, \$500,000 and to increase \$200,000 each year until it reaches \$1,000,000, and annually thereafter to be \$1,000,000.

For the work of the Federal board for vocational education the appropriation is made \$200,000.

The bill provides that the allotment to any State for the purpose of cooperating with the State in paying the salaries of teachers of agricultural subjects or of trade and industrial subjects shall not be less than a minimum of \$5,000 for any fiscal year prior to June 30, 1923, nor less than \$10,000 for any fiscal year thereafter.

It provides that for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects, trades and industrial, and home economic subjects the allotment of funds to any State shall not be less than a minimum of \$5,000 for any fiscal year prior to the fiscal year ending June 30, 1919, nor less than \$10,000 for any fiscal year thereafter. It carries a supplemental appropriation for these amounts.

The fund appropriated for salaries of teachers, supervisors, and directors of agriculture is to be prorated to the States according to rural population.

The fund appropriated toward the salaries of teachers of trade and industrial subjects is to be prorated among the States according to urban population.

The fund appropriated for the training of teachers is to be prorated according to population.

The States, through their legislative authorities, must formally accept the conditions of this act. The States must respectively create or designate State boards with whom the national board will deal.

The State boards are to formulate plans for the administration of the grants in conformity with the provisions of the Federal statute. These plans, however, are to be submitted to the Federal board for approval.

For each dollar paid from the Federal grant allotted to any State, the State or local community, or both, shall spend an equal amount for the same purpose, and shall in addition meet all costs of plant, equipment, or maintenance, including the salaries of teachers necessary to complete well-rounded courses of instruction.

The bill limits the schools which are to receive aid in part from the National Government to schools supported and controlled by the public.

The education given in the schools is to be of less than college grade. They must be designed to prepare boys and girls over 14 years of age for useful and profitable employment in agriculture, and in the trades and industries.

Three classes of schools are contemplated:

First. To aid schools in which practically half the time is given to vocational instruction.

Second. Part-time schools for young workers over 14 years of age, with a view of extending their vocational knowledge, and extending the vocational intelligence of the pupils.

Third. Evening schools to extend the vocational knowledge for mature workers over 16 years of age.

The amendment which I have proposed designating a specialist in vocational education to be general director of all the vocational work, with a salary of \$7,500, was intended to fix in the minds of the board the fact that the person in charge of the work should be a man who has broad and exact knowledge of vocational education.

The lists of specialists in each division should include both educators and those who have special knowledge of the several subjects.

Mr. GALLINGER. Mr. President, I am much interested in the Senator's remarks. I will ask the Senator if he knows of any Senator on either side of the Chamber who is against this bill?

Mr. SMITH of Georgia. I hope I do not; I am going to present a few more words, completing a detailed description of the bill, and then I really feel that we might vote to pass it.

Mr. GALLINGER. I was about to make the observation that I hope we will be able to vote on it or get a day set for a vote on the bill. Of course if we set some time in the future and do not act upon it to-day it will be discussed again. I should like very much to have the bill passed and get it out of the way, because I think pretty nearly everybody is for it.

Mr. SMITH of Georgia. I think the Senator is right and—

Mr. GALLINGER. I did not mean to interrupt the Senator's discussion, of course.

Mr. SMITH of Georgia. My discussion is practically over. I was only referring now to the amendments that I have suggested and that the Senator from Vermont [Mr. PAGE] and I have studied together. The truth is, on this side my colleagues seem largely to have looked to me to work upon the bill, as I have been working upon it for several years, and I know the Senators on the other side of the Chamber realize the splendid work that has been done with reference to this measure by the Senator from Vermont [Mr. PAGE].

Mr. GALLINGER. We all do.

Mr. SMITH of Georgia. The responsibility for the measure would have continued with him rather than to have fallen to me but for the change which took place in the organization of the Senate three years ago. With the Republican majority he was leading in the work and I was helping him. Since that time, as I am chairman of the Committee on Education and Labor, the situation is reversed just a little, but I am always glad to stop at any time the opportunity is presented to give to the Senator from Vermont every possible credit for his splendid work upon this subject, and almost to regret that we have a Democratic majority and that he has not charge of the bill instead of myself.

I present to the Senate tables showing the amount which each State would receive for the salaries of teachers, supervisors, and directors of agricultural subjects under the provisions of this bill; also the amount each State would receive for salaries of teachers of trade and industrial subjects; and also the amount each State would receive for the training of teachers under the bill.

I ask that these exhibits be printed for the use of the Senate at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMITH of Georgia. Mr. President, I should like to call attention to these amendments. First, we amend the bill by changing the date with reference to the different appropriations. The bill was drawn more than a year ago. We have simply moved the dates up so as to conform to the present time. That really was adopted when we brought the matter to the attention of the Senate a few days ago.

The next amendment is a slight modification of the relation of the board to similar work in the department. The bill as originally drawn required the board to leave the work to the several departments where it could be done there. The language was quite strong and practically required this course. It said:

That such studies and investigations and the report for the purpose of agricultural education shall so far as practicable be made in cooperation with and through the Department of Agriculture—

And so on. We modify that so as to read:

When the board deems it advisable such studies, investigations, and reports concerning agriculture for the purpose of agricultural education may be made with the cooperation of the Department of Agriculture.

The modification is simply to leave it in the discretion of the board rather than in the terms used as to the original board, and to require them to do it, if they could. We thought if we obtained the great leaders of vocational education indicated by our amendment at the head of this work they might find it better to conduct the work themselves, or to have it done under their direction, rather than under the direction of anybody who could be found in any one of the departments. We, therefore, so framed the amendment as to leave it discretionary.

The next amendment which we shall submit to the Senate is an amendment providing that—

There shall be selected by the board, among other assistants, a specialist in vocational education, to be general director of all the vocational educational work, at a salary of \$7,500 per year.

There are, perhaps, a half dozen men in the United States who stand at the head in this line of work. We meant by this that we expected one of those leaders to be put at the head of the work. The Senator from Vermont [Mr. PAGE] and I agreed on that amendment.

There was quite an appeal to us to modify the bill so as to create a board in control of men attached to particular lines of work in commerce, in manufacturing, and in practical labor. We believe we can perhaps best reach that desire by providing that—

The vocational educational board is authorized to select an advisory board to be composed of seven men, one from the mechanic arts, one from agriculture, one from commerce, one from labor in general, and three from the field of general education. The said advisory board may be called together from time to time, but their entire service shall not exceed more than 30 days in one year. They shall receive no compensation, but shall be paid their traveling expenses and shall be allowed \$10 per day for subsistence, the expenses of the advisory board to be paid out of the appropriation provided for in this section.

We made an appropriation of \$200,000 a year for the use of the vocational board in the general conduct of the supervision of the work and the stimulation of the work in the States. We provide that the compensation of the advisory board shall be taken out of that \$200,000. We also provide that the salaries of these leaders in vocational education shall be taken out of the \$200,000.

Now, Mr. President, I have presented to the Senate the amendments which we propose.

Mr. GALLINGER. Mr. President, one thing I have noticed in this bill, and that is that in apportioning salaries the instructor in charge of home economics is paid a much lower salary than are the others. It seems to me that home economics is about as important a matter as we can think of in connection with a bill of this kind. Is the Senator from Georgia sure that the proper person can be obtained for this work for the amount indicated in the bill?

Mr. SMITH of Georgia. I only understand that the very ablest teachers of home economics make a salary of but \$5,000 a year, and that we put the salary as high as that which any of them get.

Mr. GALLINGER. I know nothing about it beyond the fact that the others seem to have salaries of \$7,000 and \$7,500.

Mr. SMITH of Georgia. It is this, Mr. President: A great leader of industrial education could take the superintendence of a big plant and command a high salary; his knowledge gives him an opportunity to make more; and my advice was that the very highest salary should be paid to a teacher of home economics—home economics being a line of work that does not pay as much, although it is most valuable—and we adjusted the salaries in this bill to the highest salaries given in the line of work named.

Mr. GALLINGER. The subjects with which home economics deals are such as the health and welfare of the people in general.

Mr. SMITH of Georgia. Yes. The Senator from New Hampshire can not feel its importance more earnestly than I feel it.

Mr. GALLINGER. I have no intention of moving an amendment, but I was rather struck by the fact that that instructor was to get a much less salary than the others.

Mr. SMITH of Georgia. Mr. President, if any other Senator desires to discuss the subject, I shall be very glad to hear from him.

#### APPENDIX A.

##### GRANTS PROPOSED BY THE COMMISSION UNDER THESE PRINCIPLES.

1. For the work of the Federal Board for Vocational Education, \$200,000 annually. This money is to be used in administering the grants to the States as described below and in furnishing information and advice to the States as previously described.

2. For the salaries of teachers, supervisors, and directors of agricultural subjects, \$500,000 for the fiscal year 1916-17. This annual amount is to be increased at the rate of \$250,000 a year until a total of \$2,000,000 annually is reached in the fiscal year 1922-23. After that year the increase is to be at the rate of \$500,000 a year until a total maximum appropriation of \$3,000,000 annually is reached in 1924-25.

3. For the salaries of teachers of trade and industrial subjects, the sum of \$500,000 for the fiscal year 1916-17. This annual amount increases for each subsequent year in the same manner as the grants for the teachers of agricultural subjects above, until the same total maximum of \$3,000,000 annually is reached in 1924-25.

4. For the training of teachers of agricultural, trade and industrial and home economics subjects, the sum of \$500,000 for the year 1916-17; \$700,000 for the year 1917-18; \$900,000 for the year 1918-19; and \$1,000,000 for the year 1919-20 and annually thereafter.

Summary of proposed grants for vocational education: The table below gives the appropriations recommended for each purpose by years, the total for each year, and the total grants from 1916 to 1925, inclusive. (These amounts do not cover three small special appropriations in 1915-16, which decrease each year thereafter and which are necessary to raise, as hereinafter described, first to \$5,000 and later



to \$10,000, each of the funds allotted to the smaller States for the salaries of teachers of agricultural subjects, for the salaries of teachers of trade and industrial subjects, and for the training of teachers.)

Year.	Section 2. Appropriation for agricultural teachers.	Section 3. Appropriation for trade and industrial teachers.	Section 4. Appropriation for training of teachers, etc.	Section 7. Appropriation for Federal Board of Vocational Education.	Total for each year.
1916-17.....	\$500,000	\$500,000	\$500,000	\$200,000	\$1,700,000
1917-18.....	750,000	750,000	700,000	200,000	2,400,000
1918-19.....	1,000,000	1,000,000	900,000	200,000	3,100,000
1919-20.....	1,250,000	1,250,000	1,000,000	200,000	3,700,000
1920-21.....	1,500,000	1,500,000	1,000,000	200,000	4,200,000
1921-22.....	1,750,000	1,750,000	1,000,000	200,000	4,700,000
1922-23.....	2,000,000	2,000,000	1,000,000	200,000	5,200,000
1923-24.....	2,500,000	2,500,000	1,000,000	200,000	6,200,000
1924-25.....	3,000,000	3,000,000	1,000,000	200,000	7,200,000
Total.....	14,250,000	14,250,000	8,100,000	1,800,000	38,400,000

Appropriations to the States for the salaries of teachers of agricultural subjects should be in proportion to their rural population, according to the last preceding United States census. This was the plan followed in the Smith-Lever Act in allotting moneys to the States for the teaching of agriculture through farm extension and demonstration work. A precedent has thus been established which the commission believes to be on the whole the most equitable basis of distribution. Appropriations for the salaries of teachers of trade and industrial subjects should be allotted to the States in proportion to their urban population. Since the appropriation for the training of teachers is to be used for the preparation of instructors for home economics as well as for agriculture and the trades and industries, it should be allotted to the States in proportion to their total population.

The three following tables show the sums received by each State from each grant for the first year 1916-17 and the sums they will receive when the increasing appropriations from year to year have reached the largest annual amount, which will be in 1924-25, in the case of all salaries of teachers, and in 1919-20 in the case of the training of teachers. The fourth table which follows gives the total amounts proposed for each State for all purposes for the first 10 years.

Table showing amounts which each State would receive for the salaries of teachers, supervisors, or directors of agricultural subjects under the proposals of the commission.

[Allotments in proportion to the total rural population according to the last preceding United States census. Each State is guaranteed not less than \$5,000 for each year prior to the close of the fiscal year 1922-23, and not less than \$10,000 for each year thereafter.]

State.	Rural population.		Allotment, 1916-17.	Maximum allotment, 1924-25.	Special allotment to guarantee \$5,000 to each State in 1916-17.	Special allotment to guarantee \$10,000 to each State in 1923-24.
	Number, 1910.	Percentage distribution.				
Alabama.....	1,767,662	3.58	\$17,900	\$107,400		
Arizona.....	141,094	.29	1,450	8,700	\$5,550	\$2,750
Arkansas.....	1,371,768	2.78	13,900	89,400		
California.....	907,810	1.84	9,200	55,200		
Colorado.....	394,184	.80	4,000	24,000	1,000	
Connecticut.....	114,917	.23	1,150	6,900	3,850	4,250
Delaware.....	105,237	.21	1,050	6,300	3,950	4,750
Florida.....	533,529	1.08	5,400	32,400		
Georgia.....	2,070,471	4.20	21,000	126,000		
Idaho.....	255,696	.52	2,600	15,600	2,400	
Illinois.....	2,161,662	4.38	21,900	131,400		
Indiana.....	1,557,041	3.16	15,800	94,800		
Iowa.....	1,544,717	3.13	15,650	93,900		
Kansas.....	1,197,159	2.43	12,150	72,900		
Kentucky.....	1,734,463	3.51	17,550	105,300		
Louisiana.....	1,159,872	2.35	11,750	70,500		
Maine.....	360,928	.73	3,650	21,900	1,350	
Maryland.....	637,154	1.29	6,450	38,700		
Massachusetts.....	241,049	.49	2,450	14,700	2,550	
Michigan.....	1,483,129	3.01	15,050	90,300		
Minnesota.....	1,225,414	2.48	12,400	74,400		
Mississippi.....	1,589,803	3.22	16,100	96,600		
Missouri.....	1,894,518	3.84	19,200	115,200		
Montana.....	242,633	.49	2,450	14,700	2,550	
Nebraska.....	881,262	1.79	8,950	53,700		
Nevada.....	68,208	.14	700	4,200	4,300	6,500
New Hampshire.....	175,473	.36	1,800	10,800	3,200	1,000
New Jersey.....	629,957	1.28	6,400	38,400		
New Mexico.....	280,730	.56	2,800	16,800	2,200	
New York.....	1,928,120	3.91	19,550	117,300		
North Carolina.....	1,887,813	3.83	19,150	114,900		
North Dakota.....	513,820	1.04	5,200	31,200		
Ohio.....	2,101,978	4.25	21,250	127,500		
Oklahoma.....	1,337,000	2.71	13,550	81,300		
Oregon.....	365,705	.74	3,700	22,200	1,300	

<sup>1</sup> The amounts are based on the census of 1910. They would of course be changed somewhat by the census of 1920, for all allotments after that year.

<sup>2</sup> Since the total appropriation to the States is increasing each year the amount of the special allotment to the smaller States necessary to guarantee \$5,000 annually and \$10,000 annually will of course decrease each year.

<sup>3</sup> Based on the apportionment of \$2,500,000.

Table showing amounts which each State would receive, etc.—Continued.

State.	Rural population.		Allotment, 1916-17.	Maximum allotment, 1924-25.	Special allotment to guarantee \$5,000 to each State in 1916-17.	Special allotment to guarantee \$10,000 to each State in 1923-24.
	Number, 1910.	Percentage distribution.				
Pennsylvania.....	3,034,442	6.15	30,750	184,500		
Rhode Island.....	17,956	.04	200	1,200	4,800	9,000
South Carolina.....	1,290,568	2.62	13,100	78,600		
South Dakota.....	507,215	1.03	5,150	30,900		
Tennessee.....	1,734,744	3.53	17,650	105,900		
Texas.....	2,958,438	5.99	29,950	179,700		
Utah.....	200,417	.40	2,000	12,000	3,000	
Vermont.....	187,013	.38	1,900	11,400	3,100	500
Virginia.....	1,585,083	3.21	16,050	96,300		
Washington.....	536,460	1.09	5,450	32,700		
West Virginia.....	992,877	2.01	10,050	60,300		
Wisconsin.....	1,329,540	2.69	13,450	80,700		
Wyoming.....	102,744	.21	1,050	6,300	3,950	4,750
Total, United States.....	49,348,883	100.00	500,000	3,000,000	47,650	33,500

#### APPENDIX B.

Table showing amount which each State would receive for the salaries of teachers of trade and industrial subjects under the proposals of the commission.

[Allotments in proportion to the total urban population, according to the last preceding United States census. Each State is guaranteed not less than \$5,000 for each year prior to the close of the fiscal year 1921-22, and not less than \$10,000 for each year thereafter.]

State.	Urban population.		Allotment, 1916-17.	Maximum allotment, 1924-25.	Special allotment to guarantee \$5,000 to each State in 1916-17.	Special allotment to guarantee \$10,000 to each State beginning 1923-24.
	Number.	Percentage distribution.				
Alabama.....	370,431	0.87	\$4,350	\$26,100	\$650	
Arizona.....	63,290	.15	750	4,500	4,250	\$6,250
Arkansas.....	202,681	.48	2,400	14,400	2,600	
California.....	1,469,739	3.45	17,250	103,500		
Colorado.....	404,840	.95	4,750	28,500	250	
Connecticut.....	999,839	2.35	11,750	70,500		
Delaware.....	97,085	.23	1,150	6,900	3,850	4,250
District of Columbia.....	331,069	.78	2,550	15,300	2,450	
Florida.....	219,080	.51	2,600	15,600		
Georgia.....	538,650	1.26	6,300	37,800		
Idaho.....	69,898	.16	800	4,800	4,200	6,000
Illinois.....	3,476,929	8.16	40,800	244,800		
Indiana.....	1,143,835	2.68	13,400	80,400		
Iowa.....	680,054	1.60	8,000	48,000		
Kansas.....	493,790	1.16	5,800	34,800		
Kentucky.....	555,442	1.30	6,500	39,000		
Louisiana.....	496,516	1.16	5,800	34,800		
Maine.....	381,443	.89	4,500	27,000	500	
Maryland.....	658,192	1.54	7,700	46,200		
Massachusetts.....	3,125,367	7.33	36,650	219,900		
Michigan.....	1,327,044	3.11	15,550	93,300		
Minnesota.....	850,294	1.99	9,950	59,700		
Mississippi.....	207,311	.49	2,450	14,700	2,550	
Missouri.....	1,398,817	3.28	16,400	98,400		
Montana.....	133,420	.31	1,550	9,300	3,450	2,250
Nebraska.....	310,852	.73	3,650	21,900	1,350	
Nevada.....	13,367	.03	150	900	4,850	9,250
New Hampshire.....	255,099	.60	3,000	18,000	2,000	
New Jersey.....	1,907,210	4.47	22,350	134,100		
New Mexico.....	46,571	.11	550	3,300	4,450	7,250
New York.....	7,185,494	16.86	84,300	505,800		
North Carolina.....	318,474	.75	3,750	22,500	1,250	
North Dakota.....	63,236	.15	750	4,500	4,250	6,250
Ohio.....	2,665,143	6.25	31,250	187,500		
Oklahoma.....	320,155	.75	3,750	22,500	1,250	
Oregon.....	307,060	.72	3,600	21,600	1,400	
Pennsylvania.....	4,630,669	10.86	54,300	325,800		
Rhode Island.....	524,654	1.23	6,150	36,900		
South Carolina.....	224,832	.53	2,650	15,900	2,350	
South Dakota.....	76,673	.18	900	5,400	4,100	5,800
Tennessee.....	441,045	1.03	5,150	30,900		
Texas.....	938,104	2.20	11,000	66,000		
Utah.....	172,934	.41	2,050	12,300	2,950	
Vermont.....	168,943	.40	2,000	12,000	3,000	
Virginia.....	476,529	1.12	5,600	33,600		
Washington.....	605,530	1.42	7,100	42,600		
West Virginia.....	228,242	.54	2,700	16,200	2,300	
Wisconsin.....	1,004,320	2.35	11,800	70,800		
Wyoming.....	43,221	.10	500	3,000	4,500	7,500
Total United States.....	42,623,383	100.00	500,000	3,000,000	64,750	54,500

<sup>1</sup> The amounts are based on the census of 1910. They would, of course, be changed somewhat by the census of 1920 for all allotments after that year.

<sup>2</sup> Since the total appropriation to the States is increasing each year, the amount of the special allotment to the smaller States necessary to guarantee \$5,000 annually and \$10,000 annually will, of course, decrease each year.

<sup>3</sup> Based on the apportionment of \$2,500,000.

## APPENDIX C.

Table showing amount which each State would receive for the training of teachers under the proposals of the commission.

[Allotments in proportion to total population according to the last preceding United States census. Each State is guaranteed not less than \$5,000 for each year prior to the close of the fiscal year 1918 and \$10,000 for each year thereafter.]<sup>1</sup>

State.	Population.		Allotment, 1916-17.	Maximum allotment, 1919-20, and annually thereafter.	Special allotment to guarantee \$5,000 to each State in 1916-17.	Special allotment to guarantee \$10,000 to each State beginning 1919-20.
	Number.	Percentage distribution.				
Alabama.....	2,138,093	2.32	\$11,600	\$23,200		
Arizona.....	204,354	.22	1,100	2,200	\$3,900	\$7,800
Arkansas.....	1,574,449	1.71	8,550	17,100		
California.....	2,377,549	2.58	12,900	25,800		
Colorado.....	799,024	.87	4,350	8,700	650	1,300
Connecticut.....	1,114,756	1.21	6,050	12,100		
Delaware.....	202,322	.22	1,100	2,200	3,900	7,800
District of Columbia	331,069	.36				
Florida.....	752,619	.82	4,100	8,200	900	1,800
Georgia.....	2,009,121	2.84	14,200	28,400		
Idaho.....	325,594	.35	1,750	3,500	3,250	6,500
Illinois.....	5,638,591	6.13	30,650	61,300		
Indiana.....	2,700,876	2.94	14,700	29,400		
Iowa.....	2,224,771	2.42	12,100	24,200		
Kansas.....	1,690,949	1.84	9,200	18,400		
Kentucky.....	2,289,905	2.49	12,450	24,900		
Louisiana.....	1,656,388	1.80	9,000	18,000		
Maine.....	742,371	.81	4,050	8,100	950	1,900
Maryland.....	1,295,346	1.41	7,050	14,100		
Massachusetts.....	3,366,416	3.66	18,300	36,600		
Michigan.....	2,810,173	3.05	15,250	30,500		
Minnesota.....	2,075,708	2.28	11,300	22,600		
Mississippi.....	1,797,114	1.95	9,750	19,500		
Missouri.....	3,293,335	3.58	17,900	35,800		
Montana.....	376,053	.41	2,050	4,100	2,950	5,900
Nebraska.....	1,192,214	1.30	6,500	13,000		
Nevada.....	81,875	.09	450	900	4,550	9,100
New Hampshire.....	430,572	.47	2,350	4,700	2,350	4,700
New Jersey.....	2,537,167	2.76	13,800	27,600		
New Mexico.....	327,301	.36	1,800	3,600	3,200	6,400
New York.....	9,113,614	9.91	49,550	99,100		
North Carolina.....	2,206,287	2.40	12,000	24,000		
North Dakota.....	577,059	.63	3,150	6,300	1,850	3,700
Ohio.....	4,767,121	5.18	25,900	51,800		
Oklahoma.....	1,657,155	1.80	9,000	18,000		
Oregon.....	672,765	.73	3,350	6,700	1,350	2,700
Pennsylvania.....	7,065,111	8.33	41,650	83,300		
Rhode Island.....	542,610	.59	2,950	5,900	2,950	5,900
South Carolina.....	1,515,400	1.65	8,250	16,500		
South Dakota.....	583,888	.63	3,150	6,300	1,850	3,700
Tennessee.....	2,194,789	2.37	11,850	23,700		
Texas.....	3,896,542	4.24	21,200	42,400		
Utah.....	373,351	.41	2,050	4,100	2,950	5,900
Vermont.....	355,956	.39	1,950	3,900	3,050	6,100
Virginia.....	2,061,612	2.24	11,200	22,400		
Washington.....	1,141,990	1.24	6,200	12,400		
West Virginia.....	1,221,119	1.33	6,650	13,300		
Wisconsin.....	2,333,899	2.54	12,700	25,400		
Wyoming.....	145,965	.16	800	1,600	4,200	8,400
Total United States	91,972,266	100.00	500,000	1,000,000	44,200	88,400

<sup>1</sup> The amounts are based on the census of 1910. They will, of course, be changed somewhat by the census of 1920 for all allotments after that year.

<sup>2</sup> Since the total appropriation to the States is increasing each year, the amount of the special allotment to the smaller States necessary to guarantee \$5,000 annually and \$10,000 annually will, of course, decrease each year.

<sup>3</sup> Based on the apportionment of \$1,000,000.

Mr. PAGE. Mr. President, I wish to express my deep gratitude for the very complimentary way in which the Senator from Georgia has referred to my connection with this work. I made my remarks upon this bill last week, anticipating then that when the measure came up for final discussion we would probably have very little time to give to the matter. I said to my friends to-day, when asking them to aid me in getting up this measure this afternoon, that I would make no extended remarks to-day, and I shall keep my promise to them by abstaining from any extended discussion at this time.

I believe the Senate is substantially a unit on this question, and I believe there is no piece of constructive legislation before Congress to-day that is of equal importance as affecting the great body of the American people.

There is not a State superintendent of public instruction in the United States with whom I have not been in correspondence in regard to this bill; there is not a head of any normal school in the country with whom I have not been in correspondence; there is no dean of any of the experiment stations connected with the agricultural schools with whom I have not been in correspondence. I have written to almost all the heads of universities in the United States, and in many cases I have taken up the matter with considerable detail. I know that the country is ready for this measure—that it earnestly demands it—and I am very glad indeed that its passage through the Senate is coming at this time.

In order to keep my promise to my brother Senators, I will not take the time of the Senate longer, but will ask the Senator from Maryland [Mr. SMITH] if he will not consent to temporarily lay aside the bill which he has in charge in order that we may have a vote upon this measure at this time.

Mr. THOMAS. Mr. President—

Mr. PAGE. I yield the floor.

Mr. SMITH of Maryland. Does the Senator from Colorado desire to speak in regard to the matter to which the Senator from Vermont has referred?

Mr. THOMAS. Yes.

Mr. SMITH of Maryland. I desire to say that, so far as I am concerned, I am willing to temporarily lay aside the District of Columbia appropriation bill for the purpose referred to by the Senator from Vermont, and I agree to his request.

Mr. THOMAS. Mr. President, the request made of the Senator having in charge the District of Columbia appropriation bill to temporarily lay it aside in order that the Senate may consider what is popularly known as the vocational education bill having been granted, and that bill being before the Senate, I wish to present a matter of which I think the chairman of the committee and perhaps the Senator from Vermont have been informed, and which, as I am informed, meets with their approbation.

A lady who resides in my city has long devoted herself to the problem of the instruction in civic duties and civic obligations of our alien population. She has been extremely active in this work since the outbreak of the war, and believes, I think very justly, that preparation consists quite as much in educating the alien population of the United States as to American institutions and American citizenship as in building fleets and equipping armies. She has also been very active in encouraging aliens to become citizens of the United States, and particularly in familiarizing them with the English language. This lady visited Washington some time ago to promote this movement, and while here she interviewed the Senator from Georgia on one or more occasions regarding the application of the principle of vocational education and the extension of the purpose of the bill to the alien population of the country. She proposed this amendment to section 6, at the end of the first paragraph:

And problems, requirements, and methods for the proper training of foreign-born persons for intelligent citizenship and industrial efficiency.

If there is no objection, I should like at this time to offer the amendment, with the hope that it may be accepted.

Mr. SMITH of Georgia. Mr. President, I do not know what to say about that amendment. It, of course, is a subject that appeals to all of us, but whether it would harmonize with the general scheme of the bill is another question. We make no distinction in this bill between any of our citizens. We seek the industrial vocational training of them all, as may be needed. Foreign populations vary so greatly in the different States that it would seem to me that would be more of a local problem. In States that have a large foreign population undoubtedly they could prepare as part of their schedule special vocational instruction for the foreign population, and it would meet the approval of the central board. I do not think any specific clause would be necessary to let the general board approve as part of the work of a particular State some special instruction in vocational education for the foreign population. I am inclined to doubt the wisdom of adding the amendment to the bill as a distinct proposition.

The lady to whom the Senator has referred saw me—and she is a splendid woman and very enthusiastic in her purposes—but such an amendment will affect, I fear adversely, the general symmetry of the bill, as it undertakes to select a class. Under the scheme of the bill such matters are to be submitted to the local board of the State to be adjusted to suit the classes in the State, and when the local board acts the central board can approve its action without the legislation.

Mr. THOMAS. Mr. President, I was informed by the author of the amendment, who must have misunderstood the chairman of the committee, that the proposed addition to the bill had received his consideration at an informal hearing which he gave to her, and that he would accept it if I should offer it. I certainly do not wish to do anything that would interfere with the symmetry of the bill, and certainly nothing that would prevent its present consideration and passage. I think, however, that the amendment would not have the effect which the Senator apprehends.

It will be noticed that, as drawn, it does not refer to any particular class of citizens except as embodying problems and methods in education. The bill provides that "such studies, investigations, and reports shall include" certain processes and



elements which are recited in section 6 of the bill, to which the amendment would add—

and problems, requirements, and methods for the proper training of foreign-born persons for intelligent citizenship and industrial efficiency.

That is, this system of vocational education shall include instruction with regard to these problems to those who can afterwards use and apply them to that class of our population which they immediately concern. Of course, if this amendment were one which had for its purpose a classification, and, consequently, a special element of training outside and beyond the general purpose of the bill, the criticism offered by the Senator from Georgia would be perhaps unanswerable; but if in the imparting of the information, the educational processes, to those who are the beneficiaries of the bill, they also be instructed regarding problems, acquirements, and methods of training of foreign-born persons, so that they in turn may become teachers and instructors, it would seem to me that it is not only in harmony with the bill itself, but very properly includes a subject upon which vocational education and training is as essential as in any other department of life.

Mr. PAGE. Mr. President—

Mr. THOMAS. I yield to the Senator from Vermont.

Mr. PAGE. Mr. President, in all the discussions with reference to this bill there has been but one sentiment, and that is that we should reach down and take the hand of the boy and the girl, the sons and daughters of the immigrant, and lift them up and educate them in matters that pertain to their vocational calling. We must keep in mind the fact that the States themselves must attend to the purely cultural part of education. That has been the one prominent thought as we have passed through the discussion of this bill. The State must so educate the children as to lay a broad general educational foundation, vocational training commencing only after the boy or girl has reached the age of 14. As showing the spirit of this bill, I want to read just a word from a recent speech delivered by me in the Senate:

A condition and not a theory confronts this Government to-day. If our citizens of the generation upon which we are now entering are unable to earn a decent livelihood and give their children such an education as will equip them to run the race of life with a fair measure of success, it will be impossible to convince them that they are receiving that equality of opportunity to which they are certainly entitled and without which they can not long remain true and loyal citizens.

We have had in mind this foreign element to which the Senator from Colorado refers. We have believed that we could not assimilate this foreign element unless we gave it something more than a cultural training.

I said further in my remarks:

We have received into this country hundreds upon hundreds of thousands of wholly uneducated people who have grown up under a monarchical form of government—people who have come here that they and their children may enjoy the beneficence of this great, rich, prosperous Nation.

We can assimilate them into our political system but slowly at best, and their loyalty to our country and its flag will depend very largely upon whether they do or do not come to believe that they are receiving a fair and just division of the prosperity with which our land is blessed.

I believe this is one of the great features of this bill. We say to the sons of the foreigner, "As soon as you have laid the foundation of a cultural education in the grades we will give you a vocational training that will enable you to earn a better wage, a more decent livelihood." I shall be very much mistaken, Mr. President, if this bill does not work out exactly the ends suggested by the Senator from Colorado.

Mr. SMITH of Georgia. Mr. President, if the Senator from Colorado will permit me to interrupt him, I think the way in which I was misunderstood was that I meant that the bill already would do the very thing which the lady who called on me thought should be done. I did not mean, I am sure, that I thought there ought to be a special designation in the bill itself.

Mr. THOMAS. Mr. President, except where isolations exist and are persisted in by foreigners in this country, the problem of the second generation is a comparatively simple one. The children of the immigrants, with the exceptions referred to, are very readily assimilable in America. They easily absorb our language and our customs. They accustom themselves to our institutions and methods, and almost imperceptibly, as it were, grow out of their origin and environment into the institutions and customs of the Republic. I have no doubt that this bill will be of enormous benefit to the children of the immigrants who are here and who are not yet acquainted with our language, and have not yet become citizens, as it will also benefit the native children of the country; and in my reading on the general subject of immigration I have discovered that the children of immigrants frequently become the teachers of their

parents. They acquire, as I say, by constant contact and association with the people around them, who are mostly citizens, that spirit of Americanism which the native very naturally and necessarily possesses; and it is therefore comparatively easy for them—by example if not by precept—to become the teachers of their less assimilable parents. But there is, unfortunately, a tendency with some classes of our foreign immigration to isolate themselves from the rest of the people, to keep to themselves, to maintain their native language, and to refuse, or at least fail, to familiarize themselves with the English language, and consequently with the customs and institutions of America.

Mr. PAGE. Does not the Senator think that this bill will be one of the great forces that will overcome that tendency?

Mr. THOMAS. I have no doubt of it, in view of what has been stated by the Senator, who knows all about the purposes of the bill and has been very familiar with its purposes and the details of its structure for a great many years. If I had any doubt about it I would certainly dismiss it upon the assurance of the Senator from Vermont, whose child this bill unquestionably is, and who, as declared by the Senator from Georgia, is entitled to the great merit of having framed it, introduced it, lived with it, and brought it to its present moment of fruition. It is a great work, and a monument to the Senator's career which I am sure will keep his memory fresh and green in the hearts of a grateful posterity. I certainly hope so.

There is, however, as I was about to say, a lack of homogeneity between certain elements of our foreign population and the great mass of our people. It is unfortunate that this is so, and much of the demand for a restricted immigration bill is due to that fact. No man can become a good citizen of the United States who does not familiarize himself with its institutions and learn and think in its language. No man, in my judgment, should be permitted to avail himself of American citizenship who declines to undergo that process of change, because he can not be an American citizen in all that the term implies and be unfamiliar with its language, and consequently with the Nation's institutions, its history, and its purposes. That class of immigrant, up to the outbreak of the European war, was multiplying in some sections of the country. Communities existed and do exist where the English language is as much a stranger as it is in the heart of southeastern Europe. There are some communities which insist not only upon—to use a common expression—flocking entirely by themselves, but who repel those natural and proper advances for assimilation which are made in the best of faith by others.

It is that class of immigrants, that class of aliens, that class of citizens, if you please, residing in the United States whose education should become one of the duties of every citizen coming in contact with them. Much of the complaint which aliens make, much of the reason which they offer for refusing to become American citizens is the hostility, or at least the indifference, to them shown by others, and particularly by native-born Americans. We need these people in the development of our wonderful resources, and at the close of the war in Europe we shall probably need them more than ever, for I am unable to understand how immigration will continue in very large numbers after this war, in view of the declination of Europe and the consequent demand for labor in those countries from which our immigration has been chiefly derived. It is the right time, in my judgment, to set at work those forces of education, of assimilation, and of contact with aliens scattered throughout the country and make of them good citizens of the United States.

The author of this amendment, as I say, has been devoting her life in the sphere of her usefulness—which is, of course, contracted—to reaching the alien who can not speak the English language and teaching him the rudiments of it, acquainting him with the importance and value of American institutions, drawing the contrasts so easily apparent between the liberty and opportunity of the individual in the United States and the absence of them in the country of his nativity, and to awaken that spirit of interest which not only precedes but almost always produces an affection for the institutions and opportunities of the new country, and which make the recipients of that knowledge better men and better women, and whose improvement must result in bringing them into the fold of our citizenship.

I hope it is true, and I have no doubt that it must be, that one result of the processes of this educational system will be to instill in the minds and the hearts of the recipients of the benefits of the system not only a knowledge of the needs and course of training of the foreign-born noncitizen population—and indeed some of them who are citizens—but also an enthusiasm in imparting that knowledge where it will be beneficial. But I do not perceive, as I stated before, how this amendment in any way trenches upon the purpose or the symmetry of the bill, since it

merely adds one more process of education to be applied to those for whose benefit the bill has been framed.

Mr. President, I shall not imperil the passage of this measure or insist upon the acceptance of this amendment if it is not acceptable to the committee having the bill in charge. I am somewhat disappointed, however, that there seems to be opposition to it, because I had assumed, from the information that had been given me—and about which, of course, there must have been some misunderstanding—that when the bill was taken up the amendment would be accepted.

Mr. GALLINGER. Mr. President, is the bill before the Senate?

The VICE PRESIDENT. No; the bill is in Committee of the Whole.

Mr. GALLINGER. I did not know that it had been taken up by any action of the Senate.

Mr. SMITH of Georgia. I asked unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

Mr. MARTINE of New Jersey. Mr. President, I desire to say a word in behalf of this measure. It appeals to me very strongly. My life has been a practical one from early boyhood until the present day, and I have realized very intensely and thoroughly the advantages that might come from a vocational system of education. I realize that the great colleges and universities of our land accomplish much, but they are in a realm entirely outside of vocational education; and, as valuable as they may be and as valuable as they are, their value would be very much enhanced if it might be accompanied by a knowledge of vocational, practical pursuits in life.

I know that in the public schools in my own city we have in two instances established the vocational features of education in conjunction with the ordinary school training, and they have been of infinite advantage.

In New York on two occasions quite recently—one a year or more ago—when there I dropped into an institution without real knowledge as to just what it was, and I found that it was maintained for the purpose of encouraging vocational education, for advancing the young men—and they had thousands of them there, and many on a waiting list—in some vocational knowledge in conjunction with the ordinary literary knowledge that they might acquire. I finally became engaged in conversation with the principals of the institution in New York—the first occasion was about a year ago and the other of more recent date—and they expressed themselves in most high favor of the process of education that was anticipated in the vocational education bill, then known as the Page bill. Since that time there has been a merging of ideas and interest between the Senator from Georgia and the Senator from Vermont. But these gentlemen, the principals of these schools, could not speak highly enough or extravagantly enough of the great advantages that would come from the adoption of this vocational education scheme which was known as the Page-Smith bill. As a member of the Committee on Education and Labor, to which this bill has been referred, it has been my privilege to come in pretty close contact with many of those. Feeling its just and great merits, I trust that the bill may be passed without hesitancy or without doubt. It will prove a blessing to the generations coming on, and in the future years will be of untold value to our Republic.

The VICE PRESIDENT. The Secretary informs the Chair that the Senator from Georgia has offered 47 amendments which simply change the year. If there is no objection on the part of the Senate, they will be considered as one amendment. The question is on agreeing to that amendment.

The amendment was agreed to.

The SECRETARY. On page 9, beginning on line 8, the Senator from Georgia moves to strike out the paragraph beginning "Such studies, investigations, and reports" and to insert in lieu thereof the following words:

When the board deems it advisable such studies, investigations, and reports concerning agriculture for the purpose of agricultural education may be made in cooperation with the Department of Agriculture; such studies, investigations, and reports concerning trades and industries for the purposes of trade and industrial education may be made in cooperation with the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits for the purposes of a commercial education may be made in cooperation

with the Department of Commerce; such studies, investigations, and reports concerning the administration of agricultural schools, courses of study, and instructions in vocational subjects may be made in cooperation with the Bureau of Education.

The amendment was agreed to.

The SECRETARY. On page 10 the committee proposes, in line 14, to strike out the words "of assistants and office and such" and to insert "of the officers, the assistants, and such office and."

The amendment was agreed to.

The SECRETARY. And beginning in line 16, with the words "the Federal board for vocational education," it is proposed to strike out those words and all of lines 17, 18, 19, and 20 as printed in the bill, and to insert in lieu thereof the following:

There shall be selected by the board, among other assistants, a specialist in vocational education, to be general director of all the vocational educational work, at a salary of \$7,500 per year; a specialist in agricultural education, at a salary of \$7,000 per year; a specialist in education in trades and industries, at a salary of \$7,000 per year; a specialist in education in home economics, at a salary of \$5,000 per year; a specialist in commercial education, at a salary of \$7,000 per year, who shall be paid out of the appropriation provided for in this section.

The vocational educational board is authorized to select an advisory board to be composed of seven men, one from the mechanic arts, one from agriculture, one from commerce, one from labor in general, and three from the field of general education. The said advisory board may be called together from time to time, but their entire service shall not exceed more than 30 days in one year. They shall receive no compensation, but shall be paid their traveling expenses and shall be allowed \$10 per day for subsistence, the expenses of the advisory board to be paid out of the appropriation provided for in this section.

The amendment was agreed to.

Mr. THOMAS. Mr. President, the chairman informs me that he will consent to the insertion of the following amendment:

And problems, requirements, and methods for the proper training of foreign-born persons for intelligent citizenship and industrial efficiency.

Mr. SMITH of Georgia. After consulting with the Senator from Vermont [Mr. PAGE], and understanding the classification into which it comes where there are quite a number of applications, the objection which occurred to us seems to be removed.

Mr. THOMAS. It is to be added at end of line 21, page 9, after the word "subject."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the original bill, page 9, at the end of line 7, after the words "vocational subjects," insert:

and problems, requirements, and methods for the proper training of foreign-born persons for intelligent citizenship and industrial efficiency.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SUITS BY STATES.

Mr. CHILTON. I ask the Senator from Maryland to agree to lay aside the pending bill for 5 or 10 minutes, so that I may call up a measure and make an explanation of it to the Senate. I believe I can get the consideration of this bill, in which I am very much interested. It is the bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes.

Mr. SMITH of Maryland. I have no objection.

Mr. CHILTON. I ask unanimous consent for the consideration of the bill.

Mr. TOWNSEND. What bill is it?

Mr. CHILTON. I will explain it to the Senate. This is a bill to enable any State in the Union to bring suit against the Federal Government, giving the consent of the Government because the Government now has the right under the decision of the Supreme Court to sue a State. This is a bill which has been probably as maturely considered by the Judiciary Committee as any bill that was ever before either House of Congress. It did not pass the committee unanimously, but it has been brought up at this session of the Senate on three or four occasions when the calendar was being considered; but I did not take the time then to explain to the Senate the purposes and objects of the bill, for the obvious reason that it would have a useless expenditure of time. On these occasions one objection defeated consideration.

The bill is a substitute for several bills which have been introduced and referred to the Committee on the Judiciary.

One is a bill introduced by the Senator from Massachusetts, another by the Senator from Louisiana, another by the Senator from Colorado, another by myself, and probably another by the Senator from Virginia. At the suggestion of the senior Senator from Iowa [Mr. CUMMINS], all these bills were consolidated, and a bill in general language was reported by the subcommittee unanimously and acted on by the full committee



and reported to the Senate. This bill simply provides that wherever there is a controversy between a State of the Union and the United States, which, as between individuals, would be cognizable in a court of justice, it may be brought in the Supreme Court of the United States.

Let me say that this adds nothing to the judicial power, of course. Suits, such as are described in this bill, can be brought now in the Court of Claims, but the Committee on the Judiciary thought—a majority of them did, and I did, and I think the Senate will conclude—that whenever a case rises to the dignity of being indorsed by the legislature of a State, it is a proper matter, in the first instance, to be considered by the Supreme Court of the United States.

Now, we are in a very peculiar and anomalous position. The Supreme Court has held, in the case of the United States against Texas, that the United States can sue a State; and yet there is no way by which a State can sue the United States. I take that controversy as an illustration. In that case the United States sued the State of Texas to recover the whole county of Greer from it, alleging that the State of Texas had wrongfully exercised jurisdiction and in claiming possession of that county, which had been, and which was in fact, a part of the State of Oklahoma.

If the positions of the parties had been reversed, if it had so happened that the United States had so to speak, "squatted" upon Greer County, there is no power in the world by which the State of Texas could sue the United States; and the State would have been helpless to obtain justice.

I take another illustration given by the Judiciary Committee. We have at this session conveyed to the State of Nevada about 7,000,000 acres of land for school purposes. If the State of Nevada shall, under the arrangement for assigning that land to the State, take land which does not belong to the State, the United States has a remedy by a suit in the Supreme Court of the United States; but if, on the other hand, the United States shall be in the wrong and shall take the property of the State, or if a \$1,600 clerk shall say that the land belongs to the United States and not to the State, there is no way by which the State can assert its right.

Mr. President, I will state the reason why I ask the Senate to take up the bill now. On two occasions this measure has been brought up when I was here and when we were calling the calendar, and under the five-minute rule I could not explain what the bill was; I did not have time. On one of the last two occasions when the calendar was called I was away at the funeral of Mr. Moss; the other time I was unavoidably absent, detained on committee business, the business of the Senate, and did not know that the calendar was being called.

Mr. KENYON. I should like to ask the Senator if there is a minority report of the committee?

Mr. CHILTON. There is no minority report. I will say this to the Senator—

Mr. KENYON. How many members joined in the report?

Mr. CHILTON. I have not the vote now. There were some Senators opposed to it.

Mr. KENYON. Are the Senators who are opposed to it in the Chamber now?

Mr. CHILTON. No; but I have talked to them. I will say this to the Senator: I do not want to take advantage of any Senator's absence. I know that in committee the Senator from Minnesota [Mr. NELSON] opposed it, but he stated to the Senate that he does not propose to bring up the bill for a vote. He thinks that it is a proper measure for the Senate to consider. That is true of the Senator from Utah [Mr. SUTHERLAND], as the Record shows. They made that statement in open Senate, and the Record shows it. The same statement has been made by the Senator from California [Mr. WORKS] and, as I recall, by the Senator from Wyoming [Mr. CLARK].

I do not want to bring up a bill in the absence of any Senator who desires to be heard, but the Senators mentioned have stated to the Senate, and the Record shows it, that they do not want to oppose the consideration of the bill. If it comes to a vote, they will vote against the bill, as I understand their position. I do not understand that they have asked that this bill shall not be taken up in their absence.

The two Senators from Massachusetts are deeply interested in this bill, as are many other Senators, and it is an important matter.

The other day some Senator made the statement, and I did not have time then to reply to it, that under it some States could bring suit for large claims against the Government. You can do it now in the Court of Claims. You can not give jurisdiction to a court or the right to sue in any case without taking the chance that a rascal or scoundrel will bring suit against a good man. There is nothing that can be said against this

bill that can not be said against any other bill authorizing a suit, and I assert that no Senator who has a drop of State rights doctrine left in him can oppose this bill.

Of course, in my opinion, the Supreme Court made a mistake when it held that the Government can sue a sovereign State, and I will say that there were dissenting from that opinion Chief Justice Fuller and Associate Justice L. Q. C. Lamar. But a majority of the court held the very strange doctrine—in the Texas case—that by adopting the Constitution the State gave their consent to be sued and thereby there attached the jurisdictional clause of the Constitution giving to the Supreme Court jurisdiction in any suit in which the United States was a party and original jurisdiction in any suit in which a State was a party.

The Senator from Georgia [Mr. HARDWICK] at one time opposed this measure. He read the report of the committee, however, and promptly told me to go ahead, that he had no further objection to the bill.

The Senator from Michigan [Mr. TOWNSEND] the other day upon the statement of the Senator from Utah [Mr. SUTHERLAND] objected. The Senator from Utah, however, did not object. The Senator from Michigan objected when the calendar was up probably two or three weeks ago, and I think he has ascertained from the Record or from those Senators whom he then seemed to be trying to protect that they do not object to the Senate considering the bill. They simply voted against it in committee, and the matter is here now for consideration, without any demand from them to delay consideration. The reason why I ask the Senate to take it up now is that Monday has been, rather by consent, set apart as the day when the calendar should be taken up. I have been unfortunately absent twice when the calendar was up for consideration, and I have explained why I was absent. I concede that we could not have taken up this bill had I been here, but the fact is I was not here and I could not be here for the reasons I have stated. I have to leave the city to-night or to-morrow, probably to be gone for the best part of the week.

This is a matter of vital importance. It is not political. It has been considered and it has been discussed for years and years. The substitute was really drawn by the senior Senator from Iowa [Mr. CUMMINS] as a solution of the general question—that is, as embodying all that the Senate ought to pass concerning the purposes and principles stated in the four or five bills that were before the Senate Judiciary Committee on this subject.

Mr. TOWNSEND. Mr. President, I can not consent to the consideration of the bill at this time. The Senator from West Virginia states that I have talked with members of the Judiciary Committee, and find no objection to it. I have talked with several Senators, who stated that they did seriously object to the passage of the bill. I have been told by several of them that they had agreed with the Senator from West Virginia that they personally would not file any objection against considering the bill. Those Senators are absent from the Senate to-day. The Senator himself will not contend that they would vote for the bill if they were present. Every one of them would vote against it and many of them would discuss it in a way that would present their views of the measure.

I did listen to what the Senator from Utah stated when this bill was called up the first time, having a good deal of confidence in what the Senator said, and it looked to me as though it was a proposition that might permit the States of the United States to go to the Supreme Court on a claim that never ought to be considered, in morals at least, though possibly there might be some equitable or moral right sustaining the claim. For instance, as the Senator from Utah states, the great Northwest Territory, much of which was claimed originally by some of the thirteen States, if they could bring suit and make out a case which to the Senator from West Virginia might seem all right and equitable, and if they could establish it they might compel the United States to pay untold millions of dollars.

Mr. CHILTON. I should like to ask the Senator if it is possible to do it unless the Supreme Court should decide that it is right?

Mr. TOWNSEND. I said there might be a legal right for it, but in all the cases that have come up since I have been here when the States asked permission to bring suit that suit has been laid before Congress, and the Senate has passed upon the individual merits of the particular case.

I have no objection at all to the Government paying its just debts. I was upon the Committee on Claims for two years, and I voted for the payment of every claim that was made out before that committee; I was not prejudiced against the claims at all; but this wholesale proposition, for some purpose, I do not know just what, is presented here when many of the Senators

who are opposed to it, at least those who have talked with me, are absent.

I submit, Mr. President, that in the condition of the Treasury to-day many of the claims which have waited for so many years can wait a little longer, and we can well afford to bring the particular case before the Senate and let it go to the committee and let the Senate committee and the Senate itself pass upon that claim. Then there will be no valid reason or obstruction in the way of Senators getting a hearing before the court.

I simply rose to object, however, for the reason I have stated. I have talked with Senators on the Judiciary Committee. Everyone with whom I have talked has agreed with me that this bill ought to be considered.

Now, we are supplanting the District of Columbia appropriation bill with this measure. I can not quite understand why the Senator from Maryland consents to it, when the appropriation bill has been hanging for days; and this is a bill that will provoke discussion, a bill the opponents of which are mostly absent from the Senate at this time. To take it up and supplant the legitimate business of the Senate is something I can not agree to.

Mr. SMITH of Maryland. I will say to the Senator that, as chairman of the Committee on the District of Columbia, I merely consented that the Senator from West Virginia might bring the bill before the Senate, as other Senators have a right to request the unanimous consent of the Senate. I did it out of courtesy to the Senator from West Virginia.

Mr. CHILTON. The Senator from Michigan is unfair in his statement of my position and he is unfair in the statement or the attitude of this case. To put me in the position of trying to bring up this bill when some one opposing it is absent is unfair to me and it is unfair to this situation.

What I stated was a fact. The other day I spoke to the Senator about it, and I understood him to say to me that the Senators who were opposed to it had stated what I said they had stated. I so understood him. Now, I certainly would not look the Senator in the face and state what he had said to me unless I believed he had said it to me.

Mr. TOWNSEND. I have no doubt the Senator from Georgia believed it, but he is certainly mistaken. The Senator spoke about the Senators from Massachusetts. There are Senators on the floor now who are members of the Judiciary Committee who have come in lately, and they can substantiate every word I have said.

Mr. CHILTON. Exactly. Let me repeat, the first time this matter was brought up before the Senate it came up regularly upon the calendar. The Senators who had opposed it stated to the Senate that they would oppose the bill, but they did not want to object to its consideration, and they did not object to its consideration. Other Senators upon this side objected to its consideration. After those Senators read the report they withdrew their objections. Then the Senator from South Dakota [Mr. STERLING] made an objection at one time, but when he read the report he withdrew his objection.

I have talked with the Senators who opposed it and they do not occupy the position of the Senator from Michigan. I know what I am talking about. I know the Senators who voted against the bill in committee, and I know they have stated on this floor and to me that they do not want to object to the consideration of the bill. But the Senator has put it in a way that possibly my motive might be misconstrued. I do not want to bring up the bill now if the Senator knows of any absent Senator who wants to be heard. If he thinks he is the guardian of the conscience of Senators upon the other side, and wants to try to put me in the position of trying to get up the bill in some Senator's absence, I am perfectly willing to put the facts in the Record and submit to the rule. I am not afraid of any speeches that may be made when it comes up on its merits.

Mr. TOWNSEND. I desire to state that the records will show, that I have not put the Senator in a false light in any particular. I took his own statement that certain Senators had agreed not to object to it, but were against it, and I said the Senators were not here. Did any of them ever consent to have this bill considered in their absence?

Mr. CHILTON. I never talked to them about considering it in their absence. All I have done has been in the open. It has been up four or five times when the calendar was considered. If the Senator wants to start in to be the guardian of one side of the Senate, it is all right. I do not want to be under the suspicion of bringing up this bill in the absence of anyone who wants to be here when it is considered. But those Senators have spoken on this floor themselves. They said here they did not want to object to its consideration and were satisfied with being against it and let the Record show they were against it. Of course, the objection puts the bill over for the present, but I

want it understood that I will press it for passage as the rules may permit.

Mr. VARDAMAN. I wish to ask consent of the Senate to consider a bill which came over from the House a day or two ago.

Mr. CHILTON. Is not the question to be put on my motion, Mr. President?

The VICE PRESIDENT. There was no motion. The Senator from West Virginia asked for unanimous consent.

Mr. VARDAMAN. I beg the Senator's pardon. I thought the matter had been concluded.

The VICE PRESIDENT. The Senator from Michigan [Mr. TOWNSEND] objected.

Mr. CHILTON. Does the Senator object?

Mr. TOWNSEND. I object.

Mr. CHILTON. Well, the Senator, of course, can object, and I can not help myself, Mr. President.

#### STREET RAILWAY IN HAWAII.

Mr. VARDAMAN. This bill came over from the other House a day or two ago and was referred to the Committee on Pacific Islands and Porto Rico. It is for the purpose of amending an act extending the time for the building of a street railway in South Hilo, County of Hawaii, in the Territory of Hawaii, approved August 1, 1912. The contract expires on the 1st of August, and they have been unable to raise the money there with which to begin the construction of the road under the terms of the original contract. They are very anxious to have the bill passed to-day. It does not change the contract. The people of Hawaii desire it. The bill passed with practical unanimity—I understand, indeed, without any opposition at all—through the other House and through the committee of the Senate, if I may be permitted to refer to those matters. The report of the committee of the other House states that—

The city of Hilo contains about 9,000 inhabitants, and up to the present time it has been difficult to secure capital sufficient to begin operation.

The committee is advised that just recently responsible residents of the Hawaiian Islands have agreed to finance the building of the street railway in Hilo, and it appears to this committee that an extension of time of two years within which to commence the preliminary construction of the railway and the expenditure of not less than \$20,000 is a reasonable period.

I have not had an opportunity, in the absence of the junior Senator from Colorado [Mr. SHAFROTH], the chairman of the committee, to get the committee together; but I have conferred with the members of the committee who are in the city, and they universally approve this measure and direct me to report it and ask for its passage.

Mr. GALLINGER. Has the Senator from Mississippi reported the bill?

Mr. VARDAMAN. I am going to report it now, and I desire to have it passed, because this is the last day of the month, and there seems to be no objection to it anywhere. I should like to have immediate consideration of the bill. I think other Senators have been approached on the subject and who are familiar with the bill. I now report from the Committee on Pacific Islands and Porto Rico the bill (H. R. 16640) to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914, without amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THE CALENDAR.

Mr. SMITH of Georgia. Mr. President, I desire to ask unanimous consent that the consideration of the calendar may be proceeded with, beginning where we left off the other day, for the consideration of unobjected measures.

Mr. MARTINE of New Jersey. Mr. President—

Mr. SMITH of Georgia. Just one moment. We have given a chance for the consideration of about half the calendar; and while I have not myself any bills on the lower part of the calendar, I know what it is to Senators to get unobjected bills acted on, and I think we ought to have a chance to dispose of them.

Mr. WORKS. Mr. President, I desire to ask at what number on the calendar its consideration was left off.

The VICE PRESIDENT. At Calendar No. 509.



Mr. MARTINE of New Jersey. Mr. President—

The VICE PRESIDENT. Let us first ascertain what the Senator proposes to do with the request of the Senator from Georgia [Mr. SMITH].

Mr. MARTINE of New Jersey. Mr. President, what I desire will take but a moment.

Mr. GALLINGER. Mr. President, I hope the request of the Senator from Georgia [Mr. SMITH] will be put.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent to proceed to the consideration of the calendar of unobjected cases, under Rule VIII, commencing at Calendar No. 509. Is there objection? The Chair hears none.

#### THE STOP-WATCH SYSTEM.

Mr. MARTINE of New Jersey. Mr. President, I desire merely to make a short statement, which will take but a minute.

On July 25 we had under consideration the stop-watch system. I then made a statement regarding an instance which had come under my observation, to the effect that a man who was in the employ of the Mail Bag Division of the Post Office Department of the Government, and who had worked there for 20 years, had been put under the speeding-up process; that he was taken mentally ill; and that he was sent to the asylum. When I mentioned that the Senator from Colorado [Mr. THOMAS] seemed to be very much surprised at it; but since that time—whether through his efforts or otherwise, I do not know—I have received a letter from the Postmaster General, in which he states that there has not been any stop-watch system whatever in that department. That prompted me to look up the matter, and I discovered that when I said "mail bag" I should have said "sail making." Hence I want to correct the statement to avoid putting the Post Office Department in an unpleasant plight.

I have here a statement of the Solicitor of the Department of Labor that one Mr. D. C. Manning, a sailmaker in the Mare Island Navy Yard, who had worked there for 20 years, had been put under the so-called speeding-up process and was afterwards declared incapacitated in consequence and was sent to the asylum. I have also some other matter of a similar nature which came under my observation at that time. I ask that I may present this without further reading, and I ask that it go into the RECORD as a part of my remarks.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

DEPARTMENT OF LABOR,  
OFFICE OF THE SOLICITOR,  
Washington, April 2, 1915.

In re claim for compensation by D. C. Manning, sailmaker, Mare Island Navy Yard.

The above-mentioned claim has been specially submitted to this office with the following inquiry:

Did the claimant sustain an injury within the meaning of the act of May 30, 1908?

It appears from the record that on July 24, 1913, this claimant became incapacitated, and so continued until July 28, when he returned to work. After working three days he was again incapacitated, which continued until November 1, 1913, when he again returned to work, but after working with great difficulty for nine days he was again incapacitated, and has since that time been unable to return to work. The cause of the injury as given by claimant is "strain from rushing work under the Halsey system." The nature of the incapacity is given by one physician as "aortic incompetence." He further says that the disability will continue for life, and that claimant is suffering from "incurable heart condition."

Another physician who treated claimant afterwards gives the nature of disability as "dilatation of aortic orifice of heart, hypertrophy, and dilatation of heart. Aortic incompetence." The objective and subjective symptoms he gives as follows:

"Condition as noted in four above, producing dyspnea, palpitation, gastric disturbances, insomnia, general nervous irritability."

This physician also states that claimant, who is a man only 52 years of age, will be incapacitated for life. Under the heading of "Remarks," he further says that—

"It is possible and even probable that the type of work being done on day of accident suddenly and without warning produced the overstrain which resulted in dilatation of aortic orifice."

In response to a letter from the department asking claimant to explain fully the facts and circumstances connected with his incapacity, in a letter dated January 2, 1915, he says:

"(1) I worked in the sail loft at Mare Island as a first-class sailmaker, without losing a day from illness of any kind for about 20 years and had one of the best records for lots of good work, that any man could have."

"When Naval Constructor Evans took charge of the shops on the navy yard, he placed the men in the sail loft on a time-card system. Under this you had to give an account of every minute you were on a job. At the time this system was inaugurated we were given to understand that the men who did the most work would hold their jobs the longest. As I had a large family to support I could not afford to lose my job, so I worked hard and fast and faithfully, as usual, and I had understood that the sailmakers at Mare Island Navy Yard outclassed those at all other yards in the amount of work turned out for a given time under this system."

"When Mr. Evans left the navy yard he was succeeded by Constructor Fisher, who instituted the Halsey system, a system which is more severe than the time-card system as regards the amount of work

expected from those working under it. At that time there were only a few men left in the sail loft, all the others having been eliminated as a result of the fast pace that a few of us had set. I might be asked why I did not quit when I found the work so trying. My answer to this, of course, is that I had a large family to support and I was not in a position to quit, and, besides, I felt I was physically strong enough to keep up the work. During this time the six other men who remained in the sail loft with me never worked steadily under the Halsey system the same as I did. They used to take long rests, and do so yet, as their records will show. If they did not they probably would be in the same condition as I am now. This system is so trying on the physical condition of a man who works under it that the larger shops refused to stand for it."

"On the afternoon upon which the injury occurred, I had just gotten started on my work on coaling bags when all of a sudden I felt my heart give out for the first time in my life. The rush had strained and ruptured my heart which had always been good and never before given me any trouble. If this was not the case or if my heart had previously been affected in any way, I certainly could not have made the record I did during my 20 years of work in the sail loft. At the time of the injury I managed to get to the navy-yard dispensary, where I remained the rest of the afternoon, and I have never been well or able to work since. I think this is all I can say under the first heading."

"(2) Under the Halsey system a time man, equipped with tablet, lead pencil, and stop watch, sat in front of you as long as the job lasted. His work was to hold the watch in his hand and take absolute account of every minute of your time for a day of eight hours, the object being to find out how long it takes a man to do a certain piece of work. Having done this, his duty was to report to headquarters, and as a result you were given a standard, which of course, is always a big day's work, as under such a system men will naturally do their level best in attempting to make the best record possible. In other words, the Halsey system is a system designed to get out of the man employed under it the greatest possible amount of work he can do in a given time, with the fear ever hanging over him that a failure to keep up to standard will cause him to lose his job."

"At the time of my injury I was making coaling bags. A coaling bag when finished is about 42 inches long and 8 feet in circumference. It is the hardest job in sail making. When filled it will hold 800 pounds of coal. It is made out of the heaviest kind of flax canvas. In making it, two thicknesses of canvas are used and a large tarred rope, including two slings is sewed around the top of the bag. In making it a 5-inch needle is used with large flax thread which requires the exercise of considerable strength to get it through the canvas. I had just started to sew on one of these bags when the injury occurred."

"(3) In the first place I thought that my injury would be only temporary and I did not expect to be permanently disabled. Then my case became so bad that I had to be removed to a San Francisco hospital for treatment. I kept thinking all along that I probably would get well in time and would be able to go back to work again. Had I recovered probably no claim would have been presented by me, but inasmuch as my injury has resulted in permanent disability, I finally decided to submit my claim some months ago."

Upon the foregoing facts the question arises whether the incapacity of claimant beginning July 24, 1913, and practically continuing until the present time, with prospects of further continuance throughout the life of claimant, is due to an injury in the course of employment, as contemplated by the provisions of section 1 of the act of May 30, 1908.

While the facts and conditions in this case may be somewhat different from other cases of a similar nature which have been heretofore passed upon in the administration of this act, yet the principle involved is not entirely new and has been previously considered.

One of the early cases wherein a similar question was considered was that of W. H. Merritt, an employee of the Puget Sound Navy Yard. The cause of the incapacity in that case was shown to be as follows:

"Severe strain due to overexertion in continuous climbing of stairways and ladders, in continuous rush of work, with crew of inexperienced men, causing extreme worry and exertion on part of myself in completing work properly."

The attending physician gave the character of injuries as follows:

"Heart strain resulting in acute dilatation of the heart."

In that case it was said:

"From a consideration of the record, it clearly appears that claimant is incapacitated for work; that just previous to his incapacity he was engaged upon work requiring of him an unusual strain and exertion, and that previously thereto he was an unusually vigorous man, as well as an energetic worker."

Upon a consideration of the facts in the case it was concluded that the case bore a striking similarity to the Gilmore case, and it was accordingly recommended for approval by the solicitor in an opinion dated May 4, 1910.

The Gilmore case, just referred to, arose in the Washington Navy Yard, and the cause of the injury was stated to be as follows:

"I was fitting and assembling 5-inch breech mechanisms on a hurry order for Mare Island Navy Yard for the Cincinnati and was working hard to complete order in time."

The attending physician certified that claimant was suffering from a right inguinal hernia which was at the site of a previous operation from which the results were good for a number of years, but that the recurrence dated from heavy lifting at his work in the navy yard. Claimant also gave a further statement concerning the surrounding circumstances, which was as follows:

"As near as I can trace it was from the work I was doing at the time. We had a lot of mechanisms to get ready for Mare Island Navy Yard and they had to be completed by the 1st of June. The work was very difficult, and I had to strain myself a good deal, and after I was through I felt that I was sore, and I remarked to my fellow workman at the time, 'I believe I hurt myself.'"

In an opinion by the solicitor dated April 11, 1910, it was said in concluding:

"In this case the facts as shown by the record indicate that the hernia was produced by something involved in the exertions of the claimant while employed on the unusual rush of work mentioned by him, in view of which it is clear that the principles laid down by the Attorney General in the Clark case are applicable."

It will be observed from the foregoing that so far as the circumstances surrounding the injury and subsequent incapacity in those two cases are concerned they are practically similar to those found in this case. Here was a strong, hearty, hard-working employee, who for about 20 years had been regularly employed by the Government and whose rating was first class. After putting in all those years of service and retaining his health, strength, and vigor, a new system was installed in the Gov-

ernment establishment by which the employee was kept under the highest nerve-racking tension by reason of the fact that a time man sat watching his every movement during every minute of an eight-hour workday. In addition to this it will be observed from claimant's letter, above quoted, that the work he was performing was of the heaviest and hardest kind to be performed in his occupation. Under such circumstances it is not a matter of surprise that his health should have been injured and shattered, for it certainly seems that such treatment of a man engaged in heavy manual labor, necessitating also the use of the intellect, would be sufficient to upset the mind of an ordinary individual and produce insanity.

From a consideration of the facts in this case, I am of the opinion that the same conclusion reached in the cases of Merritt and Gilmore should be adopted in this case and the claim approved for payment.

Respectfully submitted.

CHARLES L. SIMMS,  
Acting Solicitor.  
LOUIS F. POST,  
Assistant Secretary.

Approved and referred to the Bureau of Labor Statistics.

Mr. GALLINGER. Mr. President, I trust this will conclude the discussion of this subject.

Mr. MARTINE of New Jersey. I hope it may. I have no desire to press it further.

Mr. GALLINGER. I have a mass of material on the other side of the question, but I will not submit it to the Senate.

Mr. MARTINE of New Jersey. I only want to square myself with the Post Office Department. Having made a statement as to that department, when I find I am wrong I am brave enough to correct it; but my statement was correct in substance with reference to some other divisions.

Mr. TOWNSEND. Regular order, Mr. President.

#### PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, after line 5, to strike out:

The name of Ellen Rohr, former widow of William E. Scott, late of Company B, Thirtieth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to strike out:

The name of Elizabeth Maurer, former widow of Frederick Neigeman, late of Company E, Sixteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to strike out:

The name of Emma A. Gasper, widow of John Gasper, late of Company C, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 21, to strike out:

The name of Marian Lemon, former widow of John C. Stockton, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 7, before the words "per month," to strike out "\$50" and insert "\$40," so as to make the clause read:

The name of Silas M. Abers, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 6, to strike out:

The name of Samuel Prisk, late of Company K, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 20, before the words "per month," to strike out "\$20" and insert "\$12," so as to make the clause read:

The name of Lodema C. Hodges, widow of Henry Hodges, late of Company H, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to strike out:

The name of Eliza E. Sutherland, widow of Richard L. Sutherland, late unassigned, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to strike out:

The name of Uriah T. Tapscott, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. THOMPSON. Mr. President, I hope the Senate will disagree to this amendment. I simply wish to state to the Senate that I am personally acquainted with Mr. Tapscott, having known him for many years. I know his to be a very worthy claim. I spoke to the chairman of the Committee on Pensions [Mr. JOHNSON of Maine] regarding it, and he said he was perfectly willing that I should present the matter, and that he had no objection to the Senate disagreeing to the amendment. Mr. Tapscott practiced law in my court for a number of years, and I know personally that for the last three or four years he has been totally disabled and confined to his home most of the time. About all the property he has is a law library, which is not worth very much if he can not use it, and a modest homestead. He is 68 years old, and gave over two and one-half years of service to his country during the Civil War. No more worthy claim is contained in this bill. I, therefore, hope that the Senate will disagree to the amendment striking out this item from the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 16, line 15, after the surname "Schwing," to insert "widow of Joseph Schwing, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and," so as to make the clause read:

The name of Elizabeth Schwing, widow of Joseph Schwing, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and former widow of John Meyers, late of Company C, Sixteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 23, before the words "per month," to strike out "\$40" and insert "\$50," so as to make the clause read:

The name of Hiram Morgan, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to strike out:

The name of Andrew G. Scott, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to strike out:

The name of Samuel Gooding, late of Company F, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to strike out:

The name of Della C. Ross, former widow of Charles B. Clark, late of Company I, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 21, line 17, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of David E. Lindsey, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to strike out:

The name of Marion E. Laird, widow of George F. Laird, late of Company D, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 2, to strike out:

The name of Emma L. Edwards, former widow of Gilbert Keene, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 20, after the word "Kentucky," to strike out "Mounted," and in the same line,



after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Elijah W. Taylor, late of Company C, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the words "per month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of John M. Gray, late of Company B, Twentieth Regiment, and Company K, Eighty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month, the same to be paid to him under the rules of the Bureau of Pensions as to modes and times of payment, without any reduction or rebates on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The next amendment was, on page 26, after line 14, to strike out:

The name of Ellen Jane Taylor, former widow of George M. Taylor, late of Company F, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 26, line 19, after the surname "Wooley," to insert "widow of George C. Wooley, late of Company M, Ninth Regiment New York Volunteer Cavalry, and," so as to make the clause read:

The name of Mary J. Wooley, widow of George C. Wooley, late of Company M, Ninth Regiment New York Volunteer Cavalry, and former widow of Nelson Raymond, late of Company M, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 4, before the words "per month," to strike out "\$20" and insert "\$24," and in the same line, after the words "per month," to insert "in lieu of that she is now receiving: *Provided*, That in the event of the death of Clara Porter, helpless and dependent child of said George W. Porter, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma L. Porter the name of the said Clara Porter shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Emma L. Porter," so as to make the clause read:

The name of Emma L. Porter, widow of George W. Porter, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clara Porter, helpless and dependent child of said George W. Porter, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma L. Porter the name of the said Clara Porter shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Emma L. Porter.

The amendment was agreed to.

The next amendment was, on page 28, line 4, before the words "per month," to strike out "\$20" and insert "\$12," so as to make the clause read:

The name of Adelaide McGreevey, widow of James W. McGreevey, late of Company A, Second Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to strike out:

The name of Sarah C. Knights, widow of Jacob M. Knights, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 20, before the word "Volunteer," to strike out "Mounted," and, in line 21, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of James M. Minton, late of Company G, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 18, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Henry Startzel, late of Company B, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "Militia," to insert "Infantry," so as to make the clause read:

The name of Franklin Deal, late of Company C, One hundred and seventy-third Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to strike out:

The name of Rachel S. Flood, former widow of John B. Rice, late of Company K, Ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### SPANISH RIVER BRIDGE, ALABAMA.

The bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MISSISSIPPI RIVER BRIDGE, AITKIN COUNTY, MINN.

The bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, was considered as in Committee of the Whole.

Mr. SHEPPARD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, section 1, line 9, after the word "township," it is proposed to strike out "100 and," so as to make the section read:

That the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at its intersection with the division line between sections 26 and 27, township 49 north, range 25 west, fourth principal meridian, in the county of Aitkin, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. SHEPPARD. Mr. President, the effect of that amendment is simply to change the number "149" to "49." I will say that the Representative who introduced the bill advised me that that change would be necessary.

Mr. CLAPP. There was evidently a mistake in the text.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

On motion of Mr. SHEPPARD, the title was amended so as to read: "A bill to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan township in said county and State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 49 north, range 25 west, fourth principal meridian."

#### MISSOURI RIVER BRIDGE AT WILLISTON, N. DAK.

The bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### YELLOWSTONE RIVER BRIDGE, MONTANA.

The bill (H. R. 14823) to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MISSOURI RIVER BRIDGE, MONTANA.

The bill (H. R. 14534) permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BRIDGE ACROSS RED RIVER OF THE NORTH.

The bill (H. R. 15318) granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to con-

struct a bridge across the Red River of the North on the boundary line between said States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RED RIVER OF THE NORTH BRIDGE IN NORTH DAKOTA.

The bill (H. R. 15322) granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### REFUND OF ADDITIONAL DUTIES COLLECTED ON PINEAPPLES.

The bill (H. R. 2184) providing for the refund of certain additional duties collected on pineapples was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to R. U. Delapenha & Co., of New York, \$782.31, that being the amount of additional duties collected from them by the collector of customs at the port of New York on four shipments of pineapples imported in January, February, and March, 1913.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEPH J. SCOTT.

The joint resolution (H. J. Res. 158) authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue bowling alley and billiard table special-tax stamps which were lost from the office of the collector during the rush of business incident to the collection of the special taxes imposed by the act of Congress dated October 22, 1914, it having been definitely ascertained that the same have never been issued.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### A. S. WALKER.

The bill (H. R. 8697) for the relief of Collector of Internal Revenue A. S. Walker, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit A. S. Walker, the collector of internal revenue of the State of Texas, and his accounts with the sum of \$683.33, being the value of internal-revenue stamps charged to him, stolen, lost, or accidentally destroyed at Austin, Tex., in the spring and winter of 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RECLAMATION OF ARID LANDS.

The bill (H. R. 12365) to promote the reclamation of arid lands, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

#### GOVERNMENT FOR PORTO RICO.

The bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, was announced as next in order.

Mr. GALLINGER. That is a very long bill. I ask that it may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

#### YUMA RECLAMATION PROJECT, ARIZONA.

The bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona, was considered as in Committee of the Whole.

The bill has been reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments.

The first amendment was, on page 1, line 4, after the word "heretofore," to insert "or hereafter," and, on page 2, line 3, after the word "therefor," to insert "That appurtenant water rights for lands in private ownership may be sold for not to exceed 160 acres to any person, at a price which shall be not less than the highest price per acre paid for public land sold under the provisions of this act, payment thereof to be made under the same terms as for public land under the provisions of section 2. Final water-right certificate shall not be issued to such private land until payment has been made in full. No works shall be constructed nor water delivered through any of the works of the

Yuma project for the irrigation of any such private lands unless application has been made to purchase a water right for such land under the terms and provisions of this section," so as to read:

That the Secretary of the Interior is hereby authorized to set apart any lands in the State of Arizona heretofore or hereafter withdrawn under the reclamation law, in connection with the Yuma reclamation project, as an auxiliary reclamation project or unit, and sell, in tracts of not more than 160 acres to any one purchaser, the lands so set apart and believed to be susceptible of irrigation, at public sale under suitable regulations, for not less than the reasonable value per acre of the land plus the estimated cost per acre of reclamation works to be constructed for the reclamation of said lands so set apart plus the proportionate cost per acre of the works previously constructed and available therefor. That appurtenant water rights for lands in private ownership may be sold for not to exceed 160 acres to any one person, at a price which shall be not less than the highest price per acre paid for public land sold under the provisions of this act, payment thereof to be made under the same terms as for public land under the provisions of section 2. Final water-right certificate shall not be issued to such private land until payment has been made in full. No works shall be constructed nor water delivered through any of the works of the Yuma project for the irrigation of any such private lands unless application has been made to purchase a water right for such land under the terms and provisions of this section. The Secretary of the Interior at or prior to the time of sale, shall fix and determine (a) the reasonable value of the land per acre; (b) the estimated cost per acre of the works to be constructed; and (c) the proportionate cost per acre of the works previously constructed and available for the lands offered for sale.

The amendment was agreed to.

The next amendment was, in section 5, on page 4, line 14, to strike out "That all moneys received in excess of the estimated cost of construction, as fixed by the Secretary of the Interior, shall be paid into the reclamation fund established by the act of June 17, 1902," and in line 19, after the word "and," to insert "that any money remaining in said separate fund known as the auxiliary reclamation fund of the Yuma project, Arizona, after completion of the said auxiliary project and, so as to make the section read:

SEC. 5. Any surplus of funds paid on account of construction remaining after completion thereof, and that any money remaining in said separate fund known as the auxiliary reclamation fund of the Yuma project, Arizona, after completion of the said auxiliary project and after reimbursement of the reclamation fund for the proportionate share of works built by means of the latter fund shall be credited to the cost of operation and maintenance of the works of the said auxiliary project, and any balance thereof on hand when the said auxiliary project is taken over, as provided in section 4, shall be paid to the contracting organization.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SETTLERS UNDER RECLAMATION PROJECTS.

The bill (H. R. 10116) for the relief of certain settlers under reclamation projects, was considered as in Committee of the Whole. It provides that any person who has heretofore established residence upon and improved any tract of land within the irrigable area of the Yuma reclamation project in Arizona withdrawn from entry under the provisions of the reclamation law and acts supplementary thereto and amendatory thereof, and who shall have made valuable improvements upon such lands, and who has resided thereon in good faith for two years prior to the passage of this act, may make entry for the farm unit upon which his residence is established, and that such residence and improvements heretofore made shall be credited upon his final proof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT TUCSON, ARIZ.

The bill (S. 889) for the erection of a public building in the city of Tucson, Ariz., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 2, line 3, after the words "sum of," to strike out "\$400,000" and insert "\$325,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion, in the city of Tucson, Ariz., of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, land office, Immigration Service, and Forestry Bureau, upon ground already purchased by the Government for such purpose and now owned by the United States, the cost of said building not to exceed the sum of \$325,000.

Mr. GALLINGER. Mr. President, I will ask the Senator from Arizona if that amount of money is really needed for the erection of a building in Tucson—\$325,000?

Mr. SMITH of Arizona. It happens to be my home town. I have taken the matter up fully, and my opinion is, and also the opinion of the postmaster in that city, that it will require more



room than is given here. They have cut down the amount to \$325,000.

Mr. GALLINGER. What is the population of Tucson?

Mr. SMITH of Arizona. It is largely over 20,000. A railroad is opening up from the City of Mexico through the town, and is bringing an immense foreign mail there. We have almost every Federal office you can think of in that city. The matter has been thoroughly considered and is recommended by the department as essential.

Mr. GALLINGER. The amount is so much larger than we ordinarily appropriate that it attracted my attention.

Mr. SMITH of Arizona. Naturally so, and I appreciate the Senator's feeling about it. But in a growing country like Arizona, you see, we have so many various offices that the Government has to provide accommodations for them by renting buildings, and we are trying to get these offices all under one roof and cut out this rental. That is as cheaply as they can erect a suitable building.

Mr. KENYON. Mr. President, I should like to ask the Senator the population of this town.

Mr. SMITH of Arizona. I stated it to the Senator from New Hampshire as well as I could remember. I do not know accurately what it is.

Mr. KENYON. The Senator does not know?

Mr. SMITH of Arizona. No.

Mr. KENYON. And this bill carries \$300,000?

Mr. GALLINGER. Three hundred and twenty-five thousand dollars.

Mr. KENYON. It seems to me to be a pretty large appropriation for a town of twenty-five or thirty thousand people.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL D. KINGSBURY.

The bill (H. R. 11679) for the relief of Samuel D. Kingsbury was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to issue a registered bond of the 3 per cent loan of 1908 to 1918, with interest from May 1, 1904, in favor of Samuel D. Kingsbury, a resident of Indianapolis, Ind., in lieu of United States 3 per cent coupon bond of said loan for \$500, No. 148931, the said bond with coupons attached dated August 1, 1904, to maturity, inclusive, having been stolen: *Provided*, That the said Samuel D. Kingsbury shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupon of the said bond in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the stolen bond hereinbefore described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC R. STROUSE.

The bill (H. R. 13027) authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42, being the representative value of certain internal-revenue stamps which were taken by an act of burglary on the night of October 17, 1915, from the safe in which the same had been properly deposited while in the care and custody of said collector.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, in section 1, page 1, line 4, after the word "widow," to insert

"now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided," and on page 2, line 3, after the word "widow," to insert "of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Mexico, or the War of 1812, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereafter provided," so as to make the section read:

That from and after the passage of this act the rate of pension for a widow, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in the Civil War, shall be \$20 per month, and the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Mexico, or the War of 1812, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereafter provided, who has reached or shall hereafter reach the age of 70 years, shall be \$20 per month; and nothing herein shall be construed to affect the existing allowance of \$2 per month for each child under the age of 16 years and for each helpless child; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

The amendment was agreed to.

Mr. OVERMAN. Let that bill go over for the present.

The VICE PRESIDENT. The bill will be passed over.

ADULTERATION OF FOOD PRODUCTS.

The bill (S. 3351) to amend the act of August 30, 1890, was announced as next in order.

Mr. SHEPPARD. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

LANDS IN OREGON.

The bill (H. R. 10305) to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. TRAHY.

The bill (H. R. 1592) for the relief of George W. Trahey was considered as in Committee of the Whole. It proposes to pay to George W. Trahey, of Bremerton, Wash., out of any money in the Treasury not otherwise appropriated, the sum of \$762 for damages suffered by him on account of an injury received by him while performing his duties as master shipwright at the navy yard, Puget Sound, on May 8, 1912, said injury resulting from gunshot wounds inflicted upon him by one John N. Haley, an employee of said yard, who at the time of such shooting was insane.

Mr. JONES. Mr. President, I think the facts in that case warrant an increase in the amount to be allowed, which I want to call very briefly to the attention of the Senate. Then I shall offer an amendment and let the Senate act upon it as its judgment may dictate.

Mr. OVERMAN. Have the committee allowed him one year's salary?

Mr. JONES. No; they just allowed him the damages that he received, or rather the expenses that he incurred during his illness. I will call attention briefly to the facts.

This man, as the bill says, was employed at the navy yard at Puget Sound, and a man by the name of Haley did the shooting. An exhibit found in the report says:

A few weeks prior to the time of the shooting, Haley, then coxswain of an oil-burning steam launch, of which Trahey had charge in the capacity of master of transportation, was overcome by the gaseous fumes from a defective oil burner and compelled to go home, where he was confined to his bed for some time.

Complying to an order to the effect that when an employee is injured in the performance of his duties and unable to appear in person after a period of 15 days to personally request compensation for injury, a regular printed form was filled out and sent to Haley for signature.

Crazed and still ill from the effects of the gas, Haley imagined that by means of this paper with his signature affixed Trahey was plotting to have him convicted of a charge of trying to obtain money from the Government under false pretenses and, after placing him behind the bars, to gain possession of the property belonging to him.

Acting under that sort of a hallucination, this man one morning came into the office where Trahey was at work and shot him twice, I think; once through the fleshy part of his left shoulder and neck, coursing downward and into and through his lungs.

Mr. OVERMAN. I think the bill had better go over, because no member of the Committee on Claims is present to defend its action. I think it had better go over until some member of the committee is present.

Mr. JONES. I hope the bill will not go over. If the Senate does not feel disposed to adopt the amendment I offer after stating the facts, it can reject it.

Mr. OVERMAN. I will not object if the Senator will let it go as recommended by the Committee on Claims, who investigated this matter.

Mr. JONES. I say if the Senate would not accept that, I would be willing to let it go as reported, if the Senate does not think that what I call to its attention warrants the increase. I will say frankly to the Senator that I understand that the subcommittee recommended a thousand dollars increase to the full committee, but the full committee rejected it.

Mr. OVERMAN. Is any member of the Committee on Claims here?

Mr. CLAPP. Several old members are here. We all know about it.

Mr. JONES. The bill was referred to the Senator from North Dakota [Mr. GRONNA], who reported it to the full committee, and then reported it to the Senate.

Then, after Haley had shot Trahey, he turned and shot another man and killed him, and then came back, and while Trahey was on the floor he shot him again. This exhibit says:

Then, noticing that Trahey was still alive, he walked to the outer door, peered up and down the street, and returning to where Trahey still lay, unable to rise, pointed the gun at him within a few inches of his head. Endeavoring to reach for the gun, and realizing that he had not sufficient strength to grapple with the madman, Trahey exclaimed, "For God's sake don't shoot; you've killed me now. Give me a chance to say good-by to my family." Unmoved by the appeal, and with a fiendish glee at the helpless condition of his victim, he stood for a moment without speaking, and then answered Trahey by shouting, "I've got you now; I've got you where I want you," and an instant later fired point-blank into Trahey's face, the bullet taking effect within 2 inches of the spot where the first bullets had entered; then turning to the door, he passed quietly outside and around the end of the building.

The man finally, after a very intense struggle, recovered sufficiently to come back and do some work at the navy yard. The doctors, however, certify that he never will be himself again; that he is permanently disabled to a degree. Now, as I understand, the amount given by the committee of the House and reported by the Senate was the amount for the time that he lost and his doctor's expenses. I understand that the Senator from North Dakota [Mr. GRONNA] recommended to the full committee a thousand-dollar increase, and that was the amendment that I desired to offer to the bill.

Mr. OVERMAN. Mr. President, the committee in each House has recommended \$762, and there is no man on this committee present to defend the action of that committee.

Mr. JONES. If the Senator feels that he ought to let it go over if I propose an amendment, I know this man needs this money and I do not want to cause a delay, so rather than do that—

Mr. OVERMAN. I have no doubt the Senator thinks that, and it may be all right. I am not objecting to it. I do think that some member of the Committee on Claims ought to be here to defend their action.

Mr. JONES. Of course there is no member of the committee here at present, and I understand the Senator's attitude. In view of the Senator's attitude I will not offer the amendment, and simply ask that the bill be passed as reported by the committee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COURTS IN KANSAS.

The bill (H. R. 6914) to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary was considered as in Committee of the Whole.

Mr. THOMPSON. There is one correction, Mr. President, I desire to make. In line 1, on page 3, it will be noted that in copying the statute the word "district" has been left out where it referred to the district court. I move to amend so as to correct that omission.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 1, before the word "court," it is proposed to insert the word "district," so as to read:

The terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September; and for the third division at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint three deputies, one of whom shall reside and keep his office at Fort Scott, one at Wichita, and the other at Salina, and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott, and the marshal shall also appoint a deputy who shall reside and keep his office at Kansas City.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### FORT NIOBRARA MILITARY RESERVATION, NEBR.

The joint resolution (H. J. Res. 184) providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr., was considered as in Committee of the Whole.

It authorizes and directs the Secretary of the Interior to allow entrymen of such lands of the former Fort Niobrara Military Reservation, Nebr., made under the act entitled "An act to subject lands of the former Fort Niobrara Military Reservation and other lands to homestead entry," approved January 27, 1913, as are required to be paid for at their appraised values, one year extension of time in which to make each of the two remaining unpaid installments of the purchase price.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS IN ARIZONA.

The bill (S. 865) granting to the State of Arizona public lands for the construction, repair, and maintenance of public roads, was considered as in Committee of the Whole.

Mr. GALLINGER. Mr. President, this bill as originally introduced by the senior Senator from Arizona [Mr. SMITH] asks for a grant to the State of Arizona of 250,000 acres for the purpose of constructing, repairing, and maintaining public wagon roads. The committee extended it so as to include 11 other States, and in their generosity increased the amount from 250,000 acres to 500,000 acres each. In other words, with a sweep of the pen they gave away 5,750,000 acres of land in addition to what the original bill carried. I do not know but that we ought to give away all our public lands. I am inclined to think we are going to do it in the near future. We certainly will if we go on in this way. I will ask that the bill go over for the present.

Mr. SMITH of Arizona. Before that is done, in view of the statement made by the Senator from New Hampshire, and with the hope that he may relent from his present position—

Mr. OVERMAN. I call for the regular order.

Mr. SMITH of Arizona. I will state that I introduced a bill for 250,000 acres of land for Arizona. Every one of the public-land States having large tracts of desert lands, I felt with the Committee on Public Lands that they had just as much right to the grant of lands for that purpose as the State of Arizona.

I will say that it is the only part of the United States where more than four-fifths of the remaining valuable lands of the State are in the hands of the Federal Government in the shape of reservations of various kinds. All we have to do is to build roads through it. We can not get from one town to another without going through a Government reserve, an Indian reserve, a military reservation, a forest reserve, or the national monument, and the result is that it throws on the taxable property, consisting of what is land of the railroads and the mines and the cattle industry, the whole expense of the government, that could easily have been carried on if the State had been given its due proportion of its own resources at the time it was admitted into the Union.

Mr. GALLINGER. If the Senator will permit me, I have heard the Senator make that statement, and it has impressed me very deeply, so far as Arizona is concerned; but does the same condition exist in all the other States?

Mr. SMITH of Arizona. Very much the same.

Mr. GALLINGER. Not in California, surely.

Mr. SMITH of Arizona. I shall leave that to the Senators from California, but I think there are enormous quantities of it reserved.

Mr. GALLINGER. In Colorado, I think, they have no scarcity of land for the support of the inhabitants; and have we not made appropriations of land to Montana at the present session of Congress?

Mr. SMITH of Arizona. Not that I know of.

Mr. GALLINGER. I have that impression.

Mr. SMITH of Arizona. I think the Senator probably refers to Nevada.

Mr. GALLINGER. I know we did to Nevada, and Nevada is here again.

Mr. SMITH of Arizona. I know; but that was to make Nevada equal in the grant.

Mr. GALLINGER. I think we had better let the bill go over.

#### DEALERS IN TOBACCO.

The bill (S. 5987) to amend subsection 11 of section 3244, Revised Statutes, was considered as in Committee of the Whole. The Secretary read the bill, as follows:

Be it enacted, etc., That subsection 11 of section 3244, Revised Statutes, be amended by adding at the end of said subsection the following: *Provided*, That agents or salesmen of manufacturers of,



or wholesale dealers in, tobacco selling their product only to other dealers, either on order or by direct delivery, shall not be construed peddlers.

Mr. GALLINGER. In line 9 I move to insert the word "as" before "peddlers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. L. DA ROZA ESTATE.

The bill (H. R. 13728) for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal., was considered as in Committee of the Whole. It proposes to refund to the J. L. da Rosa Estate (Inc.), of Elk Grove, Cal., the sum of \$1,158, being the internal-revenue taxes paid on 20 barrels of grape brandy destroyed by fire on the evening of November 18, 1911, and while stored in the designated place of deposit on the distillery premises in the custody of an officer of internal revenue and before being stamped with special bonded-warehouse stamps permitting removal to bonded warehouse.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERSKINE R. HAYES.

The bill (H. R. 7062) for the relief of Erskine R. Hayes was announced as next in order.

Mr. OVERMAN. Is there anyone here who can explain the bill? It is a very large sum of money. Let it go over for the present.

The VICE PRESIDENT. The bill will be passed over.

J. W. DELLINGER.

The next bill on the calendar was the bill (H. R. 9621) for the relief of J. W. Dellinger.

Mr. OVERMAN. This bill was reported adversely, and I move that it be indefinitely postponed.

The motion was agreed to.

DE BARBIERI & CO.

The bill (H. R. 8318) for the relief of De Barbieri & Co., of Valparaiso, Chile, was announced as next in order.

Mr. GALLINGER. Mr. President, I desire to be heard briefly on these various claims. Last year near the close of the session there were two important claim bills before the Senate. One was a bill to pay a very long list of so-called Southern claims involving the taking of church and educational institutions by the Union Army during the Civil War, a class of claims that I think at this late day are very doubtful, to say the least, a class of claims that a distinguished Senator on the other side two years ago, I think it was, declared he did not believe one of them ought to be paid.

But that bill was before the Senate, and there was likewise a bill before the Senate that I had offered for the allowance of certain claims reported by the Court of Claims, which proposed to pay for extra labor in the navy yards of the country, a large number of workmen in quite a number of States, and also an amendment proposing to pay the claims of officers and employees of the United States navy yards growing out of the fact relating to whether or not the service was performed on land or on the sea.

The Senator from Florida [Mr. BRYAN] had charge of these bills, having reported them from the Committee on Claims. During the discussion I asked the Senator from Florida why we could not pass both bills, one embracing the Southern claims and the other embracing claims on the part of the employees in the navy yards, every one of which has been examined and reported by the Court of Claims. The Senator from Florida in reply said:

I would be glad to do so if we had time. I will say that I am in favor of the bill as reported from the committee. That is this bill as reported from the committee.

A further colloquy led the Senator from Florida to say two or three times that he was in favor of the bill, but he feared there was not time to pass it at the last session and there would be an opportunity to pass it at the present session.

I have reintroduced the bill, but it does not emerge from the Committee on Claims. I have made inquiry about it several times, and it seems it has been given its coup de grâce for the present.

Now, until we can get some action on that bill, at any rate for the purpose of calling attention to it, I desire to object to the present consideration of these bills commencing at the top of page 15, House bill 8380, and going down to the end of page 17, House bill 12742.

Mr. OVERMAN. I hope the Senator will make one exception.

Mr. GALLINGER. These are individual claims reported from the Committee on Claims. No one of them can be more meritorious than those embraced in the bill which the Senator from Florida gave me the assurance we would have an opportunity to consider at this session, but which manifestly we will not have an opportunity to consider. Why should those worthy claimants be denied their rights, and particularly under the circumstances that occurred in the Senate at the last session and the debate that ensued? I think we had better stop paying private claims until we can look after the claims of those worthy people whose claims have been examined by the court and after an examination have been recommended for payment.

Mr. VARDAMAN. Mr. President—

Mr. GALLINGER. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was engaged and I did not hear the Senator's statement. What claim was it that the Senator spoke about?

Mr. GALLINGER. I will repeat to the Senator from Mississippi that at the last session, rather near the close of the session, there were two bills before the Senate reported from the Committee on Claims by the Senator from Florida [Mr. BRYAN]. One was a long list of claims for the alleged destruction of certain church and other property in the South during the Civil War. The other was for the payment of a list of claims for overtime payment in the navy yards of the country, all of which had been examined by the Court of Claims and reported favorably.

I asked the Senator from Florida at that time why we could not pass both those bills. One might have been denominated a Southern bill and the other a Northern bill, although the navy-yard claims are not all in the North by any means. The Senator from Florida expressed regret that probably we would not have time to do it as we were nearing the time of adjournment, a little nearer than we are, I apprehend, but I was given the assurance as far as a Senator would be willing to give it that those claims would be probably favorably acted upon at this session. They had been reported by the Senator from Florida.

Mr. VARDAMAN. I will say to the Senator, if he will pardon me a moment, that one of the inexplicable things that I find since I came to the Senate is the disposition on the part of Congress to deny to the people who have claims against the Federal Government the right to settle. I can not understand why any Senator would object to this great Government paying what it owes to its citizens. I do not care whether he lives in the North or lives in the South, the Government has assumed the obligation and it is quite as immoral for the Nation to repudiate its debts as it is for an individual man or woman.

In the list of claims which the Senator from New Hampshire objects to there is a little claim by a firm in Monroe County, Miss., for the killing of a horse by the agent of the Government. The probabilities are that those people are poor and they need that money. The South has not grown fat and rich from the war like the other sections of the country. The boll weevil, the low price of cotton, the falling off in our lumber trade, and other things that have happened there have caused our people to be in very straitened circumstances, and I can not see any excuse or justification for the Congress to refuse to pay the debts which the Government admittedly owes. I want to say to the honorable Senator from New Hampshire that I will take great pleasure in joining with him at any and all times to vote for any measure which provides for the settlement of the debts which the courts have adjudged that the Government owes.

Mr. GALLINGER. Mr. President, I have several times stated on the floor of the Senate that if the Government was a private citizen and imprisonment for debt was in vogue in this country the Government would be in jail all the time. I will say now that in the debates last year I made the same suggestion in different language that the Government ought to pay the claims of its citizens. It is an outrage that the Government does not do it. Take this list of claims. The Senator says this is a small claim of a citizen of Mississippi. Here is a small claim:

#### NEW HAMPSHIRE.

- To Daniel C. Pearson, of Manchester, \$1,667.58.
- To Emma M. Gay, widow and executrix of Thomas S. Gay, deceased, of New Hampshire, \$477.65.
- To Elvira S. Hardy, widow of James L. Hardy, deceased, of Hillsborough County, \$293.85.
- To Hazel O. Goodsoe, Perle E. Nute, Leonora W. Goodsoe, and E. Shirlet Rundlett, children of Augustus O. Goodsoe, deceased, of Rockingham County, \$293.70.
- To S. Augusta Tasker, widow of George E. Anderson, deceased, of Belknap County, \$48.59.
- To Marie S. Perrimond, widow of Xavier Perrimond, deceased, of Rockingham County, \$60.

To Emma G. Jenness, widow of Thomas B. Gammon, deceased, of Rockingham County, \$208.60.

These are claims that the Court of Claims have examined carefully and reported in favor of, and they ought to have been paid, but they are lingering here.

Mr. OVERMAN. Those claims ought to be paid; there is no doubt about that. But I want to call the attention of the Senator to one claim. It is not a war claim, but the claim of a private citizen. It is order of business 552. The sheriff, a county officer, was ordered to arrest an outlaw and was killed. His widow is a poor, helpless woman, and they have only allowed her his salary for one year.

Mr. GALLINGER. It ought to be paid, of course.

Mr. OVERMAN. That is the general law.

I ask the Senator, in view of this woman's age, as she is very old and feeble and she is only paid one year's salary of her husband, that he allow that bill to be passed.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Chair understands the Senator from New Hampshire objects to the consideration of the bills he has indicated, from Order of Business No. 541 to Order of Business No. 582, inclusive.

Mr. GALLINGER. If I may be permitted to offer this list of claims, which have been adjudicated by the Court of Claims, as an amendment to the bill, and which I had the assurance would be considered at this session, but there does not seem to be any movement in that direction—if I may be permitted to offer that amendment to the Senate bill, I will not object to any of the claims bills.

The PRESIDING OFFICER. The question is, Is there objection to the consideration of the bill (H. R. 8318) for the relief of De Barbieri & Co., of Valparaiso, Chile.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. GALLINGER. I offer the claims which are embraced in Senate bill 661 as an amendment to the bill.

Mr. OVERMAN. Those were all found by the Court of Claims?

Mr. GALLINGER. Every one.

The PRESIDING OFFICER. The amendment will be stated.

Mr. GALLINGER. Let those claims be added and the bill go to conference, and if they can not be adjusted in conference I shall make no complaint; but they were reported favorably last year by the Committee on Claims. Senate bill 661 is pigeonholed for some inscrutable reason, and it does not appear.

Mr. SMITH of Georgia. What is the total amount? Will the Senator state it?

Mr. GALLINGER. I have not counted it up. It is not very large. There are a good many claims, but they are very small.

Mr. SMITH of Georgia. And for overwork?

Mr. GALLINGER. For overtime.

Mr. OVERMAN. They were all found by the Court of Claims.

Mr. SMITH of Georgia. They are legally entitled to the payment under the decision of the Court of Claims.

Mr. GALLINGER. Every one.

Mr. SMITH of Georgia. They are adjudicated claims of these men.

Mr. GALLINGER. Every one of them.

Mr. BANKHEAD. Do I understand that the objection of the Senator from New Hampshire goes to House bill 10931, Order of Business No. 543?

The PRESIDING OFFICER. The Senator from New Hampshire has offered an amendment to House bill 8318.

Mr. BANKHEAD. I understood that the Senator objected to the list of claims bills.

The PRESIDING OFFICER. He has not made a formal objection, but stated that he possibly would object. The question is on agreeing to the amendment of the Senator from New Hampshire to House bill 8318.

Mr. NEWLANDS. That amendment includes a number of claims.

Mr. GALLINGER. It does.

Mr. NEWLANDS. I have no objection to that, whatever. I quite agree with what the Senator from New Hampshire said regarding the inexcusable delay in paying these claims against the Government. I merely wish to call attention to a case of extreme neglect which I hope will soon be remedied, and that is the fact that the French spoliation claims have not yet been paid, though the claims have been pending for years and have been adjudicated by the Court of Claims. It will take only a million or two to close them out entirely. It seems to me that there ought to be a speedy action regarding those claims.

I wish to say in this connection that we have, during the past two or three years, been taking up claims arising out of the Civil War and adjusting those claims, whereas the French spoliation claims, which arose out of a previous war and have

just as good a foundation as any claims that have ever been presented against the United States, have been delayed for years. Some of them are being adjusted after long struggles, but many of them remain still unsettled.

There we absolutely secured the release of this country from the claims that France was pressing against this country for a violation of its treaty by promising to adjust these claims against France for French spoliation and, having received the benefit of that treaty in securing an entire release from France, we have never yet paid over the consideration to American citizens who are entitled to payment under that treaty.

Mr. VARDAMAN. May I ask the Senator from Nevada whether those bills are on the calendar.

Mr. NEWLANDS. No; I am simply calling attention to them. They are not on the calendar. I understand that the Committee on Claims or the Committee on the Judiciary, I do not know which, is about to present a bill for the payment of numerous southern claims arising out of the late Civil War, and I wish to give notice that, so far as I am concerned, I shall oppose any adjustment of any other war claims unless coupled with an adjustment so as to meet these French spoliation claims.

Mr. SMITH of Georgia. If the Senator from New Hampshire will permit me to reply to the Senator from Nevada, there is no list of southern war claims now being prepared for payment that I know anything about. On the contrary, the last time we approved and paid some of those war claims, all limited to loyal citizens who stood by the Union during the war, the Crawford amendment was added, which repealed the Tucker Act and the Bowman Act, and all the litigation pending stopped. There has not been another hearing since that time before the Court of Claims to adjust any of those claims. So it would seem to be utterly impossible that anybody should have the claims prepared.

Mr. NEWLANDS. I will ask the Senator whether there is not a bill being urged by the Senator from Tennessee [Mr. SHIELDS] on that subject? I have been told there was.

Mr. SMITH of Georgia. I do not think so; but what we are urging is the repeal of the Crawford amendment, so that the Court of Claims may proceed with the hearing of these cases. That is one of the bills the Senator from Tennessee has charge of.

Mr. GALLINGER. With the permission of the Senators, I will resume, and will say that I think my purpose has been accomplished. I turn to the debate last year. The Senator from Florida said during the close of the debate:

I will undertake to have it considered.

That is, this bill that I offer as an amendment.

I do not know what the plans are here, but whether we get it immediately considered or not I have no doubt it will be considered.

Upon that statement, I permitted claims for churches and institutions of learning, I suppose, and various other kinds of property that it was said the Northern soldiers had destroyed to go through. It was practically with the understanding that this bill should also be considered. It has not only the recommendation of the Court of Claims, but it had the favorable report of the Committee on Claims last year; and I have endeavored to get it reported this year, but I think it has been stated that the committee does not hold meetings, or something of that kind.

Now, having accomplished my purpose in calling attention to this matter I will withdraw the amendment and allow these private claims to go through; but, Mr. President, this is not the last that will be heard of the claims embraced in that bill, because it is a wicked thing to keep these men, who served overtime in the workshops of the United States, and whose claims have been certified to as being correct in every respect, out of the small sums of money that would go to the various employees. I am sure if any general bill comes in here, such as the Senator from Nevada [Mr. NEWLANDS] has suggested, it will not pass without very serious consideration.

I have been for a long time interested in the French spoliation claims. One of the wickedest things this Government has ever done was to make the promise to a foreign government that those claims would be paid, and then allow them to drag along for a hundred years or thereabout. The Senate has recognized their validity and their honesty, and has frequently passed bills for their payment as amendments to other bills, but elsewhere they were resisted and defeated.

I think we ought to begin to clean up, so far as we can, the obligations which the Government owes to its citizens. If a citizen owed the Government he would be called to very quick and strict accountability; but the Government can owe the citizen for a hundred years, and there is no relief apparently; certainly not any relief, except by an act of Congress.



I had an experience when I first entered public life as to the claim of a poor man from my town, just as honest a claim as any man ever had in the world. He had been here seven winters trying to get that claim allowed. It was only for \$700 or thereabout. I took it up with vigor. I was a Member of the other House, and I was on the Committee on Claims. I got a favorable report; I succeeded in getting it passed through the House, and followed it here. I succeeded in getting it passed here and carried it to President Cleveland, who signed it. I attempted to take the news to my constituent, a poor fellow, who had hardly a dollar in the world, but found that he had died three days before and had been buried by charity. That was the first experience I had as a Member of Congress in reference to the manner in which the Government treats its citizens.

Now, Mr. President, I repeat I withdraw the amendment. I am not going to object to these claims unless I discover some objection to some individual claim as we go along.

Mr. NEWLANDS. Mr. President, I wish merely to add one word to what has been said by the Senator from New Hampshire. As I said before, when I first entered Congress, more than 20 years ago, I was brought face to face with the French spoliation claims and made a study of them at that time, while I was a Member of the House of Representatives. I became convinced of their absolute justice, and that the failure to pay them was a disgrace to the United States Government. I have seen those claims pressed repeatedly in Congress, some of them passing and some of them failing through the objection either of one House or the other. I have observed, particularly where new Members come to the House or new Members come to the Senate and the matter is presented as a new question, the old subject of the French spoliation claims has to be fought over again. Some two or three years ago we had a two or three days' debate on the subject, and the matter was then most thoroughly presented. Now, I am told that as a result of this spasmodic action of Congress, lasting over a period of nearly 100 years, most of those claims have been paid, and that there now is a balance of only about one million or two million dollars of claims which have been found to be just claims by the court established for that purpose which have not been paid. It seems to me that Congress should at a very early date take up those claims and satisfy them.

Mr. VARDAMAN. Mr. President—

Mr. OVERMAN. Regular order!

Mr. VARDAMAN. Did I understand the Senator from Nevada [Mr. NEWLANDS] to say that he was going to object to any other claims being acted on?

Mr. OVERMAN. I called for the regular order, Mr. President.

Mr. VARDAMAN. I have the floor, I suppose.

Mr. OVERMAN. Notwithstanding that, I can call for the regular order. I do not mean to take the Senator off the floor; but I understood the Senator from Nevada to say that he had not objected, and I should like to get on with the calendar.

Mr. GALLINGER. Does the Senator from Mississippi allude to me?

Mr. VARDAMAN. No, I was speaking to the Senator from Nevada [Mr. NEWLANDS]; but I yield the floor, Mr. President.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SIMPSON.

The bill (S. 3743) to reimburse John Simpson was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$100 to John Simpson, of Pulaski County, Ky., to reimburse him for damages arising from the destruction of a creek ford due to backwater created by the construction of Lock and Dam No. 21 on the Cumberland River; which payment is recommended to Congress by the Chief of Engineers, with a renewed recommendation therefor, in his annual report for the fiscal year ending June 30, 1915 (pp. 1085, 2837, and 2838), which is printed as House Document, No. 91, Sixty-fourth Congress, first session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DRS. BLAIR AND BLAKE AND OTHERS.

The bill (H. R. 10931) for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock was considered as in Committee of the Whole. It proposes to pay \$375 to Drs. Blair and Blake, \$25 to Dr. W. J. Maxwell, \$25 to Dr. R. C. Evans, and \$4.15 to J. B. Blalock, all of Sheffield, Ala., in full payment of all claims and demands for surgical service rendered and material supplied by them to employees of the United States Government who were injured by a premature

dynamite explosion while in the performance of duties assigned to them by the Government engineers and while engaged in channel work in the Tennessee River at Cogers Island near Smithsonia, Ala., on the 25th of June, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA SLONE.

The bill (H. R. 9378) for the relief of Ella Slone was considered as in Committee of the Whole. It proposes to pay to Ella Slone, of Pikeville, Pike County, Ky., widow of John Slone, who, while in the discharge of his duties as a posseman, having been duly summoned by and acting with J. M. Potter, a deputy United States marshal, was murdered on April 4, 1913, by violators of the United States internal-revenue laws, \$1,000, on account of the murder of her said husband.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARKHAUSEN COAL & DRY DOCK CO., GREEN BAY, WIS.

The bill (H. R. 11293) for the relief of Barkhausen Coal & Dock Co., of Green Bay, Wis., was considered as in Committee of the Whole. It proposes to pay to the Barkhausen Coal & Dock Co., of Green Bay, Wis., \$163.17, that being the sum allowed to the company by the Secretary of the Interior to cover cost of coal and hauling charges thereon, for the Pine Ridge Indian School and Agency, S. Dak.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASTERN TRANSPORTATION CO.

The bill (H. R. 15635) for the relief of the Eastern Transportation Co., of Baltimore, Md., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "Company," to strike out "of Baltimore, Md.," and in line 6, after the word "State of," to strike out "Maryland" and insert "Delaware," so as to make the bill read:

*Be it enacted, etc., That the claim against the United States of the Eastern Transportation Co., a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the city of Baltimore, State of Maryland, owner of the barge John T. Donohue, for damages alleged to have been caused by collision between the said barge and the United States steamer C-2, in Chesapeake Bay, off Smiths Point, on the 28th day of March, 1913, may be sued for by the said Eastern Transportation Co. in the United States district court for the district of Maryland, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of such damages and costs, if any shall be found to be due, against the United States in favor of the said Eastern Transportation Co. upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: Provided further, That the amounts of the losses alleged to have been sustained by the master and crew of the barge John T. Donohue may be included in such decree: Provided, That said suit shall be brought and commenced within four months from the date of the passage of this act.*

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill read the third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of the Eastern Transportation Co."

HEIRS OF GEORGE W. CROFT.

The next bill on the calendar was the bill (H. R. 6156) for the relief of heirs of George W. Croft, which had been reported adversely from the Committee on Claims.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed. The Chair hears none.

BORDEN H. MILLS.

The bill (H. R. 8325) for the relief of Borden H. Mills was considered as in Committee of the Whole. It proposes to pay to Borden H. Mills, United States commissioner at Albany, in the northern district of New York, \$84.50, in payment of the amount of fees earned by him as United States commissioner while performing the duties of such office in connection with the cases of the United States against Lee Ning, Yee Quong, Charles Wong, James Bennett, Arthur Smith, and Lee Ning, alias Charles Lee, the sum being the amount disallowed by the Auditor for the State and Other Departments on the settlement of the quarterly accounts of the commissioner for the quarter ending June 30, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. JANSSEN.

The bill (H. R. 3896) for the relief of John H. Janssen was considered as in Committee of the Whole. It proposes to pay \$1,355, in full compensation for all claims, to John H. Janssen, of Woonsocket, S. Dak., found and held to be due him by the Secretary of the Interior under contract of January 15, 1907, for drilling two 6-inch artesian wells on the shores of Lake Andes, in the Yankton Indian Reservation, in Charles Mix County, S. Dak.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. KONDO FISHERIES CO.

The bill (H. R. 9172) for the relief of the M. Kondo Fisheries Co. was considered as in Committee of the Whole. It proposes to pay to the M. Kondo Fisheries Co., of San Diego, Cal., \$7, that being value of rope and anchor which was loaned to the officers in charge of the launch *Cape d'Ano*, belonging to the United States Immigration Service, and was lost at sea when that vessel was wrecked on April 30, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHA RAMEY.

The bill (H. R. 9377) for the relief of Cynthia Ramey was considered as in Committee of the Whole. It proposes to pay to Cynthia Ramey, of Praise, Pike County, Ky., widow of Marion Ramey, who while in the discharge of his duties as a posseman, having been duly summoned by and acting with J. M. Potter, a deputy United States marshal, was murdered on April 4, 1913, by violators of the United States internal-revenue laws, \$1,000 on account of the murder of her husband.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH S. PLANK.

The bill (H. R. 13785) for the relief of Sarah S. Plank was considered as in Committee of the Whole. It proposes to pay \$1,000 to Sarah S. Plank, widow of Ed. S. Plank, who was killed in the discharge of his duties as a United States officer in seeking to enforce the United States laws in the Indian country.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LILLIE B. RANDELL.

The bill (H. R. 6180) for the relief of Lillie B. Randell was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$975 to the said Lillie B. Randell or her duly authorized agent: *Provided*, That before paying the same the said Lillie B. Randell shall deliver to the Secretary of the Treasury a good and sufficient bond, with the surety to be approved by the Secretary of the Treasury, to indemnify the United States against all losses, costs, or damages incurred by reason of making the said payment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the preamble will be disagreed to.

Mr. GALLINGER subsequently said: Mr. President, I ask that the Senate return to Calendar No. 553, being the bill (H. R. 6180) for the relief of Lillie B. Randell. The preamble having been rejected, the words "the said," in line 5, on page 4, and the same words in line 7 on that page, should be stricken out.

The PRESIDING OFFICER. Without objection, the vote by which the bill was ordered to a third reading and passed will be reconsidered. The question is on the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LETITIA W. GARRISON.

The bill (H. R. 6181) for the relief of Letitia W. Garrison, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$375 to the said Letitia W. Garrison or her duly authorized agent; but before paying the amount the said Letitia W. Garrison shall deliver to the Secretary of the Treasury a good and sufficient bond, with the surety to be approved by the Secretary of the Treasury, to indemnify the United States against all losses, costs, or damages incurred by reason of making the said payment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was rejected.

Mr. GALLINGER subsequently said: Mr. President, I ask to recur to calendar No. 554, being House bill 6181, for the relief of Letitia W. Garrison. The preamble of that bill was also stricken out, and as a consequence the words "the said," in line 5, on page 3, and also in line 7, page 3, should be stricken out.

The PRESIDING OFFICER. Without objection the vote whereby the bill was ordered to a third reading, and passed, will be reconsidered; and the amendments proposed by the Senator from New Hampshire, in the absence of objection, will be agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL H. WALKER.

The bill (H. R. 9994) for the relief of Samuel H. Walker was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Samuel H. Walker \$480, in full compensation for injuries received by him while performing his duties as a laborer in the fireroom of the General Land Office, Department of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF JOHN M. WAPLES.

The bill (H. R. 11749) for the relief of the administrator of the estate of John M. Waples was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the administrator of the estate of John M. Waples, deceased, \$130.43, being the amount of accrued pension due the deceased from June 4, 1915, until the day of his death, December 5, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLAF NELSON.

The bill (H. R. 5411) for the relief of Olaf Nelson was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Olaf Nelson \$1,200, in compensation for injuries sustained on the Panama Canal while in the discharge of his duties.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COWDEN &amp; COWDEN.

The bill (H. R. 1161) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Cowden & Cowden, of Amory, Monroe County, Miss., \$135, in full payment for a horse that died while in use by employees of the Department of Agriculture.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JOSEPH CAMERON.

The bill (H. R. 2554) for the relief of Mrs. Joseph Cameron was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mrs. Joseph Cameron, widow of Joseph Cameron, \$242 for physical and personal injuries sustained by Joseph Cameron while in the employ of the United States Government near Minnehaha Falls, Mississippi River, Minn., and while he was working on Government Dam No. 1 on August 9, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. HAMMOND.

The bill (H. R. 5185) for the relief of George H. Hammond was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George H. Hammond, of Dekalb County, Ga., for injuries received in the performance of his duties under the postmaster and in the post-office building in the city of Atlanta, Ga., \$1,200.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. E. E. JOHNSON.

The bill (H. R. 5729) for the relief of Dr. E. E. Johnson was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Dr. E. E. Johnson, of Cortez, Colo., \$512, for expenses incurred and services rendered as physician and surgeon to injured members of deputy marshals in the arrest of renegade Indians at Bluff City, Utah.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.



## UNION OIL CO.

The bill (H. R. 9173) for the relief of the Union Oil Co., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Union Oil Co., at San Diego, Cal., \$10, being the value of one barrel numbered 40467, which was loaned to the officers in charge of the launch *Cape d'Ano*, belonging to the United States immigration Service, and was lost at sea when that vessel was wrecked on April 30, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## C. E. ANDERSON.

The bill (H. R. 1975) for the relief of C. E. Anderson was announced as next in order.

The PRESIDING OFFICER. The bill has been reported adversely, and, without objection, will be indefinitely postponed.

## THOMAS J. BYE.

The bill (H. R. 11377) for the relief of Thomas J. Bye was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Thomas J. Bye, of Sault Ste. Marie, Mich., \$500, in full settlement of his claim against the Government of the United States by reason of the loss of his team of horses through drowning while employed on Government work under the supervision of Government officials.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## W. W. BLOOD.

The bill (H. R. 2209) for the relief of W. W. Blood was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. W. Blood, of Greenville, Plumas County, Cal., \$439.09, in full payment for all work and labor done and performed by him for the Government of the United States or its official representatives at the Indian school near Greenville, Indian Valley, Plumas County, Cal., during the year 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HEIRS OF ELIZABETH BRUCE.

The bill (H. R. 8108) for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce, of Rowan County, Ky., \$155, pay and bounty due John H. Bruce for services rendered as a private in Company G, Twenty-second Regiment Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WALLACE L. BELL.

The bill (H. R. 12267) for the relief of Wallace L. Bell was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Wallace L. Bell \$160, for 32 days' automobile hire for the use of the Government as special agent in collecting statistics for the Bureau of the Census in district No. 24, in Georgia, in March and April, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLAIMS OF SETTLERS IN SHERMAN COUNTY, OREG.

The bill (H. R. 2534) to adjudicate the claims of certain settlers in Sherman County, Oreg., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay the following several sums of money to the respective claimants, their heirs, assigns, or legal representatives; the amount to be paid to each settler, his heirs, assigns, or legal representatives:

To Harry Hill, \$1,255.  
To Hiram E. Powell, deceased, \$2,000.  
To Otis B. Messinger, \$2,000.  
To David W. Huff, deceased, \$1,440.  
To Eliza J. Powell, \$1,265.  
To Luther E. Hill, \$800.  
To Alva B. Craft, \$1,290.  
To Benjamin E. Dougherty, \$1,600.  
To Theron S. Hill, deceased, \$2,000.  
To James H. Clements, \$1,360.  
To Absalom B. Allison, \$1,375.  
To Edgar Lewis, \$1,180.  
To Elizabeth A. Bates, \$1,385.  
To Lena Wegener, \$1,280.  
To Rufus H. King, \$2,000.  
To Charles K. Huff, \$1,600.  
To Grace T. Hill, \$1,625.  
To John B. Coon, \$1,426.41.  
To Merit F. S. Henton, \$1,500.  
To Robert L. Allison, \$1,618.  
To Clark E. Brown, \$1,515.  
To Reuben D. Allison, \$1,450.  
To Adolph Perrault, \$2,000.  
To Lester A. Heath, \$1,830.

To Warren D. Marshall, \$1,970.  
To Anastasse Perrault, \$1,460.  
To John Willet, \$1,190.  
To John W. Willis, \$800.  
To Diedrich Patjens, deceased, \$850.  
To Ellen E. McLeod, now Ellen E. Somer, \$800.  
To George M. Simpson, \$800.  
To Henry Nachand, \$800.  
To Cascious W. Fairchild, \$855.  
To Frank Watkins, deceased, \$560.  
To William Daugherty, deceased, \$1,039.  
To Alice M. Coats, deceased, \$570.  
To Thomas J. Farra, deceased, \$1,760.  
To Edgar G. Messinger, \$1,760.  
To Louisa M. Clements, \$1,600.  
To George D. Clements, \$1,605.  
To William Krusow, \$1,899.72.  
To Thomas F. Cochran, \$300.  
To George Meader, \$2,000.  
To William H. Andrews, \$2,000.  
To Charlie W. Barzee, \$1,900.  
To Joel H. Reed, deceased, \$1,370.  
To John O. Powell, \$1,400.  
To Abraham C. Huff, \$1,400.  
To John D. Wilcox, \$1,200.  
To Eugene W. Garlick, \$1,400.  
To Goodrich D. Boardman, \$700.  
To Elisha T. Vallandigham, \$1,080.  
To Frank A. Sayrs, \$1,900.  
To William S. Powell, as transferee of George W. Mark, \$1,590.  
To Thomas Macken, \$1,120.  
To James Macken, \$1,200.  
To Job M. Powell, deceased, \$2,000.  
To Leon V. Moore, \$1,540.  
To Fred Krusow, \$1,255.  
To Uriah Serviss, \$2,000.  
To Alexander Scott, \$1,350.  
To Thomas Walsh, deceased, \$480.  
To Johan Janssen, \$1,550.  
To Elmer F. Heath, \$1,600.  
To John Fulton, \$1,200.  
To Carl Peetz, \$2,000.  
To John W. Messinger, \$2,000.

But no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection therewith, an amount greater than 5 per cent of the amount allowed under this bill to the person for whom he has acted as agent or attorney, and no purchaser or assignee of the claims of any of the said claimants shall receive therefor a greater amount than was paid to the claimant for his assignment.

Mr. GALLINGER. Mr. President, I think that I might with propriety offer the amendment to which I called attention a little while ago to this bill, because this bill pays the claims of at least 50 separate individuals. However, I will not offer it, but will venture to suggest that this bill itself is a very good precedent for paying the class of claims to which I have called attention.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MATHILDA HESTERMAN.

The bill (H. R. 11660) for the relief of Mathilda Hesterman was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mathilda Hesterman, widow of Herman Hesterman, \$1,248, on account of the death of Herman Hesterman, which was caused by the negligence of employees of the United States Government at the Brooklyn Navy Yard, in the State of New York, on or about the 28th of February, 1913.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE W. GAMBLE.

The bill (H. R. 2814) for the relief of George W. Gamble was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely from the committee. The question is, Shall the bill be indefinitely postponed?

The bill was indefinitely postponed.

## ELIZABETH M. DODGE.

The bill (H. R. 7423) for the relief of Elizabeth M. Dodge was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$1,000 to Elizabeth M. Dodge, widow of Wallace Dodge, in full of all claims she may have against the Government for the death of Wallace Dodge while employed by the United States as teamster in the Quartermaster's Department at the Presidio of Monterey, Cal., where on the 9th of June, 1909, he was shot and killed by a stray bullet from the gun of some member of Troop D, Fourteenth Regiment United States Cavalry, at target practice.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. HUGHES.

The bill (S. 4277) for the relief of George B. Hughes was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Hughes, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, as compensation for the loss of his right arm while in the performance of his duties as an electrician in the Government Printing Office during the month of January, 1899.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT L. REAM.

The bill (S. 2704) for the relief of Albert L. Ream, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 2, line 5, after the word "of," to strike out "\$25,000" and insert "\$3,650," so as to make the bill read:

*Be it enacted, etc.,* That there shall be paid, out of any money in the Treasury not otherwise appropriated, to Albert L. Ream, the sum of \$3,650, which, when received by him, shall be in full payment and discharge of all demands of every kind by him against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

NABOR AND VICTORIA LEON.

The bill (H. R. 5096) for the relief of Nabor and Victoria Leon was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$780, in such portions and under such regulations as the Secretary of Labor may prescribe, to Nabor Leon and Victoria Leon, being, respectively, the father and mother of Rinaldo Leon, an employee of the United States, who was drowned in the course of his employment on construction work in the reclamation of arid lands at Granite Reef, on Salt River, Maricopa County, Ariz., on February 17, 1909, such sum being the amount to which the above relatives would have been entitled under the provisions of the act of Congress of May 30, 1908, but which they did not receive because the required affidavit of claim was not filed on their behalf within 90 days after the death, as required by section 4 of the said act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HOUYDE.

The bill (H. R. 3255) for the relief of James Houyde was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to James Houyde, of Morton, Wash., out of any money in the Treasury not otherwise appropriated, the sum of \$858, to compensate him for damages on account of the death of his son, Joseph Houyde, who was killed in the line of his duty while an employee of the United States Forest Service in the Rainier National Forest, and the said sum is hereby appropriated for the purpose above set forth.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HUTSON.

The bill (H. R. 10858) for the relief of William A. Hutson was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to William A. Hutson, of Philadelphia, Pa., the sum of \$720, in compensation for injuries received by him while an employee of the Bureau of Standards of the Department of Commerce and Labor in the year 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK P. SAMMONS.

The bill (H. R. 9082) for the relief of Frank P. Sammons was considered as in Committee of the Whole. It appropriates the sum of \$100, to be paid to Frank P. Sammons, of Davenport, Iowa, as compensation for injuries received by the said Frank P. Sammons while an employee of the United States Government at the Rock Island Arsenal, on August 24, 1904.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. MOFFITT.

The bill (H. R. 11304) for the relief of Martha A. Moffitt was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Martha A. Moffitt, of Randolph County, N. C., widow of E. A. Moffitt, who, while in the discharge of his duties as deputy collector, was murdered by Lee Turner, a violator of the United States internal revenue laws, on the 4th day of December, 1896, the sum of \$1,500, on account of the murder of her said husband while in the service of the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS JONES.

The bill (H. R. 10642) for the relief of Louis Jones was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Louis Jones \$61.50, out of any money in the Treasury not otherwise appropriated, for injury sustained on the 28th day of August, in the year 1906, while employed by the United States Government in the Government arsenal at Rock Island, Ill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. SORKILMO.

The bill (H. R. 5864) for the relief of Thomas P. Sorkilmo was considered as in Committee of the Whole.

Mr. GALLINGER. I move to strike out the words "there being no dispute about the said sum being due thereon."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, lines 9 and 10, it is proposed to strike out the comma and the words "there being no dispute about the said sum being due thereon," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,848.38 to Thomas P. Sorkilmo, of Dell Rapids, S. Dak., for the balance due him for the construction of a brick hospital at the Canton Indian Insane Asylum under his contract of August 1, 1913.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GOTTLIEB SCHLECT AND OTHERS.

The bill (H. R. 12742) for the relief of Gottlieb Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch, was announced as next in order.

Mr. GALLINGER. Mr. President, the bill does not state what these payments are for. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

IMPROVEMENT OF CHANNELS.

The joint resolution (S. J. Res. 110) providing for method of improving channels giving access to military reservations or fortifications was considered as in Committee of the Whole. It provides that whenever, in the opinion of the Secretary of War, the work of dredging or improving any channel of any navigable water for the purpose of giving access to any wharf on a military reservation or fortification, including any dredging in front of or along such wharf, under any appropriation available for the purpose, can be more economically done by the use of any Government dredge or other plant purchased for river and harbor improvement, or by combining the same with any authorized project for river and harbor improvement, the Secretary of War may, in his discretion, authorize such use or combination upon the reimbursement of the river and harbor appropriation for the actual cost of the work, as determined by the Chief Engineers with the approval of the Secretary of War.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMBOAT INSPECTION SERVICE.

The bill (S. 6540) to repeal section 4411, Revised Statutes, was announced as next in order.

Mr. GALLINGER. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. FLETCHER. Mr. President, may I explain the bill to the Senator making the objection?



Mr. GALLINGER. If the Senator will explain it, I shall be glad to have him do so.

Mr. FLETCHER. I think I can do so. From its general title one would not know just what is meant by the bill. Section 4411 of the Revised Statutes requires the publication each year by the Department of Commerce of a list of officers of the merchant steam, motor, and sail vessels. This is a copy of the publication which I hold in my hand. It costs \$1,737.53 each year to print this list, and there is no demand for it.

There is no demand for it at all. Anyone at all interested to know who is licensed in that service can obtain the information by simply inquiring of the Department of Commerce, and the requirement of the law to publish this list annually is simply wasting that much money.

Mr. GALLINGER. It is simply a list of the officers?

Mr. FLETCHER. That is all; a list of the officers of the merchant steam, motor, and sail vessels.

Mr. GALLINGER. I will withdraw the objection.

Mr. FLETCHER. The department recommends that it be discontinued.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal section 4411 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia, and to report thereon to Congress as early as practicable, was considered as in Committee of the Whole. It authorizes and directs the Department of Labor to make an inquiry into the wages paid to wage earners and the cost of living of the same in the District of Columbia, and to report thereon to Congress as early as practicable, and appropriates for this purpose the sum of \$6,000; and also provides that the special agents and clerks employed under this appropriation shall be selected from among the persons eligible on any civil-service register.

Mr. KENYON. Mr. President, I want to offer an amendment to this resolution, and I will explain it by saying that this resolution was passed by the House. The amendment that I desire to offer makes it conform to a resolution on the same subject which has been reported from the Committee on Education and Labor of the Senate after a hearing was had, and it is also reported from the Committee on the District of Columbia.

I should say, however, that the report of the Committee on the District of Columbia was on the present resolution. The amendment is to strike out, in lines 4 and 5, the words "the wages paid to wage earners, and," and then the words "the same," on line 5, and to insert "wage earners." That will make this resolution substantially conform to the resolution of the Senate that was reported from the Committee on Education and Labor.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 4, it is proposed to strike out the words "the wages paid to wage earners, and," and on line 5, after the words "cost of living of," to strike out the words "the same" and insert the words "wage earners," so as to read:

That the Department of Labor be, and hereby is, authorized and directed to make an inquiry into the cost of living of wage earners in the District of Columbia, and to report thereon to Congress as early as practicable, and that there be appropriated for this purpose the sum of \$6,000.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Iowa if, in his opinion, there is a real necessity for this appropriation of money for the investigation specified in the joint resolution?

Mr. STONE. Mr. President, I am interested in the same inquiry. What good will it do?

Mr. KENYON. Mr. President, hearings were had before a subcommittee of the Committee on Education and Labor, of which the Senator from Tennessee [Mr. SHIELDS] was chairman. Evidence was introduced, and that subcommittee felt that there was a necessity for this investigation. Congress some years ago passed a bill introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] limiting the number of hours that women could work in the District of Columbia. That is not of any particular importance unless there is also found out, by investigation, the cost of living of the wage earners.

This measure does not apply to anything but the wage earners. The Department of Labor have indorsed this joint resolution because requests are made upon them for the result of

the surveys as to the cost of living of the wage earners in the United States and in the District of Columbia. A bill was considered in the House with relation to fixing a minimum wage for wage earners. There was not sufficient information for an intelligent discussion of that bill.

Mr. President, we have had discussion here on the floor showing that in this country the average wage of the man who labors is something over \$500 and less than \$600 a year. We are appropriating large sums of money for every kind of thing here. This is merely an appropriation of \$6,000 to get at the condition of the wage-earning classes, and is for the benefit of the people who toil. The purpose ultimately, I assume, after this investigation, will be the introduction of a bill for a minimum wage for wage earners in the District of Columbia.

This proposal has received the approval of the Federation of Labor and various labor organizations as a general survey of labor conditions. I do not see why there should be any particular objection to it. It has passed the House, and has received the consideration of two committees of the Senate. I hope the Senator from New Hampshire will not object to it. It is probably the last opportunity to dispose of it. It has been on the calendar for some time.

Mr. GALLINGER. Mr. President, I inquired for information. My observation is that so far as the cost of living in the District of Columbia is concerned, it is less than it is in the little city in which I live in New Hampshire; and I wondered whether it was necessary to select the District of Columbia for an investigation along those lines. I think it will be "love's labor lost" when we get through inquiring about the cost of living. Again, so far as wages are concerned in this District, it is a fact that it is more difficult to adjust a minimum wage scale in the District of Columbia than any other place that I know of. There is a great deal of semiworthless labor in the District of Columbia. That may not be a happy phrase—inefficient labor, in other words.

Mr. THOMAS. I would suggest to the Senator that he say "good for nothing."

Mr. SMITH of Georgia. And the Senator rather compliments it then.

Mr. GALLINGER. I think so. For people—and I will say colored people—who come here from Maryland and Virginia, the city of Washington is a Mecca, and they are employed more or less. They are glad to work, when they will work, for perhaps less wages than we would give them in New England, or perhaps in Iowa. Now, to fix a minimum for the wage earners in the District of Columbia would be another illustration of compensating the inefficient as highly as you compensate the efficient, and I think it is not a very good policy. But, of course, as the Senator suggests, it will probably require some legislation after the report is made, and when we reach that legislation we perhaps can more properly meet and discuss these matters than on this resolution.

Mr. KENYON. Mr. President, this resolution, as I have asked to amend it, does not go into the question of wages paid, because the Chief of the Bureau of Labor Statistics has written a letter to Congressman KEATING, who had this bill in the House, saying that the appropriation would not be sufficient for that purpose; so I have asked to strike that out and make it cover simply the cost of living of the wage earner.

Mr. FLETCHER. Mr. President, may I ask the Senator if this subject has not been pretty well covered in the report of the Commission on Industrial Relations?

Mr. KENYON. Not as to the District of Columbia. It has not been covered at all.

Mr. GALLINGER. I took occasion to make an inquiry about this matter because it has seemed to me—and I have given a little thought to it—that we will be spending \$6,000 without any adequate return; but other Senators do not agree with me on that point. The Senator from Iowa, who is greatly interested in the matter, does not agree with me. I shall content myself, therefore, with simply saying that I think it is one of those efforts to accomplish something that is not susceptible of accomplishment. The cost of living in the District of Columbia depends on a great many conditions. If a man goes to a grocery store and buys a fish, he pays twice or three times as much for it as he does if he takes the trouble to go down to the wharf, where I go; and so in regard to a good many other things. I do not know how they are going to reach any conclusion that will really be controlling in the minds of Congress; but we have plenty of money, and if it is thought wise to expend \$6,000 for an investigation of this kind, there is no reason why I should object.

Mr. KENYON. Mr. President, investigations into the cost of living of the laboring classes of our country must be productive of ultimate benefit. As to the matter of economy, we

have voted here this afternoon for a \$325,000 building in a town in Arizona with a population of some 18,000, according to the report. I do not know why it is that when we come to anything that enters into the betterment of the conditions of the people who toil in this country we generally run up against objections to it. That is all this is. It is along the line of the general trend in this country to have surveys of working conditions, of wages, and of the relationship of the hours of toil and the expense of living.

I have said all that I care to say.

Mr. STONE. Mr. President, I have as many men and women in Missouri who work for a living as the Senator from Iowa has in his State. They are just as good men and women, and no better. I do not exactly fancy the suggestion made by the Senator from Iowa that whenever anything touching labor comes up in the Senate there is a disposition to put it aside under one excuse or another, but that when something else comes up it has the right of way. I do not think that statement is fair to the Senator's colleagues. I have a personal affection for the Senator from Iowa and a high personal regard for him, only I think my good friend does sometimes permit himself to run amuck and get on a toboggan and ride down the line shouting to everybody else to get out of the way.

Mr. President, I think I have just as much regard for the men and women who make a living by honest work in the various lines of human endeavor as the Senator from Iowa. But, Mr. President, here is a resolution to appropriate \$6,000 out of the Treasury to make an inquiry as to the cost of living in the District of Columbia. What has that to do with labor, and how will it help a workingman?

I presume a number of people are to be summoned at the public expense to be examined as to what it costs to live, and all that is to be printed in a volume that not one man or woman in a million will read.

What does it cost to live in the District of Columbia? How are you to make up that cost? House rent, meat, potatoes, cabbage, bread, cucumbers, whatever you have to buy. What do you pay for these things. How much does it cost a man to live for a week or for a month in the District of Columbia? It costs one man one amount and it costs another man a different amount, depending upon what he wants, what he pays for, and what he is able to buy.

Mr. President, it seems to me to be utter folly to undertake to say what it costs to live in this District. What is the language of this resolution? It reads:

Directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia.

Whose living? Is it my living? I can tell you approximately what it costs me to live.

Mr. KENYON. Mr. President—

Mr. STONE. The Senator can tell pretty well what it cost him to live.

Mr. KENYON. Yes; a man who draws \$7,500 a year can get along pretty well. It applies to wage earners.

Mr. STONE. Does it not apply to Senators?

Mr. KENYON. No.

Mr. STONE. Then Senators are excluded? Where do you draw the line? Whose cost of living are you going to inquire about? The "cost of living in the District of Columbia" is what the resolution says. You are going to pick out certain people. I have a man employed to drive my automobile, a chauffeur, whom I pay so much a month, and he eats whenever he wishes to eat at my house at my expense; but he is a married man and lives in a little apartment in another part of the town. Are you going to ask what it costs him to live? Are you going to summon this boy who drives my machine to find out what it costs him to live? I should like to know who you are going to summon and where you are going to draw the line—where begin and where end. Mr. President, it is an absurdity. I object to the consideration of the resolution.

Mr. GALLINGER. Mr. President, I should like to ask the Senator from Missouri a question. Has the Senator any knowledge as to the probability of the cost of living being reduced. I notice that the Secretary of Commerce, Mr. Redfield, the other day gave out a statement that the cost of living was about to drop, and we are going to be happier than we have been during the last three years. Does the Senator know anything about that? That relates to the entire country, of course.

Mr. STONE. What particular point has the Senator in mind in asking me that question?

Mr. GALLINGER. The Secretary of Commerce, Mr. Redfield, went into print a few days ago to show that the cost of living was going to drop in the near future; that we were going to get cheaper food and cheaper clothes, I suppose. Has the

Senator any knowledge as to the probability of that happening?

Mr. STONE. I know what the Senator tells me. That is the extent of my information on the subject. When Secretary Redfield, whose business it is to study these questions, says so, I have more or less confidence in the fact that it will happen.

Mr. GALLINGER. So we may indulge the hope that the cost of living is to be reduced before this administration comes to an end?

Mr. STONE. We all indulge that hope.

Mr. GALLINGER. And in that way the promise will be redeemed.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Objection is made, and the resolution goes over.

Mr. KENYON. I should like to ask, first, if the amendments could not be adopted?

The VICE PRESIDENT. They were adopted.

Mr. PENROSE. Before the resolution is passed over I should like to make an inquiry of the Senator from Missouri as to whether this is the drop in the high price of living which was due two or three years ago on the advent of the passage of the Underwood tariff law?

Mr. SMITH of Georgia. There is a limit of five minutes on speeches.

Mr. PENROSE. I have not spoken at all. I understood that drop was coming, and I can only construe the present high cost of living as being psychological in its nature, that it has no real existence in fact, and that following out that line of argument a man might be able to get an ample meal by looking in the window of a restaurant.

Mr. STONE. The Senator, like quite a number of Senators on the other side, is indulging in a little bit of peanut politics. There is not anything to it. I do not care to waste my time.

Mr. THOMAS. Regular order!

The VICE PRESIDENT. The next bill on the calendar will be stated.

#### NEW ORLEANS, BATON ROUGE & VICKSBURG RAILROAD.

The bill (H. R. 540) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co. was announced as next in order.

Mr. THOMAS. Let the bill go over.

Mr. RANSDELL. I hope the Senator will not object to the consideration of that bill. It is one which has passed the House of Representatives twice. It affects a great many people in my State and I have been trying hard for more than two years to have it acted on by the Senate.

Mr. THOMAS. I am very sorry to object to anything the Senator from Louisiana wants, but I was impressed with the belief that this bill is beyond our constitutional power to enact, and I feel it should be fully discussed. Because of this I filed a minority report. Moreover, there are a number of absent Senators who want to be heard in opposition to this matter when it comes before the Senate. The Senator from Ohio [Mr. POMERENE] and the Senator from Iowa [Mr. CUMMINS] want to be heard. It is well known that purchasers of these lands, living in different parts of the United States, particularly in the States of Michigan, Iowa, Indiana, Illinois, Louisiana, and New York are affected. Under the circumstances, therefore, I am compelled to object to the present consideration of the bill.

Mr. RANSDELL. I hope the Senator will at least assist in getting action on the bill at this session. As I said, it passed the House twice and it affects many people of small means in Louisiana who are hanging on the ragged edge. Hope long deferred in this case has made their hearts very sick. Those who claim against them are big corporations and people of large means. I ask the Senators who are opposing the measure to help me to get it up at this session, and end a controversy which has lasted for 30 years, and can not be settled until it is settled right.

The VICE PRESIDENT. The objection is made, and the bill will go over.

#### MISSOURI RIVER BRIDGE.

The bill (H. R. 16097) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OLD POST-OFFICE BUILDING AT YORK, PA.

The bill (H. R. 486) authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa., was considered as in Committee of the Whole. It proposes to sell the present post-office building and the site thereof, situate



at the corner of Philadelphia and Beaver Streets, in the city of York and State of Pennsylvania, either by public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interest of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt, but the said property shall not be sold for less than \$10,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CONSIDERATION OF PENSION BILLS.

Mr. TOWNSEND. The last time we had the calendar up there were two pension bills that I know the Senator from Maine [Mr. JOHNSON] and other Senators are interested in, to which objection was made by the Senator from Colorado [Mr. THOMAS] when they came up. I have seen him and he has removed his objection. I should like to take up those bills. The Committee on Pensions is going to report no more bills at this session of Congress. We have passed bills that have been reported since those, and those two bills should be passed.

Mr. POMERENE. To what bills does the Senator from Michigan refer?

Mr. TOWNSEND. I refer to Senate bill 6369, on page 11, and House bill 16290, on page 18.

Mr. SMITH of Georgia. I think we ought to go on with the calendar as we are now doing. The Senators can arrange to get at those bills in a day or two.

#### ALBERT L. REAM.

Mr. KERN. I was called out of the Chamber when the bill (S. 2704) for the relief of Albert L. Ream was taken up. I desire very much to offer an amendment to the amendment of the committee. The bill was passed in my absence with the committee amendment. I ask unanimous consent that the vote whereby the bill was ordered to a third reading and passed be reconsidered, and on the next call of the calendar I will have an opportunity to present the amendment.

Mr. PENROSE. Do it now.

Mr. OVERMAN. It can be considered when we next take up the calendar.

The VICE PRESIDENT. Without objection, the votes whereby the bill was ordered to a third reading and passed will be reconsidered.

Mr. KERN. I will be very glad to present the amendment now. I thought, perhaps, it had best go over.

Mr. PENROSE. Go ahead and present it now.

Mr. KERN. I offer the following amendment: On page 2, line 5 in the committee amendment, I move to strike out "\$3,650" and insert in lieu thereof "\$8,650."

Mr. OVERMAN. Mr. President, to be entirely consistent I will be compelled to object to that bill if the amount is to be increased, because I objected to a similar bill under like circumstances a while ago. I have no objection, however, to having the bill remain on the calendar.

Mr. KERN. I do not think the Senator knows what kind of a bill this is.

Mr. OVERMAN. I know it is now proposed to increase the amount the committee reported. As I have said, I objected to a bill in which the Senator from Washington is interested for that reason, and I shall have to object to this bill in order to be entirely consistent. I do not object to letting it remain on the calendar and having it considered at another time.

Mr. PENROSE. Regular order!

Mr. SMITH of Georgia. Is it proposed to increase the amount allowed by the committee?

Mr. OVERMAN. It is.

Mr. SMITH of Georgia. I object.

The VICE PRESIDENT. The bill will be passed over.

#### PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 20, to strike out:

The name of Richard H. Vanderhoof, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after the line 11, to strike out:

The name of Dudley G. Allen, late of Company G, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 22, before the words "per month," to strike out "\$24" and insert "\$12," so as to make the clause read:

The name of Eugenie B. Ballou, widow of Walter Ballou, late of Company D, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 6, after the word "Artillery," to insert "and former widow of John Pulleyblank, late of Company A, Fifteenth Regiment Indiana Volunteer Infantry," so as to make the clause read:

The name of Mary J. Wickersham, widow of Christopher C. Wickersham, late of First Independent Battery, Indiana Light Artillery, and former widow of John Pulleyblank, late of Company A, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to strike out:

The name of George Moore, late of Company C, Thirty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$19 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 1, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Charles Stone, late of Company G, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the surname "Shroyer," to insert "widow of James W. Shroyer, late of Companies G and H, Fourteenth Regiment West Virginia Volunteer Infantry, and," so as to make the clause read:

The name of Belle Shroyer, widow of James W. Shroyer, late of Companies G and H, Fourteenth Regiment West Virginia Volunteer Infantry, and former widow of Benjamin Jones, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 12, line 22, before the words "per month," to strike out "\$36" and insert "\$24," so as to make the clause read:

The name of John A. Foster, alias John A. Bump, late of Company H, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the words "per month," to strike out "\$36" and insert "\$24," so as to make the clause read:

The name of Albert G. Ingraham, late of Company A, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to strike out:

The name of Laura R. Warner, widow of Andrew J. Warner, late of Company F, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 15, before the words "per month," to strike out "\$20" and insert "\$25," so as to make the clause read:

The name of Maria C. Sinclair, widow of Sidney F. Sinclair, late of Company G, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 17, after the initial "D.," to strike out the surname "Lenman" and insert "Leuman," so as to make the clause read:

The name of Calvin D. Leuman, late of Company A, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to strike out:

The name of David W. Bogard, late of Company H, Sixteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 28, to strike out: The name of Reuben Clark, late of Company I, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 11, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Thomas Stubbs, late of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. WALSH. Mr. President, I hope that amendment offered by the committee will not be adopted. I have examined the record, and I am perfectly satisfied that the claim is a just one. I ask that the amendment be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, at the top of page 30, to strike out:

The name of William A. M. Streeter, alias Henry Stanley, late of the United States Revenue-Cutter Service, and pay him a pension at the rate of \$22.50 per month.

The amendment was agreed to.

The next amendment was, on page 30, line 18, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of John H. Burnett, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 17, after the surname "Orr," to insert "widow of Harvey H. Orr, late of Company K, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and," so as to make the clause read:

The name of Elizabeth White Orr, widow of Harvey H. Orr, late of Company K, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and former widow of John H. White, late of Company D, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 36, line 20, before the words "per month," to strike out "\$24" and insert "\$12," so as to make the clause read:

The name of Samantha Taylor, former widow of John Scott, late of Company H, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 36, line 24, before the words "per month," to strike out "\$25" and insert "\$24," so as to make the clause read:

The name of Mildred J. Stolp, widow of Edwin A. Stolp, late of Company E, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 4, after the word "now," to insert "receiving," so as to make the clause read:

The name of Anna Kirk, widow of Charles P. Kirk, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, after line 13, to strike out:

The name of William Welsh, late of Company B, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$21 per month.

The amendment was agreed to.

The next amendment was, on page 38, line 19, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Jasper Tillbery, late of Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, after line 9, to strike out:

The name of Rebecca Roszell, helpless and dependent child of Charles M. Roszell, late of Company B, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to strike out:

The name of Jeduthian Weller, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to strike out:

The name of Nancy E. Dermitt, widow of William Dermitt, late of Company D, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 44, after line 21, to strike out:

The name of George G. Richle, late of Company H, Fifty-eight Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to strike out:

The name of Henry Hertzner, late of Company F, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 7, after the word "pay," to strike out "him" and insert "her"; so as to make the clause read:

The name of Bridget Trainor, widow of Michael Trainor, late of Company F, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to strike out:

The name of Charles Christian, late of Company H, Sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 14, to strike out:

The name of Mary A. Winsor, widow of Albert C. Winsor, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, after line 14, to strike out:

The name of Ida M. Satterfield, widow of Sidney W. Satterfield, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, line 13, after the word "Artillery," to insert "and dependent mother of John R. Welch, late of Company M, Sixteenth Regiment United States Infantry, War with Spain," and in line 17, after the word "receiving," to strike out "as dependent mother of John R. Welch, Company M, Sixteenth United States Infantry, War with Spain," so as to make the clause read:

The name of Annie E. Welch, widow of John H. Welch, late of Battery B, Pennsylvania Volunteer Light Artillery, and dependent mother of John R. Welch, late of Company M, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, line 23, before the words "per month," to strike out "\$25" and insert "\$24," so as to make the clause read:

The name of Elizabeth Botinier, widow of William Botinier, late of Company C, Thirteenth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 12, before the words "per month," to strike out "\$25" and insert "\$24," so as to make the clause read:

The name of Sarah D. Wood, widow of Jonathan E. Wood, late of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, line 21, before the words "per month," to strike out "\$25" and insert "\$24," so as to make the clause read:

The name of Ellen Davenport, widow of Edwin L. Davenport, late of Company F, and first lieutenant and adjutant, Fifty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, line 1, after the surname "Clapper," to insert "widow of Jacob Clapper, late of Company F, Eighth Regiment Vermont Volunteer Infantry, and," so as to make the clause read:

The name of Mary Clapper, widow of Jacob Clapper, late of Company F, Eighth Regiment Vermont Volunteer Infantry, and former widow of



Marshall G. Hardy, late of Company I, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to strike out:

The name of Sarah Katharine Dodge, divorced wife of Edmond H. Dodge, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and Company D, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to strike out:

The name of Ernestine W. Shetrone, widow of Martin H. Shetrone, late of Company B, First Battalion, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 62, line 15, after the word "Cavalry," to insert "and former widow of Clement Chivington, late of Company E, One hundred and fifty-second Regiment Indiana Volunteer Infantry," so as to make the clause read:

The name of Nora Dickerson, widow of Lyman W. Dickerson, late of Company F, Sixth Regiment Ohio Volunteer Cavalry, and former widow of Clement Chivington, late of Company E, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 63, after line 9, to strike out:

The name of John C. Toombs, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 66, line 21, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of Daniel Stevenson, late of Company F, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, line 4, after the word "Infantry," to insert "and chaplain, Sixth Regiment Ohio Volunteer Infantry, War with Spain," so as to make the clause read:

The name of Thomas J. Harbaugh, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and chaplain, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 69, after line 3, to strike out:

The name of Catherine R. Reader, widow of W. A. Reader, late of Company G, Sixth Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

Mr. CHILTON. Mr. President, I will ask what was done with the amendment on page 54 striking out lines 15, 16, 17, and 18, being the item proposing to grant a pension of \$20 per month to Ida M. Satterfield, widow of Sidney W. Satterfield?

The VICE PRESIDENT. The amendment was agreed to.

Mr. CHILTON. Mr. President, that is certainly a meritorious case, and I should like to know why it was stricken out.

Mr. OVERMAN. The chairman of the committee is not present.

Mr. CHILTON. I desire to ask unanimous consent—

Mr. OVERMAN. It will go to conference if it is stricken out.

Mr. CHILTON. Well, I prefer to have it go to conference in a different form. I ask unanimous consent to reconsider the vote by which the Senate agreed to the amendment reported by the committee.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to is reconsidered. The question now is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. TOWNSEND. Mr. President, I again desire to call the attention of the Senate to Calendar No. 483 and Calendar No. 484, being, respectively, Senate bills 6369 and 6370. They are both pension bills, and I ask that they be taken up now, as that will clean up the calendar so far as pension bills are concerned, as I understand, for the session.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. Mr. President, I shall not object, and I understand the Senator who heretofore raised the objection does not now object. We have disposed of pension bills of a similar nature coming later on the calendar, and it seems to me fair that we should also dispose of the two bills to which the Senator from Michigan has referred.

Mr. TOWNSEND. Then I ask, first, that Senate bill 6369 be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates stated:

Fred Burnstead, late of Company A, Twenty-third Regiment United States Infantry, War with Spain, \$12 per month.

Mary A. Johnson, widow of John Johnson, late of Company H, Twenty-fourth Regiment United States Infantry, and Troop K, Ninth Regiment United States Cavalry, Regular Establishment, \$12 per month and \$2 per month additional on account of each of the minor children of said John Johnson until they reach the age of 16 years.

Alan P. Wilson, late of Company I, Second Regiment Virginia Volunteer Infantry, War with Spain, \$24 per month in lieu of that he is now receiving.

Mary L. Munyon, widow of William F. Munyon, alias William Anear, late of the United States Navy, Regular Establishment, \$12 per month.

Walter B. Hockett, late of Company M, Second Regiment Oregon Volunteer Infantry, War with Spain, \$12 per month.

Elizabeth Dunn Howe, widow of Walter Howe, late brigadier general United States Army, Regular Establishment, \$30 per month.

Hepsie C. Holway, widow of Wesley O. Holway, late chaplain, United States Navy, Regular Establishment, \$20 per month.

Joshua E. Howard, late of Company C, Second Regiment United States Infantry, Regular Establishment, \$30 per month.

Anna Neff, widow of William L. Neff, late of Band Sixteenth Regiment United States Infantry, War with Spain, \$12 per month.

Ione I. Bell, widow of William H. Bell, late of U. S. S. *Yantic*, United States Navy, Regular Establishment, \$12 per month.

Hillory M. Wilder, late surgeon, First Regiment North Carolina Volunteer Infantry, War with Spain, \$30 per month.

John O. McMahon, late of Company F, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, \$15 per month in lieu of that he is now receiving.

Benjamin H. Meadows, late of Company E, Second Regiment North Carolina Volunteer Infantry, War with Spain, \$12 per month.

Charles H. Dorman, late of Company A of Instruction, General Service, United States Army, Regular Establishment, \$24 per month in lieu of that he is now receiving.

Jotham B. Jacobs, late of Troop H, Eighth Regiment United States Cavalry, Regular Establishment, \$17 per month in lieu of that he is now receiving.

Sarah A. Workman, widow of Andrew J. Workman, late of Company B, Mormon Battalion, Iowa Volunteers, War with Mexico, \$20 per month in lieu of that she is now receiving.

Lucy Cole, widow of James B. Cole, late of Company D, Mormon Battalion Volunteers, War with Mexico, \$20 per month in lieu of that she is now receiving.

David W. Herriman, late of Company B, Twelfth Regiment United States Infantry, War with Spain, \$12 per month in lieu of that he is now receiving.

Eddy J. Workman, late of Battery I, First Regiment United States Artillery, War with Spain, \$20 per month in lieu of that he is now receiving.

Henry Schlobohm, late of Troop K, First Regiment United States Cavalry, War with Spain, \$24 per month in lieu of that he is now receiving.

Mabel McCauley, widow of Thomas W. McCauley, late of Company C, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, \$12 per month.

Louis Hines, late of Company K, Seventh Regiment, and Company D, Fifteenth Regiment, United States Infantry, Regular Establishment, \$36 per month in lieu of that he is now receiving.

George W. Dawson, late of the United States Marine Corps, United States Navy, Regular Establishment, \$17 per month in lieu of that he is now receiving.

Emma E. Boswell, widow of Benjamin D. Boswell, late second lieutenant Twenty-ninth Regiment United States Infantry,

Regular Establishment, \$25 per month in lieu of that she is now receiving.

Kate K. Henry, widow of James M. Lake Henry, late second Lieutenant, Second Regiment United States Infantry, War with Mexico, \$20 per month in lieu of that she is now receiving.

Mary A. McElroy, widow of Jackson C. McElroy, late first Lieutenant Company E, Third Regiment Tennessee Volunteers, War with Mexico, \$20 per month in lieu of that she is now receiving.

Frank Lintz, late of Company F, Fourteenth Regiment United States Infantry, Regular Establishment, \$40 per month in lieu of that he is now receiving.

Charles H. Skillings, late of Company M, First Regiment Maine Volunteer Infantry, War with Spain, \$16 per month in lieu of that he is now receiving.

Mary Miller, widow of John W. Miller, late of Company K, Thirty-fifth Regiment United States Infantry, Regular Establishment, \$12 per month.

Mary J. Nolan, widow of Joseph F. Nolan, late of United States Marine Corps, War with Spain, \$12 per month, and \$2 per month additional on account of the minor child of said Joseph F. Nolan until he reaches the age of 16 years.

James M. Brown, late of Troop C, Third Regiment United States Cavalry, Regular Establishment, \$16 per month in lieu of that he is now receiving.

Henry T. Hertslet, late of Company A, Thirteenth Regiment United States Infantry, Regular Establishment, \$30 per month in lieu of that he is now receiving.

David Noe, late of Company H, Seventeenth Regiment United States Infantry, Regular Establishment, \$12 per month.

Hannah C. Leary, widow of Cornelius Leary, late of Company C, Twenty-first Regiment United States Infantry, Regular Establishment, \$12 per month.

Joseph W. Hicks, late of U. S. S. *Quinnebaug*, United States Navy, Regular Establishment, \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TOWNSEND. I now ask that Calendar No. 484, being Senate bill 6370, be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6370) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. The bill proposes to pension at the rates stated the following-named persons:

Anne M. Seaver, widow of George T. Seaver, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, \$20 per month, in lieu of that she is now receiving.

Mary E. Stanton, former widow of Samuel Greenwood, late of Company F, Twenty-fourth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary E. Northend, widow of John Northend, late of Company A, Thirteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Sarah H. Pidge, widow of Frank L. Pidge, late of Company A, Seventy-fifth Regiment New York Veteran Volunteers, \$20 per month in lieu of that she is now receiving.

Elmira H. Cowles, widow of Lester W. Cowles, late of Companies D and K, First Regiment Connecticut Volunteer Cavalry, \$24 per month in lieu of that she is now receiving.

Fannie M. Cutting, widow of John R. Cutting, late of the Ninth Independent Company, New York Volunteer Sharpshooters, \$20 per month in lieu of that she is now receiving.

Mary A. Clark, widow of Milton D. Clark, late of Company B, Twenty-second Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Sarah A. Brown, widow of John Patrick Brown, late of Company E, First Regiment Connecticut Volunteer Heavy Artillery, \$20 per month in lieu of that she is now receiving.

Belle Palmer, widow of David G. Palmer, late first lieutenant and quartermaster First Regiment Michigan Volunteer Sharpshooters, \$12 per month.

Henry Swain, late of Company A, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, \$15 per month.

Jennie Moul, widow of John Moul, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, \$12 per month.

Lydia Keatley, widow of John H. Keatley, late first lieutenant, Company E, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, \$12 per month.

Sarah M. Thompson, widow of John F. Thompson, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, \$12 per month.

Mary J. Hayes, widow of James Hayes, late of Company H, Second Regiment New York Veteran Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Jesse Abbott, late of Company G, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, \$12 per month.

Charles H. Miel, late of Company F, Twenty-first Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Maggie E. Russell, widow of Benjamin F. Russell, late first Lieutenant Company F, Tenth Regiment New Jersey Volunteer Infantry, \$12 per month.

Sarah J. Erdman, former widow of Charles W. Andrews, late of Company K, Second Regiment Minnesota Volunteer Infantry, \$12 per month.

James H. Kimberlin, late of Company D, Fifty-second Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Edgar Ogan, late of Company A, One hundred and fiftieth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Andrew S. Mendenhall, late of Company K, Eighteenth Regiment Iowa Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Virginia C. Crawford, widow of William A. Crawford, late of Company G, Forty-second Regiment Missouri Volunteer Infantry, \$12 per month.

George W. Johnson, late of Company H, Forty-eighth Regiment New York Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John C. Matheny, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Jeremiah Hurley, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Thomas F. Green, late of Company H, Fourth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Henrietta R. Young, widow of Oren C. Young, late of the U. S. S. *Sabine*, *Colorado*, and *Vandalia*, United States Navy, \$12 per month.

Laura E. Eby, widow of Elias H. Eby, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, \$12 per month.

Ida Critchell, widow of Charles Critchell, late of Company G, Forty-eighth Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Amos Reynolds, late of Company H, One hundred and eighty-sixth Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Samuel McCord, late of Company E, Forty-sixth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Annie B. Buell, widow of Matthew Buell, late of Company E, Thirty-seventh Regiment Indiana Volunteer Infantry, \$12 per month.

William A. Sutton, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

George W. Kimball, late of Company K, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, \$27 per month in lieu of that he is now receiving.

John Wilson, late of Company A, One hundred and thirtieth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Melvina J. Davis, widow of Samuel B. Davis, late of Company D, Ninth Regiment Illinois Volunteer Cavalry, and former widow of Enos W. Hathaway, late of Company F, Ninth Regiment Indiana Volunteer Cavalry, \$12 per month.

Henry G. Pickett, late of Company G, Forty-first Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Diantha A. Batting widow of John T. Batting, late of U. S. S. *Sabine*, *Niagara*, and *North Carolina*, United States Navy, \$20 per month in lieu of that she is now receiving.

Charles L. Chappell, late of Company B, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Hannah Clift, widow of Amos Clift, jr., late of Company G, Eighth Regiment Connecticut Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Ann Corey, widow of Paris H. Corey, late of Company C, Third Regiment Rhode Island Volunteer Heavy Artillery, \$20 per month in lieu of that he is now receiving.



Sarah B. Davis, widow of Phineas W. Davis, late of Company G, Eighth Regiment Connecticut Volunteer Infantry, and Battery K, Third Regiment United States Artillery, \$20 per month in lieu of that she is now receiving.

Harriet A. Fairbanks, widow of Alexander H. Fairbanks, late of Company K, Sixty-first Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Francis J. Hart, widow of Orville A. Hart, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

George A. Howard, late of Company D, Battalion, Seventy-seventh Regiment New York Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Rachel R. Gwyn, widow of William T. Gwyn, late of Company E, Third Regiment Illinois Volunteer Cavalry, \$12 per month.

James M. Harrison, late of Company K, Forty-sixth Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Wesley Desart, late of Company E, Ninth Regiment Iowa Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Emma M. Newmyer, former widow of George H. Newmyer, late of Company F, Twenty-first Regiment Missouri Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James B. H. McDaniel, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William H. Finney, late of Company C, Fourteenth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Susie M. Gilbert, widow of Franklin T. Gilbert, late lieutenant colonel Fifteenth Regiment Illinois Volunteer Cavalry, \$12 per month.

John S. Fite, late of Company C, Eighty-first Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John S. Gilmore, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Darius S. Sanborn, late of Company D, Maine Volunteer Coast Guards, \$36 per month in lieu of that he is now receiving.

Kate M. White, widow of Henry A. White, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Henry R. Huntley, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Caroline L. Ackley, widow of Delos Ackley, late of Company C, Twenty-fourth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

William Mower, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary J. Roach, widow of John H. Roach, late of Company G, Ninth Regiment Delaware Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary A. Newman, widow of William Newman, late of Company F, Ninth Regiment Tennessee Volunteer Cavalry, \$12 per month.

Mattie Tryon Spangler, widow of John M. Spangler, late of Company C, Seventh Regiment Iowa Volunteer Cavalry, \$20 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of the said John M. Spangler until they reach the age of 16 years.

Ledroit C. Prosser, late of Company G, Second Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Albert L. Pickett, late of Company B, First Regiment Michigan Volunteer Light Artillery, \$50 per month in lieu of that he is now receiving.

Julia Churchill, widow of James F. Churchill, late of Company D, Eighth Regiment California Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Anna W. Sapp, widow of John A. Sapp, late of Company I, and second lieutenant Company C, Second Regiment Ohio Volunteer Heavy Artillery, \$12 per month.

William H. Grafton, late of Company C, Eighty-second Regiment, and Company H, One hundred and seventy-ninth Regiment, Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Albert W. Kelley, late of Company F, Eighth Regiment Illinois Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Martha Crowley, widow of Patrick H. Crowley, late of Companies I and B, Sixth Regiment United States Infantry, and

Battery E, First Regiment New Jersey Volunteer Light Artillery, \$20 per month.

David Bethurum, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Zilpha A. Bush, former widow of George W. McElroy, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, \$12 per month.

Laforest A. Norton, helpless and dependent son of William W. Norton, late of Company K, Eleventh Regiment Maine Volunteer Infantry, \$12 per month.

Charles Harris, late of Company B, Tenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

David F. Pierce, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Frederick N. Ames, late of Company L, Second Regiment Maine Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William B. Brooks, late of Company B, Eighty-second Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

David McConnell, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Levi A. Ross, late captain Company K, Eighty-sixth Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Michael Archer, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, \$36 per month in lieu of that he is now receiving.

Martha T. Scott, widow of James H. Scott, late of Company A, Fifty-second Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Julia S. Brown, widow of Charles A. Brown, late of Company H, Sixteenth Regiment New York Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

George McDowell, late of Company H, Twenty-fifth Regiment Wisconsin Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Thomas Williams, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and Company H, Second Regiment Pennsylvania Provisional Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Robert L. Hamill, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

David Smail, late of Company A, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry Bohall, late of Company B, First Battalion California Mountaineers Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Miranda A. Wheelock, widow of Lewis L. Wheelock, late first lieutenant Company B and captain Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Harvey B. Stout, late of Company I, One hundred and thirty-second Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John Eaton, late of Company K, Fifty-second Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

George Jeffs, late of Company D, Ninth Regiment Vermont Volunteer Infantry, and Company M, First Regiment Vermont Volunteer Heavy Artillery, \$30 per month.

Catharine Burgett, widow of Albert G. Burgett, late of Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, and former widow of Peter Rynard, late of Company D, First Regiment Oregon Volunteer Cavalry, \$12 per month.

Joseph O. Bovard, late of Company G, Eleventh Regiment Pennsylvania Reserves Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Marion Bradford, late of Company D, Second Regiment North Carolina Volunteer Mounted Infantry, \$40 per month in lieu of that he is now receiving.

Irvine Carman, late of Company K, Seventy-eighth Regiment New York Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Eaton Smith, late of Company E, Fifty-eighth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Samuel Feldner, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Julia A. Parker, widow of Jackson V. Parker, late captain Company B, Seventh Regiment Vermont Volunteer Infantry, \$25 per month in lieu of that she is now receiving.

Ebenezer Ricketts, late of Company D, Sixth Regiment Maine Volunteer Infantry, and Company K, First Regiment Maine Veteran Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Nancy J. Willey, widow of William H. Willey, late of Company F, Ninth Regiment Delaware Volunteer Infantry, \$12 per month.

Laura E. Knox, widow of David Knox, late of Company K, Eighth Regiment Maine Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Francett Dickinson, former widow of Charles E. Leighton, late of Company A, Ninth Regiment Maine Volunteer Infantry, \$12 per month.

Charles F. Delong, late of Company D, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

India Reisner, widow of Eliphaz Reisner, late of Company K, Thirty-eighth Regiment Illinois Volunteer Infantry, \$12 per month.

John Hornback, late of Company D, Eleventh Regiment Missouri Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Sadie M. Likens, former widow of David I. Washburn, late of Company H, Eleventh Regiment Wisconsin Volunteer Infantry, and widow of William W. Likens, late captain Company H, Forty-third Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Avril Harris, late of Company A, Eighty-ninth Regiment New York Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Charles L. Wehe, late of Company I, Twenty-fourth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Homer H. Throop, late of Company D, Second Regiment Ohio Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Mary L. Jeffers, widow of Dennis B. Jeffers, late captain Company C, Third Regiment West Virginia Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

William W. Tibbets, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and Company F, Fourteenth Regiment Veteran Reserve Corps, \$30 per month in lieu of that he is now receiving.

Sadie L. Elliott, widow of William F. Elliott, late of U. S. S. *Ohio* and *Huron*, United States Navy, \$12 per month.

Warren B. Monroe, late of Company G, First Regiment District of Columbia Volunteer Cavalry, and Company I, First Regiment Maine Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Edwin B. Lampson, late of Company K, First Regiment District of Columbia Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Samuel Lockwood, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Susan G. Snowden, widow of John P. Snowden, late of Company E, Eleventh Regiment Pennsylvania Reserves Volunteer Infantry, and Company K, Fifteenth Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Edwin Ayers, late of Second Battery, Vermont Volunteer Light Artillery, and Company B, Seventh Regiment Vermont Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Phillip Rabuck, late of Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Ira Chamberlain, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

William Grogan, late of Company D, Twenty-eighth Regiment, and Company K, Fourteenth Regiment, New Jersey Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Ellen Billcock, widow of John Billcock, who served in Company A, Ninth Regiment Vermont Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Arthur M. Clark, helpless and dependent son of Lewis M. Clark, late unassigned, Thirtieth Regiment Maine Volunteer Infantry, \$12 per month.

Charles Ralley, late of Company C, Seventh Battalion District of Columbia Militia Infantry, \$21 per month.

Marilla Barnes, widow of George H. Barnes, late of Company E, Twenty-sixth Regiment New York Volunteer Infantry, \$12 per month.

Sarah M. Monroe, widow of John I. Monroe, late of Company D, Seventy-seventh Regiment New York Volunteer Infantry, and Battery K, Fifth Regiment United States Artillery, \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alma M. Monroe, helpless and dependent child of said John I. Monroe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah M. Monroe the name of the said Alma M. Monroe shall be placed on the pension roll, at \$12 per month from and after the date of death of said Sarah M. Monroe.

Henry Carl, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and Unassigned Veteran Reserve Corps, \$40 per month in lieu of that he is now receiving.

Rebecca Ramsey, widow of William W. Ramsey, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, \$20 per month in lieu of that she is now receiving.

Nellie Loucks, widow of Jerome B. Loucks, late of Battery G, First Regiment New York Volunteer Light Artillery, \$20 per month in lieu of that she is now receiving.

Soren V. Kalsen, late of Company C, Seventh Regiment Iowa Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Thomas M. James, late first lieutenant, Company D, First Regiment Ohio Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

Morgan W. Jones, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Harriet A. Streeter, widow of Merrick L. Streeter, late of Company E, Fifty-first Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John W. Erwin, late of Company B, First Regiment Vermont Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

David Roach, late of Company K, One hundred and fortieth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mary F. Knowles, widow of Hiram Knowles, late of Company D, Fourteenth Regiment Maine Volunteer Infantry, and former widow of Charles A. Knights, late of Company G, Fourth Regiment Maine Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Alfred W. Bussell, late of Company A, Twenty-second Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Oscar D. Nutton, late of Company G, Second Regiment Michigan Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Elmore T. Montgomery, late first lieutenant Company C, One hundred and first Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Thomas S. Henderson, late of Company M, First Regiment Maine Volunteer Heavy Artillery, \$36 per month in lieu of that he is now receiving.

Corydon L. Cole, late of Company E, Seventeenth Regiment Maine Volunteer Infantry, and Company E, First Regiment Maine Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Saloma V. Bedell, widow of Albert J. Bedell, late of Company A, Eleventh Regiment Vermont Volunteer Infantry, \$12 per month.

William Mitchell, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Winfield S. Webster, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Robert Hedrick, late of Company F, Eighth Regiment Virginia Volunteer Infantry (subsequently Company F, Seventh Regiment West Virginia Volunteer Cavalry), \$50 per month.

Anna L. Warren, widow of James D. R. Warren, late of Company A, Fifth Regiment Iowa Volunteer Infantry, \$12 per month.

Francis E. Pellett, late of Company A, First Regiment Connecticut Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Rose L. Gibbon, widow of Homer E. Gibbon, late of Company F, Eighty-fifth Regiment, and Company E, One hundred and



twenty-ninth Regiment, Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Gerret G. Seger, late first lieutenant Company E, Seventy-third Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Hannah A. Holden, widow of Simeon A. Holden, late of Company D, First Regiment Maine Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Lewis B. Crout, late of Company C, One hundred and thirty-third Regiment Ohio National Guard Infantry, \$24 per month in lieu of that he is now receiving.

Catharine E. Wilson, widow of George F. Wilson, late of Company D, Third Regiment Delaware Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Frances A. Kniffin, widow of Robert J. Kniffin, late of Company G, Twenty-fifth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John Condon, late of Company B, First Battalion Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Stanford H. Chase, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Mary Lynch, widow of Patrick Lynch, late of Company I, Ninth Regiment Maine Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Simeon H. Haskell, late of Company E, Twenty-third Regiment Maine Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Henry M. Bennett, late of Company A, Ninth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lucy M. Settle, widow of James C. Settle, late of Company I, Eleventh Regiment Ohio Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Eliza Jane McCoy, widow of James R. McCoy, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Ezra A. Miller, late of Company H, Twenty-sixth Regiment Iowa Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Joseph Burton, late of Company C, Second Regiment Pennsylvania Volunteer Cavalry, and Company K, First Regiment Pennsylvania Provisional Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Alanson V. Dean, late of Company A, Fifth Regiment Michigan Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Zimri Stearns, late of Company C, Thirteenth Regiment New Hampshire Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

John W. Yount, late of Company I, Second Regiment Iowa Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

James Dunn, late of Company I, Twenty-seventh Regiment New York Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Richard M. Clark, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John W. Johnston, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Richard Scanland, late of Company G, Seventieth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Levi A. Waikle, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Harvey Martin, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Charles H. Clay, late of Company H, Ninety-sixth Regiment New York Volunteer Infantry, \$46 per month in lieu of that he is now receiving.

John F. Nicholes, late of Company A, Eleventh Regiment Indiana Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Eri O. Smith, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Henry J. Porter, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, and Company G, Second Regiment

Veteran Reserve Corps, \$50 per month in lieu of that he is now receiving.

Alonzo Rose, late of Sixth Battery, Wisconsin Volunteer Artillery, \$36 per month in lieu of that he is now receiving.

Hetty R. Lynch, widow of Peter Lynch, late of Company A, Ninth Regiment Delaware Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary J. Yocum, widow of Samuel H. Yocum, late of Company M, Eighth Regiment Indiana Volunteer Cavalry, \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George W. Yocum, helpless and dependent child of said Samuel H. Yocum, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Yocum the name of the said George W. Yocum shall be placed on the pension roll at \$12 per month, from and after the date of death of said Mary J. Yocum.

Stephen Rice, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, \$30 per month in lieu of that he is now receiving.

John A. Jones, late of Company C, First Regiment Arkansas Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Nathaniel Minks, late of Company B, Forty-second Regiment Missouri Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Fritz Brendler, late of Company F, Fourth Regiment Wisconsin Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Sarah E. Aldridge, widow of Benjamin Aldridge, late of Company H, Fifth Regiment Indiana Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Sybilie Grossart, widow of Frederick W. Grossart, late of Company C, Forty-first Regiment New York Volunteer Infantry, and Company D, Twenty-second Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Henry H. Thomas, late of Company C, Forty-eighth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John C. Hughes, late of Company I, Nineteenth Regiment Indiana Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Mary A. Williams, widow of James A. Williams, late of Company B, Fourteenth Regiment Missouri State Militia Cavalry, and former widow of James Ferrell, late of Company E, Hickory Battalion, attached to Osage County (Missouri) Home Guards, \$20 per month in lieu of that she is now receiving.

Joshua M. Roller, late of Company C, Twenty-fourth Regiment, and Company F, Eighteenth Regiment, Ohio Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Priscilla M. Lamphier, widow of Wesley J. Lamphier, late of Company E, Seventh Regiment Vermont Veteran Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Lizzie B. Williams, widow of Leland J. Williams, late of Company C, Tenth Regiment, and Company C, Fifth Regiment, Vermont Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Annie E. Rock, widow of William Rock, late of Company K, Twelfth Regiment Vermont Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Lydia A. Lane, widow of Joseph H. Lane, late of Company E, Eighth Regiment Vermont Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Isabell Johnson, widow of Henry Johnson, late of Company B, Second Regiment Vermont Volunteer Infantry, \$12 per month.

Erastus T. Cressey, late of Company H, Second Regiment Minnesota Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Helen Slade, widow of Ozro D. Slade, late of Company E, Second Regiment New York Volunteer Heavy Artillery, \$20 per month in lieu of that she is now receiving.

Mary E. Hart, widow of Samuel S. Hart, late of Company B, Twenty-first Regiment New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Annie Davis, widow of Daniel Davis, late of Company G, First Regiment Maine Volunteer Heavy Artillery, \$12 per month.

James Kelley, helpless and dependent son of William Kelley, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, \$12 per month.

Eugene A. Libby, late of Company E, First Regiment Maine Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Nora E. Danforth, widow of Otis Danforth, late of Company A, Fourth Regiment Massachusetts Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Abbie M. Fernald, widow of Joseph Fernald, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Charles G. Bridges, late of Company D, Thirty-first Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Gustavus A. Thompson, late of Company K, Third Regiment, and Company B, Seventeenth Regiment, Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

James Fairbrother, late of Fifth Unassigned Company, Maine Volunteer Infantry, and Company I, Nineteenth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Joseph H. Knox, late of Company E, Eleventh Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George W. Butterfield, late of Company B, Seventh Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Thomas J. Dill, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

William E. Cunningham, late of Company A, Fifth Regiment Maryland Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Aaron O. Houghton, late of Capt. Wardwell's unattached company, Maine Volunteer Infantry, \$17 per month in lieu of that he is now receiving.

Albion K. P. Marston, late of Company D, Thirty-second Regiment, and Company D, Thirty-first Regiment, Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Elias A. Lothrop, late of Company G, Seventh Battery, First Battalion, Maine Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Hiram Ellis, late of Companies K and E, Ninth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Thomas Brown, late of Company B, Eleventh Regiment Missouri Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Mary A. Miller, widow of Henry H. Miller, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary C. Kessinger, widow of Henderson Kessinger, late of Company G, Thirtieth Regiment Iowa Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Thomas McDonald, late of Company H, Second Regiment Minnesota Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Elize King, widow of Newell D. King, late of Company C, Twenty-first Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Nathan S. Martin, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Reuben J. Powell, late principal musician, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John W. Shepherd, late of Company H, Thirty-fifth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Insley Cook, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, \$30 per month in lieu of that he is now receiving.

Mary A. Gillogly, helpless and dependent daughter of Thomas Gillogly, late of Company I, First Regiment Missouri State Militia Volunteer Infantry, \$12 per month.

Julius C. Wright, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

William H. Waltman, late of Company C, Sixty-third Regiment, and unassigned One hundred and twelfth Regiment Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Mary E. Roberts, widow of Richard Roberts, late of Company H, Twentieth Regiment Illinois Volunteer Infantry, \$12 per month.

Nelson Barber, late of Company I, Twelfth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Rufina M. Sutton, widow of Reuben Sutton, late of Company L, Third Regiment Rhode Island Volunteer Heavy Artillery, \$12 per month.

Thaddeus Cross, late of Company A, Tenth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Charles E. Cook, late of Company F, Fifth Regiment Massachusetts Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Florence M. Moore, widow of Merrill Moore, late of Company F, Sixth Regiment, and Company E, Twenty-eighth Regiment Maine Volunteer Infantry, \$12 per month.

Truman F. Maxim, late of Company E, Ninth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Horatio P. Abbott, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Alma Frambes, helpless and dependent child of William A. Frambes, late of Company K, Twenty-seventh Regiment Ohio Volunteer Infantry, and Company C, One hundred and fifty-third Regiment Ohio National Guard Infantry, \$12 per month.

John S. Kephart, late of Company C, Third Regiment Indiana Volunteers, War with Mexico, and second lieutenant Company F, Fifth Regiment Indiana Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Edward Foster, late of Company C, Ninth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Leo J. Emery, helpless and dependent child of Charles F. Emery, late of Company D, Thirty-ninth Regiment Ohio Volunteer Infantry, \$12 per month.

John Ferguson, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, and Company C, Sixth Regiment Veteran Reserve Corps, \$40 per month in lieu of that he is now receiving.

Mary E. Gilbert, widow of Philip H. Gilbert, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, \$12 per month.

Charles Apple, late of Company D, Sixty-eighth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Adolphus B. Capron, late first lieutenant Company K, and first lieutenant and adjutant One hundred and eleventh Regiment New York Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Madeline A. Rowell, widow of George H. Rowell, late captain Company H, Second Regiment Missouri Volunteer Cavalry, \$24 per month in lieu of that she is now receiving.

Eliza M. Flint, widow of James F. Flint, late of Company A, Thirty-ninth Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

George L. Wait Wiltbank, alias George L. Wait, late of Company K, Twenty-fifth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Daniel A. Ray, late of Company B, One hundred and twentieth Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George Ellars, late of Company A, One hundred and thirteenth Regiment Ohio Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

James E. Bresett, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, and Twenty-first Battery Indiana Volunteer Light Artillery, \$40 per month in lieu of that he is now receiving.

John McGuire, late of Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Ludwig N. Anderson, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, \$36 per month in lieu of that he is now receiving.

George W. Bolster, late of Company B, Tenth Regiment Massachusetts Volunteer Infantry, and First Battery Vermont Volunteer Light Artillery, \$50 per month in lieu of that he is now receiving.

Esteller Barrows, helpless and dependent daughter of Isaac C. Barrows, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion, Veteran Reserve Corps, \$12 per month.

John W. Bash, late of Company D, Ninth Regiment Indiana Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Tillie E. Reeves, widow of Orange D. Reeves, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Horace G. Maloon, late of Company A, Fifteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John H. Lowell, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.



Leroy Harding, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Helen F. Goodwin, former widow of Andrew J. Harmon, late of Company I, Seventeenth Regiment Maine Volunteer Infantry, \$24 per month in lieu of that she is now receiving, and \$2 per month additional on account of Lucina H. Harmon, helpless child of said Andrew J. Harmon: *Provided*, That in the event of the death of Lucina H. Harmon, helpless and dependent child of said Andrew J. Harmon, the additional pension herein granted shall cease and determine.

Elizabeth C. Henderson, widow of Robert R. Henderson, late of Company C, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Clementine M. Gilbert, now Denslow, former widow of Adam F. Gilbert, late of Company C, Fourteenth Regiment Pennsylvania Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Melissa L. White, widow of Chancey White, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Ellen H. Croggon, widow of William J. Croggon, late of Company D, Fourth Battalion District of Columbia Militia Infantry, \$20 per month in lieu of that she is now receiving.

Austin Osmanson, late of Company C, One hundred and forty-second Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mary F. Ewing, widow of Addison L. Ewing, late captain Company I, Sixty-third Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

William C. McLaughlin, late of Company G, Sixth Regiment Ohio Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Jesse Watkins, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, \$18 per month.

Daniel W. Smith, late of Company C, Twentieth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Owen Stacy, late of Company I, Seventeenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Mary A. Hanson, widow of Daniel Hanson, late of Company A, Tenth and Twenty-ninth Regiments Maine Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Azupah J. Batman, widow of Andrew J. Batman, late of Company D, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Walter L. Batman, helpless and dependent child of said Andrew J. Batman, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Azupah J. Batman, widow of Andrew J. Batman, the name of said Walter L. Batman shall be placed on the pension roll at \$12 per month from and after the death of said Azupah J. Batman.

Hannah Dowd, widow of Oliver Dowd, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Eaton Ferrin, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John A. Hawksley, late of Third Battery, Maine Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Benjamin King, late of Company B, Eighth Regiment Maine Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Elsina H. Rickard, widow of Henry A. Rickard, late of Company D, Second Regiment Vermont Volunteer Infantry, \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CLAIMS OF MAIL CONTRACTORS.

Mr. VARDAMAN. Mr. President, we have made a good many poor souls happy this afternoon by passing many little relief bills, and I desire to ask unanimous consent to consider at this time Calendar No. 638—House bill 11150—which is a bill providing for the payment of old post-office claims. The total amount is only \$196,000. The claims have been due, some of them, for 60 years, and they range in amount all the way from \$1.00 up to two or three thousand dollars.

Mr. CHILTON. Is there any sum appropriated to pay these claims?

Mr. VARDAMAN. There are several hundred of the claims, as I said, ranging from \$1 up to—I think probably the largest claim in the whole list—

Mr. CHILTON. The bill does not seem to carry an appropriation.

Mr. VARDAMAN. Yes, sir; it carries a total appropriation of \$196,000.

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield to me?

Mr. VARDAMAN. I will.

Mr. ROBINSON. These claims have all been audited by the department, and they have been due for a long time. They ought to be paid and disposed of.

Mr. VARDAMAN. If the Senate is going to give consent for the consideration of them, I will ask that the bill be read. The provisions of the bill safeguard any possible fraud upon the Government, and, as the Senator from Arkansas has said, the books of the Government show that the amounts are due. There is no question about that. It is an obligation which the Government has owed for the last half century, and many of the people are in very impecunious circumstances and really need this little pittance. It is a very short bill.

Mr. PENROSE. Mr. President, some of these claims are very ancient. The Government would be bankrupted if every claim of this character were presented here to be cashed.

Mr. VARDAMAN. But, if the Senator will pardon me, the Government of the United States is not a bankrupt; and even if it is a little hard pressed the Government ought not, I submit, to withhold from the character of people who hold these claims against the Government that which is justly due them. If the Government needs any money to settle these claims it would be very well to issue some bonds, if it has not any cash available. But the Government has ample funds with which to meet all of its obligations.

Mr. PENROSE. As I understand, this bill carries nearly \$200,000.

Mr. VARDAMAN. It carries a total amount of \$196,000.

Mr. PENROSE. Of course, that is an insignificant sum of money compared with the disbursements which have been lavishly authorized during the present Congress; but, still, the antiquity of these claims almost compensates for the moderation of the bill in presenting many objectionable features. I should like to ask the Senator whether there is any provision in this bill to the effect that the money shall be paid directly to the claimants and not to attorneys?

Mr. VARDAMAN. Yes, sir. The bill explains how that shall be done.

Mr. PENROSE. Where is that found?

Mr. VARDAMAN. Every safeguard is put around both the claimants and the Government, so as to prevent the possibility of fraud.

Mr. PENROSE. My experience, extending over a considerable period, is that claims of this character are purely the proposition of some Washington attorney, who has been incubating for many years on matters of this sort—

Mr. VARDAMAN. If the Senator will pardon me a moment—

Mr. PENROSE. If the Senator will permit me to finish—who makes a business of incubating, through a long period of years, over propositions of this character, hoping to find some favorable opportunity for his own advantage. Thirty-nine thousand dollars of this money will go to attorneys. Now, I am going to object to the consideration of this bill to-night for the purpose of having an opportunity to examine it, and with a view of preparing an amendment to provide that these payments shall be made directly to the claimants, and no money whatever shall be allowed for attorneys' fees.

Mr. ROBINSON. Mr. President, there is a provision in this bill limiting the amount which shall be paid to attorneys to 20 per cent. That is in the last section of the bill.

Mr. PENROSE. I see that. Nearly \$40,000 of this appropriation is to be paid to some attorney, I do not know whom, probably located here in Washington.

Mr. ROBINSON. I call the attention of the Senator to the fact that in most of these instances the attorneys have contracts which entitle them to some compensation.

Mr. PENROSE. Of course they have. It is the old story.

Mr. ROBINSON. In many instances they have rendered service extending over a period of many years. A number of these bills have passed either one House or the other for several sessions of Congress; and it is the fault of Congress, and not that of the claimants, that the claims have not already been paid.

Mr. PENROSE. I do not begrudge any man trying to make an honest living; but the only service these attorneys have rendered is to hunt up these claims, hunt up the claimants,

get contracts with them, and then haunt these corridors and lobby with Senators and Congressmen to get the claims through. I should like to be informed as to how many of these claims are to be paid to the principals themselves.

Mr. VARDAMAN. I want to say to the Senator that no attorney has spoken to me about it.

Mr. PENROSE. I do not suggest in the slightest degree that any attorney has influenced the Senator from Mississippi. I really think, however, that if the Senator from Mississippi had been longer in Washington, and knew more about the methods pursued in starting these claims, he would have hesitated a long while before he introduced this measure, because there are attorneys back of it. What work have they done? No work except to hunt up the claims, hunt up the principals or their descendants, get contracts, and then wait here year after year until they can find a favorable opportunity to put the burglar's tools into the Public Treasury. It would have been cheaper to pay them their \$40,000 fee, and stop at that, for all the good it will do the original parties concerned.

Can the Senator from Mississippi inform the Senate how many of these original claimants are now alive?

Mr. VARDAMAN. The Senator from Mississippi can not. I will say to the Senator from Pennsylvania that there are several hundred of these claimants living in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Kentucky, Missouri, and Tennessee. There are several hundred of them.

With reference to what the Senator said about attorneys representing these people, the Senate passed a bill here a few days ago making an appropriation of twenty-three or four hundred dollars for people living in Mississippi, and I was very much surprised to find they had no attorney at all. I have a letter from the Treasury Department, received yesterday, saying that appropriations had been made for the payment of two other claimants who made no application for it. Now, I do not know. Perhaps attorneys represent some of these people; but they have not appeared to me. Of course, if the attorneys have rendered any service—though I do not know what service they have rendered—they ought to be given fair compensation. I agree with what the Senator from Pennsylvania says, that some of them do wait around the Capitol like cormorants and grab up these little crumbs and devour them, but that does not in any way absolve the Government's obligation to these people for the work which they have done for the Government. If the Congress shall refuse to pay these honest claims, it puts the Government on a dead level with the little shyster lawyer who would rob his clients. That the Congress can not afford to do.

Mr. PENROSE. Mr. President, there are hidden away in the pigeonholes of attorneys' offices here in Washington a billion dollars of claims against the Government, waiting to be presented from time to time, as favorable opportunities may offer. This bill on its face is a comparatively moderate but at the same time a flagrant case, in my opinion, of attorney graft. It means giving these lawyers \$40,000, with no evidence whatever that the principals are involved or that even their descendants are involved.

Mr. VARDAMAN. What provision or limitation would the Senator put upon the bill to prevent that? Would he limit it to 10 per cent? I am willing to accept any reasonable suggestion; but I desire that the debts of the Government shall be paid.

Mr. PENROSE. I should be inclined to forbid any attorney's fee unless the money can be paid directly by the Secretary of the Treasury to the principal or his descendant or legal heir. Unless that can be done the claims ought not to be paid, in my opinion.

Mr. GALLINGER. Mr. President, I will ask the Senator from Mississippi a question about the phrase in the bill found on page 2, line 4:

*Provided, That amounts which have been paid by the United States, and amounts which were paid by the Confederate States Government, or the State of Arkansas, as shown by records filed in the office of the Auditor of the Post Office Department, shall not be again paid.*

It would seem, from that language, that the Confederate States acknowledged the validity of these claims.

Mr. VARDAMAN. Some of these claims were paid by the Confederate States, probably out of money that was retained by the State which belonged to the Federal Government. The whole record is set out and in the possession of the United States, and that provision is to prevent the payment again. That is all that language means. There is no possible way by which the Government of the United States is to be defrauded.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. CHILTON. I understood that the Senator from Pennsylvania had objected. Am I right about that?

Mr. VARDAMAN. I do not think so.

Mr. PENROSE. I object, Mr. President. The hour of adjournment has arrived. I should like to continue the discussion of this bill, but it is half past 6, and there is not a quorum present.

Mr. SMITH of Maryland. I move that the Senate adjourn until to-morrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 1, 1916, at 10 o'clock a. m.

## SENATE.

TUESDAY, August 1, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy grace and favor that we may have the power that comes out of the consciousness of a purpose to serve our fellow men. We thank Thee that Thou hast brought to us the vast resources that make it possible to realize the dreams and visions of the fathers of this great Nation. Putting the resources at our command Thou dost invite us to enter into the larger inheritance of the day.

We pray that with unalloyed purpose and motive we may address ourselves to these tasks, realizing in a fuller, finer, and diviner measure than ever before the great brotherhood of national life and justice and freedom as the foundation of our national structure. Guide us this day according to Thy will and by Thy word through Thy Spirit. For Christ's sake. Amen.

### THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

### RELIEF OF FLOOD SUFFERERS.

Mr. UNDERWOOD. Mr. President, I desire to introduce a joint resolution and to ask unanimous consent for its consideration. It is an emergency measure.

Mr. GALLINGER. Pending that, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Clapp	Husting	Overman	Smith, Md.
Culberson	Johnson, S. Dak.	Page	Smoot
Cummins	Jones	Penrose	Sterling
Curtis	Kern	Pittman	Taggart
Dillingham	Lane	Robinson	Thompson
Fletcher	McLean	Shafer	Underwood
Gallinger	Martin, Va.	Sheppard	Vardaman
Hardwick	Martine, N. J.	Sherman	Wadsworth
Hitchcock	Myers	Simmons	Works
Hollis	Nelson	Smith, Ga.	

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. BRYAN, Mr. KENYON, Mr. NORRIS, Mr. RANDELL, Mr. REED, Mr. SAULSBURY, Mr. SMITH of South Carolina, and Mr. WILLIAMS answered to their names when called.

Mr. JAMES, Mr. CHAMBERLAIN, Mr. THOMAS, Mr. ASHURST, Mr. BECKHAM, Mr. LA FOLLETTE, and Mr. GRONNA entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The Senator from Alabama introduces a joint resolution out of order and asks unanimous consent for its present consideration.

The joint resolution (S. J. Res. 160) appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi, and for other purposes, was read twice by its title.

Mr. SMOOT. It must be a joint resolution, of course.

Mr. UNDERWOOD. It is a joint resolution. I should, before the request is put, like to have an opportunity to make a statement in reference to it.

Mr. President, a day or two ago the governor of Alabama sent the following telegram to Washington:

[Telegram.]

Data gathered by me show that more than 418,000 acres of cultivated lands have been inundated. Green and Marengo Counties unheard from and not included in the above. The crops on these lands are total loss, estimated more than \$3,500,000, leaving 23,000 people destitute. I have issued a proclamation calling upon the citizens of the State for relief to the destitute, naming John D. Durr, of Montgomery, chairman, and W. C. Hooper, of Selma, treasurer, relief committee.

CHAS. HENDERSON, Governor.



Mr. President, when these reports in reference to the overflowed lands in Alabama and the other Southern States came in, I requested the Secretary of War to make an investigation. There has been a most lamentable condition in Alabama and other Southern States. I believe Alabama has borne the brunt of the flood conditions. Unfortunately, we are not in that area of territory that is covered by the Associated Press dispatches, there were no large cities involved in the overflow, and the public press of the country has published very little information in reference to the condition. If it had been in the East or the Middle West, where there are lines of active communication, the newspapers of the country would have been ablaze with the condition that has happened in the South in this overflow. We have not lost many lives, but so far as property damage and overflow conditions are concerned, it has been practically as disastrous as the Ohio floods a couple of years ago.

The unfortunate part of this condition is that, as the governor says, in Alabama there are 23,000 destitute people. There is no chance for them to go back to their homes. The Alabama River at Selma rose 54 feet, and up to a few days ago had fallen only 3 feet. These people have been driven from their homes to the hillsides and their crops are totally destroyed. Unfortunately, a large proportion of the 23,000 people in Alabama who have been driven from their homes are the negro population. They are unable to take care of themselves. They have no reserve forces, no accumulated supply. Ordinarily their white neighbors would take care of them until the acute situation is over, but the year before we had a terrible boll-weevil condition in those States that largely destroyed the cotton crop; the year before that the war conditions had depressed the price of cotton from 12 cents to 6 cents, with the result that this flood condition coming on top of it has practically bankrupted the local merchants and the local white farmers, and they have not the money to take care of their own situation, much less the thousands of negroes who are homeless and destitute.

With that in view, Mr. President, I asked the Secretary of War to investigate the situation and report to Congress. Mr. HAY, having a joint resolution before the Committee on Military Affairs of the House, sent a resolution down and asked the Secretary of War to make a similar investigation. That investigation was made carefully by the engineer officers of the Government, reporting the exact conditions. I have in my hand a copy of a letter sent to Mr. HAY, as chairman of the House Military Committee, from the Secretary of War, stating what the conditions are and what relief is needed. I ask that the letter may be read.

The Secretary read as follows:

WAR DEPARTMENT,  
Washington, July 29, 1916.

HON. JAMES HAY,  
Chairman Committee on Military Affairs,  
House of Representatives.

SIR: I have the honor to bring to your attention facts concerning the effects of recent floods in the South, and to urge that appropriate action be taken by Congress looking to the temporary relief of persons that have been rendered destitute.

The areas affected include parts of the States of North Carolina, South Carolina, Georgia, Alabama, and Mississippi. The conditions in the various districts of these States, concerning which complaints of suffering and destitution have been made, were investigated by the Engineer Department, and the reports received are transmitted herewith. These reports show that in some sections there is extreme destitution now existing that calls for immediate relief, and, moreover, that in many sections the destruction of the crops has been so extensive that great suffering is liable to occur before the full crops of another year can be harvested, unless relief of some kind can be afforded in the meantime.

The people most affected are the small tenant farmers. These people usually cultivate the land on shares, or in some form by which practically all the crop is mortgaged or pledged before it is harvested, and sometimes even before it is planted, so that the credit of these small farmers is exhausted.

In some cases, as on the Alabama River, the situation is made more desperate by the fact that this loss was preceded by two years of unfavorable conditions, which left not only these tenants but the landlords in much more straitened circumstances than usual. In some cases the landlords are still able and willing to give aid, but in many cases are unable to do so, as their own property is so heavily pledged that they can not obtain further credit. In some localities local agencies have been affording relief, but their means are about exhausted, and great suffering will result unless some outside assistance is given.

In general the homes of the flood sufferers have not been affected, so that there is no need for the issuance of tents.

There are two measures of relief that appear to be called for. One is to supply seeds, so that the devastated lands can be planted with quick-growing crops to provide food for the population and animals. It is stated, for instance, by the district officer at Montgomery, Ala., that turnips, rape, collards, peas, beans, and sorghum can still be grown in the flood district on the Alabama River, and he estimates that there are 4,955 families in that district that should be supplied with seeds, at a cost of about \$13,000. Another method of relief is to supply the destitute with some form of employment at a moderate rate of pay, which will enable them to secure provisions and other necessities until they become self-supporting, either through the growing of new crops or other private employment.

It appears advisable to issue some rations, but only for the period necessary for the planting of seeds referred to above. After this the women and children can care for the crops, and the men should be offered work on the county roads, under the supervision of Federal officers and in cooperation with the local officials, at a rate of pay somewhat less than current wages. Under these conditions it is probable that only those in need who can not otherwise supply means of support would apply for employment, and the number to be aided in this manner would tend to diminish as the men secure more lucrative employment in other ways. In some cases it will be practicable to employ some of the destitute in clearing drift, overhanging trees, etc., from navigable streams, but the main reliance, apparently, should be placed upon road work as affording the quickest and the most generally useful form of relief work. Such emergency work on roads would not, of course, be as effective as if the improvements were carefully planned in advance, but some good results should be accomplished, and the principal end would be achieved of requiring work in return for funds expended.

Two estimates have been made covering necessary relief work—one for the first period of 30 days, to meet the most urgent and immediate needs, and one for such time thereafter as some form of relief work must be continued. These estimates are as follows:

For first 30 days.....	\$240,000
For subsequent time.....	300,000

It is probable that some of the local communities affected can assist in the relief work outlined above, but there are doubtless some where the destruction of property has been so great that they will be unable to participate in the provision of the necessary funds.

Should Congress deem that Federal aid should be extended, it is recommended that an appropriation of \$540,000 be made, and that its application along the lines indicated be authorized, contingent upon the consent and cooperation, as far as practicable, of local authorities. The necessary Federal supervision of relief work can be undertaken by this office, or such other Government bureau as may be selected by Congress for the purpose.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

MR. UNDERWOOD. Mr. President, the joint resolution which I have introduced is entirely in conformity with the recommendations made by the Secretary of War. I do not believe that the sums recommended by the Secretary of War will be sufficient to afford the immediate relief that is needed in the five States named. As a matter of fact, I think that the conditions in Alabama would warrant the expenditure of that much money for immediate relief. There is no effort here being made to take care of permanent relief, but it is to give those people food and some work to do until conditions can be brought about where they can get permanent employment and be taken care of.

The local authorities of my State—and I have no doubt it is true in the other States to which this joint resolution refers—are doing all they can; but the people in the immediate neighborhood are as destitute as are the negro tenant farmers, by reason of the boll-weevil condition, the low price of cotton two years ago that grew out of the European war, and the flood conditions to-day, which have wiped out all they have.

MR. WORKS. Mr. President—

THE VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

MR. UNDERWOOD. Yes.

MR. WORKS. I should like to know whether or not anything has been done for the relief of those people by the State?

MR. UNDERWOOD. The governor has no power, so far as the State itself is concerned, and the legislature is not in session in any of these States, but the local people immediately raised funds. Those people would be starving to-day but for the funds that have been raised in Alabama. The governor, as I have said, has issued a proclamation calling for relief throughout the State, which is being responded to, but that is slow in coming in. It will take a long time to take care of those people.

This condition is most severe in the flood regions of Alabama. I will say that I saw the engineer's map the other day which showed the area of the territory affected by the flood condition—not that it is all overflowed, but that affected—and it covered two-thirds of the State of Alabama. The area is nearly as large in the Carolinas, and it pervades throughout the entire South.

I would not urge this condition on the Senate in this way if it did not require immediate action. If we are going to grant this relief, it ought to be done at once, because these people are suffering.

This is not as large or as great a calamity as that presented by the earthquake conditions in San Francisco that we relieved, but proportionately it is as great. There are as many people affected by it as were affected by the conditions at Salem, Mass., that we relieved a few years ago. We have often granted similar relief to other sections of the country. We immediately acted in reference to the Ohio floods; and, as I say, the only difference is that we suffer under a great handicap in cases of this kind because we are so far from the general line of travel, from the general line of communication, that these conditions take place and there is no general publicity given to them. If this great flood had happened in the Middle Western States or in the East, every newspaper in the country would have been full of it.



I knew I could not bring this matter to Congress when it was not given publicity unless I had an official report. I therefore got the Secretary of War to send the Engineer officers of the Government there. This proposed action is based on their report as to actual conditions. The joint resolution which I have offered calls for exactly what the Secretary of War recommends and nothing more, although I do not think it is adequate.

Mr. President, those are the conditions. We have more than 23,000 people in actual destitution in Alabama whom we are having great difficulty in relieving. The official report shows that the same conditions exist in other States of the Union.

This joint resolution does not apply to Alabama alone, but it applies to all the flood States. These negroes are driven from their fields, though not from their homes, which are on the hilltops, so they are not actually driven from their homes. If this resolution passes, their immediate needs will be taken care of for a few weeks, and the Agricultural Department can cheaply, quickly, and readily furnish them with seed. They can get them immediately and can plant some classes of food crops—not corn and cotton, not money crops—but something to carry them and carry their cattle through the winter. If, however, immediate action is not taken, the time will pass, and we can accomplish no result. Therefore, Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. OVERMAN. Mr. President, with all of the railroads washed away for miles and miles, all of the rural routes obliterated for a time, and the telegraph lines down, we did not hear of the terrible floods in western North Carolina until two weeks after they had occurred. It is impossible to get the mails through. These people are walking and carrying mails for miles and miles in order that the outside world may learn the sad news of this terrible catastrophe. Not only all the bottom lands have been seriously injured and the crops on them destroyed, but they have been covered with sand and will be utterly useless for 20 years. The tenant who had his home on the little mountain side has had that home destroyed. Strange to say, for the first time in the history of that State there have been great slides like the snowslides of Switzerland. The water in the soil was so deep that it spouted out and carried down from the great mountains trees, houses, and debris, stopped up all the streams, and washed all the bridges, county roads, and railroads away. The Southern Railroad for 40 miles was so destroyed that it will take weeks and months to rebuild.

These people are absolutely helpless. My State has generously subscribed very large sums of money, and is sending money into that region now to help those poor people. We should do something to put them to work, to help rebuild the roads, the rural routes, though they are nothing but trails now; and a man can not go with a horse and buggy or with a wagon anywhere in that mountain country where the floods were so destructive. Along the Yadkin, the Catawba Valley, the Broad River, and the Wateree region, comprising an area of 20,000 square miles, that entire area was practically covered by the floods, and the people living on those areas are suffering.

I merely wish to state to the Senator from Alabama that I knew nothing of the true conditions in North Carolina until the news came through some one walking for days and days in order to get to some place from which he could send a letter off in the mail to his friend, for we have no telegraph wires in that region to tell us the conditions.

Mr. POMERENE. Mr. President, I have, I think, an unusual interest in this resolution. I can not forget the lesson that came to the people in the Middle West in the spring of 1913. I was through the flood-stricken district of Ohio; I know of the pictures of desolation and despair which were to be seen upon every hand.

On occasions of this kind it is not of so much importance that we give a great sum as it is that we give it quickly for the immediate relief of those who are in distress. I judge from what I have heard from the Senators from the Southern States, as well as from the press and from other sources, that perhaps the only difference between the flood situation in 1913 and the situation which the resolution is designed to relieve is in the number of people who have been driven out of house and home and have had their property destroyed. I hope the resolution may be adopted.

Mr. PENROSE. Mr. President, I have no doubt whatever that the disaster in the Southern States to which reference has been made is severe, but I should like to ask the Senator from Alabama, who has introduced the resolution, whether he considers it the settled policy of this Government to make appropriations for every case of distress due to floods wherever they may occur in the United States?

Mr. UNDERWOOD. Why, no; I do not consider it the settled policy of the Government, I will say to the Senator, but I do consider this: In many instances in the past—and I presume similar action will be taken in the future—where immediate relief was needed, where the destitution was so pronounced and the horror of the conditions so great that it was impossible for the local communities to immediately take care of the situation, the Federal Government has granted temporary, not permanent, relief; and, of course, permanent relief is not asked in this case, as the Senator can see from the amount of this appropriation. Thousands and thousands of people are destitute; and the purpose of the joint resolution is merely to take care of a temporary situation. That has been done in numerous cases in the past; and I think when there is a calamity that is so great and so far-reaching that the local community to an extent is paralyzed, then the Federal Government is only following the precedents of the past in taking temporary charge of the situation. That is all I am asking in this case.

Mr. PENROSE. Well, Mr. President, I have every sympathy with those who have suffered by reason of the calamity. I know that we live in an era of many novel and untried ideas, and that we are spending money with a reckless and lavish hand. The \$500,000 or \$600,000 proposed to be appropriated by the joint resolution will be little or nothing compared with the vast amounts which are being spent for what, in my opinion, are unnecessary and ill-advised projects. I did not know, however, but that part of the new philosophy was that the Government should on all occasions extend temporary relief in case of floods from one end of the country to the other.

It would seem to me, Mr. President, that the governor of Alabama should call a special session of the legislature of that State, and show some willingness on the part of the local authorities to remedy the dreadful conditions prevailing.

A few years ago we had in Pennsylvania the Johnstown flood, a rather famous disaster, in which thousands of people lost their property and many hundreds lost their lives; but the legislature appropriated the many hundreds of thousands of dollars that were necessary to meet the disastrous conditions arising from the breaking of that dam. A few years afterwards the Susquehanna River rose, as it frequently does, until it forced through the streets of Williamsport, a large and thriving town in Pennsylvania, a wall of water from 12 to 20 feet high, as indicated by appropriate inscriptions on the buildings to-day, with the consequent destruction of a vast amount of property; but no one came to Congress or, even in that case, to the legislature to ask relief.

If after due consideration the Senate shall conclude to pass this resolution, I shall make no very great amount of opposition to it; but I was a little curious to know whether the party now in power intends to meet all cases of floods with the same liberal disbursement of the public funds. Doubtless the Allegheny and the Monongahela Rivers will again overflow their banks, as they have done almost every spring, or the Susquehanna or the Delaware may again rise and destroy property along their banks, and I did not know but that I might have the support of the Senator from Alabama and other Senators in having a resolution passed appropriating perhaps a million dollars to compensate the unfortunate sufferers who live along those streams.

Mr. SIMMONS. Mr. President, I regret that there should be even the appearance of injecting politics into this matter, which the Senator from Alabama in a spirit of humanity has brought before the Senate. I believe that this is the first time, except in connection with floods on the Mississippi, when it has been proposed that the Federal Government shall appropriate money to relieve against a situation of disaster or destitution in the South. Since I have been in the Senate and previously there have been appropriations of very large sums for the purpose of relieving against situations certainly no worse when you consider the ability of the stricken section to afford relief from its own resources and when you consider the class of people who have suffered. In past years, before the Democratic Party assumed control of the Government, we were in the habit of appropriating money from the Federal Treasury in similar cases.

The Senator from Alabama has alluded to the case of the earthquake in San Francisco. I remember how readily Senators on both sides of this Chamber joined the Senators from that stricken region in gladly voting funds for temporary relief. In other instances the same thing has been done.

Mr. President, this is not a request, as the other cases to which I have referred and to which the Senator from Alabama has referred were not requests, for indemnity against loss, not a request for compensation for damage from the visitations of God, but it is a mere appeal to humanity. It is the same sort of appeal that we are hearing to-day from the other side of the



water. It is the same sort of appeal that came to us from Belgium. It is the same sort of appeal that is coming to us to-day from Poland, and we are answering it in such way as we can—answering it by public help and answering it by private charity.

Mr. President, it would be difficult for me to describe the situation that exists in the mountain regions of my State as the result of the flood. The Senator from Alabama has told about the conditions in his State. I suppose, from what the Senator says, that they are very similar to those which have been brought about in my State. However, there is some difference. In the mountain sections of my State, Senators will remember that the Appalachian Range rises higher than at any other point. Farming is the chief occupation of the people, and the farming is confined entirely to the valleys of these mountain ranges. These valleys sometimes spread out many miles. Sometimes they are very narrow. While there are some rich people in those valleys, the majority of the people who cultivate those farms and who own those valley lands are poor people. Many of them own just a few acres. They raise fruits, they raise a little stock, they raise grain, they live very frugally. Some of those lands, however, are cultivated by small tenant farmers. In this region, as in other parts of the South where lands are cultivated by tenant farmers, the tenant is generally very poor. Very frequently he has eaten up his crop before he gathers or harvests it. He borrows at the beginning of the year for the purpose of supplying his family from month to month, from day to day. It is a bad condition, but it exists. It even exists upon the lowlands. It exists in the section of the State near the coast where I live among the tenant farmers, especially the colored farmers. When these floods came, as my colleague has stated to the Senate, they swept everything before them. In some, yea, in many, instances it swept away the little homes of those people on the mountain sides; carried away the stock, the hogs, and the cattle; carried away the farming implements; carried away the growing crop; and not only left the ground barren of crop and vegetation, but, in some cases, actually took the land, the fertile part of it, the upper soil of it, and carried that away and deposited it somewhere else.

As a result, Mr. President, these people who had made their arrangements for their supplies during this year, based upon the credit of the crop they expected to make, find themselves in the middle of the year unable to secure further supplies, because the security for these advances is gone and they are in a state of destitution.

Mr. PENROSE. Mr. President, will the Senator permit me?

Mr. SIMMONS. I do not desire to be interrupted right now by the Senator from Pennsylvania.

Not only that, Mr. President, but as the result of this flood in my State 83 lives have been lost. I do not think I could bring the situation in my State more graphically to the attention of the Senate than to state one fact with reference to Asheville, N. C. Most people in the country who are in the habit of traveling about, who go to resorts, have heard of Asheville, and many have been to Asheville. I have no doubt many Senators here have been to Asheville. Those who have been there will recall the splendid depot of the Southern Railway—the Union Depot—just on the outskirts of Asheville, located upon the French Broad River, upon an elevation which was supposed to be ample protection against the highest floods. And yet, Mr. President, where that depot is located the waters were 6 feet high right upon the floor of the main building; and the hotel which is located a few yards away, probably a hundred yards away, known as the Glenn Rock Hotel, was flooded to the third story, and two men lost their lives in trying to bring succor to people who were marooned in the third story of that hotel.

That is a mere illustration as to the height the waters attained in these valleys where practically all the people who live in those mountains reside. Not only were 83 lives lost and the crops swept away, but the very soil upon which the crops were, was in some cases washed away or covered with sterile sand and rendered almost valueless.

A gentleman told me that he knew of a friend of his who had a beautiful and fertile tract of valley land before this flood worth \$100 an acre for agricultural purposes, now covered with white sand deposited by these floods, from 5 to 10 feet deep, and its value destroyed.

Mr. President, we are not asking for permanent relief against this situation. We do not conceive that the Government would have the power to do that; we only ask aid to relieve against temporary want and suffering. The Government has without cavil heeded appeals of this sort in the past, and why should Senators object to its doing it in this case? The Senator speaks about the conditions in Pennsylvania and says

they were relieved by the State and by the local communities. The communities in which the disaster in his State happened, I presume, were communities in which the sufferers were, themselves, or their neighbors, in the main, people of means. It was not the poorer classes that sustained the heaviest loss in those communities. It was the richer classes that sustained the heavier loss.

The Southern Railway, which penetrates this section of my State, has sustained a heavy loss, but of course the Southern Railway is asking no assistance. The landowners are asking no assistance, nor are we asking it for them. We are simply asking help for these poor tenants or the very small landowners, the men who in the beginning of the year mortgaged their crops or little homes to get the bread with which to feed their families from day to day. We are asking help for them. That is all we are asking, Mr. President.

The people of my State are responding generously to their appeal. Our State legislature is not in session now. If it were, I have no doubt it would respond. The commissioners in the various counties are responding to the extent of their ability, and in such ways as they can, and the people throughout the State, responding to the appeal of the governor of the State, are contributing liberally and sending them help, but the territory affected is nearly a third of the State of North Carolina. It is a part of the State that is tolerably thickly settled. The number of persons affected is great—the damage is tremendous. As my colleague has just said with reference to the roads, they tell me that in all that mountain country in these rich and thickly populated valleys the roads have almost disappeared—washed away. They are mere trails. You can not ride horseback on some of them, and it is impossible to traverse many of them with a vehicle.

I had a letter only yesterday from a gentleman of my State who happened to be at one of the resorts in the mountains when this disaster occurred. He was marooned there for days. The roads washed until impassable and bridges gone he was reduced to the necessity of walking 25 miles to get back to his home.

Mr. President, we are asking nothing, we would take nothing, except to assist temporarily in taking care of these people until we can otherwise provide for them or they can provide for themselves. We will provide for them as soon as we can. We are making every effort to provide for them now. This particular section of my State, though well to do, is not rich. The people are mostly farmers—and small farmers. The commissioners of the affected counties are doing what they can to meet the situation; they are preparing to build roads and bridges, and so forth, and give these people work. The burden upon the municipalities is great and their means and resources limited, but they are doing the best they can to give them a chance to help themselves. It is not like it is in the case of a great city or manufacturing section where laboring men, if they can not get work in the factories in one city, can go to the next city and find it there. In this part of the country almost the only occupation of the people is farming. When there is no demand for labor on the farm it is difficult for these people to find employment, and until they can do so they must suffer privations.

Mr. President, I apologize to the Senate if for the time I have taken too much of the morning hour with this matter. A great misfortune has befallen my State, and naturally I feel deeply for the distress of the unfortunate victims, and naturally I want to do what I can to alleviate the situation which has been created. I hope the resolution of the Senator from Alabama will pass.

Mr. VARDAMAN. Mr. President, I have not received a request from the people of Mississippi to ask for Government aid. I know, however, that the eastern part of the State has suffered tremendously as the result of the floods, and I know that among the class of people who will suffer most are the small white farmers and the negro tenants. I know the assistance is needed—badly needed—and I hope the succor may be given. If Senators understood the character of the negroes—their improvidence, their failure to lay up something for a rainy day—they could understand the situation in the sections of the South where the country has been devastated by the heavy rains.

Now, the planter as a general rule prefers to take care of his own labor, to provide for his own tenants in times of stress like this, if he is able to do it; but when the burden falls as it has fallen on a great many of them in this instance, he finds himself absolutely unable to do it. As has been so clearly and fully stated by the junior Senator from Alabama [Mr. UNDERWOOD], the purpose of this resolution is not to restore to the people that which they have lost by the ravages of the flood, but it is simply to give bread to the hungry—not to furnish

shelter, no; not to restore to the lands the soil that has been washed away; not to buy teams, horses, and mules that have been drowned in the floods, or cattle and hogs that have been killed—not that; but it is to furnish bread and meat, and probably in some instances raiment, where they have been destroyed or lost, to the hungry and the naked. That is all there is to it.

Mr. President, I have never permitted a human being who came to me and asked for bread to go away hungry if I could supply him with it. There is no joy so satisfying to the normal human heart as that which grows out of the consciousness of having added to somebody else's happiness. The people of this great Republic, whose representatives we are here in this body, are always willing to extend the hand of help to those in distress. Thank God, my sympathies with my fellow man in the hour of trial are not bounded by geographical lines. One of the most agreeable duties that I have performed since I came to the Senate was to vote for and urge the passage of a resolution giving relief to suffering humanity in one of the rich cities of the great State of Massachusetts.

As I said at the outset, my State fortunately has not been a sufferer to the extent which the States of Alabama, North and South Carolina have suffered, but these people need help. This Government is able to give them that help; and I can not see how any Senator can find it in his heart to deny this appeal for bread.

Mr. NEWLANDS. Mr. President, I join most heartily in the support of the joint resolution introduced by the Senator from Alabama. I think this relief ought to be given. I have no doubt the calamity is a fearful one, involving suffering and distress to many people, and it is only by such collective efforts as the Government itself can make in supplying not only the funds but the means of a system for its distribution that the calamity can be adequately met.

I wish to say, however, that I deem this not an unfitting moment to call the attention of the Senator from Mississippi and other southern Senators to the fact that for 10 years a bill has been urged in this body providing for river regulation and flood control, intended to change, as the President so happily phrased it, these floods from a menace into a blessing, by controlling the waters as they fall from the heavens in such a way as to put them to beneficial and compensatory uses instead of leaving them to mass together for the destruction of large agricultural areas and communities and towns.

I wish to call the attention of Senators also to the obliviousness of the Members of Congress from the South to the principal economic need of the time, and their failure to respond to the sentiment which exists elsewhere throughout the entire country in favor of a broad and comprehensive measure that will take care, not simply of the lower Mississippi or the lower Sacramento, but will embrace every watershed in the country in a system of plans and of works which will ultimately secure control over these waters, mitigating their destructive effects, and at the same time putting them to use as creators instead of destroyers of wealth.

I feel that the South has been singularly oblivious to this great menace, and to the economic demand of the time, that all waters should be controlled and beneficially utilized, that navigation should be restored, that arid-land reclamation and swamp-land reclamation should be secured, and that water in falling from one level to another should be made to develop electric power which will extend its energizing influence throughout the entire country in the distribution of electric energy.

Mr. President, though the great parties have for the last eight years been declaring themselves in no uncertain tones upon this subject in their party platforms, legislation has not yet responded to the popular demand. Recently in the House a Flood Control Committee was organized. We had reason to hope and to expect that that committee would frame a broad and comprehensive measure that would meet the demands of every section of the country and every watershed of the country. Instead of that we found its attention almost entirely directed to protecting the lower Mississippi and the lower Sacramento from the effects of devastating floods, without regard to the wealth-creating power of water if conserved by scientific methods. They seem content to permit these floods to come down to the lower reaches, willing that they should come down, but insistent that the United States Government should, out of its Treasury, spend large sums in protecting the adjoining areas from their menace of destruction.

Mr. President, the Senate has the opportunity to correct this mistake, to broaden out the narrow policy enunciated by the House of Representatives into a broad and comprehensive policy that will include every watershed in the country, and include contemporaneous works and plans in every section of

the country. Such a bill, I believe, can be framed as a substitute for the House bill, which will include all the essential provisions of the House bill, but will have national provisions that will make the bill as broad as the Union in its beneficial features instead of a sectional bill as it is to-day.

Mr. President, I have spoken often upon this subject to unheeding ears. There is no section of the country that is so rich in its possibilities for water development as the South. The South contains within its borders the lower reaches of most of the great waterway systems of the country, and also contains within its borders independent systems of waterways entirely confined to it. The elevated character of a large part of the South and the mountainous character of the streams afford opportunity for the utilization of the power of water in falling from one level to another to create an electric energy that will be the marvel of the world, giving opportunity in their own interest to broaden out their action; and instead of contenting themselves with the old spoils system of waterway development, which gave a waterway project as a prize to the energy of a particular Congressman or a particular Senator, we can substitute the broad and comprehensive system to which I have referred and from which untold blessings will come to the South.

I hope, Mr. President, before many years to see substituted for the present system of sporadic waterway development in the South, interrupted by occasional appeals to the benevolence and charity of the country, a businesslike and scientific system, meeting the great economic requirements of the land; and I take this opportunity of asking my southern friends to unite with us of the Northwest, who from experience know what we are talking about, in making these great waters creators and not destroyers of wealth.

Mr. THOMAS. Mr. President, the calamity which occasions this joint resolution is most deplorable, but, as the Senator from Nevada [Mr. NEWLANDS] has stated, it is one of not unusual occurrence. The joint resolution, therefore, refers to a subject concerning which resolutions of similar import in the past have been considered and is designed to bring immediate relief to the sufferers by making it the subject of a Federal appropriation. The purpose, of course, is a most beneficent one, which appeals to the sympathies of every Senator, and the passage of the resolution doubtless would meet with the approbation of the public, as they have in the past.

But, Mr. President, I very seriously apprehend that what seems the established custom for the Government to come to the rescue of communities and individuals with appropriations from the Treasury whenever some unusual calamity occurs is transforming the Government from a political into an eleemosynary institution of enormous dimensions, and the drain upon the Treasury now so noticeable will be multiplied many times. Especially in this fiscal year 1916 is the fact noticeable that the demands upon the National Treasury are increasing to an alarming degree, some of them being, of course, due to the expanding activities of the Government, but the bulk of it to the present widespread demand for so-called preparedness, and some which might well be postponed to a more convenient season.

But however that may be, Mr. President, because of these increases the necessity of securing increased revenue is an acute problem of the hour and one which, while essential, is made, as is always the case, the more difficult because of the objections and protests of those who will be required to bear the added burden.

Mr. President, before this joint resolution is finally acted upon it may be well for a moment to call attention specifically to the condition of the public revenue, and particularly to the enormous increase which up to this time has characterized our appropriations.

I have been favored with a statement from the Treasury Department, the date of which I am unable to give but which I received two or three days ago, which purports to give the appropriations for 1916, the present condition of the 1917 bills, and the increase for 1917 over 1916.

I might with propriety occupy the time of the Senate by reading the entire statement, but I do not think it is essential. I shall therefore content myself with calling attention to the summaries which are disclosed by the statement.

The total annual appropriations up to this time, including bills that have become laws, bills which have passed the Senate, and bills which have been favorably reported to the Senate, show the following totals:

The total annual appropriations for 1916, including the Panama Canal, were \$1,114,937,012.02.

The present condition of 1917 bills, as explained, aggregates \$1,613,874,829.54.



Increase of 1917 over 1916, \$498,937,617.52.

If from these appropriations are deducted those for postal purposes and for sinking-fund requirements and to those for 1917 are added bonds authorized by the shipping bill and for the nitrate plant, the totals are as follows:

For 1916, \$739,968,373.63.

For 1917, \$1,297,402,920.72.

Shows an increase from 1917 over 1916 of \$557,434,547.09, or an increase up to this time of more than half a billion of dollars over the appropriations for 1916.

Mr. President, it is, of course, obvious that the great bulk of this increase is due to recent Army and Navy legislation, but that does not alter the fact that the burden of this increase must be borne by the taxpayers of the United States. I think it is perhaps safe to say that if Congress remains in session 60 days more, which is highly probable, this increase may swell beyond the total of \$800,000,000.

In an address made by one of the most eminent citizens of the United States last evening in the city of New York the plan of so-called preparedness as outlined in the bills which have recently passed this body was severely criticized as incomplete and inadequate, which would indicate that in the event of a change of administration these enormous appropriations for military and naval purposes will be largely increased with, of course, a consequent increase in taxation.

So, Mr. President, we are facing the coming year with a certainty that we shall be obliged to make provision for added revenues which are, I think I am safe in saying, practically the equivalent of three quarters of a billion dollars, much of which must be met by resorting to new sources and by expanding current sources of revenue.

In view of the situation, I question, Mr. President, the propriety of making appropriations for the relief of citizens and communities, no matter how dire their distress may be. I question the propriety of making any appropriation which is not made absolutely necessary by the public exigencies of the hour. If there ever was a time, Mr. President, when the subject of expenditures should receive the first consideration of Congress, the time is now. If there ever was a time when the matter of appropriations should be retired to the rear in our deliberations, that time is the present, and yet, Mr. President—

Mr. CLAPP. Mr. President—

Mr. THOMAS. Just a moment.

Mr. CLAPP. Very well, I will wait.

Mr. THOMAS. And yet we are, on both sides of the Chamber, with a cheerful disregard of inevitable consequences, as it appears to me, entertaining every day and passing new appropriations for new purposes, without regard to the enormous aggregate of increased appropriations with which the country is confronted and for which Senators on both sides of the Chamber are equally responsible. Now, I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I simply rose to say that, as I understand the Senator from Colorado, he says that if there ever was a time when the matter of appropriations ought to be seriously considered it is now. Do I understand him correctly?

Mr. THOMAS. If there ever was a time when economy in expenditures should be seriously considered it is now, and if there ever was a time when appropriations should be subordinated to frugality in legislation that time is the present. I see no indications of a change.

Mr. CLAPP. I simply want to express dissent to the Senator's statement and to say that, in my humble judgment, the time more important than now to have considered these matters was some months ago, before we had imposed upon the country the obligation of these vast and unnecessary appropriations.

Mr. THOMAS. Mr. President, I quite agree that the entire session might well have been devoted to the consideration of retrenchment, rather than to extension of expenditures; but the Senator from Minnesota knows that the great majority of his associates on the other side of the Chamber and the great majority of my associates on this side of the Chamber have been a unit in the matter of extreme preparedness; they have cooperated; and if the country is in the danger which they seem to think it is they have properly and patriotically cooperated in devising measures and making appropriations for the national defense. Upon the assumption that they are correct—and I certainly would be the last to impugn either their motives or their patriotism—they have acted wisely. It may be true that they are subject to the criticism, so frequently heard in recent times, of indifference to the aggravating character of the public danger and have not outlined a scheme of preparation which the dangers menacing the country actually demand. I think and have always thought otherwise.

Mr. CLAPP. Mr. President, I would not impugn any man's motives; it is the judgment that I criticize. If we had consid-

ered this matter of economy months ago, if we had had the tax bill before us months ago; if we had had our desks piled up, as they are every morning now, with appeals "Do not tax me"; "do not tax this"—if that had occurred months ago, I think there would have been a lessened amount of appropriations indulged in by Congress.

Mr. THOMAS. No, Mr. President, I do not think that is so. Mr. CLAPP. Well, I do.

Mr. THOMAS. My impression is that Congress and the people have been swept from their logical moorings; that they have bidden adieu for the time being to reason and have been legislating through the influences and the impulses of their aroused fears and apprehensions. If I am correct, the introduction of proposed revenue measures at any time would not have sufficed to stem the tide of that inevitable policy which is the consequence of a national hysteria.

Mr. SHERMAN. Mr. President—

Mr. THOMAS. I yield to the Senator from Illinois.

Mr. SHERMAN. I will ask the Senator from Colorado if he has before him a statement of the increase caused by the military and naval appropriation bills over like appropriations for the fiscal year ending the 30th of June, 1916?

Mr. THOMAS. Yes.

Mr. SHERMAN. I should like to have those increases stated.

Mr. THOMAS. Of course I should premise by again saying that this table is made up not only of bills enacted but also of bills which have passed the Senate, and in one or two instances of bills which have only been reported to the Senate.

The Army appropriation for 1916 was \$101,974,195.87. The Army bill for 1917 which passed the Senate carried \$313,970,447.10, being an increase of \$211,996,251.23.

The appropriation for the Navy in 1916 was \$149,661,864.88.

The Navy bill for 1917 which passed the Senate carries an appropriation of \$316,726,556.54, or an increase of \$167,064,691.66.

The fortifications appropriation for 1916 was \$6,060,216.90. The fortifications bill for 1917 has been enacted into law and carries \$25,747,550, or an increase of \$19,687,333.10.

Mr. SHERMAN. The total, then, Mr. President, if I caught it in a general way, without being mathematically accurate, is that there is something like \$300,000,000 increase over the year 1916?

Mr. THOMAS. The total is about \$390,000,000, in round numbers.

Mr. SHERMAN. That would mean something like \$110,000,000 increase devoted to civil purposes?

Mr. THOMAS. Something like that; yes.

Mr. SHERMAN. That would be a rough estimate?

Mr. THOMAS. Yes.

Mr. SHERMAN. The Senator says we are all responsible for that. I take my share of the responsibility.

Mr. THOMAS. And I can not evade mine.

Mr. SHERMAN. Now, I should like to inquire whether, if the revenue bill prescribing the methods of taxation designed to raise this enormous increase had been presented here, it would not have had a sobering influence upon the Senate? I should like to inquire further whether it is a good time to be talking economy in the face of a public calamity such as is brought to the attention of the Senate by the Senator from Alabama, calling for the relief of citizens of our country who are in distress? For my part, I should be very glad, so far as unanimous consent can come from me, to give consent in order that proper relief may be afforded to the suffering citizens of Alabama.

Many parts of the Northwestern section of the country, and particularly some parts of the State which I have the honor in part to represent, have in the past been visited by very severe public afflictions. The Government has been quite liberal and the State authorities outside of my own State have been liberal and have made appropriations through their general assemblies, giving relief in such cases. What I particularly wish to inquire is, whether, on the unanimous consent asked by the Senator from Alabama, this is a fit time or the best time to be bringing questions of economy, as compared with liberal expenditures, before the Senate? I should rather have such questions raised on some other occasion, because I am very much in favor of granting to the people of Alabama the relief which has been asked for.

Mr. THOMAS. Mr. President, the Senator has asked me several questions all of which I will try to answer. I do not think these expenditures would have been in the slightest degree influenced by the presence or even the consideration of the proposed revenue measure, because I believe that the response which Congress has made to the apparent demand of the country for preparedness would have been made in any event.

Now, the Senator asks me whether this is an appropriate time to be talking economy when there is pending a resolution for the relief of a section of the United States which has recently been afflicted by the visitation of an unusual flood. Candidly, I do not know. I have on many occasions called attention to similar conditions, and on most of them I have been asked whether it was an appropriate time to consider economy. I am hunting for some such occasion. If the Senate thinks this is not one, I shall subside; but I notice, Mr. President, that when a note of warning regarding our extravagances and our expenditures is sounded—and it must be sounded during the consideration of appropriation measures if at all—it is always met with the statement that "this is not the particular measure" or "this is not the occasion" on which to advocate retrenchment or call attention to the condition of the public finances. I have reached the conclusion, Mr. President, that though there is said to be a time for all things there is no time, no occasion, for inculcating these doctrines, much less to expect their recognition and application by the Senate.

Mr. KENYON. Mr. President—

Mr. THOMAS. As I have said, I hesitate to speak against a resolution for the appropriation of money for a cause like this, and yet I must call attention to the fact that if the public moneys are used to relieve people, cities, and communities whenever they are the subjects of some great calamity, the entire character of our institutions will have been changed, and the purposes and objects of Government either very largely extended or entirely transformed. I now yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I am interested in the remarks of the Senator as to when economy is to commence. It seems like an iridescent dream to suppose that it will ever commence. I ask the Senator if he noted that on yesterday the Senate passed a bill appropriating \$325,000 for a public building in a town which one of the Senators from the State in which the town is located only claims to have a population of 20,000, and which the census for the year before showed to have a population of 18,000. Would that have been an appropriate time to commence a little economy, or will that time ever come?

Mr. THOMAS. No, Mr. President; it would not, for it would be said that it was merely a local matter and the sum itself comparatively unimportant. I was aware of the passage of the measure to which the Senator refers only because I heard him speak of it yesterday afternoon. I was not in the Senate at the time the bill was reached and passed. But, Mr. President, that is only one of many instances.

Mr. KENYON. That is too trivial a sum, I assume, to pay any attention to.

Mr. THOMAS. That is simply a bagatelle.

Mr. KENYON. A mere bagatelle.

Mr. THOMAS. We handle millions here with the cheerful abandon that characterizes the millionaire who lights his cigar with a five-dollar bill.

Mr. CLAPP. No; it is the abandon that characterizes the man who is voting away the money of some one else.

Mr. THOMAS. Well, of course, that is involved; but I did not intend to refer to it. It is the easiest thing in the world to expend the public money, although we are trustees of the fund; it is the easiest thing in the world to devote it to anything which our constituents demand, and who are more responsible than we are for the extravagancies that characterize our financial administration.

Mr. CLAPP. I can not agree that the responsibility should be thrown off on some one else; it is upon us.

Mr. WORKS. Mr. President—

Mr. THOMAS. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Colorado if it does not seem to him that an appropriate time to suggest economy is when we are proposing to make an appropriation that is entirely illegitimate and unauthorized, and which amounts simply to the giving away of public money as a matter of charity? Of course, these appeals reach Senators individually and we hesitate to object to appropriations of this kind, but I think every Senator realizes that they are illegitimate.

Mr. THOMAS. Mr. President, there was a time when I would have agreed with the Senator absolutely, as I do now in the abstract, both as to the legitimacy of this sort of an appropriation and as to our authority to make it; but the Senator knows that this is one of a series of similar appropriations made under similar circumstances on frequent occasions in the past, and which have ripened into—I was going to say "precedent," but I will say which have ripened into a custom, the mere questioning of which is now a cause of criticism—perfectly proper criticism—coupled with the query as to whether this is the time to talk economy.

Mr. President, there must be some limit to the power of Congress to make appropriations. Of course, there is one which we all recognize, and that is the period of exhaustion or protest or revolt of the taxpayer. I do not know whether we are approaching that period or not, but if our naval and military expansions shall continue, as we seem to be assured that they will be should political changes occur, I indulge the hope that the taxpayers of the United States may organize for their protection as the taxpayers have long ago done in every section of the country, and who in consequence make, and for years have made, deliberate and organized demands upon Congress for appropriations, which in nine cases out of ten are acceded to without regard to party.

Mr. WORKS. Mr. President—

Mr. THOMAS. I again yield to the Senator from California.

Mr. WORKS. The unfortunate condition of the people who have become the victims of this storm appeals to my sympathies very strongly, and I think there is just as much reason for making this appropriation as there was for making many others that have been made by Congress. If we are to be governed by what has been done in the past, there is no reason why this appropriation should not be made, as I see it.

Mr. THOMAS. None in the world.

Mr. WORKS. But I do not know where it is going to stop.

Mr. THOMAS. It had its beginning, Mr. President, in that policy which requires or has persuaded the Government to assist in the establishment of business industries and also in the building of huge lines of transportation. To my mind one is quite as appropriate as the other, and if business institutions and railway concerns are to be aided by the Government in the exercise of our appropriate functions I can see no reason why the policy should not be extended to communities and to individuals.

Mr. President, I have talked longer than I intended, and consequently I have said a great deal more upon the subject than was perhaps necessary. My sole purpose at this time was to call attention to the state of the appropriations and also to the nature of our revenues and to inquire to what extent these appropriations were to be continued.

Mr. RANDELL. Mr. President, I wish to address a very few remarks to the Senate this morning in support of this resolution.

I live in a section of the Mississippi Valley which at times has suffered very much from floods. My home is on the banks of that river, and I have often seen the accumulated waters which fall in 31 States sweep down on the people of that devoted section to do untold damage. I am therefore in the position of one whose fellow feeling makes him wondrous kind to those who are suffering from floods in the other Southern States at this time.

I can not see why this appropriation should be different from others. It is the well-settled, well-established policy of this Government to make appropriations from time to time to relieve people who are suffering from unusual cataclysms of nature, and that is what this terrible storm was. These people have suffered far beyond their own power to relieve themselves, beyond the power of the local communities or even the States, when the legislatures are not in session; and we have always, so far as my recollection goes, given relief in similar cases.

I will not go back further, Mr. President and Senators, than the great floods of 1912 and 1913 in the Ohio and Mississippi Valleys, when terrific waters poured down them, doing incalculable damage. I have before me the statute passed in 1912 showing that the War Department, through the Quartermaster General, received, for providing tents and other necessary supplies and services, the sum of \$402,179.65 for the relief of flood sufferers in the Mississippi and Ohio Valleys. The Commissary Department the same year received for the relief of flood sufferers in those same valleys—the Ohio and Mississippi Valleys—\$837,000; a total of \$1,239,179.65. That was for tents, for provisions of different kinds, for medical supplies, various and sundry absolute necessities of life, given to people who were suffering from floods in the States bordering on the Ohio and Mississippi Rivers during the year 1912.

In 1913, as appears in the act approved October 22, 1913, the Navy Department was reimbursed for expenditures on account of the relief of flood sufferers in the States of Ohio and Indiana and on the Ohio and Mississippi Rivers and their tributaries, \$140,940.38. That same year, as I see in the Statutes at Large for 1913, there was a total of \$654,448.49 appropriated for the relief of sufferers from floods, tornadoes, and conflagrations in the Mississippi and Ohio Valleys, Peachtree, Ala., and in Nebraska. Then there was another small appropriation of \$18,175 for flood relief made in 1913.

The total during those two years for the States of Ohio and Indiana and the lower Mississippi States—that is, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, and Louisiana—was \$2,032,744.21. I do not think anyone questions the wisdom of those appropriations and certainly no one questions the fact that the local communities suffered many times as much as this



amount which the National Government gave to help them in their distress. I know that in the Mississippi Valley, where I live, the amounts which from time to time have been given by the National Government were much less than the local and State contributions. The pittance of \$540,000 which it is now proposed to distribute among the people suffering from great floods in five Southern States will give very little relief. It will help some. It will furnish seed to replant some of the flooded lands, but it is not going to feed the people nor to restore their damages, which run into a great many millions.

Mr. OVERMAN. Mr. President, has not Congress appropriated large sums of money to aid and relieve sufferers in foreign countries time and time again?

Mr. RANSDELL. I understand that it has, very great sums; and we surely ought not to hesitate to give this small amount.

Mr. SMITH of South Carolina. Mr. President, if ever there was a time when such assistance as is proposed in the recommendations of the War Department was needed this is the time. I had occasion to visit my State since the storm that began on the 14th of July and lasted until the 16th, including the night of the 14th, the day of the 15th, the night of the 15th, and part of the day of the 16th, in which that tropical hurricane, accompanied by an unprecedented rainfall, swept over the entire State from the Pee Dee River on the northern and eastern sides to the Savannah on the western and northwestern sides. I think that the purpose of this joint resolution, expressed in the recommendation of the War Department, is along the right line; that is, to furnish, as far as may be, seed to the small tenants and to those who have been entirely ruined so far as their crops are concerned.

It is hard for one to realize the effect of a rainfall of 14 inches in 36 hours, accompanied by a hurricane, on the tender growing crops even on the uplands. That, extending clear into the mountains and into the foothills, of course brought down an unprecedented flood throughout the coastal plains, so that the farms along the banks of these streams were practically wiped out. That, in conjunction with the disastrous conditions to the crops on the uplands, intensified the disaster.

It is not too late for them to recoup themselves somewhat by having an abundance of seed to sow those crops that may mature before frost, and which also will grow during and after the frost period has come. I have received but very few requests for aid on the part of the Government. I think one reason for that, perhaps, is that the condition is so universal—and the reports in our papers have not even approximated the damage done—that the people in the States afflicted by the storm of July 14 were reasonably sure that some action would be taken. I do not think that it would be necessary, perhaps, for an effort to be made to furnish food. Of course that will be largely determined by the officer who has gone down and inspected the situation. But I do not think Congress should hesitate a moment to appropriate money for the relief of such a far-reaching, disastrous effect by forces over which none of us have control and which affects those upon whom the common prosperity of all the country depends. Were it a little community, it might be absorbed by the aid of neighbors; but where it covers the entire State, as in the case of my State, extending over other States, I think it is a matter that appeals to the National Government.

I sincerely hope that this resolution will pass and that the distribution of whatever funds are appropriated will be made under the proper supervision and bring what relief this small appropriation may bring. It can only apply, and should only apply, to those small farmers who are absolutely helpless. The damage wrought goes into the millions. I have never in all my observation of weather disasters seen anything to approximate, in my State and in parts of North Carolina, the damage wrought by this storm; and I do not think it is necessary for me to stand here and even make a plea. It covers the entire State. There are those who can recoup themselves; there are those who can supply themselves; but there are those who are going to suffer, and suffer the more if they are not supplied with the means through which they can aid themselves between now and the frost time.

I sincerely hope the resolution will pass. We have contributed at other times to sufferers even in foreign lands, where the disaster, perhaps, was not greater than that in our own.

The VICE PRESIDENT. Is there any objection to the request for present consideration of the joint resolution?

Mr. PENROSE. Mr. President, I understood that the Senator from Utah [Mr. Smoot] wanted to say something on this joint resolution. He is not in the Chamber.

Mr. TOWNSEND. I understand that it is practically agreed that the joint resolution may go to the committee and that the committee will act upon it at once. That is what the Senator

from Utah was going to insist upon, and if there is no objection to that, it seems to me that would be the better way to proceed. The Senator is here now, however.

Mr. SMOOT. Mr. President, I shall ask that this joint resolution be referred to the Committee on Appropriations. I will say to the Senator from Alabama that similar resolutions have been offered in the Senate before. One of them, I remember very distinctly, was a resolution in the passage of which I was deeply interested, and I insisted upon that going to the committee. I believe that is the proper course for the Senate to pursue. The chairman can call a committee meeting and act upon it, and I do not believe it will result in any particular delay. Therefore I shall ask that the joint resolution go to the committee.

Mr. UNDERWOOD. Mr. President, I ask, then, that the joint resolution be referred to the Committee on Appropriations.

The VICE PRESIDENT. That action will be taken.

Mr. PENROSE. Mr. President, before the reference is made I want to make my position clear.

I do not intend to object to this appropriation, although there are other States which have recently suffered to a much greater extent than some of the States referred to in the resolution during the present month; but it does seem to me that the time has come for us to consider the condition of the Treasury. In a short time the Republican minority will at least make an effort to show that notwithstanding whatever revenue bill may be passed by the majority, the Treasury of the United States is bound to face a deficit. There is hardly a day that we do not report out some appropriation involving a large sum of money—\$2,000,000 the other day for victims of tuberculosis, this morning again \$500,000, and so on, day after day.

Having recorded my note of warning, I will allow the joint resolution to take its natural course.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors with amendments, in which it requested the concurrence of the Senate.

#### CIVIL WAR CLAIMS.

Mr. SHIELDS, from the Committee on the Judiciary, to which was referred the bill (S. 3700) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," reported it without amendment and submitted a report (No. 750) thereon.

#### HUDSON RIVER BRIDGE, NEW YORK.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16554) to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York, and I submit a report (No. 749) thereon. This bill ought to be passed at once. All arrangements have been made for the construction of the bridge, and the bill has passed the House. I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 6731) for the relief of the heirs of Charles F. McLean; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 6732) granting an increase of pension to Horace M. Holbrook; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6733) for releasing and quitclaiming of all claims of the United States to arpent lot No. 28 in the old city of Pensacola, Fla.; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 6734) granting an increase of pension to Riley Damon (with accompanying papers); and

A bill (S. 6735) granting an increase of pension to Elizabeth Bellion (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6736) to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913 (with accompanying papers); to the Committee on the District of Columbia.

By Mr. MYERS:

A bill (S. 6737) for the relief of A. J. Lowary; to the Committee on Public Lands.

A bill (S. 6738) for the relief of Joseph E. Lamb; to the Committee on Claims.

A bill (S. 6739) granting a pension to David W. Beaver; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6740) to correct the military record of Matthew C. Butler, jr. (with accompanying papers); to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 6741) granting an increase of pension to John K. Mayo; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6742) granting an increase of pension to R. F. Hedrick (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina (for Mr. GORE):

A bill (S. 6743) granting a pension to Calvin Sharpnack (with accompanying papers); to the Committee on Pensions.

#### BARKHAUSEN COAL & DOCK CO.

Mr. BRYAN. I desire to move to reconsider the vote by which the Senate passed on yesterday the bill (H. R. 11293) for the relief of the Barkhausen Coal & Dock Co., of Green Bay, Wis. The report of the Committee on Claims was adverse to the bill. That fact was overlooked.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Florida.

The motion to reconsider was agreed to.

#### PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SMOOT. I move that the Senate disagree to the amendments of the House and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. HUGHES, Mr. TAGGART, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SMOOT. I move that the Senate disagree to the amendments of the House and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. HUGHES, Mr. TAGGART, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. HUGHES, Mr. TAGGART, and Mr. SMOOT conferees on the part of the Senate.

#### FORT ASSINNIBOINE MILITARY RESERVATION.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assinniboiné Military Reservation.

Mr. MYERS. I move that the Senate disagree to the amendments of the House and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. SMITH of Arizona, and Mr. SMOOT conferees on the part of the Senate.

#### NATURALIZATION CASES IN MONTANA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States, which were, on page 2, line 2, after the word "six," to insert "and that the petitions for naturalization dismissed on account of such invalidity in the declaration of intention shall be given a rehearing without additional cost, upon informal application therefor by the candidate for citizenship to the clerk of court upon notice to the Bureau of Naturalization," and on page 2, line 4, after the word "legalized," to insert "and that this act shall apply only to those persons who have heretofore made homestead, desert-land, or timber and stone entries."

Mr. MYERS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT. The morning hour has expired, and the Chair lays before the Senate the unfinished business, which is House bill 15774.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMITH of Maryland. Mr. President, in regard to this bill, I wish to say that its progress practically stands where it stood last Friday. I think it is important that the bill should be passed, and I hope the Senate will cooperate with the committee to bring about as speedy a passage of the bill as is reasonable. I certainly hope that there will be no obstacle thrown in the way of its passage and that we may have the cooperation of the Senate in disposing of it.

Mr. TOWNSEND. Will the Senator yield for a question?

Mr. SMITH of Maryland. Certainly.

Mr. TOWNSEND. I should like to ask the Senator if he now proposes to keep the bill before the Senate until it is passed, or if he is going to allow it to be laid aside for the consideration of other measures?

Mr. SMITH of Maryland. It is my intention to keep it before the Senate until it passes. We have given way and a great deal of time has been spent in connection with the bill, and I think Senators ought certainly now to cooperate in its passage and not throw any further obstacles in the way. I will say to the Senator that I propose to keep it before the Senate until it is passed.

Mr. WORKS. Mr. President, I have already taken up some considerable time in the discussion of the amendment I have proposed to the bill. I should not take up further time if this were a mere question of dollars and cents, but it presents itself to me as a fundamental constitutional question that ought to be taken a good deal more seriously by the Senate than it has up to the present time.

I think the objects and purposes and the provisions of what is called the organic act have been very generally misunderstood, and I assert here now, without the fear of successful contradiction, that this act has never been followed in legislation in the making of appropriations; that it is not followed by either the House provision in the pending bill or the proposed amendment of the Senate committee.

I propose now in order to arrive at a better understanding of the provisions of the act of 1878 and of the real situation that is presented by the three provisions that are before the Senate to take up for a little while the provisions of the acts of 1874 and 1878.

Mr. KENYON. Mr. President, there are I think a number of Senators who wish to be present at this time who are not here. I suggest the absence of a quorum.



The PRESIDING OFFICER (Mr. HOLLIS in the chair). \*The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Norris	Smith, S. C.
Beckham	Husting	Overman	Smoot
Borah	James	Page	Sterling
Bryan	Johnson, S. Dak.	Penrose	Stone
Chamberlain	Jones	Pittman	Swanson
Clapp	Kenyon	Poincexter	Taggart
Clarke, Ark.	Kern	Pomerene	Thomas
Culberson	La Follette	Ransdell	Thompson
Cummins	Lee, Md.	Reed	Townsend
Curtis	Lippitt	Robinson	Underwood
Dillingham	McLean	Shafroth	Vardaman
Fletcher	Martin, Va.	Sheppard	Wadsworth
Gallinger	Martine, N. J.	Shields	Walsh
Gronna	Myers	Simmons	Williams
Hardwick	Nelson	Smith, Ga.	Works
Hollis	Newlands	Smith, Md.	

Mr. MARTINE of New Jersey. I wish to state that the Senator from Louisiana [Mr. BROUSSARD] is absent on public business.

I desire also to announce the absence of the Senator from West Virginia [Mr. CHILTON] on public business. The Senator from West Virginia is paired with the Senator from New Mexico [Mr. FALL].

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. There is a quorum present. The Senator from California will proceed.

Mr. WORKS. Mr. President, two acts of Congress have been enacted dealing with the organization of the District of Columbia that have been commented upon in this debate. As I said in opening the discussion, the experiment of a separate municipal organization had been tried and proved to be a failure. It left the District in debt something over \$20,000,000. It was found necessary to reorganize the District in some form. There was an act passed in 1874 growing out of that condition of things, which provided among other things—

That the President of the United States, by and with the consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District.

And so forth. The effect of that was simply to substitute these three commissioners for the government that then existed. There were certain provisions made in the act to preserve those conditions until further legislation might take place. In order that this might be done there was this further provision in section 5 of that act:

Sec. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the presiding officer of the Senate, and two Members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate drafts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of \$5,000; and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

It required something like four years for that joint committee to perform its duty and to report a bill reorganizing the District. That bill is the act of 1878, which has been referred to frequently during the discussion of this question.

As all Senators know, the act of 1878 provided for an organization consisting of the three commissioners of the District, who constituted the executive authority, and other officers necessary to the collection of the funds and the assessment of taxes and various other things. But one thing is significant—there is no provision made for such an office as treasurer. As I said in the beginning, the District of Columbia has never had any funds; it has never had any treasury; it has never had any such officer as treasurer of the District.

In order to bring directly before the Senate just what is provided by this act, so far as it relates to the matter now under discussion, namely, the collection of taxes and appropriations to be made by Congress, I desire to read a portion from section 3 of that act. It provides that—

The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and thereafter, for his examination and approval—

Now, mark the fact that this report of the commissioners is to be made not to a District officer, not to the treasurer of the District, but to the Secretary of the Treasury for his approval—

a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year: *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress.

Mr. President, this constitutes an act of the Federal Government. These commissioners are simply acting as the agents of the Federal Government in making the estimates, which must be submitted to a Federal officer and must have his approval before any further action can be taken upon the matter. Then follows:

To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act: *Provided*, That the rate of taxation in any one year shall not exceed \$1.50 on every \$100 of real estate not exempted by law; and on personal property not taxable elsewhere \$1.50 on every \$100, according to the cash valuation thereof.

The only power that is given Congress to deal with this question is to appropriate 50 per cent of the amount estimated by the commissioners and approved by the Secretary of the Treasury. Congress is given no authority to deal with District matters at all; it is given no power to make any appropriation out of the funds of the District; but it is left to the taxing officers to collect an amount equal to the 50 per cent by taxation.

How do they do it? Congress compels the assessor to levy taxes at a rate of one dollar and a half upon not less than the two-thirds value of the taxable property. So the amount to be paid by the taxpayers of the District is not fixed by the estimates at all under this statute; it is fixed by an iron-clad rule that is laid down by the act itself, and from that has resulted the so-called overtaxing of the taxpayers of the District. Two years ago the amount realized under that law of taxation exceeded the one-half by more than a million dollars.

Mr. NELSON. Will the Senator yield to me? I do not think the citizens of the District are being overtaxed. I know from my own experience that the taxes here on real estate are much less than they are in the State of Minnesota, and as to credits there are a large lot of credits on which taxes are never paid at all. It is a sort of rich man's paradise where they get in here and stay here to escape taxation. If they were taxed on their credits as they ought to be, and taxed even more on real estate than they are, they still would not have any ground of complaint.

Mr. WORKS. Mr. President, in order to sustain the position of the Senator from Minnesota he is compelled to abandon the half-and-half system, because the half-and-half system fixes the amount that the people shall be taxed in this District under this statute, and that is measured by one-half of the estimate. That is exactly what I am complaining of. If the people of the District are taxed more than one-half of the estimate made by the commissioners, then under the law that controls they are overtaxed, and there is no escape from the fact. That is one of the reasons why I say that this half-and-half system ought to be abrogated. It does not make any difference, I will say to the Senator from Minnesota, whether in his judgment or mine these people are not paying the taxes that they should pay, they are paying more than they are required to pay by the terms of the statute.

Now, why has Congress during all these years attempted to legislate the amount of money that shall be paid by the District of Columbia? The District of Columbia acquires no revenue. It has no treasury; it has no power to collect money; it has no power to pay it out. It is absolutely devoid of any power of that or any other sort.

The Commissioners of the District in dealing with this question are authorized, as the agents of the National Government, to estimate the amount that must be raised, one-half by the Government and one-half by taxation, and that is subject to the approval of the Secretary of the Treasury and of Congress, and that fixes the liability and the total extent of it. Congress is given no authority to deal with it in any way whatever.

Now, let us see what they are trying to do under that provision that simply authorizes Congress to appropriate one-half of the estimated amount of the expenses. The House provision is as follows:

That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues, except amounts to pay the interest and sinking fund on the funded debt of said District—

There are no revenues of the District. It never has had any revenues. All the money collected by taxation goes directly into the National Treasury, and I will show a little further along the way it is dealt with after it goes into the Treasury:

shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

That, of course, is a distinct departure from the half-and-half system. It attempts to place the burden primarily upon the taxpayer and not upon the Government, but simply provides that after that is done and as much realized as can be done under the assessment for that purpose, then the Government is to put up the balance.

Of course under the statute of 1878 the taxpayer should be compelled to pay one-half only of the estimated amount of the expenses. This provision goes further:

The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Besides the fact that they are attempting to compel the taxpayers to pay more than their share under the statute in existence, they are undertaking to legislate with respect to that half of it where the statute gives them no authority to deal with it in any way whatever. It simply leaves it to the tax collector and other officers of the Government to collect the necessary taxes. As I have said, it is not at all governed by the half-and-half system, because the exact amount that is to be collected, dependent upon the assessment made, is fixed by the statute itself, without any reference to the half and half. The result has been that sometimes the amount of the assessment has realized less than one-half and at other times it has realized a good deal more than one-half, neither of which is in compliance with the statute.

I do not know what the result is going to be. This year, I suppose, as governed by the statute, there will be overtaxation of the taxpayers within the city. Two years ago it was considerably over the one-half. It ran above \$1,000,000.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I do.

Mr. KENYON. I wish to ask the Senator where the situation arises that the amount from taxation in the District is more than one-half, as in the case the Senator speaks of, where it was over \$1,000,000 in excess; what is done with that excess?

Mr. WORKS. It simply remains in the Treasury of the United States Government, to be dealt with as the Government may choose.

Mr. KENYON. That is to say, if the budget was \$12,000,000 and the District raised \$8,000,000, the Government would still pay \$6,000,000, and the \$2,000,000 would not be applied in any way to the expenses but would remain in the Treasury?

Mr. WORKS. That would be the effect if the statute was carried out.

Mr. KENYON. Is it not carried out?

Mr. WORKS. It never has been carried out. It has averaged about one-half for several years that it has been in force until two years ago, and then the assessor raised the valuation of real estate, as the result of an investigation that was made here showing undervaluations and assessments, and the taxpayers were overassessed, if the matter is to be controlled by the statute, by something over \$1,000,000.

Now, let us see what the Senate committee proposes to do in place of what is proposed by the House. Their provision is that—

one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Under the statute that appropriation of one-half by the Government is legitimate. It is not logical; it is, in fact, absurd when you follow out the conditions that result from it; but it is within the power of Congress. But Congress has no power under this statute to provide that the other half shall be paid out of the revenues of the District of Columbia.

Now, what is going to be the result of it? This money, as I shall show directly, all goes into the Treasury of the United States. There is appropriated one-half of it to be paid out of the Treasury. There is appropriated the other half of it out of the revenues of the District. That assumes to deal with the revenues of the District of Columbia which are also to be paid out of the National Treasury, because there is no other treasury, there is nowhere else to raise it.

But in dealing with it in that way, if the taxpayers have paid in more than one-half of the amount, then the Government appropriates to its use the balance of the money that has been collected in that way, which is a distinct violation of the statute and an injustice to the taxpayers of the District.

That result is absolutely unavoidable, for the reason that I have stated—that the collection of taxes is not based at all upon the amount that should be raised, but is the result of the fixed rate of taxation and the assessment that is provided for by law. It may be millions of dollars above what is required under the statute, or it may be millions of dollars below it.

So, Mr. President, if we are going to deal with this question justly and fairly and not illogically, there is but one way to deal with it, and that is to provide for the payment of these expenses out of the National Treasury. That is what is done in effect now.

The whole thing is confused, and all of this controversy has arisen between the taxpayers and the Government because of the fact that we are trying to do something that is impossible under the statute. The taxpayers very naturally say when it runs above the one-half—and they have a right to say it—that they are being overtaxed. The Senator from Minnesota [Mr. NELSON] says they are not paying as much as other people are paying in other cities, and therefore they are being undertaxed. So there you are. The only logical way, however, to deal with this question is to pay these expenses out of the National Treasury, and then to assess upon the property of this District a reasonable amount, as the Senator from Mississippi insists upon, and collect it in order to pay those expenses. In some years it may amount to more than the one-half that comes from taxation, but that does not affect the situation in the slightest degree if the amount assessed against them is a reasonable and fair amount, and they have no reason to complain of that. They are not paying any more to support the Government than are the people in other cities of the country. Therefore there is no injustice in it.

But, singularly enough to me, Senators insist upon holding on to the half-and-half principle. The people of the District, led by some men who, I think, are misleading the District, insist upon maintaining the half-and-half principle by which for the last four years they have been largely overtaxed. The very statute that they are insisting upon maintaining has been violated by forcing upon them the payment of over a million dollars more than they were obligated to pay under the statute.

I assert, Mr. President, that the half-and-half system can not be supported upon any basis of reason or justice. Some Senators cling to it simply because it is old; they abhor a change. But by reading somewhat from the testimony of witnesses before the special committee to which I have referred I am going to show just exactly how the affairs are conducted in practice. I had this testimony introduced and printed in the Record the other day without reading, but now, after hearing the discussion indicating what I think is a complete misunderstanding of the so-called organic act, the provisions following it, and the practices under it, I feel called upon to deal with this question a little bit more specifically.

Let me read from the statement made by Mr. Brownlow, one of the Commissioners of the District of Columbia, who dealt directly with this question and who spoke from knowledge and experience. He says:

I believe that the National Government should assume full and sole responsibility for the National Capital, meeting its every expense by a direct appropriation from the Federal Treasury; that the people here should contribute toward the national expenses an amount equal to the taxes paid by citizens of other American cities of approximately the same size—



That is the contention of the Senator from Minnesota, with which I fully agree—

The people here will gladly bear such a burden; the Nation will not willingly ask them to bear more.

After a study of this problem for several years as a citizen, and after a careful examination of the question for a short time from the position of a commissioner of the District, I have reached the conclusion that no adequate presentation of the problem in all its phases can be made unless it is based upon the fundamental facts.

Then he proceeds:

The act of 1878 provided that the commissioners should annually make estimates of the expenditures proposed for the next ensuing fiscal year; that they should be submitted to the Secretary of the Treasury, who, in turn, should, after revision, if it be necessary, transmit the estimates to Congress. The act then says:

"To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District, other than the property of the United States and of the District of Columbia."

Since that time the annual appropriation act for the District of Columbia, immediately after the enacting clause, says:

"That one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia."

Notwithstanding the mandatory character of this legislative language, I shall, I believe, be able to show you that the expenditures of the District of Columbia have not been made on the half-and-half basis and that, as a matter of fact, there is no such thing as the half-and-half system.

It is purely a legislative fiction. When the collector of taxes of the District of Columbia, at the end of his day's work, deposits with the Treasurer of the United States his collections for the day he is given a receipt by the Treasurer which reads as follows, to read from an example I have before me:

"I certify that Ben L. Prince, collector of taxes, District of Columbia, has this day deposited to the credit of the United States \$27,681.77, on account of collections, District of Columbia, for which I have signed duplicate receipt."

Every cent collected from the taxpayers of the District of Columbia goes into the Treasury to the credit of the United States; there is no account of the District of Columbia in the Treasury Department; and Congress is at liberty to do with the moneys collected from the taxpayers of the District anything it may do with the money collected at the customhouses, or the offices of the internal-revenue collectors anywhere in the Republic. Because it is necessary for the purpose of supporting my views to clearly establish these facts, I shall go into them in some detail.

These daily deposits remain in the hands of the Treasurer until the close of each month, at which time the accounting officers of the Treasury prepare what is known as a covering-in warrant, which takes not only the moneys deposited by the District but moneys deposited by all Federal agents out of the hands of the Treasurer and covers the amount into the Treasury, where the Federal accounting and bookkeeping system begins. No distinction is made as to the money collected by Federal agencies and the amount collected by the District, the whole amount being covered into the credit of miscellaneous receipts of the United States.

There is not on the books of the Treasury Department any account between the United States and the District of Columbia which shows or purports to show that there is any such class of moneys in the Treasury Department held as a trust fund or otherwise known as the revenues of the District of Columbia. As a matter of fact, the accounting officers of the Treasury hold that there is nothing contained in any act of Congress which calls for or requires the provision upon the books of the Treasury of an account dealing with revenue of the District of Columbia or the maintenance of a trust fund in the Treasury for such moneys.

And the Treasurer is precisely right. There is no such provision; there is no trust fund; there is nothing in the statute that distinguishes this from other money that comes into the National Treasury.

Senator WORKS. If there was an attempt to carry out the provisions of that appropriation act there would not be any revenue to apply to it, would there? There is not any District revenue in the Treasury?

Commissioner BROWNLOW. There is none, and never has been since the passage of the act of 1878.

The fact about it is, that the very appropriation that Congress makes payable out of the revenues of the District is nugatory, because there is no such money to be found there. If we adhered to the bill as it reads, there would be an appropriation of only half the amount that is necessary for carrying on the affairs of the District of Columbia. Mr. Brownlow had referred to a decision that was made by the Comptroller of the Treasury. He said:

The comptroller further says that if the municipal corporation of the District of Columbia were considered as a distinct legal entity, independent of the United States in its relations to such revenue, this would indicate that the revenues were to be kept separate and apart in the Treasury and accounted for as the revenues of the municipal corporation of the District of Columbia and not as a part of the general fund in the Treasury arising from the revenues of a particular source. For the reason stated by the comptroller in his decision he declined to permit an account to be kept on the books of the Treasury as a trust-fund account showing the payment into the Treasury of revenues of the District of Columbia, thus indicating that the account of the District of Columbia shall be kept only as a personal account between the United States and the District and that all revenues paid into the Treasury shall be treated as payments on account and credited to the District as such. The revenues of the District of Columbia in the Treasury Department are just as separate as and no

more separate than are the customs collected by the collector of customs of the port of New York or the excise taxes collected by the collector at Peoria, Ill.

Senator WORKS. In other words, in that capacity he is simply an officer of the Government collecting the funds of the Government and paying them into the Treasury. Then, where is your District? Commissioner BROWNLOW. Fiscally, there is no such thing.

Mr. NELSON. Mr. President, may I ask the Senator from California a question?

Mr. WORKS. Certainly.

Mr. NELSON. If I understood the Senator's remark and the quotation from the act of 1878, the District Commissioners are authorized to lay out the work and prescribe what is to be done in the way of public-improvements in the city. Is that within the purview of that act?

Mr. WORKS. They make estimates and report what improvements shall be made; and that, as I have stated, is subject to the approval of the Secretary of the Treasury; and, then, it is subject to the approval of Congress, of course.

Mr. NELSON. But is not one glaring vice of the law, that it practically, in the first instance, leaves it with the commissioners to decide what shall be done in the way of public improvements in the District?

Mr. WORKS. Oh, yes. That was commented upon during the hearings which were had. To be quite frank about it, the whole thing is illogical from beginning to end. It ought to be absolutely ripped up and new legislation enacted that would put the affairs of the District upon some sort of a business basis. That is one of the things for which I am striving. I want, first, to get it into the hands of the Government, where it belongs, and not leave it to some outside parties who have no authority to deal with it. Then, such legislation could be enacted by the Congress as would bring it into some businesslike form. The whole thing is absurd.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I yield to the Senator.

Mr. KENYON. I should like to ask the Senator what is the particular divinity that seems to surround the half-and-half plan? If anybody makes any suggestions about it, he seems to be regarded as an enemy of the District. The Senator, I take it, from his remarks does not feel that the District is particularly benefited by the half-and-half plan, and that it would be in better condition if the Government carried on the whole work. There seems to be, however, some divinity that surrounds the half-and-half plan which I have never been able to understand.

Mr. WORKS. It has no divinity in my estimation. I believe it is exceedingly hurtful to the District, and, besides being illogical and leading us into these inconsistencies and resulting controversies, it takes out of the hands of the Government, or attempts to do so, the business that belongs to it. The Constitution in express terms gives the Congress of the United States exclusive jurisdiction over the District. It is the National Capital, and it ought to be dealt with by Congress and by nobody else.

Quoting a little further from Commissioner Brownlow, he says:

At the end of this present fiscal year, according to the best obtainable estimate, the District revenues will exceed one-half of the appropriations by \$1,136,286.03.

That results from the fact that the assessments are not at all founded upon one-half of the estimates. It is absolutely fixed and unalterable by law that the rate shall be \$1.50 a hundred, and that the assessed valuation shall be not less than two-thirds of the real value of the property. That assessment may bring more or bring less than the one-half. It has no connection with it at all.

Mr. NELSON. What is the rate on personal property?

Mr. WORKS. The rate on personal property is the same. Continuing the quotation:

For convenience it is customary to term this balance a surplus, but, as a matter of fact, it will be a part of the moneys of the United States, and will be available for the purposes of any appropriation made by Congress for any purpose whatsoever. Thus it will be seen that, in so far as it works at all, the half-and-half plan works against the District and not for it.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. I yield to the Senator.

Mr. CURTIS. While that statement may be true, is it not a fact that the books of the District of Columbia show the amount of money paid in, and that it would be no trouble at all to establish the fact that there was that much money due the District?

Mr. WORKS. Of course; but that would do no good whatever. It would not alter the situation in the least. The money is there and belongs to the Government, and the Government can do what it pleases with it. That is entirely immaterial, to my mind.

Mr. CURTIS. Still, the District can call upon the Government for that amount of money.

Mr. WORKS. Not at all. There is no provision or authority for its calling upon the Government. That money could not be returned to the District. There is no provision for that anywhere.

Mr. CURTIS. Could not Congress, in any appropriation that it might make for the benefit of the District, give the District credit for that much revenue?

Mr. WORKS. Congress, of course, has power to do almost anything it pleases with the money, but it never has done anything of that kind yet, and it is not very likely to do so, I am afraid, and, in fact, it could not do so without violating the terms of the half-and-half statute. Proceeding with the reading:

Mr. WORTHINGTON. What power has the Government to ask us to pay the expenses of the United States Government?—

A very pertinent inquiry—

Commissioner BROWNLOW. I am not going into what power it has. I am just stating here what the facts are. It has been suggested here, I believe, that the Government could not tax the District at all, but it has been doing it.

That was one of the contentions that was made before the committee in a very able speech made in favor of the position that the Government had no power at all to tax the residents of the District—

I firmly believe that all of our troubles with respect to this problem would be ended if the next appropriation bill, instead of reading "that one-half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia," should be changed to read: "That the following sums are appropriated out of any money in the Treasury not otherwise appropriated."

If the amendment that is now before the Senate is not approved, I shall offer just that amendment, that the money shall be paid out of the National Treasury, which will present that question squarely.

Further along Commissioner Brownlow says:

If you could get this hard and fast half-and-half rule out of the way, this unjust and inequitable rule, there would not be any reason on earth why the patriotism and civic pride of men from Oklahoma, North Dakota, Maine, and South Carolina might not meet and blend with the civic pride of the men from Georgetown, Chevy Chase, Anacostia, and Brookland. They are all Americans, and it doesn't make anyone the less an American because he happens to live in the District of Columbia instead of Pennsylvania. He may still vote in Pennsylvania. He is an American, and the Pennsylvanian is an American, and they are both equally interested in developing the District of Columbia into the most magnificent Capital that any nation has ever had, because unless it is the most magnificent Capital on earth it can not express the aspirations of the great Republic of all times.

This most unfortunate condition I believe is due to the pernicious psychological influence of the half-and-half. Holding as I do that the half-and-half is but a legislative fiction, that its effects and influences are altogether psychological, conceding as I do its one-time benefit, I say that now it is almost altogether harmful. It is breeding distrust of the District in Congress; it is breeding distrust of Congress in the District; it is fomenting a feud that, if carried on to fruition, will result in dire disaster.

The Senator from Iowa [Mr. KENYON] has asked the very pertinent question of what there is about the so-called organic act that appeals to the people of the District or to anybody else. I covered that phase of the question in my opening discussion. There are two troubles. One is the fear of the people of the District that they will be overtaxed if the half-and-half plan is abolished, but the half-and-half system affords them no protection in this respect. The other is the fear that the Government will not appropriate sufficient to improve the city as it ought to be improved, unless it is forced to do so by continuing in force the half-and-half system. There is the whole matter in a nutshell.

If the Congress of the United States lacks the patriotism to improve its own capital it is a sad condition of things, is it not? And if the Congress of the United States is unjust enough to impose upon the taxpayers of the District more than a fair and legitimate burden of taxation they are violating their duty and their oaths as representatives of the District. I have the feeling very strongly in my mind that if this duty were imposed upon Congress, where it belongs under the Constitution, the Members of Congress would feel the responsibility of making this city what it ought to be. Now they have the opportunity to shirk that responsibility by saying that the statute only provides that Congress shall put up one-half of the amount after the estimate has been made by the Commissioners and pared down by us until we can approve it. There is no justice in it.

I want, in this connection, to read very briefly what was said on this subject by Justice Siddons, who was for, I think, about

18 months one of the Commissioners of the District of Columbia, and who, as he says, gave this matter very careful consideration. He says:

First of all, with respect to the question which I suppose underlies this inquiry, whether or not the so-called half-and-half principle should be either repealed or modified.

My own conclusion, based upon observation of its operation over a considerable period of years, with a brief official connection with the administration of District affairs as a commissioner for some 18 months, is that the repeal of the half-and-half plan is eminently to be desired in the interests both of the people of the District of Columbia and the great legislature which enacts our laws.

I have reached that conclusion for the following, among other reasons: I believe that in the process of the years that have passed since the enactment of the so-called half-and-half plan it has become a fruitful source of vexation and irritation, both on the part of the citizens of the District and of Congress, more particularly those Members of the House and Senate whose official duties charge them with the care and supervision, legislatively, of the affairs of the District of Columbia.

I believe it is now objectionable because it proceeds on what seems to me to be a fixed, narrow, and arbitrary method of determining what should be the contribution upon the part of the local taxpayers and what should be the contribution from the Federal Government.

I say that because, in my humble opinion and judgment, there is but one power, one governing power, in the District of Columbia, and that is the Congress of the United States; I mean, of course, with respect to District affairs. Constitutionally it has supreme and exclusive power, and with that lodgment of supreme and exclusive power follows necessarily a heavy responsibility on the part of Congress to so legislate that the National Capital may be developed as every man and woman who loves his country would wish to see it developed and grow.

I have no disposition at all to pass judgment upon what has taken place in the past, either in respect to specific legislation from time to time, or the attitude of some of our citizens with respect to such legislation. I only can repeat that my observation has been that for a long period, at least 15 years, in Congress and out, the existence of this so-called half-and-half principle has been forever the cause of the irritation and vexation that I have adverted to, and in addition to that there is never a piece of legislation proposed for the District of Columbia that involves expenditure of money that the old wrangle over the half-and-half principle does not make its appearance.

I believe the existence of that irritation on both sides can hardly be gainsaid, as a matter that has been very unfortunate in its effect upon the District of Columbia in this, that it has postponed over and over again the enactment of desirable and necessary legislation.

Another reason why I have reached the conclusion that the half-and-half principle should be repealed is this: I have observed the influence of its existence and operation in several different ways, with respect especially to the matter of assessments for purposes of taxation in the District of Columbia, and with respect to the estimates submitted year by year by the commissioners to Congress, as they are required to do, and in the approach in Congress to consideration, either in the matter of appropriation or legislation.

I believe that Commissioner Brownlow, in his recommendations to this honorable committee, has probably suggested the wise course. Before I read his statement to the committee I had been very greatly impressed by the resolution offered, I think, by the honorable Senator from California, as to what, in his judgment, would be a wise disposition of the matter.

That proposition is the one that I am now presenting to the Senate.

Mr. GALLINGER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. Will the Senator wait just a moment until I complete the reading?

Mr. GALLINGER. I merely want to ascertain from what the Senator is reading; that is all.

Mr. WORKS. I am reading from the statement of Justice Siddons, who was formerly a commissioner of the District. He continues:

It has seemed to me that it will never be possible to frame legislation that will be really permanent in its character which proceeds upon the theory of a partnership between the local taxpayers on the one side and the Federal Government, represented by the Congress of the United States, on the other.

I find no warrant for any such conception, either in the constitutional provision under which Congress operates or in the legislation of Congress from time to time.

I find none in the act of 1878, which established the so-called half-and-half principle.

Mr. President, I have no more interest in this question than any other citizen of the United States. I have had some glimmering hope that I might, before leaving the Senate, be instrumental in extricating the District of Columbia from the unfortunate condition in which it now finds itself, growing out of this half-and-half system. The hope is a very faint one, I confess. When I look around and see the empty seats in the Chamber when I am doing the best I can to explain my views on this subject, and point out the reasons why I think this law should be changed, I am satisfied that Senators have very little interest in this question; and yet I think it is a fundamental question that ought to interest the mind of every Member of this body.

I know that the Senator from New Hampshire [Mr. GALLINGER] has discovered a great many difficulties, in his own estimation, in the way of making this slight change, which,



practically speaking, amounts to very little; but those difficulties are purely imaginary. They do not exist. The Senator says there are, I believe, 111 statutes in existence that deal with this question of the half-and-half system, providing the proportions in which the amounts shall be paid. After all, Mr. President, they simply amount to this in practice: That these moneys are all paid out of the National Treasury; and all that is done by the amendment that I offer here is to provide that just that thing shall be done and authorized by law to be done.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I yield to the Senator.

Mr. GALLINGER. The Senator quoted from Justice Siddons, who for a brief time was a Commissioner of the District of Columbia. Justice Siddons says that there has been trouble all along the line, and that every time an attempt was made to get an appropriation for the District of Columbia this question came up, and there was a wrangle over it.

Mr. President, I was a member of the Committee on the District of Columbia for 22 years, and I was chairman of the committee for 12 years. During that time we passed hundreds and hundreds of bills through our committee, and I never heard the question raised. Only a few weeks ago we appropriated a million dollars for a bridge across the Potomac River, to take the place of the old Aqueduct Bridge, and it is provided that it shall be paid on the half-and-half principle. Nobody objected. There was no row about it. Last year we passed the Borland amendment, a very important amendment affecting the people of the District—

Mr. WORKS. And a very bad piece of legislation.

Mr. GALLINGER. I agree with the Senator; but nevertheless it was not the cause of any riot in the District of Columbia. Not long ago we made a large appropriation to build a reformatory at Occoquan, and it is in process of construction now. The half-and-half principle is recognized in that legislation. So that Justice Siddons is drawing upon his imagination when he says there has been trouble all along the line whenever we try to legislate for the District of Columbia. It is not so.

Mr. WORKS. Mr. President, Justice Siddons did not say it was so, either. The Senator has misunderstood what Justice Siddons said. He was speaking about these appropriations. Of course, Mr. President, when it came to enacting a statute providing for the payment under the half-and-half system, the people who are raising the trouble dared not object, because that is what they have been insisting on, very unwisely, I think; and the people who have believed that the half-and-half system was a bad thing have never been saying much, but if we proposed to touch the half-and-half then there was a row. Justice Siddons would not have come before this committee except that we asked him to come. That was true of the others who testified against the half-and-half system, because it was understood by everybody that the majority of the people in the District of Columbia wanted the half-and-half system, and they had a committee of 100 of the leading citizens of the District to come before that committee and insist upon the maintenance of the half-and-half plan. That was why these people were not complaining and did not complain whenever legislation of the kind mentioned by the Senator from New Hampshire was enacted, because it was in accordance with their wishes; but whenever the general appropriation bills came up, and any disposition was shown to change this system and abolish the half-and-half plan, then the trouble commenced, and the war has been on ever since I have been in the Senate, nearly six years.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I do.

Mr. STERLING. I should like to ask the Senator from California if any agitation has ever been started by the people of the District of Columbia in opposition to the half-and-half system.

Mr. WORKS. No; and I am not at all surprised at that. They have been willing to let the thing run along until they were asked whether they believed in the system or whether it was beneficial or not; but I am perfectly satisfied in my own mind, from the testimony that was given, that more than half of the people in this District would rather see the half-and-half plan abolished.

Mr. STERLING. Mr. President, the Senator spoke a while ago about the unfortunate condition in which the people of the District of Columbia now found themselves because of the half-and-half system. I did not think that the people of the District of Columbia regarded that system as putting them in any un-

fortunate condition at all, but I thought it was the agitation against the half-and-half system which they deplored.

Mr. WORKS. Oh, well, this agitation has been at the instance of a very few people, and they have worked up a sentiment of that kind in favor of the half-and-half plan, and they have based it absolutely and exclusively upon their own fears, which ought to have no foundation whatever.

I care very little, Mr. President, whether the District of Columbia wants it or does not want it. That is not the question. The question is whether this is just and fair legislation. If the people of the District of Columbia do not realize their misfortune, that is no reason why the Congress of the United States ought not to correct it if it is wrong. I am dealing with the merits of it, not with somebody's fears or somebody's desires. Not only is it unfortunate to the people of the District, but it is unfortunate to the Government. We are not having the appropriations here that we ought to have. This city is not what it should be to-day, and the cause of it has been the attempted enforcement of the half-and-half system that has limited the appropriations made by Congress. If the hands of Congress had been free, if the responsibility had been placed wholly upon the Congress of the United States, as it should be, and is, under the Constitution of the United States, I am perfectly satisfied that many appropriations that have not been made would have been made under such a system.

Mr. GALLINGER. Mr. President, if the Senator will permit me, in what way have the hands of the Government been tied?

Mr. WORKS. By limiting the appropriations to one-half of the estimates made by the Commissioners of the District and approved by the Treasury.

Mr. GALLINGER. But the Congress has not responded to the terms of the law, and has been unwilling to make those appropriations.

Mr. WORKS. Very well.

Mr. GALLINGER. Now, who is at fault, the District of Columbia or Congress?

Mr. WORKS. If Congress has not responded, then we had better abolish the half-and-half plan.

Mr. GALLINGER. We had better abolish Congress—that is, so far as our parsimony is concerned.

Mr. WORKS. Ah! That is begging the question, Mr. President.

I am not going to consume more time in discussing this question. I have done what seems to me to have been incumbent upon me, after the very thorough examination I made of this question as a member of a committee appointed by Congress. As I said, it is a matter of no particular consequence to me. I shall soon be going out of the Senate and will not be affected by it in any way. I shall be 3,000 miles away. Maybe sometimes I shall come to the Capital. If I do, I should like to see it looking better than it is to-day. In my judgment, until this system is changed it will be a third-rate city, just as it is now.

Mr. President, the appeals of the Senator from New Hampshire, repeated over and over again, that the Senate shall stand by the committee, are to me rather pathetic. If this legislation can have no better standing in the Senate than that it has very poor support. I might just as well say that Congress has raised a joint committee of the two Houses to deal directly with this question, and that committee has determined against the half-and-half plan, and appeal to Congress to stand by their committee that they appointed for the specific purpose of determining this question. But that is not the question, after all. Each Senator must judge of this matter upon his own conscience and judgment of what is right or wrong. He should not be influenced by somebody else's judgment, unless it conforms to his own. I think it was incumbent upon the Senators to at least read the report of the committee that was appointed by Congress. They have not done that, with a very few exceptions, as I demonstrated the other day; much less have they read the evidence that was taken at the hearings.

I am morally certain that if Senators would investigate and study this question as I have done, and if they were free and unbiased in their judgment, they would come to the same conclusion that I have reached, that the half-and-half system ought to be abolished. There would be a few exceptions, probably, of Senators like the Senator from New Hampshire, who is firmly and conscientiously convinced that the half-and-half system is the thing in the interest of the Government and in the interest of the District of Columbia; but I think there are very few Senators who, if they would examine this matter with perfectly open minds, would not come to the conclusion that under all the circumstances it would be infinitely better, both for the people of the District of Columbia and for the Government itself that this system should be abolished.

Mr. JONES. Mr. President, when I first entered the Senate I was placed upon the District of Columbia Committee. I felt then that those who came from States that do not have so many local interests to look after should constitute the membership of that committee, and I tried to get off of it; but I was kept on the committee, and am still a member of that committee.

I have endeavored to do the very best I could to secure legislation for the best interests of the District and of the people of the District. I looked upon Washington City—and when I say that, I use the term as applying to the District of Columbia—as the Capital of the Nation, and I thought that it ought to be made the most beautiful city in the United States. I hoped that it might be made the most beautiful city in the world. I believe that nothing should be spared to make the Capital of this great country of ours fully commensurate with the wealth and power and standing of the country of which it is the Capital; and if we should do that, then Washington City would be the most beautiful city in the world.

I have felt that the people of the country would like to see that done. I have been convinced that the people of our country look upon Washington City as their own city; that they are interested in it as much as, if not more than, the people who live here. Washington City and the District of Columbia are not for the people who live here, but they belong to all the people of the entire country; and, in my judgment, they are more interested in their beautification and all those things that tend to make a splendid city and a happy people than even the people who are here.

A year or two ago we had quite a controversy on the floor of the Senate with reference to the half-and-half proposition. It was criticized very severely. It was charged that the people here are not paying the taxes that they ought to pay. It was alleged that Washington City and the District of Columbia had become a haven for those who do not desire to pay taxes, or those who would evade the payment of taxes upon their property and their means.

It seemed to me that that was aside from the issue, but that there was some room for controversy over the proposition that the people here might not be paying a sufficient amount of taxes, and that the half-and-half plan was unfair to the people of the country. I did not think so myself; I did not believe that the people of the country were objecting to paying 50 per cent, at any rate, of what was necessary to run this city or the District of Columbia; but for several years we have had quite a controversy, especially between the Senate and the House of Representatives, over this half-and-half proposition, the one insisting upon abolishing it and the other insisting upon maintaining it.

In view of the controversy that we had here in the Senate, which resulted in the appointment of the special committee, of which the Senator from California was a member, I concluded that last summer I would spend my vacation in talking a little about Washington City and its government and find out how the people, at least of my State, felt with reference to their relation to the National Capital, and try to find out whether or not they thought they were paying too much for the maintenance of this Capital. In order to make the matter more interesting to those that I might talk to, and to make it a little bit easier for myself, I gathered together some hundred and odd slides of Washington City showing the parks and the streets—

Mr. BORAH. Did the Senator have "movies"?

Mr. JONES. I did not have any "movies," because moving-picture apparatus was too complicated to take around, but I had slides showing the parks and the monuments and the streets and the statuary and the different buildings that we have, both the exterior and the interior. I had a very pleasant time myself, as well as a very profitable one; and I discussed, in connection with these pictures, the National Capital. I expressed my views as to what I thought we ought to make of it. I told the people the outlines of the plan of government, and how the expenses were met, and then stated to them that, so far as I was concerned, unless they took a very strong position to the contrary, I proposed to vote at every opportunity to make Washington City the most beautiful capital city in the world, upon the theory that it was the Capital of our country, in which all of our people were interested, in which every section of the country had an interest, and that it ought to be made commensurate with the country of which it was the Capital.

That sentiment met with very hearty approval everywhere. Everybody seemed to agree with it. I stated that under the present plan Congress appropriated out of its own funds 50 per cent toward defraying the expenses of the development of the Capital and that the other 50 per cent was raised out of taxes from the city, and that there were some who contended that the local people ought to pay more. I stated that, so far

as I was concerned, unless they felt that they were paying too much, I would not vote to make the people of the District pay any more than 50 per cent; that I believed that that was enough and I was not so sure but that the National Government should pay more than that. But I invited any persons who might think that they were being required to pay too much toward defraying the expenses of this city to let me know their views. I have never received a single communication, either oral or written, from anyone in my State saying that he thought he was required to pay too much toward defraying the expenses of the National Capital; and so I am satisfied that the people of the country, at any rate, are not objecting and will not object to paying whatever is necessary to make this Capital what they would like to see it, and that they do want to see it made the most beautiful capital city in the world.

The people come here from every section of the country. They come here because it is their capital city, and they come here to see its buildings and its parks and streets and all the various governmental matters in which they are interested; and, in my judgment, the more beautiful we can make our city the better will every citizen be when he leaves it. Every citizen that comes here and sees these magnificent buildings and the beautiful parks and things of that character is better when he goes away than when he comes here. Of course, if he gets around to see this asylum that we have out here, if he gets around into some of the slums and alleys of the city, and if he sees some of the school accommodations that we have, and things like that, he will go away, in my judgment, wondering why it is that his Congress allows such things as these in his capital city. He may not go away a worse man, but he will certainly go away humiliated at what can be found within the limits of the city that he believed before he came here was a model city in almost every way.

Mr. SMITH of Maryland. Mr. President, if the Senator will pardon me—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I do.

Mr. SMITH of Maryland. I will say that I believe that has been the effort on the part of the Senate—to correct those troubles. We have fought for their correction session after session, and have tried, so far as the schools, the parks, and the municipal hospital here were concerned, to better the conditions that now exist. We have done everything we can; but it seems that there is opposition coming from the other side of the Capitol.

Mr. JONES. I agree with the Senator with reference to that. I am a member of both committees. I am a member of the Appropriations Committee, and I am going to state my position with reference to the amendment of the Senator from California and the amendment proposed by the committee in just a few moments.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I do.

Mr. WORKS. The Senator says he is on both of the committees. I should like to ask him what provision has been inserted in the bill to improve the condition of the slums.

Mr. JONES. There is no provision in this bill for that purpose.

Mr. WORKS. I believe the only provision that has been made relates to the engine houses, does it not?

Mr. JONES. There is a provision here with reference to the hospital, and there are very material increases for the different schools.

Mr. SHEPPARD and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. JONES. I think the Senator from Texas rose first. I will yield to him, and then I will yield to the Senator from New Hampshire.

Mr. SHEPPARD. I desire to ask the Senator what he thinks the visitors will say as to the saloons at the mouths of alleys and so near the schools and churches?

Mr. JONES. I am satisfied that a great majority of them would go away feeling very badly with reference to it. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. It would depend very much from whence they came, would it not, so far as the saloons were concerned?

Mr. JONES. Well, I said, the great majority.

Mr. GALLINGER. One suggestion I wanted particularly to make is that there is no rule preventing the Senator from California offering an amendment relating to the slums, if he chooses to do so. It did not come directly before our com-



mittee, but it is open, of course, for consideration on this bill or any other bill.

Mr. WORKS. Mr. President, the Senator may remember that I have done that very thing, with disastrous results.

Mr. GALLINGER. I do not remember that.

Mr. WORKS. Well, that is true.

Mr. JONES. Mr. President, right in that connection, and in view of that suggestion, I think I shall make a remark here. We have the Committee on the District of Columbia independent of the Appropriations Committee. There are many matters in connection with this District that that committee ought to consider, that that committee ought to take up, that we ought to act upon. The proposition that the Senator from California has suggested as an amendment to this bill ought to have been considered by that committee. I recognize the force of the objection that legislation of that character ought not to be presented to an appropriation bill; that we ought to have the report of a committee to assist us in considering legislation of that importance. I recognize the force of that.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Yes; I do.

Mr. WORKS. I think, in justice to the District Committee, that I should call attention to the fact that a measure embodying just what is in this amendment was introduced by me as a separate bill and referred to that committee, and it has been under consideration—I do not know to what extent—by one of the subcommittees of the Committee on the District of Columbia, of which the Senator from Ohio [Mr. POMERENE] is chairman. He would be able to tell what has become of it. I do not know.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. I do.

Mr. POMERENE. It is true that that bill has received consideration at the hands of that subcommittee; and the views of the subcommittee, as I gathered them from the expressions about the table, were not in harmony with the bill. Within the last month or two we have had sessions when we could get our committee together, and we have been laboring over the juvenile court bill, and hope to have that reported out; and we feel that it is perhaps the most important legislation relating to the District which is before the committee.

Mr. WORKS. At all events, no report of the subcommittee has been made to the full committee, as I understand.

Mr. POMERENE. No formal report; no.

Mr. WORKS. It has never received the consideration of the District Committee?

Mr. POMERENE. No; that is true.

Mr. GALLINGER. Mr. President, if the Senator from Washington will permit me—

Mr. JONES. Yes.

Mr. GALLINGER. On the 19th day of February, 1914, Sixty-third Congress, second session, the Senator from Maryland [Mr. SMITH], the chairman of the committee, introduced a bill to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia. Of course, I do not know what became of that bill, but it is a very comprehensive bill, recommended by the commissioners; and while doubtless there would be some differences of opinion about it, if it should become a law, while it would take a good deal of money out of the Treasury, both of the District and of the Government, it would practically solve this alley problem, which has been so much talked about. We have done a good deal in that connection. We have demolished a great many buildings in the alleys. We have made minor streets of some of those alleys, and have spent a very considerable amount of money. My observation has been that the alley situation in Washington certainly is not any worse than it is in a great many other cities, and in some cities that I know I think, particularly, using the word "slums," the slums are even worse than they are here; but there is a chance for improvement.

But if we add an amendment appropriating a million dollars toward improving the slums, what does the Senator think would become of it?

Mr. JONES. I do not think that we should be governed in our action here by the consideration as to what should become of it.

Mr. GALLINGER. Neither do I.

Mr. JONES. I know the Senator does not believe in that, because he has not acted on that theory. I think we ought to do

what we think we ought to do, and then let the responsibility for failure rest where it may.

Now, with reference to the alley proposition to which the Senator just referred, I myself introduced a bill quite a while before that bill was introduced to prohibit dwelling houses in these alleys, and that is now a law. It would not be out of place to emphasize it and call the attention of those who may be interested in what shall become of the property in these alleys to the fact that that provision will take effect. Time is running and it is not going to be long until it will be absolutely unlawful for anyone to maintain a residence fronting upon some of the alleys here in the city. The business people of this city who may be interested in the matter had better wake up to the fact that before very long that law will go into effect, and it is substantially the provision that was in the bill that I introduced.

Now, coming back to the consideration of these legislative propositions by the Committee on the District of Columbia, as I said, I recognize the force of the objection that these propositions ought not to be presented on an appropriation bill; that they ought to come here with the report of the Committee on the District of Columbia; that they should be considered independently not only by the committee but by the Senate. That ought to be done, but what is the situation? The situation is that the District of Columbia Committee has not had, in my recollection, more than half a dozen meetings all this session of Congress. Meeting after meeting has been called by the chairman of that committee, but no quorum could be secured.

I want to say in justice to the Senator from Ohio [Mr. POMERENE], whose attention was called to the bill a moment ago as having been referred to his subcommittee, that I do not believe there is any other subcommittee of the District of Columbia except the one of which the Senator from Ohio is the chairman that has reported any substantial measures to the full committee during this entire session. He has reported several very important pieces of legislation.

Mr. WORKS. I hope it will not be understood by my reference to the committee or the subcommittee of which the Senator from Ohio is chairman that I was intending a criticism on his committee.

Mr. POMERENE. I did not so understand it.

Mr. WORKS. I am very glad to know that.

Mr. JONES. I did not understand that either; but I do feel that it ought to be said in justice to the Senator from Ohio that he has given a great deal of his time to several of these very important matters affecting the District of Columbia, and I am glad of it. I should like to see more interest in the District of Columbia and I should like if possible to have a District Committee such that when a meeting is called by the chairman at least a quorum will respond. But the situation is that we have not been able to get these meetings so that the legislation for the benefit of this District will be neglected unless we try to get it on the District of Columbia appropriation bill. That is one reason why I should like to see the ruling made by the Vice President the other day approved by the Senate as the rule to follow with reference to the District of Columbia appropriation bill, that is, that the District of Columbia is a special agency of the Government and the District of Columbia appropriation bill is a special appropriation bill; that it relates solely and exclusively to the District of Columbia; its appropriations apply only to the District of Columbia; it is not general in its scope; it is not general in its purpose; it is not general in its application; it is special, and therefore, we can place upon the bill any legislative matter in which the people of the District are interested. If we could have that rule of the Senate in my judgment it would not be long until we would get some good law for the District of Columbia; and it would not be long before we would meet many of these conditions in the District of Columbia that are so regrettable.

Mr. President, the improvement of Washington City should not depend upon the people of Washington City. They are not responsible for this Capital; they are not responsible for its development; they are not responsible for its improvement; they are not responsible for the various conditions that exist here. The Congress of the United States under the Constitution is the sole body that has the responsibility of this District in its hands, and Congress should be held responsible. Congress should not shirk the responsibility, and Congress should not have its hands tied or hampered by any arrangement it may have provided for or authorized between Congress and the people of the District of Columbia.

In my judgment the present system hampers Congress in doing what ought to be done here. The very fact that we have made an arrangement under which we are to appropriate one-half of the expenses of the District, the other half to be deter-

mined in fact by what the assessor of the District may say, is largely responsible, in my judgment, as the Senator from California has suggested, for our failure to appropriate the money for many of the things that ought to be appropriated for. The Senator from New Hampshire well pointed out our failure to appropriate for schools—

Mr. POMERENE. Mr. President—

Mr. JONES. In a moment. And for hospitals and for asylums; how we have neglected the alleys and have neglected our streets and our avenues and various things. In my judgment this neglect is the outgrowth of the system that we have established here. I yield now to the Senator from Ohio.

Mr. POMERENE. Apropos of what the Senator is discussing now, he will bear in mind that the subcommittee of the District Committee of which I am chairman reported out what is commonly known as the District Delegate bill, introduced by the Senator's colleague [Mr. POINDEXTER]. Does not the Senator think that if that bill were passed, so that there would be some one on the floor of the House at least who would give greater personal attention to the matters about which the Senator is now speaking, it would lead to better consideration by the two Houses of Congress of those matters which pertain exclusively to the District?

Mr. JONES. Mr. President, while I am in favor of giving the District of Columbia a Delegate in the House of Representatives, I doubt whether that would have very much influence one way or the other upon the conditions to which we have been referring.

Mr. WORKS. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. WORKS. Why should the representation of the District in Congress be limited to a Delegate in the House? Why should not the people of the District be represented just as the people of your State and mine are represented in both Houses?

Mr. JONES. I did not say that I was not in favor of that; I was just answering the suggestion of the Senator from Ohio. I am not prepared to say that I would be against representation on the floor of the Senate, but I am inclined to think the District of Columbia bears an entirely different relation to the country from what any other State or part of the country bears. I am not prepared to say that I would be in favor of having the District of Columbia represented by two Senators on the floor of the Senate, but I will not say that I am not for a proposition of that kind. I have not given it much consideration.

Mr. POMERENE. In answer to the suggestion of the Senator from California, if I could have my way I would have a Delegate in the Senate from the District of Columbia. I do not understand that frame of mind which can become hysterical at times because of the fact that some of our island possessions do not have a representative here and then deprive 350,000 or 400,000 people here in the District of any part in their government.

Mr. WORKS. May I ask the Senator from Ohio why he confines it to a Delegate in the Senate? If we are going to have representation, why should not the people of the District be represented like other American citizens in the States?

Mr. POMERENE. Mr. President, I do not know that the Senator and I would differ very much upon that subject. I used the word "Delegate" because we spoke of the representative in the House as being a Delegate in contradistinction to a Representative. The thought that was uppermost in my own mind was that the District should have representatives in both Houses of Congress, not only with the right to speak but with the right to vote as well.

Mr. WORKS. There is a joint resolution to amend the Constitution in such a way as to admit representation on both floors of Congress for the District of Columbia. I believe that joint resolution is before the Senator's subcommittee. Can the Senator inform us what has become of it?

Mr. POMERENE. It has been before our subcommittee and has had very serious consideration. I regret to say that I seem to be in the minority in that matter.

Mr. JONES. Mr. President, I do think, if we are going to have representation on the part of the District of Columbia in either House of Congress, it ought to be representation; it ought not to be a mere form, it ought not to be like a Delegate from the Territories as heretofore; but there ought to be a real representative, one who has not only the right to talk but who has the right to vote. When the Senator from California asked me about the Senate I had in mind the proposition that, if we are to have representation in the Senate, it would be representation like any other community or unit of the country; in other words, they should have their Senators here who would have a right to talk and also a right to vote.

Mr. GALLINGER. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. GALLINGER. If the Senator will permit me, we have representation in one body from the Philippine Islands, from Hawaii, from Alaska, from Porto Rico, and I never have comprehended the matter why we did not have representation of some kind in the District of Columbia. But, Mr. President, if the amendment of the Senator from California prevails in this body, the District of Columbia is abolished and we have a city of Washington, and who would think of giving representation to a city?

Mr. JONES. It would be just the same, because the boundary would be just the same. Under the amendment of the Senator from California the boundary would be just the same, and whether you called it the District of Columbia or the city of Washington would not make any difference.

Mr. GALLINGER. It strikes me as being incongruous to give a city representation in Congress.

Mr. JONES. Of course it is called the city of Washington, yet it is more, it is the Capital of the country. It is just the same as the District of Columbia. I think I can see very plainly the distinction that the Senator from California makes and what he is trying to do away with. In my talk around in my State last summer I told the people that the Capital of our country is not the city of Washington at all. They generally have the idea that the city of Washington is the Capital of this country, but it is not; it is the District of Columbia. That is what the Capital is; it is coextensive with the boundaries of the District of Columbia.

The idea of the Senator from California is just along that line, and he wants to call this the "City of Washington" instead of the District of Columbia. It is very easy to make that change. So far as I am concerned, we have been talking a good deal about the mental attitude, and all that sort of thing, during this discussion. It is very easy to get my mental attitude in the position of having the city of Washington coextensive with the District of Columbia.

But we have gone off on several matters that I had not intended to touch upon. I simply wanted to refer to these plans. Now, as to the two plans proposed. There are really three plans, you might say. The House proposes to simply supplement the taxes that may be raised in the District of Columbia by whatever amount it deems necessary or proper. In other words, the House proposes to raise taxes in the District of Columbia and apply those taxes toward the development of the city of Washington and its improvement and defraying its expenses, and then if there is anything lacking Congress will appropriate whatever it thinks is necessary.

The Senate committee strikes out that plan, and proposes that one-half of the expenses of the District of Columbia shall be borne by the Government of the United States and that the other half shall be borne by the people of the District of Columbia; in other words, leaving it a fixed amount which shall be contributed by each side of the question, I might say. Under the House plan it might be that the National Government would appropriate two-thirds and the people of the District would pay one-third, but apparently it does not seem at all likely. It seems that more probably the result would be that the people of the District would contribute about two thirds and Congress would appropriate possibly the other third. That is the way it seems to work out, and possibly that is the way it would continue to work out.

The plan proposed by the Senator from California is that we appropriate out of the Treasury of the United States every dollar that is necessary to take care of the Capital of the Nation in the way of the actual expenses and in the way of its growth and development, and that a fair and reasonable tax shall be placed upon the property of the people of the District of Columbia, and that that shall go into the Treasury of the United States no matter what it may be. Now, that is a plan that appeals to me. It seems to me that that is the simple logical result of the relation of the District of Columbia to the Nation. The people of the country are responsible for the Capital. They are glad to pay whatever is necessary to properly administer it, improve it, and develop it; and it does seem to me that the whole country, in other words the National Treasury, should take care of the Capital City, and then the people of the District could not complain if they were required to pay a just and fair tax corresponding to what the people of other cities have to pay throughout the country and let it go into the National Treasury. That seems to be a very simple arrangement and a very just and a very fair one.

Now, what would be the situation in Congress if that plan were in operation? Congress would then be solely responsible for what was done in this Capital, and if persons came here and found something that required money to correct, and should



ask "Why have you not done it?" or "Who is responsible for this situation?" they could point right to Congress and say, "Congress is responsible; the Representatives and the Senators from the different States in the Union are responsible." Somebody comes down here from my State and complains about some condition here. I say, "Well, we appropriate half the money and the people of the District appropriate the other half and we have not had enough." That rather throws the responsibility upon the people of the District. That ought not to be. Take the plan suggested by the Senator from California, and then if anybody comes here and says, "Why have you not done so?" I have simply to say, "Congress has not done so."

Mr. STERLING. I should like to ask the Senator from Washington whether the responsibility has ever been thrown upon the District under the half-and-half system for not having raised its proportion, or what it should have raised?

Mr. JONES. No; I do not think so. Of course we can change this arrangement. We can change the act of 1878 whenever we see fit; it is not a constitutional provision; but we have not done it, and we will not do it apparently; and it gives us a sort of way by which we can escape responsibility.

Mr. LANE. Mr. President—

Mr. JONES. I yield to the Senator from Oregon.

Mr. LANE. I want to ask the Senator whether he does not think that Congress has enough sins to answer for without washing its hands of some of the others before adding another to its burden?

Mr. JONES. Mr. President, that may be true, but we can not get away from the sin of neglect of Washington City, because there is one provision in the Constitution that is so plain that there is no room for question. We have the sole and exclusive jurisdiction here, and we can not shunt it off to somebody else, and we can not escape it.

Now, Mr. President, my position is this: I am going to vote for the amendment of the Senator from California, but if it is not adopted I am going to vote for the amendment of the Senate committee. I think it is a far better proposition than the proposition of the House. Until we can get this condition done away with I think the Senate ought to insist upon the continuance of what is properly known as the half-and-half system.

Now, Mr. President, that is all I am going to say.

The PRESIDING OFFICER (Mr. HARDWICK in the chair). The pending question is on the amendment of the Senator from California.

Mr. POMERENE. Mr. President, I desire to say just a word on the subject that is immediately before the Senate, namely, the plan of taxation.

I am not prepared to say that the half-and-half plan is exactly just or that it is the most desirable plan. I am here to say that in my judgment neither the plan presented by the House nor the plan presented by the amendment proposed by the Senator from California meets the situation as well as the half-and-half plan. It has been in operation in this District for a good many years. I realize that it is extremely difficult to adopt any plan which would be exactly just as between the District of Columbia and the people of the United States. We can only approximate justice or right in this case as in many others.

When it comes to a consideration of the portion of the expenditures which are to be met by the General Government and the portion by the District of Columbia it is well for us to take into consideration the value of the property in the District. That is not a complete criterion, by any means, which should control us. The assessed value of the real estate in the District on June 30, 1915, was \$390,098,849. The assessed value of all exempt property in the District—and I take it that means churches, school buildings, and public buildings generally—is \$264,367,265. At its full valuation according to the report which was submitted to us by the joint select committee that had this under consideration it would probably be valued at \$396,550,898. Not speaking exactly, about one-half of the valuation of the real estate in this District is exempt from taxation.

I do not have before me the figures giving the value of the privately owned personal property in the District, but when we take into consideration the enormous treasure belonging to the United States which is in this District, the vast amount of personal property which makes up the equipment of all of our public institutions, and the enormous value of the archives of the Government which have no money value but which are of inestimable value considered from the standpoint of the public, it is fair to say that, in my judgment, the value of the personal property belonging to the Government is equal to that of the personal property which is privately owned.

Now, let us bear in mind one or two other facts. This city is not a commercial city. It is not a manufacturing city. It is a

residential city. It is the Capital of the Nation. Our streets, our parks, were laid out with reference to its residential character and to the fact that it is the Capital of the Nation rather than as a commercial or a manufacturing city. This necessarily increases the expenses of the city over and above what would be the expenses of the ordinary commercial city.

Another thought. Of course there are some very rich people here. Something has been said in the course of this discussion about the question of taxation. I am not enamored of the method of taxation we have here. My belief is that intangible property, other perhaps than credits, should be taxed. But while we have a few very wealthy people we have many, many more people who are in very modest circumstances. We have in this District about 40,000 Government employees, and with few exceptions those Government employees are dependent upon their salaries and are not men of means.

If they have any property many of them have it in their own States, far away from the Capital. That is not taxable here in the District. But the 40,000 employees, with the members of their families, perhaps aggregate from 150,000 to 200,000 people. They have very little property which is taxable in the District, but while they are in the District they are a source of expense to the District. They have their children to be educated; they have their dependents to be cared for; and the Government is, perhaps, more interested in them than in the citizens of the District who are not in Government employ. We ought to bear these facts in mind when we are trying to adopt some system of taxation which may be equitable and just as between the Government and the District.

When we take into consideration the value of the property which belongs to the public and that which belongs to private property holders, the fact that this is the Capital of the country, the fact that we must necessarily keep this city in a somewhat better condition than the average city of the country, my belief is that we shall not be very far from the proportion of the expenditures which should be borne by the Government and by the District when we adhere to the half-and-half plan. Until something better is proposed, I shall vote to continue that plan.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from California [Mr. WORKS].

Mr. GALLINGER. I ask for the yeas and nays.

Mr. JONES. I wish to suggest that most of the objections presented by the Senator from Ohio [Mr. POMERENE] would be entirely done away with by the adoption of the amendment of the Senator from California. We would not have to be worrying our legislative minds and legislative action as to how much money should be raised by the people of the District and how much should be contributed by the National Government, and all that sort of thing.

Mr. SHEPPARD. Mr. President, before the amendment of the Senator from California is voted on, I ask unanimous consent that the ruling of the Chair to the effect that this amendment was in order on an appropriation bill be submitted to the Senate.

Mr. CLARKE of Arkansas. I object.

The PRESIDING OFFICER. The Chair did not catch the request of the Senator from Texas.

Mr. SHEPPARD. The Vice President requested the Senate to consider his decision that the amendment offered by the Senator from California [Mr. WORKS] was in order on the District of Columbia appropriation bill. I ask unanimous consent that the decision of the Chair be now submitted to the Senate and voted upon.

The PRESIDING OFFICER. The Senator from Texas appeals from the decision of the Chair, holding that the amendment of the Senator from California is in order, and asks unanimous consent that the appeal be now entertained.

Mr. BRYAN. Mr. President, that was not the request of the Senator from Texas. His request was that the ruling of the Chair be submitted to the Senate at this time.

The PRESIDING OFFICER. It can only be done in that way, the Chair will state, as there is no appeal pending.

Mr. BRYAN. The Senator from Texas wants the decision which the Chair made in his ruling several days ago submitted to the Senate.

The PRESIDING OFFICER. The Senator from Florida will pardon the present occupant of the chair. The present occupant of the chair is utterly unable to find the way to submit the question. The Chair was putting it, of course, as he thought in the parliamentary form.

Mr. CLARKE of Arkansas. I object.

The PRESIDING OFFICER. The Senator from Arkansas objects. The question is on the amendment proposed by the Senator from California.

Mr. WORKS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Husting	Penrose	Stone
Borah	James	Pittman	Swanson
Bryan	Johnson, S. Dak.	Polindexter	Taggart
Chamberlain	Jones	Pomerene	Thomas
Clapp	Kenyon	Ransdell	Thompson
Clarke, Ark.	Kern	Reed	Tillman
Cummins	La Follette	Saulsbury	Underwood
Curtis	Lane	Shafroth	Vardaman
Dillingham	Lee, Md.	Sheppard	Wadsworth
Fletcher	Lippitt	Sherman	Walsh
Gallinger	Martin, Va.	Smith, Ariz.	Weeks
Gronna	Nelson	Smith, Ga.	Williams
Harding	Newlands	Smith, Md.	Works
Hardwick	Norris	Smith, S. C.	
Hollis	Overman	Smoot	
Hughes	Page	Sterling	

The PRESIDING OFFICER. Sixty-one Senators have answered to the roll call. There is a quorum present. The pending question is on the amendment proposed by the Senator from California.

Mr. SMITH of Maryland. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote if he were present, I withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SAULSBURY (when his name was called). Transferring my pair with the junior Senator from Rhode Island [Mr. COIT] to the junior Senator from Louisiana [Mr. BROUSSARD], I vote "nay."

Mr. SMITH of Georgia (when his name was called). Transferring my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from New York [Mr. O'GORMAN], I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I am informed that he is absent on official business. I am also told by the Senator from Kansas [Mr. CURTIS] that if present the Senator from Wyoming would vote as I am about to vote. Therefore I feel at liberty to cast my vote. I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] which I transfer to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

I also desire to state that the Senator from Louisiana [Mr. BROUSSARD] is absent from the Senate on account of official business.

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I am advised, however, that if present he would vote as I intend to vote on this question. I therefore vote. I vote "nay."

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is unavoidably detained from the Senate. He is paired with the Senator from Delaware [Mr. DU PONT].

The result was announced—yeas 12, nays 53, as follows:

#### YEAS—12.

Ashurst	James	La Follette	Sheppard
Borah	Jones	Lane	Vardaman
Clapp	Kenyon	Norris	Works

#### NAYS—53.

Bankhead	Kern	Ransdell	Swanson
Bryan	Lee, Md.	Reed	Taggart
Chamberlain	Lippitt	Saulsbury	Thomas
Clarke, Ark.	McLean	Shafroth	Thompson
Curtis	Martin, Va.	Sherman	Tillman
Dillingham	Martine, N. J.	Shields	Townsend
Fletcher	Myers	Simmons	Underwood
Gallinger	Nelson	Smith, Ariz.	Wadsworth
Gronna	Newlands	Smith, Ga.	Walsh
Harding	Page	Smith, Md.	Weeks
Hollis	Penrose	Smith, S. C.	Williams
Hughes	Pittman	Smoot	
Husting	Polindexter	Sterling	
Johnson, S. Dak.	Pomerene	Stone	

#### NOT VOTING—30.

Beckham	Culbertson	Johnson, Me.	Owen
Brady	Cummins	Lea, Tenn.	Phelan
Brandegge	du Pont	Lewis	Robinson
Broussard	Fall	Lodge	Smith, Mich.
Catron	Goff	McCumber	Sutherland
Chilton	Gore	O'Gorman	Warren
Clark, Wyo.	Hardwick	Oliver	
Coit	Hitchcock	Overman	

So the amendment of Mr. WORKS was rejected.

Mr. WORKS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2 it is proposed to strike out the committee amendment, beginning with line 11 and ending with line 17, reading as follows:

That one-half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Mr. GALLINGER. I suggest that the question should be affirmatively put on the amendment of the committee instead of on the motion to strike it out.

Mr. WORKS. I did not hear what was stated by the Senator from New Hampshire.

Mr. GALLINGER. Does the Senator offer a substitute?

Mr. WORKS. I propose to strike out what the committee has reported and to insert a different provision in lieu thereof.

Mr. GALLINGER. The Senator, then, offers a substitute. His motion is to strike out and insert. There is no objection to that.

Mr. MARTIN of Virginia. Mr. President, is not the question simply on agreeing to the amendment reported by the committee?

Mr. PENROSE. No; the Senator from California offers a substitute.

Mr. MARTIN of Virginia. That is a different matter.

Mr. PENROSE. Let the substitute be read.

The VICE PRESIDENT. The Secretary will state the amendment in full.

The SECRETARY. It is proposed, on page 2, after line 10, to strike out of the committee amendment the following:

That one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

And in lieu thereof to insert:

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. WORKS. Mr. President, I am not going to take up very much of the time of the Senate in discussing this amendment, because I have already covered the principles involved in it by what I have said in dealing with the other amendment which has just been voted down, but the effect of this amendment is to provide for the payment of the expenses of the District of Columbia out of the National Treasury and to eliminate that provision in the amendment of the committee that one-half of the sums appropriated shall be paid out of the revenues of the District. I think I have shown quite clearly in discussing the other amendment that there are no revenues of the District and that the statute of 1878 does not create any District treasury or any District revenues, and that, therefore, an attempted appropriation of the revenues of the District of Columbia is purely abortive.



and can have no effect. The money is all paid out of the National Treasury, and why not say so in express terms?

The VICE PRESIDENT. The question is on the amendment of the Senator from California [Mr. WORKS].

The amendment was rejected.

The VICE PRESIDENT. The question now recurs on the amendment reported by the committee.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN].

Mr. REED (when his name was called). Making the same transfer of my pair as on the last vote, I vote "yea."

Mr. SAULSBURY (when his name was called). Making the same transfer of my pair as before, I vote "yea."

Mr. THOMAS (when his name was called). I make the same announcement and the same transfer of my pair as on the last roll call and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. OVERMAN. I understand that the Senator from Wyoming [Mr. WARREN], with whom I am paired, would, if present, vote as I am about to vote. Therefore I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON]. In his absence I withhold my vote.

Mr. MARTINE of New Jersey. I desire again to announce the absence of the Senator from West Virginia [Mr. CHILTON] and his pair with the Senator from New Mexico [Mr. FALL]. I also repeat my statement regarding the Senator from Louisiana [Mr. BROUSSARD], who is detained by official business.

Mr. BECKHAM. I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with that Senator and therefore withhold my vote.

Mr. CURTIS. I am requested to announce that the Senator from New Mexico [Mr. CATRON] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 47, nays 16, as follows:

#### YEAS—47.

Bankhead	Lee, Md.	Ransdell	Stone
Bryan	Lippitt	Reed	Swanson
Chamberlain	Martin, Va.	Robinson	Thomas
Clapp	Martine, N. J.	Saulsbury	Thompson
Clarke, Ark.	Myers	Sherman	Tillman
Curtis	Newlands	Shields	Townsend
Dillingham	Overman	Simmons	Underwood
Fletcher	Page	Smith, Ariz.	Wadsworth
Gallinger	Penrose	Smith, Md.	Weeks
Harding	Pittman	Smith, S. C.	Williams
Hughes	Pol Dexter	Smoot	Works
Jones	Pomerene	Sterling	

#### NAYS—16.

Ashurst	Johnson, S. Dak.	Lane	Sheppard
Hollis	Kenyon	Nelson	Taggart
Husting	Kern	Norris	Vardaman
James	La Follette	Shafroth	Walsh

#### NOT VOTING—32.

Beckham	Colt	Hardwick	O'Gorman
Borah	Culberson	Hitchcock	Oliver
Brady	Cummins	Johnson, Me.	Owen
Brandeggee	du Pont	Lea, Tenn.	Pheasant
Broussard	Fall	Lewis	Smith, Ga.
Catron	Goff	Lodge	Smith, Mich.
Chilton	Gore	McCumber	Sutherland
Clark, Wyo.	Gronna	McLean	Warren

So the amendment of the committee was agreed to.

Mr. WORKS. Mr. President, I voted for the committee amendment as a choice between two evils, and did what I could to correct the legislation; but as between the committee amendment and the House bill I very much prefer the committee amendment, although I do not at all believe in the half-and-half principle, and hope that at some time soon it may be abolished.

The SECRETARY. The next amendment passed over is found on page 5, relative to the biennial assessment of realty in the District of Columbia, where the committee proposes to insert, after line 16, certain words.

Mr. SMITH of Maryland. Mr. President, I will state in regard to this amendment that it is a change from a triennial to a biennial assessment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 97, and pertains to the Gallinger Municipal Hospital. The committee proposes to insert in the bill, on page 97, after line 22, the following:

Gallinger (Municipal) Hospital: Toward the construction of the Gallinger Hospital, including grading of the site, to be located on land now owned by the Government of the United States and the District of Columbia at Fourteenth and Upshur Streets NW., in accordance with plans and specifications prepared under the authority contained in the District appropriation act for the fiscal year 1915, \$150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000: *Provided*, That said hospital shall be constructed with a view to making future additions, as the exigencies may demand.

Mr. LEE of Maryland. Mr. President, I have offered an amendment to that amendment which I should like to bring up and discuss now.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 98, line 1, after the word "States," it is proposed to strike out "and the District of Columbia at Fourteenth and Upshur Streets northwest," and insert in lieu thereof "known as reservation No. 13," so that it will read:

To be located on land now owned by the Government of the United States, known as reservation No. 13, in accordance with plans and specifications, etc.

Mr. LEE of Maryland. Mr. President, the object of this amendment is to assure the construction of the hospital at some place, namely, the place where it now is, and where a hospital for this purpose has existed for 70 years. It would be a misfortune, Mr. President, if, in the discussion of the site, the construction of this memorial hospital should be, as it were, lost in the shuffle. It is much needed by the District of Columbia. There is no question about that.

I want to quote the official position of the Board of Charities on that subject, as testified to by the chairman of that board. There was some discussion, and in that discussion he evidently leaned toward this Fourteenth and Upshur Streets site; but his final summary on page 149 of his testimony, and the official position that he stated for the Board of Charities, is stated as follows:

As far as the Board of Charities is concerned, or I myself, as far as the hospital is concerned, if they should build the hospital there I would be perfectly satisfied.

Namely, if it should be built on reservation 13, where this work has been carried on heretofore.

Mr. GALLINGER. But, Mr. President, will not the Senator from Maryland read what the chairman of the Board of Charities says about locating it where it is provided for in this bill?

Mr. LEE of Maryland. I have just said that he had shown a desire to have it located elsewhere.

Mr. GALLINGER. Yes.

Mr. LEE of Maryland. But I was reading his summary and his conclusion.

Mr. GALLINGER. Well, of course he could not help himself.

Mr. LEE of Maryland. Undoubtedly; nor can anybody else help himself that is willing to consider the facts in this case.

Mr. SMITH of Maryland. Mr. President, I take it for granted that the summary means that "if you can not get it anywhere else, why, we want a hospital, and the hospital is necessary; therefore I will agree to put it at this place," which is named by the junior Senator from Maryland.

Mr. LEE of Maryland. The purpose of my amendment is to have the hospital built on this 50-acre reservation, much larger than the site to which the committee want to move it, and to keep it where it has been already for so many years.

Mr. MARTINE of New Jersey. Mr. President, this hospital matter seems to have agitated the citizens of Washington to a very considerable degree. I have received innumerable letters and visits from citizens of the District of Columbia in protest against the proposed construction.

Hospitals are a necessity with us, but they are not particularly desirable. As a rule communities hesitate about having a hospital located in their midst. I know that from the experience in other cities. It may be that this building will be constructed in an ornate way, and attractive within itself; but, after all, it is a hospital, and as I understand the feeling here in Washington there is a universal protest against the establishment of a new hospital site up in the northwest.

I can see no reason why we should pollute, so to speak, a new territory, a residential neighborhood, by establishing a

hospital there, however ornate it may be. If, as is stated by the Senator from Maryland, we have 50 acres with ample opportunity and ample room in the present location, which is considered healthful in location, so far as a hospital may be, why should we propose to remove it and establish it up in that section?

I have no personal interest in the matter, but I am prompted to say what I say in deference to the sentiment that is opposed to it.

Mr. GALLINGER. Mr. President, will the Senator from New Jersey yield to me one moment?

Mr. MARTINE of New Jersey. Oh, surely.

Mr. GALLINGER. In view of the controversy that has arisen and the agitation, which is not pleasant, the committee have concluded to offer an amendment placing the location of the building in the hands of the Surgeon General of the Army, the Surgeon General of the Navy, and the engineer commissioner of the District of Columbia—and it has been suggested that we might well add the municipal architect and the Superintendent of the Capitol Building and Grounds—allowing those gentlemen, the opinion of no one of them being known to the committee, to select a location.

Mr. MARTINE of New Jersey. I do not happen to recall those gentlemen, neither do I know what their views are. It may be that we are submitting this matter to a commission of gentlemen that have already expressed themselves and are biased in regard to the removal of the site.

Mr. SMITH of Maryland. Mr. President, I will say to the Senator from New Jersey that this is an amendment that has been prepared by the Senator from Mississippi [Mr. WILLIAMS], who is opposed to the location of the hospital at Upshur Street. He is absent, and he has asked—

Mr. MARTINE of New Jersey. Here he is; right here. He is very much present.

Mr. SMITH of Maryland. The Senator from Mississippi will speak for himself.

Mr. MARTINE of New Jersey. I should love to hear him.

Mr. SMITH of Maryland. I will say to the Senator from New Jersey that so far as the committee are concerned they have no idea what these people think, how they feel, where they will locate it, or anything about it.

Mr. MARTINE of New Jersey. Oh, I am thoroughly satisfied that the committee are unbiased. I want to believe that. I shall be very glad to hear what the Senator from Mississippi has to say.

Mr. LEE of Maryland. Mr. President, I should like to continue my remarks.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. LEE of Maryland. I do.

Mr. WILLIAMS. I apologize to the Senate, in the first place. I have been meeting with the subcommittee on the revenue bill.

Mr. LEE of Maryland. I am very willing to yield to the Senator, Mr. President.

Mr. WILLIAMS. I left there to get a bit of lunch, and concluded I had better begin it, at any rate, before I came back.

Mr. President, this provision for the Gallinger Municipal Hospital is a thing to which, in itself, no sort of opposition can be made. The purpose of the provision is a very wise one, and not only a very wise one but a very benevolent one; and the fact that it is named after the—

Mr. LEE of Maryland. Mr. President, the Senator did not know that I had the floor.

Mr. WILLIAMS. Oh, no; I did not.

Mr. LEE of Maryland. Obviously so.

Mr. WILLIAMS. I beg the Senator's pardon.

Mr. LEE of Maryland. I am very glad to yield to the Senator.

Mr. WILLIAMS. I thought the senior Senator from Maryland had the floor, and had yielded to me. I so understood it.

Mr. LEE of Maryland. Mr. President, I will go on with the explanation that I had started. The map here has been prepared by a committee of citizens interested in this question. This map shows reservation No. 13 on the Anacostia River or Eastern Branch of the Potomac River, where this hospital is now located, at this point [indicating on map]. That reservation contains 70 acres.

Mr. STONE. What does the Senator mean when he says "now located"?

Mr. LEE of Maryland. I mean to say that this hospital is now located on reservation No. 13, which has been used for the purpose for 70 years. The amendment of the committee

proposes to change the location of that hospital and take it from where it has been for this long time, and where the Government owns 50 acres for development—20 additional acres being occupied by the jail—and to carry it out to Fourteenth and Upshur Streets, and locate it on this little triangle right here [indicating on map]. The total amount of land owned by the District of Columbia at that point, Fourteenth and Upshur Streets, is 32 acres, and the circle drawn on the map around these reservations represent 6,000 feet diameters. Inside here, the figures in red represent the solid house buildings in the neighborhood of Fourteenth and Upshur Streets. It will be noticed that where this hospital and jail are now located on reservation No. 13 [indicating] there is very little building, and this little building is represented in red along the lower edge of the 6,000-foot circle. Nearly all of the houses about reservation No. 13 are occupied by colored people. In other words, you have had a natural segregation here which this bill proposes to destroy, because all of these buildings around the site where they propose to take this hospital to are solid structures running from three thousand or thirty-five hundred to four thousand dollars in value, and they are all occupied by white people.

Mr. President, it so happens that this reservation No. 13 has very few squares or city blocks about it. I have here a memorandum showing their number. The blocks abutting on reservation No. 13 are nine in number and that is by reason of the fact that the Anacostia River or Eastern Branch flows practically on two sides of the reservation, and a graveyard, known as the Congressional Cemetery, occupies another portion of the outside boundary of the reservation. So only 9 squares touch upon this reservation, whereas 20 squares touch on the reservation proposed to be used, and the amount of land to be affected by this change is equally greater and as represented by the larger number of squares that are to be affected.

It was argued by some that it was necessary to remove this hospital from this site by reason of malarial conditions that were alleged to affect the patients, but upon investigation it has been found that the patients there suffer less from malarial conditions than similar patients in other portions of the city. But however that may be, the whole condition of that neighborhood is being changed by the dredging of the Eastern Branch of the Anacostia River. This dredging has been provided for already, and it has now gotten up to the place to which I now point—that is to say, immediately east of reservation 13—and that dredging process, with a sea-wall construction that goes with the dredging, will absolutely eliminate the last vestige of malaria in that section, and also add to the acreage in reservation 13, so that there will be 100 acres there available for this municipal purpose.

It is very difficult, therefore, to understand how it can be suggested that in the public interest this hospital, which serves the most unfortunate type of persons in the District, should be moved from that place, where it has been for 70 years, and where all the prices and conditions have adjusted themselves, to a new site in the middle of a thriving, prosperous, home-owning community, for my information is that this move will seriously reduce in value 3,000 homes, with a proportionate and larger number of people.

I wish to give some idea of the type of people that are treated in this hospital, and read from one of the reports on the subject:

The ward which is the largest and most important unit in the hospital is known as the psychopathic ward, which cares for the mental suspects, alcoholics, and dope fiends. Last year we had 573 mental cases, of which 267, after careful examination and treatment, were transferred to the Government Hospital for the Insane. In this ward we also treated 569 alcoholics and many addicted to the cocaine habit. Many of the mental cases in the acute stages are so noisy, unruly, and profane that they disturb patients even in the buildings far removed.

A further idea of the type of patients treated in this hospital is given in the following from the report of the Board of Charities:

As pointed out in previous reports, the population of Washington Asylum is made up of those patients which are not acceptable to other institutions. They consist largely of patients suffering from chronic and specific diseases, and in considerable part of inebriates and suspected insane persons. They also comprise sick prisoners from the jail and persons held by the police. Many of the chronic patients are incontinent and dirty, and require the utmost untiring effort to keep them in clean and wholesome condition.

There are over 3,000 of these patients treated annually in this institution.

As I said before, there are 5,000.833 square feet owned by private citizens in the immediate vicinity and neighborhood of this present site or reservation No. 13 practically unimproved and constituting 9 squares of ground; whereas in the immediate neighborhood of the place to which the committee want



to move this hospital there are 17,000,000 square feet owned by private persons, and 20 squares touch the Government tract at Fourteenth and Upshur Streets. So, upon the mere question of where it will do the least harm, the institution, if we were choosing between these places de novo, should be kept upon reservation 13.

Mr. VARDAMAN. Where it is now located?

Mr. LEE of Maryland. On reservation No. 13, where it is now located, and has been for 70 years.

The assessed value of the property abutting on reservation 13, where this institution now is, runs from 1 cent to 8 cents per square foot, or averages 5 cents a foot only. Thus, if you want to buy additional ground for extension, you could buy it at very low rates. But the assessed value of the property abutting the Upshur and Fourteenth Streets site, where they propose to move this institution to, runs from 14 cents to 43 cents, or an average of 25 cents a foot for land values only.

Mr. President, there is a disagreeable phase to this situation, and that is one which often creeps in in connection with movements of this sort in the District of Columbia. That has been the suggestion of the operation of real estate interests. If the property within the circle where this hospital now is rises only 10 cents a foot by reason of taking away this institution, it will involve a profit to the present holders of \$583,000; but there is a great deal more in the proposition from a real estate standpoint than merely a half million of dollars. I read from the Star of October 18, 1914, as follows:

Thus, the removal of all the institutions on reservation No. 13 has already been brought about, or is in imminent contemplation, except the jail.

At another place:

Another and an important reason put forth for the removal of the penal and eleemosynary institutions from, and the reclamation of, this large public tract for healthier public uses is that the presence of these institutions casts a pall over a large section of eastern Washington and hinders the development of the city toward the east.

Mr. President, that is simply real estate talk on the question of values; but this is a practical question, and should be settled not only justly, but with reference to existing rights, and with reference to economy in the operation of the affairs of the District of Columbia.

I read here from an opinion on the subject given out by Mr. Thomas H. McKee, late warden of the United States jail. He says:

For more than three years I was the warden of the District Jail, and spent my time on the reservation where the hospital is now located. The present location of the hospital is in the right place. No parcel of ground within the District of Columbia is so well suited in its surroundings, and none could be so easily transformed into a splendid home for the unfortunates who find their way to a municipal hospital. It is not used for residential purposes. The Congressional Cemetery borders it on the south, the Potomac Flats on the east—

He was wrong in saying "the Potomac Flats," because they are the Anacostia Flats.

He goes on to say:

For many years past and at present the hospital service was and is largely performed in all its coarser labor by prison help, such as washing, ironing, and scrubbing, and all the details of sanitary cleaning in and around the place. The taxpayers of the city should know what charge would be added to the hospital by taking the location away from this help.

Mr. President, I believe it is suggested that there is going to be a high school put within two squares of this location. Well, that is subject to control, and that high school can be so located, with intervening ornamentation and trees, as not to be affected to any great degree by the neighborhood of these institutions. I am talking about homes and the children now living near Fourteenth and Upshur Streets. I have here pictures of 775 children who participated in the Fourth of July celebration at Petworth, one of the sections shown on this map adjoining the site to which the committee want to take this hospital. These children represent only a portion of the child population of that neighborhood, and if any Senator here wishes to look at the picture he will see the homes, built by the fathers and mothers of these children, and I have photographs here showing the blocks and rows and the relative location of these blocks and rows in well-developed property that will be disastrously affected by changing a condition that has existed in the District of Columbia for so long.

It has been stated by somebody that the hospital site at Upshur Street and Fourteenth was purchased for a municipal hospital, and that notice went with that purchase to the men who bought in the neighborhood and built their homes there. But that is not really the case, and it is a far-fetched argument. The appropriation bill which erected the hospital that now ex-

ists at Fourteenth and Upshur Streets, the Tuberculosis Hospital, provided as follows:

For erection and equipment, complete, of a hospital for treatment of indigent tuberculosis patients only, said hospital to be located and erected on the site heretofore acquired for a municipal hospital, and to be situated and constructed on said site without reference to existing or proposed plans for any other hospital on said site, \$100,000.

Mr. President, the municipality has already erected on half of this reservation a Tuberculosis Hospital, and all of these new units that are proposed to be erected in connection with the new Gallinger municipal hospital would have to be put on the remaining half of that 32 acres, and be crowded into a space really insufficient for their proper relationship to one another. It is very much better to leave this area of 32 acres to be used for the Tuberculosis Hospital exclusively. Room and air are essential for the management of any such institution, and I may say in this connection that that section of the city of Washington seems to have its fair share of hospitals already. North there is the Walter Reed Hospital, at Fourteenth and Upshur Streets is the Tuberculosis Hospital, south are the Freedmen's Hospital, the Garfield Hospital, and the Children's Hospital—five hospitals located, so to speak, in that general direction; and now it is proposed to bring this great city institution and put that there also, disrupting, as I said before, the natural adjustment of values and construction that has taken place in 70 years.

Permit me, for a moment, to call attention to a suggestion that has been made here, or will be made here, namely, that Massachusetts Avenue should be run through this reservation 13. Massachusetts Avenue can be run through reservation 13 just as well whether the reservation is used for a hospital site or not, and all the advantages that come to the people on the other side of the Anacostia River from running Massachusetts Avenue across that stream can be accorded them.

I have a map here which shows that Massachusetts Avenue can be run through reservation 13 without touching a single permanent improvement. On the other hand, on reservation 13 there now exist three or four structures that have cost the Government from a quarter of a million to half a million dollars, and by slight changes can be made into a hospital or a portion of a hospital quite appropriate for the purpose that is indicated.

As a matter of fact, Mr. President, there is one building there, a relatively new building, that by having the old cells taken out can be made into a hospital with 300 beds available at once for the purpose of this great city charity.

There is no occasion for the wasting of public money by abandoning those structures which are already there, and there is no occasion for injuring the vested rights of the people of the District, white and black, who have already located themselves in these sections.

Mr. President, where are the colored people going to live if the committee is going to adorn and tax all the portions of the District of Columbia so that they can not find a place for a home? The colored population of the District has settled around this reservation No. 13. The prices suited them, and the location is available for their uses. Does the committee propose to come along and drive those people out of the District entirely? It is a question of natural segregation, and this natural segregation having taken place it should be respected by the committee. There is no reason why the regular streets should not be run out and every municipal facility given, but there is every reason and good public policy why there should be no yielding on or manipulating of a great real estate question in the interest of one set of holders and against the interest of another set of holders.

Mr. SMITH of Maryland. Do I understand the Senator to say that the property owners had anything to do with the decision of the committee in this matter?

Mr. LEE of Maryland. I would not make that statement, Mr. President, because it would reflect upon a Senator and would be out of order, but we all know that many a real estate speculation comes along under the respectable veneer of a charity. Of course it was the charity that caught the eye of the committee; it was not the real estate speculation. That is the way these things happen. They just appear to grow, as it were; they come up like a mushroom in the night; there is some kind of spontaneous natural power behind them, but after all it is in reality the half million of dollars, or the million, that is involved in raising the value of the property around the old site which would happen if this institution were taken away from there.

There is no reason, Mr. President, that can be advanced for moving this institution. There is no reason for attacking the value of these 3,000 homes that I have spoken about. The very fact that this thing is being done in the teeth of the admission

of the president of the Board of Charities that he wants a hospital, and he is willing to take it where it now is, shows unnecessary delay in handling the relief feature of the matter and that there was a manipulation going on long before the committee had anything to do with it.

Mr. VARDAMAN. Mr. President, the Senator made a statement a moment ago about the increased value of the land in the circle where the hospital is now located which would accrue upon the movement of the hospital. I wish he would repeat that statement.

Mr. LEE of Maryland. I repeat the statement now that 10 cents a foot would be a very limited increase in value, and at 10 cents a foot there would be \$580,000 put in the pockets of the owners of this property within 6,000 feet.

Mr. VARDAMAN. What proportion of that property is now occupied by houses?

Mr. LEE of Maryland. A very small proportion of it. It is practically unimproved real estate. I hope the Senator will appreciate that there are no houses there except this little sprinkling, shown in red, of houses occupied by colored people. Whereas the other neighborhood at Fourteenth and Upshur Streets, shown in red on this map, represents solid blocks of houses constructed by home-building members of the community.

Mr. VARDAMAN. The excuse is made here that they are generally owned by people of very limited means, I understand.

Mr. LEE of Maryland. By very comfortable people. I would not say that they were people of limited means. They are well-to-do people.

Mr. VARDAMAN. But I mean they have modest homes.

Mr. LEE of Maryland. Certainly.

Mr. VARDAMAN. I understand that the people living in that circle with practical unanimity have protested against the removal of the hospital.

Mr. LEE of Maryland. With absolute unanimity.

Mr. VARDAMAN. Many of them have spoken to me about it and have given reasons that would justify me and ought to, according to my view, justify every other Senator in voting against the removal.

Mr. LEE of Maryland. Mr. President, I hope that this good work will be allowed to go on. I hope that this hospital that is needed will be built and built right away and built in the right place. That is where it has always been, and I hope the name of our venerable colleague will be added to that hospital as a tribute to him and to the great profession which he so worthily represents. But it should be separated from any suspicion of a real estate transaction, and it should be separated from any movement to take this institution from the place where it has been for so many years—70 years—and put it in an entirely new neighborhood, where the injury will be very great.

I hope, Mr. President, that my amendment, which simply preserves the appropriation for the Gallinger Hospital, and which locates it where it always has been and always should be, will be adopted, and then if the Senator from Mississippi [Mr. WILLIAMS] comes along with a commission, of course I have the right to have the vote first on perfecting the original amendment. I will wait until the Senator from Mississippi offers his amendment.

Mr. WILLIAMS. The amendment has been offered, I understand.

Mr. GALLINGER. No.

Mr. LEE of Maryland. If the Senator sees fit to offer the amendment, well and good. I will discuss it when we come to it. In the meantime I think the original amendment is open to this amendment perfecting it before the substitute is considered.

Mr. GALLINGER. Mr. President, I naturally have a delicacy in saying a single word on this proposition. I absented myself from the meeting of the committee when I knew that the Democratic Senators intended to attach my name to this hospital. I have said to the committee a good many times that I would be quite willing it should be removed because the interest I have in getting a proper municipal hospital is paramount with me and absolutely overshadows every other thought.

Mr. President, I am glad to welcome the Senator from Maryland [Mr. LEE] to the ranks of those who have been taking an interest in the District of Columbia. It is his first appearance, I believe, and I suppose he has some good reason for coming here in that attitude.

Mr. President, some 16 or 18 years ago, and I speak not definitely as to the length of time, Senator McMillan, of Michigan, who was greatly interested in hospitals, and there was a great hospital named after him in the city of Detroit, had a commission appointed to go over the hospital situation in Washington. It was a commission of distinguished physicians from

several cities of the United States, and among other things they recommended that this site at Fourteenth and Upshur Streets should be selected for hospital purposes. There are 34 acres in the site, and I think two years ago we added something to it, I have forgotten how much, for the purposes of getting a place on which to erect a residence for the superintendent of the tuberculosis hospital.

It has always been understood that that site was for a hospital purposes, and no man who ever built a home whether it is within 1 mile or 10 rods of that hospital was ignorant of the fact that that was the purpose of the Government.

The committee in its wisdom thought that that was the ideal place for it. The Commissioners of the District of Columbia thought so; the Board of Charities thought so. Everyone who has taken an interest in eleemosynary institutions in the District of Columbia seemed to entertain that opinion.

But the District of Columbia is a peculiar place. I took an interest a few years ago in trying to get a railroad down New Jersey Avenue from Florida Avenue, which now exists. Every person who lived on both sides of that street from Florida Avenue to practically the Union Station signed a protest against putting that road there, saying that it would absolutely ruin their property. They brought that protest to the Committee on the District of Columbia, but inasmuch as we knew that it would enhance the value of their property rather than decrease it we gave authority to that road, and it is down there now, and if any person would undertake to pull up a rod there would be a riot on that avenue. It is not an unusual thing.

A propaganda was started, and I do not criticize it at all, against the site for this hospital at Fourteenth and Upshur Streets. A lady came to my committee room at the head of a delegation of women to enter a protest. I said to her, "Madam, you live a mile away from that hospital, do you not?" She said, "Not quite a mile away; I do not think it is as far as that." I said, "I am familiar with Kennedy Street; I should say that you live 1 mile away from that hospital. Now, here are other women who live half a mile away and more; and yet you are here to protest on the ground that it is going to do injury to the community in that part of the city." They have continued the fight. I suppose they have seen every Senator; I doubt whether they have missed one; and they have presented the matter and finally secured the interest of the Senator from Maryland to represent their cause. He has photographs of various sorts and kinds, I know not what they are; but, whatever the Senator may say, the consensus of opinion of those who know something about hospitals and hospital work is that that is an ideal place for a hospital of this kind.

Now, the Senator wants to keep the hospital where it is. Reservation 13 is a reservation, I think, embracing 71 acres or thereabouts. It was originally intended as a park for the eastern part of this city, and it ought never to have been invaded by buildings of any kind. There is not a breathing place from the east part of this Capitol to the Anacostia River in the shape of a park that is worth talking about. Those people have a right to ask that they shall have some improvements in their section of the city.

Washington intended to build the city east of the Capitol, and it is a beautiful place for a city, this magnificent plateau; but the building commenced toward the west and it has gone now miles and miles to the northwest or west, and the east part of the city is neglected to a very large extent.

Mr. THOMAS. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. THOMAS. I should like to inquire of the Senator whether that change in the location of the city was not due to real estate extortions and high prices.

Mr. GALLINGER. I do not know that that is exact truthfulness, but I have been told that those who owned property east of the Capitol held it at an exorbitant rate, and the people who owned property in the swamp—because it was a swamp, west of the Capitol, Tiber Creek running out to the Capitol grounds—were very generous in offering their property at a much less value, and the building commenced very likely because of that fact.

Mr. VARDAMAN. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. VARDAMAN. What would be the effect upon the value of the property by the removal of the hospital? Does the Senator think it would diminish the value of it?

Mr. GALLINGER. I do not think it would affect the property where it is proposed to locate the hospital to any appreciable extent. I have no idea that it would. We have a tuberculosis hospital on that site now, and we have abundant room for a municipal hospital, and the property has not been depre-



ciated. They bought their property with the distinct understanding, if they had a correct understanding about the matter, as they ought to have had, that that site was for hospital purposes.

Mr. VARDAMAN. That may be true; but I think it is unfair, and I can not see any reason for punishing the people who already have their homes there, if that is the case.

Mr. GALLINGER. Of course, the committee does not believe that it would punish them, but the committee is going to suggest a solution that I think the Senator from Maryland ought to agree to and every Senator ought to vote for.

Now, I return to reservation 13. It was intended originally as a park, and it ought to have been kept as a park. On that site there is a jail; there is this wretched municipal hospital; there is the smallpox hospital; and there is a crematory; and I do not know but other objectionable buildings. The use of that reservation for those purposes cuts off Massachusetts Avenue some distance from the Anacostia River.

Mr. LEE of Maryland. May I interrupt the Senator?

Mr. GALLINGER. Yes.

Mr. LEE of Maryland. I have a map here of this reservation. If the Senator will look at that map I think he will see that Massachusetts Avenue can go right through the reservation without touching any of these structures.

Mr. GALLINGER. There is no doubt of that. It could go in a good many different directions. There is no doubt it could go through the reservation.

Mr. LEE of Maryland. I mean on the present lines of the extension of Massachusetts Avenue and as shown by this map.

Mr. GALLINGER. But there are those of us who want to beautify Washington. We have been criticized somewhat that we are doing nothing to beautify Washington. There are those of us who believe that all those buildings ought to be removed from that reservation and that Massachusetts Avenue should be extended to the Anacostia River banks which are now being reclaimed by the Government, and a bridge ought to go across that river to that beautiful site on the other side where there are some of the most beautiful places for residence property that can be found in the District, and that in due time the people who live east of the Capitol, who are mostly people of moderate means, not altogether so but mostly so, ought to have a place where they could get fresh air and where they could have some of the advantages that are given to the northwestern part and other parts of the city.

Mr. President, it is the first time I have heard it intimated that there is a real estate deal on hand. The Senator from Maryland has made a discovery nobody else has made. Nobody ever suggested it to the committee, and I can not imagine that there can be very much of a real estate deal because that land is cheap land, it is not covered with houses now, and very likely the man who holds it at 10 cents a foot may get 12 cents a foot some time for it if that hospital is removed.

Mr. LEE of Maryland. It is 5 cents a foot.

Mr. GALLINGER. No; the Senator can not buy it for 5 cents a foot.

Mr. LEE of Maryland. That is the assessed value.

Mr. GALLINGER. You can not buy it for that. I had a little experience in making a slight purchase for a man in that section of the city. I did not make any profit out of it; I made a loss. There will be a very slight increase if any increase until the people build their homes there; and the Senator who is so disturbed over the poor people of the District ought to be willing that they should buy land there and build their modest homes and build up that section of the city.

I have no personal pride in this matter; I have no interest in it on the face of the earth, except that I do want to get rid of that wretched hospital, which is a disgrace to civilization, which is a stench in the nostrils of every man who believes in decent living and in decent treatment of the poor people of the country. In view of the fact that this agitation arose against the site that the committee has recommended, and which has been recommended by pretty nearly everybody until very recently, the committee concluded that it would be a good thing for the purpose of giving everybody a fair chance in the matter, if any should think they have not had it—the committee, in what I think was wisdom, have concluded to offer an amendment—or it will be offered by the Senator from Mississippi [Mr. WILLIAMS], who was opposed to locating this hospital at Fourteenth and Upshur Streets—putting it in the hands, as I understand, of the Surgeon General of the Army, of the Surgeon General of the Navy, and the Engineer Commissioner of the District of Columbia. I have suggested to the Senator that I think it would be well to add the municipal architect and Mr. Elliott Woods, Superintendent of the Capitol Buildings and Grounds; that those gentlemen should have entire jurisdiction over the subject, and that they

should select the site for the hospital. I really hope there will be no serious objection to that solution of this troublesome matter.

Mr. President, the Senator from Maryland [Mr. LEE] suggested that there was going to be a school building constructed near this reservation. He further suggested that it could be beautified by the planting of trees, and hence separated from the objectionable surroundings on this Government reservation. We have appropriated a large amount of money, and I think the plans are already made for an Eastern High School, which is practically not more than one block from this reservation. The Senator stated that it was two blocks, but it is practically but one block, and there will be probably, after a little while, 900 or 1,000 children in that school. I confess I do not think that they ought to be subjected to disagreeable surroundings, such as will beset them if this new hospital is built on that site. We ought to protect our children. It is more important that we should protect the children than that we should protect the people who own property in any part of the city.

After looking the ground all over, while the committee was unanimous in the view—and I think the entire committee was unanimous in the view—that Fourteenth and Upshur Streets would be an ideal place for this hospital, inasmuch as the Government owns the land and it is fit for hospital purposes, yet the chairman of the Committee on the District of Columbia [Mr. SMITH of Maryland], who has a great interest in the District of Columbia, the chairman of the Committee on Appropriations, the Senator from Virginia [Mr. MARTIN], who certainly has never faltered in looking after the interests of this great District, have all agreed—and there is concurrence on our part at least—that the amendment proposed by the Senator from Mississippi would be a fair solution and that no one ought to find fault with the change that is proposed by the amendment.

Mr. JONES. Mr. President, the Senator from New Hampshire will remember that in full committee I reserved the right to oppose this amendment.

Mr. GALLINGER. The Senator from Washington did make a reservation in the committee. I had forgotten that.

I do not want to occupy any more time. I have been working a good many years to get a new municipal hospital, and long before any suggestion was made as to the title that has been given it, for I have been during all of my adult life interested in hospitals and to a very considerable extent in hospital work. I have felt that this was one of the unspeakable blots upon the District of Columbia and that it ought to be remedied as soon as possible. For more than 10 years I have been struggling to do that. We have on two occasions, I think, put an amendment to accomplish that desirable result on the District of Columbia appropriation bill in the Senate, but it was lost in conference. Now we are going to try it again, and I hope the conclusions that the committee has reached, which will be embodied in the amendment offered by the Senator from Mississippi, will be accepted by the Senate.

Mr. VARDAMAN. Mr. President, I want to ask the Senator from New Hampshire a question before he takes his seat.

Mr. GALLINGER. I yield to the Senator for that purpose.

Mr. VARDAMAN. If the Senate should vote to retain the present site, it would carry an appropriation which would enable the building of the new hospital on the old site, would it not?

Mr. GALLINGER. Undoubtedly.

Mr. VARDAMAN. And the unsightly building to which the Senator from New Hampshire referred will be torn down and a better hospital will be erected upon that site?

Mr. GALLINGER. The old buildings would be torn down. The plans and specifications have already been made under an appropriation provided in the District of Columbia appropriation act of 1915. Those plans are all ready for the building.

Mr. WILLIAMS. Mr. President, as I started to say a moment ago when I came very near taking the junior Senator from Maryland [Mr. LEE] off the floor unconsciously, this provision in the pending bill for the Gallinger Municipal Hospital is one of the most valuable things that has been attempted to be done for the District of Columbia in quite a long while. The thing in itself is excellent. The old municipal hospital in reservation 13, out there where the blue spot is on the map [indicating], is in itself a plague spot and is in the midst of a plague spot. Upon the same reservation there stands the jail; there stands the almshouse; there stands the male and female workhouse; and close to it is the old Congressional Cemetery. It goes without saying that that old municipal hospital must be destroyed and something must take its place.

I do not feel that the Congress of the United States is competent to select offhand in open debate on the floor the site for this new hospital. I do feel that the place which has been selected ought to be vacated and ought not to be kept; that is

to say, the place at Upshur and Fourteenth Streets. The people there are opposed to it; almost unanimously they do not want it. That is sufficient for me. It is very true that frequently the people of Washington want something, and then when you give it to them they do not know where to put it, and there is a row about it, but these people have not the right of self-government, except in a very limited degree by way of petition and by way of making their wishes known to Members of the Senate and Members of the other House.

Not only is this hospital a good thing in itself, Mr. President, but I, for one, am very glad that it is going to be called the "Gallinger Municipal Hospital." It is not to my credit to say it; it is merely the truth, that no man has done more for the District of Columbia than has the Senator from New Hampshire [Mr. GALLINGER]. I will not say that he has done more than anybody else, but certainly nobody has done more for its beautification and especially for its sanitation; and this will be a memorial to him, a monument to his memory that will always be here and will be very much more enduring than a shaft of marble or something of that sort. So that I want the thing itself; I want the name; but I do not want the Fourteenth and Upshur Streets site; I do not want it because the people there do not want it; and I do not want it for a great many other reasons, some of which are expressed in an article written to the Times by Mr. Newman, who is known popularly as "Savoyard," the reading of which I request at the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

CITES SEVERAL REASONS FOR PROTEST AGAINST MUNICIPAL HOSPITAL AT FOURTEENTH AND UPSHUR STREETS.

To the EDITOR OF THE TIMES:

The District appropriation bill as reported to the United States Senate contains a paragraph carrying \$150,000 for the proposed Gallinger (municipal) Hospital, to be located at Fourteenth and Upshur Streets NW. That this town is sorely in need of such an institution no one denies; but in the opinion of a large number of very worthy and intelligent citizens the location of it at the place designated is bad husbandry in many respects.

The patients of this hospital are entitled to some consideration. A large majority of them dwell in South Washington. The proposed location is in far North Washington. The patients, a great majority of them, are very poor, and it is proposed to put on them the hardship of travelling clear across the city to be treated for disease, and it is only truth to say that in numerous cases their maladies are due to their own habits.

They are unfortunate and entitled to the sympathy of all of us. I have little patience with the charity that prates of "the worthy poor." The mission of Christ was to succor the unworthy. As for that matter the unworthy poor are better than the unworthy rich.

But that aside. Is it the intention of Congress to promote the spread of contagious diseases in this town? To reach this proposed hospital patients will be necessitated to travel on the Fourteenth Street cars. That line carries as many passengers as any other in the city, and if the paragraph of this bill I cite becomes a law, every passenger on a Fourteenth Street car every day will be exposed to the danger of infection.

It is insisted that many years ago the proposed site of this hospital was purchased for the purpose of locating the municipal hospital thereon; but at that time there was scarcely a dwelling on Fourteenth north of Park Road. Now that part of the town is built up and thickly settled. The houses are new. Very few of them are rented. Nearly all are occupied by their owners. Not one of the present residents ever dreamed that this hospital was to be located at the proposed site, else that part of Fourteenth Street would be vacant lots.

Locate this hospital there and the market value of hundreds of residences will be depreciated enormously, while the assessed value for taxation will remain the same. It is partial confiscation, and I appeal to the sense of justice of the Senate to strike the paragraph out, or, better, erect the building on the site of the present municipal hospital, where it has been for more than 70 years.

Suppose Fourteenth Street at Spring Road was as splendidly improved as Dupont Circle. Nobody would dream of locating this hospital at Fourteenth and Upshur. If contiguous to the site there was an estate like Friendship, there would be no room for the Gallinger Hospital. If Fourteenth Street were lined with palaces, as is Sixteenth Street, who could imagine a municipal hospital located thereon?

Nobody on Fourteenth Street is very rich or very poor; but all of us feel that it is an outrage as well as a hardship to impose this burden on us.

Another thing: The cost of this hospital is limited to \$500,000; that is, for the building. But in depreciation of real estate values on Fourteenth Street and in the Piney Branch region an additional charge of \$1,000,000 must be added. That, however, is borne by individuals, not the Treasury.

Why not keep the hospital where it is? There it is convenient to the patients.

WASHINGTON, July 21.

Mr. WILLIAMS. Mr. President, this is one among very many letters that I have received and newspaper articles I have read protesting against the site of this hospital being at Fourteenth and Upshur Streets. I do not pretend that some of the people who are protesting against it have not in their own minds exaggerated the depreciation of the property values that might be brought about by the location of the hospital at that place. That is but a natural thing. Nor have I the slightest idea that there is any real estate den floating around about reservation No. 13. The idea that anybody would go in

and buy property around reservation No. 13 with a notion that it was going to increase in value very much and they were going to grow rich by it as long as the jail is kept there and as long as the almshouse is kept there and as long as the two workhouses are kept there strikes me as somewhat far-fetched. In all matters of this sort people on one side and people on the other side permit themselves in the enforcement of their own opinions somewhat to exaggerate the anticipated consequences, but it would decrease to some extent the valuation of property at Fourteenth and Upshur Streets, where many homes have been built, and I do not think it is quite a fair thing to do.

At the same time, I realize that there is neither time nor information nor inclination upon the part of the Senate to select a site, and I have therefore drawn up and have submitted to the chairman of the committee and to as many of the members of the committee as I could reach this substitute for the provision in the bill: Strike out the present provision and substitute a new provision, so as to read:

Gallinger Municipal Hospital: Toward the construction of the Gallinger Municipal Hospital, on a site to be selected by a commission—

I want the attention of the Senator from Maryland, because I think he has a wrong idea as to the members of the commission—

constituted of the Surgeon General of the Army, the Surgeon General of the Navy, the Engineer Commissioner of the District of Columbia, the municipal architect, and the Superintendent of the Capitol Building and Grounds, in accordance with plans and specifications prepared under the authority contained in the District of Columbia appropriation act for the fiscal year 1915, \$150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000.

There is no change in those particulars; the amendment reads the same in those respects as the provision in the bill—

Provided, That the conclusion reached by said commission on the question of location of said hospital shall be final and conclusive.

I put that in because I think the Senate and the Congress are tired of this discussion as to a site in connection with this matter, and almost everything else that is proposed. The language I am about to read in the amendment is the same as that in the bill now—

Provided, further, That said hospital shall be constructed with a view to making future additions if the exigencies shall demand and the provision—

This is new—

contained in the District of Columbia appropriation act for 1915, which provides that the hospital shall be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets is hereby repealed.

That leaves this board freedom to select a site wherever the board may think best; and I have selected the board with a view of having men who are experts upon sanitation, and have added to them a couple of engineers, because it is a sanitation and an engineering problem almost entirely; and I have tried to bring in the local interest of the District itself by putting upon the board the District architect.

Mr. JONES. Mr. President, does the Senator intend to permit this board to select any other sites than the two which have been mentioned?

Mr. WILLIAMS. Any site.

Mr. JONES. In other words, they can recommend the purchase of additional land for the site if they see fit to do so?

Mr. WILLIAMS. They have the whole city of Washington to look over and to select what they regard as the best site. Of course, they will act as men of common sense, and if they find property already owned by the Government as good or nearly as good for the purpose as property that would have to be bought, they would recommend that. They are men of fine sense.

Mr. JONES. But, of course, they would simply make a recommendation to Congress in case they selected some site other than one of those to which reference has been made?

Mr. WILLIAMS. They could not bind Congress, and undoubtedly they could not buy any property. The constitutional provision that prevents money from being paid out of the Treasury except by act of Congress would prevent that.

Mr. JONES. Well, I know; but I did not know but that under the language of the amendment the Senator proposes they could agree that the hospital should be located here, and then it would be up to Congress to appropriate the money.

Mr. WILLIAMS. Their decision will be conclusive so far as they have power to make anything conclusive and so far as I can make it so; but, of course, they can not appropriate money out of the Treasury. That goes without saying.

Mr. JONES. I understand that.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from Mississippi whether the Superintendent of Public Buildings and Grounds is included in this commission?



Mr. WILLIAMS. Yes.

Mr. NEWLANDS. Col. Harts?

Mr. WILLIAMS. No; Elliott Woods.

Mr. NEWLANDS. He is the Superintendent of the Capitol. Would the Senator have any objection to inserting there the name of Col. Harts?

Mr. WILLIAMS. I would have inserted it there, but I understood that Col. Harts had committed himself positively in favor of the Fourteenth and Upshur Streets site, and I did not want anybody on the commission that I knew had committed himself. I heard that; I do not know how true it is, but I do not want a packed jury.

Mr. NORRIS. Mr. President, the selection of a site for a hospital of the kind in contemplation is of course a difficult matter. I believe it is conceded that a new hospital ought to be built; that the District is sorely in need of it; and that if a location is to be selected for it, taking into consideration the nature of the inmates, it necessarily will be objected to by everybody living in the vicinity of that location; and yet, of course, the hospital being necessary, a location is likewise necessary, and it must be located somewhere. We ought to locate it, it seems to me, where it will meet with the least objection, taking into consideration, of course, the welfare of those who are so unfortunate as to be inmates.

The proposed location out on Fourteenth Street is in a neighborhood fairly well settled up by people of moderate means, most of whom own their homes or will own them when they pay off the mortgages. They purchased their homes and built their homes, it is true, in the face of a law that provided that the Washington Asylum Hospital should be located up there on ground owned by the Government. As I understand it, that is a statute that has been on the statute books for several years; but I presume not one of those people when they bought lots and built or bought houses that were already built knew of the existence of such a law. The real estate men who sold property up there, of course, did not call the attention of purchasers to the fact that they were buying property in the vicinity of such a hospital. So that these people have honestly located and built up quite a large section of Washington in that vicinity with homes and with a settlement of good people. It would be, it seems to me, a hardship if this hospital were to be located there; and yet I concede that if there were no other place better it ought to be located there, even though it brought on loss and hardship, because, as I said at the beginning, it must be located somewhere.

But now we are confronted with the other proposition that this hospital has been located on reservation 13, its present location, for a great many years—I think some one said 70 years—so that at least no one now living has been kept in ignorance of its existence if he were contemplating the purchase of property in that vicinity or building a home there for himself and family. If the hospital is built on its present location, therefore, it will not be injurious or harmful, as far as I am able to see, to anyone who has invested in property or built a home in ignorance of the fact that such a hospital was in the vicinity of his contemplated residence.

Mr. President, what kind of people are treated in this hospital? I have here a little pamphlet that I presume was sent to all the Senators, entitled "A Protest Against the Removal of the Washington Asylum Hospital to the Fourteenth Street Site." It is signed by several citizens' associations, and about the only way in which the people of Washington can present their views to Congress is by a protest similar to this. I was impressed with it, because they concede that the hospital is necessary, and that it must be located somewhere; but they give reasons that to me seem sufficient for building the hospital in its present location.

This protest is signed by the Piney Branch Citizens' Association, by the Brightwood Citizens' Association, by the Brightwood Park Citizens' Association, by the Columbia Heights Citizens' Association, by the Petworth Citizens' Association, by the Park View Citizens' Association, by the Takoma Park Citizens' Association, by the Woodburn and Chillum Castle Heights Citizens' Association, by the Board of Trade, by the Chamber of Commerce, and by the Federation of Citizens' Associations. Quoting from the report of the Board of Charities for 1914, they call attention to the character of patients that this hospital treats. I quote from this protest:

As pointed out in previous reports, the population of Washington Asylum is made up of those patients which are not acceptable to other institutions. They consist largely of patients suffering from chronic and specific diseases and in considerable part of inebriates and suspected insane persons. They also comprise sick prisoners from the jail and persons held by the police. Many of the chronic patients are incontinent and dirty and require the most untiring effort to keep them in clean and wholesome condition.

In that year there were treated in this hospital 3,103 patients. There were 942 colored male patients, 564 colored female patients, 1,175 white male patients, and 422 white female patients. During that year—taken from this same report of the Board of Charities—the following diseases were treated:

Acute alcoholism, 437.  
Delirium tremens, 80.  
Chronic alcoholism, 62.  
Morphinism, 51.  
Scabies, 11.  
Venereal diseases, 165.  
Pellagra, 9.  
Mental diseases, 580.

The report in another place uses this language:

Of the 3,103 patients admitted during the year, 1,736 were received on permits issued by the Board of Charities, 583 were brought in by the police, 294 were transferred from the District Jail, and 86 were admitted through the superintendent of the hospital. The emergency cases numbered 244. Nearly all of those brought in by the police department were either mental suspects or victims of alcohol or morphine.

Mr. President, the jail is located in the vicinity of the present site of the hospital. You will notice from that report that a large number of patients are transferred from the jail to the asylum, and I presume it often happens that patients are transferred from the asylum to the jail. It seems to me that one thing in favor of its location there is its proximity to the jail. It would make it unnecessary to carry these patients of an objectionable kind going to the jail across the city of Washington, which would have to be done if the hospital were located clear up on north Fourteenth Street.

Now, I want to read another short extract from that report:

The ward which is the largest and most important unit in the hospital is known as the psychopathic ward, which cares for the mental subjects, alcoholics, and dope fiends. Last year we had 573 mental cases, of which 267, after careful examination and treatment, were transferred to the Government Hospital for the Insane.

Another reason why it ought to be located in its present situation is because a large number of its patients are transferred from there to the Hospital for the Insane, and if it were located where it is now it would be unnecessary to carry those patients through the entire city of Washington, as would have to be done, if the hospital were located on north Fourteenth Street.

Reading further from this same report in regard to this same ward:

In this ward we also treated 569 alcoholics, and many addicted to the cocaine habit.

Now, Senators, note this: This is part of the official report referring to the character of the patients. Note it carefully. It seems to me it ought to have an important bearing upon the location of this hospital:

Many of the mental cases in the acute stages are so noisy, unruly, and profane that they disturb patients even in the buildings far removed.

Mr. President, it does not seem to me that with that kind of a record Congress ought to impose upon these citizens out on north Fourteenth Street what we would be imposing upon them, in my judgment, if we located this hospital there. It seems to me, too, that it would not be wise to adopt the amendment of the Senator from Mississippi, which leaves the matter to a board. They will report back to Congress, and we will have to determine eventually where this hospital must be located. They would not be able to locate it. They would make a report, and if they located this hospital in any section of the city where there were people living they certainly would protest, as these people living in the vicinity where it is proposed to locate it now are protesting.

I think we ought to bear in mind the fact that those who are objecting to this location on Fourteenth Street are not objecting to the building of this hospital. As far as I am concerned, I feel just as much in favor of the construction of this hospital as anyone else can. It is our duty to provide for its construction; but it seems to me that it would be a matter of economy if we located the hospital on its present site, and that it would injure a great many people, would be a source of great expense, and would be a source of large damage to all the people living in this vicinity if it were located on north Fourteenth Street or any other residential section of the city of Washington.

The place where it has existed always is the only place, it seems to me, where those objections do not apply. In view of the fact that it has existed for 70 years, there could be, as I see it, no objection from residents, at least in that vicinity, to its location there.

Mr. SMITH of Georgia. Mr. President, I concur very fully with the views which have been expressed by the Senator from Nebraska [Mr. Norris]. I am not aware of the objections that exist to the location of the hospital on the present site. I think it would be most objectionable to place it upon Fourteenth Street. The Senator in charge of the bill states that the com-

mittee intends to accept the suggestion of the Senator from Mississippi. If that course is taken, I think it should be with the understanding that the Senate is against—and, I hope, unalterably against—placing this hospital on Fourteenth Street.

Mr. JONES. Mr. President, if that is true—and I understand it is—why not say so in this amendment and not leave it to the commission to put it there?

Mr. SMITH of Georgia. I was just going a little further to say that if we are unalterably against placing it there, we might as well relieve that property at once from the cloud that hangs over it by the mere threat.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me a minute, I think we might just as well adopt the amendment offered by the Senator from Maryland [Mr. LEE], and locate this hospital where it is now.

Mr. NORRIS. I should like to say to the Senator that that is the pending amendment.

Mr. LEE of Maryland. The pending amendment is an amendment providing for building this hospital on reservation 13. It simply corrects the committee amendment so as to specify reservation 13 as the place where it shall be built.

Mr. SMITH of Georgia. I shall vote for the amendment of the Senator from Maryland, locating the hospital at its present place, unless some reason is given that I do not now know.

Mr. GALLINGER. Mr. President, is not this a valid reason—that they are just commencing the construction of a new Eastern High School within a block of that reservation, where they will have from 700 to 800 children, and perhaps 1,000?

Mr. SMITH of Georgia. I voted against its construction there. I thought it was simply inexcusable to put that high school there.

Mr. GALLINGER. But it is there.

Mr. SMITH of Georgia. We are responsible, I think, for that blunder. I do think we ought to say to this commission that we do not intend to approve a hospital on Fourteenth Street at the site indicated, and let the property owners there at once be freed from that threat.

Mr. SMITH of Maryland. I will ask the Senator if he has heard the amendment offered by the Senator from Mississippi? If not, will he do me the kindness to read it?

Mr. SMITH of Georgia. I should be glad to hear it read again.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. In lieu of the amendment proposed by the committee, it is proposed to insert the following:

Gallinger Municipal Hospital: Toward the construction of the Gallinger Municipal Hospital on a site to be selected by a commission constituted of the Surgeon General of the Army, the Surgeon General of the Navy, the engineer commissioner of the District of Columbia, the municipal architect, and the Superintendent of the Capital Buildings and Grounds, in accordance with plans and specifications prepared under the authority contained in the District of Columbia appropriation act for the fiscal year 1915, \$150,000; and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000: *Provided*, That the conclusion reached by said commission on the question of location of said hospital shall be final and conclusive: *Provided further*, That said hospital shall be constructed with a view to making future additions if the exigencies shall demand, and the provision contained in the District of Columbia appropriation act for 1915 which provides that the hospital shall be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets is hereby repealed.

Mr. SMITH of Georgia. It repeals the appropriation which now locates it on Fourteenth Street and leaves this commission the privilege of putting it there. Mr. President, I am not willing to vote for any proposition that leaves this commission the privilege of putting the hospital on Fourteenth Street. I could not vote for any appropriation to put the hospital there. I think we ought at once to give the people there an indication that we do not intend to place the hospital in the midst of their homes.

Mr. GALLINGER. Has the Senator from Georgia visited the site?

Mr. SMITH of Georgia. Yes; and I have talked with some of the people who live in the neighborhood.

Mr. GALLINGER. Of course, the Senator knows that hospitals in all the great cities of the country are located in residence districts.

Mr. SMITH of Georgia. But this hospital, according to the information given us by the Senator from Nebraska, is not an ordinary hospital. I have visited the present hospital, and I have been impressed with the fact that the character of diseases treated at the hospital are of an extreme nature.

Mr. GALLINGER. But would not the Senator from Georgia be willing to leave it to a commission such as is suggested in the amendment? Dr. Gorgas, at the head of the health service of the Navy Department, has had great experience in hospital work.

Mr. SMITH of Georgia. I should like to ask the Senator from New Hampshire if there is any other reason, except the location of this school, that would make the present site objectionable.

Mr. GALLINGER. I think so. That reservation was intended as a park for the people of the eastern part of the city, and it never ought to have been used for any other purpose. They have no other park in the eastern part of the city. It is intended at some time to get rid of those objectionable buildings.

Mr. SMITH of Georgia. How long has the hospital been there?

Mr. GALLINGER. For 70 years, more or less. It has been there a very long time. But, Mr. President, it does seem to me the Senator from Georgia should be willing to have this distinguished commission, all of whom have knowledge of hospital work and hospital building, to look this District over and select a site. There are a great many other places where a hospital may be put. We might have to buy the land, possibly, but I can think now of two or three other eligible sites. I should be willing, if I had a pecuniary interest in this matter or any other interest, to leave it with this commission. I can not conceive that they would make a mistake.

Mr. LEE of Maryland. I am told, without being fully advised as to the attitude of all of the members of the proposed commission, that one of the gentlemen has already expressed himself as favoring the Fourteenth Street site.

Mr. GALLINGER. Suppose he had; there are four others. Mr. President, we have been met with that. Every time that the committee undertook to suggest somebody for this work, the objection has come that they are committed. We do not know that they are committed. The committee has no knowledge of that, and I do not believe there is a single one of them who did commit himself.

Mr. SMITH of Maryland. If the Senator will permit me, the committee is not urging it, and when they find this opposition to the hospital location there it is highly probable that they would not locate it there after the committee amendment had been rejected. Aside from that, does not the Senator from Georgia feel that it would be better to look over the various places that may be suitable for a hospital in the city of Washington and determine it rather than let it be settled in the Senate to-day that there is but one suitable place for the hospital that should be selected?

Mr. SMITH of Georgia. In reply I should like to ask the Senator whether this appropriation of \$150,000 is for the purchase of land?

Mr. LEE of Maryland. It is for the building exclusively.

Mr. SMITH of Georgia. The \$150,000 is toward the erection of the building?

Mr. LEE of Maryland. The building.

Mr. SMITH of Maryland. The commission are given the power to locate the hospital, and it does seem to me that it is better for the District to allow more than one place which may be selected.

Mr. VARDAMAN. Will the Senator from Georgia permit me to ask the chairman of the committee a question?

Mr. SMITH of Georgia. I will.

Mr. VARDAMAN. Have the members of the committee inspected the proposed location?

Mr. SMITH of Maryland. Yes, sir; I have been on the ground.

Mr. VARDAMAN. I think the members of the committee are just as capable of selecting the location as the commission which it is proposed to be created by the amendment. Really, I have not much faith in commissions, generally. I think it very much better for the Congress to do these things when it is possible for it to do so.

Mr. MARTIN of Virginia. If the Senator will permit me, I think I can make a suggestion which will satisfy the Senator from Georgia and perhaps everybody.

Mr. SMITH of Georgia. I always yield for that purpose.

Mr. MARTIN of Virginia. The substantial effect of the amendment now proposed really excludes the Fourteenth Street site. The committee would be willing to have that language made clear and have it excluded by the terms of the amendment. If the Senator from Georgia has the amendment before him and wishes to change that language so as to exclude the site at Fourteenth and Upshur Streets it will be satisfactory to the committee.

Mr. SMITH of Maryland. The committee certainly has but one object in view, and that is to get the best location that can be obtained. We do not think that end will be subserved if we decide that only one location shall be selected.

Mr. LEE of Maryland. Mr. President, I wish to discuss this matter a little further on the general merits. In the first place, the Senator from New Hampshire has objected to this location primarily because a school is to be put within one square of this



objectionable hospital, as he describes it. That school, he says, is to have 800 pupils in it. The Senator from New Hampshire thought it would be objectionable to have 800 grown-up pupils within a square of this hospital as it now exists; he considered that hospital so objectionable; and yet, condemning him out of his own mouth and on his own argument, he is willing to put this hospital up against 20 squares of homes, with all sorts of little children within those homes. I have here photographs of the Fourth of July children's celebration in one of the subdivisions abutting on this proposed site, in which there are shown 750 little children.

Mr. GALLINGER. How far is that from the proposed site?

Mr. LEE of Maryland. It is exactly across the street from it.

Mr. GALLINGER. I do not think so.

Mr. LEE of Maryland. There are 750 little children shown as belonging in just one of the segments abutting on the proposed site. The Senator considers it to be objectionable, and his admission settles the whole question that it is objectionable, for this hospital to be kept within a square of a high school to be used by children 14 years old and upward.

Mr. GALLINGER. Mr. President, I trust that some suggestion will satisfy the Senator from Maryland. If the committee agrees to exclude this site at Fourteenth and Upshur Streets, will that satisfy the Senator?

Mr. SMITH of Georgia. I offer this amendment.

Mr. GALLINGER. Just one moment. Will that satisfy the Senator from Maryland?

Mr. SMITH of Georgia. If the Senator will allow me, I wish to offer this amendment to the amendment of the Senator from Mississippi right at the close:

That the location of said hospital upon Fourteenth and Upshur Streets is hereby forbidden.

Mr. LEE of Maryland. So far so good; but what next place will be suggested? There were no bowels of compassion shown for the 3,000 homes that we have mentioned. Why turn this proposition loose, Mr. President? There it has been for 70 years. There is where the real estate values have adjusted themselves. There is where there are now 50 acres without the jail, 70 acres with the jail, and 100 acres with the reclaimed land. The Senator from New Hampshire just now said that there was no park area for the eastern part of the city. There have been appropriations made for the reclamation of the entire Anacostia Flats, with sea walls to be constructed and filling in to go on, just as in the Potomac Park. So there will be a park there of hundreds of acres available, if the Senate wants it to be available.

Mr. GALLINGER. The Senator knows that it will be a very narrow strip.

Mr. LEE of Maryland. On the contrary—

Mr. GALLINGER. And to get to that park people will have to pass the buildings which are there now, the Smallpox Hospital and the crematory.

Mr. LEE of Maryland. Not at all.

Mr. GALLINGER. They may go around through Maryland somewhere.

Mr. LEE of Maryland. Not at all. It is easily and directly accessible, and all the way up and down Anacostia River, on both sides, there will be several hundred acres available for park purposes. I have been there, and I have seen it, and I know. Particularly on the eastern side the average width is probably a thousand feet running all the way up and down the river. It has been a very extensive improvement, and there is no reason why those people should not get the benefit of that park development, rather than that this real estate boom should come in and the prices should be so enhanced that the colored population especially can not stay where they are located, but will have to move out because of the high prices and the high taxation. It comes very inconsistently from the Senator from New Hampshire, who should be willing to let those people live somewhere, I suppose.

Mr. GALLINGER. Yes; I have been. And I will say to the Senator that is not an exclusively colored community. There are a great many white people living there.

Mr. LEE of Maryland. My information is that the space within the 6,000-foot circle from the reservation is inhabited almost exclusively by colored people. Of course, there may be other areas not that way.

Mr. GALLINGER. It is a scattered population, and they ought to have some place to go. I do not see that that is going to affect those people at all.

Mr. LEE of Maryland. This very extreme degree of improvement that the Senator mentions is inconsistent. Give them streets, give them sewers and sidewalks, and give them a chance to have reasonably cheap homes. That is what they ought to have.

Mr. GALLINGER. That is what I have been trying to get for 30 years.

Mr. LEE of Maryland. But as to throwing reservation 13 away for its present public purposes, with a hundred acres available land and over a quarter of a million of dollars in available buildings there already, not in the least touched by the extension of Massachusetts Avenue, that is going very far. I admire the Senator's candid discussion of this question. The very fact that he joins us here in the debate candidly, man to man on this subject, shows good feeling on his part and good feeling all around. But to a certain extent the minds of his old associates here in the Senate have probably been affected by his attitude on this question.

I do not think, Mr. President, that this commission which has been suggested, a commission entirely of Federal employees, is a proper commission to settle this question, and one of the members already, I am recently informed, has settled the question against the Fourteenth Street home owners.

Mr. GALLINGER. Two of the commissioners, if the Senator will permit me, are employees of the District of Columbia.

Mr. LEE of Maryland. One of them is a United States officer, I believe, a Federal employee.

Mr. GALLINGER. Hardly that.

Mr. LEE of Maryland. Suppose I came along with a counter proposition and suggested the president of the chamber of commerce, the president of the board of trade, the president of the Federation of Citizens' Associations of the District of Columbia should settle this question. That would be local—

Mr. GALLINGER. That is the Senator's privilege.

Mr. LEE of Maryland. I am inclined to think it would be a fairer proposition than for these three Senators, who are very much interested in this proposition, with all their great influence, to come in and suggest a list of gentlemen who are all Federal employees and who are more or less influenced by the amenities of the official situation to settle this question.

Mr. GALLINGER. The Senator from Maryland does not mean to impugn the motives or integrity of the committee, I apprehend.

Mr. LEE of Maryland. I will not go that far, but I do not believe these gentlemen, these Federal officials, ought to be put up against such a situation.

Mr. SMITH of Maryland. The committee did not suggest it. It was suggested by the Senator from Mississippi [Mr. WILLIAMS]. We had nothing to do with their names.

Mr. LEE of Maryland. But it is acceptable to the committee.

Mr. GALLINGER. Will the Senator from Maryland permit me one word, and then I am done? The Senator calls attention to the fact that certain buildings in this reservation could easily be converted into a hospital. Some years ago I had a resolution passed through the Senate asking the Superintendent of the Capitol Building and Grounds to investigate that matter, and he investigated it and reported that those buildings could not be changed so as to be made applicable for hospital purposes.

Mr. LEE of Maryland. The opinion still prevails that they are good, substantial buildings, and it would require very little expense to add to them to make them great hospital wards. However that may be, there ought not to be any delay about this proposition. The Gallinger Hospital ought to be erected promptly. It is needed in this city, and it is a just tribute to the Senator whose name it will bear, but this question of the site ought to be left undisturbed. I claim that after a matter of this kind has been adjusted by usage for 70 years, there is a burden of proof on the shoulders of the committee and the Senator from New Hampshire himself that they have not borne in this argument. It is a very serious thing to come in here and upset this adjustment that has existed so long.

Mr. GALLINGER. The workhouse was on that same site for 70 years, but it has been removed.

Mr. LEE of Maryland. It was removed to the country, and it was a very good move to put the workhouse in the country, because enough farm lands were secured to occupy the inmates of that institution. That is exactly the reverse of what the Senator proposes this time. He proposes to remove this institution from a 70-acre place to a 30-acre place.

Mr. GALLINGER. That was the opinion of the Senator from New Hampshire, but the Senator from New Hampshire has agreed that the location of that site shall be forbidden by law. So I do not think the Senator—

Mr. LEE of Maryland. Now, where are you going to put it? There is no appropriation for this site. Are you going to put it in Rock Creek Park? Are you going to put it in the Zoo, or are you going to put it in the Mall? Where are you going to put it? Why not leave it where it is without interfering with any other rights of any body of citizens in this District?

This matter has been long adjusted—I may say, adjusted for three-quarters of a century. Why change it? I can realize,

Mr. President, that the sum of money that I have mentioned as going into the pockets of the real estate owners within a circle 6,000 feet in diameter, \$580,000, is a very small part of the profits that would accrue to the large real estate owners of that section if these unsightly buildings were altogether removed.

I do not believe the Senator from New Hampshire is in the slightest degree mixed up with that idea; I think the committee are innocent on that subject, and they can not see the immense motive power that has been behind this proposition all the time. Mr. President, when you come to upset an adjustment of 70 years by the location of institutions of this sort the burden of proof is upon the proposer of the proposition, and I submit they have not borne that burden of proof or shown any substantial reasons. In fact, the argument of the Senator from New Hampshire is that it will not do to put 14-year-old school children within a block of this hospital by reason of the character of the hospital, and that very argument coming out of the mouth of this learned physician, the Senator from New Hampshire, is enough expert testimony to settle this whole question right here in the Senate. He should be unwilling to put the children of 20 squares up against this very institution, or the children of some other 20 squares somewhere else in the District of Columbia.

This original place is ideal. There is the river on one side and the river on the other side, and the Congressional Cemetery on a remaining side, leaving only nine blocks habitable by human beings touching this reservation.

Mr. GALLINGER. The Senator from Maryland probably has a better knowledge of the real-estate valuation and the real-estate situation than I have. Does he really entertain the opinion that with the Congressional Cemetery there, with the jail there, with the Smallpox Hospital there, and with the crematory there there will be a tremendous advance in real-estate values?

Mr. LEE of Maryland. Mr. President, if the influence exists to-day that can destroy or abandon over \$200,000 of available structures there now, and can use property not necessary to be used much more in value; if that power exists to-day it will move the jail in a few years and throw away, also, that \$500,000 improvement.

The truth of the matter is, Mr. President, that neither Massachusetts Avenue nor any other street in the neighborhood would be interfered with at all by the use of this large reservation for this proper municipal purpose; and it would leave available a type of cheap property that ought to be left available for a certain citizenry of the District of Columbia, a citizenry for which the Senator has always professed a kindness of a political nature; but when it comes down to treating the colored people with a reasonable amount of humane consideration, the southern Senator really will stand by them better than some of their northern political friends.

The question before the Senate, as I understand, is on my amendment.

The VICE PRESIDENT. The question before the Senate is on the amendment of the Senator from Maryland. [Putting the question.]

Mr. LEE of Maryland. I ask for a division, Mr. President.

Mr. GALLINGER. I think we had better have the yeas and nays, Mr. President.

Mr. LEE of Maryland. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I make the same announcement as to the transfer of my pair as before, and vote "nay."

Mr. THOMAS (when his name was called). Making the same announcement as heretofore concerning my pair and its transfer, I vote "yea."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from New York [Mr. O'GORMAN] and vote "nay."

Mr. REED. Making the same transfer that I did on the last vote, I vote "nay."

Mr. VARDAMAN (after having voted in the affirmative). I have a pair with the junior Senator from Idaho [Mr. BRADY], but I transfer that pair to the Senator from Illinois [Mr. LEWIS] and will let my vote stand.

Mr. MARTINE of New Jersey. I desire to state that the Senator from West Virginia [Mr. CHILTON] is paired with the Senator from New Mexico [Mr. FALL].

Mr. CURTIS. Mr. President, I desire to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 25, nays 34, as follows:

#### YEAS—25.

Borah	Jones	Newlands	Sterling
Bryan	Kenyon	Norris	Taggart
Clapp	La Follette	Poinceter	Thomas
Cummins	Lane	Shafroth	Vardaman
Hardwick	Lee, Md.	Sheppard	
Hollis	Martine, N. J.	Simmons	
Husting	Myers	Smith, Ariz.	

#### NAYS—34.

Bankhead	James	Robinson	Thompson
Chamberlain	Kern	Saulsbury	Townsend
Culberson	Martin, Va.	Sherman	Underwood
Curtis	Nelson	Shields	Walsh
Dillingham	Overman	Smith, Md.	Warren
Fletcher	Page	Smith, S. C.	Weeks
Gallinger	Penrose	Smoot	Williams
Harding	Pittman	Stone	
Hughes	Reed	Swanson	

#### NOT VOTING—36.

Ashurst	Colt	Lea, Tenn.	Phelan
Beckham	du Pont	Lewis	Pomerene
Brady	Fall	Lippitt	Ransdell
Brandegge	Goff	Lodge	Smith, Ga.
Broussard	Gore	McCumber	Smith, Mich.
Catron	Gronna	McLean	Sutherland
Chilton	Hitchcock	O'Gorman	Tillman
Clark, Wyo.	Johnson, Me.	Oliver	Wadsworth
Clarke, Ark.	Johnson, S. Dak.	Owen	Works

So the amendment of Mr. LEE of Maryland was rejected.

Mr. WILLIAMS. I now offer the amendment which I send to the Secretary's desk. I understand that while I was out of the Chamber the Senator from Georgia [Mr. SMITH] suggested a modification of the amendment which meets with the approval of the chairman of the District of Columbia Committee [Mr. SMITH of Maryland] and of the chairman of the Committee on Appropriations [Mr. MARTIN of Virginia]. I have no objection to the modification. I therefore offer my amendment as modified by the suggestion of the Senator from Georgia.

The VICE PRESIDENT. The amendment as now modified will be stated.

The SECRETARY. In lieu of the amendment as proposed by the committee and printed in the bill it is proposed to insert the following:

Gallinger Municipal Hospital: Toward the construction of the Gallinger Municipal Hospital on a site to be selected by a commission constituted of the Surgeon General of the Army, the Surgeon General of the Navy, the Engineer Commissioner of the District of Columbia, the Municipal Architect, and the Superintendent of the Capitol Buildings and Grounds in accordance with plans and specifications prepared under the authority contained in the District of Columbia appropriation act for the fiscal year 1915, \$150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000: *Provided*, That the conclusion reached by said commission on the question of location of said hospital shall be final and conclusive: *Provided further*, That said hospital shall be constructed with a view to making future additions if the exigencies shall demand and the provision contained in the District of Columbia appropriation act for 1915, which provides that the hospital shall be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, is hereby repealed; and the location of said hospital upon the Fourteenth and Upshur Streets site is hereby forbidden.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi.

Mr. SMITH of Maryland. Mr. President, speaking for the committee, I desire to say that we offer no objection to the amendment.

The amendment was agreed to.

Mr. OVERMAN. Will the Senator from Maryland yield to me to make a report from a committee?

Mr. SMITH of Maryland. I yield.

#### RELIEF OF SUFFERERS BY FLOOD.

Mr. OVERMAN. I report back from the Committee on Appropriations the joint resolution (S. J. Res. 160) appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi, and for other purposes, without amendment, and I ask for its present consideration.

Mr. SMITH of Maryland. I have not agreed to the consideration of the joint resolution.



Mr. OVERMAN. I do not think there will be any debate on it.

Mr. SMOOT. Mr. President, I am not going to object to the consideration of the joint resolution, but I wish merely to make a few observations.

The VICE PRESIDENT. Is the District of Columbia appropriation bill to be laid aside?

Mr. OVERMAN. I ask that the joint resolution be considered by unanimous consent, Mr. President. It will not lead to debate, and unanimous consent, I understand, has been given.

Mr. SMITH of Maryland. My understanding was that this was an emergency measure, and that there would be no debate upon it.

Mr. OVERMAN. I think there will be no debate. The Senator from Utah [Mr. Smoot] states that he will take but a few moments.

Mr. SMOOT. I will take not more than five or six minutes.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate \$540,000 for the relief of persons suffering and in destitution by reason of recent floods in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi; and authorizes the Secretary of War, under such regulations as he may prescribe, to expend so much of that sum as he may deem necessary in supplying such seeds as may be suitable to produce quick-growing crops to provide food for the population and animals of the flood areas; and to supply the destitute with some form of employment at a moderate rate of pay, such employment to be under the supervision of Army officers and in cooperation with local officials; and the Secretary of War is also authorized to furnish such supplies of the Quartermaster and Medical Departments as he may deem proper, to those who are destitute and unable to work, but for a period not exceeding 90 days from the passage of this resolution.

Mr. SMOOT. Mr. President, I do not know just how the people of my State who have lost all their crops from frost this year will feel when they learn of such appropriations as this passing through Congress for the relief of those who have lost property through floods. We have a number of counties in the State of Utah which produce fruit as their principle means of support. Thousands of carloads of fruit usually leave those counties every year for all parts of the United States. Two years ago the crop was a total failure; one year ago it was nearly a failure; while this year they will have hardly enough fruit for the people in the counties in which our fruit districts are located. These three years, Mr. President, have been very hard upon those people; in fact, many of them have had to be assisted.

Mr. President, I have never felt that it was my duty as a Senator to offer bills for the relief of the people in my State who have suffered from such conditions as I have stated. I do not think that the people of Utah have felt that it was the duty of their Senator to do so, or that it was the duty of the Government of the United States to make good their loss, unfortunate as the loss was.

I say this at this time so that if the question ever arises hereafter the people of Utah will know that I did not think it my duty as a Senator to ask for relief for them. I consider the State should do so. I have never yet received a petition from a citizen of Utah to introduce such a measure, and I never expect to receive it.

I am not, however, going to stand in the way of the passage of this joint resolution. If the Senate of the United States feel that the Government ought to make an appropriation for the purposes named, let the responsibility rest upon it. So far as I am concerned, I want to say that I believe it should not be done. With this brief explanation, I shall have nothing more to say in relation to the passage of the joint resolution.

Mr. SHIELDS. Mr. President, I move to amend the joint resolution by inserting, after the word "Florida," on page 1, in line 7, the name "Tennessee."

Mr. OVERMAN. Mr. President, I am somewhat acquainted with east Tennessee, and I know that the same floods which so devastated western North Carolina have had a very destructive effect in east Tennessee. Therefore, while I am not authorized by the committee to accept the amendment, so far as I am concerned, I accept it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes."

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. CLAPP. Mr. President, I desire to offer an amendment.

Mr. SMITH of Maryland. I will say to the Senator that there are some matters here that the committee offers which have not yet been disposed of.

The VICE PRESIDENT. The committee amendments are not yet disposed of.

Mr. CLAPP. Very well.

The SECRETARY. The only other amendment of the committee passed over is to be found on page 111 and has reference to the purchase of the so-called Dean tract. On page 111, beginning with line 17, the committee proposes to insert the following:

For the acquisition for a public park of the tract of land known as the "Dean tract," assessed on the records of the assessor of the District of Columbia as lots A, 818 and 819, in square 2535, containing 404,425 square feet, more or less, or so much thereof as may be necessary, \$625,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. SMITH of Maryland. Mr. President, I desire to offer an amendment so as to perfect that provision.

The VICE PRESIDENT. It will be necessary, then, to reconsider the vote by which the amendment was agreed to.

Mr. SMITH of Maryland. No; it is not necessary to reconsider it. It will be found, when the amendment is stated, that it is not necessary.

The SECRETARY. It is proposed to add, at the end of the committee amendment, the following words:

Provided, That the said lands when acquired shall be a part of the park system of the District of Columbia, subject to the provisions of section 2 of the act of Congress approved July 1, 1898. (30 Stats., ch. 543.)

The VICE PRESIDENT. That is clearly an amendment to the amendment. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The question now is on the amendment of the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Maryland. Mr. President, I send to the desk another amendment which is to be acted upon in the same manner.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 111, line 16, after the numerals "\$500,000," it is proposed to insert:

Provided, That the said lands when acquired shall be a part of the park system of the District of Columbia, subject to the provisions of section 2 of the act of Congress approved July 1, 1898 (30 Stat., ch. 543).

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge—

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. The Senator from Utah was recognized. Does he yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. CURTIS. I just want to call attention to the fact that the amendment as announced would go to the Patterson tract, and not the Dean tract, as I understand.

Mr. SMITH of Maryland. It applies to the Patterson tract and puts it under the control of the Chief of Engineers, instead of leaving it entirely to the District Commissioners.

Mr. SMOOT. Mr. President, before that is acted upon, I want to ask the Senator a question. I thought that his amendment referred to the Dean tract rather than the Patterson tract, but I want the information, anyhow.

Mr. SMITH of Maryland. The first one did.

Mr. SMOOT. Yes; I know the first one did. In the purchase of the Dean tract the amount, I believe, was \$625,000.

Mr. SMITH of Maryland. Six hundred and twenty-five thousand dollars.

Mr. SMOOT. Does the District pay half of it and the General Government pay half of it?

Mr. SMITH of Maryland. It is under the half-and-half system; yes, sir.

Mr. SMOOT. What I wanted also to learn, if possible, is this: Will the District assess benefits for the payment of one-half of the cost of the Dean tract?

Mr. SMITH of Maryland. There is no provision for that, sir.

Mr. SMOOT. I can not see why the Dean tract should not be purchased and benefits assessed the same as in the case of other purchases by the Government and opening of streets, and so forth. I should like to know why it should be differentiated from the general practice in that respect.

Mr. SMITH of Maryland. It is only a matter of purchasing this property. I do not know what future developments may bring forth in the way of assessments.

Mr. SMOOT. For instance, the Senator from Missouri [Mr. STONE] has an amendment to offer to increase the amount of the appropriation for the purpose of buying a piece of property facing on Connecticut Avenue, so as to extend the Zoological Park to Connecticut Avenue. When the first appropriation was made for the purchase of that piece of property I had no idea that there would be benefits assessed against so-called adjacent property for the purchase of it; but after Congress made the appropriation the property owners on Connecticut Avenue—

Mr. MARTIN of Virginia. Mr. President, if the Senator from Utah will permit me, I do not think there is any law or any custom providing for assessing benefits when land is purchased. I have never known an instance of that sort.

Mr. SMOOT. If the Senator had to pay the assessments, he would think otherwise.

Mr. MARTIN of Virginia. On a straight purchase, when the Government buys land and then goes into an assessment of benefits to other people?

Mr. SMOOT. There is no question about it.

Mr. MARTIN of Virginia. There is no law in existence that authorizes it, and there is no such practice in the District of Columbia, in my opinion. I have never known an instance of it.

Mr. SMOOT. Let me tell the Senator of an instance. The appropriation was made for the purchase of this very land that the Senator from Missouri is undertaking now to have appropriated for in this bill, but it went out in conference. I know that I received a notice of an assessment against my property, nearly a mile away, for the purpose of paying for that property. Whether the Senator knows it or not, that is the case.

Mr. GALLINGER. If the Senator from Utah will permit me, of course I do not controvert the statement made by the Senator from Utah, but my impression has been that when we purchased property outright there were no assessments, but that if it was condemned the benefits were taken into consideration. Now, the provisions of this bill for these two tracts name the sums of money appropriated to purchase the property. I feel sure that when the Meridian Hill Park was acquired, which was a direct purchase, there were no assessments for benefits upon adjoining property.

Mr. SMOOT. I have not the original amendment offered to the District bill for the purpose of purchasing the land to which I have referred; but the Senator from Missouri—

Mr. STONE. I have them here.

Mr. SMOOT. I know that the Senator from Nebraska received a notice of an intended assessment for the purchase of this land.

Mr. STONE. There were benefit assessments.

Mr. SMOOT. Certainly.

Mr. STONE. Yes; I have a list of them here.

Mr. SMOOT. Yes; I was sure of it. Another case, I will say to the Senator, if he does not know it, was the opening of Nineteenth Street. Now, Nineteenth Street was opened, and assessments were made against the property on Connecticut Avenue; but I think that if I lived here a thousand years I would never use Nineteenth Street. It may have been condemned or it may have been purchased; I can not say.

Mr. STONE. I will say to the Senator from Utah, however, that while it is true that the commissioners appointed by the court to value the land which was to be taken over under the former appropriation of one hundred and seven thousand odd dollars assessed benefits to adjacent properties, the owners of the properties who would have been obliged to pay the benefits protested in court, and on appeal the upper court set aside the assessment of benefits. I have not looked into the decisions; I have not felt sufficiently interested to take that trouble; but Dr. Walcott, the secretary of the Board of Regents of the Smithsonian Institution, writes me a letter which I have here, in which he states, as I recall it, that the court set aside the assessment on account of benefits against adjacent property on the ground that the court appointing the commissioners and giving the directions had committed some error in the order

made by that court. Dr. Walcott calls my attention to what he says is a fact, that these benefits can be reassessed in accordance with the ruling of the court as it now stands, and that whenever the reassessment is made and the assessments collected they will be covered into the Treasury and will reduce the appropriation to that extent.

Mr. SMOOT. That is as I understood, Mr. President; and if the assessment made really benefited the property that was assessed there would be no objection. But take the property on Connecticut Avenue and Calvert Street. There is no more benefit to that property by the purchase of this piece of land than there is to the man who lives on North Capitol Street or any other part of the city of Washington. I believe that the piece of property ought to be purchased for the park.

Mr. STONE. The Senator means the piece of property which I am trying to have acquired.

Mr. SMOOT. Yes; I certainly do. I think it ought to be purchased; but I do not believe that a few people living within 1 mile of it ought to be compelled to pay for the property when it will be used by everyone in the District.

Mr. STONE. Of course, the Senator from Utah is mistaken about saying that his home is a mile, or anything like a mile, away from the property which is to be acquired under this appropriation.

Mr. SMOOT. That property is north of what is called the buffalo wallow, where the buffalos are housed to-day, is it not?

Mr. STONE. It extends from Cathedral Avenue to Klinge Road.

Mr. SMOOT. Yes.

Mr. STONE. And Cathedral Avenue is about two blocks—not more than that—from the Senator's house on Connecticut Avenue.

Mr. SMOOT. I do not know how far north it extends, except that it extended beyond where the buffalo are kept now.

Mr. STONE. The Senator knows where the bridge over the ravine is?

Mr. SMOOT. Yes.

Mr. STONE. Just beyond the opening from Connecticut Avenue to the park. Now, Klinge Road runs under that bridge.

Mr. SMOOT. Yes; that is as I understood it, and I think that is beyond where the buffalo are kept. That is as I understand it, and that is nearly 1 mile away.

Mr. STONE. It is very nearly 1 mile away counting from the Senator's house to the north end of this piece of property.

Mr. SMOOT. I do not speak of my property any more than I do other properties involved. That is not the question. I am perfectly willing to pay any reasonable and just tax; but I do believe that the system that exists in the District of Columbia of assessing benefits to property when there are no benefits ought to cease, and the law ought to be repealed. As I stated, as far as any benefit to the property is concerned, anywhere on Connecticut Avenue or anywhere on Calvert Street—

Mr. STONE. It is of no benefit to the Senator's property.

Mr. SMOOT. None whatever; and yet there will be an assessment made, but it will not be made if the property happens to fall just outside the circle agreed upon; but if it happens to fall within the circle that is agreed upon, then the property is assessed. I know one case where a neighbor's property, in making the circle, fell outside, and the house adjoining it happened to come within the circle, and the latter had to pay assessments for benefits. Such things as that are not just and are not right.

Mr. STONE. What is the Senator trying to accomplish by his discourse?

Mr. SMOOT. I wanted to find out whether the \$625,000 appropriation made for the Dean tract was to be paid for by assessment of benefits, the same as the property in regard to which the Senator is interested, and which he will offer an amendment to cover.

Mr. SMITH of Maryland. We have made no provision for an assessment in this bill.

Mr. SMOOT. I know there is no such provision in this bill; but I thought the Senator would know whether or not, under the existing law, benefits would be assessed.

Mr. SMITH of Maryland. I am unable to say.

Mr. MARTIN of Virginia. It is paid for out of the Treasury. They could not possibly be assessed.

Mr. SMITH of Maryland. The Senator is as well informed on that point as I am.

Mr. STONE. May I say to the Senator that under the act of 1913, I think is the date, \$107,000 was appropriated for the purchase of this strip of land to be added to the Zoological Park. There was nothing in the original act as I recall it authorizing the assessment of benefits.



Mr. SMOOT. I do not remember that there ever was. Had there been I would have questioned it then.

Mr. STONE. But I think it was done under some other general law, not under the provisions of the particular act. If that be true, if I am correct about that, then the same rule would apply, I should think, to assessment benefits in acquiring the Dean property or the Patterson property or any other property for public use.

Mr. SMOOT. I think that whatever policy is followed in one ought to be followed in the other.

Mr. STONE. I think it would be.

Mr. SMOOT. Therefore I asked the chairman whether that property was to be purchased in that way, but he can not give me the information.

Mr. STONE. The chairman simply states to the Senator that there is nothing in this bill authorizing the assessment of benefits, and I recall that there is nothing in the bill to which I have referred relating to the acquisition of the Zoological addition.

Mr. SMOOT. The Senator remembers it just as I remember it.

Mr. STONE. Nevertheless, under some other general law, benefits were assessed in that case, and I presume they will be in this case. I should like to ask the Senator from Maryland a question.

Mr. SMITH of Maryland. I wish to offer an amendment, and I ask the Senator to allow it to be considered.

Mr. STONE. Certainly.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Add a like proviso at the end of the paragraph for the Patterson tract, on page 111.

The VICE PRESIDENT. It will be necessary to reconsider the vote whereby the amendment was agreed to.

Mr. SMITH of Maryland. I move that it be reconsidered.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Maryland. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 51, after line 8, insert:

The Chief of Engineers of the War Department is authorized and empowered to enforce the following regulations of traffic for the protection of the Washington Aqueduct and Filtration Plant and their accessories, including Conduit Road: No vehicle shall exceed a speed of 20 miles per hour, no reckless or careless driving shall be permitted, and drivers of all vehicles shall conform to the generally accepted rules for the use of public roads, as to passing to the right, signaling desire to pass, etc., and all vehicles using this road shall carry and display the lights specified by municipal regulations for vehicles within the District of Columbia, and all such lights shall be so dimmed or masked as to obviate any blinding effect upon travelers on the road; and any violation of the above regulations shall constitute an offense upon conviction for which the party or parties offending shall be punished by a fine of not less than \$1 nor more than \$40: *Provided*, That for violations of said regulation committed within the District of Columbia prosecutions shall be maintainable in the United States branch of the police court of the District of Columbia, and for such violations committed in the State of Maryland prosecutions shall be maintainable in the United States district court for the State of Maryland; and the said courts are severally vested with jurisdiction for this purpose.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STONE. Will the Senator from Maryland having in charge the District appropriation bill tell me for my information how much of what is known as the Dean tract is to be acquired under the bill?

Mr. SMITH of Maryland. I understand the whole of it.

Mr. STONE. Including the residence?

Mr. SMITH of Maryland. Yes; the whole property.

Mr. CLAPP. How many acres?

Mr. SMITH of Maryland. The quantity is given in the bill. My understanding is that it would include the whole tract and everything on it.

Mr. STONE. It was suggested to me that it did not go up to the Wyoming Apartment House or include the residence. I thought perhaps the Senator could tell me whether that was true.

Mr. MARTINE of New Jersey. How many acres?

Mr. STONE. The number of square feet are given in the bill.

Mr. SMITH of Maryland. The land contains 404,425 square feet.

Mr. CLAPP. About 10 acres.

Mr. SMITH of Maryland. There are about 9 acres, I have understood, in the tract.

Mr. MARTINE of New Jersey. Not quite 10 acres.

Mr. SMITH of Maryland. Between 9 and 10 acres.

Mr. STONE. I propose the following amendment to the bill. The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 111, after line 24, insert the following:

Readjustment of National Zoological Park boundaries: For acquiring, in accordance with the provisions of the sundry civil act approved June 23, 1913; for the condemnation of land for an addition to the National Zoological Park, all the lots, pieces, or parcels of land, other than the one therein excepted, that lie between the present western boundary of the National Zoological Park and Connecticut Avenue, from Cathedral Avenue to Klinge Road, \$68,441.43, together with the sum of \$107,200 appropriated for this purpose by the sundry civil act approved June 23, 1913, which is hereby reappropriated, both sums to be available until used, and said land, when acquired, together with the included highways, to be added to and become a part of the National Zoological Park; in all, \$175,641.43.

Mr. STONE. Mr. President—

Mr. SMITH of Maryland. I will state that we accept that amendment.

Mr. STONE. I am advised that the committee will make no opposition to the amendment, but I desire, Mr. President, to place in the Record for the use of the members of the committee of conference some facts, and I will be very glad if the Senate conferees will remember that these facts are in the Record and call the attention of the House conferees to them when the matter comes up.

Mr. President, I did not offer this amendment to the bill before it was reported from the Committee on Appropriations and have it sent to the committee for consideration in the usual way for the reason that I felt that because of the enormous appropriations being made by this Congress it would be the part of wisdom, certainly the part of prudence, not to urge any appropriation that was not emergent and of immediate and pressing necessity.

That the amendment has the greatest merit there can be no doubt, but still I thought it was one of those things that might wait awhile, when we are piling up our appropriations by some several hundred millions. In this connection I may say that I have two other measures pending here involving in the aggregate appropriations of less than \$150,000, one of them of special local interest in my State, that I put aside for the very reason I have already indicated—that it could wait for future action, when the pressure upon the Treasury might be less than now.

But I find that the committee has brought in here appropriations to purchase property to establish two or three parks or additions to parks; I mean the Dean tract, the Patterson tract, and the strip known as the Ashmead Place, connecting Rock Creek Park with the Potomac Park.

All of those things, I have no doubt, have great merit in them, and I have not said a word in opposition to them, and I am not going to say a word in opposition to them. When a committee composed of such representative Senators as are on the Committee on Appropriations think it proper to present these measures, I let it go, and I conform my judgment to theirs; I give up my objection.

But, Mr. President, I wish to impress upon Senators who will be upon the conference committee that the appropriation in the amendment I have offered is intended to acquire is of, I think, greater importance, in many respects, at least, than it is to acquire these additional parks at an expenditure of more than a million dollars.

The Zoological Park is practically a part of the great park of the District, Rock Creek Park. Connecticut Avenue is one of the principal streets of the city. Strange to say, there is a strip of land, embracing altogether approximately 10 acres, lying along Connecticut Avenue from Cathedral Avenue to Klinge Road, which is in private ownership and separates the Zoo Park from that great avenue. It is only a narrow pathway that enables people going to the park along that avenue to enter the park, and more people, Mr. President, go out Connecticut Avenue than along any other road—I mean people who go by street cars instead of by automobiles; hundreds and thousands go out to the park in that way.

Now, if this property is built upon, and it will be very desirable property in many ways, the backs of the houses will be turned upon the park. I never heard anyone speak of the matter who was at all familiar with it who has not agreed that it is of the highest importance that it be acquired and added to the park.

I wish to state to the Senator from Maryland, as he may not be familiar with it and I wish him to have it in mind, I did offer this amendment to the sundry civil bill. It was referred to the Committee on Appropriations, and that committee incorporated it in the sundry civil bill as it passed the Senate. The conferees would not agree to it, partly on

the ground, as I was informed, that the price asked to be paid was more than the property was worth. I think the House conferees who made that contention and who believed it to be true, of course, were mistaken. However, the amendment I now offer is \$21,000 less in amount than the amendment put in the sundry civil bill. The property is owned by a lady living in Switzerland. Her agent here communicated with her, and the result of their correspondence was an agreement upon her part to reduce her offering price by \$21,000. My friend from Nevada [Mr. NEWLANDS] suggests to me that the value thus fixed upon the property which we are asked to pay for is considerably less than the value at which it is assessed for purposes of taxation.

The Senator from Nevada tells me—the Senator from Maryland will know whether it is correct or not—that the property in this city is valued at a certain sum, and is then reduced one-third of that, or 33½ per cent, for the purpose of taxation. This property is now offered to the Government for less than it is assessed at for taxation.

Mr. NEWLANDS. Will the Senator allow me to make a statement in this connection?

Mr. STONE. Certainly.

Mr. NEWLANDS. I am not informed as to whether the price now fixed by the owner is below the actual assessment, but I do know it is below the appraisal made by the assessors for the assessment, the assessment itself being according to law two-third of the appraisal made by the assessors.

Mr. STONE. Mr. President, I do not care to prolong the statement, and I am going to ask to insert at this point a letter addressed to me by Dr. Charles D. Walcott, Secretary of the Board of Regents of the Smithsonian Institution. I may say that the Zoological Park is under the administrative management of the Board of Regents, of which I have had the honor to have membership for some years, and I presume it is because of that that I have been requested to look after this matter. In this letter Dr. Walcott states the case very clearly, and I wish to have it in the RECORD for the use of the Senate conferees.

Also I file two tables, one showing the valuation of the property as placed by the commission appointed by the court; also the value placed for the assessment value, the area, and so on, and also a table showing the prices at which adjacent properties have been recently sold, showing that adjacent properties have been sold at a much higher price than we are asked to pay for this property.

I ask that these papers be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The papers referred to are as follows:

SMITHSONIAN INSTITUTION,  
Washington, May 31, 1916.

DEAR SENATOR STONE: The Zoological Park is placed by statute under the charge of the Regents of the Smithsonian Institution and the institution is responsible for its administration. The park is visited probably by more people than any other park of the Capital City, and whatever adds to its efficiency or attractiveness is a contribution to the permanent value of the National Capital.

I am sending you herewith a memorandum in relation to the addition of certain land on the western side of the Zoological Park which will connect the park with Connecticut Avenue. At present the park is entirely cut off from Connecticut Avenue by a narrow strip of land, which, if built upon, will result in a large number of back yards and other objectionable features abutting on the park. We now have a narrow entrance to the park on the Connecticut Avenue side.

When the park was laid out Connecticut Avenue was not there, otherwise it would naturally have been its western boundary. After Connecticut Avenue was cut through the District engineers planned for a roadway around the western side of the park. (See Exhibit A attached.) This road was condemned and paid for, but nothing further was done about it. Now there is in private ownership land between the park boundary and the strip of land condemned for the roadway, and also property between the suggested road and Connecticut Avenue.

The Zoological Park is one of the most attractive features of the District, and as a national park should be in every way properly developed and maintained. Of immediate importance is the addition of this land on its western side so that the park will be protected for all time on that side from objectionable buildings, back yards, etc., as before stated, and a suitable entrance provided from Connecticut Avenue. The ground is itself of such a character that it will be of great service in connection with the proper care of some of the larger animals, such as the buffalo, the elk, and the deer.

The following is a brief summary of what has been done thus far toward acquiring the land between the present western boundary of the park and Connecticut Avenue:

Congress appropriated, act approved June 23, 1913, \$107,200 for the acquiring of the land between the park and Connecticut Avenue (see sketch Exhibit A attached).

Condemnation proceedings followed and benefits and damages were assessed by a jury of condemnation.

The Supreme Court of the District of Columbia decided that all benefits fixed by the jury must be set aside on the ground that the jury was erroneously instructed as to the amount of benefits to be assessed.

The damages assessed were approved by the court and will stand.

Action for assessment of benefits, by which the Government will be partially reimbursed, is not excluded. The court may summon a new jury who shall report independently on the matter and the sums received would be covered into the Treasury.

The damages as assessed by the jury and the expenses of proceedings are—\$106,641.43  
The amount appropriated by the act of June 23, 1913, was—107,200.00

Additional sum required is—89,441.43

It will be necessary to have the original appropriation continued, as the Treasury Department has decided that the appropriation of \$107,200 lapsed with the close of the fiscal year 1914. No expenditures were made from this appropriation but there is a liability of \$2,203.35 for the expenses of condemnation proceedings. This is included in the \$196,641.43 mentioned above.

A statement (Exhibit B) is appended, which shows the valuation placed on the land by the jury, also the valuations under the 1914 assessment and the areas of the several tracts. It will be noted that the jury's valuation is about one-fourth more than the amount of the last assessment which is somewhat more than double the amount placed on the land under the previous assessment upon which were based the original estimates for the appropriation.

The jury of condemnation valued the property to be taken at a little less than \$0.43 per square foot. Careful investigation shows that actual sales of property in the neighborhood of the ground to be acquired averaged approximately \$0.87 per square foot. The sales are given in Exhibit C and their locations on the sketch map (Exhibit D).

From the figures of actual sales, it appears that the jury's valuation of \$0.43 per square foot is very reasonable.

The addition of this property to the Zoological Park will be a public benefit, both to the park and the people of the District of Columbia, and I earnestly hope that action will be taken at the present session of Congress on the lines of the inclosed paragraph to be added to the appropriation for the National Zoological Park for 1917. This paragraph provides for the reappropriation of the \$107,200 contained in the act approved June 23, 1913, also an additional sum of \$89,441.43, which will be used for acquiring the land in question. Attention is called to the fact that a considerable portion of the \$89,441.43 will undoubtedly be returned to the Treasury when a new jury shall be properly constituted and assesses benefits upon adjoining properties.

In the Book of Estimates for 1917, page 849, second paragraph, there is an estimate under the heading "Readjustment of boundaries, National Zoological Park," of \$30,000. The estimate of \$30,000 was made prior to the final decision of the Supreme Court that none of the benefits should be allowed. The wording of the paragraph in the estimate brings the matter properly before Congress as an estimate approved by the Treasury Department. The increase from \$30,000 to \$89,441.43 results from the decision of the court as mentioned above.

If the land mentioned is not now secured, it will be built upon and the park irretrievably injured. I do not know of a public park in any American city that is hemmed in by back yards or does not have large areas abutting on public streets or roads.

Respectfully yours,

CHARLES D. WALCOTT,  
Secretary.

The Hon. W. J. STONE,  
Regent of the Smithsonian Institution,  
United States Senate, Washington, D. C.

#### EXHIBIT B.

Land between National Zoological Park and Connecticut Avenue, from Cathedral Avenue to Klinge Road, condemned for addition to National Zoological Park.

#### CATHEDRAL AVENUE TO JEWETT STREET.

Parcel No.	Value.		Area—	
	By jury.	1914 assessment.	By special survey.	By assessor's books.
54/4.....	\$77,769.00	\$67,200.00 1,300.00	Square feet. 103,692.16	Square feet. 121,968.00
54/5.....	1,040.20	3,398.00	2,972.84	11,326.00
54/6.....	6,682.40	8,886.00	33,413.26	29,621.00
54/7.....	6,870.00	6,412.00	9,159.73	9,160.00
	92,361.60	86,196.00	149,237.99	172,075.00

#### Improvement.

Land between National Zoological Park and Connecticut Avenue, from Cathedral Avenue to Klinge Road, etc.—Continued.

#### JEWETT STREET TO KLINGE ROAD.

Parcel No.	Value.		Area—	
	By jury.	1914 assessment.	By special survey.	By assessor's book.
55/58.....	\$83,386.35	\$53,160.00	Square feet. 185,303.10	Square feet. 192,971.00
55/59.....	26.10	13.00	261.40	261.00
55/60.....	16,014.17	13,721.00	94,201.00	91,476.00
55/61.....	950.16	293.00	7,918.30	5,873.00
55/63.....	935.20	286.00	9,332.86	5,728.00
55/64.....	493.80	87.00	3,292.90	1,742.00
55/65.....	270.70	135.00	2,707.50	2,708.00
Jewett to Klinge.....	102,076.48	67,695.00	303,037.06	300,759.00
Cathedral to Jewett.....	92,361.60	86,196.00	149,237.99	172,075.00
Total.....	194,438.08	153,891.00	452,275.05	472,834.00



COST OF ENTIRE TRACT, AS ABOVE.	
Value of land, as per jury's awards	\$194,438.08
Expenses of condemnation proceedings	2,203.35
Total cost	196,641.43
COST OF TRACT BETWEEN CATHEDRAL AVENUE AND JEWETT STREET ONLY.	
Value of land, as per jury's awards	\$92,361.60
Expenses of condemnation proceedings	2,203.35
Total cost	94,564.95
COST OF TRACT BETWEEN JEWETT STREET AND KLINGLE ROAD ONLY.	
Value of land, as per jury's awards	\$102,076.48
Expenses of condemnation proceedings	2,203.35
Total cost	104,279.73
Appropriation	107,200.00

## EXHIBIT C.

RECENT SALES OF UNIMPROVED GROUND NEAR THE LAND WHICH HAS BEEN CONDEMNED FOR AN ADDITION TO THE NATIONAL ZOOLOGICAL PARK.

[Numbers on map show location.]

1. Lots 40 and 41, square 2068, bought by the District of Columbia in 1915 as the site for an engine house; 7,000 square feet for \$5,000, or about 71½ cents per square foot.
2. East 30 feet of lot 823, square 2082, sold in 1915 for 55 cents per square foot.
3. Lots 20 to 23, square 2082, sold in 1913 for 50 cents per square foot.
4. Parcel 55/138 sold in 1914 for 80 cents per square foot.
5. Parcel 55/140 sold for \$5,000 per acre in 1913, and bona fide offer of \$6,000 per acre refused in 1915.
6. Parcel 54/16 sold in 1910 for \$46,000.
7. Kennedy Bros. made an offer of from \$80,000 to \$85,000 in April, 1912, for this tract, graded. It contains 103,692 square feet. The grading would cost perhaps \$10,000, and, with this deducted, the rate for the land would be about 70 cents per square foot. The jury's valuation was 75 cents. The offer was refused. The grading along the front of the property was done after this offer was made, but before condemnation proceedings were begun.
8. Lots 34 to 37, square 2109, sold at 70 cents per square foot about 1909.
9. Lots 19 to 32, square 2109, sold in 1910 for 55 cents per square foot.
10. Lots 14 to 16, square 2107, 10,161 square feet, sold in February, 1909, for \$10,000.
11. Lot 18, square 2107, sold in 1909 for \$1.15 per square foot.
12. Lot 20, square 2107, sold in 1911 for \$1.10 per square foot.
13. Lot 21, square 2108, sold by Nolan trustees in bankruptcy at \$1 per square foot.
14. Lots 802 and 803, square 2208, sold in 1914 for \$1.15 per square foot.
15. Parcel 54/7 sold in 1910 for \$1 per square foot.
16. Parcel 54/14 sold in 1909 for 85 cents per square foot.
17. One lot, square 2204, 6,000 square feet, sold for \$7,000, or about \$1.17 per square foot.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri.

Mr. VARDAMAN. I wish to ask the Senator what is the amount of the appropriation for this purpose.

Mr. STONE. The total amount?

Mr. VARDAMAN. Yes, sir.

Mr. STONE. One hundred and seventy-five thousand dollars.

Mr. VARDAMAN. Is it necessary to buy that land now in order that the Government may get it?

Mr. STONE. Of course it may be sold to anyone else. It is private property and any number of people can purchase the lots and build houses on them and turn the backs of the houses upon the park. If we wanted to get it in the future we would have to condemn it.

Mr. VARDAMAN. Of course I shall never do anything that will prevent or interfere in any way with the proper development of Washington. I have pride in the growth of the city as the Capital of the Nation. I realize the necessity for parks and the great advantage they are to the poorer classes of people who find in them their only opportunity for recreation. I would not limit the authorities of the city of Washington in providing these essential comforts. But there are others who do not live in the cities and whose interests are not the subject of as deep solicitude on the part of the lawmakers at Washington as they deserve to be. And the class to whom I refer are the people who till the soil and whose labor feed and clothe the world.

We had a bill before the Senate yesterday carrying an appropriation of \$196,000 for the purpose of paying debts that the United States Government acknowledges that it owes to more than 1,000 people living in the States of Kentucky, North and South Carolina, Texas, Arkansas, Tennessee, Mississippi, Georgia, and Alabama—the old mail-contract debts. The point was made against that bill that the appropriations have become so enormous that the Government could not afford to settle its honest debts at this time. A shameful confession, and I think wholly unjustified by the facts.

But if it is so, I think we ought to call a halt on some of the appropriations, such as is proposed by the Senator from Missouri. The park can wait. The claims to which I referred a

moment ago are held by people who are really in need and who have waited for a half century for a settlement which has not been made, and which the Congress now refuses to make. The Government owes them and the Government ought to pay them. If a private individual were as dishonest or unjust in his business transactions as the Government of the United States is in some instances, he would be outlawed and ostracized from decent society. I submit, Mr. President, that before this Government undertakes to indulge in the generosity of providing the luxury of parks for the poor people of the city it should practice a little justice in paying its honest debts to the people out of the city.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. CURTIS. On page 51, line 18, I offer an amendment on behalf of the committee.

The SECRETARY. On page 51, line 18, strike out "3" and insert "4," so as to read "\$4,000" instead of "\$3,000."

The VICE PRESIDENT. Without objection, the vote whereby the amendment of the committee was agreed to is reconsidered. Without objection, the amendment of the Senator from Kansas to the amendment of the committee is agreed to, and, without objection, the amendment as amended is agreed to.

Mr. CLAPP. Mr. President, I desire to say to the Senator in charge of the bill we have lately passed a law which exempted from taxation some property the Daughters of the American Revolution had bought here subsequent to the original purchase. In the interim, rather than to explain why they did not pay their taxes, it was suggested that they pay their taxes, and if the bill became a law it would be a very easy matter to have a bill passed to reimburse them for the taxes. The taxes which they paid amounted to \$271. I have the tax certificate here, if there is any question raised as to that. It is a small matter. I realize that probably it would be subject to a point of order, but it is one of those things that nobody in particular has to look after. To save them the bother of trying to get the bill passed through both Houses, if it is agreeable to the Senator in charge of the bill, I offer the following amendment.

The SECRETARY. On page 122, after line 16, insert:

That the sum of \$271.76 is hereby appropriated to repay the National Society of the Daughters of the American Revolution the taxes paid by said society upon lots 23, 24, 25, 27, and 28, square 173, in the District of Columbia, as follows: \$143.78 as per receipt for taxes paid March 14, 1916; \$127.98 as per receipt for taxes paid March 31, 1916; in all, \$271.76; said sum to be paid upon the presentation of said receipts by the treasurer general of said society.

Mr. SMITH of Maryland. I make no objection to that amendment.

The amendment was agreed to.

Mr. KERN. I offer an amendment to which I think there will be no objection.

The SECRETARY. On page 27, line 19, after the words "District of Columbia," to strike out "prior to July 1, 1886," and insert "during the years 1914, 1915, or 1916," and in line 22, after the words "District of Columbia," to strike out "prior to July 1, 1904," and insert "during the years 1914, 1915, or 1916."

The VICE PRESIDENT. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. SHEPPARD obtained the floor.

Mr. GALLINGER. Mr. President—

Mr. SHEPPARD. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator from Texas. I have an amendment which will take but a moment, I think.

The United States Statutes, volume 30, page 666, reads as follows:

Hereafter the Commissioners of the District of Columbia shall not accept volunteer service for the government of the District of Columbia or employ personal services in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property.

It has been found in some instances that that works a hardship, and the act approved March 4, 1915, changed this provision:

Sec. 2. That the board of education is authorized to accept, upon written recommendation of the superintendent of schools, free and voluntary services of the teachers of the public schools, other educators, lecturers, and social workers and public officers of the United States and the District of Columbia.

Mr. President, the good people who are in charge of the playgrounds of the District of Columbia have had offers of voluntary service from people who are greatly interested in that enterprise; and they would very much like to have this provision—which is exactly similar to that which I have read—inserted

after the numerals on line 14, page 45. I will send the amendment to the desk, and ask to have the Secretary read it. I think there will be no objection to it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 45, line 14, after the numerals "\$18,000," it is proposed to insert:

*Provided, That the board of education is hereby authorized to accept, upon written recommendation of the superintendent of schools, free and voluntary service in connection with the work of the department of playgrounds, and all laws and parts of laws in conflict with this provision be, and the same are hereby, repealed.*

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new paragraph, as follows:

That any person who, within the District of Columbia, in any manner, for exhibition or display, shall after this act takes effect place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America, or shall expose or cause to be exposed to public view within the District of Columbia any flag, standard, colors, or ensign upon which, after this act takes effect, shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, after this act takes effect, shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale or to give away, or for use for any purpose, any article or substance being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after this act takes effect shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, colors, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than 30 days, or both, in the discretion of the court, and shall also forfeit a penalty of \$50 for each such offense, to be recovered with costs in a civil action or suit in any court having jurisdiction; and such action or suit may be brought in the name of the United States of America or by and in the name of any citizen, and such penalty when collected by any citizen, less the reasonable cost and expense of action or suit and recovery, to be certified by the United States attorney of the District of Columbia, shall be paid into the Treasury of the United States; and two or more penalties may be sued for and recovered in the same action or suit. The words "flag, standard, colors, or ensign," as used in this section, shall include any flag, standard, colors, ensign, or any picture or representation of either thereof, or of any part or parts of either thereof, made of any substance or represented on any substance and of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes in any number of either thereof, or of any part or parts of either thereof, or by which the person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

The possession after this act takes effect, within the District of Columbia, by any person other than a public officer, as such, of any such flag, standard, colors, or ensign on which shall be anything made unlawful at any time by this section, or of any article or substance or thing on which shall be anything made unlawful at any time by this section, shall be presumptive evidence that the same is in violation of this section and was made, done, or created after this act took effect, and that such flag, standard, colors, ensign, or article, substance, or thing did not exist when this act took effect.

Mr. SMITH of Maryland. I raise the point of order that that is general legislation, and should not go on this bill.

The VICE PRESIDENT. There seems to have been an impression that when the Chair expressed an opinion the other day that the officials who serve the government here are simply agents of the Government, and that the District of Columbia is not a municipal corporation, that authorized any amendment to be made to this appropriation bill.

The Chair did not say so, and does not believe so. Regardless of what this government may be, there are laws that do govern the citizens resident in the District of Columbia. This is a general appropriation bill. To it the rule of the Senate does not permit general legislation to be introduced as an amendment, unless the House, in the judgment of the Chair, has first taken the initiative in the legislation, in which event the Senate, in the opinion of the Chair, may pursue that subject to its full length.

This is an entirely new question. The Chair holds it is general legislation, and sustains the point of order.

Mr. SHEPPARD. Mr. President, if the Senate agrees to the principle which could be inferred from the language employed by the Vice President in holding the amendment of the Senator from California [Mr. WORKS] in order, it will overrule the decision of the Chair as to this amendment.

The Vice President, in concluding the opinion which he rendered on the admissibility of the amendment of the Senator

from California—an amendment which radically changed the system of taxation in the District of Columbia—expressed the opinion that the District of Columbia was a mere agency of the Government, and that legislation affecting that agency was therefore special legislation and not general legislation in the sense of the rule which prohibits the attachment of general legislation to an appropriation bill.

I have offered this amendment in order to ascertain whether the Senate is in sympathy with a principle of that kind. I believe it to be a wise principle. I believe that general legislation ought to be attached to the District bill in order that matters pertaining to the District will have serious consideration and careful attention at the hands of the Senate. As it is now, bills that are introduced independently of the appropriation bills get as a rule very little attention.

I trust, therefore, that the Senate will overrule the Vice President, and establish here the principle that general legislation is admissible on the District bill, and hold itself in sympathy with what the concluding language of the ruling the other day purported to hold. Therefore, I respectfully appeal from the decision of the Vice President. The District of Columbia is not an independent municipality, but a mere arm or bureau of the Government, subject under the Constitution, the very law of its being, to the Government's absolute control. The District appropriation bill is itself, therefore, special legislation, and so are all measures relating to the District.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. WORKS. Mr. President, I did not myself construe the ruling of the Chair on my amendment as some other Senators seem to have done. I think the ruling of the Chair in that case was perfectly correct. The subject there was taxation and the appropriation of the money of the Government, or of the District, as the case might be. My amendment did not change in any material respect the law as it exists at the present time, as I contended, and I think myself that the ruling of the Chair was just on an entirely different ground than that stated by the Senator from Texas. I have felt so all along.

Mr. HARDWICK. Mr. President, I think the proposition presented by the Senator from Texas is entirely different from the case presented by the amendment of the Senator from California for this reason: There the subject matter touched by the Senator's amendment had already been legislated upon by the House of Representatives; and the amendment proposed by the Senate committee, as well as the amendment proposed by the Senator from California, related to the same subject matter, which was taxation in the District of Columbia.

Mr. SHEPPARD. Mr. President, may I interrupt the Senator?

Mr. HARDWICK. Undoubtedly.

Mr. SHEPPARD. The Vice President stated that the matter had been dealt with in the House. He added that the District of Columbia was a special agency of the Government, and that legislation pertaining to that special agency was special, and not general. I will ask the Senator if in his opinion, in view of that language, it might not be reasonably inferred that the Vice President held that legislation pertaining to the District was special and not general legislation?

Mr. HARDWICK. I am glad the Senator puts it that way. The Vice President's ruling about the Works amendment, in my judgment, was right; but it was right only because the House of Representatives having legislated on that subject, and the Senate committee having dealt with the same subject, the amendment of the Senator from California, dealing with the same subject, was in order.

Mr. SHEPPARD. But the Vice President did not confine himself to that reason.

Mr. HARDWICK. I understand that, and I am coming to that part of the Senator's suggestion right now. I did not think at the time, nor do I think now, that all of the reasoning given by the Vice President was sound. Whether or not technically the District of Columbia constituted a municipality within the meaning of the law-book writers, I did not believe that for that reason we could go out and legislate on a general appropriation bill for the District of Columbia with respect to matters in the District of Columbia. So that with that part of the Vice President's reasoning I was never in accord. But when I thought about the question of prosecuting an appeal from the ruling it seemed to me like the prosecution of such an appeal was unnecessary, because while that much of the reasoning of the Vice President was, according to my opinion, unsound, undoubtedly the Vice President's ruling was right on the second ground that he stated, namely, that the House having legislated on this question, and the amendment of the Senator from California relating to that precise matter, it was in order.



I say, therefore, that I regarded it as unnecessary for the Senate to reverse the ruling of the Vice President. I did not see how it could do it, and I think it is no authority for the proposition now made by the Senator from Texas. It seems to me like the ruling of the Vice President is perfectly sound and follows the unbroken precedents of this body through many years.

Mr. JONES. Mr. President, it seemed to me that the amendment proposed by the Senator from California went further than the proposition covered by the provision put in by the House. I felt that so far as the matter of taxation was concerned, and the matter of distributing the money, the House having opened the door, that could properly be covered by the part of the amendment of the Senator from California relating to it.

Mr. HARDWICK. Mr. President, will the Senator yield for just a moment? I just want to suggest to the Senator that while that is true, the House having opened the door, the Senator from California and the Senate committee could only pursue that precise field, and were only proposing to do so. Although they may have gone a little further, and although the proposition may have been a little different, that does not affect the principle that we are merely pursuing the field that the House had entered.

Mr. JONES. That was the point. I think we not only went into the field opened by the House, but we went into another field.

Mr. HARDWICK. The Senator, of course, understands how difficult it is to draw the line there.

Mr. JONES. I do not think it is very difficult with respect to the amendment of the Senator from California. He may differ from me; but the Senator from California proposed to do away with the District of Columbia, and make it the City of Washington.

Mr. HARDWICK. Yes; but the Senator's amendment, after all, related to the subject of taxation in the District of Columbia.

Mr. JONES. Oh, well, it related in part to the subject of taxation.

Mr. HARDWICK. And the Senator is quite familiar with the precedent established the other day, that because there had been some legislation in the House about the personnel of the Navy, therefore it was ruled that the Senate could proceed to legislate with respect to the personnel of the Dental Corps, although the House had made no change in existing law on that particular subject.

Mr. JONES. The Senator does not get the point I am trying to make. It is that a part of the amendment of the Senator from California was out of order because it referred to a subject that had not been dealt with by the House, and that, to my mind, was not connected with it. If that were true, then the whole amendment would be out of order and subject to a point of order.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I do.

Mr. WORKS. I took this view of it: I did not discuss the ruling at the time, because it was in my favor; but I took the view of it that the other provisions, abolishing the District and changing the name, were only incidental to the ultimate object of the amendment, which was the control of taxation and the proper making of appropriations. Now, that ultimate object had been dealt with by the House and had also been dealt with by the Senate committee; and for that reason I was pretty sure at the time that I would have to meet that question when the amendment was offered, and I felt pretty sure in my own mind that the amendment could be sustained on that ground.

Mr. JONES. But, Mr. President, my contention is that the provision changing the name of the District was entirely independent of the proposition relating to taxation. The proposition relating to taxation could be carried out without the other without any difficulty or any trouble at all. It was simply an additional field that the amendment of the Senator from California went into, which had not been gone into by the House. Under all the rules of parliamentary law, if an amendment is offered, part of it all right, part of it germane, part of it in order, but some of it out of order, the whole amendment goes out, and the part that is in order can be offered as a separate amendment.

But, Mr. President, I would justify the ruling which the Vice President made the other day more upon the ground that this is not a general appropriation bill. I do not believe it comes within the designation of a general appropriation bill under our rules. It simply appropriates for a particular agency of the Government, as the Vice President said.

Mr. HARDWICK. If the Senator will yield just a moment, that is true about all general appropriation bills, is it not?

They all appropriate for some particular agency of the Government, do they not?

Mr. JONES. They are general, applying to all sections of the country, relating to some general subject.

Mr. HARDWICK. Well, now, let us see. The Senator's definition, then, applies to every one of the great appropriation bills. Now, let us go one step further. The House of Representatives classifies the District of Columbia appropriation bill expressly as one of the general appropriation bills in its rules; does it not?

Mr. JONES. I do not remember.

Mr. HARDWICK. I think the Senator will find that is a fact, under the House rules and precedents.

Mr. JONES. That would not cut any figure in regard to the Senate rules.

Mr. HARDWICK. Not necessarily. It might be persuasive, however, if the systems are somewhat alike.

Mr. JONES. Oh, yes.

Mr. HARDWICK. It would not be binding.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. SHEPPARD. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from New York [Mr. O'GORMAN], and will vote. I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON]. In his absence I withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD], but I understood that if present he would vote on this matter as I would, so I therefore vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I make the same transfer as before, and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Illinois [Mr. LEWIS], and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I announce the same pair and transfer as heretofore and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). Repeating the announcement that I made heretofore, I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. In his absence I withhold my vote.

The roll call was concluded.

Mr. REED. Making the same transfer as on the last roll call, I vote "yea."

Mr. SIMMONS. I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and will vote. I vote "yea."

Mr. SMITH of Georgia (after having voted in the affirmative). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Alabama [Mr. UNDERWOOD] and will allow my vote to stand.

Mr. JAMES (after having voted in the affirmative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from South Carolina [Mr. SMITH] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 49, nays 5, as follows:

YEAS—49.

Ashurst	Gallinger	Hughes	Kern
Bankhead	Harding	Husting	La Follette
Chamberlain	Hardwick	James	Lane
Culberson	Hollis	Johnson, S. Dak.	Lee, Md.

Lippitt	Poindexter	Smith, Ga.	Tillman
McLean	Ransdell	Smith, Md.	Townsend
Martin, Va.	Reed	Smoot	Walsh
Martine, N. J.	Robinson	Sterling	Warren
Newlands	Saulsbury	Stone	Williams
Norris	Shafroth	Swanson	Works
Overman	Shields	Taggart	
Penrose	Simmons	Thomas	
Pittman	Smith, Ariz.	Thompson	

NAYS—5.

Cummins	Jones	Kenyon	Sheppard
Curtis			

NOT VOTING—41.

Beckham	Colt	Lewis	Sherman
Borah	Dillingham	Lodge	Smith, Mich.
Brady	Dupont	McCumber	Smith, S. C.
Brandeggee	Fall	Myers	Sutherland
Broussard	Fletcher	Nelson	Underwood
Bryan	Goff	O'Gorman	Vardaman
Catron	Gore	Oliver	Wadsworth
Chilton	Gronna	Owen	Weeks
Clapp	Hitchcock	Page	
Clark, Wyo.	Johnson, Me.	Phelan	
Clarke, Ark.	Lea, Tenn.	Pomerene	

So the ruling of the Chair was sustained.

Mr. WALSH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 96, after line 22, it is proposed to insert:

Roentgenologist, \$600.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. I send to the desk a letter on this subject, addressed to the chairman of the committee, which I ask may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that may be done.

The letter is as follows:

WASHINGTON, D. C., May 27, 1916.

The Hon. JOHN WALTER SMITH,  
The Capitol, City.

DEAR SIR: Permit me to call attention to Union Calendar No. 223, Sixty-fourth Congress, first session, H. R. 15774, Report No. 271, a bill making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Page 76, line 25, for the purchase of X-ray machine and accessories, \$2,000, for tuberculosis hospital.

I believe the original estimate was \$2,750, based on estimates made by me, the roentgenologist, to the superintendent of the hospital. This in my opinion was barely enough to purchase the absolute necessities of such a laboratory. Note as follows a few of the actual necessities itemized:

Interrupterless transformer with switches, etc.	\$1,200
Combined fluoroscopic, radiographic, stereoscopic table and stand	1,200
Coolidge tubes with accessories	375

Total	2,775
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This makes no provision even for treatment stand at \$250, stereoscopic box at \$125, or any dark-room fixtures, lead-lined partitions, etc., all of which is additional expense.

To-day a Roentgen ray laboratory is an absolute necessity as an aid in the establishment or confirmation of a diagnosis of a tuberculous process. The result of such an examination frequently determines the subsequent treatment, and later on it again aids in determining the extent of the improvement or otherwise and the subsequent procedure. The present superintendent has done good work in pneumothorax operations with such aid as the roentgenologist was able to give, but lack of efficient Roentgen ray equipment has compelled him to restrict his efforts in this direction.

The Roentgen ray is used also in the treatment of various forms of tuberculosis with good results, both in glandular tuberculosis and in certain stages of pulmonary tuberculosis. This is called deep Roentgen ray therapy. In certain stages of tuberculous glands the X ray is more efficient than surgery, and in my own practice I have achieved the most brilliant results with the use of X rays after repeated surgical interventions failed to prevent recurrences. Dr. Gibson, of Colorado, has done more work in this line than anyone else in this country, and his results were exceedingly gratifying. One should remember, therefore, that an X-ray equipment is intended not only for diagnostic but also for treatment work. A good efficient apparatus must do fluoroscopic, radiographic, and treatment work well and economically. Cheap apparatus is entirely too expensive in the end. Private roentgenologists with limited means install only the very best materials, but hospitals and similar institutions not guided in their purchases by medical men trained in roentgenology usually buy the least expensive outfits and are notorious for never having a thoroughly efficient equipment. This largely explains so many therapeutic failures.

I sincerely trust that the committee will provide, if possible, sufficient funds for the purchase of an adequate equipment that will stand the test for years to come; \$2,000 will not do so.

On June 22, 1914, I was appointed roentgenologist at the Tuberculosis Hospital, to serve without compensation, from the District of Columbia. For two years I have tried to X-ray the patients designated by the superintendent, using the outfit we have. In order to do this work I have been compelled to carry personal equipment from my office to the hospital and back again. I did this as a matter of personal friendship to the superintendent and the scientific interest involved. The superintendent is fully aware to the needs of the Roentgen laboratory, but is helpless under present conditions. The outfit at the hospital is entirely inadequate and not at all fit for treatment work.

I note that the bill makes no provision for compensation of the roentgenologist. The latter does not expect ever to receive anything like what his services are worth, but with his usual modesty suggests that at least \$50 per month be set aside for his gasoline bills and wear and tear on his general nervous system, let alone the actual danger to which a roentgenologist is constantly exposed as the result of the injurious effects of X-rays on the operator. Should the committee hold that the granting of such an honorarium could be achieved only by the resignation of the present roentgenologist, such resignation will be placed in the hands of the commissioners by special messenger as soon as possible.

A vast amount of X-ray work needs to be done at the hospital. I feel confident that much good will accrue to patients that would otherwise succumb to the ravages of the disease. I am fully aware that the committee has very little time for the investigation of such a small item as this, but I should be glad at any time to meet the committee if this is desired.

Very truly, yours,

CHARLES A. PFENDER.

Mr. JONES. Mr. President, I ask the attention of the chairman of the committee for just a moment. On page 30, under the heading "Construction of suburban roads," there is a provision put in by the House, as follows—

Mr. SMITH of Maryland. What line, please?

Mr. JONES. Lines 1 and 2.

Northeast. Rhode Island Avenue, South Dakota Avenue to District line, grade and improve, \$17,000.

A party who claims to know the situation there told me that for about 400 feet of this road that it is intended to improve a certain party owns along the right of way that is to be improved 9 feet on each side of the proposed street; that he has sold the lots on each side of the street and holds those strips on each side, and that the rest of the right of way has been donated to the Government. I do not know whether or not that is true, but if it is true then we ought not to appropriate this money to be expended there until the right of way is acquired, either by donation or in some other way. I make the suggestion in order that the matter may be investigated.

Mr. SMITH of Maryland. I am unable to give the Senator from Washington the information that he desires, but I will state that the subject will be investigated in conference.

Mr. JONES. That is what I was going to suggest. I think it would be well to strike this item out and then the committee can investigate the matter in conference.

Mr. SMITH of Maryland. If it is stricken out, it can not be considered in conference.

Mr. JONES. It can not be considered if it is not stricken out, because it is a provision of the House text.

Mr. SMITH of Maryland. That is true. I had overlooked that fact.

Mr. JONES. So, Mr. President, I move to strike out lines 1 and 2 on page 30, for the reason that I have stated. I do not know whether or not the facts are as I have stated them.

Mr. GALLINGER. I will ask the Senator from Washington if he is acquainted with the width of that avenue, exclusive of those two strips?

Mr. JONES. No; I am not. The information came to me recently; but those two strips are a part of the road which is to be improved. This being a suburban road, I do not imagine it is very wide. I thought that the facts might be looked into by the committee of conference, though I repeat I do not know whether or not the information I have is correct.

Mr. GALLINGER. There is no objection to striking out the provision.

The PRESIDING OFFICER (Mr. WALSH in the chair). The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. At the top of page 30 it is proposed to strike out lines 1 and 2, as follows:

Northeast. Rhode Island Avenue, South Dakota Avenue to District line, grade and improve, \$17,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. STERLING. Mr. President, at the instance of the Senator from Idaho [Mr. BRADY] I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota on behalf of the Senator from Idaho will be stated.

The SECRETARY. After line 5, on page 112, it is proposed to insert:

That the Commissioners of the District of Columbia are hereby authorized and directed to acquire the land requisite for the preservation of the Klinge Ford Valley, in the District of Columbia, and the necessary approaches, including such land as may be needed for the extension of Jewett Street west of Connecticut Avenue in accordance with the plan attached to report on Klinge Ford Valley dated July 19, 1916.

That for the purpose of acquiring said lands the sum of \$164,849 is hereby appropriated, or so much thereof as may be necessary: *Provided*, That one-half of said sum, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia: *And provided further*, That if said commissioners shall be unable to purchase said land at a price not exceeding



the sum of \$164,349, or at such price less than said sum of \$164,349 as they may deem reasonable, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as set forth on pages 648 and 649 of volume 30 of the Statutes at Large of the United States, and for the purposes of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act: *And provided further*, That the public park and parkways authorized and established by this act shall become a part of the park system of the District of Columbia in accordance with the act of July 1, 1898.

That for the purpose of laying out, grading, and improving the extension of Jewett Street west of Connecticut Avenue in accordance with the plans hereinbefore referred to the sum of \$16,000, or so much thereof as may be necessary, is hereby appropriated out of the Treasury of the United States, one-half to be reimbursed to it out of the revenues of the District of Columbia: *Provided*, That the appropriation made by this section shall be available only in the event that the owner or owners of the land embraced within the lines of the said proposed extension of Jewett Street shall dedicate said land for the purpose of the extension of said street without cost to the United States or the District of Columbia.

Mr. SMITH of Maryland. Mr. President, the committee makes no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. GALLINGER. Mr. President, I ask to recur to page 25, line 19; and I move that the vote whereby the amendment there was agreed to be reconsidered, for the purpose of making a clerical correction.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. The question is on reconsidering the vote whereby the amendment was agreed to.

The motion was agreed to.

Mr. GALLINGER. Now, in line 19, before the word "third," I move to strike out the article "the" and insert the article "a."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 25, line 19, before the word "third" it is proposed to strike out the article "the" and to insert the article "a," so as to read:

For the erection of a third steel shelter at the Farmers' Produce Market, \$15,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, did I understand that the amendment offered by the Senator from South Dakota [Mr. STERLING] was adopted?

The PRESIDING OFFICER. It was.

Mr. SMOOT. I should like to have some explanation of that amendment, and I ask unanimous consent for the reconsideration of the vote by which the amendment offered by the Senator from South Dakota was agreed to.

Mr. STERLING. I object.

The PRESIDING OFFICER. Objection is made.

Mr. KENYON. Mr. President, does the Senator from Utah object to the amendment because of the amount of the appropriation?

Mr. SMOOT. No; but I want to know something about the amendment.

Mr. KENYON. I want a chance to vote on that amendment, and to vote against it.

Mr. SMOOT. I did not hear the Chair make any announcement concerning the amendment.

The PRESIDING OFFICER. Objection is made by the Senator from South Dakota [Mr. STERLING] to the reconsideration of the vote by which the amendment was agreed to.

Mr. STERLING. Mr. President, will the Senator from Utah allow me to make a suggestion?

Mr. SMOOT. Then I want to give notice now that I shall reserve the amendment and ask for a separate vote upon it when the bill gets into the Senate. That will accomplish my object.

Mr. NORRIS. Mr. President, I want to give notice that I shall ask for a separate vote on the amendment on page 46, line 9, and on the amendment on page 119, from line 16 to line 22, both inclusive.

Mr. MARTINE of New Jersey. Mr. President, I desire to give notice that I reserve the right to ask for a separate vote in the Senate on the amendment on page 28, from line 18 to line 20, both inclusive, providing for the repaving of Fourteenth Street between Pennsylvania Avenue and F Street.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. NEWLANDS. Mr. President, I have an amendment which I desire to offer and which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. On page 25, at the end of line 13, it is proposed to insert:

*And provided further*, That the Chief of Engineers of the Army is hereby directed to appoint a board of engineer officers, of which the local district engineer officer in charge of river work at Washington and the officer in charge of public buildings and ground shall be members, and of which the latter shall be executive and disbursing officer, to collaborate with the Commission of Fine Arts in preparing and reporting a plan for the artistic and utilitarian development of the commercial water front of Washington, on which the said market buildings are to be constructed; that the board be authorized to employ such engineers, experts, and other assistants as they deem necessary, and also to receive the advice and cooperation, without compensation, of such engineers and architects as may be selected by the American societies of engineers and architects; that \$5,000, or as much thereof as may be necessary, is appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of the board.

Mr. SMITH of Maryland. Mr. President, I raise the point of order on this amendment that it is general legislation, and that the appropriation therein proposed has not been estimated for.

Mr. NEWLANDS. Mr. President, I wish to say with reference to the point of order that the District appropriation bill provides \$60,000 for finishing the construction of market buildings on the site of the present municipal fish wharf and market on the commercial water front of Washington, lying between the Bureau of Printing and Engraving and the War College.

It is absolutely necessary, in order to properly locate the buildings to be constructed on that water front, that there should be a plan for the water front itself, which will include the piers and the wharves and the various machinery and devices in aid of transportation—transshipment from ship to car and from car to ship—and which shall embrace the proper conveniences for warehouses, storehouses, refrigerating houses, and so forth, that may be located upon that water front. It is just as essential to have a plan for the water front itself as it is to have a plan for the foundation of the building that is to be constructed; and there can be no proper adjustment of the building on that water front until the water front is planned.

I wish to say in this connection that this piece of water front is about the only piece that has not been placed under the jurisdiction of the Engineering Department. The Corps of Engineers of the Army have had jurisdiction over the entire Anacostia River upon both sides. That corps is now engaged in the most elaborate development of those water fronts, embracing park development and other improvements. They have also jurisdiction over the space from Georgetown down to the end of the island park and over that side of the island park which fronts the commercial water front to which I allude. It has only recently, however, been decided that that water front belongs to the Government instead of to private owners—a matter which was in doubt for many years. So that water front has not been planned as intelligently and scientifically as has the rest of the water front of Washington; in fact, it has not been planned at all, but it lies there a water front of neglected and rotting wharves and piers, and is a disgrace to the city.

Now, the District government and the United States are about to erect upon that water front two very important buildings—one the power plant and the other the fish market. Both of them are utilitarian buildings; and it is of the highest importance that the Engineer Corps of the Army should be authorized, with the aid of the Commission of Fine Arts, to plan a water front before these buildings are constructed.

The PRESIDING OFFICER. If the Senator from Nevada will pardon the Chair, the merits of the amendment are not before the Senate at this time. A point of order has been made against the amendment, and the Chair would be glad to hear the Senator from Nevada address himself to the point of order.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Certainly.

Mr. JONES. I merely wish to state to the Senator from Nevada and to the Chair that, in my judgment, as I heard the amendment read, it is not general legislation at all, but is simply a special provision directing certain persons to do one certain thing—to investigate and make a report. It is not general legislation in any sense of the term. Therefore, I think it is not subject to a point of order.

Mr. NEWLANDS. That is true, Mr. President, and I only went into the general merits of the proposition to show its importance and its connection with this particular building. If this building is going to be erected there must be proper foundations for it.

Mr. SMITH of Maryland. Mr. President, while I do not care to debate the point of order, the amendment certainly changes

existing law and makes an appropriation that has not been estimated for.

Mr. NEWLANDS. I claim that it does not change existing law in that it simply extends the operation of legislation contained in this bill with reference to a particular building so as to include the surroundings of that building, in order that it may be properly placed with reference to a scientific development of the water front.

The PRESIDING OFFICER. The Chair would be very glad to hear from the Senator from Nevada on the other point made by the Senator from Maryland, namely, that no estimate for this appropriation has been made.

Mr. NEWLANDS. I do not understand that any estimate is required for increasing an appropriation that is provided for in the bill, and the amendment is practically an increase of the appropriation of \$60,000 for a particular building.

Mr. SMITH of Maryland. Which has not been estimated for.

Mr. NEWLANDS. The building has been estimated for, and the amendment provides for necessary and essential work in connection with that building.

Mr. GALLINGER. Mr. President, will the Senator from Nevada permit me to interrupt him?

Mr. NEWLANDS. I yield.

Mr. GALLINGER. I do not see how the Senator can sustain that contention. We have appropriated for the rebuilding of the wharves at the fish market, and we have now appropriated for the building of a fish market. Those are two accomplished facts. While I would be very glad to have made the improvement contemplated by the amendment of the Senator from Nevada, and I think it is desirable that it should be made at some time, yet if there is any way to attach the Senator's amendment to the provisions of this bill in a legislative way, I fail to discover it. I think the point of order made by the chairman of the committee that the amendment proposes an appropriation not estimated for or reported from a standing committee is absolutely controlling.

Mr. KENYON. Mr. President, I should like to ask the Senator the amount of the appropriation carried by his amendment?

Mr. NEWLANDS. Five thousand dollars.

Mr. KENYON. Why does not the Senator raise it to a hundred thousand dollars, and then it would go through probably without objection.

The PRESIDING OFFICER. The Chair finds no way of escaping the conclusion suggested by the Senator from New Hampshire, and accordingly sustains the point of order raised by the Senator from Maryland.

Mr. NEWLANDS. That is, that it has not been estimated for. Then, Mr. President, I will offer the amendment without an appropriation and as a limitation upon the \$60,000 appropriated by this bill for the market building. I will shape the amendment in that way in order to meet the requirement.

Mr. SMITH of Maryland. Mr. President, I will raise the point of order on the amendment that it is general legislation.

Mr. NEWLANDS. I have not offered the modified amendment as yet.

Mr. SMITH of Maryland. I beg the Senator's pardon. I understood the Senator to offer it eliminating the appropriation.

Mr. NEWLANDS. I am preparing it now. I offer now the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 25, at the end of line 13, it is proposed to insert the amendment modified to read as follows:

And provided further, That the Chief of Engineers of the Army is hereby directed to appoint a board of engineer officers, of which the local district engineer officer in charge of river work at Washington and the officer in charge of public buildings and grounds shall be members, and of which the latter shall be executive and disbursing officer, to collaborate with the Commission of Fine Arts in preparing and reporting a plan for the artistic and utilitarian development of the commercial water front of Washington, on which the said market buildings are to be constructed; that the board be authorized to employ such engineers, experts, and other assistants as they deem necessary; that so much of the \$60,000 above provided for the construction of such market building as is necessary, not exceeding \$5,000, is appropriated to defray the expenses of the board.

Mr. SMITH of Maryland. I raise the point of order that the amendment proposes general legislation. It is more glaringly obnoxious to the rule now than before, if possible, for it proposes to devote to a different use money that has already been appropriated for a particular purpose.

The PRESIDING OFFICER. The Chair is of the opinion that the preparation of a plan for the improvement of ground upon which a building is to be erected is so intimately associated with the erection of the building itself that the amendment is a proper one. The Chair accordingly overrules the point of order.

Mr. GALLINGER. Mr. President, before the Chair decides that let me call his attention to the fact that this provision, commencing on line 1, page 25, is:

For completing the construction of market buildings on the site of the present municipal fish wharf.

And so forth. In other words, Mr. President, we have made appropriations for those buildings, and now to complete them we make an appropriation of \$60,000. Can it be that a portion of that appropriation can be diverted to some other purpose when we are simply carrying out the law that is now on the statute books requiring the appropriation of a certain amount of money, to wit, \$60,000, to complete the work? It strikes me as being extraordinary that we can do that under our rules.

The PRESIDING OFFICER. If the Chair were able to take the view of the question as stated by the Senator from New Hampshire, he would be obliged to concur with him. The Chair does not take the view, however, that the amendment seeks to divert a portion of the appropriation to an entirely separate and distinct purpose. The Chair has in mind the fact that the appropriation in the bill is for the completion of the building, but the Chair can very readily understand that an appropriation can be made for the construction of a building and a further appropriation made for the completion of the building, including the beautification and general improvement of the grounds on which the building is situated; indeed the Chair has in mind the construction of a house by himself. After the house was constructed the improvement and beautification of the grounds about it were items of no little expense.

Mr. GALLINGER. But the answer to the position the Chair takes is that we have already made an appropriation for the construction of the wharves; plans were made, and, I think, the work has commenced; so that the beautification of the water front has nothing to do with the particular part of the water front on which the market building is to be erected. An appropriation has been made for the wharves, and we have made an appropriation for the buildings. The item of \$60,000 is what remains of that appropriation, and it is provided that it shall complete the construction of the buildings.

The PRESIDING OFFICER. But the Chair calls the attention of the Senator from New Hampshire to the fact that this is a plan for the beautification of a large tract of land, including the tract upon which these buildings are in process of erection.

Mr. GALLINGER. But we have made appropriations to do the work where the buildings are located. The plan proposed by the amendment will have nothing to do with that.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nevada.

Mr. JONES. Mr. President, as I heard the amendment read it did not state to whom the commission shall report—whether to Congress or to the President. I desire to suggest an amendment after the word "report," so that it will read "report to Congress."

Mr. NEWLANDS. The resolution reads:

To collaborate with the Commission of Fine Arts in preparing and reporting a plan for the artistic and utilitarian development of the commercial water front of Washington.

Mr. JONES. To whom will they report?

Mr. NEWLANDS. I should presume to Congress, and I will put in those words.

Mr. JONES. I suggest that the Senator modify the amendment in that way.

Mr. NEWLANDS. I ask to perfect the amendment by inserting the words "to Congress" in line 8, after the word "reporting."

The PRESIDING OFFICER. The amendment will be so modified. The question now is on the amendment offered by the Senator from Nevada.

Mr. NORRIS. Mr. President, I have not been able to get a definite understanding of the amendment as the Senator has modified it. I was very much impressed with the amendment before modified, but I think the amendment has not been fully stated since. I should like to have it read again or to have the Senator from Nevada explain just what is sought to be accomplished by the amendment.

Mr. NEWLANDS. I will explain it.

Mr. SMITH of Maryland. Mr. President, if the Senator will excuse me a moment, this bill, I think, can be passed in a very few minutes. It is now nearly 6.30 o'clock, at which time, under the order heretofore made, the Senate must adjourn or take a recess. I ask unanimous consent, therefore, that we extend the time this evening in order that this bill may be passed.

Mr. GRONNA. I object.



Mr. NEWLANDS. My amendment comes in immediately after the appropriation of \$60,000 for the completion of the market building on the municipal fish wharf.

Mr. NORRIS. On what page?

Mr. NEWLANDS. The amendment comes on page 25, after line 13, and reads:

And provided further, That the Chief of Engineers of the Army is hereby directed to appoint a board of engineer officers, of which the local district engineer officer in charge of river work at Washington and the officer in charge of public buildings and grounds shall be members—

Mr. KERN. Mr. President, will the Senator permit me to make a necessary motion?

Mr. NEWLANDS. Certainly.

Mr. KERN. It is now 6.30 o'clock, and under the unanimous-consent agreement heretofore made we must either take a recess or adjourn.

Mr. NEWLANDS. I yield to the Senator.

RECESS.

Mr. KERN. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, August 2, 1916, at 10 o'clock a. m.

## SENATE.

WEDNESDAY, August 2, 1916.

(Legislative day of Tuesday, August 1, 1916).

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Overman	Smith, S. C.
Bryan	Jones	Page	Smoot
Chamberlain	Kenyon	Penrose	Sterling
Clapp	Kern	Pittman	Stone
Clark, Wyo.	La Follette	Ransdell	Swanson
Culberson	Lane	Reed	Taggart
Curtis	McLean	Robinson	Thompson
Dillingham	Martin, Va.	Shafroth	Underwood
Gallinger	Martine, N. J.	Sheppard	Vardaman
Gronna	Myers	Sherman	Wadsworth
Hardwick	Nelson	Simmons	Walsh
Husting	Newlands	Smith, Ga.	Williams
Johnson, Me.	Norris	Smith, Md.	

Mr. CURTIS. I was requested to announce that the junior Senator from Ohio [Mr. HARDING] is absent to-day on important business. He is paired with the Senator from Alabama [Mr. UNDERWOOD]. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

I wish also to announce the absence on account of illness of the Senator from Louisiana [Mr. BROUSSARD].

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Kentucky [Mr. BECKHAM].

Mr. SMOOT. I wish to announce the absence of my colleague [Mr. SUTHERLAND]. He is paired with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Maryland rose.

Mr. MARTINE of New Jersey. Mr. President, if the Senator from Maryland will allow me, I desire to present a little matter that has come under my observation, and is, I think, particularly fitting at this time, in view of the fact that the presidential nominee of the Republican Party has just been notified of his nomination. I clipped this from yesterday's Washington Star. First I will read the telegram from the Senator from Utah [Mr. SUTHERLAND]. The Senator from Utah forwards this telegram from Salt Lake City—

Mr. SMOOT. Mr. President, what is the regular order?

Mr. MARTINE of New Jersey. I asked unanimous consent. This will take but a second. I only want to read this into the RECORD. I feel that it is fitting and proper at this time. I will take no time. The telegram from Senator SUTHERLAND to Mr. Hughes says:

You will no doubt recall our conversation a few days ago, when I urged you to make public your views with regard to the equal-suffrage Federal amendment. I feel quite sure there is nothing in the Republican platform which in any manner would conflict with such a declaration. That platform commits the party to the principle of woman suffrage and recognizes the right of each State to determine the question for itself.

It is silent upon the subject of constitutional amendment, and therefore leaves everybody of the party free to determine for himself this question. The submission of the amendment is desired by many millions of voters, and I think the day is coming when Congress should recognize this widespread desire by adopting the "resolution of submission," and thus enabling the States to pass upon the question, which, without the preliminary action of Congress, they will be prevented from doing.

That constitutes the telegram of Senator SUTHERLAND to Mr. Hughes. Mr. Hughes responds and states his position:

Your telegram has been received. In my answer to the notification I did not refer to the proposed Federal amendment relating to woman suffrage, as this was not mentioned in the platform. I have no objection, however, to stating my personal views. As I said in my speech, I think it to be most desirable that the question of woman suffrage should be settled promptly. The question is of such a nature that it should be settled for the entire country.

My view is that the proposed amendment should be submitted and ratified and the subject removed from political discussion.

This will be delightful information to the thousands who voted in the nonsuffrage States. Mr. Hughes proposes to adopt a constitutional amendment whereby this may be settled. The people in the State of New Jersey voted by a majority of about 60,000 in opposition to it. The State of Pennsylvania voted very largely as well in opposition to this project, and the State of New York, as well as very many other States. I suppose, inasmuch as the Republican presidential candidate takes this view of this proposition, we may next reasonably anticipate, in harmony with the same thought, a prohibition amendment in like terms and in like phrase. I ask that this may be published in the RECORD.

Mr. GALLINGER. Mr. President, since the Senator from New Jersey has defeated Mr. Hughes, I think we ought to go on with the regular business.

Mr. MARTINE of New Jersey. I do not know whether I have defeated him or not, but the voice of the people will.

Mr. GALLINGER. Possibly so.

Mr. SMOOT. Mr. President, I think it is getting to be a perfect farce in dragging politics into the Senate during the morning hour with the view of getting one's ideas in the RECORD. Of course, I can not agree with the Senator from New Jersey on the suffrage question. If I were going to say anything upon the question, I would commend the wisdom and the forethought of Mr. Hughes for the position he has taken. I desist from offering any newspaper editorials for the RECORD. I think the practice should stop, and it ought to have ceased long ago. Do I understand the Senator to ask that additional matter be printed in the RECORD?

Mr. MARTINE of New Jersey. No; I do not care. My remarks will be printed in the RECORD.

Mr. SMOOT. That is right. As far as anything that was not read is concerned, I object, as I gave notice I would object to all newspaper articles going into the RECORD in the future.

Mr. JONES. Mr. President, I wish to suggest to the Senator from New Jersey that possibly in the same afternoon's paper, if not in another, it was stated that the President of the United States would follow in the same lines very soon.

Mr. SMITH of Maryland. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nevada [Mr. NEWLANDS]. It will be read.

The SECRETARY. On page 25, at the end of line 18, insert:

And provided further, That the Chief of Engineers of the Army is hereby directed to appoint a board of engineer officers, of which the local district engineer officer in charge of river work at Washington and the officer in charge of public buildings and grounds shall be members, and of which the latter shall be executive and disbursing officer, to collaborate with the Commission of Fine Arts in preparing and reporting to Congress a plan for the artistic and utilitarian development of the commercial water front of Washington, on which the said market buildings are to be constructed; that the board be authorized to employ such engineers, experts, and other assistants as they deem necessary; that so much of the \$60,000 above provided for the construction of such market buildings as is necessary, not exceeding \$5,000, is appropriated to defray the expenses of the board.

Mr. NEWLANDS. Mr. President, I desire to say a few words regarding this amendment as changed. It provides that out of this appropriation of \$60,000, the last installment, I believe, for the construction of the fish market, a sum not exceeding \$5,000

shall be devoted to the formation of plans for the water front upon which the fish market is located. I wish simply to repeat what I have said heretofore, because I imagine there are some in the Senate who were not here when I explained this amendment.

There stands upon the wall a plan of parkway development, consisting of what is known as the Island Park, extending from the Southern Railway line down to a point opposite the War College. On the other side of this park, between the Bureau of Engraving and Printing and the War College, a little over a mile, there is a water-front stretch which has been absolutely neglected and with reference to which no definite plans have been made, the title of the water front having been in doubt and having been only recently declared in favor of the United States Government.

The Engineer Corps of the Army, with the aid of the Commission of Arts, acting under authority hitherto granted by Congress, has made practically the plans for the entire water front of Washington except for this short space. The result is that we have a very attractive plan for the development of the water front on both sides of the Anacostia River and for the development on both sides of the Potomac River of the entire island park, and the water front itself, so far as the War College is concerned, is the only part which has been neglected thus far.

The Government is authorizing very expensive buildings to be put up on this water front. It has already authorized the power plant, which will cost several hundred thousand dollars, and the fish market, which will cost probably a couple hundred thousand dollars, and doubtless other buildings for a useful purpose will be put upon that water front. The question is as to whether it shall be made of an attractive design, and whether the entire water front shall be planned in harmony with the general purpose, or whether there shall be an accidental and sporadic development upon that water front which will be hereafter regretted.

This particular water front is practically the framing of the entire Mall and island park plan of parks, and it is of the highest importance that it should not only be constructed in such a way as to advance every utilitarian purpose, but that it shall be pleasing to the eye.

I have caused photographs of the various water fronts of Europe to be placed upon the wall, all of which show the highest development that water-front planning has reached in other countries. America, energetic and enterprising in so many directions, has thus far neglected this form of development, and we have nowhere in the United States, with perhaps one or two exceptions, water-front development upon the lines of art as well as utility. The fact is that water fronts have hardly been designed with reference to utility, but their development has been permitted in an accidental way.

I am aware that many looking at that water front to-day with its rotten and neglected wharves and unattractive appearance might feel that the place is hopeless, but a similar comment I imagine could have been made years ago regarding the banks of the Seine in Paris and regarding the banks of the Thames in London, where the most beautiful and artistic and utilitarian developments have been made, and the banks of the Rhine, and the Danube, and the Volga. I have no doubt that in the process of evolution in the first instance those water fronts were permitted to lie in neglect in a condition unplanned either by the engineer or by the artist. But it seems to me it is time for America to take a position with reference to this matter, and as Washington is to be the model city of the United States to which those planning the civic development of cities and towns will look for guidance, it seems to me of the highest importance that we should take hold of this matter now. For that reason I have urged this amendment upon this bill, simply because time is flying, the opportunity may be lost, and these two buildings may go up in the near future without reference to a plan which will be hereafter designed.

I wish to say in this connection that the greatest interest is now being manifested in city planning throughout the United States. In San Francisco, where they neglected the water front for many years—neglected it both from the engineering and the artistic standpoint—they have had a stimulus to action by reason of the magnificent plan that has been developed by the artists and engineers at the recent exposition, where they turned an ugly water front, that was an eyesore to all who saw it, into one of the most beautiful creations that the world has witnessed. That has so impressed the people of that city that they are now moving to take hold of the old water front, at great cost and expense, with a view to remodeling it.

There are 67 cities in the United States which have engaged the services of so-called city-planning engineers. That is be-

coming now a distinct profession in the United States. I recently witnessed at the city of Philadelphia an exposition at a convention there of the city-planning organization of the United States—a most wonderful exposition—taking up almost half the space in the large city hall with plans that were being designed for the various cities of the United States. Included in those plans the water fronts were being looked after with assiduous attention.

I trust this amendment may be adopted.

Mr. SMITH of Maryland. Mr. President, I hope this amendment will not be accepted. The Senator from Nevada speaks of the sporadic and accidental happenings in regard to the erection of these two plans which have been arranged for by the Government. There is already a sufficient commission and there are already sufficient officials who have looked after these matters. The fact is that the buildings have already been arranged for and the plans have already been made.

There is an appropriation of \$80,000 for this fish market. The amendment of the Senator from Nevada proposes to take away \$5,000 of that appropriation, and to appropriate it in order that the authorities who now have the matter in charge may collaborate with the Fine Arts Commission. We think that there are a sufficient number looking after this matter now—men who are entirely competent and efficient to do what is needed in regard to it without the collaboration of the Fine Arts Commission.

Besides that, as I have stated, the buildings have already been planned; the amount of money for their construction has been appropriated; and the Senator from Nevada now proposes to upset the whole matter by bringing in a proposition for collaboration with the Fine Arts Commission. There is no necessity for it. There is nothing that will be done under the present plan that will not be done with a view to beautifying the city and looking after the interests generally of the two buildings.

We think the amendment is entirely out of order. In fact, I believe that the point of order should have been sustained against it. As I have said, the amendment proposes to take money that was appropriated for another purpose and devote it to the purpose to which the Senator from Nevada is now asking the Senate to devote it. I hope the amendment will not be accepted.

Mr. NEWLANDS. Mr. President, I merely wish to say a word in reply to the Senator from Maryland. I know that the Superintendent of Public Buildings and Grounds, who has charge of our entire water-front development, regards it as of the highest importance that this expert plan should be made now. I also know that the Fine Arts Commission thinks that it is exceedingly desirable. I wish, further, to state that the Committee on the Library, which has jurisdiction over questions of art, has recently reported a bill providing a design for this particular water front, but we all know that in the present situation of the public business it is utterly impossible to bring such a bill up for action with any hope of success. So we have the authority not only of the Superintendent of Public Buildings and the authority of the Fine Arts Commission as to the necessity of this work, but we also have the authority of the committee of the Senate having jurisdiction over the subject, which has favorably reported a bill on the matter.

Mr. WORKS. Mr. President, I am quite in sympathy with the object which the Senator from Nevada [Mr. NEWLANDS] has in view. If the services of such a commission as he calls for in his amendment are necessary to accomplish that object, I am very strongly in favor of his amendment, but the Senator in charge of the bill [Mr. SMITH of Maryland] says that this matter has already been provided for. Should that be true, of course it is unnecessary and unwise to be spending the public money to do the same thing by two different commissions.

Mr. NEWLANDS. All I imagine that the Senator from Maryland would claim is that the plans for these two particular buildings have been made, but not the plans for the water front itself upon which the buildings are to rest.

Mr. WORKS. If that be so, I think the provision already made is entirely inadequate and insufficient. The water front of the city of Washington is not pleasing to look at at the present time; that is certain. It seems to me that it is one of the things that ought to have the care and attention of Congress; and in order to bring about such a condition as ought to prevail on the water front, it will have to be done systematically and under some proper guidance and control. If the commission already appointed or the officials who have charge of it are not authorized to do that without the direction suggested by the Senator from Nevada, then I think his amendment ought to be adopted.



The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS]. [Putting the question.] The Chair can not settle a vote of that kind.

Mr. NEWLANDS. Mr. President, I ask for the yeas and nays on the amendment.

Mr. GALLINGER. Mr. President, I had not intended to say an additional word on this subject, but I feel impelled, in view of the persistency of the Senator from Nevada, to do so.

We have a condition, Mr. President, on the water front of Washington that needs correction. The so-called fish building is a wretched, ramshackle institution. Anyone who goes there to purchase fish or other products that come by water wonders whether or not he ought to make the purchase in view of the insanitary surroundings. The committee feeling that that condition ought to be remedied, an appropriation was secured to rebuild the wharf, and that work is now going on. An additional appropriation was made to construct a modern fish market, such as is found in Boston and in other cities of the country. Sixty thousand dollars of that appropriation are yet to be used. This bill provides for an appropriation of \$60,000, which will complete the work.

The river bank, so far as this particular building is concerned, will be improved after modern fashion, the wharves will be modern wharves, and the building will be a beautiful structure.

Now, the Senator from Nevada proposes to take \$5,000 out of that appropriation, the full amount of which is requisite to complete the fish market, and to divert it to another purpose, which will, in the very nature of things, halt the work of completing the fish market; in other words, an additional appropriation will have to be made at some time for that purpose.

It does seem to me that the Senator ought not to press his amendment. I am in sympathy with his view of beautifying the river front; but the construction of the fish market and the construction of modern wharves will not affect the object he has in view; and because of that fact, Mr. President, I do hope that the amendment will not be agreed to, but that the Senator from Nevada will find a way to present the subject so as to get a direct appropriation rather than to take it from this fund, which is needed and which has been appropriated for a specific purpose.

Mr. WORKS. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. WORKS. I am not well enough informed to know whether the provision mentioned by the chairman of the committee is sufficient to meet the conditions that are intended to be covered by this amendment. Will the Senator from New Hampshire be good enough to explain that situation? I infer from what the Senator has said that the appropriation of \$60,000 does not provide generally for a plan for the improvement of the water front, but is confined to certain buildings.

Mr. GALLINGER. It is.

Mr. WORKS. That being so, it seems to me that it is not meeting the object the Senator from Nevada has in view.

Mr. GALLINGER. The bill reads:

For completing the construction of market buildings on the site of the present municipal fish wharf and market, including refrigerating and cold-storage plant, which shall be equipped for the accommodation of such retail business as may obtain at that point and shall serve as the wholesale receiving and distributing point for marine and other products to be retailed elsewhere in the District, within the authorized limit of cost, \$60,000.

They have already expended a very considerable amount on the wharves and for plans and specifications for the building.

Mr. WORKS. I am not at all objecting to that appropriation, but I was trying to find out whether provision has been made that shall meet the necessities sought to be met by the Senator from Nevada.

Mr. GALLINGER. It meets them so far as this stretch is concerned, because we are building a modern wharf and putting modern buildings on that wharf. I do not see how the Art Commission or any other commission is going to improve upon the present project, but if we adopt the amendment of the Senator from Nevada it will halt this work, and I do not think it is desirable to halt the work of supplying the city with a modern fish market. If anyone will go down and look at existing conditions, I think he will come to the conclusion that it is rather poor policy to obstruct the work now in progress.

Mr. WORKS. That is quite possible. I did not understand the amendment that was offered by the Senator from Nevada as taking anything away from that appropriation, as the Senator says.

Mr. GALLINGER. Oh, yes.

Mr. WORKS. I have the amendment now before me. It simply provides for an appropriation of \$10,000.

Mr. GALLINGER. No; a point of order was made against that, and the point of order was upheld, and now the Senator

from Nevada proposes to take \$5,000 from the \$60,000 appropriation for the fish market.

Mr. WORKS. Mr. President, I was not present when that took place and was misled in that way.

Mr. NEWLANDS. Mr. President, I know that the Senator from New Hampshire is in hearty sympathy with the proper development of the water front, as he is in sympathy with every well-directed effort to improve the city of Washington; but I think he underrates the present necessity of immediate action upon this subject.

The Senator's objection is that it takes away \$5,000 from an appropriation of \$60,000 intended to finish this fish market. While it is true the amendment appropriates a sum not exceeding \$5,000, if the entire appropriation is necessary in order to put up this building, doubtless there will have to be a deficiency appropriation made hereafter. However, the cost of construction of such buildings is seldom very accurately measured, and it is quite possible that the total expenditure on this building, for which I believe in all something like \$200,000 has been provided, may fall four or five thousand dollars under the total appropriation. In all events, our remedy will be a deficiency appropriation hereafter; but if we wait and delay this water-front improvement we will find that the planning of the fish market, the planning of the wharves, the foundation of that market, and the surroundings of that market may be absolutely out of harmony with the designs which will be hereafter made by an expert body. It seems to me it is only wise forethought for us to have the planning of the water front proceed contemporaneously with the designing and erecting of the contemplated buildings. Let me say that, as I understand, nothing has yet been done on the building itself. Congress has from time to time appropriated various sums for this fish market, but as yet the moneys lie idle for the most part unexpended in the Treasury.

Mr. SMITH of Maryland. Mr. President, the plans are all made, I will say to the Senator.

Mr. NEWLANDS. That is true; the plans have been made for the fish market.

Mr. SMITH of Maryland. And the amount of money necessary to carry it on has been appropriated; and now the Senator wants to divert a part of that money and apply it to a different purpose, so that the Fine Arts Commission may collaborate with a board of engineer officers and architects in planning for the improvement and the development of the entire water front, whereas the appropriation provides merely for a particular improvement. I can see no necessity for it. If it is a necessity, a bill should be brought in to cover it without interfering with the money that has already been appropriated for another purpose.

Mr. GALLINGER. Mr. President, if the Senator from Nevada will permit me, I will ask him a question, and then will not participate any further in this discussion. Does the Senator from Nevada imagine that the Commission of Fine Arts can improve on the building of a wharf such as is contemplated and such as is appropriated for? Are they going to add some artistic embellishments to an ordinary wharf on the river front?

Mr. NEWLANDS. I do not know what the Fine Arts Commission contemplate. I presume that they will make that a very careful study.

Mr. GALLINGER. Does the Senator contemplate having the Fine Arts Commission interfere with the construction of this building, and say that it is not planned along artistic lines, when the plans are already made?

Mr. NEWLANDS. Mr. President, already under the law the municipal architect who has designed this building, as I understand, has consulted the Commission of Fine Arts with reference to the building itself.

Mr. GALLINGER. Yes.

Mr. NEWLANDS. And he is now modifying the design of the building itself with reference to their views; so that they are working in harmony.

Mr. GALLINGER. Then, why does the Senator want to interfere with the matter further?

Mr. NEWLANDS. Because thus far no authority has been given to plan the water front. There has been authority simply to plan the buildings. I say the improvement is not being carried on in a logical manner.

Mr. GALLINGER. I will repeat my question to the Senator. Does he think that the Commission of Fine Arts can build a wharf better than the officials who have that wharf in charge? What are they going to do about building a wharf?

Mr. NEWLANDS. Mr. President, the Senator, if he will permit me, misapprehends the purpose of this amendment. The central figure of this amendment is the Board of Engineers, of whom the Superintendent of Public Buildings and Grounds, an engineer officer, is one.

Mr. GALLINGER. He is a member of the Art Commission.

Mr. NEWLANDS. He is secretary of the Art Commission; and Col. Flagler, who is in charge of the entire water front, is one, and the third is to be selected by the Chief of Engineers, and will probably be the Engineer Commissioner of the District.

Now, those men are simply, as they are called upon by existing law, to consult the Commission of Fine Arts regarding the artistic features of the wharf, so that the planning is to be done by engineers.

Mr. SMITH of Maryland. The Senator says they have already consulted in regard to the building. They can consult in regard to this matter, if they need the advice of those people.

Mr. NEWLANDS. But does not the Senator understand that the planning of the water front is as essential as the planning of the building itself?

Mr. GALLINGER. Why, Mr. President, no man—neither it be Col. Flagler, or Col. Harts, or anybody else—has come to the committee and said that we ought to change this appropriation, or that we ought to change the plans for this wharf and this fish market. They have not come to the committee and made complaint. We have heard no complaint whatever, and these appropriations are made. Now, if the Senator wants to halt the work—

Mr. NEWLANDS. I will state that they have appeared before the Committee on the Library.

Mr. GALLINGER. I think not. I am a member of that committee.

Mr. NEWLANDS. Certainly the Superintendent of Public Buildings and Grounds appeared before that committee.

Mr. GALLINGER. Not on this subject at all.

Mr. NEWLANDS. Ah, but incidentally, in connection with another subject; and as the result of the information received by the Committee on the Library, it has authorized an appropriation of \$10,000 for this very purpose.

Mr. GALLINGER. Yes; but that appropriation has not yet been made.

Mr. NEWLANDS. Now, that bill can not possibly pass to-day or at this session.

Mr. GALLINGER. Why should we trouble ourselves about it? This is not going to interfere with that. This completes the water front, so far as it goes, just as well as the Commission of Fine Arts can complete it.

Mr. NEWLANDS. Yes; and the water front, as completed, may be entirely out of harmony with the beautiful design that I hope will be created.

Mr. JONES. Mr. President, can not the Senator accomplish his purpose without using any of this \$60,000 at all? The officials that he names in his amendment are all permanent employees of the Government. They are getting their salaries. Why can not the Senator simply direct them to prepare these plans in cooperation with the Fine Arts Commission and provide that the private engineers and architects with whom they consult shall be consulted without compensation? So why could not the Senator accomplish his purpose by simply directing these officers, in the language of his amendment, to prepare these water-front plans and report to the Congress? It seems to me they could go right on and do it, and he would accomplish his purpose without diverting any of the money, and that seems to be the purpose of the amendment.

Mr. NEWLANDS. I will state that the purpose of asking this appropriation of \$5,000 was to enable this engineering commission to obtain expert advice from engineers who make a specialty of these water-front constructions.

Mr. JONES. Does not the Senator think they could get much, if not all, the advice of that character needed, even without compensation, from those who would expect hereafter, with the improvement of the water fronts, to—

Mr. NEWLANDS. I must say that there is a likelihood of that. The engineers of the country, representatives of the various engineering societies, appeared before the Committee on the Library at the time the power-plant matter was up, and expressed the highest interest in the development of the water front here, and indicated that they would be willing to appoint members from their organization who would take hold of this matter in connection with the Government authorities and give them the advantage of their experience and advice. I had such a provision in my amendment here, and upon the objection of some one—I have forgotten whom; some one of the committee, I think—that it was inadvisable to bring in volunteers; I struck out that provision. Now, I am quite willing to yield to the suggestion of the Senator from Washington that this special appropriation of \$5,000 be left out—

Mr. JONES. Yes; I should hate to see that diverted.

Mr. NEWLANDS. And authority given to this commission; and then we will rely upon the patriotism of these great engineers, who are experienced in these matters, to give their advice.

Mr. JONES. I think you could very safely rely on that. I should like to see a plan submitted to Congress for the improvement of the water front, but I should hate to see the amount we have appropriated for this building diverted.

Mr. NEWLANDS. Very well, then, Mr. President. I will strike out of this amendment all following the word "necessary," on line 1, page 2, striking out the words:

That so much of the \$60,000 above provided for the construction of such market buildings as is necessary, not exceeding \$5,000, is appropriated to defray the expenses of the board.

Mr. GALLINGER. So that it will read, how?

Mr. NEWLANDS. So that it will read:

*Provided further*, That the Chief of Engineers of the Army is hereby directed to appoint a board of engineer officers, of which the local district engineer officer in charge of river work at Washington and the officer in charge of public buildings and grounds shall be members, and of which the latter shall be executive and disbursing officer, to collaborate with the Commission of Fine Arts in preparing and reporting to Congress a plan for the artistic and utilitarian development of the commercial water front of Washington, on which the said market buildings are to be constructed; that the board be authorized to employ such engineers, experts, and other assistants as they deem necessary.

I ask for a vote on my amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada as modified.

Mr. SMITH of Maryland. We will accept the amendment.

The amendment was agreed to.

Mr. STERLING. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

Section 6 of the act of July 1, 1902, "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," is hereby amended by adding, after paragraph 2 of said section:

"That the moneys and credits, including moneys loaned and invested, bonds and shares of stock (except the stock of banks and other corporations within the District of Columbia the taxation of which banks and corporations is herein provided for) of any person, firm, association, or corporation resident or engaged in business within said District shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property, and assessed at their fair cash value, and as taxes on said moneys and credits there shall be paid to the tax collector of said District four-tenths of 1 per cent of the value thereof."

Mr. STERLING. Mr. President, I do not desire to discuss this amendment at any length at all. It does seem to me, however, that there is no good reason why moneys and credits within the District of Columbia should not bear some part of the tax burden. There is undoubtedly within the District a large amount of property of that kind, and I think that that property should bear some part of the burden. I have proposed in this amendment what I deem a very reasonable rate for the taxation of such property—4 mills, or four-tenths of 1 per cent per annum, on the value of that property.

I find on some examination of the taxing systems of other States, such, for example, as Pennsylvania, Maryland, Minnesota, Ohio, and other States where a low rate of taxation is provided for this species of property, that the returns are much greater than where they have attempted to treat such property for taxation purposes under a general property taxation scheme, and where such has been the practice—namely, a low rate—larger revenues have been derived therefrom.

I want to call attention particularly to the law which this proposes to amend. Perhaps it might be urged that this amendment is subject to a point of order. I would not say that it is not subject to a point of order; but a whole revenue law for the District of Columbia was attached to an appropriation bill as it passed in July, 1902, in which a rate was fixed for nearly all classes of property. I call particular attention to the section which this will amend. It is section 6 of the law of 1902. That section relates to the taxation of personal property. It provides the means by which tangible personal property shall be listed and a return thereof made. It is a long section, covering a couple of pages, but paragraph 2 of the section, relating particularly to tangible personal property, is as follows:

On all tangible personal property, assessed at a fair cash value (over and above the exemptions provided in this section), including vessels, ships, boats, tools, implements, horses and other animals, carriages, wagons, and other vehicles, there shall be paid to the collector of taxes of the District of Columbia  $1\frac{1}{2}$  per cent per annum on the assessed value thereof.

The amendment I propose will follow immediately after that language, and provides for a low rate of tax upon that certain species of intangible property, generally known as moneys and credits.

Mr. GALLINGER. Mr. President, will the Senator state for my benefit, exactly what classes of property this would include?

Mr. STERLING. This includes moneys, which term itself, as I understand it, would include moneys in hand or moneys on deposit. It will include credits of all kinds, as evidenced by



book accounts, as evidenced by notes, and it will include also stocks other than the stocks of banks or corporations for which a tax is already provided under the District tax laws.

Mr. GALLINGER. Will it include bonds?

Mr. STERLING. It will include bonds. It in terms includes bonds.

It has been suggested by the Senator from North Dakota [Mr. GRONNA], that this amendment is hardly subject to a point of order. What I said awhile ago was said at some hazard in that regard. It may not be subject to a point of order; but if that point is made, I simply want to emphasize the fact that in 1902 a whole tax law was attached to the appropriation bill. This will not, of course, be in force or effect for the current year, but will be for the ensuing year.

Mr. GALLINGER. Mr. President, I have a distinct recollection of that matter. That amendment was offered by the late Senator from Michigan, Mr. McMillan, and no point of order was made against it. It was well understood that a point of order would have been sustained had it been made, but it was not. I recall that distinctly.

Mr. SMITH of Maryland. Mr. President, without discussing the merits or demerits of this amendment as offered by the Senator, I do not think an appropriation bill is a place for such legislation. Therefore, I make the point of order that this is general legislation.

The VICE PRESIDENT. The Chair suspects he will be able to be understood on this bill. The bill makes appropriations for the expenditures in the District of Columbia. It has had presented in it different ways in which these appropriations are to be paid. There is a House proviso that the revenues raised from taxation of property in the District shall be first applied, and then the Government shall pay the balance. The committee amendment provides that it is to be paid half and half—from the taxation of property in the District of Columbia and half out of the Treasury of the United States. The amendment proposed by the Senator from California [Mr. WORKS] provided that all of the property of the District should be turned over to the Government, and the Government should assume the debts of the District, tax the property of the District, and pay all the expenses.

Beyond all question of doubt, to the mind of the Chair—whether he can ever express it so that it can be understood or not, the Chair does not know—taxation is the real question involved. It does not seem to me to make very much difference how it is paid out, after it is once levied, so far as being germane to this bill is concerned. This amendment, I assume, proposes to increase the revenues that may be raised by taxation. Am I correct in that?

Mr. STERLING. That will be the effect of my proposed amendment.

The VICE PRESIDENT. The Chair does not believe that the point of order is well taken, then, and overrules it.

Mr. SMOOT. Mr. President, I should like to ask the Senator if he has modified his amendment so as to limit it to the residents of the District?

Mr. STERLING. I did so modify the amendment, I will say to the Senator from Utah, and confined it to persons and firms and corporations resident in or engaged in business within the District.

Mr. SMOOT. That is what I suggested to the Senator, and the reason why I asked the question was that I was not in the Chamber when this amendment was read.

Mr. STERLING. Yes; that suggestion was made by the Senator from Utah, and I changed the amendment accordingly.

Mr. GALLINGER obtained the floor.

The VICE PRESIDENT. Will the Senator from New Hampshire pardon the Chair for a moment?

Mr. GALLINGER. Certainly.

The VICE PRESIDENT. These questions have grown so unusual that in this instance the Chair would like to have an appeal taken, and only ruled because it brings the matter as quickly before the Senate as in any other way.

Mr. GALLINGER. I did not rise to take an appeal.

Mr. HARDWICK. Mr. President, I think I will take an appeal for this reason: I think this is too much of an extension of the principle that the Chair has in mind. I quite understand the logic of the Chair's view; but I do not believe that because the House of Representatives has undertaken to deal in a general way with the question of taxation, and how much the District in the aggregate shall contribute, therefore the field is opened up as to what particular taxes each individual taxpayer in the District shall pay. I think it is an utterly disconnected and utterly illogical sequence. The two ideas are not connected, and they do not necessarily follow one with the other.

Mr. GALLINGER. If the Senator will permit me, there is not a word or line or syllable in this bill in reference to the matter of taxation.

Mr. HARDWICK. Exactly.

Mr. GALLINGER. Not a word.

Mr. HARDWICK. And as the Senator very kindly suggests, no provision of the House bill changes in the slightest particular the system of levying taxes upon the individual taxpayers of the District of Columbia. Therefore it is perfectly apparent to my mind, although I want to say I am in sympathy with the merits of the amendment—

Mr. GALLINGER. That is fixed by statute.

Mr. HARDWICK. I believe it is right that intangible property in the District of Columbia should properly be made to bear its just proportion of the burden of government.

Mr. President, I do believe the danger with which we are faced here is too great an extension in this direction, and once entering the field we are going almost anywhere in it, as we did the other day on the Dental Corps matter; and in the interest of the future proceedings of this body it were well that the deliberate view of the Senate be taken on the matter. For that reason I make the appeal.

Mr. WORKS. Mr. President—

Mr. HARDWICK. I yield to my friend the Senator from California.

Mr. WORKS. It was stated by the Senator from Georgia that this does not affect individuals. It does affect every individual taxpayer in the city of Washington if the half-and-half system is to be carried out, because under that law the taxpayers of the District are required to pay only one-half of the estimated expenses of the District. If you add to the taxable property, then you reduce the proportionate amount which each taxpayer may pay under that system.

Mr. HARDWICK. Undoubtedly.

Mr. WORKS. The inconsistency of the whole thing is that the statute providing for the assessment and valuation of property is entirely inconsistent with the half-and-half plan. One provides that the taxpayer shall contribute one-half of the estimated expense. That would vary, of course, with the expenses. But, on the other hand, the statute provides for a fixed valuation and a fixed assessment. That can not be varied by the necessities of legislation.

Mr. HARDWICK. Yes; but while that is true, if the Senator reflects—

Mr. WORKS. That is true, is it not?

Mr. HARDWICK. It is true, undoubtedly; but, after all, the proposition that is developed by the Senator amounts to this, that while indirectly and consequently the interest of the taxpayer would be affected by this proposition that comes first from the House of Representatives and then from the Senate committee, the fact remains, and it is the all-important fact in my mind and the reason upon which this appeal is based, that the method of collecting taxes, whether the amount raised be great or small, is absolutely untouched in the House provision or in any amendment proposed by the Senate committee.

Mr. WORKS. But, Mr. President, if we are to carry out the spirit and purpose of the half-and-half system, then Congress may find it expedient to reduce the rate of taxation.

Mr. HARDWICK. Undoubtedly.

Mr. WORKS. For the reason that the taxpayers are called upon for more than their one-half.

Mr. HARDWICK. But whenever we do it we ought to do it under rules by which the legislation can be carefully considered by the appropriate committee and brought in here and not in connection with the District appropriation bill. It does seem to me the reason is particularly strong why this should not be applied to the District of Columbia. The District of Columbia, as has been pointed out so many times, has no official representative on this floor or in the other body of Congress, and, above all other interests in this country, the interests of this District ought to be the last to be subjected to the dangers of hasty and ill-considered legislation in connection with an appropriation bill.

I do not mean that observation to apply to the amendment of the distinguished Senator from South Dakota, because, as I have said, I do not think it is hasty or ill considered. I believe the amendment is just and right. I have always supported that principle of taxation in the State where I reside. I believe it is sound here and everywhere else. But I do not think we can afford to lay down the proposition that we are going into quite such a broad legislative excursion on these appropriation bills with any safety to the general interests of the District and the country in the various bills that are to be considered by this body.

Mr. WORKS. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. WORKS. I have learned by very sad experience as a Member of this body and a member of the Committee on the District of Columbia that if we are not able to get hasty and ill-considered legislation we get none for the District of Columbia. That is about the experience that I have had. Therefore I have very little sympathy for the appeal made by the Senator from Georgia that this sort of legislation ought not to be imposed upon the appropriation bill. It is perfectly legitimate that it should be done at this time and upon this bill, as I view it, and I have not the slightest doubt as to the correctness of the ruling of the Chair.

Mr. HARDWICK. The observation of the Senator is an arraignment of our committee system and committee work rather than of any great principles. The important principle of all legislative bodies is that there should not be general legislation in connection with appropriation bills. Of course I know the argument has been made that there were rare occasions when it was necessary for the House of Commons in England to assert human liberties. The power over the purse has been used to coerce the Executive into some immediate and necessary reform. But it does not apply in this country. There is no such reason as that back of it, and every other reason that operates against legislation of this kind and character and in this method is in full force in this country, undiminished by any such consideration as some Senators have in mind.

If we have not the proper committee service, it may be because there are too many Senators on too many committees, and Senators have not the time properly to attend to the committee on which they have been appointed and which they attempt to serve. I am not going into that question now, but unless we are going to change our rules, and unless we are prepared to reverse the legislative policy of this country and of this body in all time, as far as I know, I do not think we ought to break down this rule against legislating on appropriation bills. A proposition comes in, and, of course, the Senator who offers it has carefully considered it, but not even the committee has had a fair opportunity to look into it, and the great body of Senators on both sides of the Chamber are absolutely without information and may make mistakes.

For these reasons, Mr. President, I make the appeal, although personally it makes no difference to me what course the Senate takes.

Mr. NELSON. Mr. President, it seems to me that the ruling of the Chair is eminently just and wise. The argument of the Senator from Georgia about the danger of proposing legislation on appropriation bills comes to me with a very poor grace at this time, after we have injected more legislation in appropriation bills at this session than ever before. Take the Agricultural appropriation bill, an ordinary appropriation bill. There were three independent schemes of legislation injected into that bill, one in relation to the cotton trade and cotton exchanges, another in reference to grain grading and grain inspection, and a third in reference to warehousing. There were three important independent new schemes of legislation engrafted on that bill by the House of Representatives. After such an experience it seems folly to talk of the danger that would occur to the appropriation bill for the District of Columbia by having this amendment attached to it.

I regard this amendment as one of the most just that has ever been proposed to this bill. It is in the interest of the poor people of this District, men who have a little house, a little bit of real estate. If you make all the wealthy men pay a tax on their credits, assess them as they ought to be, the tendency of it will be to reduce taxation on the poor householders, the poor people of this District who happen to have a piece of ground with a small house upon it. Some of these men are tax shirkers, to my knowledge. They come to the District and settle here because they escape taxation on all their intangible property. If you would make them pay as we do in the States of this country, on their intangible property, as they ought to pay, you would relieve the poor taxpayers of this District who are unfortunate or fortunate enough to own a bit of real estate with a building on it.

I entirely agree with the Senator from California [Mr. WORKS], that as long as you keep up the half-and-half principle this will be a great relief to the poor real estate owners of this District.

Mr. WORKS. Mr. President, it would be a relief to the small property owners if we went further and amended the law that fixes exactly the amount that shall be paid. As the law is now, providing for the assessment of a dollar and a half upon the valuation, this would be no relief whatever to the individual taxpayer. Under the half-and-half system it would be measured by the one-half to be paid by the Government and one-half by the

taxpayer. That is the dilemma I am in, and I have been trying to get out of it, and the Senate did not help me.

Mr. STERLING. Mr. President, let me suggest along the line of the statement made by the Senator from California that this will be something in the nature of an experiment in a good cause, and from the results of the taxation of money and credits we may then conclude that this rate may be lowered and a somewhat different rate fixed for the taxation of tangible property.

I wish to say further, Mr. President, that I had thought in connection with this amendment of going further and exempting from taxation the improvements on real property to the extent of \$2,500. But on reflection I thought that might be going a little too far at the present time; that we should try this experiment first and then if we felt justified by the results coming from it it would be proper at another session of Congress to provide for the exemption of improvements on real estate up to a reasonable limit. That would in a great measure relieve the people of moderate means who pay a great share of the taxes.

Mr. GALLINGER. Mr. President, I had something to do with preparing the tax laws of the District of Columbia as far back as 1902. The late Senator from Michigan, Mr. McMillan, was the chairman of the committee at that time, and under his immediate direction the tax laws were arranged.

I have been glancing at the tax laws relating to real estate, personal property, and license taxes in the District of Columbia, and if there is any other community on the face of the earth that is taxed to the extent the people of the District of Columbia are taxed I do not know where it exists. They tax absolutely everything here. No man can do business here of any kind that he is not taxed.

The only thing that the committee did not do at that time was to tax what are called intangibles. There is a great difference of opinion as to the propriety of taxing intangibles. They are not taxed in my State, and Mr. President, two years ago we elected a governor who is known as a Progressive. He wanted, of course, to advise the people wisely, and in his inaugural he made some observations about the taxing of intangibles. I want to read a brief sentence from the inaugural of Gov. Spalding, delivered to the New Hampshire Legislature a little less than two years ago. The governor said:

One of the most difficult problems in taxation arises from the fact that under our constitution every class of property either must be taxed at its full value, regardless of the income from it, or must be entirely exempt from taxation. The result is that the tax on bonds and on some mortgages often is more than half of the income from the security. Such a tax is unjust, impossible to collect, inequitable, and unreasonable. Investors can not afford to hold such securities, and are driven to put their money into investments more hazardous but less severely taxed. Thus this tax bears most heavily upon widows, trustees, and others who can least afford to pay it. In other words, it is a rich man's law, pure and simple.

Those are the words of the governor of my State.

Mr. President, the Senator from South Dakota has made a wise provision in his amendment and that is taxing these intangibles at a very low rate of interest. The governor of New Hampshire was discussing, as I read his language, the impropriety of taxing intangibles at the full rate that is placed upon other property. Beyond a question that would result in parties holding those intangibles shifting them from one State to another, from New Hampshire to Massachusetts, from Massachusetts to Connecticut, and so on, and unquestionably it would result in more perjury than we would like to approve of.

Mr. President, feeling as I do that the people of this District are very heavily taxed now, not only the individuals but the corporations, and every man doing business in Washington, no matter whether his business pays or not, is paying a special tax, I think this is rather an inopportune time to impose an additional tax upon the citizens of the District of Columbia.

I want, of course, to have them fairly taxed. We have endeavored to make laws that would accomplish that result; but, however this may be, it does seem to me that the tax laws of the District, which are included in the two little pamphlets I hold in my hand, ought to be taken up seriously by the Committee on the District of Columbia, and if they need revision, revise them, have them brought here, and let us discuss them, but not impose this added tax without a full examination and consideration or put it upon an appropriation bill.

I never like to dissent from the views held by the Chair, who, as I have several times said, undoubtedly means to rule according to our code of rules, but I do feel that this is general legislation; it changes our tax laws; and the appeal which has been taken from the Chair ought to be sustained. But, whether it is sustained or not, Mr. President, I do hope the Senate in its wisdom will feel, as I do, that it would be much better to have this matter taken up by the appropriate committee, have hearings on it, give it full consideration, and report their conclusions to Congress, under which circumstances I have no doubt



the conclusions reached by the committee would be acceded to by this body without dissent.

Mr. GRONNA. Mr. President, I trust that the decision of the Chair will not be overruled. In the first place, I believe that the decision of the Chair is eminently correct and in accordance with the rule.

The Senator from Georgia [Mr. HARDWICK] called attention to the fact that it affects existing law. The point of order made by the chairman of the committee is that it is general legislation. If we would follow the argument of the Senator from Georgia—

Mr. HARDWICK. If the Senator will pardon me just a moment, my use of that word was inapt. I meant that the amendment, of course, changes the existing law and is general legislation. The Senator need not make any specific point on that phrase.

Mr. GRONNA. Yes; that it changes the existing law.

Mr. HARDWICK. It is a change of general existing law and it is general legislation.

Mr. GRONNA. It is carrying out existing law. It does not increase the appropriation. There has been no point of order against it except that it is general legislation. If this is general legislation, Mr. President, then the bill is full of provisions against which a point of order could be made and which ought to go out. I find on page 15 of the bill the following:

Enforcement of child-labor law: For the enforcement of the provisions of the act "To regulate the employment of child labor in the District of Columbia," approved May 28, 1908, namely, for two inspectors, at \$1,200 each, \$2,400: *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is hereby repealed.

That repeals the statute. It does more than that. It increases the appropriation. The pending amendment provides means whereby taxes shall be raised in the District of Columbia. Every item where an appropriation is increased affects the taxation of the District of Columbia.

Mr. HARDWICK. Will the Senator yield?

Mr. GRONNA. I am glad to yield.

Mr. HARDWICK. The argument that there is some other provision in the bill that is subject to a point of order and no Senator cared to make it and did not invite the attention of the Senate to it does not add any force to the situation.

Mr. GRONNA. I am not arguing that it has any force. Because no point of order has been raised against that particular item is no reason why this should be subject to a point of order. It has not been clearly shown to me that this is general legislation. It affects one thing and one thing only, and that is the revenues of the District derived from taxation.

Mr. SMITH of Maryland. I will say to the Senator, however, that those two salaries were estimated for when they were put in the bill by the committee. They were estimated for by the commissioners in the bill as it came over from the other House.

Mr. GRONNA. Mr. President, I want to congratulate the Chair upon the ruling. I think he is eminently correct. I shall not take the time of the Senate to argue the merits of the case, but if an appeal is taken from the ruling of the Chair I shall vote to sustain the Chair.

Mr. STERLING. Mr. President, it seems to me that the Senator from Georgia, if he is so satisfied with the merits of this amendment, might waive any technicality in regard to the point of order.

Mr. HARDWICK. If the Senator from South Dakota will pardon me, I should be perfectly willing to do so if I were not afraid that the Senate is drifting too far on this question. So far as this particular case is concerned, I would be glad to do it; but the Chair invited this appeal, and, I think, wisely. If the Senate is going to absolutely abolish its rule, we had just as well know it and act accordingly. If not, we had better enforce it once in a while anyway.

Mr. STERLING. I am glad the Senator from Georgia again calls attention to the fact that he thinks we are drifting too far from the purpose of the appropriation bill and that this is a bad precedent. This is no precedent at all, Mr. President; but the real precedent may be found in the appropriation bill of 1902, to which was attached an entire revision of the taxing laws of the District, beginning with the taxation of real estate, and then from taxation of tangible personal property on down to the stock and gross receipts of corporations, with at last a complete license-tax law, which were all added to the appropriation bill of 1902.

Mr. HARDWICK. If the Senator will pardon me, I do not want to interfere with his argument, but I am interested in this question. The difference is that in the case referred to by the Senator the committee worked on that proposition for days and

weeks and months, and, I am informed by the Senator from New Hampshire [Mr. GALLINGER], the committee gave it careful, serious, and well-matured consideration, whereas in the case presented by the Senator the proposition is sprung on the floor of the Senate; it has had no committee consideration whatever, and it is entitled to consideration because it is a very difficult question.

Mr. STERLING. Mr. President, the Senator from Georgia has already agreed that the amendment is a meritorious amendment; further, it involves no such consideration as the amendment to the 1902 appropriation bill involved, which, as I say, was a complete revision of the tax laws of the District. It is one plain, simple proposition for the taxation of moneys and credits. I have tried to be careful in the drawing of the amendment, so that I think it will conflict with no other law and will tax for a second time no property that has been already taxed.

Mr. GALLINGER. Mr. President, will the Senator from South Dakota permit an interruption?

Mr. STERLING. Yes.

Mr. GALLINGER. I have not looked up the matter, but my recollection is that the law of 1902 passed the Senate before it was attached to the appropriation bill. That is my impression.

Mr. STERLING. I do not know as to that.

Mr. GALLINGER. I think that is correct. But notwithstanding that does not alter the argument of the Senator. I am very clear in my opinion that the Senate gave its concurrence to the legislation as it had been prepared by the Committee on the District of Columbia. Of course that has no bearing on the question now at issue.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. STERLING. On that question I call for the yeas and nays. The yeas and nays were ordered.

Mr. SMITH of Maryland. Mr. President, as I stated when I made the point of order in regard to the amendment of the Senator from North Dakota [Mr. STERLING], I did not do so with a view to either the merits or the demerits of the amendment. As I then stated, however, I do not think that it is the proper place on an appropriation bill to legislate on a subject of this kind proposing to apportion the amount of taxes that should be made, although such a proposition in itself may be entirely right. I believe in taxing people according to their wealth.

Mr. HARDWICK. If the Senator from Maryland will pardon me for the suggestion, how can the Senator from Maryland tell that the arbitrary figure of four-tenths of 1 per cent is the right figure?

Mr. SMITH of Maryland. I was just going on to remark that I did not know what is the mode of taxation proposed. I do not know how much the Senator proposes to tax or how little he proposes to tax. The tax may be too much or it may be too little. Mr. President, I do not think that the floor of the Senate is the place for any Senator to get up and to give his judgment as to the amount of tax that should be imposed upon people, be it right or be it wrong; but I do say that it is a matter that should have full consideration as to the amount and the manner of the imposition of the tax. I repeat I do not think an appropriation bill is the proper place for legislation of so important a character as this.

It is not that I am opposing the legislation. As I previously stated, I believe people ought to be taxed according to their wealth, but it ought to be done in an orderly way, after proper consideration, after the proposed legislation is properly digested, and not on the judgment of one Senator, be he ever so wise; which I do not question. Such legislation ought to be framed in a committee, properly considered by them, and properly considered by the Senate after the rate of taxation which is proposed to be put upon the people shall have been made known.

Mr. STERLING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak	Overman	Smoot
Bankhead	Jones	Page	Sterling
Clapp	Kenyon	Penrose	Stone
Culberson	Kern	Polindexter	Swanson
Cummins	Lane	Ransdell	Thomas
Dillingham	Lee, Md.	Reed	Tillman
Gallinger	Lodge	Robinson	Townsend
Gronna	McLean	Shafroth	Underwood
Hardwick	Martin, Va.	Sheppard	Vardaman
Hollis	Martine, N. J.	Sherman	Wadsworth
Hughes	Nelson	Smith, Ariz.	Walsh
Husting	Newlands	Smith, Md.	Williams
James	Norris	Smith, S. C.	Works

Mr. TOWNSEND. Mr. President, I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum is present. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered.

Mr. JONES. Mr. President, on yesterday I voted to sustain the ruling of the Chair on the theory that this is not a general appropriation bill. To my mind, the only way that the ruling of the Chair can be sustained to-day is on the theory that it is not a general appropriation bill, and for that reason I shall vote to sustain the Chair.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I have a pair with the Senator from Kansas [Mr. THOMPSON] and withhold my vote for the present.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the junior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "yea."

The roll call was concluded.

Mr. VARDAMAN. I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. GRONNA (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. JOHNSON] which I transfer to the senior Senator from Idaho [Mr. BORAH] and will let my vote stand.

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and will let my vote stand.

Mr. KERN. I desire to announce again the unavoidable absence of the junior Senator from Kentucky [Mr. BECKHAM]. This announcement may stand for the day.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON]; and

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN].

The result was announced—yeas 35, nays 23, as follows:

#### YEAS—35.

Ashurst	Jones	Norris	Taggart
Clapp	Kenyon	Overman	Thomas
Culberson	Kern	Page	Tillman
Cummins	La Follette	Pittman	Townsend
Gronna	Lane	Pindexter	Vardaman
Hollis	McLean	Shafroth	Walsh
Husting	Martine, N. J.	Sheppard	Weeks
James	Myers	Sterling	Works
Johnson, S. Dak.	Nelson	Swanson	

#### NAYS—23.

Bankhead	Lee, Md.	Ransdell	Smoot
Bryan	Lippitt	Reed	Underwood
Curtis	Lodge	Simmons	Wadsworth
Dillingham	Martin, Va.	Smith, Ariz.	Warren
Gallinger	Newlands	Smith, Md.	Williams
Hardwick	Penrose	Smith, S. C.	

#### NOT VOTING—37.

Beckham	Colt	Lea, Tenn.	Sherman
Borah	du Pont	Lewis	Shields
Brady	Fall	McCumber	Smith, Ga.
Brandegee	Fletcher	O'Gorman	Smith, Mich.
Broussard	Goff	Oliver	Stone
Catron	Gore	Owen	Sutherland
Chamberlain	Harding	Phelan	Thompson
Chilton	Hitchcock	Pomerene	
Clark, Wyo.	Hughes	Robinson	
Clarke, Ark.	Johnson, Me.	Saulsbury	

So the ruling of the Chair was sustained.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. STERLING].

Mr. REED. Mr. President, I simply want to say, in explanation of my vote, that I cast my vote as I did because I believed the proposition would not only be new legislation but would be a change of existing law. So far as the main question is concerned—the matter of taxing intangible property—I firmly believe in the principle and have always advocated it; and if the proposition of taxing intangible property comes before the Senate in any proper form I shall be glad to vote for it. I simply make this statement to explain my vote.

Mr. HARDWICK. Mr. President, will the Senator permit a question?

Mr. REED. Certainly.

Mr. HARDWICK. I want to say to the Senator that I am very much in the same position on the merits of this question as the Senator is; but here a Senator comes in and from the floor of the Senate suggests an amendment fixing a specific rate of four-tenths of 1 per cent without any showing whatever as to why that is the right rate, without any consideration by the committee as to what is the proper rate. How can we vote—even those of us who favor this system—for a specific proposition of that sort under circumstances like that? The matter ought to be considered by the committee.

Mr. REED. I will say to the Senator from Georgia that I stated in my remarks that I would vote or any proper amendment, now that it has been ruled in order.

Mr. HARDWICK. The Senator of course understands that I was not criticizing his statement; but I wanted to bring that situation to the attention of the Senate in connection with his statement.

Mr. REED. I desire to add that the reason why I am not familiar with this particular matter is because it has been necessary for me to be absent in my committee room at work; but I am earnestly in favor of any proposition that will fix a just and proper tax upon intangible property. I did not entertain the view that the amendment was in order, and I believed it necessary, in order to sustain the rules of the Senate, to overrule the decision of the Vice President. The majority of the Senate, however, has ruled the amendment to be in order, and that settles the question.

Mr. GALLINGER. Mr. President, I dislike to delay the consideration of this bill, and yet there is one matter which I think ought to go in the Record.

The joint committee in their report gave it as their opinion that the people of the District of Columbia were paying a fair and just rate of taxation. Now, I want to ask the Senators, whether intangible property is taxed or not in their States, if they have a license tax for doing business also; and, while awaiting a reply later on, I want to call attention to what the committee did in 1902 in making up the present tax laws for the District of Columbia. They imposed pretty heavy taxes on all the corporations of the District and then they added a code of license taxes which certainly do not apply in my State. I do not know how it may be in others. I will read a few paragraphs from the law of 1902:

That cattle dealers shall pay a license tax of \$15 per annum.

That proprietors or owners of hacks, coaches, omnibuses, carriages, wagons, and other passenger vehicles for hire shall pay license taxes as follows: Vehicles drawn by one animal, \$6 per annum; automobiles, electromobles, or other horseless vehicles by whatever name called, and vehicles drawn by more than one animal, \$9 per annum.

That proprietors or owners of livery stables shall pay license taxes as follows: For stables containing 10 stalls or less, \$25 per annum, and \$2 per annum additional for each stall in addition to 10.

That proprietors or owners of establishments where automobiles of any pattern, description, or motor power whatsoever are kept for hire or are kept or stored for others, for profit or gain, shall pay a license tax of \$25 per annum for 10 vehicles or less and \$2 additional for each vehicle in addition to 10.

That persons, firms, or corporations operating vehicles for hire or for the transportation of passengers in the District of Columbia with sufficient regularity to enable the public to take passage therein at any point intermediate to the stable or stand of such vehicle, or operate such vehicle over a route sufficiently definite to enable the public to ascertain the streets and avenues on which such vehicle can be found en route, shall pay license taxes as follows: For each vehicle with a seating capacity not to exceed 10 passengers, \$6 per annum; for each vehicle with a seating capacity exceeding 10 passengers, \$12 per annum.

That real estate brokers or agents shall pay a license tax of \$50 per annum.

That persons, firms, corporations, or associations transacting the business of the purchase or sale of securities, stocks, shares, or certificates, based upon an estimated value after a lapse of a certain period



of time, or who undertake to guarantee the holder of said securities, stocks, shares, or certificates certain sums of money based upon investments after the lapse of a certain time, or who promise to divide with the holders or investors of said securities, stocks, shares, or certificates, or with the heirs or assigns of such holders or investors, any profit which may accrue from their investments at maturity, shall pay a license tax of \$100 per annum.

That railroad ticket brokers shall pay a license tax of \$25 per annum.

Proprietors of hotels shall pay annually \$1 for each room provided for the accommodation of guests.

That victualers, owners of restaurants, oyster houses, cookshops, ice-cream parlors, dairy lunches, or eating houses, by whatsoever name designated, where food, meals, or refreshments are served to transient customers, to be eaten on the premises where sold, shall pay a license tax of \$18 per annum.

That owners, lessees, or managers of theaters having a stage and movable scenery used for the purpose of acting, performing, or playing any play, farce, interlude, opera, or other theatrical or dramatic performance, or any scene, section, or portion of any play, farce, burlesque, or drama of any description, for gain, shall pay a license tax of \$100 per annum: *Provided*, That licenses may be granted for theatrical performances for one week on the payment of \$20, and for less than one week on the payment of \$10: *And provided further*, That the proprietors of buildings, other than theaters, where exhibitions, lectures, or entertainments of any description are conducted for gain shall pay a license tax of \$100 per annum; or for lesser periods as follows: Three dollars per day, or \$10 for the first week, and \$5 for each subsequent consecutive week: *And provided further*, That for entertainments, concerts, or performances of any kind given in church premises or private residences where the proceeds are intended for church or charitable purposes, and where no rental is charged, no license tax shall be required.

That every person who exhibits paintings, pictures, or works of art, or makes industrial, mechanical, agricultural, food, or floral exhibitions, including cattle and poultry shows, freaks and museum attractions, side shows, and all other lawful exhibitions not otherwise provided for, shall pay a license tax of \$3 per day, or \$10 for the first week and \$5 additional for each subsequent consecutive week, and for an annual license the tax shall be \$100.

That persons conducting concerts, entertainments, or balls to which an admission fee is charged, directly or indirectly, shall pay a license tax of \$3 for each day or night.

That proprietors or owners of any circus shall pay a license tax of \$200 per day.

That owners or lessees of grounds used for horse racing, tournaments, athletic sports, baseball, football, polo, golf, and kindred games, or where feats of horsemanship are performed, to which admission fees are charged or which are used for profit or gain, directly or indirectly, shall pay a license tax of \$20 per week or \$5 per day.

That owners or lessees of grounds or premises used for picnics or lawn fetes, or resorts where theatrical or musical attractions or other amusements are presented, to which admission fees are charged or which are used for profit or gain, directly or indirectly, and which are not taxed under any other paragraph of this section, shall pay a license tax of \$3 per day, or \$10 per week, and \$5 additional for each subsequent consecutive week, or for an annual license tax of \$100.

That owners or lessees of buildings used for skating rinks, fairs, carnivals, or amusements not otherwise provided for in this section shall pay a license tax of \$3 per day, or \$10 for the first week and \$5 additional for each subsequent consecutive week, or for an annual license a tax of \$100.

That owners or lessees of shooting galleries, fencing schools, public gymnasiums, places where firearms of any description are used, or schools where the art of self-defense is taught shall pay a license tax of \$12 per annum.

That proprietors or owners of apparatus or machines known as merry-go-rounds, flying horses, or similar devices for amusement shall pay a license tax of \$12 for the first week and \$10 for each subsequent consecutive week, or \$3 per diem: *Provided*, That license therefor may be refused in the discretion of the Commissioners of the District of Columbia.

That proprietors or owners of slot or automatic machines, so called (telephones excepted), by which objects, pictures, or figures are presented to public view or musical or vocal exhibitions are automatically given on the deposit of money or metal, or where a pecuniary consideration is received for the use of said apparatus or machines, shall pay a license tax of \$2 per annum for each machine or apparatus.

That owners or managers of Turkish, Russian, or medicated baths shall pay a license tax of \$25 per annum.

That owners or managers of massage establishments shall pay a license tax of \$25 per annum.

That mediums, clairvoyants, soothsayers, fortune tellers, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of \$25 per annum.

That fuel hucksters shall pay a license tax of \$5 per annum for each vehicle used in the conduct of their business.

That peddlers shall pay a license tax of \$25 per annum.

That brewers or manufacturers of fermented liquors of any description for sale, and brewers' agents, shall pay a license tax of \$250 per annum.

That billposters and persons engaged in the business of painting or placing signs or advertisements on land, buildings, billboards, fences, or other structures in the District of Columbia visible from a street or other public space shall pay an annual tax of \$20 before engaging in said business.

That owners or lessees of any buildings, structures, or tanks used for the storage of any description of inflammable oils in quantities exceeding five barrels shall pay a license tax of \$10 per annum and shall have the approval of the fire marshal before license is granted.

That owners or lessees of laundries operated otherwise than by hand power shall pay a license tax of \$20 per annum. Owners or lessees of laundries operated by hand labor shall pay a license tax of \$10 per annum.

That proprietors or owners of intelligence offices, information bureaus, registries, or employment offices, by whatsoever name called, shall pay a license tax of \$10 per annum.

That dealers in second-hand personal property shall pay a license tax of \$40 per annum.

An annual license tax is hereby imposed upon the following classes of business, trades, and professions, namely: Boarding houses (public), \$1 per room; claim agents, \$25; building and other contractors, \$25; carriage or wagon making establishments, \$25; cigar dealers, \$12; confectionery establishments, \$12; dealers of every description in the several markets, except farmers and producers, \$5; florists, \$15; land and improvement companies, \$50; undertaking establishments, \$25.

And please remember that these taxes are in addition to taxes on real estate and personal property.

Mr. President, I venture to say that there is not a community in this country that has a code of laws governing the payment of license taxes that equals that which is imposed upon the District of Columbia. I think the license taxes are unjust and indefensible.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. I do.

Mr. GRONNA. I generally find myself in accord with the distinguished Senator from New Hampshire; but I am afraid that in this instance he has overlooked the fact that the pending amendment would be a help to the class of people he has enumerated.

Mr. GALLINGER. It will be a help to them if the license taxes are repealed, but not otherwise.

Mr. GRONNA. If the Senator will pardon me, I believe that we will all agree that if the pending amendment becomes a law it will simply tax a few of the tax-dodgers, a few of the people who come here purposely to evade taxation; and not 1 per cent of the class of people whom the Senator from New Hampshire has enumerated would be affected by the pending amendment.

Mr. GALLINGER. Mr. President, the Senator is wrong about that. As the Governor of New Hampshire pointed out, a law of this kind does not touch only the rich. It touches widows, it touches trustees, it touches every man who has accumulated a little something of this world's goods. While I am not especially hostile to the law, yet I wanted to put in the Record the fact that outside of intangibles we have not overlooked the matter of taxing the people of this District adequately. In fact, the tax laws of this District are extreme—so extreme that I venture to say there is no State in the Union that has laws that compare with them.

Mr. GRONNA. If the Senator will pardon me further—

Mr. GALLINGER. Certainly.

Mr. GRONNA. I said that it would not affect them. It would affect them, but it would be for their benefit, because the man who has money to loan, the man who has unlimited credit, can afford to pay four-tenths of 1 per cent. It is a low tax, and it ought to be imposed. The Government of the District of Columbia has been going on for 140 years, and not up to this time has intangible property been assessed; and it is an assistance and a help to the poor fellows who have only a home. That is why I am in favor of it.

Mr. GALLINGER. The government of the District of Columbia has had the same experience that the State of New Hampshire has had because we do not tax intangibles.

Mr. President, I do not want to get into a controversy on this matter. I simply wanted to say that the Committees on the District of Columbia have not been unmindful of the fact that the citizens of this District ought to be adequately taxed. I will repeat, and then I will conclude, that outside of intangibles I contend that there is no State in the American Union that has such stringent and such severe tax laws as has the District of Columbia.

Mr. REED. Mr. President, I desire to ask the Senator from South Dakota, who introduced this amendment, a question or two for the purpose of eliciting some information. Why is it that the Senator fixes the rate at 4 mills?

Mr. STERLING. I fix that as the rate, Mr. President, for the simple reason that more revenue will be produced by a low flat rate of taxation on moneys and credits than by a higher rate, as has been demonstrated by the experience of different States that have tried it. The tendency is, if moneys and credits are taxed at the same rate as other personal property, as they are taxed in many States, for moneys and credits to

escape taxation, they will go into hiding, or investment of such money will be sought in other States where the tax is not so burdensome.

Let me say to the Senator from Missouri that in South Dakota we have experienced great difficulty in the taxation of moneys and credits, for the simple reason that under our constitution no classification of personal property according to the uses of the property, according to the question as to whether it will escape taxation or not, is permitted; but all property, real and personal, must be taxed under our constitution at the same uniform rate. The result is that very little revenue is derived from the taxation of moneys and credits, and because of that an amendment to the constitution of South Dakota is submitted now to the voters of that State, to be voted on at the November election, so as to permit the legislature to classify personal property and permit a lower rate for this particular species of property.

Mr. REED. Mr. President, I ask the Senator if I am correct in my assumption that this is his amendment now under discussion? I read the body of it:

That the moneys and credits, including moneys loaned and invested, bonds and shares of stock (except the stock of banks and other corporations within the District of Columbia the taxation of which banks and corporations is herein provided for) of any person, firm, association, or corporation resident or engaged in business within said District shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property, and assessed at their fair cash value, and as taxes on said moneys and credits there shall be paid to the tax collector of said District four-tenths of 1 per cent of the value thereof.

That is the Senator's amendment, is it not?

Mr. STERLING. That is it.

Mr. REED. Now, what is the present levy upon personal property in the District?

Mr. STERLING. It is one and five-tenths per cent, or a dollar and a half per hundred.

Mr. REED. And at the present time every honest man within the District makes a return of his moneys, his credits, his stocks, and his bonds to the assessor.

Mr. STERLING. No; let me say the Senator from Missouri is mistaken in that regard. There is no tax on moneys and credits.

Mr. REED. Is there not a tax on personal property?

Mr. STERLING. There is a tax on tangible personal property, but the law provides for the tax on tangible personal property. I will read the paragraph relating to that. My amendment is intended to follow this paragraph in regard to the taxation of tangible personal property. Paragraph 2 of section 6 of the act reads:

PAR. 2. On all tangible personal property, assessed at a fair cash value (over and above the exemptions provided in this section), including vessels, ships, boats, tools, implements, horses, and other animals, carriages, wagons, and other vehicles, there shall be paid to the collector of taxes of the District of Columbia 1½ per cent on the assessed value thereof.

Mr. REED. Now, if the Senator please, so that I may get the point clear in my own mind, I am not asking these questions, I will say, in a spirit of controversy—

Mr. STERLING. I understand.

Mr. REED. But to get the fact. The Senator informs the Senate that as the law now stands if a man has \$10,000 in his possession he is not obliged to make a return of it?

Mr. STERLING. I do. I so understand the law.

Mr. REED. Does the Senator mean to say that cash in hand is not tangible property?

Mr. STERLING. I do not think it is ordinarily so termed.

Mr. REED. Has it been decided here by any court in the District of Columbia that cash in hand is intangible property?

Mr. STERLING. I do not think any case has ever arisen in the District of Columbia, at least, I will say to the Senator from Missouri, in which that question has been tested, but money is ordinarily not classed as tangible property.

Mr. REED. The Senator, I think, is a member of the Committee on the District of Columbia.

Mr. STERLING. I am a member of the District Committee.

Mr. REED. The point I am trying to get at is this: If under the law as it stands now the various properties specified in the amendment are taxable, then they are taxable at 1½ per cent. The Senator's amendment would reduce that tax to four-tenths of 1 per cent.

Mr. STERLING. Yes.

Mr. REED. I confess it astonishes me if the term "tangible property" has been construed either by the courts or by the officers of the District so that it excludes money, bonds, notes, stock, or other property of that kind, because as I have always understood the term—

Mr. LIPPITT. Will the Senator yield to me?

Mr. REED. Let me finish the sentence. As I have always understood the term "intangible property" it was held to apply to such things as franchises, easements, good will, and so forth, but notes, bonds, stocks, and cash are tangible property.

Mr. LIPPITT. I was going to ask the Senator that very question. I am not a lawyer and I am only asking for information, but I thought that cash and just those things the Senator describes, stocks and bonds, were always intangible property.

Mr. REED. They would not be so construed in my part of the country.

Mr. LIPPITT. It would in mine. I should like to say to the Senator that Rhode Island has been trying a rather interesting experiment along this line during the last three or four years. We had a tax of 1½ per cent on personal property. The tax was reduced to the rate the Senator from South Dakota is now proposing, four-tenths of 1 per cent, I think about four years ago. The result has been that the tax has met with the very great approval of the people of the State, and we are actually getting more revenue from the lower tax than we obtained from the higher one. Such things as the Senator describes have been included as intangible property.

Mr. NELSON. Will the Senator yield to me?

Mr. REED. Certainly.

Mr. NELSON. I want to suggest to the Senator from Missouri that it is unnecessary to discuss the technical question whether this is intangible property or not. As a matter of fact they have not assessed it or taxed it in this city. That is the real question.

Mr. REED. The Senator is correct. That is the real question, and that is what I have been trying to get at, although I wandered far enough from the subject to express my opinion in regard to the term. I have been interested in eliciting information as to whether this property is taxable under the present law and is in fact being taxed.

Mr. STERLING. No.

Mr. REED. The information I obtain is that this class of property is now not taxed at all. Therefore, the sole question that is presented now, since this amendment has been ruled in order, is whether the rate is a just and a proper rate. I am perfectly willing to concede, without regard to the question if it should be wise or not, that 4 mills on the dollar is a good deal better than no mill on the dollar.

Mr. STERLING. Let me just say a word, Mr. President, partly in answer to the Senator from Missouri; and first in regard to the definition and what is included under the term moneys and credits. I assert that all administrators of tax laws consider moneys and credits, whether the money be cash in hand or whether it be money on deposit in the bank, and all credits such as book accounts, notes, bonds, and so forth, as intangible property. I read from an article by J. G. Armson, a member of the Minnesota Tax Commission. He says:

"Money," as defined in the law, includes all forms of currency in common use, whether in hand or on deposit in a bank.

"Credits" include book accounts, notes, bonds, rents, annuities, and mortgages upon which the mortgage registry tax has not been paid, and all other claims or demands for money or other valuable thing.

That is the definition of credits.

Mr. CLAPP. If I may interrupt, bearing on the rate, I will say to the Senator from Missouri that in our State by a special provision we levied a tax on this kind of property and we fixed a rate of 3 mills.

Mr. NELSON. Mr. President—

Mr. REED. If the Senator will pardon me, I will say that in the State of Missouri we have a tax on moneys, stocks, bonds, and so forth, and we get a very large return, at the same rate at which everything else is taxed, but I suppose that could be easily accounted for by the fact that the people of the State of Missouri generally are honest.

Mr. STERLING. I suppose so. Now, with reference to the rate and the reasons for the rate I will give the results of the low rate in Pennsylvania. Under a 4-mill tax, just such a tax as is provided for by this amendment, the intangible property listed steadily increased from \$145,300,000 in 1885, through all the years down to 1913, when the total amount of moneys and credits listed was \$1,402,000,000. I think the results have proven equally as good in Maryland and also in the State of Minnesota. In Maryland the amount listed for taxation of this kind of property increased from \$6,000,000 in 1896 to \$192,000,000 in 1914. I have somewhere the figures showing the additions to the tax rolls under the Minnesota law imposing a 3-mill tax where the results are equally striking.

Mr. REED. Has the Senator in that book the amount returned in the State of Missouri?

Mr. STERLING. No; I have not.

Mr. WALSH. I should like to ask the Senator from South Dakota a question.



Mr. STERLING. I yield to the Senator.

Mr. WALSH. I confess the idea of one rate on one class of property and another rate on another class of property is something quite new to me. Can the Senator tell us how prevalent that method of taxation has become?

Mr. STERLING. No; I can not say exactly how prevalent it has become, but it is in vogue in Pennsylvania, in Maryland, and Minnesota, the three States I have named. I will say to the Senator I believe the tendency is to change the laws and to change even constitutional provisions where they are a bar to any classification of personal property so that a lower rate may be imposed upon this particular class of property.

Mr. LIPPITT. If the Senator will yield to me, I will say to the Senator from Montana, as he has asked the question, that a similar question came up in the discussion of this bill last year or the year before, and at that time I put into the RECORD quotations from a book that was written by a professor at Columbia College who is one of the great students of the subject of taxation, in which he very strongly advocated the abolition of what is usually known as the general tax—that is, a uniform tax on all classes of property—and very strongly advocated the adoption of the class of taxation which has been proposed in this amendment.

There is, as the Senator probably knows, a conference of the men interested in taxation in the various States that meets annually in the United States and publish very interesting and very elaborate reports and essays on the subject of taxation. I have read them only casually, but the whole tendency of the thought of those men who are making a study of it is that the general tax is unjust, and I think they would say antiquated, and that all the modern tendency is in the line of the proposition that is covered by the amendment we now have before the Senate.

In addition to the States that the Senator has mentioned, as I said a minute ago, the State of Rhode Island about four years ago appointed a tax commission. The whole subject was very elaborately and exhaustively studied, and as a result of it they adopted this system of a graduated tax.

Mr. WALSH. I understood the Senator from Rhode Island, and if I misunderstood him I should be glad to be corrected, to say that the rate of taxation on all personal property in the State of Rhode Island had been fixed at four-tenths, so that tangible personal property paid taxes of exactly the same rate as intangible personal property.

Mr. LIPPITT. No; I think it is the intangible, if I recollect it aright.

Mr. WALSH. Am I to understand then that in the State of Rhode Island they have a rate of taxation of  $1\frac{1}{2}$  per cent on tangible property and a rate of four-tenths of 1 per cent on intangible property?

Mr. LIPPITT. That is the way I recollect it. I think it is practically the same system that is proposed for the District of Columbia. I only stated that inasmuch as the Senator was asking something about the trend of thought on this subject.

Mr. WALSH. I had supposed until now that there was a practical unanimity in taxation on the principle that all taxes shall be uniform on all classes of property.

Mr. LIPPITT. The Senator is in error on that subject. I think just the opposite is the most advanced thought on the subject of taxation.

Mr. WALSH. I wish to inquire of the Senator from South Dakota if he has at hand the provisions of the statutes of the different States to which he refers, Pennsylvania and Maryland and Minnesota?

Mr. STERLING. I have not the provisions of those statutes, I will say to the Senator, but I know those are the rates fixed for that class of property. A moment ago I stated the results both in Maryland and in Pennsylvania of the 4-mill rate of taxation upon this kind of property.

Mr. WALSH. With the permission then of the Senator from South Dakota, I should like to ask the chairman of the committee, the Senator from Maryland, how the system operates in that State.

Mr. STERLING. Will not the Senator permit me, before that is answered, to call attention to another phase of the Senator's remarks? He seems to think that a system which imposes a uniform tax on all species of property is desirable and to be approved of. I will say to the Senator again I know that the tendency is to get away from that condition. We have suffered from it in our own State. Let me call the attention of the Senator to the constitutional provision in South Dakota, which we are now trying to amend, and I trust will, at the next general election amend. This is the provision—

Mr. WALSH. Of course the Senator knows I had some familiarity with it at one time.

Mr. STERLING. I know the Senator did, and probably does now, but it may not be amiss to call the attention of the Senate to it. There is a disposition to amend constitutions which are like this in regard to the taxation of property:

2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisal and assessment as may be prescribed by the legislature by general law, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property. And the legislature shall provide by general law for the assessing and levying of taxes on all corporation property, as near as may be, by the same methods as are provided for assessing and levying of taxes on individual property.

The result of a provision like that is that if a man has \$5,000 in moneys and credits and the tax is 5 per cent to 7 per cent, as it has been in certain counties in South Dakota in the last four or five years, that would be a great burden to be borne by the man who might have this amount for investment in a loan, for example, the requirement being that such property must be assessed at its full value. The result would be that the interest which he could procure on his \$5,000 would hardly exceed the amount of taxes that he would have to pay.

Mr. WALSH. But is it not true that the man who put his \$5,000 in cattle would be obliged to pay at the higher rate, and why should you give an advantage to the man who loans his \$5,000 on a safe security over the man who contributes to the development of the country by buying \$5,000 worth of cattle and going into the cattle business?

Mr. STERLING. I am not contending that he should be given the advantage. I think that he should stand on an equal ground with the man who has the money invested in tangible property, real or personal, so far as that is concerned. But it is a question of business largely and what business will incline to do; and with that excessive tax upon that kind of property there will be none of it listed for purposes of taxation.

Mr. WALSH. Just one other question, and then I am through. Is it not the trouble with intangible property that it is ordinarily beyond the ken of the assessor so that he does not find it at all? Is not that the trouble with that system, and will that trouble not inhere in it notwithstanding the rate?

Mr. STERLING. Not to the extent that it does with the excessive rate. In such a case—the rate being low—the man who has the money for investment and has his money invested in loans would be required to pay what would amount to a reasonable tax on the income that he would derive from that money. He will make a return, and the property will get on the assessment roll and bear a just proportion of the taxes.

Mr. NELSON. Mr. President—

Mr. STERLING. I yield to the Senator from Minnesota.

Mr. NELSON. Are there not two other grounds for assessing this kind of property in this way? First, it is on the same principle that we put a very low rate on uncut diamonds. We found by experience in the tariff law that if we put a high rate of duty it would lead to smuggling, and we would secure little or no revenue, and by putting on a very low duty we collect it and get a good deal. So with this intangible property if we put a moderate tax on it we will get a tax out of all of it.

Then, in the next place, there is this distinction. I have never known in my experience where tangible property like horses, cattle, cows, sheep, farm implements, or anything of that kind is ever assessed up to its full maximum value. If you take money and assess it intrinsically you can only assess \$100 up to \$100; but a horse that may be worth \$200 is oftentimes put down on the assessment roll at \$50 to \$75, and there is the same proportion in the case of a cow, the same proportion in the case of a sheep, the same proportion in the case of agricultural implements.

Now, will the Senator from South Dakota yield to me a little further?

Mr. STERLING. Yes; certainly.

Mr. NELSON. I was glad that the Senator from New Hampshire [Mr. GALLINGER] read the schedule of occupation taxes in the District of Columbia. It showed what an utterly unjust tax it is in many respects. There was one curious thing about it—there was no occupation tax for a coupon clipper. Men who live by clipping coupons have no occupation tax to pay, but everybody else—the poor widow who keeps a boarding house or a poor fellow who keeps a restaurant—must pay a tax. Almost all those occupation taxes are unfair or unjust. How much more righteous would it not be to collect taxes on this intangible property?

The Senator speaks of the poor widow. I know by reputation several poor widows who have residences here in Washington

who are here part of the year and part of the year at some watering places. It would be a cruel thing to impose a tax on the credit of those poor widows, would it not?

Mr. GALLINGER. Will the Senator permit me?

Mr. NELSON. Certainly.

Mr. GALLINGER. The Senator says they never tax horses, cattle, and farm implements at their full value. Does the State of Minnesota require that the inventory shall be sworn to by the taxpayer?

Mr. NELSON. Yes; but the law says the property shall only be assessed, my recollection is, at three-fourths of its actual value.

Mr. GALLINGER. That must apply to all taxes, not alone to horses.

Mr. NELSON. It is the same in reference to real estate. If the Senator will allow me, let us see what a great injustice is perpetrated on the people of the District of Columbia by the present system. Of this class of occupation taxes that the Senator read, while some of them may be justified, a lot of them relate to poor people. Wealthy men who have their money invested in stocks and bonds do not run boarding houses; they do not run pool tables; they do not run restaurants; they do nothing of the kind. They do not keep their money in operation except to earn interest and to clip coupons.

If you adopt this system of taxing intangible property, as we do in the States, taxing it fairly, it may hit a few of the wealthy widows; but what if it does, they can stand it. If you get those taxes assessed under this amendment, the poor fellows who follow the occupations that are taxed can be relieved of that tax, and besides you may reduce the tax on real estate in the District of Columbia.

Mr. GALLINGER. Will the Senator allow me?

Mr. NELSON. Why should this intangible property escape taxation?

Mr. GALLINGER. I am not arguing that with the Senator, but I want to call attention—

Mr. NELSON. I want to give a little experience, and then I will yield to the Senator.

Mr. GALLINGER. Will the Senator allow me? What I wanted to do was to state that my reference to the widows was the language of the governor of New Hampshire.

Mr. NELSON. I do not criticize the Senator for that.

Mr. GALLINGER. The governor called attention not only to the widows but to trustees who are holding this class of property as being poor, or comparatively poor, people; that was all.

Mr. NELSON. I want to give a little of my own experience. Many years ago when I was a Member of the House there was a gentleman who owned real estate in various counties in Minnesota. He is dead now, and there is no harm to mention his name. His name was Balcom. He had no children. He was all the time buying tax titles. He all the time thought they taxed his land too high, and he let it go at a tax sale. I was his attorney in many of those instances, and I got acquainted with his ways. When I was a Member of the House he used to come down here in the winter with his wife and stay in Washington. They did that for several winters. I said, "Mr. Balcom, why do you stay here? Why do you not go to your home?" He said, "I spend a part of the time in Philadelphia and a part here, because this is the only place where I can come that my notes and bonds are not taxed. If I went to Minnesota you would be as hard on me on these intangible things as you have been on my real estate."

Now, that is the kind of man we want to reach. I am sorry to see my genial friend from New Hampshire, who is generally right on all questions and who always acts in good faith, take the different view of this matter. I can hardly account for it. But he tells us, in his State, if I understood him correctly, they have no such taxes.

Mr. GALLINGER. That is right.

Mr. NELSON. Therefore I do not wonder at the fact that he is not in favor of these taxes. He has not been brought up to it. It is like a child that has been brought up on corn bread; it does not like to depend on wheat bread or anything of that kind.

Now, I want to say to Senators in all candor the way I feel about this matter. I feel that this intangible property, moneys and credit, should be taxed, as they are in most of the States of the Northwest and the West and most of the States except perhaps in New England. Now, I am not hostile to those gentlemen; I am not hostile even to those rich widows; but if you make those people pay something on their credit you can remove some of the unfairness that exists in the system of taxation in the District of Columbia.

The idea of making a poor widow, with a family of children, who rents a house, takes in lodgers, and keeps a boarding house,

pay a tax, and a poor fellow who is crippled and not able to do any manual labor, who runs a little restaurant or a pool table—the idea of taxing that kind of people and then exempting from taxation the millionaires, who are fortunate enough to have their property in the shape of credits and money and not in tangible property, seems to me monstrous, indeed.

This evil should be corrected; this class of property should be taxed. I agree with the Senator from South Dakota that in view of the character of the property his rate of taxation is fair, and if you enforce that rate of taxation in the District of Columbia you can reduce the taxes on real estate and can eliminate many of these wicked occupation taxes, which ought not to be on our statute books.

Mr. DILLINGHAM. Mr. President, I call the attention of the Senator from South Dakota to the portion of his amendment where it provides that these intangibles "shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property."

It has occurred to me that this will give rise to a difficulty in the administration of this proposed law which may possibly prove disastrous to its operation. The claim made in every State, so far as I know, is that this class of property has escaped taxation because the owners of it refuse to disclose of what it consists—the class of investments, specifically—for examination by assessors and appraisers; in other words, they refuse to disclose all the secrets of their wealth, the classes of their investments, the persons affected by them, and matters of that character. So such property fails to come within the purview of the tax system of the States.

It seems to me that under the phraseology of the amendment it will require every capitalist—I use the word "capitalist" because I suppose this is intended to reach the capitalists—it will require every capitalist to lay out his securities before the individual assessors of this District and to have every investment appraised at its cash value by the assessor of this District.

Mr. STERLING. I do not think that will be the requirement.

Mr. DILLINGHAM. I think that is just what the law now requires.

Mr. STERLING. If the Senator from Vermont will refer to the provisions of section 1 of the law in regard to the returns to be made by the individual or the corporation in regard to tangible personal property, he will find that there is no such requirement as that. If the Senator will permit me, I will read it.

Mr. DILLINGHAM. I wish the Senator would do so.

Mr. STERLING. Beginning in section 6, about the middle of page 4, the provision is:

That hereafter the assessor of the District of Columbia, or his successor in office, shall annually cause to be prepared a printed blank schedule of all tangible personal property and all general merchandise or stock in trade, owned or held in trust or otherwise, subject to taxation under the provisions of this section, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank setting forth that the foregoing presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be.

There would merely be the added requirement there on the part of the owner of moneys and credits that he should add to the list the moneys and credits which he owns, and he would have to make an affidavit to it, just as the owner of tangible personal property would have to do.

Mr. DILLINGHAM. That is to say, the Senator from South Dakota is of the opinion that the only requirement would be to group the taxpayers' assets under different titles?

Mr. STERLING. Yes.

Mr. DILLINGHAM. For instance, the amount of municipal bonds held, the amount of railroad bonds held, and the amount of other classes of investments, without disclosing the individual investments?

Mr. STERLING. I think so.

Mr. CLAPP. Mr. President, if the Senator will pardon an interruption, I desire to say that where such a law as this which is now proposed has been in effect, I think the practice has always been—I know it has been in my State—to prepare a separate statement for the taxpayer to make out. One statement relates to his personal property, as we use that term, while the other relates entirely to the different forms of intangible property.

Mr. DILLINGHAM. That is just the point I had in mind. That is the law in most of the States, and I know it is the law of the State which I in part represent here.

Mr. CLAPP. Before we had the new law in our State, everything was embodied in one statement, which was signed by the taxpayer. Now there are two statements, which are distinct and separate papers, one to be signed, covering the ordi-



nary personal property—furniture, horses, and such things—and the other the credits in the bank, money on hand, notes, bills, mortgages, and so forth.

Mr. DILLINGHAM. I think that is generally true; but the phraseology of the proposed amendment which troubles me is that these intangibles "shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property."

Mr. STERLING. Exactly. So far that simply means the filling up of blanks with the statement of this particular class of property and its value. Now, if the Senator from Vermont will bear with me, I will call his attention to another part of the same paragraph which is applicable to tangible property. As to how far or to what extent it will be applicable to intangible property may be a matter of surmise. The language to which I refer reads:

*Provided further, That if the said board of personal-tax appraisers be not satisfied as to the correctness of the return of personal property made by any person, firm, association, corporation, company, administrator, executor, guardian, or trustee, said board may reject said return, and said board, or any one of the members thereof, may, from the best information he or they can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just.*

Of course a provision like that is almost necessary in any law relating to the assessment of property for taxation purposes, and especially as to personal property.

Mr. DILLINGHAM. Particularly in a jurisdiction that has a system of individual returns. I simply wanted to call the attention of the Senator from South Dakota to what seemed to me to be the requirement that all this class of property would be appraised as tangible personal property is appraised, and that, I think, would be impossible under any system that is known in any of the States. That only illustrates the misfortune of proposing to change in existing law by such an amendment instead of by a bill, in which event this subject could be considered in the committee room and all these questions be thrashed out.

I am in sympathy with the purpose of the amendment; I am in sympathy with the object which the Senator has in view, but I fear that in the adoption of the amendment we may perhaps fail to have it so well and so clearly constructed that in the administration of the law an injustice may not result either to the Government or to the taxpayer.

Mr. STERLING. Mr. President, I will say to the Senator from Vermont that I first thought of providing in the amendment for some system of appraisal of this kind of property, and yet when I looked over the system provided in the law for the assessment and appraisal of personal property generally I thought it was easy to adapt the provisions of that part of the law to this amendment if it should prevail; that there was no need of providing any other system whatever. I think those provisions are eminently reasonable and just.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield to the Senator from Minnesota.

Mr. CLAPP. When this proposed law comes to be worked out, it will undoubtedly require more legislation. In the sense of an estimate of the value of intangible personal property, there is no such thing as an appraisal. If a man has a thousand dollars in the bank, it is a thousand dollars; if he has a note for \$10,000 in his vault, it is \$10,000. Because it is taken at its full value, as my colleague [Mr. NELSON] so plainly stated a few moments ago, is the reason the rate of taxation is put so low on this kind of property.

Where such a law is in operation—I am speaking now from experience in my own State—a man simply returns the amount of money he has on deposit, the amount of notes he has, the amount of mortgages he has, and they are taxed at the very low rate of 3 mills on the dollar, while other property, which is subject to somebody else's opinion as to its value, is taxed at a very much higher rate—I think at about a cent and a half on the dollar.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. STERLING. I yield the floor.

Mr. WEEKS. I am in entire sympathy with the purpose which the Senator from South Dakota [Mr. STERLING] seems to have in mind, but I want to suggest to him that this is one of the most delicate subjects that can be taken up in a legislative way. He is basing his amendment on the theory that it is just. It may be or it may not be just. I think all classes of property should pay their due proportion in maintaining the

Government; but there are so many different tax laws and so many different theories applying to taxes on real estate and on personal property that it seems to me that, when we take such a step as is now proposed in the District of Columbia, it should be taken after a suitable committee or commission has made a careful investigation of the amount of money or the probable amount of money that is going to be raised in this way, how it is going to affect the taxes on real estate, or in what other ways it is going to affect the body politic.

In the Commonwealth of Massachusetts, for example, we do not tax real estate mortgages on property held in Massachusetts, because that would be double taxation. It is the theory that the owner of the real estate pays the tax up to substantially its full value, and therefore the holder of the mortgage ought not to pay another tax. That, however, is not the rule followed in other States. In Massachusetts we tax personal property, such as stocks and bonds, at exactly the same rate which is imposed on real estate. That is not the rule followed in other States.

I have very decided doubts about the propriety of taxing one class of property at a different rate from the taxes imposed on another class. I should want to have pretty positive evidence that that was a just method of procedure. This whole thing is so complicated that it does not seem to me that it ought to be submitted as an amendment to an appropriation bill. I should be glad to vote for a proposition putting the matter into the hands of somebody to investigate carefully and to obtain from this class of property the just share of taxation which it should pay as the result of such an investigation.

Mr. JAMES. Mr. President, will the Senator yield to me?

Mr. WEEKS. Yes.

Mr. JAMES. Was not that the suggestion which was made two years ago when this matter came up? Gentlemen who opposed the proposition then wanted it referred to a committee to investigate. The committee investigated it; nothing has ever been done about it, and bonds and stocks and notes still go untaxed.

Mr. WEEKS. Quite likely the Senator is right; but I think he will absolve me from any such disposition.

Mr. JAMES. I was not personal at all.

Mr. WEEKS. I think that this class of property should be taxed; I think it is wrong that we should have a place where citizens can go and avoid the just taxation which they should have imposed against their property; but I do not think legislation of this character should be enacted in a haphazard way, and, notwithstanding what the Senator from Kentucky [Mr. JAMES] says, it has seemed to me that the proper way to proceed is to have a suitable investigation and a report to Congress at the beginning of the session next December.

Mr. GALLINGER. Mr. President, will the Senator from Massachusetts permit me to ask a question of the Senator from Kentucky?

Mr. WEEKS. Yes.

Mr. GALLINGER. I ask the Senator from Kentucky if the proposition for a tax on intangible property did not go out last year on a point of order?

Mr. JAMES. My recollection is that last year when this matter was up—or, perhaps, it was the year before—such a proposition was offered as an amendment to the District appropriation bill. The Senator may be right that a point of order at last was made against it.

Mr. GALLINGER. And was sustained.

Mr. JAMES. And later on the amendment went out; but it was urged then, as I have stated, by those who were opposed to taxing intangible property that the subject ought to be investigated, that the whole matter ought to be taken in hand and a very searching and far-reaching investigation made.

Mr. GALLINGER. Mr. President, whether or not this amendment is adopted, I propose to offer at the proper time another amendment in these words:

That the Committee on the District of Columbia is hereby directed to make a careful and exhaustive study of the tax laws of the District of Columbia, including license taxes, with a view to recommending such changes as the committee may deem fair and equitable, a report to be made to the Senate during the next session of Congress.

I agree with the Senator from Minnesota [Mr. NELSON] that the present license taxes are not fair taxes, and I think the committee probably would come to that conclusion.

I want further to say to the Senator from Minnesota that it is a little unfair in saying that I have committed myself absolutely against this amendment. I called attention to the fact that we do not tax intangible property in New Hampshire, but that would not deter me from voting for the amendment which has been proposed, if, after consideration, I should conclude that it is proper and right. At the present time I am not quite sure what my vote will be; but, inasmuch as New Hampshire has

considered this matter many times and has not thought proper to impose a tax of this kind, I feel that I will be quite justified in voting against the amendment until my own State does take action.

Mr. SMITH of Arizona. Mr. President, one rate of taxation on one class of property and a different rate on another class does not appeal to me in cases where the question of value can be ascertained. Intangible property is just as much subject to the demand of the State to pay its due share of the burden of government as the tangible wealth of the country.

I heartily agree with everything that the Senator from Massachusetts [Mr. WEEKS] has said in regard to the haphazard way in which we are proceeding to enact the legislation under discussion. Notwithstanding the comments of the distinguished Senator from Kentucky [Mr. JAMES], I do not think there is any disposition on the part of the Committee on the District of Columbia to evade action on the immediate question. That committee has been pretty busy for some time, and I think will do its duty. I merely take the floor now in explanation of the vote that I shall hereafter cast.

I am thoroughly in accord with the proposition to tax intangible property; but to tax intangible property at this late hour, through the medium of an amendment offered on the floor of the Senate, when no Senator knows the amount of property that will be affected, when no Senator knows what effect such a tax will have and should have on the real estate taxes in this District, it seems to me, to say the least, injudicious, and until an investigation is made, such as the Senator from New Hampshire has given notice that he will propose by an amendment, I shall certainly vote against the amendment proposed on the floor at this time, which may disjoint the symmetry of the present taxation system of the District of Columbia.

What effect the adoption of the amendment would have on the collection of taxes in the District no man can tell. The committee ought to take under investigation the very things which the Senator from New Hampshire includes in his proposed amendment; and until that time it seems to me it would be legislating without due consideration to put on the pending bill the amendment of the Senator from South Dakota calling for an arbitrary tax on certain property, when there is no information how much property is to be affected, how much money is to be obtained, what the effect will be on the property itself, or how much it will serve to relieve the people of whom the Senator from Minnesota [Mr. NELSON] spoke with such feeling, and with whose remarks I am in thorough accord.

So, Mr. President, under the circumstances, it seems to me that it would be unsafe for us at this hour to place an amendment, the effect of which we know so little, on the pending appropriation bill. I shall stand by the committee, if the committee opposes the amendment, and, if it does not, I shall myself oppose the amendment for the reasons stated.

Mr. JAMES. Mr. President, two years ago, when this question was up for consideration, the Committee on the District of Columbia was notified that there was a considerable desire in the Senate to tax intangible property. The same suggestion as to an investigation, as I have heretofore pointed out, was indulged in then. It is rather a peculiar thing to me that when you come to tax the home of the poor man, when you come to tax the occupation of the small business man, there is no necessity, Mr. President, for delay; no reason is urged then that a committee must be appointed, and with great patience and research and thoroughness make an investigation before there is any attempt to lay a tax upon him. The Senate then, in its deliberative capacity, is perfectly competent to fix the tax that must rest upon him; but when the capitalist's holdings are to be taxed, when the gold and the bonds are to be reached, delay must be had and an investigation must be made. The Senate is just as competent now and just as well qualified now and just as well informed now to act upon the question of taxing intangible property as it was when it originally taxed the small holdings of the plain folk in the District of Columbia.

Many months ago the Senator from Iowa [Mr. KENYON] called the attention of the Senate to the vast list of rich people who have come to Washington from the various States in the Union and have sought it as a haven that would exempt them from taxation, but nothing was done. I introduced an amendment to tax intangible property, and it was ruled out of order at that time. If the Senate does not want to place a tax upon intangible property, if it wants the vast holdings of these very rich people to escape taxation, if it wants the holders of such property to enjoy the blessings of this great Government and pay nothing to support it, say so, and say so boldly. Let us not compromise by putting it off for investigation. When the investigation is

had the Senate at last will have to be the final arbiter of the amount of taxation to be paid upon such property.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. JAMES. I yield.

Mr. WEEKS. The Senator says that the Senate is just as competent to pass upon this question now as it would be after an investigation. Is the Senator satisfied that taxing personal property 4 mills and taxing real estate a dollar and a half is a just system of taxation?

Mr. JAMES. It is more just than to tax real estate a dollar and a half and intangible property nothing.

Mr. WEEKS. Mr. President, in my State intangible property is taxed at the same rate as real estate. If that is a just system of taxation, does not the Senator think it is better to take that than to adopt this piecemeal method?

Mr. JAMES. I am perfectly willing for the Senator to introduce an amendment attempting to put in force here in the District the tax system of Massachusetts, if he desires to do so, and let the Senate consider it; but, in reply to what the Senator says, there is this answer: While we may not put such a tax on intangible property as we ought to put on it, we will at least approach more nearly to justice by putting something on it, rather than to let it escape altogether.

Mr. TOWNSEND. Mr. President, as I understand the situation, all Senators are in favor of imposing a tax upon intangible values in the District of Columbia. I think most of the States tax such property, and the information which has come to me is that a low rate on such property brings a larger return than a high one.

I can not understand how there is any possibility of injuring anybody by imposing the low tax rate of four-tenths of 1 per cent. If it is agreed that the holders of intangible property shall pay something, no one will contend that four-tenths of 1 per cent is too much. Therefore it is simply a question of whether Congress will, at this time, provide for taxing all personal property at a reasonable rate or leave intangible property as it is now, exempt from taxation.

I realize, of course, that the question of taxation is a very large one and very complicated; but I repeat that the proposition of the Senator from South Dakota does not do an injustice to anyone. If unjust at all, it is so to those who pay taxes on other kinds of property in the District, because the proposed rate is not high enough. If action on this matter were deferred for examination and investigation, it is probable that a tax on this now exempt property would be recommended, and certainly no lower rate than that proposed by the Senator from South Dakota would be imposed.

If we start with four-tenths of 1 per cent, it stands to reason that the whole question of taxation in the District will be studied and a readjustment had which will remedy the present evils, which have been so clearly and forcibly presented by the Senators from New Hampshire and Minnesota. I agree with the Senator from Kentucky that unless we start this needed reform we are going to postpone indefinitely a question which all admit imperatively needs consideration. I confess frankly that I want to reach those tax dodgers who find the District tax laws favorable to their purposes, and I am going to take advantage of the present opportunity to begin this reform. Therefore it becomes my plain duty to support an amendment which does no injustice to any taxpayer, but recognizes a principle which should have been recognized long ago by the Congress. It is intimated that this additional tax will produce more money than the District needs. Maybe it will for this year, but the fact nevertheless exists that some wealth is now escaping taxation. It should contribute to the support of the government, and if more money is raised than the District appropriations require, the surplus, as has been done in the past, will be turned in to the Federal Treasury, and hereafter the general tax rate in the District can be lowered by reason of the addition of much personal property to its assessable values.

Mr. VARDAMAN. Mr. President, I simply want to express my hearty concurrence in what has been said by the distinguished Senator from Kentucky [Mr. JAMES] and the able Senator from Michigan [Mr. TOWNSEND]. It strikes me as rather singular that whenever a question of this character comes up in the Senate for consideration—a question involving certain property interests, especially when the interests of that class of our people who are best able to bear the burden of taxation—the matter assumes at once a very abstruse and difficult form, and in order that eternal justice shall be done it becomes necessary to have the whole matter passed upon by a commission composed of men possessing expert knowledge. There seems to be a growing dis-



position on the part of certain Members of this body that the Congress is incapable of dealing with any question affecting the profits of the rich folk without first referring the question to a commission. Senators discuss this question with a Delphic air, as though it were shrouded in inscrutable mystery. Now, I do not think this a very healthy sign. Personally I am opposed to legislation by commission. I believe the further we get away from the people the more inclined the officer is to neglect the public interests. Congress was created by the Constitution charged with the duty and power of making laws—levying taxes and otherwise legislating for the public good. And I am in favor of Congress performing that function and not delegating it to any other power.

If not the purpose, the effect of this reference will be to defeat taxation on this particular form of property—a form of property which is best able to bear the burden of government, whose strong arm it always promptly invokes for its protection. You may lay the hand of taxation upon the widow, you can tax the orphan to pauperization, you can pile up mountain high on the aching stoop of the laboring man every form of taxation, and nobody raises a question or seems disturbed about it. Congress is amply able, offhand, without special deliberation to levy a tax upon the toilers and wealth producers of this Republic, but when you propose to tax money, levy tribute upon invisible wealth, which is possessed by that class of our population who get more out of the Government and do less for it than anybody else, then Senators insist upon taking it under consideration to give Congress an opportunity to pray over it lest some injustice be done to the innocent, helpless, patriotic rich. I sincerely hope that the amendment proposed by the Senator from South Dakota [Mr. STERLING] may be agreed to; and if it is not altogether perfect in every detail, if there is the slightest injustice that may result from it, there is no doubt about Congress correcting the mistake at once. It is a movement in the right direction, and I want to see the movement begun.

Mr. GALLINGER. Mr. President—

Mr. VARDAMAN. Just a moment. This tax of four-tenths of 1 per cent will be levied upon the property described in the amendment. The property described in the amendment ought to be taxed, and four-tenths of 1 per cent is not an excessive tax, and so where the injustice is liable to get in I can not understand; but I do understand that if the property which this amendment proposes to tax shall continue to be exempt from taxation a great wrong will be done every other man and woman who are taxed for the support of the Government. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I trust the Senator from Mississippi, in the observation that when efforts of this kind are made the suggestion follows that we should postpone them, does not apply to my suggestion that I would offer a provision later on that the District of Columbia Committee should look into this matter.

Mr. VARDAMAN. I had no reference whatever to that.

Mr. GALLINGER. It does not in any way affect the pending amendment. My only thought was that if this tax was to be imposed, as I presume it will be imposed, certain other taxes are unfair, and that the people ought to be relieved from them.

Mr. VARDAMAN. I have no objection in the least to the amendment proposed by the honorable Senator from New Hampshire. I think it is prudent; I think it is timely to get information on that subject or any other subject about which Congress must legislate.

Mr. GALLINGER. I thank the Senator.

Mr. VARDAMAN. But I do not think it is fair to postpone action on this amendment, which would permit those owning intangible property to enjoy exemption until the commission, which the Senator proposes to create, or, rather, the information which he desires to obtain shall be forthcoming.

Mr. GALLINGER. I had no such purpose in view. My idea was that when the pending amendment had been acted upon, then I would offer the amendment of which I have given notice at some other time.

Mr. VARDAMAN. I have no idea that the Senator from New Hampshire is going to do anything that is not patriotic and proper. I would not impute to him any other than the loftiest motives. His distinguished service in this body compels that exalted opinion.

Mr. THOMAS. Mr. President, I think there is another reason why this amendment should be adopted. I think there can be no question but that a great many of the wealthy people of the country have nominal homes in the city of Washington because they find here a snug harbor, a place where they can enjoy exemption from that burden of taxation which ought to be common to all. There should be no spot in the United States in which a man can take refuge in order to secure immunity from

the obligations of citizenship; and if the Capital of the Nation furnishes such a snug harbor, we should as soon as possible enact legislation for the purpose of making it no longer that sort of a place.

I live in a part of the town between which and the Capitol lies what may be called the better, or a part of the better, residential district of the city of Washington; and in my walks to and fro I have noticed the empty houses, the empty palaces stretching along our boulevards and residential thoroughfares, magnificent structures, the doors and windows boarded up, and which are unoccupied for the greater part of every year. They are the homes of people who call themselves residents of the District, and who maintain that residence by temporary habitation of their houses in the District. I have no doubt that a great many of these people—I will not say all of them, but I think a majority of them—have located themselves here for no purpose on earth except to escape that burden of taxation from which, as I say, no man who has property in this country should be free.

Of course, the tendency of capital is to avoid taxation and to pass it on. Our present income-tax prohibits the assumption by those who issue securities of the income-tax; and the effort is now being made—I do not think it will be successful, although it was in the House—to remove that provision from the income-tax law, so that the bondholder may shift his income-tax from his own to the shoulders of the consumers of the country. It is our duty, without waiting for the reports of commissions, to prevent these practices and these legal enactments under and by means of which a large portion of property which is the just subject of taxation escapes these burdens.

I hope this amendment will be adopted.

Mr. JONES. Mr. President, I was delighted a moment ago to hear the Senator from Kentucky [Mr. JAMES] urge the adoption of this amendment on this appropriation bill. I was pleased to hear him suggest that the Senate was just as competent now to pass upon this proposition as it would be after investigation. I am glad to hear him say that because of an amendment that I now intend to propose, which has been heretofore kept off the appropriation bills, or which it has been heretofore urged should be kept off, because it is general legislation and because we ought to have these things acted upon separately and by a committee, and so forth. I was also glad to see that the Senator from Kentucky voted to sustain the decision of the Chair holding this amendment proposed by the Senator from South Dakota to be in order.

Before I propose the amendment that I intend to offer to the amendment of the Senator from South Dakota I desire to call attention to the character of the amendment offered and the decision of the Senate with reference to it.

When the Senator from South Dakota presented this amendment he conceded that it was subject to a point of order. He conceded that it was legislation on an appropriation bill. But, notwithstanding that concession—

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. I do.

Mr. STERLING. I think the Senator is in error in saying that I conceded that it was subject to a point of order. I questioned whether it might not be subject to a point of order. I did not quite concede that it was subject to a point of order. I suggested that it might be, but I did not concede that it was.

Mr. JONES. The Senator did not insist that it was not.

Mr. STERLING. I did not insist that it was not, I agree; but I should like to have the Senator quote me correctly.

Mr. JONES. Of course, the Record will speak for itself. I am only speaking from recollection and from the impression I got. I did have the impression that the Senator conceded that it was subject to a point of order.

Mr. BORAH. As the Senator knows, mental reservations these days are very happy.

Mr. JONES. Yes; mental reservations are very happy, and it is apparently very easy for the Senate to change its mind overnight.

This amendment is proposed to the District of Columbia appropriation bill. I voted to sustain the Chair in his ruling solely on the theory that this is not a general appropriation bill. There may not be very many in the Senate who will agree with that; but that is the only theory, to my mind, upon which the ruling of the Vice President and the decision of the Senate upon that ruling can be sustained.

What is this amendment? Why, it starts out by the declaration—that is, this is in the printed form—

Section 6 of the act of July 1, 1902, "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," is hereby amended by adding, after paragraph 2 of said section,

It does not purport to amend any provision in the District of Columbia appropriation bill. There is not a paragraph in the District of Columbia bill that this amendment purports to amend; but it does purport to amend a paragraph of section 6 of a prior law, which provides a system of taxation for the District of Columbia.

In other words, it is legislation, and it is general legislation, if legislation relating to the District of Columbia is ever general legislation; and it is legislation offered to a general appropriation bill, if the District of Columbia appropriation bill is a general appropriation bill. So it not only changes existing law, but it is of a general character and is general legislation, if there is anything in our rules that applies to the District of Columbia appropriation bill. But, as I remember it, upon the theory that it affects taxation, a system of revenues, and so forth, for the District of Columbia, it was held to be in order, and the Senate sustained that ruling.

Now, then, I am going to offer an amendment to this amendment which is in order, which also affects the revenues of the District of Columbia; and if this amendment is in order, then my amendment must certainly be in order. But first, before I offer it, I want to call attention to the act that this amendment proposes to amend. I have it here.

It seems that this was a part of the District of Columbia appropriation bill of 1902, and that apparently we provided in that appropriation bill by general legislation, if there is such a thing as general legislation for the District of Columbia, a general system of taxation, licenses, and all that sort of thing. I find that section 5 of this act relates to the taxation of real estate, and here we have a system of taxation of real estate. Then section 6 of the act is entitled "Taxation of personal property." Now, section 6 goes on to say—

That in order to provide revenues to meet the appropriations made by this act and appropriations to be hereafter made to provide for the expenses of the government of the District of Columbia, it is further enacted—

And so forth.

Then here is a section containing a large number of paragraphs with reference to personal-property taxes, tax upon hotel companies, tax upon banks as trustees for their stockholders and companies that guarantee the fidelity of any individual, the capital stock of corporations and building associations, and personal property that shall be exempt from taxation. Then it provides that the assessors shall go through certain proceedings, and then that general brokers shall pay a tax of \$250 per annum, and that note brokers shall pay a tax of \$150, and so forth. Now, it is paragraph 2 that the Senator proposes to amend.

Paragraph 2 puts a tax on all tangible personal property, assessed at its fair cash value. The Senator from South Dakota proposes to put a tax on certain property that is not included in this general scheme of taxation. In other words, he is legislating, just as we legislated there. He is increasing the property that is subject to taxation, and fixing the rate that it shall hereafter bear.

Section 7 of this same general appropriation bill is entitled "License taxes." It provides for a tax upon trades, professions, callings, businesses, and so forth, and prohibits the operation of certain devices, and provides that druggists shall pay a certain tax, and then provides a liquor tax, and all that sort of thing, all relating to the revenues of the District. Now, Mr. President, as relating to the revenues of the District—as relating to the system of taxation which the Senate holds in order by holding in order the amendment of the Senator from South Dakota—I offer, as an additional paragraph of the amendment of the Senator from South Dakota, the matter which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the amendment offered by the Senator from South Dakota [Mr. STERLING], the following:

And that on and after the 1st day of November, A. D. 1916, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, in the District of Columbia shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic or other prohibited liquors for beverage purposes or for any other purposes than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Wherever the term "alcoholic liquors" is used in this paragraph it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

That any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall directly or indirectly violate the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof

shall be fined not less than \$300 nor more than \$1,000, and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than one year for each offense.

That the provisions of this paragraph shall not be construed to prevent the manufacture, importation, or sale of denatured or of methyl alcohol or of ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians under the regulations set out in this paragraph: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol and alcoholic or other prohibited liquors, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only.

That regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors nor compound, nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient requires such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the Commissioners of the District of Columbia or the courts when required, and shall also contain a statement of the kind and amount of alcoholic and other prohibited liquors on hand when this paragraph shall go into effect, and thereafter such druggist or pharmacist shall, on the order of the court or the Commissioners of the District, make a statement of the amount of intoxicating liquor sold or used in any manner since the last statement and the amount on hand at the date when such court or commissioners require such statement: *Provided*, That ethyl alcohol may be sold without a physician's prescription for mechanical, medicinal, pharmaceutical, scientific, or other nonbeverage purposes by registered and licensed druggists or pharmacists, or by licensed manufacturers, each and all of whom shall keep a book for the purpose of registering such sales in a similar manner and form as required for the sale of other alcoholic and other prohibited liquors by the provisions of this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not less than \$50 nor more than \$200, and in default of the payment of such fine shall be imprisoned in the jail or workhouse of said District not less than 30 days nor more than six months.

Any druggist or pharmacist who shall sell or dispense any alcoholic or other prohibited liquors, except in such manner as provided in this paragraph, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this paragraph, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in this paragraph. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 1, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue license to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any alcoholic or other prohibited liquor except for treatment of disease, which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor more than \$500, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period, and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him, or the purchase by him, of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used and the period to be covered by such use; the amount of wine permitted to be shipped or purchased under one permit shall not exceed 5 gallons, and the said permit shall be attached to the outside of the package by the shipper and remain so attached



until delivered to the consignee, when it shall be canceled by the carrier. Said permit shall be void after 20 days, and shall not be used for more than one shipment.

That any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted this paragraph shall, on or before the 1st day of November of each year, obtain a license from the Commissioners of the District of Columbia for the year beginning November 1 upon the payment of \$100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this paragraph shall obtain a license in the same way for the same period, the fee for wholesale druggists being \$25, for retail druggists \$10. The commissioners shall have power to refuse or revoke all licenses referred to in this section if doubtful of the good faith of the licensee and his intention to comply with this paragraph. Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors to druggists only, and only to such druggists as are licensed under the terms of this paragraph: *Provided*, That hospitals, departments of the Government, colleges, and laboratories may purchase alcoholic liquors from manufacturers, after obtaining permit from the District Commissioners, who shall be satisfied of the good faith of said purchasers before granting permit, and who shall require records and reports of all sales made by such manufacturers. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in this District of Columbia, and these only for the purposes permitted by this paragraph. Violations of this paragraph shall be punished by a fine of not less than \$300 nor more than \$1,000 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 1 year.

That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, association, or order, his or its agents, clerks, or employees, any liquors for prohibited purposes in the District of Columbia, knowing same to be such, and in the case of shipments of liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day before 6 o'clock a. m. and after 5 o'clock p. m. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or be confined in the District jail or workhouse not less than one nor more than six months, or by both fine and imprisonment, in the discretion of the court.

That every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse or other place in which any alcoholic liquor is received or kept for the purpose of barter or sale or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this paragraph, and every person who shall use, barter, sell, or assist or abet in bartering or selling any liquors so received or kept, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject to the penalties prescribed in this paragraph; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this paragraph or of any fact tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

That the keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this paragraph shall be deemed an unlawful selling, subject to the penalties provided in this paragraph.

That if any person shall advertise or give notice of, by signs, billboards, newspapers, periodicals, or otherwise, for himself or another, the manufacturer, offering for sale or keeping for sale of alcoholic or other prohibited liquors for purposes forbidden under this paragraph, or shall circulate or distribute any price list, circulars, or order blanks advertising such liquors, or publish or distribute any newspaper, magazine, periodical, or other written or printed paper in which such advertisements of liquors appear, or shall permit to be posted upon his premises or premises under his control (including billboards), or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than \$100 nor more than \$500.

That if one or more persons who are competent witnesses shall charge, on oath or affirmation, before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this paragraph by manufacturing or offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing alcoholic liquor, shall request said corporation counsel or any of his assistants duly authorized to act for him to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof, and if any such be found to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barroom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this paragraph.

That any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building or in or upon any street car, or any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform,

or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

That the payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than manufacturers or druggists licensed under section 5 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering and exposing for sale alcoholic liquors contrary to the provisions of this paragraph, and a certificate from the collector of internal revenue, his agents, clerks, or deputies, showing the payment of such tax, and the name or names of persons to whom issued, and the names of the person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax and of the association of such persons for the selling and keeping, offering and exposing for sale of liquors contrary to the provisions of this paragraph in all trials or legal inquiries.

That all houses, boathouses, buildings, club rooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in this paragraph) shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties prescribed in this paragraph, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping such liquor contrary to law, as the court may determine.

That the United States district attorney for the District of Columbia, or any citizen of the District of Columbia, may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not less than \$100 nor more than \$500 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 6 months, in the discretion of the court.

That when any violation of this paragraph is threatened, or shall have occurred, or is occurring, the doing of, or the continuance or repetition of the unlawful act, or any of like kind by the offending party may be prevented by a writ of injunction out of a court of equity upon a bill filed in all respects as in cases of liquor nuisances; in like manner the writ of injunction may be employed to compel obedience to any provision of this paragraph.

That if a tenant of a building or tenement uses such premises, or any part thereof, in maintaining a common nuisance as hereinbefore defined, or knowingly permits such use by another, such use shall render void the lease under which he holds, and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof.

That anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in this paragraph, after being notified in writing of such use, neglects to take all reasonable measures to eject therefrom the person so using the same shall be deemed guilty of assisting in maintaining such nuisance.

That no property rights of any kind shall exist in alcoholic liquors or beverages, illegally manufactured, received, possessed, or stored under this paragraph, and in all such cases the liquors are forfeited to the District of Columbia and may be searched for and seized and ordered to be destroyed by the court after a conviction when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the corporation counsel that such liquors are contraband.

That every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling or bartering intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this paragraph shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct.

That if any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, or while in charge of or operating any automobile or horse vehicle in the District of Columbia, shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than \$25 nor more than \$300, and in default in payment of said fine shall be imprisoned in the District Jail or Workhouse for not exceeding three months, or both fine and imprisonment, in the discretion of the court.

That it shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this paragraph. They shall detail qualified members of the police force to detect violations of the paragraph, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven to the corporation counsel; but it shall be the duty of all members of the police force to detect violations of the paragraph and to promptly report any information or knowledge concerning the same to the corporation counsel, together with the names of witnesses by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this paragraph he shall, upon conviction, be fined in any sum not less than \$100 nor more than \$500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction

tion is had shall, in addition to imposition of the fine aforesaid, order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this paragraph any official herein referred to may be removed by court action.

That prosecutions for violations of the provisions of this paragraph shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this paragraph, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

That if for any reason any provision or part of this paragraph shall be held unconstitutional or invalid, that fact shall not affect or destroy any other provision or part of the paragraph not in and of itself invalid, but the remaining parts of the paragraph shall be enforced without regard to that so invalidated.

That in the interpretation of this paragraph words of the singular number shall be deemed to include their plurals and words of the masculine gender shall be deemed to include the feminine, as the case may be.

That this paragraph shall be in full force and effect on and after the 1st day of November, 1916; and the Excise Board of the District of Columbia provided for and established under the act making appropriations to provide for the expense of the government of the District of Columbia for the fiscal year ending June 30, 1914, be, and it is hereby, abolished upon the taking effect of this paragraph.

During the reading of the amendment,

Mr. JONES. Mr. President, in order to save time I will simply say that this amendment was prepared by the Senator from Texas [Mr. SHEPPARD]. The bill to the same effect has been considered by the Committee on the District of Columbia, and is now on the calendar. I want to say that it does not interfere at all with the amendment of the Senator from South Dakota. I am in favor of the amendment of the Senator from South Dakota. I am in favor of putting these taxes on intangible property. I voted to sustain the ruling of the Chair with reference to that; but this is simply an addition to it, and, of course, if it should be adopted, then the whole amendment would be adopted. Of course, if this should be voted down, I shall vote for the amendment of the Senator from South Dakota.

Mr. SMITH of Maryland. Mr. President—

Mr. MARTINE of New Jersey. Mr. President, I rise to a point of order.

Mr. JONES. I yield to the Senator from Maryland.

Mr. SMITH of Maryland. I understand that a bill before our committee pertaining to this matter has been acted upon.

Mr. JONES. It has, and it is now on the calendar.

Mr. SMITH of Maryland. Notwithstanding there is a bill to this effect which has been acted upon by the committee and is on the calendar, the Senator proposes to put this on an appropriation bill.

Mr. JONES. I propose to put it on the amendment that the Senate has held in order. It has not been acted upon by any committee of the Senate.

Mr. SMITH of Maryland. I understand; but this is a new amendment, and is an amendment entirely in accord with a bill that has been acted upon by a committee of the Senate, and is on the calendar.

Mr. JONES. Yes; and therefore it has a much better standing before the Senate, according to some, than the amendment of the Senator from South Dakota.

Mr. MARTINE of New Jersey. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from New Jersey will state his point of order.

Mr. MARTINE of New Jersey. My point of order is that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

The Chair understood the Vice President to base his former ruling upon the ground that the bill as it came to the Senate having changed the law heretofore in effect by abolishing the half-and-half system, it was pertinent to offer an amendment to the bill touching the collection of the revenues which were thus to be appropriated. The Chair does not believe that the amendment now offered can be regarded as in any sense a revenue measure. It absolutely prohibits the carrying on of a certain line of business in the District of Columbia. The

present occupant of the chair feels that there is a very distinct line of demarcation between these two amendments.

Mr. HARDWICK. Mr. President, if I may interrupt just a moment, it is also an amendment in the second degree, is it not?

The PRESIDING OFFICER. The Chair does not so understand.

Mr. HARDWICK. There is a committee amendment, then an amendment to the committee amendment, and this is an amendment to that.

The PRESIDING OFFICER. The Chair understands that the amendment offered by the Senator from South Dakota is an amendment to the bill.

Mr. HARDWICK. No; to the committee amendment.

Mr. JONES. The Senator is mistaken.

Mr. HARDWICK. I am informed that I am in error about that.

Mr. JONES. Mr. President, I think the rulings of the last few days, both of the Presiding Officer and of the Senate, will furnish some very interesting reading and very interesting study to students of parliamentary law. They will see the very fine distinctions that have been made with reference to these various propositions, and also, during this session, the rulings under which amendments relating to this traffic have been excluded from various bills.

I am not going to embarrass the Senate by asking it to reverse the ruling of a few minutes ago, which I am satisfied it would do if I were to appeal from the decision of the Presiding Officer; and therefore I shall not appeal.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota.

Mr. STERLING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	Neison	Smoot
Bankhead	James	Norris	Sterling
Borah	Johnson, S. Dak.	Overman	Stone
Bryan	Jones	Page	Taggart
Chamberlain	Kenyon	Penrose	Thomas
Clapp	Kern	Ransdell	Thompson
Dillingham	La Follette	Saulsbury	Tillman
Fall	Lane	Sheppard	Townsend
Fletcher	Lee, Md.	Sherman	Underwood
Gallinger	Lewis	Shields	Vardaman
Gronna	Lippitt	Smith, Ariz.	Wadsworth
Hardwick	Lodge	Smith, Ga.	Walsh
Hollis	McLean	Smith, Md.	Weeks
Hughes	Martine, N. J.	Smith, S. C.	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. There is a quorum present. The question is on the amendment of the Senator from South Dakota [Mr. STERLING].

Mr. STERLING and Mr. VARDAMAN called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from New York [Mr. O'GORMAN] and will vote. I vote "nay."

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. In his absence, I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLE] to the senior Senator from Ohio [Mr. POMERENE] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. CLARK] who I am told is absent on official business. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I wish to make the same announcement as heretofore and I vote "yea."

Mr. TILLMAN (when his name was called). Repeating the announcement that I made on the former vote as to the transfer of my pair, I will vote. I vote "yea."

The roll call was concluded.

Mr. LEWIS. Through a misapprehension, thinking it was the Jones amendment, I voted "nay." With the information as to what the amendment was, having been out in the hall, I now want to vote "yea." I thought I was voting against the Jones amendment, which amendment I did wish to vote against.

Mr. BECKHAM. Has the Senator from Delaware [Mr. DU PONT] voted?

The PRESIDING OFFICER. He has not.



Mr. BECKHAM. I have a general pair with that Senator. I transfer my pair to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. VARDAMAN (after having voted in the affirmative). I voted inadvertently a moment ago. I have a general pair with the junior Senator from Idaho [Mr. BRADY], but I understand if present he would vote as I do, and so I will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE].

The result was announced—yeas 51, nays 12, as follows:

#### YEAS—51.

Ashurst	Johnson, Me.	Myers	Sterling
Beckham	Johnson, S. Dak.	Nelson	Swanson
Borah	Jones	Norris	Taggart
Bryan	Kenyon	Overman	Thomas
Clapp	Kern	Page	Thompson
Cummins	La Follette	Pittman	Tillman
Dillingham	Lane	Polindexter	Townsend
Fletcher	Lee, Md.	Sheppard	Vardaman
Gronna	Lewis	Sherman	Wadsworth
Hollis	Lippitt	Shields	Walsh
Hughes	Lodge	Smith, Ga.	Weeks
Husting	McLean	Smith, S. C.	Works
James	Martine, N. J.	Smoot	

#### NAYS—12.

Bankhead	Hardwick	Ransdell	Smith, Md.
Chamberlain	Martin, Va.	Saulsbury	Underwood
Gallinger	Penrose	Smith, Ariz.	Williams

#### NOT VOTING—32.

Brady	Culberson	Lea, Tenn.	Reed
Brandegge	Curtis	McCumber	Robinson
Broussard	du Pont	Newlands	Shafroth
Catron	Fall	O'Gorman	Simmons
Chilton	Goff	Oliver	Smith, Mich.
Clark, Wyo.	Gore	Owen	Stone
Clarke, Ark.	Harding	Phelan	Sutherland
Colt	Hitchcock	Pomerene	Warren

So Mr. STERLING's amendment was agreed to.

Mr. SMITH of Maryland. Mr. President, I want to say in regard to the vote I have just cast that it is no evidence that I am opposed to the taxation of intangible property in the District of Columbia. We have a law in my State, and I think the tax is right, that intangible property shall be taxed; but my reason for voting against the amendment is that I do not believe legislation of this character should be carried upon an appropriation bill. Hence I voted "nay." If it had been a regular legislative bill, an independent measure, I should have voted "yea."

Mr. GALLINGER. Mr. President, I will take occasion at this point to reserve the vote on the amendment in the Senate for the purpose of offering an amendment to it providing for a joint committee of Congress to investigate the tax laws of the District.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 5864) for the relief of Thomas P. Sorkilmo.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 15635) for the relief of the Eastern Transportation Co., of Baltimore, Md.

The message further announced that the House insists upon its amendments to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEATING, Mr. VINSON, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEATING, Mr. VINSON, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo.

The message also announced that in accordance with the provisions of House concurrent resolution 50 the Speaker of the House had canceled his signature to the enrolled bill (H. R. 12197) entitled "An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew."

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2500. An act authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona;

S. 5172. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington D. C.;

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise;

S. 6242. An act authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia;

S. 6375. An act to authorize the changing of the name of the steamship *Aroline*;

H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes;

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes;

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes;

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes;

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes;

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota;

H. R. 16068. An act to authorize the construction, maintenance and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.; and

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes.

#### NEWARK TWO HUNDRED AND FIFTIETH ANNIVERSARY CELEBRATION.

Mr. HUGHES. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 193) authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration.

Mr. SMITH of Maryland. I will say to the Senator that I must object to it if it is going to lead to any debate.

Mr. HUGHES. If it is going to cause any debate I will withdraw it. A similar joint resolution was unanimously reported by the Committee on Post Offices and Post Roads and it passed the Senate. That joint resolution went to the House and the House passed its own resolution instead of the one passed by the Senate. I simply ask that the Senate do what it has already done and pass this joint resolution.

Mr. SMOOT. Has the Senate joint resolution been recalled from the House?

Mr. HUGHES. The Senate joint resolution is now in the House. The Senate has passed its own resolution and the House passed its resolution instead of passing the Senate resolution.

Mr. SMOOT. The Senate joint resolution is not on the calendar?

Mr. HUGHES. Not at the present time. It has already passed the Senate.

Mr. SMOOT. Has this joint resolution been referred to the committee since it passed the House?

Mr. HUGHES. It is automatic. The same measure already passed the Senate, and it comes over here, having passed the House.

Mr. SMOOT. I want to know the history of it to know whether it should be treated as a committee report or whether the Senator is asking to have it passed just as it came from the House.

Mr. HUGHES. I ask to have it passed just as it came from the House.

Mr. SMOOT. The Senator makes that request as a member of the committee?

Mr. HUGHES. No; I am not a member of the committee. The committee has already acted on it. The committee unanimously reported the Senate joint resolution.

Mr. BANKHEAD. All I know about it is that the Postmaster General wrote a very strong letter in opposition to this proposition. He may have changed his mind, and I am not going to make any objection to it.

Mr. HUGHES. I will read the letter of the Postmaster General.

Mr. SMOOT. I will object to the joint resolution at this time. The PRESIDING OFFICER. Objection is made.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. KERN. I desire to reserve for a separate vote in the Senate all the amendments providing appropriations for park purposes, namely, the committee amendment on page 111, from line 7 to line 24, the amendment adopted yesterday offered by the Senator from Missouri [Mr. STONE], which is the insertion, on page 111, after line 24, of an amendment providing an appropriation of \$175,641.43, and also the amendment offered by the Senator from South Dakota [Mr. STERLING], on page 112, after line 5, in which \$164,349 is appropriated for land and \$16,000 for laying out, grading, improving, and extension of Jewett Street. I shall ask for a vote on these amendments separately in the Senate.

Mr. LANE. There is, on line 6, page 78, under the head of "Health Department," an amendment put in by the committee of the Senate which proposes to pay \$1,400 for an assistant chief inspector in the health department. I am going to make a motion to strike that out, and I wish to raise a point of order against it.

The PRESIDING OFFICER. Will the Senator from Oregon permit a remark from the Chair? The Chair is advised that the amendment has already been adopted, and suggests to the Senator accordingly that he reserve that amendment for a separate vote when the bill is reported to the Senate.

Mr. LANE. Very well; I will accept that suggestion.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole which have not been reserved for a separate vote.

The amendments were concurred in.

The PRESIDING OFFICER. The question now arises on the amendments which have been reserved for a separate vote. They will be stated in their order.

The SECRETARY. The senior Senator from Utah [Mr. SMOOT] reserves the amendment on page 112, after line 5.

Mr. KERN. I should like to say a word on the amendments I have had reserved.

Mr. GALLINGER. If the Senator will permit me, I reserve the amendment of the Senator from South Dakota for the purpose of offering an amendment to it, which I now submit. I think there will be no objection on the part of any Senator to that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. The senior Senator from New Hampshire [Mr. GALLINGER] reserved the amendment on page 122, at the end of the bill offered by the Senator from South Dakota [Mr. STERLING]. He now proposes to add at the end of the amendment heretofore agreed to the following proviso:

*Provided, That a joint committee consisting of the Committee on the District of Columbia of the Senate and the Committee of the District of Columbia of the House of Representatives is hereby appointed to make by subcommittee or otherwise, a careful and exhaustive study of the tax laws of the District of Columbia, including license taxes, with a view of recommending such changes in the laws as the joint committee may deem fair and equitable, report to be made to the Congress during the next session.*

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. KERN obtained the floor.

Mr. SMOOT. I thought the Chair recognized me some time ago and I yielded to the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair did not recognize the Senator from Utah. It was stated that the amendment reserved by the Senator from Utah is the first amendment to be voted upon.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state the parliamentary inquiry.

Mr. NORRIS. Do not the reserved amendments come up in the order in which they appear in the bill?

The PRESIDING OFFICER. That is the way the Chair understands it, and that is the order the Chair will pursue unless otherwise directed by the Senate.

Mr. KERN. Mr. President, I shall address myself to the proposition to strike out all the amendments that were adopted as in Committee of the Whole providing for appropriations for the purchase of land for parks in the District of Columbia: First the committee amendment that is to be found on page 111, which appropriates \$1,125,000 for the purchase of the Patterson tract and the purchase of the Dean tract; next the amendment offered by the Senator from Missouri [Mr. STONE] on page 111, which provides for an appropriation of one hundred and seventy-five thousand and odd dollars for the purchase of certain land mentioned in that amendment; and also the amendment offered by the Senator from South Dakota [Mr. STERLING], appropriating \$180,000 for the purchase of certain land described in that amendment and for laying off, grading, and improving a certain street.

Mr. President, on yesterday the Senate was unexpectedly called upon to respond to an appeal from the people of six Southern States for relief on account of injuries suffered by them in the recent flood, and we properly and justly responded to that appeal by the appropriation of \$540,000.

There have been extraordinary appropriations—that is, appropriations of extraordinary amount—already made at this session growing out of the extraordinary conditions which confront us, and it has occurred to me that in view of the large amount we were called upon to appropriate yesterday and the extraordinary amounts heretofore appropriated during this session, these appropriations for the purchase of land for park purposes, which may well wait until another session, ought to be stricken out of the bill. It is because of that feeling I have made the proposition to strike out these amendments.

Mr. PENROSE. Mr. President, I am gratified to note the fact that the Senator from Indiana [Mr. KERN] has been finally aroused to the need of economy on the part of the majority. A prominent citizen from North Carolina called to see me this morning. He formerly resided in Pennsylvania. He informed me that a large part of this flood condition was due to the alleged improvements made by the Government on Broad River, for which, doubtless, thousands of dollars were appropriated in past years, and which resulted in the river filling up, nature being thus obstructed and thereby causing the flood. So, not only has the Government lost thousands of dollars by an ill-advised project of river improvement, but now we are called upon to take care of the inhabitants who are homeless on account of the flood due to the Government improvements.

This condition prevails in other parts of the country. The same allegation has been made regarding the Mississippi River where levees and embankments have been constructed by the Government and have thrown the water over to the other side and flooded the country affected, and the destruction of millions of dollars of property has occurred.

As will doubtless be shown when the revenue bill comes up for consideration, owing to the absolute failure of existing legislation to produce adequate revenue and owing to the several hundred million dollars appropriated or authorized for projects which were ill advised in the opinion of many or unnecessary, or certainly not urgent, outside of any amount required for preparedness, so called, an enormous deficit faces the Treasury of the United States. In my opinion, and I think the figures will bear me out when they come to be presented to the Senate, no possible revenue legislation which the majority is likely to pass at this session will relieve this condition of deficit.

I suppose it can not be said technically that the United States Treasury is bankrupt, because the taxable resources of a great country, the wealthiest in the world, with 100,000,000 inhabitants, can not be said to be wholly bankrupt, but the Treasury is certainly bankrupt as far as revenues are likely to meet expenditures, even with the added assistance of any revenue bill which the majority is likely to pass at the present Congress and before the approaching election, even with the issuance, Mr. President, of \$125,000,000 of bonds to defray the expenses of the proceedings now going on along the Mexican border.



In fact, Mr. President, in addition to these wasteful and unnecessary expenditures and the failure of legislation to produce revenue it is estimated that the policy of "watchful waiting" has cost the Government during the last two years and a half nearly \$200,000,000.

The last Congress expended \$100,000,000 more than the preceding Congress, and this Congress has been most lavish and reckless, more so than any other Congress in the history of the American Government in time of peace. The figures are startling and astounding, Mr. President, and it has been incredible to me that no member of the majority of this Chamber has been awakened to the fact that money has been expended apparently with an utter disregard to the resources of the Federal Treasury.

There is hardly a morning that some proposition is not reported to this Chamber involving an expenditure. I have no doubt, if the Senator from Nevada [Mr. NEWLANDS] this morning when he offered an amendment of \$5,000 for the purpose of beautifying the river front, had made it half a million or a million dollars it would have appealed to the majority and been speedily passed. It was too small a sum for consideration from the perspective of the party in the majority.

The other day, from the Committee on Public Health and National Quarantine, an extraordinary appropriation was made of \$2,000,000 to take care of tubercular patients who happened to go to Atlantic City, N. J., or to El Paso, Tex., and some other health resorts and who are not residents of those States. Yesterday an appropriation of one-half million dollars of doubtful propriety, although it had some precedents unfortunately, was made for the relief of certain Southern States which have been devastated by a flood.

A Senator from one of those States did not hesitate to confess to the people of the country that three-quarters of his State had been washed away, a statement little calculated to attract investment or settlement in the territory affected.

Mr. President, there is another State in the northwestern part of the country that was equally devastated by floods not long ago where the Senator informed me that nearly \$200,000,000 was destroyed in a similar way, but that he would hesitate to advertise the situation of his State or to appeal to the Federal Treasury for relief. Still, on the ground of benevolence and on account of precedents, he permitted the resolution to pass.

This thing is keeping on to an incredible extent. When the people of the country come to realize the situation it will, in my opinion, have a serious effect if not a most potential and deciding effect upon the approaching election.

Some 20,000 to 30,000 additional place holders, Mr. President, requiring an annual expenditure of \$40,000,000 have been imposed upon the American people, for what useful purpose has yet to be disclosed. No commission looks good apparently to the party in power unless the commissioners draw a salary unheard of a few years ago. Ten thousand dollars to each commissioner, several hundred thousands to an army of place holders, places for good Democrats all over the country expressly exempted from the civil service. Every position in the internal-revenue department is taken out of the civil service, the department for all intents and purposes handed over to politicians, without any regard for the good of the people whom that important department serves.

I, for one, Mr. President, feel that this aroused interest for economy, which I had thought our Democratic friends had almost forgotten how to spell, is ill timed when it affects the small amount in the appropriations in the District of Columbia appropriation bill.

It seems to me it is our duty while we can to take advantage of the opportunity to complete the system of parks and the various units necessary to beautify the city of Washington, which ought to be the model city in the country. So far as I am concerned, I intend to vote to retain these items, small as they are, and hope that the spirit of economy will come over the thoughts of our Democratic friends when it comes to voting \$50,000,000 for a nitrate plant, or several thousand additional employees, or \$50,000,000 for a shipping bill, or \$11,000,000 for an armor plant, or \$25,000,000 for the river and harbor improvement, when the Republican Party endeavored to save the whole amount of \$42,000,000, or some \$32,000,000 for a public building bill; justly termed a "pork-barrel" proposition by the newspapers of the country.

Mr. STONE. That is to say, if the buildings are not to be erected in Pennsylvania?

Mr. PENROSE. Mr. President, there have been public buildings in Pennsylvania, but I venture to say there is no instance in Pennsylvania of the gross abuse of the erection of buildings in towns whose population and business did not justify such construction as has occurred during the last three years.

Mr. STONE. Like, for instance, some buildings in Wyoming that were put on public buildings bills at the request of my distinguished friend the junior Senator from that State—put on in the good old days of Republican rule.

Mr. PENROSE. Mr. President—

Mr. STONE. They were put on, and the Senator from Pennsylvania thought they were very proper.

Mr. PENROSE. The Senator referred to Pennsylvania. I know, as far as Pennsylvania is concerned, we have very few public buildings; and where they occur they are in cities of 30,000, 40,000, 50,000, and 100,000 inhabitants, great metropolitan centers worthy of having public buildings.

Mr. STONE. Surely there were some erected in towns of less population than that. I assert the Senator can not be correct in his statement.

Mr. WARREN. The Senator from Missouri occasioned this interruption by referring to Wyoming. There is not a single public building in Wyoming, when you consider the size and business of the town, that will not compare favorably with the importance and necessity for public use with public buildings in the great State of Missouri.

Mr. PENROSE. Mr. President, if this spirit of economy would only become aroused when the question is raised of appropriating \$50,000,000 for building a railroad over the icebergs of Alaska—a railroad which, I am told, has never made any practical or great progress in construction—then we might take it at its true value.

Then I recall, Mr. President, that the Government is committed to an expenditure of \$50,000,000 for flood control, a proposition which certainly could have waited until preparedness had been disposed of. We have been having floods for a hundred years and shall have them for a thousand more to come. This expenditure is for a purely utopian proposition, a proposition which engineers, as a rule, condemn, because it does not begin at the source of the stream to control floods, but starts low down toward the outlet of these great bodies of water.

Then, Mr. President, we have \$85,000,000 to which the Government is committed, I recall, to help the States build roads—a very meritorious proposition; no one appreciates the needs of roads more than do I; but 10 years ago there would not have been a Democrat in the United States who would have dreamed of appealing to Congress for Federal aid to build roads. He would have thrown up his hands in horror at a proposition which would have been absolutely inconsistent with his views regarding State sovereignty and State rights, and from his point of view unconstitutional.

Then, Mr. President, we have \$45,000,000 of extras in deficiency bills and other measures, which are not accounted for in these items which I hastily recall. We have also the comeback on the ill-advised legislation regarding the refund on imports in American bottoms, which our Democratic friends were advised by the Republicans in the House of Representatives would be in collision with the "favored-nation" clause of our treaties; a proposition which, after going through the Attorney General's office and the Court of Customs Appeals, is now pending before the Supreme Court, and is likely to draw another \$30,000,000 out of the Treasury, not in the fiscal year of 1916, for the judgment can not be delivered in time, but in the fiscal year of 1917—another liability of the Government brought on by ill-advised and hastily considered legislation.

So, Mr. President, I might go on and detain the Senate with an interesting recital of extravagances and reckless expenditures made with an incredible disregard of proper financing and systematic consideration for the resources of the Treasury.

Only the other day I made inquiry of one of my Democratic colleagues as to whether or not his associates on the other side of the Chamber had any conception of the carnival of debauchery in the way of appropriations in which they were indulging, and he candidly said that he had to confess that he did not think as yet that they had any conception of the precipice which they were approaching. I am profoundly impressed now with the fact that the Senator from Indiana [Mr. KERN], the leader of the other side, has at last awakened to the startling condition which confronts the country, and which, in my opinion, if the American people had fully impressed upon their minds, would furnish ample cause, if they did not have many others, to repudiate the party responsible for this condition.

Mr. STONE. Mr. MARTINE of New Jersey, Mr. NEWLANDS, and Mr. KERN addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I am perfectly willing to yield to the Senator from Indiana.

Mr. KERN. Mr. President, I made the proposition to strike out these items in the appropriation bill, and sounded a note

of opposition to the amendment which provided for an appropriation of a million and a half dollars, or nearly so. I did not thereby intend to provoke any political discussion, nor do I intend to engage in one now.

I may, however, express my great satisfaction because a voice of reform and economy has come out of Pennsylvania, with the distinguished Senator from that State [Mr. PENROSE] as its spokesman. After listening to him on yesterday complaining because an appropriation of \$2,000,000 had been made for the tuberculosis sufferers of the country, and after he had sounded a note of warning because a half million dollars had been appropriated to relieve the distress of the suffering people of the South, I had supposed he would hail with joy a proposition to strike from this bill a million and a half dollars. Instead of that, he meets the proposition with an ill-tempered political harrangue, to which I do not propose to reply.

Mr. STONE. Mr. President—

SEVERAL SENATORS. Vote!

Mr. STONE. We will not vote just now.

Mr. President, I have served a good many years in the Senate with the senior Senator from Pennsylvania [Mr. PENROSE]. During the greater part of that service his party has been in control of this body. Then the Senator from Pennsylvania, with whom, I may say in passing, I sustain the most kindly personal relations, was always here, working heart and soul for "appropriations and the flag"; but it now happens that the Democratic Party is in control of the Senate, and that makes a great difference with the Senator. During this period—this fortunate period for the country of Democratic control—the Senator from Pennsylvania has rarely honored us with his presence. He has felt that it was of greater importance that he should be looking after his political fences in Pennsylvania than to be looking after legislation pending before Congress. All of us have looked in vain for his ponderous, potential, and pleasing presence—in fact, his most engaging presence—on the floor of the Senate. But he rarely comes.

Mr. President, it may be—and I am willing to concede the Senator's point of view—that he serves his country better by contending with those who antagonize him in the control of his party organization in Pennsylvania than by coming here and attending the sessions of the Senate, where, it is presumed, a Senator should be looking after the business of legislation. It may be that my distinguished and very good friend is doing a better service by absenting himself from the Senate and looking after Pennsylvania politics. I will not express a decided opinion as to that.

Now and then, however, he does honor us with his presence; now and then he comes down to the Capitol and pleases us by showing himself in the Senate and letting us know that he is still alive. Sometimes I forget dates and wonder whether he has just been reelected, and whether he is not coming here to be sworn in afresh; but, anyhow, he does come now and then. Personally I am always happy to see the prodigal when he returns. I never fail to go across to greet him and to congratulate him. Indeed I feel that the Senate itself is always to be congratulated whenever this great leader of Republican politics in Pennsylvania honors us with his presence. He does not ordinarily stay very long; his presence is like a flash, soon gone; but, Mr. President, every time he comes he comes to make trouble. [Laughter.] I never see him that I do not ask him something like this: "Senator, what are you here for this time? What kind of particular devilment have you come down here to precipitate on this occasion?" [laughter]; and in the same kindly spirit he replies, always, of course, disclaiming that he has any sinister purpose in his visit. He happens to be here now, and I think has been here somewhat longer than usual. I believe he has been here this time possibly several days, when usually 24 hours about covers the period of his visitations.

If the Senator from Pennsylvania has special and superior capability in one line more than another, it is to make trouble. [Laughter.] He is a statesman and has broad vision—and I am not saying this sarcastically or ironically—he is a man of large experience and large views of things, and when his party is in power he exercises his fine powers with a view to practical ends. Of course, I think his views are generally wrong, at least not in accord with mine, but I make no question as to his sincerity when he states his attitude on public questions. But now that the Democratic Party is in power his one mission in the Senate seems to be to raise the devil as far as he can. [Laughter.] That seems to be his chief business here nowadays, and about all he comes here to do, so far as I can see. He is here now on that mission, and I will venture to say that as soon as he has finished he will get into his beautiful machine and strike out for Philadelphia. It is a lovely

machine to ride in, for I have ridden with him in the past and expect to in the future, and greatly enjoyed it; but I know him all the same [laughter], and I know what he is here for all the same.

If I see him here to-morrow morning after this outburst of his I will be surprised. He has just about time to get to Philadelphia by midnight, but after this spurt he may stay here for a day or so longer to avoid criticism.

Mr. President, we know our good friend from Pennsylvania comes here just to raise Cain. His action is dictated by political considerations. We know it is all pure politics. A man of his ability, really capable of great things, even as a member of the minority party, a man of great experience and personal force as he is, could be useful as an adviser and could help frame legislation for the good of the country; but that is not what he has in mind; he only wants to help frame up things for the good of the Republican Party. Mr. President, I submit it is not worthy of a man of his exceptional equipment to engage in this sort of business, and I am sorry he does it.

The Senator talks about the flood sufferers for whose relief we have just authorized an appropriation. He does not seem to approve of that action. Neither did I. The Senator from Pennsylvania and I were in accord as to that. The relief resolution was passed on a viva voce vote—passed as a sentimental proposition. I did not vote against it; neither did the Senator from Pennsylvania. Our lips were closed for the same reason.

I believe ordinarily that the State itself should take care of accidental misfortunes befalling its people instead of appealing to the Congress. If there should happen to be immediate and emergent need of aid, the Congress, if in session, might well extend some form of temporary assistance if the State was not at the moment in position to do so. That is my attitude. And I will ask the Senator from Pennsylvania now if he does not agree to that?

Mr. PENROSE. What is the Senator's statement?

Mr. STONE. The Senator need not arise. If he does not agree to what I have said, he can keep his seat.

Mr. PENROSE. Mr. President, I should like the Senator from Missouri to tell me what he wants me to agree to. I have to be on my guard with the Senator from Missouri, because frequently he is a little too smart for me. [Laughter.] I will ask the Senator to state what it is he wants me to agree to.

Mr. STONE. What I asked the Senator to agree to was this: I stated that where some sudden calamity befalls a State or a part of a State, such as a disastrous flood, and Congress is in session at the time and the legislature of the State is not in session, whether the Congress might not well extend some temporary aid in the way of tents for shelter or food or seed for replanting crops destroyed?

Mr. PENROSE. Does the Senator want me to answer the question?

Mr. STONE. What does the Senator think of that?

Mr. PENROSE. I will answer it. I think an act of charity or benevolence always appeals to those who are kind-hearted, but I think when an individual or a government is bankrupt the first consideration ought to be that charity begins at home. My contention was not regarding the merits of the appropriation for the flood sufferers, but that the revenues are far behind the disbursements that this Congress is authorizing, and that the first thing we knew we would have a bankrupt Treasury, if we had not one already.

Mr. STONE. But the Senator favored the sentimental reason back of that appropriation.

Mr. PENROSE. I always favor acts of charity.

Mr. STONE. I know.

Mr. PENROSE. But I believe that charity can well be curtailed when bankruptcy is impending.

Mr. STONE. Oh, the Senator thinks that we are about to become bankrupt, and I will refrain from saying anything more about the flood sufferers.

Mr. PENROSE. Mr. President, if the Senator will permit me, now that he has called upon me, I related yesterday the fact that when the Johnstown flood occurred in Pennsylvania, killing many hundred poor people—there were no millionaires swept down the Conemaugh River; they were wage earners—

Mr. STONE. And no millionaires were swept down the North Carolina and Tennessee Rivers the other day.

Mr. PENROSE. And rendering many others homeless; and when a river like the Susquehanna, which rises about every year, anyhow, and occasionally rises to a very great height, swept through the town of Williamsport, a large and flourishing community, with a wall of water 15 feet in height, destroying millions of property and causing great suffering, the United States Government was never called upon to compensate those



who suffered losses, or even to feed them. They were not millionaires; they were wage earners and farmers. So I presume the Senator from Missouri would suggest that a resolution be passed to-morrow compensating the people who have had their plate-glass windows broken in New York on account of the recent explosion.

Mr. STONE. I would not.

Mr. PENROSE. The damage amounted to more than a million dollars, and I do not know whether that would appeal to the Senator's kindness of heart.

Mr. STONE. It would not; would it appeal to the Senator's?

Mr. PENROSE. No; I begin to get a little callous when I look upon the bankruptcy facing us.

Mr. STONE. Oh, then it is only the fear of bankruptcy that chills the Senator's heart.

Mr. PENROSE. That is disturbing me very much, and I see it disturbs the Senator.

Mr. STONE. Mr. President, as to bankruptcy; the current ordinary appropriations we are making this session are about the same that we have made heretofore for recent fiscal years.

Mr. PENROSE. Mr. President—

Mr. STONE. The Senator started to write something down. Is not that true?

Mr. PENROSE. No, Mr. President. The Senator from Missouri says that the ordinary appropriations for the current fiscal year are about the same as we have been making heretofore. I am not prepared to argue that at this time, but I know that the last session of Congress, when there was no preparedness program, appropriated more money by a hundred million dollars than did the preceding Congress.

Mr. STONE. Why does the Senator go back to that? Neither of us can on the spur of the moment make these comparisons. This shows what the Senator is trying to do. We should be accurate in order to be fair.

Mr. PENROSE. I would say that the Senator is absolutely wrong, and that this Congress in the authorizations and actual appropriations or commitments to ill-advised, objectionable, and ill-thought-out schemes and projects of Government ownership, verging on socialism, has squandered the public money, as I have already stated, without any regard whatever to the revenues likely to come in.

Mr. STONE. Mr. President, how easy it is to make a statement like that. Now, the Senator from Pennsylvania must know, and does know, that if you take off what we call preparedness appropriations for military increases, for naval increases, for coast-fortification increases, and for aerial-craft increases, amounting in all somewhere from \$600,000,000 to \$800,000,000—I can not at this moment state the exact amount—it would probably reduce the aggregate below, and not increase it above, the average current appropriations of recent previous years.

Mr. PENROSE. The Senator will have to revise his opinion—at least, the American public will—when the figures are shown as to just what the situation is. The fact will then be disclosed that, setting aside preparedness, there is a large deficit in the Treasury due to a failure of existing legislation to produce revenue, and due to the lavish and wasteful methods by which money has been appropriated for all kinds of projects scattered all over the country.

Mr. STONE. Mr. President, that is simply an idle statement the Senator makes for political circulation.

Mr. PENROSE. The figures will show it. Generalities will not cover this matter.

Mr. STONE. That is what he is down here to-day for—to make just such reckless statements as this and get them out to the country.

Mr. President, as we know, we have appropriated a good many hundreds of millions of dollars for what we call preparedness. There are Senators upon the Republican side who thought we did not appropriate enough. For instance, I have heard the distinguished senior Senator from Massachusetts [Mr. LODGE] say that the appropriations for military—that is, Army—preparedness were inadequate; that they did not come up to the needs and demands of the Government and the people. My friend, the Senator from Colorado [Mr. THOMAS], here on this side, says that the Republican candidate for President substantially stated that the other night in his speech of acceptance. Here in the Senate we have added battleships and cruisers, and other things to the naval program as it came from the House. Did the Senator from Pennsylvania vote against any of these additions? [Laughter.]

Mr. PENROSE. Mr. President, I voted for all of them. I would have liked to see them larger.

Mr. STONE. To be sure.

Mr. PENROSE. But I still make the statement that setting aside the naval and military bills, the Senator's party, with his help, has plunged the country into bankruptcy.

Mr. STONE. Oh! The Senator means to say that if we had not made these exceptional appropriations for Army and naval purposes and other preparedness purposes we would still be bankrupt?

Mr. PENROSE. Yes; I say that very positively, Mr. President, and expect to show it to the Senator—bankrupt in the sense of a deficit, comparing revenues with disbursements. I have been trying to show that to the Senator for the last hour, but he was so absorbed in his own train of thought, I suppose, that he did not listen to what I was saying.

Mr. STONE. I listened to what the Senator said, but he did not satisfy me that the Nation is bankrupt.

Mr. PENROSE. I will show it later on.

Mr. STONE. Well, when? At the Senator's next visit? [Laughter.] Mr. President, I will patiently await the next appearance of my distinguished friend in the Senate. After he has consulted with his political authorities in New York and elsewhere, and makes up the statement, I shall be very glad to see it.

Mr. PENROSE. Mr. President, it is always a pleasure for me to listen to the humor of the Senator from Missouri. In fact, one of the pangs I felt during my absence was that I missed his speeches. [Laughter.] I felt that they were going on here during every hour of the day in my absence—

Mr. STONE. Oh, not that often.

Mr. PENROSE (continuing). As occasion required, and when they were not serious they were apt to be disconnected and humorous. It is true that I have been away. The Senator says that I ought to have been here to aid and advise. Mr. President, one of the reasons of my absence was that the minority, as is well known, are completely shut out of the deliberations of this body. The Senator is chairman of a subcommittee—I believe there are three—of the Finance Committee. Every member of that subcommittee is a Democrat. Hearings are being held and I can not even obtain a copy of the hearings. Then, when these subcommittees are ready to report—and I understand that the subcommittee of which the Senator is chairman was held up for several weeks on account of his absence and that of the Senator from New Jersey [Mr. HUGHES]; I do not know whether they are getting down to work now or not—they will then report to the full Democratic majority of the Finance Committee.

The Republicans will not be invited to the meeting. They will not be permitted in the room. They will not be permitted near the door, lest they might overhear some of the differences of opinion and altercations which I am told are occurring among the Democrats themselves over the revenue bill. [Laughter.] Then when the Democratic majority has received the reports from the subcommittees a Democratic caucus of Senators will lock itself in a room and proceed to legislate in direct violation, in my opinion, of the spirit of the Constitution, which requires each House to keep a journal of its proceedings. [Laughter.] We have no journal of their proceedings, and all we know of what happens in the Democratic caucus is what we get from the White House. So what is the use in staying here, Mr. President, to witness these mysterious proceedings behind locked doors? Witness the case with the present revenue bill. After long and secret consideration the bill is presented to the full Committee on Ways and Means, reported immediately out to the House of Representatives, without the minority having a particle of time to study its monstrous and ridiculous provisions—

Mr. STONE. Why does the Senator, without knowing what they are, denounce them as monstrous and ridiculous, except on the theory that the Democratic Party—

Mr. PENROSE. Because no one knows better than the Senator from Missouri that they are monstrous and ridiculous; and I believe he will be one of those who will endeavor to correct the monstrous and ridiculous provisions of the bill as it has come over to the Senate from the House.

Mr. STONE. The Senator both compliments and upbraids me.

Mr. PENROSE. I am not saying the Senator from Missouri is responsible for the bill as it comes from the House. I credit him with too much intelligence. I know that his absolute sense of fairness would have insisted upon a duty on zinc where a duty was put on copper. [Laughter.]

Mr. STONE. Right at that point—

Mr. PENROSE. If the Senator will permit for just one moment—

Mr. STONE. I will not interfere.

Mr. PENROSE (continuing). To finish a brief account of the methods of Democratic legislation—

Mr. STONE. Please do not go into all that.

Mr. PENROSE. I shall soon be through. I know it is a sad and painful story.

The bill is brought into the House. Representatives are told to hurry up. They can not read the bill. They can speak for five minutes only. A hasty debate is had, and the bill passes, and the American public has no knowledge of the contents of the measure until it is passed. The newspapers have had no opportunity to discuss its monstrous provisions. Why, a bricklayer, Mr. President, could have drawn as good a revenue bill to collect money for the Government of the United States.

Mr. STONE. Why does the Senator specify a bricklayer? Is it on the theory that he represents the lowest order of intelligence?

Mr. PENROSE. Because he does not have to work on rainy days [laughter] and could put in a little time on it. Then, Mr. President, the bill comes over to the Senate. A full meeting of the Finance Committee is called. Unfortunately, that was on one of those occasions when I was absent. It would not have made any difference. The Republicans were permitted to stay in the room only two or three minutes. Then the Democrats locked the door and proceeded to appoint their subcommittees, all Democrats.

Mr. STONE. When was that?

Mr. PENROSE. When the full committee was called together. Then the same proceeding will occur here. We will have the full committee, as I have described, and the caucus and the White House, and the information from the President's secretary as to what is to be done.

What is the use in staying here, Mr. President? I have been a Member of this body for 20 years, and have been reasonably faithful in my attention to my legislative duties. When the present party came into power the charge was made that the Republicans had adopted these methods of secrecy, and that they only conferred with a few; and I got the impression that the whole mass of the American people were going to surround the White House and advise the President and the Democracy as to what was in the minds of the plain people on all this reform legislation; but I doubt whether in the history of the Government the White House has ever been more inaccessible to low and high, small and big, than during the last three years. Therefore, Mr. President, I have taken advantage of my opportunities to go home and mix with the plain people and derive inspiration from that association, which to me is as refreshing as—

Mr. STONE. A shower bath.

Mr. PENROSE (continuing). A drink of water from a pure spring upon a mountain top.

The Senator says that I never objected to appropriation bills when the Republicans were in the majority. I am prompted by a liberal spirit, Mr. President, and it takes a good deal to make me niggardly in the disbursement of public money, and sometimes in the case of my own expenditures; but when the Republicans were passing appropriation bills, and when there was no objection made, the fact stood out, in striking contrast to the present condition, that every year there was a surplus of \$100,000,000 or more in the Treasury, and we were constructing the Panama Canal largely out of current revenues.

Mr. STONE. The Senator has concluded his remarks?

Mr. PENROSE. For the present, Mr. President.

Mr. STONE. There is more coming?

Now, Mr. President, I have yielded for quite a while, in order that the Senator might complete his speech. I wished him to complete it before he leaves. I shall not attempt to answer it. I would not like to say it is not worth answering, but the purpose of it is so manifest, so patent, so barefaced that I do not care to waste the time of the Senate in bothering about it. It is a fact which can not be truthfully disputed that except for the extraordinary expenses incident to what we call the preparedness program, and which program the Senator supported—I say "supported"; he says he wanted a larger program; he wanted more than we were willing to give—except for that, the current appropriations are substantially equal to the appropriations made by the Congresses of recent years, and this whether the one party or the other was in the majority. Why should such reckless statements be made as the Senator makes?

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. I do.

Mr. CURTIS. Does not the Senator know that the last Republican Congress the Government disbursements were about \$945,000,000, and that this Congress already has passed appropriation bills, and have appropriation bills in conference, in

all amounting to \$1,400,000,000, and about \$314,000,000 of that is extra, for the Army, Navy, and fortifications?

Mr. THOMAS. I beg to correct the Senator. It is over \$390,000,000. These are the latest figures taken from the Treasury Department.

Mr. CURTIS. Mr. President, I should like—

Mr. STONE. Oh, I am not going to get into these figures.

Mr. LIPPITT. Let us imagine the figures for a little while.

Mr. PENROSE. A few millions one way or the other do not make any difference. If the Senator will permit me—

Mr. STONE. The Senator can put in his figures.

Mr. PENROSE. I am not going to put anything in the Record. I notice here, in a Washington paper, an advertisement of a dentist with an imposing picture of a set of false teeth; and, evidently with a realization of the fact that the expense of obtaining these articles on account of the war in Europe might worry the person who needed them, he says: "Easy, convenient payments can be arranged"; and then, what might well be the watchword of the Democracy, inscribed on their banner, the injunction, "Don't worry about money." [Laughter.]

Mr. STONE. Mr. President, the Senator from Pennsylvania and his colleague do not exhibit false teeth, but they do put a whole false face before the Senate and the country. Having no real issues, they try to make false ones. I know, and every Senator knows, that the aggregate appropriations, aside from the extraordinary appropriations for preparedness, are substantially what they have been for a number of years past. I do not want to pile up a mass of figures and make comparisons. That will be done in due time. I have not this mass of data at hand, but I know I am stating what the real facts are.

Mr. PENROSE. Mr. President, the constant reiteration of a statement is not going to persuade the Senate. I suggest that the Senator produce his figures.

Mr. STONE. I have not especially reiterated any statement, except to meet statements iterated and reiterated by the Senator from Pennsylvania. I know no reason why he should suddenly ask me to produce a mass of figures. He does not produce any; he contents himself with mere assertions.

Mr. PENROSE. I produced a number of cases of extravagant and reckless expenditures.

Mr. STONE. Oh, the Senator talked about this appropriation for flood sufferers and about expensive public buildings, and things of that kind. Why, Mr. President, we have not even brought in a public-building bill this year.

Mr. PENROSE. It is in the House.

Mr. STONE. I do not know about that. I know it is not here.

Mr. PENROSE. It will get here.

Mr. STONE. I do not know whether it will get here or not; and if so we will deal with it when it comes; but so far as public buildings are concerned, we have been constructing them for a long time in all the States. I asked the junior Senator from Wyoming [Mr. WARREN], when my friend from Pennsylvania brought this subject up, to tell us about some appropriations out there for public buildings in towns of three or four or five thousand people. When the Republicans were in control here, they appropriated \$100,000 and more—I am speaking somewhat without definite figures—but large sums, from \$100,000 to \$150,000, to put up public buildings in Wyoming. The Senator from Pennsylvania says he never had a building for a town under—did the Senator say 30,000 people?

Mr. PENROSE. Mr. President, perhaps—

Mr. STONE. I want to look up this matter. Did the Senator say 30,000?

Mr. PENROSE. I wish the Senator would look up all his facts. It seems to me that the situation is entirely altered when you tacitly consent, sitting quietly in your seat, to have a little town get a public building when there is a surplus in the Treasury; but I claim that the line ought to be drawn when there is a deficit in the Treasury. The Senator charges me with making trouble. I only made an innocent comment on the aroused interest in economy expressed by the Senator from Indiana [Mr. KERN].

Mr. STONE. Oh, the Senator is still concerned about the Treasury?

Mr. PENROSE. It is economy that I am after.

Mr. STONE. Oh, I see. That is the one thing that burdens the heart of the Senator.

Mr. PENROSE. It is a desire for economy not based on an admiration of that proposition in the abstract, but from stern necessity, because it will be shown at the proper time that even with the revenue bill now pending there will be many million dollars deficit in the Treasury.

Mr. STONE. There will be no such thing; and I am not going to be turned aside by a mere repetition of that un-



ported assertion. The Senator stated here that no public building—I wish him to tell me whether I am quoting him correctly or not—had been provided for any town in Pennsylvania under a population of 30,000 or thereabout.

Mr. PENROSE. Oh, well—

Mr. STONE. Is not that what the Senator said?

Mr. PENROSE. I do not confine myself to that. I say that is the general rule, and they are all very substantial metropolitan centers. Whether there has been any exception to that rule or not I can not say, but I know that most of the public buildings in Pennsylvania are of that character. I do not think that is very material, however.

Mr. STONE. Oh, well, then, what did the Senator say it for?

Mr. PENROSE. Because the Senator started in—

Mr. STONE. I did not. The Senator said that in his opening speech, before ever I said a word about it.

Mr. PENROSE. The Senator started in to cast reflections on the public buildings in Pennsylvania.

Mr. STONE. No; the Senator from Pennsylvania made the statement I have referred to before I spoke of the matter at all.

Mr. PENROSE. I think the RECORD will show differently.

Mr. STONE. I think it will not show differently. That illustrates how the Senator gets up here and just fires off at random. He shoots at whatever is in sight, and he shoots whether there is anything in sight or not, with the possible hope of hitting something somewhere over the hill.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry?

Mr. STONE. Yes.

Mr. PENROSE. What would be the Senator's idea of a town that is worthy of a public building from the point of view of population? Has he ever thought that out, roughly speaking?

Mr. STONE. What is the Senator's idea?

Mr. PENROSE. I could not tell. I have no definite idea. I addressed the inquiry to the Senator from Missouri.

Mr. STONE. Why to me?

Mr. PENROSE. This looks too much like trying to obtain the password in a secret lodge.

Mr. STONE. The Senator has been here longer than I have. Now, let him tell me what his idea is. [Laughter.]

Mr. PENROSE. The Senator can not get me to give him the password. I should like him to tell me what his idea is.

Mr. STONE. Well, I decline. I follow the Senator's example.

Mr. PENROSE. Then perhaps it is just as well that the Senator did decline, because I have here a memorandum—and I think every Senator will be impressed with the partisan extravagance of the proposition—that a bill passed the Senate two days ago for a public building in Tucson, Ariz.

Mr. STONE. Tucson, not Tuxon.

Mr. PENROSE. Tucson. The population is 15,000 people. Has the Senator any idea what the amount of the appropriation was?

Mr. SMITH of Arizona. I have.

Mr. PENROSE. It was \$325,000.

Mr. SMITH of Arizona. Yes, sir; and if it had been in Pennsylvania it would have been \$600,000. [Laughter.]

Mr. PENROSE. I would not have referred to this painful fact if I had known the Senator from Arizona was in the Chamber; but that seems to me reckless extravagance in the face of a bankrupt Treasury—appropriating \$325,000 for a public building in a town of not more than 15,000 inhabitants.

Mr. SMITH of Arizona. Mr. President, will the Senator from Missouri yield for a moment?

Mr. STONE. I will.

Mr. SMITH of Arizona. I am glad the Senator from Pennsylvania saw fit to take up a question of which he apparently knows as little as he does about the whole debate he has been giving to the Senate to-day on the general appropriation bills. The Senator knows nothing about the location of Tucson. He could not even pronounce its name. It shows with what recklessness the Senator sees fit to inveigh against a party. I am responsible for the passage of the bill, but I did not get nearly as much as I think the city ought to have had. It is on a line, practically, between the great City of Mexico and the railroad that will be completed as soon as the trouble in that country is over, if it ever is.

Mr. PENROSE. How much did that city get? The Senator says he did not get as much as a neighboring city?

Mr. SMITH of Arizona. I said I did not get as much as I introduced the bill for.

Mr. PENROSE. Oh, well, that is unfortunate. [Laughter.]

Mr. SMITH of Arizona. And the only difference is that under Republican rule the Senator would have gotten it, no matter what he put it in for.

Mr. PENROSE. What was the amount for which the Senator asked originally?

Mr. SMITH of Arizona. I asked for \$400,000, and ought to have had it.

Mr. PENROSE. We all sympathize with the Senator.

Mr. SMITH of Arizona. The Senator does not wait until another Senator has finished to interrupt. He just chips in when he pleases. Does the Senator know what business is to be transacted and how many Government bureaus have to be covered in this building?

Mr. PENROSE. No, Mr. President. I have been there.

Mr. SMITH of Arizona. Then why did the Senator select this particular one?

Mr. PENROSE. I have been there. There are more coyotes in the surrounding country than there are voters. [Laughter.]

Mr. SMITH of Arizona. There are not as many coyotes around there as there are regular timber wolves in Pennsylvania. [Laughter.]

Mr. PENROSE. I do not know how many there are there.

Mr. SMITH of Arizona. The Senator ought to know. He has been around among them and those people the Senator mentioned a while ago and said he had been around among for the first time in his life. He heard from them, and he stayed away from here, and did not mix with any of the appropriations committees, probably thinking that he could make this assault on the Democratic Party, and saw fit, in his magnificent indictment of the party, to select the city of Tucson—"Tuxon," as he calls it—for the play of his imagination.

Mr. PENROSE. Mr. President, after this town gets this building, of course people will hear of it more often, and be more careful how they pronounce the name.

Mr. SMITH of Arizona. Yes; and when this town gets the building the Senator probably will be able to pronounce the name.

Mr. PENROSE. As the traveler approaches it will appear to be all building and no town.

Mr. SMITH of Arizona. You see, there is the same interruption again.

Mr. STONE. Mr. President, I understood the Senator to say he had been there, and yet he did not know the name of the town.

But, Mr. President, I am going to conclude. I have talked too long already. The Senator says that he is very much opposed to the shipping bill. There is some temptation to go into that, but I refrain. I will wait until the Senator honors us with his presence again and takes up the shipping bill. Then, maybe, we will discuss it.

Mr. PENROSE. Mr. President, let me assure the Senator that I am going to be here every day until the gavel falls in October.

Mr. STONE. Oh! From now on?

Mr. PENROSE. Yes, sir; until October, when we adjourn.

Mr. STONE. I despair. [Laughter.] I should like to know if the Senator is really in earnest about that—that we are going to have the Senator here, with these outbursts, right along until we adjourn?

Mr. PENROSE. They are just beginning.

Mr. STONE. It would be so much better if the Senator would go away and come back again. We are used to that. Besides it would be better for the Senator's health and pleasure, and in a way better for us all.

Now, Mr. President, I want to say a word about the exact matter before the Senate. I did offer an amendment to the pending bill to appropriate \$175,000 to purchase a strip of land lying between the Zoological Park and Connecticut Avenue. At the time I offered the amendment I stated that I thought it would be a wise policy if all these really desirable acquisitions—that is, the Dean tract, the Patterson tract, and other tracts for park purposes—might be delayed for future action by the Congress. So I have thought and still think. But if it should be the judgment of the Senate that all these park projects should be adopted and disposed of at this time, then the one I had in mind when I offered my amendment I hold to be not second in importance to any of the others.

If the Senator in charge of this bill could see his way clear to lay all these projects aside for the time being I would be much gratified; I think it would be in the interest of prudent legislation; but if the Senator from Maryland, and in charge of the bill, and the Senator from Virginia, chairman of the committee, and the other members of the great Committee on Appropriations think we ought to enter upon this scheme of park extensions at this time, I find it difficult to get my consent to antagonize the authority of their opinion. Privately I am for these improvements. I am for beautifying our National

Capital and making it the finest capital city in the world, for this is the Capital of our Nation—but I think we should not proceed with this work by leaping headlong without regard to consequences or circumstances, but rather proceed in the judgment and sound discretion.

Mr. MARTINE of New Jersey. Mr. President, I am in favor of the motion of the Senator from Indiana to noncur in the amendments made as in Committee of the Whole. While I believe that one of the great assets of the city is beautiful parks, I do feel that it is a wise proposition at this time to halt in the matter of such appropriations.

Mr. President, because of my love for the Senator from Pennsylvania [Mr. PENROSE], because we have so many tastes and habits in common, I feel that I must say just a word. I think the Senator from Missouri was in a way uncharitable. He said the Senator from Pennsylvania was not here. Of course he was not here. He had reasons for not being here. But I want to say how fortunate it is for the Senator from Pennsylvania that this little opportunity should come just now. He has been away, of course; he was so busy, and hence he could not do it before. It is a nice little campaign talk. But he does not believe just what he says in his own heart—that this is a bankrupt Nation.

The Senator speaks about the mission of watchful waiting that has been the part of the President of the United States. He said it cost the Government \$200,000,000; but God only knows what it would have cost the Government had the watchful waiting policy been set aside and the policy of the few Republican Senators on the other side invoked, and we had been plunged into war. It would have cost us many times \$200,000,000, to say nothing of the death of many brave men.

But this I would have the Senator from Pennsylvania know. It should be read from the housetops, and on the street corners, and in the blacksmith shop. This Nation has been kept out of war. We are at peace with all the world through this policy of watchful waiting.

I came across a short article that showed that we have not all gone to the dogs; that at least Pennsylvania had not gone to the dogs. It was in yesterday's paper. I found that the Pennsylvania Railroad has within six months realized something over \$50,000,000. That does not look as though we have gone to the dogs.

But another thought struck me as the Senator proceeded. He spoke about the appropriation for good roads as being costly. I do not know any other man in this land who gets more comfort and benefit from good roads than the Senator from Pennsylvania. The Senator has grown to be a byword with us in New Jersey. Living just across the river we frequently see the Senator with his magnificent automobile, that is known throughout Pennsylvania and is known over in New Jersey by the significant if not elegant name of Red Devil. It is known as the Red Devil from Pennsylvania. The Senator goes down in this Red Devil over the splendid roads of New Jersey and Pennsylvania, and we shall have still better ones when we utilize our proportion of Federal aid. I have forgotten how much Pennsylvania gets under it, but a very liberal sum, I think something like \$200,000 out of the \$85,000,000 road appropriation. When he comes down the hills and through the dales with his Red Devil the chickens fly, the dogs and cats scamper, and the calves fairly bleat out in agony and run to shelter. [Laughter.]

But, Mr. President, even though you are in the suction of the Red Devil there is no danger. It will not oscillate or vibrate very much, for it is well ballasted. Always in the back seat you will find the magnificent Apollo, the Senator from Pennsylvania, sitting there with cigar in mouth, glorying in the blessings of a good-road system.

But, Mr. President, as to the charge that the Senator was derelict in duty because he was not here. How could the Senator from Missouri be so cruel! There was a reason why the splendid Apollo from Pennsylvania was not here. If you doubt my word I am willing to bring you, not documents from New York City, for I know they are below par with the Senator from Utah and the Senator from New Hampshire. Whenever I quote them they say, "Oh, you come here with your New York papers." No; I am not coming here with a New York paper; I come with one near the central throne. I come with a paper from Philadelphia. I will read it. It is in a most kindly tone, and I ask Senators to listen. In the headline it says:

Busy PENROSE—

Then it proceeds as I shall read. There are so many volumes of papers in Philadelphia this may have escaped the Senator:

BUSY PENROSE.

Our senior Senator is so busy that he never knows whether he ought to be in the Senate or out of it. Usually it happens that when he is there something happens outside, and when he is away something hap-

pens there. There never was such an harassed, overworked, and everywhere-demanded man as BOIES PENROSE.

A few weeks ago an important provision regarding the Philadelphia Navy Yard was dropped from the bill because Senator PENROSE was not at the meeting of the Senate Naval Committee. It was currently reported that he had not been seen around the Capitol for weeks. Some unkind remark was made in this city about the absence of the Senator from the committee room when the question of equipping the Philadelphia Navy Yard for the construction of capital ships was up, and now the heroic statesman can't be pulled away from his desk by the most seductive occasions—

He was needed here and hence he stayed here—

The Senator's Philadelphia office announced yesterday that he would be compelled by his senatorial duties at Washington to remain away from the most interesting occasion of the notification of Mr. Hughes of his nomination.

Did you ever hear of such a slave to duty as BOIES PENROSE? That was going to be a wonderfully interesting affair in New York, but the Senator had duties to perform in Washington, and nothing would pull him away from the post of public service. His faithfulness at his station dates back several weeks to the Philadelphia Navy Yard episode.

So I will not hide the Senator. He was busy; it is a big Commonwealth; and the Senator, outside of some of his miserable political notions, fills this place splendidly.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole for the purchase of what is known as the Patterson tract.

Mr. SMITH of Maryland. Mr. President, the Committee on Appropriations, who are looking after the interests of the District of Columbia, had no idea they would give rise to an opportunity for speeches for political purposes. In considering these matters they sought to do what was for the best interests of the city of Washington and the District of Columbia.

In regard to the land for park purposes, the question which is before the Senate at this time, we had a great many persons attending the hearings of the committee. We felt that it was our duty in a proper way to make appropriations for parks such as are considered absolutely necessary so far as the beautification of the city and the accommodation of the people in the city are concerned.

We felt that this land for park purposes would not always be obtainable. In fact, there is one piece here that has been offered for which there is an appropriation of \$625,000. The lowest at which that piece of property has been offered in the past, as we learned, was \$900,000, and from the amount for which it is taxed we regarded it as very cheap property and a timely occasion to purchase it. So in regard to the Patterson tract.

We have not appropriated more than twice the amount of the revenues from the citizens of Washington and of the District of Columbia. There is sufficient money from the taxes received by the District of Columbia to pay their portion of all we have put into this bill. We felt after a thorough investigation of these matters that it was in the interest of the city of Washington, and we felt that it was our duty to put the items into this appropriation bill. Of course it is for the Senate to determine as to whether they shall remain or not. The time may come when we will not be able to get these properties. The time is at hand, probably, when we can not make the improvements that we have provided in this bill because the properties that we propose to purchase will in all probability go into the hands of others and be used for other purposes.

We felt, in view of the fact that the District of Columbia had raised her amount of the money to enable us to buy this property, it was the proper thing to do. We have put it in the bill, and I hope it will stay there, subject to the conference with the House. The items may go out; we do not know. The House conferees may not agree with us, and if they do not, they will not be kept in the bill.

The VICE PRESIDENT. The question is on concurring in the amendment of the committee on page 101 with reference to what is known as the Patterson property.

Mr. GALLINGER. Mr. President, a single word. This tract of land lies in a portion of the city thickly populated where they have not a breathing space of any kind in the shape of a park. It has been urged upon the committee year in and year out for several years that the people in that portion of the city are entitled to some consideration. The Commissioners of the District of Columbia recommended it, the estimate came through the proper channel advising us to make this investment, and largely for the reason that we felt there had been a great neglect of that part of the city, it was put in the bill, and I hope it will remain in the bill.

Mr. SHAFROTH. Mr. President, I wish to say just a word with relation to the purchase of land for parks in the District of Columbia. If there is a city in the world that has parks, Washington City has them now. With the great Rock Creek Park, with its hundreds and hundreds of acres; with the great Potomac Park, with its hundreds and hundreds of acres; with the Mall extending from the Capitol to the Washington Monument, it seems to me it is a useless expenditure of money, unless



it is purely for the gratification of an æsthetic taste, which, if the Government had unlimited money, it might well indulge in, but which it seems to me in these times, as the Senator from Indiana has said, is simply an extravagance upon the part of the Government of the United States.

For these reasons, Mr. President, I hope that the amendments which have been made to the bill providing for the purchase of land for park purposes will be voted down.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, I withhold my vote.

Mr. REED (when his name was called). Mr. President, I desire to make a statement preliminary to asking to be excused from voting. I happen to own a small temporary home in the vicinity of the ground proposed to be taken. Its value may be to some extent affected by the establishment of a park in the vicinity. I therefore feel that it would be improper for me to vote upon the question, and I ask to be excused from voting.

The VICE PRESIDENT. The Senator from Missouri, for the reason given, asks leave to be excused from voting. Is there objection? The Chair hears none, and the Senator is excused.

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence I withhold my vote. If I were at liberty to vote, I should vote to strike out all of these appropriations.

Mr. THOMAS (when his name was called). Making the same announcement as heretofore, I vote "nay."

Mr. THOMPSON (when his name was called). I have a general pair with the Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. CHAMBERLAIN. Transferring my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from New York [Mr. O'GORMAN], I vote "yea."

Mr. GRONNA (after having voted in the negative). I have voted, but I have a general pair with the Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Idaho [Mr. BORAH], and will let my vote stand.

Mr. THOMPSON. I transfer my pair with the Senator from Illinois [Mr. SHERMAN] to the Senator from California [Mr. PHELAN] and vote "nay."

The result was announced—yeas 18, nays 37, as follows:

#### YEAS—18.

Chamberlain	Lee, Md.	Page	Sterling
Curtis	Lippitt	Penrose	Wadsworth
Dillingham	Lodge	Polindexer	Warren
Gallinger	McLean	Shields	
La Follette	Newlands	Smith, Md.	

#### NAYS—37.

Ashurst	Husting	Norris	Taggart
Bankhead	James	Overman	Thomas
Beckham	Johnson, S. Dak.	Ransdell	Thompson
Bryan	Jones	Robinson	Townsend
Culberson	Kenyon	Shafroth	Underwood
Cummins	Kern	Sheppard	Walsh
Gronna	Lane	Smith, Ariz.	Williams
Hardwick	Martine, N. J.	Smith, Ga.	
Hollis	Myers	Smith, S. C.	
Hughes	Nelson	Swanson	

#### NOT VOTING—40.

Borah	du Pont	McCumber	Sherman
Brady	Fall	Martin, Va.	Simmons
Brandeggee	Fletcher	O'Gorman	Smith, Mich.
Broussard	Goff	Oliver	Smoot
Cañon	Gore	Owen	Stone
Chilton	Harding	Phelan	Sutherland
Clapp	Hitchcock	Pittman	Tillman
Clark, Wyo.	Johnson, Me.	Pomerene	Vardaman
Clarke, Ark.	Lea, Tenn.	Reed	Weeks
Colt	Lewis	Saulsbury	Works

So the amendment was not concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is the amendment relative to the Dean tract.

Mr. SMITH of Maryland. Mr. President, I wish to say, on behalf of the committee, that it seems to be the opinion of the Senate that this is not the time to purchase parks. The committee regards the Patterson tract as one of the most desirable of such proposed purchases. Therefore I wish to say, in behalf of the committee, that we shall offer no opposition whatever to the striking out of all that has been proposed to be stricken out by the Senator from Indiana [Mr. KERN].

Mr. GALLINGER. But in doing so, Mr. President, if the Senator from Maryland will permit me, we have every assurance that we shall never have so good an opportunity to purchase the Dean tract as we have this year.

Mr. KERN. The power of condemnation will always reside in Congress.

Mr. GALLINGER. Yes; I understand that, but if houses are put on it, if Mr. Wardman gets possession of it, we will have to condemn a good deal of valuable property.

Mr. SMITH of Maryland. Mr. President, I think I have stated that that property was offered to us for nearly \$300,000 less than it had ever been offered for previously. We were warned that the people who have held it would probably not hold it any longer, because it was not a source of revenue; that they will dispose of it so that they can get revenue out of it. The result will be that the property will be disposed of for the purpose of placing buildings thereon, and the Government will probably never again get the opportunity to buy it. The parties who own it felt that they wanted the city to have it for park purposes, and gave us what was equivalent to an option that we might have it at the amount named in this bill—\$625,000—which is, I understand, less than the property is assessed for.

However, the decision is with the Senate. We exercised our best judgment as to what we thought was for the best interests of the city of Washington, and in accordance with our view that this ought to be made a great and a beautiful city. Of course the Senate is the body to determine the matter. For that reason the committee will not make any objection to the amendment which the Senator from Indiana may move to take all these propositions out of the bill.

Mr. KERN. The question is on concurring in the amendments, Mr. President.

The VICE PRESIDENT. The question is on concurring in the amendment for the acquisition of what is known as the Dean property. [Putting the question.] The "noes" seem to have it. The "noes" have it, and the amendment is not concurred in.

The next reserved amendment is the one in regard to the Klinge Ford Valley. The question is on concurring in that amendment.

The amendment was not concurred in.

Mr. GALLINGER. Mr. President, there were some parks, as I remember, or additions to parks, put in by amendment on the floor of the Senate. There is no reason why they should remain in the bill if the provisions for other parks are to go out.

The VICE PRESIDENT. The one inserted on the motion of the Senator from Missouri has gone out.

Mr. GALLINGER. The Senator from Missouri has himself stated that he thought it ought to go out with the rest.

The VICE PRESIDENT. It has gone out.

Mr. GALLINGER. Very well.

The VICE PRESIDENT. The Chair put the question, and the amendment was not concurred in. Are there further amendments reserved to be voted on in the Senate?

Mr. KERN. Mr. President, there were four reservations made by me. The first was as to two committee amendments; the next was as to the amendment offered by the Senator from Missouri [Mr. STONE]; and the next was as to the amendment offered by the Senator from South Dakota [Mr. STERLING], which comes in after line 5, on page 112. Have they all been voted on or have only three been voted on?

The VICE PRESIDENT. The Chair understands they have all been disposed of.

Mr. KERN. My first reservation was as to the committee amendment on page 111.

The VICE PRESIDENT. The amendment providing for the purchase of the Dean property has been disposed of; the amendment relating to the purchase of the Patterson property has been disposed of, and the amendment of the Senator from Missouri [Mr. STONE] has been disposed of. Has there been anything else reserved?

Mr. KERN. There is the property covered by the amendment offered by the Senator from South Dakota [Mr. STERLING], of which I have just spoken, which is on page 112, after line 5, providing for the purchase of Klinge Ford valley, making an appropriation of \$154,349 for the purchase of the land and \$16,000 for the improvement of a street adjacent.

The VICE PRESIDENT. That has gone out.

Mr. KERN. Then, in addition to the committee amendments, there was an amendment adopted on the motion of the Senator from Missouri [Mr. STONE] appropriating \$175,641.43, and coming in on page 111, after line 24—

Mr. GALLINGER. That has gone out.

Mr. KERN. Providing for a readjustment of the National Zoological Park boundaries, and so forth.

The VICE PRESIDENT. The question, then, is will the Senate concur in that amendment made as in Committee of the Whole?

Mr. SMITH of Georgia. Mr. President, I desire to inquire from the Senator in charge of the bill if this is the purchase to protect the edge of the park from the encroachment of little buildings?

Mr. SMITH of Maryland. I will say to the Senator from Georgia the committee did not put this amendment in the bill, and knows nothing about it whatever. Furthermore, the Senator from Missouri himself indicated, as I understand, that he did not want this amendment to remain in the bill if the other provisions in regard to the purchase of land were stricken out on account of the expense, and, therefore, they have all gone out.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was not concurred in.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

The SECRETARY. On page 78, line 6, in the items for the health department, there was inserted, as in Committee of the Whole, "assistant chief, \$1,400."

Mr. LANE. Mr. President, I wish to call the attention of the committee and of the Senate to a certain condition which exists in one portion of the city. On the Georgetown car line as you go from the main city into Georgetown, on what is called the G Street line, you pass a large gas-storage tank of a capacity of I do not know how many thousands or millions of cubic feet, and that gas tank is a nuisance to an entire community for the reason that it leaks. As you pass it on the car the odor is offensive at all times, and sometimes almost stifling.

I notice that some of the Senators smile, but the gas escaping from it is a noxious gas. It settles down like a blanket over an entire community of several squares and acts as a depressant to the vital forces of life. There are hundreds upon hundreds of little children who are being raised in that locality. Their homes are situated there, and they have no way of escaping from its baneful influence.

Imagine during the hot weather which has been prevailing, while at the same time the city is threatened with an epidemic of infantile paralysis, which always finds its victims among children who are undernourished and underfed and who do not possess sufficient vitality to resist the germs—imagine in this hot weather which we have had a child in a tenement house trying to get enough cool fresh air to enable him or her to sleep and rest during the night having to breathe a noxious gas of sufficient power and strength to disorganize its blood cells and lower its vitality to the danger point. It is wrong.

I notice in the bill that the committee has made an addition to the force of the health office of another assistant chief, a sanitary inspector, if you please, with a salary of \$1,400. If he could be specifically assigned to this work, I think he might be useful, and I should then like to see the item stay in the bill; but if the sanitary inspectors of this city are doing their work in a manner which allows an entire community, a section embracing thousands of people, to be placed under a condition which will inevitably result in the death of many of the younger portions of the community, the item had better go out and we had better take half the money and hire a plumber, and then take some more money of it and buy him some red lead and keep him busy stopping the leaks in that gas tank. It is a public nuisance, and it goes further than that, Mr. President. It shows a negligence upon the face of things that no man can excuse. Any inspector, any street-car conductor, a blind man, more particularly, perhaps, could not go through there without knowing that that tank is a nuisance, and yet it has continued leaking for over a year, to my personal knowledge. It is little short of criminal.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. LANE. I yield.

Mr. GALLINGER. Has the Senator called the attention of the health department to this matter?

Mr. LANE. No; I have not. If they can not smell it there is no use of my calling their attention to it, not a particle in the

world. If an inspector can go within a quarter of a mile of that gas tank without knowing what is the matter there is no use of bothering with him.

Mr. GALLINGER. I do not agree to the indictment against the health office of this District. Dr. Woodward is a very competent man and has the health interests of the District at heart. He has a reasonable force under him, but I can not conceive that Dr. Woodward, if he has any knowledge of this matter, would permit it for a single hour. Now, I do not know anything about this leak. Is it connected with the Washington Gas Light Co.'s great plant?

Mr. LANE. I do not know. It is connected with one of the plants that supply gas, either in Georgetown or in Washington.

Mr. GALLINGER. On this side of Rock Creek?

Mr. LANE. Right near the new Rock Creek Bridge, on the Georgetown car line, on this side of that creek.

Mr. GALLINGER. I never yet have gone near a gas plant when there have not been disagreeable odors, and there may be a leak there. It is inconceivable to me, however, because I can not imagine that that corporation would permit it for a moment. I do not think they would want to lose their gas. They are pretty scrupulous about those things. They want to have pay for their gas.

Mr. LANE. That is right, Mr. President, I have no doubt. The fact of the matter is, I guess, that the gas manufactured in this city contains an excess of sulphur producing what is known as sulphurous acid, which, when standing, finally forms into sulphuric acid, and it eats out the pipes and the bottom of the tank, and they can not stop it. I have had to repair some of the pipes in the house I live in for that very reason.

Mr. GALLINGER. There is one other matter I call to the Senator's attention. This is not a new official that we have provided for. It is simply taking one, as the Senator will perceive, out of eight inspectors, and giving him a little higher salary because he is more competent. The Senator will observe that we have reduced the eight to seven, so that he is not a new appointee.

Mr. LANE. All right, Mr. President. Now, I am not acquainted with the chief inspector or any of the other inspectors; but if they have not noticed that there is an excessive waste and loss of gas there, they are probably suffering from what is called chronic atrophic nasal catarrh, and have lost their sense of smell and their ability to detect deleterious odors, for it is so strong that at times when a passer-by is going through there on one of those cars it will irritate his throat to the extent of causing him to cough, and to cough violently and painfully, until he passes through the entire district. It is a small matter, and yet in a way it is a grave matter. It is a matter in which the lives of the people are involved, for their vitality is lowered to such an extent that they can not be healthy human beings; and the inspectors have overlooked it, for the condition exists. I will invite the Senator from New Hampshire to take a trip out there with me this evening or any evening on my way home, so that he will realize that the condition does exist.

Mr. GALLINGER. If I were going to take a trip with the Senator I would go first to the health office, and if I did not get relief there I would go to the Public Utilities Commission. There is a remedy for this that ought not to bother Congress.

Mr. LANE. Well, Mr. President, we are trying to build up the city of Washington. There has been an attempt here to purchase parks, at an expenditure of over a million dollars, to beautify the city.

We have adopted the half-and-half plan. A part of the responsibility is upon Congress, and it is just as well to know these facts, for they are important. It goes further than that even, for a type of gas which will eat out the walls of a tank container will also eat out the pipes which pass through the community from the tank, and we have this gas escaping in an insidious manner into the houses of many of the people, lowering their vitality and increasing the death rate, if you please. I suggest—and I should like to get the consent of the members of this committee to this—that we do away with this assistant chief and hire a good, sensible plumber, and he will find out these dangerous leaks for us. These gentlemen evidently have not discovered it, for it is a condition that has existed for years, I am told. Would the Senator accept a proposition something like this—to employ a practical man, a man that knows how to detect and stop leaks in the service of this city? It is needed, and badly needed, all over the city. There are leaks of the gas mains and the service pipes in hundreds of places in this city.

Mr. GALLINGER. If the Senator will permit me, we have a plumbers' board, and they employ plumbers. Now, I simply suggest to the Senator that if he wants to employ a plumber, that is his privilege, and he can pay out a little money for the



Washington Gas Light Co. if he chooses to do so. It is inconceivable to me, as I said a moment ago, that there is any leakage there that is of any consequence, because the gas light company do not want to lose any money. But however that may be, it is the duty of the health office to look after this matter. We pay them for it, and we give Dr. Woodward all the force that he asks for in the way of inspectors, and if they are neglecting their duties they ought to be called to account.

Mr. LANE. That is exactly what I am trying to do.

Mr. GALLINGER. Yet the Senator has not taken the trouble to go to the health office to make complaint about this matter that has been so annoying to him. I appreciate the fact that we ought not to endanger the health or the life of a single person, big or little, old or young; and I know just how anxious Dr. Woodward is to keep down the death rate in the District of Columbia, because that is a tribute to him; and I feel sure that the Senator will get all the relief that possibly can be given if he consults the health officer.

Mr. LANE. Mr. President, it is no source of annoyance to me. I merely pass through it. The annoyance to me is but temporary, but the condition out there is really a serious one. Here we are providing salaries and men to do this work for the people, and it is not being done, and it makes me wonder at how many other places in this bill we are paying out money for similar service. The condition is a bad one, a dangerous one, an inexcusable one.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The SECRETARY. The next amendment reserved is by the Senator from Nebraska [Mr. NORRIS], on page 46, line 9, relative to the amount appropriated for the swimming pool.

Mr. NORRIS. Mr. President, I am not opposed to this amendment. I did not reserve it because I had any opposition to it. If the money could be utilized, I would favor its increase, if anything; but I reserved this amendment for the purpose of calling the attention of the Senate to a matter which, it seems to me, ought to be called to the attention of Congress, and I wish it could be called to the attention of everybody in the District of Columbia—the fact that we have a condition existing here in regard to bathing facilities that needs attention and needs remedying.

A couple of years ago, I think on the sundry civil bill, the Senate put an amendment providing an appropriation sufficient to build a large bathing house and for the preparation of a bathing beach on what is known as the Tidal Basin down here. It passed the Senate, but went out in conference. The Tidal Basin is a body of water with which all the Senators are acquainted, I presume, in Potomac Park, surrounded by land for nearly the entire distance, with an opening into the river and an opening into what is known as Washington Channel, where the boats come up from the lower Potomac River. It contains 110 acres. It is from 6 to 9 feet deep. Protected as it is by these banks, it would be an excellent place for swimming; and that is what the Senate thought, I presume, when it agreed to this amendment on the bill, and provided for the construction of bathing beaches, two of them—one for white people and one for colored people.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

Mr. NORRIS. I will.

Mr. GALLINGER. The Senate conferees contended for that amendment just as long as they possibly could with propriety.

Mr. NORRIS. Yes; I am not finding fault with the conferees. I want particularly to say here that the chairman of the conferees on the part of the Senate, the senior Senator from Virginia [Mr. MARTIN] came to see me in regard to it—I presume because I had proposed the amendment—and took me with him, and with him I consulted with the physicians who had been called in by the conferees; and it seemed to me, as it seemed to the conferees, that we must for the time being, at least, surrender, because the health department reported to the conferees, after examination of the water of the Tidal Basin, that it was not fit for bathing, and that it would be injurious to health if bathing was permitted in those waters.

I made an investigation later on and found out that what they said was true in regard to the sewers; that all the way up nearly to the District line there were sewers coming into the Potomac River; and the doctors found upon examination of the water that a considerable quantity of the impurities came through the opening, and was always contained in the waters of the tidal basin. So, while the city needed it, while everybody who has looked into the question realizes that the city of Washington ought to have something of that kind for its boys and girls and its men and women; while there ought to be a public bathing

beach and that would be as good as any, yet when we were confronted with the officials of the health department who said that it was not safe to bathe there, we surrendered and gave up.

What was the result? Why, Mr. President, notwithstanding the health department made an examination and reported that these waters were unfit to bathe in, and Congress therefore decided—at least until the sewage could be diverted to some other place—not to build bathing beaches, notwithstanding that, the Government has rented to a private individual the right to conduct a bathing beach down there on the tidal basin, and it is going on now; and only last Sunday it was reported to me by one of the officers that more than 700 people went in bathing in the tidal basin. Every one of them had to pay a fee. The private individual had to get his "rake-off." I am not finding fault with the private individual or with those who pay the fee; but we have this condition presented to us:

We proposed, at public expense, to provide for a public bathing beach there which would be free and moderate in every respect, and we are confronted with the objection from the health department that it is unsafe, that is dangerous to life and to health to permit people to bathe in those waters; and then the right to conduct a private bathing beach is rented, and the Government is getting a fee out of it—getting \$500 a year from the man who is operating that bathing beach there—and he opens it to the public and charges a fee, and permits the people to go bathing in the very waters that the Government officials have condemned.

I only wanted to call attention to the condition. I understand that the concession that has been granted to this man for three years will expire next April. It seems to me that if attention could be called to it, if those waters are unfit for bathing, the Government ought not to be a party to taking a fee from people to go into waters that are dangerous. We ought to prevent people from bathing there, or we ought to construct a bathing beach and make it absolutely free.

I have no objection to the amendment being concurred in.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The SECRETARY. The Senator also reserved an amendment on page 119, lines 16 to 22, relative to 70-cent gas.

Mr. NORRIS. Mr. President, on this amendment I desire to be heard, and I have some objection to the amendment. I should like to have the attention of the Senate.

The bill as it comes from the House provides in section 6, page 119 of the bill, as follows:

That hereafter no part of any money appropriated by this or any other act shall be used for the payment to the Washington Gas Light Co. or the Georgetown Gas Light Co. for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per 1,000 cubic feet.

Mr. President, that provision, in substance, has been in the District of Columbia appropriation bill for several years. Several years ago, in March, 1914, an amendment was put on the appropriation bill here in the Senate that limited the price that would be paid for gas by the Government of the United States to the Washington Gas Light Co. to 70 cents per 1,000 cubic feet. That amendment went on in the shape of a limitation after a general amendment had been stricken out on a point of order. The House, ever since that, have put the language into the District appropriation bill. They have enlarged it so as to cover both gas companies and the entire District and all appropriations, whether made in this bill or other bills, appropriating for the payment of gas in the District of Columbia.

The Senate committee this time, for some reason, has seen fit to strike that provision out of the bill; and that is the amendment that I reserved for a separate vote. I have heard no reason given why that should be done.

Mr. DILLINGHAM. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. DILLINGHAM. If the Senator will allow me, I will call his attention to a statement before the committee by Mr. Darlington, I suppose counsel for the company, a very eminent lawyer—I presume the Senator knows him—in which, on page 336, he states very clearly the reasons why it should go out.

Mr. NORRIS. Will the Senator read them? Or give the volume to me, and I will read them.

[Mr. DILLINGHAM handed the volume of hearings to Mr. NORRIS.]

Mr. NORRIS. Mr. President, in order that the Senate may have the benefit of it—I have not read this yet—I will read it. This is Mr. Darlington's statement:

Mr. Chairman, on behalf of the Washington Gas Light Co. we would like to submit some considerations in respect to section 6 of the act.

That is the one that the Senate committee strikes out.

That provides that no part of any money appropriated by this or any other act shall be used for payment to the Washington Gas Light Co. or Georgetown Gas Light Co. for any gas furnished by them for the use of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per thousand cubic feet.

We have three objections to that section. The first is that the Public Utilities Commission act reposes in that commission the power and duty of fixing uniform rates, and we would think it ought to be left to that commission to do that.

I am going to take up that objection. Mr. President, when this provision was first put in the law the public-utilities act had been passed and was then in existence. Let me call the attention of the Senate to another fact—that in all human probability, if the Public Utilities Commission ever lowers the rate the gas company will be permitted to charge, the first thing that will happen will be an injunction. The next will be a weary road to travel through the courts to the Supreme Court of the United States, so that it probably will be years before the rates that the commission may fix will be put into effect. The representatives of this company appear before the committee and object to this rate because they say that the Public Utilities Commission had jurisdiction. I wonder if they will agree that they will abide by what the Public Utilities Commission do, if they ever do anything?

Every Senator knows that when they do fix a rate, the same with everything else they have fixed so far, the first thing they are met with is a contention in court that what they do is illegal. When Congress undertakes to do it then they come before the committee, as this gentleman did here, and say, "You must not do anything, but the Public Utilities Commission must." I think that is an answer to the first proposition.

It might be said further that nobody can question the right of Congress to fix the rate. Congress fixed that rate after the public-utilities law had been enacted and while the Public Utilities Commissioners were in office. The public-utilities bill, I think, was passed some four years ago. If this goes on, if this rate is not fixed by law, and then they would charge a dollar, and the Public Utilities Commission would undertake to stop it, it would take at least three or four years before you would get it through the courts, and you would have the public-utilities work upheld, even if it was upheld, at the end of a weary lawsuit.

Now, take the next objection, and I am taking them up without having read them before. I have not read this one yet:

In the second place, the same public-utilities act in paragraph 81 makes it a misdemeanor for the officers of these companies to furnish any person, firm, or corporation gas at a greater or less compensation than others. So it creates a question whether this would not lower the rate to everybody to 70 cents per thousand cubic feet.

I wish to heaven it would! It ought; and then what ought we to do? We ought to fix the price not only for the Government but for everybody.

Now, take it as a legal proposition. This man, as the Senator said, is an eminent lawyer. It seems to me he must know, being an eminent lawyer, as he is, that what he contends for here is not law. The same legislative body that provided for the Public Utilities Commission can provide the rate if it so desires. A rate has been fixed by law for years across Rock Creek, where the Georgetown Gas Co. operates. There is a rate of \$1 fixed there now by law. On this side of the creek, where the Washington Gas Light Co. operate exclusively and have a monopoly of the gas business, the rate is fixed by law at 85 cents, with a penalty in each case if it is not paid promptly.

So there can be nothing, as a matter of law, in the contention that Congress fixed the rate for private individuals, that passed the law in regard to the Public Utilities Commission, has not the same right to fix a rate for the Government. And, Mr. President, it is not unfair that the Government should get it at a less rate than private individuals, because, being a large consumer, paying all at one time and on one bill, it makes a great deal less work, a great deal less expense than it would to collect the same amount of money from four or five hundred different customers. Now, let us take the third objection:

In the third place, this identical provision, or one to the same effect, was passed by the House in connection with the legislative bill, was considered by the Senate committee, and the commissioners were interrogated about it. I read from page 10 of the hearing on the legislative bill:

"Senator OVERMAN. How are you getting on with the gas company? Have you reached a conclusion?"

"Commissioner KUTZ. No, sir; but we expect to reach a finding as to valuation within three months, and by the 1st of July we anticipate that we will be able to present the valuation of our experts to the companies for a hearing, to determine the 'fair value' of the property of the companies."

"Senator SMOOT. Let me ask you if this provision in the House bill—"

"That is, the one fixing it at 70 cents for public buildings—"

"In any way conflicts with the public-utilities law passed by Congress? Does it conflict with paragraphs 81 and 38 and 41?"

Those are the ones that make it a misdemeanor to make any discrimination to any person in the price of gas.

"Commissioner KUTZ. In a sense it does, in that it apparently takes away from the utilities commission a power that Congress has lodged in that commission; and I feel that the commission's hands would be tied with respect to that kind of service if, subsequent to the passage of the law, Congress fixed a price for a particular use."

"Senator SMOOT. That is what I wanted to know of you."

"Senator OVERMAN. Your idea is that it would be better to wait and let the Public Utilities Commission fix it?"

"Commissioner KUTZ. Yes, sir; that it would be very much better to wait."

Without reading further, the Senate committee sustained that view, the provision was stricken out of the House bill, and the conferees acceded to it. This is a proposition to reintroduce it, not only as to the District but in other acts in which it has been expressly excluded. On those three grounds we think this particular section ought to be eliminated from the bill.

Senator SMITH of Maryland. Has there been any investigation by the Public Utilities Commission to ascertain what is a fair price?

Mr. DARLINGTON. It is stated here that by the 1st of July they will have completed their investigation.

Senator SMITH of Maryland. They are investigating now, as I understand.

Mr. DARLINGTON. Yes, sir.

Mr. REESIDE. Senator, I think their investigation is about completed. They expect to finish it in a few days. They have been working on it for a year or more, and it is about completed.

Mr. DARLINGTON. That, I think, is all I care to say.

Senator GALLINGER. After what time, if that finding is accepted and litigation does not ensue, the Public Utilities Commission will proceed upon that basis to determine what a fair rate is.

Mr. REESIDE. To fix the rate.

Mr. DARLINGTON. And even if litigation does ensue the Public Utilities Commission act provides that the rate fixed by the commission shall be in force until the court disturbs it.

Mr. President, as I said a while ago, if we have no rate fixed by law, the first thing that will probably happen when the Public Utilities Commission get through and are ready to put a valuation upon the gas company's property will be an injunction. These same attorneys who are here questioning the jurisdiction of Congress will be there questioning the jurisdiction of the Public Utilities Commission, and there will be litigation, hearings will be had, in order to take time, and in the meantime there is no rate fixed by law, and the gas company will be charging what in their judgment is proper.

Now, Mr. President, I want to call your attention to the report of the gas company.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. NORRIS. Yes.

Mr. CLAPP. I think this is a matter that needs to be very thoroughly considered. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Overman	Smith, Md.
Bryan	Johnson, S. Dak.	Page	Smith, S. C.
Chamberlain	Jones	Penrose	Smoot
Clapp	Kenyon	Polindexter	Swanson
Culberson	Kern	Ransdell	Taggart
Cummins	La Follette	Reed	Thomas
Curtis	Lane	Robinson	Thompson
Dillingham	Lee, Md.	Saulsbury	Tillman
Fletcher	Lewis	Shafroth	Underwood
Gallinger	Martin, Va.	Sheppard	Wadsworth
Gronna	Martine, N. J.	Sherman	Walsh
Hollis	Nelson	Shields	Warren
Husting	Norris	Smith, Ga.	Williams

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. NORRIS. Mr. President, while all the Senators are here I want to say that if this amendment to strike out this provision relating to public buildings on the part of the committee, without the insertion of anything, is defeated, I intend then to offer an amendment applying to the Washington Gas Light Co. that will fix a rate of 75 cents to everybody, private consumers as well as to the Government. So what I am saying now on this amendment against the committee's amendment to strike out what is now in the bill I desire Senators to consider in connection with the other amendment that I shall offer; and I shall not take up the time of the Senate then to debate it, but what I shall say on one amendment applies to the other as well. I want really to take them both up at once; and, Mr. President, I want to be brief, and I am going to be as brief as I can.

I do not believe that we ought to legislate on this subject if there is any question of doubt about doing injury to this company. The figures that I shall give you are based entirely and without exception—if there is an exception I will note it when I give it to you—upon the gas company's reports. So I am taking their own figures. I am drawing mathematical deductions from their own official statements. They have to report to Congress every year, and it is from those reports that I will deduce the proposition that I think will convince any man who will fairly consider it that a reduction from 85 cents the Washington Gas Co. are allowed to charge now to 75 cents would still leave them an income of more than 15 per cent on their entire capital stock, practically one-half of which is pure water.



This gas company was organized in 1848, and it has paid dividends all the way from 10 per cent on its capital stock to 65 per cent. In the RECORD of March 13, 1914, if Senators care to look into it, will be found in detail a history of the development of this company.

I am not going back so far, because I do not want to take the time now to give all the dividends that have been declared. I do not believe, however, that they ever fell below 10 per cent. The extensions that have been made mostly and improvements as the gas system developed from that of a comparatively small city to the present city of Washington were made almost exclusively out of the income from the sale of gas. So the extension was mainly paid for by the men who bought the gas, and all the time dividends of at least 10 per cent were paid, and in one year as high as 65 per cent; in another year, in reality, making a present to every stockholder in cash of the amount of the par value of the stock which he held.

Going back as far as 1870, it was 10 per cent; in 1871 it was 15 per cent; in 1872 it was 15 per cent; in 1873 it was 15 per cent; in 1874 it was 55 per cent; in 1875 it was 20 per cent; in 1876 it was 65 per cent; in 1877 it was 15 per cent; in 1878 it was 15 per cent; in 1879 it was 15 per cent; in 1880 it was 15 per cent.

Now, Mr. President, an investigation was made of this company several years ago when Senator Spooner was a Member of this body. The older Members of the Senate know him well, and have great regard for him and for his ability. I want to quote him a little. There is a good deal in the RECORD that I have taken from Senator Spooner's report, but I want to read a paragraph in regard to what he said about the watering of the stock:

It is difficult to resist the suspicion arising from an examination of the sums heretofore given as alleged increase of capital from 1872 to 1883, aggregating \$800,000, that they represent nothing else than stock dividends, however called, in addition to the large money dividends from time to time declared and paid by the company.

The dividends run on at about that rate.

Mr. GALLINGER. Until when?

Mr. NORRIS. I am going to give it right up until now. The treasurer of the company, in a letter to Senator Spooner and Hon. Samuel J. Randall, February 25, 1881, said:

For the thirty-one and a half years the average of cash and stock dividends has been 16.8 per cent.

I will come on to a later date. I will not give all of them. None go below 10 per cent that I have been able to find.

Mr. TAGGART. May I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. TAGGART. What control has Congress over this company?

Mr. NORRIS. It has absolute control.

Mr. TAGGART. Has Congress gotten a report from them?

Mr. NORRIS. Yes; I am going to take up their report. These figures I have given are taken from their own report. Whatever right they have they must get from the Congress of the United States.

For the year 1906 they paid a dividend of 10 per cent and set aside a surplus of \$170,879.83. They did another thing that year that is peculiar. They had a capital stock at that time of \$2,600,000. That is what the capital stock is now. That year, in addition to giving the 10 per cent and the setting aside of this surplus and a large sum for depreciation, taking their own figures, they issued "dividend certificates of indebtedness" to the stockholders for \$2,600,000. That was the amount of the capital stock. They gave that to the stockholders without any consideration whatever. They were called "dividend certificates of indebtedness." In other words, every stockholder who had a share of stock, suppose he had \$100 worth of stock par value, got a certificate of indebtedness signed by the company to him, drawing 6 per cent interest, for \$100. If he had \$10,000 of the par value, he got a certificate of indebtedness drawing 6 per cent interest given to him, signed by the officials of the company for \$10,000. Then, after that the company proceeded to pay, and did pay, every year 6 per cent on those certificates of indebtedness in addition to their dividends. It was 1906 when that took place.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield to the Senator.

Mr. LA FOLLETTE. Can the Senator inform the Senate why those certificates were called "certificates of indebtedness"?

Mr. NORRIS. The only reason that I know of is that their dividends were getting too large, and I presume they were desirous of covering them up. Those same certificates—and I will come to that in a moment—to-day constitute a part of the

bonded indebtedness of this company; they are paying interest to the bondholders on it; and the men and women who buy gas are footing the bill.

Mr. LA FOLLETTE. Is it possible that the Senator from Nebraska means to have it understood that the stockholders did not pay anything for those certificates?

Mr. NORRIS. That is just what I mean to have understood. That was not the only stock dividend which this company issued; in other words, it resulted in giving a 100 per cent dividend, although the debt is still standing.

Mr. LA FOLLETTE. It was covered by making it stand as an indebtedness against the company?

Mr. NORRIS. Yes. That was in 1906. Now, just follow it.

Mr. LA FOLLETTE. I do not like to dwell upon this matter; it is rather painful to contemplate; but, if I understand the Senator, that practically doubled the capitalization of this gas company, without those who got the stock putting any money in for the stock?

Mr. NORRIS. Exactly; there is no doubt about that.

Mr. LA FOLLETTE. Well, that is a very sad record to contemplate, is it not?

Mr. NORRIS. I think so.

Mr. LA FOLLETTE. Then, that so-called indebtedness, that gratuity to the stockholders, is made the basis of raising the rate still higher upon the consuming public?

Mr. NORRIS. Surely. It is now a part of the indebtedness of this company.

Mr. LA FOLLETTE. I know the Senator from Nebraska has given a good deal of study to the history and the financial operations of this particular corporation. Did I understand the Senator to say, in answer to a question propounded by the junior Senator from Indiana [Mr. TAGGART], that Congress has full authority and supervision over the corporation?

Mr. NORRIS. That is what I said; yes, sir; that is my idea. I do not believe anybody doubts that.

Mr. LA FOLLETTE. Did not Congress interpose to prevent the public being saddled with this doubling of the capitalization as a mere fictitious performance on the part of this company?

Mr. NORRIS. Well, I do not know what happened at that time. There might have been something said in the newspapers; but I am not sure even as to that. No action, however, was taken, and no impediment was put in the way of the company doing this thing.

Mr. LA FOLLETTE. Can it be possible that attention of Congress was ever called to this extraordinary performance?

Mr. NORRIS. Mr. President, this is the second time that I have called the attention of Congress to it.

Mr. LA FOLLETTE. And on the former occasion, when it was spread upon the records of the Senate here, was no action taken to reduce the rate for gas to the general consuming public?

Mr. NORRIS. On the former occasion when this matter was brought up the amendment which was offered reducing the rate to all the consumers of the product of the Washington Gas Light Co. to 75 cents per thousand feet went out on a point of order. Then an amendment was offered and adopted putting a limitation on the appropriation. That was the result of that discussion, and the measure then passed has been the law ever since. That is what the committee now seeks by their amendment to strike out.

Mr. LA FOLLETTE. That is, the Senator, as a result of the exposure which he made at that time, succeeded in getting a reduction of gas rates to the Government as a consumer in a limited way? Is that what I understand?

Mr. NORRIS. Yes; that is practically what happened.

Mr. LA FOLLETTE. A reduction in the rate to the District of Columbia?

Mr. NORRIS. Yes; that is practically what happened.

Mr. LA FOLLETTE. But the Senator was not able, because some one on the floor made a point of order against his amendment, to extend that saving to the general consuming public?

Mr. NORRIS. The point of order was made against the amendment, and it went out on that ground.

Mr. LA FOLLETTE. But the Senator had informed the Senate of this doubling of the capitalization under the guise of certificates of indebtedness at that time?

Mr. NORRIS. Yes; and that has never been denied.

Mr. LA FOLLETTE. That is most remarkable.

Mr. NORRIS. In 1907, Mr. President, the next year after the certificates of indebtedness were issued, those certificates drew 6 per cent. They were given to the stockholders; and a dividend of 10 per cent was declared, making a dividend altogether of 16 per cent on their capital stock. In 1908 the same thing occurred; there was a 16 per cent dividend. In 1909 the dividend was again 16 per cent.

Mr. GALLINGER. Will the Senator from Nebraska excuse an interruption?

Mr. NORRIS. I will.

Mr. GALLINGER. Will the Senator again state in what year those certificates were issued?

Mr. NORRIS. They were issued in 1906.

Mr. GALLINGER. The Senator from Wisconsin [Mr. LA FOLLETTE] was a Member of the Senate at that time. He seems to be horrified, but he was then here.

Mr. NORRIS. In 1911 these certificates of indebtedness were taken up by the company, and the men who held them were paid 100 cents on the dollar in addition to 6 per cent interest that they had been receiving all the time. To get the money to pay that 100 cents on the dollar, the company issued bonds, that are still outstanding, and which are an indebtedness against the company in the amount of \$2,600,000; and they turned the money over to the holders of the stock. Besides that, they paid a dividend of 13½ per cent. So in reality the holders of that stock got that year a dividend of 113½ per cent. Those bonds are still outstanding.

In 1912 the company, instead of paying interest of 6 per cent on the stock dividends, had to pay the interest on the bonds which were issued, instead of the stock dividends, the proceeds of which were paid in cash to the holders of the stock. I wish Senators would listen to this. After doing that in 1912, they paid a dividend of 24 per cent. That is taking their own figures, taking their own books, without questioning any statement as to the salaries which they paid their officers or what they paid here or what they paid there—taking their own word for it, they still paid 24 per cent. They set aside—and I am not complaining because they set aside—every one of those years a large sum of money for depreciation, so that they would be on the safe side. I have not been reading that statement as to these various years; but for all these years they have always done that, and they have always made extensions, which they took out of the money that the consumers of gas paid, without issuing stock or bonds for it.

In the year 1912 it might be interesting—taking it as a sample, and I only take it as an illustration; I do not know whether it would be more or less than the year preceding or the year following—to note that they set aside for depreciation over \$64,000. After doing that they paid 24 per cent.

Now, Mr. President, we come to the next year—1913. Taking their own figures, taking everything just as they report it, they made extensions during that year amounting to \$161,000 out of their income; they set aside \$77,000 for depreciation; and, after doing all that, they paid a dividend of 24 per cent on the capital stock, practically one-half of which was water.

Mr. President, any Senator can deduce the facts I have brought out from the figures contained in the report of the Washington Gas Light Co. ending December 31, 1915. I have that report and their reports for a number of previous years. In 1914 they paid a dividend of 24 per cent, and in 1915—that is, last year—they paid a dividend of 24 per cent. I have taken their figures and deduced what dividends they would have been able to pay if they had charged only 75 cents for gas, the price I shall propose in an amendment which I desire to offer, if the Senate votes down the Senate committee amendment.

Mr. GALLINGER. Mr. President—

Mr. NORRIS. In just a moment I will yield to the Senator. I want to offer that amendment, and it will now be in order because the House has legislated on the subject, to reduce the price which this company can charge for gas—and it does not apply to the Georgetown company—to 75 cents per 1,000 cubic feet. If that had been the law last year, taking their own figures, setting aside everything they set aside for depreciation and paying for extensions and salaries and including every other charge they have included—if they had only received 75 cents per thousand feet, which, as I have said, is the price contained in the amendment I intend to offer, they would still have been able to declare a dividend of 15½ per cent. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, the Senator is going back to the original capitalization of this company and basing all his figures upon that. Is it not a fact that one-half of the stockholders of this company to-day are women, most of whom paid for their stock a consideration under which they receive only from 5 to 6 per cent on their investment? Is it fair for the Senator to go back 50 years, more or less, and upon the capitalization of the company at that time base his figures as to dividends? The Senator says that the company paid a dividend of 24 per cent last year. I chance to know a good many people who own that stock, and they do not get 6 per cent on what it cost them.

Mr. NORRIS. Does the Senator mean to say that I have made a misstatement? I have the figures here.

Mr. GALLINGER. The Senator has made a statement that creates a wrong impression.

Mr. NORRIS. I know that I am not creating a wrong impression.

Mr. GALLINGER. The Senator certainly is.

Mr. NORRIS. I have taken the figures which the gas company gives. If they were my figures, then, of course, the Senator would question them and look at them with suspicion.

Mr. GALLINGER. I would not question them unless the facts warranted it.

Mr. NORRIS. But I have taken the figures of the gas company itself, and I will show from their own figures that they paid 24 per cent dividends.

Mr. GALLINGER. The figures do not show that they have paid that to the present stockholders of the company.

Mr. NORRIS. They can not pay it to any other stockholders.

Mr. GALLINGER. They certainly did not pay it to the present stockholders. They may have paid that on the basis of the original capitalization of the company, but not on what the stock cost the present holders of it.

Mr. NORRIS. They pay it on the basis of the capital stock of \$2,600,000. That is their capital stock, and one-half of that is water. I know what the Senator is thinking about. He realizes that this gas stock is at a very high premium. It can not be bought at par. It has been paying such enormous dividends that the stock has gone away up in the market. I think the par value of the capital stock per share is \$25—from \$20 to \$25.

Mr. GALLINGER. For the original shares; yes.

Mr. NORRIS. The par value is just the same to-day as it was five years ago. The capital stock has remained at \$2,600,000 for quite a number of years; it has not been increased; and when it was increased it was simply increased by putting more water in it.

Mr. GALLINGER. Now, Mr. President—

Mr. NORRIS. I think I see the difficulty the Senator is laboring under, and I think it is a difficulty, namely, that because the stock has gone up so high in the market that when somebody buys a \$25 share he has to pay in round numbers pretty nearly a hundred dollars to get it.

Mr. GALLINGER. It is quoted at about \$75 at the present time.

Mr. NORRIS. Well, he has to pay \$75, which is three times its par value. It has gone up to that figure because the company has been paying 24 per cent interest on par value, and other things besides.

Mr. GALLINGER. Mr. President, in view of the fact—

Mr. NORRIS. I will yield to the Senator in a moment, if he will excuse me. Shall we say now because some widow has invested her money or some man or anybody else has invested money in this stock, paying \$75 a share when the par value of it is \$25, that Congress shall permit this company to continue to get an income on the par value of its stock of 24 per cent in order that the investor in the stock may not lose any money? Is that the Senator's idea?

Mr. GALLINGER. No; it is not quite the Senator's idea. My idea is that the original stockholders have probably all disappeared, and that this stock is held in the hands of thousands of comparatively poor people. If the Senator should go and buy a share of gas stock at the present time, how much dividend would the Senator expect to get from it?

Mr. NORRIS. I would have received this year 24 per cent on every share of stock which I had.

Mr. GALLINGER. If the Senator bought a share last year?

Mr. NORRIS. Yes; that is what I would have received.

Mr. GALLINGER. The Senator is wrong about that.

Mr. NORRIS. Well, the Senator from Nebraska is not wrong.

Mr. GALLINGER. He must be.

Mr. NORRIS. The Senator from New Hampshire is thinking about what I would have to pay to get the stock.

Mr. GALLINGER. Certainly the dividend would be based on the cost of the stock.

Mr. NORRIS. I would have to pay a good deal more than the par value, and on my investment I would not have made 24 per cent.

Mr. GALLINGER. No. What would the Senator have made?

Mr. NORRIS. I would have made, depending on what I had to pay, probably about 6 per cent.

Mr. GALLINGER. Five or six per cent.

Mr. NORRIS. Well, I do not care if it were only 3 per cent.

Mr. GALLINGER. Now, is the Senator, because this company 50 years ago, or perhaps 25 years ago, did something that was not right, going to penalize all the present holders of this stock, many of whom paid three times the par value?



Mr. NORRIS. I will confine it to last year. For the year ending the 31st day of December last they showed a dividend of 24 per cent. Is that fair to the men and women who have to buy the gas and pay a price that will provide the money for such a dividend?

Mr. GALLINGER. They showed that dividend on the original capitalization.

Mr. NORRIS. That is on their capital stock.

Mr. GALLINGER. If the Senator went out on the market to-day and bought the stock himself he would not get more than 5 per cent.

Mr. NORRIS. I would get a return depending on my investment, on the amount I had to pay for the stock; but I would get 24 per cent on the par value of the stock. Who gave that value to the stock? It was the people who paid for the gas; and we have been recreant in permitting the company to charge a rate that was so outrageous that the gas company could make that amount of money.

Mr. GALLINGER. The Senator without doubt would have received 24 per cent if he had bought the stock 30 or 40 years ago and held it, but that stock has passed into the hands of innocent purchasers, most of whom are getting but 5 per cent.

Mr. NORRIS. If 25 years ago I had bought \$10,000 worth of the stock, I would have had twice as much stock now, because of the water that has been injected into it, and I would have been getting 24 per cent on that.

Mr. GRONNA. Mr. President—

Mr. NORRIS. In just a moment I will yield to the Senator.

Mr. President, if the theory of the Senator from New Hampshire is right, then, because we have permitted the gas company to charge an exorbitant rate and make an exorbitant profit, and somebody else has bought the stock, we must keep on doing that forever. There is no place to stop it. In other words, he would go on this principle: If I charge the Senator from Oregon here an outrageous price for something, and make him pay it right along and get him where he is helpless, and has to pay me a 25 per cent dividend on my money, I can say, "He has been paying that for 10 years. It has become valuable now. Because it is valuable we will make him and his posterity pay it forever." There never would be any way to get relief—no way on earth.

The Senator from New Hampshire speaks of poor people owning the stock. I do not know. The names are here. The names are in the report, and the number of shares they have are all here in the report. I do not know whether they are poor or rich. This legislation does not depend on that. According to my theory, according to my belief, it ought not to make a particle of difference whether they are millionaires or whether they are just ordinary people like me. They ought not to be permitted to use the streets of the Capital City and charge the consumers of gas a rate that will enable them to pay 24 per cent on capital stock, half of which is water.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I asked the Senator last year what they were paying for gas in the towns and cities of Nebraska. Can he give the answer?

Mr. NORRIS. No; but I remember that in my town, when Congress adjourned long enough to give me a chance to go home, I had to pay a dollar; and out where I live now I have to pay a dollar to this company, the Washington Gas Co., because I live out in the country. I had to go out there to get away from such things as this, but I got into a bigger one. I have to pay a dollar out there.

Now, let me ask the Senator a question. Does he think that if it is shown here that this gas company is making a profit of 24 per cent, really 48 per cent, on its investment, we ought to make the poor people here pay it, just because the people in my town have to pay a dollar for gas?

Mr. GALLINGER. I do not agree to that proposition at all. Now, Omaha is the great city of Nebraska. The gas company of Omaha charges the people \$1.25 for gas, or \$1.15 net. They get it here for 85 cents in most of the city; and yet the Senator is arraigning Washington as being robbed by a gas company.

Mr. NORRIS. And Washington is being robbed by a gas company.

Mr. GALLINGER. That is the Senator's opinion. If so, Omaha is robbing its people twice as badly.

Mr. NORRIS. Not necessarily. It may be doing so. I am not saying whether it is or is not; but that has not any more to do with this proposition than the flowers that bloom in the springtime.

Mr. GALLINGER. Perhaps not. "Charity begins at home" usually, and fair play should also begin at home.

Mr. NORRIS. Then charity ought to begin with the Senator from New Hampshire. He has been chairman of the Com-

mittee on the District of Columbia for 12 years, "sleeping at the switch."

Mr. GALLINGER. Not at all.

Mr. NORRIS. While the people of this town were paying exorbitant prices for gas.

Mr. GALLINGER. During that time the price of gas in the District of Columbia has been reduced from \$1.25 to 85 cents. The Senator from New Hampshire has not been "sleeping at the switch."

Mr. NORRIS. If he had not been "sleeping at the switch," if he had been doing his duty—

Mr. GALLINGER. He has been doing his duty.

Mr. NORRIS. If he had been doing his duty the people of Washington to-day would be getting gas for 70 cents, and the gas company would be making 15 per cent profit then.

Mr. GALLINGER. Perhaps they would be getting it for nothing if the Senator from Nebraska had his way. The Senator from Nebraska must not say that the Senator from New Hampshire has been neglecting his duty, because he has not.

Mr. NORRIS. Well, that we will have to take without showing.

Mr. GALLINGER. The facts prove it.

Mr. NORRIS. We will not need to prove that he has not neglected his duty, because he admits it.

Mr. GALLINGER. No; he does not admit it.

Mr. NORRIS. Then does the Senator mean to say that he has not done his duty?

Mr. GALLINGER. I say, the Senator does not admit that he neglected his duty, and the Senator from Nebraska must not put that in my mouth.

Mr. NORRIS. I said that the Senator admitted that he had done his duty, and the Senator then replied that he did not admit it.

Mr. GALLINGER. Well, that is better, if the Senator puts it that way; I did not understand him. Now, the Senator has called attention to a remarkable circumstance that occurred in 1906, and the Senator from Wisconsin in holy horror says: "That is an awful thing!" Yet the Senator from Wisconsin was a Member of this body when that occurred.

Mr. NORRIS. Does the Senator from New Hampshire think that he was disgraced because he was a Member of this body when that occurred?

Mr. GALLINGER. I think he ought to have looked after this "awful" matter.

Mr. NORRIS. The Senator from New Hampshire was also a Member of this body at that time.

Mr. GALLINGER. So I was.

Mr. NORRIS. And the Senator from New Hampshire was chairman of the Committee on the District of Columbia at that very time, having jurisdiction over those things.

Mr. GALLINGER. No; I was not chairman.

Mr. NORRIS. Was not the Senator chairman then?

Mr. GALLINGER. Possibly I was; but no matter about that.

Mr. NORRIS. I think the Senator was.

Mr. GALLINGER. No matter about that now. As a member of the Committee on the District of Columbia I prepared and reported a bill, and it has been enacted into law, creating a Public Utilities Commission, which has absolute jurisdiction over this matter. Now, is not the Senator willing to leave it in the hands of that commission?

Mr. NORRIS. No. Where I can see something that ought to be righted and ought to be righted now, I am in favor of righting it now. Does the Senator deny that the gas company has paid 24 per cent for years and years that are past? Does the Senator deny that half of their capital stock is water, and does he assert that 24 per cent is a reasonable rate to permit a public utility corporation to get?

Mr. GALLINGER. I do not deny or affirm anything about it further than I have already denied half a dozen times. I take exception to the statement of the Senator from Nebraska that the company is paying its present stockholders 24 per cent, and the Senator knows that. Senator Spooner made an exhaustive investigation of that matter, and Senator Spooner did not offer any remedy for it.

Mr. NORRIS. Is the Senator from New Hampshire going to blame me for that?

Mr. GALLINGER. No; but the Senator from Nebraska quoted Senator Spooner.

Mr. NORRIS. The Senator had better read Senator Spooner's report.

Mr. GALLINGER. Oh, I have read it over and over again.

Mr. NORRIS. I have read it, and if the Senator will read it again he will find that Senator Spooner made an arraignment of that company that I presume made the Senator blush.

Mr. GALLINGER. Oh, well, I do not know about that. There are some men in public life who are always arraigning some corporation or other.

Mr. NORRIS. And there are certain others who are always defending corporations under all circumstances.

Mr. GALLINGER. That may be so, when they think they are right. Has the Senator read the testimony given before the subcommittee of the Committee on Appropriations on the legislative, executive, and judicial bill on this subject a few weeks ago?

Mr. NORRIS. I read something here in the Senate a while ago. That is what I have read.

Mr. GALLINGER. From those hearings?

Mr. NORRIS. I do not know whether they were from those hearings or not.

Mr. GALLINGER. If the Senator will permit me, I am not going to discuss this matter any further. I am willing to let the matter go for what it is worth and let the Senate reduce the price of gas in the District of Columbia all it wants to. It will not affect me one way or the other—certainly not many cents. But I do say that after we have created a Public Utilities Commission that is to-day making a valuation of this property, upon which valuation it will fix rates, it is not the place of the Senate to interfere with this matter before that commission has performed its duty.

Mr. NORRIS. Mr. President—

Mr. GALLINGER. That is all I have to say about it just now.

Mr. NORRIS. The Senator will not object to my saying something?

Mr. GALLINGER. No; I do not felicitate myself on anything of that kind.

Mr. NORRIS. Mr. President, it is true we have a Public Utilities Commission. I have a good deal of faith in it; but it has been at work for four years, and probably more. It has been at work at least that long, and it has not reached this proposition yet. As I have said, I do not want to injure this gas company in any way, and if I thought that fixing a price might cut down its income beyond a reasonable amount I would not advocate doing so. But just as surely as you permit this Senate committee amendment to go through and repeal the law that limits the amount they can charge, and the Public Utilities Commission get ready to do business—and they are approaching that time now—just that soon you will find them in court, and it will be perhaps four years before they get through or maybe longer; and men who are here to-day will be dead, many of them, before they reach the end of that litigation, and still they will go on charging the people of this city 24 per cent on stock that is half water and half money.

Why, the Senator from New Hampshire seems to feel that because some people who are innocent of things that happened in the past now own the stock of the company, and because they are poor therefore we ought to permit this thing to go on without end. He forgets that everyone who purchased that stock did it openly, knowing what he was paying for and what the par value was, and that the poor people at the other end of the string that we were imposing on, who could not help themselves, have had to buy the gas. This company has had a monopoly on the manufacture and sale of gas. There was no competition in these homes, and, on the other hand, there are thousands and thousands of ordinarily poor people all over this city cooking with gas the year around, lighting their homes with gas, and they are helpless. They can not help themselves. They pay what Congress says shall be the rate, and Congress is responsible for imposing upon every one of those poor people. On the other hand, those who bought the stock did it with their eyes open, did it publicly, did it without coercion, and perhaps on an investigation it will be found that they are not such awfully poor people after all.

Mr. GALLINGER. Mr. President, if the Senator will permit me just one more question—

Mr. NORRIS. I yield again to the Senator.

Mr. GALLINGER. We have an Interstate Commerce Commission that has charge of railroad matters. That commission is having the railroads of the country valued for the purpose of fixing rates. Under those circumstances the Senator would not want Congress to interfere and say that the rates for mileage on the railroads of Nebraska or anywhere else should be 1½ or 2 cents while that commission is making an investigation of it, would he?

Mr. NORRIS. No, Mr. President.

Mr. GALLINGER. Now, we have a Public Utilities Commission in this city that are making a valuation of all the utilities of the city; and they are doing it, so they say, for the purpose of fixing rates. Does the Senator think it is any more fair for Congress to step in here, pending that investigation, and declare

what the rates shall be, than it would be if we interfered with railroad rates?

Mr. NORRIS. Yes, Mr. President; and I will tell the Senator why. I would not vote for a law fixing railroad rates now unless I had the evidence upon which to base it. I have the evidence here in the case of the gas company, and it is the evidence taken from the enemy. I have no doubt but that the real truth of the matter would cut down these expenses. I am taking their own report. I am taking their own statement. I am taking at 100 cents on the dollar just what they say; and I say, "If that is true, now—if these things are true—then you have paid 24 per cent dividends." They say, "Yes; we have." I will take the same amount of gas—and everybody knows it will be more; I have the figures right here—taking the same amount of gas that they sold, and figuring it up, which you can easily do—it is only a question of a few minutes—at 75 cents per thousand, you can see how much of a dividend they would have declared. It would have been 15½ per cent, and a little more.

Mr. GALLINGER. Not to the present stockholders.

Mr. NORRIS. Yes; of course it is to the present stockholders. Of course it is.

Mr. GALLINGER. Well, I give it up.

Mr. NORRIS. The Senator had better give it up.

Mr. GALLINGER. Yes; I give it up.

Mr. NORRIS. The Senator ought to have given it up long ago.

Mr. GALLINGER. Oh, no; the Senator is not justified in saying that.

Mr. NORRIS. Yes; I am justified in saying that.

Mr. GALLINGER. The Senator is not.

Mr. NORRIS. I am justified. I have said it and I am responsible for it.

Mr. GALLINGER. The Senator is responsible for it, and I am glad that the responsibility rests with the Senator. What I meant was that I can not follow his reasoning, and hence I have given it up. I have not enough intellect to do it.

Mr. NORRIS. I am not to blame because the Senator's intellect is defective. That is not my fault.

Mr. GALLINGER. Certainly not; but the Senator is to blame for making misstatements and expecting anybody's intellect to follow him.

Mr. NORRIS. I have not made any misstatement, and I challenge the Senator right now to point to a single statement that is not borne out by the gas company's own report. I challenge him to put his finger on any one of them.

Mr. GALLINGER. I say I do not propose to pursue the matter any further.

Mr. NORRIS. Why, of course. The Senator can not do it.

Mr. GALLINGER. Oh, yes; I can.

Mr. NORRIS. I deny it, and I challenge him or anybody else—

Mr. GALLINGER. Well, Mr. President, we have had this annual harangue from the Senator, and I suppose we will have to submit to it.

Mr. NORRIS. I do not know how the Senator can escape from it. He can not escape from it in any way that I know of. But, Mr. President, when the Senator says I have made misstatements, I challenge his statement and I say that it is not true. I have the statement here.

Mr. GALLINGER. I say that when the Senator from Nebraska asserts that this company is paying from 14 to 24 per cent, he does not convey the right impression so far as the present stockholders of the company are concerned. It is his statements that are untrue.

Mr. NORRIS. That is an entirely different statement.

Mr. GALLINGER. No; it is the very statement I have made all along.

Mr. NORRIS. I will accept that statement, and I am going to analyze it. When I say you are paying 24 per cent on the capital stock of the company, I say something that any man of ordinary intelligence will understand; and if the stockholders of this company do not understand that, they do not possess the intelligence of the ordinary individual. They get 24 per cent on the capital stock of the company. They have been getting it for years.

Mr. NELSON. On its par value.

Mr. GRONNA. Mr. President—

Mr. NORRIS. On its par value, of course. That is what the capital stock is. Now, when to get that stock you have to pay a high premium, of course on the money that you invested, if you bought that stock to-day, you would not get 24 per cent; and that is the very reason why the Senator does not want to reduce the rate. In effect, his argument means that we have done wrong in the past. We have permitted this company to



build itself up on water and charge these people an unconscionable amount for what they have been getting, and now innocent stockholders have gotten hold of the stock, and we must permit it to go on forever.

Mr. GALLINGER. Mr. President—

Mr. NORRIS. I yield first to the Senator from North Dakota. Then I will yield to the Senator from New Hampshire.

Mr. GRONNA. As I understand the position of the Senator from New Hampshire, who was the chairman of this committee for a long time, it is this: The Senator from Nebraska is right, of course, in his statement that \$2,300,000 worth of stock has been issued. The par value of that stock is \$25 per share; but if this stock has been resold at 300 per cent premium, then I believe the Senator from Nebraska is mistaken in assuming that the stockholders are receiving 24 per cent. As a matter of fact, they are receiving 8 per cent.

Mr. NORRIS. They are receiving 24 per cent on the par value of their stock. The book value, as given by the company, is \$13,268,020.11. Now, the par value amount of paid-up capital stock is \$2,600,000. That very fact demonstrates that they are charging too much for gas, because on that capital stock, as I said, half of which is water, they have been able to pay such a dividend that the book value of their stock is over \$13,000,000.

Mr. GALLINGER. Mr. President, I think the investigation now going on puts it at \$9,000,000 or thereabouts. I pass over the Senator's slur about my intellect.

Mr. NORRIS. That is the physical value of it.

Mr. GALLINGER. Just one further observation and I am through, because I do not want to continue a wordy or acrimonious encounter with the Senator from Nebraska. I have no desire to do so.

It seems to me that it is utterly unfair to go back and say that because the stock was issued for \$25 a share 40 or 50 or 60 years ago the present rate of dividends should be based upon that capitalization. It creates, to my mind, a wrong impression in the minds of those who are listening to the Senator, and that is the only issue I will make with the Senator.

The Senator says that I am defending this corporation. I am not. I never received a favor from it in my life. I pay my gas bills as others do. They are a little smaller than they are in my home town, because the rate is lower here than there. I have never meant to defend this gas company in anything it has done that was wrong. The position I take to-day is this: This matter is in the hands of a Public Utilities Commission. It is a commission that is not very favorable to corporations, as I chance to know. They are now making their valuations. According to the testimony given before the legislative, executive, and judicial subcommittee of the Appropriations Committee, they are nearly through with that, and they propose now to fix rates on that valuation. Now, I am willing to accept those rates, whatever they make them. I do not care whether the rate is 70 cents or 50 cents. But I say, pending the work of this commission that we created, that exists by law, and that has the duty to perform which was imposed on it, we ought not to discuss this matter in the Senate.

That is the position I take; and I want the Senator to understand my position, because I shall be glad to get gas cheaper than 85 cents in Washington if the commission so orders it. I pay gas bills as well as the Senator, but I do not want to do anything that would interfere with the work that is now going on by the Public Utilities Commission of the District of Columbia.

Mr. NORRIS. I do not see that this does interfere with it.

Mr. BORAH. Mr. President—

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. I was interested to know how widely distributed this stock is. Approximately how many stockholders are there?

Mr. NORRIS. I can give that from the report here. The total number of stockholders is 1,469.

Mr. President, I have but a few words more to say. If the Senator from New Hampshire has the correct idea and the Public Utilities Commission take his idea they will not cut down the rate; they will probably increase it. They will say these widows and orphans who have been the innocent purchasers of this stock and this water are entitled to little larger dividends on their investment, and therefore the rate must be increased; and the other poor people, widows and orphans who are helpless and can not get away from the gas company, will pay the rate. If the Senator's theory is right, that the book value—in fact, the value that is made by the price that is paid by the consumer—is the value upon which we should base our premiums and get a fair rate on that, then we will never reduce anything anywhere, because whenever you get a rate that is not large enough you will increase the consumer's rate so that the dividend may be

higher; and when you get it higher and the stock goes up then the investor who gets the stock will have to have his dividend, and you will have to increase it again, and the consumers at the other end will always be footing the bill.

There is another thing that the Senator from New Hampshire has mentioned several times. He says that in Omaha they are paying a dollar and a quarter for gas and in other towns of Nebraska they are paying more. I answered that by saying it did not have anything to do with the proposition here. The gas company here used to charge a dollar, in fact.

Mr. GALLINGER. I think they charged \$8 at one time.

Mr. NORRIS. Probably. If the cost of producing the gas here was such that they could not make fair dividends on 85 cents, I would be willing to permit them to charge more, to charge enough to make a dividend; but we can not compare what it costs in the far West, where everything is more expensive, and particularly coal, out of which a good deal of the gas is made. Coal is three times higher there than it is here right at the mouth of the coal mines. Even if the people of Omaha are being robbed, why should the citizens of Washington be robbed? On the other hand, the same argument would go in Omaha, I suppose, and if they would want to defend the rate there they would say in Washington, the Capital City, they permit the gas company to charge a rate that will bring an income of 24 per cent, and therefore we in Omaha ought to have 24 or 25 per cent.

Mr. GALLINGER. When the inquiry was made before the Committee on Appropriations in the consideration of the legislative, executive, and judicial appropriation bill, and this same subject was up, the following colloquy occurred:

Senator OVERMAN—

Mr. NORRIS. I will say to the Senator that he was not probably in, but I read all that.

Mr. GALLINGER. You have read all this?

Mr. NORRIS. Yes; I read all of it this afternoon.

Mr. GALLINGER. Did you read the answer of the commissioners?

Mr. NORRIS. Yes; I read the answer of the commissioners.

Mr. GALLINGER. All right. I will ask the Senator one other question. Does the Senator seriously think that the Government and the District of Columbia ought to get gas cheaper than the private consumer?

Mr. NORRIS. Yes; I think it ought to get it a little cheaper, and I gave my reason for that. I think it ought to do that because it is less expensive to collect from one consumer like the Government than it would be to collect from four or five hundred people the same amount. I do not think there is anything wrong in giving the Government a better rate of 5 or 10 cents. But if the amendment I proposed should be enacted that will not be the case; the Government will be treated just the same as everybody else. As the law is now, the Government gets the best of it. But that was not my fault, that was not the kind of amendment I wanted to get; it was because of the opposition of men like the Senator from New Hampshire that I was unable to get an amendment that gave the same reduction to the people of the city of Washington.

In other words, Mr. President, here is a public utility corporation dependent for its charter upon Congress, Congress having given it a monopoly of the business and donated the streets of the Capital City to it and given it the only authority that exists in the city of Washington this side of Rock Creek to manufacture and sell gas and conduct it over the streets.

That makes it peculiarly responsible and we are responsible to every consumer of gas in the city of Washington. I appeal to the Senator that while you are thinking about the widows and orphans to think about the thousands and thousands of poor people in this city who depend upon our action and who must pay the amount for gas that we provide by law. Remember, if we repeal the law that now stands and let the corporation get into the courts we will perhaps all be dead before, through the Public Utilities Commission, the people can get relief. Then remember that, based upon their own report of the last year, if this amendment that I am going to propose, if the Senate committee amendment is defeated, were the law they would still have made the last year 15½ per cent.

Mr. GALLINGER. I can not help asking the Senator one more question.

Mr. NORRIS. All right.

Mr. GALLINGER. How large a proportion of those fourteen hundred and odd stockholders will be getting 15½ per cent? Why does the Senator insist upon that?

Mr. NORRIS. The Senator and myself can never agree on that. I say they will all get 15½ per cent. The Senator can not get away from the fact that perhaps some of those people—I do not care if all of them—bought this stock and paid a high

premium for it, and then to figure the money on their investment as compared with the poor people of Washington who can not get away from this monopoly and who have to buy their gas from this company, and who, on the other hand, you compel to pay exorbitant prices in order that these people who with their eyes open made this investment might get a sufficient return on the investment.

Mr. GALLINGER. In the first place, I do not think they are paying an exorbitant price. I am paying \$1.15 in my home town.

Mr. NORRIS. They are paying a price that enables this company to reap a dividend of 24 per cent.

Mr. SMITH of Maryland. I wish to ask the Senator a question. The Senator said there would be an injunction if the Utilities Commission could fix the price. Is it not a fact that whatever price they might fix would stand until the court decided otherwise?

Mr. NORRIS. Yes; and is it not a fact that every time an injunction comes before the price is fixed?

Mr. SMITH of Maryland. I ask the question, Would not the price fixed by the Utilities Commission remain until it was decided to the contrary by the court?

Mr. NORRIS. But it would not be fixed. The first thing to happen would be an injunction that would enjoin them from fixing the price. The same lawyer who appeared before the committee and claimed that it had no jurisdiction because the Public Utilities Commission did have jurisdiction will be there contending that the Public Utilities Commission has no jurisdiction, that the law is unconstitutional, and a thousand other reasons.

Mr. SMITH of Maryland. The Public Utilities Commission might fix the price, and when the price is fixed it is fixed until it is changed by the court.

Mr. NORRIS. The amendment I propose will not interfere with that whatever. It specifically provides that it will not interfere with it.

Mr. President, I have said all that I care to say. The capital stock of this company is \$2,600,000 in round numbers, one-half of which is water. The property of the company is worth many thousands of dollars. The great portion of its value has been made out of the income of the property. So notwithstanding all that, notwithstanding the salaries they pay to their officers, notwithstanding all the expenses they put in their own report, according to their own books and according to their own ideas, giving them credit for all of it, deducting nothing; yet they paid last year 24 per cent on their entire capital stock, and they paid 24 per cent the year before, and 24 per cent the year before that, and so on back. They have not paid less than 10 per cent for more than 50 years, and they have paid as high as 65 per cent, and at one time they doubled the capital stock.

Now, Mr. President, that being true, and we being responsible for their very existence in the city, using the public streets of the Capital City, should we now permit them to charge a rate that will enable them to make a dividend of 24 per cent on that kind of capital and on all that water and make the poor people of Washington pay it? Will it be any defense that the people in Omaha had to pay a dollar? Will it be any defense that the people in New York had to pay \$2 or \$3 or \$5? In other words, if we are arrested for stealing, will it be any defense to offer in evidence that some other fellow stole in some other place and was kept out of jail?

It seems to me that we ought to vote down the committee amendment, and then I will offer my amendment, and I hope the Senate will agree to it. The amendment I will offer will not apply to the Georgetown Gas Light Co., that has jurisdiction on the other side of Rock Creek. I have not gone into their affairs. I do not feel warranted in making the same provision for them that I propose for this company; and I am relieved from any personal charge of any kind that might possibly be made by anybody when I state that I live on the other side of Rock Creek and I buy my gas from the Georgetown Gas Co., and I pay a dollar for it. The amendment I propose only applies to the Washington Gas Light Co., that has a monopoly and furnishes gas to the entire District on this side of Rock Creek. Of course, that includes practically all of the city and all the public buildings.

The PRESIDING OFFICER (Mr. BRYAN in the chair). The question is on concurring in the amendment of the committee.

Mr. SMITH of Maryland. Mr. President, before this matter is determined I wish to state what moved the committee to act as they did in this matter. We felt, Mr. President, that we did not know what gas should be sold for in the District of Columbia and the city of Washington. So far as I am concerned I have no knowledge of the cost of the production of gas. It was not only before our committee in the consideration of this bill, but the committee in the consideration of the legislative, ex-

ecutive, and judicial appropriation bill considered the same question. When it came before the committee at that time the members of the Utilities Commission appeared, and they said they were taking an inventory, a valuation, of the physical value of the gas company; that they were about through with that valuation; that probably the experts would be through by the 1st of July, and then they would proceed to get the various information necessary to come to a conclusion as to what gas should be worth.

Mr. President, this Utilities Commission has been appointed for the purpose of determining the price that the people should pay for gas, but there is a Utilities Commission appointed for that purpose; they have every means in their possession for determining what is right between the utility corporations and the people, and we felt that it was not our duty to determine what gas should be sold for in the District of Columbia until that valuation should be made.

In fact, so far as I am concerned, I do not feel that it is incumbent upon me to determine what the value of gas is in this city, but there is a Utilities Commission appointed for that purpose with all the authority needed to get all the information that is possible upon the subject and to determine it. We felt that for the present it was better to leave it until they had an opportunity to determine it, to put it over until they would be in a position to determine what should be charged. That is the reason which moved your committee to determine as it did to leave it over until the Public Utilities Commission could determine it for themselves.

The PRESIDING OFFICER. The question is on concurring in the amendment.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair the same as I did before and vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON] which I transfer to the Senator from California [Mr. WORKS] and let my vote stand.

Mr. BECKHAM. I have a general pair with the Senator from Delaware [Mr. DU PONT] and in his absence I withhold my vote.

Mr. HARDWICK. I have a general pair with the junior Senator from Kansas [Mr. CURTIS]. Has he voted?

The PRESIDING OFFICER. He has not.

Mr. HARDWICK. I withhold my vote.

Mr. THOMAS. Making the same announcement and its transfer as heretofore, I vote "nay."

Mr. CHAMBERLAIN. I am paired with the Senator from Pennsylvania [Mr. OLIVER] and withhold my vote.

Mr. THOMPSON. Has the senior Senator from Illinois [Mr. SHERMAN] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMPSON. I have a pair with that Senator. In his absence I withhold my vote.

Mr. JAMES. I desire to inquire if the Senator from Massachusetts [Mr. WEEKS] has voted.

The PRESIDING OFFICER. He has not.

Mr. JAMES. I transfer my pair with that Senator to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I transfer my pair with that Senator to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. VARDAMAN (after having voted in the negative). I am paired with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and allow my vote to stand.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];



The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON]; and

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE].

Mr. THOMPSON. I transfer my pair with the Senator from Illinois [Mr. SHERMAN] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Louisiana [Mr. RANDELL] and vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I have a pair with the Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and let my vote stand.

The result was announced—yeas 17, nays 32, as follows:

## YEAS—17.

Bankhead	Lippitt	Robinson	Underwood
Dillingham	Martin, Va.	Smith, Md.	Warren
Fletcher	Page	Swanson	
Gallinger	Penrose	Taggart	
Jones	Pittman	Tillman	

## NAYS—32.

Borah	Kenyon	Nelson	Sterling
Bryan	Kern	Norris	Thomas
Cummins	La Follette	Polindexter	Thompson
Gronna	Lane	Reed	Townsend
Hollis	Lee, Md.	Shafroth	Vardaman
Husting	Lodge	Sheppard	Wadsworth
James	Martine, N. J.	Smith, Ga.	Walsh
Johnson, S. Dak.	Myers	Smith, S. C.	Williams

## NOT VOTING—46.

Asburt	Culberson	Lewis	Sherman
Beckham	Curtis	McCumber	Shields
Brady	du Pont	McLean	Simmons
Brandeggee	Fall	Newlands	Smith, Ariz.
Broussard	Goff	O'Gorman	Smith, Mich.
Catron	Gore	Oliver	Smoot
Chamberlain	Harding	Overman	Stone
Chilton	Hardwick	Owen	Sutherland
Clapp	Hitchcock	Phelan	Weeks
Clark, Wyo.	Hughes	Pomerene	Works
Clarke, Ark.	Johnson, Me.	Ransdell	
Colt	Lea, Tenn.	Saulsbury	

So the amendment was nonconcurrent in.

Mr. NORRIS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 119 it is proposed to strike out section 6 and in lieu thereof to insert the following:

Sec. 6. On and after the 1st day of October, 1916, the Washington Gas Light Co. shall not charge or collect for gas furnished a consumer in any part of the District of Columbia a rate in excess of 75 cents per 1,000 cubic feet of gas so furnished: *Provided*, That if a consumer of gas other than the Government or the District of Columbia shall not pay monthly any gas bill within 10 days after the same shall have been presented, said gas company may charge and collect from any such consumer so failing to pay said gas bill as aforesaid 10 cents additional for each 1,000 cubic feet of gas represented by said bill: *And provided further*, That nothing herein contained shall be construed as limiting or taking away any of the powers now vested by law in the Public Utilities Commission of the District of Columbia.

Mr. SMOOT. Mr. President, I ask the Senator from Nebraska if he will modify his amendment so as to include the Georgetown Gas Light Co.?

Mr. NORRIS. Mr. President, I stated in debating the question—the Senator from Utah was not then in the Chamber—that I have never investigated the reports of the condition and stock of the Georgetown Gas Light Co.

Mr. SMOOT. If the Senator from Nebraska does not wish to modify his amendment as I have suggested, I shall not press the request at all.

Mr. NORRIS. I had rather the Senator from Utah should offer his proposition as a separate amendment, if he desires to offer it.

Mr. SMOOT. I shall not press it at this time.

Mr. GALLINGER. Mr. President, before a vote is taken on the amendment submitted by the Senator from Nebraska [Mr. NORRIS] I wish simply to read two or three questions and answers to be found in the hearings before the subcommittee of the Committee on Appropriations of the Senate on the legislative, executive, and judicial appropriation bill a short time ago. The Senator from Nebraska stated that he had read those hearings, but I want to read this now. The question was up at that time; that is, there was a provision in that bill substantially the same as the one in the bill which we are now considering, giving gas to the District of Columbia and the Government at a cheaper rate than it is furnished to private parties. Mr. Newman, the president of the Board of Commissioners of the District of Columbia, was giving testimony. He said:

We have been making a very thorough valuation of both gas companies' properties in the District for the last two years and a half—the gas companies and all the utilities. We do that as a Public

Utilities Commission, not as District Commissioners. Col. Kutz is chairman of the Public Utilities Commission and, I think, should make the statement about that before the committee.

Senator OVERMAN. How are you getting on with the gas company? Have you reached a conclusion?

Commissioner KUTZ. No, sir; but we expect to reach a finding as to valuation within three months, and by the 1st of July we anticipate that we will be able to present the valuation of our experts to the companies for a hearing, to determine the "fair value" of the property of the companies.

Senator OVERMAN. Your idea is that it would be better to wait and let the Public Utilities Commission fix it?

Commissioner KUTZ. Yes, sir; that it would be very much better to wait.

In answer to another question, Engineer Commissioner Kutz says that it will complicate matters if legislation of this kind is consummated before the Public Utilities Commission has an opportunity to weigh the matter as to the proper price of gas in view of the valuation that will be placed upon the property; and upon that statement the matter was stricken from the bill. I again read from the hearings:

Senator ROBINSON. Has the Public Utilities Commission up to this time fixed any rates for gas?

Commissioner KUTZ. Not for gas. That was the last of the utilities of the District that we took up to value.

Senator ROBINSON. How long since you took that up?

Commissioner KUTZ. We took that up last fall and carried it as far as our funds went, and then we had to stop.

Senator ROBINSON. The matter is still under investigation?

Commissioner KUTZ. We secured an additional appropriation of \$16,000 in the deficiency bill, and we have just resumed work on the gas valuation.

Senator ROBINSON. In a general way, what investigations are you making in order to determine that?

Commissioner KUTZ. We are making a complete inventory and value of all their physical property.

Senator ROBINSON. A physical valuation?

Commissioner KUTZ. Yes, sir.

The CHAIRMAN. And before you fix the price you have to ascertain the cost of the material and labor required to make gas?

Commissioner KUTZ. Yes, sir.

The CHAIRMAN. The value of the property will be but a beginning?

Commissioner KUTZ. And, then, we are also making an investigation of their books to determine the actual investment made by the company in the property.

Mr. President, I am not going to say many words more about this matter. My position, as a rule, has been misunderstood when I have undertaken to discuss the question because this is a corporation, and corporations are under the ban at the present time.

We created this commission just as we created the Interstate Commerce Commission. The Interstate Commerce Commission have jurisdiction over the rates of fare on the railroads of the country. They are now making an investigation of the physical property of the companies for the purpose of determining the rates that shall be paid by the traveling public. The Public Utilities Commission, having practically similar power, is making a valuation of such properties in the District of Columbia. As the engineer commissioner says in the testimony and as the chairman of the Public Utilities Commission says as well, they are doing that for the purpose of giving them a basis upon which to fix the rates for gas.

Mr. President, if, pending that investigation by that commission, which has jurisdiction over the matter, by act of Congress the Senate wishes to intervene and to fix the price of gas without having made an investigation of the matter at all, I shall not find any fault; of course, I can not find any fault. It is for the Senate to determine whether it is wise to do so or not.

Mr. NORRIS. Mr. President, the Senate has just decided on a roll-call vote that the provision shall remain in the bill limiting the price of gas to 70 cents to the Government. That provision was originally put in after the Public Utilities Commission act passed, as I have before called to the attention of the Senate. The amendment that I have suggested specifically provides that it shall not interfere with the Public Utilities Commission. There is not any doubt, however, that when the Public Utilities Commission gets through with their investigation they will fix the price at a lower rate than it is fixed in the amendment. There can not be any possible doubt of that when we take into consideration the fact that the company are paying 24 per cent dividends, and at the rate fixed, if they sold the same amount of gas, from their own figures they would have paid 15½ per cent dividend on their entire capital stock, one-half of which is water.

Now, Mr. President, I desire to modify my amendment.

Instead of striking out section 6, I desire to have the amendment follow line 22, on page 119, and I desire to put in the word "private" after the article "a" and before the word "consumer," so that it will read:

On and after the 1st day of October, 1916, the Washington Gas Light Co. shall not charge or collect for gas furnished a private consumer in any part of the District of Columbia a rate in excess of 75 cents per 1,000 cubic feet of gas so furnished: *Provided*, That if a consumer of

gas other than the Government or the District of Columbia shall not pay monthly any gas bill within 10 days after the same shall have been presented, said gas company may charge and collect from any such consumer so failing to pay said gas bill as aforesaid 10 cents additional for each 1,000 cubic feet of gas represented by said bill: And provided further, That nothing herein contained shall be construed as limiting or taking away any of the powers now vested by law in the Public Utilities Commission of the District of Columbia.

That would leave the bill as it is now and simply add my amendment as an additional provision, applying only to private consumers.

Mr. WADSWORTH. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. WADSWORTH. My question may not seem very intelligent, but I want to be clear on one point. The Senator from Nebraska inserts a provision in his amendment to the effect that nothing herein contained shall take away the powers or rights of the Public Utilities Commission, or words to that effect?

Mr. NORRIS. Yes.

Mr. WADSWORTH. What is the Senator's interpretation of that language, or what would the interpretation of that language be in the event that the Public Utilities Commission, after the investigation which it is now conducting, should decide that 80 cents was a proper rate?

Mr. NORRIS. Then, that would be the rate.

Mr. WADSWORTH. Then, the Public Utilities Commission of the District of Columbia could, by indirectness, but none the less effectively, repeal a law of Congress?

Mr. NORRIS. They can do that now. For instance, we have provided now by law that the rate shall be 85 cents; but if the Public Utilities Commission to-day should fix it at 90 cents, it would be 90 cents; and if it should fix it at 60 cents, it would go down to 60 cents. My own judgment is, I will say to the Senator from New York, that that proviso is not necessary in the amendment, but I wanted it included to avoid any doubt about the proposition, so as not to interfere with the work of the Public Utilities Commission.

Mr. REED. Mr. President, how would it strike the Senator to make his amendment read so that it will permit the Public Utilities Commission to further reduce the price, but forbid the commission to increase the price above the amount named by Congress?

Mr. NORRIS. I would rather not have such a provision. My own idea is that it would be a good provision, but I am afraid that it would weaken the amendment. Some Senators might vote against it if that were in it, and I would not like to put such a provision in the amendment.

Mr. REED. Mr. President, if the Senator will pardon an interruption, I shall be compelled to leave the Chamber, and before doing so I want to say a word on his amendment.

I have hesitated about advocating any amendment that might be offered to the bill as prepared by the committee. Very generally, I think with one exception, I have voted with the committee, because I believed its opportunity to judge and to investigate on practically every question was better than my own. I happen, however, to have had the misfortune to have been the mayor of a city, or, perhaps, I ought to say that the city had the misfortune to have me for its mayor. In that position I was called upon to and did investigate the question of the cost of the production of gas, the new methods employed in producing gas, together with the profits made by gas companies. One of the first illuminating facts I discovered was that no real information with reference to the fairness of any named price for gas could be obtained by comparing that price with the price charged in other cities of the country. I learned that substantially all of the gas plants in large cities were owned by two concerns, one of them commonly known as the U. G. I., or, to state the name fully, the United Gas & Improvement Co. of Philadelphia, Pa. That company, being what is called a parent or holding company, controls substantially all of the large gas plants in the northerly two-thirds of the United States.

The other holding company controls in the same manner the plants lying farther to the south; so that, to illustrate, when you compare the prices charged by the Kansas City plant with the prices charged by a plant in some other similar city of the United States, you are in each instance comparing the prices that were fixed by the same parent concern, and therefore a comparison of prices fixed under competitive conditions can not be had.

The method of organization of gas companies is interesting. I might illustrate it by the organization in my own city. There we had what was known as the Kansas City Gas Co. Its president was a distinguished citizen of my town. Its vice president was likewise a citizen. A number of its directors were local people, all of them eminently respectable, high-class citizens; but more than 50 per cent of the stock of the local com-

pany was owned by the United Gas & Improvement Co., or by the owners of the United Gas & Improvement Co., so that the management of the local company was completely within the domination of the Philadelphia people. During many years the local company, although highly prosperous, never declared a dividend upon any of its common stock. An investigation which I was able to make, arising through various lawsuits that were brought, developed the fact that it seemed to be the policy of the United Gas & Improvement people never to declare any dividends, or rarely to declare any dividends, upon common stock. Accordingly the common stock held by those outside the inner circle—by which I mean the Philadelphia people—was always at a low market value. But in order that the Philadelphia people might make money they had a scheme of management which compelled all of its subsidiary companies to obtain all of their supplies through a purchasing agent named by the United Gas & Improvement Co. Of course, in the process of purchase of supplies the profits of all the subsidiary companies were very adroitly milked out and fell into the pail of the United Gas & Improvement Co.

Moreover, they had another system of concealing profits. Out of the profits they made their extension of the local plants. To illustrate, a plant would be built for a city of 50,000 people. In the course of time that city would grow to a hundred, or perhaps three hundred or three hundred and fifty thousand people, and the mains would be extended at enormous cost, and the entire plant practically reconstructed, so as to accommodate the larger population, out of the profits. It follows that the value of the controlling stock was enormously enhanced from year to year, and the resident stockholder, who held only common stock, received no dividends, but the value of the control was multiplied many times.

Mr. President, I make this point because I want Senators to understand that when they compare the gas charges of Washington with the gas charges of other cities with the idea that the charge fixed in those other cities may give some insight into what is a proper charge here they are entirely in error, and this because they are comparing the charges of companies which are controlled by the same combination. Hence there is nothing whatever in the evidence of comparisons.

Mr. President, the truth is that American cities have been grafted upon by gas companies probably to a greater extent than by any other class of public-service corporations. When gas was first used, many years ago, the process of its manufacture was expensive. It was not only expensive, but it was a sort of mystery. People knew little about it. It required the consumption of enormous quantities of coal. Indeed, that was supposed to be the principal raw material from which gas was made. Some years ago an "inspired genius" found out that you could make gas out of air and water with a slight addition of those properties which are found in gasoline and in crude oil. The result was that gas could be made and put in the reservoirs—I say nothing of the distributing system or cost of distributing—at from 12 to 13 cents a thousand cubic feet. Now, the benefit of that revolution would have come to the American people, except that it could only reach them through these two great combinations, and the two great combinations took pains to see that it never did get to the American people.

I affirm that it is true, and susceptible of easy proof, that gas can be made in the city of Washington and distributed at a high profit at 60 cents per thousand cubic feet—delivered to the consumer at those prices. I make the statement because the fact is so patent and plain that I am sure I can not be in error. I believe it can be delivered at a much less rate.

I have one final word to say in regard to this Washington commission which some Members appear to think should be supreme. I do not know who constitute its membership; but I do know that a commission that can not ascertain in 60 days' time at the outside that gas can be made and delivered in the city of Washington at less than 85 cents is not worth the price of 1,000 feet of gas. There is no mystery about this matter any more. The cost of constructing a gas plant in the city of Washington can be estimated and stated by engineers in a very short space of time. The question as to whether the stock and bonds of the company represent good-faith investments can be easily ascertained. The cost of the production of gas can be proven by a hundred experts in the United States. The trouble with these commissions—I speak not of this one alone, but of nearly all of them—is that when they are organized they are composed of inexperienced men, and they proceed about their work in substantially the manner that a man might undertake a task who thought he had all of time for investigation and all of eternity for enforcement.

I am in favor of the amendment offered by the Senator for the considerations I have given, and if Congress does its full



duty it will create a public-service commission having some vitality, some life, some potentiality, some force.

Why, Mr. President, in this city we are paying two fares to two different systems of railroads, and I suppose the Public Service Commission has not yet discovered that that is an injustice to the people of Washington; and yet it is a rare thing to find to-day an American city where such an outrage as that is allowed to be imposed upon the people. In my own city—and I hesitate to speak about a matter in which I was personally concerned—we had three or four or five traction companies, all of which went to the council and got their franchises extended for a quarter of a century, and they were signed, delivered, and accepted, concluding the highly honest business about 15 minutes before I took the oath of office as mayor. We did not have any transfer system, and none was provided for in the franchises referred to. Notwithstanding the fact that their franchises had been extended, were in their pockets, and expressly provided that each of those several companies should charge 5 cents for every passenger carried, after a controversy which lasted some months, and which was rather interesting to me, but is not to you, the companies were forced to give universal transfers. We have had them ever since. That is in a city, now, where the operation of a street railway is vastly more expensive than it is in Washington, because the city covers a larger territory, the population is more scattered, because the conformation of the surface of the ground is so much more rugged, because streams have to be bridged at great expense, and because of other causes I need not go into. And yet Kansas City was but a tardy follower of other American cities.

I do not know now of any city of the size and the importance of Washington that is not absolutely corporation ridden and controlled, the people of which are obliged to contribute two nickels to get from their homes to their place of business or labor. There may be such a city; but if you will point me to it, I will point you to a city that gave away its rights years ago through some improvidently granted franchise, or to a city controlled for private interests rather than for the public good.

We permit a telephone company in this city to charge rates to private houses which are higher than are charged in many cities. I do not, however, so much complain of that. My understanding is that it charges rates to business men that are extortionate beyond all reason and the limits of all decency.

That is not all. A great deal of this public service is of an inferior character. There are street cars running on the streets of Washington that would not be permitted in any up-to-date city of this country. The electric-light charges are extortionate. Mr. President, electric light can be furnished to private citizens in a city like Washington at a splendid profit at one-half the price now being exacted. I speak with some considerable knowledge of that question.

So that I am in favor of this amendment; and I hope that some member of the committee who has the time and opportunity to study the needs of the city of Washington will devote a portion of his time toward the abolition of these outrageous and wicked conditions. We talk here constantly of making this the model city of the United States. We expend millions of dollars of the people's money in building the monumental structures in which are housed the various departments of the Government. We lay out splendid parks and artistic drives. We try to make Washington the city beautiful and magnificent. In that we are justified because the greatest people on earth ought to have a Capital like the people. But while we are thus expending our energies and the taxes of the people for the beautification of Washington we ought to spend some of our time in seeing that it is not the habitat of the public-service grafter, and that the people of the city shall be exempted from unjust exactions.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. Norris].

Mr. GALLINGER. Mr. President, I do not want to detain the Senate, but I want to put in the RECORD a word or two further.

For a good many years we had been troubled with discussions in the Congress over the rates of gas and electric light and the cost of transportation on the street railroads, and the demand was made that we should have a public utilities commission to take charge of such matters.

Responding to that demand—most of the States having such commissions—a public utilities commission was created by law for the District of Columbia, and under the law that commission has authority to value the properties of the utility corporations and to fix the rates for which the service shall be rendered.

I took much interest in helping to frame that law as I took interest in framing a law requiring reciprocal transfers on the street railroads of the District of Columbia. That latter bill

passed the Senate and went to another body, from which it never emerged. So that personally I am not responsible for the failure of that effort.

Now, Mr. President, a utilities commission was created and it has power to absolutely control all these matters that we are discussing to-day, and it does seem to me that this ought to be left in their hands. We were anxious to get this controversy out of Congress, and it was for that purpose that this commission was appointed.

Now, if notwithstanding the existence of this commission we are still going to have these controversies in Congress, I think we might as well abolish the commission at one time as another.

My view is that we ought to let the matter rest with that commission for the present, at least.

Mr. JAMES. Will the Senator yield for a question?

Mr. GALLINGER. Certainly.

Mr. JAMES. Can the Senator tell us how long this commission has been investigating the question of the cost of gas?

Mr. GALLINGER. I think since last autumn, according to the testimony of Col. Kutz.

Mr. JAMES. How long since it was created?

Mr. GALLINGER. I should judge three or four years ago, but I do not state that definitely.

Mr. JAMES. So they have been created three years and finally commenced to investigate the cost of gas last August.

Mr. GALLINGER. Yes. The Interstate Commerce Commission was created a great many years ago and it is just now taking the valuation of the railroads of the country for the purpose of fixing the rates, precisely as the Public Utilities Commission is doing in the District.

Mr. JAMES. It might be possible though by reducing the price of gas to 75 cents to hurry up the report.

Mr. GALLINGER. That may be. If we should reduce it to 5 cents perhaps it would hurry it up still more.

In this debate certain criticisms have been passed upon the Committee on the District of Columbia, and especially upon me, who served as chairman of that committee for a good many years and as a member of the committee for 22 years.

Mr. President, for 22 years I made a martyr of myself in trying to do good work for the District of Columbia. Of course I failed in many particulars, but my work was conscientious and resulted in some good.

When I became a member of that committee gas was sold in the city of Washington for \$1.25 a thousand feet. When I left the committee three years ago it was selling at 85 cents, which is the present price.

I will not stop to tell—it would seem egotistic on my part if I did—the efforts I made to secure a reduction from time to time, but I did make successful efforts on more than one occasion to get the reduction.

Eighty-five cents is a lower price than the average cities of the country are paying for gas. It was thought by the committee when I left it that we had done fairly well, and those of us who were interested in the establishment of a Public Utilities Commission felt that we could well turn over the matter for further reduction, if facts warranted it, to the Public Utilities Commission.

But, Mr. President, it seems that the agitation is not to cease, that it is to go on, and that regardless of the fact that there is a commission that has jurisdiction over this matter, without investigation, without inquiry, because no inquiry has been made as to whether this company can furnish gas at 70 cents or 75 cents a thousand, or not, we are to legislate here.

Now, as I said a few minutes ago, I have no interest in this matter at all. I pay my gas bill. I shall be glad if I can get gas cheaper than I am getting it, if it can be furnished cheaper; but I do think this is rather a harsh way to reach a conclusion that ought to be left in the hands of the commission which was constituted for that purpose and which has absolute authority over the matter.

I left the committee, as I said, three years ago. I allowed myself to remain on the subcommittee of the Committee on Appropriations considering District matters, but I do not expect to remain in that capacity much longer.

That committee gave several weeks of careful consideration to all the matters that were presented before it. We have worked not only days but nights as well on this bill, and after it has been presented to the Senate, if motives are to be questioned, if actions are to be condemned, there is very little encouragement for a self-respecting man who might well be taking his vacation as other Senators are doing, to remain here and continue to do work such as we have been doing.

I presume the Senate will pass this amendment. It will not affect me, as I have said before, one way or another, but it will

affect necessarily and beyond peradventure the proper solution of this question by the commission which properly has it in charge.

The Senator from Nebraska has attached to his amendment a provision that it will not interfere with that commission. Col. Kutz said in his testimony before the Appropriations Committee that action by Congress will have an injurious effect upon the work of that commission; but, whether it has or not, I want to repeat that, having created a commission which has jurisdiction over these matters, we ought, in justice to the commission and in justice to ourselves, to leave the matter in the hands of that body, which is the creation of Congress.

Now, that is about all I care to say. As I said—

Mr. TOWNSEND. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. Certainly.

Mr. TOWNSEND. I did not want to interrupt the Senator except to make a statement, if he will permit me to do so.

Mr. GALLINGER. I will be very happy to yield for that purpose.

Mr. TOWNSEND. I am a member of the Committee on Appropriations, though not a member of the subcommittee which has this matter in charge. I have perfect confidence in the subcommittee, and I will say that I have most implicit confidence in the Senator from New Hampshire.

No one appreciates his conscientious work more than I do, and the vote which I cast a few moments ago in opposition to the committee report was not intended as any reflection upon the Senator from New Hampshire or upon any other member of the committee. I am at a loss to know, however, how the proposed action of the Senator from Nebraska could in any manner affect the work of the commission to which the Senator has referred.

I wish to state further that I have been interested in the gas discussion in the Senate and House for some time, and personally I have been convinced that the gas company could furnish gas to the people of this District at a lower price than that at which they are furnishing it. I believed, from the reports which have been made and which I have read, that I was entirely warranted in voting for the provision in the House bill, and that I would be warranted in voting for the amendment offered by the Senator from Nebraska, because it seems to me that if we fixed the price at 75 cents per thousand it can not possibly interfere with the work of the Utilities Commission, as we have heretofore fixed it at 85 cents, and we could fix it at 75 cents, or even lower. The investigation and report of the commission may disclose that we have made a mistake. If I believed that there was a reasonable possibility that we would make a mistake and do an injustice to the company, I would not support the amendment; but believing as I do, from such information as has come to me, that we can make this change and not do an injustice to the company, but do a partial justice to the District, it seems to me that it is my duty to support it.

But I rose principally to say to the Senator from New Hampshire that no vote of mine must be construed as being any reflection upon him or upon the other members of the committee, of which I am one. I voted in that way because, from the evidence submitted, it seemed to me that I was doing my simple duty.

Mr. GALLINGER. Mr. President, I am not sensitive about a matter of this kind. I did not question any vote that was cast on the amendment a little while ago. Each Senator has the same right that I have to his opinion, and the same right to vote as he thinks proper, and I had no purpose of making any criticism along that line. What I did want to say—and I have said it very bunglingly, because I am very tired—was that it does seem to me an extraordinary matter, after we thought we had gotten rid of these controversies in Congress, which have extended over the 25 years I have served in the Senate and the 4 years I served in the other House, by appointing a Public Utilities Commission, that the agitation is still continued here while that commission is making an investigation for the very purpose of determining a basis upon which to fix the price of gas in this District.

If the Senate wishes to continue legislating in that way, I have no objection to it; it does not affect me one way or the other; but it is hardly fair to impose the burden upon a committee of spending days and weeks and months in investigating a matter of this kind, and then for Senators to come in and throw that work overboard and say that Congress ought to take jurisdiction over this subject, when by a statute which we have enacted we have placed the matter in the hands of three gentlemen, who, we have confidence to believe, will act wisely

and well when they have ascertained the facts upon which to base their conclusions. That is what I wanted to say.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to further amendment.

Mr. SMOOT obtained the floor.

Mr. OVERMAN. If there are going to be any further amendments, I suggest that we must have an executive session this afternoon.

Mr. LA FOLLETTE. Mr. President—

Mr. SMOOT. I yield to the Senator from Wisconsin.

The VICE PRESIDENT. The Chair recognizes the Senator from Utah, but the Chair understands that there is another amendment which has not been acted upon.

Mr. LA FOLLETTE. I ask the Senator from Utah to yield to me to present two amendments to this bill, in order that they may be printed and be on the desks of Senators in the morning.

Mr. SMOOT. Very well.

Mr. LA FOLLETTE. I send the amendments to the desk and ask that they may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 160) appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 4594. An act to validate certain declarations of intention to become citizens of the United States;

S. J. Res. 160. Joint resolution appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes;

H. R. 1161. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 1592. An act for the relief of George W. Trahey;

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples;

H. R. 2554. An act for the relief of Mrs. Joseph Cameron;

H. R. 3255. An act for the relief of James Houyde;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 5411. An act for the relief of Olaf Nelson;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 8108. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 8325. An act for the relief of Borden H. Mills;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 9377. An act for the relief of Cynthia Ramey;

H. R. 9378. An act for the relief of Ella Slone;

H. R. 9994. An act for the relief of Samuel H. Walker;

H. R. 10642. An act for the relief of Louis Jones;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 11304. An act for the relief of Martha A. Moffitt;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 11660. An act for the relief of Mathilda Hesterman;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 12365. An act to promote the reclamation of arid lands;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.;

H. R. 16640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914; and



H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector.

#### PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Sonoma County Development Association, of Santa Rosa, Cal., praying for the enactment of legislation to provide for the settlement of difficulties between railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the California Tax Collectors' Association, of Fresno, Cal., remonstrating against the proposed Federal inheritance tax, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club, of Santa Barbara, Cal., praying for the enactment of legislation vesting the Interstate Commerce Commission with authority to settle disputes between the railroads and their employees, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of the Arkansas State Federation of Labor, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of Rosalie Baldwin, of New Haven, Conn., and of Miss Zela L. Lounsbury, of Hollywood, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented a memorial of the National Wholesale Druggists' Association, remonstrating against the suspension of the so-called drawback law, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a petition of the Timber Workers' Local Unions of Menominee, Mich., and Marinette, Wis., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WADSWORTH presented petitions of sundry citizens of Onondaga County, N. Y., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of the Home and Foreign Missionary Societies of the Union Park Methodist Episcopal Church, of Spokane, Wash., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to dependencies of the United States and to Africa, which was referred to the Committee on the Judiciary.

He also presented the memorial of M. W. Luckenbach and sundry other citizens of North Yakima, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Union Park Woman's Christian Temperance Union, of Spokane, Wash., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., and the petition of F. P. Briscoe, of Cheyenne, Wyo., praying for the settlement of difficulties between railroads and their employees by the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

Mr. WADSWORTH presented a petition of sundry citizens of Glens Falls, N. Y., praying that the American Government use its good offices to permit relief work to be done among the people of Ireland, which was referred to the Committee on Foreign Relations.

#### PUBLIC BUILDING AT PARK CITY, UTAH.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6720) to increase the limit of cost of public building at Park City, Utah, reported it without amendment and submitted a report (No. 751) thereon.

#### BILL INTRODUCED.

Mr. POINDEXTER introduced a bill (S. 6744) granting an increase of pension to Bridget McDaniels, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

#### EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in

executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m., Wednesday, August 2, 1916) the Senate took a recess until to-morrow, Thursday, August 3, 1916, at 10 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate August 2 (legislative day of August 1), 1916.*

##### UNITED STATES ATTORNEY.

James O. Carr, of Wilmington, N. C., to be United States attorney for the eastern district of North Carolina, vice Francis D. Winston, resigned.

##### RECEIVER OF PUBLIC MONEYS.

Miss Julia Mary Cross, of Douglas, Wyo., to be receiver of public moneys at Douglas, Wyo., vice Harry H. Price, term expired.

##### PROMOTIONS IN THE ARMY.

##### COAST ARTILLERY CORPS.

*To be captains with rank from July 1, 1916, to fill casual vacancies.*

First Lieut. Marcel S. Keene, Coast Artillery Corps, vice Capt. Henry M. Merriam, promoted.

First Lieut. Robert C. Garrett, Coast Artillery Corps, vice Capt. Harry P. Wilbur, promoted.

First Lieut. Guy B. Lawrason, Coast Artillery Corps, subject to examination required by law, vice Capt. Elijah B. Martindale, jr., promoted.

First Lieut. Carl A. Lohr, Coast Artillery Corps, vice Capt. Frank C. Jewell, promoted.

First Lieut. Laurence T. Walker, Coast Artillery Corps, vice Capt. Clifton C. Carter, promoted.

First Lieut. Samuel H. Tilghman, Coast Artillery Corps, vice Capt. Henry B. Clark, promoted.

First Lieut. Otto H. Schrader, Coast Artillery Corps, vice Capt. Francis N. Cooke, promoted.

First Lieut. Halstead P. Councilman, Coast Artillery Corps, detailed in the Ordnance Department, vice Capt. Stanley D. Emblek, promoted.

First Lieut. Arthur H. Doig, Coast Artillery Corps, vice Capt. Clarence B. Smith, promoted.

First Lieut. Robert E. Guthrie, Coast Artillery Corps, vice Capt. Russell P. Reeder, promoted.

First Lieut. William R. Nichols, Coast Artillery Corps, vice Capt. Robert F. McMillan, promoted.

First Lieut. Paul H. Herman, Coast Artillery Corps, vice Capt. Godwin Ordway, promoted.

First Lieut. Oscar C. Warner, Coast Artillery Corps, vice Capt. William H. Monroe, promoted.

First Lieut. Frank S. Clark, Coast Artillery Corps, vice Capt. Richard T. Ellis, promoted.

First Lieut. Kelley B. Lemmon, Coast Artillery Corps, vice Capt. Frederick W. Stopford, promoted.

First Lieut. William S. Fulton, Coast Artillery Corps, vice Capt. John W. Gulick, promoted.

First Lieut. Thomas O. Humphreys, Coast Artillery Corps, vice Capt. Ernest R. Tilton, promoted.

First Lieut. Edwin F. Barlow, Coast Artillery Corps, vice Capt. Homer B. Grant, promoted.

First Lieut. Donald M. Ashbridge, Coast Artillery Corps, vice Capt. Leonard T. Waldron, promoted.

First Lieut. Hollis LeR. Muller, Coast Artillery Corps, vice Capt. Alexander Greig, jr., promoted.

First Lieut. Eli E. Bennett, Coast Artillery Corps, vice Capt. Richard H. Somers, detailed in the Ordnance Department.

First Lieut. Charles T. Richardson, Coast Artillery Corps, vice Capt. Thomas L. Coles, detailed in the Ordnance Department.

First Lieut. Homer R. Oldfield, Coast Artillery Corps, vice Capt. John B. Rose, detailed in the Ordnance Department.

*To be first lieutenants with rank from July 1, 1916, to fill casual vacancies.*

Second Lieut. Albert W. Draves, Coast Artillery Corps, vice First Lieut. Warren R. Bell, promoted.

Second Lieut. Benjamin S. Beverley, Coast Artillery Corps, vice First Lieut. Arthur G. Campbell, promoted.

Second Lieut. Frederick J. Williams, Coast Artillery Corps, vice First Lieut. John T. Rowe, promoted.

Second Lieut. Carl L. Marriott, Coast Artillery Corps, vice First Lieut. Frederick L. Martin, promoted.

Second Lieut. James A. Pickering, Coast Artillery Corps, vice First Lieut. Marcel S. Keene, promoted.

Second Lieut. Hugh A. Ramsey, Coast Artillery Corps, vice First Lieut. Robert C. Garrett, promoted.

Second Lieut. Willis McD. Chapin, Coast Artillery Corps, vice First Lieut. Guy B. Lawrason, promoted.

Second Lieut. Robert B. McBride, jr., Coast Artillery Corps, vice First Lieut. Carl A. Lohr, promoted.

Second Lieut. Paul V. Kane, Coast Artillery Corps, vice First Lieut. Laurence T. Walker, promoted.

Second Lieut. Karl S. Doney, Coast Artillery Corps, vice First Lieut. Samuel H. Tilghman, promoted.

Second Lieut. James deB. Walbach, Coast Artillery Corps, vice First Lieut. Otto H. Schrader, promoted.

Second Lieut. Richard M. Levy, Coast Artillery Corps, vice First Lieut. Arthur H. Doig, promoted.

Second Lieut. Weir Riché, Coast Artillery Corps, vice First Lieut. Robert E. Guthrie, promoted.

Second Lieut. Ellicott H. Freeland, Coast Artillery Corps, vice First Lieut. William R. Nichols, promoted.

Second Lieut. James C. Ruddell, Coast Artillery Corps, vice First Lieut. Paul H. Herman, promoted.

Second Lieut. Joseph J. O'Hare, Coast Artillery Corps, vice First Lieut. Oscar C. Warner, promoted.

Second Lieut. William G. Patterson, Coast Artillery Corps, vice First Lieut. Frank S. Clark, promoted.

Second Lieut. Frank C. Scofield, Coast Artillery Corps, vice First Lieut. Kelley B. Lemmon, promoted.

Second Lieut. Ferdinand F. Gallagher, Coast Artillery Corps, vice First Lieut. William S. Fulton, promoted.

Second Lieut. Barrington L. Flanigen, Coast Artillery Corps, vice First Lieut. Thomas O. Humphreys, promoted.

#### FIELD ARTILLERY ARM.

Second Lieut. Louis A. Craig, Field Artillery, unassigned, to be first lieutenant from July 1, 1916, subject to examination required by law, vice First Lieut. Charles L. Kilburn, unassigned, transferred to the Coast Artillery Corps.

#### COAST ARTILLERY CORPS.

Second Lieut. Stiles M. Decker, Coast Artillery Corps, to be first lieutenant from July 1, 1916, vice First Lieut. Clarence A. Mitchell, promoted.

NOTE.—The above-named officer was nominated to the Senate on July 11, 1916, and his nomination was confirmed on July 14, 1916, under the name Stiles M. Becker, for said promotion. This message is submitted for the purpose of correcting an error in the name of the nominee.

#### INFANTRY ARM.

First Lieut. Reginald H. Kelley, Fourth Infantry, to be captain from July 1, 1916, to fill an original vacancy.

NOTE.—The above-named officer was nominated to the Senate on July 10, 1916, and his nomination was confirmed on July 14, 1916, under the name Reginald H. Kelly, for said promotion. This message is submitted for the purpose of correcting an error in the name of the nominee.

#### PROMOTION AND APPOINTMENT IN THE NAVY.

Ensign John N. Laycock to be an assistant civil engineer in the Navy from the 21st day of July, 1916.

Harry L. Langnecker, a citizen of California, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 19th day of July, 1916.

#### POSTMASTERS.

##### ALABAMA.

Walter W. Harkins to be postmaster at Fayette, Ala., in place of Walter W. Harkins. Incumbent's commission expired July 18, 1916.

##### DELAWARE.

Fredonia C. Lofland to be postmaster at Lewes, Del., in place of Ebe T. Lynch, deceased.

##### FLORIDA.

George I. Davis to be postmaster at Tallahassee, Fla., in place of A. McDougall. Incumbent's commission expired June 7, 1916.

Lewis M. Raulerson to be postmaster at Okeechobee, Fla., in place of L. M. Raulerson. Office became presidential July 1, 1916.

##### GEORGIA.

W. W. McMillan to be postmaster at Thomaston, Ga., in place of W. T. Rudolph. Incumbent's commission expired May 31, 1916.

##### ILLINOIS.

William F. Meyer, jr., to be postmaster at Arlington Heights, Ill., in place of Frank E. Davis. Incumbent's commission expires August 9, 1916.

##### IOWA.

H. L. Cartwright, to be postmaster at Union, Iowa, in place of J. V. Williams. Incumbent's commission expired July 18, 1916.

E. W. Chapman, to be postmaster at Bonaparte, Iowa, in place of L. J. Finn. Incumbent's commission expired July 16, 1916.

##### KANSAS.

Charles M. Dillman, to be postmaster at Cimarron, Kans., in place of W. B. Flaughner, resigned.

##### KENTUCKY.

Lee H. Hansbrough, to be postmaster at Hodgenville, Ky., in place of H. I. Hansbrough, resigned.

##### LOUISIANA.

Lewis A. Wood, to be postmaster at Ponchatoula, La., in place of Turner K. Butler, removed.

##### NEBRASKA.

J. B. Davis, to be postmaster at Humboldt, Nebr., in place of E. C. Colhapp. Incumbent's commission expires August 23, 1916.

##### NEW YORK.

William W. Paige to be postmaster at Ogdensburg, N. Y., in place of C. D. Randles. Incumbent's commission expired July 13, 1916.

##### NORTH DAKOTA.

Fred L. Anderson to be postmaster at Minot, N. Dak., in place of E. H. Stenvick, resigned.

Marjorie J. Bloom to be postmaster at Devils Lake, N. Dak., in place of H. S. Davies, resigned.

Minnie M. Luce to be postmaster at Hope, N. Dak., in place of Minnie M. Luce. Incumbent's commission expired December 12, 1915.

Lillian G. McGinnis to be postmaster at Ellendale, N. Dak., in place of S. V. Saunders, deceased.

##### OHIO.

Glenn Baker to be postmaster at Centerburg, Ohio, in place of C. H. Bishop. Incumbent's commission expired June 12, 1916.

##### OREGON.

Ira Wimberly to be postmaster at Drain, Oreg., in place of C. E. Hazard. Incumbent's commission expired December 21, 1915.

##### PENNSYLVANIA.

John F. Bachinger to be postmaster at Plymouth, Pa., in place of A. E. Williams. Incumbent's commission expired January 29, 1916.

W. B. Ferguson to be postmaster at Chicora, Pa., in place of James M. Bell. Incumbent's commission expired July 13, 1916.

W. F. Packard to be postmaster at New Albany, Pa., in place of F. C. Wilcox. Incumbent's commission expired July 13, 1916.

##### SOUTH DAKOTA.

A. Posthuma to be postmaster at Centerville, S. Dak., in place of Arthur E. Dann. Incumbent's commission expired May 8, 1916.

##### TEXAS.

W. P. Copeland to be postmaster at Roscoe, Tex., in place of L. S. Howard. Incumbent's commission expires August 23, 1916.

Cyrus Eakman to be postmaster at Canyon, Tex., in place of Oscar Hunt. Incumbent's commission expires August 23, 1916.

Burney Reagan to be postmaster at Big Spring, Tex., in place of G. H. Sparenberg. Incumbent's commission expired August 1, 1916.

J. O. Wood to be postmaster at Wellington, Tex., in place of Thomas Durham, resigned.

##### WASHINGTON.

Arthur B. Foley to be postmaster at Wilbur, Wash., in place of Arthur B. Foley. Incumbent's commission expired December 14, 1915.

Lester S. Overholt to be postmaster at Omak, Wash., in place of Lester S. Overholt. Office became presidential July 1, 1915.

##### WISCONSIN.

William Dailey to be postmaster at Birnamwood, Wis., in place of Adolph H. Jessell. Incumbent's commission expired July 23, 1916.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 2 (legislative day of August 1), 1916.*

##### MEMBERS OF THE FEDERAL FARM LOAN BOARD.

Charles E. Lobdell to be a member for the two-year term.  
George W. Norris to be a member for the four-year term.  
William S. A. Smith to be a member for the six-year term.  
Herbert Quick to be a member for the eight-year term.



## POSTMASTERS.

## ALABAMA.

Walter W. Harkins, Fayette.

## NORTH DAKOTA.

Marjorie J. Bloom, Devils Lake.

## WITHDRAWALS.

*Executive nominations withdrawn August 2 (legislative day of August 1), 1916.*

First Lieut. Albert C. Wimberly, Seventh Cavalry, for promotion to the grade of captain from July 1, 1916.

Lewis C. Beebe to be postmaster at Drain, in the State of Oregon.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 2, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father Soul, in whom our trust is stayed and in whom our fondest hopes have their origin, help us to draw from Thee yet higher aspirations, that as individuals and as a Nation we may go forward to greater achievements, and thus be instruments in Thy hands for the dissemination of wider activities, which are potent influences for the development of the possibilities within us; that we may work out our own salvation with fear and trembling. For it is God which worketh in us both to will and to do of His good pleasure. Thus bless, guide, and support us in all our earnest endeavors. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, July 29, 1916, was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, had agreed to the conference asked for by the House, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 20. An act providing for an additional appropriation for the Federal building at Steubenville, Ohio.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13391. An act to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

S. 6372. An act to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers;

S. 889. An act for the erection of a public building in the city of Tucson, Ariz.;

S. 5987. An act to amend subsection 11 of section 3244, Revised Statutes;

S. 3743. An act to reimburse John Simpson;

S. 4277. An act for the relief of George B. Hughes;

S. J. Res. 110. Joint resolution providing for method of improving channels giving access to military reservations or fortifications;

S. 6540. An act to repeal section 4411, Revised Statutes;

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6370. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5718. An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15494. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13835. An act to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 49 north, range 25 west, fourth principal meridian;

H. R. 16290. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 6914. An act to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary;

H. R. 15635. An act for the relief of the Eastern Transportation Co.;

H. R. 6180. An act for the relief of Lillie B. Randell;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo; and

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North;

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples;

H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 10116. An act for the relief of certain settlers under reclamation projects;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park for the benefit and enjoyment of the people;

H. R. 1592. An act for the relief of George W. Trahey;

H. R. 12365. An act to promote the reclamation of arid lands;

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.;

H. R. 8318. An act for the relief of De Barbieri & Co., of Valparaiso, Chile;

H. R. 10931. An act for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 9378. An act for the relief of Ella Stone;

H. R. 11293. An act for the relief of the Barkhausen Coal & Dock Co., of Green Bay, Wis.;

H. R. 8325. An act for the relief of Borden H. Mills;

H. R. 3896. An act for the relief of John H. Janssen;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 10640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914;

H. R. 9377. An act for the relief of Cynthia Ramey;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 9094. An act for the relief of Samuel H. Walker;

H. R. 11749. An act for the relief of the administrator of the estate of John M. Waples;

H. R. 5411. An act for the relief of Olaf Nelson;

H. R. 1161. An act to pay Cowden & Cowden, of Armory, Monroe County, Miss., for loss of a horse while being used by the Department of Agriculture;

H. R. 2554. An act for the relief of Mrs. Joseph Cameron;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 2209. An act for the relief of W. W. Blood;

H. R. 8108. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 2534. An act to adjudicate the claims of certain settlers in Sherman County, Oreg.;

H. R. 11600. An act for the relief of Mathilda Hesterman;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 3255. An act for the relief of James Houyde;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 11304. An act for the relief of Martha A. Moffitt;

H. R. 10642. An act for the relief of Louis Jones;

H. R. 16097. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; and

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York.

The message also announced that the Senate had disagreed to the amendments of the House to bill S. 4654, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, had requested a conference with the House, and had appointed Mr. HUGHES, Mr. TAGGART, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House to the bill S. 5914, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, had requested a conference with the House, and had appointed Mr. HUGHES, Mr. TAGGART, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House to the bill S. 3646, to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assiniboine Military Reservation, had requested a conference with the House, and had appointed Mr. MYERS, Mr. SMITH of Arizona, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill S. 4594, to validate certain declaration of intention to become citizens of the United States.

The message also announced that the Senate had passed the joint resolution (S. J. Res. 100) appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HUGHES, Mr. TAGGART, and Mr. SMOOT as the conferees on the part of the Senate.

#### FEDERAL FARM-LOAN ACT (H. DOC. NO. 1314).

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 333.

*Resolved*, That House resolution 330, passed July 29, 1916, be, and the same is hereby, modified so as to authorize the printing as a House document of 50,000 copies of the Federal farm-loan act, annotated and indexed by direction of the chairman of the Joint Committee on Rural Credits, of which 10,000 shall be placed with the House document room and 40,000 with the folding room.

The SPEAKER. Is there objection?

Mr. MORGAN of Oklahoma. I should like to know if the gentleman will yield for a few questions on this resolution.

Mr. GLASS. I will state to the gentleman that practically the same resolution was passed several days ago. We simply left out the provision for the marginal notes and index, which are now included.

Mr. MORGAN of Oklahoma. Who prepared this index and annotation?

Mr. GLASS. It was prepared by the secretary of the joint committee.

Mr. MORGAN of Oklahoma. Mr. W. W. Flannagan?

Mr. GLASS. Yes; in conjunction with the index clerks of the Government Printing Office.

Mr. MORGAN of Oklahoma. I have no doubt it has been well done; but now I should like to ask the gentleman if he thinks that 50,000 copies of this law are a sufficient number to be printed?

Mr. GLASS. I thought so. The Senate asked for the printing of 65,000 copies, but I thought 50,000 copies would be ample for the present.

Mr. MORGAN of Oklahoma. It looks to me as though we might well double the number to be printed.

Mr. MANN. We can easily order more copies.

Mr. GLASS. We can order more copies if necessary.

Mr. MORGAN of Oklahoma. Congress may adjourn in a few days.

Mr. MANN. There is no probability of it.

Mr. MORGAN of Oklahoma. I should like very much to have the gentleman consent to the printing of 75,000 copies.

Mr. GLASS. I have no objection to doing it, if there shall be no objection from any other source, but I would not like to complicate it.

Mr. MANN. I think 50,000 copies are enough for the present. That is what we authorized the other day.

Mr. GLASS. I assure the gentleman that if there is a demand for more copies, after the 50,000 copies are exhausted, we shall be glad to order the printing of more copies.

Mr. MORGAN of Oklahoma. Congress may adjourn, and then the printing can not be authorized.

Mr. GLASS. Congress is not likely to adjourn for a month yet.

Mr. MORGAN of Oklahoma. This is an important measure. The farmers are interested in it, and it ought to be very freely circulated and distributed.

Mr. GLASS. It will take several months to get this system organized. Congress will reconvene before the system is organized, and there will be ample time to have other copies printed.

Mr. MORGAN of Oklahoma. Is this resolution subject to amendment?

The SPEAKER. First it is necessary to get unanimous consent for its consideration.

Mr. MORGAN of Oklahoma. I will not object to its consideration.



Mr. CANNON. I want to ask the gentleman from Virginia a question. I have no doubt that all the copies of this law which are desired ought to be printed. In my own district, where I am fairly well known, from the cartoons which have been printed from time to time, I have received but one request for a copy of this act.

Mr. GLASS. I quite agree that the number of copies ordered is ample for the present.

The SPEAKER. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I should like to submit a question of personal privilege. If it will not take long to dispose of this resolution, I shall not object. If it is going to take a long time, I do object. I will ask the gentleman from Virginia how long it will probably take?

Mr. GLASS. Not over one minute, I think.

Mr. LINTHICUM. Then, I will not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Oklahoma wants to know if this resolution is subject to amendment. If the gentleman wishes to offer an amendment, the Chair will entertain it.

Mr. MANN. I will suggest to the gentleman from Oklahoma that if there is a demand for further copies we will increase the number. There will be no trouble about that.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

#### QUESTION OF PERSONAL PRIVILEGE.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] says he has a question of personal privilege. The gentleman will state it.

Mr. LINTHICUM. Mr. Speaker, the gentleman from Wisconsin [Mr. BURKE] was granted the right to extend his remarks in the Record, and in extending them, on the 19th day of July last, on page 13104 of the CONGRESSIONAL RECORD, under the heading "Exposure of oleomargarine interest's attempts at deception," the gentleman from Wisconsin says:

Yet it was but a short time before the real purposes of the same and the hypocrisy which prompted the introduction of this resolution were indirectly exposed in this House by a speech made by the gentleman from Maryland [Mr. LINTHICUM], delivered on the 1st day of April, 1916.

In various parts of the speech of the gentleman from Maryland can be found positive evidence that such resolution was introduced and is being urged for passage not by those who are unselfishly interested in the promotion and maintenance of the public health by preventing the sale and distribution of insanitary dairy products. Certain remarks of the gentleman and quotations from certain alleged dairy and farm papers show conclusively to the friends of dairymen that the main purpose behind such resolution is to attack, to degrade, and to prejudice butter in the minds of the consuming public.

The gentleman goes on in that vein throughout his speech against me, intimating that I had introduced this resolution not in the interest of the public health, not in the interest of the people, but that it was hypocrisy which led to its introduction, whereas the sole purpose of the introduction of the resolution was for the prevention of impurities in the butter products distributed in this country. I feel that I ought to have the right to address this House in answer to the statements by the gentleman from Wisconsin [Mr. BURKE] which were extended in the CONGRESSIONAL RECORD under leave to print. I ask leave to address the House on a question of personal privilege.

The SPEAKER. The gentleman from Maryland asks unanimous consent to address the House on a question of personal privilege, but he has that right anyway.

Mr. LINTHICUM. Mr. Speaker, on July 19, 1916, there appeared in the CONGRESSIONAL RECORD, on pages 13100 to 13105, the extension of the remarks of the gentleman from Wisconsin [Mr. BURKE]. Charges are made therein that House resolution 137, introduced by me, was introduced "to degrade and to prejudice butter in the minds of the consuming public." The gentleman also charges that "the real purposes and the hypocrisy which prompted the introduction of this resolution were indirectly exposed in this House by a speech made by the gentleman from Maryland [Mr. LINTHICUM], delivered on the 1st day of April, 1916."

Mr. Speaker, the gentleman from Wisconsin has exceeded his rights in his charges against me. He has, wittingly or unwittingly, flatly disregarded the facts. He has made no attempt to place in the record the terrible situation disclosed at the hearing before the Committee on Rules on House resolution 137, held April 11, 1916. He has carefully ignored the testimony of Dr. A. D. Melvin, Chief of the Bureau of Animal Industry of the Department of Agriculture; the testimony of Dr. John R. Mohler, assistant chief of that division; the testimony of Dr. E. C. Schroeder, superintendent of the department experiment station, at Bethesda, Md.

The gentleman charges that the "oleomargarine interests are behind and actively supporting House resolution 137, and that the farm papers, dairy journals, and newspapers from

which I made quotations in my speech of April 1, 1916, are all owned and controlled by the oleomargarine interests."

I wish now to state to the House that the charges made by the gentleman from Wisconsin are false. In answer to these false charges the House shall have the facts.

House resolution 137 was introduced by me after a long investigation of the subject. The matter was first brought to my attention by John H. Ferguson, president of the Maryland Federation of Labor. The central labor body of my State instructed its president to take up the fight for clean dairy products. Solely in the interests of my constituents, and seeking only to protect them and other consumers, I introduced House resolution 137. On investigation I found the gravest charges had been brought against the dairymen of this country by the great Department of Agriculture. I found that expert bacteriologists had charged that 20 per cent of our dairy cattle were dying or infected with bovine tuberculosis. I found that post mortem examinations of the bodies of very young children proved that a shocking number of them were dying of bovine tuberculosis. I found that insanitary conditions in dairies were putting filth and disease into the mouths of consumers of dairy products.

I felt the public should know the facts, that a full, free, and honest investigation by Members of this House would produce those facts, that the Members who made the investigation would be especially qualified to recommend to this House legislation, if any be needed, to correct the conditions found.

A hearing was had on House resolution 137 on April 11, 1916, before the Committee on Rules of this House.

Dr. A. D. Melvin, Chief of the Bureau of Animal Industry of the Department of Agriculture was asked, "Is a large percentage of the dairy products that are consumed by the American people unfit for food or not?" And Dr. Melvin answered, "We think so."

Dr. E. C. Schroeder, expert bacteriologist of the Department of Agriculture, stated to the committee that 300 children die annually in New York City of bovine tuberculosis, and, on this basis, the annual death rate in the United States from bovine tuberculosis is 6,000 children every year.

Dr. John R. Mohler, Assistant Chief of the Bureau of Animal Industry, told the committee that he had personally examined the bodies of a number of children who died of tuberculosis and found that over 22 per cent had died of bovine tuberculosis.

Dr. Schroeder said at the hearing that over 9 per cent, or 2,000,000, of our dairy cows have tuberculosis and are capable of transmitting that disease to children.

The evidence shows that bovine tuberculosis is on the rise, due largely to infection of sound stock by infected skimmed milk returned from the creamery or separating stations where good and bad, pure and diseased milk is run together through the separators, and the whole mass of skimmed milk thus contaminated returned to the farms for feeding purposes.

There was no answer made to the charges of the Government's scientists and officials. The dairymen were present, as they always are, I find. After we had showed up a rotten, diseased, and death-dealing agency, the tubercular cow, they said they were in favor of an investigation but against the passage of my resolution. There and then the oleomargarine business was dragged into the discussion, and at all times subsequent the answer and the only answer to the proof we have offered is now, and has been, the charge that the "oleo" men are seeking to traduce the dairymen. No one has come forward to disprove the statements of scientists, but from time to time champions of butter who, strange to relate, have in their districts a large number of voting dairymen rise to ably defend the tuberculosis cow by crying this everlasting bugaboo of "oleomargarine." When we show that 6,000 babies are dying every year, done to death by our 2,000,000 tuberculous cows, the butter champion replies, "You must pay no attention to such charges, because it is only the 'oleo' men seeking to destroy the dairy industry."

A Member of this House is branded a hypocrite because he seeks to protect his people who have no protection from the tubercular cow. All I have and still ask for is an investigation by a committee of this House appointed by the Speaker. Why is it that the dairymen fight this investigation? Do they believe the Speaker and the committee he would appoint would be "oleo" men? Have the dairy champions reason to believe that an investigation would be conducted solely to traduce and destroy their business? No. They and their champions fear only the facts; they fear only that with the facts before Congress legislation would be enacted putting a stop to their criminal practices.

Mr. Speaker, no Congress in the history of this Nation and no nation in peace has ever appropriated such tremendous sums of money as we are now appropriating for "preparedness." We

are following the immortal words of Pinckney and spending "millions for defense." Yes; hundreds of millions for defense against a possible foreign foe, but not one cent are we spending to eradicate the tubercular cow. We are paying a terrible tribute in babies' lives to the dairy industry; almost one baby every hour of this day, and every day of the year, is dying because we will not defend them from this open and notorious source of contamination. Over 93,000 people die annually of all forms of tuberculosis in our country. We spend vast sums for sanatoria, we build health resorts, we run mad over fake cures, but here at our hands is a weapon with which we can save 6,000 children annually, yet we do not take up that weapon. No; we listen rather to the cry of the dairy owners, and it is always the same old cry, "oleomargarine."

Did the "oleo" people inspire the scientists of the Department of Agriculture? Do the "oleo" men own and control all the eminent bacteriologists of this country? Did the greasy hand of oleomargarine write the indictment in the Report of the Department of Agriculture for 1912, wherein it is charged that over 95 per cent of the creameries and cream-buying stations examined were insanitary to a greater or less degree?

Mr. REILLY. Will the gentleman yield?

Mr. LINTHICUM. No; I will yield to the gentleman after I have concluded.

It was on the written, uncontroverted statements of the Government's own scientists, eminent bacteriologists, and on the Report of the Department of Agriculture for 1912 that my resolution (H. Res. 137) was based.

Now, if all these sources of information are "oleo" controlled, if the "oleo" men and not the dairy men maintain the 2,000,000 tubercular cows, then, and then only, the gentleman from Wisconsin is right; but, personally, I know little and care less about this trade war. I do not know an "oleo" man nor anyone connected with the oleomargarine business. What I do know is that the gentleman from Wisconsin, like all these other valiant champions of tubercular cows, is afflicted with a malady best described as "oleophobia."

This is their first, last, and only argument, for they never produce any facts against positive proof that the tubercular cows in our dairies are taking an hourly toll in babies' lives.

Mr. Speaker, the gentleman from Wisconsin says the article in Hoard's Dairyman of May 5, 1916, is a complete answer to my resolution and my speech of April 1, 1916.

It were well here to note—and I particularly call it to his attention—that the article he has inserted in the record deals almost exclusively with two minor and unimportant charges made in my speech of April 1, 1916; that is to say, "coloring matter in butter" and "revenue frauds." If these were the only charges I had to bring, I would never have entered this fight. Let the dairymen color their butter in imitation of the June product if they want to. It is unfair and dishonest, but if the constituents of the dairy champions here in this House want to be unfair and dishonest about their product and their champions are willing to stand up here and defend them, then let them go on fooling the public. That costs only money, not lives. The same is true of the revenue frauds. I heartily commend the activities of the Treasury Department in running down the offenders against the laws taxing oleomargarine. Those offenders generally mixed butter and oleomargarine and sold the compound as butter. They were in the butter business—at least, they said they were—and they were properly prosecuted.

Dr. Melvin said at the hearing on April 11, 1916, that these frauds could not have occurred had there been in effect a Federal inspection of butter making. The only way to stamp out these frauds is to inspect butter-making plants. The straight oleomargarine plants are already under inspection. However, again this is only a matter of dollars and cents, not of life and death. What Hoard's Dairyman did not answer, what the gentleman from Wisconsin did not answer, what no man has, what no man can answer is this one terrible fact that we permit 2,000,000 tubercular dairy cows in this country to take the lives of 6,000 babies every year. While I have been addressing this House one child has given its life. Before we adjourn for the day others will have died. The toll goes steadily on, and the consumers in my district pay their toll of death to the tubercular cows in the districts of these dairy champions.

Now let us have the facts. If your dairies are clean and your cows are sound, you need not fear the verdict. It is high time that the dairy defenders drop the "oleo" cry and come out in the open, and before another champion of the tubercular cow rises in this House to defame me, let him clean the curse of bovine tuberculosis out of his own district. [Applause.]

Now, I will yield to the gentleman from Wisconsin.

Mr. REILLY. Is it not a fact that after the gentleman introduced this resolution he started to create a propaganda at home to have Members of Congress memorialize all clubs?

Mr. LINTHICUM. It is a fact that I endeavored to bring that resolution to the attention of every person in the United States that I possibly could reach, and I shall continue the fight until it is won.

Mr. REILLY. Did not the gentleman ask women's clubs and other organizations to write Congressmen?

Mr. LINTHICUM. I do not remember any letters of that kind which I sent out. I do know that we got thousands of women's clubs to indorse the resolution, and literature was sent out to all the clubs.

Mr. REILLY. I received copies of the gentleman's letter from clubs.

Mr. LINTHICUM. Then the gentleman did not need to ask me that question.

Mr. REILLY. I wanted to know whether it went out with the gentleman's consent.

Mr. LINTHICUM. Everything sent out over my name in the interest of the better dairy-products' fight went out with my consent and my O. K. [Applause.]

Mr. HAMILL. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on the subject of the recent dynamite explosion which occurred in my district.

GEORGE H. BOSKE.

Mr. LLOYD. Reserving the right to object, Mr. Speaker, and I shall not object, I want to present a privileged resolution from the Committee on Accounts, which will not create any controversy, I am sure. I present the following resolution.

The Clerk read as follows:

House resolution 332 (H. Rept. 1068).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to George H. Boske, clerk to HUNTER H. MOSS, late a Representative from the State of West Virginia, at the time of his death, July 15, 1916, the sum of \$125, being an amount equal to one month's salary of a clerk of a Member of the House.

The following committee amendment was read:

Amend, in line 3, by striking out the word "Boske" and inserting "Poske."

The committee amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on the recent dynamite explosion in New Jersey, it having occurred in my district.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for 15 minutes on the recent dynamite explosion in the harbor of New York, it having occurred in the gentleman's district. Is there objection?

Mr. WM. ELZA WILLIAMS. Reserving the right to object, Mr. Speaker, I would like to inquire in what way that interferes with the leave granted me previously? I would like to inquire what order I would come in under the leave heretofore granted?

Mr. MANN. The gentleman would come next.

The SPEAKER. The gentleman from New Jersey, if the House grants leave to address the House, would come first, and then the gentleman from Illinois for half an hour, then the gentleman from Missouri [Mr. BORLAND] for one hour, the gentleman from Iowa [Mr. GREEN] for 15 minutes, and the gentleman from Nebraska [Mr. SLOAN] for 30 minutes.

Mr. WM. ELZA WILLIAMS. Then I understand that I would immediately follow the gentleman from New Jersey if this leave is granted?

The SPEAKER. After clearing up the business on the Speaker's table, not to interfere with conference reports.

Mr. WM. ELZA WILLIAMS. Then I do not object.

Mr. BURNETT. Reserving the right to object, I understand there is an hour and a half laid out for gentlemen to speak. I ask unanimous consent that I may call up the flood resolution that has already passed the Senate and is now on the Speaker's table.

Mr. MANN. There are various bills on the Speaker's table which are to come up for disposition, and the gentleman can come in at that time.

The SPEAKER. These matters on the Speaker's table will all come before the speeches are made. Is there objection to the request of the gentleman from New Jersey?

Mr. KONOP. Reserving the right to object, I want to ask if I can get permission to talk for 30 minutes after all these gentlemen have concluded their speeches?

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that at the conclusion of the remarks of the



gentleman from Nebraska [Mr. SLOAN] he may address the House not to exceed 30 minutes, subject to the other conditions. Is there objection?

Mr. MANN. Reserving the right to object, would not the gentleman from Wisconsin just as lief come in on Friday?

Mr. KONOP. It would suit me just as well.

Mr. MANN. I would like to ask the gentleman from North Carolina [Mr. KITCHIN] if we are to adjourn over until Friday?

Mr. KITCHIN. I have looked over the calendar, and I see nothing of importance to take up.

Mr. MANN. There are several bills to-day that various gentlemen would like to have an opportunity to call up on the calendar.

#### ADJOURNMENT OVER THURSDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

There was no objection.

#### ORDER OF BUSINESS.

Mr. KONOP. Mr. Speaker, I ask unanimous consent that on Friday next, after the reading of the Journal and the disposition of matters on the Speaker's table, I be permitted to address the House for 30 minutes.

The SPEAKER. First comes up the request of the gentleman from New Jersey [Mr. HAMILL]. Is there objection to the request of the gentleman from New Jersey [Mr. HAMILL] that he be permitted to address the House for 15 minutes?

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. I want to know whether if unanimous consent be given to the request of the gentleman from New Jersey, the matters on the Speaker's table will come in before the pre-arranged speeches that are to be made to-day?

The SPEAKER. They will come in before the speech of the gentleman from New Jersey, if he should ever get permission to speak. Is there objection to the request of the gentleman from New Jersey?

Mr. LINTHICUM. Does that include the calling up of the bills on the Speaker's table?

The SPEAKER. It includes whatever business is on the Speaker's table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The gentleman from Wisconsin [Mr. KONOP] asks unanimous consent that on Friday next, after the reading of the Journal, and the clearing up of business on the Speaker's table, he be permitted to address the House for 30 minutes. Is there objection?

Mr. MANN. Subject, of course, to the disposition of conference reports.

The SPEAKER. Subject to the conditions that are generally interposed. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Speaker, I ask unanimous consent that my colleague [Mr. RODENBERG] may be permitted to address the House for one hour on Friday next, following the remarks of the gentleman from Wisconsin [Mr. KONOP].

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that on Friday next, at the conclusion of the remarks of the gentleman from Wisconsin, his colleague [Mr. RODENBERG], be permitted to address the House for not to exceed one hour. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on Friday next, following the gentleman from Illinois [Mr. RODENBERG].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. RODENBERG], on Friday next, he be permitted to address the House for not to exceed 30 minutes, subject, of course, to the restrictions respecting conference reports and privileged matters. Is there objection?

There was no objection.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARY, for 10 days, on account of the serious illness of his wife.

To Mr. VARE, indefinitely, on account of illness in his family.

#### EASTERN TRANSPORTATION CO.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15635) for the relief of the Eastern Transportation Co., of Baltimore, Md., with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 15635, with Senate amendments thereto, and to concur in the Senate amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

#### PEDIMENT ON HOUSE WING, UNITED STATES CAPITOL BUILDING.

Mr. MANN. Mr. Speaker, I ask unanimous consent that there may be inserted in the RECORD, under the direction of the gentleman from Texas [Mr. SLAYDEN], the program of the exercises attending the unveiling of the statuary on the House wing of the United States Capitol Building this morning, and the proceedings incident thereto.

The SPEAKER. The gentleman from Illinois asks unanimous consent that under the direction of the gentleman from Texas [Mr. SLAYDEN] the program, speeches, and proceedings attending the dedication of the statuary on the pediment of the House wing of the Capitol Building be printed in the RECORD. Is there objection?

There was no objection.

#### PENSIONS.

The SPEAKER laid before the House the bills S. 4654 and 5914, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with House amendments thereto, disagreed to by the Senate.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments to these two bills and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the House insist upon its amendments to the Senate bills and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KEATING, Mr. VINSON, and Mr. SELLS.

#### DAVID J. LEWIS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein the address of the Hon. JESSE D. PRICE, one of my colleagues, notifying the Hon. DAVID J. LEWIS of his nomination to the United States Senate from the State of Maryland, and also the speech of the Hon. DAVID J. LEWIS accepting the nomination and that of Hon. Hugh A. McMullen, delivered at the convention.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by inserting the speeches referred to. Is there objection?

There was no objection.

#### THOMAS P. SORKILMO.

Mr. DILLON. Mr. Speaker, I ask to take from the Speaker's table the bill (H. R. 5864) for the relief of Thomas P. Sorkilmo, and to concur in the Senate amendment.

The SPEAKER. The Chair lays before the House a House bill with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5864) for the relief of Thomas P. Sorkilmo.

The Senate amendment was read.

The question was taken, and the Senate amendment was concurred in.

#### RELIEF OF FLOOD SUFFERERS.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 160, relating to the flood sufferers, and to place it on its passage.

Mr. McKELLAR. Will the gentleman yield to me for a unanimous-consent request?

Mr. BURNETT. I will.

The SPEAKER. Where is the bill?

Mr. BURNETT. It was messaged over this morning. There is a House bill reported.

The SPEAKER. Of similar tenor?

Mr. BURNETT. The same, exactly.

Mr. MANN. This has to be by unanimous consent.

The SPEAKER. The gentleman asked for unanimous consent.

The gentleman from Alabama [Mr. BURNETT] asks unanimous consent for the present consideration of Senate joint resolution 160, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution 160.

Appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi, and for other purposes.

Resolved, etc., That the sum of \$540,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of persons suffering and in destitution by reason of recent floods in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi; and the Secretary of War, under such regulations as he may prescribe, is authorized to expend so much of the aforesaid sum as he may deem necessary in supplying such seeds as may be suitable to produce quick growing crops to provide food for the population and animals of the flood areas; and to supply the destitute with some form of employment at a moderate rate of pay, said employment to be under the supervision of Army officers and in cooperation with local officials; and the Secretary of War is also authorized to furnish such supplies of the Quartermaster and Medical Departments as he may deem proper to those who are destitute and unable to work, but for a period not exceeding 90 days from the passage of this resolution.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I wish the gentleman would state just the necessity for the appropriation, how it is to be expended, and what investigation has been made by the War Department or other officials of the Government concerning the matter.

[Mr. BURNETT addressed the House. See Appendix.]

Mr. CANDLER of Mississippi. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Mississippi?

Mr. BURNETT. Yes.

Mr. CANDLER of Mississippi. I want to call attention, Mr. Speaker, to the conditions existing along the Tombigbee, as well as along these other famous rivers to which reference has been made. Here is a letter that I received addressed to me on July 21 by Mr. B. A. Lincoln:

Hon. E. S. CANDLER, M. C.,  
Washington, D. C.  
COLUMBUS, MISS., July 21, 1916.

DEAR SIR: Inclosed find resolution passed by the board of supervisors of Lowndes County at a special meeting held yesterday the 20th instant. You will notice this resolution is asking your aid in securing congressional aid for the destitute in Lowndes and adjoining counties, made so by the excessive floods of recent date.

There is untold suffering among the negroes, many of them without food and have lost all they had. Crops completely destroyed and live stock gone, consequently they need aid. Still there are lots of poor white people here in the same condition, made destitute by the high water. This is certainly worthy of notice and consideration by Congress, and I hope that you will be able to secure some aid for these people.

Assuring you that we will be deeply grateful for anything you can do for these poor, destitute people, and with best wishes, I ask to remain,  
Yours, very truly,

B. A. LINCOLN,  
Clerk Board of Supervisors Lowndes County, Miss.

Here is a resolution which was passed by the board of supervisors of the county that sets forth the condition, and I will ask that this be extended in the RECORD in connection with my remarks. This shows absolute destitution in that section of the country. The people are absolutely in want. Here is the resolution:

MINUTES OF THE BOARD OF SUPERVISORS, LOWNDES COUNTY, MISS., JULY 20, 1916.

Whereas by the recent and unusual floods in Lowndes and adjacent counties crops and stock have been lost and great damage done and many of the people losing their all, and thereby causing great destitution and suffering, and they being greatly in need of immediate relief and assistance: Therefore be it

Resolved, That our Representative in Congress, the Hon. E. S. CANDLER, be, and he is hereby, earnestly requested to do all in his power to obtain relief for the destitute by congressional aid, and that the clerk certify this resolution to Hon. E. S. CANDLER.

The STATE OF MISSISSIPPI,  
Lowndes County:

I, B. A. Lincoln, clerk of the Board of Supervisors of Lowndes County, do hereby certify that the foregoing is a true and correct copy of the resolution passed by the Board of Supervisors of Lowndes County at a special meeting of said board held on the 20th day of July, 1916, as the same appears of record in my office.

Given under my hand and seal of said board at office in Columbus, Miss., this the 21st day of July, 1916.

B. A. LINCOLN, Clerk.

Mr. MANN. Mr. Speaker, before each gentleman recites the condition in his district I want to get a little information. As I understand, this resolution provides for an appropriation of

\$540,000, about \$240,000 of it to be used for seeds and things of that sort.

Mr. CANNON. Thirteen thousand dollars for seeds.

Mr. MANN. Oh, \$13,000 for seeds on the Alabama River only. Now, it is proposed to use a large share of the appropriation in furnishing employment, and the letter of the Secretary of War apparently states that that is to be upon the country roads in those States.

Are we under any obligation, having passed a roads bill which makes an appropriation, a certain amount of which is available in those States, now to appropriate a further sum of money for the improvement of the roads in those States?

Mr. BRITT. Mr. Speaker, will the gentleman yield there for a question?

Mr. BURNETT. Mr. Speaker, in reply to the gentleman, I suppose the idea is that those people had better have employment, if possible, and therefore it would be better to give them employment of that kind than to furnish them with food and supplies without employment.

Mr. MANN. Very well. But if we give them employment upon the roads would it not be fair that any sum of money thus expended in any of these States on the roads should be deducted from the Federal appropriation for roads in those States?

Mr. KITCHIN. Mr. Speaker, if the gentleman will permit me, there is one thing that I do not think the gentleman caught. The roads referred to by the Secretary of War meant the roads destroyed by the flood. Some of them are roads almost as good as Pennsylvania Avenue, and they are now destroyed and ruined.

Mr. MANN. Very well. That happens everywhere. But the roads bill in itself gives a special preference to these States.

Mr. BRITT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BRITT. The provisions of the Federal roads law allowing money to be expended on roads in the States are dependent, first, upon the performance of certain conditions on the part of the States, which require the organization of the State highway commissions.

Mr. MANN. We all understand that. I am not asking that this money be expended in accordance with the new road law; but why should not the amount of money be deducted from the amount of money allowed to the States? There is such a thing as fairness in all these things.

Mr. RAGSDALE. Mr. Speaker, I went over this matter very carefully with the Secretary of War—

Mr. MANN. I understand a number of gentlemen have done that.

Mr. RAGSDALE. I hope the gentleman will give me permission to state the conclusion we have arrived at. It is not intended by the Secretary of War to lay out any new system of highways or to do any permanent work anywhere. It is not intended by the Secretary of War to attempt any new system of road building. But down in the country from which I come and from which these other gentlemen come we have a great many indigent negroes who work around upon these farms. If we once open up the idea to them that they can go in there and draw supplies without doing any work at all, it will pauperize the communities from which they come, and they will leave the farms; and while it might be considered a temporary blessing to them it would be a great curse in the long run. The idea is not to do any permanent work on the roads. I do not believe that under the prevailing conditions the work to be performed will last more than a few weeks at the most. The whole idea is to pay these men a smaller sum of money per day than is paid on the farms and elsewhere, and this is limited to 60 days. It will merely provide for those who can not get work elsewhere and enable them to do that kind of work that is not skilled and can not be of permanent benefit there. But it will provide them with a daily living until they can make a daily living elsewhere.

Mr. MANN. If there is any limit of 60 days, I did not catch it.

Mr. RAGSDALE. Ninety days.

Mr. MANN. The gentleman says it will pauperize the people. The question with me is whether it will pauperize the States to say that whenever anything happens the Government is going to build roads for them without charging it to them. If the States can not appropriate this money because the legislatures are not in session, and if the exigency really exists, why should not gentlemen representing those States here be willing to have these amounts of money charged to the funds to be credited to those States under the road law?

Mr. RAGSDALE. Because it has never been done by the Government in connection with any other relief work that has been done by the Federal Government.



Mr. MANN. The gentleman is very liberal with the Federal Treasury, but—

Mr. BURNETT. Under the wording of the resolution the idea is to supply the destitute with some form of employment at a moderate rate of pay, the said employment to be under the supervision of Army officers.

Mr. MANN. There is nothing in the resolution to that effect; but the letter which the gentleman read from the Secretary of War, and which letter I believe is made the basis of the report from the Committee on Military Affairs on the resolution of the House, states that the money is to be expended on the improvement of the roads.

Mr. RAGSDALE. It may be.

Mr. MANN. It is to be.

Mr. RAGSDALE. It says "in repairing navigable streams."

Mr. BURNETT. In giving employment, and it is suggested that that is one form of employment. But I understand the committee, by the resolution or the report, intended to employ men on the roads.

Mr. MANN. With the statement of the Secretary of War that that is what he proposes to do with the fund, we have a right to assume that that is what will be done with the fund. Now, I ask the gentleman from Alabama, would he not be perfectly willing for his State, if ten or fifteen or twenty or twenty-five thousand dollars of this fund is to be expended on the roads of his State, to have that charged against the fund that is being appropriated for roads in Alabama?

Mr. DENT. So far as I am concerned, I have no objection to that being incorporated in the resolution, except that it will delay the passage of it.

Mr. GALLIVAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. The discussion which is going on among five or six men, who are talking among themselves, is not addressed to the Chair, and I should like to know how long it is going to last?

Mr. MANN. The gentleman can go out if he wants to.

The SPEAKER. The pending question is whether there shall be unanimous consent to consider this bill.

Mr. MANN. When the gentleman had his proposition up we were quite lenient about it.

The SPEAKER. We are getting along very nicely. The gentleman from Alabama [Mr. BURNETT] has the floor.

Mr. BURNETT. I yield to my colleague Mr. DENT.

Mr. DENT. I was stating that personally I would have no objection to any amount of this fund that should be utilized for the purpose of road construction in Alabama being deducted from the sum heretofore appropriated but for the fact that it would simply delay the passage of this resolution; and I am sure that the sum that would be expended would be so insignificant that it would not be worth the delay. As my colleague from Alabama [Mr. BURNETT] states, I do not see that there is any authority in the resolution itself for the Secretary to use this fund for that purpose, although there is a statement in his letter which indicates that that would be one of the methods by which he would use this appropriation, or might use it.

Mr. MANN. Surely the gentleman did not mean to say that there was no authority in the resolution to use the money for that purpose.

Mr. DENT. I do not see any authority.

Mr. RAGSDALE. There is no direction to that effect.

Mr. MANN. Does not the resolution authorize the Secretary to use the money to hunt ducks if he wants to?

Mr. KITCHIN. Just so he uses it for the relief of these people.

Mr. MANN. He could use it to dig out rat holes.

Mr. DENT. There is nothing that requires him to use it in this way, as my colleague states.

Mr. MANN. There is no direction.

Mr. DENT. But as far as the resolution itself goes, it simply says that he shall use the funds to supply the destitute with some form of employment at a moderate rate of pay, said employment to be under the supervision of Army officers and in cooperation with local officials. Under that I do not believe—

Mr. MANN. I am going to object for the present. Perhaps the resolution can be called up later in the day or on Friday, but temporarily, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Temporarily. We may reach it later in the day.

Mr. KITCHIN. I will say that the Committee on Military Affairs have reported a similar resolution.

Mr. DENT. The Military Affairs Committee have reported a similar resolution. This resolution is unanimously reported to—

day. The only difference is that Tennessee was incorporated in the Senate resolution and not in the House resolution.

#### CANCELLATION OF AN ENROLLED BILL.

The SPEAKER. In pursuance of a concurrent resolution, the Chair announces that he has canceled his signature to House bill 12197.

#### INTERSTATE AND FOREIGN COMMERCE.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The other day the Speaker announced that he had appointed certain gentlemen from the Committee on Interstate and Foreign Commerce as the House members of a joint committee under Senate resolution No. 60. The resolution provides that the committee shall be appointed by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Before the announcement was made the chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON] reported to the Speaker the names of the persons whom he wanted to have serve on the joint committee. There was some doubt about whether the appointment should be made by him or by the Speaker, and so the Chair announced them.

Mr. MANN. There can not be any question about who was to appoint them. The resolution provided that the Committee on Interstate and Foreign Commerce should appoint them. I think the chairman of the committee ought to announce to the House that his committee has appointed them, so there will be no question about it.

Mr. ADAMSON. I do not know how this came up. A gentleman was talking to me; so I did not hear the beginning of it. What is before the House?

The SPEAKER. The gentleman from Illinois [Mr. MANN] rose and said that the other day the Speaker announced the appointment of certain gentlemen from the Interstate and Foreign Commerce Committee as the House members of a joint committee, and that the resolution provided that the committee itself should appoint them.

Mr. ADAMSON. The Speaker and I talked about that—

The SPEAKER. Now, if the gentleman from Georgia is ready to announce his committee, he will proceed to do it.

Mr. ADAMSON. The Committee on Interstate and Foreign Commerce elected the members of the joint committee in accordance with the announcement that the Speaker made. The Speaker stated to me that if I handed the list to him he would announce it. The committee elected as the House members of that joint committee Mr. ADAMSON, Mr. SIMS, Mr. CULLOP, Mr. ESCH, and Mr. HAMILTON of Michigan.

The SPEAKER. That settles it.

Mr. ADAMSON. And those are the names that the Speaker announced.

The SPEAKER. That is the end of it.

#### TETON NATIONAL FOREST, WYO.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the Speaker lay before the House the bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo., with a Senate amendment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the Speaker shall lay before the House H. R. 12208 with a Senate amendment. The Clerk will report the title of the bill and the amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

#### LEAVE TO EXTEND REMARKS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of roads.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD on the subject of roads. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD on the subject of the National Guard, and to incorporate therein certain letters from the War Department.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of the National Guard, and to incorporate therein certain letters from the War Department. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the national finances now and after the war in Europe.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the Record on the subject of the national finances now and after the war in Europe closes. Is there objection?

There was no objection.

Mr. HELGESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the naval appropriation bill.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the Record on the naval appropriation bill. Is there objection?

There was no objection.

Mr. LEE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the floods in Georgia and Tennessee and Alabama.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record on the subject of floods in Georgia and Alabama. Is there objection?

There was no objection.

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the flood situation in South Carolina.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the Record on the flood situation in South Carolina. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the flood situation in western North Carolina.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record on the subject of the floods in western North Carolina. Is there objection?

There was no objection.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the floods in North Carolina.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record on the subject of floods in North Carolina. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting the speech of Senator HARDING notifying Mr. Hughes of his nomination, and the speech of acceptance of Mr. Hughes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to insert in the Record the speech of Senator HARDING, of Ohio, notifying Mr. Hughes of his nomination and the speech of acceptance of Mr. Hughes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to insert in the Record the letter sent by Mr. Hughes on August 1 to Senator SUTHERLAND on the subject of woman suffrage; also the telegram of Senator SUTHERLAND.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to insert in the Record a telegram sent by Mr. Hughes to Senator SUTHERLAND on the subject of woman suffrage. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, the telegram and letter are as follows:

MESSAGE FROM SENATOR SUTHERLAND.

SALT LAKE CITY, July 31, 1916.

Hon. CHARLES E. HUGHES,  
Hotel Astor, New York City:

You will no doubt recall our conversation a few days ago when I urged you to make public your views with regard to the equal suffrage Federal amendment. I feel quite sure there is nothing in the Republican platform which in any manner would conflict with such a declaration. That platform commits the party to the principle of woman suffrage and recognizes the right of each State to determine the question for itself. It is silent upon the subject of the constitutional amendment, and therefore leaves everybody of the party free to determine for himself this question.

The submission of the amendment is desired by many millions of voters, and I think the day has come when Congress should recognize this widespread desire by adopting the resolution of submission and thus enabling the States to pass upon the question, which, without the preliminary action of Congress, they will be prevented from doing.

There is a feeling of intense interest in all these suffrage States in respect to your attitude, and I think it most important that you should as soon as possible state publicly your personal position in respect to the matter.

GEORGE SUTHERLAND.

LETTER TO SENATOR SUTHERLAND.

HOTEL ASTOR, NEW YORK CITY,  
August 1, 1916.

MY DEAR SENATOR: Your telegram has been received. In my answer to the notification I did not refer to the proposed Federal amendment relating to woman suffrage, as this was not mentioned in the platform. I have no objection, however, to stating my personal views. As I said in my speech, I think it to be most desirable that the question of woman suffrage should be settled promptly. The question is of such a nature that it should be settled for the entire country.

My view is that the proposed amendment should be submitted and ratified and the subject removed from political discussion.

Very sincerely, yours,

CHARLES E. HUGHES.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the speeches which have just been authorized to be inserted in the Record of Senator HARDING and Mr. Hughes may be also printed as a House document, so that they will be in a more convenient form.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the speeches of Senator HARDING and Mr. Hughes be published as a House document. Is there objection?

There was no objection (H. Doc. No. 1315).

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] is recognized for 15 minutes.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to insert in the House document just authorized the letter from Senator SUTHERLAND to Mr. Hughes and the telegram in answer thereto on woman suffrage.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to print in the public document just authorized the letter of Senator SUTHERLAND to Mr. Hughes and the telegram in answer thereto. Is there objection?

Mr. KITCHIN. Reserving the right to object, I would like to ask the gentleman if he wants to put that in the public document as well as in the Record?

Mr. MONDELL. Yes; as a part of the document to be published containing the speeches of Mr. Hughes and Senator HARDING. On reflection, Mr. Speaker, I will withdraw my request.

Mr. KITCHIN. It is all right for the others to go in as a public document, but I do not think these belong in it.

Mr. ADAMSON. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman from Wyoming has withdrawn his request.

Mr. ADAMSON. But I want to say something, anyway.

The SPEAKER. The gentleman from New Jersey is entitled to the floor.

Mr. HAMILL. I will yield to the gentleman.

Mr. ADAMSON. I want to say in this connection that in a few days there will be such an overwhelming demand from the people for the truth when the next President of the United States is notified—

Mr. MANN. I have just put that speech in the Record. [Laughter.]

Mr. ADAMSON (continuing). By the Democratic committee that we ought not to object to this little by-play, because the people will demand the notification speech of the next President of the United States. [Applause on the Democratic side.]

Mr. CANNON. If the gentleman will allow me a part of his time—

Mr. ADAMSON. Yes.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CANNON. Mr. Speaker, I ask for one minute.

The SPEAKER. The gentleman from Illinois asks to address the House for one minute. Is there objection?

There was no objection.

Mr. CANNON. In reply to the gentleman from Georgia, I just wanted to tell this little Sunday-school story.

Mr. ADAMSON. Where did the gentleman hear it. [Laughter.]

Mr. CANNON. The school-teacher was teaching some little boys and she read them of the fight between David and Goliath, where Goliath pranced out with his mailed armor calling upon his foes to give battle or to send a representative, when a little fellow piped up and said, "Skip that ma'am; he is blowing." [Laughter.]

EXPLOSION OF AMMUNITION IN NEW JERSEY.

Mr. HAMILL. Mr. Speaker, I desire to present to the House some considerations upon a subject with which they are no doubt familiar in a general way. On last Sunday, in the early hours of the morning, a terrific explosion occurred in Jersey City. The effects of the catastrophe were widespread. Buildings in New York City and in Jersey City and in all the sur-



rounding territory comprised within the Metropolitan district were rocked and wrecked, and the people, panic-stricken and in their night clothes, fled to the street. That Sunday morning will ever be remembered by the people in and around New York as a night of unspeakable horror.

It is for us to determine what we as the Congress shall do to prevent the further existence of the atrocious conditions which caused this widespread disaster.

The ammunition manufacturers of the country, the powder manufacturers, the bullet makers, those who traffic in the instruments of death, have turned Black Tom Island, an artificial peninsula connected with the mainland of Jersey City, into an arsenal for the use and convenience of the warring nations of Europe. The lives of people in the most congested portion of the country, 7,000,000 and more, are placed in hourly dread of death and property of incalculable value subjected to imminent destruction. And all this in order that the makers of these instruments of death may fatten their bank deposits on the profits which they harvest from their inhuman traffic. At this particular time I have no observations to offer upon that phase of the question—on the baseness and inhumanity of it—but I do say that if ammunition and high explosives are to be shipped out of the United States they ought to be shipped safely or not at all. Some other place should be found for loading them upon the boats than in and about the harbor of New York. Some other place should be found other than congested communities through which to move them at the peril of millions of human lives.

Mr. Speaker, I am glad the distinguished chairman of the great Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON] is now here to listen to what I have to say, because I desire to announce that I shall introduce a bill with which he will probably have to deal, providing that where ammunition is shipped for other use than that of the United States Army, its transit and its storage shall be subject wholly to the regulations of the community through which the commodity passes, particularly where this community is a railroad terminal located on a river, as is Jersey City, which fronts on the harbor of New York. This is the subjects to which I desire to call the attention of the House. The Interstate Commerce Commission claims to have the power to deal with this subject, though I do not think it has all the power it claims. Yet if you bring any case to the notice of the Interstate Commerce Commission they will send you to Col. Dunn, who is the head of the bureau of explosives. I know very little about Col. Dunn, except that he is a high scientific expert, and also a very honorable gentleman. He is the inventor of the explosive called "dunnite" and he is the head of the bureau of explosives, which is not a Government bureau, but a department established by the united railroads of the country from which source he draws his salary. When you go to the Interstate Commerce Commission they send you to Col. Dunn, and he decides the question whether or not these combustibles shall be allowed to remain in congested communities, how they shall be removed, and all the regulations concerning them. The result of that has been the unprecedented and horror-inspiring explosions which the people of my district and the people of New York experienced last Sunday. I do not make any charge against Col. Dunn, but I suggest this for your consideration. We know that judges are single minded in their efforts to do justice, and generally of high probity, and yet when a question is to be determined we preclude any judge from sitting who has an interest in the controversy, not because we believe him corrupt, but because we realize the natural tendency of a man's mind to be biased when dealing with a subject in which he is financially interested. The Interstate Commerce Commission has practically turned over the decision of questions regarding the shipping or storage of explosives to the railroads of the country. Let me remark that if they deal with other questions affecting the rights between the public and the railroads, if for example they deal with questions of freight rates and other such problems that come up for discussion in the same way in which they have dealt with this, it would be far better to end the hypocrisy and abolish the Interstate Commerce Commission altogether. Instead let us supplicate the railroads directly.

In a case such as I have described, where enormous quantities of intensely inflammable explosives are heaped in enormous quantities or brought in enormous quantities to a community, we should provide that the local authorities shall prescribe and enforce the regulations and conditions under which the traffic shall be carried on. I am not discussing the question of whether or not we should put an embargo upon the sale of arms and ammunition. I am not dealing with that phase of the question at all, although on one side of it I entertain some very

decided and unalterable convictions. I am just now calling to the attention of the House this entire matter and asking them to take it into consideration, so that when the bill which I will introduce comes up for passage, as I hope it will, they will be prepared to vote on it. I ask you to consider whether the lives of our people, the people of Jersey City and of the great city of New York, which pays one-tenth of the income tax of the country and in whose port two-thirds of the revenues that run the National Government are collected—whether those lives are to be kept in hourly peril of destruction in order that an arsenal might be constructed so that the bloody conflict which appalls the world and threatens the destruction of the white man's civilization in Europe may continue. I have faith in this Congress to rise to a recognition of its duty and to a determination to perform it. I believe you will think more of the safety of the Nation than that ammunition men should fatten their bank deposits and build prosperity on graves, and that when this bill comes before you you will give it speedy passage and thus remedy the unspeakable condition I have described. [Applause.]

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to extend the time of the gentleman for a couple of minutes in order that I may ask him a question or two.

The SPEAKER pro tempore (Mr. Dixon). The time of the gentleman has not yet expired.

Mr. ADAMSON. Mr. Speaker, as I understand the gentleman, he thinks the defect lies in the fact that the Interstate Commerce Commission relies solely upon Col. Dunn as to the transportation of the explosives in that part of the country.

Mr. HAMILL. It does in fact, though in law it has the power of its own motion to enforce proper regulations.

Mr. ADAMSON. But the complaint is that they rely largely on Col. Dunn alone?

Mr. HAMILL. The complaint is that in this respect they have been inefficient, and they do not manifest a disposition to be otherwise.

Mr. ADAMSON. But the detail of the gentleman's specific suggestion is that they leave it to Col. Dunn?

Mr. HAMILL. Yes; they do, and the colonel is the representative of the railroads, and while he is an upright man, and I do not say he purposely decides in favor of the railroads, it unfortunately happens that the decisions run that way.

Mr. ADAMSON. As I understand the gentleman, the remedy that he proposes in his bill is to refer it to the local authorities by law instead of allowing the commission to rely on Col. Dunn?

Mr. HAMILL. Instead of allowing the commission to deal with a situation of that kind, as they claim they have a right to do—though I question their right in this extraordinary situation—I propose to specify clearly by statute that in cases where explosive ammunition is made for shipment abroad and not for the use of the United States Army, the local authorities shall say whether it shall come into a community or whether it shall stay out, and if it does come in under what regulations it shall be stored or allowed to be moved in transit.

Mr. ADAMSON. Under the gentleman's view of the situation—

Mr. HAMILL. I merely want to say that by ammunition I mean dynamite and high explosives and all those other products which are intensely dangerous and explosive.

Mr. ADAMSON. Does not the gentleman think that if the commission would cease to rely exclusively on Col. Dunn, and give to the matter that attention the gentleman thinks the commission ought to give to a subject, that they would meet the emergency and take care of the situation?

Mr. HAMILL. You might as well expect a suckling infant to do without its wet nurse as to expect the commission in this instance to do without Col. Dunn.

Mr. ADAMSON. What will they do—

Mr. HAMILL. These regulations are drawn by Col. Dunn. They are regulations covering the storage and transfer of explosives.

Mr. ADAMSON. What will they do when he dies?

Mr. HAMILL. I do not know, but there will be a desolation that will be heart-rending to contemplate.

Mr. ADAMSON. I am perfectly willing to join with the gentleman, if he thinks it will meet the emergency, in persuading the commission to begin to train somebody else against the danger of Col. Dunn's death.

Mr. HAMILL. What I want, Judge ADAMSON—and I trust I may be allowed to break the rule by addressing the gentleman directly—is some effective legislation; and no doubt this bill will be referred to your committee and some proper way will be found to remedy this situation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULBERT. Mr. Speaker, I ask that the gentleman's time be extended for two minutes—I ask that he may have five minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the gentleman's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. I want to ask the gentleman a question.

Mr. ADAMSON. If the gentleman will permit, I merely want to call attention to this difficulty which the gentleman perhaps realizes he will encounter either in the committee or in this House, and that is that numerous propositions have in the past been made to localize the control of matters of interstate commerce, and they have not generally met with favor; and it may be they were not tried on the line of the gentleman's suggestion, which seems to be more reasonably likely to succeed than on a proposition to parcel out regulation and control by delegating it in any particular case to the local authorities.

Mr. HAMILL. I say this to the gentleman: That, of course, he knows that any bill discussed before his committee did not have to do with any such unprecedented situation. That may probably be an answer to his objection. However, let me say that what I want is some legislation to make the recurrence of the catastrophe of last Sunday impossible; and if the gentleman can suggest a better method than I have, I will most gladly and eagerly join with him.

Mr. ADAMSON. I appreciate that, and sympathize with the gentleman in his proposition; but this is the fact: Every community in this country in common rely upon this general agency to regulate their commerce, and if it is failing in this instance it might fail in the other instances; and it is to the interest of all of us to try to strengthen and improve the commission if it is not giving satisfaction in any part of the country.

Mr. HAMILL. I am very glad to hear the gentleman express those views. The commission ought to be strengthened. Something ought to be done with it.

Mr. HULBERT. Will the gentleman yield?

Mr. HAMILL. I will.

Mr. HULBERT. I would like to ask the gentleman if there is any conflict in jurisdiction between the police authorities of Jersey City and the police authorities of New York in respect to occurrences in the harbor of New York?

Mr. HAMILL. I understand there is no conflict in law and that there has been none in fact. I understand that by treaty between the two States Jersey City has jurisdiction for police purposes over the land; New York, instead of having authority as is the usual law to the middle of the stream, has police jurisdiction over all the waters and over crimes committed on boats, except where they are tied to the Jersey shore.

Mr. HULBERT. Precisely; in other words the legal situation as between New York and New Jersey in reference to what is termed the general harbor of New York, the port of New York, is that the State of New York has jurisdiction up to tidewater on the Jersey shore?

Mr. HAMILL. Police jurisdiction.

Mr. HULBERT. Police jurisdiction. Now, I would like to ask the gentleman if he is familiar with the terms of what is known as the State marshal's fire law, passed by the Legislature of the State of New York in 1911, which was intended to cover this very situation with regard to munitions in New York Harbor? Under it a State fire marshal was appointed, and he was given complete jurisdiction and supervision over the storage and sale and distribution of cargoes of ammunition in the harbor of New York. That law would have prevented a catastrophe of this character, but that law was repealed by the present legislature of the State of New York on the theory of economy.

Mr. HAMILL. The information imparted to me by the gentleman is new, yet interesting. What I want to know is the purpose of the question. What is the purpose in the gentleman's mind in asking?

Mr. HULBERT. It was simply to bring to the gentleman's attention the provisions of this law and ask whether if the gentleman is able to secure the enactment of the bill of which he has given us a brief outline and the statute in question could be reenacted, we could get security from the State of New York which would protect the harbor of New York and those cities which border on the harbor of New York from catastrophes of this character?

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from Illinois [Mr. WM. ELZA WILLIAMS] is recognized for 30 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I shall devote the time allotted to me to a discussion of the questions and issues

bearing directly on the presidential campaign upon which we are now entering. It is not my purpose to discuss any pending bill or matter before the House.

The candidates have been nominated and platforms adopted, and we know now as well as we will ever know the lines on which the battle will be fought. I have been very much interested, in fact, amused, at the dilemma in which our opponents find themselves in their desperate but futile attempt to locate an issue upon which they dare risk the outcome. Recently in Illinois a newspaper sent out inquiries to all Republican papers throughout southern Illinois, among which was this question: "What will be the issues of the approaching campaign?" There were 57 replies received to this inquiry, expressing various opinions, and there were just 57 distinct and separate varieties. No two papers agreed upon the same issue. Upon reading the Chicago platform, one can readily understand the embarrassment occasioned by this question propounded to these editors, when all the assembled wisdom of the Republican Party was unable to discover or present to the people in a party platform a single concrete issue upon which they can hope to challenge the attention of the public and base a successful campaign.

Recently there appeared an editorial in the Washington Post, a Republican paper, entitled "What are the issues?" In this editorial it is said:

There must be one or two big issues, preferably one, which will attract the attention of the country and induce it to vote the Democrats out of power. Until Mr. Hughes makes his acceptance speech the country will not know upon what target he will direct his fire. Will it be upon Mexico or the handling of the submarine situation; upon the tariff or upon some other domestic problem?

I had always supposed existing conditions make issues, and that issues could not be improvised or manufactured for the occasion. But it seems in this case, according to the Post, that the delectable privilege devolved on Mr. Hughes to manufacture an issue, and that the country was required to await Mr. Hughes's pleasure, not only in discovering but in advising the Republican Party what the issues of the campaign would be. Ordinarily we would have recourse to the opposition platform for the issues, and what arguments will be advanced or assigned as a reason for a change of administration; but we read the Republican platform this year in vain in an effort to locate an issue, and Candidate Hughes manifestly found himself embarrassed for a source of inspiration.

Now that Mr. Hughes has spoken, we know about as much as we knew before. The mountain labored, and gave forth a mouse. His "masterly effort" is the cheap production of an overcharged candidate, who bartered a place on the Supreme Bench for the empty honor of a Republican nomination for President. That which is expected and long heralded oftentimes proves disappointing, and if Democrats are amused and gratified at the total failure of the Republican candidate, upon whom devolved the great and responsible task of giving birth to an issue, to come across with something resembling an issue upon which a campaign could be prosecuted with respect and dignity becoming a one-time great political organization, what must be the chagrin and mortification of those who with anxious hearts, earnest expectation, and fervent hope looked forward to a new prophet to lead them from the darkness into the light, and point the way to the promised land and lead them again to the pie counter! Almost the only issue I have been able to discover, and I think I have diagnosed the case fairly well, is Pie, Plums, and Pork v. Peace, Prosperity, and Preparedness. Upon this issue we confidently go before the country with assurance of Democratic victory.

Three-fourths of Mr. Hughes's speech of acceptance is devoted to our foreign relations, and incidentally to the question of preparedness. The remaining fourth is devoted to domestic questions, and amounts to a ratification of the accomplishments of the present administration. The Mexican policy comes in for a third of the space and time occupied, and is a strained, labored, and far-fetched effort to create an issue by marshaling trivial and incidental matters, and attempting to manufacture a mountain out of a mole hill. To me it is a sad spectacle to witness the example of one at least reputed to be great, whatever the fact may be, who so recently and until he became imbued with political ambition occupied a place on the highest tribunal in the land, attempting to play politics in discussing questions of state about which he knows so little, and playing the part of a pettifogger in attempting to deceive and mislead the public, and to fabricate issues without basis or foundation. I could understand why a Justice of the Supreme Court might feel called upon to resign his high place and offer himself a sacrifice to a political cause where conditions warranted and his country called, but I can not understand the motives that actuate one who would leave that high station and become a mere instru-



ment of a party in an effort to create fictitious issues upon which to restore a party to pelf and power. The evident purpose and intent of Mr. Hughes's speech is to deceive, mislead, and create prejudices and arouse sentiment against the present administration, without regard to the merits or demerits of the case. He sympathizes with the old assassin, Huerta, and criticizes and condemns Mr. Wilson because he did not defile the spirit of American institutions by the recognition of one who exercised the functions of President of the Mexican Republic by virtue of the most cold blooded, heinous, and abhorrent crime known to the modern world, and attributes the present difficulties in Mexico to the refusal of the President to take Huerta to his bosom and welcome him and his administration within the sisterhood of American States. It is fair to presume that Mr. Hughes, if President, would have done that which he condemns Mr. Wilson for not doing, and if that in public estimation constitutes an issue, we welcome it. I am persuaded that the American people are interested more in what will occur in Mexico in the future than in what has already happened, and will hardly appreciate as an issue a past incident in which they have so little concern.

Mr. Hughes criticizes the landing at Vera Cruz and utterly condemns the administration for withdrawing without compelling a salute to the American flag, without restoring order in that distracted country, and without maintaining a government by force. In other words, Mr. Hughes would have had war and not peace; he would have pursued the course of the aggressor, the high-handed intruder, the invader, and the subjugator, and would have refused, I presume, to submit the questions then in controversy between Mexico and the United States to the representatives of the three great Latin-American Republics, who adjusted the difficulties and deferred, if not avoided, an open break and rupture between the two countries. If the Vera Cruz incident, which is past, constitutes in the public estimation an issue upon which a great presidential election shall turn, we welcome the issue.

Mr. Hughes criticizes the Wilson administration for its failure "to perform its obvious duty to secure protection for the lives and property of our citizens," and says:

It is most unworthy to slur those who have investments in Mexico in order to escape condemnation for the nonperformance of this duty.

Who are those who have investments in Mexico for whom Mr. Hughes's heart bleeds, and whose unprotected rights appeal so strongly to his emotion? They are the Falls and the Hearsts, and the hundred and one American adventurers and capitalists who have taken their chances and are engaged in exploiting the resources of Mexico, and who would have the United States intervene for the enhancement of the value of their investments. They are the men who have created a sentiment in this country in favor of intervention and who condemn the President because he has not openly declared war, or that which is equivalent—armed intervention—for the restoration of order and the so-called protection of the rights of these selfsame individuals. Last year I was traveling in California, and I engaged in conversation on a train with one of these American capitalists who had money invested in a large mining enterprise in Sonora. He was severe in his criticism of President Wilson because he had not forcibly intervened, and assigned as a reason the fact that he and his associates had had to virtually abandon their mining enterprise for the want of adequate protection. He told me that they had several hundred men employed, and that they had to operate their mines virtually under arms, and that their profits were greatly curtailed by reason of the inconvenience and expense occasioned thereby. I asked him if he could not have continued to protect his property and operate his mine, and he said he could have done so but it would have been attended with some risk, and for that reason they had shut down and moved out, and he thought it the duty of the administration to send an army down there for the assertion of his rights and the protection of his property. I said to him, "You abandoned your property because there was some risk attendant upon its operation, because possibly your life was jeopardized if you remained there to conduct it, and yet you say that the President should have sent the youth of America, my friends' and neighbors' boys, down there to hazard their lives for that for which you would not risk your own." This is the class of individuals who have investments in Mexico, and for whom Mr. Hughes's heart bleeds so profusely. If this be considered an issue, if the failure to protect the lives and property of high-handed adventurers and exploiters of a foreign people constitutes an issue in American politics, we welcome the issue.

Mr. Hughes in one line criticizes the administration for placing an embargo on the export of munitions of war to Mexico, and in the same paragraph condemns the President for modifying

that order and permitting munitions to be supplied to the de facto government, and has not the temerity or courage to say which he would have done under like circumstances or which he will do in the future in the event he should be empowered with the authority to act. He finds fault with both sides of the transaction and leaves the public to guess which course he would have pursued.

Mr. HILL. Mr. Speaker, will the gentleman permit an interruption?

Mr. WM. ELZA WILLIAMS. In just a moment.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes; I yield with pleasure.

Mr. HILL. I ask the question, not with any idea of embarrassing the gentleman or criticizing the line of his argument. I think the question is an important one. What have we to do in the future with reference to the action of our mercantile establishments which, under the pending bill, which is before the Committee on the Judiciary and which was recommended by the Federal Trade Commission, authorizes action with reference to foreign countries, with reference to banks which are authorized to be established in foreign countries? Are we to abandon them and leave them unprotected on foreign shores? It is a great question. We authorize the establishment of branch banks in all the countries of the world, and merchants and financiers and bankers are invited to establish branches in foreign countries. Must we abandon them?

Mr. WM. ELZA WILLIAMS. In reply to the gentleman's question, I will say that we must treat Mexico as any other foreign country, however unstable the Government may be; just as we would look to England or Germany for the security of our citizens there, and hold them responsible for the protection of our rights. We will have an accounting with Mexico some day, as we will have with England and any other foreign Government which has infringed our rights.

Mr. HILL. Then American citizens under these circumstances would be very chary about carrying American enterprises into foreign countries.

Mr. WM. ELZA WILLIAMS. I should presume a prudent American citizen would be very chary about carrying his business into Mexico until they have a stable government there.

Hand in hand with his criticism of the President for his failure to take Huerta to his bosom Mr. Hughes castigates the administration for recognizing Carranza, who secured his position as de facto President, not by murder, not by assassination, not by intrigue, not by crime, but by virtue of the will of the Mexican people in so far as the election machinery of that country permitted their will to be recorded, and who was the only authority after Huerta abdicated, or was driven from power by the lashes of Mr. Wilson, who could exercise governmental functions and enforce and protect international obligations. Why does Mr. Hughes execrate Carranza and extol Huerta, except it be to take issue with the President?

Mr. Hughes grows pathetic when he refers to the fact that the entire National Guard has been ordered out and many thousands of our citizens have been taken from their peaceful employment and hurried to the Mexican border, and at the same time demands from Mexico the protection of the lives and the property of our citizens and the security of our border from depredation. Just how he reconciles his disagreement with the President over sending the National Guard to the border for the protection of our territory against bandit incursions with the declaration that we demand from Mexico the protection of the lives and property of our citizens and the security of our border from depredations, I am at a loss to understand. What does he mean—that he would have declined to send the National Guard to protect the border and left our citizens on the border defenseless against marauders and irresponsible bandits, or would he have done just as Mr. Wilson has done, send all available Regulars and the National Guard for the defense of the lives and property of American citizens and the protection of American soil from hostile invasion? And what does he mean when he says, "We demand from Mexico the protection of the lives and property of our citizens and the security of our border from depredations"? Does he mean war? What else can he mean? Wilson has maintained peace with Mexico first by submitting the questions in dispute at the time of the occupancy of Vera Cruz to representatives of Latin American Republics and now by diplomatic negotiations, which promise a successful outcome and the speedy return of our National Guard to their homes and their families. There was and is but one other course open, and when Mr. Hughes takes issue with President Wilson it must be that he would have pursued, and if President would now pursue, a different course and by forcible intervention, war, have enforced the protection of the rights which he says we demand.

Why was not Mr. Hughes open and frank with the American people? Why does he not take them into his confidence and say just what he means, what he would have done or would do under like circumstances? Why does he leave so much to inference and convey so little by implication? If such indifferent, uncertain, inferential, deceptive, and misleading attitude constitutes an issue in American politics, we welcome the issue.

I can tell you what it all means. There is but one alternative. It is peace or war. It is Mr. Wilson's policy of peace or Mr. Hughes's policy of war. Hughes had not the courage to say what he means; but there is but one conclusion, and that is the reverse of what Mr. Wilson has done and the reverse of what he has accomplished. Mr. Hughes means war with Mexico under the guise of protecting the lives and property of Americans who are exploiting that country. He means just what "Uncle Joe" CANNON means in his recent contribution to the New York Independent, except he has not the courage of "Uncle Joe" and is too delicate in his machinery or too fearful of the consequences to say so. "Uncle Joe" said:

If I had supreme power I would go into Mexico not as an excuse. I would go into Mexico and have the manhood to say that we can not have permanent peace, that you can not be protected in Mexico, that we can not be protected in the United States, until there is set up in Mexico a government, a military government, a government of force to start with; and then, after setting up a government of that kind, let it be administered until a Mexican is found who is strong enough to maintain order in that country.

Mr. Hughes further says:

I think it little short of absurd that we should be compelled to call men from their shops and factories and offices and their professions for such a purpose.

I would ask Mr. Hughes, I will ask his sponsors on this floor, I will ask the Republican press of the country, which is working overtime trying to pump up a little enthusiasm as the ostensible result of Mr. Hughes's great speech, where would he get the men in these prosperous times, in this Democratic epoch, except from the shops, the factories, the offices, and the professions? Would he summon the idle farm hand and the loafer on the streets? And if he means that he would rely on the Regulars, I will ask somebody who stands sponsor for him where he would procure his Regulars? He evidently forgot when he uttered that phrase that he is living in an era of Democratic supremacy and wholesome prosperity and was carried back in his mind to the days when Republicans were in power and soup houses flourished, when the empty dinner pail dangled in the faces of ragged mothers and starving children. He evidently forgot that we now live at a time when we not only have a full dinner pail, but a full market basket, a full stomach, and a full purse [applause on the Democratic side], and that there is no source of supply to recruit the militia or the Regulars except from the farm, the factory, the workshop, the offices, and the professions.

Mr. DENISON. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes; with pleasure.

Mr. DENISON. I would like to ask my colleague if he approves the course of the President in sending the fleet and landing the Marines in Vera Cruz in order to obtain a salute to the flag of a certain number of shots?

Mr. WM. ELZA WILLIAMS. I would have preferred that my colleague had raised that question when I was discussing that phase of the case. But I will say that the fleet was not sent there to demand a salute, and it was not retained there for that purpose. It was sent there and remained there to enforce the just rights of our country, and it remained there until the intervention of the South American Republics, who proposed to arbitrate the matter and peacefully adjust the questions in dispute.

Mr. DENISON. Does the gentleman understand that the South American diplomats did arbitrate the matter and settle the dispute?

Mr. WM. ELZA WILLIAMS. Yes. They were in session at Niagara Falls for weeks, and did settle the matter to the satisfaction of both countries.

Mr. DENISON. Will my colleague tell me where we can find the results of that arbitration?

Mr. WM. ELZA WILLIAMS. I assume it is a matter of record in the State Department.

Mr. DENISON. Will my colleague define what it was?

Mr. WM. ELZA WILLIAMS. I do not recall now just the form of the questions presented to the arbitrators for settlement. It involved the question of the withdrawal of the American troops from Vera Cruz, and the assurance upon the part of the Mexican Republic that it was not only able to, but would, maintain peace and protect the rights of foreigners.

Again, Mr. Hughes criticizes the President for "being stronger in words than in deeds." Words are the precursor, the harbinger of peace; deeds of war. There is no last word between friends, but when deeds take the place of words war is the inevitable consequence. He says the present administration "has been too much disposed to be content with leisurely discussion." There is no disguising the thought in Mr. Hughes's mind. He hedges, he sidesteps, he trims, he equivocates; he breathes the spirit of war and professes to love peace; he dangles armed intervention before the Mexican exploiter, and holds out the olive branch of peace to tempt the vision of the peace-loving mothers of the land, and imagines that he is fooling the people. Such dope deceives no one. I have too much confidence in the wisdom, the good sense, and the integrity of the American voter to believe that he can be caught by chaff, by claptrap, such as indulged in by this erstwhile justice—"just-ice."

The most amusing part of Mr. Hughes's remarkable production is the veiled, disguised, and timid allusion to the foreign influences which have operated to violate international law and to place our country in an unneutral position with relation to the European war. He timidly, delicately, and reluctantly refers to the plots and conspiracies in the interest of a foreign nation. He had to say something on this question in order to satisfy the inveterate Teddy, who had labeled him "my candidate," and who sat in a near-by box and acknowledged a loving salute. Mr. Hughes approaches this momentous question with a delicacy unbecoming the candidate of a great political party for President. I wonder how his "pussy footing" appeals to the imagination of the robust Teddy, whose vigorous thrusts always hit the bull's-eye. Mr. Hughes's handling of this question is a sly, a cunning bid for the German-American vote, but I apprehend is too raw to deceive or mislead one of them.

He had to take a fall out with the administration, however, on this question, and uses this significant phrase:

As soon as the administration had notice of plots and conspiracies it was its duty to stop them. It was not lacking in resources. Its responsibility for their continuance can not be escaped by the condemnation of others.

By "others" I presume he means those who were engaged in these nefarious practices, whom Mr. Wilson so emphatically condemned in a recent message to Congress. I call attention to the fact that these plots and conspiracies were stopped. It took some time to ferret out and locate the influences behind them and to rid our country of those foreign representatives who were promoting them, but they were stopped. There is no well-grounded suspicion, I hope, that the recent deplorable explosion on the Jersey shore opposite the city of New York was the result of a plot or conspiracy in the interest of any foreign nation.

If Mr. Hughes means by this part of his speech to present an issue to the American people in this campaign between America and Americanism on the one side and foreign influences and conspiracies, depredations, and crime against our country and our flag, we welcome the issue, and are ready to submit our case to the great American jury. [Applause on the Democratic side.]

But why does he not say what he means? Why does he carp and criticize and find fault without indicating what course he would pursue under like circumstances, whether he would tolerate foreign representatives who under the protection of the American flag were plotting and scheming and contriving to violate international law and drag our country into war, or whether he would have done as Mr. Wilson has done, give them their passports, and give notice to the world that no divided allegiance can be tolerated beneath the American flag, but that all who profess citizenship, enjoy the benefits of American institutions, and profit by the protection of the American flag must respect and obey the laws of this country, honor its flag, and promote its material and spiritual welfare, or get out? [Applause on the Democratic side.]

Incidentally, and in connection with the foreign policy of this Government, to which subject Mr. Hughes devoted such a large part of his remarkable speech, he discusses the question of preparedness, and arrogates unto the Republican Party and to the invincible Teddy, all credit for the discovery of this important question, and issues to the Republican Party letters patent. He says: "It is apparent that we are shockingly unprepared." We are, but who is responsible for it? [Applause on the Democratic side.]

The greatest, the busiest, and most successful administration since the lamented Lincoln conducted to a successful issue the great Civil War has had but three years within which to construct new legislation and carry out the reforms demanded by the people, and to undo the wrongs, retrace the steps, and remove the rocks which wrecked the Republican Party. There is, and can be, no cause for complaint that this administration has not within the brief period of three years created a great military



and naval establishment, adequate to contend with the great nations of Europe, which have for a quarter of a century devoted their whole resources to the building up of a military establishment in preparation for the very war in which they are now engaged. If we are shockingly unprepared, who is to blame? For 16 years the Republican Party was in the absolute and undisputed control of every branch of the Federal Government. When the present administration came in we had less than 90,000 men in the Regular Army, and our Navy had been relegated from second to fourth place among the navies of the world.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I ask for an extension of 15 minutes?

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes more. Is there objection?

Mr. MANN. Mr. Speaker, without objecting, I merely wish to say we have two or more hours of speeches and we want to pass some bills.

Mr. WM. ELZA WILLIAMS. This is the first opportunity I have taken to address the House for some time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WM. ELZA WILLIAMS. It is not possible to reconcile the extravagant declarations of Mr. Hughes for a great military establishment with the characteristic and evidently insincere declaration that "we should not have found it difficult (during the submarine controversy and other foreign complications) to maintain peace, but we should have maintained peace with honor. During this critical period the only danger of war has lain in the weak course of the administration." This is the first assertion from high authority to which my attention has been directed that the President's policy created the only danger of war which has confronted us the last two years. Mr. Bryan resigned from the Cabinet because he regarded Mr. Wilson's attitude as too severe and calculated to involve us in war with Germany. To say that it was not difficult to maintain peace is to belie the fact and insult the intelligence of the American people, who trembled for months on the brink of war, and to say that the course of the administration was weak is to speak without regard to the truth and to invite a challenge of his honesty, for the world knows that nothing but the resolute and determined policy of Mr. Wilson brought to terms in the submarine controversy, without bloodshed, the greatest and most powerful people, and the most arrogant and defiant ruler the world has known. [Applause on the Democratic side.]

And with the manifest purpose of further discrediting Mr. Wilson and depriving him of the credit to which he is justly entitled, and the belittling the success of this administration in maintaining peace, Mr. Hughes again remarks, in speaking of the Mexican situation and the sending of the National Guard to protect our border, that "the exigency, comparatively speaking, was not a very grave one." At the same time, and in almost the same breath, Mr. Hughes deprecates our unpreparedness and the fact that a show of strength and resolute purpose would have avoided the Mexican situation.

There is a lack of consistency, a want of sincerity, a manifest purpose to deceive, a spirit of demagoguery, an assumption of superiority, an extravagant, inconsistent, and irresponsible assertion and import running through every phrase and line of Mr. Hughes's speech, an analysis of which is all that is necessary to convince the thinking that after all he is but a politician, seeking political preferment at any cost.

There is no room for an issue on the question of preparedness unless it be that Mr. Hughes takes issue with this administration because of its big naval program. Mr. Hughes demands a great standing army and belittles the administration's naval program, when everyone with an ounce of brains knows that with a large navy sufficient to protect our coast and intercept the enemy at sea and prevent their securing a foothold on our soil, we have no use for a large army, except to protect the border and suppress insurrection, labor riots, and strikes. It is evidently for the latter purpose that Mr. Hughes would erect a great military establishment and quarter a large standing army on the American people. He inferentially criticizes the administration's preparedness program, but does not dare, and has not the courage to take direct issue. With characteristic evasion, Candidate Hughes employs this indefinite language, leaving it to inference and doubtful construction as to the kind of military service which he favors: "I believe that the first citizen reserve subject to call should be enlisted as a Federal army, and trained under Federal authority." Just what does he mean? Does he favor compulsory service and universal

military training? Why does he not take the people into his confidence and frankly tell them just where he stands? If he intends to be fair, if he is not playing politics, why does he imply everything and say nothing? If honest, why does he so phrase his declaration that it may be variously construed to suit the particular whim of each individual reader? Mr. Hughes is a lawyer, is said to be a good lawyer, and knows what implication, what inference, what doubtful construction means and the inestimable advantage in being able to subsequently construe and explain his words so as to conform to any attitude he may assume or policy he may adopt.

In this connection I desire to invite attention to the administration's preparedness program, as the same is pending in conference. The appropriations for preparedness, as they now stand, are as follows:

Army	\$313,970,447.10
Navy	315,826,843.55
Fortifications	25,748,050.00
Military Academy	2,238,328.57
Army and Navy deficiency	27,559,348.05
Total	685,343,017.27

This enormous amount ought to satisfy the demands of the most exacting, and no doubt is accepted by Mr. Hughes with mental reservations and regret, but he is not fair enough, he has not the courage to approve it while indulging his criticism of the administration, to whom no credit attaches, in his mind, and for which he has not a kind word.

Finally, after six columns of words, Mr. Hughes ventures to briefly discuss domestic affairs and informs the public that we are living in a fool's paradise. I admit that this is paradise and that there are some people living in it who do not vote the Democratic ticket. He says:

The temporary prosperity to which our opponents point has been created by the abnormal conditions incident to the war.

I have heard before from high Republican authority, I have heard it said on this floor, that our prosperity is only temporary, and I sometimes think that the wish is father to the thought, and that there are Republicans so devoid of patriotism, so obsessed with the desire for Republican supremacy that they would gladly know that at the close of the European war a collapse would follow and that destitution and want would stalk throughout the land. I can not believe that the picture drawn by Candidate Hughes of conditions that will follow a rejuvenated Europe can be anticipated within many years. It will take a generation to restore the waste of war and to reinstate Europe to the position she formerly occupied in the industrial world. Millions of her best men, the youth and flower of her people, have been killed in battle and died of disease and other millions maimed and crippled for life. It will be with them a struggle for existence, and I do not apprehend that the warring nations will be rivals in the world's markets for years to come.

It is a mistake to assume, as Mr. Hughes does, that munitions have been the great source of revenue and constitute any considerable part of our trade with foreign nations. The export of munitions of war constitutes but 10 per cent of our foreign trade, and the suspension of this trade at the close of the war will scarcely create a ripple in the industrial world. The number of men engaged in the manufacture of munitions is a very small per cent of all the men engaged in industrial pursuits, and can readily find employment at remunerative wages in other lines. Mr. Hughes and his associates know and feel the influence that prosperity, which abounds on every hand, will have on the approaching election, and seek to offset it by sounding a false alarm. They know that labor is employed at the highest wages ever known and entirely content with its lot. Labor wants no change. They know that industrial enterprise is reaping greater profits than at any time before in the history of the country and that capital and industry are content with conditions as they are and want no change. They know that agriculture was never more profitable and that domestic trade and commerce is abundantly awarded and want no change. The alarm sounded by the Republican candidate that a protective tariff is necessary for the preservation of American manufactures has no lure for them. They realize that the Underwood tariff law now in operation has been a great success and has produced revenue in excess of the most sanguine expectations of its friends; that under its operation the Treasury of the United States has a surplus never exceeded but once in the history of the country and that our export trade has multiplied many fold; that profits were never greater and that legitimate fortunes were never amassed with as little effort.

Will Mr. Hughes, or some one sponsor for him, explain how it is that the bank deposits of Oklahoma, where no munitions are manufactured, have increased 100 per cent since 1912?

Will some Republican spellbinder kindly explain how 57 per cent increase in building improvements in the Northwest this year is

due to the European war? There have been three billion increase in bank resources since 1912. Will some one explain how this enormous increase in bank resources is due to a protective tariff?

The American farmer produced in three years of the present Democratic administration a yearly income \$1,000,000,000 greater than under the preceding Republican administration. Will some one explain why this is so and on what theory he expects to turn the farmer vote against Mr. Wilson?

There have been 187 wage increases in 34 States to the army of mechanics engaged in the building trades. Every dollar they earn is for America's permanent improvement. Will some one please explain what the European war has to do with the building of homes in the United States?

In four weeks, ending July 8, the Textile World Journal reports 100 new mills, and 135 expansions in prospect. American textile manufacturers are now shouting "The world is our market." The greatest volume of textile exports under the Republican Payne-Aldrich tariff, in 1913, was \$60,000,000; under the free wool schedule of the present Democratic tariff exports of woolen goods alone rose from \$4,000,000 to \$54,000,000, while total textile exports exceeded \$170,000,000.

Will Mr. Hughes explain, if American prosperity is due to the war munitions output, why bank deposits in the Central West and Northwest have increased 50 per cent, while Delaware, where the Du Pont Powder Works are located, is the only State in the Union showing a decrease in bank deposits in the past four years?

Mr. Hughes declares for a tariff commission, with complete power to gather and compile information for the use of Congress in all matters relating to the tariff. The Democratic and Republican platforms declare in favor of a tariff commission, and the House, since the adjournment of both conventions, has passed a law creating a tariff commission, which will soon pass the Senate and become a law, and according to Republican theory and professions heretofore made, the tariff as a political issue is removed from politics and can not enter into the consideration of the voters in arriving at their choice of candidates and parties in the coming election. It is for this reason I assume that Candidate Hughes devoted so little space to this question which in all former campaigns has constituted the one great question about which the lines of battle were drawn. It is refreshing to know that at last the tariff is removed from the political arena, and that henceforth it may be treated as a business proposition, and that tariff schedules may in the future be changed without friction or business disturbance upon the recommendation of the tariff commission, and adjusted to suit varying conditions from time to time without resorting to a general revision, which always disturbs business and unsettles trade.

The remainder of Mr. Hughes's speech consists in an affirmation, or ratification, rather, of Democratic legislation. He advocates the building of a merchant marine, which has been destroyed under Republican rule, and which is about to be restored by the ship-purchase bill, which recently passed the House, and promises certain to pass the Senate and become a law.

He makes the assertion that "We have determined to cut out root and branch monopolistic practices." Many will look upon a declaration of that character from a Republican source with much suspicion and misgiving, but in view of the fact that by the provisions of the Clayton antitrust law, we have already restrained monopoly and curbed the trusts, the most we can credit to Mr. Hughes is an unintentional ratification of Democratic legislation to this end. He declares himself for it because it is an assured fact and meets a popular expectation and demand.

He declares for the regulation of our transportation system, and the development and expansion of transportation facilities, which has already been adequately provided for by a Democratic Congress. He is rather late in his pronouncement but, no doubt, concluded it to be the popular thing to do.

He declares in favor of "The conservation of the just interests of labor," which has been so adequately safe-guarded by Democratic legislation. He favors an adequate Federal workman's compensation law, and in fact, unwittingly indorses the workman's compensation law which recently passed the House, and is now pending in the Senate.

The professions and pretenses in favor of labor are in direct contrast with the record of Candidate Hughes, who, when Governor of the State of New York, vetoed the two-cent fare bill and the workman's eight-hour law.

Mr. COX. Mr. Speaker, will the gentleman yield there?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. WM. ELZA WILLIAMS. Yes.

Mr. COX. Is not his present record in contradiction to what his record was when he wrote the decision in the Danbury Hatters' case?

Mr. WM. ELZA WILLIAMS. Yes; it is. I regret I have not the time to discuss the legal phases of that case. The Danbury Hatters' case involved the question of a boycott, in which Justice Hughes concurred in the opinion imposing or sustaining an enormous fine against a number of workmen for refusing to patronize and interfering with the trade of a nonunion shop, which operated to deprive them of the very roofs above their heads. There were 186 defendants, all union men, and a fine imposed against them of \$300,000. The Federation of Labor issued an appeal to labor and has succeeded in raising by contribution about one-half the amount of the fine in an effort to enable them to save their homes.

Mr. Hughes also declares for an "effective system of rural credits and the wise conservation of our natural resources," both of which have been provided for by recent legislation. It is indeed strange that Mr. Hughes, until he became a candidate for President and found that his opponent had preempted the field and attached to himself great credit for all this beneficent legislation so long sought by the country and for 16 years deferred by the Republican Party, had not discovered any merit in the just demands of labor, of agriculture, and of business for this necessary and wholesome legislation, and that for the first time a Republican candidate is found approving constructive legislation of this character.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes.

Mr. GALLAGHER. Do you think he has any show of being elected?

Mr. WM. ELZA WILLIAMS. You mean President Wilson?

Mr. GALLAGHER. No; I mean Mr. Hughes.

Mr. WM. ELZA WILLIAMS. I do not think he has the least show in the world. [Applause on the Democratic side.] I know my colleague would not expect any other answer, knowing that he is informed as to the conditions.

Mr. GALLAGHER. Has he any show of carrying your district?

Mr. WM. ELZA WILLIAMS. I have no district. I represent my State at large, but he will be beaten in the district in which I live by 10,000, and I am free to say that Illinois will line up again in the Democratic column and cast its electoral vote for Mr. Wilson. [Applause on the Democratic side.]

Mr. CANNON. Will my colleague yield to me?

Mr. WM. ELZA WILLIAMS. I yield with pleasure.

Mr. CANNON. Would my colleague advise me to warn Mr. Hughes to withdraw?

Mr. WM. ELZA WILLIAMS. Well, I would prefer that the gentleman not do that. I fear you might nominate somebody who could give us a race. [Applause on the Democratic side.]

Mr. Speaker, I have carefully analyzed Mr. Hughes's long-heralded effort with the hope of finding some great, tangible, lucid, concrete issue that would challenge the attention of the country, but have looked in vain. In nine days what Mr. Hughes has said in his desperate attempt to create a fictitious issue will be forgotten and the minds of the people will revert to the accomplishments of this administration and rejoice in the assurance that preparedness is an accomplished fact, that unexcelled prosperity abounds throughout the land, and that peace, under the wise diplomacy of President Wilson, is the inheritance of America. [Applause on the Democratic side.]

#### ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry. This being Calendar Wednesday, is it in order to call the committees?

The SPEAKER pro tempore. The understanding of the Chair is that there was an agreement as to the speeches that were to be delivered this afternoon, and that the gentleman from Missouri [Mr. BORLAND] was to be recognized.

Mr. ADAMSON. The gentleman from Missouri [Mr. BORLAND] secured his consent subject to our bill.

Mr. BORLAND. Mr. Speaker, I am not sure but what the time to raise the question whether the committees should be called on Calendar Wednesday has already passed. It is true that when I asked unanimous consent to speak this afternoon I agreed that if the Committee on Interstate and Foreign Commerce were ready to present their bill I would yield for that purpose, and if the chairman of the Committee on Interstate and Foreign Commerce wants to bring up a public measure I would let him precede the special order.

Mr. MANN. I do not think that was confined to the Interstate and Foreign Commerce Committee.

Mr. BORLAND. Yes; it was confined to the Interstate and Foreign Commerce Committee.



Mr. MANN. Oh, I made the inquiry about reaching the Committee on Interstate and Foreign Commerce. They could not be reached until another committee was called.

Mr. BORLAND. That was the substance of it.

Mr. ADAMSON. I am very much obliged to the gentleman for his affability, though it is not entirely applicable to this case; but it shows that if the occasion arose he would be clever. It is never too late to make the point that this is Calendar Wednesday. It is very customary here to let some other things be taken up by unanimous consent before we go to the call of committees on Calendar Wednesday.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Missouri [Mr. BORLAND] whether it would be agreeable to him to let his speech go over until Friday, if we do not have time for it after disposing of two or three bills this afternoon? I do not want to interfere with the gentleman's speech.

Mr. BORLAND. Mr. Speaker, that would be perfectly agreeable to me, but it would not be agreeable to me to have other speeches precede mine.

Mr. MANN. Oh, no.

Mr. ADAMSON. I think the gentleman's speech will be the unfinished business on Friday morning.

Mr. BORLAND. When I found to-day that another speech, by unanimous consent, was to precede mine, it seemed to me that that was not quite the spirit of the understanding.

Mr. MANN. That was a little different matter, on account of the emergency caused by the explosions over at New York.

Mr. BORLAND. I think the gentleman from New Jersey is entitled to be heard in his turn, like everybody else, and not in any other way.

Mr. ADAMSON. I hope the gentleman will have consent to speak, but Calendar Wednesday comes seldom these days, and there are one or two things that ought to be disposed of.

Mr. BORLAND. It is perfectly manifest that if there is any public business before the House the House ought to consider it.

The SPEAKER. This is the way of it: Of course, this is Calendar Wednesday, and ordinarily the committees would be called, but the House made a unanimous-consent order that the gentleman from Missouri [Mr. BORLAND] should have one hour—

Mr. ADAMSON. Mr. Speaker, I beg the Chair's pardon. The RECORD shows that he agreed to follow the bills that I might want to call up. He admits that.

The SPEAKER. Does the Interstate and Foreign Commerce Committee come first on the call?

Mr. ADAMSON. Very nearly. I understand there is one other matter that comes first.

Mr. MANN. There is one other bill that comes ahead of it. The SPEAKER. The Chair wishes the gentleman from Missouri would read what the RECORD shows.

Mr. BORLAND. I will refer the Speaker to what was said.

Mr. ADAMSON. The gentleman from Missouri admits that we had that understanding, without looking up the RECORD. It is very painful to me to try to insist on calling up our bill instead of letting the gentleman speak now.

Mr. BORLAND. It is very painful to me to insist on speaking. We might as well straighten it out. Mr. Speaker, the RECORD is as follows:

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that on next Wednesday, after the special orders that have already been made, I may address the House for one hour.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that on Wednesday next, after the special order is disposed of, he be allowed to address the House for one hour. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have no objection to the gentleman addressing the House. A number of gentlemen on this side want opportunity to address the House at an early date, but it is quite possible that on Wednesday the House may want to consider some bills on the Wednesday Calendar from the Committee on Interstate and Foreign Commerce.

Mr. BORLAND. I understand that.

Mr. MANN. If it is done, the gentleman from Georgia [Mr. ADAMSON] desires to proceed.

Mr. BORLAND. I do not want to interfere with anything that comes up before the House that the House desires to consider in the ordinary course of its business.

So I had no objection to the bill from the Interstate and Foreign Commerce Committee, because I felt that the agreement was clearly to that effect, but my place on the calendar, I think, is subject only to that agreement.

Mr. MANN. I hope the gentleman will not look at it quite in that way, because the Committee on Coinage, Weights, and Measures precedes the Committee on Interstate and Foreign Commerce. There is a bill that I think will take only a moment—

Mr. BORLAND. It might be like the lime bill.

Mr. MANN. It might, that is true.

Mr. ADAMSON. If so, our committee will be knocked out, too.

The SPEAKER. In order to give the gentleman from Georgia the right to get in ahead of everybody else on this call of committees he would have to get unanimous consent.

Mr. ADAMSON. The gentleman from Illinois thinks that the only remaining bill ahead of our committee will require only a moment or two to dispose of. I am perfectly willing to have the calendar called.

The SPEAKER. The Chair thinks, from the excerpt that the gentleman from Missouri read, he will have to wait until the gentleman from Georgia has disposed of his bill. The Clerk will call the first committee.

Mr. MANN. I think it is perfectly safe to let the gentleman from Missouri go ahead and take up the bills after he gets through.

Mr. ADAMSON. The gentleman from Missouri is perfectly willing to wait.

#### CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the first committee.

The Clerk called the Committee on Banking and Currency.

Mr. ADAMSON. I ask that that be passed without prejudice.

Mr. MANN. Oh, they do not want to be passed without prejudice.

The Clerk called the Committee on Coinage, Weights, and Measures.

#### BASKETS FOR FRUITS, ETC.

Mr. REAVIS. Mr. Speaker, I call up the bill H. R. 17058.

The SPEAKER. Is the gentleman authorized by his committee to call it up?

Mr. REAVIS. I am.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17058) to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes.

*Be it enacted, etc.,* That standards for Climax baskets for grapes and other fruits and vegetables shall be the 2-quart basket, 4-quart basket, and 12-quart basket, respectively:

(a) The standard 2-quart Climax basket shall be of the following dimensions: Length of bottom piece, 9½ inches; width of bottom piece, 3½ inches; thickness of bottom piece, three-eighths of an inch; height of basket, 3½ inches, outside measurement; top of basket, length 11 inches and width 5 inches, outside measurement. Basket to have a cover 5 by 11 inches, when a cover is used.

(b) The standard 4-quart Climax basket shall be of the following dimensions: Length of bottom piece, 12 inches; width of bottom piece, 4½ inches; thickness of bottom piece, three-eighths of an inch; height of basket, 4½ inches, outside measurement; top of basket, length 14 inches, width 6½ inches, outside measurement. Basket to have cover 6½ inches by 14 inches, when cover is used.

(c) The standard 12-quart Climax basket shall be of the following dimensions: Length of bottom piece, 16 inches; width of bottom piece, 6½ inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, 7½ inches, outside measurement; top of basket, length 19 inches, width 9 inches, outside measurement. Basket to have cover 9 inches by 19 inches, when cover is used.

Sec. 2. That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(a) The dry half pint shall contain 16.8 cubic inches.

(b) The dry pint shall contain 33.6 cubic inches.

(c) The dry quart shall contain 67.2 cubic inches.

Sec. 3. That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax basket or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this act; and any person guilty of a willful violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

Sec. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Sec. 5. That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided.

Sec. 6. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this act, were purchased, to the effect that said Climax baskets, baskets, or other containers are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other

containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 7. That this act shall be in force and effect from and after the 1st day of November, 1917.

Mr. REAVIS. Mr. Speaker, in the absence of the chairman of the committee, Mr. ASHBROOK, of Ohio, he directed me to call the bill up. It will take but a word to explain the purpose of it. There are two characters of containers provided for in the bill; one is known as the Climax basket, which is a general trade name for a special character of basket. The other is for containers used for the purpose of shipping berries and other small fruits. Certain dealers in grapes have been cutting down the size of the Climax basket, giving to the purchaser less than he presumed he was purchasing. The purpose of the bill is to fix a standard size for that basket so as to prevent further deception.

The berry trade is presumably being done by the dry quart and fractions of the dry quart. A wine or fluid quart contains about one-third less than the dry quart, and many berry dealers are now disposing of berries in the wine quart, representing it to be the dry quart. The bill fixes the dry quart and multiples or fractions of the dry quart as the standard container for berries. Mr. Speaker, I ask for a vote.

Mr. DILLON. Will the gentleman yield?

Mr. REAVIS. With pleasure.

Mr. DILLON. What is the necessity of using the word "Climax"? Does it represent a trade-mark, and why should it not be eliminated from the bill?

Mr. REAVIS. If you eliminate the word "Climax" you destroy the bill. The Climax basket is a world-known trade name given to a certain character of basket known everywhere as the Climax basket. Certain dealers are selling grapes in so-called Climax baskets which are of less size than the basket known to the trade as Climax baskets. We are fixing the standard size for the Climax basket. If you eliminate the word "Climax" you destroy the bill.

Mr. DILLON. The gentleman will observe that the dimensions of the basket are given—that is, the inches, length and width. Would not that fix the contents without the use of the word "Climax," which is simply a trade-mark?

Mr. REAVIS. The gentleman is mistaken in thinking that the word "Climax" is a trade-mark. It is made by all basket manufacturers throughout the country. It is merely a name by which the trade recognizes a certain basket. We are fixing the capacity of that basket.

Mr. DILLON. Will the gentleman yield for another question?

Mr. REAVIS. Yes.

Mr. DILLON. The penalty feature contained in section 3 is intended to cover the standard basket and other containers for small fruits and berries and vegetables mentioned in section 2, is it?

Mr. REAVIS. It is intended to cover every interstate infraction of the containers standardized in this bill.

Mr. DILLON. I want to call the gentleman's attention to what Dr. Fisher says on that question. I read from the hearings, page 12, in which Dr. Fisher says:

There are some features of this bill that I think the committee should consider, perhaps. In some respects it is too broad and in some too narrow. For example, the bill attempts to regulate only one form of basket, the so-called Climax basket. The penalty clause does not apply to any other basket.

Mr. SLAYDEN. It would have no effect on this legislation to strike out the word "Climax"?

Dr. FISHER. I think that word might be stricken out.

The CHAIRMAN. Are there any other baskets of this style except those called Climax?

Dr. FISHER. I can not answer that question. So far as I know, there are not.

The CHAIRMAN. What effect would it have if it was called the Climax basket?

Dr. FISHER. I do not think that it makes any difference. I think the word "Climax" might be left out.

Mr. REAVIS. I call the gentleman's attention to the fact that he is reading from the hearings on another bill and not on the bill under consideration.

Mr. DILLON. I have some doubt in my own mind whether the penalty is broad enough to cover anything except the Climax basket feature in accordance with the terms specified in section 3.

Mr. REAVIS. The language of section 3 is:

It shall be unlawful to manufacture for shipment or to sell for shipment any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled.

It refers to every container mentioned in the bill.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. REAVIS. Certainly.

Mr. PARKER of New Jersey. Does not the Revised Statutes now provide the size of a dry quart?

Mr. REAVIS. It provides for the size of the dry quart, but it is not standardized with reference to berries.

Mr. PARKER of New Jersey. Is it the same—

Mr. REAVIS. I am not sure that I am correct in that answer. I do not know whether the Revised Statutes provide for a dry quart.

Mr. PARKER of New Jersey. I think the Revised Statutes provides for the dry quart. It gives the size of the wine gallon and gives the size of the bushel, which is the Winchester bushel and contains 32 quarts. I want to know whether the size you have in this bill, the number of cubic inches here, is the same, or not, as provided for in the Winchester bushel? These things are sold by the bushel, and the gentleman would not want a quart for one kind of berry and another for potatoes.

Mr. MANN. That is what we are trying to remedy.

Mr. PARKER of New Jersey. If the basket is said to contain a quart, it ought to contain a quart.

Mr. MANN. That is what we are trying to do.

Mr. PARKER of New Jersey. I wanted to know if this is the same quart.

Mr. REAVIS. It is the size given to us by the Bureau of Standards.

Mr. PARKER of New Jersey. But you do not know whether the 67.2 cubic inches of the dry quart are one thirty-second of the standard bushel?

Mr. REAVIS. I have not carried it out to see; but I do know that the dimensions of the dry quart as given in this bill are the dimensions given to us by the Bureau of Standards of the dry quart.

Mr. PARKER of New Jersey. That is satisfactory. May I ask another question? Will the Climax basket the gentleman describes, of which the outside measurement is given, hold four of those dry quarts? Does it hold four of these dry quarts or not?

Mr. REAVIS. The Bureau of Standards so states. We have taken all of the dimensions of the Climax basket and of the dry quart, and multiples and fractions thereof, from figures given us by the Bureau of Standards.

Mr. PARKER of New Jersey. Who fixed the size of the basket?

Mr. REAVIS. The Bureau of Standards.

Mr. PARKER of New Jersey. So as to hold those quantities?

Mr. REAVIS. So as to hold the several quantities denoted in the bill.

Mr. PARKER of New Jersey. It is very odd that they should say a dry quart shall contain so many inches, if it is already provided by statute that that is so.

Mr. REAVIS. This bill provides for the shipment of berries, and that the standard receptacle for the shipment of berries shall be dry quart or dry measurement as distinguished from the fluid or wine measurement.

Mr. PARKER of New Jersey. That is correct.

Mr. REAVIS. There are berries on sale in the city of Washington and elsewhere represented to be pints and quarts that are one-third less than the dry measure, and yet they are represented as being quarts.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. SHALLENBERGER. Is it not a fact that the reason you specify the size of the quart and the pint is because these smaller sizes are not made in standard Climax baskets?

Mr. REAVIS. That is correct.

Mr. SHALLENBERGER. And therefore you specify the exact number of cubic inches?

Mr. REAVIS. Yes; that is the reason, because the Climax baskets are not the receptacles in which the smaller fruits and berries are sold.

Mr. TOWNER. In orders made is it not true that so many Climax baskets are called for?

Mr. REAVIS. That is correct.

Mr. TOWNER. That is, it has become a trade name; but it is not a trade-mark?

Mr. REAVIS. It is a trade name and not a trade-mark. The trade in ordering grapes makes an order for so many Climax baskets. It is just the same as ordering so many bushels of potatoes.

Mr. TOWNER. Is it not true that contracts are made in the same way?

Mr. REAVIS. Yes.

Mr. TOWNER. And yet it is true that there is no standard that describes what a Climax basket is?

Mr. REAVIS. That is correct.



Mr. TOWNER. And this is for the purpose of establishing a standard, so that a contract or an order may be correctly interpreted?

Mr. REAVIS. That is entirely correct.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. COOPER of Wisconsin. Section 4 reads:

SEC. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

Does that mean that if a man in Omaha, Nebr., shall buy as he may think so many quarts of berries and find that these measures are defective, or think they were, it would require a test by the Department of Agriculture?

Mr. REAVIS. The purpose of that section, as I understand it, is to put the question of tolerances and enforcement of this bill under what is known as the Bureau of Markets in the Department of Agriculture.

Mr. COOPER of Wisconsin. And suppose a man in Omaha has some of these baskets and thinks they are not as large as they ought to be by law, where shall he go to have the test made? This bill provides that he must go to the Department of Agriculture, and only that Department can make the test.

Mr. MANN. Mr. Speaker, if the gentleman will permit, this provision of the law is in compliance with the pure-food law where we have in the Department of Agriculture a bureau that is engaged in making tests all of the time, under the amendment to the pure-food law, requiring the quantity of the contents to be set forth on a large number of containers.

Mr. COOPER of Wisconsin. Would the man in Omaha have to send these baskets here to the city of Washington?

Mr. MANN. Oh, no; the Department of Agriculture has a man in Omaha, I think. They have them in all of the large cities.

Mr. COOPER of Wisconsin. Suppose this should happen in my own city of Racine?

Mr. MANN. He would probably have to send it, in that case, to Chicago. There is a bureau in Chicago. That is the reason it is put in here, because the Department of Agriculture has these men scattered throughout the country in constant touch with all of the makers of containers. It is for their convenience.

Mr. REAVIS. And they also have inspectors throughout the country.

Mr. COOPER of Wisconsin. I should think that in the enforcement of a statute that is as important as this may prove to be, the procuring of testimony ought to be made easy as possible rather than difficult. A man might think that he is being robbed by measures that were not up to the standard, and this would require him to send them a considerable distance to have them tested, and that might be a hardship.

Mr. MANN. After all, how are you going to do? The Department of Agriculture now has men not only who make the tests in the large cities, but who are in touch with the State and local food inspectors and inspectors of weights and measures all over the country, in every State and in every city, in constant touch with them. I do not think there is any difficulty through the Department of Agriculture in reaching all of these things without trouble or expense to the individuals, either the makers of the containers or the purchasers of things where the containers are used.

Mr. SHALLENBERGER. If the gentleman will permit, I will say that we in Nebraska are interested in this because we are producers of fruits and some department had to be empowered to administer this law, and after careful consideration upon the part of the committee of the different departments of the Government it was deemed safest and most practical to put it in the hands of the Secretary of Agriculture, or rather the Department of Agriculture, as the gentleman from Illinois has indicated.

Mr. COOPER of Wisconsin. Would this authorize the Department of Agriculture to deputize some State official to take that testimony?

Mr. SHALLENBERGER. Possibly.

Mr. COOPER of Wisconsin. Or to make that inquiry?

Mr. SHALLENBERGER. Any official of the Department of Agriculture could take testimony and also investigate the matter. There are agents all over the country, as the gentleman knows.

Mr. COOPER of Wisconsin. In lines 4 and 5, page 4—

And the Secretary of Agriculture shall establish and promulgate rules and regulations.

I see that is in reference to tolerances and variations. By the way, I would like to ask the gentleman from Nebraska what tolerance and variation are contemplated?

Mr. REAVIS. That is merely for the purpose of putting this law in harmony with the pure-food law. It is impossible to say what the tolerances are or will be. That would be for the Department of Agriculture to determine, and these baskets undoubtedly will not be precisely the same size.

Mr. COOPER of Wisconsin. If you required a man selling sugar by avoirdupois to sell so many ounces to the pound, subject to reasonable tolerance and variation to be promulgated by some official, would not the gentleman think that an extraordinary thing?

Mr. REAVIS. Yes; because you are measuring by an exact standard, where no tolerance is required. Here you call for a basket containing so many cubic inches. We take it for granted that in case the basket is so nearly the standard required by this act as to show the intention on the part of the manufacturers to comply in good faith with its provisions that a tolerance to that extent would be justified.

Mr. COOPER of Wisconsin. Why do not you put the tolerance in the law and not leave it to the favoritism of some executive officer? Why not say there shall not be a variation of more than so many tenths of an inch? I see here it says so many cubic inches. Why not say the toleration shall not be greater than so much, and not leave it to the discretion of some officer?

Mr. MANN. Will the gentleman permit me to answer that?

Mr. REAVIS. Surely.

Mr. MANN. The pure-food law had in it a provision as to contents. That was stricken out in the House and a change was made. We worked over the question of putting in a provision with reference to the quantity of contents in a package in the committee for a good many years following the passage of the pure-food law and preceding it, and finally enacted an amendment to it providing for the naming of the quantity of contents in packages and giving the Department of Agriculture the right to make rules and regulations allowing certain tolerances. In other words, it was not possible to say in the law what the tolerance should be. Here is one kind of bottle that is made. Now, two bottles, like two men, are never identical. No two individuals in the world are identical. No two bottles are identical. But a tolerance that should be allowed in one kind of bottle would not be the tolerance which should be allowed in another kind of bottle. It depends upon how near they can make them alike. The tolerance is fixed by the department after investigation, I suppose—I think there has been no complaint about that, as far as I know—and are supposed to represent the leeway required in making the article, and they are experts at that business over there.

Mr. COOPER of Wisconsin. If they are experts and know how much tolerance or allowance ought to be made in the matter of a dry half pint where the law requires that it contain 16.8 cubic inches; in other words, when the law so particularizes that it gets down to the tenths of an inch in its requirements, if these experts, to which the gentleman from Illinois refers here in Washington, know what the tolerance ought to be, why can not they tell the committee, and why can not the committee put it in the law and let there be no question about it?

Mr. MANN. Probably they could as to one kind of container, but there are many kinds of containers.

Mr. COOPER of Wisconsin. This is a basket—

Mr. MANN. Oh, no; there are other containers; they are not merely baskets. There are strawberry boxes of different sizes.

Mr. COOPER of Wisconsin. Any ordinary wooden box is not a very complicated matter; and if these experts know what tolerance ought to be made to these people who are selling berries and can tell the committee, we can just as well put it in the law as to leave it to the discretion of some official.

Mr. MANN. I do not wonder the gentleman thinks as he does, because I thought the same way myself for many years, and reached the conclusion after a very long investigation of this subject that we had to leave it to somebody who could test and perhaps change the rules and regulations.

Mr. REAVIS. The purpose of putting this provision in this bill was to make it in harmony with previous legislation, such as the pure-food act, with the idea that the Agricultural Department was more competent to regulate the question of tolerance than the committee was.

Mr. Speaker, if there are no further interrogatories, I ask for a vote on this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. REAVIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Has the Committee on Interstate and Foreign Commerce anything?

Mr. ADAMSON. It has not been called yet.

The SPEAKER. The Clerk will call the committee.

The Clerk called the Committee on Interstate and Foreign Commerce.

#### LIABILITY FOR BAGGAGE.

Mr. ADAMSON. Mr. Speaker, there is a little bill that I have been requested to call up first, on the assurance that it will not take much time. It is Senate bill 3069.

The SPEAKER. What is the number on the calendar?

Mr. ADAMSON. The number on the calendar is 163, House Calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915.

*Be it enacted, etc.,* That so much of an act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915, as reads as follows, to wit:

"Provided, however, That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation, dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules."

be, and the same is hereby, amended to read as follows, to wit:

"Provided, however, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or boats, or trains or boats carrying passengers; second, to property, except ordinary live stock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not be held to be a violation of section 10 of the interstate-commerce act; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term 'ordinary live stock' shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses."

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has, I believe, an amendment which he wishes to offer.

Mr. MANN. Mr. Speaker, I move to amend, page 3, line 4, by inserting, after the word "not," the words "so far as relates to values."

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. After the word "not," in line 4, insert the words "so far as relates to values."

The Clerk read as follows:

Amend, page 3, line 4, by inserting, after the word "not," the words "so far as relates to values."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by striking out, in line 5, page 3, the words "the interstate-commerce act," and inserting in lieu thereof the words "this act to regulate commerce, as amended."

Mr. ADAMSON. I believe that is wise. I agree to that.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 5, strike out the words "the interstate-commerce act" and insert the words "this act to regulate commerce, as amended."

Mr. TOWNER. Has the gentleman a copy of the bill as it passed the Senate?

Mr. ESCH. I have a copy.

Mr. ADAMSON. I have no doubt the title is incorrectly quoted.

Mr. MANN. I have a copy of the bill as it passed the Senate.

Mr. TOWNER. Senate bill 3069?

Mr. MANN. Yes.

Mr. ADAMSON. The Senate bill fails to describe the act correctly. There is no such thing as the "interstate-commerce

act." They ought to have said, "The act to regulate commerce, as amended." We are prone to suppose that anything that comes from the Senate is dignified and sanctified, as it were.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman from Illinois permit a question there?

Mr. MANN. Certainly.

Mr. TOWNER. Do I understand the gentleman's amendment is to strike out the words "interstate-commerce act"?

Mr. MANN. Yes. That is not the legal description of anything.

Mr. COOPER of Wisconsin. It says "section 10." What is the gentleman's amendment?

Mr. MANN. My amendment is to insert the words "the act to regulate commerce, as amended." The act to regulate commerce is known by that name. That is the title of it.

Mr. COOPER of Wisconsin. The use of the word "this" is what puzzled me.

Mr. MANN. The reason is that this is a part of section 20 of the act to regulate commerce, and while there is nothing in the title to indicate it, this is an act to amend an act of 1915, which was to amend section 7 of the act of 1910; but section 7 of the act of 1910, of which this is all amendatory, reads, "Section 20 of the act to regulate commerce is hereby amended to read as follows," so that all this language is inserted as a part of section 20 of the act to regulate commerce, and will be printed in that shape. As the gentleman knows, we print from the document room the act to regulate commerce, and they bring it down to date from time to time, showing the amendments. It seemed a little odd to me to say "in section 20 of the act" when you refer to section 10 of the act to regulate commerce, when it is all a part of the same act as now amended. This is just a paragraph in section 20.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman from Georgia permit a question?

Mr. ADAMSON. Yes.

Mr. COOPER of Wisconsin. Will the gentleman briefly state what is the exact object of this amendment? Just what is it?

Mr. ADAMSON. I yield to the gentleman from Iowa [Mr. TOWNER] to answer that question.

Mr. TOWNER. Mr. Speaker, I think it is generally understood that the original Cummins amendment to the Carmack Act was intended to prevent the railroads limiting their liability by contract. There were, however, some exceptions in the amendment to the application of the prohibition. Among those exceptions was one providing that the terms of the act should not apply to goods hidden from view by wrapping, boxing, or other means. Unfortunately, the language as used made a great deal of difficulty. The Interstate Commerce Commission desired that a change should be made for two particular reasons: First, so that the act should not apply to baggage, to which it was not intended in the original act it should apply. No one desired to include passengers' baggage in the terms of the act, and no one thought baggage was included. But it was so interpreted by the railroad companies and the Interstate Commerce Commission. By the terms of the present bill baggage is expressly excluded from the operation of the law.

It was also agreed that the terms of the act ought not to apply to those particular forms of merchandise which have been especially listed by the Interstate Commerce Commission and on which rates have been particularly made, sometimes dependent on the value of the goods. It was the express desire of the Interstate Commerce Commission that those should be taken out, and to meet these two particular conditions this amendment has been framed. I will say that it is satisfactory to the Interstate Commerce Commission; that it was unanimously reported by the committee of the Senate; that it was unanimously passed by the Senate; and that, so far as I know, there is no possible objection raised by anybody against these changes which I have explained, which are made in this amendment.

Mr. COX. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Indiana.

Mr. COX. It is urged very strongly, is it not, by the traveling men throughout the entire Nation?

Mr. TOWNER. Oh, yes, so far as it affects baggage.

Mr. COX. That is all I have reference to.

Mr. TOWNER. I will state further that it excludes goods that are carried by the express companies upon which particular rates have been made, and regarding which there are particular regulations of the Interstate Commerce Commission.

Mr. ESCH. The confusion in the act approved March 4, 1915, the commerce amendment, is due to the fact that the verbiage



sought to be corrected by this bill was inserted on the floor of the Senate just before the passage of the bill.

Mr. TOWNER. Yes. It was an amendment offered by Senator REED, of Missouri, and probably without consideration of what its effect would be.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 16640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914;

H. R. 12365. An act to promote the reclamation of arid lands;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 10642. An act for the relief of Louis Jones;

H. R. 11304. An act for the relief of Martha A. Moffitt;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 11660. An act for the relief of Mathilda Hesterman;

H. R. 1161. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 3255. An act for the relief of James Houyde;

H. R. 8108. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 8325. An act for the relief of Borden H. Mills;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 9377. An act for the relief of Cynthia Ramey;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 9378. An act for the relief of Ella Slone;

H. R. 9994. An act for the relief of Samuel H. Walker;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 5411. An act for the relief of Olaf Nelson;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples;

H. R. 1592. An act for the relief of George W. Trahey;

H. R. 2554. An act for the relief of Mrs. Joseph Cameron; and  
H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 4594. An act to validate certain declarations of intention to become citizens of the United States; and

S. J. Res. 160. Joint resolution appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes.

#### BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. MANN. Would the gentleman from Georgia be willing to call up H. R. 16891, the Traill County bridge bill?

Mr. ADAMSON. I will say to the gentleman that there are several other bridge bills.

Mr. MANN. This is the only one I know of that is on the calendar.

Mr. ADAMSON. There are several not on the calendar. Will we not have an opportunity to reach them by unanimous consent?

Mr. MANN. I do not believe we will have that opportunity. This will take only a moment.

Mr. ADAMSON. All right. Mr. Speaker, I call up that bill.

The SPEAKER. The Clerk will report it.

The Clerk read the bill (H. R. 16891) granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to Traill County, N. Dak., and Polk County, Minn., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at a point suitable to the interests of navigation at or near the village of Belmont, in the county of Traill, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BILLS OF LADING.

Mr. ADAMSON. Mr. Speaker, I call up the bill (S. 19) relating to bills of lading in interstate and foreign commerce, and I will ask the gentleman from Wisconsin [Mr. Esch] if it is not all right for us to read the bill through and then dispose of the amendments afterwards?

Mr. ESCH. I have had no requests for time.

Mr. ADAMSON. I have none.

Mr. MANN. This is a House Calendar bill. I do not know whether it is properly on the House Calendar or not.

Mr. ADAMSON. Yes. It imposes no charge on the Treasury.

Mr. MANN. The procedure would be to read the bill through.

Mr. PARKER of New Jersey. To read the bill for amendment?

Mr. MANN. No; read the bill through, and then amendments are in order.

Mr. ADAMSON. I suggest that the bill be read through, and that then we dispose of the amendments.

The bill was read, as follows:

*Be it enacted, etc.*, That bills of lading issued by any common carrier for the transportation of goods in any Territory of the United States, or the District of Columbia, or from a place in a State to a place in a foreign country, or from a place in one State to a place in another State, or from a place in one State to a place in the same State through another State or foreign country, shall be governed by this act.

SEC. 2. That a bill in which it is stated that the goods are consigned or destined to a specified person is a straight bill.

SEC. 3. That a bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill. Any provision in such a bill or in any notice, contract, rule, regulation, or tariff that it is nonnegotiable shall be null and void and shall not affect its negotiability within the meaning of this act.

SEC. 4. That order bills issued in a State for the transportation of goods to any place in the United States on the Continent of North America, except Alaska and Panama, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts: *Provided, however*, That nothing contained in this section shall be interpreted or construed to forbid the issuing of order bills in parts or sets for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries, or to impose the liabilities set forth in this section for so doing.

SEC. 5. That when more than one order bill is issued in a State for the same goods to be transported to any place in the United States on the Continent of North America, except Alaska and Panama, the word "duplicate," or some other word or words indicating that the document is not an original bill, shall be placed plainly upon the face of every such bill except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill: *Provided, however*, That nothing contained in this section shall in such case for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries be interpreted or construed so as to require the placing of the word "duplicate" thereon, or to impose the liabilities set forth in this section for failure so to do.

SEC. 6. That a straight bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

SEC. 7. That the insertion in an order bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

SEC. 8. That a carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods or, if the bill is an order bill, by the holder thereof, if such a demand is accompanied by—

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods;

(b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is an order bill; and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

Sec. 9. That a carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is—

- (a) A person lawfully entitled to the possession of the goods, or
- (b) The consignee named in a straight bill for the goods, or
- (c) A person in possession of an order bill for the goods, by the terms of which the goods are deliverable to his order, or which has been indorsed to him, or in blank by the consignee, or by the mediate or immediate indorsee of the consignee.

Sec. 10. That where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to anyone having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

- (a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or
- (b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

Such request or information, to be effective within the meaning of this section, must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

Sec. 11. That except as provided in section 26, and except when compelled by legal process, if a carrier delivers goods for which an order bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto.

Sec. 12. That except as provided in section 26, and except when compelled by legal process, if a carrier delivers part of the goods for which an order bill had been issued and fails either—

- (a) To take up and cancel the bill, or
- (b) To place plainly upon it a statement that a portion of the goods has been delivered with a description which may be in general terms either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession; he shall be liable for failure to deliver all the goods specified in the bill to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

Sec. 13. That any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same, either in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

Sec. 14. That where an order bill has been lost, stolen, or destroyed a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon the giving of a bond, with sufficient surety, to be approved by the court, to protect the carrier or any person injured by such delivery from any liability or loss incurred by reason of the original bill remaining outstanding, the court may also, in its discretion, order the payment of the carrier's reasonable costs and counsel fees.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the carrier from liability to a person to whom the order bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Sec. 15. That a bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

Sec. 16. That no title to goods or right to their possession asserted by a carrier for his own benefit shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

Sec. 17. That if more than one person claim the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods or as an original suit, whichever is appropriate.

Sec. 18. That if some one other than the consignee or the person in possession of the bill has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods, either to the consignee or person in possession of the bill or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Sec. 19. That except as provided in the two preceding sections and in section 9, no right or title of a third person, unless enforced by legal process, shall be a defense to an action brought by the consignee of a straight bill or by the holder of an order bill against the carrier for failure to deliver the goods on demand.

Sec. 20. That when goods are loaded by a carrier such carrier shall count the packages of goods, if package freight, and ascertain the kind and quantity, if bulk freight, and such carrier shall not, in such cases, insert in the bill of lading or in any notice, receipt, contract, rule, regulation, or tariff, "Shipper's weight, load, and count," or other words of like import, indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

Sec. 21. That when goods are loaded by a shipper, at a place where the carrier maintains an agency, such carrier shall, on written request of such shipper, and when given a reasonable opportunity by the shipper so to do, count the packages of goods, if package freight, and ascertain the kind and quantity of bulk freight, within a reasonable time after such written request, and such carrier shall not, in such cases, insert in the bill of lading, or in any notice, receipt, contract, rule, regulation, or tariff, "Shipper's weight, load, and count," or other

words of like purport indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

Sec. 22. That if a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading the carrier shall be liable to (a) the consignee named in a straight bill or (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

Sec. 23. That if goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner, and an order bill is issued for them, they can not thereafter, while in the possession of the carrier, be attached by garnishment or otherwise or be levied upon under an execution unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

Sec. 24. That a creditor whose debtor is the owner of an order bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

Sec. 25. That if an order bill is issued the carrier shall have no lien on the goods therein mentioned except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

Sec. 26. That after goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods themselves to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be an order bill.

Sec. 27. That an order bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

Sec. 28. That an order bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

Sec. 29. That a bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. A straight bill can not be negotiated, and the indorsement of such a bill gives the transferee no additional right.

Sec. 30. That an order bill may be negotiated by any person in possession of the same, however such possession may have been acquired, if by the terms of the bill the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

Sec. 31. That a person to whom an order bill has been duly negotiated acquires thereby—

- (a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value; and
- (b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

Sec. 32. That a person to whom a bill has been transferred, but not negotiated, acquires thereby as against the transferor the title to the goods, subject to the terms of any agreement with the transferor. If the bill is a straight bill such person also acquires the right to notify the carrier of the transfer to him of such bill and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a straight bill the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time, with the exercise of reasonable diligence, to communicate with the agent or agents having actual possession or control of the goods.

Sec. 33. That where an order bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Sec. 34. That a person who negotiates or transfers for value a bill by indorsement or delivery, unless a contrary intention appears, warrants—

- (a) That the bill is genuine;
- (b) That he has a legal right to transfer it;
- (c) That he has knowledge of no fact which would impair the validity or worth of the bill;
- (d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied if the contract of the parties had been to transfer without a bill the goods represented thereby.

Sec. 35. That the indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.



Sec. 36. That a mortgagee or pledgee or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or warrant the genuineness of such bill or the quantity or quality of the goods therein described.

Sec. 37. That the validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress, loss, theft, or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress, loss, theft, or conversion.

Sec. 38. That where a person, having sold, mortgaged, or pledged goods which are in a carrier's possession and for which an order bill has been issued, or having sold, mortgaged, or pledged the order bill representing such goods, continues in possession of the order bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

Sec. 39. That where an order bill has been issued for goods no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

Sec. 40. That, except as provided in section 39, nothing in this act shall limit the rights and remedies of a mortgagee or lien holder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

Sec. 41. That any person who, knowingly or with intent to defraud, falsely makes, alters, forges, counterfeits, prints, or photographs any bill of lading, or with like intent utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed, or photographed bill of lading, knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed, or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same, or issues or aids in issuing or procuring the issue of, or negotiates or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter, or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provision of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding \$5,000, or both.

Sec. 42. That in any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

Sec. 43. First. That in this act, unless the context of subject matter otherwise requires—

"Action" includes counterclaim, set-off, and suit in equity.

"Bill" means bill of lading governed by this act.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"To purchase" includes to take as mortgagee and to take as pledgee.

"Purchaser" includes mortgagee and pledgee.

"State" includes any Territory, District, insular possession, or isthmian possession.

Second. A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

Sec. 44. That the provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

Sec. 45. That the provisions and each part thereof and the sections and each part thereof of this act are independent and severable, and the declaring of any provision or part thereof, or provisions or part thereof, or section or part thereof, or sections or part thereof, unconstitutional shall not impair or render unconstitutional any other provision or part thereof or section or part thereof.

Sec. 46. That this act shall take effect and be in force on and after the 1st day of January next after its passage.

The SPEAKER. There are some committee amendments to this bill.

Mr. MANN. Mr. Speaker, before the committee amendments are reported I wish to say that this morning the gentleman from Alabama [Mr. BURNETT] made a request to take up a resolution making appropriations for the relief of flood sufferers in some of the States, and I objected temporarily. I shall not object now to the consideration of the bill, and if it is to be considered, I think it would be wise to consider it at once, in the hope that after it is passed, and while some gentleman is addressing the House this afternoon, there may be time to get the enrolled bill here, so that it may be signed by the Speaker to-day, and not have to go over until Friday. I hope the gentleman from Georgia will be willing to let the gentleman from Alabama [Mr. BURNETT] make his request.

Mr. ADAMSON. I will ask the gentleman from Illinois if he would not be willing, unless the consideration of some amendments is desired separately, to let the amendments to this bill-of-lading bill be read and adopted in gross before I yield to the gentleman from Alabama.

Mr. PARKER of New Jersey. There are some amendments to be offered to some of the committee amendments, and therefore I could not consent to adopting them in gross.

Mr. MANN. It would not be practicable to do that and have the enrolled bill back here to be signed by the Speaker to-night. If the joint resolution is to come up at all, it comes up because it is an emergency matter, where time is of the very essence of it.

Mr. ADAMSON. Mr. Speaker, I realize very keenly the necessity for passing that resolution to relieve the flood sufferers, because a great many of them are in my State, and I know their condition. I presume if I ask that this bill be temporarily laid aside, it will be the unfinished business whenever I can get it up.

Mr. MANN. The gentleman from Georgia does not need to make any request at all. All he needs to do is to wink his other eye at the gentleman from Alabama [Mr. BURNETT] and the gentleman from Alabama will make his request.

Mr. ADAMSON. The gentleman from Alabama is standing here beside me, and he has seen me wink both eyes several times.

The SPEAKER. As soon as the gentleman from Alabama gets his bill through, the Chair will recognize the gentleman from Georgia [Mr. ADAMSON] to continue the consideration of this bill.

Mr. MANN. We will have something else then, anyhow.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Alabama [Mr. BURNETT]?

Mr. ADAMSON. I yield to him with the greatest pleasure.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes;

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes;

H. R. 16068. An act to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota;

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest-homestead act, and for other purposes;

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes;

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes; and

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2500. An act authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona;

S. 6375. An act to authorize the changing of the name of the steamship *Aroline*;

S. 6242. An act authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia;

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; and

S. 5172. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.

#### SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 20. An act providing an additional appropriation for the Federal building at Steubenville, Ohio; to the Committee on Public Buildings and Grounds.

S. 6372. An act to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers; to the Committee on Interstate and Foreign Commerce.

S. 889. An act for the erection of a public building in the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

S. 3743. An act to reimburse John Simpson; and

S. 4277. An act for the relief of George B. Hughes; to the Committee on Claims.

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 6370. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

#### RELIEF OF FLOOD SUFFERERS.

Mr. BURNETT. Mr. Speaker, I ask to call up and put on its passage Senate joint resolution 160, appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi, and for other purposes.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take up for present consideration S. J. Res. 160, which has already been read. Is there objection?

There was no objection.

Mr. BURNETT. I want to express my grateful appreciation to the gentleman from Illinois [Mr. MANN], because this is a matter of the utmost importance.

The SPEAKER. The question is—

Mr. CANNON. It is up for consideration, I take it.

The SPEAKER. Yes; it is up for consideration, if anybody wants to debate it.

Mr. MANN. There are several gentlemen who want to be heard on it, and I want to hear them.

The SPEAKER. The gentleman from Alabama has the floor.

Mr. BURNETT. Has consent been given for its consideration?

The SPEAKER. Yes.

Mr. MANN. How are we considering this now?

The SPEAKER. Considering it in the House.

Mr. MANN. Has the request been made to consider it in the House as in Committee of the Whole?

The SPEAKER. No.

Mr. MANN. It is a Union Calendar bill.

Mr. BURNETT. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider this joint resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I did not object to the consideration of this bill. I was down in North Carolina last week, and I found that there has been great destruction of property in that State by floods and much loss of life. I believe the citizens of that State are contributing for the relief of those who have suffered. I do not know whether there has been any effort by the citizens for relief in Alabama in the way of subscriptions or not.

Mr. OLIVER. If the gentleman will permit, I will state that there has been.

Mr. BURNETT. And the governor has issued a proclamation asking for contributions from the people.

Mr. CANNON. That is right, but when this appropriation is made—and I am not opposing it—the subscriptions for relief will cease. I think that would be so if it was in Illinois or anywhere else.

The gentleman said that the Legislature of Alabama could not be called together without notice. That is unfortunate. With these rivers where the floods are liable to come at any time, it seems to me that sound legislation should make provision for the townships or the municipalities or the county authorities or the State authorities to pledge their credit, if necessary, in such cases for relief.

When you go down to Texas—and I believe Texas is not mentioned in these flood States—I am told that the constitution of the State of Texas prohibits the State giving relief in cases of this kind. And yet when thousands of lives—stated to be 10,000—were lost in the Galveston flood some years ago, from all over the United States and to some extent from all over the world, people from the standpoint of sympathy and humanity

poured in their donations for relief of those who suffered to a much greater quantity than the State of Texas would probably have done if it had been clothed with power to relieve the situation.

Then again, when the Johnstown flood came I believe as many as a thousand lives were lost, with great destruction of property; there was universal contribution, so great that I am reliably informed that the money to relieve the distress there, which came from voluntary contributions all over the country, has not yet all been expended.

The habit grows from perhaps all the States, instead of taking care of their people in disaster of unloading upon Uncle Sam's Treasury the expense of relief.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. I ask for five minutes more.

The SPEAKER pro tempore. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. I believe this habit grows most rapidly in the Southern States whenever there is trouble. For example, take the canker trouble in the citrus orchards. At this session we appropriated \$300,000 by a deficiency bill to fight the disease in Mississippi, Louisiana, Alabama, and Florida, and my recollection is the States did not contribute.

I do not object to this appropriation. It is pretty hard for a man to object if there is real suffering, but the more we respond from Washington from the Federal Treasury the more applications we will have.

Mr. WHALEY. Mr. Speaker, I want to state to the gentleman from Alabama [Mr. BURNETT] that he depicted the distress and destruction in Alabama, and the same conditions prevail in my State, and that is the reason why I introduced a resolution for the relief of flood sufferers in South Carolina. There is distress and destitution because of the floods and storms, which they have not had for 50 years.

Mr. BURNETT. Mr. Speaker, I do not care to add but little to what has been said. I understand the views of the distinguished gentleman from Illinois [Mr. CANNON] and appreciate his graciousness in not making objection to the consideration of the resolution, notwithstanding those views. These applications to aid those in distress from time to time have not all come from the South. I remember when a few years ago we were called upon, and I believe every Member of the South responded to the call of people in Ohio when a large territory was submerged and there was a loss of hundreds of thousands of dollars worth of property.

We did not wait to inquire whether that was north of the Mason and Dixon line.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. CANNON. It was not north of the Mason and Dixon line. It was a part of the line, and it also included the Mississippi.

Mr. BURNETT. I thank the gentleman for that correction as to the geographical location of the submerged territory.

Mr. CANNON. And if the gentleman will allow me further, I am not defending it at all. In fact I stated that.

Mr. BURNETT. I believe my good friend voted with us for it.

Mr. CANNON. I do not recollect whether I did or not.

Mr. BURNETT. I do not remember either, but the idea of State rights referred to by the gentleman from Illinois [Mr. CANNON] does not deter us from the South whenever there is a cry of distress from coming to the aid of those in distress.

We showed that in the case of Salem, Mass., when the fire fiend swept that town. We showed it when San Francisco was destroyed, and I believe that in spite of any views that we have on the doctrine of State rights you will always find my colleagues from the South joining with their brethren from the North whenever there is a Macedonian cry to come over and help those in distress.

I desire again to express my appreciation to the gentleman from Illinois [Mr. MANN] and also to the gentleman from Georgia [Mr. ADAMSON], who so magnanimously gave a part of his time in order that we might consider this important measure. I ask for a vote on the resolution.

Mr. MANN. Mr. Speaker, I move to strike out the last word. The gentleman from Alabama [Mr. BURNETT] has referred to the Ohio River floods and the Salem, Mass., fire. I believe we made an appropriation for Salem, Mass., no portion of which was ever expended, as I recall, or, if so, a very little of it.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.



Mr. BURNETT. I think \$40,000 was expended. I think that was stated by the gentleman from Massachusetts.

Mr. MANN. A very small part of it was expended. We did not appropriate anything at the time of the Ohio River flood for the purpose of purchasing seeds or for the purpose of putting somebody to work, though we had nothing for them to do. I think that in these cases where there has been great national disaster the Congress has frequently responded by providing temporarily for food, and sometimes for clothing, providing shelter, blankets with which to keep people warm, or something of that kind, and even that has led us into it almost as a habit. I have not raised any objection at this time to the consideration of this resolution, although it introduces a new and novel departure from the practice heretofore. It provides that the Government shall purchase and give away seeds. I do not know but that is as well justified as the congressional seed distribution, which I have never tried to justify. It provides for the employment of people, regardless of whether we have anything for them to do. I understand what the reason for that is. Gentlemen will say that we may just as well have people work if we are going to give them money as to give them the money without the work, and, in fact, it may be cheaper to give to those only who are willing to work than to advertise to everyone that you will give them food and clothing for nothing.

I realize this, Mr. Speaker. This is a very great country. It has a large population, it extends over a large area of territory. It has great wealth, and it can afford to do the things that do not lead into great extravagance. When some disaster overcomes a small portion of the people or a large portion of the people, which is too great for them to meet out of their own holdings at the time, it may be entirely proper that the rest of us throughout the country shall contribute, and that is what we are proposing to do now. The city from which I come suffered as great a disaster as any place in the world ever did. I do not recall that Congress ever made any appropriation either for shelter or food or clothing, though I do recall that the heart of the country everywhere, East and West, South and North, at that time brought all kinds of necessary contributions into Chicago, and undoubtedly saved the lives of many and aided in the comfort of many. I think perhaps that which we may ourselves voluntarily do, may sometimes be done by the Government in behalf of all. As I recall, I personally voted for an appropriation for the benefit of some of the people in Italy who were overcome by earthquakes. I voted the other day to ask the President to beg money for the Armenians and for someone else the next day. While I have been willing to do these things for some of the people in foreign lands, I much prefer myself to help some of our own people at home who are suffering very great disaster rather than to take special pride in voting money to help somebody in other lands where we are not bound to take care of them. [Applause.]

Mr. BRITT. Mr. Speaker, I move to strike out the last word. I want for a moment to explain the conditions in my section of the State of North Carolina which impel me urgently to support this resolution and to ask every Member here to support it. Of the 13 counties comprising my district 5 have been seriously stricken by the recent floods. In one county—that of Transylvania, according to a statement submitted to me which is semi-official, being by members of the board of county commissioners and by the mayor of the town which is the county seat—90 per cent of the crops of the entire county are destroyed, and 90 per cent of the land on which these crops grew is also destroyed, being covered by rocks and debris, rendering it unfertile and uncultivable for the future. Not only that, but every public road is ruined. Every county and State bridge is gone. The same conditions obtain in the county of McDowell, where it is said on authority which I thoroughly accredit, 90 per cent of the crops are ruined and 75 per cent of the cultivatable land is ruined. At the same time in the same place all of the bridges and roads are practically ruined. Only yesterday I read in a letter received from a citizen of that county that a man had been four days in getting less than 16 miles to the county seat. Every bridge of every sort, even footbridges, had been carried away, and he of necessity was practically compelled to go to the source of the streams in order to cross them to get to the county seat.

Many people, hundreds of families, have been rendered homeless. Many small workshops and factories have been ruined and crops are destroyed. It is too late in the season for them to replant, and hundreds—and I would not be exaggerating to say thousands—of families are in real need. I do not mean by this, Mr. Speaker, that they are in immediate danger of starvation—that is not my meaning—but they are rendered homeless, their lands are destroyed, and whatever productive interests they have are gone, and there is nothing else in sight. I have filed with the War Department, where an investigation

is being made, a great sheaf of telegrams, letters, and statements setting forth the devastated condition, and I should like to be permitted to put them in the Record as a verification of what I am saying.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to incorporate in his remarks certain telegrams and letters with respect to this situation. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITT. Without attempting to go into further details, Mr. Speaker, I trust that this relief will be granted. It is not a question of whether it is North or South, but it is a question of immediate and urgent relief. [Applause.]

Mr. DOUGHTON. Mr. Speaker, The pending resolution should receive, and I trust will receive, the cheerful support of every member of this body. It provides Federal assistance to that section of our country which recently has suffered such terrible loss by the most disastrous flood that has ever visited that section since it has been settled or has had a history.

Immediately upon seeing in the papers the first account of this great disaster, I at once left Washington and set out for my home in western North Carolina, which is in the section so completely devastated. I traveled about 100 miles over the worst stricken part of the country, most of the way on horseback, but part of the way on foot, the roads being so completely destroyed or so badly damaged as to make it impossible to pursue the ordinary routes of travel, and I feel that I know the real situation.

The greatest damage, so far as my personal observations extended, was along a portion of New River west of the Blue Ridge and along the Yadkin and Catawba Rivers and their tributaries south of the Blue Ridge, though I have no doubt that other sections of western North Carolina suffered just as severely. Appalling as was the description given in the papers, I was in no manner prepared for the sights of destruction that were presented to my vision. Many, many hundreds of homes entirely swept away; crops totally destroyed for miles and miles, and the land in many places rendered practically valueless for years to come; people without food and without shelter and no roads by which even the actual necessities of life could be transported to them. The fact is that no language that I can possibly command will in any manner describe or even make a shadow of the real conditions that exist.

If it were only a question of the loss of property our proud and formerly independent people, I am sure, would not appeal to the National Government for aid, nor would they expect nor accept it from any source; but when the loss is so complete and so widespread as to produce great suffering which it is impossible for the local communities to relieve, I feel that the strong arm of our National Government should stretch forth the hand of relief and not turn so many suffering people away empty. A noble Christian spirit has moved the people of our State to respond cheerfully to the many distressing calls for help, but not enough can nor will be raised in that way, considerable as the amount is, to meet the exigencies of the situation. The small amount asked for in this resolution will not and is not intended to release those who have not suffered, or, having suffered, are still able to help, but is only intended to augment what they are giving and will continue to give, and also to show those people who are in great distress and destitution that our Federal Government is willing to extend its helping hand to them. It is for a once proud and self-reliant people, now rendered by no fault of their own, so far as the human mind can see or understand, helpless, homeless, and dependent, that I plead and urgently request your generous consideration and action.

Mr. BURNETT. Mr. Speaker, I ask that unanimous consent be given to all gentlemen who desire to extend their remarks on this subject for five legislative days.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen shall have five legislative days in which to extend their remarks on this resolution. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, the gentleman from Missouri [Mr. BORLAND] desires to submit some remarks, and I do not wish to lose or waive any rights under the call, but I am perfectly willing to yield to the gentleman to make those remarks.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri may proceed for the time that was allotted him this afternoon, and that the order allotting time to the gentleman from Iowa [Mr. GREEN] and the gentleman from

Nebraska [Mr. SLOAN] to address the House this afternoon may be transferred to Friday afternoon, following the orders already entered.

Mr. ADAMSON. It is understood this is without prejudice to the rights of our committee under the call.

Mr. MANN. This is a request for unanimous consent; of course that does not affect it.

The SPEAKER. The next time Wednesday comes around and the House is in session the gentleman from Georgia has the right of way.

Mr. MANN. Certainly.

Mr. ADAMSON. And to proceed where he left off.

The SPEAKER. Yes; to begin where he left off. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the leave to address the House granted to Mr. GREEN of Iowa and Mr. SLOAN, of Nebraska, for to-day be transferred to next Friday under the same conditions.

Mr. MANN. And that the gentleman from Missouri have leave now to address the House.

The SPEAKER. And that the gentleman from Missouri proceed now. Is there objection? [After a pause.] The Chair hears none.

#### EXTENSION OF REMARKS.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article in to-day's Baltimore Sun on the questions propounded to Mr. Hughes.

The SPEAKER. The gentleman from Indiana [Mr. Cox] asks unanimous consent to extend his remarks by printing an editorial in the Baltimore Sun. Is there objection?

Mr. MANN. Mr. Speaker, I think I will not object, although I know I ought to do so. The gentleman from Indiana very seldom makes a request of any kind that is not founded on something, and I am not going to object to his request, but it is perfectly patent we are not going to conduct a political campaign wholly through the CONGRESSIONAL RECORD or at public expense. And as long as our Democratic friends are insisting, as they are doing over in the Senate, that they shall limit the amount of money which may be raised for campaign purposes, but want it all done from their side at public expense, and in addition have their public officers all engaged in the campaign at public expense, a wholly unfair proposition, if it keeps up I shall object to all these requests. I do not object to this one.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] is recognized for an hour.

#### OUR VANISHING MEAT SUPPLY.

Mr. BORLAND. Mr. Speaker, if there is any one industry in our country which vitally affects the life, prosperity, and happiness of every citizen in it, it is the production and marketing of meat animals. We are confronted to-day with a vanishing meat supply and the rapid increase of meat-consuming population. It seems but a few years ago when America thought that she could feed the world, and yet in the last five years we have actually reached a point of importing a part of our meat supply. Clearly, there is something wrong, and the great live-stock industry, which ought to be one of the pillars of our national prosperity, is being threatened with extinction.

The farmer and stock raiser has been hard hit in the last few years, and the wage earner and consumer has been still harder hit. The consumer has seen the prices of beef and meat products soar skyward, and he imagines that the farmer and the stock raiser must be getting very profitable prices for the live animals. As a matter of fact, however, the prices paid to the farmers and to the cattle raisers has not been sufficient in view of the increased cost of production to encourage men to go into business, and has even driven many of them out. The production of meat animals in this country has been decreasing, which would not be the case if the business were even fairly profitable to the cattle raiser. The census figures tell the whole story.

In 1900 we had 50,000,000 head of cattle in this country, exclusive of dairy stock. In 1910 we had only 41,000,000 head, and in 1915 the number had decreased to 37,000,000. During this time our population of meat eaters was increasing. In 1900 the population of the United States was 75,000,000 people; in 1910 it was 91,000,000; and in 1915 it had passed the hundred million mark. Thus, while the number of meat consumers had increased 25,000,000, or 33½ per cent, in 15 years, the number of beef cattle had decreased 13,000,000, or 25 per cent, in the same length of time.

Most Americans imagine the West is covered with countless herds of cattle which are fed on the public domain and raised practically without cost, except the care of herding. When I

was a boy this was almost literally true. All of Oklahoma, two-thirds of Kansas, Nebraska, and Texas, and all of the States west of them, were open ranges, and cattle could be driven from the Rio Grande to the British line and back again, feeding on free range all the way. A great change has come over the cattle business in the last two decades. Most of the range country has been fenced up by the advancing army of homesteaders. A large number of cattle which now find their way to the market are of the class known as "native steers" which are fed by farmers in small bunches in the great corn belt and blue-grass belt in the Mississippi Valley. These cattle produce the best beef in the world. Unfortunately, the farmers are rarely able to raise the young stock to the age at which it pays to fatten them for the market.

If a farmer has good pasture with running water and has a supply of corn on his own place, or which he can conveniently procure from his neighbors, he will invest in a small bunch of feeders to be fattened for the market. If he can not find these feeders in his own neighborhood, he goes to the nearest great market—like Kansas City, St. Joseph, Omaha, Sioux City—and buys them there. Sometimes these feeders come from the ranges farther west; sometimes they come from adjoining parts of the country, where feed is short and where drought is threatened.

The farmer figures to feed the cattle a certain amount within a certain limited time, and bring them back to market increased in weight. Usually he must borrow the money to finance this operation from some of the banks or numerous cattle-loan companies, giving a chattel mortgage on the cattle. This virtually compels him to sell the cattle in time to pay the chattel mortgage, no matter how disastrous the market may happen to be. It will be seen that the farmer or stock feeder must figure as closely on every detail of the operation as any mercantile business in order to come out with a profit or save himself from loss. Unfortunately, the profits of cattle feeders in the last few years has not been such as to encourage the most careful of experienced men in business to extend their operation. Yet, the raising of cattle and the fattening of them for the market is a vital factor in our national prosperity.

With all our talk of preparedness, conservation, and efficiency, it would be a crying shame if the United States would be brought to the point of importing its meat supply. The blue-grass belt of the Middle West is the best region in the known world for the raising of cattle. Much of the intermountain territory is principally available for that purpose, and farm animals are necessary even on the farms of the East. Farm animals fill a great place in rural economy. They consume much of the feed on the farm which is not available for shipment; they preserve the fertility of the soil, and occupy the woodlands and rough pasture land which can not be tilled. Congress has recently passed some legislation which will make still more important the fattening of meat animals on the farm, the grain-grading bill providing a standard of grain for shipment in interstate commerce. Its operation is a very useful one in many respects, but what is to be done with the grain that does not come up to the interstate standard?

It is manifest that the only profitable way to get rid of it is to feed it on the farm. While, therefore, the farmer and stock raiser has been facing an increased cost of production without a corresponding increase in the value of his live animals on the market, what has been the result to the consumer? The consumer has been paying increasingly high prices. Much of this high price is due at the present time to the enormous demand abroad and the shortage in this country. Some part of the shortage in this country is due to the changing conditions in the live-stock industry from the ranging of cattle in large numbers to the fattening of native steers in small bunches. That change in business has necessarily decreased to some extent the supply of cattle. But the condition will become worse, both for the producer and for the consumer, unless some reasonable attempt is made to solve the new problems. We must begin to treat our meat supply as a national asset.

If we were to attempt to classify the people interested in the live-stock industry, we might say that they were divided into:

First. The ranchman, who raised the cattle on the western plains from the calf to the matured steer.

Second. The cattle feeder in the corn belt, who buys the thin cattle and fattens them for the market by using the corn and grass upon his own farm.

Third. The commission merchants in the live-stock centers, who act as selling agents for the ranchmen and for the cattle feeders.

Fourth. The packers who control the slaughtering of the animals and practically every avenue for the sale and distribution of the products.



Fifth. The consuming public, who are entirely out of touch with the cattle raisers and who must deal with the packer.

It will be seen that the packer stands squarely between the production of cattle on the one side and the consumption of meat products on the other. While the price of meat has been going up and while the production of cattle has been depressed, what has been the effect upon the packers?

The five great packers—Swift, Armour, Morris, Sulzberger & Sons, and Cudahy—have much the most phenomenal growth in capital, surplus, and resources in the history of any business in the world. Swift & Co. is the largest of the packers. Eighteen years ago the working capital of Swift & Co. was \$17,000,000 and their earnings and profit \$2,000,000 a year. The volume of their business was about \$100,000,000 a year. In 1915 the working capital was approximately \$121,000,000; earnings, over \$14,000,000; and the volume of business over \$500,000,000. The working capital of Swift alone in 1915 was almost as much as the combined capital of the packers 18 years ago. Swift's capital has increased nearly 800 per cent in 17 years, and these are the same 17 years in which the cattle-raising industry has fallen off 25 per cent.

The other packers have fared almost as well. The dominance of these five packers in the market has shown up the fact that 70 per cent of all the cattle slaughtered for interstate shipment under Government inspection was slaughtered by these five concerns. Of course there are still a number of independent slaughterhouses in the country, but, necessarily, their trade is local and their influence upon the market almost negligible.

Yet it is a remarkable thing that in the cities where those independent concerns are located the big packers are not seeking the fresh-beef trade. The big packers say that they have facilities for doing business cheaply on a large scale, and facilities for getting rid of the offal and by-products, which ought to be of great benefit to the consumer and cheapen the price of meat to the public, but when they get into Cincinnati, Indianapolis, and Des Moines they find that they can not compete with the relatively small local concerns. They keep out of the fresh-beef trade in those markets where there are still independent concerns.

There used to be a demand for cattle for export, and export buyers competed with the packing-house buyers in all of the great live-stock centers. A few years ago, however, the demand for cattle for export practically ceased because of the competition of cheaper cattle from Argentina and Australia, and thus the packers in this country were relieved from the active competition of foreign buyers. Since then it has been contended by the cattlemen that the packers no longer competed for live animals, but virtually manipulated the market, fixed the price, and divided up the cattle among themselves upon some proportionate basis. In order to forestall the effects of foreign competition, the packers have gone into Australia, Uruguay, and Argentina and established packing plants in those countries, so that they are able to control the export trade.

Mr. CAMPBELL. Will the gentleman yield?

Mr. BORLAND. I will yield to my friend.

Mr. CAMPBELL. How long have the American packers had a branch in Argentina and other South American countries?

Mr. BORLAND. My data are about five years. Of course, they have been increasing their holdings. Only recently they have increased their holding in Montevideo. My information is that they became an active factor five years ago. What I am describing is the condition within the last five years, and a great deal of it I have no doubt is within the intimate knowledge of my friend from Kansas.

Sulzberger & Co., which has now changed its name to Wilson & Co., admits that, besides owning packing houses in Kansas City, New York, Chicago, Oklahoma City, Los Angeles, Albert Lea, Minn., Sioux Falls, S. Dak., and Natchez, Miss., in this country, it has two plants in South America—one at Buenos Aires, Argentina, and the other in Sao Paulo, Brazil. In addition to this, it has 135 distributing houses in America.

Swift & Co. has a number of packing houses in South America and in Australia, and Armour & Co. are equally well provided. In 1903 four of the big packers, to wit, Armour & Co., Swift & Co., Libbey, McNeill & Libbey, and Nelson Morris & Co., formed what was known as the National Packing Co. It seems that two of the important concerns, to wit, Swartzschild & Sulzberger Co. and Cudahy Co., were left out. During the great Beef Trust trial in Chicago, in 1912, the National Packing Co. was voluntarily dissolved by the parties to it. It had already been indicted in the Federal courts, but the packers claimed that it was not dissolved to escape the indictment. At all events, the various packing houses and distributing plants belonging to

the National Packing Co. were made over to Armour, Swift, and Morris, as follows:

To Armour & Co. (a) Plants taken over: Anglo-American Provision Co., Chicago; Stockyards Warehouse Co., Chicago; Fowler Packing Co., Kansas City; Hammond Packing Co., St. Joseph; Ruddy Bros., Kansas City; Colorado Packing & Provision Co., Denver; Fowler's Canadian Co. (Ltd.), Hamilton; New York Butchers' Dressed Meat Co., New York; North American Provision Co., Chicago; Friedman Manufacturing Co., Chicago, 75 per cent; Fowler Bros. (Ltd.), Canada; Hamilton Stockyards Co., Hamilton, Canada; International Packing Co., Chicago; Hammond Beef Co. (Ltd.), England.

To Armour & Co. (b) Branch houses and selling agencies, control: Jamaica, N. Y.; Little Falls, N. Y.; Grand Rapids, Mich.; Manchester, N. H. (C. A. Allen & Co.); New London, Conn.; Detroit (Detroit Beef Co.); Lansing, Mich. (Detroit Beef Co.); Passaic, N. J.; Portsmouth, N. H.; Cortland, N. Y.; Salem, Mass.; Shamokin, Pa.; Sunbury, Pa.; Johnstown, N. Y.; Keokuk, Iowa; Springfield, Ill.; Chicago (Hammond & Co., South Water Street); Bluefield, W. Va.; Welch, W. Va.; Wheeler, N. Y.; West Philadelphia, Pa.; Boston (New England Beef Co.); New York City (Adams Bros. Co., Fort Greene Market); Philadelphia (Adams Bros., Gansevoort Market); Washington, D. C. (G. H. Hammond Co.); Little Rock, Ark.; Birmingham, Ala.; Philadelphia (Quaker City Beef Co.); Troy, N. Y.; Spartanburg, S. C.; Wichita Falls, Tex.; Lawton, Okla.; Tyler, Tex.; Meridian, Miss.; Tulsa, Okla.; Natchez, Miss.; Knoxville, Tenn.; Charleston, S. C.; Baltimore (Eutaw Beef Co.); Lowell, Mass. (Omaha Packing Co.); Toledo, Ohio (Hammond Co.); Pittsburgh, Pa.; Macon, Ga.; Jacksonville, Fla.; Spokane, Wash.; New Orleans, La.; Greenville, S. C.; Lockhart, Tex.; Brownwood, Tex.; Dublin, Tex.; San Angelo, Tex.; Marshall, Tex.; Opelika, Ala.; Winston-Salem, N. C.; Crockett, Tex.; Nacogdoches, Tex.; Carthage, Tex.; Lufkin, Tex.; Albany, Ga.; Chattanooga, Tenn.; Pensacola, Fla.; Altus, Okla.; Beeville, Tex.; Hugo, Okla.; Paducah, Ky.; Greenville, Miss.; McAlester, Okla.; Quinnimont, W. Va.

To Swift & Co. (a) Packing and other plants and stockyard interests: Continental Packing Co., Bloomington, Ill.; Cudahy Union Stockyards, Cudahy, Wis.; Denver Stockyards (50 per cent); G. H. Hammond Co., Chicago; Milwaukee Stockyards, Milwaukee; Northwestern Glue Co., Chicago; Northwestern Rendering Co., Chicago; Omaha Packing Co., Chicago; Plankinton Packing Co., Milwaukee; St. Louis Dressed Beef & Provision Co., St. Louis; United Dressed Beef Co., New York; Viles & Robbins, St. Joseph, Mo.; Wells Union Stockyards; Western Packing Co., Denver; Winterbotham lot; Sturtevant & Haley; B. & S. Co., Boston.

To Swift & Co. (b) Branch houses and selling agencies, control: Albany, N. Y.; Ann Arbor, Mich. (Hammond Beef Co., Mayor Meat Co.); Ashland, Ky.; Atlanta, Ga.; Berlin, N. H.; Boston (Hammond Beef Co., Mayor Meat Co.); New York City (St. Louis Dressed Beef & Provision Co., Fort Green Market); Butte, Mont.; Chicago (Anglo-American Provision Co., Omaha Packing Co., South Water Street); Corning, N. Y. (Hammond Co., T. H. Wheeler Co.); Detroit (Hammond Beef Co.); Dover, N. H. (Dover Beef Co.); Hammond, Ind.; Hartford, Conn. (H. L. Handy Co., Hartford Beef Co.); Hoboken, N. J.; Joliet, Ill.; Lynn, Mass.; La Salle, Ill.; McKeesport, Pa. (Omaha Packing Co.); New Haven, Conn.; New York (Adams Bros. Co., Hammond Co., St. Louis Dressed Beef & Provision Co., West Harlem; Hotchkiss Co., West Washington Market; Hammond Co., Williamsburg); North Adams, Mass.; North Hampton, Mass. (H. L. Handy Co.); Minneapolis (vacant lot); Philadelphia (Hammond Co., Independent Beef Co.); Portland, Me.; Port Chester, N. Y. (Hotchkiss Beef Co.); Portland, Oreg.; Quincy, Mass.; Quincy, Ill.; Rock Island, Ill.; Scranton, Pa.; Seattle, Wash.; Syracuse, N. Y.; Utica, N. Y.; San Francisco, Cal.; San Antonio, Tex.; Alexandria, La.; Jackson, Miss.; Gadsden, Ala.; Muskogee, Okla.; Rogers, Ark.; Ruston, La.; Rayville, La.; Sumter, S. C.; Columbia, S. C.; Tampa, Fla.; Rome, Ga.; Columbus, Ga.; Shreveport, La.; Baton Rouge, La.; Decatur, Ala.; Dermott, Ark.; Fayetteville, Ark.; Monroe, Ala.; Minden, Ala.; Magnolia, Ark.; Salisbury, N. C.; Norfolk, Va.; Great Falls, Mont.

To Morris & Co. plants, houses, and stockyards, of which Morris & Co. become owners and operators: Omaha Packing Co., South Omaha, Nebr. (G. H. Hammond Co.); Omaha Packing Co., old plant (Omaha Packing Co.); St. Joseph Stockyards, stock, St. Joseph, Mo.; Denver Stockyards (part of), stock, Denver, Colo.

Morris & Co. take control of these branch houses and selling agencies: Auburn, N. Y. (Hammond Co.); Bradford, Pa. (G. H. Hammond Co.); Bridgeport, Conn. (Hammond Co.); East Orange, N. J. (Condit Beef & Provision Co.); New York (Adams Bros. Co., of Fort Green Market); New York (Adams Bros. Co., West Washington Market); New York (Hammond Co., Fort Green Market); Boston (Corwin & Wilde); Des Moines, Iowa (Hammond Packing Co.); Omaha (Hammond Packing Co.); Omaha (Omaha Packing Co.); Clarksburg, Va.; Fort Smith, Ark.; Houston, Tex.; Richmond, Va.; St. Joseph, Mo. (Hammond Packing Co.); Memphis, Tenn.; Springfield, Mass. (Peterson Beef Co.); Paterson, N. J. (Peterson Beef Co.); East Brookfield, Mass. (Peterson Beef Co.); Haverfield, Mass. (Peterson Beef Co.); Mobile, Ala.; Lynchburg, Va.; Savannah, Ga.; Corsicana, Tex.; Montgomery, Ala.; Bristol, Tenn.; Roanoke, Va.; Charleston, W. Va.; Charlotte, N. C.; Eufaula, Ala. (Commercial and Financial Chronicle, vol. 95, p. 547; quoted from the Nat. Prov., Aug. 3, 1912.)

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. GREEN of Iowa. The gentleman is aware, although it may be outside of his discussion that he has entered into, that the packers have been engaged of late in absorbing the chicken and butter and egg industry and that it has assumed large proportions.

Mr. BORLAND. That is true, and I have a reference to that later. It is almost a food trust instead of a beef trust.

Mr. RAINEY. Is the gentleman aware that they have also gone into the baking business, and they have now established a large commercial bakery?

Mr. BORLAND. Yes; and they are not only entering into the control of the wheat supply, but the corn supply and the cottonseed-oil supply.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MOORE of Pennsylvania. The facts the gentleman sets forth are of serious import, and I have been wondering while listening to him whether we have ample law on the statute books now to control such absorptions of business as he seems to indicate.

Mr. BORLAND. I assume from results that we have not, and I am going to refer in a few moments to a resolution—

Mr. MOORE of Pennsylvania. Have we not sufficient anti-trust laws to cover cases of this kind?

Mr. BORLAND. I do not find that they are able to reach this international combination.

Mr. MOORE of Pennsylvania. Has the Attorney General been approached on this subject?

Mr. BORLAND. Of course he has, and he actually tried a case in Chicago, but was defeated.

Mr. MOORE of Pennsylvania. And he has been unable to separate these gentlemen?

Mr. BORLAND. That was not the present Attorney General, but a former Attorney General. It was in 1912 that that case was tried.

Mr. MOORE of Pennsylvania. Without taking advantage of the political situation—

Mr. BORLAND. I do not regard this as political.

Mr. MOORE of Pennsylvania. We pay more in the great cities for the beef that we buy, and if we have laws on the statute books to reach that situation, why can we not get some relief?

Mr. BORLAND. I am unable to give the gentleman the answer that his question deserves. I know his question comes from the heart and that it is not political. I do not assume that the fact that we failed to convict the packers in Chicago was a question of politics at all, but I do assume from that fact that we have not the necessary remedial laws for that purpose.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. HILL. I have been listening very earnestly and intently to what the gentleman has stated, and his foundation statement, to start with, seems to me to explain the whole situation, does it not?

Mr. BORLAND. No.

Mr. HILL. That the range has been crowded out by the homesteader and as a result the range has disappeared and the supply of cattle has fallen off.

Mr. BORLAND. No. I am very glad the gentleman called my attention to that if it is not clear to him. I started out by discounting all of the questions that might affect the price of cattle. I admit that the range has disappeared. I admit that there is a natural shortage. I admit there is an extraordinary demand, but I do not concede that those factors alone account for this situation.

Mr. HILL. Oh, I do not suppose so.

Mr. BORLAND. I point out the fact that the packers increased enormously their business when the general business in live stock was depressed.

Mr. HILL. Is it not true that in addition to the falling off of the supply these men have gone to the Argentine, where the supply is increasing instead of falling off, and they have thus been able to maintain their foreign trade from the Argentine instead of here?

Mr. BORLAND. They claim so.

Mr. HILL. And is it not also true that we are importing meats to a very considerable extent—I know we are—from the Argentine and from Australia and New Zealand, free of duty, and that fact must tend somewhat to the increasing of the shortage here? I do not ask that question with any political end in view. Was not the gentleman's first statement with which he opened his very clear speech, a statement of the whole proposition, that the homesteader had crowded out the range man, that the supply of meat itself had fallen off?

Mr. BORLAND. I know that is true, and I give full weight to these changing conditions in decreasing the supply, but the decrease of supply has been accompanied by a large increase in the capitalization and profits and the activities of five packing houses.

Mr. HILL. Supposing it is—

Mr. BORLAND. Just let me finish. I assume this, which the cattlemen themselves are convinced of, that the oppressive operations of the Beef Trust, if there be a Beef Trust, have tended to further emphasize that natural condition of shortness of supply. In other words, the cattlemen finding themselves almost against a closed market are not increasing normally to the extent they could and should increase the production of cattle in this country.

Mr. HILL. Do the cattlemen control the production?

Mr. BORLAND. Yes. That is entirely aside from the question of foreign competition. It is perfectly manifest that if the cattle raiser finds that he has a closed market he will not increase his operations, and that has been the result in the last five years.

Mr. HILL. Oh, I think the gentleman showed a very great decrease in the cattle supply in 10 or 15 years—from fifty-five million down to forty in that period.

Mr. BORLAND. I showed that in the period of 10 years there were 9,000,000 less cattle.

Mr. HILL. Would not that of itself explain the necessity for these men who had their capital engaged in business to branch out in other lines of business, and find the opportunity to do so, and that the capital had been increased. It certainly would not take as much capital to handle 40,000,000 as it would 55,000,000.

Mr. BORLAND. Let me say to my friend, that if he has some idea the tariff on cattle has been of any value to the farmer, he will find that under the Dingley law, from 1900 to 1910, there was a large decrease in the number of native stock, and at that time there was a duty of 27½ per cent ad valorem on cattle, also a duty on hides, and other duties of that kind; so that the existence of a tariff, which was a pretty good sized tariff, 27½ per cent, did not stay the onward march of this beef depression. How is a tariff going to help the cattle men when the foreign market is in the same hands as the home market? Most of the cattle men have abandoned the idea that a tariff is a remedy.

Mr. HILL. I did not make that suggestion with any such thought at all. I simply made the suggestion that the transfer of your foreign trade to the other countries was the fundamental feature of this proposition. They were trying to decrease their expenses, and the falling off in cattle had increased prices.

Mr. BORLAND. I do not so concede. I know in this country we have an ample supply of blue grass and running water, a temperate climate, and we are capable of producing a very large amount of cattle and a better class of cattle and more cattle to the acre than can be produced upon the ranges of Argentina.

Mr. HILL. But at a higher cost than on the ranges.

Mr. BORLAND. In the first place, we have an immediate market. We are close to the market for cattle, instead of having to transfer them overseas in order to sell them. Now, the small farmer can not afford to buy cattle and give a chattel mortgage and feed them his own feed or his neighbor's feed and put them on the market unless he knows that he is to have an open, fair market. That is the matter in a nutshell.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. MOORE of Pennsylvania. Some years ago we had an inquiry in the District of Columbia as to the high cost of living, and my recollection is clear that Dr. Melvin, Chief of the Bureau of Animal Industry of the Bureau of Agriculture, then testified that the packers of the country controlled less than 50 per cent of the output.

Mr. BORLAND. When was that?

Mr. MOORE of Pennsylvania. That was about eight years ago, in the District of Columbia, and I would like to inquire—

Mr. BORLAND. I said in 1915 they controlled 70 per cent, so there has been an increase in the control since then.

Mr. MOORE of Pennsylvania. It was in evidence that the packers of the country controlled less than 50 per cent of the output. That is to say, there was sufficient independence to save the small butchers and slaughterhouses, which controlled more than half of the business of the United States. That statement was very significant at that time, and I would like to know whether the gentleman has any information as to whether there has been any change.

Mr. BORLAND. I just referred to it. I say in 1915 they controlled 70 per cent of all the cattle slaughtered under Federal supervision, which means all the cattle that enter into interstate commerce, so there has been an increase in the control. I am talking about 1915.

Mr. LEVER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LEVER. Recently in my State two of the leading small cities are cooperating to establish small packing houses, as it were, on a cooperative or community basis. Personally I have great hope for these two concerns, and I was going to ask the gentleman if he knows that any such movement is under way in any other section of the country, or in the West in the great cattle-growing section?

Mr. BORLAND. I do not know of such a movement that has gotten beyond the mere proposition. I do not know of any that have materialized into results.



Mr. LEVER. Has the gentleman given any consideration to the probable outcome of such an undertaking?

Mr. BORLAND. Now, if the gentleman wants my opinion, as being raised almost in the shadow of a packing house, I would say that as far as the output of dressed beef is concerned, fresh meat, and as far as the output of packed pork is concerned, the local butchers and local slaughterhouses can do very well.

There is a large amount of by-products of the animal which can only be controlled profitably on a large basis. The gentleman will recognize that. The hides are of some value; but the hides are controlled by the tanneries, and the tanneries are controlled by the packers. They have both the foreign hides and the domestic hides. The curled-hair business is of value, and the hoof-and-horn business is valuable, and the glue business is valuable, as is also the soap business. These various businesses are incidental to the cattle business, and on account of that the big packer has a great advantage. But in spite of that advantage, he does not seem to be able to undersell the local slaughterhouse. I believe there is a local market for dressed beef and packed pork.

Mr. LEVER. But the local slaughterhouses would have to count off a part of the profit which they would lose on the by-products?

Mr. BORLAND. Yes. In the year 1915 the market on live stock was much demoralized and the cattle raisers claimed that they were losing an average of \$15 a head on account of the increased cost of production and the comparatively low price of live animals on the market. They believed then and still believe that there was unmistakable evidence of manipulation of the markets by the great packers. The consumers were paying high prices for beef; there was an enormous foreign demand caused by the war in Europe; there was a shortage of cattle in this country, and yet importations into this country had virtually ceased, because of the pressing demand in Europe, and exportations from this country had greatly increased.

In 1914 there were exported from this country 85,000,000 pounds of beef and beef products; in 1915, 375,000,000 pounds, an increase equivalent to 527,000 head of live cattle. In 1914 there were imported into this country 756,000 head; in 1915 only 562,000 head. In 1914 there were slaughtered in this country 6,756,000 head; in 1915, 7,153,395.

It will be seen that the increase of our exports would have about consumed all of our imported cattle for the year 1915. All of the factors were present, according to the law of supply and demand, for an increased price of both cattle and beef; but, strange to say, we find an increased price of beef and a decreased price of cattle, setting at defiance all of the law of supply and demand. Cattle on the hoof in 1915 ran nearly \$1 a hundred lower at the great live-stock centers of the country than in 1914.

Mr. QUIN. Mr. Speaker, will the gentleman permit a question there?

Mr. BORLAND. Yes.

Mr. QUIN. Will the gentleman explain to us how they do that? I know the gentleman is right about it.

Mr. BORLAND. We had some hearings before the Committee on the Judiciary, and this is what developed: One of the shippers said, "Yes; we shipped 80 head of cattle to the market and they were sold to one buyer. He did not come out until 11 o'clock in the morning. No buyers came out until telegrams came from Chicago. Then all the buyers came out." Then, as the shipper said, "They bought my 80 head of cattle. I got but one bid, and the commission man said, 'You had better take it, or they will make you hold it over until next day.' I found when the bids came in that the cattle were evenly divided; 40 went to Morris and 40 went to Armour. They were all bought at one price."

Mr. QUIN. It is the trust, then, that fixes the price of cattle, and one man buys the beef?

Mr. BORLAND. Yes. A shipper by the name of Wilson said, "If I shipped to Fort Worth and did not like the price, and I shipped to Kansas City and did not like the price, and then shipped on to Chicago, they would wire on me, 'Do not offer any more on those cattle.'" That is the testimony. You gentlemen who are interested in the subject should read that. It is well worth reading.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GREEN of Iowa. I can corroborate what the gentleman stated, I having been at one time, unfortunately to myself, interested in the cattle-shipping business; and while my interest was small, the concern was somewhat large, having a trainload of cattle at one time. We were warned not to ship to Chicago, because we would get a less price at Chicago than we would get

at Omaha; but, unfortunately, we shipped to Chicago and did get a less price.

Mr. KINKAID. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. KINKAID. Does the gentleman mean that the man named Wilson received less for his cattle at Chicago than at Fort Worth, and he would be out the freight from Fort Worth to Chicago?

Mr. BORLAND. Yes; that was his statement.

The evidence that something was radically wrong was so clear that the Bureau of Markets of the Department of Agriculture of the United States Government called a conference at Chicago in October, 1915, of all branches of the live-stock industry, in the hope of being able by voluntary cooperation to get at the cause of the demoralized condition of the market.

Men interested in all branches of the trade attended this meeting—ranchmen, farmers, stock feeders, shippers, independent butchers, commission merchants, and State and Government officials. Everybody came but the packers. They snapped their fingers at the whole proceeding and insisted there was nothing to investigate. Of course, the conference came to nothing. It was like the play of Hamlet without the melancholy Dane. The packers are a necessary element in any investigation of the live-stock industry.

But the cattlemen did not cease their efforts. The Missouri Cattle, Swine, & Sheep Feeders' Association adopted strong resolutions demanding that Congress provide some way of investigating the control of the packers over the live-stock market. In January I introduced my resolution to refer the investigation to the Federal Trade Commission, which was created by Congress to do precisely this kind of work. The law expressly gives either House of Congress the power to require the Federal Trade Commission to investigate and report upon any alleged violations of the antitrust law. The teeth in this proposition is that the Federal Trade Commission is not dependent upon voluntary statements furnished by the packers nor statistics gathered by special agents, but it can compel the production of testimony under oath and under the penalties of perjury.

The resolution was referred to the Judiciary Committee and has been pending before that committee for six months. After the resolution was introduced the Texas Cattle Raisers' Association and numerous other State and local bodies indorsed it. It was also actively supported by the American National Live Stock Association and by the National Live Stock Exchange. This latter is the national body of the live-stock commission dealers.

We have had hearings on the resolution, at which representatives of all the great live-stock organizations of the country have appeared at their own expense to urge the adoption of the resolution. The packers have also appeared by their chief officers and by their attorneys. This is the first time that the packers have voluntarily taken part in such a hearing, but they have fought this resolution every inch of the way and seem determined to defeat it openly or kill it by delay. To prevent consideration of the resolution would of course be a victory for the packers. Meanwhile, however, the live-stock market has been going steadily up, and to-day the cattle market is much better than it was a year ago. The same power which could put the cattle market down in 1915 and put it up in 1916 while this resolution was pending, could put it down again if the resolution were defeated.

As soon as the hearings closed the packers began a country-wide propaganda among the commission men and cattle raisers to secure letters and telegrams to Members of Congress opposing the adoption of the resolution, on the ground that the market was now good and any agitation would demoralize business. Just why the packers should worry over the possible harm that might come to the cattle men is not clear, but the answer to their contention is very clear; namely, that the market was demoralized in 1915 when there was no investigation pending. The market became much better in 1916 during the course of these hearings. If the reverse had been true and the market had been good in 1915, but became demoralized after the resolution was introduced, there might be some ground for the packers' argument.

The truth is that the packers are bitterly opposing any form of investigation at any time by anybody.

Do you want to know why they are so bitterly opposing it?

I will give you the answer in a nutshell.

According to the Wall Street Journal, in the year 1915 while the farmers and stock raisers were almost going bankrupt on account of the low price of cattle, and while the consumer was paying war prices for his beef, Swift & Co. declared a dividend

of 18.7 per cent on their capital stock; Armour, 55 per cent; Morris, 77.3 per cent; and Cudahy, 17.6 per cent. In 1914 Swift & Co., after paying a dividend on its capital stock of \$5,250,000, placed \$4,200,000 to surplus. In 1915, after paying a like dividend, they placed \$8,650,000 to surplus.

Armour & Co. showed net earnings in 1914 of \$7,400,000, and in 1915, \$11,000,000.

Are these people eager for an investigation of the live-stock industry and the production of meat animals in this country? Apparently they are not.

Mr. ADAMSON. Can the gentleman tell me the prevailing fashionable price at this time paid by the packers and butchers for ordinary cattle on the hoof, such as we get the whip leather out of and such as they sell us to eat in Washington?

Mr. BORLAND. Yes; the price at Kansas City ranges now from \$6.50 for cows, and that sort of stuff, up to fat beef, which brings \$10.60 and sometimes \$10.80.

Mr. ADAMSON. Then it ranges from \$7 to \$11?

Mr. BORLAND. No; not quite \$11. I think it did touch \$11 at St. Louis.

Mr. ADAMSON. Averaging about \$8 a hundred?

Mr. BORLAND. Yes.

Mr. ADAMSON. The gentleman of course is aware, and I believe he states, that every particle of the animal, hide, hair, hoof, entrails, all are utilized by the facilities these people have?

Mr. BORLAND. Yes; they do not lose anything except the squeal of the pig.

Mr. ADAMSON. The gentleman is also aware that when you buy first-class beefsteak you pay about 40 cents a pound?

Mr. BORLAND. About 35 to 38 or 40 cents.

Mr. ADAMSON. And all parts run from 18 to 40 cents.

Mr. BORLAND. Yes.

Mr. ADAMSON. The gentleman does not think it remarkable, does he, that the intermediary is able to declare a considerable dividend with this wide margin?

Mr. BORLAND. Apparently not.

Mr. ADAMSON. And that they can afford to bring lawyers here to maintain a condition which enables them to swindle both ways?

Mr. BORLAND. Apparently they can.

Mr. ADAMSON. And rob both consumer and producer.

Mr. BORLAND. Are these people eager for an investigation of the live-stock industry and the production of animals in this country? Apparently they are not.

But this is not all. The evidence given at the hearings, including the admission of the packers themselves, shows that the packers now own or control nearly everything that is valuable in connection with the live-stock business. Not only are they practically the sole buyer for the farmers' cattle but the facilities for getting those cattle on the market are in the control of the packers, and they are also engaged in disposing through various subsidiary companies of the by-products from the horn comb to the brush of the tail. The evidence revealed that many of the stockyards in the great live-stock markets are controlled by the packers. They control the terminal companies, the rendering establishments which dispose of the carcasses of animals which die in the cars or in the yards, all grades of packing plants, the wholesale distributing markets, the cold-storage warehouses, and the refrigerator-car systems. They own the wholesale markets in the great cities and even the Smithfield Market of London, and from these markets they do not only a wholesale but a retail business to hotels, clubs, dining cars, and steamships.

They are engaged in the manufacture of fertilizer in all forms, including a large control of the supply of nitrate. They dispose through various agencies of all of the by-products of the animal. They are engaged in the manufacture of soap, oleomargarine, curled hair, combs, and other articles made from horns and hoofs, bone dust, dried blood, pharmaceutical preparations, and glue. They operate great tanneries, and control the hide and leather market. They are engaged in the manufacture of various kinds of packed and canned-food products, and are a large factor in the cold storage of butter, eggs, poultry, fresh fruit, and vegetables. They even manufacture grape juice.

I have already spoken of the fact that they control packing houses in Australia, Argentina, and Uruguay, and in connection therewith they have lines of steamers and dock facilities which make them almost immune from competition. In addition to this, they control or have an interest in a large number of banks and cattle loan companies which lend money to cattle feeders and take a chattel mortgage upon the bunch of cattle. Thus, they are able to practically force cattle on the market, and they are in possession at all times of accurate statistics of the number of cattle that must be shipped to market within a

certain week. There is no guesswork about their business. Their control of a chain of banks extends from New York City to the smallest agricultural town.

When England seized a cargo of beef belonging to the packers which she claimed was on the way to Germany, the packers were able to force a settlement out of Great Britain of \$15,000,000. How? The answer is very simple. England was preparing to negotiate a large war loan in this country and she needed the sympathetic help of the packers' banks. I could give a startling list, if necessary, of the banks upon the directory of which great packers figure. England may have been at the mercy of the packers in other respects, for she needs to place vast meat contracts to feed her Army in the field.

What do the cattlemen expect to gain by this investigation? And do they expect to bring to terms this great international organization? Well, in the first place, they feel that the white light of publicity is the principal weapon in the correction of economic wrongs. No legitimate business need fear honest and impartial publicity. If the packers expect to regain public confidence by stifling a public inquiry, they may find that the result is exactly the opposite of their expectations. In the next place, the cattlemen feel that the agencies and facilities of the live-stock business should not be all in the hands of the packers, and that possibly legislation is needed to divorce the packers from their control of the market facilities in the same way that the railroads were divorced from their control of commodities. And, lastly, the cattlemen expect for the benefit, both of themselves and their consumers, to restore, if it is possible in this economic age in the world, a free and open market. I believe that a free market is the most wholesome thing for any business. The grain farmer to-day has a free and open market on wheat in the great grain centers like Kansas City, Minneapolis, and Chicago, and we see how much better off he is than his brother, the tobacco farmer of the South, who has no open market, but must sell his crop as soon as it is gathered to one buyer, the American Tobacco Co. The result is that the tobacco farmer has been trying night riding and other desperate forms of law breaking to force a living price for his product.

I believe that great markets with their exchanges and their forces of active and alert salesmen is the steady force in any industry. The commission men are an absolutely essential factor of a free, open, and competitive live-stock market, and when the live-stock markets are destroyed and the exchanges are closed, the cattle raiser will be perfectly helpless. Country buying by the packers may at first benefit a few stock raisers, but in the end it will place all stock raisers at the mercy of the packers, and be the most disastrous thing which could possibly happen to the live-stock industry.

In conclusion, let me say that the true interests of all men engaged in the live-stock industry lie in the direction of building up that industry and increasing it to the highest possible efficiency. Even the interests of the packers are ultimately to the same end. Certainly the interests of our Nation at large and of the great army of wage earners and consumers who must rely upon our domestic supply of beef is in the interest of developing our meat industry and preserving it, not only from great world-wide economic changes but from the manipulation of those powerful bands who sit at the gate of commerce and demand a toll from the food of the people. [Applause.]

#### MAIL-ORDER HOUSES.

Mr. BROWNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on mail-order houses.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record on mail-order houses. Is there objection?

There was no objection.

#### THE FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13391, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table House bill 13391, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 13391. An act to amend an act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. GLASS, Mr. STONE, and Mr. HAYES.



## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House, under its previous order, adjourned until Friday, August 4, 1916, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication of the Postmaster General, submitting estimates of deficiencies in the appropriations for the Postal Service, on account of inland transportation by railroad routes (H. Doc. No. 1316), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a joint resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14670) for the relief of street-railway crossing policemen, and for other purposes, reported the same with amendment, accompanied by a report (No. 1069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 271) authorizing the Secretary of War to loan, issue, or use, and to purchase quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Alabama and other rivers of Alabama and their tributaries, reported the same with amendment, accompanied by a report (No. 1070), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16995) granting the consent of Congress to A. N. Alford to construct a bridge across the Savannah River, reported the same without amendment, accompanied by a report (No. 1071), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Nebraska, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16914) permitting the Needles & Oatman Bridge Co. to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona, reported the same without amendment, accompanied by a report (No. 1072), which said bill and report were referred to the House Calendar.

Mr. LLOYD, from the Committee on the District of Columbia, to which was referred the bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896, reported the same without amendment, accompanied by a report (No. 1075), which said bill and report were referred to the House Calendar.

Mr. QUIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 17020) making an appropriation for the benefit of the Aviation Corps of the Department of War, and repealing the provisions of certain acts relating to the acquisition of a site and the erection of a public building at Ripon, Wis., reported the same without amendment, accompanied by a report (No. 1076), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEDMAN, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 4544) for the relief of Leonore M. Sorsby, reported the same without amendment, accompanied by a report (No. 1073), which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 5385) for the relief of

William A. Steward, reported the same without amendment, accompanied by a report (No. 1074), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. DILL: A bill (H. R. 17267) to amend section 2291 of the Revised Statutes of the United States (37 Stat., p. 123); to the Committee on the Public Lands.

By Mr. DILLON: A bill (H. R. 17268) to authorize the Secretary of War to furnish one condemned cannon to the town of Parkston, S. Dak.; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 17269) to enlarge the scope and purpose of the post-office building at Syracuse, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. BEALES: A bill (H. R. 17270) to provide for the acquisition of additional land adjoining the present post-office site at Gettysburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HELGESEN: Joint resolution (H. J. Res. 287) to repeal an act entitled "An act providing for the promotion of Civil Engineer Robert E. Peary, United States Navy, and tendering to him the thanks of Congress," known as Public No. 487, approved March 4, 1911; to the Committee on Naval Affairs.

By Mr. STEDMAN: Joint resolution (H. J. Res. 288) for the relief of the destitute sufferers from the recent floods in North Carolina; to the Committee on Appropriations.

By Mr. BELL: Joint resolution (H. J. Res. 289) authorizing the Secretary of War to loan, issue, or use and to purchase quartermaster's and medical supplies for the relief of destitute persons in the district overflowed by the Chattahoochee and Etowah Rivers and their tributaries; to the Committee on Military Affairs.

By Mr. GALLIVAN: Resolution (H. Res. 334) to sever diplomatic relations with Great Britain; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 17271) granting a pension to James A. Smith; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 17272) granting an increase of pension to Charlotte Letts; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 17273) granting an increase of pension to Dr. Douglas Luce; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 17274) granting an increase of pension to Ellen A. Richardson; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 17275) granting an increase of pension to William H. Freeman; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 17276) for the relief of L. S. Parker, George B. Pettus, F. D. Rolfe, S. A. Rolfe, E. A. Rolfe, and Eugene Williams; to the Committee on Claims.

By Mr. LONDON: A bill (H. R. 17277) for the relief of Thomas H. Rockwell, deceased; to the Committee on Military Affairs.

By Mr. MONTAGUE: A bill (H. R. 17278) for the relief of John Croom, the authorized agent of Wiley Gurganous; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 17279) granting a pension to James E. Jones; to the Committee on Pensions.

By Mr. REAVIS: A bill (H. R. 17280) granting an increase of pension to Henry G. Bullitt; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 17281) granting an increase of pension to Michael Long; to the Committee on Pensions.

Also, a bill (H. R. 17282) granting a pension to William L. Pross; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 17283) granting an increase of pension to Philip A. Canfield; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 17284) granting an increase of pension to Michael C. Bierring; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 17285) granting an increase of pension to Daniel W. Bartlett; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 17286) granting an increase of pension to Elizabeth Starr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17287) granting a pension to Elizabeth Blake; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of Virginia State Veterinary Medical Association, Ocean View, Va., and Indianapolis Branch, No. 3, National Association Bureau of Animal Industry Employees, favoring House bill 16060, the Lobeck bill; to the Committee on Agriculture.

Also (by request), petition of sundry citizens of Eolia, Mo., and General Assembly of the Presbyterian Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEALES: Petition of Acme Extract & Chemical Works, of Hanover, Pa., urging passage of House bill 13987, relative to flavoring-extract manufacturers; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Oakcrest Association, Brooklyn, N. Y., relative to investigation of the price of anthracite coal; to the Committee on Rules.

By Mr. CURRY: Petitions of Mrs. A. A. Mar Baker, Alice B. Hinman, and Nora E. Patterson, representing 145 members of the Woman's Christian Temperance Union of Sacramento, Cal., favoring passage of House bill 10924, prohibiting exports of intoxicants to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. DALE of New York: Petition of A. T. Gurlitz, of Brooklyn, N. Y., and fiftieth annual encampment of the Department of New York, Grand Army of the Republic, favoring passage of the Civil War Volunteer officers' retired list bill; to the Committee on Military Affairs.

Also, petition of Order of Railway Conductors, Trainmen, etc., relative to wage controversy between railroads and employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. M. Wadsworth, of New York City, favoring passage of the Army bill with Senate amendments; to the Committee on Military Affairs.

By Mr. DOOLING: Petition of Oakcrest Association, of Brooklyn, N. Y., relative to investigation of the price of anthracite coal; to the Committee on Rules.

By Mr. ELSTON: Resolution of Central Labor Council, of Oakland, Cal., recommending publicity of income-tax returns; to the Committee on Ways and Means.

By Mr. FLYNN: Petition of Paramount Knitting Co., of New York City, favoring passage of the Army bill with Senate amendments; to the Committee on Military Affairs.

Also, petition of Fiftieth Annual Encampment of the Department of New York, Grand Army of the Republic, relative to Civil War Volunteer officers' retired list bill; to the Committee on Military Affairs.

Also, petition of D. W. Barringer, Philadelphia, Pa., relative to present state of the fleet of the Navy; to the Committee on Naval Affairs.

By Mr. HERNANDEZ: Petition of sundry citizens of New Mexico, relative to wage controversy between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of Retail Merchants' Association of Illinois, favoring reduction in postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Indianapolis (Ind.) Branch, No. 3, N. A. B. A. I. E., favoring House bill 16060; to the Committee on Agriculture.

Also, petition of 67 citizens of Illinois, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. NOLAN: Memorial of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, San Francisco, Cal., favoring the selection of North Island, near San Diego, Cal., as the most satisfactory site for the proposed aviation school; to the Committee on Military Affairs.

By Mr. PADGETT: Memorial of General Assembly of the Presbyterian Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Frederick J. Koster, president California Barrel Co., San Francisco, Cal., favoring passage of the naval bill; to the Committee on Naval Affairs.

Also, memorial of Chamber of Commerce and Commercial Club of Santa Barbara, Cal., favoring arbitration between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Papers in the pension case of James C. Haslett, House bill 15537; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petitions of employees of various railroad companies in Texas, against enforced arbitration of labor disputes; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Chambers of Commerce of Hereford and Higgins, Tex., favoring enforced arbitration of labor disputes between railroad companies and their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. WARD: Petition of president and members of the Woman's Christian Temperance Union of Barnesville, N. Y., relative to Federal censorship motion-picture bill; to the Committee on Education.

#### SENATE.

THURSDAY, August 3, 1916.

(Legislative day of Tuesday, August 1, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate resumed the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMOOT. Mr. President, there are only five Senators in the Chamber. I think we ought to have a quorum before we begin the consideration of the appropriation bill.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martine, N. J.	Sherman
Bankhead	Hollis	Myers	Simmons
Beckham	Husting	Nelson	Smith, Ga.
Brandeggee	James	Norris	Smith, Md.
Bryan	Johnson, S. Dak.	Overman	Smith, S. C.
Chamberlain	Jones	Page	Smoot
Clapp	Kenyon	Penrose	Taggart
Clark, Wyo.	Kern	Pittman	Vardaman
Culberson	Lane	Ransdell	Wardman
Dillingham	McCumber	Robinson	Williams
Fletcher	McLean	Saulsbury	
Gronna	Martin, Va.	Sheppard	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. POMERENE, Mr. SWANSON, and Mr. THOMPSON answered to their names when called.

Mr. GALLINGER, Mr. SHAFROTH, Mr. LA FOLLETTE, and Mr. TILLMAN entered the Chamber and answered to their names.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is necessarily absent, and that he is paired with the Senator from New Mexico [Mr. FALL].

I also desire to announce the absence on account of illness of the Senator from Louisiana [Mr. BROUSSARD].

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The next reserved amendment will be stated.

The SECRETARY. Amendment reserved by the senior Senator from New Jersey [Mr. MARTINE], striking out on page 28, lines 18, 19, and 20, in the following words:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500.

Mr. MARTINE of New Jersey. Mr. President, I ask the Senate to disagree to the amendment which will strike out, in lines 18 and 19 and a portion of line 20, the proposition as it came from the House to repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide. That is the House provision, and on recommendation of the committee the Senate, as in Committee of the Whole, struck it out. I find in the bill other instances where repavement has been ordered, but this seems to be eliminated. I have received very many letters and a number of calls with reference to this matter. I did not know anything about it until I went down there and looked the premises over.

This part of Fourteenth Street is that section with the Willard Hotel on one side and the Ebbitt House on the other. The section runs from Pennsylvania Avenue to F Street. I find that Fourteenth Street on the other side of Pennsylvania Avenue is 75 feet wide. I find that Fourteenth Street on the other side of F Street is 75 feet wide. This section is but 50 feet wide.



The reason why this should be the case seems almost inexplicable. Recently, within a year or thereabouts, a two-track street railroad has been laid in that portion of Fourteenth Street between F Street and Pennsylvania Avenue, narrowing up the street still more. It is a very common instance, almost an everyday instance, that the side of the Avenue toward the Willard Hotel will be glutted by taxicabs and automobiles, 12 or 15 in number, belonging, I believe, to the Willard Hotel, occupying the street as a stand. On the opposite side of Fourteenth Street, in the front of the other property, there are these great caravans, so-called sight-seeing caravans, occupying that portion of the street. So with a two-track railroad and with automobiles on one side and caravans on the other the street is narrowed to a very great degree.

Further than this, the physical condition which prevails there is a very rapid incline on that portion of Fourteenth Street, making it very dangerous and a very uncomfortable situation. It seems to me if there is any reason for a wide street that reason exists in this particular part.

After I had gone there I examined the sidewalk. I found the sidewalk on that portion of Fourteenth Street 30 to 33 feet in width on both sides, which is an unusual width anywhere in the city. Since that time the commissioner of the District, Commissioner Newman, I need not have any hesitancy in saying, called upon me and said he had seen I had brought up this question. I said, "Yes." I asked him what he knew about it. He said he knew very little about it. He said, "I am a commissioner of the District; this is an aggravating condition; the condition has remained for years, and it should be corrected. I can not understand just what reason the Senate had for striking this out, relieving these property holders from the assessment that would come and at the same time jeopardizing the people." The commissioner said in the event of an accident, which would be liable to occur at any time, with the cluttering up of the automobiles and the two-track railroad, the city would be liable, of course, for such damages as might accrue.

This property, I learned afterwards, is owned by the Willards. I do not know the Willards from a side of sole leather. I would not know them if I stumbled on any of them. I have no feeling regarding the Willards, but I find the Willards have for many years occupied all that portion of the sidewalk. I stopped there to-day in order to qualify myself to speak of it. I found on about 12 feet of that sidewalk a sort of derrick framework from the elevator that punched through the sidewalk standing up 8 feet high, making an opportunity to go down to their vaults below the street. I asked a man what that was for. He said, "It is the Willard elevator to carry up and down the freight of the Willard." Then I asked, "What are these coal holes along here?" He said, "The boilers are under there." I said, "Are these boilers on private property or on public property?" He said, "They are on public property." "How long have they been there?" I asked him. He said, "I do not know; forever, I guess." And there they are, occupying this territory, and scarcely a foot ever treads on that portion of the Fourteenth Street sidewalk. That excess of 10 or 12 feet is entirely utilized by private interests, by a private concern, the Willard Hotel Co.

The Willard Hotel Co. own that property, and the Willard estate own practically all the other property on the other side of the street. They own the Ebbitt House and three or four other buildings clear down to the saloon on the corner, and I am in doubt whether they own that or not. But they own above the saloon, and I want to know with what reason or decency or sense of fairness Congress can go on and make assessments to repave with asphalt the roadway of Twelfth Street NW., from E to F Streets, 45 feet wide, at a cost of \$6,600; to repave with asphalt the roadway of Third Street NW., from Pennsylvania Avenue to B Street south, \$13,800; to repave with asphalt the granite block roadway of Seventh Street NW., from R Street to Florida Avenue, \$15,000; and for repaving the roadway of B Street NW., from Ninth Street to Twelfth Street, on plans to be approved by the Commissioners of the District of Columbia, \$28,000, and then when we come to the other paragraph it is cut out. It may inconvenience them by disturbing this vertical frame or elevator that they have fixed upon the sidewalk, and it may inconvenience them with their boilers. Some gentleman told me they have a sort of certificate or permit to place that there. I said, "Did the city ever surrender the right to that property?" "Oh, no; they have simply been occupying it by sufferance." Yet I learned this same company has been charging automobile owners and taxicabs for rental for the privilege of standing along there on the city's property. Whether that be true or not I do not know, but I was so informed.

Mr. OVERMAN. What is the width of this street along the Willard Hotel?

Mr. MARTINE of New Jersey. The width of the whole street is legitimately 75 feet.

Mr. OVERMAN. What width are they occupying?

Mr. MARTINE of New Jersey. They are occupying about 13 feet of each sidewalk.

Mr. OVERMAN. How much of the other part of the street are they occupying?

Mr. MARTINE of New Jersey. About 20 feet.

Mr. OVERMAN. What is the distance between the curbs?

Mr. MARTINE of New Jersey. I think about 36 feet; and it should be 50 feet.

Mr. OVERMAN. How much Government property do they occupy?

Mr. MARTINE of New Jersey. I think about 12 feet on each sidewalk. They occupy 12 feet of the sidewalk along Willard's Hotel from Pennsylvania Avenue to F Street, and on the opposite side they own the Ebbitt House and all the other property.

Mr. OVERMAN. They have no title whatever to the occupancy of the pavement?

Mr. MARTINE of New Jersey. None whatever. It is just simply occupancy.

Mr. President, I have no desire to oppress the Willards. I do not know them, and if I did it would not make any difference. I do not think it is square. We assess the local people all over the city for these improvements. Why, in the name of God, should we exempt the Willards? I can not understand it.

It struck me as being so apparent a wrong that, as I said, I visited the premises; and I have since been visited by the commissioner, who, as I tell you, said to me that since the two railroad tracks have been there—and they were put there quite recently; I think about a year ago—it has really circumscribed the legitimate and proper area of driving. As I said, the physical condition is such that there is a grade of 15 or 20 per cent. Under ordinary conditions it would be bad, and the commissioner said when it is cluttered up with taxicabs on one side and great caravans of sight-seeing conveyances on the other side, with two tracks of railroad, it is very much circumscribed, and it is an unfortunate and dangerous condition. It seems to me the Senate can not justify this action, and therefore I ask the Senate to disagree to the amendment striking out that paragraph of the bill.

Mr. OVERMAN. I desire to say that, as I remember, the engineer commissioner of the District came before the committee prior to the laying of the tracks on Fourteenth Street between Pennsylvania Avenue and F Street and asked Congress to lessen the width of the sidewalks on that square so that the tracks could be laid. That involved great expense, and Congress did not authorize the lessening of the width of the sidewalks; but the hotel company are using this property on the side of the Willard Hotel that belongs to the Government, and the sidewalks on that block are very wide.

Mr. MARTINE of New Jersey. They are 33 feet wide.

Mr. OVERMAN. Above that block on Fourteenth Street for miles the sidewalks are of a uniform width.

Mr. MARTINE of New Jersey. I paced the sidewalk on that block, Mr. President, and it is from 30 to 33 feet wide.

Mr. SHAFROTH. Mr. President, has the Senator from New Jersey concluded?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. SHAFROTH. I was on the committee that had this matter under consideration, and I voted to strike out the provision contained in the House bill. I do not know the Willard Hotel people; I never saw one of them nor any person who is interested in that hotel; but I understand it is going to cost some \$28,000 to the Willard Hotel Co. if this change is made. While that is not all powerful in the determination of what should be done in the widening of a street, yet, notwithstanding, it is something which we ought to take into consideration.

The complaint which the Senator says has been made is that a number of vehicles are stationed along the side of the Willard Hotel. The Commissioners of the District have a perfect right to see that no vehicle is stationed there, and they can do it without the expenditure of a dollar to anybody. If they do that, they can save the expenditure and have plenty of space upon each side of the railroad tracks for vehicles.

Mr. DILLINGHAM. Was not the Senator's attention called to the fact that the stand for vehicles is now on Pennsylvania Avenue?

Mr. SHAFROTH. Yes, sir; I was going to refer to that. In front of the Willard Hotel there is a space, extending for almost a block, where automobiles are parked. In addition to that, they can stand for any distance on Pennsylvania Avenue, because it is a very wide street. Consequently, it seems to me, when you say you want this change made solely for the purpose of having more space, when it can be done in 10 minutes simply by the issuance of an order by the Commissioners of the District of Columbia, it is unfair to put anybody to an expenditure of such an amount as has been named.

Mr. OVERMAN. How long has it been occupying this Government property?

Mr. SHAFROTH. I do not know. It is generally customary in cities to permit the use of space underneath the street for coal, boilers, and so forth, and many cities permit it even to the lot line.

Mr. OVERMAN. The other hotels on that same street have their boilers under the sidewalk, and they do not pay for the use of such spaces.

Mr. SHAFROTH. That may be. I presume they do it under a permit. The difficulty is that here there is going to be an enormous expenditure of money, and it seems to me that it is useless, for the difficulty can be obviated by a simple order of the commissioners that vehicles shall not stand in front of that hotel on either side.

Mr. DILLINGHAM. I thought the Senator was referring to the permit from the Government to use the space under the sidewalk.

Mr. SHAFROTH. Yes.

Mr. DILLINGHAM. I find from the evidence taken before the subcommittee that the first permit was issued by the War Department on April 5, 1900, for one part of the vault, and the second one on November 12, 1902. The first one was signed by Mr. Meiklejohn, Assistant Secretary of War at that time, and the second one was signed by Gen. W. Carey Sanger, Acting Secretary of War at the time it was obtained. Those vaults were put in under those permits.

Mr. SHAFROTH. To require an expenditure of \$28,000 to be made by the abutting property owners under a permit which was evidently not intended to be temporary only, it seems to me, is a great hardship on them; and while the hotel company charges high prices, and all that—and I have no love for high-priced hotels—yet, notwithstanding that fact, I believe that justice ought to be done to them.

But, Mr. President, there is another reason against such action. In this bill it is provided that the street shall be paved with asphalt. With the steep grade of Fourteenth Street, such a pavement would simply be a trap for dragging down horses in slippery weather, whenever there is rain or snow. It seems to me that if such a proposition were adopted there would be infinitely a greater number of accidents than now occur. The present street pavement is ideal in that steep place. No accidents occur there; but if that street is paved with asphalt on that steep grade you are going to have any number of accidents, and perhaps any number of damage suits against the District of Columbia, by reason of putting down a pavement of that kind, which, I repeat, would be a trap for horses that were passing along there.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Colorado yield to me?

Mr. SHAFROTH. Yes.

Mr. MARTINE of New Jersey. The Senator speaks about automobiles parking along there. Of course that is a mere incident; but as to the suggestion in regard to paving the street with asphalt, I quite agree with the Senator. I should like to see an amendment—and I shall offer an amendment to that effect—requiring that it should be paved with Belgian block and not with asphalt. I think Belgian block would be far better; but whether the street is paved with Belgian block or with asphalt, the fact is that these people are occupying these streets, and are being given an advantage over the people on other portions of Fourteenth Street. No one can argue, and no practical man would argue, that with a street with two railroad tracks on it it would not be safer to have that additional width rather than to have it narrower.

Mr. SHAFROTH. It is true that perhaps it would be a little advantage; but with that steep grade there is no place for vehicles to stand, and they ought not to be permitted to stand there.

Mr. MARTINE of New Jersey. Would it not be better to widen the street, however, if they are to stand there?

Mr. SHAFROTH. Yes; it would be, if they are to stand there.

Mr. MARTINE of New Jersey. Well, they are on Pennsylvania Avenue. In front of the Willard Hotel for nearly a block the street is filled with parked automobiles, and there is no space for them there. They come up to the very edge of Fourteenth Street.

Mr. SHAFROTH. They can easily be prohibited from doing so, and the commissioners can compel them to park automobiles some distance away.

Mr. MARTINE of New Jersey. I am not talking about parking automobiles. I think we safely may leave that with the Commissioners of the District.

Mr. SHAFROTH. The provision in the House bill is for an asphalt pavement. If there is an asphalt pavement there, in wet weather or in snow the automobiles will continually skid,

even with chains on them. The grade is very steep. I do not know a place in the city of Washington where the grade is so steep as between Pennsylvania Avenue and F Street on Fourteenth Street. It is now paved with granite blocks.

Mr. MARTINE of New Jersey. With Belgian blocks.

Mr. SHAFROTH. Although with the existing pavement horses can go along that portion of Fourteenth Street without endangering their lives and automobiles can pass up and down without any danger to them, it seems to me, if we make this change we would be inviting disaster to people, we would be subjecting the District to damage suits, and we would be damaging adjacent property because people have invested large amounts of money there with the expectation that no change would be made, at least for a reasonable length of time.

Mr. OVERMAN. How about Thirteenth Street, which is the next street—is not the grade about the same there?

Mr. SHAFROTH. Oh, no; I do not think so.

Mr. OVERMAN. I think so.

Mr. MARTINE of New Jersey. It is about a 15 per cent grade.

Mr. SHAFROTH. The grade is not quite so steep on Thirteenth Street because, I think, F Street running to the east has a gradual down grade, making a somewhat slighter grade on Thirteenth Street than on Fourteenth Street.

Mr. MARTINE of New Jersey. Does the Senator know how many years the Willard Hotel Co. have occupied that space?

Mr. SHAFROTH. I do not know.

Mr. MARTINE of New Jersey. I ask that question because the Senator says they had a right to expect that they could occupy it for a reasonable length of time. They have occupied it ever since they built the new hotel, and they have never paid the District of Columbia one sou marque rental for it; and, God knows, they ought to be satisfied.

Mr. SHAFROTH. If you want to charge them for it, that is a different consideration.

Mr. MARTINE of New Jersey. No; I do not want to charge them for it; but I want the Willard Hotel Co. to be put on the same footing with the people on the other side of Pennsylvania Avenue and the people on the other side of F Street.

Mr. SHAFROTH. Mr. President, I do not believe that the permit has been given through any favoritism.

Mr. MARTINE of New Jersey. I do not know that it has been.

Mr. SHAFROTH. I do not believe that is the case; but in order to make that change an expenditure of money will be required which will necessitate a tax on that hotel of \$28,000.

Mr. MARTINE of New Jersey. Oh, no, it is not so much as that. How does the Senator arrive at the figure \$28,000?

Mr. SHAFROTH. Well, it will involve the destruction of property that has cost them \$28,000.

Mr. MARTINE of New Jersey. That is true; but if you put your house on my lot—

The VICE PRESIDENT. Let us have some little semblance of parliamentary procedure.

Mr. MARTINE of New Jersey. Mr. President, if the Senator puts his house on my lot he must pay the expense of moving it off.

Mr. SHAFROTH. That is true.

Mr. MARTINE of New Jersey. And this company did not go in there with their eyes shut. They knew they were on public property. I do not know the Willard Hotel people; I would not know them if I fell over them. I know that certain interests own the hotel and lease it out to Mr. Boldt, who runs the Waldorf-Astoria, in New York; the Marlborough-Blenheim, in Atlantic City; and the Bellevue-Stratford, in Philadelphia. A millionaire hotel proprietor rents it out, and the owners of the property are sure of their revenue every year.

Mr. SHAFROTH. Mr. President, I do not know the hotel people, nor do I care who they are. The vote I cast in the committee was not, and the vote I shall cast on the floor shall not be, influenced by whether they are poor men or rich men. As I understand, \$28,000 has been expended there and will be destroyed if the action sought by the Senator from New Jersey is taken. What benefits are going to accrue by widening that street? The grade is too steep for automobiles to stand there, even if the street were widened. The commissioners can remedy any condition of congestion by an order. An asphalt pavement would render the street dangerous not only to horses but also to automobiles. For that reason I believe it would be a useless expenditure of money, and I think the Senate amendment striking out the provision should prevail.

The VICE PRESIDENT. The question is on concurring in the amendment reported by the committee.

Mr. SMITH of Maryland. Mr. President, in regard to the question of rejecting the amendment reported by the committee



striking out the provision inserted by the House, I wish to say we fully considered the matter in the committee. We found no special public sentiment in favor of this change. We recognized the fact that this street has been repaved within the last year.

So far as the argument is concerned as to the use of the space under the street, there is nothing in that, because, I presume, there are a hundred other cases of a similar character where cellars are being used under the streets. That is not a privilege that is extended to the Willard Hotel Co. alone. Under the circumstances, we felt that it probably would be better to strike out the House provision and let the matter go to conference, so that we might determine what was best to do in the matter after consulting with those having knowledge of the circumstances and ascertaining the reason the House had for inserting the provision for the widening of Fourteenth Street.

Mr. WORKS. Mr. President, the question raised by the amendment offered by me proposing to abolish the District of Columbia and change the manner of paying the expenses of the District has been disposed of, and I did not expect to refer to it again; but in ruling upon the point of order on the amendment the Chair made the statement that the District of Columbia was not a municipal corporation, a statement that was literally correct, except that it is nominally so, not for municipal but for national governmental purposes. That ruling has been brought in question by a letter that was written to a Member of this body—not myself—in which the correctness of the statement referred to is challenged, and in support of the claim made in the letter a brief is referred to which was filed in the case of Leonard R. Coates against the District of Columbia in an action brought against the District for damages.

It was claimed as a defense in that action that in doing the act complained of the District of Columbia acted in a governmental capacity and in the performance of a governmental function or duty. The court held, and I think properly held, that the District was then in the performance of a governmental function or duty, but not as a municipality. The governmental function performed was that of the National Government and not of a municipality. While the Congress of the United States has, as the act of 1878 provides, continued the District as a municipality, it has shorn it of every vestige of power or authority as such, and has simply made it the agent of the Government for the performance of National Government functions, and nothing else. In effect, the Congress has made the District of Columbia its agent for a certain purpose, has provided that it may sue and be sued as such agent; but the action is, in effect, against the Government of the United States and not against the District of Columbia as a municipal corporation, and any judgment that is recovered against the District must be paid out of the National Government funds, and comes out of the National Treasury. Therefore, it is idle to say that in any proper sense the District of Columbia is a municipal government, because it performs no functions of that character.

I have felt impelled to make this statement, Mr. President, because of the fact that the Chair has been challenged as to the statement made, and because I believe that the Chair was eminently right, not only in the statement of facts but in the ruling that was made. I have no doubt of that myself; and there is absolutely nothing in the brief in the Coates case and nothing in the ruling of the court in that case that challenges the correctness of the statement made by the Chair respecting the character of the functions of the District of Columbia or the ruling of the Chair on the point of order.

Mr. LANE. Mr. President, I wish to call the attention of the Senator from Colorado to the fact that there may be injustice in the use of public property by private individuals, namely, where an individual secures it for the purpose of renting it to others for profit. Many cities, practically all of them—and it is necessary that they should—under certain conditions grant the right to large buildings to use the space under sidewalks, but in Chicago and other cities I am informed they charge a rental for it, and in that way they secure quite a considerable revenue, which is proper and right. The Willard Hotel people, I understand, have secured a permit to this space under the sidewalk and pay nothing for it. It has been a gift to them, a grant to them under, I presume, a limited permit, and they are said to turn around and rent it out for gain. There is an unearned increment, and they have nothing left to say in the way of a rebuke to the public when it undertakes to recover enough of that ground for the use of the people who live in this city. Their voice is stopped entirely.

As to the width of the street, I know nothing. I quite agree with the Senator from Colorado that it would be foolish to pave a steep street with asphaltum. You might just as well coat it with ice; it would be a dangerous thoroughfare for people and

for vehicles of all kinds in wet weather; but when it comes down to the right to the use of the public property, that is another question which should be taken into respectful consideration. No man has an inalienable right to take unto himself the property of the people as a gift, on a permit, and then turn around and rent it out for somebody else's use and pocket the proceeds.

I notice that there is a great deal of indignation expressed here whenever anyone begins to look out for the rights of the people. The people of the community should be the first to be considered and legislated for. The rights of special interests should come afterwards. But if anybody calls attention to a wrong being done to the general public, such as an overcharge for gas, such as was discussed yesterday, or for an inferior quality of gas, loaded with acid which eats out the pipes and insidiously poisons thousands of people, then the cry is, "Hush! Say nothing; lie low and keep still. Mum's the word!" from the superpatriots who cast reflections upon those who call attention to conditions which are wrong and unjust—the types of wrongs which must be discovered and corrected sooner or later or there will come trouble from an outraged people. They will not always stand for infringements upon their common property and their rights.

I think this particular matter is one of no great importance, but, just the same, it is along the line of many usurpations of the people's property; and yet, and as usual, there is a burst of indignation when some one calls attention to it.

Mr. SHAFROTH. Mr. President, I agree with the Senator in relation to the rentals that should be charged by the cities for the use of their streets. I believe in that; but I do not believe in picking out one place and saying, "Here, you have got to be subjected to a loss of \$28,000 simply for the purpose of widening a street," which it is not necessary to have widened, in my judgment. I do not believe in doing that.

I would join with the Senator in making a provision that wherever any part of a street is used by adjacent buildings it shall pay a reasonable rental, and I think that is right.

Mr. SMITH of Maryland. Mr. President, may I ask the Senator if he does not believe this: In view of the fact that these buildings have the privilege of using that space, is it not a fact that when the taxes are laid upon these buildings the taxes are probably greater, having the privileges that they have, and do they not pay for those privileges in the way of taxation?

Mr. SHAFROTH. They do to some extent, but—

Mr. SMITH of Maryland. That is the view the committee took of it; that if you increase the value of a building by virtue of its having these subways or these cellars, the building is worth more money and the owners pay greater taxes upon it than they otherwise would.

Mr. SHAFROTH. I believe, however, that the rule which has been adopted in Chicago, as I understand, is the best rule; and that provides that whoever occupies land in a street adjacent to his property shall pay a reasonable rental. I do not, however, believe in doing that by a special act with reference to one particular piece of property. I believe in making it a general rule, by which people will know in advance that when they use that public space and get permits for its use they will be required to pay, and for that reason I think it is all right. But to pick out a particular piece of property and say: "Here, we are going to enforce this requirement against this piece of property, with a resulting loss of \$28,000, and we will not disturb another man perhaps within half a block of that place," it seems to me is manifestly unfair.

Or, that account I believe that we ought not to change this condition. Why, this street has just been paved, I am told, one year ago. Are you going to make them pay for doing it again now? The expense of that is assessed against the property owners to some extent, I understand.

Mr. LANE. I will ask the Senator this question: Does not the Government in part appropriate for this improvement?

Mr. SHAFROTH. Oh, yes; but the cost is paid half by the District and half by the Congress.

Mr. LANE. Then Congress and the Senate have half a right to say something about it, or to inquire into it?

Mr. SHAFROTH. Yes; that is right. There is no doubt about that.

Mr. LANE. Just half a right.

Mr. SHAFROTH. Yes; but at the same time I understand that a proportion of the cost of paving a street in the District of Columbia has to be paid for now by the abutting property owners. That is as it ought to be. That is the condition that has existed in other cities for years. At the same time, I do not believe in putting to useless expense people who have property, and I believe that the paving of that street in any other manner than it is paved now will be a detriment to the traveling public.

Mr. LANE. I think that can be remedied by the Senator from New Jersey qualifying his amendment, and providing for a suitable pavement; but the public streets are the property of the people. They are dedicated to the use of the public, and their rights are first, and first to be considered. Now, if in improving the street for the benefit of the public you damage the property owner to some extent by recovering from him certain public property which he has been using for nothing, for which he has paid not a cent, why, he must stand his share of the loss in the interest of the general community. There is not a leg for an argument to stand on upon any other ground.

Mr. SHAFROTH. That would be true, Mr. President, if there were any urgent necessity for this thing; but that is not a street where automobiles ought to be permitted to stand, or where vehicles of any kind ought to be permitted to stand. They ought to be required to park somewhere else; and the commissioners can by an order in 10 minutes require that to be done, and the result of it then is that the necessity for repaving is entirely abrogated.

Mr. WORKS. Mr. President, I have received a number of telegrams protesting against certain provisions in the revenue bill. Some of them are protests against the tax on copper, another a protest against the increased corporation tax on banks, and still other protests against the tax on munition manufacturers. I ask leave to present these telegrams and have them referred to the appropriate committee.

I have another set of telegrams relating to the same bill, protesting against some provisions affecting the wine industry of my State. I will read just one of them:

Understand Senate committee is working on wine bill, and that Missouri and Ohio are fighting for unlimited use of grain spirits, sugar, and water, with no Government supervision. The bill, with exception of rates and few minor changes, is satisfactory to American pure-wine interests, and we are anxious of upholding present regulations. Please use your influence to protect pure wines by indorsing the regulations of the wine revenue bill passed by the House.

I want to say that the chief concern of the wine growers of California is to prevent the passage of any provision that will allow the adulteration of wines, not so much the question of taxes.

I ask leave to submit these telegrams, and the same reference for them.

The VICE PRESIDENT. The telegrams will be referred to the Committee on Finance.

Mr. MARTINE of New Jersey. Mr. President, the Senator from Colorado [Mr. SHAFROTH], I think, presents the thing in not exactly the true way, unwittingly. He says he does not believe in singling out some one. Now, there is no purpose of singling anybody out. That would be the last thing in my thoughts. Whatever else I am, I hope that I am square. I would not be a party to singling out any man on Fourteenth Street and oppressing him or punishing him, and I am not trying to single these men out; but for 7 miles or more Fourteenth Street, going up the hill, is 70 or 85 feet wide and on the other side of Pennsylvania Avenue it is 75 feet wide. These men have been singled out for favor in some way that I can not understand.

Now, I do not want to punish them. As I said before, I do not know the Willard family from a side of sole leather. Some man told me this morning that the Willards are Democrats and that they belong to the national committee. I do not care whether they are Democrats or Republicans, or what on earth they are. If they are in the wrong, I am going to fight them, and if they are in the right I will stand for them.

We are singling out nobody. We are only asking that fish shall not be made of one and fowl of the other; that the same kind of medicine that is doled out to the property owners on Fourteenth Street from one end to another, except on this isolated block, shall be the medicine for these gentlemen. Fortunately, I am told, they are in such a financial situation that they are pretty well able to bear it; but that has nothing to do with the question. If it is right, it is right; if it is wrong, it is wrong.

I agree thoroughly with the Senator's proposition about an asphalt pavement. I think it is a mistake. Any practical man will sustain that contention. I think the Belgian block or the trap-rock pavement which they have there is far better than asphalt; and if we can reject this amendment of the Senate committee I shall move to amend the provision so that instead of being asphalt it shall be Belgian block or in conformity with the existing pavement.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. OVERMAN. I want to say that the Engineer Commissioner of the District came before us and asked us to do exactly what the House did—to make that great street uniform as to the pavements on each side, which are exactly alike for 7

miles except here. He said it was an outrage to have that street all exactly alike until you get to the Willard Hotel, and then to extend the sidewalk out, and have a narrow street there, when they are going to have two lines of railroad there.

Mr. MARTINE of New Jersey. That is just what Commissioner Newman told me.

Mr. OVERMAN. I want to say that the Engineer commissioner of the city, came down with his reasons and said that the street ought to be uniform all along. Here we are giving the use of the Government property to this hotel when the pavement ought to be widened and made the same for 7 miles.

Mr. MARTINE of New Jersey. I think the Senator is eminently right.

Mr. POINDEXTER. Mr. President, the Senator from California [Mr. WORKS] refers to the revenue bill. While the Senate is deliberating upon the weighty question of which side of the street automobiles will be required to park on, and whether Fourteenth Street shall be paved with asphalt or granite block, and whether an awning on the sidewalk shall be removed, I want to take advantage of the opportunity, while Senators are conferring over those matters and the Nation waits in suspense, to speak of the matter to which the Senator from California refers, at least upon one phase of the revenue bill.

One of the important provisions of the bill provides for a so-called tariff commission. I say a so-called tariff commission, because the commission, as established in the bill, has no powers of any kind whatever to do any executive or administrative act. It is merely a board of inquiry. It is little more, as a matter of fact, than the Office of Cost of Production in the Department of Commerce, already established, which is referred to in the bill itself.

The bill provides for an appropriation of \$300,000 as the initial appropriation for the expenses of this commission. It gives the so-called commission authority to commandeer other departments of the Government. These are the words of the bill:

That such departments and independent establishments of the Government shall cooperate fully with the commission for the purpose of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records—

And so forth; reference being made particularly to the Treasury Department, the Department of Commerce, and the Federal Trade Commission, all great effective offices of the Government, with extensive powers which are subjected to the orders of this absolutely colorless and powerless so-called tariff commission.

One of the interesting features of the bill is the provision on page 96 which provides that witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and that witnesses whose depositions are taken, and the persons taking the same, except employees of the commission, shall be severally entitled to the same fees and mileage as are paid for like service in the courts of the United States. Mr. President, I wonder if the framers of the bill considered the cost to which the Government would be subjected by that provision. Every inquiry that this proposed commission makes will be made upon subpoenas of witnesses at the expense of the Government, to be paid mileage as though they were witnesses in a court—a court which had power to dispose of the matter before it and to enter a final judgment.

The provisions applicable to courts are extended to this commission, which has no power to do anything at all, to make any finding which has any force or effect.

It would be difficult to calculate the expense; but, as the Senator from Minnesota [Mr. CLAPP] well says, that feature of it probably has never been considered.

I have been very much in favor, Mr. President, of a tariff commission that would relieve the country and the Congress of some of the illogical situations to which they have been subjected heretofore in the ordeal of tariff revision, and would relieve the industry and business of the country of the periodic revolutions of industrial conditions, upheavals, destruction, and loss that come through wholesale revision of the tariff, brought about first by one political party and then by another; but the specious pretext of a tariff commission provided for in this bill could not by any possibility accomplish such a result. Tariffs would be made in the future just as they have been made in the past.

I want to call attention to some expressions of opinion of distinguished men, of various views upon a tariff policy, in regard to those methods and the impressions left upon participants in the process of framing tariff schedules and tariff classifications in Congress.



In 1910 a prominent majority Member of the House committee that framed the bill of 1909, Congressman E. J. HILL, of Connecticut, said:

I hope never to see another general revision of the tariff, with its consequent upheaval of our whole industrial organization, and with the abominable trading and dickering which inevitably result therefrom.

Senator Vest, who had a part in framing the bill of 1894, said:

I look back now upon what occurred during the debate and conference on the Wilson-Gorman bill as a nightmare, from the effects of which I have never recovered.

Senator NORRIS, of Nebraska, speaking in 1911, when he was a Member of the House, declared:

The methods by which the tariff has been revised in the past are unscientific, illogical, and out of date. This applies to every tariff that has been enacted.

The chairman of the Senate committee in 1909, Senator Aldrich, stated he was seeing 100 persons a day and working 18 hours out of every 24.

Elihu Root, then Senator from New York and a member of the majority party, said, in the midst of the debates of 1909:

We have been here for over three months considering and discussing and voting upon the measure of protection that it is necessary to give in order to keep alive and prosperous the business of tens of thousands of corporations engaged in the manufacture and trades affected by the protective tariff. Upon one hand we have garbled statements; upon the other equally garbled and partial statements; and no means of distinguishing the truth. We are under the necessity of proceeding by guesswork, by conjecture, always with dissatisfaction, because we recognize the chance that we have guessed wrong about whose statements came nearest to the truth.

There is a growing sentiment throughout the country in favor of taking the tariff, so far as the making of the schedule of rates is concerned, out of politics. Of course, the tariff policy of the country—that is, the question of whether we should establish what has come to be known as a system of protection, by means of taxes levied upon imports—can not be taken out of politics, because it is a matter which ultimately must be determined by the people at large through force of public opinion operating in elections. When the people have expressed their opinion as to the question of this policy the only way in which it can be carried out is through an act of Congress.

Not only must the question of whether or not there shall be a protective tariff or merely a tariff for revenue or no tariff at all, which is free trade, be determined in politics and established by an act of Congress, but upon what rule or basis the rates shall be fixed must also be established by an act of Congress, and, that being the case, must be more or less a question of politics as it will be made an issue in the congressional elections. That much having been determined, however, by the people and by their Representatives in Congress, further dealing with the tariff is largely a question of fact rather than of policy or opinion—that is, it having been determined, we will say, that there should be a protective tariff and that it shall be based upon the difference in the cost of production of manufactures in this country and in foreign countries, the matter of taking up and classifying the many thousand articles, with their various grades and qualities, in the multitudinous lines of industry and production and of determining the cost of each class and grade in the United States and the cost of the same in some foreign country which may compete with the United States is a question of fact. The ascertainment of questions of fact should proceed upon systematic and scientific lines. In fact, it is in itself a scientific question. It is just as unreasonable to undertake to settle such a scientific question—to arrange all these various classifications and gradings and to assemble the mass of minute details necessary to determine these comparative costs in a political campaign, by campaign speeches, political meetings, torchlight processions, and, in the last analysis, by discussions in the committees and upon the floors of Congress—as it would be to undertake to make a chemical analysis of the contents of a glass of water on the hustings or in congressional debate.

And yet, strange to say, though we have been dealing with the question of a tariff for a hundred years or more, we have never yet progressed beyond that crude way of making tariff schedules. Anyone who is interested can turn to the CONGRESSIONAL RECORD and read the almost maudlin state of mind in which the various branches of Congress become involved by debates and colloquies on the floor as to the scientific elements involved in the items of a tariff schedule. The construction of Congress, with its 531 Members, while it is admirably adapted to carry out the will of a great people, with its multitude of conflicting interests, so far as the establishment of the machinery of government and the principles and rules by which it shall be carried on is concerned, yet in its very nature is wholly unadapted to scientific investigation to be carried out

by the body itself in session as a legislature. Ordinarily, if the Congress desires to ascertain a scientific fact, it either constitutes an agency of its own, with powers and instructions to proceed to ascertain the fact and report it to Congress, or else refers the matter to one of the constituted branches of the Government dealing with the particular matters. The question then is taken up by scientists and experts who, through a long course of training, have acquired all existing knowledge of the subject and are provided with all of the means and equipment essential to the investigation, and situated in such a condition of retirement and quiet as facilitates scientific research. In this way the scientific truth is approximated.

Now, some method should be applied to the great work of classifying and grading the myriad of commodities of commerce subject to a tariff and of applying thereto whatever tariff rule may be laid down by Congress. The only way in which this can be done is through an administrative agent of some kind. Some one of the already established bureaus or offices of the Government might be utilized. In view, however, of the magnitude of the work, its importance, its need of continuous attention, and in view of the fact that the present bureaus of the Government are already overloaded with duties, a new and special and independent tribunal with full administrative powers should be established for this purpose. In the last Congress I proposed this in a carefully drawn amendment to the tariff bill. It provided for a commission of five members, the term of office of each member being 15 years, subject to removal at any time by a majority vote of the Congress of the United States, and the salary of each member of the commission to be \$12,500 per annum, their terms expiring at intervals of 3 years and the appointments thereto to be made by the President, by and with the advice and consent of the Senate. This tenure of office and respectable salary were proposed in order to justify men of first-class character and ability accepting the position and to insure work of the highest quality upon this delicate and vital matter. Aside from what has already been stated as to the advantages of this method of ascertaining the requisite tariff facts and putting them into effect, such a system has the following merits: It would very likely permanently settle the tariff question, because, by the operation of this system, the tariff would be gradually and continually adjusted to the constantly changing needs and conditions of business, so that excesses and extravagances of profits on the one hand, or inadequate rates on the other, would not give rise to the protests and discontent which have brought about our great tariff campaigns in the past. Heretofore the schedule of rates was fixed by Congress, was supposed to represent the facts aimed at by the tariff policy which had been established in the country. Of course, this was largely fiction, because it was utterly impossible to arrive at any accurate schedule under the old system; but even supposing that it were entirely accurate, and that the schedule was intended to represent the difference in the cost of production at home and abroad, these rates were supposed to be based upon conditions existing only at the time the act was passed. In six months or a year new methods of manufacture, new organizations, new inventions in science and art, new costs of raw materials, new supplies, increased quantity of production, new conditions of transportation of materials entering into the manufacture, and a myriad of other constituent elements may have undergone change, and in some instances revolution, and yet the tariff, in all of its particular rates, based upon an obsolete condition remained in force utterly out of tune and out of harmony with the new conditions. Consequently it not only failed, necessarily, of the purpose for which it was intended when it was supposed to be in accordance with a carefully worked out rule and policy, but very frequently, by reason of these changed conditions, it had the opposite effect. In some instances it became a shelter and shield of monopoly; in other instances it was wholly inadequate as a protection from foreign competition, and worked injustice upon the consuming public in some instances to an extreme degree. Now, this might be the case with some of the items in the schedule, while as to others conditions may not have changed. The rates as to these latter may still be just and in accordance with the rule and policy of the country. In such a situation there is no administrative tribunal to which an aggrieved manufacturer or consumer can apply for relief in a particular case. The old, obsolete schedule in its entirety remains in force, business adjusts itself to these artificial conditions, discontent increases, and in most of our campaigns such conditions have constituted the central political issue. Campaign spellbinders go out before the people with their grist of amusing stories, superficial argument, and sophistry. The business of the country is affected by the doubt and uncertainty as to what the result will be. The country may decree a change and vote for a new tariff policy and the old

process of revision of the entire schedule from one end to the other, with possibly the reversal of the whole tariff policy of the country, and the substitution of a new system, or, at least, of a new measure and rule of protection, is decreed. Business is thrown into a condition of panic; widespread disaster, loss, and suffering ensue, and hundreds of millions, if not billions, of dollars are unnecessarily wasted by throwing suddenly out of gear the entire economic system of the United States. Economically and scientifically, nothing could be more foolish; and very frequently, in a material way, so far as the standards of living, comforts, and necessities of the people are concerned, nothing could be more disastrous.

If a permanent administrative tribunal were established no such disturbance to business would occur—no such alarm and disaster. Every consumer, every manufacturer would be free at any time to call the attention of the commission to any special discrepancy or injustice in existing rates, to any change in costs of manufacture, conditions of business, supply of raw material, or other element entering into the equation. The commission composed of able men, who soon would become scientists in this particular field, with full equipment to deal with the vast multitude of questions involved, would here investigate, ascertain the facts, apply the rule and measure previously laid down by Congress, and if change were necessary, make that change so as to keep alive the policy decreed by the law of the land. They would deal with one complaint at a time. The result would be that the tariff, instead of being a hard and set, unchanging schedule of fixed rates—immutable except by the economic revolution described above—would be constantly and quietly adjusted, gradually fitting itself to the circumstances of the times. In this way only, by making the rates adjustable, would the principle itself be constant. The country as a whole, while receiving the benefit of the system, would be unconscious of the economic operation of its establishment and enforcement.

The unsettled state of our tariff, after a hundred and twenty-five years of discussion, is not due so much to a difference of opinion among our people on the policy of the tariff, although there is difference in that regard, as to the unscientific and impossible system of administering it which we have heretofore followed.

Mr. CLAPP. Mr. President—

Mr. POINDEXTER. I yield to the Senator.

Mr. CLAPP. As I understand the Senator, he is in favor of a tariff commission with power similar to the power of the Interstate Commerce Commission to adjust rates to a rule laid down by Congress in advance.

Mr. POINDEXTER. Exactly; that is my position.

Mr. CLAPP. Has the Senator dealt or does he intend to deal on this occasion with the legal question involved in the matter?

Mr. POINDEXTER. I will deal with that in a moment.

Mr. CLAPP. I hope the Senator will point out that every legal question which can be raised against such a proposed plan has been permanently accepted by the American people in the administration of railroad rates by the Interstate Commerce Commission and the maximum and minimum tariff provisions in the tariff law with reference to the tariff.

Mr. POINDEXTER. I agree entirely with the Senator from Minnesota.

Mr. CLAPP. I hope the Senator will make that plain. No-body to-day, however, will pay any attention to it. This is the only country on earth that tolerates such an incongruous, absurd, and grotesque system as we have, and it seems destined to tolerate it; but if these facts and truths and principles are enunciated often enough the country may some time wake up to the necessity of having a systematic system, an easily workable plan, with reference to the tariff.

Mr. POINDEXTER. It is only for the purpose of agitating the question that I am making these remarks, as the Senator suggested. We ought not to be discouraged, however, at the impossibility of accomplishing this great measure at this time, because our experience has been in the entire development of our Government that it has been by slow degrees.

Mr. CLAPP. I do not think we should ever be discouraged. If it took man 6,000 years of fairly authentic history to reach the American Declaration of Independence, we ought never to be discouraged because these things are not reached in our own time and at the present moment.

Mr. POINDEXTER. It is generally assumed that the Republican Party has always been in favor of protection and the Democratic Party always against it. This is not the case at all, however. Both the Democratic and the Republican Parties, time and time again, have declared in favor of a protective tariff, and on many occasions the two great parties have used almost identical language in declaring their policy in this regard, while

both have at times been entirely noncommittal on the subject or declared substantially for a revenue tariff.

In 1908 the Republican Party itself revolted from the inequalities and excesses which the flux of business conditions, in contact with its rigid schedules, had produced in the Republican tariff law at that time, although the party still adhered to the policy of protection. In its great convention at Chicago on June 16-20, 1908, it declared:

The true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

In 1888 the Democratic Party in its national platform declared "a fair and careful revision of our tax laws, with due allowance for the difference between the wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises."

In 1892 the Republican Party declared in almost identical words the same identical tariff rule and policy, as follows:

On all imports coming into competition with the products of American labor there should be levied duties equal to the difference between wages abroad and at home.

In 1872 the Democratic platform held to all intents and purposes that the question of protection or free trade was not a party question, and the Democratic Party practically declined to take a stand upon it, declaring as follows:

Recognizing that there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their congressional districts and to the decision of the Congress thereon, wholly free from Executive interference or dictation.

In the same year the Republican Party was almost equally noncommittal on the subject, only declaring that revenue duties should "be so adjusted" as to "details as to aid in securing remunerative wages to labor," and so forth.

In 1876 the Democratic Party mistook the unscientific system and method by which a crude tariff bill was enacted for the policy itself, and blamed the policy of protection for what was not at all due to it, but was due to the method of its administration. It declared as follows:

We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice and inequality and false pretense. \* \* \* It has impoverished many industries and subsidized a few.

This must inevitably be the case to a greater or less extent, at an earlier or later date, with every tariff schedule framed on the hustings or by congressional debates, aided, as the latter are under our present system, by the interested testimony of representatives of benefited interests before the tariff committees of Congress. These committees themselves, in the very nature of things, are not informed, in the brief time which they are able to devote to the subject, on all the scientific essentials of the four or five thousand items involved.

In 1876 the Republican national platform declared that:

The revenue necessary for current expenditures and the obligations of a public debt must be largely derived from duties upon importations which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

This is substantially the same as the Democratic declarations of 1884 and 1888.

In 1880 the Republican Party repeated the declaration substantially in favor of a revenue tariff, with incidental protection, that:

The duties levied for the purpose of revenue should so discriminate as to favor American labor.

In 1884 the Democratic platform declared:

The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

This is exactly the same protective doctrine that has been expressed time and time again in the Republican platform.

In the same year, 1884, the Republican Party declared for tariff reform, with a somewhat milder statement in favor of the policy of protection than that contained in the Democratic platform. Its language was as follows:

The Republican Party pledges itself to correct the inequalities of the tariff and to reduce the surplus not by the vicious and indiscriminate process of horizontal reduction, but by such methods as will relieve the taxpayer without injuring the laborer or the great productive interests of the country.

In view of this record there ought not to be great political difficulty in arriving at a common agreement on this subject with the support of such a body of public opinion as to no longer make it a debatable party issue. The possibility of doing this, however, depends absolutely upon the establishment of some system by which the policy and the extent of protection shall be fairly, certainly, scientifically, and continuously administered.



This can only be done through the means of a nonpartisan and nonpolitical executive tribunal or official established by Congress as its agent for executing the legislative enactments. The human race will never obtain perfection in the administration of the law under any form of government. All systems depend as much for success upon the merit and character of the administration as upon the principles and theories of the Constitution or law. If, however, we obtain from such a high-class tribunal as is proposed that degree of meritorious service which we would have a right to expect, it is altogether probable that the animosities and political contentions which have stirred the country and demoralized business in presidential campaigns for so many decades will not again recur; for it is entirely obvious, both from the reading of party platforms and from the history of the times, that the great campaigns against existing tariff laws and for wholesale revision had their origin, not so much in a difference of opinion as to the principle of protection of American labor and American industry, as in the gross abuses which arose in the application of that principle. The attack was not so much upon the theory, although that, of course, was involved, as it was upon the percentages and specific figures of the schedules framed upon the advice of their beneficiaries and through the medium of campaign speeches and congressional debates.

In 1876, 1892, and 1904 the Democratic Party declared specifically against protection, although in 1884 and 1888 it declared specifically in favor of protection, and the same measure of protection as that advocated by the Republican Party whenever the party in its national platforms undertook to specify the measure or extent of its application. This was again expressed by the Republican Party very clearly in 1904—

The measure of protection should always, at least, equal the difference in the cost of production at home and abroad.

From this record of authoritative declarations of the great political parties of the country on the question of a tariff it can be claimed that, generally speaking, the policy of protection in itself is very well established as a national principle. While the Democratic Party several times has declared against it, it has often declared in favor of it, at other times evading the issue altogether; and at still other times, in platform declarations not necessary to quote, it has contented itself with the denunciation of the abuses and iniquities of particular tariff bills and schedules enacted by the Republican Party without stating its own position upon the principle of customs duties. The Republican Party, on the other hand, while in its earlier career treating the tariff as a negligible question, and by its silence evading altogether the issue of protection—and in 1876 and 1880 favoring a revenue tariff—in all of its later platforms has declared in favor of the protective policy. Sometimes it has contented itself with a mere general declaration in favor of protection to American industry without specifying the measure or rule by which this protection was to be governed; but wherever it has undertaken to specify the extent of protection which should be given to labor and to industry in the tariff schedules it has laid down in almost identical language the same measure which the Democratic Party on several occasions has adopted.

However, a mere board of investigation, such as is provided for in the revenue bill now pending in the Senate, directed only to report its findings to Congress, will be almost entirely useless. Of course, it might be the foundation out of which would be developed by amendments later on, as the need therefor should appear, a real administrative commission, with sufficient powers to make it useful. There have been tariff investigations without number, and they are piled up in dusty racks by the carload. Little, if any, attention is paid to them. The conditions found by such investigations very frequently change before the reports are fully printed. The appointment of investigating commissions is a well-recognized way of defeating measures. They are the cause of interminable delay and very seldom productive of definite results upon questions which have been so sharply debated as the tariff.

There is no question that an administrative commission, with power to ascertain facts under a law of Congress, which would provide that the specific figures found by the commission as the difference in the cost of production at home and abroad should go into effect as a tariff on the respective articles, would be constitutional. The creation of such a commission, with power to ascertain these facts, and a provision that the rates so ascertained by the commission as facts shall be the tariff rate, is not really a fixing of rates by the commission but by Congress. It is to all intents and purposes equivalent to a law enacted by Congress which provides that every article upon which a protective rate is levied under the existing law shall, upon its entry into this country, be subject to a tariff charge equal to the difference which it costs to produce it in this country and that

which it costs to produce it in the foreign country whence it was shipped. This is certainly not a delegation of legislative power, but is the fixing of the rates by Congress itself. The ascertainment of the figures complying with the rate provided in the act of Congress involves no more discretion on the part of the proposed tariff commission than does the act of the customs officers under the present law in determining the quality, grade, and kind of goods seeking entry at our ports. It is a mere ascertainment of a fact. Under the present law there are many classifications of cotton and woolen goods, for instance, of various chemical and food products, each subject to a different rate of duty. When goods of this class are offered for entry skilled and expert examination is required to determine which grade, classification, or quality they are. If they belong to one classification, one rate applies; if to another classification or grade, another rate applies. The officials of the customs service examine them and determine what rate each shall be held for. This is not a legislative act on the part of the customs officials, although they fix the rate. It is on their part merely a determination of the fact as to the grade or quality or kind of the commodity imported. So if a tariff commission, with administrative powers as proposed, were created, and goods of these various grades and classifications should be offered for entry at our custom-houses, the same customs officials as now constituted would make the same sort of examination as to grade or quality, and when that question was determined would hold the goods for a rate equal to the difference in the cost of production here and abroad, the same having been previously ascertained by the proposed tariff commission.

There can not be any question about the constitutional validity of such an administrative arrangement. The exercise of such powers by administrative officials is similar in principle to the duties of the Forest Service in determining what land within a forest reserve is valuable for agricultural purposes, and hence subject to homestead entry. The allowance of homestead entries on agricultural lands in forest reserves is a legislative act, but it is left for the administrative officials of the Forest Service to determine what lands are and what are not valuable for agriculture. It would be impossible for Congress to do this, just as it is impossible for Congress to keep a constantly adjusted schedule of tariff rates fixed by itself, harmonizing with any scientific principle of tariff protection. Such powers would be similar to those delegated by Congress to the Reclamation Service until the law was recently amended. As the law was originally passed the Reclamation Service, in the administration of the general rules laid down by Congress, selected out of the various possible projects such as it determined came within the rules laid down in the reclamation act. Congress provided for the expenditure of hundreds of millions of dollars on these great reclamation works, but left to its administrative officials not only the expenditure of the money but the selection of the areas upon which it should be expended, governed, of course, by the general rules laid down by Congress, just as it is proposed that the tariff commission shall be governed by such general rules.

So Congress delegated to the President of the United States, as its administrative agent, the power of determining the extent of Government railroads which should be built in Alaska and also their location. The law fixed certain limitations and conditions; but as Congress was of the opinion that efficiency and wisdom in the location and construction of these roads would be facilitated by leaving the choice of route and the amount of mileage in the determination of an administrative officer, it lodged these powers in the President.

So as to the administration of the permanent civil service of the Government. It is entirely a legislative matter. Congress, however, does not undertake to examine each applicant for employment in the civil service, or even to specify what conditions shall be attached to his employment, except the general condition that his service shall be upon an examination and his tenure of office shall be subject only to his efficiency and good behavior and shall be free from political control. It appoints the Civil Service Commission to fix the conditions and terms of examinations and of employment for the carrying out of the general rule laid down by Congress. Of a similar sort are the administrative powers exercised by the Postmaster General, under a law recently passed, by which he may fix the weight of parcel-post packages and the parcel-post rates thereon. This is a very wise proviso, giving life and elasticity to the parcel-post law. It is true that it is a legislative matter and it is legislated upon in Congress by laying down general rules and limitations giving the Postmaster General discretion to carry out these rules in the manner indicated. He does this as the agent of Congress, subject to the approval of the Interstate Commerce Commission. This latter commission also is another illustration of the dele-

gation of administrative duties by Congress in the carrying out of its legislative acts, as the Interstate Commerce Commission, authorized by Congress to fix railroad rates and to regulate railroad service, has various ways of determining, in its discretion and judgment, within the rule laid down by Congress, what the service and rates shall be. This is very similar to the proposed powers for an administrative tariff commission authorized to ascertain certain facts, which facts shall by act of Congress become the rate of tariff; except that the Interstate Commerce Commission, authorized to fix reasonable rates and reasonable service, has much greater latitude of power and far more discretion than such a tariff commission would have operating under the rule proposed.

So as to the Bureau of Fisheries of the United States. It is established by act of Congress. It carries on a vast work and expends many millions of dollars in distributing in the ocean and inland waters of the United States various species of food fishes. Congress has laid down certain broad and general lines for its guidance and government, but the Bureau of Fisheries, in administering this law, selects the species of fish, the stream in which it shall be placed, the manner in which the same shall be propagated, without referring the specific details to Congress. The Commissioners of the District of Columbia, as one will note from daily observation and from public signs in various places, establish certain rules and regulations which have the effect of law in the District. All of this, of course, is in pursuance of legislative power. The legislative power has been exercised by Congress in creating and providing for these commissioners and directing them to administer the powers of Congress in this regard. So it may be said of all the officials in the entire government of the District. They are all the delegated agents of Congress, carrying out in an administrative way the powers which are vested in the Congress of the United States "to exercise exclusive legislation in all cases whatsoever over such District."

The same delegation of administrative duties under legislative power is observed in various officials in the government of the Territories and island possessions of the United States, which Congress has so provided under its power "to dispose of and make needful rules and regulations respecting the territory or other property belonging to the United States," but which powers are necessarily carried out through its administrative agents.

Such illustrations could be multiplied indefinitely, where Congress lays down general rules and establishes departments, bureaus, commissions, secretaries, and other agencies authorized to ascertain facts and conditions and to apply the rules or statutes of Congress to them. Most conspicuous and conclusive of all, perhaps, is the power over the tariff itself, vested in the President as the agent and executive of Congress, in the Payne-Aldrich Tariff Act, authorizing him, upon the ascertainment of certain facts—relating to discrimination against us in the tariff laws of other countries—to change every rate in the entire act and to substitute an entirely different schedule for it under a rule laid down by Congress. No one has ever questioned the constitutionality of this delegated administrative power. It is not different in principle from the powers proposed for a tariff commission.

Other enlightened nations vest in their executives such powers over the tariff as enable them to make the law an intelligent instrument for serving the needs of industry, as events and emergencies arise—changing conditions, domestic, foreign, or international.

After enumerating the various specific powers of Congress, the Constitution vests Congress with this general power:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, etc.

The executive and administrative agents, which in a multitude of matters Congress has established with more or less elaborate detail and more or less extensive authority, and which, in fact, constitute the greater part of the enormous roster of Government employees, high and low, are all created in pursuance of the general power vested in Congress to make all laws which shall be necessary and proper for carrying into effect the specific powers granted in the Constitution.

The establishment of a tariff commission with administrative powers such as I have suggested would be but adding another one to those agencies.

This method of applying and carrying into effect the policy of the country as to the tariff, as established by Congress, has been held valid by the Supreme Court of the United States in the case of *Field against Clark* (143 U. S., 649). It was argued by importers that the power vested by Congress in section 3 of the act of October 1, 1890, in the President if he should "be

satisfied" that the tariff laws of any foreign country, with reference to the importation into those countries of the products of the United States, imposed duties or other exactions upon such products of the United States which—

he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend by proclamation to that effect the provisions of this act relating to the free introduction of such sugar, etc.

And that during such suspension duties, as set forth in the act, should be levied upon sugar, and so forth, imported from such foreign countries into the United States.

It was claimed that this was unconstitutional as a delegation to an executive officer of legislative powers.

In deciding this contention, Mr. Justice Harlan, for the court, said:

The authority given to the President by the act of June 4, 1794, to lay an embargo on all ships and vessels in the ports of the United States "whenever, in his opinion, the public safety shall so require," and under regulations, to be continued or revoked "whenever he shall think proper"; by act of February 9, 1799, to remit and discontinue for the time being the restraints and prohibitions which Congress had prescribed with respect to commercial intercourse with the French Republic "if he shall deem it expedient and consistent with the interest of the United States," and "to revoke such order whenever, in his opinion, the interest of the United States shall require"; by the act of December 19, 1806, to suspend for a named time the operation of the nonimportation act of the same year "if, in his judgment, the public interest should require it"; by the act of May 1, 1810, to revive a former act, as to Great Britain or France, if either country had not by a named day so revoked or modified its edicts as not "to violate the neutral commerce of the United States"; by the acts of March 3, 1815, and May 31, 1830, to declare the repeal, as to any foreign nation, of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States when he should be "satisfied" that the discriminating duties of such foreign nations, "so far as they operate to the disadvantage of the United States," had been abolished; by the act of March 6, 1866, to declare the provisions of the act forbidding the importation into this country of neat cattle and the hides of neat cattle to be inoperative "whenever, in his judgment," their importation "may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States;" must be regarded as unwarranted by the Constitution, if the contention of the appellants, in respect to the third section of the act of October 1, 1890, be sustained.

That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890, in the particular under consideration, is not inconsistent with that principle. It does not, in any real sense, invest the President with the power of legislation. For the purpose of securing reciprocal trade with countries producing and exporting sugar, molasses, coffee, tea, and hides, Congress itself determined that the provisions of the act of October 1, 1890, permitting the free introduction of such articles should be suspended as to any country producing and exporting them that imposed exactions and duties on the agricultural and other products of the United States which the President deemed, that is, which he found to be, reciprocally unequal and unreasonable. Congress itself prescribed, in advance, the duties to be levied, collected, and paid, on sugar, molasses, coffee, tea, or hides, produced by or exported from such designated country while the suspension lasted. Nothing involving the expediency or the just operation of such legislation was left to the determination of the President. The words, "he may deem," in the third section, of course, implied that the President would examine the commercial regulations of other countries producing and exporting sugar, molasses, coffee, tea, and hides and form a judgment as to whether they were reciprocally equal and reasonable or the contrary in their effect upon American products. But when he ascertained the fact that duties and exactions, reciprocally unequal and unreasonable, were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides, it became his duty to issue a proclamation declaring the suspension, as to that country, which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation, in obedience to the legislative will, he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provision, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed.

"The true distinction," as Judge Ranney, speaking for the Supreme Court of Ohio, has well said, "is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be and conferring authority or discretion as to its execution to be exercised under and in pursuance of the law." The first can not be done; to the latter no valid objection can be made." *Cincinnati, Wilmington, etc., Railroad v. Commissioners* (1 Ohio St., 88). In *Moers v. City of Reading* (21 Penn. St., 188, 202), the language of the court was: "Half the statutes on our books are in the alternative, depending on the discretion of some person or persons as to its execution, the duty of determining whether the proper occasion exists for executing them. But it can not be said that the exercise of such discretion is the making of the law." So, in *Locke's Appeal* (72 Penn. St., 491, 498): "To assert that a law is less than a law, because it is made to depend on a future event or act, is to rob the legislature of the power to act wisely for the public welfare whenever a law is passed relating to a state of affairs not yet developed or to things future and impossible



to fully know." The proper distinction the court said was this: "The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the law-making power and must, therefore, be a subject of inquiry and determination outside of the halls of legislation."

In *Buttfield v. Stranahan* (192 U. S., 470) a similar question was decided as to a provision in the act of Congress of March 2, 1897:

Section 2 provides for the appointment by the Secretary of the Treasury, immediately after the passage of the act, and on or before February 15 of each subsequent year, of a board of tea experts, "who shall prepare and submit to him standard samples of tea." Section 3 provides that the Secretary of the Treasury, upon the recommendation of said board, "shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States."

The court said (p. 496):

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore in effect vests that official with legislative power, is without merit. We are of the opinion that the statute, when properly construed, as said by the Circuit of Appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. The case is within the principle of *Field v. Clark* (143 U. S., 649)—

That is the case I just cited—

where it was decided that the third section of the tariff act of October 3, 1890, was not repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. We may say of the legislation in this case, as was said of the legislation considered in *Field v. Clark*, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

I may say here, Mr. President, that so far as this question of the delegation of legislative power is concerned, whatever powers could be delegated to the President could, of course, be delegated to a tariff commission. Both of these cases which I have just cited are leading cases, and have been followed by many subsequent decisions.

Mr. President, I may say, in conclusion, that we will never escape the periodic upheavals of our economic and industrial systems which we have so often suffered from by reason of wholesale political tariff revisions, or be able to economically compete with foreign countries in the struggle for the valuable trade of the world, until we also call to the aid of the legislative branch of the Government a great and permanent administrative tribunal to give accurate and scientific effect to the living principle of the tariff policy which Congress shall adopt.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. OVERMAN. Mr. President, in the few remarks I made I stated that the department had recommended the legislation placed in the bill by the House which was stricken out by the Senate. Since then I have had time to send for a document which was sent to Congress by the Secretary of the Treasury and approved by the District Commissioners, in which they recommend the legislation adopted by the House. The Senate has stricken that out. I think I ought to read what the commissioners say:

The Public Utilities Commission, by an order dated December 9, 1914, directed the Washington Railway & Electric Co. to construct and operate, on or before June 30, 1915, a double-track extension of its line from Fourteenth and F Streets NW. along Fourteenth Street to Pennsylvania Avenue. The present width of the roadway of Fourteenth Street between Pennsylvania Avenue and F Street is 46 feet, while the roadway to the north and south of this block is 70 feet in width. In order to permit the railway construction in the street and to provide for the demands of vehicular traffic, the roadway should be widened to 70 feet by moving back the existing curb, and at the same time the present granite-block roadway should be replaced by a smoother pavement. The estimated cost of the work, exclusive of that to be done by the railway company, is \$7,000, and is a proper charge against the current appropriation for "Repairs to streets, avenues, and alleys." Under the provision of the above item the railway company will pay the cost of the paving between its rails and tracks and 2 feet outside thereof, being a strip in the center of the roadway 20 feet in width. The balance of the paving will be done from the appropriation, and one-half of the cost thereof, to the extent of 40 feet, will be, under the terms of the Borland amendment, assessed against abutting property on both sides of the street.

The legislation contained in said estimate is necessary in order to give the commissioners authority to change the width of the street, and also to authorize the replacement of the granite-block pavement by a smoother pavement.

This is signed by the Secretary of the Treasury and indorsed by the Board of Commissioners of the District of Columbia. Col. Kutz, the Engineer commissioner, came before the Senate committee and asked for the legislation that was placed in the bill by the House.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] The Chair is unable to decide.

Mr. MARTINE of New Jersey. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BANKHEAD. Mr. President, I have just come into the Chamber, and I should like to have the question stated.

The VICE PRESIDENT. The question is on concurring in the amendment made by the Senate as in Committee of the Whole striking out lines 18, 19, and 20 on page 28, which the Secretary will read.

The Secretary read as follows:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, \$7,500.

Mr. TOWNSEND. We are voting on that proposition?

The VICE PRESIDENT. On the proposition to strike it out. The question is on concurring in the amendment made as in Committee of the Whole. In the Committee of the Whole this item was stricken out. The question now is whether the Senate will concur in that amendment. Those who want it to go out will vote "yea," and those who want it to stay in will vote "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. ROBINSON. I was requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is absent from the Chamber on business of the Senate. He is paired with the junior Senator from Idaho [Mr. BRADY].

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Idaho [Mr. BORAH] and let my vote stand.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GORE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. BANKHEAD. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of sickness. He is paired with the Senator from Ohio [Mr. HARDING]. I will let this announcement stand for the day.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. CLAPP (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. He is absent; and being unable to obtain a transfer I feel constrained to withdraw my vote.

Mr. LIPPITT. I inquire whether the Senator from Montana [Mr. WALSH], with whom I am paired, has voted.

The VICE PRESIDENT. He has not.

Mr. LIPPITT. In his absence I will withhold my vote.

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH], and as he is not present I withdraw my vote.

Mr. POMERENE. The junior Senator from Delaware [Mr. SAULSBURY] is detained on official business.

Mr. CLAPP. Being advised that the senior Senator from North Carolina [Mr. SIMMONS] would vote as I would if present, I will allow my vote, "nay," to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. OLIVER (after having voted in the negative). I observe that the senior Senator from Oregon [Mr. CHAMBERLAIN] has not voted. Having a pair with that Senator, I withdraw my vote.

The result was announced—yeas 23, nays 29, as follows:

## YEAS—23.

Bankhead	Hughes	Pomerene	Smoot
Bryan	Jones	Ransdell	Taggart
Culberson	Kern	Shafroth	Thomas
Curtis	Lee, Md.	Smith, Ariz.	Warren
Dillingham	Newlands	Smith, Md.	Williams
Gallinger	Penrose	Smith, S. C.	

## NAYS—29.

Brandegge	Johnson, S. Dak.	Qverman	Sterling
Clapp	Kenyon	Page	Thompson
Cummins	La Follette	Phelan	Tillman
Gronna	Lane	Polindexter	Townsend
Hardwick	McCumber	Reed	Works
Hollis	Martine, N. J.	Robinson	
Husting	Nelson	Sheppard	
James	Norris	Sherman	

## NOT VOTING—43.

Ashurst	du Pont	Lodge	Smith, Ga.
Beckham	Fall	McLean	Smith, Mich.
Borah	Fletcher	Martin, Va.	Stone
Brady	Goff	Myers	Sutherland
Broussard	Gore	O'Gorman	Swanson
Catron	Harding	Oliver	Underwood
Chamberlain	Hitchcock	Owen	Vardaman
Chilton	Johnson, Me.	Pittman	Wadsworth
Clark, Wyo.	Lea, Tenn.	Saulsbury	Walsh
Clarke, Ark.	Lewis	Shields	Weeks
Colt	Lippitt	Simmons	

The amendment was nonconcurrent in.

Mr. SMOOT. Beginning on page 119, following the amendment that was offered by the Senator from Nebraska [Mr. NORRIS], I offer the following amendment. I suppose it ought to be another section.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 119, after line 22, and following the amendment already agreed to at that place, insert:

That from and after October 1, 1916, the Georgetown Gas Light Co. shall not be permitted to charge or collect more than 85 cents per thousand cubic feet for gas for cooking, illuminating, or other purposes.

Mr. SMOOT. Mr. President, the Senate has already agreed to the amendment offered by the Senator from Nebraska limiting the charge for gas in the District furnished by the Washington Gas Light Co. to 75 cents per 1,000 cubic feet. I asked the Senator from Nebraska if he would not include in that amendment the Georgetown Gas Light Co., and he rightfully stated, I believe, that conditions are somewhat different with the Georgetown Gas Light Co. than with the Washington Gas Light Co. I think there is perhaps a difference, and that gas can not be produced as cheaply in the small plant in Georgetown as in the large plant in the city of Washington. Therefore, I have proposed to make the price 85 cents instead of 75 cents.

To-day the charge by the Georgetown Gas Light Co. is \$1 net per thousand feet of gas. I think the charge is \$1.15, but if paid before the tenth of the month there is a reduction making it net \$1 per thousand feet of gas. There has always been a discrimination between the price charged for gas by the Washington Gas Light Co. and the Georgetown Gas Light Co. In the past it has been 15 cents. My amendment now allows a difference of 10 cents. I thought I would offer an amendment making it exactly the same as that charged by the Washington Gas Light Co., but—

Mr. KERN. Will the Senator allow me a question?

Mr. SMOOT. I yield.

Mr. KERN. Does the Senator know the amount of gas manufactured and sold by the Georgetown Company?

Mr. SMOOT. I was told that there are about 1,000,000 feet of gas produced in Georgetown daily, as against about five or six million in the Washington Gas Light Co.'s plant. In other words, the Washington Gas Light Co. produces between five and six times the amount of gas each day that is produced by the Georgetown Gas Light Co.

Mr. President, I believe that there should be perhaps this difference of 10 cents, and I offer the amendment believing that it is just to the people who live west of Rock Creek. I can not see why there should be any greater difference than 10 cents per thousand feet.

Another thing, I understand that the Washington Gas Light Co. own the controlling interest in the Georgetown Gas Light Co. They have fixed the rate in the District at 85 cents a thousand feet. Therefore I feel that it is nothing more than right that as they control that company they should charge not more than 85 cents, the price that they established themselves.

That is all I want to say in relation to the amendment, and I hope the Senate will adopt it.

Mr. SMITH of Maryland. Mr. President, I shall only reiterate what I have previously stated. I do not think that Congress should be expected to fix prices for the products of public utilities. I think, inasmuch as there is a Public Utilities Commission, and as I stated yesterday this Public Utilities Commission has been investigating these matters and are now in a position to determine what is right, that that is the body to determine the prices of these products. If they are not the proper parties to do it, then the Public Utilities Commission should be done away with. But in this matter I shall make no objection.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 122, add, after line 16, new sections, as follows:

SEC. —. That from and after the passage of this act the fund designated by law as the "firemen's relief fund" shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the fire department by way of discipline, all rewards, proceeds of gifts, and emoluments that may be received by any member of said department for extraordinary services, except such as may be allowed to be retained by such members on the approval of the said commissioners; a deduction of 1½ per cent of the monthly salary of each member of the fire department; and any donations by citizens; all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States to the credit of the firemen's relief fund and be held subject to the drafts of the commissioners of said District for the purposes hereinafter set forth. The expenditures from said fund shall be made according to law and be accounted for in the manner provided by law: *Provided*, That should the firemen's relief fund at any time be insufficient to defray the expenditures hereinafter provided for, then the Commissioners of the District of Columbia are authorized, and they shall direct the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all revenues of the District of Columbia, other than liquor licenses, a sufficient amount to meet any deficiency in the said fund.

SEC. —. That whenever any member of the fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty to such an extent as to require medical or surgical services other than such as can be rendered by the board of police and fire surgeons of the said District, or to require hospital treatment, the expenses of such medical or surgical services, or hospital treatment, shall be paid from the firemen's relief fund: *Provided*, That no such expenses shall be paid except upon certification by the board of police and fire surgeons setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary, and approval by the chief engineer of the fire department.

SEC. —. That whenever any member of the fire department shall become so permanently disabled through injury received or disease contracted in the line of duty, or having served not less than 15 years, shall, for any cause, become so permanently disabled as to be retired from the service thereof, he shall receive relief from the firemen's relief fund in the amounts as follows: Chief engineer, \$150 per month; deputy chief engineer, \$125 per month; battalion chief engineers, fire marshals, and superintendents of machinery, \$100 per month; deputy fire marshals and captains, \$90 per month; lieutenants and assistant superintendents of machinery, \$75 per month; engineers and drivers, \$60 per month; assistant engineers and assistant drivers, \$55 per month; inspectors, privates, and all other members, \$50 per month. In case of the death of any member of the fire department of the District of Columbia before or after retirement from the service thereof from injury received or disease contracted in the line of duty, leaving a widow, or a child or children under 16 years of age, or a dependent father or mother, or both, the same shall be entitled to relief from the firemen's relief fund as follows: A widow, dependent father, or dependent mother, \$35 per month, and each child under the age of 16 years, \$10 per month: *Provided*, That upon the remarriage of any widow granted relief under the provisions of this act such relief shall cease, and that relief to or for any child or children under the age of 16 years shall cease upon their reaching the age of 16 years; and that no widow, child, or children of any deceased retired member of the fire department resulting from any marriage contracted subsequent to the date of retirement of such member shall be entitled to any of the relief herein set forth.

SEC. —. That any member of the fire department who shall have served in said department for a period of 25 years and attained the age of 50 years shall be entitled, upon written application therefor, to be retired from the service of such department and receive relief from the firemen's relief fund in the amount provided in section 3 of this act: *Provided*, That any member of the fire department who shall have served therein for a period of 25 years and attained the age of 60 years shall be compulsorily retired from the service of such department and granted relief from the firemen's relief fund in the amount provided in section 3 of this act.

SEC. —. That the sum of \$100 shall be allotted from the firemen's relief fund to defray the funeral expenses of any deceased member of the fire department or any deceased retired member thereof.

SEC. —. That a retiring board, to be composed of the chief engineer of the fire department and two other officers and two privates of the said department, to be appointed by the Commissioners of said District, shall consider all cases for the retirement and relief of members of the fire department rendered necessary or expedient under the provisions of this act, and all applications for the relief of widows or children under 16 years of age and dependent fathers or mothers; and in all cases of the retirement of members of the fire department the board of police and fire surgeons shall certify, in writing, to the retiring board the physical condition of the member for whom such retirement and relief is sought. The said retiring board shall give notice to every member under consideration for retirement and relief to appear before the board and give such evidence as he may desire, and the proceedings of



the said board shall be reduced to writing and shall show the date of the appointment of the member under consideration, his age, his record in the service, and any other information that may be pertinent to the matter of his retirement and relief. The retiring board shall submit a report of its findings to the Commissioners of the District of Columbia, who shall, in all cases where retirement and relief are sought by reason of the length of service and attainment of the age hereinbefore set forth, direct that the member be retired and granted relief in the amount provided in section 3: *Provided*, That in cases other than those seeking retirement and relief by reason of the length of service and the attainment of the age hereinbefore specified, the commissioners shall have the power to take further testimony if they so desire to determine the physical condition of the member under consideration, and shall, when in their opinion such physical condition warrants such action, authorize and direct the retirement of the member and his relief in the amount provided in section 3.

SEC. — That whenever relief is granted under the provisions of this act the same shall be permanent and not subject to discontinuance or reduction: *Provided, however*, That the Commissioners of the District of Columbia may discontinue the relief granted to any person under the provisions of this act upon receipt of duly certified information from a court of record that any person receiving such relief has been convicted in such court of any crime involving moral turpitude, or whenever any such person shall be found by the retiring board, after notice and trial, to be a habitual drunkard or guilty of lewd or lascivious conduct.

SEC. — That any retired member of the fire department receiving relief under the provisions of this act may, in time of flood, riot, conflagration, during extraordinary assemblages, or unusual emergencies, be called by the chief engineer of the fire department into the service of such department for such duties as his disability will permit of his performing, without compensation therefor: *Provided*, That nothing in this section shall be construed to enforce residence in the District of Columbia upon any retired member of the fire department when residence elsewhere is rendered necessary by his physical condition.

SEC. — That wherever in this act the words "in the line of duty" are used they shall be construed to apply to the members of the fire department at all times when within the District of Columbia: *Provided*, That any member of the fire department shall be entitled to the relief provided for in this act for any disability incurred outside the District of Columbia when ordered to such place by his superior officers, in the same manner as if incurred within the said District.

Mr. SMITH of Maryland. Mr. President, on the part of the committee I shall make no objection to the amendment.

Mr. LA FOLLETTE. Mr. President, I will ask to have printed in the RECORD in connection with this amendment, in order that the information which the document contains may be accessible to the conferees, a letter from the Commissioners of the District in support of the amendment which I have offered. The letter is not addressed to me. It is a copy of a letter which is addressed to the chairman of the Committee on the District of Columbia, House of Representatives. I shall ask to have it printed without reading. I will not detain the Senate to read it. I invite the attention of the Senator in charge of the bill to the communication.

The VICE PRESIDENT. Without objection, the communication will be printed in the RECORD.

The matter referred to is as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
EXECUTIVE OFFICE,  
Washington, April 4, 1916.

Hon. BEN JOHNSON,  
Chairman of Committee on the District of Columbia,  
House of Representatives, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on H. R. 12427, entitled "A bill to provide for the creation of a policemen and firemen's relief fund for the District of Columbia, and for other purposes," which was referred to them by you for examination and report.

The commissioners also have before them, by reference from you, the three following bills dealing with the subject of policemen and firemen's pensions, namely:

H. R. 433, entitled "A bill for the creation of the firemen's relief fund of the District of Columbia, to provide relief for members of the fire department, and for other purposes";

H. R. 6894, entitled "A bill to create the Metropolitan police retiring fund"; and

H. R. 8660, entitled "A bill to provide for the creation of a police and firemen's relief fund of the District of Columbia, to provide for the relief and retirement of members of the police and fire departments of said District, to establish a method of procedure for such relief and retirement, and for other purposes."

The commissioners have given careful consideration to these several measures, and they believe that any action to be taken by Congress on the subject matter of pensions for police and firemen of the District of Columbia should be based on H. R. 12427. In the judgment of the commissioners this bill best presents the question for purposes of regulation and control by the executive authority of the municipality, and at the same time conserves the real equities of the members of the police and fire departments and of the District of Columbia. The bill H. R. 12427 is practically in its entirety a combination of the best features contained in H. R. 433 and H. R. 8660. This report will therefore deal solely with H. R. 12427.

It is proposed by section 1 of the bill to provide for a joint relief fund for both the police and fire departments rather than having a separate fund for each department, as is the case under existing law. The commissioners can see no good reason for continuing the present practice of separate relief funds, one for the police department and one for the fire department. They believe a joint fund with uniform provisions of law applying alike to each department to be administratively wise and conducive to the best interests of the service of both departments.

By section 2 of the bill it is proposed to treat as revenue of the joint fund certain classes of moneys which under present law are used for pension payments. In lieu of a flat deduction of \$1 a month from

the salary of each officer and member of the two departments it is proposed to deduct 1½ per cent of the monthly salaries of such officers and members. Police-court fines and money derived from the tax on dogs, now credited to the two pension funds, will not be so used under the terms of this bill, but will be covered into the Treasury as general revenue for appropriation purposes. The principal feature of this section relates to the source from which moneys shall be obtained for the purpose of supplying deficiencies in the joint fund. The law at this time permits the use of police-court fines and dog taxes to meet deficiencies in pension payments, but the moneys derived in this manner are entirely inadequate, as is evidenced by the fact that since 1911 there has accumulated in the police-pension fund a deficiency of \$45,480.05 and in the firemen's relief fund \$22,930.82, or an aggregate deficiency for both funds of \$68,410.87. Because of the insufficient revenue for pension payments it has been necessary from time to time during the period from 1911 to date to prorrate pension payments.

It is therefore essentially necessary, if an adequate pension fund is to be created, to provide a source from which sufficient moneys may be obtained to meet deficiencies and to pay pensions or relief allowances in full. It is proposed by this bill that such amounts shall be obtained wholly from the revenues of the District of Columbia, the collector of taxes covering into the Treasury to the credit of the joint fund, from time to time as may be required, revenues of the District collected by him.

Section 3 of the bill is substantially existing law and needs no discussion.

Section 4 contemplates material changes in existing law. The retirement of a member of either department for permanent disability incurred in the line of duty is now authorized by law. The provision for retirement after 25 years of service for permanent disability from any cause, and the provision for retirement on attaining the age of 60 years in the discretion of the commissioners, contemplates new legislation. These new features are believed to be essential to the system and will operate to maintain high physical standards in the two departments and will insure a much greater efficiency in both services than is now possible.

It is proposed by this section to fix a maximum allowance at retirement of one-half of the salary received by an officer or member of either department at the time of retirement. Under present law the following maximum pension allowances are authorized: All officers of or above the rank of captain in the fire department and all officers of and above the rank of lieutenant in the police department, \$100 a month; privates in both departments, \$50 a month; widows, \$50 a month; children under 16 years of age, \$25 a month; and family allowance, \$50.

The maximum relief allowance for a widow is reduced from \$50 to \$35 a month; and for children under 16 years of age from \$25 to \$10 a month. The maximum family allowance of \$50 a month remains the same. The provision for relief allowances to dependent fathers and mothers contained in existing law is eliminated from the proposed legislation.

The provision relating to the remarriage of widows and the attainment by children of the age of 16 years is present law; and that with respect to children of a marriage contracted subsequent to the date of retirement of a member is now legislation.

Section 5 of the bill authorizes the payment of an allowance for funeral expenses of not exceeding \$75 in any one case. The only change from present law in this respect is to permit such an allowance to be paid to the widow or representative of a deceased retired member of either department. The law now limits the payment of an allowance of this character to the case of the death of a member of the police or fire department occurring while the member was in actual service.

It is proposed by section 6 of the bill to create a retiring and relief board, to be composed of one member from each the police and fire departments and the corporation counsel or one of his assistants, the commissioners being empowered to make and enforce regulations and rules from time to time for the conduct of the board. The police department and the fire department has now each its own retiring board, consisting in each case of members of the respective departments. The commissioners are convinced, as the result of careful consideration of the subject, that the existing practice in this respect is susceptible of improvement and believe that this is accomplished by the action proposed in this section.

Section 7 gives the commissioners the right to require retired members of the police and fire departments, except those who have served 25 years or more, to undergo medical examinations, as the result of which they may determine whether the relief then being paid should be continued, increased, decreased, or discontinued. The present law provides for such examinations every two years.

Section 8 is entirely new legislation, and, in the opinion of the commissioners, it should, or a section substantially similar, be made a part of any legislation passed in the matter of relief allowances to policemen and firemen in the District of Columbia.

Section 9 is new legislation, and the commissioners believe it advisable to have authority to the effect contained therein in any pension legislation passed by Congress.

It appears from a compilation prepared by the Federal Commissioner of Labor, in compliance with a resolution of the Senate in 1910, on the subject of pension funds for municipal employees in the United States, that in 167 municipalities there is, in some form or other, provision for pensioning policemen and firemen. In one-third of this number the entire amount required for the payment of pensions is furnished by the municipality, while two-thirds are supported in part by the municipality and in part by contributions from the employees. In about 40 per cent of the conditions under which pensions are paid to policemen and firemen the sole requisite is permanent disability incurred in the performance of duty; in the remaining 60 per cent a specified length of service, usually about 20 years, is required, coupled in one-third with permanent disability, and another third with the age 50, 55, 60, or 65 years.

The commissioners transmit herewith statements showing the names of the several pensioners in the fire department, the date pensioned, the period of service at the date of retirement, relief allowance authorized, present age of the beneficiary and address, and the cause of death or disability, and a statement containing similar information with respect to pensioners in the police department; also statements prepared by the auditor of the District, presenting information with reference to the deficiencies in the police fund and the firemen's relief fund; information showing by months during the calendar year ended Decem-

ber 31, 1915, the total revenues and pension obligations and percentage of pensions paid each month; information showing the total amount of pensions paid each year during the last 10 years under present pension laws; the total number of pensioners on the rolls each year during the last 10 years; the total number of members of the police and fire departments in active service each year during the last 10 years; and information showing the proportion in terms of percentage of total pensions paid to total salaries paid during each year of the last 10 years.

The commissioners believe that the present pension system for the officers and members of the police and fire departments is inadequate and ineffective to carry out the purposes for which it was created, and that the results are injurious to the morale and efficiency of the two departments mentioned, besides at times inflicting injustice and hardship upon the beneficiaries. The commissioners therefore strongly urge and recommend the enactment of H. R. 12427 into law.

Very respectfully,

THE BOARD OF COMMISSIONERS OF THE  
DISTRICT OF COLUMBIA,  
By O. P. NEWMAN, President.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. After line 7, on page 73, insert the following proviso:

*Provided*, That on and after the 1st day of July, 1917, all special policemen at street railway crossings and intersections in the District of Columbia appointed pursuant to the provisions of an act approved June 24, 1898 (30 Stat. L., ch. No. 496, p. 488), and all acts amendatory thereof and supplementary thereto, are hereby made members of the Metropolitan police force of the District of Columbia, and as members thereof shall enjoy all the rights, benefits, privileges, and immunities to which they are now entitled or to which they may hereafter become entitled. Said special policemen shall likewise be subject to the same rules and regulations and be paid in the same way and out of the same funds as other members of said Metropolitan police force; *Provided*, That said special policemen and the regular members of said special police force shall, according to the period of service and classification, be placed upon the same footing and shall perform whatever service may be assigned to them by the superintendent of police; *Provided further*, That in the making of assignments for duty of special policemen in the Metropolitan police force they shall be given credit for the time they have served in their present positions in the same manner and to the same extent as is now or may hereafter be given to the other members of said police force.

That all laws to the extent that they are in conflict herewith are hereby repealed.

Mr. SMITH of Maryland. Mr. President, the committee makes no objection to that amendment.

Mr. STERLING. In connection with the amendment offered, I will simply call attention to the fact that the amendment is very much the same as House bill 11241, which is recommended by the Board of Commissioners of the District of Columbia, and is exactly the same as House bill 14670, which has been favorably reported to the House by the House District Committee. I should like to have printed in the RECORD a letter of the Commissioners of the District relative to House bill 11241.

The VICE PRESIDENT. Without objection it is so ordered.

The letter referred to is as follows:

FEBRUARY 29, 1916.

HON. BEN JOHNSON,  
Chairman of Committee on the District of Columbia.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend favorable action on H. R. 11241, entitled "A bill providing that street railway crossing policemen shall be made members of the Metropolitan police force of the District of Columbia," which was referred to them at your instance for examination and report.

The bill, in the opinion of the commissioners, provides in a satisfactory manner for the amalgamation of the street-crossing police force with the Metropolitan police force, an eventuality that would be advisable and desirable and in the best interests of the public service.

Very respectfully,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
By LOUIS BROWNLOW, Acting President.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. GALLINGER. Mr. President, before a vote is taken on that amendment, it is proper that some one should say that these street-crossing policemen are now paid by the railroad companies, while, if this amendment is agreed to, they will be paid by the Government and the District of Columbia. If that is thought desirable, I have no objection to the amendment.

Mr. JONES. Mr. President, I want to understand whether that is exactly the case; whether it is the intention of the Senator from South Dakota that these policemen shall hereafter be paid by the Government, and not by the railroad companies?

Mr. STERLING. That is the intention of the amendment. The amendment provides that they shall be paid by the Government, rather than by the railroad companies. I call the attention of the Senator to the statute referred to in the amendment and referred to in the two House bills. The statute is chapter 496, volume 30, Statutes at Large, and the title of the act is "An act to define the rights of purchasers of the Belt Railway,

and for other purposes." Section 3 of that act, which is the only section of the act relevant to this question, is as follows:

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized and required to station special policemen at such street railway crossings and intersections in the city of Washington as the said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies.

Mr. JONES. It is the idea of the Senator from South Dakota to relieve the railroad companies from paying these policemen?

Mr. STERLING. The amendment will relieve them from paying these policemen. I do not know that eventually they will be relieved or rather that they should be relieved from contributing an amount in the way of taxes or otherwise, which would be sufficient to pay the policemen detailed for this service.

Mr. JONES. But if the amendment of the Senator is adopted, that would be the effect of it?

Mr. STERLING. That would be the effect of it. These policemen are to be paid in the same way as are the other policemen, according to the terms of this amendment, and out of the same funds.

Now, just this one word in regard to the amendment. I agree with the principle involved in the amendment. I do not believe that these special policemen should receive their authority from one source—that of the Commissioners of the District of Columbia—and their pay from another, a private source. I do not believe it is good policy; but I believe that they should be employed by and paid by one and the same authority.

Mr. JAMES. Mr. President, will the Senator from South Dakota yield to me?

Mr. STERLING. I yield.

Mr. JAMES. Is it not true that these policemen are stationed at places where the traffic is heavy, and generally at the request of the railroad companies; that their employment tends to facilitate the traffic and to prevent accidents, and that it has been the custom all along that the railroads, which derive great benefit in those two respects—first, the facilitation of traffic; and, second, in relieving themselves of accidents, for which they would have to pay—have been paying for these policemen, and have been glad to pay for them? What reason is there that that expense should now be shifted back onto the taxpayers? I can not see any.

Mr. STERLING. Mr. President, I think the adoption of the amendment would probably call for other and subsequent legislation, whereby the street railways would be required to pay taxes sufficient to pay the policemen detailed for this special service. It is the principle involved in the present system, however, to which I object.

Mr. JAMES. Does not the Senator from South Dakota think that it would be better for us to get the taxes to which he refers from the railroad companies before we relieve them of the expense to which they are now put? After we have done that, then we can relieve them. Let us not relieve them of that expense and then take chances on finally placing upon them the tax which the Senator from South Dakota thinks they ought to bear.

Mr. SMITH of Maryland. Mr. President, I feel it is my duty to say to the Senator from South Dakota that, while I have made no objection to this amendment on the floor of the Senate, yet it is a matter to which we shall give very serious consideration when we come to consider the proposed legislation as to the police force which is employed by the railroads for the benefit of the railroads and as to whether or not the Government shall pay for such force, and thereby relieve the railroad companies from making the payment for which they are now held.

Mr. JONES. Mr. President, the Senator from South Dakota [Mr. STERLING] spoke to me with reference to this proposition a short time ago. I did not understand that the effect of his amendment would be to relieve the railroad companies from the payment of the salaries of these policemen. I thought his amendment was intended to make them a part of the police force, to recognize them as regular policemen. However, I am not going to raise the point of order against his amendment, but in this connection I desire to say that a short time ago I received a letter from one of my constituents sending a clipping from a newspaper, charging that the various departments of the Government had in their employ various officials at nominal salaries, their real salaries being paid by some one else, and a very severe criticism was made of that policy. The idea seemed to be that a great many employees in the different departments of the Government were on the rolls in this way, being paid simply nominal salaries, their full salaries being paid by somebody else. I wrote to every departmental head asking for a list of any such employees. I have here letters from the departments, with a statement with reference to the matter, and I think, in justice to the administration and in the



interests of a correct statement with reference to the subject, that these letters ought to be printed in the RECORD, and I ask permission to have that done.

The VICE PRESIDENT. Without objection, it is so ordered.  
The letters referred to are as follows:

NAVY DEPARTMENT,  
Washington, June 19, 1916.

My DEAR SENATOR: Replying to your inquiry of June 17, the Navy Department does not carry on its rolls any employees at a nominal salary paid from the Government whose actual salary is paid by some one else.

Sincerely, yours,

JOSEPHUS DANIELS,  
Secretary of the Navy.

Hon. W. L. JONES,  
United States Senate, Washington, D. C.

DEPARTMENT OF COMMERCE,  
OFFICE OF THE SECRETARY,  
Washington, June 19, 1916.

My DEAR SENATOR: In response to your inquiry of the 17th instant, I beg to state that while there are a number of persons employed by this department without, or at a nominal, compensation, such as members of the visiting committee of the Bureau of Standards, Army officers on detail to the Lighthouse Service, post light keepers, etc., none of them receive pay from sources outside of the Government for the service they perform for the department.

Very truly, yours,

A. L. THURMAN,  
Acting Secretary.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.

WAR DEPARTMENT,  
Washington, June 19, 1916.

Hon. WESLEY L. JONES,  
United States Senate.

My DEAR SENATOR: In reply to your letter of the 17th instant, I beg to inform you that so far as reports to this office show there is no official or employee carried on the rolls of the War Department at a nominal salary paid by the Government whose actual salary is paid by some one else.

Sincerely, yours,

WM. M. INGRAHAM,  
Assistant Secretary of War.

POST OFFICE DEPARTMENT,  
OFFICE OF THE CHIEF CLERK,  
Washington, June 19, 1916.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.

My DEAR SENATOR JONES: In answer to your letter of the 17th instant, which the Postmaster General has referred to me, in which you ask whether this department carries on its rolls "any persons at a nominal salary paid by the Government whose actual salary is paid by some one else," I beg to inform you that none of the employees of this department receive any compensation except that provided by the Government.

Very sincerely, yours,

W. I. DENNING,  
Chief Clerk.

DEPARTMENT OF STATE,  
Washington, June 21, 1916.

My DEAR SENATOR: Replying to your letter of June 17th, I write to inform you that the Department of State has no officials or employees who are paid a nominal salary by the Government, their actual salary being paid by some one else.

Yours, very truly,

ROBERT LANSING.

The Hon. WESLEY L. JONES,  
United States Senate.

DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, June 22, 1916.

Hon. W. L. JONES,  
United States Senate, Washington, D. C.

My DEAR SENATOR: Replying to your letter of the 17th instant, I inclose herewith a list of employees who are paid a nominal salary by this department and whose actual salary is paid by some one else.

It is to be noted that customs officers, deputy collectors, etc., are employed and paid by the Treasury Department.

Respectfully, yours,

J. B. DENSMORE,  
Acting Secretary.

List of persons employed by the Department of Labor at a nominal salary and whose actual salary is paid by some one else.

Pedro Reichard, immigrant inspector, \$1 per annum, Aguadilla, P. R.; customs officer.

Alejandro Sallercup, immigrant inspector, \$1 per annum, Arecibo, P. R.; customs officer.

Luis Garcia Sandoval, immigrant inspector, \$1 per annum, Arroyo, P. R.; customs officer.

George H. Skermer, immigrant inspector, \$150 per annum, Boca Grande, Fla.; customs officer.

Minton H. Johnson, immigrant inspector, \$300 per annum, Brunswick, Ga.; deputy collector of customs.

Maurice S. Whittier, immigrant inspector, \$1 per annum, Cordova, Alaska; customs officer.

W. C. Pressly, immigrant inspector, \$1 per annum, Culebra, P. R.; customs officer.

John J. Hillard, immigrant inspector, \$1 per annum, Eagle, Alaska; deputy collector of customs.

Paul Ruell, immigrant inspector, \$1 per annum, Fajardo, P. R.; customs officer.

George W. Woodruff, immigrant inspector, \$1 per annum, Forty Mile, Alaska; customs officer.

Otis H. Culver, immigrant inspector, \$300 per annum, Friday Harbor, Wash.; customs officer.

Capt. Robert E. Koontz, United States Navy, immigrant inspector, \$1 per annum, island of Guam.

Victoriano Soler, immigrant inspector, \$1 per annum, Guanica, P. R.; deputy collector of customs.

Byron K. Baird, immigrant inspector, \$180 per annum, Hilo, Hawaii; customs officer.

Juan Serrano, immigrant inspector, \$1 per annum, Humacao, P. R.; customs officer.

Charles D. Garfield, immigrant inspector, \$1 per annum, Juneau, Alaska; customs officer.

John F. Pugh, immigrant inspector, \$1 per annum, Juneau, Alaska; customs officer.

David C. Lindsay, immigrant inspector, \$1 per annum, Kahului, Hawaii; customs officer.

Milson S. Dobbs, immigrant inspector, \$1 per annum, Ketchikan, Alaska; deputy collector of customs.

W. D. McBryde, immigrant inspector, \$1 per annum, Koloa Kauai, Hawaii; deputy collector of customs.

James Doud, immigrant inspector, \$35 per month for three months from June 25, 1916, Mackinac Island, Mich.; deputy collector of customs.

Rafael Soltero Perez, immigrant inspector, \$1 per annum, Guanica, P. R.; customs officer.

James G. Woods, immigrant inspector, \$300 per annum, Mayaguez, P. R.; deputy collector of customs.

John C. Brasser, immigrant inspector, \$300 per annum, Niagara Falls, N. Y.; deputy collector of customs.

William G. James, immigrant inspector, \$300 per annum, Niagara Falls, N. Y.; deputy collector of customs.

John R. Beegle, immigrant inspector, \$1 per annum, Nome, Alaska; deputy collector of customs.

Robert W. J. Reed, immigrant inspector, \$1 per annum, Nome, Alaska; deputy collector of customs.

C. Asa Francis, immigrant inspector, \$1 per annum, Perth Amboy, N. J.; customs officer.

T. G. Burgher, immigrant inspector, \$1 per annum, Ponce, P. R.; customs officer.

Hayden L. Moore, immigrant inspector, \$1 per annum, Ponce, P. R.; customs officer.

Albert C. Latham, immigrant inspector, \$1 per annum, Skagway, Alaska; deputy collector of customs.

Edwin R. Stivers, immigrant inspector, \$1 per annum, St. Michael, Alaska; deputy collector of customs.

Nicholas E. Bolshanin, immigrant inspector, \$1 per annum, Unalaska, Alaska; deputy collector of customs.

Eugenio Lopez, immigrant inspector, \$1 per annum, Vieques, P. R.; deputy collector of customs.

Frederick E. Bronson, immigrant inspector, \$1 per annum, Wrangell, Alaska; customs officer.

There are also 16 persons on the roll of the Children's Bureau of the department as special agents who are paid \$1 per annum, some of whom may be employed elsewhere. The department has no record in regard to their outside employment or by whom they are paid. In addition, the following named are employed as special agents by the Children's Bureau at a compensation of \$1 per annum each:

H. M. Bracken, who is executive officer and secretary of the State board of health of Minnesota, at \$4,500 per annum.

Max J. Colton, who is health officer at Cumberland, Md., at \$2,000 per annum.

Mrs. Mary G. Day, who is part of the time medical school-inspector, Kingston, N. Y., at \$800 per annum.

TREASURY DEPARTMENT,  
Washington, June 26, 1916.

Hon. WESLEY L. JONES,  
United States Senate.

My DEAR SENATOR: By direction of the Secretary and in compliance with your request of the 17th instant, I beg to inclose herewith lists showing number, designations, and salaries of employees under this department receiving a nominal salary from the Government of less than \$300 per annum, and whose actual salaries are probably paid from some other source.

The department has no record as to whether these employees are employed by some one else or by whom, if employed, and I regret that I am unable to give you the exact information desired.

Sincerely, yours,

A. J. PETERS,  
Assistant Secretary.

#### CUSTOMS SERVICE.

Deputy collector in charge: One, at 80 cents per diem; one, at 75 cents per diem; two, at \$250 per annum; three, at \$240 per annum; five, at \$180 per annum.

Deputy collector and inspector: One, at \$250 per annum; three, at \$200 per annum; five, at 50 cents per diem; one, at \$5 per month; seventeen, at \$1 per month.

Deputy collector: Two, at \$50 per annum; seven, at \$1 per annum; one, at \$24 per annum.

Deputy collector and clerk: Two, at \$20 per month; three, at \$5 per month; one, at \$1 per month.

Inspector: One, at \$15 per month; one, at \$10 per month; three, at \$1 per month.

Interpreter: One, at \$200 per annum.

Inspector: One, at \$240 per annum.

Janitress: One, at \$15 per month.

Storekeeper: One, at \$1 per annum.

Cartman: Ten, at 5 cents per diem.

Public Health Service: One acting assistant surgeon, at \$270 per annum; three acting assistant surgeons, at \$250 per annum; three acting assistant surgeons, at \$240 per annum; five acting assistant surgeons, at \$200 per annum; two acting assistant surgeons, at \$180 per annum; one acting assistant surgeon, at \$120 per annum; five acting assistant surgeons, at \$100 per annum.

Internal Revenue Service: Fifteen deputy collectors (stamp deputies), mostly clerks in banks, whose pay is nominal: One, at \$50 per annum; two, at \$60 per annum; nine, at \$180 per annum; three, at \$200 per annum.

United States Coast Guard: None.

SECRETARY OF THE INTERIOR,  
Washington, July 1, 1916.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your letter of June 17, I am sending you herewith list of 144 special collaborators in the Bureau of Education whose nominal salary is paid by the Government and who receive additional compensation from other sources. We also have on our roll Robert S. Yard, editorial assistant, at \$300 per year. Mr. Yard receives additional compensation from Mr. Stephen T. Mather.

Cordially, yours,

FRANKLIN K. LANE.

Persons employed under the Bureau of Education at a salary of \$1 per annum.

Name of person.	Regular occupation under organization or institution paying salary.	By whom paid.
F. E. Farrington <sup>1</sup>	.....	Committee for Immigrants in America.
H. H. Wheaton <sup>1</sup>	.....	Do.
R. A. Malone <sup>1</sup>	.....	Do.
Miss M. B. Burzynska <sup>1</sup>	.....	Do.
Miss Caroline Hedger	Agent.....	Do.
Miss Esther E. Lape	.....do.....	Do.
R. E. Cole	.....do.....	Do.
Thomas Jesse Jones <sup>1</sup>	.....do.....	Phelps-Stokes fund.
T. J. Woolter, Jr. <sup>1</sup>	.....do.....	Do.
Ocea Taylor <sup>1</sup>	.....do.....	Do.
W. B. Hill <sup>1</sup>	.....do.....	Do.
Mrs. H. T. Birney	Secretary National Congress of Mothers.	No salary.
Mrs. Hannah K. Schöff	President National Congress of Mothers	Do.
Miss Ellen C. Lombard <sup>1</sup>	.....	National Congress of Mothers.
Mrs. M. P. Pitzer <sup>1</sup>	.....	Do.
Mrs. Wm. S. Hefferan	Chairman parent teacher committee, National Congress of Mothers.	No salary.
Miss Bessie Locke	Secretary.....	National Kindergarten Association.
Miss Marion Berger <sup>1</sup>	.....	Do.
Miss Mary L. Allen <sup>1</sup>	.....	Do.
Miss May Delahanty	Clerk.....	Do.
Miss Louise Schofield	.....do.....	Do.
Mrs. Grace Davis	Agent.....	Do.
Miss A. M. Winchester <sup>1</sup>	.....	International Kindergarten Union.
W. K. Tate	Professor rural education.....	George Peabody College for Teachers.
W. F. Russell	Professor secondary education.....	Do.
Carter Alexander	Professor school administration.....	Do.
Charles E. Little	Professor classical languages.....	Do.
Glen L. Swiggett	Professor romance languages.....	University of Tennessee.
John H. Phillips	Superintendent of schools.....	Birmingham (Ala.) Board of Education.
Naaman R. Baker	Assistant superintendent of schools.....	Jefferson County (Ala.) Board of Education.
James L. Bond	Rural school supervisor.....	Arkansas Department Public Instruction.
Burr W. Torreyson	Supervisor secondary schools.....	Do.
Leo M. Favrot	Associate supervisor rural schools.....	Do.
Mrs. Mary G. Barnum	Member State board education, chairman educational committee General Federation Women's Clubs.	California State Board Education.
E. P. Cubberley	Professor of education.....	Leland Stanford, Jr. University.
R. W. Corwin	Surgeon.....	Railroads.
W. B. Mooney	Professor of education.....	Colorado State Normal School.
C. G. Sargent	State rural school inspector.....	Colorado Agricultural College.
Joseph H. Shriber	Superintendent schools.....	County Board of Education (Colorado).
Milton Fairchild	Director of instruction.....	National Institution for Moral Instruction.
C. D. Jarvis	None.....	No salary.
A. P. Bourland	Secretary.....	Conference for Education and Industry in South.
Mrs. Lenore P. Webster	Housewife.....	No salary.
Miss A. Maris Boggs	Dean Department Public Instruction.....	Bureau Commercial Economics.
George M. Lynch	Superintendent schools.....	Local board education (Florida).
John A. Thackston	State high-school inspector.....	University of Florida.
Richard H. Powell	President.....	Georgia State Normal College.
Earl S. Wooster	Dean rural department.....	Idaho State Normal School.
Kendric C. Babcock	Dean.....	University of Illinois.
Charles H. Johnston	Professor, secondary education.....	Do.
Charles H. Judd	Director, School of Education.....	University of Chicago.
Jacob W. A. Youn	Professor of mathematics.....	Do.
N. P. Colwell	Secretary Council on Medical Education.....	American Medical Association.
James F. Hosie	Head English department.....	Chicago Normal College.
Sherman D. Kingsley	Agent.....	Elizabeth McCormick Memorial Fund.
Miss Adelaide S. Baylor	Superintendent domestic science.....	Indiana Department Public Instruction.
Edwin M. Hopkins	Professor of English.....	University of Kansas.
mes W. Searson	.....do.....	Kansas Agricultural College.

Persons employed under the Bureau of Education, etc.—Continued.

Name of person.	Regular occupation under organization or institution paying salary.	By whom paid.
Thomas J. Coates	State supervisor rural schools.....	Kentucky Department Public Instruction.
McHenry Rhoads	State supervisor high schools.....	Do.
Mrs. Charles P. Weaver	Organizer School Improvement Leagues.....	Do.
Mrs. Cora Wilson Stewart	President.....	Kentucky Illiteracy Commission.
Miss Agnes Morris	Agent.....	Louisiana Board of Health.
Cyrus J. Brown	Rural school supervisor.....	Louisiana Department Public Instruction.
Edward F. Buchner	Professor of education.....	Johns Hopkins University.
Mrs. Fannie Fern Andrews	Secretary.....	American School Peace League.
Edmund S. Cogswell	.....do.....	Teachers' Retirement Board of State of Massachusetts.
Paul H. Hanus	Professor of education.....	Harvard University.
Wm. F. Osgood	Professor of mathematics.....	Do.
Clarence D. Kingsley	Agent.....	Massachusetts State Board of Education.
Rufus W. Stimson	.....do.....	Do.
Fred N. Scott	Professor of rhetoric.....	University of Michigan.
George W. Bissell	Professor of mechanical engineering.....	Michigan Agricultural College.
Ernest Burnham	Director rural school department.....	Michigan State Normal School.
Miss Mabel Carney	Supervisor, teacher-training department.....	Minnesota Department of Public Instruction.
Eugene M. Phillips	High-school inspector.....	Do.
Edward A. Freeman	Superintendent of schools.....	Local board of education (Minnesota).
George E. Keenan	.....do.....	Do.
F. E. Spaulding	.....do.....	Minneapolis (Minn.) Board of Education.
Richard Burton	Professor of English.....	University of Minnesota.
John C. Fant	State high-school inspector.....	University of Mississippi.
William H. Smith	State superintendent of public instruction.....	Mississippi Department of Public Instruction.
Marie Turner Harvey	Teacher.....	Local board of education (Missouri).
Ben Blewett	Superintendent of schools.....	St. Louis (Mo.) Board of Education.
Edward C. Elliott	Chancellor.....	University of Montana.
Fred M. Fling	Professor of history.....	University of Nebraska.
Calvin N. Kendall	Commissioner of education.....	New Jersey Department of Public Instruction.
Miss Jessie Field	Rural specialist.....	National board, Y. W. C. A.
Henry Israel	Research secretary.....	International committee, Y. M. C. A.
Frank A. Manny	Investigator.....	Bureau of welfare for school children.
Charles H. Keyes	President.....	Sidmore School of Arts.
Thomas S. Stille	Field secretary.....	Playground and Recreation Association of America.
Edward F. Brown	Superintendent.....	Bureau of Welfare of School Children.
Jackson Davis	General field agent for negro education.....	General Education Board.
George D. Strayer	Professor school administration.....	Teachers College, Columbia University.
David Eugene Smith	Professor of mathematics.....	Do.
Richard E. Dolge	Professor of geography.....	Do.
Thomas H. Briggs	Professor of education.....	Do.
Thomas D. Wood	Professor of physical education.....	Columbia University.
William H. Maxwell	Superintendent of schools.....	Board of Education, New York City.
Clarence A. Perry	Associate director, department recreation.....	Russell Sage Foundation.
W. D. Weatherford	Field secretary.....	International committee, Y. M. C. A.
Edward J. Ward	.....	Darwin Martin, Buffalo, N. Y. (personal friend of Mr. Ward's father).
S. G. Atkins	President.....	Slater Industrial and State Normal School.
Herbert E. Austin	Teacher of science.....	East Carolina Teachers Training School.
N. C. Newbold	Supervisor elementary schools.....	North Carolina Department of Public Instruction.
N. W. Walker	Inspector high schools.....	University of North Carolina.
Charles C. Wright	Superintendent schools.....	North Carolina county board of education.
Eugene C. Branson	Professor.....	University of North Carolina.
Nell C. Macdonald	State rural school inspector.....	North Dakota Department Public Instruction.
Charles C. Schmidt	Professor of education.....	University of North Dakota.
Fred W. Smith	President.....	North Dakota School of Forestry.
Miss Laura Sanderson	Assistant State superintendent public instruction.....	North Dakota Department Public Instruction.
Benjamin M. Davis	Professor agricultural education.....	Miami (Ohio) University.
Alvin E. Wagner	Professor of education.....	Ohio University.
Henry G. Williams	State supervisor normal schools.....	Ohio Department Public Instruction.
Fred C. Whitcomb	Professor manual training.....	Miami (Ohio) University.
J. H. Ackerman	President.....	Oregon State Normal School.
Harlan Updegraff	Professor school administration.....	University of Pennsylvania.
A. Duncan Yocum	Professor of education.....	Do.

<sup>1</sup> Persons who give practically all their time to work under the bureau. Other persons render services occasionally when specifically requested by the Commissioner of Education.

<sup>2</sup> At time of appointment was employed by Virginia Department Public Instruction.



## Persons employed under the Bureau of Education, etc.—Continued.

Name of person.	Regular occupation under organization or institution paying salary.	By whom paid.
Wm. H. Hand.....	State high-school inspector..	South Carolina Department Public Instruction.
Paul M. Rea.....	Director.....	Charleston (S. C.) Museum.
S. D. Van Benthuyzen.	Dean of school of commerce.	Dakota Wesleyan University.
Joshua H. Paul.....	Professor nature study.....	University of Utah.
W. H. Heck.....	Professor of education.....	University of Virginia.
Charles G. Maphis.....	Professor of secondary education.	Do.
Charles Alphonso Smith.	Professor of English.....	Do.
Charles G. Haines.....	Professor political science...	Whitman College, Walla Walla, Wash.
Mrs. Josephine Preston	State superintendent public instruction.....	Washington Department Public Instruction.
Myron J. Abbey.....	Professor agricultural education.	West Virginia University.
Lloyd L. Friend.....	Supervisor of high schools...	West Virginia Department Public Instruction.
L. J. Hanifan.....	Supervisor rural education..	West Virginia University.
Cyrus C. Adams.....	Geographer.....	American Association Geographers.
Walter E. Larson.....	State inspector rural schools.	Wisconsin Department Public Instruction.
Charles Forster Smith.	Professor of Greek and classical philology.	University of Wisconsin.
R. H. Whitbeck.....	Professor of geography.....	Do.
L. L. Summers.....	Teacher of manual training..	Oshkosh (Wis.) State Normal School (when appointed).
Wm. L. Phelps.....	Professor of English.....	Yale University.

The following-named persons were appointed to perform specific duties and it is expected that their services will be terminated in the near future:

Mrs. Margaret C. Curran, formerly county superintendent of schools.  
Miss Katherine B. Schlaegel, formerly employed in the division of negro education.  
Fred B. Frazier, lawyer (formerly supervisor of rural education, Tennessee).  
John F. Murray.

Simon Straus, banker (president American Society for Thrift), Chicago.  
William Hill, none.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., July 11, 1916.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of June 17, making inquiry as to whether this department carries on its rolls of officials or employees any persons at a nominal salary paid by the Government whose actual salary is paid by some one else, reached me promptly. Since its receipt I have had a careful investigation made of our entire list of officials and employees, and am now prepared to state that no official or employee carried on the rolls of this department is paid a nominal salary by the Government and receives an actual salary paid by some one else.

In connection with certain land and oil litigation it has been found to the interests of the Government to commission as special assistant United States attorneys, without compensation in addition to that received by them as employees of some other department, experts of other departments (representatives of the Indian Office, General Land Office, Reclamation Service, etc.). These designations have been made to facilitate Government litigation.

There is an attorney employed on Pacific railroad work in California who is detailed from, and his salary is paid by, the Interior Department. His expenses are paid by the Department of Justice.

As you are probably aware, it has always been the practice of the Department of Justice to allow United States attorneys and their assistants to engage, to a limited extent, in private practice, provided such practice did not interfere in any way with the proper discharge of the duties of their offices. It has also been the practice of the department to permit United States marshals and their deputies to give some attention to private business, provided it did not in any way interfere with the proper discharge of their public duties.

Very truly, yours,

T. W. GREGORY,  
Attorney General.

DEPARTMENT OF AGRICULTURE,  
Washington, July 12, 1916.

Hon. WESLEY L. JONES,  
United States Senate.

DEAR SENATOR JONES: Reference is made to your letter of June 17 and the Secretary's reply of June 19 regarding persons carried on the department's rolls at a nominal salary whose actual salary is paid by some one else. I take pleasure in inclosing herewith a statement giving the information you desire.

Very truly, yours,

C. F. MARVIN,  
Acting Secretary.

Employees in the Department of Agriculture receiving only a nominal salary, their actual salary being paid by some one else.

OFFICE OF THE SECRETARY.  
(Office of Farm Management.)

Number.	Title.	Salary paid by department.	Nature of work.	Other salary paid by—
1	Collaborator.....	\$1 per annum.....	Assists in compilation of data for agricultural atlas.....	New York Agricultural Experiment Station.
2	Collaborators.....	do.....	do.....	University of Wisconsin.

WEATHER BUREAU.

1	Section director.....	\$1,000.....	In charge of climatological work for State of Iowa.....	State of Iowa.
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BUREAU OF ANIMAL INDUSTRY.

1	Collaborating veterinarian.....	\$5 per annum.....	Cooperates with meat-inspection division along lines of sanitation.	Meat-packing establishments in New York City.
1	Collaborator.....	\$1 per annum.....	Distributes blackleg vaccine to farmers.....	South Dakota Agricultural College.
21	Collaborating veterinarians.....	\$1 per month.....	Tuberculin testing of cattle intended for interstate movement.	Understood to be employed by State of Illinois on a fee basis. All engage in practice of veterinary medicine.
9	Agents in scabies.....	\$5 per month.....	Inspection and supervision of dipping of cattle to eradicate scabies.	State of Texas.
1	Agent in tick eradication.....	do.....	Inspection and supervision of dipping of cattle to eradicate ticks.	Do.
1	do.....	\$1 per month.....	do.....	Do.

BUREAU OF PLANT INDUSTRY.

43	Collaborators.....	\$1 per month.....	Furnish information on the prevalence of plant diseases in their States, also diseased plant specimens, in connection with the Plant Disease Survey.	States of South Carolina, California, Oregon, Michigan, Texas, North Dakota, Mississippi, New York, Louisiana, Virginia, West Virginia, Kentucky, Washington, Arkansas, Georgia, Utah, Indiana, Oklahoma, Nevada, Delaware, Michigan, Wisconsin, Kansas, Maine, Maryland, Pennsylvania, Massachusetts, Iowa, Missouri, Ohio, Illinois, Florida, Arizona, New Mexico, Nebraska, Idaho, North Carolina.
1	Collaborator.....	\$1 per annum.....	do.....	State of New Jersey.
1	do.....	\$1 per month.....	do.....	Brooklyn Botanic Garden.
1	do.....	do.....	Is completing for publication results of work performed while he was regular employee of this bureau engaged in investigating diseases of the Irish potato.	State of Iowa.
1	do.....	do.....	Supervision over cooperative work on the control of cucumber diseases.	State of Wisconsin.
1	do.....	do.....	do.....	State of Michigan.
1	do.....	\$1 per annum.....	Furnishes information on investigations of potato diseases in Europe.	Columbian University.

Employees in the Department of Agriculture receiving only a nominal salary, their actual salary being paid by some one else—Continued.

## BUREAU OF PLANT INDUSTRY—continued.

Number.	Title.	Salary paid by department.	Nature of work.	Other salary paid by—
1	Collaborator.....	\$1 per annum.....	Supervises cooperative investigations on control of potato diseases.	State of Vermont.
1	do.....	\$1 per month.....	Supervision of cooperative work on stem rot of water-melons.	Harvard University.
1	do.....	do.....	Has local supervision of cooperative campaign for the eradication of citrus canker in his State.	State of Texas.
4	Collaborators.....	do.....	do.....	States of Louisiana, Mississippi, Florida, and Alabama.
4	do.....	do.....	General supervision of cooperative seed-testing laboratory at the agricultural college in their own States.	States of Indiana, California, Missouri, and Oregon.
3	do.....	\$1 per annum.....	General supervision of cooperative forage-crop experiments at the agricultural college in their own States.	States of Colorado, Virginia, and Iowa.
3	do.....	\$1 per month.....	do.....	States of Texas, Iowa, and Indiana.
10	do.....	\$1 per annum.....	Furnish information and specimens in connection with work in foreign seed and plant introduction.	Egyptian Department of Agriculture; Jewish Agricultural Experiment Station, Palestine; University of Minnesota; Brazilian Government; Department of Agriculture of India; French Government; Harvard University; 1 by a lumber concern; 2 privately employed.
1	Collaborator.....	do.....	Assists in a series of experiments in regard to the retardation of vegetative growth by artificial means for the purpose of increasing the fruitfulness of the mango.	Oregon Experiment Station.
1	do.....	do.....	Supervising cooperative cereal experiments.....	State of Nebraska.
4	Collaborators.....	\$1 per month.....	do.....	States of New York, Wisconsin, Arkansas, and Nebraska.
2	do.....	do.....	Supervising cooperative tobacco experiments.....	States of Ohio and Texas.
1	Collaborator.....	do.....	Supervising cooperative experiments in dry-land agriculture.	State of Montana.
1	do.....	do.....	Conducts tests and furnishes this bureau notes on the results on the canker resistance of citrus hybrids in the hot-rainy climate of Los Banos, P. I.	Philippine Government.
2	Collaborators.....	do.....	Furnishes notes and specimens of citrus and other plants being investigated in connection with our crop physiology and breeding investigations.	Do.
1	Collaborator.....	do.....	Furnishes native plants of Arizona for study in connection with work on dry-land arboriculture.	State of Arizona.
1	do.....	do.....	Furnishes information on breeding citrus hybrids.....	State of California.
1	do.....	do.....	Furnishes specimens in connection with our work in dry-land arboriculture.	State of Kentucky.
1	do.....	do.....	Identifies economic plants cultivated at our field stations in California and is making a survey of Chinese plants offered for sale in the markets of San Francisco.	Not on salary. Connected with California Academy of Sciences.
1	do.....	do.....	Conducts experiments in Canton, China, to determine the canker resistance of citrus fruits, and furnishes the bureau notes on results.	Canton Christian College.
1	do.....	do.....	Make trips for the bureau into the back country of China to learn methods of propagation, cultivation, and curing of Chinese jujubes.	An employee of the Chinese Government now on leave of absence.
1	do.....	do.....	Collects and furnishes the bureau seeds and cuttings of various types of prunus.	Privately employed (a rancher of Lampasas, Tex.).
1	do.....	do.....	Taking observations of the progress of many types of citrus hybrids growing in Florida and assisting in judging the value of new hybrids.	Manager of a large citrus grove in Terrace, Fla.
1	do.....	\$1 per annum.....	Furnishing information on native varieties of Chinese corn.	Philippine Government.
2	Collaborators.....	\$1 per month.....	Conduct cotton-breeding experiments and advise the bureau of the results of such experiments.	One is a farmer, the other is a botanist at the Texas Agricultural College.
1	Collaborator.....	\$1 per annum.....	Furnishes information on the occurrence and spread of the chestnut bark disease.	State of West Virginia.
1	do.....	\$1 per month.....	do.....	State of Pennsylvania.
1	do.....	\$1 per annum.....	Scouts for white-pine blister rust and collects and forwards specimens of diseased plants and information on the results of his scouting.	State of Ohio.
1	do.....	do.....	Furnishes information and otherwise assists in the work on the eradication and control of the white pine blister rust in Massachusetts.	Massachusetts Forestry Association.
1	do.....	\$1 per month.....	In local charge of cooperative work on eradication and control of white pine blister rust.	State of New York.
1	do.....	do.....	Furnishes information on the production of and uses for denatured alcohol.	University of Wisconsin.
1	do.....	do.....	Supervises cooperative experiments on plant pigments.....	University of Michigan.
1	do.....	do.....	Furnishes information on work he is doing on the physiology of germination of seeds, tubers, and other dormant plant structures and allied problems in plant metabolism.	University of Chicago.
1	do.....	\$1 per annum.....	Furnishes information on grain inspection at Duluth, Minn.	Shanahan Grain Co., of Duluth, Minn.
4	Collaborators.....	\$1 per month.....	Furnishes grain samples to Portland (Oregon) Branch Grain Standardization Laboratory.	One is a dock foreman at Tacoma, Wash., but name of employer unknown; one each by Albers Bros. Milling Co., Seattle, Wash., Pendleton Roller Mills, Pendleton, Wash., and Centennial Mill Co., Spokane, Wash.
1	Collaborator.....	do.....	Furnishes information and specimens on plant diseases of sugar cane.	Porto Rico Sugar Producers' Experiment Station, Rio Piedras, Porto Rico.
1	do.....	\$1 per annum.....	Supplies notes on sugar-cane varieties.....	Insular Experiment Station, Rio Piedras, Porto Rico.
1	do.....	\$2 per month.....	Oversees the planting, harvesting, and shipping of sugar cane and keeping records of same at the experimental plots at Apalachicola, Fla.	Privately employed; a sugar planter on a large scale.
1	do.....	\$1 per annum.....	Advises representative of department concerning work on experimental fields of sugar cane at Cairo, Ga.	Do.
1	do.....	do.....	Furnishing detailed records of sugar beets tested for seed production.	Privately employed; a farmer of South Range, Wis.
1	do.....	\$1 per month.....	do.....	Privately employed; a farmer of Sheyenne, N. Dak.
1	do.....	do.....	Assists in an investigation of the improvement of apples by selection.	Agricultural College of the University of Wisconsin.
1	do.....	\$1 per annum.....	Consults with our field men in California engaged in fruit transportation and storage work.	University of California.
1	do.....	do.....	Dean of the College of Agriculture of Cornell University, representing the college in its cooperative work with this department.	State of New York.



Employees in the Department of Agriculture receiving only a nominal salary, their actual salary being paid by some one else—Continued.

## BUREAU OF PLANT INDUSTRY—continued.

Number.	Title.	Salary paid by department.	Nature of work.	Other salary paid by—
1	Collaborator.....	\$1 per annum....	Dean of the College of Agriculture of the University of Minnesota, representing the college in its cooperative work with this department.	State of Minnesota.
1	do.....	do.....	Furnishes information on the behavior of frosted oranges...	National Orange Co., of Riverside, Cal.
1	do.....	\$1 per month....	Making temperature records in orchards at Sleepy Creek, W. Va.	Privately employed; an apple grower of Sleepy Creek.
1	do.....	\$1 per annum....	Furnishes specimens of citrus fruits and information regarding the origin of different varieties.	Privately employed; a citrus grower of Miami, Fla.

## FOREST SERVICE.

20	Collaborators.....	\$12 per annum....	Collaborate with Forest Service in matters pertaining to the prevention of fire and are appointed under section 2 of the Weeks law.	States of Kentucky, Maryland, Minnesota, Idaho, Oregon, Connecticut, Texas, Vermont, New Hampshire, North Carolina, New York, Virginia, Maine, Wisconsin, Washington, Michigan, Massachusetts, South Dakota, West Virginia, and New Jersey.
3	do.....	do.....	Collaborate in matters pertaining to the prevention of fire..	Jointly by State of Idaho and private owners through agency of Idaho Timber Protective Association.
1	Collaborator.....	do.....	Furnishes valuable statistical and other information.....	Washington Forest Fire Association.
1	do.....	do.....	Cooperates with Portland office in adjusting and assigning appropriate geographic names and in correction of map work.	Pacific Power & Light Co.
1	do.....	do.....	Appointed to complete the lumber study work for district 1, which work was done in cooperation with Department of Commerce.	University of California.
1	do.....	do.....	Assists in devising ways and means for the preservation of objects of antiquity of historical and scientific interest.	Smithsonian Institution.
1	Forest assistant.....	do.....	Collaborates in matters pertaining to fire protection on the National Forests.	Pacific Northwestern Forestry and Conservation Association.
1	do.....	do.....	do.....	Oregon Forest Fire Association.
1	Assistant forest ranger.....	do.....	Cooperative protective work under cooperative agreement between Forest Service and Crown Columbia Paper Co.	Crown Columbia Paper Co.
1	Forest guard.....	do.....	Collaborates with Forest Service in matters pertaining to fire protection. Patrols drift fence on boundary Oregon Forest and Warm Springs Indian Reservation.	Oregon Wapinitia Cattleman's Association.
2	Forest guards.....	do.....	Retained on rolls because of ability to organize fire-fighting force.	City of Cache, Okla.
1	Forest guard.....	do.....	Cooperative fire guard.....	Jointly by State of Idaho and private owners through agency of Idaho Timber Protective Association.
1	do.....	\$1 per annum....	do.....	City of Florence, Colo.
2	Forest guards.....	do.....	Fire patrol in cooperation with Pfister & Vogel Land Co.	Pfister & Vogel Land Co.
1	Forest guard.....	do.....	Cooperative fire guard.....	City of Trinidad, Colo.
1	Collaborator.....	do.....	Appointed in accordance with cooperative agreement between Forest Service and New Jersey Department of Conservation and Development covering the collection of statistics on 1915 lumber production.	New Jersey Department of Conservation and Development.

## BUREAU OF CHEMISTRY.

2	Collaborating chemists.....	\$1 per annum....	Health department of District of Columbia enforces food and drugs act in District, and as law requires such employees who make analyses of samples under the act to be employees of Bureau of Chemistry these employees were appointed at this salary.	Health department of District of Columbia.
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## BUREAU OF ENTOMOLOGY.

1	Collaborator.....	\$25 per month....	Field experiments on cotton-root louse.....	South Carolina Experiment Station.
1	do.....	\$1 per month....	Submits specimens and notes on truck crop and stored product insects; also carries out practical work under direction of bureau.	Employed by the southern California sugar companies.
1	do.....	do.....	Furnishes specimens and notes on insects injurious in southern California.	Engaged by University of California.
1	do.....	do.....	Directs experiments on cotton-root louse.....	South Carolina Experiment Station.
1	do.....	do.....	Submits specimens and notes on forest insects; makes identifications.	Gallaudet College.
1	do.....	\$1 per annum....	Collection of notes on insects carrying disease in Africa.....	British Government.
1	do.....	\$20 per month....	Identifies and furnishes notes when required on plant-lice or aphides, on which he is a specialist.	University of Colorado (director of Colorado Experiment Station and professor in university).
1	do.....	\$10 per month....	Sends in specimens of cutworms, etc., in connection with cereal and forage insect investigations.	Farmer.
1	do.....	\$1 per month....	Cooperates in connection with importation of gipsy-moth parasites from Russia.	Russian Government.
1	do.....	\$1 per annum....	Cooperates in connection with gipsy-moth parasites.	Dominion of Canada.
1	do.....	do.....	Reviews work of our investigations of cotton insects.	Tennessee Experiment Station and professor in Tennessee University.
1	do.....	\$1 per month....	Submits notes and specimens on parasites.....	Superintendent of State insectary, California.
1	do.....	\$10 per month....	Submits many valuable specimens, with notes and photographs of same.	Board of commissioners of Agriculture, Porto Rico.
1	do.....	\$25 per month....	Carries on field experiments with malarial mosquitoes.....	Privately employed.
1	do.....	\$1 per month....	Submits notes and specimens of parasites.....	Hawaiian Sugar Planters Association.
1	do.....	\$1 per annum....	Furnishes medical advice on malarial mosquitoes.....	Practicing physician.

## BUREAU OF BIOLOGICAL SURVEY.

196	Wardens.....	\$1 per month....	Warden under migratory bird law.....	State in which stationed.
4	do.....	do.....	Cooperating in protecting wild fowl on bird reservations.	From private sources.
5	Protectors.....	do.....	Cooperating in protecting migratory birds.....	Do.

## STATES RELATIONS SERVICE.

181	Field agents.....	\$1 per annum....	Cooperative agricultural extension work.....	Agricultural colleges, county governments, and organizations.
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*Employees in the Department of Agriculture receiving only a nominal salary, their actual salary being paid by some one else—Continued.*

## BUREAU OF SOILS.

Number.	Title.	Salary paid by department.	Nature of work.	Other salary paid by—
38	Collaborators.....	\$1 per annum.....	Field mapping of soils under direction of Bureau of Soils..	States of Alabama, California, Delaware, Iowa, Kentucky, Maryland, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, Wisconsin.
1	Collaborator.....	\$25 per month.....	Observations regarding growth and reestablishment of kelp beds along California coast and development of industry of extracting potash from kelp.	State of California.

## OFFICE OF PUBLIC ROADS AND RURAL ENGINEERING.

2	Collaborators.....	\$5 per month.....	Assisting in an investigation of pumping for irrigation....	Agricultural and Mechanical College of Texas, and University of Nebraska.
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## OFFICE OF MARKETS AND RURAL ORGANIZATION.

1	Collaborator.....	\$1 per annum.....	Investigating accounting and business methods of cooperative stores.	Oregon State Agricultural College.
1	do.....	do.....	Investigating conditions with reference to education and communication in North Carolina and handling of these problems by cooperative farmers' associations.	University of North Carolina.
1	do.....	do.....	Supplying programs of social and economic interest to rural cooperative organizations and reporting results.	Alabama State Experiment Station.
2	Collaborators.....	do.....	Furnishing information relative to organization of rural activities in marketing farm products.	Massachusetts Agricultural College and State College at East Lansing, Mich.
1	Collaborator.....	do.....	Furnishing information relative to methods and cost of marketing milk.	New York State Agricultural College.
1	do.....	do.....	Studying and furnishing information relative to rural social organizations in Ohio and rendering assistance in formation of such organizations.	Ohio State University.
1	do.....	do.....	Furnishes information relative to special phases of marketing agricultural products.	Yale University.

## FEDERAL HORTICULTURAL BOARD.

2	Collaborators.....	\$25 per month.....	Assisting Federal Horticultural Board in enforcement of plant quarantine act.	States of Arizona and California.
1	Collaborator.....	\$20 per month.....	do.....	State of California.
1	do.....	\$15 per month.....	do.....	The islands of Hawaii.
4	Collaborators.....	\$10 per month.....	do.....	States of California and Washington and Territory of Hawaii.
24	do.....	\$5 per month.....	do.....	States of California, Connecticut, Georgia, Illinois, Oregon, Pennsylvania, Rhode Island, Indiana, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, and Territory of Hawaii.
24	do.....	\$1 per month.....	do.....	States of Arizona, Arkansas, Colorado, Delaware, Florida, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nebraska, Tennessee, Vermont, Virginia, and Territory of Hawaii.
11	do.....	\$1 per year.....	do.....	States of Colorado, Connecticut, Minnesota, Montana, North Dakota, Oklahoma, South Dakota, Utah, Vermont, Wyoming.
1	Collaborator.....	\$5 per inspection, not to exceed \$25 in one month.	do.....	State of Texas.

Total number, 723 persons.

Mr. JAMES. Mr. President, I make the point of order against the amendment submitted by the Senator from South Dakota [Mr. STERLING]. I thought the point of order had already been made against the amendment, and that the point of order was being discussed. It seems, however, from the statement of the Senator from Washington [Mr. JONES] that the point of order has not been so made.

The VICE PRESIDENT. If the point of order is made that the amendment is general legislation, the Chair will sustain it.

Mr. JAMES. I make that point of order, Mr. President.

The VICE PRESIDENT. The point of order is sustained.

Mr. LA FOLLETTE. Mr. President, before the bill is disposed of I want to call attention to the proceedings of yesterday as they appear in the RECORD of this morning. During the time the Senator from Nebraska [Mr. NORRIS] was on the floor discussing his amendment, speaking of the Washington Gas Light Co., he called the attention of the Senate to this fact. I read from page 11973 of the RECORD:

For the year 1906 they paid a dividend of 10 per cent and set aside a surplus of \$170,879.83. They did another thing that year that is peculiar. They had a capital stock at that time of \$2,600,000. That is what the capital stock is now. That year, in addition to giving the 10 per cent and the setting aside of this surplus and a large sum for depreciation, taking their own figures, they issued "dividend certificates of indebtedness" to the stockholders for \$2,600,000. That was the amount of the capital stock. They gave that to the stockholders without any consideration whatever.

I will not read further than that, for that presented the point upon which I interrogated the Senator. It is not necessary for me to read more than the following:

Mr. LA FOLLETTE. Can it be possible that attention of Congress was ever called to this extraordinary performance?

Mr. NORRIS. Mr. President, this is the second time that I have called the attention of Congress to it.

Mr. LA FOLLETTE. And on the former occasion, when it was spread upon the records of the Senate here, was no action taken to reduce the rate for gas to the general consuming public?

Mr. NORRIS. On the former occasion when this matter was brought up the amendment which was offered reducing the rate to all the consumers of the product of the Washington Gas Light Co. to 75 cents per thousand feet went out on a point of order. Then an amendment was offered and adopted putting a limitation on the appropriation. That was the result of that discussion, and the measure then passed has been the law ever since. That is what the committee now seeks by their amendment to strike out.

Mr. LA FOLLETTE. That is, the Senator, as a result of the exposure which he made at that time, succeeded in getting a reduction of gas rates to the Government as a consumer in a limited way? Is that what I understand?

Mr. NORRIS. Yes; that is practically what happened.

Mr. LA FOLLETTE. A reduction in the rate to the District of Columbia?

Mr. NORRIS. Yes; that is practically what happened.

Mr. LA FOLLETTE. But the Senator was not able, because some one on the floor made a point of order against his amendment, to extend that saving to the general consuming public?

Mr. NORRIS. The point of order was made against the amendment, and it went out on that ground.



Mr. LA FOLLETTE. But the Senator had informed the Senate of this doubling of the capitalization under the guise of certificates of indebtedness at that time?

Mr. NORRIS. Yes, and that has never been denied.

Mr. LA FOLLETTE. That is most remarkable.

I was called into the Marble Room by a visitor almost immediately after that colloquy with the Senator from Nebraska, and while I was off the floor of the Senate the Senator from New Hampshire [Mr. GALLINGER] interrogated the Senator from Nebraska as follows—I read from page 11974:

Mr. GALLINGER. Will the Senator from Nebraska excuse an interruption?

Mr. NORRIS. I will.

Mr. GALLINGER. Will the Senator again state in what year those certificates were issued?

Mr. NORRIS. They were issued in 1906.

Mr. GALLINGER. The Senator from Wisconsin [Mr. LA FOLLETTE] was a Member of the Senate at that time. He seems to be horrified, but he was then here.

Again, the Senator from New Hampshire referred to me in that connection on the next page, about the center of the second column, from which I read as follows:

Mr. NORRIS. I said that the Senator admitted that he had done his duty, and the Senator then replied that he did not admit it.

Mr. GALLINGER. Well that is better, if the Senator puts it that way; I did not understand him. Now, the Senator has called attention to a remarkable circumstance that occurred in 1906, and the Senator from Wisconsin in holy horror says: "That is an awful thing!" Yet the Senator from Wisconsin was a Member of this body when that occurred.

Mr. President, perhaps it is not a matter of sufficient importance upon which to detain the Senate at this time. Yet while I do not say that it was the intention of the Senator from New Hampshire to put me in a false light with regard to a want of diligence on my part as a member of this body, what I read from the RECORD might be so construed. I do not feel that I have been wanting in diligence. I do not propose to let the matter stand in the way in which it has been left in the RECORD.

I became a Member of the Senate in January, 1906. I do not know at just what time the Washington Gas Light Co. took this action and gave to its stockholders these certificates of indebtedness, but, so far as I know, there was no way in which I could be informed about it. The questions that I addressed to the Senator from Nebraska, which might be construed as a criticism of this body, because it did not correct the matter when its attention was called to it, and that it did nothing to give relief to the consumers of this District, all were directed to the time when the Senator from Nebraska, in 1914, brought to the attention of the Senate the fact that this large amount of certificated indebtedness was added to the capitalization of the company. Then the Senate became advised of it. I was present at that time, and the RECORD of that date shows that I supported with my vote every amendment offered by the Senator from Nebraska, and that I was in strict accord with him in trying to give some relief to the citizens of the District from the extortionate rates charged for gas.

I find that in February, 1907, when I had only been a Member of this body a year, and a District of Columbia appropriation bill was under consideration, I offered an amendment which became a part of the bill. That amendment was as follows:

*Provided*, That the Washington Gas Light Co., through its president, shall make a full report to Congress annually on the 1st day of January, stating in detail the gross receipts and expenditures, the cost of material used in making gas, the amount used and consumed, the dividends declared, the extensions and improvements made in the plant, the surplus and cash on hand, and how the surplus funds of the company are invested.

And since that time such reports as have been made by the Washington Gas Light Co. were made pursuant to the provisions of that amendment.

Mr. President, in 1910 I made some effort in connection with my service upon a committee of this body to bring about an investigation of the affairs of the Washington Gas Light Co., with a view of securing better rates for the people of this District. I was not a member of the Committee on the District of Columbia, where I would have had some opportunity to be informed fully with regard to these matters and have some power to effect some relief. But, as a humble member of the Committee on Corporations Organized in the District of Columbia, the chairman of which was former Senator Taliaferro, there was referred to that committee a resolution. I do not now remember its terms, but it was subject to amendment. I interested the then Senator from Nebraska, Mr. Brown, in the matter, and after many conferences with him, by his vote and mine, over the vote of the chairman of the committee, the resolution was amended and reported to the Senate. It authorized that committee to conduct an investigation to determine the value of the plant of the Washington Gas Light Co. and the cost of manufacturing gas.

Mr. President, that reported resolution created great consternation on this floor. It was the subject of a protracted debate. Senators who were then members of the Committee on the Dis-

trict of Columbia succeeded in having that resolution taken away from the Committee on Corporations Organized in the District of Columbia and referred to the Committee on the District of Columbia. A majority of the members of the Committee on Corporations Organized in the District of Columbia would have prosecuted the inquiry. That was shown by the character of the resolution which they reported back to the Senate, asking for authority to make the investigation and for an appropriation out of the contingent fund of the Senate to provide for calling experts to ascertain the value of the property of the gas company. I can state, from my knowledge of the attitude of Senator Brown upon that subject, that a majority of that committee would have conducted an investigation that would have informed the Senate with respect to the value of the property, the cost of manufacture, and the profits of the business of this company.

As I have said, when that resolution was reported to the Senate the elder statesmen upon this floor, led by the Senator from New Hampshire [Mr. GALLINGER] and assisted by the Senator from Massachusetts [Mr. LODGE], induced the Senate to take that resolution away from the committee that reported it and to refer it to the Committee on the District of Columbia. There it died. There the matter ended.

So, Mr. President, I do not think it was quite fair on the part of the Senator from New Hampshire to seek to hold me accountable as a Member of this body, because I did not obtain within a few weeks after entering the Senate information that the Washington Gas Co. had issued to its stockholders certificates of indebtedness without receiving any money or thing of value for same. At the time I knew nothing of this transaction, which later was made the basis for doubling the capitalization of the company. That is all I care to say, Mr. President.

Mr. GALLINGER. Mr. President, I shall enter into no controversy with the Senator from Wisconsin. When the vote was taken on yesterday and two-fifths of the members of the Committee on Appropriations, which committee without dissent authorized the reporting of this bill to the Senate, voted against the committee, I concluded that it was about time to throw up my hands as a member of the subcommittee which prepared this bill.

The Senator from Wisconsin says I have put him in a false position. I did not intend to do so. The Senator participated in the debate and indorsed the views the Senator from Nebraska [Mr. NORRIS] was presenting, which I combated as best I could. The Senator did manifest a feeling of horror, I thought, as he looked at the ceiling and raised his eyebrows, and said, "That is most remarkable"; and I called attention to the fact that the Senator was a Member of the Senate at the time to which the Senator from Nebraska referred. Now, the Senator says that what he had reference to was the incident in 1914, when the Senator from Nebraska called attention to this matter. Well, the Senator from Wisconsin was a Member of the Senate then; he has the same right that I have or that any other Member of the Senate has to take any action that he may see fit, and he is not excluded from that right because he is not a member of the Committee on the District of Columbia.

Mr. President, perhaps I was a little petulant on yesterday. I have great faults, no doubt; but in debate I try to be fair. I was charged yesterday with having "slept at the switch" as chairman of the Committee on the District of Columbia, with having neglected my duty; and it was but natural that I should call attention to the fact that the Senator from Wisconsin, who has been a very diligent student of these affairs, and who has, I have no doubt, conscientiously tried to solve these problems which have troubled some of the rest of us, had also apparently "slept at the switch." I did not at first observe that the Senator from Wisconsin was not in the Chamber. Had he been in the Chamber I would have said precisely what I did, as I am not in the habit of saying in a Senator's absence what I would not say in his presence.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. GALLINGER. With pleasure.

Mr. LA FOLLETTE. The Senator, it seems to me, involves the matter in further confusion. I made a criticism of the Senate, but that criticism was directed to it for not taking action upon this matter when its attention was called to it in 1914. The Senator was present at that time and I was present. The Senator opposed the motion and the position taken by the Senator from Nebraska, who laid the information before the Senate, and I supported the Senator from Nebraska.

Mr. GALLINGER. Yes.

Mr. LA FOLLETTE. Now, I think there is some difference in our positions. That was the first time that the Senate was called upon to act and the first time that it was informed about this matter.

Mr. GALLINGER. Yes, and the Senator was a member of the Senate, as I was.

Mr. LA FOLLETTE. Yes.

Mr. GALLINGER. And I happened to be a member of the Committee on the District of Columbia.

Mr. LA FOLLETTE. The Senator took one position upon the question and I another.

Mr. GALLINGER. I happened to be a member of the Committee on the District of Columbia, but not chairman of the committee at that time, and I do not feel that I had any greater responsibility in the matter than had the Senator from Wisconsin or any other Senator.

Mr. President, that is all there is to it, and I hope the Senator from Wisconsin is satisfied with the explanation he has made. I am not going to debate it further.

The VICE PRESIDENT. The bill is still in the Senate and open to amendment.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CHILD LABOR.

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

Mr. HARDWICK. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Oliver	Smith, Md.
Chamberlain	Jones	Overman	Smith, S. C.
Clapp	Kenyon	Penrose	Smoot
Clarke, Ark.	Kern	Pittman	Sterling
Cummins	La Follette	Polindexter	Swanson
Curtis	Lane	Pomerene	Taggart
Dillingham	Lewis	Ransdell	Thomas
Fletcher	Lodge	Reed	Thompson
Gallinger	McCumber	Robinson	Tillman
Gronna	Martin, Va.	Shafroth	Townsend
Hollis	Martine, N. J.	Sheppard	Warren
Husting	Myers	Sherman	Weeks
James	Nelson	Shields	Works
Johnson, Me.	Norris	Smith, Ariz.	

Mr. MYERS. I wish to announce that my colleague [Mr. WALSH] is necessarily absent. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. KERN in the chair). Fifty-five Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Arkansas [Mr. ROBINSON] that the Senate proceed to the consideration of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment.

Mr. ROBINSON. I now ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the conference report on House bill 12717, the Agricultural appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. GALLINGER. Mr. President, before any action is taken on the report, I understand that it is a partial report. Am I correct?

Mr. SMITH of South Carolina. Yes. I should like to state to the Senator that there is but one point of disagreement, which, without violating any confidence, I think is practically agreed to, in my opinion. However, the only point of disagreement in the two Houses is the one that I was going to make a motion with reference to just as soon as the Senate had agreed to proceed to the consideration of the conference report.

Mr. GALLINGER. I had an impression, from reading the report, that there were two or three differences.

Mr. SMITH of South Carolina. No; the Senator will understand that this changes the amount, and therefore no subsequent figures or numbers of disagreement were in conformity with the original. It does not affect that.

Mr. GALLINGER. Then I did not read it aright.

Mr. McCUMBER. Mr. President, I wish to ascertain whether the report has been printed.

Mr. SMITH of South Carolina. It has been printed.

Mr. McCUMBER. And the amendments?

Mr. SMITH of South Carolina. The report has been printed.

Mr. McCUMBER. I have not had time to read it.

Mr. SMITH of South Carolina. Yes; it was printed the day that I presented the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT. Mr. President, I think the report ought to be rejected by the Senate and sent back to conference, and the Senate conferees insist upon many of the Senate amendments that they have receded from. I find that the conferees of the Senate have yielded to the demands of the conferees of the House quite freely. I am very sorry to see, Mr. President, that the Senate conferees have receded upon nearly every amendment that the Senate adopted benefiting the West; and it is so glaring on its face that the Senate ought to reject the whole report and instruct our conferees to further insist upon a few of such amendments being agreed to.

I wish to call the attention of the Senate to some of these glaring discriminations between the West and the South. I have never undertaken to do it in the past, and I dislike to do it now; but it seems to me that if the present practice is allowed to continue, and allow the Agricultural appropriation bill to be made up as it has been made up this year, and allow the amendments that have been agreed to by the Senate to be treated as they have been by our conferees, in the future we might as well know in advance that the bill is to be made up for certain sections of the country, and that every appropriation for the development of the West is to be eliminated, and the appropriations for the South are to be increased and held in conference. For instance, on page 22 of the bill we find that in the case of the item for the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and so forth, the Senate increased the amount from \$48,820 to \$53,820. The House recedes from its position and the increased amount is given.

Following that, we find that the amendment of the Senate in the case of the item for investigating the handling, grading, and transportation of grain increased the amount from \$88,770 to \$109,920. This was for the West. The Senate conferees yielded and gave only what the House provided.

On page 47, amendment No. 55, the amendment agreed to by the Senate reads as follows:

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the act of March 1, 1911 (36 Stat., p. 961), known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

The House recedes from this amendment. Mr. President, as it refers to the utilization of the mineral resources of the South, but when it comes to the other amendment affecting this same law adopted by the Senate, the House conferees refuse to yield.

On page 51, in the case of amendment No. 59, the House provision reads as follows:

For the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials, \$50,000.

The Senate struck that out and inserted:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States, \$50,000.

The House receded. Whenever an amendment is agreed to in the Senate for the development of the South we always find the House conferees receding, and the Senate conferees insisting upon the Senate amendment.

Again, on page 54 of the bill, amendment 65 reads as follows:

For the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the establishment and equipment of such plant or plants as may be necessary therefor, \$175,000: *Provided*, That the product obtained from such experimentation may be sold at the market price of such product, and the amount obtained from the sale thereof may be used by the Secretary of Agriculture in continuing such experimentation.



It may be said that potash is found in the West. If it were alone for the development of the potash of the West, and if the Southern States did not want cheaper potash, do you think this amendment would have been agreed to? I think not. It would have gone out, like other amendments have the object of which was for the development of the industries of the West.

Just before this amendment there was a provision in the bill appropriating \$35,600 for exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers. The Senate did not object to this provision, and the Senate agreed to the amendment I just referred to. It was agreed to by the House conferees, because it was an advantage to the South, as potash is used upon the farm lands of the South.

We can appropriate from eleven to thirty millions of dollars for the erection of a nitrate plant, thinking by so doing it would cheapen nitrates for fertilizers, without hesitation, but an appropriation of \$100,000 vital to the interests of the farmers of the West can not be agreed to.

On page 75 of the bill the Senate adopted amendment No. 95, as follows:

For demonstration work in irrigation from underground supplies of water through the construction of concrete or other reservoirs and the use of windmills and other appliances.

We find that the Senate recedes from this amendment, as it applies to the West and benefits no other part of the country.

In the case of amendment No. 96 we find that the appropriation was increased from \$103,400 to \$105,900 by the Senate. The Senate receded upon that amendment.

In the ninety-seventh amendment—

To make preliminary survey and examination of what is known as the Black Canyon irrigating project in Canyon County, Idaho, the sum of \$10,000, or so much thereof as may be necessary—

the Senate receded.

Another appropriation for the West eliminated. It is one of vital interest to the people of Idaho.

The ninety-eighth amendment reads as follows:

To enable the Secretary of the Interior to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells upon the public lands, \$100,000.

I find that the Senate recedes from this amendment. It is just as important to the West to have investigated and developed the underground flow of water for the purpose of making useful the public lands of the United States and providing homes for the people in that part of the country as it is to the South to prevent the spread of the boll weevil. This amendment was estimated for by the department; it came before the Senate regularly, and was agreed to by the Senate by an overwhelming vote, but our conferees receded.

I was told, when I appeared before the conferees, that this particular item had no place in the Agricultural bill; that it ought to have been in the sundry civil appropriation bill; that it was not estimated for. Mr. President, as I read the bill I can see scores of items that would fall under the same criticism, and at this time I might as well call attention to some of them.

On page 14 of the bill, lines 13 to 20, I find the following provision:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, \$216,820.

On page 21, we find on lines 17 to 20, the following provision:

For soil-fertility investigations into organic causes of infertility and remedial measures, maintenance of productivity, properties and composition of soil humus, and the transformation and formation of soil humus by soil organisms, \$35,200.

Mr. President, is there any difference between the Agricultural Department undertaking to develop, in an arid or semiarid country, on lands belonging to the Government of the United States, water from any source which, if it is developed, means homes for thousands and hundreds of thousands of people, on the one hand, and on the other hand investigating the question of soil fertility, no matter in what section of the country it may be?

Following that, we find the following provision on page 21:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton by cultural methods, breeding, and selection, \$42,580.

On page 26 there is this provision:

For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April 18, 1900, \$15,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph.

So, Mr. President, I have a long list of similar items. I am not going to take the time to read them, but from beginning to the end of the bill the same excuse that was made by the conferees against allowing this item to remain in the bill could be made against not only the items I have mentioned, but many, many others in the bill.

I say to the Senate that the appropriation of \$100,000 to enable the Secretary of the Interior to investigate the existence of artesian water and other underground water supplies, if it proves successful, would be of more interest to the great western country than the expenditure in any other way of that amount of money, or I might say millions of dollars.

We find a provision in this bill somewhere, as I remember, for the establishment of weather bureaus, one in Virginia and one in Wyoming. The appropriations are for the same purpose, almost in the same wording; and the conference report comes back to the Senate striking out the provision for Wyoming, and leaving the provision for Virginia. Is there justice in that? Is it right?

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if he does not know that the Cape Henry weather station is not for Virginia, but is for the entire coast; and does he not know that that criticism is unfair and unjust?

Mr. SMOOT. No, Mr. President.

Mr. SMITH of Georgia. Does he not know that it was estimated for and asked for by the department and the Wyoming one was not?

Mr. SMOOT. I want to say this, Mr. President: The weather station, if it were located in Wyoming, would be for all of the people of this country, too. The reports are made from every weather station in the United States, no matter where it is located, to all of the papers of the United States and to all parts of the United States. I do not say that the weather station is not necessary at Cape Henry. I am not finding fault with that. I am finding fault with the bill as it is reported and as the Senate is asked to agree to it. I am finding fault with the fact that items that are of the greatest interest to the western country are stricken from this bill. That is what I am finding fault with.

Mr. SMITH of Georgia. That we will discuss later.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I should like to state, referring to his criticisms about the proposed location of a weather station at the Capes of Virginia—Cape Henry and Cape Charles—that the proposition there is that the old station that they have is now being occupied in connection with the construction of a new fort, and will necessarily be torn down, and this is really a proposition to erect a new station; while in Wyoming they have a station erected already, and the only question was simply in regard to enlarging it. The proponent of the measure stated that the \$20,000 would build a brand-new, up-to-date place that would make it more efficient and put it in a little better situation than the one that is now occupied, by virtue of the fact that certain buildings have grown up since the building of the plant at Wyoming and render it a little less efficient. As to the main point of the discussion, I will address myself to that when the Senator is through.

Mr. SMOOT. I will be glad to hear the Senator.

Mr. President, my statements are made upon what I find in this bill, and I can not help but express myself as I have done in showing the discrimination that has been made against the West. I tell every Senator that if they will take this conference report and the bill and examine the amendments which were offered on the floor of the Senate and agreed to and that have been eliminated from the bill by the action of the conferees, they will find that the statements I have made are absolutely true.

Mr. President, I have a dozen or so other items that I could call attention to, but it is not necessary. If Senators are interested in the report, and if they have studied it at all, they can see for themselves what they are, because the discriminations are so glaring upon the face of the report itself.

Mr. SMITH of South Carolina. Of course I do not want to take the Senator off his feet, but I would like—

Mr. SMOOT. No; I am perfectly willing to yield now to the Senator. He can make whatever statement he wants.

Mr. SMITH of South Carolina. If the Senator has yielded, I will say, unless the discrimination was so glaring as to force a Senator to believe that Members who happened to be on this great committee in the House and the Senate from the South were attempting to have appropriations made for their section at the expense of other sections of the country, no Senator worthy of a seat here has a right to stand on the floor of the Senate and insinuate until he has examined the record and found a justification for his statements.

Now, what are the facts?

In the first place, let us see how many are employed in agriculture in this country. From the report submitted by the Secretary of Agriculture I find that in the 15 Southern States there are 5,407,083 male agricultural workers. In the 33 Northern and Western States there are 5,443,402 male workers. There are as many male workers in the 15 Southern States as there are in the 33 Northern and Western States combined. The number of farms in the 15 Southern States is 3,086,494. In the 33 Northern and Western States there are 3,274,761 farms. There are as many farms in the 15 Southern States as there are in the Northern and Western States combined.

Now, let us see as to the appropriations. Keep in mind, if you please, that the number of male workers in the farms of the South is equal to the total number of male workers in the West and North; that the number of farms to be cultivated are as numerous in the South as they are in the North. The explanation of this equality in the number of laborers is due to the fact that in the South the farms are small, and in the West they are great empires owned by a few and worked largely by machinery.

Now, let us take the appropriations. In 1911 and 1912, from statistics carefully compiled by the Department of Agriculture, the West received \$16,857,001.06. The South received for the exact period \$5,647,423.80, a difference in favor of the West of \$11,209,577.26.

The Senator from Utah, because the Senate conferees did not insist, or after insistence found the House would not yield on an appropriation of \$100,000 to see whether or not there was water beneath the surface and in the arid regions of the West, having already \$11,000,000 more than the South received, comes here and complains of sectional discrimination in favor of a section that has more male laborers than all the other sections put together and as many farms as all the other sections put together.

Now, let us see what is proposed in this bill.

Total expenditures in 1915 and proposed expenditures in 1916 for the West, \$19,570,158.80.

Total expenditures proposed for the South, \$11,731,565.43; still a difference in favor of the West of \$7,838,592.87.

These are the figures carefully compiled by the statisticians in the Agricultural Department. Of course the Senator can stand here and pick out little items and show that there has been a discrimination; he can stand here and make a criticism not justified in fact, because he has proposed an appropriation of \$100,000 that belongs to the Interior Department, that was submitted, I presume, by him or others like interested to the Committee on Appropriations after it was estimated for and was turned down by that committee. It was placed also in the sundry civil bill and was lost in conference. Then, as a dernier resort, it was stuck on this bill, where it rightly has no place. The conferees of the House, being acquainted with the history of this measure, did not allow it.

My attention has just been called to another fact. The Senator from Utah complained of the discrimination in favor of the South. Any man who is at all familiar with the conditions surrounding the proposition to eradicate the cattle tick knows that it concerns the whole meat supply of this country. It does not affect the South alone, but any man who is interested in furnishing food for the people of this country is interested in the eradication of a disease which, transmitted with the cattle, jeopardizes the meat supply in the market places of the country.

Yet the conferees, having had their attention called to the proposition that there might be a seeming discrimination, in spite of the glaring figures that I have just read and presented to the Senate, receded from the total amount proposed for the eradication of the cattle tick, \$150,000, when by comparison who would dare stand here and say that for the general public prospecting to see whether or not an artesian well might flow in that section of our country that can not raise rain, and that, at best, where a well is developed only one small town might enjoy a part of what would be found, equals in importance the eradication of the cattle tick, which would liberate the shipment of cattle from the peninsula of Florida to the coast of Maine and throughout the entire country?

The Senator from Utah, because the Committee on Appropriations and other committees turned this proposition down, had to put it on the Agricultural appropriation bill, in order that he might stand here and cast a sneer at the partiality of the southern Members on a great committee.

Mr. SMOOT. Of course the Senator wants to be correct. The Senator from Utah did not put the item in any other appropriation bill. I want to say that to the Senator, so that the RECORD may show the fact.

Mr. SMITH of South Carolina. Mr. President, as a member of the Agricultural Committee and a member of the conference,

I can state that the question of the promotion of agriculture and the benefit to accrue from this great department in reference to my section had no sectional lodgment in my mind, and I do not believe it has a lodgment in the mind of any man in the Senate save the Senator from Utah, for I have not heard it expressed by others, and surely none would express themselves seeing the aggregate as furnished by the department.

I call the Senator's attention to the fact that in the proposition to eradicate the boll weevil the department did not hesitate to say that it was a menace to the monopoly of America over the world and they had recommended the appropriation carefully, but as an offset they appropriated a like amount for the eradication of certain moths—the browntail—and the San Jose scale that is peculiarly prevalent in the East and in the West. I call the Senator's attention to another fact.

Mr. SMOOT. Does the Senator say an equal amount has been appropriated?

Mr. SMITH of South Carolina. Practically an equal amount has been carried in the bill from year to year.

Mr. SMOOT. Oh, no.

Mr. SMITH of South Carolina. By a reference to the figures that statement will be easily substantiated. You are talking about an appropriation of \$632,000 for the eradication of the cattle tick in the South, a disease that is indigenous. That amount was appropriated to exterminate what was threatening or had made impossible the development of beef raising in that vast territory lying below the quarantine line comprising a great number of Southern States, while there was an excess of \$3,000,000 appropriated at one time for the purpose of eradicating the foot-and-mouth disease. Two million five hundred thousand dollars was put as an emergency fund at the command of the Secretary of Agriculture in case it should break out again. The Senator from Utah can find illustrations throughout the bill of unfortunate sectional distinctions, and it causes Senators to believe that the old French proverb applies in this instance with full force, "Evil to him who evil thinks."

Mr. President, I do not care to discuss a matter that has no foundation. I think I have said sufficient. I think I have called attention to statistics sufficient to disprove any contention on the part of the Senator from Utah.

Now, touching this matter, I was one of the conferees. Not knowing the situation, having no knowledge of the necessity for it, I submitted it to those members from the West and they agreed that it should go out. I want the Senator from Utah to hear that last expression. The Members from the South so far as I know did not take any part. I certainly did not take any part, in it, but allowed the question to be practically determined as to whether there was any such necessity that the unalterable objection of the House conferees should not prevail.

Mr. WARREN. Mr. President, under the circumstances I do not care to enter into this general discussion, but I would rather the Senator would not say that the western Senators did not attempt to hold this matter in the bill, because such a statement would not be correct. They did want to hold it there and did the best they could to hold it there and most strenuously opposed to the very last its being stricken from the bill.

Mr. SMITH of South Carolina. I am not making that assertion. I say I allowed others to decide it. I was almost practically neutral in reference to it because it was very like the question of grain grading. I was not sufficiently familiar with the processes to enter into the technical adjustments of a measure which proposed to bring relief to those desiring it. The conferees on the part of the Senate receded when the House conferees, as we thought, had stated sufficient reasons and when there was not a sufficient reason and protest given on the part of the Senate conferees. I am sure there was not a Member from the House or from the Senate from the North, South, East, or West who stopped to consider for one moment whether or not it was subtracting a few pennies that might be appropriated to some other section.

Mr. SMOOT. The Senator said he submitted this question to the conferees from the West. That may be true, but I know the conferees I spoke to in relation to it never agreed that it should go out. They never stated to the committee that they were satisfied it should go out.

Mr. SMITH of South Carolina. My understanding was that this being a matter largely that concerned the West, unless they insisted it should go out. I think I am correct in saying that it was submitted to one of the Senators, and it was asked him if it was necessary to insist—a western Senator.

Mr. SMOOT. That is another question.

Mr. KENYON. I should like to ask the Senator a question. I do not know that it bears on this subject, but I should like to ask him what became of the free-seed proposition?

Mr. SMITH of South Carolina. The Senate conferees receded.



Mr. KENYON. Was there any very violent struggle about that matter?

Mr. SMITH of South Carolina. There was on the part of the House conferees.

Mr. KENYON. And the Senate conferees receded without much struggle on their part?

Mr. SMITH of South Carolina. The Senate conferees struggled in the face of the annual play about this and the mileage proposition.

Mr. KENYON. This is the third time, I think, the Senate has receded on the seed proposition. I want to put in the RECORD a letter I received this morning from Idaho on this subject. I should like to have it read.

The PRESIDING OFFICER. The Secretary will read as requested, if there is no objection.

The Secretary read as follows:

GLENGARY, IDAHO, July 10, 1916.

Senator KENYON,  
Washington, D. C.

DEAR SIR: I saw in a recent copy of the New York Times that you have succeeded in striking out the free-seed allowance in the Agricultural bill. Permit me to congratulate you on this, as the free seeds are not at all appreciated by the public. I am the postmaster here, and several of the patrons even refuse to take them home. I have a cigar box full of them standing on the counter for anyone to help himself, but the box is nearly as full as it was this spring.

They are frequently not suited to the territory where they are sent. Our packages contain Lima beans and muskmelons and watermelons, all of which we can not ripen here. The seeds are frequently no good. I sowed some radishes cut of one of the free-seeds packages, and the plants all run to seed before making a decent radish. There are many many thousands of voters who can not be caught with such a foolish thing as a few packages of seeds.

Yours, truly,

ROBT. A. SCHROEDER.

Mr. SMITH of Arizona. Where is that letter from?

Mr. KENYON. From Idaho.

Mr. SMITH of Arizona. From what post office?

Mr. KENYON. Glengary is the name of the town.

Mr. SMITH of Arizona. Does the Senator know the conditions in that particular town?

Mr. KENYON. I do not.

Mr. SMITH of Arizona. Has the Senator any idea who sent those seeds there?

Mr. KENYON. I have not. I acquit the Senator from Arizona of sending them.

Mr. SMITH of South Carolina. Mr. President, I do not want to enter into a discussion of the seed proposition. My view has been as long as this policy is maintained the seeds are distributed to the constituency of each, and everyone gets his pro rata share. But I should like to state in reply to the letter submitted by the Senator from Iowa that a Member of this body informed a number of us the other day that he has these seeds distributed, I believe, from certain schoolhouses, and that he inaugurated a prize contest amongst the farmers in his community, and the fruit that came from the seeds furnished by the Government won the prize. I do not care to discuss the wisdom or the unwisdom of that appropriation. As for myself, I am frank to say I believe the sending out of these seeds by the National Government is very fruitful in calling, if not the attention of all, the attention of a vast number of the American people to the interest that the Government has in reference to agriculture and incidentally, perhaps, to the individual.

Now, I have said about all I care to say, and without any passion. I think if the Senator from Utah will take the figures submitted by the Secretary of the Agricultural Department he will see that his criticism was without foundation, that it has no existence in fact, and it was not in the heart or brain of any of the conferees. I am sorry to see that it has manifested itself in the mind of the Senator.

I sincerely hope that the bill will not be sent back to conference, because the things that have been rejected are capable of relief outside of this bill, and pending the time of another they would not suffer very greatly, if at all. That was in the mind of the conferees. I know they conscientiously did their work, and only receded when common sense and their judgment dictated that they should recede.

Mr. BORAH and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. I thought the Senator was through.

Mr. SMITH of South Carolina. Yes; I am through. I thought the Senator wanted to ask me a question.

Mr. MARTINE of New Jersey. Mr. President—

Mr. SMITH of South Carolina. Before I yield, however, the Senator from New Jersey desires to ask me a question.

Mr. MARTINE of New Jersey. I came in late while the latter part of the letter was being read, and I only want to state that I have been an advocate of the distribution of seeds. I remember the latter part of the letter said that the seeds were no good; that they failed to sprout. I do not know just what are the topographical conditions or the latitude or longitude of Glengary, Idaho, but, great heavens! it depends upon where you plant seeds. No man would expect seed to sprout if he should plant them in an ice box. So I can imagine, mayhap, the seeds which were sent to Glengary were put into some cranny or nook in Idaho where there is no soil for seed to germinate.

I am very happy that the Senator from Idaho is on his feet. I should like to know, if he can just give it to me, the analytical compound or make up of Glengary. Is it all rock or is it all muck?

Mr. BORAH. I am not familiar with that part of the country. The Senator is mistaken about Idaho. There has been no letter or telegram read here from Idaho that I have heard of.

Mr. MARTINE of New Jersey. It was from Idaho. It was so stated. The Senator's ears are as sound as mine, and I would have been able to have caught the name of some little hamlet in Jersey, I know. Why the Senator failed to catch the name of Glengary, I can not understand.

But, quite seriously, Mr. President, we have heard this same charge periodically since I have been here that the seeds were no good. I have received a great many testimonials from men to whom I have sent seeds, from farmers, and many from women and little children, who have indited their letters to me, telling me how good the seeds were, how well they germinated, and how splendidly they fruited. It may be that the conditions are not always the same. For years I have bought seed from some of the greatest growers in the country; I have bought them from Connecticut, a great seed-growing country; from Pennsylvania; and from New York City, and I find that under adverse conditions seed will not germinate; but I do say that the general consensus of opinion that has come to me is that the distribution of seeds by the Government has been an infinite blessing. As was stated here some months ago, if it will raise up a new type of wheat, or a new type of corn, or a new type of oats, and that can be brought about, it will do infinitely more for agriculture and for the general well-being of humanity in our country than many other propositions that we vote with the greatest readiness.

Mr. BORAH. Mr. President, I owe the Senator an apology. This letter was not introduced by the Senator from Idaho but by the Senator from Iowa, and although introduced by the Senator from Iowa it seems to be dated in Idaho, and therefore it does seem that the Senator is correct in the statement which he made to the effect that it is a letter from my State.

Mr. MARTINE of New Jersey. I thought I could not be mistaken that it was from Idaho.

Mr. BORAH. The letter, however, is not disrespectful to anybody or to any particular belief or opinion, but is simply an expression of opinion on the part of the gentleman writing it that these seeds have not at all times been such as to be beneficial to those receiving them.

Mr. President, I rose to make some brief remarks in regard to another feature of this conference report. I desire to preface it by saying that I am not attacking the action of the conferees upon the part of the Senate. I shall assume that they did all they could in the way of retaining this particular amendment in the bill. In fact, I know they were zealous in their effort to keep the item in the bill, but met with persistent opposition from the conferees on the part of the House. Nevertheless, I think it well at this time to call attention to the situation in the West, as illustrated by this particular case, with which, I am afraid, our friends in the East are not sufficiently familiar.

About six or eight years ago the Government withdrew as a part of the public lands a very large body of land in what was then Canyon County, Idaho, some 175,000 acres, which will become very fine agricultural land when water shall have been put upon it. That land was withdrawn with a view of incorporating it in what is known as the Boise-Payette reclamation project. The project, as a whole, included a very much larger body of land. This 175,000 acres was a body of land lying upon the one side of the river, and the other large body of land was upon the other side. So, finally the Government, for reasons which I will not take up the time of the Senate in stating, saw fit to eliminate this 175,000 acres of land from the Government project, and some six years ago it eliminated it and restored it to public entry; but between the time that the withdrawal had taken place and the announcement upon the part of the Government that it would be finally put under water and the time when it was finally eliminated, hundreds of settlers had gone upon the land and located; they had made homestead

entries upon it and had identified themselves with its development, awaiting the action of the Government to put it under water or to provide means of irrigation.

If it were not for the fact that these settlers have been upon this land during all this time, struggling with most adverse conditions and environments, I should, of course, not have asked Congress to make an appropriation to take care of the situation; but the settlers have been upon the land, struggling along as best they could in an effort to maintain and to preserve their entries. It would be difficult to picture to you the hardships which they have endured during those five or six years. They have endured and suffered all men and women could suffer for a home. Last summer, when a committee went West for the purpose of looking over the irrigation projects, this matter was presented to the committee in my home city of Boise, where it stopped for a time. It was then suggested that instead of asking the Congress or the committee to indorse a proposition for an appropriation for the entire project, for putting water upon the project, we should take the first step and secure a sufficient appropriation to determine whether or not it was actually feasible and practicable to put water upon the land; and that suggestion came from the representative of the department. We finally acceded to that suggestion, thinking it a wise one, and perhaps a more practicable one. Then this amendment was introduced here and submitted to and adopted by the Senate. It provides an appropriation of \$10,000 solely for the purpose of determining once and for all whether or not that is a practicable proposition.

It has come to the point, Mr. President, where it is a simple act of humanity to determine whether or not the Government is going to keep its implied promise to those people when they went upon that land. It is an act of simple justice that the Government should determine once for all, and that these people be advised whether or not it is worth while for them to continue to struggle with the situation and to undertake a further effort to maintain their interests. This appropriation was put upon the bill for the sole purpose of determining that question, and that alone. It seems difficult to understand how it could be opposed.

It seems to me that, in view of the tremendous appropriations which we are making for this subject and that, that the conferees upon both sides should have consented to retain this amendment in the bill with a view of ascertaining what the policy of the Government is to be in regard to it. It is a cruel thing, an unjust and immoral thing, to leave settlers all these years as they have been left and to continue to ignore them while appropriating millions for things far less worthy than that of encouraging home building.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to interrupt him?

Mr. BORAH. I will.

Mr. SMITH of Georgia. I wish to say to the Senator that this amendment was one of the last items on which the Senate conferees yielded. I urged it myself and other conferees urged it, and insisted upon it. It is claimed, however, that the committee who went out and viewed the situation did not think it was possible to do anything toward irrigation, and that it be handled as a reclamation proposition, not on an Agricultural appropriation bill.

Mr. BORAH. Mr. President, of course I am not going to criticize the House conferees unjustly; but let me say to the Senator that the gentlemen who were on that committee perhaps never saw an acre of irrigated land until they had the pleasure of visiting that country on this trip. The question of irrigation is one which needs to be studied by men who are expert in the matter. Whether or not it is practicable could never be determined except through a survey made by those who are competent to make it. For these men to say that it is impracticable is to express an opinion about something of which they know but little.

I do not believe for a moment that the engineering department of the Interior Department would have recommended this appropriation or that Secretary Lane would have indorsed it, if they did not feel in good faith that there was a reasonable assurance that the project would ultimately prove practicable.

Mr. SMITH of Georgia. Once more, if the Senator will allow me to interrupt him, what I mean is that the conferees on the other side insisted that they could not carry the amendment; that there was an influence against them on it, and that they could not put it through the House. I want to assure the Senator that his amendment was not voluntarily abandoned by the conferees on the part of the Senate.

I might say the same thing about the \$100,000 appropriation to the Interior Department. The position upon the other side, so

far as it is proper for me to mention it, was that if this was in the bill they could not carry these two provisions through the House.

There were some amendments, however, on which we yielded without great insistence. I will say in reference to the Weather Bureau station in Wyoming that the conferees on the part of the House satisfied me that it was proper to yield on it upon the theory that the department had not suggested it but that it was a subject that did need investigation. They showed us that, and we agreed to call on the department to advise us as to the places where there ought to be buildings, and we thought that station could wait a year. We were very much disposed to believe that there are several such buildings which are meritorious and which ought to be erected.

Mr. WARREN. Mr. President, as to the department's opinion relative to the Weather Bureau station in Wyoming, I desire to say that that was fully expressed years ago. I explained the matter to the committee, and I shall not talk about that now. The reason why the provision had not been incorporated in Agricultural appropriation bills heretofore was because all parties were waiting to see if the public building there could possibly be arranged so as to accommodate that office; and it has later been established that it can not accommodate it.

Mr. SMITH of Georgia. So I understand, but I think that several of us were satisfied—I was satisfied—that the proper course was to take up the subject more broadly of buildings for the Weather Bureau stations, and next year bring in bills for the erection of several buildings which classed about together and which ought to be constructed. The Cape May improvement was provided at once, because that involved the condition of our transportation up and down the Atlantic coast, and the department insisted that on account of the changes that were being made there they were obliged to have the building at once.

I was cordially in favor of the Senator from Idaho's amendment. I voted for it here, and I voted for it in conference day after day, and requested him to appear before the conferees and present it.

Mr. BORAH. Mr. President, the conferees of the Senate treated me with every consideration in regard to this subject, and I have no criticism whatever of the conferees representing this body. I would not have taken the time of the Senate in discussing the amendment had it not been in the hope that by the few remarks that I make I may bring to the attention of the other body and to those people who represent the other body upon conference committees the real situation with reference to the settlers in whose behalf I am speaking.

This particular project is not alone of those in the West in this situation. I have no criticism whatever of the representatives on the part of the Senate, but let me make another remark, Mr. President, before I leave the floor.

The Government of the United States yet has a vast amount of arid land in the West, and it is useless, unless the Government is going to provide means for irrigating it. I hope to see the Government go forward with that work. But there is an additional reason why we urge this project at this time, and that is because of the peculiar history of the transaction. I am not asserting that there is any blame resting upon the Government at all by reason of the fact that it eliminated this land from the project and did not go ahead at that time. There seemed to be engineering and business reasons to justify it. But in view of the fact that the settlers had located at the invitation of the Government and have been there struggling ever since to maintain their entries and to preserve their homes, it seemed to me to appeal with extraordinary force to the Congress. It seemed to me a clear case of justice and honor. Here is a vast body of idle, worthless land upon which home builders are settled and which, as soon as watered, will make happy and contented homes. What could be of more concern to the faithful representatives of a people than to help to develop the waste places and favor the brave men and patient women who are willing to make such sacrifices as these men and women are making to get homes?

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. BORAH. I yield.

Mr. SMITH of South Carolina. Did I understand the Senator from Idaho to say that these people located upon a part of territory which subsequent to their location the Government withdrew from the proposed irrigation project?

Mr. BORAH. It is a part of the territory which was originally withdrawn and incorporated in a large irrigation project. Afterwards, for engineering and business reasons, it was eliminated.



Mr. SMITH of South Carolina. I feel that, in justice to the Senator and to the earnest manner in which he stated the facts before the committee, I should state that there was, of course, a disposition on part of the committee to grant this request in view of the fact which the Senator has just stated, that these settlers are there and are waiting to know the intent of the Government in reference to giving them water, but I was furnished with a memorandum—I was not familiar with the history of this proposed legislation—on the part of the House conferees to the effect that this amendment had been proposed as an amendment to the sundry civil bill and was referred to the Senate Committee on Appropriations. That is its history here, but on account of the fact that it was not estimated for it was disallowed by that committee. Mr. McCracken, of Idaho, introduced the bill, which was referred to the Committee on Appropriations of the other House, in reference to the matter, and he had a hearing on it, but the bill was not acted on.

I think that the opinion of the conferees was to the effect that this matter properly belonged to and should be taken care of by the Reclamation Service, and that is my idea now; that it was useless to expend \$10,000 merely to find out whether the project was feasible or not; but that it should be taken up in a comprehensive manner looking toward the doing of the work through that department as thoroughly as circumstances would justify.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield?

Mr. BORAH. I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, I want to say to the Senator from Idaho that this amendment numbered 97, providing an appropriation of \$10,000, was not taken out of the bill on account of any technicality. It was fully presented to the conferees by the Senator from Idaho himself; I tried to present it as well as I knew how; and I know that the Senator from South Carolina will remember what I said—that the difficulty which has arisen was not due to the fault of the people who had gone out there to settle on the public lands. They are all poor people; they can not afford to make this investigation; but the Government of the United States owed it to those people that this small amount should be appropriated in order to give an opportunity to ascertain whether or not this project was feasible. I know the Senator from South Carolina will remember that that argument was presented.

The Senator from Georgia, as he said a moment ago, did what he could, and I know that every member of the conference committee will agree that I did what I could to retain the amendment in the bill. It was the very last amendment acted upon. The committee of conference had this amendment under consideration on several occasions on different days, but we were told, as the Senator from Georgia has said, that it would be impossible to have it agreed to in the House because a certain committee that had visited the western country had given it as their opinion that the project was not feasible. I replied to that—and I think I may be permitted without impropriety to state this now—that the fact that some man on a certain committee had visited this proposed project, that he had merely looked at it with his naked eye, and had given it as his opinion that it was not feasible, did not afford a good reason why the House committee should not recede.

I desire to assure the Senator from Idaho that the amendment was considered with a great deal of deliberation and the members of the Senate committee of conference did insist on it, not only for one day, but for three or four days.

Mr. BORAH. Mr. President, I repeat that I have no doubt of the earnest and faithful manner in which the conferees undertook to take care of the amendment, but I think the truth is—and the West had just as well understand it—that there is a tendency among our eastern friends to lose faith in the entire scheme of the reclamation of arid lands. There have been some failures, there have been one or two projects which have not come up to what was expected. Those instances have been well exploited; that is to say, the news has gone abroad in regard to those projects, and it has discouraged the eastern people in their views as to the feasibility and success of the reclamation scheme. I hope that they will get rid of that idea, because, as I was starting to say when interrupted by the Senator from North Dakota, there are thousands of acres of land out there which belong to the Government and which will make fine agricultural land and afford splendid homes when the Government shall have put water upon it.

The Government has made a success, I think, of the entire reclamation program, taken as a whole. There have been some mistakes, but they have been such mistakes as will occur, of course, in any stupendous enterprise. There have been projects which have had to be abandoned—I have in mind now only one,

however—but these are infinitesimal matters compared with the entire program as it has been carried out by the Government. In my judgment the committee that visited this project was not in a position at all to pass upon the feasibility of this project. It seems perfectly absurd to say that men who are not civil engineers, men who are not acquainted with irrigation projects, who have had no experience along that line, can by driving over the country in an automobile at the rate of from 25 to 30 miles an hour pass upon the question so as to forever close the door against the hopeful men who have settled there, when the expert engineers of the Reclamation Service are unwilling to say that the project is not practicable.

Mr. WARREN. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. WARREN. I think the Senator should say in his remarks, because it is a matter often misunderstood, that the money expended by the Government all comes back to it in time. It is now coming back and is part of the money that is being appropriated from time to time. It constituted a part of the money appropriated in the last sundry civil bill; it is money that has been collected and returned to the Government in payment of the loan the Government makes to the Reclamation Service.

Mr. SMITH of Georgia. Mr. President, how much has the Government loaned for reclamation purposes?

Mr. WARREN. The amount that it has taken out of the land and put in is probably more than \$50,000,000. The only loan that has been provided is a matter of \$20,000,000, and that is loaned in a regular way.

Mr. SMITH of Georgia. We have never taken from the Treasury over \$20,000,000 as yet for the Reclamation Service, have we?

Mr. WARREN. No; except as to the money which has come in from the sale of public lands.

Mr. SMITH of Georgia. The money we have taken in from sales and the money we have paid out from sales balance, and that is not really contributed from the Treasury.

Mr. WARREN. Oh, they balance; and the \$20,000,000 loaned will be returned to the Treasury from the land which has been reclaimed.

As the Senator knows, probably better than I do, certain money from the public lands goes to educational institutions every year; also certain percentages to certain States and miscellaneous uses, and from the balance of the money coming in from public-land sales the reclamation fund is made up, and constituted the only fund used in the Reclamation Service until and except the loan of \$20,000,000 was authorized, all of which I think has not been absorbed.

Mr. SMITH of Georgia. If the Senator will allow me, of course the money coming in from the sale of public lands is a national asset.

Mr. WARREN. Yes.

Mr. SMITH of Georgia. How much in all, including that, have we put into the Reclamation Service in excess of what we have gotten back from the service itself? If we put it into the Reclamation Service and cause land to be worth something which before was worthless, and that money is paid back into the reclamation fund, I do not consider that the Reclamation Service is chargeable with it at all.

Mr. WARREN. It is not; it is simply a loan.

Mr. SMITH of Georgia. Because the reclamation work makes possible the return of the money.

Mr. WARREN. Whenever it is stated on this floor that a certain amount of money goes to a certain section, it is simply a loan to that section and is not a direct expenditure.

Mr. SMITH of Georgia. How much have we put into the Reclamation Service that we have not collected out of the Reclamation Service; how many million dollars?

Mr. WARREN. Aside from the proceeds of the sales of public lands, we have put in nothing except the \$20,000,000 loan which was authorized.

Mr. SMITH of Georgia. But how much have we put in from the public lands?

Mr. WARREN. I should say probably \$40,000,000 or \$50,000,000.

Mr. SMOOT. Seventy-five million dollars.

Mr. WARREN. Well, \$75,000,000; but we have used only a portion of that. Of course, we have not paid back all the money, because it takes years to develop a project.

Mr. SMITH of Georgia. I understand that; but I was asking for the present status of the account. We are out, according to the Senator from Washington, about \$100,000,000; but we have to our credit a large indebtedness which no doubt will come back to the Treasury.

Mr. WARREN. And the Government holds a first mortgage on the land for the amount expended upon it; or, rather, it

holds the title absolutely on land and improvements until fully paid.

Mr. OVERMAN. In regard to the \$20,000,000 of bonds, have they ever been issued?

Mr. WARREN. I think they are certificates, instead of bonds.

Mr. OVERMAN. Well, certificates; has the money raised by the certificates been used?

Mr. WARREN. That is merely a loan, and there has been used a certain amount of it, or perhaps all of it, in development work.

Mr. OVERMAN. That is to be paid back, is it?

Mr. WARREN. Oh, yes.

Mr. BORAH. Mr. President, the theory upon which the money is expended upon the land is that it will all be repaid and come back into the Treasury. I can not give the figures as to the amount which has been returned, but it is being returned, although, I confess, slowly, because of course the first years are hard years for the man who is pioneering a farm. As has been stated by the Senator from Wyoming [Mr. WARREN], the lands reclaimed are security for the money advanced; and there are no such lands, so far as I know, that are not much more valuable than the amount of the debt which the Government holds against them.

Mr. JONES. Mr. President—

Mr. BORAH. I yield to the Senator from Washington.

Mr. JONES. In connection with this matter, I desire to state that, as I remember, a short time ago the senior Senator from Mississippi [Mr. WILLIAMS], standing in the aisle, said that this money would not be repaid to the Government. He stated that while, of course, it is claimed it is a loan, it will never be repaid. I merely want to call attention to the fact that I investigated the facts concerning the Yakima project, which comes within a few miles of my home town, and found that the settlers on that project have actually repaid to the Government already in construction charges almost a million dollars, and they will pay it all back; and so it will be eventually with the other projects.

Mr. SMITH of Georgia. Mr. President, will the Senator from Idaho allow me to make a brief statement?

Mr. BORAH. Yes.

Mr. SMITH of Georgia. I want it distinctly understood that I have not asked these questions because of any prejudice against the Reclamation Service. I am glad to see the Government where it can aid in the development of arid Government-owned lands. I think it is wise for the Government to render aid; in fact, that is the only way that their development can be accomplished. Because they are on the other side of the Mississippi does not make my interest in them any less than if they were in some other part of the country. Of course, if they were in Georgia, as I personally represent Georgia, I would have more interest in them than I would in any other State. I think a Senator is sent here as the immediate representative of his State and should look after the local interests of his State while other Senators look after the local interests of other States. We all desire broadly to serve the whole country. Outside of my own home State, however, I would as gladly do what I could to help the development of the Western States as any other section of this country.

Mr. BORAH. I want to put at ease the mind of any Senator who thinks, as the Senator from Washington stated the Senator from Mississippi [Mr. WILLIAMS] seemed to think, that this money will be lost ultimately and not repaid. Of course, there is no way by which repayment can be avoided unless by action of Congress, because the land is there; it is worth much more than the debt; and will ultimately pay it, unless the Congress voluntarily releases the western settlers from payment; and I submit to any Member of Congress whether that is likely to happen. Whatever my individual view may be, is Congress likely to release these lands of the debt? So the Government is perfectly secure in every dollar that it has put into these lands; and the Government not only as an economic proposition is doing a wise thing but, I beg you to understand, that in a broader sense it is doing a patriotic thing, because, as I have called to your attention heretofore, hundreds of settlers come from the East, from the South, and from all parts of the country into that great country seeking homes. A hundred thousand a year, prior to the breaking out of the war, passed on through those lands owned by Uncle Sam, as good agricultural lands as lie outdoors, and on into the Dominion of Canada, and became citizens of the Dominion of Canada in order to get homes. That is not a wise thing to permit; we ought not, out of what we call economy, to permit our home seekers, people who have a yearning for a place which they can call home, to be driven into another land in order to realize that yearning.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. BORAH. I yield.

Mr. SMITH of South Carolina. I should like to ask the Senator a question, in order that I may get this matter clear in my mind. The reason given on the part of the House conferees for their determined stand, as I understand, was that the loan of \$20,000,000 is to be used as, in its judgment, the Reclamation Service sees fit. Is this fund at their disposal to be used at such places as in their judgment may be warranted?

Mr. BORAH. It was originally, but prior to the difficulty with which we are now dealing the Reclamation Service had distributed the funds, and there was, in the mind of the Secretary of the Interior, no fund available out of those which had already been provided for by which to do this work. In addition to that, the law prescribed the kind of projects to which the money could be distributed.

Mr. SMITH of South Carolina. So this survey which the Senator asked for was preliminary to ascertaining whether the project was feasible or not, and then the next step would be to secure a sufficient appropriation to do the irrigation work?

Mr. BORAH. Mr. President, I did not have in mind the idea of making a sufficient appropriation for this particular project alone; but the western people have had in mind the proposition of providing an additional loan, similar to the loan of \$20,000,000. As will be recalled, the first report of Secretary Lane—which everyone who wants to familiarize himself with the work of the reclamation projects ought to read, for it is one of the most illuminating and instructive reports that ever came from the head of a department of this Government—advocated the loan by the Government of \$100,000,000 to the reclamation fund for the purpose of taking up new projects, such as this, and going ahead and reclaiming the arid lands. Secretary Lane gave his reasons for it and showed how safe and how practical a proposition it was for the Government to go ahead with the work.

It was our idea to get this little appropriation at this time to determine whether the project to which I have referred was practicable, in order that the settlers might know whether they should remain there in the hope that they would be finally taken care of when the general loan which Mr. Lane has recommended could be provided for; and, if it was not practicable, after being there all these years, they could go hence and undertake elsewhere to secure that which they have tried so hard to secure here.

Mr. SMITH of South Carolina. There is just one further question I should like to ask the Senator. In case the recommendation of Secretary Lane is adopted, does not the Senator think that in that event this very project will receive attention?

Mr. BORAH. I have no doubt about it, but, of course, under the circumstances we have been trying now for two years to get that. We have made no progress. If we had made progress I would not have been bothering the committee with this little loan; and if those settlers had not been upon the project there would have been no reason why we should single out this project and ask for a survey, but we could have very well afforded to wait for the general movement. But it was to take care of those people and let them know whether it was worth while for them to continue to make the sacrifices which they have made for the last six years.

Mr. SMITH of South Carolina. The only thing that I wanted to get thoroughly in my mind was that no matter what might be the verdict of the preliminary survey, actual relief to the settlers who are now suffering would be possible only if the project that was delayed is adopted.

Mr. BORAH. Of course, that is true.

Mr. SMITH of Georgia. Mr. President, will not the Reclamation Service have funds coming in? Can not it take care of a project of that kind out of the collections it gets in? Does it require a new addition to the twenty millions?

Mr. BORAH. I will say to the Senator from Georgia that, as I understand, this twenty millions, the entire fund, in the first place, was limited by law to projects which were in actual process of construction, so that the Secretary of the Interior was not at liberty to use it for the purpose of determining the practicability of the project; and this was considered a new project, notwithstanding the fact that it had originally been in the old project. But in view of the fact that it had been eliminated it was classed as a new project. Therefore he was not at liberty to use any part of this \$20,000,000 under the law for this new project. I tried to have it classed as an old project by reason of that fact, but the Secretary felt otherwise, and I have not felt at all disposed to criticize his judgment; but he was limited under the law to using that fund, and so far he was permitted to use it he had already distributed it.



Mr. JONES. Mr. President, I will also suggest to the Senator that under the law appropriating this \$20,000,000, after a certain number of years—I think it was five years—5 per cent of the money that came into the reclamation fund had to be set aside each year to pay off this loan of twenty millions, so that, in other words, this twenty millions is practically a mortgage upon the other funds coming into the reclamation fund.

Mr. SMITH of Georgia. But part of the proceeds of sale of the public lands goes to the reclamation fund, does it not?

Mr. BORAH. Yes.

Mr. SMITH of Georgia. And part of the funds collected from the settlers goes to the reclamation fund. Can not they take up projects of this sort with that money?

Mr. BORAH. No; not under the law.

Mr. SMITH of Georgia. Especially under these peculiar conditions?

Mr. BORAH. I do not think so. I do not think the Secretary feels at liberty to do so; and I think, under the law, that really he is not at liberty to do so.

Mr. SMITH of Georgia. I asked that question because we were met also with the suggestion that the Reclamation Service ought to handle the proposition.

Mr. BORAH. I call the attention of the Senator from Georgia to the fact that two years ago we changed the reclamation law and took out of the hands of the Secretary of the Interior the power to make any further distribution or exercise discretion with reference to the use of this fund. We must now, as we are doing, come to the Congress and ask for the appropriation.

Mr. MYERS. Mr. President, the last statement made by the Senator from Idaho [Mr. BORAH] is an illustration, to my mind, of the evils of taking the reclamation fund out of the hands of the Interior Department and putting it into the hands of Congress. I opposed that measure with all my force and power, because I was satisfied that I foresaw what it would lead to; that we would have to come to committees of Congress which know nothing about reclamation, have no knowledge on the subject, and no way of having any, and ask them for appropriations for the various projects. I was satisfied then that it would be a very uncertain and very unsatisfactory way of obtaining money and justice, and I opposed the bill.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield with pleasure.

Mr. BORAH. I entirely agree with the Senator from Montana. I think without exception all western Senators opposed that change. I know that the Senator from Montana did, and I know that I did.

Mr. MYERS. There were some exceptions, but most of the western Senators opposed it.

Mr. BORAH. Possibly so. I am not aware of it. But its evil is now being well illustrated; and it seems to me that we ought to have left it with the Secretary of the Interior, who is generally a western man, who has familiarized himself with the matters and who knows when he should enter upon the enterprise of a new project and when he should not. It is impossible, or practically impossible, to get that information before Congress.

Mr. MYERS. Absolutely so.

Mr. BORAH. Unless the law is changed, it is my judgment that the end of the reclamation enterprise in the West, so far as the Government is concerned, is near at hand.

Mr. MYERS. Absolutely so.

Mr. President, there is nothing more inhuman than has been the practice of the United States Government to set aside large areas of arid land in the West for reclamation projects, and invite, induce, and entice poor settlers, homesteaders, men of little or no means, to go on those lands and settle there and undertake to make homes, and expend their time and labor and means to the extent to which they have any means, and then either withdraw the project—as has been done, it seems, in the Idaho case—or else just simply fail for year after year, through dilatoriness and neglect, or through the parsimony of Congress in making appropriations, to put water on the land, and let the people stay there and starve. It is simply harrowing and heart-rending to the last degree.

The Little Bitter Root Valley is a part of the Flathead reclamation project in Montana. It is not a little valley, either. It is a large one. The name, "Little Bitter Root Valley," is a misnomer. It is quite a large area of country. Six years ago it was included in and made a part of the Flathead reclamation project. It contains land which affords room for hundreds of homesteaders. The homestead units were cut up into tracts of 40 and 80 acres of land—none to exceed 80 acres in the valley—and it was advertised that water would be put on that

land, that the land would be reclaimed; and it was thrown open to entry with that understanding and on those conditions. It was advertised far and near, and settlers were induced to leave their homes in other sections of the country and take their little all and go there and locate on those comparatively small tracts of land, with the express understanding that water would be put on the tracts, so the settlers could make a living. They can not make a living on 40 or 80 acres of land in a dry country without water on the land. You have to have at least 320 acres or 640 acres of land in order to conduct dry-farming operations in an arid country. Why, a man can scarcely raise enough for chicken feed on 40 or 80 acres of dry land in an arid country. So the people were induced to take these small tracts by the representations of the Government that water would be put on the land, and they had a right to believe and assume that the work of putting water on the land would be prosecuted with all due diligence and that it would be put on the land in a reasonable time.

That was six years ago, and there has not been a drop of water put on the Little Bitter Root Valley by the Government yet. The Government is now doing some preliminary work of investigation. Engineers are making some estimates, and I have some hope that this coming fall work may be begun in the Little Bitter Root Valley. If it is not, the condition of the people who have been able to stay there will be heartrending; it will be harrowing.

Last summer I went over the Little Bitter Root Valley, and three-fourths of the houses and shacks in that part of the country have their doors and windows nailed up, and the people have had to abandon their claims. They have been driven off by desperation—by starvation. It is sad enough to see those windows and doors nailed up; but nobody knows the tears, the sorrow, the heartaches and heart throbs, the broken hearts and broken spirits, the ruined lives, and sleepless nights of which those nailed-up doors and windows are mute evidence. They are only the surface; that is all. The real agony, sorrow, trouble, and misery is behind and out of sight.

If the people on this project in this section of Idaho are in that condition—if they were induced to go there by representations that the Government would put water on this land, and if afterwards the land was withdrawn and the people were left there helpless, high and dry—their condition appeals to my deepest sympathy, and I am sorry that this small item of \$10,000 was left out of the bill by the conferees. It does seem to me that the small sum of \$10,000 might be used to investigate conditions there and ascertain whether it is feasible to irrigate this land. You have to make a start in everything, and this would have been a start. You can not appropriate money, you can not start a project, until you ascertain whether or not it is feasible, and this might have thrown some light on that subject.

I am sorry the item was not retained by the conferees. I think its omission must have been brought about by some eastern Senators and Representatives who know nothing whatever about irrigation, who think that all the land west of the Missouri River is not worth two bits, and who would not know an irrigation ditch from a haystack if they saw both of them. I am sorry for it. It tells a tale of sadness the extent of which we will probably never know.

Some weeks ago I introduced a bill, which was favorably reported by the Senate Committee on Public Lands, to appropriate \$50,000 for the purpose of conducting experimental work by the Government in sinking artesian wells on the public domain along the Canadian border in northern Montana.

It is on the calendar now; but some weeks ago, during my sickness, and while the Agricultural bill was up for consideration in the Senate, the Senator from Utah [Mr. SMOOT] offered an amendment to the bill to appropriate \$100,000 for the purpose of conducting such experimental work anywhere in the arid States of the West where the Secretary of the Interior might decide, and that appears to have in a measure supplanted the bill which I introduced. I have no particular objection, because \$100,000 is more than \$50,000. It is true that the \$50,000 was intended to be used, by the terms of my bill, entirely in Montana; but I would be glad to see an appropriation of \$100,000, too, for that work, to be used in any section of the West. I would like to have both appropriations. I will ask the Senator from South Carolina, who is in charge of the conference report, what became of that item of \$100,000 in the proceedings of the conferees?

Mr. SMITH of South Carolina. If the Senator had been present at the opening of the discussion—

Mr. MYERS. I was not present.

Mr. SMITH of South Carolina. He would have known that it went out.

Mr. MYERS. It went out?

Mr. SMITH of South Carolina. It went out, for reasons that I have already stated. It had been introduced in the House, and referred to other committees, and had been rejected. The conferees of the House and the members of the Senate conference committee will bear me out in saying that they absolutely refused to agree to the proposition. There is a memorandum here which I will read, because I was not familiar with the history of it before it reached the stage of being put on this bill. According to this memorandum, it was submitted to the House Committee on Appropriations and estimated for, but was not allowed by that committee. It was placed on the sundry civil bill in the Senate, and it was lost in conference.

Mr. SMOOT. In the House, the Senator means.

Mr. SMITH of South Carolina. Then it was offered to this bill; and the House conferees, knowing all of the circumstances relating to it, flatly said that they would absolutely refuse to agree to it, and after discussion the Senate receded.

Mr. MYERS. Mr. President, I know, of course, that this which the Senator says is true, that the House conferees absolutely would not agree to it; but I can not accept the statement that they know all about it. I do not think they know anything at all about it or about the need of it. I think they are entirely ignorant about it.

I am sorry the item of \$100,000 for experimental work in sinking artesian wells in the arid sections of the West was dropped out. That is a work that is extremely important in the West. The people of this country are hunting homes. There are hundreds of thousands of homeless people in the East, people who would give anything to have a few acres of land on which they could make a home and make a living, or, at least, make a living in part, and they must look to the public domain of the West to get it. There are hundreds of thousands of acres of good land, good soil, in the West that are not susceptible of irrigation by gravity. Land is in demand on which people with nothing but labor and energy and hopefulness can make homes for themselves—the poor people of the country. There are hundreds of thousands, yea, millions, of fertile acres in the West that are not susceptible of irrigation because the water is not at hand; there are not the streams near by, and you can not get the water; but a large part of that land could be irrigated by the sinking of artesian wells, and it is a work on which I think this Government ought to enter without any delay.

I regret greatly that the item of \$100,000 for sinking artesian wells was stricken out. I think it a very important item. In view of the fact that that item was dropped by the conferees from the bill and the fact that the item of \$10,000 to investigate this land in Idaho was left out, I shall vote to reject the conference report and to instruct our conferees to go back for further conference and to insist on retaining these items. They are too important to the West to drop without a further struggle. I am here to see, so far as is in my power, that the West gets its just dues.

Mr. JOHNSON of South Dakota. Mr. President, I realize how precious time is in this body, and I am only going to take up a very little of it. I believe that our Senate conferees have done the best they could under the circumstances, but I do not believe they have done very well on a number of amendments which they have stricken out of this bill.

Mr. MYERS. Mr. President, I should like to ask a question there, if the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. JOHNSON of South Dakota. I do.

Mr. MYERS. If the bill goes back to conference and they try again, does not the Senator think they will do better next time?

Mr. JOHNSON of South Dakota. I hope so.

I must say I am surprised at the report of this conference committee. I realize the necessity of trying in every possible manner to build up the dry western country which has been discussed here in connection with the hundred thousand dollars appropriation that was stricken out. I realize the importance of the small item of \$10,000 which was stricken out, which was referred to by the Senator from Montana. I do not know the reasons, and I am particularly surprised at the action of that committee in striking out an amendment with regard to the Government grain-grading provision that was put into that bill by a large majority of the Senate on this floor. I refer to the latter part of amendment 165, on page 112 of the bill, commencing at line 10 and including line 22.

The Senator from Minnesota [Mr. NELSON] and the Senators from North Dakota [Mr. McCUMBER and Mr. GRONNA] have rendered great service in connection with this bill by their suggestions and their amendments, so far as they relate to the grain-grading part of it. Without the amendments and without the suggestions of those Senators, this bill would have been a

failure so far as it relates to the interests of the Western States in the grain-growing section. I was asked to appear before the conference committee, and I went, and I left that committee believing that the amendment to which I refer would be left in.

Mr. President, what does that amendment recite? It says that any farmer may go into the market and have his grain graded by a Government grader; that he may then ship his grain, and if it is regraded at an intermediate point or at the terminal point, he shall be entitled to the terminal grading if it is found to be a higher grade than his home grade. The object of that amendment, Mr. President and Senators, was to protect the grain grower, so that correct grading may always be given at home.

It was to give him the chance of bringing his grain to market, having it graded, and then having the choice of shipping that grain himself or selling it, as he saw fit, according to the market.

The committee, or some of its members, have confused the object of this amendment with the selling and buying. They are two different and distinct propositions. They have no more relation the one to the other than has the grain growers' relation to wheat, to do with the cattle raisers' relation to cattle. This amendment which I offer did not ask for an appropriation. It did not ask for anything except that the grain growers of the Northwest might have the privilege of going to the market with their grain and having it graded at home, and know what grade and what price their grain would be expected to bring. As the bill is now, if I take a carload of grain to the market and I want to sell that grain, I have no possible way of knowing what grade I have. Consequently, I can not know what price I will get until I place that grain on the cars by the carload and ship it to market, and when it gets to its terminal point it is graded for me, and there the price is fixed for me also.

I submit to you, Mr. President, that this does not treat fairly the farmers of the Northwest. I do not believe that this bill as it stands with regard to that will satisfy the people of South Dakota or of North Dakota or of Minnesota or of Kansas or of any of the Western States. From the observation which I have had, I believe that the graders of grain of the large terminal points will look after the interests of the chambers of commerce and the large terminal interests rather than the interests of the farmer; and that is the reason why I introduced this amendment, and that is the reason why I am going to vote to send this report back to the conference committee and ask the Senate to instruct that committee to have reinserted some of these measures that were stricken out. This will not hurt any man who is honest; and this Government can not afford to place its stamp of approval on a man who is designated as a Government grain grader if he does not understand his business; and there is no reason that can be advanced why the men who live in the West and who have handled grain all their lives should not be just as good experts at grading grain as the men at the great terminal points where grain is handled in large quantities.

I submit to you whether it is fair for this body to enact legislation that will take away from the man on the farm the right to go to market and have that grain graded and then sell it to his local elevator or ship it, as he sees fit. I do not believe there is a man in this Senate who would vote to take away that right; and yet that is exactly what this conference report does so far as establishing his grades and his price at home is concerned.

The only thing that that provision does, Mr. President, is to place a check upon the local grain grader, and compel him, by knowledge that his grain may be graded at the other end, to give to those who deserve it what their grain actually is at the place of grading.

It must be remembered that when this law becomes operative it will wipe out every State law that relates to this subject if they take advantage of this law. It places those who produce in exactly this condition: He has to take his grain to town to sell it, and he either has to sell it by sample, in the old way, without having the benefit of this law, or he has to load it on the car and ship it five hundred or a thousand miles without any knowledge of what grade he has, and consequently without knowledge of what price he will get. This will deprive 100,000 farmers in the United States of the benefit of that provision of the law. Surely an unjust discrimination in favor of the big millers and elevator men.

Mr. GRONNA. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. JOHNSON of South Dakota. I do.

Mr. GRONNA. May I ask the Senator if the amendment to which he refers was recommended by the Agricultural Department?

Mr. JOHNSON of South Dakota. The amendment to which I refer was opposed by the Agricultural Department, and it was opposed by the report of the committee as well.



Mr. GRONNA. And it was also opposed by every milling concern in the country, was it not, by every board of trade and chamber of commerce? That is, whatever report we have is an adverse report is it not?

Mr. JOHNSON of South Dakota. I have a number of telegrams here from the big institutions of the country from the terminal points opposing this amendment. I will read one that I have. It is from Lockport, N. Y., dated July 13, 1916:

LOCKPORT, N. Y., July 13, 1916.

Senator E. S. JOHNSON,  
Washington, D. C.:

Am very much surprised at your amendment to grain-grades legislation, to the effect that grain which has been inspected before shipment interstate commerce may be later reinspected at intermediate terminal point, and if grade is then given as higher than the original inspection the seller shall have the benefit of it. This is surely contrary to simple, elementary justice. I believe that grain should be subject to reinspection at any time before it has lost its identity; but in that case the final grade should certainly rule, without favoritism to either buyer or seller. All business is coming, and must ultimately come, to being done on an absolutely honest and just basis, without favoritism as regards customs, rule, or legislation—no class or section of a trade. I sincerely trust that on further consideration you have or will withdraw your amendment.

FRED J. LINGHAM,  
Chairman Millers' National Federation Committee  
on Grain Standardization and Inspection.

Mr. GRONNA. It is signed by whom?

Mr. JOHNSON of South Dakota. That telegram is signed by Fred J. Lingham, chairman of the Millers' National Federation committee on grain standardization and inspection. Now, Mr. President, I contend—

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota further yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. GRONNA. Is the Senator from South Dakota acquainted with that gentleman?

Mr. JOHNSON of South Dakota. I am not acquainted with him.

Mr. GRONNA. Does not the Senator know that that gentleman has been here for years lobbying for a grain bill?

Mr. JOHNSON of South Dakota. I have been told so by very reliable people.

Mr. GRONNA. I want to state for the RECORD that, as one of the members of the subcommittee of the Committee on Agriculture, this man has appeared not only before us but he has been present practically all the time when we had our hearings; and he said himself that he represented not only the millers of the entire eastern country, but practically the millers of the whole United States. This is the gentleman who was instrumental in perfecting the bill as it passed the House and as it came to the Senate.

Mr. JOHNSON of South Dakota. Mr. President, I am glad to get the knowledge, and I believe it is true. I believe that this man has a right to come to this body to assist in legislation that the big millers and chambers of commerce want or to assist in destroying such legislation as they do not want. But I contend that I have the same right to stand here and contend for this amendment, because I represent the growers; and for that reason I introduced the amendment which I submitted and which I hope this body may sustain, because it does not, as I have said, add one dollar of appropriation; it only asks for simple justice to the men who feed the United States.

Mr. GRONNA. Will the Senator yield to me again?

Mr. JOHNSON of South Dakota. Certainly.

Mr. GRONNA. Of course, I did not mean to say that this gentleman did not have the right to appear before our committee and to be here. Every citizen of the United States has that right; but the idea I wished to convey is this: The bill as it was written and as it passed the House was not a bill written in accordance with the wishes of the producers but in accordance with the wishes of the consumers, and when I say consumers I mean the millers.

Mr. JOHNSON of South Dakota. Mr. President, I believe that what the Senator from North Dakota says is true. It may not be true in a sense that the committee had knowledge of this, but I do not see, if they will study the proposition, that they can reach any other conclusion. I shall not take up more time, but I shall vote to return the conference report to the conferees for further consideration and with the hope that it may be done.

Mr. SMITH of Arizona. Mr. President, I shall occupy but a few minutes of the time of the Senate. We have here an illustration of the way we do business in the Senate. There is a conference report on the Agricultural appropriation bill pending and we are discussing irrigation, and we have also gone into the wheat business.

Something has been said in the debate, however, about the condition of the irrigation fund and the difficulty we have in the

matter to which my friend from Montana alluded. We found a few years ago that it was impossible for the people to pay the largely increased debt resting on them by reason of the unexpected increase in the expense of establishing the irrigation projects. Many of us represent people who would go absolutely into bankruptcy if the Government insisted on the payment of this largely increased indebtedness in the 10 years as provided in the original act. Therefore we brought before Congress a bill emanating from the committee of which I was chairman providing for an extension of the time for 20 years. That bill passed the Senate and went to the House. It passed the House with an amendment that hereafter all moneys received through the sale of these lands should be disbursed through the appropriation committees of the Houses instead of by the head of the Department of the Interior.

I felt then that that was a fatal mistake, and every man in the West knew it to be so. It has already been illustrated, though it will be seen in every succeeding term of Congress. The question of irrigation will consume as much time as most of the other questions involving any sort of public rights or public statutes.

The House insisted, and we either had to bankrupt our constituents or we had to accede to the House demand that these appropriations should be made through Congress. In fact the bill would not otherwise have passed, we were told. I was the chairman of the conferees on the part of the Senate, and we were forced to agree to that provision. Therefore, we have the project of which the Senator from Idaho spoke; we have the question on which the Senator from Montana spoke, the appropriation of \$100,000. Not one of these would necessarily come before the Senate if we would permit the Secretary of the Interior, as theretofore he had done without complaint from anybody, to have made an application of money from the irrigation fund to the crying needs as they arose, and let him be the judge, who knew more about it in one minute than Congress could possibly know in less than three or four years' study of the question.

Now, we have the conditions spoken of by the Senator from Idaho exactly reproduced in the condition around Parker in Arizona. There the United States Government made a town site, as I understand it, and offered the land at public sale. They were going to reduce the Indian reservation, they were going to put water on it. Those people went to the department and bought the land and put their money into the Treasury of the United States. The Indian reservation has not been reduced; there has been no water put on the reservation; and here these people have stood for years under that promise expecting and hoping that the Government would carry out its proposed plan in that particular.

My colleague and I have struggled hard and with the intensest sympathy for the conditions existing there, we have been given more trouble on this account than on any other question that has come before us in our service in this body. Yet we have been unable to move a peg. We can not even get money paid back to the man who paid it. Under those conditions I merely have taken occasion to say this much so that it may be understood at least that that part of the country is not alone in this trouble but many other parts of the country likewise.

In this connection, about the irrigation fund, it is always getting more and more into a dangerous fix and the money is coming in slower by reason of the enormous expenditures above the original estimates which have been necessary to carry out the project, and I want to put in the RECORD a list of the money received from the sale of public lands distributed to the States in 1836, which has not been repaid, simply showing that we are not asking any more than we should ask in any effort we make to obtain even a loan from the Treasury for the purpose of irrigation.

The table referred to is as follows:

*Moneys from sale of public lands distributed to the States and never repaid in 1836.*

Maine received.....	\$955,838.25
New Hampshire received.....	699,086.79
Vermont received.....	699,086.79
Massachusetts received.....	1,338,173.58
Pennsylvania received.....	2,867,514.78
Indiana received.....	860,254.44
Illinois received.....	477,919.14
Michigan received.....	286,751.49
Delaware received.....	286,751.49
Maryland received.....	955,838.25
Virginia received.....	2,198,427.99
North Carolina received.....	1,433,757.39
South Carolina received.....	1,051,422.09
Georgia received.....	1,051,422.09
Alabama received.....	699,086.79
Louisiana received.....	477,919.14
Mississippi received.....	382,335.30
Tennessee received.....	1,433,757.39
Kentucky received.....	1,433,757.39
Missouri received.....	382,335.30
Arkansas received.....	286,751.49

Mr. SMITH of South Carolina. Mr. President, I wish to make a single observation in reference to the statement made by the Senator from South Dakota [Mr. JOHNSON]. The Senator is aware of the fact that the grain-grading rider or the grain-grading amendment to the Agricultural bill consumed more time on the floor of the Senate possibly than all the balance of the bill put together.

Mr. McCUMBER. It seems to have been surrendered more easily than the others.

Mr. SMITH of South Carolina. When it went to conference it was practically turned over to the Representatives from the western grain-growing States, the members of the conference. Three-fourths of the time in the committee—four-fifths of the time, I may say—was consumed by the conferees in honestly trying to understand each other and to reach an agreement that would put in workable shape a brand new measure seeking to supplant the ramifications of the old, long-established condition. It was turned over to them, and it was give and take. I will guarantee that there never has been a subject sent to conference that was met with as much frankness and such an absolute disposition to thoroughly understand the difference, both on the part of the House and on the part of the Senate. They had a common purpose, and the object was to work out the best means of reaching the common purpose.

I am sure I am stating a fact when I say that the conferees on the part of the House and on the part of the Senate after days agreed on the objective, and when they agreed on the objective it was simply a question of suiting the means to attain the object.

It is not perfect, I assume. I am not familiar with the technical workings of the grain market, but the conferees thought, after hearing the discussion pro and con with reference to the amendment of the Senator from South Dakota, that after what they had agreed upon had been put into operation there will be ample opportunity to find whether the danger that he fears will manifest itself, and then the statute could be amended.

The proposition of the Senator from South Dakota, reduced to its last analysis, meant that a party having his grain graded at his home market and shipped to a terminal and there regraded, if it were of a higher grade the seller should have the benefit; but if of a lower grade the party purchasing it should submit. It did not seem to the conferees, in view of the stand taken upon the part of the House, that that should be insisted upon.

Mr. McCUMBER. Mr. President, I shall discuss this same subject very briefly, and I may ask some rather pointed questions of the Senator in charge of the bill. I hope that the answers will not be of the general nature that the conferees tried to gather together, but I should like to have the information upon which objections to certain provisions in the bill were based.

Mr. SMITH of South Carolina. If the Senator will allow me, as I stated, I am not any more familiar with the grain business than the Senator is with the cotton business. I do claim some knowledge of the cotton business. We have had a cotton-grading act that I took a very active interest in, because I thought the public was entitled to the knowledge, that my people and the country at large were entitled to it. This I turned over largely to be settled by the Senator from North Dakota [Mr. GRONNA].

Mr. McCUMBER. I do claim to have some knowledge on that particular subject, and if I should find a condition something like this, that the grain-buying interest should buy in the grain calling 18 ounces a pound, but that when they sold it out they called it 16 ounces a pound, and thereby made the 2 ounces upon every pound, and that to meet this wrong we make a provision in the Agricultural appropriation bill that will prohibit these interests from buying and selling upon standards so unjust and unequal as that, we should have some further and better excuse than a mere generalization as to the reason why the conferees of the Senate surrendered that which is apparently so just and necessary.

If there was any one thing in the entire grain-grading amendments that called for anything but honest grading, honest inspection, and in conformity with the rules laid down by the Agricultural Department—if there was anything further than that one question at stake; if there was any complex question, I might see some possible excuse for a surrender; but on a proposition so simple as this I confess I am astounded to find that the Senate committee have surrendered everything of real value in this grain-grading amendment.

Now, let me call your attention to the facts; and I want the attention of the Senator to them, because I am aware that some one of the members of the Committee on Agriculture has found it more inviting to be upon the Chautauqua circuit than

attending to this matter, and it had, therefore, to be referred to a Senator who is not the chairman of the committee; so I must impose upon him until I can enlighten him upon the real facts which were before the Senate.

For more than a dozen years I have been asking the Senate for a grain-standardization grading and inspection bill under Federal authority and Federal supervision. During the last session, after a fight of more than 10 years, we finally got a vote upon that bill. The bill was defeated. It was defeated by the great grain-buying interests of the country; but all of their representatives in their telegrams admitted—and every adverse speaker upon the Senate floor concurred in the view—that Federal standardization, enforced by Federal supervision, would be entirely agreeable to all, and that if I would not insist upon the Federal inspection by Federal employees there would be no trouble whatever in putting a bill of that kind through. I stated that I would be willing to take that as a first step, but I declared at the time that I did not believe in the sincerity of those who stated that they would be willing to grant that much relief, and I desire to put it to a test upon the floor of the Senate in this vote. Can the Senator imagine any legitimate objection whatever to Federal standardization? I think the Senator must answer that question in the negative—that there could be no objection to a uniform system of grading.

What does uniformity mean? It simply means that grain of a certain species raised in a certain section of the country shall be graded by exactly the same rules, whether it is sold in Minneapolis, in Duluth, in Superior, or in Chicago; that there should not be one standard for No. 2 northern in Duluth, another standard in Superior, and still a third standard in Chicago; that anyone desiring to purchase No. 2 northern grain should know that he would be securing the same kind, the same standard of grain, whether it was bought upon the Duluth or upon the Chicago market.

Under the present system no two of the terminals grade the same species of grain in the same way. You now admit the necessity for uniform standards. Very well, then, if you agree that we are entitled to Federal standardization of grain, then you must agree that we should have some power to enforce that standardization.

Right here we put to the test the question of the sincerity of the boards of trade and other exchanges in the great terminal markets as to whether or not they meant what they said when they announced through their telegrams and those who spoke their sentiments on the floor of the Senate, that they would be willing to have Federal standardization and Federal supervision to see that the inspection should correspond with the standardization. So we amended the Agricultural bill to assure this supervision. We put the teeth and the claws into the grain grading and inspection section of the Agricultural appropriation bill. We made it effective—made it express clearly and unequivocally what you say was intended.

Now, frankly, I want to know why you have pulled the teeth and clipped the claws of this provision. What influence was back of the action of the committee of conference that tempted them to destroy the most important feature in that grain-grading provision? I know that all the great terminal elevators—at least the greater portion of them—which have been growing fat as the farmers have been growing lean—oppose Federal inspection. When we wished to get Federal inspectors employed by the Department of Agriculture, and not employed by the buyers, they raised a hue and cry and flooded the Senate Chamber with telegrams declaring that this would be destructive of the grain business and a calamity to the trade.

Mr. President, it could destroy or injure no legitimate practice. No grain dealer can honestly object to a rule that he shall buy in his wheat and sell out his wheat at exactly the same grade. If he is honest, if he is sincere, if he desires to do business upon an honest, business basis, he can have no objection to a disinterested party weighing and grading that grain. He gets his commission for the buying or selling of the grain no matter what grade it is. The only reason there could be on his part against a disinterested party weighing or certifying the grade would be that he wished to mix two or three bushels of a lower grade with a bushel of a higher grade and to sell it all out at the higher standard. We have been struggling to avoid a condition of that kind for years.

Mr. GRONNA. Mr. President—

Mr. McCUMBER. I will yield in just a moment.

Now, when at last we have finally put into the bill a provision for Federal standardization, allowing the exchanges, the boards of trade, the warehouse commissioners, and those who buy grain to employ their own inspectors and have the Government issue a license to inspect to their employees, we have



a right to guard ourselves by some method of supervision, to the end that these inspectors shall be required to conform to the Federal standards, and that, if they fail to do so, if they are influenced in any way by their employers, there shall be above them some official of the Government, whose duty it will be to compel them to perform their duty and see that the inspection corresponds to the requirements of the Federal department. I now yield to my colleague.

Mr. GRONNA. Mr. President, I find no fault with what my colleague is saying. Of course, it is a terrible arraignment of the committee of conference, but I agree with him so far as the provisions of item 167 are concerned.

Mr. McCUMBER. I am directing my whole attention to item 167.

Mr. GRONNA. So far as that item is concerned, the members of the conference committee will bear me out in the statement that I reserved the right to oppose in the Senate the action taking it out of the bill.

If my colleague will permit me, however, I want to say that the bill as reported by the conferees provides for a complete system of standardization. It also provides for a complete system of supervision in that the Secretary of Agriculture is given the authority to issue a license to all inspectors of grain. He is also given authority to revoke the license of an inspector in case he does not do his duty. The Department of Agriculture used the argument that the paragraph to which my colleague refers was really a limitation, because it provided for 40 inspectors, whereas under the provisions of this section of the bill the Department of Agriculture is given authority to appoint as many men as they see fit, but they are not called supervisors.

I agree with my colleague that we ought to have the supervisors and that the Government should pay the supervisors, because in that case they would be under the control of the Federal Government and could not be under the control or under the influence of any grain exchange. I do not disagree with my colleague in that respect.

I think, however, that my colleague did not mean to say that the bill as reported is a complete abandonment of everything that is important and necessary in perfecting a law that will give us Federal standardization of grain. We did not strike out entirely item 167. The amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] offered as an amendment to the provision submitted by my colleague has been retained in the bill, although in amended form; and it does provide that the Secretary of Agriculture shall—it not only authorizes him but commands him—keep a complete census of all grain that is bought, its grade, its type, samples, the number of bushels that come into the elevator or warehouse, and the number of bushels of each and every kind shipped out of the warehouse. So it is hardly fair to say that there was a complete abandonment.

I do not differ with my colleague as to the value and the merit of his amendment, and if my colleague moves to return this bill to conference on this particular item, I shall be glad to vote with him, because I agree that the item is meritorious.

Mr. McCUMBER. Why, Mr. President, knowing the grain conditions in the Northwest, I could not imagine for a moment that my colleague would agree to the abandonment of the most important provision in the bill so far as it relates to grain grading and grain inspection. My colleague says that we are guarded to some extent by the fact that the license is granted by the Federal Government, and, if the licensee does not perform his duty, the Federal Government may revoke the license. Well, if some method is not provided for determining whether or not the inspector does his duty, how will it be possible to revoke the license? There is no supervision; there is no one provided to oversee the work; there is no one authorized to give instructions as to how the work is to be carried on, how the weighing is to be done, and how the testing is to be made. All of that is under the control of the buyers making the inspection at the several cities; all of that is under the control of the parties interested in purchasing the grain and selling it again. The producer and the ultimate consumer are both left entirely out of consideration in this bill. You can provide for Federal standardization from now until eternity, but unless you provide the machinery that is necessary to carry it into effect, the provisions which have been inserted in this bill will be a dead letter.

Mr. President, my colleague tells me the conferees have left in the provision which was added to my amendment and which relates to a report upon the number of bushels of a certain grade received and the number of bushels shipped out of the various terminals. Of what particular avail is that report unless we have some check or control over the grading? My

colleague will remember that only a couple of years ago there was a spread of from 16 to 18 cents a bushel between No. 2 northern and No. 3 northern grain, and my colleague knows as well as I do that if the grain had been inspected justly, according to the merits and standards of the two grades, the real difference would not have exceeded 5 cents a bushel. While the grain that was bought in graded as No. 3 and was paid for at a no-grade or rejected price, I am not sure that when it was sold as No. 3 it was not sold for a real No. 3 price. So, it will be seen how easy it is to avoid the purposes of the amendment by taking in a low-grade grain at a higher grade than it is entitled to receive and paying a lower-grade price for it. There is no protection unless there is supervision that will see to it that the inspectors obey the rules which fix the grades and the method of testing those grades.

I should like to ask the Senator in charge of the bill whether or not this amendment which provided for supervision of the work at the great terminals was submitted to the Department of Agriculture and what that department has to say about it?

Mr. SMITH of South Carolina. Mr. President, I want to say to the Senator from North Dakota, as I said a moment ago, that Senators and Representatives from grain districts had entire charge of this matter. The colleague of the Senator from North Dakota labored with the representatives of the House on the conference committee—

Mr. McCUMBER. To what grain district does the Senator refer?

Mr. SMITH of South Carolina. Missouri was one, represented on the conference committee by Representative RUBEY. I believe the colleague of the Senator from North Dakota did everything in his power to have what the Senate had incorporated in the bill remain in it; but there was a difference of opinion as to this matter, as there was a difference of opinion in regard to the cotton matter.

Mr. McCUMBER. That is not the question that I asked the Senator.

Mr. SMITH of South Carolina. I merely want to state to the Senator, in a word, that I was not sufficiently informed about the matter to charge myself with responsibility, but I did very willingly turn it over to the Senator's colleague, who, I believe, does know about it, and who did do the best that could be done under the circumstances, or can be done during this session of Congress, if we are going to have any law on this question at all.

Mr. McCUMBER. I am certain that my colleague worked faithfully all of the time to secure the adoption of the Senate amendment. The question I asked the Senator was whether this Senate amendment had been submitted to the Department of Agriculture, and what objection, if any, was urged by that department against this amendment?

Mr. SMITH of South Carolina. I presume the Senator's colleague can answer that question.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I am trying to get the information from anyone who has it.

The PRESIDING OFFICER. The Senator's colleague seems to desire to give it.

Mr. GRONNA. I want to say to my colleague that this matter was taken up with the department. Of course I did not take it up with the Secretary of Agriculture, but I took it up with the representative of the department, Dr. Duvel. He informed me that my colleague's amendment was in fact a limitation upon the law, limiting it to 40 supervisors, and that there was a provision in the bill giving the Secretary the same power which could be given to the Secretary under the provisions of the amendment of my colleague.

Mr. McCUMBER. Now, I want to ask my colleague to put his finger upon the provision that gives the same power to the Secretary of Agriculture, and I will demonstrate to him in a minute that it is not true—that the Secretary has no such power conferred upon him in this bill.

Mr. GRONNA. I can point to the provision. I do not agree with the department that it gives the Secretary the unlimited power that would be given if the amendment of my colleague were adopted, because the amendment of my colleague provides for Federal supervisors, which means that they must be paid by the Federal Government; and, as I said before, they would not be under the influence of anyone engaged in the grain trade. But the matter was referred to the representatives of the Agricultural Department; and, further than that, Mr. President, I think it is only fair to say that the members of the conference committee on the part of the House stated to us that under no

consideration would they agree to the amendment as it was offered by my colleague.

Mr. McCUMBER. Why?

Mr. GRONNA. I do not know that I should state the reason. It is a matter which was discussed in the conference committee. I think, however, that I might draw my own conclusion, that it would mean the beginning of an entire scheme of Federal inspection of the whole grain trade. Now, that is my own idea about it; and, of course, not only the Members of the House but my colleague knows that the Department of Agriculture is opposed to Federal inspection.

Mr. McCUMBER. Yes; and I want to know why. The Department of Agriculture heretofore, at almost every session, has given a report in favor of it. I want to know why the Department of Agriculture, through another head, is opposed to Federal inspection or Federal supervision or Federal standardization.

Mr. SMITH of Georgia. Mr. President—

Mr. McCUMBER. I will yield to the Senator from Georgia in a moment; but I first want my colleague to point out the provision under which the Department of Agriculture makes the fictitious claim that it can appoint supervisors.

Mr. GRONNA. If my colleague will just give me a little time, I will do that.

Mr. McCUMBER. My colleague says he has not it before him, but that he will be able to do that. I will therefore direct the question to the Senator from Georgia.

Mr. SMITH of Georgia. Of course I do not pretend to be entirely familiar with the grain problem, although I have listened frequently in the Senate and gathered all the information I could from the Senator from North Dakota, and I sympathize with his desire to serve the farmers of that section. I have frequently voted for his suggestions.

Mr. McCUMBER. I appreciate that, Mr. President.

Mr. SMITH of Georgia. In section 12 was found an appropriation of \$125,000—

Mr. McCUMBER. On what page?

Mr. SMITH of Georgia. Page 120—to enable the Secretary of Agriculture to perform the duties placed upon him under this bill. That appropriation was doubled by the Senate, and we insisted upon our amendment increasing it to \$250,000. Now, as I understand the claim on the part of the grain men on the House committee—and let me stop a moment to say to the Senator from North Dakota that they were Messrs. HAUGEN, of Iowa, and RUBEY, of Missouri—they were the grain States men on the committee.

Mr. McCUMBER. Not affected at all by the conditions that we have in the Northwest.

Mr. SMITH of Georgia. And the balance of us requested the Senator's colleague, with those two grain States men, to work out what was satisfactory. I never voted for a modification until I understood that the Senator's colleague was willing to agree to it. My attitude and the attitude of the Senator from South Carolina [Mr. SMITH] was that whatever the Senator from North Dakota insisted upon we were backing him—he will bear us out in that—and whatever he agreed to we would agree with him in; we were just simply back of him, relying on him in the matter.

The claim, as I gathered it, was made by the House Representatives from grain States that under this provision the Secretary had \$250,000 with which to carry out the duties placed upon him by this bill; that the bill placed two duties upon him, of watching the local inspector, first, to license him, second, to withdraw that license if his conduct was not fair and capable; that this \$250,000 could be spent by the Secretary, and was intended to be spent by him in providing for appeals where appeals were made, and in performing his duty of watching these inspectors and removing them when necessary.

Mr. McCUMBER. Right there—

Mr. SMITH of Georgia. Just let me finish. I think I can state it more intelligently, if I go one step further.

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. And that they did not want to limit it to 40 places, or simply the principal places; that these agents of the Secretary of Agriculture ought to go wherever there was an inspector, wherever there was a question about the propriety of the conduct of an inspector; that they ought to watch the whole work.

Now, my idea was that it was desirable to call them supervisors; but as the department, by rules and regulations, fixed their work, this increased appropriation we gave of \$125,000, together with the original \$125,000, making \$250,000, was all furnished the department to perform these duties; and fixing the number of supervisors at 40 would really be a limitation; that the broadest liberty ought to be left to the department to

supervise these inspectors and to provide for appeals and to put the act successfully to work on behalf of the farmers.

I am simply giving the Senator, not my opinion about it—I have not sufficient knowledge of the subject to give one—but it was claimed, and I think the Senator's colleague so understood it, that this entire fund was back of that work. They yielded to our demand that it should be done, and we obtained \$125,000 more from them than they had given originally. Finally the Senator from South Carolina and I simply said to the Senator from North Dakota, "We are ready to follow you."

Mr. McCUMBER. The Senator is too much of a logician to have ever accepted that as an excuse. The Senator would do an injustice to his own acumen as an attorney if he believed for a single moment that any such authority was given under any other provision of this bill.

Mr. GRONNA. Mr. President—

Mr. McCUMBER. And the Senator certainly will agree with me that when those who are opposing this bill say that they are willing to have supervisors and have supervision, but they do not want to have them called "supervisors" and do not want to give them any direct authority of supervision, they are not acting in good faith. The Senator does not believe they are acting in good faith.

Mr. GRONNA. Mr. President—

Mr. SMITH of Georgia. In reply to the Senator I will state that my own preference would have been to designate their duties in the bill. I have just absorbed that from the Senator from North Dakota, who is on the floor; but I do believe that the bill as it is framed is broad enough to let the Secretary of Agriculture do this work fully, although I do not think it is compulsory.

Mr. McCUMBER. Then why not say so, if it is broad enough and they all intend that he should do it? Why not say so in the bill? Why not make it compulsory?

Mr. SMITH of Georgia. I can not answer that question.

Mr. McCUMBER. No one else can answer it.

Mr. SMITH of Georgia. But I do believe that the bill gives him the authority. It does not compel him to do it in the way the Senator from North Dakota originally had the bill.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I yield for a moment.

Mr. GRONNA. I want to substantiate what the Senator from Georgia has said. The Senator from Georgia and the Senator from South Carolina were most cordial to me, and said exactly what the Senator has just now stated—that they were willing to listen to what the representatives from the grain States had to say. Now, if my colleague will let me read the provision—I think it ought to go into the Record—I will read the language proposed by the department under which they claim they have authority to do this work.

Mr. McCUMBER. Is that section 12?

Mr. GRONNA. Section 12.

Mr. McCUMBER. I was just going to read it.

Mr. GRONNA (reading)—

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including such rent and the employment of such persons—

Now, that was simply added at the request of the department—

and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.

Mr. McCUMBER. Mr. President, I told my colleague that I would demonstrate to him in a moment that there was nothing whatever in that claim. Now, let us get the true meaning of section 12:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, which shall be available until expended—

Now, bear in mind—

for the expenses of carrying into effect the provisions of this act,—

Not for the purpose of carrying into effect provisions that are not in this act, but for the purpose of carrying into effect the provisions that are in the act—

including—

Now, this is inclusive—

such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.

For what?

For the expenses of carrying into effect the provisions of this act.

And no court on the face of the earth will construe that section to mean that the means and the persons employed are for



the purpose of carrying into effect something that the Secretary of Agriculture may have in his mind, but which is kept studiously out of the bill for fear he will use it for that purpose.

Mr. GRONNA and Mr. SMITH of Georgia addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Just as soon as my colleague is through.

Mr. GRONNA. We were told, however, that the solicitor of the Department of Agriculture held that this would give the Secretary of Agriculture the power to employ these men and to see that supervision was properly enforced.

Mr. McCUMBER. All of this \$250,000, which is available until expended, is available for the expenses of carrying into effect the provisions of this act and nothing else; and if there is no provision in the act for supervising and supervisors, then these expenses can not be used for supervising or supervisors.

Mr. SMITH of Georgia. Now, Mr. President, if the Senator will allow me—

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. I wish to call his attention to the other provisions under which I have no doubt the Secretary of Agriculture has the power to do all that the Senator would require him to do, and more.

Section 6 provides for inspection, and provides for appeal.

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. It provides for reinspection and appeal—

In accordance with the laws, rules, or regulations in force or provided at the place of inspection, with a further right of appeal from any final decision rendered under such laws, rules, or regulations, to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade.

There is an elaborate provision for appeals, for inspection, for reinspection, and for rules and regulations to be established by the Secretary of Agriculture on that subject.

Now, section 7 provides that the Secretary of Agriculture may issue licenses; he may cancel licenses; he is to cancel them if the persons prove to be incompetent; he is to investigate their competency; he is to cancel their licenses if they are incompetent, as I said a moment ago; and he is also to make rules and regulations prescribing the manner and mode of conducting this work. All through section 7 goes the provision with reference to the supervisory duties of the Secretary of Agriculture over these inspectors.

Mr. McCUMBER. No; I beg the Senator's pardon. Section 7 provides for appeals, not supervision.

Mr. SMITH of Georgia. No; section 7 gives supervisory authority over inspectors. Section 6 gives supervisory authority over the finding of the grade. Section 6 covers supervisory authority touching the question of appeal, and section 7 covers supervisory authority over the inspectors. Now, he is authorized to fix the rules and regulations, and to employ such men as are necessary to carry out these two duties.

I have not a question that the Secretary of Agriculture can and should, under those two sections, supervise the grading and supervise the conduct of the inspectors that do the grading. I do not see how he can determine the efficiency of an inspector or subsequently find the inefficiency of an inspector unless his force are looking into the facts for him. He must have the facts in order to act.

I frankly felt, as did the Senator's colleague, that while they were making a technical point upon the Senator's amendment, as they gave us \$125,000 to do the work, and put in the additional provisions that we put in section 7, giving the Secretary of Agriculture the power to prescribe rules and regulations with reference to the work of the inspectors, and to require them to come up to those rules and regulations, we got, without their formally conceding it, what the Senator's colleague was wishing to get. I, of course, may be mistaken, but I am only giving the Senator from North Dakota, who has the floor, the benefit of what I gathered as to this language and what we sought to accomplish by the additional language.

Mr. McCUMBER. Mr. President, the provision for supervision was in the bill when it left the Senate, and every one of the conferees believes it ought to be done, and that possibly it may be done under some other exceedingly questionable part of the bill; then what objection on earth could be urged against declaring it in language that no one could gainsay? What objection could there be made to the provision in the bill, which reads as follows:

It shall be the duty of the Secretary of Agriculture to appoint one or more expert grain supervisors, not exceeding 40 in number, qualified to inspect and grade grain, at each of the important grain terminals in the United States, who shall have authority to supervise the inspec-

tion of grain at the terminal to which he is assigned and whose duty shall be to secure just and fair inspection and grading, and to see that the grading is made to conform to the standards fixed and established by the Secretary of Agriculture.

That provision is clear—there is no question about the meaning of those words. They mean supervisor and supervision. Those words make supervision compulsory, and not merely optional with the Secretary.

If every one of the conferees believed that that could be done under some other provisions of the bill, then why did the conferees waste days and days in fighting for this particular provision of the bill? Why do that if the authority was given in other sections of the bill? In my judgment the other provisions do not meet it.

Mr. SMITH of Georgia. If the Senator wants an answer I will say that I think the result was that they got rid of the name and we got the substance.

Mr. McCUMBER. Why should they object to the name if they believed in the substance?

Mr. SMITH of Georgia. There was an objection that it was a limitation and a specification of duty when the broad authority was in the bill to perform the duty under rules and regulations which the Secretary of Agriculture might prescribe; and I think we have obtained that.

Mr. McCUMBER. I think my colleague gave a better answer than that when he said that the objection is that if we secured real supervision it would be the first step toward getting final inspection, and that the opponents to the provision declared that they did not want supervision at all because it would reach toward that end—Federal inspection.

Now, here are two conferees, my colleague on the one hand asserting the real intent of those opposed to a clear enunciation of the provisions he sought to retain in the bill fear that it would lead to Federal inspection, and the Senator from Georgia giving his view that some other things influenced them.

Mr. SMITH of Georgia. Just let me reply in a word, as the Senator has addressed me.

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. The Senator's colleague was in conference with the two representatives of grain States from the other House more closely and much more fully than I was. He really knows much that was said that I do not know; and I will accept his version as being more accurate than mine, mine being rather conjecture and his perhaps due to more accurate knowledge.

Mr. SMITH of South Carolina. If the Senator from North Dakota will allow me as to that particular point I will say I was impressed with it and I am impressed with the argument that was brought forth by the Members of the House. In the first place, we had standardization. That was what we contended for and it was provided for in the bill that we should have standardization and the standard should be promulgated. Next you have inspection. After the standards were adopted and fixed they provided a system by which the grain should be inspected. The next was the contention of the Senate that there should be supervisors to see that the inspection should be in accordance with the standards. When it came down to specifying and putting it in concrete form, as I understood the conferees on the part of the House, their contention was that the Secretary of Agriculture knowing the desire of the public at large to have a fair standardization and a fair and just method of dealing with those who sold and bought the grain, he should have a right not to say that there should be 40 inspectors or 100 inspectors or 5 inspectors, but he should have a right to promulgate certain rules and regulations, under other provisions of the bill which gave him the power to inspect, the power to determine; in fact, it made him a court of appeals.

Then he should have the power to devise such ways and means and rules and regulations as in his judgment were best qualified to carry out the intent and purpose of the bill, not to take 40 inspectors, but if the provision was sufficient from time to time to take 200 and send them out to see that the provisions of the bill were put into effect as it was the intent and purpose of those who had framed it.

Mr. McCUMBER. Mr. President, it so happened that we had this bill before the Senate before it went to the conferees. My amendment, in the first instance, was unlimited as to the number of supervisors. It simply provided that there should be one or more inspectors at the principal grain terminals in the United States. There was some fear on the other side of the Chamber that it might authorize too many, and so a limit was fixed by a suggestion on the other side. The limit, fixed at 40, I am certain, is far beyond what would be necessary, but if the conferees desired to have better supervision and they felt that

it should have been unlimited, it would have been the simplest thing in the world to have just struck out the words and agreed to the provision after striking out the words "not exceeding 40 in number." That would not have been a difficult proposition if that was the real objection. But back of it is another objection that every man in the Senate of the United States understands, noninterference with the real powers of the grain exchanges.

Mr. SMITH of South Carolina. Mr. President, I do not know anything about a sinister motive that may have actuated any lobbyist here, and through him any Member of the House or the Senate. I am glad to say that since I have been in the Senate I have never been approached by one of these alleged lobbyists. He has either paid me the compliment of being honest or has disregarded what influences I may have in the Senate. In either case I am much obliged.

But I want to call the Senator's attention to the fact that my interpretation of the bill is that the Secretary of Agriculture now has the power to appoint any number of inspectors who may be necessary, in his judgment, to do the identical work that the Senator seeks to name specifically, without committing us to an unlimited number of specified employees, classified, put on the roll, and whom we will never get rid of even though the case does not justify their appointment. If he is the proper kind of Secretary of Agriculture he will see that both parties to the contract get a square deal—I mean the supervisors—the men who are to see that those who are selected for the purpose of inspecting the grain shall do their duty. Under the liberal provisions of the bill he can appoint any number he pleases, send them where he pleases, and formulate such rules and regulations as in his judgment will amply fill the requirements.

Mr. McCUMBER. The Secretary, unless he absolutely disobeys this law, has no authority whatever for the appointment of supervisors. Authority for the appointment of inspectors is given and the methods by which the inspection shall be done. In addition to that a standardization is fixed and appointments may be made for the purpose of determining what the standard shall be and what shall be the character or quality of any particular standard.

The department has all the necessary assistants for that purpose, but until you give the department the authority for supervision the Secretary of Agriculture can not appoint supervisors without disobeying the law. I have no fear at all but what the Secretary of Agriculture will appoint all the agents who are necessary to carry into effect any of the provisions of the bill; he has full authority to do that; but I deny that he will go outside of the bill and take upon the department other functions and duties not provided in the bill and appoint supervisors to carry out what he may have in his mind when there is not a syllable of such authority in the bill itself.

Mr. SMITH of South Carolina. Will the Senator allow me?

Mr. McCUMBER. I yield.

Mr. SMITH of South Carolina. Let us analyze that for just a minute. You have provided for grain standards. That is in the bill. You have provided for inspection. For what purpose? To see that grain bought and sold shall be in accord with your standard. Those are the aims and objects of the bill—standardization and inspection according to standardization. Those are the means, those are the objects clearly set forth. They are the heart, they are the soul of the bill. Section 12 empowers the Secretary of Agriculture to put into operation or to call into existence temporarily or permanently, as he may see fit, the means to see that the standardization shall be observed in the inspection where grain is bought and sold. It does not say to him how many he shall have or what rules he shall make.

Just one word further. The Senator from Georgia [Mr. SMITH] calls my attention to the fact that it goes further, and says that when he shall discover that some inspector or all the ex-inspectors have not done their duty, have not graded the grain according to law and according to the standard, he may remove them. We do not prescribe how he shall detect that; we do not say what method he shall employ.

The Secretary of Agriculture must supervise and see that this thing is carried out according to the provisions of the bill; and I am of the opinion now that the form in which the bill is, when put into practical working, will go further to meet the requirements that the Senator desires than even his proposition.

Now, I am just as zealous as the Senator is. I have suffered just as much from the incorrect grading of cotton as he ever suffered from the improper grading of grain. I insisted that the department should establish the standard and fix a penalty so that if a man graded my cotton or set forth that it was of a certain grade and I, by referring it to the proper authorities,

found that he had misgraded it and then caused me a loss, would have redress.

I do not want any man, an agent of the Government or anybody, to send men down to my platform to inspect my cotton or send one to Wilmington. I want to fix a standard and to fix a penalty, and then let me, knowing the grain, have a right to say "I believe you have not given me the proper grade, and if you have not you shall suffer the penalty."

Mr. McCUMBER. The Senator's conclusion is based upon two errors. First, an error concerning the provisions of the bill itself; second, a lack of seeming comprehension of the magnitude of the grain business and the method of doing that business. Referring to the first error the Senator says that the department appoints inspectors. The department appoints no inspectors; it employs no inspectors. The grain buyers, or the system, as I may call it, do the employing. It is the system that handles the grain at the great terminals and the Secretary will simply grant licenses to their employees. Now, they are not the employees of the Government. They are not under the control of the Government except to the extent that the Government may revoke their licenses.

Now, as to the magnitude of the business. Does the Senator comprehend the fact that there would be between 75,000 and 100,000 reinspections in three or four months in one terminal? That reinspection is always an appeal. That reinspection is not done through Government employees. The reinspection is done under the present system. It would be an impossibility for the Government to check over all those reinspections, leaving out altogether the question of appeals from the reinspection. The magnitude of the business is so great that the Government could not attempt to regulate it all, to exercise control, and to supervise it through the instrumentality of an appeal. You might just as well say that the appellate court has supervision over all the activities of other courts because it has the power to reverse a decision of a lower court.

Now, remember that these decisions run into the hundreds of thousands in our great terminal markets, and we need one or two inspectors, at least, during the busy season who could give instruction, not simply decide upon an appeal, but to give instruction to the several inspectors and tell them how to do this work and give them the opportunity to view their own methods of inspecting and grading. That is the function of the supervisor—one who can check over the work of an inspector, and if he finds that one or more of the inspectors is simply inefficient call him to task and instruct him how to do his work aright. That is what we need at the several terminals. It is not ordinarily a matter of dishonesty on the part of these inspectors, but under the present system it is a matter of resolving every doubt in favor of the employer, and that is one of the things that we wish to get rid of. We want both efficiency and freedom from influence. To secure that end we need these supervisors.

Mr. SMITH of South Carolina. Let me ask the Senator this: Under the provisions of the bill, why could not and why would not the Secretary of Agriculture, knowing through the proper officials the condition that the Senator has just stated, send competent persons to do the very thing that the Senator has in mind under the provision of section 12 and the preceding provisions of the bill, using those means to carry them out, to send any number there, to start them off right, to get them moving? Then when complaints come in he would have the proper persons go to supervise this work. If it should appear that the man whom they send is absolutely corrupt and is not doing his duty they would revoke his license.

Mr. McCUMBER. Let me answer, first, in reference to section 12. There is no authority whatever given under section 12, which is the appropriation part, except that the appropriation shall be used to carry out the provisions of the bill. The Senator will have to look elsewhere for a provision that would give the power of supervision.

Mr. SMITH of South Carolina. I thought that the bill gave the authority, and that section 12 furnished the means for carrying that authority into effect.

Mr. McCUMBER. If the Senator thinks that section 12 gives the authority, what objection on earth would there be to saying so in clear, unequivocal words?

Mr. SMITH of South Carolina. I think the section does say so, but I do not think it says these men shall be supervisors; I do not think it says that these men shall be 20 in number or not to exceed 30 or 40; but take the entire spirit of that section and incorporate it in a liberal, flexible, workable manner, and the Secretary of Agriculture could adapt it to any exigencies that might arise.

Mr. McCUMBER. I have looked in vain to find the section which gives that authority.



Mr. GRONNA. Mr. President—  
The VICE PRESIDENT. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I yield.

Mr. GRONNA. I want to call my colleague's attention to section 6, in which he will find that provision is specifically made for an appeal board, although it does not create an appeal board. As my colleague knows, I introduced an amendment on the floor of the Senate, and the Senate was kind enough to adopt it, which provided in specific terms for an appeal board. The House Members of the conference did not think it was necessary to provide for this board by name. So we inserted in section 6 a provision which authorizes the Secretary of Agriculture to have a person at any of the grain centers, and the appeal must be taken, not to the appeal board of the State nor of the chambers of commerce, but directly to the Secretary of Agriculture. I want to read that provision.

Mr. McCUMBER. I have read it, I will say to my colleague.

Mr. GRONNA. It is very brief.

Mr. McCUMBER. I do not question the right of appeal.

Mr. GRONNA. There is an amendment inserted here, and I do not know whether or not my colleague has read that.

Mr. McCUMBER. I have just read it.

Mr. GRONNA. Section 6 provides:

SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, which has been shipped or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspector of any grain in fact conforms to the standard of the specified grade, any interested party may call for reinspection or appeal the question in accordance with the laws, rules, or regulations in by such inspector of any such grain in fact conforms to the standard of appeal from any final decision rendered under such laws, rules, or regulations, to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made—

And so forth.

That gives the Secretary of Agriculture specific authority to investigate the matter whenever an appeal shall be taken. It may be done either with or without reinspection. That is calling for a reinspection.

Mr. McCUMBER. Mr. President, that provides simply for an appeal. The appeal may be direct or the appeal may be after there has been an effort to have the reinspection; the appeal may be from the reinspection certificate or it may be from the first inspection; but that does not meet the proposition at all. A mere power of appeal, while it may be said in a sense to be supervisory, only supervises the identical thing appealed from. It does not supervise all of the inspections over the entire country any more than the Supreme Court of the United States supervises all of the courts throughout the United States.

Mr. GRONNA. But if my colleague will allow me, this takes it entirely out of the hands of the local inspection board; and the appeal is to be taken direct to the Secretary of Agriculture instead of taking it to the board of a State or of a chamber of commerce or of a board of trade.

Mr. McCUMBER. Yes, Mr. President; but my colleague will recognize that the number of cases in which appeals will be taken to the Secretary of Agriculture out of the hundreds and hundreds of thousands of cases where there is dissatisfaction, will be a mere bagatelle; that it will not affect the great mass of purchases and sales by grades; that the average person would rather lose a few dollars, or even a few hundred dollars, than to go to the trouble of appealing every case in which he felt that he was not receiving justice. The appeal method provided will only give the authority to a very few who are willing to pay in time and in expense for such character of relief.

Mr. President, I have taken up more time than I desired; but I wish to say that I have been somewhat surprised to find that the committee of conference, all agreeing that there should be supervision, and we having placed a provision in the Senate bill for supervisors, insisting that the House is willing to grant supervision but wants to do it under some kind of hazy, uncertain language, surrenders the real thing for which we have been contending for something that is exceedingly doubtful. I can not understand why they surrender what they believe we ought to have.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, I have not a doubt about the fact that the Secretary of Agriculture has power of supervision under this bill, and that we have doubled the amount of his appropriation for that purpose by our Senate amendment. The place where I think, however, his authority stops is in the appointment of local inspectors. I do not think this bill gives him the right to appoint and to pay out of this fund men who would be stationed at a certain point and do primarily inspection work. I think the inspectors are to be licensed by him, though they are not

simply his employees, and paid by the Government. They are independent inspectors licensed by him.

But passing from that proposition, that he has the right to employ men and to watch the inspectors; that he has the right to employ men to see what they are doing; that he can go through his employees and get the information upon which he will base his action in the removal of inspectors, and upon which he will provide information for appeals, upon which he would designate men to act on appeals. He may do all these things under this bill, and I have not any doubt about that as a lawyer. This certainly constitutes supervision, and no matter what the men the Secretary employs may be called, they will many of them really be supervisors.

Mr. McCUMBER. Then he can do it, Mr. President, without saying so in the bill. If he can do it without saying so in the bill, I can not see the objection to granting the authority in clear, decisive language.

Mr. SMITH of Georgia. Mr. President, the power is given to him through the duty that is placed on him. The duty is placed on him to pass upon the qualifications of these inspectors. How can he pass upon the qualifications of the inspectors without having his representatives about the inspectors to investigate their conduct and to inform him as to their qualifications? The power is given him through the duty that is placed upon him to take appeals from their action. He must have proper men to act as an appellate board; he must obtain the information for that board; and how can he do these things without watching the work of the inspectors, studying what they do, having information about what they do? That is supervision. I think, without using the word, we have fully given him the authority and placed upon him the duty of supervision, and we have given him the money to hire the men to help him. We have not, however—and I do not believe he could do so under this bill—authorized him to name the local inspectors, who would primarily pass upon the grades and pay them out of the funds appropriated. I think he has not been given that power. The primary duty of passing between the purchaser and the seller does not fall on him; that is left to an inspector; but after that the capacity of that inspector, the fidelity of that inspector, the honesty of that inspector, and the work of that inspector are all subject to his supervision; and, as he must be in Washington, his supervisors, call them what you please—his representatives—must have an eye on the inspectors all over the country, finding out whether they are competent, giving the Secretary the information to remove them if they are incompetent, providing for appeals, giving information to the appellate board, and carrying the arm of the Department of Agriculture throughout the grain sections to see that justice is done to all, and especially to the farmers.

Mr. McCUMBER. Mr. President, it would bankrupt the Government if we tried to carry out all that the Senator from Georgia imagines can be done under this bill.

Mr. GRONNA. Mr. President, will the Senator from North Dakota allow me to ask the Senator from Georgia a question?

Mr. McCUMBER. Certainly.

Mr. GRONNA. I desire to ask the Senator from Georgia if it is not true that there is no specific language used in the bill authorizing the Secretary of Agriculture to appoint an appeal board any more than to appoint supervisors?

Mr. SMITH of Georgia. That is entirely true.

Mr. GRONNA. And yet we say in this bill that the matter shall be referred to the Secretary of Agriculture. Of course, the Secretary himself can not be at all these points, but it was said by the representatives of the Agricultural Department and by Members of the other House that there was ample authority for the Secretary of Agriculture to appoint the men who would act as members of the appeal board.

Mr. SMITH of Georgia. When the Senator from North Dakota, who has the floor, first began to criticize the bill I was a little afraid that his colleague might not have obtained all that he believed he was obtaining, but as I studied the measure I felt perfectly sure that the bill was properly satisfactory and that in following our colleague from North Dakota on the committee we accomplished what he desired.

Mr. McCUMBER. Well, Mr. Mr. President, I confess I fail to see the force of the argument that merely granting a certificate to an inspector employed by a grain buyer gives the Government, thereby and through that instrumentality, the right to exercise supervision over all of the work that will be done by that inspector. On the contrary, Mr. President, the inspector is employed by the grain buyer. If he does not suit that grain buyer he may be discharged and another inspector may be employed. All the duty the Government has is to know that the inspector has the qualifications to inspect. That is not sufficient. We want to know that at all times he will be straight and honest and fair, and that if he has doubts they

will not always be resolved in favor of his employer as against the ultimate consumer, the miller, or as against the producer of the grain.

That might be obtained by an efficient supervision on the part of the Government. It can never be obtained through the mere processes of appeal and discharge if it is found that an inspector is, to use an expression of the street, naturally crooked.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question.

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. Does he not think that the duty to pass upon the continuing fitness of an inspector and the right to discharge him involves the duty of investigating his conduct, and is not that investigation of his conduct supervision of his conduct?

Mr. McCUMBER. Yes; Mr. President, if you appointed one supervisor for every inspector that would be true, but this bill contemplates nothing of that kind, and if you are going to have every inspector all over the United States watched you might as well employ Government inspectors and have them do the inspecting in the first instance. It would be an impossibility to supervise their work in that respect, an impossibility to compass the entire transactions in the grain through the Agricultural Department.

Mr. President, I wish only to secure an effective grain-grading bill. I want to get rid of some of the injustices which have beset the grain States in the past. I want to secure not only for the producer, but also for the ultimate consumer, a degree of justice. I know as well as anyone can know that it is an impossibility to grade all kinds of grain at all times with mathematical accuracy. We can merely approach accuracy, and that is what we seek to do to such an extent that the buyer of grain will know when he purchases a certain grade that he is going to get the grade he purchases; that the country elevator and the man who buys wheat from the farmer, knowing the Government standard and his own capability of applying that standard to the grain which he buys, will have confidence that when the grain is sent to the terminal he will receive the same grade that he paid for in the first instance. That is all that is sought for by the farmer or by the ultimate consumer.

I want to read just two or three paragraphs from the testimony that was taken with reference to the purchasing of grain. I will quote from the testimony of Mr. Greely, taken by the Senate Committee on Agriculture in the hearing of the question of Federal inspection of grain. Mr. Greely for 17 years had been a grain buyer and member of a board of trade, and, speaking of the condition at his market—and I will not mention the city—he says:

There is not a grain man in the world familiar with this market who will buy a public warehouse grain receipt and remove that grain from storage under any circumstances without absolute knowledge of the grain he is going to get from that elevator. The standards of the public warehouse receipts are in disrepute simply on account of this system and the inspection department, which places the whole value on those receipts.

Then, further on, he says:

I have handled tens of thousands of cars in the board of trade. I have stood in front of one sample table for 17 years as a handler of grain. I have sampled hundreds of thousands of carloads on the floor and noted the inspection, and I am free to admit that there is not a grain merchant of standing who is not either friendly to or affiliated with this organization—the organization of the great grain buyers—who will state either under oath or otherwise that a public warehouse receipt, under the management of this public elevator trust and the State inspection department, is worthy of the respect of any man in the trade.

Again, he says finally:

Why, sir, no man ever thinks of buying grain out of a public elevator, or taking grain out of almost any place, unless he has one of his private representatives, at his own expense, come up there and pay the bill, and have the grain examined before it is loaded into the car or boat. We all have private examiners and inspectors to watch the grain. We have to be on our guard at every moment. There is nothing about an inspection certificate in this city but a huge joke.

Mr. President, we have been struggling for years to get rid of that condition. We had some promise of it in this bill as it left the Senate chamber. That promise, in my judgment, has been surrendered by the Senate conferees.

Mr. President, heretofore there has been this method of defeating this bill: The great grain interests would send their lobbyists here to the Capitol and would flood the Capitol with telegrams directed to their Members protesting against the passage of legislation for Federal standardization, grading, and inspecting. The farmer element from the particular States interested were sleeping the sleep of innocence, assuming that if they were right, of course, the Congress of the United States would listen to their appeals. Through their legislatures they passed resolutions setting forth the injustices that were done

them at the great terminals and asking that we recognize the fact that their own States had no control over the terminals, and therefore they appealed to the only sovereign power that was capable of giving them redress—the Congress of the United States.

So far the Congress has been deaf to their cries for assistance, until the farmers themselves in my State and in other States have been forced to take drastic measures. They asked for Federal supervision of the grain trade. The Congress of the United States denied it. They asked for Federal standardization. The Congress denied it. They asked for Federal inspection. The Congress denied it. They presented to the Congress of the United States the fact that they, being compelled to sell their product in another State, had no control, by legislation or otherwise, of the rules which govern the selling of that product. Still the ears of Congress were deaf to that cry. So in my own State, exasperated beyond endurance, they asked for an amendment to the constitution of the State of North Dakota which would allow the State to purchase or erect an elevator at the great terminals and be able to handle their own grain, and escape, if possible, some of the injustices they suffered at the hands of this great grain system.

The State having failed to pass the necessary legislation, there followed a great farm organization in the State of North Dakota. That organization nominated its own men in the great political parties, and with an overwhelming majority it succeeded in electing at the primaries those men whom it had chosen to carry out its views. It may be that some may regard their purposes as radical, but here are some of the things that they are demanding, and they are things that they will carry out before they get through:

The first is a terminal elevator or elevators in which they will handle their own grain by their own State in a foreign State.

Secondly, they are determined now to provide for State packing plants.

Third, they are determined to have State insurance.

Fourth, they are determined to have a system of rural credits.

That element, which was initiated in the State of North Dakota, is not going to stop its operations. Minnesota will feel it. South Dakota will feel its influence, and these grain elevators and this great grain system that have so persistently defied the honest demands of the farming element for honest grading and honest inspection have been cutting their own throats. There is scarcely a single little town in my State to-day where there is a farmers' elevator that is not receiving the great bulk of the trade, in competition with the old-line companies. It is an expression of resentment toward these companies because of their persistent battle against what the farming public was demanding.

It may be that they will receive no greater benefit, because at the terminal they will still be at the mercy of the inspecting service there, and if that is unjust they will still be compelled to suffer those injustices, notwithstanding their efforts. I am seeking to assist them as much as I can in securing honest standards by securing a Government supervision that will insure confidence in every certificate that is being issued.

Why should the Senate of the United States deny them that right? Why should you be so persistent in refusing to put into your bill a sentence that will have meaning, and which will carry home to the farmers of my State a conviction that you mean what you say, and you say it in a manner that is clear and definite.

Every interest in the United States that is opposing the just demands of the rural population of this country will be called to account in the very near future. If the farmers can not secure justice in the only forum that will reach beyond State borders, they must necessarily take all matters into their own hands and govern all State legislation. They do not ask for anything that is unfair. They do not ask for the enactment of any wild or radical theories. Give them straight, fair justice, and they will go on with their labors with patience without attempting to interfere with other lines of business. But I say, Mr. President, that they have been calling in vain for any real beneficial legislation.

Why, in my own State they have read over your rural-credits bill. They are not blind to the fact that it is topheavy, expensive, complex, and that it will never give them the character of relief that they seek. So to-day they are seeking to secure real beneficial legislation through State instrumentalities. There is no reason in the world why the State should duplicate the efforts of the Government. There is no reason why there should be governmental control and State control over rural credits—a governmental system and also a State system. If the governmental system is made simple and easy of operation, if it is made effective, there will be no necessity for any State legislation



upon the subject. But when they asked for bread you gave them a stone; when they asked for a rural-credits bill you gave them a mighty system, designed mainly to afford remunerative positions for deserving politicians. They have therefore been compelled to seek, through their own legislatures, the relief that they hoped would be Nation-wide.

Mr. President, this bill will not give the relief demanded by both farmers and millers. It is a step in the right direction. It fails, however, to accomplish a real reform and it fails because the Senate committee of conference has surrendered the most important provision in that portion of the bill relating to grain grading and inspection.

For that reason I shall vote, and shall hope, that the matter may be sent back for further conference.

Mr. GRONNA. Mr. President, I do not wish to delay taking a vote on the adoption of the conference report. Speaking for myself I reserved the right in the committee to vote to send the bill back to conference on this item numbered 167. My colleague has explained his grain bill so often on the floor of the Senate that it is unnecessary for me to go into it in detail.

Mr. President, the grain-grading act embodied in this appropriation bill is not such an act as I should like to have. There were provisions in the bill when it passed the Senate which I believed were essential. Some of them were offered by me, and the Senate was kind enough to adopt them; one in particular, providing for an appeal board. It was impossible for me, Mr. President, to convince the House members of the committee of conference that this language should remain in the bill, because they claimed that it is provided for in section 12 and in section 6 of the bill. It was claimed by the friends of the measure and also by the Department of Agriculture that the Secretary of Agriculture has ample authority to appoint not only the supervisors but the members of the appeal board. So, Mr. President, standing alone—with the exception of the support of the Senator from Georgia and the Senator from South Carolina, who said they would be glad to vote with me—it was the best we could do.

There are provisions in this bill, Mr. President, which are just as essential and just as important to the grain trade and to the producers of grain as the provision offered by my colleague. Some of them, although not all of them, are in this bill.

This is not a bill providing for Federal inspection at all. It is a bill providing for standardization and providing for Federal supervision, and for a Federal appeal board, although it does not say so in specific terms. My colleague says that the members of the committee of conference have surrendered. I am sorry that my colleague is not in the Chamber. I was about to ask him this question: I believe every Senator here knows that the Department of Agriculture is opposed to Federal inspection. Now, then, if that is true—if the department is opposed to Federal inspection—is it not reasonable to believe that if the amendment proposed by my colleague had remained in the bill, it would not have been carried out so far as it relates to inspection any more than it will be carried out under the provisions of the bill as it now is?

Mr. President, human nature is human nature. The men who would be appointed by the Secretary of Agriculture would be human beings and they would come in contact with those engaged in the grain business. I agree with my colleague that they should not be under the influence of the grain trade, and, perhaps, that would be eliminated if they were appointed and paid by the Federal Government; but it is also reasonable to believe that we can find honest men within the borders of our own State. I am not so sure, Mr. President, that the Department of Agriculture is a better friend of the farmer than of the millers of this country.

I do not wish to reflect upon anyone in the employment of the Department of Agriculture.

They are evidently doing what they believe to be right, and I am sure they are honest men; but they would be subject to the same influence that the men engaged in the business under State inspection are subject to.

The language offered by my colleague, providing for not more than 40 supervisors, would not give our farmers Federal inspection. The language offered by my colleague does not provide for Federal inspection. It provides that they shall possess knowledge and be capable of inspecting and grading grain and that they shall supervise the inspection.

I had to yield on some of the amendments which I had offered and which I believed were fundamental to the bill. One of them was the appeal board to which I have referred. There are many amendments in this bill which are important and which are vital to the grain trade. Under the provision of the bill as it passed the House, a carload of grain could not be started from the point of shipment, if bought or sold by grade, unless the grain was inspected by a licensed inspector.

That language was changed, Mr. President. We are permitted now under the provisions of the bill as it has been agreed by the conferees that any grain, whether it has been bought by grade or not, may be shipped from a point where there is no inspection to a point where there is inspection, or it may be shipped by type or by sample.

Mr. President, I was in favor of the amendment offered by my colleague. I believed, and I still believe, that we should in specific terms designate what these men should do and what their power and duties should be; but when the Department of Agriculture says that this work can be done, and will be done, under the terms of the bill, I believe it is unfair to say that the conferees have surrendered everything that is vital and important to the farmers of the country. However, I have no objection to sending the bill back to conference.

Mr. SMITH of South Carolina. I ask for the adoption of the conference report.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on agreeing to the conference report.

Mr. GRONNA. Mr. President, I believe we ought to have a quorum here. I know my colleague is interested in this bill.

Mr. SMOOT. And I know other Senators are interested in it who are absent.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegge	Jones	Oliver	Smith, Md.
Bryan	Kenyon	Overman	Smith, S. C.
Clapp	Kern	Penrose	Smoot
Culberson	La Follette	Pittman	Sterling
Cummins	Lane	Poindexter	Swanson
Curtis	Lewis	Pomerene	Taggart
Gallinger	Lippitt	Reed	Townsend
Gronna	McCumber	Robinson	Vardaman
Hardwick	Martin, Va.	Shafroth	Wadsworth
Husting	Martine, N. J.	Sheppard	Warren
Johnson, Me.	Nelson	Sherman	Weeks
Johnson, S. Dak.	Norris	Smith, Ga.	Williams

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present. The question is on agreeing to the conference report.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of Georgia. The further conference I understand will be with respect to but one item in the bill.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the conference report.

The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). In the absence of the Senator from Montana [Mr. WALSH], with whom I have a pair, I withhold my vote.

Mr. OLIVER (when his name was called). Has the senior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDING OFFICER. He has not.

Mr. OLIVER. I have a pair with that Senator and withhold my vote.

Mr. STONE (when his name was called). I am paired with the senior Senator from Wyoming [Mr. CLARK]. I do not see him in the Senate; I do not know how he would vote; and I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS], who is absent, and I therefore withhold my vote.

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I transfer my pair with that Senator to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

I wish to announce that my colleague [Mr. WALSH] is necessarily absent from the city and is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. POMERENE. The junior Senator from Delaware [Mr. SAULSBURY] is unavoidably detained from the Chamber. He is paired with the Senator from Rhode Island [Mr. COLT].

Mr. REED. Transferring my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK], I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 34, nays 25, as follows:

## YEAS—34.

Bankhead	Johnson, Me.	Robinson	Smith, S. C.
Bryan	Lewis	Shafroth	Swanson
Clapp	Martin, Va.	Shepard	Thompson
Culberson	Nelson	Sherman	Tillman
Fletcher	Overman	Shields	Vardaman
Gallinger	Page	Simmons	Weeks
Hardwick	Phelan	Smith, Ariz.	Williams
Hughes	Pomerene	Smith, Ga.	
James	Reed	Smith, Md.	

## NAYS—25.

Ashurst	Husting	Lodge	Smoot
Borah	Johnson, S. Dak.	McCumber	Sterling
Brandegee	Jones	Martine, N. J.	Taggart
Cummins	Kenyon	Myers	Townsend
Curtis	La Follette	Norris	
Dillingham	Lane	Penrose	
Gronna	Lee, Md.	Polindexter	

## NOT VOTING—36.

Beckham	du Pont	Lippitt	Smith, Mich.
Brady	Fall	McLean	Stone
Broussard	Goff	Newlands	Sutherland
Catron	Gore	O'Gorman	Thomas
Chamberlain	Harding	Oliver	Underwood
Chilton	Hitchcock	Owen	Wadsworth
Clark, Wyo.	Hollis	Pittman	Walsh
Clarke, Ark.	Kern	Ransdell	Warren
Colt	Lea, Tenn.	Saulsbury	Works

So the conference report was agreed to.

Mr. SMITH of South Carolina. I move that the Senate further insist upon its amendments numbered 50, 54, 112, and 223.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. REED. One moment.

Mr. SMITH of South Carolina. It refers to the Appalachian amendment, that is all. The amendments after amendment numbered 50 refer to a change in the totals of the appropriations, carrying the amendment out.

Mr. REED. I do not want to prolong the debate, but may I ask what there is in disagreement which makes it necessary to send the report back?

Mr. SMITH of South Carolina. It is sent back because the House will take a separate vote on the item.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

The motion was agreed to.

## CHILD LABOR.

Mr. ROBINSON. I ask the Senate to resume the consideration of House bill 8234.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is House bill 8234.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

Mr. ROBINSON. I ask that the Secretary may read the bill.

The PRESIDING OFFICER. It will be read.

The SECRETARY. The Committee on Interstate Commerce proposes to strike out all the House text after the enacting clause and to insert in lieu thereof the following:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m.: *Provided*, That a prosecution and conviction of a defendant in the shipment or delivery for shipment of any article or commodity under

the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

Sec. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

Sec. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

Sec. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties in such cases herein provided: *Provided*, That nothing in this act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

Sec. 5. That any person who violates any of the provisions of section 1 of this act, or who refuses or obstructs entry or inspection authorized by section 3 of this act, shall, for each offense prior to the first conviction of such person under the provisions of this act, be punished by a fine of not more than \$200, and shall for each offense subsequent to such conviction be punished by a fine of not more than \$1,000, nor less than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be prosecuted under the provisions of this act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within 30 days prior to their removal therefrom no children under the age of 16 years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment, in which within 30 days prior to the removal of such goods therefrom no children under the age of 14 years were employed or permitted to work, nor children between the ages of 14 years and 16 years employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.; and in such event, if the guaranty contains any false statement of a material fact, the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: *And provided further*, That no producer, manufacturer, or dealer shall be prosecuted under this act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, if the only employment therein, within 30 days prior to the removal of such product therefrom, of a child under the age of 16 years has been that of a child as to whom the producer or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, and by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by this act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this act, shall have the same force and effect as a certificate herein provided for.

Sec. 6. That the word "person" as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term "ship or deliver for shipment in interstate or foreign commerce" as used in this act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory, or district of manufacture or production.

Sec. 7. That this act shall take effect from and after one year from the date of its passage.

Mr. ROBINSON. Mr. President, in discussing this bill it is not my purpose to attempt to exhaust the subject, but rather to present some matters which from my viewpoint may be of practical assistance to Senators in determining the issues as they are now presented to the Senate. Believing that it will facilitate the business of the Senate and the passage of the bill, I prefer not to yield to interruptions for controversial purposes. I shall, of course, be glad to be interrupted by any Senator to whom I have not made or to whom I am not making my position clear. I believe that as to controversial colloquies it is fairer to the Senate and a better form of procedure that Senators should present their own views in their own time. If I am permitted to proceed in this order I shall very nearly be able to conclude my remarks this afternoon before the hour for recess arrives.

The Senate Committee on Interstate Commerce has reported to the Senate an amendment to the House bill in the nature of a substitute. In the course of such remarks as I shall make, an effort will be made to explain the provisions of the Senate substitute and to compare it with the House bill before proceeding



with the broader issues relating to the policy and the constitutionality of Federal child-labor legislation.

Some of the differences between the bill as reported by the Senate committee and the bill as passed by the House are important, and invite careful consideration. The first difference to which I call your attention is that while the House bill seeks to exclude from interstate commerce the products of mines, quarries, canneries, workshops, and factories and other manufacturing establishments into which child labor, proscribed and deemed objectionable by both bills, has entered, the Senate bill forbids the shipment in interstate commerce of the products of any mine, quarry, cannery, workshop, factory, or other manufacturing establishment if within 30 days prior to the removal of such products from such mine, quarry, cannery, workshop, or other manufacturing establishment child labor proscribed by the bill has been employed in the producing establishment.

To express the distinction in another way, the House bill stigmatizes the particular product into which proscribed child labor has entered, while the Senate bill stigmatizes the product of the plant employing child labor. I think that is a clear statement of one of the principal differences between the Senate bill and the House bill.

The primary reason which moved the Senate committee to recommend this change in the proposed legislation is to obviate difficulties in the enforcement of the law, if the bill as passed by the other House should become a law.

The framers of the House provision recognized the practical impossibility of proving that forbidden child labor has entered into the production of a specific article without the enactment of a rule of evidence relieving in part from that difficulty, and accordingly inserted section 2, as follows:

SEC. 2. Proof of the employment within 60 days prior to the shipment of such product therefrom (first) in a mine or quarry of a child under the age of 16 years, or (second) in a mill, cannery, workshop, factory, or manufacturing establishment (a) of a child under the age of 14 years, or (b) of a child between the ages of 14 years and 16 years for more than eight hours in any one day or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m., shall be prima facie evidence that such product has been produced in whole or in part by the labor of such a child.

The necessity for any such rule of evidence does not exist if the Senate provision is agreed to. Moreover, the Senate plan seems simpler than the House plan, and the more effective to accomplish the end sought—the suppression of child labor through the exercise of the power of Congress to regulate commerce.

In communities where a Federal act may be regarded as particularly necessary, a defendant's statement that proscribed child labor has not entered into the production of the goods shipped, or sought to be shipped, will probably be accepted unless additional proof is submitted by the Government, and if such additional proof must be had it might as well be introduced in the first instance. In other words, the presumption of fact raised in section 2 of the House bill would not materially aid the Government in establishing its case where defense is made. The Senate committee therefore recommends that the prohibition be directed against the shipment of the product of a plant in which child labor has been employed, rather than against the shipment of a particular product into which child labor has entered. The Senate provision will deny the instrumentalities and channels of interstate commerce to persons engaged in a business which is shocking to the moral sense of the Nation, and which is believed to be prejudicial to its welfare. The Senate amendment in this particular is less burdensome to commerce than the House measure, is simpler and more easily enforced, and I believe it is, for these reasons, to be preferred.

2. The House bill relates only to interstate commerce, while the Senate substitute extends the prohibition to shipments in foreign commerce as well.

No reason suggests itself supporting a prohibition as to interstate commerce not equally applicable to foreign commerce. If the power to regulate commerce is to be exercised by Congress in the interest of protecting the public against such child labor as is generally regarded objectionable, the same reasons apply to the shipment of products to foreign countries as among the States, and to limit the regulation to interstate commerce would be to provide only a partial remedy.

3. The third particular in which we believe the Senate substitute is superior to the House bill is found in the fact that the House bill applies to "dealers" generally, whether in the State of production or manufacture, or in any other State, while the Senate bill limits the prohibitions and penalties, in so far as dealers are concerned, to the State of production or manufacture. To require dealers, wherever doing business, to provide themselves with the guaranties contemplated by the bill in order to obtain immunity from prosecution, seems an unreasonable bur-

den upon commerce. It seems unnecessary, and, therefore, quite undesirable, to require a dealer in California to provide himself with a guaranty from the manufacturer or producer in Illinois that objectionable child labor has not entered into the article or been employed within 30 days before its removal in order that he may safely ship the product. In this particular the bill is submitted to the Senate has been greatly improved. The Senate substitute relieves all dealers outside the State of production or manufacture from any liability whatever. It permits dealers within the State of production or manufacture to provide themselves with guaranties, and if they do so in good faith they are immune from any liability to prosecution. If the guaranty is false, the manufacturer or producer issuing it is liable to the penalties. It does not seem to me that this feature requires further argument. To state it is sufficient. The most ardent advocates of a Federal child-labor act ought not to desire to burden commerce unnecessarily or unreasonably.

4. Another particular in which the Senate substitute may be regarded as an improvement over the House bill is in the provision for the protection of producers and manufacturers who in good faith desire to obey the law. Immunity from liability to prosecution may be obtained if the manufacturer or producer has in good faith procured at the time of employing any child a certificate and in good faith relied upon it showing the child to be of a proper age. If a false certificate is made as to the age of the child, the person making it is penalized. Such certificates are to be used in such form and under such conditions and by such persons as may be prescribed by the Federal board contemplated by both the House and the Senate bill, consisting of the Attorney General, the Secretary of Commerce, and the Secretary of Labor. In any State designated by the board an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and in harmony with the Federal act, may be given the same force as the certificate provided for in the Senate substitute. The House bill contains no such provision. Producers and manufacturers who desire to obey the law ought not to be liable for its unintentional violation, which would seem to be possible under the House bill.

5. The fifth important particular in which the Senate bill is favored over the House bill is in relieving against the necessity for the manufacturer or producer procuring guaranties whenever they ship the finished product in interstate commerce that objectionable child labor has not entered into the manufactured parts which they assemble or use in manufacturing or producing the finished product. In this particular the House bill is not quite clear; but it seems possible, at least, that the manufacturer of shoes, for instance, might be required, in order to protect himself against the possibility of prosecution, to obtain guaranties from other manufacturers who have produced the soles, uppers, nails, and so forth, which entered into the finished product.

The standards as to ages at which children may properly be worked and the penalties in both bills are the same.

While it has been impossible to relieve from every vexation and annoyance which such legislation necessarily imposes upon commerce, it has been the effort in submitting the Senate substitute to minimize the embarrassments resulting to commerce without materially impairing the value or effectiveness of the legislation. While those of us who have had part in the work know that the Senate measure is not perfect, we regard it as a material improvement, fairly calculated to work out the ends and aims of those who regard uncontrolled child labor under present conditions as a national evil worthy of the attention of the Congress and fairly within its regulative power over commerce. To summarize the pending provisions reported by the Senate Committee on Interstate Commerce:

Producers, manufacturers, or dealers are forbidden by section 1 of the act to ship or attempt to ship in interstate commerce the products of a mine or quarry in which children under the age of 16 years have been employed within 30 days prior to the removal of such products from the mine or quarry; as to canneries, workshops, and factories the same prohibition applies if, within 30 days prior to the removal, children under 14 years of age have been employed or children between 14 and 16 have been employed for more than eight hours in any one day or for more than six days in any one week.

Section 2 of the Senate substitute designates the Attorney General, the Secretary of Commerce, and the Secretary of Labor a board to make and publish uniform rules and regulations for carrying out the provisions of the act, and is identical with section 3 of the House bill.

Section 3 of the Senate substitute authorizes the Secretary of Labor, or anyone authorized by him, to enter and inspect all manufacturing establishments and other places in which prod-

acts of the same are held for shipment, and this section is identical with section 4 of the House bill.

As already explained, section 2 of the House bill creating a rule of evidence is eliminated from the Senate bill, because if the Senate substitute is adopted it becomes unnecessary.

Section 4 of the Senate substitute imposes upon United States district attorneys the duty of prosecuting violations of the act upon satisfactory information, and is identical with section 5 of the House bill.

The penalties in both bills are closely analogous, being a fine of \$200 for the first offense and for every subsequent offense not more than \$1,000 nor less than \$100, or by imprisonment for not more than three months, or both such fine and imprisonment, in the discretion of the court.

As already explained, if the Senate substitute is agreed to no dealer outside the State of production or manufacture can be prosecuted, and dealers within the State may protect themselves by guaranties from the manufacturer or producer. The manufacturer or producer may likewise be protected against the unintentional employment of children under forbidden ages by certificates from such persons and under such conditions as the board may prescribe.

Having tried to explain the provisions of the pending Senate substitute, and to compare the same with the House bill, I now desire to discuss briefly some of the grounds of the necessity and justification for Federal legislation on the subject of child labor. I shall not attempt to cover fully this feature of the issue. Other Senators who will follow me are more familiar with it than I and are better able to present it to the consideration of the Senate.

It is urged by those who oppose this legislation that the entire subject is fairly within the police power of the respective States. It is said that many of the States have already passed similar legislation directed against the abuses or evils of child labor, and that wherever abuses still exist the same may be corrected by State action. In reply to this argument it may be said that no State can enter the domain of legislation delegated by the Federal Constitution to the Congress. No State can invoke or apply regulations in interstate commerce to the suppression of child-labor evils. The regulation of interstate and foreign commerce having been delegated to the Federal Government the Congress alone can deal with the subject as a national evil, in so far as it thrives by or through interstate commerce.

I do not now discuss the validity of the proposed legislation, but will take that up later. It is undoubtedly true that the States, in the exercise of the police power, can enact child-labor legislation; and it is also true that many of them have already done so. On the other hand, some of the States still have no 14-year limitation as to the labor of children in mines, quarries, canneries, workshops, and factories; and in some of the other States no adequate provision exists.

Mr. HARDWICK. Mr. President, will the Senator kindly specify the States to which he refers?

Mr. ROBINSON. I think the States of North Carolina, New Mexico, and Wyoming are particularly to be mentioned among those States. I want it to be distinctly understood that I am not reflecting upon any State, but I am making the point that all the States have not acted in the matter, while many of them have already done so.

Approximately 23 States, including the three that I have just mentioned at the request of the Senator from Georgia, have what I take the liberty of terming inadequate child-labor legislation. I do not intend by that term to invite controversy as to whether in any particular State child-labor legislation is adequate or not; but I mean as compared with the standards that are contemplated by the legislation in most of the States that have taken a progressive stand upon the subject and such standards as are formulated by the pending bill. Public sentiment has, no doubt, compelled legislation in nearly all the States, but there is quite a lack of uniformity in 23 of these States, owing in part to the fact that influential interests have controlled legislation on the subject to promote their own profits rather than to conserve child welfare.

Mr. POMERENE. Mr. President—

Mr. ROBINSON. I take pleasure in yielding to the Senator.

Mr. POMERENE. Will the Senator kindly name the States to which he refers?

Mr. ROBINSON. I have a list of the States here, but it has been published heretofore.

Mr. POMERENE. I will not trouble the Senator, then.

Mr. ROBINSON. It is contained in the report which I made on the bill.

Mr. OVERMAN. Mr. President, I did not understand that the Senator intended to say—I just want to correct what I think

some Senators did understand him to say—that North Carolina did not have a child-labor law.

Mr. ROBINSON. No; I did not say that. I said that North Carolina did not have an adequate child-labor law; and I will present another view of the conditions in North Carolina before I am through.

If Congress, under the commerce clause, can deal with the subject at all, it can compel the recognition of uniform standards throughout the country, compel the enforcement or observance of the law and thus benefit the whole public. Another evidence of the necessity for Federal legislation is seen when one realizes that in some of the States no adequate provision is made for the enforcement of existing child-labor laws. Such statutes as have been enacted are, in large part, disregarded. And I want to say to the Senator from North Carolina, without inviting controversy on the subject, that I place the State of North Carolina within that class; that according to my understanding it neither has an adequate child-labor law nor is the law that is on the statute books fairly and fully enforced for lack of proper machinery.

Thousands of children reside and work in States which have by local laws prescribed substantially the same requirements as to age and work contained in this bill. In the States mentioned above as not having a local prohibition of child labor under 14 years in factories or other manufacturing establishments, approximately 10,000 children are employed in the industries affected under the age limit contemplated by this bill.

A more detailed statement of the provisions of the laws enacted by various States is found in the hearings on this bill and in the report.

#### UNIFORMITY.

Child-labor legislation is one of the subjects generally regarded as meriting uniform legislation. The American Bar Association some years ago recommended a uniform child-labor bill for adoption by the various States, substantially in conformity to the provisions of this bill. Most of the States, as already stated, have recognized the evils existing in unrestrained child labor and have sought to suppress them by legislation. There can be no question as to public opinion concerning this measure. The people of the United States are overwhelmingly in favor of it. It passed the body at the other end of this Capitol by a practically unanimous vote, and I think it will pass the Senate with only a few votes—probably not exceeding 12—against it.

It has been said that the principal opposition to child-labor legislation comes from the Southern States, wherein are large manufacturing interests, principally cotton mills, employing child labor. Yet, with one or two notable exceptions, these States have already passed child-labor laws analogous to the pending measure, and these laws have been enacted in most instances in spite of and over the opposition of the industries and organizations employing child labor. There is no doubt serious opposition to the measure in some of these States, and that opposition will, in the course of this debate, find expression on the floor of the Senate. Of course, Senators and Representatives in Congress are presumed to be familiar with public opinion among their respective constituencies. Nevertheless, I point out to the Congress that in the States voicing their opposition to this measure in Congress Federal child-labor legislation has found strong advocacy; that the case has gained strength; that the press of these States is denouncing as unfair and unrepresentative the attitude of those who oppose the legislation.

I do not mean that all of the newspapers in any of the States to which I shall refer assumed that attitude, but I do mean that many of the representative newspapers in the States of Alabama, Georgia, North and South Carolina, Virginia, and Louisiana are strongly in favor of the legislation.

I have on my desk a large number of editorials clipped from newspapers in the States I have mentioned. It is not my purpose to read those editorials, but I shall print them as an appendix to my remarks, not for the purpose of telling the United States Senate that representatives from these States in the Senate or in the body at the other end of the Capitol do not know the views of their constituents but to demonstrate conclusively that there is an active and aggressive public sentiment in those States in favor of this legislation, and that the question even there is not entirely one-sided. I am going to refer to just a few of these editorials for the purpose of illustrating how strong and how aggressive is this growing public sentiment.

In support of this declaration I shall print in an appendix to my remarks newspaper clippings and extracts from the leading journals published in North Carolina, South Carolina, Alabama, Georgia, Virginia, and Louisiana. These editorials unqualifiedly



support the policy of the Federal child-labor legislation, and some of them are quite aggressive in characterizing as selfish and mercenary local opposition to the legislation.

The New Orleans Picayune, for instance, declares that the present system of working children in mines and factories is abominable, is against every instinct of humanity, and that it is absurd to say that southern mills can not compete with establishments in other sections of the country.

The Galveston (Tex.) Tribune argues that while children should be encouraged to work, burdens proper for adult persons should not be imposed upon youthful shoulders, nor should the hours of toil be lengthened until the frail body weakens under the load. In this editorial it is pointed out that while the parent has a right to the profits of the child's earnings, still the child is not a chattel of the parent, and therefore no right exists in the parent to dwarf his body, stifle his aspirations, or impair his prospects for vigorous maturity.

The Roanoke (Va.) World declares that if the question of preventing child labor could be submitted to the citizens of Roanoke it would pass by an overwhelming vote, if not by a unanimous vote:

Roanoke is for the child first, last, and always, and it hangs its head in shame that men can sell the child's rights and the child's future for the perpetuation of material advantages. Roanoke is opposed to slavery of every sort, and it hates with all its heart the slavery that would barter the lives of God's precious charges for gain.

The New Decatur (Ala.) Daily says of those who oppose Federal child-labor legislation:

What argument can these men advance? There is but one—that it means money in the pockets of the textile producers for the childhood of Alabama to be deprived of its inalienable right to growth and development.

The Greenville Circle (S. C.) strongly advocates the legislation and declares that the remonstrances against the bill submitted to Congress were circulated by the mill owners who believe the reform will interfere with their business. I shall not review many of these newspaper editorials published in the States whose Representatives oppose in Congress the passage of this bill.

The Charleston (S. C.) Review says:

The mill owners had an idea they could run their factories forever on the cheap labor of infants. But the people tired of this sort of business and were compelled to appeal to the people at large in order to save the children, with the result that the popular branch of Congress passed the bill for their relief, and it is hoped by all lovers of little children that the Senate will do likewise by them.

The Mississippi Land Leader says, in part:

When little boys and girls, full of life and hope, are taken into the front door of a factory, where their growth is stunted, their lives blighted, and their health broken, and then, when their energy has been sapped, thrown out at the back door on the scrap heap of humanity like a worn-out piece of machinery, it is time for the lawmakers from every State to take a positive stand against such practices, whether such conditions exist at home or elsewhere.

The Atlanta (Ga.) Way, strongly advocating the bill, bitterly criticizes those who oppose it in the body at the other end of this Capitol, and declares:

Let us hope for the honor of the Nation and for the sake of the decencies and the humanities that there will arise no defender of this child slavery when the Keating bill is put upon its passage in the Senate of the United States.

Mr. HARDWICK. What is the name of that paper?

Mr. ROBINSON. The Atlanta (Ga.) Way.

Mr. HARDWICK. Wave?

Mr. ROBINSON. Way.

Mr. HARDWICK. I never heard of it.

Mr. ROBINSON. I have on my desk a large number of editorials from Georgia papers. I call attention to one from the Gainesville Herald. I will not read all of it. In part it reads as follows:

Rob the children to-day of their vitality—coin it into money—and an impotent generation will curse the Nation to-morrow. This is not a matter of sectionalism; it is not a matter of hate. It is a matter of statesmanship; it is a matter of patriotism. It is not a matter of expediency, but it is a matter of humanity.

To the Christian the child being devitalized in a sweatshop is like the man in the parable who fell among thieves, and the statesman who leaves it there is the Levite who passes by on the other side—who could rescue the child, but will not.

The Savannah Labor Herald says:

Three cheers for the Members of Congress who supported the Keating-Owen child-labor bill, which scored such a success! The vote was 337 to 46. It is to be hoped that the Senate will give it equally as large a majority.

In another editorial the same periodical makes this declaration:

How is it possible for a child trudging into the mill at break of day and leaving when the shades of night begin to fall to acquire a liberal education? How can such a child succeed in getting even the rudiments of an education? What condition is such a child in, physically and mentally, to wrestle with the "three R's" by the light of a lamp? We wonder if the committee listening to these captives of industry were bunked by these ridiculous statements. We wonder if they care.

Mr. President, I have a large number of other editorials, a number of them from Georgia newspapers published in Macon, Augusta, and elsewhere in that State of a similar tenor to those just read. I will not impose upon the patience of the Senate to read them now.

A number of newspapers have published interviews from southern statesmen in which it is declared that certain States will reverse their long-time political attitude in the coming election if this bill is passed. Nevertheless every political party seriously claiming support in this campaign has declared in favor of the measure. The Democratic platform expressly announces for its speedy enactment. The Republicans say they favor it and the Progressives are unanimously for it. So if the Democrats in North Carolina or elsewhere change their political attitude in this election on account of this bill, to be consistent they will have to create themselves a new party. The argument seems neither frank nor sincere. The fact is, general public sentiment throughout the United States is in favor of the law, and this accounts for the repeated efforts to inject politics into its consideration.

First. Attention is now directed to the very vital question, Is the proposed measure a valid exercise of the power of Congress to regulate commerce?

Opposition to the bill, however firmly it may, in fact, be embedded in the policy of the legislation, advances its front along the line of alleged unconstitutionality. This issue is serious, but it need not be alarming. Every progressive measure which Congress has enacted during the past 20 years has encountered opposition on this ground from some of the ablest lawyers in the country. It becomes important, therefore, to examine the grounds of the contention that the act is unconstitutional. Of course, it is the duty of every Senator to examine the bill, and if any Senator is convinced that it is unconstitutional he will not and can not support it. On the other hand, the question of constitutionality is a subject to be determined finally by the courts, if the majority of the Senators here find it consistent with their high duty to support the legislation.

The principal contentions of those opposing the legislation as unconstitutional are the following:

First. Because no act of Congress or decision of any court of last resort can be cited as a fair precedent.

Second. Because they say the bill attempts to accomplish indirectly that which can not be directly done under the commerce clause.

Third. That the measure constitutes an attempt to encroach upon the reserved rights of the States.

Fourth. That it violates the fifth amendment to the Federal Constitution providing that no person shall be deprived of life, liberty, or property without due process of law.

Fifth. That it is not in fact and in law a regulation of commerce, but is a regulation of production, and therefore not within the power of Congress to enact.

#### NO EXACT PRECEDENT.

With reference to the first alleged ground of unconstitutionality, namely, that no exact precedent can be found in the acts of Congress or in the decisions of our courts of last resort for this legislation, and that, therefore, the proposed act is unconstitutional, I admit in part the premise, but contest its conclusion. It is true that Congress has not heretofore enacted a child-labor law, but it does not follow that Congress can not do so. The mere fact that Congress has not seen fit to exhaust the power to regulate commerce does not diminish in any degree the power itself.

It is a matter of legislative history that during the first 100 years following the adoption of our Federal Constitution Congress was slow to exercise the power to regulate commerce. It was not until 1887 that a comprehensive act under this power was passed. The basic antitrust act became law in 1890, and all safety appliance laws, employers' liability acts, and, indeed, nearly all important general legislation enacted by Congress under the commerce clause has come within the memory and experience of Senators still living. It may be, indeed I think it is true, that the far-reaching character of the power to regulate commerce was not appreciated by the general public and was not fully comprehended by some of the able lawyers in the early periods of our constitutional history. Certainly it was not invoked in every instance that it could have been employed. While the power to regulate commerce remains the same, in an abstract sense, as it was at the time of the adoption of the Constitution, nevertheless its application has been a subject of constant development, and the process is still going on.

The necessity for a centralized control over interstate and foreign commerce more than any other one factor brought about the adoption of our Federal Constitution. The annoyances and embarrassments to progress occasioned by regulations and bur-

dens imposed on commerce by the several States was sufficient to revolutionize the Government and to substitute for the many sovereignties which prior to 1787 regulated commerce a single power—the Congress of the United States. From time to time Congress has gradually used this power wherever a national necessity for regulation has arisen or existed. It has not in any one act, nor in all the laws heretofore passed concerning commerce, exhausted its power, and it will not do so if this measure becomes law. As commerce grows in volume and its agencies and instrumentalities increase in number and complexity new conditions arising will give birth to new abuses justifying Congress to exert its power to promote the progress of our people through regulations of commerce. It is a feeble argument at best to say that because Congress has not heretofore passed a child-labor law it can not now or hereafter do so.

When the act to suppress lotteries was passed it was without precedent. The same is true of the antitrust law of 1890, the pure-food law, and the white-slave act. They were bitterly assailed on the ground of alleged unconstitutionality, yet they were all sustained. To say that because Congress has not heretofore exerted its power to suppress the evils of child-labor through a regulation of commerce and for that reason can not now do so is, in its last analysis, equivalent to maintaining that nothing can be done which has not already been done—a manifest fallacy approaching absurdity. Congress is daily passing new laws to meet changed conditions. That there are no exact precedents in the decisions of our courts is, of course, due to the fact that Congress has not heretofore passed a child-labor law, and the subject has not, therefore, come under direct consideration by the courts. There are decisions, however, which will be pointed out and discussed later, which in principle fairly seem to justify this legislation. It must be borne in mind that government in an administrative sense is a progressive science, else revolutions would be continual.

Second. The second objection urged by opponents to the constitutionality of this bill is that it is an attempt by Congress to suppress the evils of child labor; that Congress can not indirectly do this, since it has no authority to legislate upon the subject directly.

This argument is likewise based on a false assumption. Congress can indirectly do many things which it can not directly perform. By way of illustration, Congress suppressed lotteries by prohibiting and penalizing the transportation of lottery tickets in interstate commerce. Congress could not directly prohibit the raising of money by lotteries, but it denied to such business the facilities of commerce, and accomplished indirectly what it could not do directly. Numerous other illustrations may be cited. Congress can not directly prohibit the manufacture of adulterated foods or products, but it has in large part suppressed these evils by denying them the instrumentalities of interstate commerce. Congress can not directly prescribe how products shall be branded nor forbid their misbranding, but it can protect the public against the evils of misbranded goods by denying them transportation in interstate commerce. Congress can not prevent or penalize immoral acts in the several States, but it can diminish the traffic by penalizing the use of commercial arteries for the transportation of women in interstate commerce for immoral purposes.

In none of these cases was it the direct or controlling purpose on the part of Congress to increase or advance commerce, but in all of them the recognized purpose and effect was to suppress recognized evils by the indirect process of denying them the channels of commerce in the exercise of the power to regulate commerce. Further reference may again be made to some of the decisions of our Supreme Court in sustaining certain acts of commerce in which it has already exerted the power to regulate commerce in the interest of the public health, morals, safety, and welfare.

Third. The third contention that Federal child-labor legislation is an encroachment upon the reserved rights of the States has been seriously urged by many lawyers and laymen who are antagonistic to Federal legislation on this subject. This argument fails if the proposed act is in fact and law a regulation of commerce, for the tenth amendment provides that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

The power to regulate commerce has been delegated by the Constitution, and it is not, therefore, reserved to the States or to the people, and if this measure is within the reasonable exercise of the power to regulate commerce it is in nowise limited by the tenth amendment. In other words, if this legislation is by virtue of a power not delegated to the United States, then it is not a regulation of interstate commerce, for the power regulating interstate commerce is expressly delegated to the Congress.

On that subject I want to read what the Supreme Court of the United States said in Seven Cases against The United States, in volume 239, United States Reports, at page 514. The extract is brief. Mr. Justice Hughes, who is widely known—

Mr. CUMMINS. What is the title of the case?

Mr. ROBINSON. The title is Seven Cases against The United States, reported, as I have said, in volume 239, United States Reports. The particular language to which I now call attention is found on page 514:

So far it is objected that this measure, though relating to articles transported in interstate commerce, is an encroachment upon the reserved powers of the States, the objection is not to be distinguished in substance from that which was overruled in sustaining the white-slave act, chapter 395, June 25, 1910 (36 Stat., 825); *Hoke v. United States* (227 U. S., 308). There, after stating that "if the facility of interstate transportation" can be denied in the case of lotteries, obscene literature, diseased cattle and persons, and impure food and drugs, the like facility could be taken away from "the systematic enticement of and the enslavement in prostitution and debauchery of women," the court concluded with the reassertion of the simple principle that Congress is not to be denied the exercise of its constitutional authority over interstate commerce and its power to adopt not only means necessary but convenient to its exercise because these means may have the quality of police regulations (227 U. S., pp. 322, 323). (See *Gloucester Ferry Co. v. Pennsylvania*, 114 U. S., 196, 215; *Hipolite Egg Co. v. United States*, 220 U. S., 45, 57; *Lottery Case*, 188 U. S., 321.)

Fourth. The measure neither encroaches upon the reserved rights of the States, nor violates the fifth amendment, but is in fact and in law a regulation of commerce.

For convenience these three propositions will, from now on, be discussed together.

It may be well to bear in mind that from the leading case of *Gibbon against Ogden*, in Ninth Wheaton, decided in 1824, down to the *Hope case* (227 U. S.), decided in 1913, the power of Congress to regulate interstate commerce has been held to be complete and exclusive, except as otherwise limited by the Constitution. Just how complete and absolute is this power is illustrated by the language of the Supreme Court of the United States in the *Lottery cases* (188 U. S., 353):

The power to regulate commerce among the several States is vested in Congress as absolute as it would be in a single Government having in its Constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

This language is intended to remove from the mind any confusion that might arise from a consideration of the dual form of our Government, and the conflicts which might exist between the powers of the two. In instances where a power has been delegated to the Federal Government that power is complete within itself and unlimited in so far as the State is concerned. The only limitations upon the power delegated to the Federal Government must be found in the Constitution itself. In this instance it is the fifth amendment, providing that "no person shall be deprived of life, liberty, or property without due process of law." The Congress of the United States in regulating interstate commerce by acts partaking of the nature of police regulations is limited by this clause, and it is not otherwise limited. As already stated, it is not limited by the tenth amendment, for that relates to the powers "not delegated" and to the powers "reserved," and since we are dealing now with a delegated power, the tenth amendment can have imposed no limitation on the power of Congress to regulate commerce.

If the measure is a regulation of commerce, it would not be void as violating the fifth amendment unless an identical State law would also be void as violating the fourteenth amendment. The fifth amendment imposes on Federal legislation the same limitation that the fourteenth amendment places on State legislation. The fifth amendment denies the Federal Government the power to deprive any person of his life, liberty, or property without due process of law, while the fourteenth amendment denies any State the right to deprive any person of his life, liberty, or property without due process of law. While the right to work is a property right, secured to the citizens against encroachment by the Federal Government through the fifth amendment and by the State government through the fourteenth amendment, child-labor laws enacted under the police powers of the several States have uniformly been recognized as reasonable and necessary for the health, comfort, and happiness of the beneficiaries of the legislation. A reasonable police regulation is not a violation of the fourteenth amendment and a reasonable regulation of commerce partaking of the quality of a police regulation is not a violation of the fifth amendment. A police regulation is not regarded unreasonable unless it is an arbitrary and oppressive interference with property rights, and it is reasonable and constitutional if justified by conditions concerning public health, safety, morals, or welfare. I therefore repeat the assertion that if a State law, enacted under the police power, does not violate the fourteenth amendment, a Federal law of the same provisions enacted under a Federal power would not violate the fifth amendment. It has always been held that the constitutional guaranty of life, liberty, and property under



due process of law is subject to regulation in the interest of the public welfare.

Mr. President, as the hour for recess is approaching, I will suspend now and resume this discussion to-morrow.

Mr. LA FOLLETTE. Mr. President—

Mr. ROBINSON. I yield to the Senator from Wisconsin.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. LA FOLLETTE. Mr. President, in the earlier part of the day, in presenting an amendment to the District appropriation bill providing for a pension fund for the police and fire departments, I erroneously sent to the desk a draft that provided a pension fund for the firemen alone. I stated that it was the other amendment I desired to offer, and obtained from the Senate permission to print in the Record the views of the District Commissioners supporting the other amendment. Therefore I move to reconsider the vote by which the bill was passed, and after that is carried I shall move to reconsider the vote by which the amendment was adopted, and will then ask for the adoption of the amendment which should have been presented.

Mr. OVERMAN. The bill has not been sent to the House, as I understand.

Mr. LA FOLLETTE. No; it has not. The chairman of the committee is present, and he and the committee well understand this action on my part and, I think, approve it.

Mr. SMITH of Maryland. We offer no objection.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the votes whereby the amendments to House bill 15774 were ordered to be engrossed and the bill to be read a third time and passed be reconsidered. In the absence of objection, it is so ordered.

Mr. LA FOLLETTE. Now I move to reconsider the vote by which the amendment offered by me was adopted.

The PRESIDING OFFICER. Without objection, that course will be taken. The bill is in the Senate and open to amendment.

Mr. LA FOLLETTE. I now offer the amendment which I send to the Secretary's desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

That from and after the passage of this act the funds now authorized by law and known as the "police relief fund" and the "firemen's relief fund" shall be designated and known as the "policemen and firemen's relief fund, District of Columbia."

That the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments of said District by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments (for extraordinary services), except such part thereof as the said commissioners may allow to be retained by members of said departments; a deduction of 15 per cent of the monthly salary of each member of said departments; donations; and the net proceeds of sales of unclaimed property in the custody of the property clerk of the police department; all of which shall be paid into the Treasury of the United States to the credit of the "Policemen and firemen's relief fund, District of Columbia," herein provided for; and should the said fund at any time be insufficient to defray the expenditures hereinafter provided for, the Commissioners of the District of Columbia, in that event, are hereby authorized, and it shall be their duty, to direct the collector of taxes of said District and it shall be the duty of the said collector, pursuant to such direction, to pay into the Treasury of the United States, out of the general revenue of the District of Columbia collected by him, to the credit of the said "Policemen and firemen's relief fund, District of Columbia," such sums as may be necessary from time to time to meet deficiencies in said fund. The moneys to the credit of the said fund shall be available for expenditure on requisitions of the said commissioners for the purposes set forth in this act, and all expenditures from said fund shall be made and accounted for in the same manner as other expenditures of the government of the District of Columbia are made and accounted for.

That whenever any member of the police department or the fire department of the District of Columbia shall become temporarily disabled by injury received or disease contracted in the actual discharge of his duty, to such an extent as to require medical or surgical services other than such as can be rendered by the board of police and fire surgeons of said District, or to require hospital treatment, the expenses of such medical or surgical services, or hospital treatment, shall be paid from the policemen's and firemen's relief fund, District of Columbia, provided for in this act; but no such expenses shall be paid except upon a certificate of the said board of police and fire surgeons, or a member thereof, setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary, and upon the approval of the said certificate by the superintendent of the Metropolitan police or the chief engineer of the fire department, as the case may be, and the approval of the Commissioners of the District of Columbia.

That whenever any member of the police department or the fire department of the District of Columbia shall become so permanently disabled through injury received or disease contracted in the line of duty as to incapacitate him for the performance of duty, or, having served not less than 25 years and having reached the age of 55 years shall, for any cause, become so permanently disabled as to incapacitate him for the performance of duty and shall make written application therefor and said application shall be approved by the commissioners of said District, or, having reached the age of 60 years in the discretion of

the said commissioners, he shall in either event be retired from the service thereof and be entitled to receive relief from the said policemen and firemen's relief fund, District of Columbia, in an amount not to exceed 50 per cent per year of the salary received by him at the date of retirement. In case of the death of any member of the police department or the fire department of the District of Columbia, before or after retirement from the service thereof, leaving a widow, or a child, or children under 16 years of age, the widow shall be entitled to receive relief from the said policemen and firemen's relief fund, District of Columbia, in an amount not exceeding \$35 per month, and each child under the age of 16 years in an amount not exceeding \$10 per month, and in no case shall the amount paid to any one family exceed the sum of \$50 per month: *Provided*, That upon the remarriage of any widow granted relief under the provisions of this act such relief shall cease, and relief granted to or for any child or children under the age of 16 years shall cease upon their reaching that age: *Provided further*, That no widow, child, or children of any deceased member of the said police department or fire department resulting from any marriage contracted subsequent to the date of retirement of such member shall be entitled to any relief under the provisions of this act.

That the Commissioners of the District of Columbia are authorized to pay from the said policemen and firemen's relief fund, District of Columbia, a sum not exceeding \$75 in any one case to defray the funeral expenses of any deceased member of the police department or the fire department of said District dying while in the service thereof or following retirement therefrom with relief.

That there is hereby created in and for the District of Columbia a board to be known as the police and firemen's retiring and relief board, to be composed of the corporation counsel of said District or one of his assistants, to be designated by the Commissioners of the District, and one member from each the police department and fire department, to be designated by the said commissioners, and the said commissioners are authorized to change the personnel of said board from time to time, in their discretion, and they are further authorized and empowered to make, modify, and to amend from time to time regulations and rules of procedure for the conduct of the said board. The said board shall consider all cases for the retirement and relief of members of the police department and the fire department rendered necessary or expedient under the provisions of this act, and all applications for the relief of widows and children under 16 years of age. In every case of retirement of a member of either of said departments the board of police and fire surgeons shall certify, in writing, to the said retiring and relief board the physical condition of the member for whom retirement and relief is sought. The said retiring and relief board shall give written notice to any member of said departments under consideration by it for retirement and relief to appear before the board and give such evidence under oath as he may desire, and the proceedings of the board shall be reduced to writing and shall show the date of appointment of such member, his age, his record in the service, and any other information that may be pertinent to the matter of his retirement and relief. The said board is authorized and empowered to summon any person before it to give testimony, under oath or affirmation, as to any matter affecting retirement and relief under the provisions of this act; and any member of the board shall have power to administer oaths or affirmations to witnesses appearing before the said board. Such summons shall be served by any member of the Metropolitan police force, and upon the refusal or neglect of a witness to appear before the said board or to testify when required, he or she may be compelled to attend and testify as provided in the act of February 20, 1896, entitled "An act to amend an act entitled 'An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes,' approved May 11, 1892," and any witness knowingly making a false statement to the said board on any material matter shall be guilty of perjury and punishable accordingly. The said retiring and relief board shall in each case considered by it for retirement and relief submit to the Commissioners of the District of Columbia a report of its findings, and the said commissioners shall have power to approve, disapprove, or modify such findings or to remand any case for such further proceedings as they may deem necessary.

That the Commissioners of the District of Columbia, in their discretion and at any time, may cause any person receiving any relief allowance under the provisions of this act, who has served less than 25 years, to appear and undergo a medical examination, as the result of which the said commissioners shall determine whether the relief in such case shall be continued, increased, decreased, or discontinued. Should any person receiving relief under the provisions of this act, after due notice, fail to appear and undergo the examination prescribed here, the said commissioners are authorized, in their discretion, to reduce or entirely discontinue such relief.

That the Commissioners of the District of Columbia may, in their discretion, reduce or discontinue the relief granted to any person under the provisions of this act upon receipt of duly certified information from a court of competent jurisdiction that any person receiving such relief has been convicted in such court of any crime involving moral turpitude; and the said commissioners may also, in their discretion, reduce or discontinue the relief granted to any person under the provisions of this act when it shall appear to their satisfaction from evidence before them that such person is a habitual drunkard or guilty of lewd or lascivious conduct.

That any retired member of the police department or fire department of the District of Columbia receiving relief under the provisions of this act may in time of flood, riot, conflagration, during extraordinary assemblages, or unusual emergencies be called by the commissioners of said District into the service of the department from which he was retired with relief for such duty as his disability will permit of him performing, without compensation therefor; and the said commissioners shall have power to enforce compliance with the provisions hereof by withholding the payment of relief; but nothing contained in this section shall be construed to enforce residence in the District of Columbia upon any retired member of either of said departments when it shall appear to the satisfaction of said commissioners that residence elsewhere is rendered necessary by the physical condition of such member.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GLASS, Mr. STONE, and Mr. HAYES managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission,' approved March 4, 1915, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North; and

H. R. 17058. An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes.

## PETITIONS AND MEMORIALS.

Mr. PHELAN presented petitions of the Chamber of Commerce of San Diego and the Chamber of Commerce of Colton, in the State of California, praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

Mr. THOMPSON presented a petition of the mayor and commissioners of Kansas City, Kans., praying for the enactment of legislation to provide for the construction of a national highway from the Atlantic to the Pacific Oceans, which was referred to the Committee on Military Affairs.

## THE CONGRESSIONAL CLUB.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C., reported it without amendment, and submitted a report (No. 752) thereon.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAGGART:

A bill (S. 6745) granting an increase of pension to John H. Freeman; and

A bill (S. 6746) granting an increase of pension to Thomas Owen Howard; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6747) granting an increase of pension to Timothy Hicen (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6748) providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil; to the Committee on Indian Affairs.

## THE REVENUE.

Mr. POMERENE submitted an amendment intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

## THE LIGHTHOUSE SERVICE.

Mr. PHELAN submitted an amendment intended to be proposed by him to the bill (H. R. 14338) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

## REPLY TO MR. HUGHES'S ACCEPTANCE ADDRESS.

Mr. LEWIS. Mr. President, I should like at this time merely to give a notice, consistent with the practice under such circumstances, that on to-morrow, Friday, at such hour or opportunity as I may be allowed, I will speak on the acceptance address of Judge Hughes. I shall refer to his impeachment of our foreign policies; and I shall, from my viewpoint, put the responsibility for the outrages in Mexico on the source where it justly belongs.

## AMENDMENT OF FEDERAL RESERVE ACT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. POMERENE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. OWEN, Mr. HITCHCOCK, and Mr. NELSON conferees on the part of the Senate.

## AMENDMENT OF INTERSTATE-COMMERCE ACT.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission,' approved March 4, 1915, which were, on page 3, line 3, after 'not,' to insert 'so far as relates to values,' and on page 3, line 4, to strike out 'the interstate-commerce act' and insert 'this act to regulate commerce, as amended.'

Mr. CUMMINS. Mr. President, the amendments proposed by the House are purely formal, and I move that the Senate concur in the amendments.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

## HOUSE BILLS REFERRED.

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North, was read twice by its title and referred to the Committee on Commerce.

H. R. 17058. An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes, was read twice by its title and referred to the Committee on Standards, Weights, and Measures.

## RECESS.

Mr. KERN. I move that the Senate take a recess until to-morrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m., Thursday, August 3, 1916) the Senate took a recess until to-morrow, Friday, August 4, 1916, at 10 o'clock a. m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 3 (legislative day of August 1), 1916.*

## SECRETARIES OF EMBASSIES.

## CLASS 2.

Alexander Benson to be a secretary of embassy or legation of class 2.

William Penn Cresson to be a secretary of embassy or legation of class 2.

Frederic O. de Billier, to be a secretary of embassy or legation of class 2.

Roland B. Harvey to be a secretary of embassy or legation of class 2.

Alexander R. Magruder to be a secretary of embassy or legation of class 2.

Norval Richardson to be a secretary of embassy or legation of class 2.

William Walker Smith to be a secretary of embassy or legation of class 2.

Sheldon Whitehouse to be a secretary of embassy or legation of class 2.

## CLASS 3.

Louis A. Sussdorff, jr., to be a secretary of embassy or legation of class 3.



## CLASS 4.

Norman Armour to be a secretary of embassy or legation of class 4.

Allen W. Dulles to be a secretary of embassy or legation of class 4.

John Heath to be a secretary of embassy or legation of class 4.  
Williamson S. Howell, jr., to be a secretary of embassy or legation of class 4.

Ferdinand L. Mayer to be a secretary of embassy or legation of class 4.

Stokeley W. Morgan to be a secretary of embassy or legation of class 4.

Lithgow Osborne to be a secretary of embassy or legation of class 4.

William S. Van Rensselaer to be a secretary of embassy or legation of class 4.

Robert Van Wyck Maverick to be a secretary of embassy or legation of class 4.

John C. Wiley to be a secretary of embassy or legation of class 4.

Robert M. Scotten to be a secretary of embassy or legation of class 4.

## CONSULS.

## CLASS 5.

Charles L. Hoover to be a consul of class 5.  
James Oliver Laing to be a consul of class 5.

## MEMBER OF THE FEDERAL RESERVE BOARD.

Charles S. Hamlin to be a member of the Federal Reserve Board.

## REGISTER OF LAND OFFICE.

Robert Connaghan to be register of the land office at Lander, Wyo.

## COAST GUARD.

First Lieut. of Engineers John Brown Coyle to be captain of engineers in the Coast Guard.

## POSTMASTERS.

## CALIFORNIA.

O. C. Goodin, Orosi.

W. H. Wall, Hampton.

## FLORIDA.

George I. Davis, Tallahassee.

## GEORGIA.

H. S. Tucker, Lumber City.

## IOWA.

W. E. Cox, Deep River.

## MASSACHUSETTS.

Frederick M. Fowler, Foxboro.

William B. Kelly, Ware.

James Sheehan, Millis.

James H. Walsh, Leominster.

## MINNESOTA.

Mayme Murphy, Tower.

A. L. Reichert, Red Lake Falls.

George W. Shipton, Ogilvie.

## KANSAS.

G. W. Wasson, Peru.

## MONTANA.

William Moser, Thompson Falls.

James A. Goodrich, Conrad.

Anna S. Gossink, Lavina.

## NEVADA.

Walter J. McKeough, Aurora.

## NEW HAMPSHIRE.

Oscar Duncan, Alton.

## NEW YORK.

William H. Hickey, Mechanicsville.

William W. Paige, Ogdensburg.

## OHIO.

Lawrence Schunck, Celina.

## PENNSYLVANIA.

J. H. Aten, Ambridge.

John C. Miller, Halifax.

John B. Oehrl, Monongahela.

S. S. Staples, White Haven.

## OKLAHOMA.

A. E. Williams, Hammon.

## SOUTH DAKOTA.

C. H. Bonnie, Wagner.

## TEXAS.

James V. Townsend, Vernon.

## WISCONSIN.

Frank H. Rogers, Fort Atkinson.

G. W. Schiereck, Plymouth.

## VERMONT.

John O'Donnell, Pittsford.

## SENATE.

FRIDAY, August 4, 1916.

(Legislative day of Tuesday, August 1, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

## LANDS AT PORT ANGELES, WASH.

Mr. ROBINSON. Mr. President—

Mr. MYERS. Will the Senator from Arkansas yield to me for a moment?

Mr. ROBINSON. I yield to the Senator from Montana.

Mr. MYERS. I ask leave to submit a favorable report from the Committee on Public Lands, and I call the attention of the Senator from Washington [Mr. POINDEXTER] to it.

From the Committee on Public Lands I report back favorably with amendments the bill (S. 6561) providing for the sale at public auction of all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., and for the issuance of patents for those previously sold under the act of May 6, 1906, on the payment of the price at which the said lots were reappraised under said act without further condition or delay.

Mr. POINDEXTER. Mr. President—

Mr. SMOOT. I will ask the Senator if this is an emergency matter?

Mr. POINDEXTER. It is an emergency matter. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 8, after the word "May," to strike out "sixth" and insert "second"; on page 2, line 2, to strike out "sixth" and insert "second"; in line 6, to strike out "sixth" and insert "second"; in line 9, to strike out "sixth" and insert "second"; and in line 12, to strike out "sixth" and insert "second," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to sell at public auction to the highest bidder all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., at not less than the value at which they were reappraised under the act of May 2, 1906.

Sec. 2. That as to all suburban lots of said town site heretofore sold under the act of May 2, 1906, or previous acts, patents for the said lots shall be issued to each purchaser upon payment in full by said purchaser or claimant of the reappraised price of such lot or lots as returned under the act of May 2, 1906, irrespective of whether such purchaser shall have improved said lot to the value of \$300, as required by said act of May 2, 1906.

Sec. 3. That all acts or parts of acts relating to said lots in conflict herewith, and particularly that part of the act of May 2, 1906, stipulating improvements to the value of \$300 required to be made upon each such suburban lot prior to the issuance of patent, are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the sale at public auction of all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., and for the issuance of patents for those previously sold under the act of May 2, 1906, on the payment of the price of which the said lots were reappraised under said act without further condition or delay."

## CALLING OF THE ROLL.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Culberson	Hardwick	Kern
Brandeggee	Cummins	Hollis	La Follette
Bryan	Curtis	Husting	Lane
Chamberlain	Dillingham	Johnson, S. Dak.	Martin, Va.
Clapp	Gallinger	Jones	Martine, N. J.
Clark, Wyo.	Gronna	Kenyon	Myers

Nelson  
Newlands  
Oliver  
Overman  
Page  
Penrose  
Pittman  
Poindexter

Pomerene  
Ransdell  
Robinson  
Saulsbury  
Sheppard  
Sherman  
Simmons  
Smith, Ga.

Smith, S. C.  
Smoot  
Stone  
Swanson  
Taggart  
Thomas  
Thompson  
Tillman

Townsend  
Vardaman  
Wadsworth  
Walsh  
Warren  
Works

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is absent on public business and that he is paired with the Senator from New Mexico [Mr. FALL].

I wish also to state that the Senator from Louisiana [Mr. BROUSSARD] is detained at his home by illness.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

#### CHILD LABOR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

The VICE PRESIDENT. The Senator from Arkansas [Mr. ROBINSON] is entitled to the floor.

Mr. ROBINSON. Mr. President, on yesterday I attempted to explain the provisions of the Senate committee substitute and to compare them with the bill as passed by the House, and also to point out what appear to be improvements made by the Senate substitute in the pending legislation. An effort was also made to discuss some of the reasons or grounds justifying Federal child-labor legislation. I presented some views concerning the constitutionality of the proposed bill, and at the time when the Senate recessed I was contending that the pending bill does not violate the fifth amendment to the Federal Constitution, providing that no person shall be deprived of life, liberty, or property without due process of law, and had pointed out that the fifth amendment imposes the same limitations on Federal action, and no more, that the fourteenth amendment places on State action, and that if it is competent for a State, in the exercise of its police powers, to pass a child-labor law it is within the authority of Congress through a regulation of commerce, in the nature of a police regulation, to aid in suppressing the evils of child labor by denying to persons and enterprises engaged in such abuses the channels and instrumentalities of commerce. I had just pointed out the fact that the only limitation on such regulations is that they must be reasonable and not arbitrary.

The scope of the police power has never been completely defined, but seems to be expanding rather than contracting under the decisions of our courts.

In *Chicago Railway Co. v. McGuire* (219 U. S., 567), the court said:

Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions in the interests of the community.

Further illustrating the extent of the police power, it was said in *McLean v. Arkansas* (211 U. S., 539):

The mere fact that a court may differ with the legislature in its views of public policy, or the judges may hold views inconsistent with the propriety of the legislation in question, affords no ground for judicial interference, unless the act enacted is unquestionably and palpably in excess of the legislative power.

The power of Congress to regulate commerce, being absolute and unlimited, except as provided by the Constitution itself, and the only limitation in the Constitution as to this legislation being the fifth amendment, it becomes a question whether this legislation would constitute a deprivation of the property of a citizen without due process of law. It appearing that reasonable regulations are not violative of the due-process clause, the final question to be determined is whether this is a reasonable or arbitrary regulation.

In support of this position I read what the Supreme Court of the United States has said in the *Lottery Cases* (188 U. S., p. 354). First, reading from page 353, the court uses this language:

They—

Meaning the cases already referred to—

They also show that the power to regulate commerce among the several States is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States; that such power is plenary, complete in itself, and may be exerted by Congress to its utmost extent, subject only to such limitations as the Constitution imposes upon the exercise of the powers granted by it; and that in determining the character of the regulations to be adopted Congress has a large discretion which is not to be controlled by the courts, simply because, in their opinion, such regulations may not be the best or most effective that could be employed.

Again, on page 354, there is this language:

But it is said that the statute in question does not regulate the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress in effect prohibits such

carrying; that in respect of the carrying from one State to another of articles or things that are, in fact, or according to usage in business, the subjects of commerce, the authority given Congress was not to prohibit, but only to regulate. This view was earnestly pressed at the bar by learned counsel, and must be examined.

It is to be remarked that the Constitution does not define what is to be deemed a legitimate regulation of interstate commerce. In *Gibbons v. Ogden* it was said that the power to regulate such commerce is the power to prescribe the rule by which it is to be governed. But this general observation leaves it to be determined, when the question comes before the court, whether Congress in prescribing a particular rule has exceeded its power under the Constitution. While our Government must be acknowledged by all to be one of enumerated powers, *McCulloch v. Maryland* (4 Wheat., 316, 405, 407), the Constitution does not attempt to set forth all the means by which such powers may be carried into execution. It leaves to Congress a large discretion as to the means that may be employed in executing a given power. The sound construction of the Constitution, this court has said: "must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (4 Wheat., 421.)

We have said that the carrying from State to State of lottery tickets constitutes interstate commerce, and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is, in effect, a prohibition of the carriage of such articles from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance and over which its power may be exerted, can it be possible that it must tolerate the traffic, and simply regulate the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States, and under the power to regulate interstate commerce, devise such means within the scope of the Constitution, and not prohibited by it, as will drive that traffic out of commerce among the States?

On page 356 I find this language:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money, in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another? In this connection it must not be forgotten that the power of Congress to regulate commerce among the States is plenary, is complete in itself, and is subject to no limitations except such as may be found in the Constitution. What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which, in any degree, countenances the suggestion that one may, of right, carry or cause to be carried from one State to another that which will harm the public morals? We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from State to State except the one providing that no person shall be deprived of his liberty without due process of law. We have said that the liberty protected by the Constitution embraces the right to be free in the enjoyment of one's faculties; "to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts that may be proper." (*Allgeyer v. Louisiana*, 165 U. S., 578, 589.) But surely it will not be said to be a part of any one's liberty, as recognized by the supreme law of the land, that he shall be allowed to introduce into commerce among the States an element that will be confessedly injurious to the public morals.

If it be said that the act of 1895 is inconsistent with the tenth amendment, reserving to the States, respectively, or to the people the powers not delegated to the United States, the answer is that the power to regulate commerce among the States has been expressly delegated to Congress.

Besides Congress by that act does not assume to interfere with traffic or commerce in lottery tickets carried on exclusively within the limits of any State, but has in view only commerce of that kind among the several States. It has not assumed to interfere with the completely internal affairs of any State, and has only legislated in respect of a matter which concerns the people of the United States. As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. In legislating upon the subject of the traffic in lottery tickets as carried on through interstate commerce Congress only supplemented the action of those States—perhaps all of them—which for the protection of the public morals prohibit the drawing of lotteries as well as the sale or circulation of lottery tickets within their respective limits.

On page 358 is found this language:

If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries carried on through such commerce is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both national and State legislation in the early history of the country, has grown into disrepute and has become offensive to the entire people of the Nation. It is a kind of traffic which no one can be entitled to pursue as of right.

In the *Hoke* case (227 U. S., 319), sustaining the so-called white-slave act, the Supreme Court held a statute enacted by Congress under the power to regulate commerce forbidding the interstate transportation of women for immoral purposes a valid exercise of the power, and that it partakes of the quality of a police regulation. In the lottery cases, the Congress used its



power to regulate commerce to protect the public against raising money in the States by the sale of lottery tickets, which had come to be regarded as a form of gambling. The real purpose was to suppress lotteries, and it was accomplished through a regulation of commerce in the nature of a police regulation.

In the Hoke case the instrumentalities of commerce were denied to suppress or diminish immorality. In view of these decisions Congress can aid in removing the evils of child labor by denying the instrumentalities of commerce to those who employ children in such ways and under such conditions as to constitute a public evil or menace.

In the Hoke case Mr. Justice McKenna said:

It may be that Congress could not prohibit the manufacture of the article in a State. It may be that Congress could not prohibit in all of its conditions its sale within a State. But Congress may prohibit its transportation between the States, and by that means defeat the motive and evils of its manufacture (227 U. S., 322).

These cases support the doctrine that the power of Congress to regulate commerce extends to the denial of the channels of interstate commerce for use by an enterprise which is so operated as to be detrimental to the public health or morals, and, therefore, Congress has the power to deny the channels of interstate commerce to a person or establishment in which objectionable child labor is employed.

It is said by some who oppose this bill that the power of Congress to exclude articles from commerce is limited to such articles as are themselves detrimental to commerce. But this conclusion is not supported by the plain doctrine of the Lottery cases and the Hoke case. On the contrary, the doctrine of these cases seems to be that the power of Congress to regulate commerce may be exerted in the interest of the health, morals, and safety of the public.

There can be no distinction in law between a regulation of commerce partaking of the quality of a police regulation intended to suppress an evil after the commerce is completely terminated, and another designed to suppress an evil before that commerce begins, provided the end to be accomplished is obtained through a regulation of commerce.

Congress has no more direct control over an article after it has passed out of commerce into the general property of the State than before it has entered that commerce. It has an equal right to use its regulatory power to suppress evils concerning the manufacture of an article as it has to protect the public from the dangers growing out of its wrongful use after commerce in that article has terminated.

This bill is clearly a regulation of commerce. That it partakes of the quality of a police regulation does not in any wise impair its validity. The effect of this measure is to suppress conditions which Congress regards as evil concerning the employment of children in the State by denying to persons and enterprises employing proscribed child labor the instrumentalities of commerce. It seems, therefore, clearly within the power of Congress to enact.

Summarizing this argument supporting the constitutionality of the bill, the power of Congress to regulate commerce is complete and absolute, except as limited by the Constitution itself. This power is as absolute in Congress as it would be in a single Government having in its constitution the same limitations to exercise power as are contained in the Constitution of the United States. The only limitation in the Federal Constitution on the power of Congress to regulate commerce, in so far as this bill is concerned, is the fifth amendment, which provides that no person shall be deprived of life, liberty, or property without due process of law. The fifth amendment imposes the same limitation on the Federal authority as that placed by the fourteenth amendment on State action, and no more. Therefore, if the States, in the exercise of the police power, can suppress the evils of child labor, Congress, through its power to regulate commerce, can promote the same end by denying the channels and instrumentalities of commerce to persons and enterprises so employing child labor as to constitute an evil detrimental to the public health, morals, and safety. Congress can indirectly accomplish a great many things that it can not directly perform, as is well illustrated by the Lottery cases, the White Slave cases, the so-called Seven cases, and many other decisions of the United States Supreme Court affirming the power of Congress to enact legislation partaking of the quality of police regulations in the exercise of its power to regulate commerce. The tenth amendment, providing that the powers not delegated by the Constitution to the Federal Government are reserved to the States, respectively, or to the people, has no application, since the power to regulate commerce is a delegated power, and not a reserved power. The tenth amendment can have no application to delegated powers. It relates solely to reserved rights.

The power to regulate commerce being a delegated power, is in nowise limited by the tenth amendment. Congress has as much power to suppress recognized evils in conditions surrounding the production or manufacture through a regulation of commerce as it has to suppress the same after transportation has ended. While the constitutionality of this bill is not conclusively demonstrable, its provisions are fairly within the principles laid down in the Lottery cases and the Hoke case, and it is for these reasons a valid exercise of the power of Congress to regulate commerce, partaking of the quality of a police regulation.

Mr. WORKS. Mr. President, would it disturb the Senator if I should suggest to him something that is troubling my mind in connection with this measure?

Mr. ROBINSON. Not at all. I should be glad to have the Senator do so.

Mr. WORKS. I think there is no doubt of the power of Congress to deal with interstate commerce in any form, but the question that troubles me in this matter is whether or not this is an interstate matter. I can understand very well why the power of Congress should be extended to the distribution over the country of lottery tickets, because the evil is just as great in the State to which they are carried as it is in the State from which they are sent; but that is not true respecting the manufacture of goods that are not hurtful in themselves. The transportation of them is not harmful and the use of them in other States is not detrimental to the interests of those States; neither is the actual transportation of them from one State to another. The evil here is strictly and solely within a State; that is to say, the use of children in the manufacture of goods. It does not extend to other States; it does not extend to transportation itself from one State to another. Therefore, the question in my mind is, whether it is interstate commerce that is being dealt with in this kind of legislation. I say, with all deference, that I think the Lottery cases do not reach this question, for the reason I have suggested, and it is a very troublesome question to my mind. I am in entire sympathy with this legislation if it is going to accomplish what is intended, but I must say that I have very grave doubt about the constitutionality of it.

Mr. ROBINSON. Mr. President, in the beginning of my argument I pointed out the fact that there is no exact precedent in the legislation of this country for this bill, and for that reason there is no exact precedent in the decisions of the courts; but throughout my argument it is contended that, under the principle of the lottery cases and the Hoke case, this legislation is within the power of Congress.

The Senator from California has said that he can readily see that a lottery ticket is detrimental to commerce itself, and that it is detrimental to every State through which it is carried, and therefore it would be within the regulative power of Congress. Mr. President, a lottery ticket as such can do no harm to commerce.

It was not the purpose of Congress in enacting the lottery act of 1895 to protect commerce from lotteries. The primary purpose was to suppress an evil within the States, to protect the public against the "widespread pestilence of lotteries." What harm, I ask the Senator from California, can the shipment of a package of lottery tickets do to commerce? The harm is done after the lottery tickets are delivered in a State and when the gambling transactions occur.

Mr. WORKS. Well, Mr. President, it is not so much a question of the injury that results from the mere act of transportation. I think the Senator is right about that; but the trouble about it is, and the distinction between that and the case before the Senate is, that you are carrying an evil into another State, which the other State is not able to keep out, as is suggested by the Senator from Georgia [Mr. SMITH].

Mr. ROBINSON. Mr. President, it is also true that if Congress can exercise its power to regulate commerce in the interest of public health, safety, and morals, it makes no difference whether the result is to be accomplished before the commerce begins or after it ends.

Mr. WORKS. That is very true; but has Congress the right to deal with any particular matter as affecting the public health, unless it is something that does affect the health of another State, either after it leaves the State of origin or in passing from one State to another?

Mr. ROBINSON. Yes; I have discussed that subject very fully during the course of my remarks.

Mr. WORKS. I am very sorry that I did not hear what the Senator said on yesterday. I did not know that this measure was coming up, but I am very much interested in it, and I am very glad to hear what the Senator is saying about it now.

Mr. ROBINSON. I have discussed that subject very fully during the course of my remarks, and I was just in the act of

concluding what I have to say upon the bill when the Senator from California interrupted me. I think it would be something of an imposition on the Senate to repeat my argument in that particular, so I will merely conclude it by saying that there is no distinction in law between the exercise of the power of Congress to regulate commerce to suppress evils in a State before the commerce begins and the exercise of the power for the same purpose after the commerce ends. The principle is the same.

Mr. WORKS. I certainly should not ask the Senator to repeat anything for my benefit which he has already said. I can read what the Senator has said, but these matters suggested themselves to my mind. I am sorry to have interrupted the Senator.

Mr. ROBINSON. I have said that the question is not conclusively demonstrable. It is a great and very important question. In view of the history of the commerce clause and considering the trend of the decisions of the Supreme Court of the United States, this bill seems to be within the power of Congress to enact in the exercise of the power to regulate commerce, and I believe it will be so held by the Supreme Court of the United States.

Mr. KENYON. Mr. President, may I ask the Senator a question before he sits down as to the bill itself, and not as to its constitutional features?

Mr. ROBINSON. Certainly.

Mr. KENYON. The substitute for the House bill, reported by the Senate committee, beginning on page 5, line 8, commences as follows:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom—

I ask the Senator's attention to the words "prior to the time of the removal of such product therefrom." Suppose a case arises where the product of a factory is taken to a warehouse and kept in a warehouse for 30 days, or 60 days, or 90 days, how, then, under this bill, could there be any enforcement of its provisions?

Mr. ROBINSON. The factory from which the goods were sent would have to suspend the employment of objectionable child labor in order to escape the penalties of the statute.

Mr. KENYON. If the particular product, then, should be taken from the warehouse and delivered to the carrier, could not the law be absolutely evaded in that way?

Mr. ROBINSON. No; I think not. That question was fully considered by the committee. It could be evaded if a manufacturing establishment ceased its operations at a given time; but the provision is continuing, and the manufacturer would have to suspend the employment of the child labor in order to continue his operations or become liable to the penalties.

Mr. KENYON. Even from a warehouse?

Mr. ROBINSON. Yes.

Mr. KENYON. I did not know but that the bill would be strengthened by some proviso to the effect that removal to a warehouse or to any other separate establishment, should be accounted as a delivery under the terms of the bill, or something of that character. I am afraid there is a little weakness there.

Mr. ROBINSON. I think perhaps there would be no objection to such an amendment, but, of course, before I undertake to determine this I would have to see the amendment.

Now, Mr. President, I will now conclude what I have to say upon this subject.

It is to be hoped that the Congress may speedily complete its labors and adjourn. Many important matters remain undisposed of for consideration by the Senate. It is now universally conceded that the pending bill will pass by an overwhelming majority. The measure will be fully discussed. There ought not to be any unnecessary delay in reaching a final conclusion here concerning this important subject. The demand for the legislation seems to be quite general. It is a part of the forward movement in American social and industrial conditions, and no power can stay its advance.

I thank my colleagues for the very courteous interest they have manifested in my views.

Mr. HARDWICK obtained the floor.

Mr. THOMAS. Mr. President, will the Senator permit me?

Mr. HARDWICK. I yield to the Senator from Colorado?

Mr. THOMAS. I desire to offer a proposed amendment, which I ask to have read, printed, and lie over.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 5, line 24, after the word "meridian," it is proposed to strike out the colon and insert a comma and the following words:

Or any article or commodity the product of any farm which is the material for the product of any mill, cannery, workshop, factory, or manufacturing establishment in the United States upon which children

under the age of 14 years have been employed or permitted to work or children between the ages of 14 and 16 years have been employed or permitted to work more than 11 hours a day.

Mr. HARDWICK. Mr. President, if every Senator who is now in the Chamber had heard all of the remarks of the junior Senator from Arkansas [Mr. ROBINSON], or if every person who shall read the remarks that I intend to make would also read those remarks, I would not at this stage of my remarks on this bill repeat some things that the Senator had said about the provisions of this bill as passed by the House of Representatives and as recommended by the Senate Committee on Interstate Commerce.

The bill (H. R. 8234) provides, in substance—

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine or quarry situated in the United States which has been produced, in whole or in part, by the labor of children under the age of 16 years, or the product of any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States which has been produced, in whole or in part, by the labor of children under the age of 14 years or by the labor of children between the ages of 14 years and 16 years who work more than 8 hours in any one day, or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m.

I shall not read the other provisions of the House bill. The substance of the proposition of the House is embraced in the language I have just read to the Senate.

As a substitute for that the Senate committee proposes the following:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m.—

And so on, repeating the same terms as to the ages of the children and as to the hours and conditions of labor that are carried in the House bill.

Mr. President, I advert to this difference at this preliminary stage of my remarks to show one thing, and one thing only, for the present. Under the House bill the specific and particular product of child labor was prohibited from interstate commerce, whereas under the Senate amendment not only the product of child labor—the prohibition of which Senators seek to justify on moral grounds—is prohibited but also any product produced by any man or corporation who does not live up to a rule of civil conduct on this subject laid down by the Congress of the United States. In other words, while the subterfuge was so plain as to be not only demonstrable but demonstrated in the provisions of the House bill, in the Senate bill even subterfuge is disregarded and cast aside; for the Senate amendment not only undertakes to prohibit from entrance into the channels of interstate commerce the products of that labor which you make unlawful by this bill, but we also undertake to prohibit, in equal manner and in exactly the same terms, every other product of a man who violates the rule of civil conduct that we have established in each State of this Republic, through the agency of Congress, because he does not live up to that rule.

Now, let us see what that means. Probably I can make it plainer to the Senate by giving a practical illustration. There are many of these manufacturing establishments that have many different departments. It might be that some of them, we will say for the purpose of illustration, have 20 different departments, and it is easily conceivable that in only one of these departments is child labor as prohibited under the terms of this bill employed; and yet under the terms of the Senate committee's amendment the product of every one of the other 19 departments, in which no child had ever labored, made by a labor upon which no child of any age had ever been employed, would be in equal manner and by the very same identical terms of the proposed statute equally prohibited from entering into interstate commerce.

As I shall point out later, Mr. President, the phraseology of this proposition, both of the House and of the Senate, was taken from the lottery statute; not with respect to the point I raise, however. In the lottery statute it was provided simply that any person who offered to send through the channels of interstate commerce, or, my recollection is, through the Post Office Department, any lottery ticket—confining it strictly and solely to lottery tickets—should be guilty of a penal offense under the statutes of the United States.

To illustrate: Even under the principles of the lottery case, if a man ran a printing shop and printed lottery tickets that were part and parcel of a gambling transaction, under the House bill



on this subject and under the statute that Congress passed and which was upheld by the courts, the only thing you could prohibit from entrance into the channels of interstate commerce was the lottery ticket itself; and if he produced a dozen other kinds of legitimate printing, such other legitimate products of that printing shop could not be denied entrance into the channels of interstate commerce.

Therefore I say this proposition of the Senate committee not only goes far beyond the proposition of the House of Representatives but far beyond the proposition of the Congress and of the Supreme Court in the Lottery case, because there, as in the House bill, nothing was penalized except the immoral thing itself. Nothing was penalized except the particular product of a man's business that was under the ban of the law. Here everything he produces is penalized, lawful and unlawful, even according to the standards you seek to set up in this bill; and if 90 per cent of the employees of a person subject to the provisions of this law were engaged in different departments of manufacture, utterly disconnected with some department in which a few children were employed, you would penalize him and outlaw his whole legitimate product—legitimate even according to the standards you set up in this legislation.

I expect to advert to that matter later during the course of this argument; but I make the prediction here and now, and I measure my words when I make it, that when this matter gets to the Supreme Court of the United States, where it is bound to be settled, in that great forum you will encounter insuperable objection of a constitutional nature in the form of this Senate amendment itself, from the way in which you have mixed in inextricable confusion things that are legitimate and lawful, even under the standard that you now set up, with things that are unlawful according to that standard.

Mr. WORKS. Mr. President—

Mr. HARDWICK. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator whether the provision which he is now discussing does not prove beyond any doubt that the object of this legislation is not to prevent interstate commerce in certain products, but to prevent the employment of children within a State?

Mr. HARDWICK. Undoubtedly. As I have just said to the Senate, here all pretense is cast to the four winds of heaven. The House of Representatives did preserve a little pretense, so small that it was almost disgraceful; but here you cast it every bit to the winds, and you have said: "We are not seeking simply to bar the products of child labor from the channels of interstate commerce. We are not seeking to prohibit the product of child labor, and of child labor alone, from entering the channels of interstate commerce, but we are going to fine or put in jail the man who does not live up to the rule of civil conduct that we prescribe for 48 States of this Union by act of Congress on a purely domestic and internal affair."

Mr. President, I do not wish to be misunderstood, so far as my attitude about this bill is concerned. I am as thoroughly, as earnestly, as sincerely in favor of the enactment of just and humane and reasonable laws for the protection of children as any man on either side of this Chamber can possibly be; but because we want a certain kind of a law, does that confer upon the Congress of the United States any warrant to establish it about a purely domestic and internal affair? The same argument might be applied, the same desire for uniformity might be urged, as to any kind of a civil or criminal statute which we sought to set up throughout the Union and to enforce uniformly and impartially in all the States of the Republic. I favor the most just and the most humane legislation on this subject that enlightened men, with the fear of God and the love of their fellow men in their hearts, can enact. But I say to you in all soberness and in all earnestness that the sole power to enact those laws resides in the legislative authorities of the several States of this Union and not in the Congress of the United States.

I venture the assertion that the great Commonwealth in which I reside has a child-labor law that is better, fairer, more just, more suited to our conditions, and more thoroughly satisfactory to our people than the standard you propose to set up in this bill. I not only am willing to yield to interruptions on that subject, but I invite contradiction, if any Senator on this floor can make it.

Now, I will state what those laws are, and I will leave it to those Senators present to say whether we have not a better law than you propose for the whole United States in this bill.

In our State—I have the act of 1914 before me—the hours of employment are practically the same as those provided in this bill. I will not read it unless some controversy arises about it. They are practically the same as they are in this bill. We have no mines or quarries that amount to anything in our

States, so that part of the bill is a negligible, if not an entirely unimportant, matter there. There children are not allowed to work in factories under the age of 14, just as this bill proposes, excepting in two instances; and what are they?—because these two exceptions constitute the difference between the proposed Federal law and the Georgia statute. There children who are under 14 and between the ages of 12 and 14, can work, first, if they are the sole support of a widowed mother. Is not that better than this bill? Up to 14, under the law you propose for the United States, a child, a good, sturdy boy, after he gets to be 12 or 13 years old and before he arrives at the age of 14, is not allowed to toil honestly for the mother that bore him, although she is destitute and would otherwise be an object of charity.

You do not provide anything in this bill for either the child or the mother. If you are not going to let him work, if you are not going to let him support his mother, in the name of God and that humanity which is so often appealed to here, why not carry it out and give his starving mother a crust of bread.

There is one other difference between the Georgia statute and this proposed law. There a child between the age of 12 and 14 years is allowed to work if he is an orphan, if he has no other means of support, and the sole alternative is he must either work or be an object of public charity. In the name of American boys everywhere, not born with silver spoons in their mouths, in the name of the poor boys, would you rather send them to the poorhouse to receive public alms than to let them work and win their bread in honest toil?

I tell you now and here the statute of Georgia is better and wiser and more just and more humane on this great subject than that you prate so much about than the law that you propose as a panacea for all these evils.

Mr. President, there are four great groups that support this bill and that give it that enormous political power which we have seen manifested in the other House of Congress and which is soon to make itself manifested on this floor, I am sorry to say. What are these groups? First, the sentimentalists everywhere, people like my good friend from Iowa [Mr. KENYON], and I honor him for his motives. I honor every one of those good men in and out of Congress. I know they mean to do right.

Ah, Mr. President, it is not the first wrong that has been done in this country in the name of a misinformed and misguided humanitarian spirit. My own judgment is that many years ago a spirit like this manifested itself on the great race question, on the slavery question, and swept the public so far from the moorings of reasonable, sober, and calm judgment and of just, well-considered appropriate action that it plunged this country into the most horrible war the world had ever seen up to that time, and drenched our soil in blood. I refer to William Lloyd Garrison, Harriet Beecher Stowe, and people of that kind and type everywhere throughout this Republic, godly men and godly women, I admit. The time has come at last when everywhere in this Republic justice can be done to them and their motives even though we deplore some of their rash and precipitate words and deeds. Ah, if in those days this country could have listened to men of sober, sturdy, well-balanced judgment like our great martyred President, Abraham Lincoln, men of that class and type throughout the country, of all parties and of all sections, we would have been saved a world of trouble.

Now, I have paid my tribute to these humanitarians for their motives. I have the highest respect for their motives, but for their judgment I have very little.

I want to ask them to-day throughout this country, in the United States and out of it, what they propose to do with a child who is the sole support of his widowed mother, when they take from him his opportunity to work; what substitute are they going to give? Are you going to let them both—mother and child—starve, or become objects of public charity? I want to ask people in the United States, and out of it, what they are going to say to the honest, self-respecting orphan boy, 12 or 13 years old, born on Georgia soil, when they say to him, "You shall not work," even if the alternative is public charity? And what is the substitute that you offer?

Senators, I tell you, some of the greatest men this Republic ever produced, in my State and in each one of yours, were boys like that. Are you going to make them inmates of charitable institutions and support them at the expense of the State?

I tell you in the name of American institutions, in the name of individualism in this Republic, it would be better to let them adopt the other plan that our fathers and theirs followed; honest, self-respecting toil is far more elevating than either public or private charity.

Mr. President, there is still another of these great groups that make up the political strength of this movement, to which I now wish to allude. It is union labor. It is hardly necessary for me to say on this floor, and it is certainly entirely unnecessary for me to say to the people of my State, that I was born with no silver spoon in my mouth. I have the greatest sympathy on earth—I yield to no Senator on this floor in that respect—for a man who toils with his hands and earns the bread that God ordained he should earn “in the sweat of his brow.” But I do not hesitate to say for one, be the result what it will, I am utterly unwilling to support union labor or its leaders whenever they want something that I know is wrong and will work injury upon my people and upon the Republic. I am willing to stand by them when they are right, but that is as far as they ought to ask anybody to go, and that is as far as any good man ought to go with them, or with anybody else.

Because I sympathize with them so deeply, because I put manhood so far above everything else, I am always willing to give them the benefit of every doubt, where there is a doubt, but the fact is that union labor, North, East, South, and West, has made this measure one of its demands, and we, in this Chamber, are about to register a decree of acquiescence, just as it was registered in the other House of Congress not so many months ago, regardless of the Constitution, regardless of our fundamental principles of Government, regardless of everything else except the votes to be cast in November next.

There is another great factor in the great allied forces that make up the support of this bill. It is commercial rivalry between the manufacturing institutions of the different States and different sections of this Republic. Some of them believe that their competitors in other States have more favorable labor conditions and cheaper labor than they are able to get in their own States. Hence they want this bill to make it uniform, as my friend, the junior Senator from Arkansas [Mr. ROBINSON], asserts.

Now, gentlemen, the complaint in this question is leveled at the southern portion of this Republic. Why I do not know, because on this floor yesterday the Senator who championed this bill, who presented it for the committee, when asked to specify the States that were absolutely deficient in this regard, from his own standpoint, from his own standard, according to his own judgment, named one Southern State, North Carolina, and two Western States, Wyoming and New Mexico.

The reason why the opposition to this legislation comes from the Southern States of this Republic is not because of the suggestion which has been made, and the innuendo indulged in on this floor and elsewhere, that great and powerful manufacturers there are opposed to it. That is not the primary reason, in my judgment.

I know that I do not have to make any such statement, but I am glad to have this opportunity to do so. Not one of those men, in all my life, ever said a word to me upon this subject. After I announced years ago my unalterable opposition to this sort of legislation on constitutional grounds and for reasons that are fundamental, certain gentlemen who have opposed this bill have written to me thanking me for what they called my sound position on this question. Not one of them has sought to influence me or my attitude or my vote on this great question.

The suggestion that a strong, rich, grasping, powerful, insidious lobby is responsible for the opposition to this bill, or for the opposition of individual Senators to this bill, is utterly false, and is beneath the contempt of every honest man.

Talk about lobbyists. I will tell you right now there is a good deal of loose talk in the country on that subject. People have to come here to tell Congress when their interests are affected. When they do it honorably, in a public way, there is no objection to it; on the contrary, there is every reason why they should do so, both to protect themselves from injustice and the Congress from mistakes.

Speaking of lobbyists on this question, I believe that the interests which favor the passage of this bill have maintained for years one of the strongest and most successful lobbies ever maintained in Washington in support of a legislative proposition. Yet I want to say here and now that I do not believe that the gentlemen who constitute that lobby have ever sought to approach any Senator of the United States or any Representative in the Congress of the United States in anything but a perfectly proper and legitimate way, to make legitimate and proper arguments that appealed to them on this question.

Another great force that supports this bill is commercial rivalry between the different States and sections of the country. Ah, gentlemen, it has already done more harm in this great country than any other one solitary force. It came pretty near tearing this Union into discordant and disordered fragments

long before the great Civil War. The chief reason why we had to form this great Constitution of ours was to defend against its selfishness and its greed.

Then there is another great motive power that supports this bill. What is that? It is the intense political rivalry of both the great political parties in their courtship of the Bull Moose or Progressive forces, and an earnest, sustained, headlong purpose to get their votes at almost any price.

This measure is no Democratic doctrine. My brethren, do not fool yourselves about that. If you support it, if you sustain it, if you embrace it, you will be the first Democrats of any important position in all the history of the Republic who ever did so.

My friends on the Republican side, it was not until very recently that you supported it. If you embrace it, if you commit yourselves to it, you will be the first Republicans of respectable position who ever did such a thing.

There is one solitary exception, and that is the distinguished ex-Senator from Indiana, Mr. Beveridge. I sat in a seat on this floor during most of the time of his presentation of this question in 1907, when he announced the startling proposition, astounding and shocking to me, that the Congress of the United States has absolute power—I am sorry my friend from Arkansas, a southern Democrat, seems to agree with him—that Congress has the absolute power to exclude from the channels of interstate commerce in the country any article for any reason whatever that to it seems to be good.

Mr. ROBINSON. Will the Senator yield?

Mr. HARDWICK. Yes.

Mr. ROBINSON. I merely want to say that if the Senator construes my remarks to indicate that I assumed that position he has misinterpreted them—

Mr. HARDWICK. I am glad to have the Senator explain it.

Mr. ROBINSON. And I have been exceedingly unfortunate in not clearly expressing myself, for I know that the Senator from Georgia usually understands the positions of Senators when he hears them discussed.

Mr. HARDWICK. Mr. President, I am delighted to hear the Senator from Arkansas make even that much of a disclaimer. I am glad to know that he does not stand where Beveridge stood in 1907, when he stood in his place on this floor and advocated this proposition in almost the words I have stated. He said that it was within the power of the Congress of the United States to exclude from interstate commerce any article or commodity that it pleased for any reason that seemed to it good and sound.

Mr. ROBINSON. If the Senator will permit me, the Senator from Arkansas made no such statement. That question, in my opinion, is not directly involved.

Mr. HARDWICK. Not directly involved?

Mr. ROBINSON. I thought I made clear my position upon that question. I repeated it several times, and if the Senator will permit me I will state it again.

Mr. HARDWICK. All right; I yield.

Mr. ROBINSON. I did assert the power of Congress, through its power to regulate commerce, to legislate in the interest of the health, safety, and morals of the people, but that a police regulation rests in the States.

Mr. HARDWICK. Congress is the judge? I am going to see where your doctrine leads. I do not want to do the Senator an injustice. I do not wonder that he disclaims the impression I have had of his speech; I am glad he has done it; but let us see where his present position leads. Let us see who is the judge.

Mr. ROBINSON. It is a question for final determination by the court.

Mr. HARDWICK. But for Congress primarily.

Mr. ROBINSON. Congress determines first.

Mr. HARDWICK. If the Congress of the United States determined on high moral grounds in order that the people might have sound bodies and good education, to legislate that no article produced by labor employed more than eight hours per day should be admitted to interstate commerce, would that not be within its power if the doctrine advanced by the Senator is sound?

Mr. ROBINSON. I express no opinion on that subject.

Mr. HARDWICK. I do not wonder that you do not.

Mr. ROBINSON. I do not think the cases are analogous at all. I say we recognize the sentiment of the people of the United States that the abuses which exist in child labor by reason of employing children an unreasonable period and at very early ages, and in view of that fact Congress is warranted in using its power to regulate commerce to suppress the evil.

Mr. HARDWICK. Let us see. The able Senator from Arkansas knows as well as I do that many people believe it is



absolutely against public morals, if not criminal, to make honest Americans, home-loving, vote-casting men, work more than eight hours a day?

The time may come, if it has not already arrived, when the Senator from Arkansas, following his proposition of going according to the public sentiment on a question of constitutional power, as he has done in this case, will be bound by the force of irresistible and unanswerable logic to say to these people, "Well, you contend that it is immoral, that it is destructive to health, that it stunts the growth of manhood to require human beings to work over eight hours a day, and therefore the Congress, in the exercise of the power on which child labor rests, will not allow anything that is made by labor employed more than eight hours a day to go through the channels of interstate commerce." When the Senator does that I should like to see him get his cotton shipped out of Arkansas.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. HARDWICK. I yield to the Senator from California.

Mr. WORKS. I am anxious to fix in my own mind not only the effect of legislation of this kind, but the intent of it. As I understand the amendment which the Senate committee proposes to the bill, it is not confined to articles that are manufactured partly through child labor?

Mr. HARDWICK. No, sir; it goes much further than that.

Mr. WORKS. Let me illustrate.

Mr. HARDWICK. Very well.

Mr. WORKS. If in one of the mines a boy of 13 years of age should be employed to carry water to men who are working in the mine, that would bring all of the products of that mine within the prohibition of this act?

Mr. HARDWICK. Undoubtedly.

Mr. WORKS. Now, the question in my mind is, if the bill goes to that extent, how it can justly be claimed by Congress that it is legislation to protect interstate commerce.

Mr. HARDWICK. There is no such pretense as that seriously made here.

Mr. WORKS. Or whether it can be construed as having that effect?

Mr. HARDWICK. There is no such claim as that made. I want to read you what the Senator from Arkansas [Mr. ROBINSON] said yesterday was the purpose of this bill, and the Senator from Iowa [Mr. KENYON] said it in express words, and without any qualification of any sort, when he made his speech on February 22, and Members of the other House did not cloak it when they made their speeches in that body on this measure. Yesterday in the part of the speech of the junior Senator from Arkansas, which my friend from California evidently missed, the junior Senator from Arkansas thus described the purpose of this legislation:

The necessity for any such rule of evidence does not exist if the Senate provision—

He means the Senate committee amendment—

is agreed to. Moreover, the Senate plan seems simpler than the House plan—

It is a good deal simpler; it is beautiful in its stern simplicity—

and the more effective to accomplish the end sought—the suppression of child labor through the exercise of the power of Congress to regulate commerce.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. I do not suppose anyone who is undertaking to sustain the bill is undertaking to sustain it upon any other theory than the fact that the Congress of the United States has the power of police regulation under the commerce clause of the Constitution.

Mr. HARDWICK. Does the Senator from Idaho contend that?

Mr. BORAH. Yes; I entertain that view.

Mr. HARDWICK. Well, let me tell the Senator what the answer is, according to my opinion as a lawyer and as a Member of this body, to his contention on that point. The Supreme Court of the United States, under a doctrine built up by some of the latter-day decisions, to which reference has been made on this floor, and to which I intend to refer more at length before I conclude this argument, has, in my judgment, laid down the doctrine that there is, in spite of all that the court had held through all the decades that have gone about the United States and its Congress having no police power, certain police power in respect to the agencies of interstate commerce to preserve

and protect them from destroying influences and to make them serve the ends for which they are intended, namely, the service of commerce throughout the country, the carriage of commerce throughout the country.

Mr. BORAH. Mr. President, that seemed to have been the original doctrine when the courts first apparently approached the subject as to what extent the police power could be exercised under the commerce clause of the Constitution; but certainly no one will contend that either the lottery cases or the white slave case could have been sustained upon any theory that it was serving commerce in the economic sense of the term.

Mr. HARDWICK. No; they were sustained on another theory, and later I want to go into the lottery cases more fully, if the Senator will pardon me. I realize the force of the suggestion that he has made. It assaults the very citadel of my position in this matter.

Mr. BORAH. Just a word. I was going to say, in response to the suggestion made by the Senator from Georgia in the way of a criticism of the position of the Senator from Arkansas relative to the eight-hour law, that the Senator from Georgia would not contend that the State in the exercise of its police power could not provide against any other day's labor than that of the eight-hour day, does he?

Mr. HARDWICK. I think not. That is because all the powers not delegated to Congress are reserved to the States, and they have the general power of legislation, except where it is prohibited by constitutional restrictions.

Mr. BORAH. If the State, in the exercise of its police power, may provide for an eight-hour day, and the entire subject matter of interstate commerce has been transferred to the National Government, and it can exercise all the police power that can be exercised in regard to the subject matter, may it not do the same thing with reference to interstate matters?

Mr. HARDWICK. No, it may not; and it may not for the reason that the power of Congress under the commerce clause does not stand by itself and alone, but it stands with several other constitutional powers, and must be construed in pari materia with all of them.

Mr. BORAH. Mr. President—

Mr. HARDWICK. Let me state to the Senator that I am going into that fully, but I have not yet gotten to that branch of my discussion; and if the Senator will just repeat his question later, I will yield to him, and I shall be glad to discuss that matter with him in detail.

Mr. BORAH. I am very sorry to break in on the Senator's very able argument.

Mr. WORKS. Mr. President, I am probably anticipating what the Senator from Georgia will eventually cover, but I have an open and inquiring mind on this subject, and I am wondering, under the statement made by the Senator from Idaho [Mr. BORAH], if this legislation is to be justified on the ground that it is within the police powers of the Government, whether the Government of the United States has the right to execute and enforce its police powers wholly within a State without affecting labor within a State, in which other States, except in a general way—a humanitarian way—have no interest whatever.

Mr. HARDWICK. The Senator from California has given the very gist of the answer that I am about to make, except that I expect to elaborate it and to make one or two other suggestions along that line and similar lines when I come to that part of my argument; but the Senator is right. I will anticipate so far as to say that if the police power with respect to transportation, while the articles are in transit, or if the police power were exercised so as to protect the State from the injurious effects of the consumption of an unsound or unlawful kind of article which the States themselves had no power to protect themselves against, then the result would be very different; but there is no such contention as that in this instance—the pending bill goes far beyond that.

I said just now that we were coquetting—all of us—with the Bull Moose vote on this question, and that is the plain, literal, unvarnished truth. There is not a Senator within the sound of my voice who does not know it or who will dare deny it. We are playing fast and loose with the Constitution of the United States, with our oaths to support it, with the American system of government, with the reserved powers of the States, with the rights of the people, in a mad effort to get a political advantage.

This bill is not Democratic doctrine. Shades of Jefferson, of Madison, of Jackson, and of Cleveland, no! It is not Republican doctrine. Why, the last Republican President of the United States denounced it in as strong words as Jefferson employed about this sort of business. The doctrine came from a seat in the middle aisle on the Republican side of this Chamber,

from the then junior Senator from the great State of Indiana, Mr. Beveridge.

Mr. BRANDEGEE. Does the Senator want to read what President Taft said about it?

Mr. HARDWICK. Yes; I will be glad to do so if the Senator will give it to me.

Mr. BORAH. Mr. President, before the Senator reads what ex-President Taft said, it must be borne in mind that at the time the then Senator from Indiana announced that doctrine he was one of the leaders of the Republican Party.

Mr. HARDWICK. Yes; and let me tell you something. I call to the witness chair the distinguished Senator from New Hampshire [Mr. GALLINGER], the ranking Senator on the other side, and your floor leader, who said the other day publicly that when the Senator from Indiana proclaimed this doctrine from his seat on this floor every lawyer in this body on both sides of the Chamber who had any position whatever at the bar agreed that it was unconstitutional. At this point, because I have been talking a little about what other people have said, I will ask that the Secretary be allowed to read what former President Taft said about this proposed legislation.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Bills have been urged upon Congress to forbid interstate commerce in goods made by child labor. Such proposed legislation has failed chiefly because it was thought beyond the Federal power. The distinction between the power exercised in enacting the pure-food bill and that which would have been necessary in the case of the child-labor bill is that Congress in the former is only preventing interstate commerce from being a vehicle for conveyance of something which would be injurious to people at its destination, and it might properly decline to permit the use of interstate commerce for that detrimental result. In the latter case Congress would be using its regulative power of interstate commerce not to effect any result of interstate commerce. Articles made by child labor are presumably as good and useful as articles made by adults. The proposed law is to be enforced to discourage the making of articles by child labor in the State from which the articles are shipped. In other words, it seeks indirectly and by duress to compel the State to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the State of the shipment has no legitimate or germane relation to the interstate commerce of which the goods thus made are to form a part, to its character, or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights. (From former President Taft's book entitled "Popular Government," pp. 142, 143.)

Mr. HARDWICK. Mr. President, the last presidential election in which we participated, and which we won, was in 1912. We are now about to go into another one, which I hope we may also win, but that is prophecy, and not history.

Mr. BORAH. And very dangerous prophecy.

Mr. HARDWICK. I do not know about that. It looks to me as if we have been gaining on you recently, as nearly as I can guess about it. When we went into that great fight, here was the banner that we raised aloft to the American people on this subject; there was not a word about child labor; but we said this:

Believing that the most efficient results under our system of government are to be attained by the full exercise by the States of their reserved sovereign powers—

Why that sounds now almost like a "rebel" contention, does it not?

we denounce as usurpation the efforts of our opponents to deprive the States of any of the rights reserved to them and to enlarge and magnify by indirection the powers of the Federal Government.

I call the attention of my friend from Arkansas to that.

Mr. JONES. There is not anything in the platform of 1916 on that great question?

Mr. HARDWICK. No.

Mr. THOMAS. Mr. President, if the Senator will permit me.

Mr. HARDWICK. No; I will not permit the Senator at this time, because I am going to put in what the Senator has in mind in my own time and in my own way.

Mr. THOMAS. I was simply going to call attention to both platforms.

Mr. HARDWICK. Yes; in our last platform we have abandoned fundamental doctrine, as the Senator from Colorado knows, and we have done so to please union labor and to coquette with the Bull Moose. They were so anxious to pass this bill that I regret to say the chairman of my own party issued a statement not long ago giving the position of the Democratic Party on child-labor legislation as one of the reasons, among seven or eight others, why the Bull Moose Party in a body ought to vote for the Democratic candidates. I do not want any such votes on any such reasons, so far as I am concerned.

Mr. WORKS. Mr. President—

Mr. HARDWICK. Will the Senator pardon me a moment?

Mr. WORKS. I merely desire to interrupt the Senator upon this very matter. I have been attempting to defend the South-

ern States against the encroachments of the National Government pretty nearly ever since I have been here.

Mr. HARDWICK. I think the Senator has been always sound in his views on this question, so far as I have known.

Mr. WORKS. They have been absolutely giving away, selling their rights, for money to come out of the National Treasury.

Mr. HARDWICK. Yes, sir; they have sometimes, I am ashamed to say, sold their birthright for a mess of pottage; and most often they did not get the pottage, and threw away the birthright besides. You can not shake your "gory locks at me," for I have not done it. I am not assuming any special virtue over and above my colleagues; but somehow or other I am so built that on fundamentals at least I can not yield; somehow or other I can not help but believe that a political party that is great enough to endure and that deserves to live has to have some fundamental principles in which it believes and to which it is loyal. I was born politically fighting Populism, which was about the same thing as Bull Moosism, subtreasuryism, and all sorts of socialism and paternalism; and I can not get it out of my system. I do not reckon that I ever will until I die. Perhaps when we get to heaven there will be one great, big, beneficent socialism that will work all right. I do not know how it will be elsewhere.

Mr. THOMAS. I am afraid the Senator will never get there. [Laughter.]

Mr. HARDWICK. I have as good a chance as has the Senator from Colorado, I expect.

Mr. THOMAS. A better chance.

Mr. HARDWICK. It is a delicate question to raise in this body, however, and I hope no Senator will pursue it.

Now, let us see. As I have shown, this legislation is not Democratic doctrine. Have you on the Republican side anything at all about it in your platform? In a rather hasty search through your platform I can not find a word about child labor. Did you beg for it and plead for it and promise it in 1912? Did you talk about the poor children who were so abused in 1912? My belief is, without a careful and accurate investigation, that you were so busy fighting each other and were so mad with the other wing of your party that you would not indorse anything in any form in which they believed.

Mr. BORAH. Mr. President, one wing of the Republican Party was for it in 1912.

Mr. HARDWICK. One wing! I thought they were a distinct and separate party; that is, up until recently, and I am not sure but that they are yet.

Mr. THOMAS. They are a broken wing now.

Mr. HARDWICK. As my friend from Colorado aptly suggests, they seem to be a broken wing now. There was a platform, however, that did speak for it, and spoke for it in tones of thunder. I have not got it right at hand, because I have lost the reference, but it is in here. I refer to the Progressive platform; and they demanded this legislation in plain, unmistakable terms.

In 1916 the deluge was over. In 1916 Roosevelt, the unquenchable, the unyielding, was as gentle in his dealings with the Republican Party as a bashful maiden when she faces her first lover, and the mutual concessions were in order, and one of them was a yielding of the Republican position with respect to child labor.

Now, I do not blame you, from the standpoint of practical politics, from trying to get back these fellows, if you can without sacrificing your principles; and I do not blame my party for getting as many of them, or of every other kind of American votes, as we can get, provided we do not give up the citadel of Democratic principles in an effort to get them. I am not willing to do that. I will do anything else on earth that is honorable and fair to induce those men or any other American voters to support the Democratic Party; but I can not, in order to get their support, surrender the doctrines of this great party as they have been preached by every leader it has ever had from Thomas Jefferson to Woodrow Wilson.

Here is what the Progressives said in 1916:

A nation to survive must stand for the principles of social and industrial justice.

This is from their Chicago platform of this year. Well, does that mean a Social Labor Party? Is that what it means? It is not the American system. It is not representative government. It is not our dual form of government—social and industrial justice in a broad, general way. There is no surer, no safer, no sounder way, no more certain plan of securing permanent social and industrial justice, than allowing the great functions of this dual government to operate unimpeded and unimpaired, by sapping some of them of their vitality, because the people of each locality know what is best to promote social



and industrial justice among themselves. Local self-government and home rule will take care of that.

The Progressive platform of 1916 continues:

We have no right to expect continued loyalty from an oppressed class. We must remove the artificial causes of the high cost of living; prevent the exploitation of men, women, and children in industry by extension of the workmen's compensation law to the full limit permitted under the Constitution, and by a thoroughgoing child-labor law.

Now, there you are. While they were doing that our Republican friends were saying "Me, too," over in another part of Chicago; and, bless goodness, when we got down to St. Louis the party that I love made the unfortunate mistake of doing the same thing. Now, that is what the Senator from Colorado wants to say, I reckon. Yes; we did it. I am not proud of it; I am ashamed of it. I am not going to mince words about this thing. But we did it; and I say very frankly that I am so loyal a party man that if I did not believe that the thing was absolutely unconstitutional I might commit the egregious mistake of voting for it myself. But, of course, I swore down there at the Vice President's desk to support the Constitution of the United States and not a party platform; and I am bound to support the Constitution of the United States as I believe it is—yea, Senators, as I know it is—or be forsworn.

I thoroughly believe in this dual system of Government of ours. It has stood the test of time. It secures to us the great principle, ever dear to the Anglo-Saxon heart, of personal liberty, home rule, local self-government, as well as strong, centralized power for foreign relations and for things that are really Federal or national.

I wanted to read you Mr. Madison's estimate of this Constitution. Why, in these days it is not considered popular sometimes even to express a doubt about what the Constitution means or to be opposed to anything because the Constitution may be against it. It is considered a mere subterfuge among some thoughtless and ill-advised people for opposition to this bill or that bill or the other. I tell you Senators, no more dangerous sentiment can be encouraged or permitted to exist generally among the people of this Republic than a belief that their organic law amounts to nothing when it stands in the way of their whims and their temporary desires.

In a letter to R. H. Lee, of Virginia, then President of the Continental Congress, dated in New York, 1784, on the general subject of the labors of the convention that framed the Federal Constitution, Mr. Madison concluded his observations in this way:

But whatever may be the judgment pronounced on the competency of the architects of the Constitution or whatever may be the destiny of the edifice prepared by them, I feel it a duty to express my profound and solemn conviction, derived from my intimate opportunity of observing and appreciating the views of the convention, collectively and individually, that there never was an assemblage of men charged with a great and arduous trust who were more pure in their motives or more exclusively or anxiously devoted to the object committed to them than were the members of the Federal convention of 1787, to the object of devising and proposing a constitutional system which should best supply the defects of that which it was to replace and best secure the permanent liberty and happiness of their country.

It was a just appraisal of the work of the great men who wrote that great instrument which stands as the model for all free representative Governments on the face of this earth to-day; and yet we sneer at it, and if a man says he can not support this bill or that bill or the other bill because the Constitution will not allow it he is considered old-fashioned, an old fogey, and out of date. Ah, Senators, I beg you, I pray you, to halt! If this continues and increases, the Republic can not live.

Mr. President, in 1798 the famous Kentucky resolutions, drawn by Thomas Jefferson's own hand—the original of those resolutions found in his own handwriting, establishes the authorship which is unchallenged and undenied—read as follows. I will read just the first of the resolutions:

*Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government—

Subsequently, that has been changed by the stern edict of war—

but that by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers.

I am afraid that that is what has happened, and that is the reason why I read this resolution—to call attention to that particular expression, that if this Government, as Mr. Jefferson said in

the Kentucky resolutions, were constituted the final judge of what its powers should be, the danger was that the Federal Government would make its own desires the measure of its powers, and not the written Constitution of our fathers.

Mr. BORAH. Mr. President, the Senator will not contend that the National Government is not the judge of its own powers under the Constitution, will he?

Mr. HARDWICK. I do not. I said just now that that had been forever settled. But I think—to use the language of a great Senator from my own State, to whom I am going to refer in just a moment more at length on this question—"cowardice can take no meaner form than when power oppresses weakness"; and that for this Government, because it has the power, because it can do it, and there is no way for people to help it, to usurp powers and rights that do not belong to it, that were never delegated to it, that can not be fairly implied from any of the delegated powers, is as mean and cowardly a thing as any Government on the face of this earth could do, and as dangerous a thing, as utterly destructive of the Government itself, as could possibly be done.

Now, let us see. In a letter to Gideon Granger, dated Monticello, August 18, 1800, Mr. Jefferson said this:

DEAR SIR: I received with great pleasure your favor of June the 4th, and am much comforted by the appearance of a change of opinion in your State; for though we may obtain, and I believe shall obtain, a majority in the Legislature of the United States, attached to the preservation of the Federal Constitution according to its obvious principles, and those on which it was known to be received; attached equally to the preservation to the States of those rights unquestionably remaining with them; friends to the freedom of religion, freedom of the press, trial by jury, and to economical government; opposed to standing armies, paper systems, war, and all connection, other than commerce, with any foreign nation; in short, a majority firm in all those principles which we have espoused and the Federalists have opposed uniformly; still, should the whole body of New England continue in opposition to these principles of government, either knowingly or through delusion, our Government will be a very uneasy one. It can never be harmonious and solid while so respectable a portion of its citizens support principles which go directly to a change of the Federal Constitution, to sink the State governments, consolidate them into one, and to monarchize that. Our country is too large to have all its affairs directed by a single government.

That is what I am pointing out now. I want to interpolate, if Senators will note, that staying here month in and month out, almost year in and year out, we are hardly able to get through the Federal business with some reasonable confinement to Federal limitations of the business we assume to transact. But if, in addition to that, as is proposed by the principle in this bill—because it is the entering wedge for it all—we are to enter into the control and determination of local legislation in each one of the 48 States of the American Republic, I tell you we will have not time to do it, and we will have no information upon which to act intelligently. We will not be able, either in point of time or in point of accurate and reliable information, to perform the function that we will thus usurp.

Mr. WORKS. Mr. President, the Senator is complaining about usurpation on the part of the National Government. I wonder how fully he realizes the fact that the most of this is being done by representatives of the States themselves by way of legislation?

Mr. HARDWICK. Well, does the Senator know why? I will give the Senator my idea. In the first place, they tempt themselves and their constituencies with appropriations, as was suggested just now. In the second place, if they want to accomplish some temporary reform that seems to be so important, just like this, so necessary, so just, so humane, for the moment they sacrifice all considerations of governmental principle, and proceed to do it without delay and without regard to anything else except the object immediately in hand. I am afraid that that is the truth. I have been here in both Houses of Congress some 15 or 16 years, and that is my observation. I have a great respect and a great affection for Members of both bodies, and yet I think that that is the trouble. I do not know what the Senator's opinion is, but I think his long experience might probably lead him to concur with me.

Mr. Jefferson, in his letter to Lee, continues:

Public servants, at such a distance and from under the eye of their constituents, must, from the circumstance of distance, be unable to administer and overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste. And I do verily believe that if the principle were to prevail of a common law being in force in the United States (which principle possessed the General Government at once of all the powers of the State governments and reduces us to a single consolidated Government) it would become the most corrupt government on the earth.

Mr. DILLINGHAM. Will the Senator give us the date of that letter?

Mr. HARDWICK. August 13, 1800.

Mr. DILLINGHAM. How many States were there in the Union at that time?

Mr. HARDWICK. I suppose there were something like 15 or 16. I do not remember exactly how many had been admitted by that time.

Again, I read from Mr. Jefferson's correspondence, in his letter to Mr. M. Destutt Tracy, dated Monticello, January 26, 1811, more than 11 years after the other one was written, when his mind was more mature and his experience larger. Here is what he said. There were 17 States then:

But the true barriers of our liberty in this country are our State governments; and the wisest conservative power ever contrived by man, is that of which our Revolution and present Government found us possessed. Seventeen distinct States, amalgamated into one as to their foreign concerns, but single and independent as to their internal administration, regularly organized with legislature and governor resting on the choice of the people, and enlightened by a free press, can never be so fascinated by the arts of one man as to submit voluntarily to his usurpation. Nor can they be constrained to it by any force he can possess. While that may paralyze the single State in which it happens to be encamped, 16 others, spread over a country of 2,000 miles diameter, rise up on every side, ready organized for deliberation by a constitutional legislature, and for action by their governor, constitutionally the commander of the militia of the State; that is to say, of every man in it able to bear arms; and that militia, too, regularly formed into regiments and battalions, into Infantry, Cavalry, and Artillery, trained under officers general and subordinate, legally appointed, always in readiness, and to whom they are already in habits of obedience. The republican Government of France was lost without a struggle because the party of "un et indivisible" had prevailed; no provincial organizations existed to which the people might rally under authority of the laws, the seats of the directory were virtually vacant, and a small force sufficed to turn the legislature out of their chamber and to salute its leader chief of the nation. But with us, 16 out of 17 States rising in mass, under regular organization and legal commanders, united in object and action by their Congress, or, if that be in duress, by a special convention present such obstacles to an usurper as forever to stifle ambition in the first conception of that object.

Dangers of another kind might more reasonably be apprehended from this perfect and distinct organization, civil and military, of the States, to wit, that certain States from local and occasional discontents might attempt to secede from the Union. This is certainly possible, and would be befriended by this regular organization. But it is not probable that local discontents can spread to such an extent as to be able to face the sound parts of so extensive a Union; and if they should reach the majority they would then become the Regular Government, acquire the ascendancy in Congress, and be able to redress their own grievances by laws peaceably and constitutionally passed. And even the States in which local discontents might engender a commencement of fermentation would be paralyzed and self-checked by that very division into parties into which we have fallen, into which all States must fall wherein men are at liberty to think, speak, and act freely, according to the diversities of their individual conformations, and which are, perhaps, essential to preserve the purity of the government, by the censorship which these parties habitually exercise over each other.

You will read, I am sure, with indulgence, the explanations of the grounds on which I have ventured to form an opinion differing from yours. They prove my respect for your judgment, and diffidence in my own, which have forbidden me to retain, without examination, an opinion questioned by you. Permit me now to render my portion of the general debt of gratitude by acknowledgments in advance for the singular benefaction which is the subject of this letter, to tender my wishes for the continuance of a life so usefully employed, and to add the assurances of my perfect esteem and respect.

Mr. President and Senators, the most brilliant figure that ever represented on this floor and in this Chamber the great Commonwealth from which I come was Benjamin Harvey Hill—the dashing Rupert of short-arm debate, the invincible Achilles of prepared and sustained controversial discussion. A son of Georgia and of the South, who loved them both with an almost idolatrous devotion; he was also a great, broad-minded, broad-gauged American patriot, whose mighty vision swept to the farthest corners of this country, and whose mighty love embraced all her people. Just at this juncture my mind turns naturally to him, for of all the American statesmen of his time he had the truest concept of our great dual system of government, of Federal power, and of the rights and powers of the States; and he expressed his views on that subject with a clarity that never has been equaled, and with an eloquence that rarely has been excelled.

In a speech made by this great American, in the days when reconstruction was hardly over, to the people of my State, my recollection is in 1876, Mr. Hill said what I shall read:

There are two great essential features of this great system, without either of which the whole system would fall, and I shall briefly call your attention to these two essential features. Every man in America ought to understand them and be able to give a reason why the American Union is a great system of government and why this system, represented by that flag floating above us, ought to be dear to every American citizen. The first essential feature of this American system is this: That there shall be a general government for general affairs and a local government for local affairs. That is the first underlying fundamental and indispensable principle of the American system of government. It was a happy thought. There are certain affairs which are general to all the people of this country equally. If you did not have one general government clothed with jurisdiction to manage those general affairs, each State would have to manage them for herself. That would multiply the expense and dangers of our foreign affairs thirty-eight times; that would multiply our standing armies thirty-eight times; that would multiply all the machinery of general government thirty-eight times—

Since there were 38 States when he spoke—that would line the borders of 38 States with customhouse and foreign regulations and military fortifications. To avoid such burdens, our fathers provided one General Government to take charge of all

the affairs that were general and common to all the States alike, leaving each State to manage its own local affairs in its own way.

Why? Because each State would be the best judge of what local laws suited its own people—

Ah, gentlemen, how different is this situation.

Why? Because each State would be the best judge of what local laws suited its own people, better than any foreign States, and better than any government representing a great number of States. So that, I repeat, the first great leading idea and fundamental feature in this American system of government is a general government for general affairs and local or State governments for local or State affairs.

Listen to another striking phrase from this great man. Remember he was speaking in 1876:

Who, then, I repeat, is a disunionist? The man who strikes at the Federal Government is a disunionist, because he strikes at an essential feature of the system which makes the American Union. But the man who strikes at the State government is also a disunionist, because he strikes at an equally essential feature of the same system. He alone is a perfect Union man who is faithful to the whole system—to both the General Government and the State Government, each in its sphere. Blot out the stars from that flag and you have no American flag; blot out the States from this Union and you have no American Union. Cripple the States and you cripple the Union. Invade the States and you invade the Union. Make war on the States and you are a traitor making war on the Union.

Senators, I think that is probably the most eloquent language in all American political literature. I invite the attention of the Senate to this speech. It is most interesting. He concludes his speech in this way:

My countrymen, have you studied this wonderful American system of free government? Have you compared it with former systems and noted how our forefathers sought to avoid their defects? Let me commend this study to every American citizen to-day. To him who loves liberty it is more enchanting than romance, more bewitching than love, and more elevating than any other science. Our fathers adopted this plan, with improvements in the details, which can not be found in any other system. With what a noble impulse of patriotism they came together from different States and joined their counsels to perfect this system, thenceforward to be known as the "American system of free constitutional government!" The snows that fall on Mount Washington are not purer than the motives which begot it. The fresh dew-laden zephyrs from the orange groves of the South are not sweeter than the hopes its advent inspired. The flight of our own symbolic eagle, though he blow his breath on the sun, can not be higher than its expected destiny. Have the motives which so inspired our fathers become all corrupt in their children? Are the hopes that sustained them all poisoned to us? Is that high expected destiny all eclipsed, and before its noon?

Senators, no greater American, no more brilliant orator and no truer patriot ever lived in the great State of Georgia or in this country. I would that his almost inspired words could guide us in this matter. I can see him sitting in the seat I now occupy by a favor of my people far beyond my poor deserts, and I know that the vote I am going to cast will be the vote that Benjamin Harvey Hill would have cast on this great question.

It would not do to quote entirely from southern patriots, from southern statesmen, from great Democrats. I do not know the politics of the man I am going to quote next from, but I do know that he is regarded throughout this Republic as probably the greatest constitutional lawyer and the greatest authority on constitutional law who has ever lived in this country. I think he was a Michigan man.

Mr. TOWNSEND. Judge Cooley, of Michigan?

Mr. HARDWICK. Before I leave Senator Hill I want to say one thing to the Senate, and really that was one of the chief reasons, although I am devotedly attached to his memory, that I made such extended reference to his writing and speeches on this great subject.

Senator Hill was elected to this body in 1877 and died on August 16, I think, 1882, just before the expiration of his first term, while he was the idol of his State and the cynosure of every eye in the Nation. Former Senator Bailey told me within a week—and I have his permission to make reference to it in this public way or, of course, I would not do it—while Senator Hill was in the very heyday of his brilliant career and he, Bailey, was a young man he came to Washington just before Hill's death. It was almost Mr. Bailey's first appearance here. I do not think he was in public life at that time, but he had had many interesting conversations with Senator Hill. It seems that Senator Hill was a distant relation of his. Finally on one occasion he said to Senator Hill, "Senator, I want to ask you a question, if I may do so without being presumptuous." Senator Hill said to him in that kindly way he had, especially with young men, "There will be no presumption about it, my boy. Ask your question." He said, "Senator Hill, I recall that prior to the Civil War you began your political career in Georgia as a Whig. You were elected to the Legislature of Georgia as a Whig, and after that party went to pieces in the wreck of the Kansas-Nebraska decision and the slavery trouble you practically organized in your State the Know Nothing Party and became its candidate for governor of Georgia, and in a momentous and hotly contested and close election you were beaten by a very small majority in a great Democratic State." He said, "Since the war you have been a thorough Democrat in



every respect, devoted to its principles and true to its teachings. I want to know why it is that prior to the Civil War you were everything else but a Democrat, and since the Civil War you seem to be so splendidly versed in Democratic principles and so ardent and loyal in that faith." Hill replied—and it is the key, Senators, to his whole political career—"My son, prior to the Civil War I realized that if the Union was ever endangered at all it would be from its centrifugal forces, that the States were too powerful, and that their powers were augmented too often at the expense of the General Government, and if disunion and disaster ever overtook us it would come from those centrifugal forces. Since the Civil War," he said, "the exact reverse has been true. The danger to the American system of government, the danger to our institutions, comes now and will come for a long period of years from the centrifugal forces in this Republic. They are becoming too powerful; they are encroaching on those rights and powers of the State; they are constantly encroaching upon the functions of the States; they are constantly usurping the different functions of local government."

Senators, it was a wonderful answer and it gave the keynote to the political career of a great American statesman.

Mr. TOWNSEND. The Senator a moment ago referred to Judge Cooley. May I say just a word on that subject?

Mr. HARDWICK. Yes; I yield to the Senator with pleasure.

Mr. TOWNSEND. Mr. Cooley was at one time chief justice of the State of Michigan. There were the big three, as they were known, Cooley, Christiancy, and Campbell; and I think their decisions were more generally quoted and have been throughout the United States as authority than any other court in any other State in the Union. He was also on the Interstate Commerce Commission. He was one of the first commissioners appointed to that body.

Mr. HARDWICK. To the very just and deserved tribute of the Senator from Michigan I want to add, and I think every lawyer in this body will agree with me, that his work on constitutional law remains to this day the standard work on that subject in this country, in my judgment. I read from Cooley on Constitutional Law, pages 29 and 30, third edition. Judge Cooley says:

The government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and the test of the powers conferred. Whatever is not conferred is withheld and belongs to the several States or to the people thereof. As a constitutional principle this must result from a consideration of the circumstances under which the Constitution was formed. The States were in existence before and possessed and exercised nearly all the powers of sovereignty. The Union was in existence, but the Congress which represented it possessed a few powers only, conceded to it by the States, and these circumscribed and hampered in a manner to render them of little value. The States were thus repositories of sovereign powers, and wielded them as being theirs of inherent right; the Union possessed but few powers, enumerated, limited, and hampered, and these belonged to it by compact and concession. In a confederation thus organized, if a power could be in dispute between the States and the confederacy, the presumption must favor the States. But it was not within the intent of those who formed the Constitution to revolutionize the States, to overturn the presumptions that supported their authority, or to create a new government with uncertain and undefined powers. The purpose, on the contrary, was to perpetuate the States in their integrity and to strengthen the Union in order that they might be perpetuated. To this end the grant of powers to the confederacy needed to be enlarged and extended, the machinery of government to be added to and perfected, the people to be made parties to the charter of government, and the sanction of law and judicial authority to be given to the legitimate acts of the Government in any and all of its departments. But when this had been done, it remained true that the Union possessed the powers conferred upon it, and that these were to be found enumerated in the instrument of government under which it was formed. But lest there might be any possible question of this in the minds of those yielding any portion of this authority, it was declared by the tenth article of the amendments that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

I want to say, Senators, that later, in another part of this discussion, I will read an extract from Judge Cooley squarely on this proposition of child-labor legislation, and against it.

Mr. BORAH. Mr. President, does not the Senator think that Judge Cooley clearly laid down the doctrine that the National Government has the power of police regulation with reference to interstate commerce?

Mr. HARDWICK. No, sir; except in the limited way the Senator and I were discussing it this morning. I think he clearly drew that line. If I am in error, I hope the Senator will later call attention to it.

Mr. BORAH. I will not interrupt the Senator now; but I have a reference to Judge Cooley to that effect.

Mr. HARDWICK. I think you will find that he drew the same line I attempted to draw this morning, unless my memory is very inaccurate on that point. I have not examined his work on that particular question recently, but I feel sure my memory is accurate.

Now, I am going to quote from another authority—not a great lawyer, although the gentleman who wrote it was bred to the law, but a great statesman, a great public man, a great President, a man of wonderful intellectuality. In all my life I have come in contact with but few men who, in my judgment, in any way approached him in intellectuality. I refer to the President of the United States. Senators on both sides know that my tribute to him is absolutely beyond all challenge. Not even the exigency of party conflict or the heat of partisan rancor can induce any Senator of the United States to deny that proposition, whether he be Democrat or Republican.

Before Mr. Wilson was President of the United States he was president of one of the three or four greatest American universities, and it was while he was serving in that capacity that the wonderful clearness of his views, the wonderful vigor of his intellect, and the wonderful soundness of his opinions attracted my attention and challenged my enthusiastic admiration.

I am going to read now some of the views of the present President of the United States—in accordance with Jefferson's views, with Madison's views, with Hill's views, with all the great Democrats alive and dead—on this question of local self-government and the rights and powers and responsibilities and duties of the States. Referring to this struggle between State and Federal power, in his book on constitutional law, to which the Senator from Idaho made passing reference the other day, there is a great deal in this book on this question. It is a print of these lectures that were delivered to the Princeton students.

Mr. OVERMAN. What is the date?

Mr. HARDWICK. Nineteen hundred and seven. The lectures, I think, were delivered in 1906. I remember when they were printed. I used to read such portions of them as were printed with great admiration, as I do yet. Now, discussing this trouble, this constant conflict between State and Federal power and authority that seems to inhere in our dual system of government, from which there seems to be little escape, I want to read you what President Wilson said:

And now the question has come upon us anew. It is no longer sectional, but it is all the more subtle and intricate, all the less obvious and tangible in its elements, on that account. It involves, first or last, the whole economic movement of the age, and necessitates an analysis which has not yet been even seriously attempted. Which parts of the many-sided processes of the Nation's economic development shall be left to the regulation of the States, which parts shall be given over to the regulation of the Federal Government? I do not propound this as a mere question of choice, a mere question of statesmanship, but also as a question, a very fundamental question, of constitutional law. What, reading our Constitution in its true spirit, neither sticking in its letter nor yet forcing it arbitrarily to mean what we wish it to mean, shall be the answer of our generation, pressed upon by gigantic economic problems, the solution of which may involve not only the prosperity but also the very integrity of the Nation, to the old question of the distribution of powers between Congress and the States? For us, as for previous generations, it is a deeply critical question. The very stuff of all our political principles, of all our political experience, is involved in it. In this all too indistinctly marked field of right choice our statesmanship shall achieve new triumphs or come to calamitous shipwreck.

The old theory of the sovereignty of the States, which used so to engage our passions, has lost its vitality. The war between the States established at least this principle, that the Federal Government is, through its courts, the final judge of its own powers. Since that stern arbitrament it would be idle, in any practical argument, to ask by what law of abstract principle the Federal Government is bound and restrained.

Now, I am quoting from something the Senator from Idaho quoted in part the other day. He began right here:

Mr. Wilson continues:

"Its power is 'to regulate commerce between the States,' and the attempts now made during every session of Congress to carry the implications of that power."

I commend this to my distinguished friend from Arkansas, the junior Senator—

"and the attempts now made during every session of Congress to carry the implications of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians"—

Of course, I do not think he was referring to the Senator from Arkansas—

"are those set by the good sense and conservative temper of the country."

"The proposed Federal legislation with regard to the regulation of child labor affords a striking example. If the power to regulate commerce between the States can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and action of the country. The only limitations Congress would observe, should the Supreme Court assent to such obviously absurd extravagances of interpretation, would be the limitations of opinion and of circumstance."

That is what you are doing. You are stretching; you, a southern Democrat.

Mr. ROBINSON. I do not think so.

Mr. HARDWICK. I am just telling you what the President thinks.

Mr. ROBINSON. What the President used to think. You are not telling what he thinks.

Mr. HARDWICK. Has the President changed his mind about this?

Mr. ROBINSON. Certainly. The President is advocating this bill.

Mr. HARDWICK. Surely the Senator must be mistaken about that. I can not credit it.

Mr. ROBINSON. Then I am unable to enlighten the Senator.

Mr. HARDWICK. Of course I think the Senator must have misunderstood him.

Mr. THOMPSON. Will the Senator from Georgia yield to me for a moment?

Mr. HARDWICK. I yield to the Senator.

Mr. THOMPSON. That was before the decision of the Supreme Court on this question.

Mr. HARDWICK. The President has not been a practicing lawyer. He did not base any of this sound doctrine on any decision.

Mr. THOMPSON. But a great many of us have changed our minds since the Supreme Court has decided the question.

Mr. HARDWICK. I will discuss the decisions a little later. Of course the Senator may be right. Wise men change their minds very often, but I have yet to see any reason upon which any alleged change of mind upon the part of the President is based or upon which it rests. I confess I should like to see it as a matter of curiosity. I should like the Senator, as long as he is now about it, to give us the reasons for it if he can.

Mr. ROBINSON. Will the Senator yield to me for an interruption?

Mr. HARDWICK. Certainly. My remarks do not apply to the Senator any more than to any other Senator.

Mr. ROBINSON. I understand that. I am not taking it any more seriously than the Senator from Georgia intended it; but I had assumed, of course, that the Senator from Georgia knew that the President had expressed his friendliness to this legislation. If that information has not reached the Senator from Georgia, then I will admit that he seems to be living in the past.

Mr. HARDWICK. The Senator from Georgia would rather live in the past in some respects than in the present.

Mr. ROBINSON. The Senator from Georgia would adorn any age in which he lived.

Mr. HARDWICK. I thank the Senator very much. I am rather old-fashioned. I do not believe in these radical changes about fundamental principles overnight, and I am not going to indorse them. I do not care who changes; the Senator from Arkansas can do just as he likes. Of course, I saw it printed in the papers that the President came up here and told us—he did not tell me, of course; he told some of us—that this legislation must pass, and pass at this session. Well, he may have done it. I do not know. The newspapers are not always accurate. I do not know whether he did or not, but if he did I imagine he came with crape on his hat. If he did, I imagine he came in mourning for the death of his ideals. If he did, I imagine he came in sorrow. Mr. Wilson continues:

The proposed Federal legislation with regard to the regulation of child labor affords a striking example. If the power to regulate commerce between the States can be stretched—

This sounds like just some of my speech. That is one reason why I am so strong for him, and always have been—

can be stretched to include the regulation of labor in mills and factories it can be made to embrace every particular of the industrial organization and action of the country.

Including the Senator's cotton pickers down in Arkansas:

The only limitations Congress would observe should the Supreme Court assent to such obviously absurd extravagances of interpretation would be the limitations of opinion and of circumstance.

I would not care in this presence to so characterize the proposition submitted by the distinguished Senator from Arkansas, but I must read the book right. It was in the book and it is right:

It is important, therefore, to look at the facts and to understand the real character—

I am still reading from Mr. Wilson—

of the political and economic materials of our own day very clearly and with a statesmanlike vision, as the makers of the Constitution understood the conditions they dealt with.

He was everlasting and eternally right, and he is right yet; and I dislike to credit any report from any irresponsible newspaper source or from any Senator that the President has paper source or from any Senator that the President has reversed all of these sound views. I simply can not believe it.

If the jealousies of the colonies and of the little States which sprang out of them had not obliged the makers of the Constitution to leave the greater part of legal regulation in the hands of the States, it would have been wise, it would even have been necessary, to invent such a division of powers as was actually agreed upon. It is not, at bottom, a question of sovereignty or of any other political abstrac-

tion; it is a question of vitality. Uniform regulation of the economic conditions of a vast territory and a various people like the United States would be mischievous, if not impossible.

Jefferson himself never put it any stronger or any better.

But Mr. Wilson continues:

The statesmanship which really attempts it is premature and unwise. Undoubtedly the recent economic development of the country, particularly the development of the last two decades, has obliterated many boundaries, made many interests national and common, which until our own day were separate and local; but the lines of these great changes we have not yet clearly traced or studiously enough considered. To distinguish them and provide for them is the task which is to test the statesmanship of our generation; and it is already plain that, great as they are, these new combinations of interest have not yet gone so far as to make the States mere units of local government. Not our legal conscience merely, but our practical interests as well, call upon us to discriminate and be careful, with the care of men who handle the vital stuff of a great constitutional government.

You might have said, if I did not read some more of it, that that let him out; that he was preparing for this change of front that you now charge him with. Let us see.

Again, Mr. Wilson says:

The United States are not a single, homogeneous community. In spite of a certain superficial sameness which seems to impart to Americans a common type and point of view, they still contain communities at almost every stage of development, illustrating in their social and economic structure almost every modern variety of interest and prejudice, following occupations of every kind, in climates of every sort that the Temperate Zone affords. This variety of fact and condition, these substantial economic and social contrasts, do not in all cases follow State lines. They are often contrasts between region and region rather than between State and State. But they are none the less real, and are in many instances permanent and ineradicable.

I am not going to read all of this, but I want to read one more quotation from it.

Again, Mr. Wilson says:

It would be fatal to our political vitality really to strip the States of their powers and transfer them to the Federal Government. It can not be too often repeated that it has been the privilege of separate development secured to the several regions of the country by the Constitution, and not the privilege of separate development only, but also that other more fundamental privilege that lies back of it, the privilege of independent local opinion and individual conviction, which has given speed, facility, vigor, and certainty to the processes of our economic and political growth.

Now, listen. I commend this to my friends who advocate this bill:

To buy temporary ease and convenience for the performance of a few great tasks of the hour at the expense of that—

"That" is local self-government—

would be to pay too great a price and to cheat all generations for the sake of one.

Jefferson never wrote sounder Democracy nor sounder Americanism. Madison never contended for a more correct principle. The eloquent dead Senator from my own State, from whom I quoted at length, analytical and eloquent as he was, never in his life expressed it better. It was true when he said it, and it is true to-day. It is the ark of the covenant of my faith, and upon it I still rest.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I yield to the Senator.

Mr. KENYON. Does the Senator remember that on the President's western trip—I can not quote him exactly—but he said, substantially, referring to his change of mind on the preparedness question, that when he ceased to change his mind he would become a back number? Does not the Senator recognize the right of the President to change his mind and not to become a back number?

Mr. HARDWICK. Undoubtedly; and I am not criticizing him for it. In fact, I am not certain that he has done it—not at all.

Mr. ROBINSON. The Senator knows that the Democratic platform declared for it.

Mr. HARDWICK. I decline to yield to the Senator. I am not sure that the President has changed his mind on this question, even if he has, as alleged, changed his position.

Mr. ROBINSON. Does the Senator decline to yield to a question?

Mr. HARDWICK. I decline to yield now. I am going to make my statement in my own way.

Mr. ROBINSON. I thought the Senator invited interruptions.

Mr. HARDWICK. The Senator from Arkansas declined to yield to everybody, if my recollection is correct.

Mr. ROBINSON. No; I did not decline to yield; but, as I said, I preferred not to yield to controversial questions.

Mr. HARDWICK. I beg the Senator's pardon.

Mr. ROBINSON. I merely wanted to know if the Senator from Georgia did not know that the plank of the platform on



which the President was running for President declared for this bill?

Mr. HARDWICK. What is a plank of a party platform against the Constitution?

Mr. ROBINSON. If the Senator will yield for another question, I wish to say that he has suggested that he did not know the President's attitude upon this subject. Is the Senator serious in that statement or is he humorous?

Mr. HARDWICK. Well, I will tell you. The Senator has put me a pretty hard question. Of course it is half serious, and only half serious.

Mr. ROBINSON. I will withdraw it.

Mr. HARDWICK. No; do not withdraw it. I am going to answer it. You need not worry.

It is reported that the President came up here—the newspapers said so—and asked for the passage of this bill and insisted on it at this session, prior to the election. I have some reason to believe that that may be accurate, but the reasons for his change of heart and whether he still believes what he has written in this book I do not know and can not say; but I have yet to see the color of the Senator's hair or eyes who can give me any accurate information on the subject.

Ah, Senators, I do not know what course others may adopt, but as for me and mine we will serve the Lord on this question. We are not going to surrender the rights of the States; we are not going to surrender the blessings of local self-government; we are not going to surrender, so far as I can prevent it, the fundamental principles of American liberty and of American constitutional government, to advance any campaign or to do anything political in any way whatever. "If that be treason, make the most of it"; if that be disloyalty, the oath I took and the obligation I owe to the 3,000,000 people of Georgia and to her dead as well as to her living, to her great men who sat in this Chamber and who have illustrated American constitutional principles on this floor, compels me, so long as my own view of the Constitution remains as it is—and it is not likely to change—to stand steadfast for the rights of the States, for local self-government, for the Constitution that our fathers wrote.

Ah, Senators, the Senator from California [Mr. WORKS] struck at the very kernel of it. This bill hardly pretends to be even a subterfuge; it simply says to a man in Georgia, in Iowa, in New Jersey, or in any other State of this Union, "You regulate the hours of employment and conditions of labor, purely domestic and internal affairs, admittedly matters of State concern, and of exclusive State concern, according to the standards we set up or we will not"—do what? "We not only will not admit the product of labor that is not in accordance with our standards to our channels of interstate commerce, and permit it to be carried by our agencies into commerce, but whatever else you have got, whatever else you make, even if labor of that prohibited kind was not employed in it, we will put that out, too, because you did not obey our law." That is what it amounts to.

You could say to him with equal right, so far as the power goes, that a man who runs a factory like that in violation of this congressional rule of civil conduct will not be allowed to go on a passenger train or to carry his wife and children on a passenger train in interstate commerce. You could say to a man who printed the lottery ticket, "You may print Sunday-school hymns, but they shall not go into interstate commerce, because they came out of the same factory from which lottery tickets came." You may say to a man who prints lottery tickets, "You may print the Bible, the Word of Almighty God, but it shall not go because the same printing press that runs off the lottery ticket runs off the Bible; and the Bible, under those circumstances, is liable to do tremendous harm."

You do not even profess to confine your prohibition to the product; you do not even pretend that you are merely indulging in a nice little fiction about this thing; but you undertake to prohibit the shipment of articles perfectly legitimate in character, inherently sound, through the channels of interstate commerce simply because some man will not do what you tell him about the kind of laborers he shall employ or how many hours he shall require them to work in whatever State he happens to reside, regardless of what are the laws of that State on the subject.

Ah, Senators, there is no need to pursue the subject. It is demonstration complete; there is no answer to it. The bill is subterfuge and indirection, unashamed and confessed. That is what it is. If you can do that, as I suggested to my friend from Arkansas, you can also say that you will not permit the product of any factories that employ people over eight hours a day to go through the channels of interstate commerce, and you can make for that proposition every argument of humanity and humani-

tarianism, every appeal to sentiment and sentimentalism, that is made for this bill in the opinion of a vast number of people; and, after all, according to the Senator's theory, what difference does it make, because if Congress is the judge, and if Congress says that it is a great and humane purpose to allow only those articles that are made by eight-hour labor to go through the channels of interstate commerce and that anything else is wicked and inhumane and offends the great public sentiment of this country, and that position can be sustained, there is no limit to congressional power; none whatever.

I warn the Senator from Arkansas, and I warn every other Senator on this side of the Chamber, that he is about to open a Pandora's box that sooner or later will destroy our people because of the noxious diseases that is will unloose. The evil may be very small in regard to this particular matter, it may be almost infinitesimal, but I will tell you right now, Senators, that I believe a majority of the States in the Union have already better child-labor laws than this bill proposes; so there is little real need for this legislation.

Oh, Senators, if you want to get a mess of pottage for your birthright again, for heaven's sake get something that you need more than you do this thing; get something that is worth while to you; get something that will do some practical good. I invite any Senator on this floor to challenge my statement this morning that the child-labor law of my own Commonwealth, which this bill seeks to supersede, is better than the law that would supplant it.

Mr. HUGHES. Mr. President, I understand the Senator—The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Chair will request Senators when they seek to take the floor to address the Chair.

Mr. HARDWICK. I yield to the Senator.

Mr. HUGHES. Do I understand the Senator to be of the opinion that this law, if enacted, would supersede the law of his own State?

Mr. HARDWICK. Undoubtedly it will, because almost 90 per cent of modern business, or at least a great per cent of it, must go through the channels of interstate commerce. The Senator knows that as well as I do. There is not a great factory in any great State of this Union that could live if its products were denied shipment in interstate commerce. Therefore, they must reform to whatever requirements Congress makes.

Mr. HUGHES. Mr. President—

Mr. VARDAMAN. Mr. President, if the Senator will pardon me.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. HARDWICK. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was merely going to suggest to the Senator that the enactment of this bill would not interfere in any way with the efficiency of the law in force in the States, so far as the regulation of factories is concerned for State purposes.

Mr. HARDWICK. That is true, technically speaking, but I will say to the Senator that if you impose this obligation, this standard on the people of a State, they will simply be unable to do business, unless they can also send their products through the channels of interstate commerce.

Mr. VARDAMAN. The Senator misunderstands me.

Mr. HARDWICK. Probably I do.

Mr. VARDAMAN. The State of Georgia has enacted a law for the protection of the children of Georgia. The enactment of this bill will not impair in any way the Georgia law for the protection of the Georgia children. That law will remain in force; and the Federal law would only have reference to the right to use the mediums of interstate commerce.

Mr. HARDWICK. That is another question, if it will, and it will not. It will not interfere, so far as the technical proposition is concerned that the State law remains on the books; but it will absolutely supersede and destroy the State law, because the mills can not live and do business unless they can come under the terms of this bill and can ship their product through the channels of interstate commerce. Am I right about that? I do not think there are any two views possible about that.

Mr. HUGHES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARDWICK. I yield.

Mr. HUGHES. I think the Senator and I misunderstand each other. The point I was trying to make is this: The State of Georgia or any other State can go on enacting more and more favorable legislation on this subject than it now has.

Mr. HARDWICK. I will say to the Senator that we have a law in the State of Georgia that, according to my information—and I think it is accurate—everybody agrees is a better

law than the law which it is now proposed to place on the Federal statute book, and yet no matter what our law may be we are told that we have not sense enough to attend to our own business; that we do not know how to enact a law that suits our local conditions, but that Congress, in its wisdom, knows more than we do and knows better about this purely local matter. I was not in the legislature which enacted that law, and I do not contend that the legislature of my State is infallible, but I do believe it has enacted a wise, just, and humane law on this subject and will improve it whenever the opportunity for improvement presents itself.

Mr. ROBINSON. Mr. President, will the Senator from Georgia yield?

Mr. HARDWICK. In just a moment—but I do say that I had rather trust the legislature of my State, yea, a thousand times, to act on local matters, to pass on the laws of contract, of life and death, of liberty and imprisonment, of labor, and of everything else within the bounds of the State, than to have such legislation enacted in Washington, where men have not the time to transact such business for them, nor the inclination to do so, nor the opportunity to acquire the information that is necessary to enable them to do what is right, and never can know what is right as to such matters. Now I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from Georgia a question for information. Is it not a fact that Georgia has a 60-hour-a-week limitation or provision in its law; and is it not also a fact that in its operation it allows 11 hours a day labor, because of the fact that it is the custom in that State to work only five and a half days a week, Saturday afternoon being an actual holiday; and if, under the law of Georgia, children do not work 11 hours a day in factories?

Mr. HARDWICK. Mr. President, I want to read, since the question has been raised, Georgia's statute on this question. That is the answer, of course.

Mr. ROBINSON. I do not care to have it read. I am familiar with it; and that is my construction of it, together with the information I have concerning it.

Mr. HARDWICK. I want the Senate to see how just the Senator's construction of it is, and that is why I want to read it. The Senator, as I understood, wanted to ask me the question for information.

Mr. ROBINSON. I will take the word of the Senator from Georgia upon the statute; but I ask him if it is not a fact that under the provisions of the local law in the State of Georgia an 11-hour day is enforced?

Mr. HARDWICK. I do not think so.

Mr. ROBINSON. Or 60 hours per week, with a half day on Saturday.

Mr. HARDWICK. I do not think that can be the case under the State statute.

Mr. ROBINSON. It might be if the statute were not enforced.

Mr. HARDWICK. Oh, the suggestion does not do the Senator credit, although, of course, he does not so intend it. We have a law-abiding people.

Mr. ROBINSON. I do not question that.

Mr. HARDWICK. And the law is enforced; there is no trouble about that. We have about as much machinery for its enforcement as is provided in the pending bill, except we have not provided for a lot of spying inspectors.

Mr. ROBINSON. What is the limitation as to hours per week and as to the age of children?

Mr. HARDWICK. I am going to read the law.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator, even if it be conceded that the law is not properly enforced in Georgia, has Congress authority to go into a State and see to the enforcement of the State law?

Mr. HARDWICK. It seems so from the contention that is being made here in connection with this bill.

Mr. ROBINSON. Nobody contends that.

Mr. HARDWICK. I am glad to learn that.

Mr. ROBINSON. The Senator from Georgia, I am sure, did not understand me as making such a contention.

Mr. HARDWICK. I have known people to contend that, and it is the contention of a very strong element in this country, with which the Senator seems to be aligned in this matter. That is one of the arguments made—that if the States do not enforce their laws, then the Government shall intervene.

Mr. ROBINSON. That might be an argument in justification of Congress exercising such powers as it has to correct a recognized evil.

Mr. HARDWICK. I do not believe that Congress has any power to enforce the laws of a State.

Mr. ROBINSON. Nobody claims that Congress has power to enforce State laws. Congress enforces its own laws; but the fact that the States do not enforce their own laws as to matters of this kind might justify Congress, in exercising the power it possesses to regulate commerce, to suppress an evil.

Mr. HARDWICK. I do not think so. The Senator has elaborated his views on the subject, and I understand them. I am glad he is not quite so bad as I thought he was on this question when I first heard him. He will get back, perhaps, to his ancient moorings at some time, but the lesson, I fear, will be a bitter one before he does.

Mr. ROBINSON. Mr. President, did the Senator understand me to say that I thought the Federal Congress could enforce a State law, a law enacted by a State legislature?

Mr. HARDWICK. I will tell the Senator what I understood him to say. I understood the Senator to say—and his conduct speaks louder than his words—that Congress can say to a man in Georgia, "You must not work labor of a certain kind, or you must not work labor more than certain hours"—admittedly matters of local regulation, admittedly matters for domestic regulation by the State governments—"or, if you do you can not transport the articles you make through the channels of interstate commerce, and before we get through with you we may conclude not to let you and your wife ride on the railroad trains."

Mr. President, I am a little weary, and I now ask the Secretary to read the statute of Georgia on this question.

The PRESIDING OFFICER. Without objection, the Secretary will read the statute referred to.

The Secretary read as follows:

#### REGULATING EMPLOYMENT OF CHILD LABOR.

An act regulating the employment of children; to provide for the issuance of certificates with reference to age and educational qualifications of children; the revocation of such certificates by the commissioner of labor; designating prohibited hours of labor for such children; making it the duty of the commissioner of labor and authorized assistants to enforce this act; making it a misdemeanor to violate the provisions of this act; and to repeal the act approved August 1, 1906, entitled "An act to regulate the employment of children in factories and manufacturing establishments in this State, and to provide for the punishments of violations of the regulations prescribed, and for other purposes," and which said act repealed is codified in sections 3143, 3144, 3145, 3146, 3147, 3148, and 3149 of the Code of Georgia of 1910, and for other purposes.

Be it enacted by the General Assembly of Georgia, That no child under the age of 14 years shall be employed by or permitted to work in or about any mill, factory, laundry, manufacturing establishment, or place of amusement, except that children over 12 years of age who have widowed mothers dependent upon them for support, or orphan children over 12 years of age dependent upon their own labor for support, may work in factories and manufactories, except that the foregoing provisions of this section shall not be applicable in instances specified and provided for in section 8 of this act.

SEC. 2. Be it further enacted by the authority aforesaid, that no child under 14 years and 6 months shall be employed or be permitted to work in any of the establishments or occupations mentioned in section 1, unless the person, firm, or corporation employing such child has and keeps on file accessible to the officials charged with the enforcement of this act a certificate from the superintendent of schools in the county or city in which such child resides, that such child is not less than 14 years of age, has attended school for not less than 12 weeks of the 12 months preceding the date of issuance of such certificate, except that the foregoing provisions of this section shall not be applicable in instances specified and provided for in section 8 of this act.

SEC. 3. Be it further enacted by the authority aforesaid that the certificate mentioned in the foregoing section shall state the full name, date and place of birth of the child, with the name and address of the parent, guardian, or person sustaining the parental relationship to such child, and that the child has appeared before the officer and satisfactory evidence submitted that the child is of legal age. Blank forms of these certificates shall be furnished by the commissioner of labor to the superintendent of schools in the respective cities and counties. A duplicate copy of each certificate shall be filed with the commissioner of labor within four days from its issuance. The commissioner of labor may at any time revoke any certificate if, in his judgment, the certificate was improperly issued. He is authorized to investigate the true age of any child employed, hear evidence, and require the production of relevant books or documents. If the certificate is revoked, the then employer shall be notified, and said child shall not thereafter be employed or permitted to labor until a new certificate has been legally obtained, except that the foregoing provisions of this section shall not be applicable in instances specified and provided for in section 8 of this act.

SEC. 4. Be it further enacted by the authority aforesaid that no child under 14 years and 6 months of age shall be permitted to work in or about any of the establishments mentioned in section 1 or section 2 of this act between the hours of 7 p. m. and 6 a. m., according to the standard time of the community in which such establishment is located.

SEC. 5. Be it further enacted by the authority aforesaid that it shall be the duty of the commissioner of labor and his authorized assistants to see that the provisions of this act are enforced.

SEC. 6. Be it further enacted by the authority aforesaid that any person, agent, or representative of any firm or corporation violating any of the provisions of this act, or any parent, guardian, or other person standing in parental relationship to any child, who shall hire or place for employment or labor any child under the age limits in any of the establishments or occupations mentioned in section 1 of this act, or any superintendent of county or city schools who shall issue a certificate knowing that its issuance was illegal; or any person who shall knowingly furnish any untrue evidence with reference to the date or place of birth of said child, or the age of said child, or its educational qualifications, shall be guilty of a misdemeanor, and upon conviction shall be punished accordingly.



SEC. 7. Be it further enacted by the authority aforesaid, that the act approved August 1, 1906, and entitled "An act to regulate the employment of children in factories and manufacturing establishments in this State and to provide for the punishment of violations of the regulations prescribed and for other purposes and codified in sections 3143 to 3149 inclusive, of the Code of Georgia of 1910, is hereby repealed.

SEC. 8. Be it further enacted by the authority aforesaid, that it shall be lawful for a child 12 years of age or more to work in and for a mill, factory, laundry, manufacturing establishment, or place of amusement if such child has dependent upon his labor a widowed mother or if such child is an orphan dependent upon his own labor. Whenever such child desires to work in any of such places as is specified above the fact that such child's labor is necessary to support a widowed mother or to support such orphan child must be found to be true after an investigation by a commission composed of the county school superintendent and the ordinary of the county where the work is to be done, and the head of the school in the school district where the said child lives. After an investigation by said commission if it, or a majority of its members, find that the facts exist to authorize such child to work in or for any of the establishments mentioned in section 1 of this act, because of the existence of either of the conditions hereinbefore set out, such commission shall issue a certificate to that effect which shall be kept on file in the office of the establishment where said child is at work. Such commission shall make an investigation and issue a new certificate at least once each six months and may prescribe as a condition precedent to issuance of such certificate school attendance for such length of time and at such time as in its discretion seems wise. No such certificate more than six months old should authorize the employment of any child under 14½ years of age in or for any of the places specified in section 1 of this act.

SEC. 9. Be it further enacted by the authority aforesaid that all laws and parts of laws in conflict with the provisions of this act be, and they are hereby, repealed.

SEC. 10. Be it further enacted by the authority aforesaid that the provisions of this act shall be in force on and after January 1, 1915. Approved August 14, 1914.

Mr. HARDWICK. Mr. President, in a very able and carefully considered speech delivered on this floor on the 26th day of February of this year, and a speech that in my opinion does him great credit as a lawyer, because it is one of the few close-knit, real arguments on the other side that I have had the opportunity to read on this question, the distinguished junior Senator from Iowa [Mr. KENYON] made this remark, almost at the conclusion of his great speech:

Now, Mr. President, I have taken a great deal more time than I should have done. I do not know, if Congress has a doubt about the constitutionality of a proposed legislative enactment, just what its duty is. That is for each Member to determine.

By the way, the very able and very candid Senator from Iowa expressed what I regarded as a doubt in his own mind on that very subject.

He continued:

It is a principle of constitutional law, however, that all legislation, whether of Congress or of the States, must be taken to be valid unless the contrary is clearly shown. Of course, when a law comes before a court for interpretation it is to a certain extent limited by the fact that every presumption is in favor of constitutionality. Hence Congress should carefully consider constitutional questions. But it does seem to me that a mere question in one's mind as to whether or not a court may hold a statute unconstitutional is not enough to warrant voting against a measure even where it may fairly be said to be a somewhat doubtful question.

The Senator from Iowa expressed in those words a view that is all too prevalent, especially among careless and inexperienced legislators. You often hear discussions in the cloakrooms, and sometimes upon the floors of both Houses of Congress, in which Senators and Representatives express themselves about in this way: "Well, I am very doubtful about the constitutionality of this legislation; but, after all, the courts must construe it. Therefore I am going to vote for it and let its constitutionality be decided by the courts."

The Senator from Iowa, expressing this view with some qualifications that do him credit, although unfortunately he did not get away from the substantial ground that this class of legislators occupy, has, in my judgment, called attention to what is one of the most serious dangers in our whole constitutional system. He has adverted to what has become a common practice, unfortunately, among too many Members of both Houses of Congress, and even some of them good lawyers like my friend from Iowa. On the contrary, I say to my friend that the very reverse of his proposition is true; that the very opposite of his position is the true and statesmanlike ground, and the only ground that a legislator who understands the American constitutional system can afford to occupy or can safely stand upon. Since the courts give every doubt in favor of the constitutionality of legislation, for that very reason it is the solemn, bounden duty of legislators to resolve every doubt against the constitutionality of measures.

Mr. KENYON and Mr. CLAPP addressed the Chair.

Mr. HARDWICK. I yield to the Senator from Iowa.

Mr. KENYON. I do not want to interrupt the Senator—

Mr. HARDWICK. It will not interrupt me at all.

Mr. KENYON. But if the principle the Senator lays down had been followed, we would have had no employers' liability act, no pure food and drugs act, and certainly no white-slave act, would we?

Mr. HARDWICK. Well, it depends. I will answer the Senator candidly—

Mr. KENYON. In all of those, I think—if the Senator will follow the briefs in those cases, as he probably has done, and as I have done—the same argument was made as to the constitutional questions.

Mr. HARDWICK. I am going to discuss each one of those cases before I get through. Of course, legislation of that character—most of it, at least—never could have gotten the support of the Senator from Georgia, and did not get it, because I was utterly unable to decide that the legislation was constitutional.

Mr. KENYON. The Senator from Georgia would have contended, I assume, that the white-slave act was unconstitutional?

Mr. HARDWICK. I thought so, and voted against it for that reason. That is my recollection of my record.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. HARDWICK. I yield to the Senator.

Mr. WALSH. Under that rule we never would have had any United States bank, either.

Mr. HARDWICK. And if you do not adopt that rule you will not have any States very much longer, in my judgment.

Mr. WALSH. And if we never had had any United States bank we never would have had any national banking system.

Mr. HARDWICK. Well, it depends. In answering the Senator's question, I think I will touch the thought the Senator has in mind. It depends. Legislators, of course, who have no reasonable doubt—I am going to interpolate the word "reasonable" there—will not hesitate to support legislation of that character; or, if there is grave doubt in the minds of a majority that it can be constitutionally enacted, then, if the legislation is indispensable, there must be some amendment of the Constitution, as we have done about the election of Senators, the levying of an income tax, and such questions as that. The Senator's position that if you are in doubt you should resolve the doubt against your scruples on constitutional matters is in my judgment not only inherently unsound, but is as dangerous a doctrine as was ever announced in the American Senate.

Mr. BORAH. Mr. President—

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. I understood the Senator to say that the rule by which one should be guided in voting for a bill or against it, when the constitutionality of it was involved, was this—that if the Senator has a doubt as to its constitutionality, he should vote against it.

Mr. HARDWICK. Well, a serious doubt. I do not mean a trivial doubt. I am using the word in its ordinary significance. I mean a real, substantial doubt.

Mr. BORAH. A substantial doubt. Of course, if it is a well-grounded doubt, a well-founded one, that might be true; but if the Supreme Court seems to have announced principles under which the law could be sustained, and has taken a position which would make it constitutional as you interpret it, and if you believe the measure to be a beneficent measure, a good measure, would the Senator still resolve his own individual doubts against the law?

Mr. HARDWICK. Undoubtedly; and the Senator from Idaho would, too, if he will face this question squarely, because it is not right, it is not just, it is not honest, to substitute for my judgment as a Senator from Georgia and a Member of this body the judgment of any other man on this earth. I was sent here by 3,000,000 people to discharge my duty to them according to my own mentality; and so with the Senator from Idaho, and so with every other Member of this body. Every legislator is just as much the guardian, the conservator, the preserver of the Constitution of his country, which he has sworn to support, as any judge can possibly be. Every legislator must act independently, on his own honest judgment. Courts have been known to reverse themselves. If the Senator adopts any such convenient system of "doubts" as he suggests, he might find himself in the place of the man who did not know anything but statute law, and the legislature came along and repealed all that he knew. [Laughter.] He might find the courts jumping so fast that a stable, well-balanced, well-grounded gentleman of the Senator's type and caliber would not be able to jump with them. Courts are constantly reversing themselves.

Mr. BORAH. Mr. President, I accept the proposition, under our theory of government, that when the Constitution of the United States is construed by the Supreme Court of the United States, that is my guide, whether prior to the decision it would have been my judgment or not.

Mr. HARDWICK. That is true. I am going to agree with the Senator that far, when it is plainly, clearly ruled, and there is no escape from the ruling. But in the region of doubt, where it is uncertain how far the tendency has proceeded, where it is

uncertain whether the particular question which the Senator as a legislator would pass upon has been decided or not, there can be no such doctrine soundly applied. Am I not right?

Mr. BORAH. I will respond to the Senator in a minute.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. HARDWICK. I do.

Mr. VARDAMAN. I want to suggest to the Senator from Georgia, in support of the position he is taking, that many of the great lawyers of this country who lived contemporarily with the adoption of the Constitution felt that the Congress ought to be, in the matter of construing the Constitution, the court of last resort.

Mr. HARDWICK. Oh, yes. Not only that—

Mr. CLAPP. But it is not.

Mr. HARDWICK. Not only that but the Senator knows that the framers of the Constitution did not at all intend that the Supreme Court should declare acts of Congress unconstitutional.

Mr. BORAH. Oh, no; the Senator does not know that at all. The Senator entertains quite the opposite view.

Mr. HUGHES. The Senator ought to have found it out by this time.

Mr. HARDWICK. Does the Senator dispute that proposition?

Mr. BORAH. If I understood the Senator correctly, I do.

Mr. HARDWICK. Probably I did not express myself clearly. I said that the Constitutional Convention did not intend to confer the power that the Supreme Court has since assumed, to declare invalid or unconstitutional an act of Congress.

Mr. BORAH. Oh, I do not at all agree with that doctrine. Both historically and according to the terms of the Constitution I reject the doctrine.

Mr. HARDWICK. The Senator knows the warrant and authority for it, anyway. I will not go into a side issue of that kind at this time. There is ample warrant and authority for the statement I have made.

Mr. BORAH. I do not know that; I would not say "ample."

Mr. CLAPP. The Constitutional Convention refused on two votes to confer such a power on that court.

Mr. BORAH. That is all right. The great framers of the Constitution—Mr. Madison, whom the Senator has cited; Mr. Hamilton, and that class of men—expressed themselves beyond question in favor of the proposition that the Supreme Court of the United States could do precisely what Chief Justice Marshall finally said it should do.

Mr. HARDWICK. Yes; and the Constitutional Convention that framed the Constitution twice voted, unless my memory is inaccurate, that they would confer no such power.

Mr. BORAH. No; the Constitutional Convention did not, in my opinion, decide that precise question by a vote at all. That was not the precise question which was before them when they took the vote. I have undertaken to analyze the opinion of the members of the Constitutional Convention; and many of the leading members of it, the men who will be recalled to us now as being the framers of the Constitution, announced themselves in favor of the doctrine that the Supreme Court of the United States could declare a statute unconstitutional.

Mr. HARDWICK. The Senator knows the authority for the position I have taken. It is ample. He may not agree with it, but the fact remains that votes were taken that, in my judgment—I will put them in the Record at some time when I have more time than this—mean absolutely that. Furthermore, I want to suggest to the Senator that it is not the part of brave, honorable, honest statesmanship to shift responsibility. I know the Senator will agree with me about that. We have our responsibility.

Mr. BORAH. I agree perfectly with the Senator as to the proposition of not shifting responsibility; but I want to go back for a moment to a time long prior to the adoption of the Constitution of 1787. In at least several of the States the courts of last resort had laid down the doctrine, which afterwards came to be the doctrine of the Supreme Court of the United States, that a court of last resort must necessarily declare a statute unconstitutional when it came in conflict with the Constitution. That was an established principle in American courts at the time of the adoption of the Constitution of the United States.

Mr. CLAPP. In two States.

Mr. BORAH. In more than two, I think.

Mr. CLAPP. No; only two.

Mr. BORAH. I beg the Senator's pardon, but I think he is in error. I know that a distinguished professor has lately written a book in which he has undertaken to prove that the Supreme Court of the United States pulled that doctrine out of their minds and said it was a new proposition at the time it was

announced by the Supreme Court of the United States. A more fallacious, disingenuous interpretation of the history of our country was never advanced by a learned professor. Courts of last resort in the States had laid down a different doctrine, and the leading members of the Constitutional Convention had also announced the same doctrine, and announced it in the Constitutional Convention.

Mr. HARDWICK. It is bootless to engage in a controversy about a matter that I must concede is now finally settled.

Mr. CLAPP. Chief Justice Marshall did not refer to any decisions.

Mr. BORAH. Chief Justice Marshall wrote opinion after opinion and never referred to any decisions; but the fact remains, nevertheless, that the decisions are in existence.

Mr. CLAPP. Two of them.

Mr. BORAH. All you have to do is to send to the Library to get them.

Mr. HARDWICK. Undoubtedly.

Mr. BORAH. They are remarkably reasoned, and sustained by argument.

Mr. HARDWICK. Oh, undoubtedly. The Senator from Georgia is familiar with those decisions, if he may say so without any claim to too great knowledge of the law. He is familiar with those decisions; and it is bootless to pursue, especially as I want to conclude as early as I can, so largely theoretical a controversy as this is at the present time. At some other time, if we have more time, I shall be glad to engage the Senator from Idaho on that, and present to him in detail the reasons and authorities on which I base my opinion that the Constitutional Convention did not intend to confer on the Supreme Court of the United States the power to declare unconstitutional the acts of Congress. Be that as it may, they have assumed that power. They have sustained it, as the Senator says, in powerfully reasoned opinions, and it is no longer a matter of controversy among good lawyers or among legislators. But in no respectable quarter has the doctrine been advanced that Members of Congress of either the House or the Senate can shield themselves behind the Supreme Court and shelve off on the Supreme Court their responsibilities to support and defend the Constitution of the United States against its enemies, foreign and domestic, and to observe and comply with its limitations and requirements.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. HARDWICK. I yield to the Senator.

Mr. CLAPP. In view of the Supreme Court having established the doctrine that it is the final tribunal to determine the constitutionality of a question, is there not danger that a Senator, by giving too much force to his doubt, may deprive the public and the proponents of a measure of an opportunity to get the determination of that final tribunal as to the constitutionality of a proposed law? It seems to me we should guard against that.

Mr. HARDWICK. I do not think so, Mr. President. The duty of a legislature in respect to this question is just as important, just as vital, just as functional, as any ever imposed on any court. It is a part of the necessary functions of our Government that the legislative body itself shall determine for itself while it is engaged in the lawmaking business the limitation of the constitutional power. The Supreme Court raises that question when it comes to the business of construing the law that the legislature has enacted.

From the first I realized that this contention of mine was liable to bring about just the sort of rejoinders from Senators and others who will not shoulder their responsibilities, but who go on and say, "After all, I do not know whether it is constitutional or not, and we will leave it to the court to decide."

I did not want to rest entirely on my own opinion; I think it would not carry enough weight with the Senate; so, in support of the view I have advanced, I have here the greatest constitutional authority that ever dealt with the Constitution of the United States, and I commend it to the Senator from Iowa and the Senator from Minnesota and the Senator from Idaho as well. In Cooley on Constitutional Law, third edition, pages 171 and 172, Judge Cooley said:

A doubt of the constitutional validity of a statute is never sufficient to warrant its being set aside.

He is speaking of the court there, as we will see later.

It is not on slight implication and vague conjecture that the legislature is to be pronounced to have transcended its powers and its acts to be considered as void. The opposition between the Constitution and the law should be such that the Judge feels a clear and strong conviction of their incompatibility with each other. It is but a decent respect due to the wisdom, the integrity, and the patriotism of the



legislative body by which any law is passed to presume in favor of its validity until its violation of the Constitution is proved beyond all reasonable doubt. To be in doubt, therefore, is to be resolved, and the resolution must support the law.

That was as far as concerns the court. But listen to this:

This course is the opposite to that which is required of the legislature in considering the question of passing a proposed law. Legislators have their authority measured by the Constitution. They are chosen to do what it permits and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business—

I commend this opinion to the Senator from Montana [Mr. WALSH] also. Judge Cooley continues:

A business agent who would deal in that manner with his principal's business would be treated as untrustworthy. A witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law and has only passed it after being satisfied of the authority that the judiciary waive their own doubts and give it their support.

Judge Cooley is right. That is sound; it is sound law; it is sound morals, if I am any judge of correct principles.

This business of saying, "Oh, well, I do not know exactly what can be done; it is very doubtful, and I will leave it to somebody else," when you have sworn that you will obey and support the Constitution of the United States, is not performing the duties Senators and Representatives owe to their constituencies, to themselves, and to their own oaths.

Mr. President, having laid down that premise as to the duty of a legislator I wish to discuss in as condensed a form as I can some of the legal questions involved in this measure and raised by it.

Let me say, Mr. President, very frankly that I am utterly without hope that anything I can do or say to-day, or that any other Senator can do or say here to-day, will alter or affect the result, so far as the Senate is concerned. I say it with a feeling of profound sadness, for, Senators, I am sorry that the time has not come—has not come again would be the right way to put it—when we can do as our fathers did, as our illustrious predecessors in this Chamber did in days that are gone, and without regard to the advantages of party politics, without regard to making popular appeals for something that seems to be popular for the moment, do our duty as Senators of the United States under the oath of office we have taken and under the Constitution of the country.

Mr. SMOOT. That was before we had a program mapped out.

Mr. HARDWICK. The Senator suggests it was before we had a program. There is force in that. One party is as guilty as another in that respect, and all have been too guilty.

Oh, that the day of legislative independence in this country would return! Oh, that we could have Senators who would stand before the people of this country like Webster, Clay, Calhoun, Hill, and all the great Senators of the past, who had profound convictions that they stood by regardless of results! If the Senate has lost in popular estimation, if the Senate does not stand as highly as it ought to stand in the opinion of the people of the United States, then, Senators, I regret to say it, but the Senate itself is to blame. Sitting in the seat that Robert Toombs has filled, that Ben Hill has filled, representing the 3,000,000 people of the State of Georgia, I have determined that, as far as I am concerned, whatever may be the political or personal result, I am going to live up to my duty as a Senator of the United States so long as I serve in this body.

I am afraid that we yield too much to political considerations. I am afraid we think too much about what some possible or imaginary opponent may say about us when he goes on the stump against us in some campaign of the future. But it is one of the perils and one of the shortcomings of our American system of government that our fathers did not have quite so much trouble with, although I suppose they had enough politics in that time also; but it is one that has given us a great deal of concern and trouble. I served some seven terms in the House of Representatives before the people of Georgia elected me to fill the seat of the late Senator Bacon, upon the occasion of his untimely death.

I can tell you as the result of a legislative experience in both Houses of Congress extending through some 16 years or more that my own judgment is that we would have far better legislation and the public interests would be far better subserved if neither the President of the United States nor any Member of either House of Congress were ever eligible for reelection. We would have some inexperienced work of course, and Congress would make some mistakes, but there are plenty of men in all the States who could fill our places as well, if

not better, than we do—at least, in my State I know that is true. If the temptation to intrigue for political success, if the temptation to so vote as to give you votes in the primary or votes in the election were removed, I have so high an opinion of the intelligence and integrity of this body and the other body of Congress that I know the American people would get vastly better legislation and a great deal less demagoguery. That is the plain, sober truth on that proposition, I believe.

Mr. President, it is contended that the proposed legislation is constitutional because it is within the limit of the power conferred upon Congress by the Constitution to regulate commerce between the several States, with foreign nations, and with the Indian tribes. I utterly dissent from that contention. Remembering that our Government is a government of delegated powers and can exercise no power except a power expressly given it by the Constitution or necessarily implied from some express power, remembering that the Constitution of this country was framed in order to make commerce between the States free and unhampered, remembering that the primary purpose, in a material way at least, of the Constitution was to unhamper and unchain commerce between the States, to make it free to go from one end of this country to the other without discrimination, favoritism, or local burden, it is hard for me to assent at all to any of this newfangled doctrine of prohibiting commerce between the States, which has sprung up on this subject in recent years, although I think I can demonstrate to the Senate and to any court in this country that this case itself can be clearly differentiated from any decision on that subject that has ever yet been rendered by any respectable court in the United States of America.

The first case to which I refer, and I am going to read from it only briefly to lay down only one substantive proposition, is the case of *Coe against Errol*, reported in One hundred and sixteenth United States, page 578. Without reading at length from the opinion, because the opinion does not do more than substantiate the principle announced in the reporter's headnotes, I want to read the third headnote of this decision:

When goods, the product of a State, have begun to be transported from that State to another State, and not till then, they have become the subjects of interstate commerce, and, as such, are subject to national regulation and cease to be taxable by the State of their origin.

That is an old case, but it is a sound one.

Again—and again without elaboration—I read from the *Daniel Ball* case, decided in 1870 and reported in Tenth Wallace, page 557. The Supreme Court said, as given in the seventh headnote:

She was employed as an instrument of that commerce—

That is, commerce between the States—

She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another commerce in that commodity between the States has commenced.

Mr. President, I am going to read next from an opinion in one of the leading cases in the entire jurisprudence of the United States. It ought to have great persuasive weight with this body, not only for its own inherent soundness, not only for its own intrinsic strength, but because the distinguished jurist who wrote it was one of the most brilliant ornaments of this great body for many years, a great American statesman as well as a jurist. I refer to former Justice L. Q. C. Lamar, from Mississippi, and to the well-known case of *Kidd against Pearson*. This decision, in my judgment, is the greatest monument to Justice Lamar that he left behind him in his whole public service, whether as a legislator or as a jurist. It is the one great case that stands out among the cases that he decided like some great mountain above the surrounding country. Justice Lamar said in his decision, rendered in 1888 (*Kidd v. Pearson*, 128 U. S., pp. 20, 21, 22):

No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term, as given by this court in *County of Mobile v. Kimball* (102 U. S., 691, 702) is as follows: "Commerce with foreign countries, and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property as well as the purchase, sale, and exchange of commodities." If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future—

And yet that is the precise contention that the distinguished Senator from Arkansas now makes in this case—

it is impossible to deny that it would also include all productive industries that contemplate the same thing.

Take your wheat in the West, and if you worked over eight hours a day they might not let you ship it from one State to

another or to a foreign country. It would be that or worse about our cotton.

The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South, plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

It is not necessary to enlarge on, but only to suggest the impracticability of such a scheme, when we regard the multitudinous affairs involved, and the almost infinite variety of their minute details.

It was said by Chief Justice Marshall, that it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the several States was to insure uniformity of regulation against conflicting and discriminating State legislation. See also *County of Mobile v. Kimball*, supra, at page 697.

This being true, how can it further that object so as to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicated? The demands of such a supervision would require, not uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question—

That is, the interstate-commerce clause.

Nor this alone. Even in the exercise of the power contended for, Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an interstate market. These instances would be almost infinite, as we have seen; but still there would always remain the possibility, and often it would be the case, that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State; and the interminable trouble would be presented, that whether the one power or the other should exercise the authority in question would be determined, not by any general or intelligible rule, but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments, and more provocative of conflicts between the General Government and the States, and less likely to have been what the framers of the Constitution intended, it would be difficult to imagine.

I am going to read next from the case of the United States against E. C. Knight Co. Before I read, briefly, from that decision I want to reply to an observation made by the junior Senator from Iowa [Mr. KENYON]. The junior Senator from Iowa seems to think this was a very discreditable decision and that it was not the law of the land; that the minority opinion was the sound rule that has since been followed. I think it has not been demonstrated by the junior Senator from Iowa that such is not the case. I suppose he objected to it because the Supreme Court decided that even a trust could not be lynched without regard to the Constitution; that you must lynch it constitutionally while you are at it. The junior Senator from Iowa [Mr. KENYON] seemed to think that because the Supreme Court held that the Constitution protected even a "trust" it is a discredited case. I have a very high regard for that Senator, but I hardly think he would want to put himself permanently in that position. The decision, in my judgment, is sound, it has never been overruled, and why the Senator will say it was "discredited" because it held something he did not believe in is more than I can understand. I read from the body of the opinion by Mr. Chief Justice Fuller, and there have been few abler lawyers on that bench than Mr. Chief Justice Fuller; I think that fact is conceded. I am not going to read very much of it, but it is sound law and it has never been reversed, and it is the law of the land to-day:

The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government in the exercise of the power to regulate commerce may repress such monopoly directly and set aside the instruments which have created it. But this argument can not be confined to necessities of life merely, and must include all articles of general consumption.

The "necessaries of life" argument did not seem to appeal very much to the legal mind of the Chief Justice. The opinion continues:

Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce.

It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run, in the effort to suppress them, of more serious consequences by resort to expedients of even doubtful constitutionality.

Then the Chief Justice cites a number of opinions sustaining that proposition—

Mr. KENYON. Does the Senator remember how many judges dissented in that case?

Mr. HARDWICK. I think there were three. I will turn to it.

Mr. KENYON. There was a dissenting opinion by Mr. Justice Harlan.

Mr. HARDWICK. Yes; there is a dissenting opinion by Mr. Justice Harlan. I will give the Senator the information in just a minute. Justice Harlan read the dissenting opinion. My memory was inaccurate about it. He was the only Justice who dissented as near as I can tell from a hasty examination of the case.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I yield to the senior Senator from Iowa.

Mr. CUMMINS. I want to ask the Senator from Georgia rather an abstract question. He has appealed very eloquently and very strongly to the consciences of Senators in determining whether they shall vote for or against a law the constitutionality of which is questioned.

Mr. HARDWICK. If the Senator will pardon me, the constitutionality of which is doubted by the Senator himself.

Mr. CUMMINS. Well, that brings it right to the point of my question.

Mr. HARDWICK. That is the way I would state it.

Mr. CUMMINS. Does the Senator recognize the decisions of the Supreme Court of the United States as settling for Senators the meaning of the Constitution of the United States, or ought each Senator to apply or interpret the Constitution according to his original reasoning?

Mr. HARDWICK. The Senator, Mr. President, of course, asks a very profound question; one that it is difficult for me to answer offhand. I can give him, however, my own views about it. I have given some thought to the subject, and I admit I regard it as more of a moral question than anything else.

Mr. CUMMINS. It is an ethical question.

Mr. HARDWICK. I believe that the decisions of the courts—the doctrine of stare decisis—is binding only upon litigants. The business of the courts is not to make—although they sometimes seem to do it—laws, but to construe them. Their decisions are binding upon the great world of business and upon everybody within the jurisdiction of the court as to the meaning, construction, and intent of those laws; but it seems to me that each legislator is bound to apply his own judgment as to what the Constitution of the United States means, and not to shift that responsibility to any judge, living or dead; to do what he thinks is right, provided his conviction is so profound, so fixed, that it does not yield to the persuasive influence of the logic and the reasoning of the court's decision. Now, I have answered the question so far as I can.

Mr. CUMMINS. The Senator has made a very plain answer.

Mr. HARDWICK. Mr. President, I am not going to read at any length from the so-called Lottery case—*Champion against Ames*—but there are merely one or two observations which I want to make about that case.

In the first place, I am glad that just as I was about to take up that case the Senator from Iowa [Mr. CUMMINS] propounded the question which he did. I have never believed the decision in that case was sound law. I have never seen the day when I felt like I had not enough doubt as to the soundness of the decision to refrain from embracing any of the doctrines that it establishes. I expect to be able to show the Senate later the evils that would flow from the principle laid down in the Lottery case. It was the beginning of all of our troubles on this subject, as the Senator knows, that in order to suppress one evil the Congress made this mistake, adopted this doubtful constitutional expedient, and got involved in all the morass of all these various other usurpations of power that Senators now cite as authority for this outrage, which simply shows how one wrong step leads to another and to many more; how when you have made one mistake it is difficult ever to retrace your way. I am afraid that if the Senator—assuming that he is for this bill—and other Senators who favor this bill have their way and pass this bill, in the years to come they will be just as sorry as I am that the lottery decision was rendered, and that they contributed to the taking of another step which of and in itself



amounted to little, so far as child labor itself is concerned, but which, by a deliberate abandonment of fundamental principles, contributed to the overthrow of all local self-government in this court. Against this danger it seems that the Supreme Court only can protect us, and I firmly believe it will do so.

Now, let us see. The language both of the House bill and of the Senate committee amendment, as I said in my opening remarks, is based somewhat on the language of the lottery statute, because the language of the bill is that any man who "offers to ship a lottery ticket in interstate commerce." Of course, the Senate committee amendment, barring the points of difference that have been already pointed out by both the Senator from Arkansas and myself, has the same scheme or plan of structure. It is evident that the lottery statute was drawn in that way. I have not taken the trouble to go back to the lottery statute to verify it, but the court says this in its opinion in the Lottery case:

But it is said that the statute in question—

That is, the lottery statute—

does not regulate the carrying of lottery tickets—

That is, the tickets themselves—

from State to State, but by punishing those who cause them to be so carried Congress in effect prohibits such carrying; that in respect of the carrying from one State to another of articles or things that are, in fact, according to usage in business, the subjects of commerce, the authority given Congress was not to prohibit but only to regulate.

It is apparent there that Congress adopted the same sort of a draft as the House proposed here; they punished people who undertook to ship through interstate commerce lottery tickets, just as the Senator proposes to do in this case, although, as I pointed out this morning, they did not punish the man who caused the lottery tickets to be printed for sending Sunday school tracts or Bibles that happened to be published in the same establishment in which the lottery tickets were printed. The committee amendment, however, has gone that far, and that is going some. The decision continues:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another? In this connection it must not be forgotten that the power of Congress to regulate commerce among the States is plenary, is complete in itself—

Following the language of the old decisions—

and is subject to no limitations except such as may be found in the Constitution. What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which in any degree countenances the suggestion that one may of right carry or cause to be carried from one State to another that which will harm the public morals? We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from State to State, except the one providing that no person shall be deprived of his liberty without due process of law. We have said that the liberty protected by the Constitution embraces the right to be free in the enjoyment of one's faculties, "to be free to use them in all lawful ways."

That is, to live and work where he will and to earn his livelihood by any lawful calling or in any lawful way according to the laws of the community in which he resides.

I am not going to comment at length on this Lottery case. I want to point out that, however, and when that is stated I think the strongest thing has been said that can be said in answer to the various arguments and reasonings which are sought to be adduced from this Lottery case.

The court sustained the lottery statute on the ground that the lottery ticket itself was a part of the gambling paraphernalia; that it was a part and parcel of the system and scheme by which men gambled. Even the meager part of the opinion I have read shows on this theory—and I am going back to the Lottery case in just a moment—that since the power to regulate interstate commerce was given to Congress by the Constitution, the power to regulate it was taken from the States; and that therefore no State could protect itself by State law, by State authority, against the introduction within its borders of noxious products, of immoral and unsound articles. That is a distinction and difference that I am going to elaborate later. Senators know how the distinguished jurist rendering that opinion labored and labored, giving one excuse after another for it, trying to draw one fine-spun distinction after another, and that he finally said, "This decision is not to be taken as a precedent for anything; we are merely deciding about gambling now, and we do not know what the decision will be when we come to something else." I know my friend the junior Senator from North Carolina [Mr. OVERMAN] is going to comment at length on that decision, so I shall not take up any more time with it.

In the case of *Adair v. United States* (208 U. S., 161) it was held that—

The power to regulate commerce, while great and paramount, can not be exerted in violation of any fundamental right secured by other provisions of the National Constitution.

Probably within the principle announced by that decision lies the answer of such men as my friend from Iowa, to the proposition that it would be possible under the precedents made by legislation of this character for Congress arbitrarily to exclude from the channels of interstate commerce perfectly sound wheat, perfectly sound cotton, because of some whim that it might have on the subject or because of some reason which might honestly and really seem good to Congress.

Senators of that type say that the legislator that undertakes to do that will be confronted by the fifth amendment to the Constitution of the United States, and that he will find that he is depriving people of their property without due process of law, and that, construing the two sections of the Constitution of the United States in *pari materia*, both must be given effect, and that Congress can not be allowed to violate the fifth amendment in its regulation of commerce.

Now, I want to ask Senators who make that contention, if the article of commerce is inherently sound, if it is not unlawful in character, if it is a legitimate thing, if it is a piece of cotton goods, if you want to have cotton manufactures in mind, or a piece of woolen goods, if you want to think about the woolen mills—whatever it is into which labor has entered—if it is in and of itself sound and not deleterious, if it can do no harm to the consumer, why is it not true, by every principle laid down in the *Adair* case, that every protection given by the fifth amendment of the Constitution of the United States does not obtain with full force and vigor to control and limit the legislative power of the Congress?

Mr. President, I am not going to go through the decisions in all the cases which have been referred to; but in *Hipolite Egg Co. against The United States*, in Two hundred and twentieth United States, the pure-food law was sustained; but I point out to the Senate that in that case the articles themselves were inherently unsound and were in themselves deleterious. That is the vital difference between cases of that character and the proposed child-labor legislation; there is nothing wrong with the product of child labor, and it will do no harm in any State when it enters consumption; it will defraud nobody; it will cheat nobody; it will hurt nobody in any way, so far as the article itself and its sale and consumption are concerned. Therefore this is utterly different from any case cited by the distinguished Senators who hold the affirmative of this issue. The same thing is true in the case of the United States against *The Lexington Mill & Elevator Co.*, decided in Two hundred and thirty-ninth United States.

In the case of *Coppage against the United States*, in Two hundred and thirty-sixth United States—

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. Before the Senator goes to the case he has just cited, I should like his opinion upon this matter: He has spoken about woolen goods and cotton goods both being sound, as they are. Does the Senator believe that we could pass a law which would prevent the shipment in interstate commerce of goods composed of cotton and wool without a label upon them?

Mr. HARDWICK. Oh, the Senator has misbranding legislation in mind.

Mr. CUMMINS. We have no such legislation as yet, I think.

Mr. HARDWICK. Oh, yes; we have had "misbranding" legislation.

Mr. CUMMINS. Could we pass a law prohibiting the shipment in interstate commerce of such goods without a label upon them showing the proportion of cotton and the proportion of wool? I suggest that, because a mixed product of that sort is just as sound and just as useful and much more common than either wool or cotton unadulterated.

Mr. HARDWICK. When I come to answer the question laid down by the Senator's colleague I will show what I think is the difference on that point. The desire in that case is to protect the consumer against misrepresentation, against being defrauded, against being cheated, which the State can not do, because it can not stop the shipment of such goods in interstate commerce; certainly not in the original package before delivery to the consignee; and, therefore, the Federal Government, the court holds, has a sort of a police power to exclude from interstate commerce unsound or illegitimate articles.

Mr. CUMMINS. But it is a legitimate object of commerce. It is a commodity or article of commerce which everybody recognizes, and that means this—and I should like the Senator to answer me if it be not so—that we can use the power to regulate commerce or the authority to regulate commerce in order to protect or inform people as to the contents of an article or a commodity which is perfectly sound and absolutely innocent.

Mr. HARDWICK. I say to the Senator very frankly that I do not believe we have any such power, if the article itself is sound, wholesome, and legitimate in character.

Mr. CUMMINS. I was sure the Senator would reach that conclusion—

Mr. HARDWICK. Yes; that is my opinion.

Mr. CUMMINS. Because it is logical.

Mr. HARDWICK. But I can draw a distinction, as I will show the Senator in just a moment, and a very pertinent distinction, between that question and the one involved in the pending bill.

Mr. CUMMINS. I am not asserting that they are exactly parallel.

Mr. HARDWICK. I will give the Senator the exact parallel and apply it to the given case. If that legislation is held constitutional, then undoubtedly it would be within the power of Congress, according to the decisions of the court, to say that articles produced by child labor and convict-made goods, in the same way, could not be transported through the agencies of interstate commerce unless they were so branded. That would be as far as that principle could be stretched; but I will not go into that, because I do not believe that that is sound. I do not think there is a doubt that it is not sound.

From the Copeage case I will read from one of the notes of the reporter—and the opinion bears it out exactly. Senators will remember that the Copeage case was a case in which they denied the right of the Legislature of Kansas, under the fourteenth amendment, to prohibit a man from joining a labor union. The Kansas law was upheld in the lower court, but the Supreme Court reversed the decision of the lower court. It was contended in behalf of that statute that a sound public policy fully authorized and fully justified such an enactment. On that contention the court said:

Since a State may not strike down the rights of liberty or property directly, it may not do so indirectly.

Has Congress different power than the State in that respect? It has been asserted here that Congress has a perfect right, not only constitutionally, but morally, to do something indirectly that it has no pretension of right to do directly. I utterly dispute both propositions. The Supreme Court of the United States says a State can not do it. I quote again from the Copeage case:

Since a State may not strike down the rights of liberty or property directly, it may not do so indirectly, as by declaring in effect that the public good requires the removal of those inequalities that are but the normal and inevitable result of the exercise of those rights, and then invoking the police power in order to remove the inequalities, without other object in view.

I am not going into the details of all of these decisions, but in the case of Weber against Freed, to which some of the Senators have referred, decided December 6, 1915, it was held that Congress had the power to prohibit any foreign importation, but to a lawyer the difference is so manifest and so wide, that I do not think I will dwell on it at all.

The power of Congress over interstate commerce and over foreign commerce is contained in the same clause of the Constitution and in the same words; but, because of its sovereignty as a nation, and because there are no other clauses in the Constitution itself which modify the power with respect to foreign commerce, that power is absolute and is not limited by any other power in the Constitution. The exact reverse is true with respect to interstate commerce. Not only are the reserved powers of the State under the tenth amendment to the Constitution and the due process of law amendment, known as the fifth amendment, limitations upon the interstate-commerce power, but it seems to me there can be no serious dispute on the question of the distinction between the power of Congress with respect to foreign commerce and its power with respect to commerce between the States.

Mr. CUMMINS. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. I would not say that there is no difference; but the Senator from Georgia does not mean to say, I am sure, that the fifth amendment to the Constitution does not apply to or limit the power of Congress in dealing with foreign commerce?

Mr. HARDWICK. Undoubtedly; I do not think it does. That is my contention. It might in behalf of a citizen of the United

States, but certainly it does not in behalf of a citizen of a foreign government.

Mr. CUMMINS. Certainly not—

Mr. HARDWICK. That is exactly what I meant to say.

Mr. CUMMINS. That is all the fifth amendment applies to anyhow—a citizen of the United States.

Mr. HARDWICK. I know; but I say the power to forbid importations, so far as its exercise affects a person who is not a citizen of the United States, is absolutely uncontrolled and uninfluenced by anything else.

Mr. CUMMINS. I quite agree to that; but so far as a citizen of the United States is concerned—

Mr. HARDWICK. Oh, yes; the fifth amendment would apply equally in the one case as in the other.

Mr. CUMMINS. It would apply in respect to foreign commerce as well as interstate commerce.

Mr. HARDWICK. Undoubtedly. I am glad the Senator does not misunderstand me about that. It is exactly the same if the rights of citizens are involved in either case; but it is very different if the rights of citizens of the United States are not involved in the question of foreign importations. So much for that distinction.

There are two cases in the books, fairly recent cases, which, in my judgment, absolutely show what the temper and the trend of the recent Supreme Court decisions are. They construe the lottery decision, and one of them especially lays down as clear as the sunlight the rule of law as applicable to this case, and unmistakably defines the limits of constitutional power.

In the case of Hoke against United States, decided in Two hundred and twenty-seventh United States, on February 24, 1913, the court in a very labored decision, undertaking to show that the Congress was supplementing the police powers and the local activities of the several States and local communities, held the white-slave law constitutional. It was held constitutional on the theory, when you boil the opinion down, that because when the woman arrives at a given point, her destination, one of the results and purposes of her importation from one State into another, is an intended violation of the criminal laws of the State into which she is imported. It was, therefore, held in that case that Congress had the power to say that the agencies of interstate commerce should not be employed to bring people into a State for the purpose of violating the laws of that State when they arrived there. That is a very roundabout, tortuous, and unsatisfactory decision, to my mind, and yet that is finally what the principle of the opinion is based upon. I call the attention of Senators again to the fact that the court claims that Congress has the right to protect the citizens of a State from the importation of articles, or persons even, that will be injurious to them, because the States can not stop such importation at all under State law unless Congress shall intervene and do so.

Mr. BRANDEGEE. Mr. President, will the Senator pardon me an interruption?

Mr. HARDWICK. Certainly.

Mr. BRANDEGEE. In that case the person transported was being transported for an immoral purpose, and the person transported was an immoral person.

Mr. HARDWICK. Yes.

Mr. BORAH. Well, Mr. President, what possible difference could that make? It simply emphasizes the fact that the Supreme Court undertook to invoke the police power under the commerce clause.

Mr. HARDWICK. If the Senator will allow me, perhaps I did not make myself plain.

Mr. BORAH. The Senator has been making a splendid argument. I am not complaining of that.

Mr. HARDWICK. This is what I meant, if the Senator will let me repeat it. I meant that in every one of these cases where the court have upheld such statutes, they have simply done so because they say that Congress must have the power to protect a State from the importation into her borders or limits of articles through interstate commerce, the State itself being powerless to do it, that are injurious to her health or morals. That is the doctrine, as I understand it. I do not think it is sound, but that is the principle on which it rests.

I think I can come to this matter in a different way by answering a question propounded by the junior Senator from Iowa [Mr. KENYON] in his speech the other day. In that speech the junior Senator from Iowa said this:

Those in support of a national child-labor law, however, do not need to go to the extreme of Senator Beveridge's position. There is very late authority for the doctrine that if the carrying of certain articles in interstate commerce results in a use of those articles deleterious to public welfare Congress has the right to prohibit such transportation. These authorities go so far as the consideration of the question



of the use by the consumer. I will agree that they do not go to the question of the production, and that is the only difference in the contention for a national child-labor law.

Now, take it and confine it to consumption. Congress exercises the power to protect a State against the importation of something which when introduced into consumption within its borders or limits is dangerous to public health, to public safety, or to public morals, on the theory and for the reason that the State is utterly helpless—it having delegated to the General Government, in common with the other States which form the American Union, its power over interstate commerce—to prevent the importation of such dangerous or unwholesome or unsound products; and on that theory every one of these cases, except, possibly, the misbranding cases, to which the senior Senator from Iowa [Mr. CUMMINS] referred just now, rests, in my judgment. But when it comes to production it is different. What does it matter to the people of the Senator's State, the people of Iowa, as far as their own material well-being is concerned, as far as their own safety is concerned, as far as their own comfort is concerned, whether children work in Georgia or in North Carolina or in Florida? The article we send you is sound. It will not kill you. It will not hurt you. It will not cause the commission of crime. It will do you no harm; but if anybody is harmed, it is us, in its production.

The Senator sees the line I am trying to draw. You have nothing to do with that. That is local self-government. Our people at home, and each State in this American Republic, know, or ought to know, best what they want to do with their own and for their own; and so long as they do not injure other States or the people of other States, they have the exclusive right to determine their own policy.

I hope I have made my position plain. That is the point I have been trying to make in all this discussion.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. BRADY in the chair). Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield to the Senator.

Mr. BORAH. So far as the white-slave act was concerned, the enforcement of the law could be as thoroughly left to the State as the control of the child-labor law.

Mr. HARDWICK. No.

Mr. BORAH. If the parties are brought into the State for evil purposes, they are within the State. They can be prosecuted under the criminal law. They can be taken charge of by the criminal law. They are completely within the control of the State.

Mr. HARDWICK. Oh, I think the Senator is right in that matter. I voted against that bill just for that reason. I had no earthly idea that it was constitutional, and, of course, the apt rejoinder would be—I have been expecting it here all day—that I may be equally mistaken about this, which is quite conceivable.

Mr. BORAH. It seems to me that the Supreme Court did not lay down the rule that it did in the white-slave case because the persons were being imported into the State and the State was helpless to protect itself, but on the broader ground that the National Government could deny the channels of interstate trade to any immoral purpose or immoral practice or anything which was deemed to be contrary to the good morals or health of the people.

Mr. HARDWICK. At the present time I am not going to undertake to go into that in detail. I got the other idea very strongly from some of the expressions in the opinion—that they were going to aid the State authorities, but they rather begged the question by saying, "We are not in conflict in this matter"—the Senator remembers that part of the decision, I am sure—"with the local police authorities. We are helping them. We are aiding them. We are supplementing them in what we do." I admit that it is all as weak as water, according to my opinion; but still that is the theory on which they put it.

Now, let us see. I do think, however, that there is one decision—and I hope I will have the attention of the Senator from Idaho, particularly with reference to that case—which points out very plainly the difference between what can be done and what can not be done under these decisions and where the line of demarcation is to be drawn.

At the October term, 1912, the case of *McDermott v. The State of Wisconsin* (228 U. S., 115) came on to be argued, and it was decided on April 7, 1913, just about 10 days after the White Slave case, the Hoke case, was decided; and that fact must be borne in mind in considering the meaning of this decision. I want to invite the particular attention of the Senate to just what was said in this decision. It was a very carefully considered opinion. It looks to me like it lays down a rule which

seems to be pretty clearly established on this subject—troublesome and perplexing as it has been to the court itself. In that opinion Mr. Justice Day says:

That Congress has ample power in this connection—

That is, the regulation of interstate commerce—is no longer open to question.

I will say that this was a pure-food and drugs case. The articles were inherently unsound. I state that so that you may get the proposition clearly in your minds.

To return to the opinion:

That Congress has ample power in this connection is no longer open to question. That body has the right not only to pass laws which shall regulate legitimate commerce among the States and with foreign nations, but has full power to keep the channels of such commerce free from the transportation of illicit or harmful articles, to make such as are injurious to the public health outlaws of such commerce and to bar them from the facilities and privileges thereof.

In other words, the court in that decision clearly draws this line—that as to legitimate articles of commerce, articles of commerce inherently sound, articles of commerce that are not unlawful in character, articles of commerce that work no harm in their use when they are sent to the people of other States and enter into consumption in those States among the people who use them—there can only be regulation by Congress, and the power to prohibit can only be applied to illicit or unsound articles.

That is the doctrine. It is perfectly plain to me. I do not approve all the meanderings by which the court adopted it. I think the court has gone further than it ought to have gone, but I want to repeat it, because unless my mind is utterly in error about this entire question it seems to me to be the line that they have drawn, and drawn with unmistakable clearness. Quoting again from the opinion:

That body has the right not only to pass laws which shall regulate—

Not prohibit, but regulate—

legitimate commerce among the States and with foreign nations, but has full power to keep the channels of such commerce free from the transportation of illicit—

Evidently they had the white-slave business in mind there—

or harmful articles, to make such as are injurious to the public health outlaws of such commerce and to bar them from the facilities and privileges thereof.

Mr. BORAH. Mr. President, manifestly the Supreme Court in the White-Slave case went beyond that rule.

Mr. HARDWICK. This decision was rendered 10 days afterwards, and they cite the white-slave decision in this case. I think, under its reasoning, the white-slave decision is easily accounted for, as I have already pointed out.

Mr. BORAH. Exactly, but it was upon a different state of facts, and manifestly they went beyond that in the white-slave case. Let me call the Senator's attention to an illustration.

Mr. HARDWICK. If the Senator will pardon me, I am almost worn out, and I shall be glad to discuss this matter with him at some other time.

Mr. BORAH. I know the Senator is tired, and I beg his pardon.

Mr. HARDWICK. I have occupied the floor much longer than I intended. I appreciate the Senator's interruptions, and his great courtesy, and his aid to me in this debate, and I appreciate the attention and aid of other Senators, but at present I think I shall suspend.

I desire to thank the Senate and Senators who have honored me with their presence and their attention to the remarks I have made in this matter. I have a profound, fixed conviction that this legislation is in violation of the Constitution of my country and of my oath of office. Therefore it will be impossible for me ever to support it, or to fail to do everything in my power in an honorable manner to defeat it.

During the delivery of Mr. HARDWICK's speech,

Mr. CLARKE of Arkansas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Penrose	Smith, S. C.
Borah	Johnson, Me.	Pittman	Smoot
Brady	Johnson, S. Dak.	Poindexter	Sterling
Brandeggee	Kenyon	Ransdell	Taggart
Clapp	La Follette	Robinson	Thomas
Clark, Wyo.	Lane	Saulsbury	Thompson
Clarke, Ark.	Lee, Md.	Shafer	Townsend
Cummins	Lewis	Sheppard	Vardaman
Curtis	McCumber	Sherman	Wadsworth
du Pont	Martine, N. J.	Shields	Walsh
Fletcher	Oliver	Simmons	Warren
Hardwick	Overman	Smith, Ariz.	Weeks
Hughes	Page	Smith, Ga.	Williams

Mr. JAMES. I have been requested to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is absent on official business.

Mr. BANKHEAD. I desire to announce the absence of my colleague [Mr. UNDERWOOD] on account of sickness. This announcement may stand for the day.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present.

After the conclusion of Mr. HARDWICK's speech,

Mr. BORAH. Mr. President, I will ask the Senator in charge of the bill if he desires to proceed with the bill this evening?

Mr. ROBINSON. I should like to proceed; and if the Senator is ready to go ahead now, I should be glad to have him do so. I think there is no one on this side of the Chamber who wishes to speak at this time.

Mr. GALLINGER. Mr. President, in view of the vacant seats, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Lee, Md.	Sheppard
Bankhead	Hardwick	Lewis	Simmons
Borah	Hollis	Martine, N. J.	Smith, Ariz.
Brady	Hughes	Norris	Smith, S. C.
Brandegee	Husting	Oliver	Smoot
Bryan	Johnson, Me.	Overman	Stone
Chamberlain	Johnson, S. Dak.	Page	Thomas
Clapp	Jones	Pomerene	Tillman
Cummins	Kenyon	Ransdell	Vardaman
Dillingham	Kern	Reed	Wadsworth
Fletcher	La Follette	Robinson	Walsh
Gallinger	Lane	Shafroth	Williams

Mr. ROBINSON. I desire to state that the senior Senator from Maryland [Mr. SMITH] is absent on important business.

The VICE PRESIDENT. Forty-eight Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, the Senator in charge of the bill is desirous of making progress. No one else is ready to proceed, and therefore I shall undertake to say what I have to say in regard to the constitutionality of the measure before us. I shall be brief, if I am not detained by interruptions. The junior Senator from Iowa [Mr. KENYON] some time ago discussed this matter at length and in all its phases, and the junior Senator from Arkansas [Mr. ROBINSON], who has charge of the bill, has made a very elaborate presentation of it, these two Senators presenting the view that the bill is constitutional. We have also listened to an exceptionally able and earnest speech upon the part of the junior Senator from Georgia [Mr. HARDWICK] advancing the other view. One might very well content himself ordinarily with casting his vote and relying upon the arguments already presented. But there is one feature of the question which, while it has been advanced in the way of argument, seems to me not to have been amplified as fully as the authorities justify; and it is the legal principle upon which, in my judgment, the bill must be sustained, if it is sustained at all. I shall not seek to advance either new or original arguments, but to amplify or enlarge to some extent upon principle so ably advanced by others.

The subject of interstate commerce is given over entirely to the National Government. Whatever from time to time it may be deemed wise and necessary to do in the treatment of this subject must be done by Congress. The power to regulate commerce among the several States is vested in Congress as completely and effectively, as fully and absolutely as it would or could be in a single State or sovereignty having a constitution with the other provisions of our National Constitution. As has so often been said, the power is plenary, complete within itself and may be exerted by the Congress, and by the Congress alone, to its utmost. Within the commerce clause itself we find no limitation, no circumscribing of the power. Whatever limitation there may be upon Congress must be found in some other provision or provisions of the Constitution, and perhaps I ought to say in the fundamental principles of regulated and constitutional government. For I take it that aside from the express provisions of the Constitution that the nature of society and of regulated government prescribes some limits which the legislative power may not transcend. In other words, there is no place in the fabric which the fathers constructed for the lodgment of purely arbitrary power. But aside from such limitations as may be found in other provisions of the Constitution and those fundamental principles of organized society which prohibit the exercise of purely arbitrary power, the power of Congress over interstate commerce is complete and without limitation.

This principle has been so often announced by the Supreme Court, and referred to already by able Senators, that I need not take the time which otherwise I should have taken to call

attention at any length to the language of the Supreme Court in defining this unlimited power which Congress has over the interstate commerce. It is a subject matter which has been turned over completely to one sovereignty, and that sovereignty is the National Government. Whatever any sovereignty might do, having a constitution with similar provisions to our Constitution, with reference to this subject matter the National Congress may do with reference to this subject matter which has been turned over to it.

In the case of *Hoke against United States*, commonly known as the white-slave case (227 U. S., 308), it is said:

Congress is given power to regulate commerce with foreign nations and among the several States. The power is direct; there is no word of limitation in it, and its broad and universal scope has been so often declared as to make repetition unnecessary.

At the very beginning of the Government, in the case of *Gibbons against Ogden* (9 Wheaton, 1), the Supreme Court said:

This power, like all others vested in Congress, is complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

In the case of *In re Rohan* (140 U. S., 545), the court said:

The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically admitted to its charge.

Disposing of it in all its fullness and completeness for the interest of the Government or the sovereignty which is to exercise the power.

Necessarily, Mr. President, there must come a time in the regulation of interstate commerce when the subject of the public welfare and morals and the health of the people may be involved. Necessarily there must come a time when the question shall arise whether a regulation relates alone to commerce or whether it has to do also with the morals and the health of the people. If that question should arise with reference to interstate commerce—if the question of the public welfare or the public interest or the health or the morals of the people should arise—what sovereignty and what power alone may deal with it? Manifestly the States can not deal with it, and manifestly, if the subject matter is ever to arise and to be dealt with, it must be dealt with by the only sovereign power which can deal with the subject matter.

The bill before us, in my judgment, has its origin not in a desire to serve commerce, technically and properly speaking, but in a desire to serve humanity, and therefore has to do with the morals and the citizenship of the country.

The question which is presented to us, therefore, in the consideration of this bill is whether or not the commerce clause is sufficiently broad to enable the Congress to take into consideration those questions of the health and morals of the people when they relate in any reasonable way to interstate trade. The question is, in other words, May Congress, with its power to regulate commerce, make laws which have the quality of police regulations? Can we in regulating commerce and under our power to regulate commerce so regulate it as to serve the health, the morals, and the welfare of the community?

Aside from the question of this power to regulate commerce, to augment or to keep the channels of interstate trade free from obstruction, aside from the power to build up and aid interstate commerce, has it in the regulation of commerce the additional power to enact such legislation as relates alone to police regulation or to the police powers?

If we should find, Mr. President, that the Congress of the United States has no such power it is mere sophistry to undertake to sustain this bill upon the theory that it is in augmentation or in aid of commerce, technically and properly speaking. Unless the courts have gone so far as to say that with reference to this subject matter, to wit, interstate commerce, that we may exercise all power which has for its object and purpose the protecting of the channels of interstate trade from being used in a way which is deemed to be detrimental to the public interests or to the health or to the citizenship of the country, in my judgment we can not sustain it at all.

It is idle to say, Mr. President, that it is in aid of commerce per se to shut out an article because it has been manufactured by a child; it must have some broader purpose than to serve economic interests alone. It is idle to say that it is an aid or augmentation of commerce to shut out articles which have been manufactured in the same establishment as articles which have been manufactured by a child under a certain age. So we must meet the question squarely and deal with the issue as it is presented, and ascertain if we may whether or not the National Government possesses the police power with reference to the channels of interstate trade.

May I pause for a moment to inquire more particularly what is the police power? What is the nature of it? When we speak



of the police power of the State or of any sovereign we mean nothing more than the power to legislate concerning persons and things. If a particular subject matter has been turned over to the National Government, then the police power of the National Government with reference to that subject matter is no more than the power to legislate concerning things and persons as they have connection with this particular subject. This subject matter, interstate commerce, having been turned over absolutely to the National Government, does not all the attributes of sovereignty go with the power?

In the case of *Munn v. Illinois* (94 U. S., 125):

The police powers are nothing more or less than the powers of government inherent in every sovereignty \* \* \* that is to say, the power to govern men and things.

In other words, it is the discretion of sovereignty with reference to any subject matter upon which that sovereignty may act in legislation or in matters of government, its regulation and control of a subject in whatever way becomes necessary for the public good. If a particular sphere is wholly within the sovereignty of the Federal Government, it must follow that it has the power to regulate for and in accord and in harmony with the public good.

The Supreme Court has further said in the case of *Railway Co. v. Husen* (95 U. S.):

By the general police powers of the State persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the community.

If this be the general police power, would not such police power necessarily attach wherever and whenever sovereignty was authorized to deal with a particular subject? Such sovereignty would not possess general police power, but with reference to the subject matter over which it was authorized to act. It would necessarily be permitted to do any and all things necessary to secure the general comfort, health, prosperity, morals, and safety of the people.

I do not claim, of course, that the National Government possesses a general police power. I claim that it possesses the police power relative to the particular subject matter which is turned over to it for legislation. Of course, the general police power belongs to the State, and the National Government possesses no police power except that which is drawn to it or which draws to itself by reason of the particular subject matter having been given over to it for legislation.

Mr. BRANDEGEE. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. BRANDEGEE. It does not seem to me that the qualification the Speaker has made, which I suppose was an extract from the court's decision, would limit the power of Congress, if it has a national police power with relation to the subject matter, the power being directly conferred upon Congress by the Constitution, because the Senator says he does not claim that the National Government has general police power but only police power in connection in this instance with the regulation of commerce among the States. If they have that national police power in connection with the regulation of commerce among the States, what is the limit to which Congress may go in regulating the affairs of the State and of the people within the State? Congress having the discretion itself to say what it does is for the benefit of the people of the several States, can it not prescribe anything in relation to the conditions and circumstances of manufacture in the States as a standard, and then prohibit the articles produced in those States from entering into interstate commerce unless they are manufactured in accordance with the standards set up by Congress, if the Senator's contention is correct?

Mr. BORAH. The Senator has presented a question which would involve a definition of the police power; that is, the extent to which any sovereignty might go in the regulation, for instance, of intrastate commerce. The Senator might ask me to what extent may the State government go in prohibiting the channels of intrastate commerce from being used in certain ways. I would be unable to answer that. There has never been a definition of the police power. It is to some extent, as was said by Justice Holmes in a late decision, what the community predominantly comes to consider to be to the benefit of the community generally. The Supreme Court has never undertaken to define it with reference to the State, and of course I would be unable to say to what extent the Supreme Court might go in the regulation of commerce in the control of these matters which it deemed to be for the interest of the public welfare or public morals.

But this is my contention, the Senator will bear in mind. The National Government has been given the power to regulate commerce. That is a substantive grant. With it goes the implied power to so regulate as to serve the general community,

its health, its morals or its public interest. The limit of that may be different under different circumstances, because there can be no possible doubt that is what is deemed to be a regulation under the police power or a reasonable exertion of police power to-day may be different from what it will be 25 years from now. The police power is after all the subjecting of all persons and things to what is deemed to be the interests of the entire community, and the interests of the community may be different in one decade from what they are in another.

Mr. BRANDEGEE. I presume the Senator would agree that the prescribing of the hours during which children might work in the several States and the ages at which they might work would be an exercise of the police power.

Mr. BORAH. Yes, sir.

Mr. BRANDEGEE. If that is so, and of course it is so, and if Congress in the regulation of commerce under the Constitution among the States can exercise police power to that extent, I can not conceive of the police power which Congress could not exercise in the several States. If the exercise of the police power as defined by the Supreme Court and cited by the Senator is the power to legislate concerning men and things, I can not see why in regulating commerce on the pattern upon which this bill is fashioned Congress can not prescribe everything that is now left to State laws to prescribe and to put an inhibition on the products of any State from entering into interstate commerce unless they operate their State and the lives of their people to conform to standards in the discretion of Congress as set up by it.

Mr. BORAH. As I proceed with the authorities, I will undertake to differentiate with reference to the limits to which Congress may go.

Mr. CLAPP. If the Senator will pardon an interruption, would there not be an analogy found by taking the opinion of Justice Holmes as the basis with reference to what is the State police power, being measured somewhat by the general sentiment of the community, and with reference to the application of the police power to the Federal Government to be the general sentiment and purpose of the people of the Nation? It strikes me that there is an analogy on which we may well found the supposition that this law would be recognized as valid.

Mr. BORAH. I think that is an illuminating suggestion, and I thank the Senator.

Let me in further response to the Senator at the present time call his attention to the fact that the Supreme Court has never undertaken to define the police power either with reference to the State or National Government. But I think the Senator from Connecticut will agree with the proposition that there must necessarily come a time in the regulation of commerce when something aside from the mere augmenting or aiding of commerce would be involved. That is to say, there are things so pronouncedly bad, so pronouncedly immoral, that the channels of interstate trade ought to be shut to them. That being true, who would exercise that power? Undoubtedly the State can not exercise it.

If we concede that, there must come a time when the channels of interstate trade are being used in a way so pronouncedly against the public interests or the public morals or the public health that it must be dealt with, the National Government must deal with it, and when it does, it is exercising the police power with reference to that subject matter. The State can not do it; some sovereignty must do it; no one but the National Government can do it.

Mr. BRANDEGEE. The Senator has asked me that question. Of course, I concede that already that has been done, and sustained by the Supreme Court in relation to articles in themselves noxious or dangerous to the public health or the public morals. The distinction that I think there is between the principle involved in the pending bill and all the other cases that have been decided along these lines is that this bill does not propose to deal with the article transported. It prohibits the transportation of the article absolutely unless made in accordance with rules set up by Congress in the State of its origin. I think there is a distinction between those cases and this one.

Mr. BORAH. Perhaps we can deal with that subject better when we come to analyze those particular authorities.

Mr. BRANDEGEE. I would have not made the statement, except that the Senator directed his remarks to me.

Mr. BORAH. I am not objecting to the interruption at all. Justice Holmes in a late case, *Noble State Bank* against *Haskell*, speaking for the entire court, said, in a general way, that the police power extends to all the great public needs:

It may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare.

Now, certainly, it would be admitted that if that is a definition of the police power we must exercise such power as that with reference to the regulation of commerce, and, as I said a moment ago, if it is to be exercised at all in reference to interstate commerce it must be by the National Government and not by the State government.

Whatever power the State may see fit to exercise in the regulation of intrastate commerce is exercised by virtue of its police power; in other words, in regulating the commerce entirely within a State it does so in exercise of the police power of the State. Now, the National Government may exercise the same power and the same control and make the same regulations with reference to interstate commerce that the State government may over domestic or intrastate commerce. If we call one the police power, what is the other? Is it not the police power of respective sovereignties over their respective subjects? Is not, after all, this subject a simple one which consists of the exercise of the police power of the sovereignty over the particular subject matter which has been assigned to that sovereignty?

Having ascertained, Mr. President, what the police power is, does Congress possess that power with reference to interstate commerce? I wish to quote here a brief statement from Rufus Choate, made in the Senate March 14, 1842. It illustrates my contention that for a long number of years we have been exercising with reference to interstate commerce a power which is no other than the police power; that while it has not been so designated and is not now designated in so many terms as being the police power, in its essential nature it was and is the police power. Mr. Choate says:

The framers of the Constitution meant to clothe you with the power of disarming it (commerce) of all the evil and extracting from it all the good to which the wisdom of the Government is equal. They could not have intended to do anything so absurd as simply to authorize and require you to promote, enlarge, or advance commerce per se and in the abstract without regard to its quality; to its adverse or its propitious influence upon the prosperity, the morality, the health, and the industry of the people; to the goods it brought home; to the goods it carried away; the national character of the tonnage it employed and of the labor it rewarded. (Rufus Choate in the Senate, Mar. 14, 1842.)

The language of the distinguished Massachusetts lawyer is to the effect that it was not designed that Congress should be limited to the mere question of dealing with this subject matter as commerce per se technically and properly speaking, but it should operate in the whole realm of legislative regulation where the public interest is involved, the public health involved, or the public welfare involved.

The distinguished Senator from Georgia [Mr. HARDWICK] awhile ago referred to the eminent constitutional lawyer, Judge Cooley, and he is, of course, among the most distinguished of our constitutional authorities. Mr. Cooley said in his Constitutional Limitations:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is a custom to establish and to descend to the most minute directions if it shall be deemed advisable and that to whatever extent ground shall be covered by those directions the exercise of State power is excluded. Congress may establish police regulations as well as the States, confining their operations to the subjects over which it is given control by the Constitution.

It seems to me if that be sound—and I take it that his opinions are generally credited as sound upon such subjects—Congress may establish any regulation which it deems to be in the exercise of police regulation, so long as it touches the subject matter of interstate trade. If Congress comes to the conclusion that the channels of interstate trade are being used in such a way as to injure the public interests or the public morals or the public welfare, it may deal with that subject matter just the same as if the States should come to the conclusion that the intrastate channels of trade were being used to the detriment of the public interest or of public morals.

Mr. OVERMAN. Wheat being a subject of interstate commerce, does the Senator think that under the police power this Government would have the right to say that no person shall work more than eight hours in the wheat fields of Minnesota, for instance?

Mr. BORAH. I do not know that I caught the Senator's question. He referred to wheat and then spoke about labor, as I understood it.

Mr. OVERMAN. I referred to the regulation of the hours of labor in the wheat fields of Minnesota; and I asked, Could Congress prohibit wheat from going into interstate commerce if produced by labor in the wheat fields of Minnesota working more than eight hours a day?

Mr. BORAH. Mr. President, I would have to answer that by saying that, in my opinion, neither the State nor the National Government could undertake the exercise of that kind of power and call it a police power.

Mr. OVERMAN. Why not?

Mr. BORAH. Because it would be deemed to be beyond what has been considered the public interest or the public welfare or the public health, and would not come within the limits of the police power.

Mr. OVERMAN. What would be the difference between that kind of a law and a law prohibiting the working for more than eight hours in a mill?

Mr. THOMAS. Mr. President, let me ask the Senator, if I may, whether his argument does not necessarily involve the power of Congress to provide, if it desired to do so, that no wheat or other agricultural product shall enter into interstate commerce which is produced by child labor working more than eight hours a day?

Mr. BORAH. Does the Senator from Colorado put that question to me?

Mr. THOMAS. Yes.

Mr. BORAH. Well, my opinion is, Mr. President, that conditions might be such that that would be deemed to be within the police power of the National Government. Of course, I can not conceive of a condition of affairs arising in which it would be deemed to be to the public detriment that a child should not work in the wheat fields more than eight hours a day. Many questions might be asked upon the border line between what is a proper police regulation and what is not, and no man can tell unless the facts are presented to him in their entirety, whether it is contrary to public interests or to the public welfare or not.

In my opinion, if the child-labor question had been presented to Congress or to the Supreme Court 50 years ago, before factories became so universally established, and before the effect of child labor in those factories had been discerned, before it was believed to be contrary to the building up of the best citizenship of the country, we would likely have been unable to satisfy either Congress or the Supreme Court that this was a proper exercise of police power. Now, such conditions might arise and prevail that the working of children more than eight hours a day in a wheat field might be deemed destructive of their health and their development; if so, then if the products of their labor went directly to the channels of interstate commerce it could, under the principle for which I am contending, be inhibited to commerce.

Mr. OVERMAN. Mr. President, so far as the sentiment is concerned, there is now a propaganda going on in this country proposing, as I understand, that an amendment be added to this bill that children shall not work in the fields for more than eight hours.

Mr. BORAH. Yes. Well, I can understand that propaganda might be going on, but I do not believe that it is very well founded.

Mr. OVERMAN. Mr. President, I know a Senator on the other side of the Chamber who has some letters from women asking that such an amendment be adopted to the bill.

Mr. THOMAS. Mr. President, if the Senator will permit me, for I do not intend to interrupt him at all—

Mr. BORAH. I am very glad to yield to the Senator.

Mr. THOMAS. I introduced an amendment this morning along the lines suggested by the Senator from North Carolina [Mr. OVERMAN], the purpose of which was to call attention to certain evils of child labor in other departments of industry, with a view of endeavoring, if possible, to so provide in the law as to meet all the conditions which invoke this exercise of congressional power.

Mr. BORAH. Mr. President, if the Senator from Colorado please, of course the question presented to me by the Senator from North Carolina and the other questions are questions which require of me a definition of the police power of the Government, rather than a discussion of the question which I am now presenting, as to whether or not the National Government possesses the police power with reference to interstate commerce. I have never known a court to undertake to define what the police power is within limitations or laying down rules by which it could be determined definitely, and I certainly would not, in the presentation of this question, deem that it devolved upon me or upon any of the supporters of this bill, to define in all its applications the police power. What I say is, that whatever the police power is, and the extent to which it may go, the National Government does possess it with reference to the channels of interstate trade.

Mr. BRANDEGEE. Mr. President, if the Senator from Idaho will permit me right there, I wish to say that it seems to me, even conceding the statement of the Senator, to wit, that in the regulation of commerce among the States, Congress must possess some power, at least, in the nature of police power; the Senator is in danger of confusing that with the regulation



of production. Granted that the Congress may have authority to exercise all regulations about the subject that it is authorized to legislate upon, to wit, commerce among the States, is that the same thing as setting up a standard of production in the State of origin, and then prohibiting interstate commerce in articles in the State of origin that do not come up to a standard of production fixed by Congress?

Mr. BORAH. Mr. President, as I said a moment ago, I am going to undertake to analyze some of the authorities in a few moments, to see the extent to which we may go, but in the meantime let me say that long years ago when that question was raised—

Mr. BRANDEGEE. In the Knight sugar case.

Mr. BORAH. And prior to that time—during Marshall's time—in which the subject of the exercise of this power and the abuse of it was discussed, Chief Justice Marshall said that the only remedy for that, and the only safety that the people had against the abuse of such power, it being in existence, was the change of their public representatives. In other words, the liability to abuse is no argument against the existence of the power.

Mr. SMITH of Georgia. Mr. President, will the Senator from Idaho allow me to ask him a question?

Mr. BORAH. I yield.

Mr. SMITH of Georgia. I do not ask the Senator to answer me at once, but I do ask him during his argument, to which I am listening with interest, to say if it is not a reasonable claim that the police power must be incident to the interstate commerce itself and connected with transportation from State to State, or police responsibility rather than a responsibility entirely independent of transportation?

Mr. BORAH. I think that is true. Prof. Freund, in his treatise on the police power, says:

It is impossible to deny that the Federal Government exercises a considerable police power of its own. This police power rests chiefly upon the constitutional power to regulate commerce among the States and with foreign nations, but not exclusively so. \* \* \* It must now also be regarded as firmly established that the power over commerce, while primarily intended to be exercised in behalf of economic interests, may be used for the protection of safety, order, and morals.

Would there be any question of the power of Congress to prevent the running of freight trains on Sunday in the interest of the health and morals of the people? If so, would not this clearly be an exercise of the police power?

Mr. WORKS. Mr. President—

Mr. BORAH. Just a moment. The police power has been held to be an attribute of sovereignty possessed by every sovereign State and a necessary attribute of every civilized government. In my judgment, the police power necessarily inheres in any government concerning that subject matter over which that Government exercises complete sovereignty. In other words, the police power is but another name for that authority which resides in every sovereignty to pass all laws for the proper regulation and control of any subject matter committed to that sovereignty in the interest of the health, the morals, and the public welfare of the community.

Mr. WORKS. Mr. President, the quotation the Senator has read touches a phase of this question about which I should like to be informed. It refers to the power of the Government to regulate the running of freight trains, for example, as a part of its police power. Does the Senator think it would have that power where the freight train was operated over a railroad running exclusively within a State?

Mr. BORAH. No; certainly not.

Mr. WORKS. Then it must be connected with interstate commerce.

Mr. BORAH. Certainly, but if Congress should inhibit the running of interstate freight trains through a State on Sunday it would be in the interest of the public morals of the State, rather than in the interest of commerce.

Mr. WORKS. Certainly, that would undoubtedly be true; but it must connect itself in some way with the power of the Government to deal with matters which affect more than one State.

Mr. BORAH. I do not contend otherwise.

Mr. WORKS. I did not catch the name of the author from whom the quotation was taken.

Mr. BORAH. The particular quotation with reference to freight trains was from the Senator from Idaho.

Mr. WORKS. Very well. Then, I was questioning the correctness of the statement of the case by the Senator from Idaho.

Mr. BORAH. There are plenty of authorities to the effect that Congress may do that thing.

Mr. WORKS. I have no doubt of their power to do that as connected with interstate commerce. I think the Senator is right about that unquestionably.

Mr. BORAH. I have not contended for a moment that Congress could pass an act providing that an intrastate road should not run its freight trains on Sunday.

Mr. WORKS. I asked that question in view of the suggestion made by the Senator from Georgia [Mr. SMITH] a moment ago, whether it was not necessary to connect the exercise of such authority in some way with the power to deal with interstate commerce.

Mr. BORAH. In the case of *Bank v. Haskell* (219 U. S., 111) the court says:

It may be said in a general way that the police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare.

Again, the Supreme Court says in the case of *Mutual Loan Co. against Martel*, in Two hundred and twenty-second United States, page 232:

The police power is not confined to the suppression of what is offensive, disorderly, or insanitary, but extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people.

In a sense the police power is but another name for the power of government and a contention that a particular exercise of it offends the due-process clause of the Constitution is apt to be very intangible to a precise consideration and answer.

Mr. President, I want to examine some of the authorities, and the first one that I shall ask the Senate to consider with me is what is known as the Lottery case. There was a time when the Lottery case was looked upon as being questionable law in the Supreme Court of the United States, the opinion having been rendered by a bare majority of the court, as I remember—at least there were strong dissenting opinions—but in view of the subsequent decisions of the Supreme Court of the United States I think that there can be no doubt any longer that the majority opinion of the court in the Lottery case has come to be the settled law of the Supreme Court of the United States. The Lottery case can not be sustained upon any other principle or theory than that of the power of Congress to protect the channels of interstate trade from use by people for immoral purposes or for purposes which are deemed to be detrimental to the public interests. No one can contend successfully, for instance, that the mere transportation of a lottery ticket through the channels of interstate trade, considering the ticket itself and its inability of itself to work any detriment to the community in its course of transportation and the manner of its carrying, would be a subject matter which the Congress would take consideration of if it were not permitted to consider also the other proposition of the effect upon the morals of the community in the use of the lottery ticket. The statute, as Senators will remember, was a criminal statute, and I want to read it. It says:

That any person who shall cause to be brought within the United States from abroad for the purpose of disposing of the same, or deposited in, or carried by the mails of the United States, or carried from one State to another in the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or depending upon the event of a lottery, so-called gift, concert, or similar enterprise, offering prizes dependent upon the law of chance, or shall cause any advertisement of such lottery so-called gift concert or similar enterprises, offering prizes dependent upon lot or chance, to be brought into the United States, or deposited in or carried by the mails of the United States, or transferred from one State to another in the same, shall be punishable in the first offense by imprisonment for not more than two years or by a fine of not more than \$1,000, or both, and in the second and after offenses by such imprisonment only.

Almost every question which has been raised with reference to the child-labor bill was raised by the distinguished lawyers who argued the lottery case. It was believed to be the entering of the National Government into intrastate concerns for the enforcement of the criminal laws of the State. It was contended that it was not enacted in the interest of commerce, that it was simply to enforce certain laws which had to do with the moral conduct of the individuals in the particular States where they were located. It was urged that it was a subterfuge, while professing to regulate commerce, was in fact intended alone to punish individual conduct.

Justice Harlan, who wrote the opinion of the court, said:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress invest it with power to regulate commerce among the several States, providing that such commerce shall not be polluted by the carrying of lottery tickets from one State to another? In this connection it must not be forgotten that the power of Congress to regulate commerce among the States is plenary, is complete in itself, is subject to no limitations except such as may be found in the Constitution. What provision in that instrument may be regarded as limiting the exercise of the power granted? What clause can be cited which in any degree countenances the suggestion that one may of right carry, or cause to be carried, from one State to another that which will harm the public morals? We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lot-

tery tickets from State to State except the one providing that no person shall be deprived of his liberty without due process of law.

The public morals, Mr. President—not the morals of the State of Idaho, not the morals of the State of North Carolina, but the morals of this one unity, the Nation and the people who are subject to it. Can a State be more interested in the protection of the moral and physical well-being of the citizen than is the United States?

The misery, sir, which has haunted the dark lanes of London in these many years; the dismal, soulless beings who for generations have crowded Trafalgar Square, came near being England's undoing in her hour of greatest need. The Boer war admonished her that some sinister influence was at work with the finer virtues of her manly people—that something of the moral fiber, the physical prowess, and even love of country, had been forfeited in the fearful grind for wealth. And when the present crisis came on, the warning which she had received a few years ago came to be a troubled realization. If the time ever comes when we are called upon, as some nations are now being called upon, to test the endurance and capacity of our people even unto the utmost, to search the hearts and souls of our people for those qualities of citizenship which in the last analysis are the real reserves of the country, we may be called upon to reflect upon our past conduct relative to our effort to maintain and preserve the citizenship, the stature, the physical and moral well-being of our entire people. For upon their shoulders alone rests the Republic in the hour of peril.

Now, in this larger and broader and more tremendous question of the upbuilding and preservation of our citizenship the keeping it up to the highest standard of moral and physical efficiency may we not so regulate and control the instrumentalities of government as to discourage and punish those who are engaged in practices wholly inimical to the building up and preservation of our citizens? If we find those in our community employing the young of our country under such conditions as ultimately to affect the whole country, to lower the standard physically and morally of our people, may we not in the exercise of the power granted to Congress to regulate commerce so regulate it as to withdraw from them the means of interstate commerce while they are so engaged in such practices? In other words, may we not in regulating commerce so regulate it as to serve this great cause of upbuilding and preserving the moral and physical well-being of our entire citizenship? Are those who are engaged in the practices which are condemned by the common judgment of men to be contrary to the best interests of the people as a whole entitled to use the facilities of interstate commerce in carrying on their business? If we must say that notwithstanding the immoral methods of production, your products are nevertheless entitled to enjoy the same privileges as products produced in accord with the best interests of the country, if in other words, the inanimate object of commerce itself being clean and in no sense dangerous it must go through the channels of trade notwithstanding it was produced in ways wholly at war with the best interests of society and of the Government, then of course the supporters of this bill are wrong in their contention. But if, on the other hand, we may take into consideration in the regulation of commerce the interests of communities as a whole, the welfare of the people as an entirety, the general interests of the Nation, and so regulate it as to conserve and encourage and augment those interests, then the supporters of this bill are upon safe ground.

The public morals, the public interest, and citizenship, as indicated by Justice Harlan in this opinion, are within the purview of the National Government quite as fully and completely as within the purview of the State government. And when these matters are reasonably related to interstate commerce, when they may be conserved by the regulation of interstate commerce, Congress may act.

If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both National and State legislation in the early history of the country, has grown into disrepute and has become offensive to the entire people of the Nation.

The Senator from Connecticut [Mr. BRANDEGEE] awhile ago put a question as to the extent to which we could finally go in this matter. The same question was presented by the Senator from North Carolina [Mr. OVERMAN]. As Justice Harlan says, lotteries have come at last, in the judgment of the people of the United States, to be inimical to the public interest; and we having arrived at that conclusion, the mere fact that we

did not entertain such an opinion 50 years ago is no reason why we should not exercise the powers of Congress in accordance with the public opinion which we entertain at this time.

Now, Mr. President, let us look for a moment at the white-slave decision.

Mr. WORKS. Mr. President, before the Senator leaves that subject, I have no doubt myself of the correctness of the decision in the lottery-ticket cases. I have just as little doubt of the proposition advanced by the Senator from Idaho that the Government of the United States has the right to protect the morals and the health of the country as a country, or as a whole; but that, it seems to me, does not quite meet the situation.

It is not claimed that the thing to be carried in this case is detrimental to health or morals at all. The bill goes back into the State, and prohibits the carrying of these goods because they are manufactured in a particular way within the State. It seems to me to present an entirely different proposition. That is the phase of the case that I should be glad to have the Senator from Idaho cover in what he is going to say—and I have no doubt he will—because that is the troublesome feature of it to me.

Mr. BRANDEGEE. Mr. President, if I may be permitted to make a suggestion, inasmuch as the Senator has alluded to the question I asked him, the same thought occurred to me that has occurred to the Senator from California. In fact, it was discussed at length before the committee in the hearings. It seemed to me that the distinction between the lottery case and the principle which is the basis of this bill was that the lottery decision prohibited the transportation of an integral part of the lottery system itself. This bill seeks to prohibit nothing of that kind. It does not prohibit the transportation of child labor or of children, but of an innocent product of child labor.

Mr. BORAH. But the question is, Why did the National Government prohibit the transportation of that particular ticket? Was it because of any defect in the ticket itself, because it in itself was dangerous to commerce, or because during its transportation it might in any way diminish or disorganize or demoralize commerce? It was because of the intent with which it was sent through the channels of interstate trade, and it was prohibited for the reason, and no other reason, than because Congress said that the channels of interstate trade shall not be used for a purpose—whatever that purpose or however used—which may be considered detrimental to the public welfare. Now, if you may not use the channels of trade to carry articles which end in immorality and evil, can you use the channels of trade to carry articles produced by immoral and wrongful methods?

Mr. WORKS. But it was intended to prevent the carrying of an unlawful or immoral influence into another State.

Mr. BORAH. If you can prevent the carrying of an article into a State because it may have an immoral influence when it gets there, may you not exercise the same power to prevent a man from carrying an article out of a State when he has produced it in a way which is deemed to be immoral where it is being produced?

Mr. WORKS. That is, to my mind, the crux of the whole question.

Mr. BORAH. Yes. I can not see how it can be very well said that Congress was given a power which it may exercise for the benefit of those at one end of the channel, and which it may not exercise for the benefit of those who are at the other end of the channel. The Congress closes its channels to an article because it may effectuate wrong; may it not deny its channels to trade which, because it can be shipped, helps to make wrongdoing profitable?

Mr. HARDWICK. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. Yes, sir.

Mr. HARDWICK. If the Senator will pardon me, it is on this theory: That so far as the consumption end of it is concerned, the several States of the Union can have no protection unless Congress gives it; and they, against their will, and without power to prevent it, will be put at a disadvantage and compelled to do something or to receive something that they do not want to receive. But in the case of production, going to the other end, the conditions of labor referred to on this very subject can only be such as the State permits, and they do not affect anybody except the people in that State.

Mr. BORAH. Let us examine this other case that we have before us and see if it throws any light upon the subject. That in the case of *Hoke v. The United States* (227 U. S., 308),



known as the white-slave case. The Supreme Court says in this case, in the syllabi:

While women are not articles of merchandise, the power of Congress to regulate their transportation in interstate commerce is the same, and it may prohibit such transportation if for immoral purposes.

The right to be transported in interstate commerce is not a right to employ interstate transportation as a facility to do wrong, and Congress may prohibit such transportation to the extent of the white-slave traffic act of 1910.

If you can not use the channels of interstate trade for the purpose of effectuating a wrong, can you use the channels of interstate trade to carry a product which has been produced or effectuated by a wrong?

Mr. WORKS. Mr. President, it seems to me that the distinction lies in the fact that in the white-slave cases they were trying to prohibit the carrying of an immoral influence into another State.

Mr. BORAH. Not necessarily, Mr. President. If A should have invited a woman from Louisiana or New Orleans to go to Beaumont, Tex., although the woman may have known nothing of the purpose, and although she might have been as pure as the driven snow when she arrived there, if he afterwards induced her to enter into a state of concubinage he had violated the law.

A transaction had occurred which was wholly within a State, wholly within the control of the State government, wholly within the criminal law; but the man had used the channels of interstate trade in carrying a perfectly innocent person and a perfectly moral person to that place for the purpose of accomplishing his purpose.

Mr. WORKS. Yes; but I will suggest to the Senator that he must take into account the man as well as the woman. The woman may have been perfectly innocent in the case suggested by the Senator. It is the man that is inducing the transportation of the woman from one State into another.

Mr. BORAH. Exactly; but the man had not been in the channels of interstate trade. He had not been in the course of transportation at all. He had not passed over the road. The only one who had been in the channels of trade and had passed over the channels of trade in the train or was in commerce was the perfectly innocent party.

Mr. CLAPP. Even if the man went along, his going was not commerce.

Mr. THOMAS. Mr. President, suppose there should be offspring as the result of these immoralities; would Congress have power, in the exercise of its power to regulate commerce among the States, to prohibit their transportation from one State to another?

I ask the question in all seriousness, Mr. President, because I think it is a distinction which might be applied here; and if the Senator's argument, to which I am listening with profound interest, is correct, then it would seem to me that Congress could so legislate.

Mr. BORAH. Yes; I think so. I do not think that would be sufficiently incidental to the interstate-commerce act, or transportation, perhaps, to come within the control of Congress.

Again, the Supreme Court in the syllabi says:

Congress may adopt not only the necessary but the convenient means necessary to exercise its power over a subject completely within its power, and such means may have the quality of police regulations.

Well, when it has the quality of police regulations it is police regulation. It is no different than if the court, instead of saying "have the quality of police regulations," had said, "has the power of police regulation."

Then the only question is, Mr. President, To what extent may Congress exercise that police power? I concede that it must be the exercise of such police power as is incidental in a reasonable way to commerce, or to interstate commerce. If it is wholly disconnected from interstate commerce, and can not be said to be reasonably allied with it or in any way connected with it, certainly the mere fact that Congress possesses the police power would not enable it to deal with it.

Mr. BRANDEGEE. Mr. President, will the Senator permit me to ask him there to explain how the regulation of the hours of labor in a mill in a State is related to interstate commerce?

Mr. BORAH. In just a few minutes, when I get through with this decision, I will do that, or try to do it, at least.

The court says:

What the act condemns is transportation obtained or aided or transportation induced in interstate commerce for the immoral purposes mentioned. It urges a right exercised in morality to sustain a right to be exercised in immorality. It is the same right which attacked the law of Congress which prohibits the carrying of obscene literature and articles designed for indecent and immoral use from one State to another. It is the same right which was excluded as an element affecting the constitutionality of the act for the suppression of lottery traffic through national and interstate commerce. It is the right given for beneficial exercise which is attempted to be perverted to and justly baneful exercise, as in the instances

stated and which finds further illustration in *Reid v. Colorado* (187 U. S. 137). This constitutes the supreme fallacy of plaintiffs' error. It pervades and vitiates their contentions.

Plaintiffs in error admit that the States may control the immoralities of its citizens. Indeed, this is their chief insistence, and they especially condemn the act under review as a subterfuge and an attempt to interfere with the police power of the States to regulate the morals of their citizens, and assert that it is in consequence an invasion of the reserved powers of the States. There is unquestionably a control in the States over the morals of their citizens, and, it may be admitted, it extends to making prostitution a crime. It is a control, however, which can be exercised only within the jurisdiction of the States, but there is a domain which the States can not reach and over which Congress alone has power.

Our dual form of government has its perplexities, State and Nation having different spheres of jurisdiction, as we have said, but it must be kept in mind that we are one people; and the powers reserved to the States and those conferred on the Nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral. This is the effect of the decisions, and surely if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women and, more insistently, of girls.

This is the aim of the law expressed in broad generalization; and motives are made of determining consequence. Motives executed by actions may make it the concern of Government to exert its powers. Right purpose and fair trading need no restrictive regulation, but let them be transgressed and penalties and prohibitions must be applied.

The principle established by the cases is the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation "among the several States"; that the power is complete in itself, and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulations.

Mr. WORKS. Mr. President, suppose we separate these two things—the production and the transportation. I presume that the Senator would not claim that the National Government had any right to interpose in the mere matter of production within a State, independently of the question of transportation?

Mr. BORAH. No; certainly it would not. The Congress has nothing to do with production per se, but in the regulation of commerce it may affect production.

Mr. WORKS. Going a step further, the act of transportation is of a product that is perfectly innocent in itself; and how you can connect the two things together, and make the transportation illegal or against good morals or good health, is the question in my mind.

Mr. BORAH. Exactly. Well, I think the Senator will concede this much—that so long as the channels of interstate trade may be used by those who are employing child labor it augments and encourages child labor. Interstate commerce is a part of the successful carrying out of their scheme to use beneficially their child labor.

Mr. WORKS. Yes; but the child-labor question is one that is confined wholly to the State.

Mr. BORAH. Exactly; but what I want the Senator to admit is this—that so long as the Government lends its instrumentalities of government to the use of those who employ child labor, it is augmenting and encouraging the doing of that which is deemed to be immoral or contrary to the public interest. Now, may not the Government withdraw its instrumentalities of government and say that they are not subject to the use of those who are employing child labor, because of the fact that by doing so we are aiding, augmenting, encouraging, and sustaining the employment of child labor? The employing of child labor, the carrying the goods in interstate commerce, are parts of a plan as a whole.

Mr. WORKS. The trouble about it is, I think, that the Senator is attempting to combine two things—one illegal or objectionable on moral grounds, and the other perfectly and wholly innocent; and with the one that is not innocent the State has the full and exclusive right to deal, and the Government has none. Now, the mere act of transporting these goods after they are manufactured in a way that we think is objectionable is in no sense a violation of the rights of the Government. It does not in any way affect the public morals or the public health, it seems to me. I am glad to admit anything that will solve this question in a legitimate way.

Mr. BORAH. Let me ask the Senator this question: Does he contend that the Congress of the United States must stand idly by and not exert its power over the interstate channels of trade when those channels are being used by people who, by reason of the use, are encouraged in the doing of things which the Senator believes to be wrong?

Mr. WORKS. That, in my judgment, is not the question. It is not a question whether the Government should stand by or not; but the thing that is being done with which the Government has a right to interfere is not in any sense illegal, and I think it can not be made illegal by a mere dictum of the Congress of the United States, because it is innocent in itself.

Mr. WORKS. That, in my judgment, is not the question. It is not a question of whether the thing being done with which the Government has a right to interfere or not is in any sense illegal, but I think it can not be made illegal by the mere dictum of the Congress of the United States if innocent in itself.

Mr. KENYON. Mr. President, does not the Senator concede too much if he meant to concede that the child-labor evil is solely a State evil, or an evil within a State? The lottery can be carried on within a State, and Congress can not affect that. Now, you come to carry out the purposes of the lottery by transporting the tickets in interstate commerce. In the case of the child-labor proposition, if you stop within the State that is the end of it, but you have to carry it out by carrying the products of child labor in interstate commerce just as you carried the tickets of the lottery.

As to the lottery-ticket situation, I do not think Congress prohibited that because of the effect it might have upon two or three people, or even a thousand people, who might engage in the lottery business, or in the white-slave matter because of the immorality that might be committed in some cases at the end of the line, but it was because of the general scheme and system of immorality which was involved in that act within the State and the transportation and the act at the end of the line. In the lottery it was the general scheme and plan that was offensive to our high standard of morality and our high standard of the public welfare. That is exactly true with child labor. It is the general scheme of making articles by child labor and selling those articles in other States; it is a general plan and a general method of production that is offensive to the public welfare and public morals of our citizenship.

Mr. WORKS. It may be that the Senator from Idaho conceded too much, as is suggested by the Senator from Iowa. I think myself he has conceded away his whole case.

Mr. BORAH. I will ask the Senator what I have conceded. I have no concession such as the Senator from Iowa suggested.

Mr. WORKS. The Senator conceded, as I understood him, that the Government has no right to interfere with the production by child labor.

Mr. BORAH. No; the Senator did not put that question. The Senator put the single question whether or not we could interfere with the simple fact of production. Of course if it is exclusively intrastate, and the production is separated from the fact that the article is to be shipped into interstate trade, that is one question; but I am not conceding for a moment that the Government is not interested in that production when the production goes on through the efforts of child labor, and is all a part of an entire plan involving the use of the channels of interstate trade.

Mr. WORKS. It seems to me that the whole ground upon which this sort of legislation may be maintained is the very one suggested by the Senator from Iowa, that because it affects the morals of the people of the State it affects the whole mass of the people of this country; upon that ground the Government may interfere. I think that is the only ground, I will say to the Senator from Idaho, or the only thing that has been suggested to my mind that would uphold this kind of legislation. I do not think it is possible to connect it with transportation and sustain it in that way.

Mr. BORAH. I do not know that the Senator has been here all the time. I referred to the fact that the National Government was just as much interested in the morals of its people and its citizenship as the State was, and that it was for the reason that the National Government has a duty to perform toward its citizenship as a whole in protecting the moral and physical well-being of the citizenship as a whole that it could take hold of this subject. I have not made any concession to the contrary to that, because it is the basis of my contention here. What I did say, of course, was that the production of this and the act of manufacturing wholly within the State is a matter for the State, but I have made no further concession.

Mr. WORKS. That is a very plausible way of presenting the question and it has its force, but that position would certainly give the right to the National Government to interfere and legislate with respect to anything immoral within a State if you separate it from the question of transportation. You have to connect the two together in order to give Congress jurisdiction to deal with it at all. That takes me back again to the matter I suggested awhile ago, whether you can connect the innocent act with the act on which the Government is attempting to legislate and in that way attach jurisdiction.

Mr. BORAH. Let me say, if the manufacturers of this country from one end to the other are manufacturing goods in such a way as to be detrimental to the welfare of the citizens, as to be undermining the moral and physical condition of the citizenship, may not the Congress of the United States withdraw the

instrumentalities of Congress from the use of those who undertake to use it for the purpose of shipping those goods which have been thus manufactured in this way? If they keep the goods wholly within the State the Senator is correct, but when they undertake to use the channels of interstate trade to augment and build up and sustain and keep alive their business, then may not the Government withdraw the use of those channels and those who thus employ labor?

Mr. WORKS. I think if there was a combination in different States for that purpose, transportation facilities being used to carry out that purpose existing in different States, undoubtedly that might be so. I want the Senator from Idaho to understand that I am trying to get information on this subject. I have not thoroughly made up my mind as to what course I shall pursue when it comes to the question of voting on this bill, but there is a difficulty in the way of it, and I know the Senator from Idaho is as competent to deal with those questions as any man I know of, and I am asking questions and calling his attention to the difficulties that present themselves to my mind.

Mr. BORAH. Now, let me put this question to the Senator. I am very glad to have this discussion with the Senator because I realize his ability and integrity of purpose. Suppose there is a manufacturing establishment in California that is sustaining itself and living by reason of the fact, first, that it employs children of a very tender age and at very low prices; second, that it must have a market in New York City.

Mr. WORKS. Will the Senator be kind enough to take some other State for illustration, because that could not be done in California. We have a very strict child-labor law in California, I am glad to say.

Mr. BORAH. Let us assume before that law was enacted, just for the purpose of illustration, the manufacturing establishments there which by reason of competing conditions employed children of tender years, and very long hours, but suppose its only market for goods was in New York City, would the Senator believe that Congress was inhibited from denying the use of the channels of interstate trade to those goods which were thus created by it and upon which it was dependent entirely for its maintenance?

Mr. WORKS. If I were able to answer that I would be perfectly prepared to vote on this bill. Those are things I want to know.

Mr. OVERMAN. May I ask the Senator from Idaho a question? I want to understand his position. Did I understand the Senator to say that Congress has the right to withdraw from a State the right to ship goods in interstate commerce?

Mr. BORAH. No; what I said was this: Suppose there is a manufacturing establishment in North Carolina employing child labor at a very low figure and very tender years, and it was dependent for its existence upon two or three facts; first, the employment of child labor; second, the ability to use the channels of interstate trade to carry its goods to its only market in New York City, could Congress in order to prevent the employment of child labor for the protection of its citizens in which the Government is just as much interested as South Carolina or North Carolina say that the instrumentalities of the Government shall not be used to carry the goods thus manufactured in contravention to the good morals and the welfare of the people of the country?

Mr. OVERMAN. I know the Senator's position, but I thought he did say that Congress would have a right to withdraw from a State the right to ship in interstate commerce. There is no such power as that granted in the Constitution. The only power granted is the power to regulate.

Mr. BORAH. Of course, I know the word "regulate" was used by the Constitution makers for the purpose of giving over to the National Government the entire control of interstate commerce. There are some things which you can deny the State the right to ship into other States.

Mr. OVERMAN. You can make a regulation of interstate commerce, but you can not deny the right of a State to ship.

Mr. BORAH. It may take the form of prohibition. Congress can prohibit you from shipping certain things from North Carolina to South Carolina.

Mr. BRANDEGEE. Mr. President, I agree with the Senator, of course everybody does, that the entire Nation is just as much interested in the morals and the health of the citizens of every State as the States are themselves, but the question in my mind is in what channels the National Government has authority to exercise power. It seems to me that there must be some things that pertain to the health and the morals of the people of the State that are exempt from the action of Congress. The Senator says that we may withdraw, by way of the regulation of commerce among the States, the instru-



mentalities of commerce from the use of those who do not conform to our standard involving health and morals, and so forth. The Senator would not claim that Congress could pass an act prohibiting interstate transportation of the goods of a factory in New York that was not properly equipped with fire escapes and fire apparatus and sanitary appliances for the convenience and health of its operators.

Mr. BORAH. There are conditions in which, I believe, Congress could do that. If the relationship to commerce was sufficiently connected.

Mr. WORKS. Mr. President, in connection with the question the Senator from Idaho put to me awhile ago may I make a further suggestion?

Mr. BORAH. Yes, sir.

Mr. WORKS. When it comes back to what I suggested before, taking the case that the Senator submits, where, in California, the goods are manufactured in a way that may be regarded as detrimental to morals or health, and the shipping of those goods to New York, the transportation is not detrimental to anybody. Assuming that the goods are themselves of an interstate character, the act of transportation does not affect anybody.

Mr. BORAH. Yes it does.

Mr. WORKS. Just wait a moment. The selling of the goods does not affect anybody in New York, but we have got to connect that up with the production within the State. The whole difficulty, in my mind, is as to whether you can connect those two things. The Senator, of course, insists that by allowing transportation you are aiding in the production of goods in an improper way. The question in my mind is whether that would give Congress the power to deal with the question as an interstate matter. To me it is a very serious question.

Mr. BORAH. I can imagine that it is, and it is a serious question to everyone, because I think we are on the border line of the power of Congress with reference to these matters.

But first I will answer the question of the Senator from Connecticut whether or not we could now deny a manufacturing establishment the right to ship goods because it did not have a proper fire escape. I would not undertake to say offhand that that is such a matter as would be considered to affect the general interests or the general welfare or the public concern of the people as a whole throughout the United States. But I can imagine a relationship of these things to commerce which would justify the interference of Congress.

Mr. BRANDEGEE. I will not interrupt the Senator again, but I will take this opportunity to say, if the Senator will allow me, modern interstate commerce is so intricate and the production of the States and the consumption of the States, the trading of all the States is so inextricably involved in interstate commerce that if Congress has the power over interstate commerce to prohibit and put an embargo on the States from importing and exporting with each other until they shall comply, in the interest of public morals and health, with such standards as Congress may set up, it is good-by to any government in this country except that of an "imperium" located here in Washington, and Congress will henceforth have the powers of the British Parliament.

Mr. BORAH. The Senator has stated a fact which is necessary for this legislation. As time has gone on, those things being interlaced and intermingled, necessarily the National Government has had to take over and assume control in such a way that it never deemed necessary before. But will the Senator contend, for instance, that the State government can exercise police regulations over interstate commerce?

Mr. BRANDEGEE. No.

Mr. BORAH. Not at all. Yet the Senator says that commerce has become so intermingled and so interlaced and is so subject to national control that it can deal with no part of it practically without dealing with it all.

Mr. BRANDEGEE. No; I say commerce is so inextricably intermingled between the States that if Congress can prohibit the instrumentalities of railroad transportation to the products of a State unless they conform in all respects in their production to any standard that Congress may set up for it, then it has abolished the necessity for any State government at all.

Mr. BORAH. The Senator from Idaho has not contended for any particular standard. I have said repeatedly that there is a limit to the exercise of the police power both in the State and the National Government. Of course Congress in the exercise of police power over the channels of interstate trade must be within those limits which may be defined from time to time to be within the limits of the police power, just the same as the State must be within its limits. The Senator from Connecticut makes the same argument which has been made against the

exercise of the police power in a thousand instances over matters purely intrastate.

But the Senator from Connecticut is making the same argument which has been made against the exercise of the police power in many instances over matters purely intrastate, time and again on the street corners. It has been argued that with reference to intrastate powers, the exercise of the police power under the circumstances was to rob the citizen of individuality, of initiative, and to place him completely under the socialism of the State. The Supreme Court has answered by saying, as it said in the bank case from Oklahoma, that whatever the common and public opinion comes to regard as the public welfare, shall be regarded by this court as the police power.

Mr. BRANDEGEE. Mr. President, I have not made any such argument against the constitutionality of the legislation in the cases which the court has sustained. I am simply saying now that, in my opinion, we are at the parting of the ways; and I say that in the cases where the court has sustained the constitutionality of the previous acts to which the Senator has referred, they were cases where the commodity itself prohibited from interstate transportation was noxious or deleterious; and that this case does not purport to prohibit the commodity because it is deleterious, but because it was manufactured under conditions which do not suit the temporary view of this Congress.

Mr. BORAH. The Senator from Connecticut is mistaken about that. The courts have not always confined it to instances where the article in transportation was deleterious or injurious to interstate commerce.

Mr. BRANDEGEE. Or for an immoral purpose, of course.

Mr. BORAH. Then, when you say for an immoral purpose you must leave it to the discretion of Congress as to what is an immoral purpose.

Mr. BRANDEGEE. But I say—

Mr. BORAH. Just a moment.

Mr. BRANDEGEE. That is not the point. The article itself was prohibited from transportation because it was to be used for an immoral purpose.

Mr. BORAH. Yes; because it was conducive to an immoral purpose, and when you prohibit the shipment through interstate commerce of goods which have been created through immoral agencies you are acting precisely upon the same principle as when you prohibit the shipment of goods which are to be used for immoral purposes.

Mr. BRANDEGEE. To my mind, that carries it a step further than the courts have ever gone. The Senator says that the only way to prevent a perpetuation of this abuse and of what is considered to be a wrong is to prohibit the man back in the State from employing child labor, but the transportation of the article produced by child labor into the other States does not at all contribute to any immoral purpose. This measure is simply designed to prohibit the employment of children back home in the several States; and the Senator says that the transportation of the article may contribute to that end. That, I think, is going further than the courts have ever gone in this class of cases.

Mr. BORAH. It may be, applying the principle on a different state of facts from what the courts have ever applied it; but there can not be any other interpretation of the white-slave act than, as the Supreme Court held, that the channels of interstate trade should not be used in any way at all which would finally result in that which was detrimental to the morals of the people of the United States.

Mr. BRANDEGEE. Mr. President—

Mr. BORAH. Wait just a moment.

Mr. BRANDEGEE. I have not that act before me, but let me call the Senator's attention right here to the fact that in the white-slave act transportation must have been done with the purpose of committing immorality.

Mr. BORAH. Exactly. The purpose, the intent, goes back equally to the criminality in view of the statute or whether it was criminal and the criminal intent. As I said a moment ago, the person transported in interstate commerce might have been wholly innocent of any improper intent whatever; the person transported might have been wholly innocent of any improper thought or purpose, but the party who had the criminal intent was always solely and completely within the control of the State government; the party who invited the other individual into the State was always completely within the police power of the State government, was solely subject to its jurisdiction, while the party who traveled in interstate commerce may have been perfectly innocent of any improper intent or purpose, yet the Supreme Court said that these channels of trade are closed even to perfectly innocent people

in purpose and thought. Why? To promote the morals of the community, and for nothing else in the world.

Mr. BRANDEGEE. As I understood it, the channels of interstate commerce were not closed to the innocent party, but they were penalized after they arrived.

Mr. SMITH of Georgia. The guilty party was penalized—the man who meant the evil.

Mr. BRANDEGEE. Yes; the guilty party.

Mr. BORAH. Of course, the purpose of which was to close the channel of interstate commerce. It made it immoral to use it. That is the distinction; that is the difference.

Mr. BRANDEGEE. It is the same in this bill.

Mr. BORAH. Let me see whether it is or not.

Mr. WORKS rose.

Mr. BORAH. Just a moment. I should like to get through with one at a time. Let me see whether it is or not. Here is John Jones, in the State of South Carolina, or, I will say, in the State of Idaho, in order that I may offend no one. He is manufacturing goods. So far as his purpose is concerned, he has no intention except to get his goods into interstate commerce, but he is employing child labor. He must use the channels of interstate trade. The goods which he ships in interstate trade are not deleterious; they are not bad; they are in no way an injury to commerce, any more than the particular individual who is invited to go into another State was deleterious to interstate commerce or in any way bad; but the court says that this channel shall be closed to you—

You are prohibited from using it, for the reason that we conceive it to be to the injury of the people of the United States, of the entire community, to have the kind of business going on in which you are engaged; as you are engaged in a business which is immoral, which is undermining the public welfare, which is contrary to the health and to the interests of its citizens, we will withdraw the instrumentalities of interstate commerce from your use.

What is the difference between that proposition and withdrawing those channels from the use of a man who was inviting a perfectly innocent person into another State? In both instances the commodity of itself is not injurious to commerce; in both instances they are innocent; in both instances they are commerce; and in both instances the parties who are finally punished are completely within the control of the State and completely within the police power of the State. Now, what is the difference between the two propositions?

Mr. BRANDEGEE. I think the Senator from Georgia [Mr. HARDWICK] showed the difference.

Mr. BORAH. I did not hear what the Senator from Georgia said.

Mr. BRANDEGEE. He said that the State of origin could prevent the article going out to protect itself, if it wanted to do so. There was no harm done at the other end of the innocent article going—

Mr. BORAH. That is where we differ. This power of Congress does not depend on the power of the State to protect itself; it depends upon the terms of the grant.

Mr. BRANDEGEE. Not from the article.

Mr. BORAH. No; not from the article. Neither was there any harm from the persons referred to going into the other State. The harm arose after they had gone into the other State and became completely subject to the police power of that State.

Mr. BRANDEGEE. Exactly; but no harm whatever happens in the State to which the goods are shipped under this child-labor bill. The product which arrives in the other State is perfectly innocent, indeed a necessary and legal article of commerce, and the people at home, in the State of origin, are manufacturing the product in accordance with their own laws and to their own satisfaction. Then, because somebody else in another State is not satisfied with the domestic laws and the exercise of the police powers of the State of origin, they propose to put an embargo on that State and prevent any of its products going out unless they are manufactured in accordance with our standards. Of course, no man is wise enough to say whether or not the Supreme Court will sustain this act. If they do sustain it they will absolutely change our form of government.

Mr. BORAH. They will not have changed it any more than they have in the white-slave case.

Mr. BRANDEGEE. Yes; a great deal more, I think.

Mr. BORAH. In what respect will they change it? We are dealing with the morals in both cases.

Mr. BRANDEGEE. We are not dealing with the question of morals in this instance; we are dealing with the general welfare of children; and I am as much in favor of their welfare as anybody can be, but—

Mr. BORAH. I consider that a moral question.

Mr. BRANDEGEE. But I am also in favor, if I may be permitted to say so, of preserving our form of government and our

Constitution; and if this legislation can be sustained I can not see any further use for the existence of the several States in this country.

Mr. BORAH. That is what was said when the case of Cohen against Virginia was decided.

Mr. BRANDEGEE. There have been a good many things said before I arrived here; I will admit that.

Mr. BORAH. The argument was that if the State's judgment could come under the review of the Supreme Court the State governments were wiped out; that we had become one government; and there was nothing for the States to do. I think that the Senator will still have left for the States to deal with all those transactions which are not related to interstate commerce, which is a very large field of activity and a very large field of industry.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield to the Senator.

Mr. WORKS. The Senator from Idaho never fails to make his own position clear; but I want to see if I understand just what that position is and what is likely to be the effect of it.

Mr. BORAH. I will not answer for the effect of it.

Mr. WORKS. As I understand, it amounts to this: That because the citizens of a State are manufacturing goods in a way or by a means that the Government thinks detrimental, it is claimed by the Senator that for that reason the Government has a right to close the market for those goods in any other State and refuse the right of transportation to the citizens of the State. That is his position, is it not?

Mr. BORAH. In a measure; but the Senator has not stated it all.

Mr. WORKS. What have I failed to state?

Mr. BORAH. Well, go ahead with your statement.

Mr. WORKS. I have made my statement, and I ask the Senator if that is not his position?

Mr. BORAH. Not exactly; no.

Mr. WORKS. Would the Senator mind saying in what respect his position differs from the suggestion I have made. I am dealing perfectly frankly with this matter, I will say to the Senator from Idaho, and I think he is trying to do the same thing.

Mr. BORAH. I am not complaining of the Senator trying to catch the Senator from Idaho at all.

Mr. WORKS. I have no such intention.

Mr. BORAH. What I contend, to state it over again, is that one engaged in interstate commerce—shipping goods in interstate commerce—must, in order to enjoy that privilege, conform to the regulations of Congress, and that those regulations may take on the quality of police regulations as to all matters fairly connected with interstate commerce. We claim that Congress may in its police power, a part of the implied power under the commerce clause, deny the party the right to ship goods which have been manufactured for interstate commerce by child labor, because child labor is at war with the whole structure of civilized society and destructive of American citizenship.

The Congress of the United States has complete and plenary power over the channels of interstate trade. The only thing which would inhibit them from exercising their judgment relative to what was for the best interests of the people in connection with interstate commerce, would be the fifth amendment, the due-process clause of the Constitution. Is not that correct?

Mr. WORKS. Yes; Congress has power, but—

Mr. BORAH. Well, now—

Mr. WORKS. Wait just a moment. It is not an arbitrary power. If Congress should attempt to prevent the transportation of a perfectly innocent article where there was no offense committed at all respecting it, would the Senator maintain that that could be done?

Mr. BORAH. No. As I have said, there are other provisions of the Constitution, such as the fifth amendment, establishing the due-process principle, which we must have regard to, but, as Justice Harlan asked with reference to lottery tickets, does the fifth amendment protect a man in sending a lottery ticket? Does the fifth amendment protect a man in sending goods which have been manufactured in a way which Congress, as representing public opinion, has come to deem to be contrary to the public interest?

Mr. WORKS. I have said that I have no doubt at all about the correctness of the decision in the lottery case; but my doubt is as to whether that principle can be extended to what we are attempting to do now.

Mr. BORAH. Well, if we can not exercise this power, it is because it is a purely arbitrary power.

Mr. CUMMINS. Mr. President—



The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. I hesitate very much to interrupt the Senator from Idaho, but it has occurred to me that some of the illustrations which have been suggested are exceedingly unfair, and I desire to suggest a different illustration. We have a Federal law against what is known as peonage. Suppose we would add to that law a prohibition against the interstate transportation of products of the peon, applying to the contractor who employs the laborer. I assume that nobody would doubt that could be done, because our law is connected with the transportation of the peon from one State to another.

Mr. BORAH. Well, the Senator from California would have to deny it if he took the position that he did in regard to child labor.

Mr. CUMMINS. I think so; but it seems to me very clear that, in addition to punishing the man for establishing a system we could say "You shall not transport what the system produces into another State." But, now, suppose that in the State a system of peonage is established such as is condemned by the Federal law, but which does not require for its establishment the bringing in of laborers from another State. Can anyone doubt that we would have the right to say that the channels of interstate commerce should not be used in order to send out and sell the product of these men held in peonage?

Mr. BORAH. I do not think there could be any doubt at all about that—that you could deny the channels of interstate commerce to that use, to the shipping of those goods; and the goods themselves, of course, would be just as beneficial to those who would receive them as the goods which were manufactured by children's aid.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BORAH. I yield.

Mr. NELSON. I want to call the Senator's attention to the fact that the peonage laws are based upon the fact that peonage is a species of slavery, and is in violation of the thirteenth amendment of the Constitution of the United States. They rest upon that basis, and hence they have no application in this case. Peonage is held to be a species of servitude, a species of slavery, which is condemned by the Constitution except as a punishment for crime.

Mr. BORAH. Precisely. But that, in my judgment, does not militate against the argument which the Senator from Iowa has advanced, because what he said was that you might deny the shipment of goods manufactured by peonage labor through the channels of interstate trade. Now, so far as the goods are concerned, so far as their use is concerned, so far as their advantage to society is concerned, and so far as the cleanliness of the channels of interstate trade is concerned, they are just the same as if they had been manufactured by some one who was not regarded as akin to slavery; and the contention which we make is that in addition to the fact of punishing criminals, in addition to the fact of bringing them within the criminal law, Congress may withdraw the instrumentalities of government from the use of those who practice such things.

The practice of the employment of child labor is on exactly the same plane as peonage. It is accentuated by the same spirit and sustained by the same principle as the condemnation of peonage. The goods which children manufacture are just as beneficial to the man who uses them ultimately as if they had been manufactured by an adult. The State may punish the employment of child labor. The National Government may go further and say: "We will aid the States in the punishment, and withdraw the instrumentalities of commerce from your use in order to discourage, to disorganize, and to demoralize the employment of child labor."

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I do.

Mr. OVERMAN. I understand that under the thirteenth amendment it is made a crime for anybody to be held in peonage. Now, it has been charged, and there have been investigations, and there have been prosecutions, and there have been convictions in some of our Southern States, I am sorry to say, against people who have been raising cotton there by means of their colored men as tenants, and it was charged that they were held in slavery. Does the Senator mean to say that in addition to the convictions for peonage you can stop the farmer from shipping his cotton in interstate commerce where it has been raised by men who are held in peonage?

Mr. BORAH. I have not any doubt at all but that if the Supreme Court maintains the position which it has taken, the Government could say that no man shall ship an article which has been manufactured—

Mr. OVERMAN. Let us not confine it to manufacture.

Mr. BORAH. Well, upon which peonage labor has been employed to bring it into existence as a commercial commodity.

Mr. OVERMAN. Produced on a farm, let us say.

Mr. BORAH. Yes. I have not any doubt but that they could say that in addition to the punishment as a crime the instrumentalities of government may not be used by anybody who does practice this employment of peonage in the production of anything which goes immediately into interstate commerce.

Mr. OVERMAN. Would the Senator extend that to deprivation of a man of suffrage?

Mr. BORAH. Oh, no; I would not.

Mr. BRANDEGEE. Well, Mr. President—

Mr. CUMMINS. Mr. President, no individual has the power to deprive another of the right of suffrage.

Mr. OVERMAN. I meant whether it would be possible for the Government to deprive him of it.

Mr. SMITH of Georgia. Mr. President, is it not true that in the decisions heretofore upon this subject, in the lottery and the white-slave cases, the evils followed interstate transportation and were dependent upon it for consummation? Has the Supreme Court, in any instance, sustained the right to stop intrastate transportation, except where the evil was consummated through interstate transportation? And is not the striking difference between the proposed legislation and the past legislation the fact that now, for the first time, it is proposed to stop interstate shipments where the evil complained of was completed before the interstate transportation began?

Mr. BORAH. The evil in this instance is completed by means of the channels of interstate trade.

Mr. SMITH of Georgia. No.

Mr. BORAH. Yes; it is, I contend. I contend that it is, because the man could not carry on his business to the extent to which it is carried on by these manufacturers without having a market and the means of shipping his goods. It is positive means by which the man carries on his business.

Mr. SMITH of Georgia. First, I wanted to get the Senator to answer—and I suppose, of course, he will—that there is this marked difference between the past legislation which has been sustained and the proposed new legislation.

Mr. BORAH. The physical distinction which the Senator makes is true, that the consummation was at the time that the goods were delivered rather than at the time they were being produced.

Mr. SMITH of Georgia. The interstate transportation was an essential to making the evil possible—an essential to the consummation of the evil.

Mr. BORAH. I maintain that the channels of interstate commerce are essential to the maintenance and the existence and the employment of child labor; that if you deny them the channels of interstate trade there would not be any opposition to this matter here if it were not because of the fact that it is going to hurt somebody, and it is hurting somebody because they can not continue to employ these children unless they can ship their goods in interstate trade.

Mr. SMITH of Georgia. There is, however, the distinction that I have stated between anything that has been sustained before and the proposed new legislation.

Now I want to ask the Senator this question: If the new legislation is passed and sustained, then the question of the evil connected with the production inside the State becomes one really for congressional determination, does it not?—and the power would be in Congress to deny interstate transportation to practically anything produced in a State where, in the opinion of the Congress, there was evil connected with its production, and where you wanted to stop that evil.

Mr. BORAH. Wherever the Congress conceived that it had developed to such an extent as to come within police surveillance of the commerce clause.

Mr. HUGHES. An evil, the Senator said.

Mr. BORAH. Of course, if it is an evil.

Mr. SMITH of Georgia. If in the opinion of Congress it was an evil.

Mr. BORAH. Yes; certainly. I am assuming that Congress could not just arbitrarily say that anything was an evil. It would have to be inherently an evil and connected with interstate commerce in a reasonably intimate way.

Mr. SMITH of Georgia. They could not say that having a red head was an evil and base it on that.

Mr. BORAH. No.

Mr. SMITH of Georgia. But they could say that working a man longer than eight hours was an evil, and therefore that no goods could go into interstate commerce where anybody worked over eight hours.

Mr. BORAH. I believe conditions might arise which would make that true.

Mr. SMITH of Georgia. Yes; and they could say that any except organized labor, or the reverse, was an evil and an unwise policy, and that the interstate transportation of the products of any mills that did not recognize organized labor, and so on, and so on, should cease.

Mr. BORAH. The Senator says "and so on, and so on," but there is a limit to these things. We have not an absolutely arbitrary Government. It has been the business of the Supreme Court of the United States for a hundred years to define the extent to which the Congress may go or to which State legislatures may go in the exercise of the police power, and, as they have said time and time again, "We can not say in advance what the State may do."

They have been asked to define the police power. They have refused to do it. When this state of facts comes up before them, as it will be there, they will be in a position to say whether or not it has reached the point where it is considered an evil or detrimental to the community.

Mr. President, I realize that in this rambling and interrupted way, in presenting these views as to the constitutionality of this act, I have in no sense exhausted the subject. Neither do I wish to be understood as saying that the question is free of doubt. I claim no more, in fact, than that there is a reasonable doubt under the decisions as to the unconstitutionality of the act. While, therefore, the subject is not wholly free of doubt, whatever doubt exists in view of the decisions, I am going to resolve that doubt in favor of the measure. If my mind were at rest as to the act being in violation of the Constitution, I would, of course, vote against it. I would do so as a matter of plain duty, for above all things are the obligations of the Constitution. I would do so, furthermore, as a matter of expediency, for nothing is to be gained by passing an unconstitutional act. But when there is only a doubt, when it is not fairly clear that the tribunal whose peculiar function it is to pass upon the question must hold the act void, and when the object to be accomplished by the bill is an exceedingly important and desirable one, I find no trouble, in accordance with what I conceive to be my duty here, in casting my vote in favor of passing the bill. I am unwilling to interpose nothing more than a doubt—it would have to be a conviction—between the passage of this measure and the beneficent results which it is believed will flow from its passage.

Behind this measure are among the deepest affections which we experience. Sustaining and urging it are among the tenderest and most searching emotions of the human heart. Only the plainest inhibition, therefore, of the fundamental law should cause us to hesitate when about to realize the attainment of so vital and inspiring an achievement. Only the plain letter of the charter should be permitted to prevail against the passage of the measure. On reviewing the decisions by the court I find principles announced by that tribunal whose learning we all recognize and whose exalted conceptions of modern government many of its greatest decisions unmistakably sustain, which seems to me to uphold the principles of the proposed law. If it should transpire that we are in error or if the court should modify its views as we construe them, our course in the future will be clear and we will at once set about to deal with the whole subject matter in accordance with the decision. If we have misconstrued the court's holding and read erroneously its decision, we will be so advised. On the other hand, if we are not in error as to the logic of the opinions heretofore rendered, the law must, in my judgment, be sustained.

Mr. BRANDEGEE. Mr. President, one remark made by the Senator from Idaho as he took his seat induces me to say a word or two, very briefly.

The Senator from Idaho says there must be a limit somewhere to the exercise by Congress of the powers which it is now attempting to exercise, under the authority of the commerce clause of the Constitution, to regulate commerce among the States. I hope there is a limit. I rather think we have arrived at that limit already. If we pass this bill, I think we shall have exceeded the limit.

I do not think the power to regulate commerce among the States was given to the Congress with any idea of its being used to bring about the correction of evils within the States that could be corrected by the States themselves. My notion about the cause that led the delegates to the Constitutional Convention out of which the Union was formed to give to Congress the power to regulate commerce among the several States and foreign nations is that it was in order that the channels of interstate communication might be kept open and in order that one State might not, at the expense of the other States, prohibit the use of the highways and the navigable rivers of the State to other States.

Mr. President, this bill does not purport, of course, either upon its face or in the utterances of its advocates, to be a regulation of commerce. The testimony before our committee was that it was an attempt to regulate the hours during which children might be employed in the several States and the ages at which they might be employed. It was only a regulation of commerce when the people who thought that certain States had not adopted laws relative to the labor of children as strict as they should be thought they could compel those States to pass laws to their satisfaction, not by regulating commerce but by prohibiting commerce of that State with any other State. I suppose it will be said that, of course, the power to regulate may include the power to prohibit. That may be so as an extreme definition; but I think it would behoove Congress, when it exercises the power to regulate commerce, to legislate honestly, with an honest intent to do what it pretends to be doing.

Mr. President, if Congress, under the authority to regulate commerce among the States, can say that no goods shall be transported out of a State into another State which were made in a factory where a child was employed more than a certain number of hours per day or under a certain age, on the ground that public sentiment favors the protection of children and the improvement of their condition, it seems to me that inasmuch as there is a great prohibition movement in the country, and a great many people think that the race would be elevated if they were total abstainers from alcoholic beverages, it would be equally within the power of Congress to say that no article should be carried beyond the borders of any State if it were manufactured in an establishment where any liquor was consumed by any of the employees.

A great many people think that it is the sentiment of the country, and the better sentiment, as they say, that woman suffrage should be established. If Congress can pass this law, it will soon be thinking that it could pass a law providing that no goods should be exported from any State that did not give equal suffrage to its citizens. As the Senator from Idaho says, there must be some limit; but seeing through the glass darkly, and into the twilight zone, there seems to me to be no more impassable gulf between the child-labor bill and the bills which would provide for such subjects as I have just indicated than there is between the child-labor bill and the bills about which the decisions have been read recently.

Mr. SMITH of Georgia. Mr. President—

Mr. BRANDEGEE. I yield to the Senator.

Mr. SMITH of Georgia. I only wanted to remind the Senator that in 1907 the Judiciary Committee of the House, Republicans and Democrats, unanimously reported most vigorously that the limit was passed before legislation of this kind was reached.

Mr. BORAH. Mr. President—

Mr. BRANDEGEE. I yield.

Mr. BORAH. Does the Senator think that the question of suffrage would in any way relate to the subject of commerce?

Mr. BRANDEGEE. No; any more than the regulation of the hours that children work in mills relates to the subject of interstate commerce; not a bit.

Mr. BORAH. Not a bit more; but does he think it does as much?

Mr. BRANDEGEE. Just as much; to my mind, exactly as much. I think the hours which children labor in the local mills and factories and mines of a particular State is as unrelated to commerce among the States as the hour at which the Senator from Idaho is accustomed to get his lunch.

Mr. BORAH. Of course if the Senator views it in that light—if the Senator thinks the employment in factories of children of the age of 8 and 10 years, working all hours of the day and under all conditions, is not a matter about which the National Government is in any way concerned; if he thinks it is not a question which in any way concerns the people as a whole throughout the country, and is wholly a matter for the particular State where the employment takes place—then certainly the Senator is right in his contention.

Mr. BRANDEGEE. The Senator knows perfectly well, if he can remember what he asked me, that he did not ask me any such question as that, and I did not answer any such question as that. I did not say that the question of how long children labored, or at what age they labored, was a matter in which the National Government was not concerned at all. The Senator asked me if I thought the question of woman suffrage related to interstate commerce, and I stated that I thought it related just as much to interstate commerce as the hours which children labored in factories related to interstate commerce; and I still think so.

Mr. BORAH. And I conceived, by the Senator's answer, that it was a matter of no concern whatever to the National Govern-



ment, because if the Senator had conceived it to be a matter of concern to the National Government he would not have said it was of no more concern than the hour at which the Senator from Idaho takes his lunch.

Mr. BRANDEGEE. I would not have said it, and I did not say it. I said it was no more related to the subject of interstate commerce than the hour at which the Senator takes his lunch.

Mr. BORAH. But that is related to interstate commerce.

Mr. BRANDEGEE. Well, they may transport the beef products to feed the Senator in interstate commerce, of course.

Mr. BORAH. I was not referring to the hour at which the Senator takes his lunch, but the manner in which the citizenship of the country is employed with reference to the articles which go into interstate commerce is a matter in which the National Government is concerned, both with reference to the employment and with reference to the shipment.

Mr. BRANDEGEE. The hours which the citizens of the several States are employed in their mills is of no concern; it has no relation whatever to the subject of interstate transportation. In fact, in many of the factories in the States the product of the factories is used right on the ground of that State. Many concerns are engaged exclusively in manufacturing products which are used in the mill right across the street from it, and they are built there for that purpose. The hours which that concern works its help or the ages which it works its help are absolutely unrelated to interstate commerce, of course, and they may be absolutely unrelated to intrastate transportation. It may not be taken off the ground; it may be used right in the same yard on the premises. So the question of the hours of labor and the ages of labor per se has nothing whatever to do with commerce among the States or with foreign nations over which Congress has exclusive jurisdiction.

Mr. BORAH. Let me ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. BORAH. Does the Senator think that the principle upon which the white-slave case was decided is sound?

Mr. BRANDEGEE. Of course, I can not say it is unsound, because it is the law and has been sustained by the Supreme Court.

Mr. BORAH. Then the Senator would be perfectly satisfied with this bill if the Supreme Court would sustain it?

Mr. BRANDEGEE. I would not be satisfied with it, but I would not say that it was unconstitutional if the Supreme Court said that it was constitutional.

Mr. BORAH. Why not?

Mr. BRANDEGEE. I should say I regretted they decided that way and that I thought they ought not to have so decided, but whatever the Supreme Court decides to be constitutional is constitutional in this country.

Mr. BORAH and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield and, if so, to whom?

Mr. BRANDEGEE. I yield to either one or to both. I first yield to the Senator from Idaho.

Mr. BORAH. Does the Senator think, then, that the decision of the Supreme Court of the United States in the white-slave case was unsound?

Mr. BRANDEGEE. I do not. I think—

Mr. BORAH. It is the law, but is it unsound?

Mr. BRANDEGEE. I think it went the limit. Between the Senator and myself I think it went the limit, and I think the Senator admits it went the limit, or did until he was prepared to take the next step and go the limit one higher.

Mr. BORAH. I do not concede that I have gone a single step further. I think this law is wholly within that case and previous cases. I do think, as I have said previously and I do not know but publicly, that the Supreme Court laid down the rule there that is as far as the Supreme Court will go, but I think under that rule this law can be sustained, and it does not go a step further than that position.

Mr. BRANDEGEE. I know the Senator thinks so, and I say he is perfectly honest in his belief; but the Senator stated the other day what the fact was, and every Senator knows not only what he stated but what they themselves stated they thought. The Senator said that until the last two or three decisions of the Supreme Court, which have stated that inasmuch as Congress has power to regulate commerce among the States they could not be deprived of it, nor could it be set aside as unconstitutional because in carrying out the power it imposes regulations which might partake of the nature of police power. I say when the Senator has read the last few decisions to that effect he admits his mind is changed, but before those decisions were made he stated here the other day he would have thought this bill was unconstitutional, and almost every lawyer would

have said it was unconstitutional, and did say so until then. But in my judgment those decisions, whatever they may accomplish in the way of sustaining the act upon the facts presented in that case, will not make this law constitutional. I do not believe the Supreme Court will say it is constitutional.

Mr. BORAH rose.

Mr. BRANDEGEE. I yield to the Senator.

Mr. BORAH. I am frank to say it is upon the decisions of the Supreme Court of the United States that I base my belief that this law is constitutional.

Mr. BRANDEGEE. I did not misrepresent the Senator.

Mr. BORAH. Certainly not.

Mr. BRANDEGEE. I said exactly what the Senator said.

Mr. BORAH. Precisely. I contend that under these decisions the law can be sustained.

Mr. BRANDEGEE. I know the Senator thinks that these decisions have gone to the limit, I think a little further than the limit, and I have seen the Supreme Court reverse itself, sometimes retrace itself. The trouble about this kind of legislation is that Congress looks around after being petitioned and loaded with requests, all sorts of influences and pressure brought to bear upon it by parties who have organized the propaganda, which may be good, bad, or indifferent. It is a good propaganda in the State, so far as the welfare of children is concerned, but misdirected as to the remedy, in my opinion. The trouble is we do not purport to be doing what we actually are doing. It seems to me that if the police power, which the Senator from Idaho says the Congress must possess in order to carry its power to regulate commerce, is an existing thing it ought to be applied to the regulation of commerce.

The Senator from Idaho says the only reason why the Government has any police power is because it has the necessary power to carry out the powers conferred upon Congress. Then let the police power in regard to commerce be confined to the regulation of commerce, and let us not attempt to use police powers, if they be police powers, to pass a regulation of commerce, like safety appliances, and so forth, and the composition and safety of the instrumentalities of commerce, to compel the State, by a threat of impounding their products and putting boycotts on them as to communication with their neighbors, to change their laws to suit us or to superimpose the superior power of a nation upon them about matters of their domestic concern.

Mr. President, if the principle upon which this proposed legislation is based can be maintained, to wit, upon the theory that whenever Congress from time to time may think it would be for the benefit of the people, and on the ground that the Nation is as much interested in the health of the people of Savannah, Ga., as the people of Georgia are, we can say no products shall come out of any city of Georgia into the State of Alabama unless Georgia shall forthwith pave all its streets with asphalt pavement and promote and protect the health of her inhabitants, or unless its products are made by men who belong to labor unions or by men who do not belong to labor unions, or unless they have prohibition.

Mr. SMITH of Georgia. Or unless they enforce prohibition.

Mr. BRANDEGEE. Or unless they enforce prohibition, and then Georgia would never expect anything any more anywhere. [Laughter.]

But, Mr. President, Congress has limited itself in good faith to regulating commerce. There is nothing that we can not do if we can say that a prohibition of commerce is a regulation of commerce. Then whenever Congress adopts any standard of morals or any standard in its own mind as to what it is best to do in different parts of the country to promote the health and welfare of the people, under the old general-welfare clause if you please, then they can say unless every State will do this we will put an embargo on your products.

It may be that this is a progressive age, it may be that our Supreme Court has progressed to a point where they will sustain that, but in my opinion the court has to call a halt.

If Congress can legislate by way of embargo on perfectly innocent products of commerce necessary and legitimate to the business interests of this country and can legislate by embargo against a product of a State instead of keeping the channels of commerce open to legitimate commerce, the States will have no power whatever about their domestic concerns. We could just as well say in this bill that no products should be carried from one State to another unless the mill in which it was made had employees every one of whom had had a high-school education. The Senator from Idaho would stand up here and make a magnificent oration about the perpetuity of our institutions depending upon the education of our citizens.

Mr. BORAH. Mr. President—

Mr. BRANDEGEE. I yield to the Senator.

Mr. BORAH. I do not object to the Senator's criticizing my argument, but I object to the Senator referring to my legal argument as an oration.

Mr. BRANDEGEE. Cicero used to combine them both in one, and I think he was no wiser man than the Senator from Idaho himself. So, Mr. President, while I personally would go as far as anybody else I think to relieve distress or to promote the welfare, especially of little children, I think such projects ought to be carried out in a legal and constitutional method, and I do not think we ought to allow ourselves to be stampeded by the circulars and letters and articles that we see written by benevolently inclined people who do not understand the questions that we are discussing here. I do not think we ought to allow ourselves to be persuaded or to be intimidated by the threats to get votes or to withhold votes on questions of this kind. The form of this Government is at stake, Mr. President, in this kind of legislation.

Mr. BORAH. Mr. President—

Mr. BRANDEGEE. I yield to the Senator.

Mr. BORAH. The Senator concedes, of course, that Congress may prohibit the shipment of any commodity in interstate commerce that is deleterious or injurious.

Mr. BRANDEGEE. Yes; per se.

Mr. BORAH. Who is going to decide whether it is or not?

Mr. BRANDEGEE. Congress.

Mr. BORAH. Then the sole power to decide that is in Congress.

Mr. BRANDEGEE. I think so, except if it would be, as the Senator says, an arbitrary power the court would look through it. I think there could be a limit and the court could say that Congress had not acted in good faith.

Mr. BORAH. Can the Senator give me an idea where the limit is?

Mr. BRANDEGEE. Yes; but it would have to be such an extreme case that it would not be a reliable guide.

Mr. BORAH. That is it precisely. The Senator is dealing with that subject matter precisely as we are dealing with this subject matter. To a certain extent the discretion rests in Congress. Beyond a certain point, of course, anyone would denounce it as arbitrary, but within a wide range the Congress of the United States may exercise its judgment as to what is to the public interest and the public welfare and as to what is deleterious. As I said a while ago, as Marshall once said, there is really no limit under certain circumstances to the exercise of power except a change of Representatives in Congress.

Mr. BRANDEGEE. That may be so, Mr. President, and a change of judges of courts, because whether it will stand or not will depend upon the courts. I hope the Supreme Court of the United States would have in view the history of this Government as to what the States have been accustomed to do, what advances have been made under our dual form of government, and the way the commerce clause of our Constitution is being stretched not in good faith to accomplish all sorts of purposes that the National Government heretofore has never been supposed to have anything to do with whatever. I hope it will call the Supreme Court to a serious consideration of this matter.

Mr. President, there is nothing now that any sect or cult of people want to accomplish that they are in doubt about the power of Congress to respond to but what they say "you can do it under the commerce clause." You can not say to the people of the States, "You shall do this." Nobody claims we could say that no State shall allow a boy under 16 years old to work, but they do sometimes get up a theory that it is bad for a boy under 16 years old to work, and that is the sentiment, and if you pronounce that it is bad for him to work, and it would be in the interest of the public welfare that he did not work, then you say anybody who allows him to work shall be prohibited from sending anything into interstate commerce, and we are all the time being urged to do indirectly what everybody admits we can not do directly.

Mr. CUMMINS. Mr. President—

Mr. BRANDEGEE. I yield to the Senator.

Mr. CUMMINS. The Senator from Connecticut and myself have discussed this question so often in the committee I am sure he will bear with me a moment while I put an inquiry to him. I premise it with this statement of his view, as I understand it. It seems to be his opinion that Congress can not prevent the transportation of anything unless there is something wrong with the thing transported. That idea has been suggested many times. Now, let me ask the Senator, suppose three corporations in the State of Connecticut were to enter into a contract which was in violation of the antitrust law and which was in restraint of trade. That would be a crime under our law. Is the Senator of the opinion that Congress could not say that the product of those three corporations, assuming it to be a per-

fectly harmless or useful product, shall not be transported from one State to another?

Mr. BRANDEGEE. I do not think, Mr. President, that that is a parallel case; but if the Senator wants me to answer now I will do so, or if he wants me to wait I will do so.

Mr. CUMMINS. That is the question I ask.

Mr. BRANDEGEE. There is a series of questions like that that I think Congress could act upon. In the first place, the Senator has stated a case which is a crime under the Sherman antitrust law. I think that the Sherman Act does prohibit the transportation of goods by such parties now, and I think it would be illegal even if it does not. I am not sure that when a thing is prohibited by a statute of the United States it might not be possible for Congress to do that. While the debate was going on it occurred to me that the United States has a statute against polygamy. I do not know whether Congress could invoke the commerce clause of the Constitution to prevent the violators of its own law from using the instrumentalities of commerce. But those are cases where Congress has undoubted authority to pass the law. This is questioned.

Mr. CUMMINS. The whole antitrust law is founded on the commerce clause of the Constitution.

Mr. BRANDEGEE. Exactly.

Mr. CUMMINS. It has no other authority. I only put the question in order to make it perfectly clear that the argument so frequently made here that there must be some unsoundness or some taint in the character or the quality of the commodity transported must be abandoned; that there is nothing in that proposition. It does not follow that this law is constitutional, but the whole suggestion that the thing transported must be in and of itself injurious to the public health or morals or welfare must be abandoned.

Mr. BRANDEGEE. It may have been abandoned if the Senator from Idaho is right in the white-slave case.

Mr. CUMMINS. The Senator from Connecticut has just abandoned it.

Mr. BRANDEGEE. No; the Senator has suggested to me the case of the interstate-commerce law, which was passed under the commerce clause of the Constitution, prohibiting certain criminal conspiracies and denying the use of interstate-commerce roads to those violating that statute. I think quite possibly they might be prohibited. I am not sure if Congress, having passed a law against polygamy, might not deny the use of the channels of interstate-commerce communication to the violators of that law.

I am not sure about it, but it does seem to me, as the Senator from Idaho and, of course, the Senator from Iowa will both agree, that there must be a limit somewhere—and we are approaching that limit now—under the authority to regulate commerce, where the disposition to boycott the States of the Union which made this Constitution and created the National Government—the Colonies did it—there must be a place somewhere where the disposition to compel them to pass laws in accordance with the wishes of the Central Government will stop, because, unless it does, Mr. President, the States will simply be automata either to make all their laws conform to our standards and our notions or else be prohibited from receiving from their neighbors any goods or shipping out their own products to the neighboring States. There must be some point, of course, where this stop, or else there is no use of having this dual form of government.

Of course, so long as Congress will continue to pass up to the Supreme Court all doubtful cases, to resolve all doubts in favor of the proposed legislation, we shall simply be, I think, treating the Supreme Court unfairly.

Mr. President, it is not a popular thing to stand up and try to keep legislative bodies within the lines of their constitutional authority where there is a great popular movement for some good cause, and a Senator thinks it is directed in the wrong channel. It is not a popular thing to get up here or elsewhere and stand by one's convictions and stand by the Constitution of the United States as you construe it, and yet we are sworn to do it, and I think we ought to do it.

I can not be honest with myself and vote for this bill. I wish I could. No doubt I should be much more popular at home and abroad and here and elsewhere if I could; but I think it is an unconstitutional bill, and I think the Supreme Court would have said so within a year or two ago.

I do not know what the Supreme Court will say about this bill now; but if we are going to pass up everything to the Supreme Court, shirk all our responsibility in the matter, and vote for measures that we think are unconstitutional, or that we think ninety-nine chances out of one hundred are that they are unconstitutional, I do not think we are treating the Supreme Court fairly. The Supreme Court of this country ought to have some



support; but if we are constantly going to throw upon the Supreme Court all the responsibility of setting aside acts we thought were unwise but that we passed in response to public clamor, we are, to a certain extent, depriving the Supreme Court of its right to have the support of a coordinate branch of the Government in trying to maintain the Constitution of the United States.

We all know what effect it has when a high court sets aside an act of Congress or an act of a State legislature the passage of which benevolent people had been able to procure. All the journals of the country, the magazine writers, and the "uplifters," a great many of whom deal in language and not in brains, who know nothing about the law, but are very versatile with epithets, denounce the Supreme Court and say it is time to haul it off the bench and have referendums and recalls and all that sort of thing.

Mr. President, if the Senate of the United States would do its duty as it sees it, and have the courage of its convictions, we should not have so much demagoguery in this country, there would be more respect for the courts, and, in the long run, there would be more respect for Senators and Representatives in Congress.

[Mr. THOMAS addressed the Senate. His entire speech is printed in the Senate proceedings of Saturday, August 5, 1916.]

Mr. ROBINSON. Mr. President, would it suit the convenience of the Senator from Colorado to suspend now? A request has been made for an executive session.

Mr. THOMAS. I will detain the Senate but a short time in the morning in the discussion of the amendment to which I have referred. I now yield the floor, as suggested by the Senator from Arkansas.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 6180) for the relief of Lillie B. Randall.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 6181) for the relief of Letitia W. Garrison.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 50, and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 54, and agrees to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,549,735"; recedes from its disagreement to the amendment of the Senate numbered 112, and agrees to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,123,852"; and recedes from its disagreement to the amendment of the Senate numbered 223, and agrees to the same with an amendment as follows: In lieu of the sum proposed insert "\$26,948,852."

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. McANDREWS, and Mr. DAVIS of Minnesota, managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE, Mr. SHOUSE, and Mr. LANGLEY, managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent

children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE, Mr. SHOUSE, and Mr. LANGLEY, managers at the conference on the part of the House.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.;

H. R. 2209. An act for the relief of W. W. Blood;

H. R. 2534. An act to adjudicate the claims of certain settlers in Sherman County, Ore.;

H. R. 3896. An act for the relief of John H. Janssen;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo;

H. R. 8318. An act for the relief of De Barbieri & Co., of Valparaiso, Chile;

H. R. 10116. An act for the relief of certain settlers under reclamation projects;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people;

H. R. 10931. An act for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 11749. An act for the relief of the administrator of the estate of John M. Waples;

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North;

H. R. 15635. An act for the relief of the Eastern Transportation Co.;

H. R. 16097. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 16554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York; and

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

#### PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition of sundry citizens of Rock Springs, Wyo., praying for the settlement of difficulties between the railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. KERN presented a petition of sundry citizens of Napanee, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials from sundry citizens of Indianapolis, North Manchester, Marion, Muncie, Angola, Kingman, Shelbyville, Elkhart, Lawrenceburg, South Bend, and Gary, all in the State of Indiana, remonstrating against the proposed taxation of gross receipts of moving-picture shows, which were referred to the Committee on Finance.

Mr. PHELAN presented a memorial of sundry employees of the Hercules Powder Co., of San Diego, Cal., remonstrating against the levying of the proposed 8 per cent tax on munitions of war, which was referred to the Committee on Finance.

Mr. OLIVER presented a petition of sundry citizens of Zellenople, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Petroleum Iron Works Safety Committee, of Sharon, Pa., praying for the enactment of

legislation providing compulsory military training for young men and also placing the military organizations under the supervision of the Federal Government, which was referred to the Committee on Military Affairs.

#### GAS SERVICE IN HAWAII.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 15777) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, County of Hawaii, Territory of Hawaii, reported it without amendment, and submitted a report (No. 753) thereon.

#### SUSQUEHANNA RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16534) to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa., and I submit a report (No. 754) thereon. The Senator from Pennsylvania states that the county commissioners are ready to proceed with the construction of this work, and I call the attention of the Senator to the bill.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16604) to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa., and I submit a report (No. 755) thereon. I call the attention of the Senator from Pennsylvania [Mr. OLIVER] to the bill.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 6749) granting an increase of pension to Laura L. Noyes (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 6750) to provide for the appointment of the register of wills of the District of Columbia by the justices of the supreme court of said District; to the Committee on the District of Columbia.

A bill (S. 6751) for the relief of the heirs of Osborn Cross; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 6752) for the relief of Napoleon Le Clerc; to the Committee on Public Lands.

By Mr. CLARK of Wyoming:

A bill (S. 6753) granting an increase of pension to Mary J. Pierson; to the Committee on Pensions.

#### PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and

free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 29, 30, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 11, 18, 21, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, and 36, and agree to the same.

WM. HUGHES,

T. TAGGART,

REED SMOOT,

*Managers on the part of the Senate.*

EDWARD KEATING,

CARL VINSON,

SAM R. SELLS,

*Managers on the part of the House.*

The report was agreed to.

#### AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, receding from its disagreement to the amendment of the Senate No. 50, receding from its disagreement to the amendments of the Senate Nos. 54, 112, and 223 each with an amendment, in which it requested the concurrence of the Senate.

Mr. SMITH of South Carolina. I move that the Senate concur in the amendments of the House to the amendments of the Senate.

The motion was agreed to.

#### PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had, on the 3d instant, approved and signed the following joint resolution:

S. J. Res. 160. Joint resolution appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes.

#### EXECUTIVE SESSION.

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. ROBINSON. I move that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m., Friday, August 4, 1916) the Senate adjourned until tomorrow, Saturday, August 5, 1916, at 10 o'clock a. m.



## NOMINATIONS.

*Executive nominations received by the Senate August 4 (legislative day of August 1), 1916.*

## POSTMASTERS.

## CONNECTICUT.

Albert B. Goodrich to be postmaster at Berlin, Conn., in place of H. L. Porter. Incumbent's commission expired July 23, 1916.

## ILLINOIS.

A. R. Godknecht to be postmaster at Palatine, Ill., in place of William Wilson. Incumbent's commission expires August 9, 1916.

## MARYLAND.

John W. D. Jump to be postmaster at Easton, Md., in place of R. R. Walker. Incumbent's commission expires August 6, 1916.

## MASSACHUSETTS.

James J. Hunt to be postmaster at Winchendon, Mass., in place of W. H. Pierce. Incumbent's commission expired March 21, 1916.

## NEW YORK.

William S. Charles to be postmaster at Hornell, N. Y., in place of J. C. McGreevy (not commissioned), resigned.

Alfred Cox to be postmaster at Hawthorne, N. Y., in place of Alfred Cox. Incumbent's commission expires August 6, 1916.

Edward C. Elliott to be postmaster at Orangeburg, N. Y., in place of Thomas Havey, declined.

Benjamin Franklin to be postmaster at Ovid, N. Y., in place of Charles H. Kinne, resigned.

## OREGON.

Elizabeth Thompson to be postmaster at Nyssa, Oreg., in place of Elizabeth Thompson. Incumbent's commission expired April 5, 1916.

## SOUTH DAKOTA.

C. H. Bonnin to be postmaster at Wagner, S. Dak., in place of C. H. Bonnie, to correct name of appointee.

## TEXAS.

J. L. Wilson to be postmaster at Celina, Tex., in place of T. S. Hunter. Incumbent's commission expired July 10, 1916.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 4 (legislative day of August 1), 1916.*

## MEMBER OF THE BOARD OF CHARITIES.

David J. Kaufman, to be a member of the Board of Charities of the District of Columbia for a term of three years.

## POSTMASTERS.

## DELAWARE.

Fredonia C. Lofland, Lewes.

## GEORGIA.

W. W. McMillan, Thomaston.

## ILLINOIS.

William F. Meyer, jr., Arlington Heights.

## MISSISSIPPI.

Mary C. Booze, Mound Bayou.

## HOUSE OF REPRESENTATIVES.

FRIDAY, August 4, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our heavenly Father, for that spark of divinity which Thou hast imparted unto us, which lifts us above the brute creation and makes us Thy children. "When it breathes through the intellect it is genius; when it breathes through the will it is virtue; when it flows through the affections it is love." Help us to appreciate the dignity thus bestowed upon us, that we may stoop to no mean nor petty thing in our transactions with our fellow men, but rise continually unto the larger, grander, purer, nobler life in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Wednesday, August 2, 1916, was read and approved.

## CANAL ZONE.

Mr. ADAMSON. Mr. Speaker, I ask the Speaker to lay before the House the bill (H. R. 15955) which is on the Speaker's desk, with Senate amendments.

The SPEAKER. The Chair lays before the House the bill (H. R. 15955) with Senate amendments. The Clerk will report it by title and also the Senate amendments.

The Clerk read as follows:

An act (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

The Senate amendments were read.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

## WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. DALE of New York was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Adolf Hartman, H. R. 1332, Sixty-fourth Congress, first session, no adverse report having been made thereon.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, had agreed to the conference asked for by the House, and had appointed Mr. OWEN, Mr. HITCHCOCK, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate commerce,'" approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915.

The message also announced that the Senate had passed with amendments to the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that in accordance with the provisions of the resolution (H. Con. Res. 50) agreed to July 26, 1916, the Vice President had canceled his signature to the enrolled bill (H. R. 12197) entitled "An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew."

## ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 15635. An act for the relief of the Eastern Transportation Co.;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo;

H. R. 8318. An act for the relief of De Barbieri & Co., of Valparaiso, Chile;

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North;

H. R. 10116. An act for the relief of certain settlers under reclamation projects;

H. R. 16554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York;

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.;

H. R. 10931. An act for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 16097. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 11749. An act for the relief of the administrator of the estate of John M. Waples;

H. R. 3896. An act for the relief of John H. Janssen;

H. R. 2534. An act to adjudicate the claims of certain settlers in Sherman County, Oreg.;

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park for the benefit and enjoyment of the people; and

H. R. 2209. An act for the relief of W. W. Blood.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that on August 3, 1916, they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 5411. An act for the relief of Olaf Nelson;

H. R. 9994. An act for the relief of Samuel H. Walker;

H. R. 9378. An act for the relief of Ella Stone;

H. R. 9377. An act for the relief of Cynthia Ramey;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 8325. An act for the relief of Borden H. Mills;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 3255. An act for the relief of James Houyde;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 11304. An act for the relief of Martha A. Moffitt;

H. R. 10642. An act for the relief of Louis Jones;

H. R. 11690. An act for the relief of Mathilda Hesterman;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 1592. An act for the relief of George W. Trahey;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;

H. R. 2554. An act for the relief of Mrs. Joseph Cameron;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 8108. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 1161. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42;

H. R. 16640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914;

H. R. 12365. An act to promote the reclamation of arid lands;

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes;

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes;

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes;

H. R. 16068. An act to authorize the construction, maintenance,

and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.;

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota;

H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes;

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes;

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes;

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples; and

H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue special-tax stamps which were lost from the office of the said collector.

#### EXTENSION OF REMARKS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a short speech by Hon. John A. Edwards, of Eureka, Kans., on the subject of the live-stock-marketing problem, delivered by him at the forty-fifth annual meeting of the Kansas State Board of Agriculture.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks by printing a speech made at the Kansas Agricultural Association. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what is the object of printing this speech of somebody entirely outside of Congress, I take it?

Mr. DOOLITTLE. Mr. Speaker, the gentleman is a very prominent cattle raiser in Kansas, and the speech was delivered at the meeting of the Kansas State Board of Agriculture in January of this year. It is illuminating on the subject of the live-stock-marketing problem.

Mr. MANN. How long is it?

Mr. DOOLITTLE. And it also bears on the resolution now pending in Congress to investigate the packing industry. It is about four and a half pages of this size.

Mr. MANN. Of course the gentleman knows he could introduce it, if he wanted to, before the committee and have it printed by the committee. I shall not object, although I think we are running into the ground these insertion of speeches in the Record.

Mr. DOOLITTLE. It is a very valuable addition, I am sure, to the Record.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### H. SNOWDEN MARSHALL.

Mr. WEBB. Mr. Speaker, I desire to file the report of the Committee on the Judiciary on House resolution 90, being the resolution in which Representative BUCHANAN, of Illinois, preferred impeachment charges against H. Snowden Marshall. (H. Rept. 1077.)

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

House resolution 90, preferring charges of misfeasance and malfeasance against H. Snowden Marshall, United States district attorney for the southern district of New York.

The SPEAKER. Ordered printed and referred to the House Calendar.

#### LILLIE B. RANDELL.

Mr. STEPHENS of Mississippi. Mr. Speaker, the Senate has passed a bill, H. R. 6180, with amendments. I desire to have the bill taken from the Speaker's table and laid before the House.

The SPEAKER. The Chair lays before the House the bill H. R. 6180 with Senate amendments. The Clerk will report it by title and also read the Senate amendments.

The Clerk read as follows:

A bill (H. R. 6180) for the relief of Lillie B. Randell.

The Senate amendments were read.

The question was taken, and the Senate amendments were concurred in.

#### LETITIA W. GARRISON.

Mr. STEPHENS of Mississippi. Now, Mr. Speaker, the Senate has also passed the bill H. R. 6181 with amendments, and I ask that that bill be laid before the House.

The SPEAKER. The Clerk will report the bill by title.



The Clerk read as follows:

A bill (H. R. 6181) for the relief of Letitia W. Garrison.

The Senate amendments were read.

Mr. STEPHENS of Mississippi. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

#### LIME-BARREL BILL.

Mr. ABERCROMBIE. Mr. Speaker, I desire to call up the report of the committee on conference of the bill S. 5425, commonly known as the lime-barrel bill, and move its adoption.

Mr. MANN. Mr. Speaker, I will ask the gentleman to let that go over for a day or two.

Mr. ABERCROMBIE. That will be agreeable.

The SPEAKER. The gentleman withdraws his request.

#### EXTENSION OF REMARKS.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I ask leave to extend my remarks in the Record by printing a letter written by the President to Mrs. Henry Smith, of Winamac, Ind., stating the reason why the militia are retained on the Mexican border.

The SPEAKER. The gentleman from Illinois [Mr. WM. ELZA WILLIAMS] asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, letter from whom?

Mr. WM. ELZA WILLIAMS. From the President to Mrs. Henry Smith, the mother of one of the guardsmen on the border.

Mr. MANN. If he gives any light on the subject, I will be glad to have it; nobody else knows why they are kept there. Oh, I read the letter in the press, but it did not give any information.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE WHITE HOUSE, July 26, 1916.

MY DEAR MADAM: Your letter of July 23 distresses me a good deal, because it shows that you have not been correctly informed as to the purpose of having the National Guard at the border. It is not for the purpose of drill, but for the purpose of protecting the country. The service the men are performing there is an honor to them and a necessity to the United States. I can not believe that the men in the National Guard would wish to be excused from it or would lose heart because of the discomforts and inconveniences of the service.

The War Department has the camps on the border under the most careful inspection and is using every means known to make them sanitary and safe against disease. The health record of the men on the border, both the Regulars and the National Guardsmen, is exceptionally good.

I would not have you think that I do not sympathize with your distress in the absence of your son, but I beg that you will take these larger matters into consideration.

Sincerely, yours,

WOODROW WILSON.

Mrs. HENRY SMITH,  
Winamac, Ind.

#### OMNIBUS PENSION BILLS.

Mr. BURKE of Wisconsin. Mr. Speaker, I ask unanimous consent that the House omnibus pension bills H. R. 15494 and H. R. 16290 be taken from the Speaker's table, the Senate amendments thereto disagreed to, a conference requested, and conferees appointed on behalf of the House.

The Clerk will report the bills by title.

The Clerk read as follows:

A bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of certain soldiers and sailors of said war.

Also:

A bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of certain soldiers and sailors of said war.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to take from the Speaker's table the bills just reported, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on both bills: Mr. BURKE, Mr. SHOUSE, and Mr. LANGLEY.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. HARRISON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARRISON. I rise to ask unanimous consent that on Tuesday next, if the House meets on that day, after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for one hour.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks unanimous consent that on Tuesday next, after the reading of the Journal and disposition of business on the Speaker's table, he may be permitted to address the House for

not exceeding one hour. Is there objection? [After a pause.] The Chair hears none.

Of course, all of this speech making is subject to the usual restriction, which has been stated a number of times.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the District appropriation bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent to take from the Speaker's table the District appropriation bill, disagree to all the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 15774) making appropriations to provide for the expenses of the government of the district of Columbia for the year ending June 30, 1917 and for other purposes.

The SPEAKER. Is there objection?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, the Senate the other day adopted an amendment imposing a tax upon intangible property. It seems to me that the House ought to have an opportunity to vote on that amendment.

Mr. PAGE of North Carolina. I agree with the gentleman that that is a matter of enough importance that the House should have an opportunity to express itself on it—the membership and not the conferees—and I will say to the gentleman that there are a number of amendments that I think I can say to him the conferees will not dispose of without bringing them before the House.

Mr. ANDERSON. Personally, I would like to have a chance to vote that way.

Mr. MANN. Does not the gentleman from North Carolina think that the bill will be back several times before there is an agreement on it?

Mr. PAGE of North Carolina. I am inclined to think so; yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. PAGE of North Carolina, Mr. McANDREWS, and Mr. DAVIS of Minnesota.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to ask unanimous consent to put in conference on the naval appropriation bill (H. R. 15947) an item that is not strictly in conference, for this reason: The system that has prevailed heretofore with reference to the limitation upon the expenditure out of lump-sum appropriations for the clerical, drafting, and inspection force of the various bureaus is that we have had a limitation out of the appropriation of the amount that might be expended for these services. In the Bureau of Yards and Docks, on account of the provision put in the bill for the creation of the armor-plate factory and the projectile factory and other matters at the time that the bill was before the House committee, the chief of that bureau has prepared to submit what would be the amount of the limitation. I said to him to have the Senate make the amendment and it would then be in conference. The Senate, instead of adhering to the line that we have always pursued heretofore as to limitations, put in an amendment reducing the amount of those limitations—the amount that could be expended—and they struck out the drafting and inspection force from the language in that limitation and put it under the total appropriation.

The House conferees have not been willing to agree to the Senate amendment changing the policy, and insist that the employment of the drafting and inspection and clerical force shall remain as it has always been, subject to the limitation of the appropriation; and on that account the Senate did not increase the limitation in a sufficient amount to provide for the Bureau of Yards and Docks, but, rather, reduced it. If we adhere to the policy and the legislation that the House has always carried and insisted upon, it is necessary that there should be some increase; and in order to have that in I am asking that that particular amount be put in in conference. It does not increase the appropriation. It only increases the amount of appropriation that may be used for that purpose out of the appropriation authorized in the bill.

Mr. MANN. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. MANN. Has the gentleman a concurrent resolution to offer? The gentleman knows that the House can not confer jurisdiction on the conferees.

Mr. PADGETT. The Senate said they had no rules prohibiting it if the House granted it. Once upon another occasion the House granted this privilege, and it went through all right.

Mr. MANN. I doubt whether any Senator knew what the rules were over in the Senate. [Laughter.]

Mr. PADGETT. They stated that they had no rules fixing—

Mr. MANN. I think it is largely true that they have no rules that they adhere to. I think we ought to have a concrete proposition before us in some way. If the gentleman is willing to take a mere House resolution, then he ought to have his proposition reduced to a House resolution asking unanimous consent. This way would not do any good, because somebody has to reduce this to writing. The Clerk would have to give a copy of it to the House conferees.

I do not understand, I am frank to say, even with this explanation, without examination, what the situation is; but I think the gentleman should reduce his proposition to writing and introduce it as a House resolution to-day and call it up to-morrow.

Mr. PADGETT. There are so many amendments depending on this that we wanted to dispose of it.

Mr. MANN. Oh, I do not apprehend that there are any other amendments depending on it. It has nothing to do with the rest of the bill.

Mr. PADGETT. Oh, yes; there is a whole line of amendments that are based upon the change of legislation which they have inserted in the bill.

Mr. MANN. Then the gentleman ought to reduce it to writing and introduce it.

Mr. PADGETT. Upon another occasion the same thing arose, and I made the request. It was granted in the House, and the Senate acted upon it and accepted it. I am just pursuing the same line that was pursued two years ago with reference to a similar request.

Mr. MANN. I shall object for the present.

The SPEAKER. The gentleman from Illinois objects.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the conference report on the Agricultural appropriation bill (H. R. 12717).

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] calls up the conference report on the Agricultural appropriation bill. The Clerk will read the report.

Mr. LEVER. I ask unanimous consent, Mr. Speaker, that the accompanying statement may be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1065).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 8, 9, 12, 14, 19, 20, 24, 26, 30, 31, 35, 37, 39, 41, 48, 51, 52, 53, 56, 57, 58, 60, 63, 64, 69, 70, 71, 72, 73, 74, 77, 84, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 109, 110, 111, 121, 165, 166, 174, 179, 211, and 214.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 10, 13, 17, 18, 21, 23, 25, 27, 28, 29, 32, 33, 34, 36, 38, 43, 44, 45, 46, 47, 55, 59, 61, 62, 66, 67, 68, 75, 76, 79, 80, 81, 82, 85, 86, 87, 103, 104, 105, 106, 107, 108, 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 159, 160, 161, 162, 163, 164, 168, 169, 170, 171, 175, 176, 177, 180, 182, 183, 184, 185, 186, 187, 189, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 217, 218, 219, 220, and 221, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of "\$1,431,200" insert "\$1,411,200"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of "\$1,767,260" insert "\$1,747,260"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and

agree to the same with an amendment as follows: Strike out all of the Senate amendment after the word "cheese"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$2,436,276" insert "\$2,277,776"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of "\$3,179,246" insert "\$3,020,746"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out "The," in the first line of the Senate amendment, and in lieu thereof insert "Provided, That the"; strike out the period at the end of the Senate amendment; insert the Senate amendment as thus amended after "\$87,175," in line 2, page 19, of the bill; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of "\$1,900,490" insert "\$1,866,340"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of "\$2,318,730" insert "\$2,537,120"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of "\$3,213,415" insert "3,188,415"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out all of the Senate amendment after the word "thereof," in line 7 of said amendment, and in lieu thereof insert "shall be covered into the Treasury as miscellaneous receipts"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the amount proposed by the Senate amendment insert "\$578,230"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of "\$130,000" insert "\$122,500"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$2,981,680" insert "\$2,969,680"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Strike out the matter contained in the Senate amendment and in lieu thereof insert the following:

"SEC. 6a. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section 5 hereof not inconsistent with this section: *Provided*, That nothing in this section shall be so construed as to relieve from the tax levied by section 3 of this act any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any 'fixed difference' system, or by arbitration, or by any other method not provided for by this act."

"Contracts made in compliance with this section shall be known as 'Section 6a contracts.' The provisions of this sec-



tion shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton-futures act, section 6a."

"Section 10 of this act shall not be construed to apply to any contract of sale made in compliance with section 6a hereof."

And the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "ninety"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: After the word "may" in said amendment insert "sell, offer for sale, or consign for sale"; after the word "ship" in said amendment insert a comma; strike out the words "not sold" in line 9, page 97, of the bill; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: Strike out the comma inserted by the Senate amendment; strike out the words "offered for sale" in line 9, page 97, of the bill; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: Strike out the matter inserted by the Senate amendment; strike out the words "by grade" in line 9, page 97, of the bill; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: Strike out the matter inserted by the Senate amendment; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: After the word "act," where it first occurs in the Senate amendment, strike out the words "when shipped from a place at which no such licensed inspector is located"; after the comma following the word "inspection," where it occurs the second time in said amendment, insert "which inspection shall be"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: Strike out the matter proposed in the Senate amendment and in lieu thereof insert as a separate paragraph at the end of section 7 of part B, as a part thereof, the following:

"The Secretary of Agriculture shall require every inspector licensed under this act to keep complete and correct records of all grain graded and inspected by him, and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year shall make publication of a summary of such facts as are ascertained, showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to the elevator or warehouse and the amount and grade of grain delivered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type."

And the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: After the comma in said amendment insert the word "or"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "either with or without reinspection"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178,

and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert after the word "fee," where it occurs the second time in line 4, page 100, of the bill, the following: ", in case of an appeal"; and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert "signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: Insert a comma after the word "commerce," in line 22, page 100 of the bill; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the word "standard" in said amendment insert "standards"; and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Provided further, That no person licensed by the Secretary of Agriculture to inspect or grade grain or employed by him in carrying out any of the provisions of this act shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of "\$55,000" insert "\$60,000"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: After the comma following the word "hereafter" in said amendment insert "nothing in this paragraph or in"; strike out the word "not" in line 5 of said amendment; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "Provided further, That so much of the appropriation of \$2,500,000 made by the agricultural appropriation act of March 4, 1915, for the fiscal year ending June 30, 1916, for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, as remains unexpended at the close of said fiscal year, is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1917, for the objects mentioned in said appropriation act, including necessary investigations to determine whether said diseases have been completely eradicated in districts where they previously existed"; and the Senate agree to the same.

Amendments numbered 50, 54, 112, and 223: On the amendments of the Senate numbered 50, 54, 112, and 223 the committee of conference have been unable to agree.

A. F. LEVER,  
GORDON LEE,  
THOS. L. RUBEY,  
G. N. HAUGEN,

*Managers on the part of the House.*

E. D. SMITH,  
HOKE SMITH,  
MORRIS SHEPPARD,  
A. J. GRONNA,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying

conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: This amendment increases the appropriation for farm-management work by \$10,000. The Senate recedes.

Amendments Nos. 2 and 3: These amendments represent amended totals.

Amendment No. 4: This amendment makes an appropriation of \$22,500 for a building for the Weather Bureau at Cape Henry, Va. The House recedes.

Amendment No. 5: This amendment appropriates \$20,000 for a building for the Weather Bureau at Cheyenne, Wyo. The Senate recedes.

Amendments Nos. 6 and 7: These amendments represent amended totals.

Amendment No. 8: This amendment provides for the extension of the inspection and quarantine work to the eradication of Malta fever in goats. The Senate recedes.

Amendment No. 9: This amendment increases the appropriation for the eradication of southern cattle ticks by \$150,000. The Senate recedes.

Amendment No. 10: This amendment gives specific authority for dairy-demonstration work as a part of the demonstration work done in tick-free areas in the South. The House recedes.

Amendment No. 11: The first part of this amendment increases the appropriation for the dairy industry by \$5,000 for the extension of the work in cheese investigations. The second part of the amendment limits expenditures under the paragraph making appropriations for the dairy industry to States which shall contribute in equal amount to the work. The House agrees to this amendment with an amendment striking out the second part of the amendment.

Amendment No. 12: This amendment adds \$8,500 to the appropriation for animal husbandry investigations. The Senate recedes.

Amendment No. 13: This amendment increases by \$50,000 the appropriation for investigating diseases of animals, so as to provide that amount for the investigation of contagious abortion of animals. The House recedes.

Amendment No. 14: This amendment gives specific authority to the Secretary of Agriculture to expend a portion of the appropriation for investigating the disease of hog cholera in the testing of serums, vaccines, and other preventives of hog cholera. The Senate recedes.

Amendments Nos. 15 and 16: These amendments represent amended totals.

Amendment No. 17: This amendment corrects a typographical error. The House recedes.

Amendment No. 18: This amendment corrects a typographical error. The House recedes.

Amendments Nos. 19 and 20: These amendments increase by \$5,000 the appropriation for investigations of plant diseases and add specific language covering diseases of tobacco. The Senate recedes.

Amendment No. 21: This amendment reappropriates the unexpended balance of the appropriation of \$300,000 included in the urgent deficiency act of February 28, 1916, for combating the citrus canker, and makes it available for the fiscal year 1917. The House recedes.

Amendment No. 22: This amendment reappropriates the unexpended balance of the appropriation of \$20,000 included in the urgent deficiency act of February 28, 1916, for combating the white-pine blister rust, and makes it available for the fiscal year 1917. The House agrees to the amendment with an amendment making the matter included in the amendment a proviso of the preceding paragraph relating to the diseases of forest and ornamental trees.

Amendment No. 23: This amendment increases by \$5,000 the appropriation for drug-plant investigations. The House recedes.

Amendment No. 24: This amendment increases by \$21,150 the appropriation for grain-standardization investigations. The Senate recedes.

Amendment No. 25: This amendment increases by \$3,000 the appropriation for studying and testing commercial seeds and amends the seed importation act by extending its provisions to rye grass and vetch and by prescribing a minimum standard of quality for seed as regards germination and freedom from dirt and other foreign matter. The House recedes.

Amendment No. 26: This amendment adds the words "and flax wilt" to the paragraph making appropriation for the investigation and improvement of cereals. The Senate recedes.

Amendment No. 27: This amendment increases by \$7,500 the appropriation for the investigation and improvement of cereals. The House recedes.

Amendment No. 28: This amendment increases from \$10,000 to \$20,000 the amount set aside by the proviso for the investigation of black rust and stripe rust. The House recedes.

Amendment No. 29: This amendment inserts the words "oats" and "barley" in the proviso relating to black rust and stripe rust. The House recedes.

Amendment No. 30: This amendment sets aside \$5,000 of the appropriation for paper-plant investigations to be used in investigating flax fiber in the manufacture of crash and linen. The Senate recedes.

Amendment No. 31: This amendment substitutes the words "sugar plant" for the words "sugar beet." The Senate recedes.

Amendment No. 32: This amendment adds the words "and beet seed" to the paragraph making appropriation for sugar-beet investigations. The House recedes.

Amendments Nos. 33 and 34: These amendments increased by \$10,000 the appropriation for sugar-beet investigations and provide that this sum shall be used for investigations looking to the development of an American sugar-beet seed industry. The House recedes.

Amendment No. 35: This amendment increases by \$3,000 the amount appropriated for investigations in economic and systematic botany and provides that this sum shall be used in the standardization of botanical names in horticultural use. The Senate recedes.

Amendment No. 36: In the bill as passed by the House, the second proviso in the paragraph making appropriation for dryland agriculture investigations, in effect, prohibited the distribution of trees from the Mandan station except for experimental or demonstration purposes. The Senate amendment, in effect, provides that the restriction of the proviso shall not apply to distribution in the district now covered, in accordance with Bulletin No. 2, issued from the Mandan station. The House recedes.

Amendments Nos. 37 and 38: Amendment No. 37 reduces by \$5,000 the amount appropriated for the purchase of new and rare seeds. Amendment No. 38 eliminates the proviso setting aside \$5,000 for a survey of the noxious-weed situation in the spring wheat areas. The Senate recedes as to amendment No. 37 and the House recedes as to amendment No. 38.

Amendment No. 39: This amendment appropriates \$10,000 for the purchase and distribution of seeds to destitute flood sufferers in Alabama and Mississippi. The Senate recedes.

Amendment No. 40: This amendment represents an amended total.

Amendment No. 41: This amendment strikes out the paragraph providing for the purchase and distribution of valuable seeds. The Senate recedes.

Amendment No. 42: This amendment represents an amended total.

Amendment No. 43: This amendment increases the salary of one forest supervisor from \$2,600 to \$2,800. The House recedes.

Amendment No. 44: This amendment represents an amended total.

Amendment No. 45: This amendment corrects a typographical error. The House recedes.

Amendment No. 46: This amendment strikes out the appropriation for the Dakota National Forest, N. Dak. The House recedes.

Amendment No. 47: This amendment represents the total appropriated for the maintenance and general administration of the national forests specified in the bill. The amendment changes the amount in order to conform to the action of the Senate in striking out the appropriation for the Dakota National Forest in amendment No. 46. The House recedes.

Amendment No. 48: This amendment increases by \$25,000 the appropriation for investigations relating to the utilization of forest products, and gives specific authority for commercial demonstrations of improved methods. The Senate recedes.

Amendment No. 49: This amendment represents an amended total.

Amendment No. 50: This amendment appropriates \$3,000,000 for continuing the purchase of lands under the provisions of the Weeks law—\$1,000,000 for the fiscal year 1917 and \$2,000,000 for the fiscal year 1918. The committee of conference failed to agree as to this amendment.

Amendments Nos. 51 and 53: The purpose of these amendments is to enable the Department of Agriculture to perform certain legal work incident to the acquisition of lands under the terms of the Weeks law. The Senate recedes.

Amendment No. 52: The effect of this amendment is to extend the provisions of this paragraph to any additional funds that may be appropriated for the purchase of lands under the terms of the Weeks law. The Senate recedes.



Amendment No. 54: This amendment represents an amended total. As the \$3,000,000 appropriated by amendment No. 50, upon which the committee of conference failed to agree, is included in this total, the committee of conference consequently failed to agree on this amendment.

Amendment No. 55: This amendment authorizes the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of lands acquired under the terms of the Weeks law. The House recedes.

Amendments Nos. 56 and 57: The effect of these amendments is to substitute three clerks of class 1 for four clerks at \$900 each. The Senate recedes.

Amendment No. 58: This amendment increases by \$9,000 the appropriation for investigating the marketing and handling of poultry and eggs. The Senate recedes.

Amendment No. 59: This amendment, in effect, alters the language of the appropriation provided by the House bill for color investigations. The House recedes.

Amendment No. 60: This amendment increases by \$25,000 the appropriation for the enforcement of the Food and Drugs Act. The Senate recedes.

Amendments Nos. 61 and 62: The effect of these amendments is to broaden the language of the paragraph relating to naval stores so as to authorize investigations of the transportation of these articles. The House recedes.

Amendments Nos. 63 and 64: These amendments represent amended totals.

Amendment No. 65: This amendment makes an appropriation of \$175,000 for the establishment of an experimental plant to investigate and demonstrate the best method of obtaining potash on a commercial scale and provides that the product obtained from such experimentation may be sold and the receipts from the sale used in continuing such experimentation. The House agrees with an amendment providing that the amount derived from the sale of the product of the plant shall be covered into the Treasury as miscellaneous receipts.

Amendments Nos. 66 and 67: These amendments represent amended totals.

Amendment No. 68: This amendment specifically authorizes an investigation of the Hessian fly and the chinch bug. The House recedes.

Amendment No. 69: This amendment increases by \$10,000 the appropriation for the investigation of insects affecting southern field crops. The Senate recedes.

Amendment No. 70: This amendment provides an appropriation of \$10,000 for the erection of an entomological laboratory at Wellington, Kans. The Senate recedes.

Amendments Nos. 71 and 72: These amendments represent amended totals.

Amendment No. 73: The effect of this amendment is to limit the experiments and demonstrations in destroying animals injurious to agriculture and animal husbandry to the lands owned by the United States. The Senate recedes.

Amendment No. 74: This amendment increases by \$25,000 the appropriation made by this paragraph for investigating the food habits of North American birds and mammals, and for other purposes. The Senate recedes.

Amendments Nos. 75 and 76: The effect of these amendments is to segregate the funds provided for the destruction of predatory animals injurious to agriculture and animal husbandry and the funds provided for the suppression of rabies. The House recedes.

Amendments Nos. 77 and 78: These amendments represent amended totals.

Amendments Nos. 78 and 80: The effect of these amendments is to substitute one skilled laborer at \$840 for one skilled laborer at \$720. The House recedes.

Amendments Nos. 81 and 82: These amendments represent amended totals.

Amendment No. 83: This amendment increases by \$15,000 the appropriation for miscellaneous expenses of the department. The House agrees with an amendment providing an increase of \$7,500.

Amendment No. 84: This amendment increases by \$15,000 the appropriation for rent of buildings in the District of Columbia. The Senate recedes.

Amendments Nos. 85 and 86: The effect of these amendments is to substitute two clerks at \$1,000 each for three clerks at \$720 each. The House recedes.

Amendment No. 87: This amendment represents an amended total.

Amendment No. 88: This amendment reduces by \$16,000 the appropriation for farmers' cooperative demonstrations. The Senate recedes.

Amendments Nos. 89, 90, and 91: The effect of these amendments is to increase by \$12,000 the appropriation for the experiment stations in Alaska and to provide \$10,000 for a substation in Porto Rico. The Senate recedes.

Amendments Nos. 92 and 93: These amendments represent amended totals.

Amendment No. 94: This amendment increases by \$5,000 the appropriation for road-material investigations. The Senate recedes.

Amendment No. 95: This amendment gives authority for demonstration work in irrigation from underground supplies of water through the construction or reservoirs and the use of windmills. The Senate recedes.

Amendment No. 96: This amendment increases by \$2,500 the appropriation for irrigation investigations and provides that such part of this sum as may be necessary shall be used for the establishment of an overhead system of irrigation at or near Denver, Colo. The Senate recedes.

Amendment No. 97: This amendment provides an appropriation of \$10,000 for a survey of the Black Canyon irrigating project in Idaho. The Senate recedes.

Amendment No. 98: This amendment provides an appropriation of \$100,000 for determining the existence of artesian water for irrigation. The Senate recedes.

Amendment No. 99: This amendment increases by \$7,805 the appropriation for rural engineering investigations. The Senate recedes.

Amendments Nos. 100 and 101: These amendments represent amended totals.

Amendment No. 102: This amendment adds the words "and other products" to the paragraph making appropriation for a market news service. The Senate recedes.

Amendment No. 103: This amendment provides an appropriation of \$65,000 for gathering and disseminating information in regard to live stock. The House recedes.

Amendment No. 104: This amendment gives specific authority to the Secretary of Agriculture to promote the use of cotton standards. The House recedes.

Amendment No. 105: This amendment increases by \$15,000 the appropriation for cooperation between the State and Federal Governments in market investigations. The House recedes.

Amendment No. 106: This amendment represents an amended total.

Amendment No. 107: The effect of this amendment is to make the appropriation provided by the paragraph available for the enforcement of the legislation known as the cotton-futures act, included in the present bill. The House recedes.

Amendment No. 108: This amendment represents an amended total.

Amendment No. 109: This amendment increases by \$5,260 the appropriation for the enforcement of the insecticide act. The Senate recedes.

Amendment No. 110: This amendment represents an amended total.

Amendment No. 111: This amendment repeals the act authorizing the admission of tick-infested cattle from Mexico into that part of Texas below the southern cattle quarantine line. The Senate recedes.

Amendment No. 112: This amendment represents an amended total. As the \$3,000,000 appropriated by amendment No. 50, upon which the committee of conference failed to agree, is included in this total, the committee of conference consequently failed to agree on this amendment.

Amendment No. 113: This amendment provides an appropriation of \$20,000 for making an exhibit at the International Farm Congress and Soil Products Exposition, to be held at El Paso, Tex., and authorizes the President to extend invitations to other nations to appoint representatives to this congress. The House recedes.

Amendment No. 114: This amendment provides an appropriation of \$15,000 to enable the Secretary of Agriculture to make an exhibit at the meeting of the National Dairy Show Association to be held at Springfield, Mass. The House recedes.

Amendment No. 115: This amendment authorizes the President to extend invitations to other nations to appoint representatives to attend the International Irrigation Congress to be held at El Paso, Tex. The House recedes.

Amendment No. 116: This amendment authorizes the President to set aside as game preserves portions of the lands acquired under the terms of the Weeks law. The House recedes.

Amendments Nos. 117, 118, and 119: The effect of these amendments is to authorize the Secretary of Agriculture to include in his findings in any dispute under the cotton-futures bill, even though only one question be referred, a complete classification

of the cotton for the purpose of delivery on future contracts. The House recedes.

Amendment No. 120: This amendment provides an additional form of contract that may be traded in on cotton-future exchanges. Under the terms of this contract, if cotton other than the basis grade is tendered in performance of the contract, the buyer and the seller may agree as to the price of the grade tendered, and, in case they are not able to agree, the buyer has a right to demand specific delivery of cotton of the grade named in the contract. The House agrees with an amendment, in the nature of a substitute, making certain changes in and additions to the language proposed by the Senate amendment.

Amendment No. 121: The effect of this amendment is to provide for reasonable variations in the delivery of cotton upon the contract provided for in section 10 of the cotton-futures bill. The Senate recedes.

Amendments Nos. 122 and 123: Sections 11 and 11a of the bill, as passed by the House, provide for a tax under certain circumstances upon orders for future delivery of cotton transmitted from the United States to foreign countries and from foreign countries to the United States. Amendments Nos. 122 and 123 eliminate these sections from the bill. The House recedes.

Amendments Nos. 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144: These amendments are incidental to the changes made in the bill by the elimination of sections 11 and 11a. The House recedes.

Amendments Nos. 145 and 146: These amendments substitute the word "standards" for the word "grades" in the title of the bill. The House recedes.

Amendment No. 147: This amendment brings forward from the eleventh section of the bill the definitions of the various terms used in the bill and specifically defines the phrase "in interstate or foreign commerce" as used in the bill. The House recedes.

Amendment No. 148: The bill as it passed the House required the Secretary to give at least 60 days' notice before making effective any standards for grain. The Senate amendment changes the time from 60 to 120 days. The House agrees with an amendment making the time 90 days.

Amendment No. 149: This amendment is a substitution of the phrase "in interstate or foreign commerce" in accordance with the definition contained in amendment No. 147. The House recedes.

Amendments Nos. 150, 151, 152, and 153: These amendments extend the provisions of section 4 to grain "consigned for sale." The House recedes.

Amendments Nos. 154, 155, 156, and 157: The managers of the conference rewrote the language of the proviso which had been amended by the Senate, and the net result of these four amendments is to extend the provisions of the proviso to grain "consigned for sale" and to clarify the language of the proviso.

Amendment No. 158: In addition to altering the language of the proviso as passed by the House, the effect of the Senate amendment is to compel inspection both at point of shipment and at destination except when shipped from a point at which there is no inspector. The House agrees to the amendment with an amendment that will obviate the necessity of double inspection when shipped from a point at which there is an inspector to a point at which there is an inspector.

Amendments Nos. 159, 160, and 161: These amendments extend the terms of the proviso to grain "consigned for sale." The House recedes.

Amendments Nos. 162 and 163: These amendments were intended to clarify the language. The House recedes.

Amendment No. 164: The effect of this amendment is to obviate the necessity that the Secretary issue a formal certificate showing the grade of the grain involved in any dispute referred to him. The House recedes.

Amendment No. 165: The effect of the first part of this amendment is to withhold the operation of the act from a State which has not established, either by its laws or by commercial practice, a system of inspection. The effect of the second part of this amendment is to introduce into the bill the question of price regulation. The Senate recedes.

Amendment No. 166: This amendment provides for the establishment of a board of grain appeals. The Senate recedes.

Amendment No. 167: The effect of the first part of this amendment is to provide for the appointment of grain supervisors, to be stationed at the important grain terminals of the United States. The second part of the amendment provides that the Secretary collect and report to Congress information relative to the quantity, quality, and grade of grain received at and shipped from terminal elevators.

The House agrees to the Senate amendment with amendments, the effect of which are to strike out the first part of the Senate amendment, ample authority and funds for the employment of such persons and means to insure just and fair grading being fully provided in section 12, as amended by the Senate and agreed to by the managers of the conference, and to broaden the scope of the second part of said amendment.

Amendment No. 168: The effect of section 5, as passed by the House, was to nullify certain provisions of section 4 providing for the shipping of grain without inspection. The effect of the Senate amendment is to assure the operation of the provisions of section 4. The House recedes.

Amendments Nos. 169 and 170: The effect of these amendments is to extend the provisions of section 5 to grain "consigned for sale." The House recedes.

Amendments Nos. 171 and 172: These amendments slightly alter the language of the bill as passed by the House and extend the provisions of section 6 to grain "consigned for sale." The House agrees with an amendment, inserting the word "or" after the comma in amendment No. 172.

Amendments Nos. 173 and 174: The effect of these amendments is to require reinspection and appeal to local authorities before appeal can be made to the Secretary of Agriculture. The House agrees to amendment No. 173 with an amendment substituting other language, and the Senate recedes on amendment No. 174. The effect of the action of the managers of the conference is to make optional reinspection and appeal to local authorities before appeal to the Secretary of Agriculture.

Amendment No. 175: The effect of this amendment is to broaden the meaning of the language with reference to an appeal so as to cause the appeal to cover both examination and certification of the grain. The House recedes.

Amendment No. 176: The effect of this amendment is to provide that a fee shall be charged not only when an appeal is taken to the Secretary of Agriculture but when a dispute is referred to him. The House recedes.

Amendment No. 177: This amendment is intended to clarify the language. The House recedes.

Amendment No. 178: The effect of this amendment is to limit the assessment of the fee to cases of appeal. The House agrees to this amendment with an amendment which provides, in effect, that the fee shall be returned in case an appeal is sustained, but not in the case of a dispute.

Amendment No. 179: The amendment provides that if the appeal is sustained the fee shall be paid by the shipper who has shipped the grain of the wrong grade. The Senate recedes.

Amendment No. 180: This amendment is intended to clarify the language. The House recedes.

Amendment No. 181: The effect of this amendment is to authorize the signing of the findings of the Secretary of Agriculture, as to grade, by him or by such officer or officers of the department as he may designate, upon an appeal or dispute. The House agrees with an amendment authorizing the signing by the Secretary or by such officer or officers, agent or agents, of the department as he may designate, and eliminating the restriction as to appeals and disputes.

Amendment No. 182: This amendment is intended to clarify the language. The House recedes.

Amendments Nos. 183, 184, 185, and 186: These amendments are intended to clarify the language and to confer upon inspectors specific authority to certificate the grade of grain inspected by them for shipment or delivery for shipment in interstate or foreign commerce under the act and under the regulations prescribed thereunder. The House recedes.

Amendment No. 187: The amendment prohibits employees of partnerships, as well as of the other organizations enumerated in section 7, from certifying to the grade of grain unless they hold unsuspended or unrevoked licenses. The House recedes.

Amendment No. 188: This amendment is intended to clarify the language. The House recedes with an amendment inserting punctuation.

Amendments Nos. 189 and 190: These amendments are intended to clarify the language. The House recedes from 189 and recedes from 190 with an amendment substituting the word "standards" for "standard."

Amendments Nos. 191, 192, 193, 194, 195, and 196: These amendments make it mandatory upon the Secretary of Agriculture to issue licenses to persons employed to inspect and grade grain by States which have or may hereafter have State grain-inspection departments established by law. The House recedes.

Amendments Nos. 197, 198, 199, and 200: These amendments are intended to clarify the language. The House recedes.

Amendment No. 201: Under the terms of this section, as passed by the House, the Secretary of Agriculture was au-



thorized to suspend or revoke the license of any person who "knowingly" violated any provision of the bill. The Senate amendment strikes out the word "knowingly." The House recedes.

Amendment No. 202: This amendment provides that no inspector shall be interested in the storing or merchandizing of grain or be employed by any person or corporation financially interested in the storing or merchandizing of grain. The House agrees with an amendment in the nature of a substitute.

Amendment No. 203: Section 9 of the bill provides a penalty for violation of certain provisions of the bill. This amendment limits the penalty to violations "knowingly" committed. The House recedes.

Amendments Nos. 204 and 205: The effect of these amendments is to provide that the merely careless inspecting, grading, or certification of grain shall not subject the inspector to the penal provisions of the bill. The House recedes.

Amendment No. 206: This amendment is intended to clarify the language. The House recedes.

Amendment No. 207: This amendment strikes out the definitions of terms used in the bill, these definitions having been transferred to section 2, as noted under the statement relative to amendment No. 147. The amendment also provides that if any part of the act shall be adjudged invalid, such judgment shall not affect any other part of the act. The House recedes.

Amendment No. 208: This amendment increases to \$250,000 the appropriation for carrying out the provisions of the bill. The House recedes.

Amendments Nos. 209 and 210: These amendments are intended to clarify the language. The House recedes.

Amendment No. 211: This amendment provides that the terms of this bill shall not prevent selling or buying grain by sample, regardless of its grade. The Senate recedes, the purpose of the amendment being accomplished by the first proviso to section 4, as amended by the managers of the conference.

Amendment No. 212: This amendment authorizes the inclusion of the requirements of fire insurance in the terms and conditions of the bonds required from warehousemen censed under the bill.

Amendment No. 213: This amendment authorizes the purchase of live stock and the erection of barns and other necessary buildings in connection with experiments in dairying and live-stock production in the semiarid and irrigated districts of the western United States. The House recedes.

Amendment No. 214: This amendment increases by \$47,500 the appropriation providing for experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States. The Senate recedes.

Amendment No. 215: This amendment reduces from \$70,000 to \$55,000 the amount authorized to be expended for the purchase and operation of passenger-carrying vehicles. The House agrees, with an amendment making the amount authorized to be expended for this purpose \$60,000.

Amendment No. 216: This amendment provides that section 5 of the legislative, executive, and judicial act for the fiscal year 1915 shall not be construed to apply to the hire of passenger-carrying vehicles necessary in the conduct of the field work of the department. The House agrees, with an amendment including the present paragraph within the provision of the Senate amendment. The managers of the conference believe that this amendment as agreed to is in entire harmony with the purpose of the section referred to, and is essential to the efficient conduct of the field work of the department in districts removed from the ordinary means of transportation. A provision of this kind is made necessary by a very recent ruling of the comptroller, and without it the department would have to discontinue much of its work.

Amendment No. 217: This amendment inserts a title for the succeeding paragraph. The House recedes.

Amendment No. 218: This amendment directs the Secretary of Agriculture to submit annually to Congress a statement showing the activities of the department which have been completed and may be discontinued. The House recedes.

Amendment No. 219: The effect of this amendment is to authorize the Secretary of Agriculture to grant to the employees of the department who are members of the National Guard such leave with pay as they are entitled to. This will extend to the employees of the Department of Agriculture the same privilege enjoyed by employees of other branches of the Government. The House recedes.

Amendment No. 220: This amendment substitutes the word "existence" for the word "outbreak" in the paragraph making appropriation for the eradication of foot-and-mouth disease. The House recedes.

Amendment No. 221: This amendment reduces the appropriation for the eradication of foot-and-mouth disease from \$2,500,000 to \$1,250,000. The House recedes.

Amendment No. 222: This amendment authorizes the Secretary of Agriculture to make payment for animals and property which he may destroy in combating foot-and-mouth disease and prescribes the basis for appraising animals so destroyed. The House agrees, with an amendment providing that the unexpended balance of the appropriation for this purpose for the fiscal year 1916 shall be available for expenditure during the fiscal year 1917.

Amendment No. 223: This amendment represents an amended total. As the \$3,000,000 appropriated by amendment No. 50, upon which the committee of conference failed to agree, is included in this total, the committee of conference consequently failed to agree on this amendment.

A. F. LEVER,  
GORDON LEE,  
G. N. HAUGEN,

*Managers on the part of the House.*

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I wish to ask unanimous consent for the present consideration of a resolution covering the matter which I brought before the House a few moments ago.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

#### House resolution No. 336.

*Resolved by the House, That the managers on the part of the House in consideration of Senate amendment No. 40 to House bill 15947 may have authority to increase the amount of \$399,000 in conference, and in consideration of Senate amendment No. 145 they have authority to change the word "is" to the words "shall be."*

The SPEAKER. Is there objection?

Mr. BUCHANAN of Illinois. Reserving the right to object, Mr. Speaker, I would like to ask what this amendment is?

Mr. PADGETT. It does not increase the appropriation at all. It is just a redistribution in order to carry out the policy which the House committee reported, and to have the Senate recede from their amendment.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief submitted by myself to the Committee on the Judiciary on the H. Snowden Marshall impeachment case.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to extend his remarks in the RECORD by printing a statement he has prepared as to the impeachment proceedings inaugurated against H. Snowden Marshall. Is there objection?

Mr. MANN. Reserving the right to object—but I do not intend to object—the resolution was reported this morning. I would like to make an inquiry of the gentleman from Illinois [Mr. BUCHANAN] and the gentleman from North Carolina [Mr. WEBB], if I can, with reference to when it will be voted on? Does my colleague intend to oppose the report of the committee?

Mr. BUCHANAN of Illinois. Oh, yes. The report of the committee, in my opinion, is erroneous and subjects the committee to just criticism, and will subject this House to public criticism if it is adopted by the House.

Mr. MANN. I did not even hear the report or know what it was. I knew the resolution was reported in this morning. Then it can not be disposed of now?

Mr. WEBB. No; the report is short, and simply recommends that no further proceedings be had on these impeachment charges and that the impeachment resolution lie on the table.

Mr. MANN. I make no objection to the request of my colleague [Mr. BUCHANAN].

The SPEAKER. Is there objection?

There was no objection.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I desire to yield 10 minutes to one of the most efficient and attentive members of the Committee on Agriculture, a gentleman who has justly earned for himself the title of friend of the farmer. I refer to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

## LEAVE TO ADDRESS THE HOUSE.

Mr. BUCHANAN of Illinois. Will the gentleman yield to me just a minute? I want to ask unanimous consent that I may address the House for one hour on the question of the eight-hour day on Tuesday next, following the usual calendar business and matters on the Speaker's table.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent that on next Tuesday at the close of the remarks of the gentleman from Mississippi [Mr. HARRISON] he be permitted to address the House for not to exceed one hour on the eight-hour day. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 45 minutes on next Tuesday, immediately following the gentleman from Illinois [Mr. BUCHANAN].

The SPEAKER. The gentleman from Oklahoma [Mr. McCLINTIC] asks unanimous consent that on next Tuesday, at the close of the remarks of the gentleman from Illinois [Mr. BUCHANAN], he be permitted to address the House for not to exceed 45 minutes. Is there objection?

There was no objection.

## AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The question is on agreeing to the conference report on the Agricultural appropriation bill (H. R. 12717). The conference report was agreed to.

The SPEAKER. The Chair thinks he was a little premature in putting the question. How much time was yielded to the gentleman from Mississippi [Mr. CANDLER]?

Mr. LEVER. Ten minutes.

The SPEAKER. The gentleman is recognized for 10 minutes.

Mr. MANN. There is no time to yield. The conference report has been agreed to.

The SPEAKER. The Chair will ask unanimous consent to cancel the vote by which the conference report was agreed to.

Mr. LANGLEY. Mr. Speaker, I think I was the only Member of the House who voted to agree to the conference report when the Chair put the question. I desire to withdraw my vote, and I hope the vote will be vacated.

Mr. MANN. I do not think it ought to be vacated. The gentleman from Mississippi can get time without that.

Mr. LEVER. Then I ask unanimous consent that the gentleman from Mississippi may address the House for 10 minutes, and I include in that request the gentleman from Iowa [Mr. HULL] for 15 minutes. These gentlemen have requested time on the conference report. I am very glad the report has been adopted, but I do not wish to deprive these gentlemen of their opportunity to speak.

Mr. MANN. Is there not a further motion to be made in connection with the Agricultural appropriation bill?

Mr. LEVER. There is.

Mr. MANN. Why can not the motion be made, and then these gentlemen get time on that?

Mr. CANDLER of Mississippi. I suggest to the gentleman from South Carolina that he make that motion.

Mr. STEENERSON. Reserving the right to object—

Mr. MANN. I ask unanimous consent that the gentleman from Washington [Mr. HUMPHREY] have 10 minutes following the other two.

Mr. CANDLER of Mississippi. Will the gentleman make my time 15 minutes?

The SPEAKER. What is the request of the gentleman from South Carolina?

Mr. LEVER. I ask unanimous consent that the gentleman from Mississippi [Mr. CANDLER], the gentleman from Iowa [Mr. HULL], and the gentleman from Washington [Mr. HUMPHREY] each have 15 minutes in which to address the House.

Mr. CANNON. Are these gentlemen to follow the Members who have already obtained unanimous consent to-day? I think my colleague [Mr. RODENBERG] has an hour.

Mr. MANN. I think he will get his time all right. These gentlemen want to speak on subjects relating to the Agricultural bill.

Mr. CANNON. That is all right.

Mr. STEENERSON. I understood the gentleman from South Carolina submitted the conference report.

The SPEAKER. He did submit the conference report.

Mr. STEENERSON. I was not aware that it was to be voted on without discussion. I wanted to ask some questions of the chairman of the committee before the House agreed to the conference report, and the Speaker put the question when the time of the gentleman from Mississippi [Mr. CANDLER] had not expired. I want a chance to find out the effect of the conference report before it is agreed to. It seems to me that that was taking snap judgment on the House.

The SPEAKER. Well, it was—entirely by inadvertence.

Mr. STEENERSON. The action ought to be vacated.

The SPEAKER. Nobody seemed to be wanting to speak, and the Chair put the question on the conference report, and nobody said a word.

Mr. STEENERSON. At that time the gentleman from Mississippi [Mr. CANDLER] had the floor.

The SPEAKER. That is true; but the Chair did not know it.

Mr. STEENERSON. Then it was a mistake of fact.

The SPEAKER. Why, of course. It was a mistake on the part of the Speaker.

Mr. STEENERSON. I think I had a right to rely on the fact that the question would not be put until the time of the gentleman from Mississippi had expired.

Mr. MANN. Not at all.

The SPEAKER. The easiest way, as the Chair suggested a while ago, is to cancel the action of the House in adopting the conference report and proceed in the usual way. The Chair asked unanimous consent to do that.

Mr. MANN. I do not think that that ought to be done. The gentleman can get his information all right—

The SPEAKER. Is there objection?

Mr. MANN. I will have to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. STEENERSON. We may not want to agree to that conference report. It revolutionizes grain inspection.

Mr. MANN. I withdraw the objection.

The SPEAKER. The gentleman withdraws his objection. Is there objection?

There was no objection.

The SPEAKER. The vote on agreeing to the conference report is canceled, and the gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. LEVER. I yield 15 minutes to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

Mr. CANDLER of Mississippi. Mr. Speaker, I certainly appreciate from the bottom of my heart the very kind words spoken by the chairman of the Committee on Agriculture, of which I have the honor to be a member, in yielding time to me to discuss the Agricultural appropriation bill now before the House. I am a member of the Agricultural Committee, ranking third upon that committee. I was chairman of the Committee on Alcoholic Liquor Traffic. The Democratic caucus passed a resolution providing that no Member of the House who had membership on any one of the large committees—in which is included the Committee on Agriculture—should have membership, much less chairmanship, of any other committee. For that reason I resigned the chairmanship of the Committee on Alcoholic Liquor Traffic, in order to retain my membership on the Committee on Agriculture, believing that I could be more useful to the people of my district as well as to the people of the United States by serving upon the Committee on Agriculture rather than by serving as chairman of the other committee. Being third upon the committee, I was a member of the subcommittee that framed this Agricultural appropriation bill. I helped in connection with other members of the subcommittee to write the present bill now pending and the one for last year and others preceding it. Therefore, I feel naturally a great interest and pride in the agricultural legislation which is contained in the bill which is now reaching the final stages of its passage in the consideration of the conference report now pending before the House.

Since I have been a Member of the House of Representatives I have taken a great interest in agricultural subjects and agricultural legislation, and in increasing the convenience of the postal facilities for the people in my district as well as the people throughout the country.

## INCREASED APPROPRIATIONS FOR AGRICULTURE.

Everybody here knows that I do not believe in any extravagance or the wanton expenditure of money, but while believing in economy, still, nevertheless, I have advocated during my service in this House increased appropriations for agriculture. When I became a Member of the House of Representatives the total appropriation for the agricultural interests of the United States was \$3,000,000.

I have attended session after session and made speeches at various times in favor of increased appropriations, and I am glad that this bill to-day under consideration at the present time, together with the permanent annual appropriations, amounts in round numbers to the sum of \$30,000,000. While \$30,000,000 is a considerable sum, it is comparatively a small amount to take care of the great agricultural interests of the United States of America. This great country is but one great farm, because agriculture is the foundation of every other business throughout the land. [Applause.]



The appropriation of \$30,000,000 to take care of the great farm which, as I said, the United States of America really is, is a small sum when you remember we produce annually \$10,000,000,000 of agricultural products and \$20,000,000,000 of manufactured products, making a total production of \$30,000,000,000—thirty million is a small amount for investment to carry on a business which yearly produces the sum of \$30,000,000,000.

For this reason I have from time to time contended for these increased appropriations, always pointing out, however, that they should be devoted to those objects which will bring the greatest results and benefits to the greatest number of people. [Applause.]

#### BUREAU OF MARKETS.

In this bill under consideration there is a provision for the Bureau of Markets. It has been increased in this bill over what it was last year, and last year it was increased over what it was the year before. The original item which went into the Agricultural bill establishing the Bureau of Markets was prepared by the chairman of this committee, the Hon. ASBURY F. LEVER, of South Carolina, in consultation with me at the time. He and I sat down at a table together and talked it over and arrived at the language which established this bureau and put it in operation. He wrote it during this consultation, and it was offered to the committee, was adopted, came to the House of Representatives, and became the law of the land. It has begun to furnish the people all over the country with the information they desire. It has begun to furnish them the ways and means of bringing closer together the producer and the consumer, and to eliminate the middleman, so that the producer can get something like the real value of the products he has for sale. [Applause.]

#### THE FARMERS' WAREHOUSE BILL.

In this bill is also contained the farmers' warehouse bill. I was on the subcommittee which drafted it, and it was reported to the full committee and reported by the full committee to the House of Representatives.

Under this bill the warehouse keeper can receive a Federal license which will secure to the farmers the supervision of the Government, and then the farmer can take his cotton or other product and place it in the warehouse, with the supervision and control of the United States Government behind it, and get his warehouse receipt, which will be a guaranty to anybody to whom he presents it, and he can go to any member bank of the Federal Reserve System or any other bank in the land and secure a loan thereon at a reasonable rate of interest. [Applause.]

It is a measure that the farmers have been asking for, to my knowledge, since I was a boy. They have been knocking at the door and asking Congress to give them recognition, and at last it was left to the Democratic Party to give them that recognition which put the law on the statute book. [Applause.]

#### FARMERS' GRAIN-GRADING BILL.

Another law included in the appropriation bill is the farmers' grain-grading bill. This is another bill that the farmers throughout the land have been asking for, especially the western farmers, who are more interested in it than are the farmers in my section of the country. Under that the farmers can, no matter where they may be, have their grain graded and have it guaranteed under the supervision of the Government of the United States that it will be correct not only in quality but in quantity and get his just reward for the labor he has bestowed upon it. [Applause.]

#### GOOD-ROADS BILL.

I favored and supported in this House the bill making an appropriation of \$85,000,000 for good roads, which has passed and become the law of the land. Under it every State in this Union will receive help. The bill gives the further benefit of the recognition of the principle that the United States Government is going to help the people throughout the United States and the States of this Union in building highways throughout the country. That will bring as great benefit to the people as anything else on the face of the earth. [Applause.]

#### THE PARCEL-POST LAW.

Mr. Speaker, I helped to pass the parcel-post law, which the farmers of this country and the people throughout the land were asking for. I did what I could in securing the enactment of that law. The express companies had been robbing the people of the country, and we passed the parcel-post law and gave quick communication under proper supervision and direction at reasonable rates. [Applause on the Democratic side.] The enactment of that law immediately brought about a reduction even in the express rates of 50 per cent and took that burden off of the American people.

#### THE RURAL-CREDITS LAW.

Not only that, but I supported during the Congresses preceding and in this Congress the rural-credits bill, which the farmers of the land and the people throughout the country everywhere were demanding, and which every political party in its platform had promised. That is now a law upon the statute books, and it will give to the farmers great relief in furnishing them long-time loans at the lowest possible rates of interest.

#### RURAL DELIVERY SERVICE.

Not only that, but when I came to Congress there was not a single rural delivery route of any kind in the district which I have the honor to represent upon this floor. I secured every one that is now in operation in the first congressional district in Mississippi. [Applause.] To-day the rural delivery is blessing the people of that district by carrying daily to them their mail and delivering it to them promptly. No greater blessing has been conferred upon the people in the United States of America than that conferred by the Rural Delivery Service, and I feel happy in the fact that I at least secured this service for my people and secured for them every single, solitary route that is now in my district. [Applause.]

Mr. Speaker, all this is legislation for the farmer, which has been enacted during this Congress and Congresses that have preceded it, but it has all been enacted under the régime and by the votes and through the instrumentalities of the Democratic Party, of course to some extent with the help of our friends on the other side. [Applause on the Democratic side.] I have no hesitation in saying to-day that there has been more constructive legislation enacted during this Democratic administration in the interest of the farmers and for their benefit than was enacted during the whole 16 years of the Republican administration, when they had absolute and complete control of all of the departments of the Government of the United States. [Applause on the Democratic side.] Therefore it is easy to determine who are the friends and the real friends of the great producers of the United States.

#### THE UNDERWOOD TARIFF LAW.

Not only that, but I voted for and helped to pass in this House the Underwood tariff law, which reduced the taxes of the people 50 per cent and put upon the free list for the farmers of the country agricultural implements and bagging and ties and many necessities of life. [Applause on the Democratic side.] They had been asking for that, but it had been denied them and that act gave it to them; and a few days ago I voted on the floor of this House for a bill that repealed all the stamp taxes on mortgages and notes and deeds and everything of that character that have been of great inconvenience and annoyance to the people.

#### THE CURRENCY LAW.

Not only that, but I voted for and helped to pass upon the floor of this House the great currency law, which during these troublesome and trying times has kept us out of panic, and during all the days to come by the exercise of the powers therein conferred it will continue to keep the power from Wall Street and prevent panics and we will have them no more forever, and their blighting influences will no longer oppress and hold up and rob the people. [Applause.] Instead of panic, prosperity and happiness will be the lot of the people.

#### THE SHIP-PURCHASE BILL.

I voted for the shipping bill when it passed this House in a former session of Congress and I voted for it when it passed the House in this session of Congress, because I believe, as I said, that this country being one great farm, producing ten billions of dollars of agricultural products and twenty billions of manufactured products annually, ought to be no longer dependent upon the Shipping Trust, and our farmers and our manufacturers ought to be able to get their products to the markets of the world without being at the mercy of that heartless trust. The Shipping Trust absolutely controls the transportation facilities, and the Government of the United States, with its power, should step in and correct this evil and give the people transportation to the markets of the world at the lowest possible rates that can be obtained. [Applause on the Democratic side.]

#### INSURANCE BUREAU.

It has been demonstrated that the Government can do business of this kind, because the insurance bureau which we brought into effect to give Government insurance in these war times, has proved to be a paying investment. It has taken care of itself and left a profit of \$2,000,000 in the Treasury of the United States. [Applause on the Democratic side.]

Mr. Speaker, these are the reasons why I have been staying here upon the job every day in the Congress of the United States, looking after the interests of the farmers and all my constituents, answering promptly their letters, and honestly at-

tending to their business. [Applause.] I wanted them to have these benefits, and it has been my purpose and desire to do in every way possible all I could to secure them. These have been trying times, and many very important matters have been and are still pending. I have stayed here regardless of my personal interest, although I had opposition at home in my district.

At the beginning of the campaign there were three who were contesting with me. One of them, Hon. Guy W. Mitchell, withdrew early in the campaign and did not participate very much in it, and therefore did not engage in much speech making. Hon. J. A. Cunningham participated strenuously in the campaign for two months, but on the 30th day of July he withdrew from the race and retired from the field. From the information I have he made an honest and faithful and courageous campaign, and he did me the justice and kindness to say when I was a thousand miles away, that if he had been in Congress the same length of time that I had he would have voted just exactly as I did vote on all of these great questions.

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The time of the gentleman from Mississippi has expired.

Mr. CANDLER of Mississippi. Mr. Speaker, I will ask the gentleman from South Carolina to yield me a little more time in order to finish this speech.

Mr. LEVER. Mr. Speaker, I will say to the gentleman from Mississippi that I have only eight minutes remaining of my hour, and there will be very likely some questions asked of me, and I shall have to consume that time.

Mr. CANDLER of Mississippi. Mr. Speaker, I desire only five minutes additional.

Mr. MANN. If the gentleman desires only five minutes, I will assure the gentleman from South Carolina that on this side we will not object to an extension of his time beyond the hour.

Mr. LEVER. Very well, I yield five minutes more to the gentleman from Mississippi. [Applause.]

Mr. CANDLER of Mississippi. Mr. Speaker, this is but another evidence of the great kindness and friendship to me of all the Members on the floor of the House, on both sides of it. It gives me much pleasure to say that I have never yet asked for an extension of time upon the floor of the House since I have been a Member or asked for unanimous consent to speak that it was not cheerfully granted to me. [Applause.] I thank you all.

Mr. GALLAGHER. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will.

Mr. GALLAGHER. What kind of opposition is this of which the gentleman speaks?

Mr. CANDLER of Mississippi. It is opposition for the Democratic nomination. This leaves me with only one opponent, Hon. John E. Rankin, who is still contesting with me for the nomination.

Mr. GALLAGHER. The gentleman will do him up, will he not?

Mr. CANDLER of Mississippi. That is what my friends say in the first district of Mississippi. [Applause.] He is contesting with me for the Democratic nomination. So far as I am informed he has not criticized a vote I have cast, although I have cast thousands of them since I have been in Congress, and I believe I can say thousands that are record votes in the CONGRESSIONAL RECORD, and so far as I am advised he has not criticized a speech I have made. [Applause.] Therefore, if I have thus served the people during all these years, voting in their interest and speaking in their interest, I do not believe the people in the first congressional district of Mississippi are going to turn me out in the primary election to take place on Tuesday, August 15, 1916. [Applause.]

Mr. QUIN. They will not; you are too good a friend of the farmer, and the people need you here.

Mr. CANDLER of Mississippi. I thank my friend. I know this, that a farmer never swaps off a safe horse in the middle of crop time. [Applause.] And the banker and the merchant and the business man do not discharge faithful employees simply because they have been in their service for many years, and the farmer himself does not discharge the faithful, honest, and conscientious field hand, who day by day labors to produce the very best crops possible on his farm. [Applause.] For that reason I do not believe my people are going to turn away from me when I have been doing all I could for them up here and faithfully laboring for their welfare and for their prosperity. [Applause.] I have stayed here, though, in the face of some criticism, of some misrepresentation, and even in the face of some falsification. There are a few unscrupulous people in my district—thank the Lord, there are not many of them, they are very few—who are so reckless with the truth that I am informed that they have been assiduously and secretly circulating, of course, with the intention, I presume, of making it more public on the day of the primary election, some things which

are false. I know my people and they know me, and I am willing to trust them fully. I do not believe a man, woman, or child in the first congressional district of Mississippi will believe campaign falsehoods circulated at or before the election, when I am a thousand miles away and here at my post of duty serving my constituents. I would have been very glad to have gone home and engaged in the canvass, but I could not leave here, and I will trust the people to take care of my interest and see that I have fair play, and I feel confident they will not let me suffer when I have honestly, faithfully, and promptly attended to their business here and in order to do so been kept away from Mississippi and deprived of the privilege and pleasure of meeting them face to face. Of course it would not be proper to discuss in detail here these false reports and I will not do so.

Now, I have stayed here not only to discharge my duty because it was my duty but I have had the further reason to remain here because our great Democratic Speaker, the Hon. CHAMP CLARK, and our distinguished Democratic leader, the Hon. CLAUDE KITCHIN, and our great and good President, Hon. Woodrow Wilson, have asked us to remain here in order to maintain a quorum that we may transact the public business and carry into effect Democratic doctrines and carry out Democratic policies and finish the Democratic constructive program of our great party. [Applause.]

I have remained here also to help President Wilson in every way I could to carry out his policies and maintain peace and keep us out of war, because I love peace and abhor war.

He is our Democratic President, and he is now the nominee of the Democratic Party for reelection to the high office of President of the United States; and if we have a Democrat in that office four years from next March, it will be Woodrow Wilson, and hence I prefer to do what I can to uphold his hands and help him in the great effort he is making to maintain peace and continue the prosperity which we are now enjoying. I am a Democrat, and I do not want to tear down the Democratic Party or destroy the confidence of the people in the Democratic President. [Applause.] We owe him a great debt of gratitude for the great service he has rendered our party and the country, and it is the duty of every Democrat to stand by him and support him in the discharge of his duties as President and to help in every way possible to secure his reelection for another term.

To demonstrate the great debt of gratitude we owe him, in conclusion let me call your attention to the victories of peace for which he stands as compared with the victories of war. Look across to the other shore across the seas, and you will see nothing but desolation, destruction, and death, the men being slaughtered in war and sorrow in every home, the tears flowing down the cheeks of widows, and the cry of the orphan heard throughout the length and breadth of those unhappy lands. These are the victories of war.

Look now on the other picture in our beautiful country and you will see prosperity and happiness everywhere, our men buoyant and happy as they cheerfully follow their peaceful pursuits to support their loved ones, joy and happiness in the hearts of the mothers and laughter and song in the souls of the children as they see father and brother at home, the birds singing, the flowers blooming, and everybody contented. These are the victories of peace for which we are indebted to our great President. [Applause.] Therefore, in the realization of his marvelous services we will gather around him, uphold and sustain him during the rest of this term, and march with him onward and upward to grander achievements and more glorious developments, if possible, and on to his victorious reelection for another term. I feel sure that my friends in the first district will see to it on Tuesday, August 15, 1916, that I am retained in Congress to help him in his great work, and that I will be with you here, gentlemen, during next Congress to continue our united efforts for the glory of our great country and the good of all the people. [Great applause.] I thank all the Members of the House for your attention and your kindness.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the general state of the Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. POW].



Mr. POUL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general state of affairs in the United States.

The SPEAKER pro tempore. Without objection, leave is granted [After a pause.] No objection is heard, and it is so ordered.

Mr. LEVER. Mr. Speaker, I yield 15 minutes to the gentlemen from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, I want to congratulate the farmers and stockmen of this country that this Agricultural bill that we are now about to pass contains in the clause on eradication of foot-and-mouth disease a provision that in the future will protect them against the unjust rules and regulations that were enforced during the recent outbreak of the foot-and-mouth disease. I refer to that clause which provides that "all quarantine regulations" must be "lawful." The inclusion of this word "lawful" is a great satisfaction to us not only because it covers the very point for which we fought when the bill was before the House, but because it will protect the various States against any attempts that might be made by the Bureau of Animal Industry to override State laws by their own rules and regulations.

The insertion of the word "lawful" means that hereafter the Federal Bureau of Animal Industry must conform with the State laws in its regulation of these diseases; or, at least, it means that the farmers can not be deprived of their money simply because they do not obey some fanatic order of any administrative body down here in Washington. It is a vastly different proposition to say that in order to be paid for stock killed a farmer must obey "all quarantine regulations," as was provided in the amendment submitted to this House—the clause to which I objected—and to say that he must obey "all lawful quarantine regulations," as it now is written in the bill. I feel very confident that no one in Iowa will object to this part of the law as it is now written; but practically every one in my district, where we had had the experience we did in this matter, objected to obeying quarantine rules that were not legal.

It was to have this very thing accomplished that we waged such a hard contest months ago, and have been misrepresented thereby since. At that time I insisted that the Bureau of Animal Industry had acted without authority in enforcing quarantines of its own not in accord with State laws. There were some at the time who questioned this statement, but so far I have been unable to find any authority to prove that the National Government has any quarantine rights intrastate, and no one questions their right interstate. To substantiate my statement I quote from Mr. William E. Waltz, dean of the School of Law, University of Maine:

It is universally conceded that quarantine law—that is, laws preventing intercourse for a certain space of time on the part of persons infected, or under suspicion of infection, with others in order to prevent the spread of some contagious or infectious disease—come under that part of the police power which concerns the preservation of the public health. It has been established by a long series of decisions that the police power belongs to the powers not delegated to the United States by the Constitution nor prohibited by it to the States, and is hence reserved to the States, respectively, or to the people.

In determining whether a given governmental power rests with the Federal Government or with the States we must start with the presumption that it rests with the States unless such power has been surrendered by the Constitution to the United States, either expressly or by implication, and that the States possess and exercise, except as so restrained, the authority of independent and sovereign States, having exclusive jurisdiction over persons and things within their territory.

It is admitted that the police power is not expressly surrendered by the States, and an examination of the authorities goes to show that there is no adjudicated case holding that this power is delegated to the Federal Government by implication.

In so far as quarantine laws are the legitimate exercise of the police power of the different States as applied to local conditions, legislation along this line rests exclusively with the States, and the Federal Government, in the absence of any power delegated to it expressly or by implication, can not in any way make laws directly dealing with these conditions or superseding to any degree this power originally vested in the States by reason of their independent sovereignty.

It must be admitted that in the absence of an amendment to the Constitution Congress has no power to deal directly with what is properly intrastate and strictly local quarantine, and for many reasons it is well that such is the case.

This proves conclusively that the Bureau of Animal Industry was clearly without authority when it promulgated and enforced those quarantine rules in several States which proved so costly to the farmers. I have been criticized and charged with attempting to deprive the farmers of pay for any stock that might be killed in future outbreaks by raising a point of order against the clause that I did. As a matter of fact, the greater part of that clause which I have been accused of eliminating I did not object to at all. The clause to which I objected was that which simply refers to quarantine regulations, and this was thoroughly understood. This is shown by the RECORD of April 29, page 7099,

when in discussing the arrangement of time the following debate took place:

Mr. LEVER. Let me ask the gentleman a question. Is the gentleman going to move to strike it out or make any substantial amendment to it? The question of talk is one thing, and I am willing to give a liberal time. If there is a general proposition to strike out or increase, that is one thing.

Mr. KING. I have three amendments that I want to offer in good faith, and the gentleman from Iowa [Mr. HULL] can speak for himself.

Mr. MADDEN. I also have an amendment.

Mr. HULL of Iowa. I have a point of order and three amendments to make.

Mr. LEVER. It will not take long on the point of order, for I know what it is. How would one hour on a side do on the paragraph relating to foot-and-mouth disease?

Now, what took place on May 2, when this bill was under consideration again and I raised the point of order, was that the chairman of this committee, the distinguished gentleman from South Carolina, insisted that the paragraph go out, and he thereby mutilated his own bill to that extent. In making the point of order my object was not to defeat the proposition to reimburse farmers for stock slaughtered, but to perfect the amendment by eliminating the limitation entirely or amending it by placing the word "lawful" before "all quarantine regulations," as it is now written. This is shown in the RECORD of May 2, on page 7251. I offered the following amendment:

At the end of the Lever amendment insert "including the payment of claims growing out of past and future purchases and destruction in cooperation with the States of animals affected by or exposed to or of materials contaminated by or exposed to any such disease wherever found and irrespective of ownership under like or substantially similar circumstances."

This is the language of the bill without the clause to which I objected, and this amendment was stricken out on a point of order by Mr. LEVER himself.

By inserting the word "lawful" we compel no man to obey any rules and regulations unless they are in compliance with the laws of the State in which he lives. It is the object we who fought so long in the House had in view, and we welcome legislation whereby the farmers will be protected from the autocratic methods of a bureau here in Washington.

I want to say that now is the time for this Bureau to prepare to stamp out the next outbreak of foot-and-mouth disease. It is a poor excuse for a department such as this Bureau of Animal Industry to say that in an outbreak of an epidemic like foot-and-mouth disease they are not prepared to fight the disease. This is just exactly what we are paying them for, and they should prepare at all times for an outbreak of all those diseases as well known as foot-and-mouth.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. HULL of Iowa. For a question; yes.

Mr. McKENZIE. What would the gentleman do in a State, for example, where they did not have any State quarantine law? How would you take care of the situation in that State?

Mr. HULL of Iowa. The legislature ought to pass one.

Mr. McKENZIE. But suppose they did not?

Mr. HULL of Iowa. I did not know there was any State that did not have such a law, but that does not make any difference. It does not justify Congress in trying to do something they can not do.

Mr. McKENZIE. The point I am trying to make is, How would the gentleman take care of the situation, in order to protect the general public, where the State has no law?

Mr. HULL of Iowa. What State is there that has no quarantine law? I assume, and think I am correct, that every State has such a law. If not, it is time they had one.

Mr. McKENZIE. I am just submitting the proposition.

Mr. HULL of Iowa. But what State? I examined a number of State laws, and did not find a State without a law of some kind on the matter. I found a number of States that did not permit the kind of quarantine that this bureau was enforcing in that particular State.

Mr. McKENZIE. I do not know of any State, but I am simply submitting the proposition to find out what the gentleman from Iowa would suggest the Government should do in a case of that kind.

Mr. HULL of Iowa. Just what I am suggesting now, that their attention should be called to the fact that they have not that law and that they ought to have one. They have a legislature, and that is the duty of the legislature.

Mr. McKENZIE. But the gentleman's contention, as I understand it, is that the State law should be supreme and that the Federal law should be subject to the State regulation?

Mr. HULL of Iowa. I am not contending what should be; I am simply stating what the Constitution permits. You can not change the Constitution and the laws of this country to suit your particular ideas of how best to suppress disease or crime. Those who enforce law must first themselves be law-abiding.

Mr. SMITH of Michigan. Will the gentleman permit a suggestion there?

Mr. HULL of Iowa. I will.

Mr. SMITH of Michigan. Does not the gentleman think it could be taken care of under police regulation and for the good of the public health in any State?

Mr. HULL of Iowa. By the State; yes.

Mr. SMITH of Michigan. In any State.

Mr. HULL of Iowa. Certainly.

Mr. SMITH of Michigan. Already under their fundamental law.

Mr. HULL of Iowa. Yes.

It may be true that running a quarantine according to the laws of the several States will not make it as easy as if they were run by one central authority, but nevertheless it is the one way you can run a quarantine in the State and run it legally. If the laws of the several States are not as they should be it is time to find it out, and they should do so at once. They will find that the State of Iowa will gladly meet them more than half way; that they are more anxious than anyone to stamp out contagious disease among the live stock. All they insist upon is that the rules be made practical to the conditions that prevail in the State. The Legislature of the State of Iowa, made up, as it is, largely of practical, level-headed farmers, is certainly good authority on all these matters. In other words, the State of Iowa is very willing to cooperate with the Bureau of Animal Industry, and they expect them to aid and advise them, but they do not expect to turn over the lawmaking power on so drastic a matter as a quarantine to any bureau in Washington and allow them to dictate the law. The Legislature of Iowa will unquestionably protect the farmer so that he can sell stock not diseased or exposed to disease. To deny this right will compel the farmer to quit the live-stock business. They will protect the farmer against quarantine laws not drawn in the capitol of the State and against laws that were drawn in Chicago that robbed the farmer by rigging the market to pay dividends on watered stock and which made possible an insurance graft of huge proportions. They will not permit an embargo being placed on business when there is no evidence of disease. They will not pass laws permitting a bureau here in Washington to issue a law preventing the farmer from driving cattle into sheds and barns located on his own farm when a blizzard is raging outside. In fact, their laws will be sane laws and not insane laws. I believe the results we have obtained in this respect on this bill have justified the efforts we have made.

I have had no personal feeling in this matter. The fight has been a long, hard one, but if I have called attention to the great outrage perpetrated by the Government when it ran the foot-and-mouth quarantine, and have made a repetition of it impossible, I shall feel satisfied and consider the time and effort well spent.

Congress has no power to pass quarantine laws, and it therefore has no power to delegate to anyone that authority, and it is therefore illegal and unconstitutional for any bureau here in Washington to assume that it has this authority. For any bureau here in Washington acting with a bureau in a State to presume to trade or pass this authority from the State to the national bureau is just as wrong. The people of the State, acting through their legislature, are the only ones who are qualified to pass a quarantine law under the Constitution as it is now written, and the people themselves are the only ones that can surrender that power constitutionally.

I have the utmost respect for these bureaus of the Government and the great work they are doing, but when they try to become the dictators of legislatures they are treading on very dangerous ground, and it is time that Congress should let them know that they are only advisers of the Government, and not makers of law. [Applause.]

Mr. LEVER. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, a matter was brought to my attention on yesterday which, if true, is certainly of great interest to the membership of this House. I recite the story only as it was told to me. I was informed that our distinguished opponents on the other side of the aisle in preparing for the coming campaign are having a series of moving pictures taken; that somewhere not known to the ordinary Republican mortal there is a room fitted up somewhat similar to the Speaker's room; and that the Democratic candidate rushes into that room with a roll of papers under his arm, a look of statesmanship upon his face, and after a consultation with the Speaker receives his blessing and departs.

The next place that he appears is in some room somewhere where the distinguished gentleman from North Carolina [Mr. KITCHIN] receives him, and he sits down and consults with him about matters of important legislation, bills are examined,

and apparently conclusions of great weight are reached. All this scene of the candidate's familiarity with Democratic greatness is placed upon the reel and is to be exhibited to the admiring constituency of the Democratic candidate and his friends.

This picture is labeled "A candidate is not without honor save in his own district."

Now, I do not know that I have any particular criticism to make of this performance. I think I ought to voice one objection, however. I understand that Charlie Chaplin and Mary Pickford get enormous figures for acting in moving pictures. I do not think it is fair to have the honored Speaker and the distinguished gentleman from North Carolina play the leading part in this greatest of picture performances for an ordinary salary. They are hurting the profession.

Then, there is another thing I would suggest to my Democratic friends. I think somewhere along the line they ought to have a scene with the distinguished leader on this side of the House [Mr. MANN], because then they could satisfy their constituents that they at least have been in a position where they might possibly get inoculated with real information and really know what was going on.

But I understand that there are some group pictures also being made and to be used in this campaign by this same outfit. One of those group pictures consists of our distinguished Speaker, Mr. KITCHIN, Mr. UNDERWOOD, and Mr. FITZGERALD, showing their attitude, their demeanor, and their humor when they received word that the President had changed his position upon the Panama Canal. [Laughter.] It is said that no one who understands lip reading is permitted to look upon this picture. [Laughter.] It is, I am told, labeled "The Outcasts."

Then the next picture shows a group of distinguished southern Senators. First, it shows them when they received the news that the President had indorsed the legislative program for this session with the child-labor bill left out. The next part of the same reel shows them after they had received the news that the President, after consulting his campaign manager, had come over to the Senate and directed that it be passed during this session. And in this second group, standing well in the foreground, is the distinguished Senator from Georgia, Mr. HARDWICK, reading that noted sentence that was written across the Democratic campaign textbook in 1914, "Thank God for Woodrow Wilson."

This pathetic exhibition is labeled, "We favor one term for President."

Now, the next one, according to the information I have, shows a scene at the White House. It shows one of the Democratic candidates going up there to see the President and receiving his orders as to how he should vote, and then the look of satisfaction and of calm content upon his face as he goes back and notifies his constituents as to how he is going to proceed and what measures he is going to support and how he will vote all in the interest of the people. And the next scene shows him after the President has changed his attitude and he has been notified that he has to vote the other way. [Laughter and applause.] That, I think, is labeled "Innocents abroad in Washington." [Laughter.]

Now, the next picture in the series, as I am informed, represents the President situated at a typewriter, working with tremendous energy in his correspondence with the belligerent nations. It is labeled "We are bound to win if the trust does not corner the paper supply."

Then the sixth on the program consists of four reels. It shows the President in 82 distinct and different attitudes upon 41 important questions—upon each side of all of them. [Laughter and applause.] It is said, even with all the power of machinery and with all the rapidity with which a moving picture can be shown, even then justice can not be done to the original. This is the greatest exhibition of the skill of the lightning-change artist ever exhibited to the American people. [Laughter.] This performance is said to be especially adapted for the movies. It is labeled "Stand by the President."

The last of this series, as I am told, represents the President full armored, with sword drawn, his foot upon the neck of Huerta and waiting for the rabble to indicate whether it is thumbs up or thumbs down.

Then we see our great Navy on its way to Mexican waters; we see it drive out the magnificent navy of Mexico that consists of one old dilapidated gunboat. We see the bombardment of Vera Cruz. We see the crumbling buildings, the maimed and killed Mexicans. We see the seizure of the customhouse and the taking of \$1,000,000. We see the flag lowered, the return to our own country, leaving American citizens to be cared for by foreigners. Then we see the funeral at New York of our own killed. We read the magnificent sentences of the President in his funeral oration at that time.



And then we turn to the border. We see the murderous Villa and his victims slain at Columbus. We see the ammunition that has been sent from this country to Villa and to Carranza. We see it used against our own people. We see the massacre at Carrizal. We see the American soldiers marching through the burning sands of the desert and pursuing the bandits that have slaughtered Americans, marching between two parallel lines of railway they were not permitted to use. We see the thousands of soldiers scattered along the Mexican border. We see a procession of American citizens that have been driven from Mexico, of the men that have been murdered in Mexico, and of the American women that have been outraged in Mexico.

We turn and we see at Arlington the new-made graves of our slain. This heroic picture is labeled, "Too proud to fight; or, he has kept us out of war." [Applause on the Republican side.]

Mr. LEVER. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] is recognized for three minutes.

Mr. QUIN. Mr. Speaker, it looks to me as if the gentleman from Washington [Mr. HUMPHREY] has searched, around and found it very hard to find something to talk about, if he has to go around all the splendid, magnificent, constructive legislation that this Congress and this administration have enacted, representing the people, and instead undertakes to criticize this great work and the President of this great Republic.

I want to say to the gentleman from the State of Washington that he ought to be happy on this great occasion when the conference report of the great Committee on Agriculture of this House has brought out and agreed upon a bill that carries the greatest blessings ever brought out for 38,000,000 of people in the United States, the great farming class of people, who constitute the backbone and the sinew of this Republic. [Applause on the Democratic side.]

Will you vote for this conference report? Can not you see, sir, in this great bill \$30,000,000 for agriculture that is worth more than any other \$400,000,000 which Congress has appropriated in the last 50 years? Can you not see, sir, the great benefit that is going into the agricultural-extension work, the great benefit that is going into the special field seeds and garden seeds which the conferees put back into this bill after those provisions had been stricken out by the Senate? Can you not see the great benefit to the cattle raisers, the truck farmers, the grain farmers, and the cotton farmers?

You, sir, are criticizing the President and the Democratic Party. You are talking about back numbers and dead issues in the past. You, sir, are unable to see in our constructive work the great benefits that are coming to the humble homes of millions of poor people and the firesides of the farmers of this country.

I think you ought to rise up with the great mass of the American people and thank God that we have in this country peace, happiness, and prosperity, when all Europe is engaged in war. There, sir, across the deep Atlantic you have the picture of the widow and orphan, with the briny tears running down their cheeks, standing before a grave containing the body of a brave man, killed in battle—for what? Because some crowned king or royal potentate said there must be war, and the great masses, the common people of Europe, are dying daily, sir, in consequence.

You want to see the United States engaged in that sort of business. You have in this country the workingman, the farmer, the business man, and the professional man, all happy in prosperity. Their wives are happy, their children are happy, they have smiles and laughter in their hearts, but the gentleman from Washington can not appreciate that. He can not appreciate what this great party of construction and this great patriotic President has done in keeping this country at peace, in keeping it in strict neutrality, in making prosperity, happiness, and joy instead of devastation, destruction, and despair, according to the ludicrous gentleman from the State of Washington. Thanks be to Almighty God that the majority of men who compose this great body do not have in their hearts the spirit that seems to animate the gentleman from Washington when he delivered that 10-minute utterance just preceding me. Thank God we have a President and a Democratic Congress that stand for peace instead of for war, destruction, sorrow, and devastation. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. LEVER. Mr. Speaker, I move the previous question.

Mr. ANDERSON. Mr. Speaker, does the gentleman intend to make any statement whatever as to the conference report?

Mr. LEVER. I would be very glad to answer any questions that may be asked in regard to it.

Mr. ANDERSON. The House conferees appear to have receded from the House disagreements in practically all of the amendments adopted by the Senate to the grain-grading section. I was somewhat curious to learn what arguments induced the conferees to recede, in view of the fact that I had endeavored to secure the adoption of some of these amendments on the floor and in the committee without avail.

Mr. LEVER. If the gentleman will point out some specific amendments concerning which he desires information, I can probably give him the information he desires. I will say this, however, that the House conferees have felt, with reference to the grain-grading bill, that they have receded from the mere nonessential, and have won out on the essential, propositions in conference between the two bodies.

A great many of the recessions as to that bill are with reference to the insertion of the words "interstate or foreign commerce" or "consigned for sale," and things of that kind—simple changes of language. In my judgment they do not amount to a very great deal. We feel that on the essential propositions the House conferees have won substantially all along the line.

Mr. ANDERSON. The amendments that I had particularly in my mind were those beginning with No. 191 to No. 196, inclusive. The proviso as now amended requires the Secretary of Agriculture to issue licenses to inspectors who are authorized to inspect grain under State laws in the States in which they have State grain-inspection systems. I am in favor of that amendment. I tried to have it adopted on the floor and in the committee.

I was wondering what arguments were advanced by the Senate conferees that induced the conferees on the part of the House to accept the amendments, in view of the fact that the bill as originally reported to the House was declared to be so good that it was impossible to amend it in any respect on the floor when it was here.

Mr. LEVER. Mr. Speaker, I will yield to the gentleman from Missouri [Mr. RUBEN], who was on the floor at the time and who was also a member of the conference committee.

Mr. RUBEN. I will say to the gentleman in regard to these amendments that the bill as it left the House provided that the Secretary of Agriculture should, in issuing these licenses, give preference to the men who inspect the grain in the States where they have grain-inspection systems provided by law.

In effect the Department of Agriculture would do that anyway. So we simply agreed to the Senate amendment, and put into the bill what would have been done by the Agricultural Department anyway.

Mr. ANDERSON. The gentleman's view about that proposition appears to have changed since the bill passed the House.

Mr. RUBEN. Oh, no; the gentleman's view has not changed. The gentleman's view is now just as it was before.

Mr. ANDERSON. I have a very distinct recollection of an attempt to secure the adoption of this amendment in the committee and on the floor without success.

Mr. RUBEN. The gentleman's view and the committee's view may not be the same, but my view has always been that these inspectors ought to be licensed by the Secretary of Agriculture. That is my personal view. The committee thought otherwise, and on the floor of the House I stood with the committee.

Mr. ANDERSON. Now, I should like to direct the attention of the gentleman to amendment 174. The House conferees appear to have succeeded in getting the consent of the Senate conferees to recede from that amendment. That amendment, as adopted by the Senate, is very important from the standpoint of States like Minnesota, that have State grain inspection established by law. It provides that the appeal shall be from the final decision in the State; and if stricken out, the appeal will be from the original inspection in the State, and will have the effect of wiping out the various grain boards of appeal in the States.

Mr. RUBEN. The view of the House conferees was that if you had an appeal first to the State authorities and then to the Secretary of Agriculture, you would simply complicate matters. We thought the best thing was to have the appeal directly to the Secretary of Agriculture. The Secretary of Agriculture establishes these grades, and enforces the grain grading throughout the country, and we thought it would be much better to have the appeal made directly to him; and the House conferees held to that view, and the Senate conferees receded.

Mr. ANDERSON. It seems to me the view of the House conferees on that proposition is somewhat inconsistent with their

view with respect to the rest of the bill. As to the rest of the bill the House conferees apparently have been willing to retain the various State inspection systems as they exist in the States now, but with respect to appeals they appear to have taken an entirely different view.

Mr. RUBEY. I will say to the gentleman that this appeal clause, section 6 of this bill, is the only provision in the bill which throws around the inspection system of the country the safeguards necessary to see that the grand standards are enforced, and that the grades are adopted by the various States and throughout the country, and the appeal is made directly to the Secretary of Agriculture in order that we may have uniformity in applying the standards and have a uniform system of grading; in other words, to see that standards are applied uniformly throughout the country.

Mr. ANDERSON. I do not think you are going to get uniformity in that way, for this reason, that in the case of intrastate shipments the appeal will necessarily be to the State board of appeals, and their decision in that case, I suppose, will be final, while, if it is an interstate shipment, the appeal will be to the Secretary of Agriculture. The result will be that you will have two final decisions, one determination final in the case of intrastate shipments and the other determination final in the case of interstate shipments. Consequently, instead of having uniformity you will have a complete lack of uniformity and a complete disagreement.

Mr. RUBEY. The gentleman realizes, of course, that a large per cent of the grain—90 per cent of it—goes into interstate and foreign commerce, and the intrastate grain trade is a very small part of the entire amount.

Mr. ANDERSON. However small it may be, it is nevertheless entitled to the consideration of the committee and of the conferees.

Mr. RUBEY. This bill is for the purpose of taking care of interstate and foreign commerce. We have nothing whatever to do with the intrastate grain shipments.

Mr. ANDERSON. Of course, I have no disposition whatever to criticize the House conferees. I do want to say, however, that in my judgment this bill in its operation will give rise to very serious complaint and objection, and that before it has been in operation very long it will be found necessary to amend it in very many and very material particulars.

Mr. COX. Mr. Speaker, I want to ask the chairman of the Committee on Agriculture a question.

Mr. LEVER. I ask unanimous consent that the hour allotted to me may be extended 10 minutes. There are several gentlemen who desire to get in.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that his time may be extended 10 minutes, so that he may yield to other gentlemen. Is there objection?

There was no objection.

Mr. COX. Will the gentleman yield to me?

Mr. LEVER. I yield to the gentleman from Indiana.

Mr. COX. How much do the Senate appropriations in this bill amount to compared to those carried in the bill when it left the House, exclusive of Senate amendment 50, which relates to the purchase of land in the Appalachian forest?

Mr. LEVER. The bill as it passed the Senate, leaving out the Appalachian and White Mountain appropriation of \$3,000,000, is about \$670,000 less than the bill as it left the House.

Mr. COX. I think the Senate should be congratulated, for once in its long history, on having reduced the amount of an appropriation bill instead of increasing it.

Mr. LEVER. Before the gentleman extends his congratulation, let me say that \$1,250,000 of that is a reduction in the \$2,500,000 insurance fund for the foot-and-mouth disease, which, from present indications, will not be needed.

Mr. COX. I do not care very much where the reduction comes, so long as it is a reduction. What disposition was finally made of amendment 59, the investigation of experiments for the purpose of determining colors? Did the House or Senate recede?

Mr. LEVER. The Senate committee and the Senate itself restored to the bill the language which was reported by the House committee.

Mr. COX. Then the \$50,000 originally carried in the House bill is available for that purpose?

Mr. LEVER. Exactly.

Mr. COX. I think that is a wise provision. Now I want to get information in relation to one more amendment, amendment 65. What was done with that, finally? Was that money turned over to the Agricultural Department, to let them use it as an indeterminate fund, or was it covered into the Treasury?

Mr. LEVER. The House agreed to that proposition with an amendment providing that whatever money might be received should be turned into the Treasury as miscellaneous receipts.

Mr. COX. And I believe the Senate receded from its artesian-well proposition?

Mr. LEVER. Yes.

Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SLOAN] three minutes.

Mr. SLOAN. Mr. Speaker, I quite concur with the gentleman from Minnesota [Mr. ANDERSON] that in order to have a workable bill there will have to be amendments to the grain-grading proposition, but I trust that when those amendments are made they will not be made along the line suggested by the gentleman from Minnesota. The real contest in the grain-grading bill has been between two or three States which have already grain-grading laws, and which provide for their own inspectors, and those who desire grain grading as it ought to be by the General Government for interstate and foreign shipment. It has been their contest and fight all along the line. So that when we started out to have governmental grading of grain the grain producers of the country did not want the Government to yield the control of this grading to these three or four States that have great grain markets such as Minnesota, Illinois, and Missouri.

When the first grain-grading bill was put through the House it was made permissive upon the part of the Secretary of Agriculture to license the men who were in the service of the States. Later on the bill which passed the House this term gave them the preference. Now, the final move has been taken by the Senate and agreed to by the conferees of the House which practically gives these States which have the special grain-grading laws absolute control. Because they have the power under the conferees' report to say in effect what men, and only what men, shall ever become inspectors for the purpose of grading grain which goes into interstate and foreign commerce.

Mr. RUBEY. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. RUBEY. The gentleman will recollect that another section gives the Secretary of Agriculture the right to revoke these licenses.

Mr. SLOAN. That is true, of course.

Mr. RUBEY. It gives him not only the right but it directs him to appoint them, and it gives him the absolute right to revoke the licenses, and in addition to that in another section it imposes a heavy penalty and a fine upon licensed inspectors for any malfeasance in office.

Mr. SLOAN. I desired to make myself plain in this. As it is now under this bill, no man can become an inspector in these States until he has become a licensee from the State. It is true that the Secretary of Agriculture—

Mr. RUBEY. The gentleman is mistaken in that. The men who are now employed in the State department will be licensed, but this does not prohibit the department from licensing others in addition.

Mr. SLOAN. There must be a great increase in the amount of grain in interstate and foreign commerce before he will have an opportunity to appoint others. Unless the amount is materially increased the inspectors have nothing to do beyond what they now have. So in the initial selection the men who are to grade the interstate grain under this bill will be those who now grade the grain in the markets and have graded the grain under these State commissions, or whatever they may be called.

Mr. RUBEY. We have thrown around it every possible safeguard that we could, and if these men do not show themselves to be competent, the Secretary of Agriculture can remove them and appoint others.

Mr. SLOAN. That is true; but not every safeguard is thrown around it; the greatest safeguard from a national standpoint would be to place in the Secretary of Agriculture the power to select these men himself. If we are to have a national grain-grading law it ought to be national and not at the dictation of the several States—a grading system which constituted the real demand for the national legislation. If the people of the United States were satisfied with State control of grading, as it has been conducted for the last 10 or 20 years, there would have been no occasion whatever for grain-grading legislation. This report is to a large extent a surrender to the control of grain-grading organizations, dissatisfaction with which prompted this grading legislation.

Mr. STEENERSON. Will the gentleman yield?

Mr. RUBEY. If I have the time.

Mr. STEENERSON. I think the question has been answered, but I want to be sure. I want to ask the gentleman whether, on page 117, amendments 190, 191, 192, and 193 limit the inspectors to those appointed by the States, or whether, under this bill, the Secretary of Agriculture can appoint those who are not inspectors?



Mr. RUBEY. He must appoint those now employed by States, but he can appoint in addition others that may be needed.

Mr. STEENERSON. I do not see that in the bill.

Mr. RUBEY. The gentleman will find in the last section of the bill, that the Secretary of Agriculture is given the right to appoint as many as he may deem necessary to carry out the provisions of the act.

Mr. STEENERSON. There is created under section 5 the board of appeals.

Mr. RUBEY. No; the board of appeals amendment introduced in the Senate was receded from by the Senate conferees.

Mr. STEENERSON. So there is no board of appeals?

Mr. RUBEY. No board of appeals.

Mr. STEENERSON. The appeal is simply to the Secretary of Agriculture?

Mr. RUBEY. To the Secretary of Agriculture.

Mr. STEENERSON. Is it supposed that the Secretary will attend and decide these appeals in person?

Mr. RUBEY. No. I will say in explanation of that that there are in this country 30 or 40 great grain markets, and in each of these markets the Secretary will have his representatives, one or more, as the business of that particular center may require. These men will be experts in grain, and they will pass upon each and every appeal immediately after it is made, so as to avoid any delay, absolutely.

Mr. STEENERSON. That is what I had in mind.

Mr. RUBEY. We want the appeals to be decided at once, so as to avoid delay.

Mr. STEENERSON. It does not contemplate that an appeal shall lie from the Secretary of Agriculture or his representative to Washington?

Mr. RUBEY. No, indeed.

Mr. STEENERSON. That would make unnecessary delay.

Mr. RUBEY. Unnecessary delay, demurrage, and so forth.

Mr. STEENERSON. There is no further appeal?

Mr. RUBEY. The gentleman is correct.

Mr. STEENERSON. The other point I had in mind has been covered by my colleague.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Missouri [Mr. Rubey] for two minutes.

Mr. RUBEY. Mr. Speaker, I want to say to the Members of the House in connection with the grain-standards act that this legislation or similar legislation has been pending in Congress for many years. There are two schools of thought. One that which seeks to have Government inspection and the other that which seeks to have Government supervision. The bill which we have passed, and which we are agreeing to here to-day, is a bill providing for Government supervision over grain grading throughout the country. The bill as it passed the House, and as it has been agreed to in conference, is, in my opinion, a most excellent measure, will meet the conditions of the country, and will prove satisfactory to everyone who has to do with grain, from the man who produces it on the farm to the miller who converts it into flour, or to the grain dealer who ships it into foreign lands. I believe that the passage of this act marks a great advance step along the line of the establishment of Government standards for agricultural products. I am satisfied that it will be acceptable to the people of the country.

Mr. STEENERSON. Why does the gentleman say that this gives merely supervision of inspection? It seems to me that it provides for inspection.

Mr. RUBEY. It provides, in the first place, for the establishment of grain standards. Then the Secretary of Agriculture licenses men throughout the country to grade the grain. In States which have State grain inspection established by law the inspectors are employed by the States and paid by the State; in other States the inspectors are employed, but paid by boards of trade and chambers of commerce, as at present. The Government itself comes in as a supervisor of the grading in each one of the great grain markets, so that in reality instead of the Government appointing thousands of men and paying them salaries to go out and grade grain in every part of the country this bill simply provides for supervision of the grading of grain by men appointed by the Secretary of Agriculture, and these men will see that the standards are applied correctly and justly and that the grain is given the grade that rightly belongs to it.

Mr. STEENERSON. It seems to me that when the Secretary decides the appeal he actually grades the grain.

Mr. RUBEY. No; when he decides the appeal he simply passes upon the work done by these grain graders or inspectors.

Mr. STEENERSON. And they are his own subordinates.

Mr. RUBEY. And exercise supervision over the grading. Not only that, but when this law gets into full operation, and as these men are employed in first one market and then another

and are being transferred from one market to another, supervising the grading in one place and then supervising it in another, they will naturally unify the system and bring about a uniform application of the grain standards throughout the country.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. LEVER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. LEVER. Mr. Speaker, I offer the following motion which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment No. 50, by Mr. LEVER:

"I move that the House recede from its disagreement to the amendment of the Senate No. 50, and agree to the same."

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House recede from its disagreement to Senate amendment No. 50, and agree to the same.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. There are four amendments that were not agreed to. They are all dependent upon this amendment. Could we not have, by unanimous consent, a motion covering all four of the amendments?

Mr. LEVER. I thought if my motion should prevail, then it would be necessary to make further motions with reference to these other amendments; but if my motion should be voted down, then another motion would not be necessary with respect to these other amendments.

Mr. MANN. I understand; but why should we not have an agreement that the motion should cover all four of the amendments? They are all the same thing.

Mr. LEVER. No; they are not the same. The other motions that I should make would be to concur in the different Senate amendments with an amendment, so as to correct the totals.

Mr. MANN. Very well.

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House recede and concur in Senate amendment No. 50.

The motion was agreed to.

Mr. LEVER. Mr. Speaker, I also offer the following motion. The Clerk read as follows:

Amendment No. 54, by Mr. LEVER:

"I move that the House recede from its disagreement to Senate No. 54, and agree to the same with an amendment as follows:

"In lieu of the sum proposed by the Senate amendment insert \$8,549,735."

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House recede from its disagreement to Senate amendment No. 54 and concur in the same with an amendment.

The motion was agreed to.

Mr. LEVER. Also the following motion:

The Clerk read as follows:

Amendment No. 112, by Mr. LEVER:

"I move that the House recede from its disagreement to Senate amendment No. 112, and agree to the same with an amendment as follows:

"In lieu of the sum proposed by the Senate amendment, insert \$25,125,852."

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House recede from its disagreement to Senate amendment No. 112 and concur in the same with an amendment.

The motion was agreed to.

Mr. LEVER. I also offer the following motion, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment No. 223, by Mr. LEVER:

"I move that the House recede from its disagreement to the amendment of the Senate No. 223, and agree to the same with an amendment as follows:

"In lieu of the sum proposed by the Senate amendment, insert \$26,948,852."

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House recede from its disagreement to Senate amendment No. 223 and concur in the same with an amendment.

The motion was agreed to.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the Agricultural bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WASON. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks on Senate amendment No. 50.

The SPEAKER pro tempore (Mr. CLARK of Florida). Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wisconsin [Mr. KONOP] is recognized for 30 minutes.

Mr. KONOP. Mr. Speaker, when the present session of Congress comes to an end legislation of great importance to the country will have been enacted into law. Since the opening of the Sixty-second Congress in 1911, the first Democratic Congress since 1895, more reform and progressive legislation, more legislation for the benefit of the great masses, have been placed on the statute books than in any period of our history. [Applause on the Democratic side.]

Because of a Democratic administration at Washington we now elect United States Senators by popular vote, and we have a publicity law which insures the honest election of Senators and Representatives.

We have the income tax, which places the burden of taxation on those best able to pay, and nets to the Treasury nearly \$140,000,000 a year. [Applause on the Democratic side.]

We have the Underwood tariff law, the first honest downward revision of the tariff in a quarter of a century, and we will have a nonpartisan tariff commission which will prevent the tariff from being used as a football of politics in the future. [Applause on the Democratic side.]

We have a new banking and currency system which has emancipated the American people from the money changers of Wall Street.

We have the Federal Trade Commission and the Clayton anti-trust law for the protection of honest business men and the encouragement of honest business.

We have passed a law for the physical valuation of railroad properties in order to enable the Interstate Commerce Commission to fix just passenger and freight rates.

We have enacted liberal pension laws to take care of the old soldier and his widow in their old age.

And what about the 25,000,000 men in this country who labor by the sweat of their brows? For years they have been petitioning Congress for legislation, but not until after the election of a Democratic majority in the Sixty-second Congress were these petitions heard.

We have a Secretary of Labor, and labor now occupies a prominent position at the President's Cabinet table.

We have an eight-hour law on works done for the Government as well as work done by the Government.

We have the children's bureau for the protection and welfare of the youth of the country, and we will have a child-labor law.

We now have laws for the safety and protection of workmen in hazardous occupations, such as the phosphorous match act, the Bureau of Mines act, and Bureau of Safety Appliances.

We now have a seaman's law which has liberated the seamen, and we have exempted labor unions from the operation of the antitrust law, thereby liberating the laboring man and elevating him above property and the almighty dollar.

We created a Commission on Industrial Relations, whose recent report is opening the eyes of the country to our industrial problem; and we have passed a law providing for a Board of Mediation and Conciliation which has successfully adjusted differences between employers and employees.

We have given to labor a trial by jury in contempt cases and limited the use of the injunction in labor disputes.

We have elevated the post-office employees to the plane of free American citizens by removing gag rules that were promulgated by President Roosevelt and President Taft.

The House has passed a workman's compensation bill, and a bill providing for the retirement of superannuated postal employees has been favorably reported from a House committee and is now on the calendar of the House.

And for the farmers of the country—besides all the progressive and reform legislation, we have extended the Rural Free Delivery System and established a Parcel Post System.

We have given the farmer a rural-credit system for which he has been begging for so these many years.

We have passed a bill for agricultural extension work, a warehouse bill, and a bill to stop gambling in farm products.

We have enacted a good-roads law which extends Federal aid to road building.

Mr. DENISON. Will the gentleman yield?

Mr. KONOP. Yes, sir.

Mr. DENISON. I noticed in enumerating the various laws I did not understand my colleague to mention the immigration bill. Was that omitted intentionally or by oversight?

Mr. KONOP. It has not become a law yet.

Mr. DENISON. I know, but the gentleman has mentioned several others that have not become laws.

Mr. KONOP. Yes.

Mr. DENISON. The child-labor bill has not become a law; the corrupt-practices bill has not become a law.

Mr. KONOP. We have now a publicity law, but the new law has passed the House of Representatives.

Mr. DENISON. But I am just wondering if my colleague omitted that by oversight or intended to mention that.

Mr. KONOP. I can mention that if the gentleman wants me to do so.

Mr. GOODWIN of Arkansas. May I ask the gentleman a question?

Mr. KONOP. Certainly.

Mr. GOODWIN of Arkansas. Did the Republican Party during its tenure of 16 years pass an immigration bill or any of the other bills to which the gentleman has referred?

Mr. KONOP. I do not think so.

Mr. STEENERSON. If the gentleman will permit, the gentleman referred to the parcel-post law. The gentleman is aware of the fact that was passed during the Taft administration and took effect the 1st of January before this Democratic administration—

Mr. KONOP. But it did not pass until we got a Democratic Congress here. The gentleman's party were here for 16 years and did not enact it into law. [Applause on the Democratic side.]

Mr. STEENERSON. The gentleman is exaggerating. The Senate was the body that was—

Mr. KONOP. Yes; but none of this legislation which might have been considered and passed was passed and became a law until you had a Democratic Congress here. [Applause on the Democratic side.]

Mr. STEENERSON. I desire to say to the gentleman—

Mr. KONOP. I do not yield further, Mr. Speaker.

Mr. Speaker, such is the record of achievement in legislation of the Democratic Party. In the past you have charged that party with obstruction. You have charged us with being a party of negation. You have unjustly charged us with causing business calamity and depression. You have bragged about a prosperity that was trust made and subservient to big business. You have talked about the full dinner pail.

And what about to-day? Under a Democratic administration we are enjoying the greatest prosperity in the history of our country, not a temporary trust-made prosperity, but a lasting prosperity; a prosperity for all; a prosperity for both big and small; a prosperity of freedom and equality among our business men and people. I challenge a comparison of the record of the Democratic Party for constructive legislation with that of any party at any time. I challenge a comparison of the prosperous condition of the country to-day with that of any period of our history. For 16 years you have been in power. You have had control of every department of Government. Why did not you pass this legislation? What do you offer now? What constructive legislation do you promise to enact if you are returned to power? Your platform that you have adopted at Chicago can be condensed into one resolve: "Whereas you are in and we are out, therefore be it resolved that you get out and let us in." You are looking for the jobs and offer no service to the people. [Applause on the Democratic side.]

But, Mr. Speaker, this is not all. When this session ends we will have provided for the protection, security, and lasting peace of a hundred million people. We will have provided an Army and a Navy sufficient and able to protect the interests and honor of our Republic and of its citizens everywhere. We do not want war. These preparations are not for war. These are preparations against war. We love peace. God grant that there will never be another war. But why are we unprepared? Who is responsible for this condition? Who has been in power for 16 years before the Wilson administration? At no time in the history of our country has any administration equaled the present in the matter of providing adequate national defense. In spite of the boisterous noise and bluster of his predecessors about our Army and Navy, it was President Wilson who, by his patriotism and great leadership, has called the attention of the country to our unprepared condition and created a demand for adequate national defense. President Wilson stands as an incomparable giant among the leaders of the movement for national defense, national unity and security.



Mr. Speaker, while making adequate preparations against war, the greatest achievement of the administration is that our great leader has kept us at peace with the world. While civilized Europe has been involved in the greatest slaughter of humanity during the past two years, President Wilson has kept us at peace. Time and time again during the past three years arose occasions that "tried men's souls." Calm, patient, and patriotic, the President has never wavered. He has triumphantly piloted the ship of state through a most angry sea. [Applause on the Democratic side.]

On the eve of a great election misrepresentations are and will be made. Facts are distorted; nationality will be arrayed against nationality; creed against creed. Charges of bad faith, lack of wisdom, lack of courage and patriotism, and want of neutrality are and will be heard from the platform and appear in the hostile press. All for one purpose. All for the purpose of befogging the issue and defeating for reelection a man who has kept us at peace and insured prosperity. But, Mr. Speaker, the American people know where Woodrow Wilson has stood and where he stands to-day. He stands for America "first, last, and all the time," and for peace and prosperity to her people.

In the handling of the Mexican question you charge him with weakness. I deny the charge. It takes strength to do right when it is popular to do wrong. You say he has been too patient. Thank God that he has been patient and prudent and has kept us out of war with that unfortunate country. Do you think it would have been any honor to our flag for a country of 100,000,000 to fight 15,000,000 half-civilized Indians? You say that the President has been wrong. In what particulars has he been wrong? What would you have done in that delicate situation? What will you do should you—God forbid—be placed into power? Will you go to war? You can not win on a general charge like that. The American people demand particulars. [Applause on the Democratic side.]

In the handling of the foreign relations with belligerents in Europe, the pro-English have been charging the President with weakness for not going to war with Germany, and the pro-Germans have been charging him with partiality and unneutrality. Has the President been right in these controversies? All belligerents admit it. Germany admits it. The allies admit it. All belligerents know that Woodrow Wilson has stood for international law and international rights. You say he has been wrong. In what particular has he been wrong? What would you have done? Would you have gone to war? The American people will demand that you make your charges more definite and certain. No, Mr. Speaker; the people know that President Wilson's handling of international affairs has kept us at peace and has redounded to the honor and glory of our country.

In the present campaign every effort is being made to line up the German-American vote against the President. Everything is done to misconstrue the President's attitude and his utterances. There is much idle talk about the hyphen. Charges are made that the President has accused German-Americans of disloyalty. I deny that charge. No act nor utterance that the President has made can be so construed. Let me quote to you the President's words on different occasions that are being misconstrued for political purposes.

At the unveiling of the Barry Monument at Washington on May 16, 1914, two and a half months before the outbreak of the European war, in the course of his address, President Wilson said:

John Barry was an Irishman, but his heart crossed the Atlantic with him. He did not leave it in Ireland. And the test for all of us, for all of us had our origins on the other side of the sea, is whether we will assist in enabling America to live her separate and independent life, retaining our ancient affections, indeed, but determining everything that we do by the interests that exist on this side of the sea. Some Americans need hyphens in their names because only part of them has come over; but when the whole man has come over, heart and thought and all, the hyphen drops of its own weight out of his name. This man was not an Irish-American. He was an Irishman who became an American. I venture to say he voted with regard to the questions as they looked on this side of the water and not as they looked on the other side; and that is my infallible test of a genuine American, that when he votes, or when he acts, or when he fights his heart and his thought are centered nowhere but in the emotions and purposes and policies of the United States.

Can any American citizen, of whatever race or nationality, take offense at such a plea for national unity and undivided loyalty? Now, let me quote to you from the President's message in December, 1915:

There are citizens of the United States, I blush to admit, born under other flags but welcomed under our generous naturalization laws to the full freedom and opportunity of America, who have poured the poison of disloyalty into the very arteries of our national life; who have sought to bring the authority and good name of our Government into contempt, to destroy our industries wherever they thought it effective for their vindictive purposes to strike at them, and to

debase our politics to the uses of foreign intrigue. Their number is not great as compared with the whole number of those sturdy hosts by which our Nation has been enriched in recent generations out of virile foreign stocks, but it is great enough to have brought deep disgrace upon us.

And further, he said:

There are some men among us and many resident abroad who, though born and bred in the United States and calling themselves Americans, have so forgotten themselves and their honor as citizens as to put their passionate sympathy with one or the other side in the great European conflict above their regard for the peace and dignity of the United States. They also preach and practice disloyalty.

On February 23, 1916, he said this to a committee of Hungarians who called at the White House:

I have never doubted for a moment the feeling that gentlemen such as yourselves have for America. I recognize you as just as much Americans as anybody born in this country. I have deplored, and I am sure you have united with me in deploring, the spirit which has been manifested by some who have misrepresented those for whom they professed to speak, and my public protests have been against what they said and against their misrepresentations of what I felt sure was the sentiment of the rank and file of those Americans born on the other side of the water who have come and enriched America by giving her their talent and their work and their allegiance.

On May 2, 1916, the President spoke as follows:

You have heard a great deal about the hyphen. I, for one, have never been deceived. The number of persons of really divided allegiance in this country is very small, and if I had been born in some other country I would, for one, resent the representations which have been made by those who were not the spokesmen of those for whom they pretended to speak in suggesting a divided allegiance.

On Memorial Day, 1916, at Arlington, he said this:

We have no criticism for men who love the place of their birth and the source of their origin. All that we do criticize is that in some instances—they are not very numerous—but in some instances men have allowed this old ardor of another nationality to overthrow their ardor for the nationality to which they have given their new and voluntary allegiance.

On Flag Day the President used these words:

There is disloyalty in America. It proceeds from a minority, a very small minority, but a very active and subtle minority. It works underground, but it also shows its ugly head where we can see it, and there are those at this moment who are trying to levy a species of political blackmail, saying, "Do what we wish in the interest of foreign sentiment or we will wreak our vengeance at the polls." That is the sort of thing against which the American Nation will turn with a might and triumph of sentiment that will teach these gentlemen once for all that loyalty to the flag is the first test of tolerance in the United States.

And, again, June, 1913, he said:

Certain men—I have never believed a great number—born in other lands have in recent months thought more of these lands than they have of the honor and interest of the Government under which they are now living. They have even gone so far as to draw apart in spirit and in organization from the rest of us to accomplish some special object of their own. I am not here going to enter any criticism of these people, but I do want to say this, that such a thing as that is absolutely incompatible with the fundamental idea of loyalty, and that loyalty is not a self-pleasing virtue. I am not bound to be loyal to the United States to please myself. I am bound to be loyal to the United States because I live under its laws and am its citizen, and, whether it hurts me or whether it benefits me, I am obliged to be loyal.

Mr. Speaker, these are the utterances of a typical American President. These utterances plead for unity in America and loyalty to America. The President has not attacked German-Americans. He has not attacked British-Americans, French-Americans, nor any other Americans. The President has attacked a few American citizens for disloyalty to America. His words apply to all citizens who are disloyal. A British-American, a French-American, a German-American, an Italian-American, or any other American who is disloyal to the American Republic by placing the interests of some foreign country against those of America is the one singled by the President. The President clearly differentiates between the loyal citizens of every blood and race and those who are disloyal. [Applause on the Democratic side.]

Political enemies may twist and distort these statements and try to prejudice the German-American voters of this country against the President. A few leaders in the German-American Alliance may frame up resolutions against him; but the great mass of men of German blood, men whose patriotism and loyalty to this country have been demonstrated and never questioned—these men will not falter; they will not let their loyalty to their country be made a footstool of politics. Typical of these patriotic citizens of German blood and the finest example of American citizenship is Gen. Frederick C. Winkler, of Milwaukee. A representative German-American, a soldier who fought for the Union, a lifelong Republican, Gen. Winkler sent the following telegram to President Wilson:

Have read your New York Press Club address with great satisfaction. A Republican voter since 1860, I hold that in the present crisis the party has no place. True Americanism must stand by the man who manfully stands at the helm. I support your reelection.

JULY 4, 1916.

F. C. WINKLER.

[Applause on the Democratic side.]

Let me quote what the *Waldbote*, a German weekly of Medford, Wis., says about the misrepresentation of President Wilson's remarks for political purposes:

Party politics are the sole motive of misinterpreting the reference of President Wilson to disloyal citizens. But there are writers and public speakers who are demagogues enough to do such a monstrous injustice to the President of the United States as a means to their political ends.

President Wilson declared on two different occasions and said practically the same thing in the Democratic national platform, "that there exists in the United States a small number of such, who conspire for the purpose of advancing the interests of foreign countries and to the prejudice of our own country." The President said explicitly that the number was only small and designated no nationality.

But, orally and in writing, it is preached to the German-Americans of the whole country for party political ends that President Wilson means exclusively German-Americans and all German-Americans.

The purpose back of such demagogic substitution of a false interpretation to the words of the President is clear. It is a monstrous injustice.

Let us be just.

On the efforts to deliver the German-American vote against the President, the same German paper says:

German-Americans are not poll cattle. They will vote independently, and the *Waldbote* believes that the Democratic Party will lose fewer German-American votes than the Republican Party. Many German Republicans will vote for Wilson, because he kept the country out of war, while they know that under any Republican administration it would have been involved long ago.

Mr. Speaker, we have a great country. We are a great cosmopolitan people. Our country is made up of all the peoples of Europe. We have the English and the Scotch; we have the sturdy, stalwart Scandinavian, the romantic Italian; we have the industrious German, the versatile Irishman; we have the polished Frenchman, the progressive Belgian and Hollander; we have the hard-working Poles and Bohemians, the despised Greeks, and the persecuted Jew. They all came to our shores. They make up a new people, a new race, a new nation. Under a free Government they have builded a grand Nation, the brightest star in the galaxy of nations. They love their home, their country, their flag. Should they divide now into a confederation of nationalities? When there is danger to our national unity; when for political purposes, men here and there, through organized effort, try to ally nationality against nationality; when men put alien interests above those of this Republic, should not the President, the spokesman of all these people, plead in behalf of undivided allegiance to but one country and one flag?

Mr. Speaker, the Democratic Party enters upon a campaign for true Americanism. It presents a record of achievement unequalled in any period of our history. It presents a candidate that has championed the cause of true Americanism and peace, preparedness, and prosperity. It presents a statesman who has kept faith and made good. All it asks is justice at the hands of patriotic American citizens. [Applause.]

Mr. Speaker, now I ask unanimous consent to extend my remarks concerning some tabulations of wage increases in the past few years.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RODENBERG] is recognized for one hour.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time allotted to my colleague be extended for one-half an hour.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Illinois [Mr. RODENBERG] be extended for one-half an hour. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Speaker, I follow the gentleman from Illinois, and I asked for only 30 minutes the other day. I think I will need about 20 minutes, and I ask for 30 minutes additional.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that his time be extended for 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Would the gentleman from Alabama prefer to continue this afternoon or to proceed the first thing to-morrow?

Mr. HEFLIN. Do we meet to-morrow?

Mr. MANN. We will have a meeting to-morrow. There are several gentlemen allotted time this afternoon, and we will meet to-morrow and they will have an opportunity to proceed. It will be pretty late this afternoon, but the gentleman can determine later. He has his hour anyhow.

Mr. HEFLIN. All right, I will determine later, Mr. Speaker.

Mr. RODENBERG. Mr. Speaker and gentlemen of the House [applause], four years ago, owing to a most unfortunate division in the ranks of the Republican Party, Woodrow Wilson was elected President of the United States by a minority

vote of the people and with him there came into power a Congress Democratic in both branches. For 16 years prior to 1912 the Republican Party had been in complete control of the destinies of the Nation, and during that time it made a record of patriotic achievement unparalleled in all the annals of political history. [Applause on the Republican side.] Prosperity was at high tide in every branch of human endeavor. Labor was steadily employed at the highest wages ever paid. The farmer received good prices for his products, the merchant was happy and contented, the manufacturer had an abundance of orders, the banks had plenty of money which they were prepared to loan at reasonable rates of interest, the hum of legitimate industry was heard throughout the length and breadth of the land, and the American flag commanded profound respect wherever it was unfurled to the breeze. [Applause on the Republican side.] At no time in the history of this Republic were the American people more prosperous than during those 16 years of uninterrupted Republican control. Our population rose from 70,000,000 to approximately 95,000,000. The savings of the people, the real test of material prosperity, increased from two billion to four and a half billion dollars and our national wealth from seventy-seven billion to a hundred and eighty billion dollars. No nation on earth and no political party that has ever existed since governments were instituted among men can present a record that begins to compare with the marvelous achievements of the Republican Party from the inauguration of William McKinley in 1897 to the close of the administration of William Howard Taft in 1913. [Applause on the Republican side.]

But, strange and anomalous as it may seem, it was this very unprecedented and unparalleled prosperity that was responsible for the overthrow of Republican supremacy and for the installation of a Democratic administration. The American people are in some respects a peculiar people. They are always restless and they are never entirely satisfied. They are constantly looking for something new, and when they have found it they are willing to experiment with it simply because it is new; and especially is this true when everything is moving along smoothly and there are no signs of impending disaster in the skies. It is then that the demagogue appears upon the scene. It is then that the agitator flourishes. It is then that successful appeal is made to passion and to prejudice and seeds of discontent are sown in fertile and productive ground. It is then that the finger of suspicion is pointed at everybody and everything and men for the first time in their lives question the honesty and integrity of their friends and neighbors. It is then that honor is assailed, that motives are impugned, that confidence is destroyed. It is then, too, that we are in a receptive mood and lend willing ear to the man who talks glibly of "pitiless publicity" and the "new freedom."

Yes, my friends, when times are good, when work is plentiful, when the job is looking for the man, when we are surrounded on all sides by abounding prosperity, it is then that the average American feels his independence and welcomes an opportunity to manifest that feeling by voting to upset the established order of things. We had become so accustomed to prosperity under Republican rule that we accepted that prosperity as a mere matter of course and forgot to give credit to whom credit was due. We simply grew indifferent to our own welfare and permitted ourselves to be lured upon the rocks of disaster by the siren song of the impractical theorist who feeds us on fancy instead of fact, on promise instead of performance, and who would have us believe that a flight of rhetoric is more sustaining than a slice of roast beef. [Applause on the Republican side.]

But suddenly we awake with a start. The dream is over. We rub our eyes and look about us. We take an inventory of our melancholy surroundings, amid the wreck and ruin of our national hopes and aspirations, and then we ask ourselves why we were ever so foolish as to let go of those principles and policies which have stood the test of time and experience in order to follow a political will-o'-the-wisp. That is a question that the thinking people of this country who permitted themselves to take a political joy ride four years ago are asking themselves to-day, and that is the question that our Democratic friends are called upon to answer.

The Democratic Party is now in full control of the Government. They are in full charge of both the executive and legislative branches, and at this very time, in utter defiance of every consideration of elementary decency, they are even trying to get control of the judicial branch by advocating the passage of a bill now pending in the Senate which would empower a partisan President to remove from office some thirty-two Federal judges of admitted probity and recognized ability in order to make room for "deserving Democrats." Having full control of the Govern-



ment, the Democratic Party is properly chargeable with full responsibility for everything that has been done or left undone, and they can not escape that responsibility. The day of reckoning is at hand. For the first time in many years they are called upon to give an account of their stewardship and to satisfy the American people that they are entitled to a continuation of public confidence. Can they do so? Let us see.

Four years ago our Democratic friends made certain direct and specific promises to the wage earners of this country. They promised the men who work in the mills, in the mines, in the factories, and on the farms—the men who earn their bread in the sweat of their brows—that if they were successful in wresting control of the Government from the Republican Party they would place upon the statute books certain economic laws which would bring increased prosperity to every American home and every American fireside. Has that promise been kept? Has the Underwood Democratic tariff law proven a benefit or an injury to the wage earner? Has it increased or decreased his opportunities for employment? Has it directly or indirectly been the means of establishing a single new industry in any State in this Union? Has it created a market anywhere within the confines of the Republic for the only commodity that the workingman has to sell, namely, his labor? No; no—a thousand times, no! From the day that the Underwood tariff law went into effect, on October 19, 1913, until the spring of 1915, when we first began to feel the stimulating effect of the tremendous orders for European war supplies, complete industrial paralysis rested like a blight upon every part of our common country. Starvation and stagnation confronted us on all sides. The mines quit working, the mills and factories closed their doors, and across their silent and smokeless chimneys was written the epitaph, "Died of an overdose of the Underwood bill." [Applause on the Republican side.]

A half million men in New York alone were compelled to patronize the bread line, and 200,000 in the city of Chicago paid daily visits to that one institution that always springs into existence under a Democratic administration, the free soup house.

Every railroad sidetrack in this country was filled with long strings of empty freight cars, and the rabbits built their nests and bred their young in the weeds that covered the roadbeds.

Our imports from abroad increased by leaps and bounds, and there was as much joy and rejoicing among the manufacturers of Europe as there was gloom and despair among the manufacturers of America. Our custom revenues fell off, wages were cut, dividends were passed, bank clearings decreased, credit was destroyed, and failure became the order of the day. Compared with the last year of a Republican administration the gross earnings of the railroads alone fell off more than 4½ per cent in the first year of the Wilson administration, and iron productions decreased more than 25 per cent. The steel mills of this country were reduced to 40 per cent of their normal capacity, two-fifths of all the looms in our woolen mills were idle, and \$40,000,000 of capital invested in cotton mills became unproductive, while the importation of cotton cloth from abroad almost doubled in quantity.

But just as the sun of our prosperity was about to pass into complete eclipse, just as hope was about to give way to blank despair, our drooping spirits were revived and our saddened hearts were cheered by the comforting assurance of our amiable ex-Princeton professor that all our depression was purely psychological, a state of mind. [Laughter on the Republican side.]

Well, that helped some. [Renewed laughter on the Republican side.] Of course it did not pay the rent, or buy schoolbooks or clothing for the little ones at home. It did not pay doctor's bills or grocer's bills, or satisfy the cravings of an empty stomach. It did not put any flour or sugar or bacon in the larder, but it did serve to make us think of our happy, care-free college days, when all the world was bright and rosy and there was nothing to indicate the possibility of Democratic success. [Applause on the Republican side.] Great, indeed, is psychology, and Woodrow Wilson is its prophet!

You have not forgotten the promise that was held out to us by our Democratic friends when the Underwood tariff law went into effect. You remember they told us at that time that on the 1st of January there would be a general resumption of activity in all of our industries. Well, we waited until January, but there was no resumption. Then we were told that if we would wait until the 1st of March every wheel and every spindle in every mill and factory throughout the country would begin to turn. We waited until March, but the wheels and spindles refused to turn. Then they said that if we would wait until the 1st of May, when the flowers begin to bloom, tra la la la [laughter], the very sun in the heavens would be obscured by the clouds of smoke arising from every chimney in this broad land of ours.

Well, we waited until May and the flowers bloomed, but there was no smoke. Then we were told if we would be patient until the 1st day of July we would be overtaken by the greatest prosperity in all our history. Well, we waited until July, and instead of being overtaken by prosperity you will recall that we were overtaken by a drought; and then our Democratic friends quit prophesying an early return of prosperity and they began to pray for rain; but inasmuch as the prayers of the righteous only avail their appeal remained unanswered until August, and in August the war broke out in Europe, and then we were told that as soon as peace was declared we would experience the greatest boom in all history. [Laughter on the Republican side.]

Well, when that prophecy was made our friends were only concerned about the approaching November elections. They thought that the war in Europe would be of short duration. But as that titanic conflict continues there has been an ever-increasing demand for American products to supply the needs and necessities of the warring nations of Europe. As the result of that demand American business has been given a temporary stimulus.

But every sensible human being knows that trade in war munitions can not form a lasting basis for American prosperity. [Applause on the Republican side.] We are exporting to-day to the warring nations in Europe approximately \$300,000,000 of products a month, and this tremendous trade in war supplies has given us a fictitious and artificial prosperity that will crumble and fade away on the day that peace is declared. [Applause on the Republican side.] I for one hope that God will speed that day. I do not want to see my country prosper at the expense of the grief-stricken and heartbroken widows and orphans of the Old World. [Applause on the Republican side.] I do not welcome a prosperity that is based upon the sorrows and the misfortunes of our kindred across the seas. [Applause on the Republican side.]

To me the very thought of coining money out of the blood and the tears and the sufferings of humanity is abhorrent. My sympathy goes out to the mothers of Europe, and I would to God that it lay in our power to lift from them this burden of sorrow and weight of woe. [Applause on the Republican side.]

Ah, my Democratic friends, when you boast of the kind of prosperity that is now with us, above your notes of exultation I can hear the moans and the groans of the wounded and the dying. When you point to the munitions factory and gloat over its unwonted activities, across the waters I can see the bleak white walls of the dreary hospitals of pain, with their never-ending procession of maimed and mutilated men. When you rejoice over the extra tax that you are now collecting from the opulent manufacturer of war munitions, I can see the pinched and pallid face of the soldier boy, and I can hear him murmur the blessed name of "mother" as his young soul wings its flight to God.

Oh, talk not to me of a prosperity that is eating out the very heart of our boasted Christian civilization, a prosperity that makes a mockery of all the nobler sentiments of the race, a prosperity that is based upon human hate, and that bids defiance to the heaven-sent message of old, "Peace on earth, good will toward men." [Applause on the Republican side.] I prefer a normal to an abnormal prosperity. I believe in "ringing out the false" and "ringing in the true." I prefer the kind of prosperity that we enjoyed for 16 years under a Republican protective tariff. I favor the kind of prosperity that is the direct and logical result of wise legislation, discriminating in favor of the American farmer, the American mechanic, and the American manufacturer, as against his Canadian and European competitor. [Applause on the Republican side.] The Underwood tariff law, and in fact no Democratic tariff law that has ever been enacted, has ever made that discrimination.

On the contrary, every Democratic tariff law discriminates in favor of the foreigner and against the American, and the Underwood law is not an exception to the rule. It deliberately invites imports from abroad, thereby reducing production at home. Why, Mr. UNDERWOOD, the author of the bill, declared, when he introduced his measure into this House, that it was the purpose of his bill to invite foreign competition in our industrial life, and Mr. Wilson said that it would shapen the wits of the American manufacturer and enable him to compete with the European manufacturer. But neither Mr. Wilson nor Mr. UNDERWOOD ever told us just how the American manufacturer is going to meet that competition from abroad and at the same time maintain the American standard of wages. Oh, no doubt it sharpened the wits of the American manufacturer, to the point where the edge was taken off entirely, but while the sharpening process was going on it completely dulled the earning capacity of every American wage earner. [Applause on the Republican side.] I represent in this body a great industrial district. In my district is the important manufacturing city of Granite City. In that city there stands to-day, as a monument



to the genius and the wisdom of that great Republican constructive statesman, William McKinley [applause], a magnificent tin-plate plant which, under the beneficent policy of protection, gave employment to thousands of men. The Underwood tariff law had been in operation exactly three days when the Standard Oil Co. placed an order for \$1,500,000 worth of tin plate in Wales. They found that because of the reduction made in the tariff on tin plate by the Underwood bill, the rate having been cut from 45 per cent to 15 per cent, they could buy their tin plate in Wales, bring it across the ocean, pay the freight, and manufacture it into cans and make money by the operation. When that order went across the water it took employment away from the tin-plate workers of Granite City. It took employment away from the miners who dig the coal that fires the furnaces. It took employment away from the railroad men who transport the coal to the mills and the finished plate to the market.

It took customers away from the farmer who has produce to sell, from the grocer, the druggist, the butcher, the baker, and the candlestick maker. Does any Democrat believe for a moment that these wage earners can see any virtue in a Democratic tariff law? They are prosperous now; yes. They are prosperous in spite of adverse Democratic tariff legislation. [Applause.] They are prosperous because to-day 30,000,000 men, strong-armed and clean-limbed, in the very prime of vigorous manhood, have left the mills and the factories of Europe for the forts and the trenches. They are prosperous to-day because the mills and factories over there are no longer producing the things that they once produced, but, in the main, they have been transformed into plants for the manufacture of war supplies. They are prosperous to-day because for the time being all industrial competition from Europe has been removed; but they know, and you and I know, that as soon as peace is declared this competition will return, stronger, more vigorous, and more relentless than ever before. [Applause.] The most serious question to engage the attention of the statesmen of the Old World when peace is declared will be the question of rehabilitating their destroyed industries. In order to bring about that rehabilitation they will have to get a supply of money. In order to get money they will have to sell their manufactured products to some country that has the money to pay for them. The United States has the money, and, operating as we now are, under a low tariff, this country will be made the dumping ground for all of Europe; and when these importations begin to flow in upon us every industry in this country will be crippled, and some of them will be completely destroyed. When that time comes there will be a universal demand from Maine to California for a protective tariff that will protect us against ruinous and disastrous competition. [Applause on the Republican side.] And then our Democratic friends will vie with each other in disavowing any responsibility for the iniquitous Underwood tariff law. My friends, I believe with all my heart and soul that a protective tariff is absolutely essential to our national welfare. I believe that the great basic principle underlying that policy—the equalization of the cost of production here and abroad—is fundamentally sound and correct as an economic proposition. [Applause on the Republican side.]

Every sensible man, no matter what his politics may be, will admit that the wage rate in this country is from two to five times as high as it is in the countries of Europe and from ten to twenty-five times as high as it is in the countries of the Orient. If the cost of the labor required to produce a given article in this country is \$2, and the cost of the labor required to produce a similar article in Europe is only \$1, it stands to reason that unless this Government steps forward and says to the foreign manufacturer, "Before you can sell your product on this side of the Atlantic, before you can dispose of your article in the United States, you must pay first into our Treasury a tariff equal in amount to the difference in cost of producing that article in your country and in our country." Unless that is done, the European article will crowd the American article out of the market, and the American manufacturer will be compelled either to close his factory or to reduce the wages of his employees to the European level in order to meet that competition. He has no other alternative.

My friends, the protective policy of the Republican Party needs no defense. It has stood the test of experience. It has brought untold blessings to every American home, and it finds its vindication to-day in the genuine prosperity that it brought to all the people in days now gone, but which will return when the Republican Party is restored to power on the 4th day of March, in the year of our Lord 1917. [Applause on the Republican side.]

Our Democratic friends made another direct and specific promise in the campaign of four years ago, a promise that they would like to have us forget, but which, like Banquo's

ghost, will not down. They said in that campaign that the protective system of the Republican Party was responsible for the high cost of living. They wept crocodile tears as they expressed hypocritical sympathy for the downtrodden workingmen. They said that they would reduce the tariff and thereby bring about a corresponding reduction in the cost of the necessities of life. Well, they reduced the tariff, but just to what extent did they reduce the cost of living? They forced the farmer's wheat and corn into competition with Canada and the Argentine Republic, and they compelled him in 1914, before the war created the abnormal demand for our food supplies, to accept the lowest price for his products that he had received since the days of Grover Cleveland.

And yet the price of flour and breakfast cereals continued to advance. They put cattle on the free list and reduced the tariff on woolens and cottons, and yet the price of beef and clothing is higher to-day than at any time in our history.

They put sugar on the free list and almost destroyed the industry from the scare they gave the manufacturers, and then, under the guise of a revenue necessity, they restored the duty in part, and yet the price of sugar to the consumer continued to advance until now only a multimillionaire feels justified in sweetening his breakfast coffee or tea. No wonder that the Democratic Congressman who recalls that promise of four years ago shudders every time his eye rests on the market quotations of the produce exchange. No wonder that he has a congestive chill every time he sees a constituent in the act of buying a dress or fitting on a pair of shoes. No wonder that he has formed the habit of patronizing the back alleys and side streets of his home city whenever he hears that a bridal couple is at the store buying furniture for their little cottage. [Laughter.] But I would bid the consumer to be of good cheer and not to be discouraged. You know you have the comforting assurance from Mr. Wilson that you are now living under the "new freedom"; you are free to buy wherever you can buy the dearest, and to pay for what you buy, if you have the price. [Laughter on the Republican side.]

Four years ago our Democratic friends made another direct and specific promise to the people. They said that they would practice the most rigid economy in the management of all governmental affairs. They denounced the Republican Party as the party of profligacy and extravagance. They said that they would apply the pruning knife to all appropriations and give the world an exhibition of what was meant by real old-fashioned Democratic economy. And yet, in the face of that promise, in the very teeth of that declaration, we find that the Sixty-third Congress, the first Democratic Congress under Mr. Wilson, spent \$177,000,000 more than was spent by the first Republican Congress under Mr. Taft. [Applause on the Republican side.]

And God only knows the extent of the expenditures of the present Congress. When the figures are finally compiled and given to the world there will not be a Democrat in the United States who will admit that there is such a word as "economy" in the English language.

Appropriations have been simply running riot. Thousands upon thousands of new and needless positions have been created; the civil-service laws and regulations have been set aside; boards and commissions have multiplied with such amazing rapidity that it is only by the exercise of the most extraordinary care that a taxpayer can avoid a collision with a Democratic officeholder when he is taking a stroll on any highway or byway. [Laughter and applause on the Republican side.]

Having secured an accidental and temporary lease of power, our Democratic friends seem to have adopted as their rule of action the old motto, "Eat, drink, and be merry, for on the 4th day of next March we die, and we will be a long time dead." [Laughter and applause on the Republican side.]

In the campaign of 1912 the Democratic Party proclaimed itself as the champion of genuine nationalism. They promised that they would take a broad and comprehensive view of the Nation's needs; that they would not destroy a single legitimate industry; that they would legislate for all the people, free of favoritism and devoid of discrimination. But in all our history Democratic performance has never squared with Democratic promise. The Democratic Party is not now and has never been a national party in the true meaning of that word. [Applause on the Republican side.] It is distinctly and essentially sectional in character. Its political vision has never extended north of the old Mason and Dixon line. It is controlled in its principles and purposes by the men of the South, many of whom still cling to the traditions of a dead and buried past. Every important committee in the House and Senate, with one or two exceptions, is to-day in the control of men representing southern constituencies. The chairman of a committee, if made of the right kind of material, is always able to shape the legisla-



tion that is recommended to Congress by the committee over which he presides.

I have nothing whatever to say against these gentlemen of the South, because I am proud to be able to say that among them I number some of my warmest personal friends. Individually they are agreeable, affable, and courteous gentlemen, but collectively, as a political aggregation, they are an abomination in the sight of the Lord. [Laughter and applause on the Republican side.] Having control of all the committees the South to-day exercises a dominating influence in national legislation wholly out of all proportion to its importance as a contributing factor to the general welfare, either in an agricultural, commercial, or economic sense.

My friends, mortal man is so constituted that he is seldom able to rise above his environment. These Southern gentlemen, in the main, represent districts that are purely agricultural in character and that produce a single crop, and that crop is cotton. The good Lord gave the South a climate and a soil that enables it to produce cotton in competition with all the world. Supplementing these superb natural conditions, the South has an abundance of cheap negro labor with which to harvest its cotton crop. These negro laborers receive 50, 75 cents and \$1 a day, and, as a rule, they are kept in debt by being compelled to buy all of their supplies of the plantation or company store, a system of brutal and barbarous servitude that has long since been abolished by law in every Northern State.

The South is not engaged in manufacturing to any considerable extent, and, as a result, the men who represent that section of our country in Congress have absolutely no conception of the industrial needs and necessities of the great manufacturing centers of the North. Having but few white and no negro labor organizations, they have no knowledge of the wage scale that the northern manufacturer pays, and they are not interested in legislation that tends to benefit and improve the condition of the wage earner. They are interested only in securing a market for their cotton, and they are quite willing to buy their plantation machinery and supplies wherever they can be bought the cheapest. It is a matter of indifference to them if those supplies are manufactured in Europe or in the Orient. They are not in the least concerned about the welfare of the employee in the northern mill or factory. It is wholly immaterial to them whether the economic policies which they have placed on the statute books spell ruin and desolation to the laborers of the North so long as they can rest secure in voluntary sectional isolation.

The Republican Party, and the Republican Party alone, has always been the one true and genuine national party. It has always stood for a policy big enough and broad enough and grand enough to protect every legitimate industry in the land, no matter whether that industry is located in the North, in the South, in the East, or in the West. It stands for that policy to-day, and will so continue to stand until time shall be no more.

Mr. REILLY. Mr. Speaker, will the gentleman yield?

Mr. RODENBERG. No; I do not care to yield. My friends, I intend now to leave the discussion of subjects that I know are unpleasant to my Democratic friends, and to pass on to the discussion of a subject which must be positively painful to every red-blooded American. I turn from Democracy's dismal and destructive domestic policies to the consideration of the miserable makeshift, the tragic and truculent travesty which, under President Wilson, masquerades as America's foreign policy. First, I shall consider poor, bleeding, distracted Mexico. From the day that Maximilian was dethroned as Emperor by Benito Juarez and Porfirio Diaz, the controlling factor in Mexican politics has always been the moral influence of the Government of the United States. But for the vigorous and determined action of Secretary Seward at the close of the Civil War the revolt against Maximilian would not have succeeded, and Diaz would not have become President. For 34 years Diaz enjoyed our good will and friendship, and during that time he was able to maintain peace within the borders of his country, but when it became known that the Diaz government had entered into a secret agreement with Japan under the terms of which the Japanese were to be given a naval base on the west coast of Mexico, he forfeited our friendship and good will, and paved the way for the success of the revolution under Francisco Madero. When Madero became President it was not long until he, too, lost our friendship because of his refusal to pay any attention to the demands of the American ambassador, Mr. Henry Lane Wilson, for the payment of indemnity for the loss of American life and property during his revolution.

When Madero was forced out, Huerta became President, and when President Wilson announced his determination not to accord official recognition to Huerta, his doom was sealed then and there. The history of the last 50 years teaches us that

stable government in Mexico is absolutely impossible without the moral support and sympathetic cooperation of the Government of the United States. In the early days of this Republic we promulgated the Monroe doctrine, and we have insisted ever since upon its recognition as a vital principle of American policy, if not of international law. For 90 years we have maintained a protectorate over all Latin America, and we have said to all the world that we would not permit any European monarchy to gain a foothold on the Western Continent. When we voluntarily assumed that position we, by implication at least, guaranteed the ability and the capacity of the Latin American peoples for self-government. Having deliberately assumed that position, what, then, is the plain duty of the United States in the event that any of the Latin American Governments now under our protectorate should collapse? Power always carries with it responsibility. If we intend in the future to insist upon the recognition of the Monroe doctrine as a principle of international law, it follows that we must be prepared to meet fairly and squarely all of the responsibilities incident thereto, or we must forever abandon that doctrine. There is no other alternative. What are the conditions to-day in Mexico? The experiment of democratic government in that country has failed. The whole social fabric has collapsed. Organized society has broken down. A reign of terror exists. Law and order have been set aside. Anarchy is triumphant. There is no security; no protection; no government. All is chaos and confusion. Mexico is no longer able to enforce her treaty obligations or to give protection either to her own citizens or to foreigners who may be domiciled there.

What part has our country played in this dreary drama of destruction, and who, I ask, is primarily responsible for the carnival of crime that is now at its height in Mexico? I make the statement, and I measure my words in doing so, that the impartial historian of the future will lay the responsibility at the feet of Woodrow Wilson and his wobbling policy of "watchful waiting." [Applause on the Republican side.]

Victoriano Huerta was President of Mexico when Woodrow Wilson was inaugurated President of the United States. The de facto government of Huerta had been recognized by all the leading countries of Europe, but President Wilson, although besought and importuned to do so by practically every substantial and intelligent resident of Mexico, both foreign and native, declined to accord official recognition to Huerta, the only man of sufficient force of character to restore law and order in the distracted Republic, and allowed himself to be controlled in his action as President by the sentimental idealism of the late departed, but not lamented, Mr. Bryan. In announcing his refusal to recognize the de facto government of Huerta, Mr. Wilson proclaimed his intention of not interfering in the affairs of Mexico and of not permitting anyone else to interfere. The very act of refusing recognition to Huerta was in itself an interference in the domestic affairs of our neighboring Republic and a deliberate attempt on Mr. Wilson's part to destroy the only government that Mexico had. But Mr. Wilson did not stop there. He even had the temerity to inform the people of Mexico that they might hold an election, but if Huerta were the choice of the electorate he would not be recognized by the United States. From that day to this he has followed such a policy of officious and irritating meddling, tinctured with indecision and vacillation, that to-day all Latin America believes that the diplomacy of the United States is based on duplicity and double dealing.

When we sent that great and experienced diplomat (?) and "deserving Democrat," John Lind, to Mexico to try moral suasion in an effort to dislodge Huerta, and which was later followed by an offer of financial aid to the Mexican Government if Huerta would only do the disappearing act, he gave Gamboa, the Mexican minister of foreign affairs, an opportunity to create a laugh at our expense, the echoes of which are still ringing in our ears.

Not a scintilla of evidence that would be admitted in any American court of record has as yet been produced connecting Huerta with the assassination of Madero. No official statement has ever been issued by this Government or by the Government of Carranza implicating Huerta as an accessory before or after the act. All has been mere hearsay. There is nothing upon which to base a charge against Huerta but innuendo and veiled insinuation. I believe now, and have always believed, that every consideration of common sense, every consideration of ordinary justice and fair dealing, required the President to follow the example of the leading countries of Europe in according recognition to Huerta. [Applause.] But, of course, a diplomacy which finds its inspiration in grape juice can not be expected to scintillate any very great amount of common sense. [Laughter.]

But if Mr. Wilson felt that he could not recognize Huerta without doing violence to his supersensitive conscience, then, why in heaven's name did not he accord recognition at once to

the Carranza Government, and by that act give notice to Mexico and the world that the United States was determined to establish a government down there and put an end to brigandage and murder and rapine? Why did he wait until October 19, 1915—two years and seven months after he assumed the Presidency—before recognizing Carranza? If he felt that he had sufficient knowledge of Mexican conditions to warrant him in deposing Huerta, then we have a right to assume that he should have been ready to take the next step necessary to reestablish orderly government in Mexico.

Even Mr. Wilson or any other idealist must know that any country without a government quickly lapses into a state of anarchy and especially so when 80 per cent of the people of that country are illiterate and semibarbarous. If Mr. Wilson really felt the deep sympathy that he has always professed to feel for the starving Mexican people then, after deliberately destroying the only government that existed in Mexico, I insist that every dictate of humanity, every impulse of justice, demanded that he do all in his power to establish forthwith and without delay a government capable of enforcing the fundamental guaranties of a civilized government, the protection of life, liberty, and property. The adoption of any other policy under the circumstances is stamped not only with indecision but with insincerity as well. [Applause on Republican side.]

The administration's entire course with regard to Mexico has been a succession of stupid and brutal blunders. There is not a single creditable incident in the whole miserable affair. Huerta was proclaimed President on February 19, 1913, or 13 days before the inauguration of Mr. Wilson, and despite the frantic efforts of our bewildered and befuddled administration he was not forced out of the Presidency until July 15, 1914. The attempt to force that resignation could well be utilized by a humorist as a plot in comic opera but for the humiliating effect on our national pride. You will recall that on April 9, 1914, several of our soldiers were arrested at Tampico by some petty Mexican officer, and that after their release Rear Admiral Mayo demand an apology and punishment of the officers making the arrest and a public salute of 21 guns to our flag within 24 hours.

The apology was promptly made and punishment was meted out to the offending officers, but the salute was not fired. Thereupon President Wilson, through O'Shaunessy, demanded an immediate compliance with Mayo's request that a salute be fired by a government which he refused to recognize and which he himself said did not exist. [Applause on the Republican side.] Huerta replied that powder in Mexico was rather expensive, but that he would fire a salute if Mayo would fire one in return. Then our marines and sailors were ordered down to Vera Cruz and they took possession of the customhouse, and in doing so 17 of our boys were killed. Then Funston and the Fifth Brigade were sent down, and they remained in Vera Cruz until November 23, when they were suddenly withdrawn upon the threatening and imperative demand of Carranza. This whole senseless and ridiculous performance cost the United States the lives of 17 of our brave boys and \$10,000,000 in money, but the salute has never been fired. [Applause on the Republican side.]

When Huerta was finally overthrown and Carranza entered Mexico City the President again hesitated and shrank from a plain responsibility. It was apparent to everybody that Villa was on the point of revolting against Carranza, and if President Wilson had met the situation by promptly recognizing Carranza and had given Villa and his followers to understand that no revolt on their part would be tolerated by our Government, I feel morally certain that many of the succeeding bloody chapters of Mexico's history would never have been written. The recognition did not come and Villa revolted, and the President then showed his deep sympathy for the Mexican people by permitting the State Department, under Mr. Bryan, to covertly aid and abet Villa, the most villainous and bloodthirsty bandit of them all.

Finally conditions became so unbearable that the administration reluctantly concluded that some action was necessary. Accordingly the so-called A. B. C. powers, Argentine, Brazil, and Chile, were asked to call representatives of the warring factions of Mexico into a conference for the purpose of composing their differences and forming a government. In this call it was clearly and unmistakably intimated by our Government that failure on the part of any Mexican faction to respond to the call and participate in the conference would result in a refusal by us to deal with such faction in the future. Villa, Zapata, and other bandit chiefs accepted the invitation with alacrity and enthusiasm, and the world then witnessed the humiliating and disgraceful spectacle of the great and powerful Government of the United States counseling and con-

ferring with murderers and cutthroats as to our future policy in Mexico. Even Carranza, steeped in treachery as he since has shown himself to be, seems to have had too much self-respect left to take part in a conference with Villa and Zapata. He peremptorily refused to attend, but within six weeks thereafter he was recognized by Woodrow Wilson as the de facto head of the Government of Mexico. Great God, what a record of infamy and shame! What a travesty on diplomacy and statesmanship! Is it any wonder that the world stands aghast and the people of America hang their heads in deep humiliation whenever they think of Wilson's Mexican policy? [Great applause on the Republican side.]

Oh, it will not avail Mr. Wilson or his apologists to try to make it appear that all Americans residing in Mexico are freebooters and adventurers. Many an honest man of moderate means has gone there on legitimate business and in the hope of winning a competence for himself and family. He was proud of his American citizenship when he went to Mexico. He regarded it as a badge of honor and he felt that he was fully protected by our treaty with that country. But he was soon disillusioned. When trouble came and he appealed to his Government for protection, the administration at Washington bluntly and brutally informed him to leave his earthly possessions behind and to get out of the country, as no protection would be extended to him. The action of the American Government in sending that notice to American residents in Mexico was at the same time notice to the bandits of Mexico that they were at liberty to plunder and rob and kill Americans with impunity and without let or hindrance. Already 250 Americans have been wantonly and brutally murdered, scores of American women have been ravished, little children have been horribly mistreated, the American flag has become an object of contempt and derision in every part of Mexico, and when an appeal for relief is made to Washington the victims of Mexican outrage are met by the insulting query, "What are you doing in Mexico; why don't you get out and come home?"

It took the administration two years and seven months to make up its mind to recognize Carranza, and because of this tardy recognition, because of the many humiliating intervening events, because of the spineless, vacillating policy that has been pursued, because of the universal contempt in Mexico for everything American, even Carranza seems to have lost all respect for us, and there is every indication that it will not be long until we will have serious trouble with the de facto government of which he is the head. If the recital of Mexican outrages as set forth in Secretary Lansing's note to Carranza is based on fact, then that recital constitutes a stronger indictment of the inefficiency and incompetency of the Wilson administration than any partisan Republican could possibly frame. [Applause on the Republican side.] In that note Secretary Lansing specifically charges Carranza adherents with responsibility for the attacks on Brownsville, Red House Ferry, Progreso Post Office, and Las Peladas, all of which occurred during last September. And yet, notwithstanding the treachery of Carranza and his followers the administration, of which Mr. Lansing is the chief official, has complacently permitted Carranza to import arms and munitions from the United States into Mexico. The trouble at Parral occurred as late as April 10 of this year. The attack on our soldiers at that place was made by the soldiers of Carranza. Four days after the attack and after the administration had full knowledge of Carranza's treachery, Secretary Lansing issued an order permitting Carranza to import 1,000,000 rounds of small-arms ammunition. The day before the order was issued Mr. Cleveland H. Dodge, vice president of the Phelps-Dodge Co., was in the city of Washington and, according to the newspapers, visited the Secretary of State.

The Phelps-Dodge Co. is engaged in the manufacture and sale of munitions of war and is the same company that was indicted in the Federal courts for violating the embargo on the shipment of munitions to Mexico in the last year of the Taft administration and escaped conviction on the technicality that the munitions had not actually reached the Republic of Mexico but had been stopped at Bisbee, Ariz. Mr. Cleveland H. Dodge, vice president of the Phelps-Dodge Co., is a most interesting gentleman. The records show that he was the heaviest individual contributor to the Democratic national campaign fund in 1912, his first contribution being \$30,000. [Applause on the Republican side.] I am not making any charge against the integrity of the Secretary of State, nor do I know positively that the Phelps-Dodge Co. sold Carranza this 1,000,000 rounds of ammunition, but I can not help wondering if there is any connection between the call of Mr. Dodge on Mr. Lansing and the issuance of the order. The ammunition which was imported by Carranza under that order was used in the attack on our soldiers at Carrizal, in which 19 of the Nation's defenders,



including two officers, lost their lives. If there should be any connection between the visit of Mr. Dodge and the issuance of the order, and if the ammunition that was shipped to Mexico was shipped by the Phelps-Dodge Co., then may God have mercy on an administration that permits a campaign contributor to recoup himself at the expense of the lives of our gallant soldier boys. [Great applause on the Republican side.]

But, say our Democratic friends, President Wilson has kept us out of war, and that is reason enough why he is entitled to reelection. Two years ago they adopted as their slogan: "War in Europe, peace in America, God bless Wilson." Well, I want the good Lord to bless the President of the United States. I want Him to bless every American citizen, the highest and the humblest, the richest and the poorest. But I can conceive of no good or valid reason why a special blessing should be invoked upon the President because we are not at war with Mexico. Why, the very act of sending our troops to Vera Cruz because of an imaginary insult was in itself, under the usages of international law, a *casus belli* or act of war, and would have been so construed by Huerta but for the fact that he had his hands full trying to suppress the revolution of Villa and Carranza. The people of the United States owe absolutely nothing to Mr. Wilson because we are still at peace with Mexico. His persistent and pernicious meddling in the internal affairs of that unhappy country would long since have provoked an open rupture and actual war but for Mexico's inability to unite her own people. [Applause on the Republican side.]

But, say our Democratic friends, Wilson has kept us out of the European war. Why of course he has. Why should he not? Who wants war with any of the European powers? What American citizen in the full possession of his senses is demanding that our country should become involved in that terrific conflict? Where is there any sentiment for war anywhere within the confines of this Republic? Is the President entitled to wear a halo of imperishable glory for simply doing that which all of his fellow-Americans not engaged in the sale of munitions want to have done? Is he entitled to any special praise for performing a plain duty? No; no. On the contrary, the President would lay himself open to the severest censure and condemnation if he failed to exhaust every honorable means, every resource of diplomacy, to prevent our country from being drawn into this awful vortex which has engulfed all Europe. The attempt to capitalize in a political way the performance of a solemn duty that a Chief Executive owes to his country will fail, and so, too, will the attempt to create a false and un-American issue of so-called Americanism. [Applause on the Republican side.] The descendants of no one nationality that enters into our composite American life can claim a monopoly of loyalty to the Stars and Stripes. Every civilized nation under God's shining sun has contributed its share to the glory and the greatness and the grandeur of American civilization. [Applause on the Republican side.] These men came from across the seas because of their love for liberty. Here they have established their homes and reared their families and here in free, sun-kissed and heaven-blessed America lie all their future hopes and aspirations. [Applause on the Republican side.]

To-day all Europe is drenched in blood. The flower of the young manhood of the Old World is being sacrificed to the god of war. Already 5,000,000 men, created in the image of their Maker and endowed with immortal souls have paid the last full measure of devotion to their country and their country's cause. And as that gigantic struggle drags its bloody length along, we on this side of the Atlantic are overcome by conflicting emotions. Related as we are by ties of blood and consanguinity to the people of the Old World, it is but natural that our sympathies should be divided. I have nothing but profound pity for any man, no matter what his nationality may be, who does not sympathize with the land of his ancestors' birth in this great struggle for national existence, and I insist that an expression of that sympathy is in no sense a reflection on anyone's Americanism. [Applause on the Republican side.] On the contrary, I regard it as in every way commendable and as an evidence of deep and genuine humanity. God help the man who would attempt to make political capital for himself or his party by stifling the noblest emotions of the human heart. My father and mother were born near where flows the classic Rhine, but I thank God that when my father came to this country at the close of the Revolution of 1848 and took the oath of allegiance to the laws and the Constitution of this Government, that he meant exactly what he said. [Applause.] I thank God that he became an American citizen not only in word but in spirit as well, and that he instilled in the hearts of his children a sincere love of reverence for the Old Flag and for the institutions of his adopted country. [Great applause on the Republican side.]

The sentiments that animated my father animated yours, and when their devotion to American ideals is questioned because of a lingering affection for the land of their nativity we can point with pride to a hundred battle fields upon which many of them sealed their loyalty with their blood. [Applause on the Republican side.] No, no; it will not do. It is un-American; it is un-Christian; it is inhuman. You and I and all of us, and our fathers before us, believe in genuine Americanism. We believe in an Americanism that observes the spirit of true neutrality and that is free of all official partiality. We believe in an Americanism that shows no favoritism and that insists upon the recognition and enforcement of American rights on land or sea by every European belligerent, an Americanism that challenges and compels respect for the American flag by every nation on earth. [Applause on the Republican side.] You may talk in glittering generalities about "intrigues" and "hyphenates," but the inherent spirit of fair play that characterizes every true American will demand that you present a bill of particulars or stand convicted of criminal hypocrisy at the bar of enlightened public opinion. [Great applause on the Republican side.]

Time will not permit me to discuss at length the contradictory and chameleonlike record of this administration. Suffice it to say that President Wilson has completely reversed himself on practically every important question. At one time he was in favor of a single presidential term, of free canal tolls, of intervention in Mexico, of theoretical free trade, of Garrison's continental army plan, and of "knocking Bryan into a cocked hat," and now he is opposed to all of them. [Laughter and applause.] At another time he was opposed to military training, to increasing the Army and Navy, to a tariff commission, to labor unions, and to adequate preparedness, and now he is in favor of all of them. But perhaps, after all, there is an explanation.

The President once admitted in a burst of confidence that he had a "single-track mind." You know that at the end of every single-track railroad there is always a turntable, and if presidential peregrinations count for anything it must be apparent to every observer that the President landed on the turntable at the end of the track early in his term and has been traveling in a circle ever since. [Applause and laughter on Republican side.]

These are the counts in our indictment of Woodrow Wilson and his inefficient administration. The issues are joined, the record is made up, and the Republican Party is ready to submit the case to the verdict of the people. With an abiding faith in the intelligence, the manhood, and the patriotism of the American voter, we look forward with hope and confidence to the 4th day of March, 1917, when, under the courageous, capable, and patriotic leadership of Charles Evans Hughes [loud applause on Republican side] our national prestige will be fully restored and the Republic will once again assume her proud position in the sisterhood of nations. [Prolonged applause on Republican side.]

The SPEAKER pro tempore. The gentleman from Alabama [Mr. HEFLIN] is recognized for an hour.

Mr. HEFLIN rose.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. HEFLIN. Yes.

Mr. MANN. I ask unanimous consent, Mr. Speaker, that the other gentlemen who already have orders permitting them to speak to-night, following the gentleman from Alabama, shall have permission to address the House to-morrow.

Mr. KITCHIN. Well, there is no special order for to-morrow, then.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] makes the request that the gentlemen who also have permission to speak to-day may speak to-morrow. Is there objection?

There was no objection.

Mr. MANN. I ask unanimous consent that the gentleman from Indiana [Mr. Wood] may have leave to address the House to-morrow for 40 minutes, following the gentleman from Nebraska [Mr. SLOAN].

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. HEFLIN] is recognized for one hour.

Mr. HEFLIN. Mr. Speaker, ours is the first Government in all the world to have a written Constitution as its organic law, and here for the first time in all history a Supreme Court was established to construe the Constitution. This system is the product of the collective wisdom of our fathers, and it is a great

improvement over all other systems. The Constitution of the United States is the chart and compass of American liberty, and the Supreme Court is the chief guardian of its sacred principles. In that body more than in any other branch of the Government is lodged the saving strength of the Republic. It was suggested in the Constitutional Convention that the President and a certain number of the Supreme Court Judges be given a qualified veto power over all measures passed by Congress, but, as Judge Simeon E. Baldwin, of Connecticut, has well said, "That would not do, for it would have thrown the Supreme Court judges into active participation in politics, and that would have impaired popular confidence in the Supreme Court."

Mr. Speaker, the fathers realized the importance and necessity of placing the supreme authority beyond the reach of political influences and partisan ambition, and they established the Supreme Court upon a constitutional elevation above the legislative and executive branches of the Government. In the early days there were those who questioned the wisdom of allowing the Supreme Court to have and exercise a power that could declare null and void the acts of the legislative and executive branches of the Government, but the wise and far-seeing patriots of that day said that the legislative and executive branches of the Government are political in their nature and are susceptible to political influences and dependent upon political success at the polls. But they said the Supreme Court, with its members consecrated to the work and serving for life, free from party strife and bitterness, purely judicial and nonpartisan in its character, will exercise its power without the fear of political punishment or the hope of political reward. [Applause on the Democratic side.]

Mr. Speaker, in order to make sure that those chosen for service in the court of last resort would never seek or accept political office or have occasion to worry about provision for old age, our fathers provided for the life tenure of its members, with permission to retire at the age of 70 years, continuing to draw the salary until death. They made no such provision for Members of Congress, and they did not thus provide for even the President of the United States.

What more could our fathers have done to show that they deemed it wise and necessary to keep the Supreme Court entirely out of politics, and that they regarded it as a sacred institution, especially set apart and dedicated to the highest and most important service in our Government?

It is clear, then, that the fathers intended that the Supreme Court should be and forever remain out of politics. [Applause on the Democratic side.]

#### WASHINGTON'S OPINION.

When President Washington appointed for life the first judges of the Supreme Court, men of judicial skill and rectitude, the personal representatives of the dignity and majesty of the law, he declared that the Supreme Court is the chief pillar upon which our National Government must rest. The Father of our Country helped to create this independent and nonpartisan tribunal of the Nation. He saw that it was good, pronounced his blessing upon it, christened it in the name of liberty, and dedicated it to the cause of justice. [Applause.] He then committed it to the care and keeping of the generations that were to come after him; and they, thank God, have protected and preserved it. [Applause on the Democratic side.]

#### CHIEF JUSTICE MARSHALL.

Mr. Speaker, the great Chief Justice Marshall, who believed in the life tenure of the Supreme Court judges, and who frequently praised the plan which kept the Supreme Court out of politics, declared that the judge must be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience. [Applause on the Democratic side.]

Hon. Charles E. Shepherd, a distinguished lawyer from the State of Washington, speaking on Marshall day, 1901, of the nonpartisan character of our Supreme Court, said that Chief Justice Marshall was unmoved by the rise and fall of parties and administrations. The vision of a coming election never passed athwart that clear, penetrating, judicial eye. [Applause on the Democratic side.]

Again, Judge Baldwin has said that—

The Supreme Court was the rock against which the wave of political reaction which swept John Adams into retirement and made Jefferson President dashed in vain.

#### CHARLES CARROLL, OF CARROLLTON.

Charles Carroll, of Carrollton, whose honored name graces the Declaration of Independence, said in 1827:

I consider the Supreme Court of the United States as the strongest guardian of the powers of Congress and the rights of the people.

In 1835 Hon. Horace Binney, of Philadelphia, one of the greatest lawyers that ever lived, in speaking of Chief Justice Marshall and the Supreme Court, said:

The Supreme Court judge in administering the law is the representative of the abstract justice of the people.

And in 1884 Chief Justice Waite, in unveiling the monument erected here in honor of Chief Justice Marshall, said:

The judicial power of the United States has been carefully preserved and wisely administered.

#### CHIEF JUSTICE FULLER.

In 1901, 100 years from the time that John Marshall was made Chief Justice, Chief Justice Fuller, of this same nonpartisan tribunal, declared that—

The Supreme Court judge must walk the straight and narrow path marked out by law regardless of political expediency or party politics.

Speaking in honor of Chief Justice Marshall in 1901, Senator William Lindsay, an able statesman of Kentucky, said:

No other court compares with our Supreme Court in jurisdiction, power, or independence. The peace, the prosperity, and the very existence of the Union are vested in the hands of our Supreme Court judges. It is, indeed, fortunate that we have a tribunal commanding public respect and public confidence, the mandates of which the people accept without regard to political affiliations or preconceived opinions.

[Applause on the Democratic side.]

Mr. Speaker, patriots East and West, North and South, Democrats and Republicans alike, bear testimony to the potential power and beneficent influence of our independent and nonpartisan Supreme Court. [Applause on the Democratic side.] What a source of strength it has been to the Republic in all the years that are gone!

#### FREE FROM IMPROPER INFLUENCE.

Hon. George M. Williams, an able lawyer of Oregon, said on Marshall day in 1901:

The Supreme Court of the United States is as far removed from the influence of passion and prejudice as it is possible for a human tribunal to be.

And this fact, Mr. Speaker, more than any other, has made that court revered and respected by all classes and conditions of our people. [Applause on the Democratic side.] Again, Judge Simeon E. Baldwin says:

In England the British ministry is directly represented in the court of last resort before which causes of international importance may be brought; but here the situation is different. The Supreme Court does not act upon notions of State policy. It is a body purely judicial, and its office is purely to declare the law.

And, continuing, he says:

In no other government, as in ours, is the foreign office so powerless to control judicial proceedings by which foreign relations are affected.

So, Mr. Speaker, this situation accounts for the fact that no high court in all the world enjoys the reputation abroad that this court does among the nations of the earth. [Applause.] A few years ago a dispute arose between Canada and the United States, and Canada suggested that she was willing for the Supreme Court of the United States to determine the question. Mr. Speaker, what a beautiful acknowledgment of our Supreme Court's reputation for fairness and impartiality; what a splendid tribute to the integrity of this purely judicial and nonpartisan court of ours. [Applause.] Judge U. M. Rose, of Little Rock, a brilliant lawyer of Arkansas [applause], on Marshall day in 1901, in his splendid tribute to the nonpartisan character of our Supreme Court, said:

With us the Government is one of limited powers, and the humblest citizen may at any time challenge the authority of Congress or President or both combined. The Supreme Court, composed of learned men, quite excluded from the pale of actual or practical politics, having control of neither the sword nor the purse, presents to the world the fairest and best judicial tribunal ever devised by the wisdom of man.

[Applause on the Democratic side.]

#### SUPREME COURT CONTROLLING INFLUENCE.

Hon. Frank Springer, of the Territory of New Mexico, said, in 1901:

If this Republic endures longer than those of antiquity, it will be chiefly by reason of the controlling influence of that great court which maintains the equilibrium of the Nation—

[Applause.]

which holds together the Union like some great sun of a planetary system, sending its light to the remotest parts, allowing each member to move unrestrained in its appointed path, but binding all by its mighty force, so that they can neither collide with each other nor depart from the system.

[Applause.]

Mr. Speaker, where is the patriot who is willing to tamper with the power which maintains the equilibrium of the Nation? Where is the citizen who is willing to destroy the light of our civic sun, which by its majesty and power holds in place and blesses every righteous force in the Government? [Applause on the Democratic side.] Hon. George R. Peck, in his article on



the March of the Constitution, speaking of how the Supreme Court has guarded that sacred instrument, says:

It has been so administered as to combine more of liberty to the citizen with more of power in the Nation than any other constitutional government.

And yet, Mr. Speaker, we are called upon to break a custom that has greatly blessed and benefited the American people. We are urged to establish a precedent that would radically change the status of our Supreme Court and plunge it into partisan politics. [Applause.]

#### PARTISAN INFLUENCE.

If our fathers in the early days were so careful to guard the Supreme Court against partisan influence and political ambition, with what scrupulous care should we guard it now, when sinister interests appeal more to the power of the purse than to the principle of the patriot. [Applause.] When they seek to coerce the voter, make barter of the ballot, and undertake to buy the highest office within the gift of the people. [Applause.] Sinister interests with political influence in too many instances have been able to work their will in local courts at the expense of justice and to the detriment and great injury of the citizen involved. Now, if any citizen, however humble and obscure, feels that the Constitution has been violated and political influence and partisan prejudice have operated to deny him justice, he can go to this nonpartisan tribunal, beyond the reach and taint of partisan consideration, and there receive justice. [Applause.]

#### THE PEOPLE'S STRONGHOLD.

Mr. Speaker, that court is the rich man's rock against improper judgments, the poor man's shelter against judicial tyranny, the city of refuge for both capital and labor, and the people's mighty stronghold of justice against injustice. [Applause.] The feeling of respect and appreciation on the part of the people for our Supreme Court and their abiding faith in its integrity and in its love of justice have done more to inspire patriotism and strengthen the Republic than any other influence in the country. [Applause.]

Mr. Speaker I have heard of a State in this Union where it is said that one of the supreme court judges was ambitious to be governor. One day a case of considerable importance came up for consideration. The parties on one side of the suit were men of great political influence, and it is said that this judge expressed friendship for their side, took charge of the case, wrote the opinion, and later announced his candidacy for the office of governor. Mr. Speaker, if this precedent, which drags the Supreme Court into politics, is established, and we say to our Supreme Court judges, hereafter you are at liberty to court political influence and seek political office, I fear that some time some judge may play politics at the expense of justice, and sacrifice human rights upon the altar of political ambition. [Applause on the Democratic side.]

#### LORD JEFFREYS.

Lord Jeffreys, of infamous memory, chief justice of the High Court of England, dragged the judicial ermine into the mire of corrupt politics and used his office to influence elections. On one occasion he went to a city where an election was being held and entered the court room where Mayor Peckham was holding court. On seeing him there, the mayor became indignant and rebuked him, saying:

You, who ought to be the guardian of our laws and sacred constitution, shall not thus audaciously violate them.

[Applause.]

Our fathers saw what political ambition and partisan activity did for the High Court of England, and they resolved to avoid the mistakes of the mother country. Those who framed the Constitution were determined to place safeguards around our Supreme Court so as to keep it forever out of politics, and I repeat they wisely provided that its members should serve for life [applause], and retire, if they desired to do so, at the age of 70 years, continuing to draw the salary until death.

#### FROM WASHINGTON TO WILSON.

From Washington to Jackson and from Jackson to Lincoln, from Lincoln to Cleveland and from Cleveland to McKinley, and from McKinley to Wilson the people of all parties have protected the Supreme Court against political invasion, and millions yet unborn will guard and protect it in the years that are to come. [Applause.]

#### JUSTICE HUGHES.

In 1912 Mr. Justice Hughes said:

A Supreme Court judge should not be available for political office. The Supreme Court must not be dragged into politics.

[Applause on the Democratic side.]

Why, Mr. Speaker? "Because above the need of any man's service in political office in this country rises the importance of

the unstained integrity and nonpartisan character of our Supreme Court." [Applause.]

That was the position of Mr. Justice Hughes in 1912. Then he regarded the keeping of the Supreme Court out of politics as a matter of grave concern to the country. Then he felt that his country's best interest demanded that he refuse to allow the use of his name—a Supreme Court judge—as a candidate for the office of President in order to relieve his party of an embarrassing situation. Mr. Speaker, in the light of his position in 1912 and in view of what he has done in 1916, I ask what it is that causes him to be willing now to drag down and sacrifice this nonpartisan court upon the altar of partisan expediency. [Applause on the Democratic side.] With what degree of grace and good conscience can he invite the voter now to do that which he declared four years ago was a dangerous step to be taken in this country. [Applause on the Democratic side.] He has told us in strong language how important it is to keep the Supreme Court out of politics. What reason will he offer now for his effort to change it from an independent, nonpartisan court to a recruiting station of candidates for President? [Applause on the Democratic side.] What argument has he to make now as to why it should be changed from a temple of justice to a political hotbed of partisan ambition? [Applause on the Democratic side.]

Mr. Speaker, Hon. WARREN G. HARDING, a Republican United States Senator from Ohio, was permanent chairman of a convention dominated by Republican bosses at Chicago. In notifying ex-Supreme Court Justice Hughes of a nomination that he had received by that convention Senator HARDING reminded him that his nomination "was extraordinary and without a parallel in the history of the Republican Party." That is true, Mr. Speaker. It was indeed a most extraordinary nomination. It did not only violate a long-standing precedent and tradition of the Republican Party, but it struck a dangerous blow at civil liberty in America. [Applause on the Democratic side.] That boss-ridden and degenerate old party of PENESE and SMOOR having stifled virtue and destroyed moral vigor in itself, now turned in its greed and desperation and laid its cruel hands upon the Supreme Court, the very citadel of human rights in America. [Applause on the Democratic side.] And, Mr. Speaker, upon that unprecedented performance and that most extraordinary nomination they invite patriotic Progressives not only to repudiate the principles that they stood for four years ago, when they fought bossism, ring rule, and corruption, but they invite them to use their ballots in support of a movement which will, if successful, work injury to their children and their children's children long after we are dead. [Applause on the Democratic side.]

#### TEMPLE OF JUSTICE.

Mr. Speaker, for more than a hundred years the American people have regarded our Supreme Court as a temple of justice far above the plane of partisan politics, and never until now has any political party desired or dared to invade its sacred precincts in search of a candidate for President [applause on the Democratic side]; but with due appreciation of the wisdom and necessity of keeping that court out of politics and placing their country's welfare above the desire for party success, all parties have guarded against breaking the custom which has kept our Supreme Court free from political influence and partisan ambitions. [Applause on the Democratic side.] But, Mr. Speaker, it remained for the power-hungry bosses of the Republican Party to invade that holy of holies in our judicial system and undertake to establish a precedent that would destroy the independence and nonpartisan character of our Supreme Court. [Applause on the Democratic side.] Yes, Mr. Speaker, in order to get control of the Government these desperate bosses of the Republican Party are willing to weaken public confidence in this court of last resort and destroy its usefulness as the chief guardian of constitutional rights and liberties. [Applause on the Democratic side.] The bosses of the Republican Party who invaded our temple of justice and undertook to violate its sanctity and rob it of its nonpartisan character by dragging it into politics are not the friends but they are the enemies of the Republic. [Applause on the Democratic side.]

#### DESPERATE BOSSES.

We are told that when Napoleon made known to Josephine his intention to divorce her, she pointed to a star in the sky and said to him: "That is your star, bright and resplendent now, but the day that you divorce me your star is set." I want to say to the reckless bosses of the Republican Party who have gone to the Supreme Court for a candidate for President, you are taking a step fraught with grave danger to the country. You are seeking to violate a principle dear to the American people, and you

are striving to break a custom as old as the Government, and if your un-American plan succeeds you will have dimmed the luster and destroyed the brilliancy of the brightest star in the firmament of American liberty. [Applause on Democratic side.]

#### SINISTER INTERESTS.

Mr. Speaker, if this plan of the Republican bosses succeeds, and ex-Supreme Court Justice Hughes is elected President, the Supreme Court will be in politics, and then sinister interests will have succeeded in storming the once impregnable citadel of the Nation's strength and in striking down the mightiest bulwark of American liberty. [Applause on Democratic side.] They will then be able to do what they were powerless to accomplish before the Supreme Court was invaded by boss politicians and its members imbued with the desire for political office and fired with the spirit of partisan ambition. [Applause on the Democratic side.] Then it will not be long until we will be confronted with the awful spectacle of Supreme Court judges either openly or secretly striving to secure the Democratic and Republican nominations for the office of President. Mr. Speaker, upon our ability to defeat the establishment of this wicked precedent which would drag our Supreme Court into politics depends the preservation of rights and liberties dear to the American people. [Applause on the Democratic side.] The wise custom which has kept our Supreme Court out of politics, purely judicial and nonpartisan in character, was in existence when every citizen now living was born, and the blessed right to keep it inviolate is the birthright of the American citizen. [Applause on the Democratic side.]

Who, then, is ready to barter this birthright for a mess of political potage? Where is the father who will deliberately follow a course that he knows will bring evil to his children and injury to his country. [Applause on the Democratic side.] Mr. Speaker, we must not weaken and impair this great judicial institution whose nonpartisan character has become a part of the vital life of the Nation, but we owe it to ourselves and to our children to contribute to its strength and preservation. [Applause on the Democratic side.] Our fathers established this wise and valuable custom, and it is our duty to protect and preserve it.

#### SENATOR LODGE OF MASSACHUSETTS.

Senator LODGE of Massachusetts, a Republican, took the position in 1901 that—

When a judge ascends to the Supreme Court bench the door of political preferment closes behind him.

[Applause on the Democratic side.]

So, Mr. Speaker, if a Supreme Court judge puts off the judicial ermine, turns his back upon the Constitution, and quits the temple of justice to engage in partisan warfare, we must see to it that the precedent is not established, for in this way alone can we prevent this public calamity and this crime against the country. [Applause on the Democratic side.] Grover Cleveland, in his article on "Good citizenship," said:

The abandonment of our country's watchtowers by those who should be on guard and the slumber of the sentinels who should never sleep directly invite the stealthy approach, the pillage, and the loot of selfishness and greed.

[Applause on the Democratic side.]

If the Republic itself could speak, animated by the patriotic spirits of Washington, Madison, Marshall, and Lincoln, it would say to the Republican bosses who have violated confidence and abused power in the legislative and executive branches of the Government:

Spare the Supreme Court,  
Place no stain upon its brow,  
For a hundred years it has guided me,  
And you shall not harm it now.

[Applause on the Democratic side.]

Mr. Speaker, of the long list of distinguished jurists who have ministered in the temple of justice only two or three have tried to drag it into politics and pervert it from the ends of its institution, but be it said to the everlasting praise of the patriots of the country, they refused to sanction this attempted violation of a time-honored custom. [Applause on the Democratic side.] The people of the United States are devoted to the principles and established in the faith that this court must and shall be forever free from partisan politics and political ambition. [Applause on the Democratic side.]

#### THE NATION'S HIGHEST COURT.

Mr. Speaker, our Supreme Court is the loftiest tribunal in all the world [applause], and a place on that bench is the climax and crowning glory of attainment in the legal profession. [Applause on the Democratic side.] When an American citizen is elevated to that high station and crosses its sacred threshold and puts on the honored ermine of the Nation's highest court,

he ought to dedicate his talents and consecrate his all to whole-hearted service in the temple of justice. [Applause on the Democratic side.] Let it be known in all the hereafter that there is one high and sacred place in our system of Government that shall never be invaded by political influence and partisan ambition, and that everyone who enters that sacred tribunal closes the door of political ambition behind him, casts anchor with the Constitution to live and die as one of its faithful guardians. [Applause on the Democratic side.]

#### THE POWER OF LIFE AND DEATH.

Mr. Speaker, our Supreme Court holds the scales of justice between the man of moderate means and the man of large fortune. It determines cases in which the welfare of society is involved and the life of the citizen is at stake. It has the power to revise and destroy all other court decisions. It wields the power of life and death over State and Federal statute, and it has the power to declare null and void the acts of the Chief Executive of the Nation, and I submit to this House and to the country that this great court, on account of its supreme power and importance, should forever remain free from partisan ambition and political activity. [Applause on the Democratic side.] This court must never be perverted from the ends of its institution. It must forever remain true to the purpose of its creation. [Applause on the Democratic side.] The power to make law is important and the power to execute law is essential, but the power to destroy law, the power to withhold or to administer justice, is the most important power of all. [Applause on the Democratic side.]

#### THE ARK OF THE COVENANT.

Here, then, in the Supreme Court, our fathers lodged the ark of our civic covenant, and they wisely provided that those chosen to guard and protect it should enlist for life and be consecrated to the service. [Applause on the Democratic side.] That ark was placed there by the founders of the Republic, and for more than a hundred years it has remained in the temple of justice high above the din and noise of partisan contests. There, in its exalted grandeur, it guards the Constitution, holds the scales of justice and contributes as no other power can to the strength and perpetuity of the Republic. [Applause on the Democratic side.]

Mr. Speaker, the man who votes to break this custom, to change the status of our Supreme Court from a nonpartisan to a political body, votes against his own best interest and against the best interest of his children and his children's children. [Applause on the Democratic side.] In the name of the sainted dead whose sacred hands separated that court from politics and dedicated it to the cause of justice, I call upon every patriot guard in the country to vote to retain this valuable custom. In the name of millions yet unborn, whose rights and liberties will be injuriously affected if this court is to be dragged into politics, I summon every sentinel in the Republic to protest and preserve this mighty bulwark of American liberty. [Applause on the Democratic side.]

#### THE VESTAL VIRGINS.

The historian tells us that in Rome, the preservation of fire was given a sacred office and that the vestal virgins were consecrated to the service. Winter and summer, year in and year out, they guarded the sacred flame. The Roman legions might be encamped upon the river Rhine or forming battle line along the distant Euphrates, back in the temple at Rome burned the eternal fire. Mr. Speaker, so long as the vestals kept vigil in the temple, all was well with the Roman Empire. From their sacred office, there radiated a power and an influence that kept citizen and soldier with heads erect and light upon their faces, and spreading contentment everywhere. But in an evil hour the tempter came. The vestals left the temple and the sacred flame went out. Faith in the Government and the spirit and lofty ideals that once characterized the people of Rome were gone, and with them went the spirit and moral stamina of citizen and soldier, and Rome fell down among her beautiful hills and died.

#### SUPREME COURT JUDGES IN THE TEMPLE.

Mr. Speaker, in building this Republic, our fathers gave to the Supreme Court a sacred office. They dedicated it to the cause of liberty and kindled upon its sacred altar the white fires of eternal justice. [Applause on the Democratic side.] They consecrated our Supreme Court Judges to service in the temple. And winter and summer, year in and year out they have guarded the sacred flame. [Applause on the Democratic side.] The waves of party strife and bitterness have beat against the legislative and executive branches of the Government, but beyond the sound of the breakers, and beyond the reach of the waves has stood in solemn grandeur this



American temple of justice. [Applause on the Democratic side.]

So long as it was free from politics and our justices kept vigil in the temple all was well with the Republic. The humblest citizen, the high and the low, the rich and the poor looked with implicit faith upon this temple as the very seat and home of justice. [Applause on the Democratic side.] This fidelity to duty on the part of the judge, and this abiding faith on the part of the citizen has been the inspiring power that has kept the light of justice forever burning in the temple and held the respect and confidence of the American people through all the years that are gone. [Applause on the Democratic side.]

#### SENATOR WORKS, OF CALIFORNIA.

Senator WORKS, a Republican, of California, a great lawyer, and one who cherishes in his heart the tradition which has kept our Supreme Court out of politics, said in the Senate of the United States, April 12, 1916:

To my mind, it is of the gravest importance that that great tribunal should be separated absolutely and forever from politics. [Applause on the Democratic side.] This attempt to bring the highest tribunal of the country or any member of it into politics should be resented, not only by the member to whom the tempting offer is made, but by the whole country.

[Applause on the Democratic side.]

And, Mr. Speaker, it will be resented. Patriotic judges, lawyers, and laymen will stand in solid phalanx to prevent the establishment of this dangerous precedent. [Applause.] All men, regardless of party affiliations, know in their hearts that the independent and nonpartisan character of our Supreme Court has made it the mightiest force for good in this Government. [Applause.] Every man who hears me to-day knows that if ever a Supreme Court judge is elected President that the precedent for opening that court to partisan politics has been established and that that precedent would violate the sanctity and impair the usefulness of the highest court in the country. [Applause on the Democratic side.] That court of last resort, from whose decision there is no appeal, has been and in the future ought to be purely and wholly a tribunal of justice unhampered and unimpaired by political influences from without or partisan ambition from within. [Applause on the Democratic side.]

#### CLASHING CREEDS AND WARRING INTERESTS.

Mr. Speaker, above clashing creeds and warring interests, beyond the fret and the fever, the strife and the bitterness of partisan conflicts, sits this court with singleness of purpose, unswerving eye and steady hand holding aloft the eternal principles of justice. [Applause on the Democratic side.] As the crusaders fought to recover the holy sepulcher from the hands of infidels, I call upon the American crusader of to-day to fight with the same zeal and determination to protect our temple of justice against those who would debauch and defile it. [Applause on the Democratic side.] God of our fathers forbid that we shall ever prove recreant in our obligations to protect and preserve it. [Applause on the Democratic side.]

#### ITS EXALTED MISSION.

This sacred custom has become a fixed principle with our people. It is as old as the 13 stripes in our flag, and its splendor is reflected in every star that beams in the blue of Old Glory. [Applause on the Democratic side.] It has blessed and benefited our people everywhere. It is vital to the happiness and well-being of a hundred millions of people, and it is necessary to the perpetuity of the Republic. [Applause on the Democratic side.] Let every patriot in the country declare once and for all that this temple of justice shall never become a political incubator to hatch out candidates for the office of President [applause on the Democratic side], but that it shall remain now and forever true to the purpose of its creation and consecrated to its exalted mission. [Prolonged applause on the Democratic side.]

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5427. An act referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims; to the Committee on Indian Affairs.

#### ADJOURNMENT.

Mr. Sisson. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Saturday, August 5, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting tentative draft of legislation making appropriation for sewer, auditor's building, old Bureau of Engraving and Printing, (H. Doc. No. 1317); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, inviting attention to a letter addressed to Congress under date of March 9, 1916, and which was printed as House Document No. 898, in regard to the laboratories, Bureau of Mines, Pittsburgh, Pa. (H. Doc. No. 1318); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriations for the reclamation service for the fiscal year ending June 30, 1917 (H. Doc. No. 1319); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAGGART, from the Committee on the Judiciary, to which was referred the bill (H. R. 14973) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910, reported the same with amendment, accompanied by a report (No. 1084), which said bill and report were referred to the House Calendar.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13718) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me., reported the same without amendment, accompanied by a report (No. 1088), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across the Spanish River at or near the junction of Raft and Spanish Rivers, reported the same without amendment, accompanied by a report (No. 1089), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (H. R. 14927) for the relief of William H. Boyer, reported the same with amendment, accompanied by a report (No. 1078), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16590) for the relief of George Le Clear, reported the same with amendment, accompanied by a report (No. 1079), which said bill and report were referred to the Private Calendar.

He also, from the same committee to which was referred the bill (H. R. 14245) for the relief of Edward Looby, reported the same with amendment, accompanied by a report (No. 1080), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10697) for the relief of S. Spencer Carr, reported the same with amendment, accompanied by a report (No. 1081), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8945) for the relief of John P. Chesley, reported the same with amendment, accompanied by a report (No. 1082), which said bill and report were referred to the Private Calendar.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 5182) requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington, reported the same without amendment, accompanied by a report (No. 1083), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18352) granting a pension to Charles C. Cooper; and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 17288) providing that Indian schools may be maintained without limitation as to annual rate of expenditure per pupil; to the Committee on Indian Affairs.

Also, a bill (H. R. 17289) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917; to the Committee on Indian Affairs.

By Mr. MORRISON: A bill (H. R. 17290) providing for the registration of designs; to the Committee on Patents.

By Mr. HAMILL: A bill (H. R. 17291) to regulate the shipment and storage of explosives; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: A bill (H. R. 17292) for the regulation of salaries in the custodian service of the Treasury Department; to the Committee on Expenditures in the Treasury Department.

By Mr. GRAHAM: A bill (H. R. 17293) authorizing the purchase of a site and the erection of a building thereon for a post office in the city of Philadelphia, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17294) relating to copyrights; to the Committee on Patents.

By Mr. TAGUE: A bill (H. R. 17295) to require fishing vessels to carry certain equipment for all small boats and dories; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Minnesota: Concurrent resolution (H. Con. Res. 51) to create a committee to investigate the Government's treatment of the National Guard and what defects in the guard organization have been evidenced by the present mobilization; to the Committee on Military Affairs.

By Mr. NICHOLS of Michigan: Concurrent resolution (H. Con. Res. 52) directing the Secretary of State to require consular agents to gather information regarding trade conditions in belligerent countries; to the Committee on Foreign Affairs.

By Mr. BELL: Resolution (H. Res. 335) to pay for folding speeches; to the Committee on Accounts.

Also, resolution (H. Res. 337) providing for the consideration of S. 509; to the Committee on Rules.

By Mr. EAGAN: Resolution (H. Res. 338) to investigate the explosions at Jersey City, N. J., which occurred on the 30th of July, 1916; to the Committee on Rules.

By Mr. PRATT: Joint resolution (H. J. Res. 290) granting permission to the National Sculpture Society to hold an exhibition in the National Museum of a collection of American sculpture, and authorizing an appropriation in aid thereof; to the Committee on the Library.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 17296) removing the disabilities of Richard W. Hocker; to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 17297) granting an increase of pension to George W. Miller; to the Committee on Invalid Pensions.

By Mr. BRITT: A bill (H. R. 17298) for the relief of Thomas Monteth; to the Committee on Claims.

Also, a bill (H. R. 17299) for the relief of M. A. Searcey; to the Committee on War Claims.

Also, a bill (H. R. 17300) for the relief of W. H. McFarland; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 17301) to correct the military record of Matthew C. Butler, jr.; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 17302) granting a pension to Rebecca J. Bagley; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 17303) granting an increase of pension to Jacob Walters; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 17304) for the relief of W. L. Rose; to the Committee on Claims.

By Mr. GUERNSEY: A bill (H. R. 17305) for the relief of William I. Wood; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 17306) granting an increase of pension to Henry C. Salton; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 17307) granting an increase of pension to Sarah Bissell; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 17308) granting an increase of pension to Daniel E. Warner; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 17309) granting a pension to Sarah K. Arnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17310) granting a pension to Robert Campbell; to the Committee on Pensions.

Also, a bill (H. R. 17311) granting a pension to Sarah M. J. Bertram; to the Committee on Pensions.

Also, a bill (H. R. 17312) granting a pension to Joseph E. Blackwell; to the Committee on Pensions.

Also, a bill (H. R. 17313) granting a pension to Mary C. Bartlebaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17314) granting a pension to Harry Cook; to the Committee on Pensions.

Also, a bill (H. R. 17315) granting a pension to John R. Crayton; to the Committee on Pensions.

Also, a bill (H. R. 17316) granting an increase of pension to Lloyd Criswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17317) granting an increase of pension to William G. Camp; to the Committee on Pensions.

Also, a bill (H. R. 17318) granting an increase of pension to Nancy Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting an increase of pension to Mary Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) granting an increase of pension to William H. Fulkineer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17321) granting an increase of pension to Elizabeth J. Atherton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17322) granting an increase of pension to William L. Alley; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 17323) for the relief of William G. Gaylor; to the Committee on Military Affairs.

By Mr. QUIN: A bill (H. R. 17324) for the relief of the heirs of Charles F. McLean, of Union Church, Jefferson County, Miss.; to the Committee on War Claims.

By Mr. RAINEY: A bill (H. R. 17325) granting an increase of pension to Henry A. Glenn; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 17326) granting an increase of pension to Charles A. Sugg; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 17327) granting a pension to Christiana Fortner; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 17328) granting a pension to James M. Bush; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 17329) granting a pension to Mary J. Peters; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17330) to pay to the trustees of the German Evangelical Church, of Humboldt, Kans., the sum of \$540, being the value of the use and occupation of the church building for a period of three years, from October, 1861, to October, 1864, by the armed forces of the United States; to the Committee on War Claims.

By Mr. WEBB: A bill (H. R. 17331) to permit Seth Shepard, Chief Justice of the Court of Appeals of the District of Columbia, to retire; to the Committee on the Judiciary.

By Mr. WILLIAMS of Ohio: A bill (H. R. 17332) granting an increase of pension to Robert Smith; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of union meeting of the four railroad transportation brotherhoods, approving stand taken by Hon. GEORGE HUDDLESTON, of Alabama, relative to Hay conscription bill, etc.; to the Committee on Military Affairs.

By Mr. ASWELL: Memorial of Southern Forestry Congress, favoring amendment to the Agricultural appropriation bill for purchase of forest areas; to the Committee on Agriculture.

By Mr. BAILEY: Memorial of Brotherhood of Locomotive Firemen and Engineers, Altoona Lodge, No. 287, favoring House bill 16142, relative to limiting the length of trains, etc.; to the Committee on Interstate and Foreign Commerce.



By Mr. BEALES: Evidence in support of House bill 13352, granting a pension to Charles C. Cooper; to the Committee on Pensions.

By Mr. BRUCKNER: Petition of Dr. Robert P. Knapp, of New York City, favoring preparedness; to the Committee on Military Affairs.

Also, petition of members of the Custodian Mutual & Benevolent Welfare League, favoring the Nolan minimum-wage bill; to the Committee on Labor.

Also, petition of Paramount Knitting Co., of New York, favoring passage of the Army bill with Senate amendments; to the Committee on Military Affairs.

Also, petition of Westbrook Farm, Oakdale, Long Island, N. Y., against House bill 16307, for registration of pure-bred live stock; to the Committee on Agriculture.

Also, petition of Oakcrest Association, Brooklyn, N. Y., favoring investigation relative to high price of anthracite coal; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of sundry citizens of the United States, relative to program of constructive peace; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petitions of Seggerman Bros. and Rockwood & Co., of New York, against amendment to the general revenue bill ceasing drawbacks during the war; to the Committee on Ways and Means.

Also, petition of Technology Sales Co., of New York, favoring the Senate Navy bill; to the Committee on Naval Affairs.

Also, memorial of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of market committee, American National Live Stock Association, favoring Borland resolution, relative to marketing live stock, etc.; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of New York Produce Exchange, relative to adequate merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of executive committee, National Association Union Volunteer Officers, relative to Volunteer officers' retired-list bill; to the Committee on Military Affairs.

Also, memorial of Association to Resist British Domination of American Commerce, relative to restrictions on American citizens, etc.; to the Committee on Foreign Affairs.

Also, petition of Order of Railway Conductors, Brotherhood of Locomotive Engineers, etc., relative to wage controversy between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Wisconsin Retail Clothiers' Association, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Memorial of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Petition of R. D. Cobb and 32 other citizens of Riverdale, Gratiot County, Mich., regarding Senate bill 5677; to the Committee on the Judiciary.

By Mr. McARTHUR: Memorial of directors of the Portland Chamber of Commerce, favoring the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of members of Freight Agents' Association of South Chicago, Ill., urging legislation to empower the Interstate Commerce Commission to investigate the threatened railroad strike; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Memorial of the Philadelphia Bourse, favoring reference of railroad difficulties to Interstate Commerce Commission; to the Committee on the Judiciary.

By Mr. PARKER of New York: Petition of sundry citizens of Glass Falls, N. Y., favoring passage of a bill for a Federal motion-picture commission; to the Committee on Education.

By Mr. RAKER: Memorial of Chamber of Commerce of Redlands, Cal., relative to arbitration between railroads and their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Narragansett Lodge, No. 478, Brotherhood of Locomotive Firemen and Engineers, favoring passage of House bills 1668 and 15950; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Providence, R. I., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. YOUNG of North Dakota: Resolution adopted at union meeting of Brotherhood of Locomotive Engineers, Order of Railroad Conductors, Brotherhood of Locomotive Firemen and Enginemen, and Brotherhood of Railroad Trainmen, at Grand Forks, N. Dak., on July 2, 1916, protesting against legislation to establish compulsory arbitration, and protesting against the reference of labor disputes to the Interstate Commerce Commission; to the Committee on the Judiciary.

## SENATE.

SATURDAY, August 5, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thy name and invoke Thy blessing upon us as we address ourselves to the tasks of this day. We come to Thee lest we should lose the least opportunity to serve our fellow men. We come to Thee lest we should neglect to use the greatest power that Thou hast committed to us in this same service. This day may we be directed by Thy grace in the performance of the duties that are before us, and at its close may we have the comfortable satisfaction of having done our best to aid the world to higher and richer and nobler things. For Christ's sake. Amen.

## THE JOURNAL.

On request of Mr. CHAMBERLAIN and by unanimous consent the reading of the Journal of the proceedings of the legislative day of Tuesday, August 1, 1916, was dispensed with, and the Journal was approved.

## MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 6, 7, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, and 15; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Provided further, That the present manager of the cadet store shall, on his own application, after 40 years' service as clerk, superintendent, and manager of said store, be entitled to be placed on the retired list of the Army with the pay of a retired pay clerk, Quartermaster Corps, of the same period of service"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the Academic Board within 10 days after being officially notified of such failure. The examination demanded shall be held within 60 days from the date of such application, and if the cadet being otherwise qualified shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be readmitted to the academy: *Provided further*, That this proviso shall apply to those former cadets who failed in not more than two subjects during the current year who shall make application for such examination within 20 days after the approval of this act: *Provided further*, That any cadet who fails to pass any required examination shall have no more than one reexamination: *And provided further*, that nothing contained in section 1325 of the Revised Statutes shall render ineligible any former cadet honorably discharged from the Military Academy for deficiency in studies, if otherwise qualified, as a civilian candidate for appointment to any vacancy in the grade of second lieutenant under class 6 of the national defense act approved June 3, 1916"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$5,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is authorized and directed to appoint three officers of the Army, whose duty it shall be to investigate and to make report to Congress on the first Monday in December, 1916, what is necessary to be done in the way of buildings and other improvements to accommodate and care for the increased corps of cadets as provided by the act of May 4, 1916, together with the probable cost thereof.

And the Senate agree to the same.

GEORGE E. CHAMBERLAIN,  
DUNCAN U. FLETCHER,  
*Managers on the part of the Senate.*

JAMES HAY,  
S. H. DENT, Jr.,  
J. C. MCKENZIE,  
*Managers on the part of the House.*

The report was agreed to.

WATERS OF THE PLATTE RIVER (S. DOC. NO. 523).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th ultimo, certain information relative to the water supply of the Platte River in western Nebraska, in relation to the Pathfinder Reservoir, which, with the accompanying paper and illustrations, was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, Jr., one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE, Mr. SHOUSE, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and

certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; and

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

#### PETITIONS AND MEMORIALS.

Mr. SMITH of Georgia. I have received from the moderator and stated clerk of the General Assembly of the Presbyterian Church in the United States a letter requesting that I present a petition of the General Assembly to the Senate. It is a short address, which I send to the desk and ask to have read.

The petition was read and referred to the Committee on the Judiciary, as follows:

[General Assembly of the Presbyterian Church in the United States of America.]

PHILADELPHIA, PA.,  
July 31, 1916.

To the Senate of the United States:

We, the commissioners of the General Assembly of the Presbyterian Church in the United States of America, in session assembled at Atlantic City, N. J., May 25, 1916, as representatives of 1,500,000 members who are citizens of the United States, do respectfully petition you that you use all of the lawmaking powers vested in you by the Constitution to pass a bill submitting a constitutional amendment for the total prohibition of the traffic in alcohol for beverage purposes to the people of the several States for their action.

Respectfully submitted.

JOHN A. MARQUIS, Moderator.  
W. H. ROBERTS, Stated Clerk.

Mr. MARTINE of New Jersey presented a telegram in the nature of a memorial from William H. Campbell, of New York, N. Y., remonstrating against the passage of the so-called revenue bill, which was referred to the Committee on Finance.

Mr. WORKS. I present a telegram in the nature of a memorial from the Pacific Coast Steamship Co., protesting against certain provisions in the shipping bill, which I ask may be printed in the RECORD.

The telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SAN FRANCISCO, CAL., August 4.

Hon. JOHN D. WORKS.

United States Senate, Washington, D. C.:

This company, operating American-built vessels in the coastwise trade on the Pacific coast, respectfully but most earnestly protests against section 9 of House bill 15455 as reported by the committee to the Senate, permitting foreign-built vessels to engage in the United States coastwise trade. This company and the other regular coastwise lines have built up their trade at great expense and are giving a high-class service on regular schedule at low rates, not only with suitable cargo steamers but also with combination passenger and freight steamers, thereby furnishing a facility greatly needed by the traveling public. It would work a great hardship and a grave injustice upon these lines and tend to destroy their passenger and freight service to subject them to the competition of these cheaper built and cheaper operated foreign freighters, for the present increased selling prices and building costs of foreign vessels are undoubtedly merely a passing phase of the extraordinary conditions temporarily existing because of the war. Such vessels when in the foreign trade—and presumably the same privilege would be granted them when engaged in both the foreign and coastwise trade—could employ under the Executive order of September 4, 1914, foreign-licensed officers and would not be subject to either United States inspection or measurement when trading foreign at rates relatively much higher than the coastwise rates; and, calling at two or more American ports, these steamers could afford, whenever having unfilled space, to carry freight between such American ports at abnormally low rates, with which the American coastwise steamers depending exclusively on coastwise business could not compete. There is now ample American-built tonnage to promptly and satisfactorily handle all traffic now offered or likely to offer in the direct coastwise trade also in the intercoastal trade, as soon as the offshore rates become normal. Moreover, the recent testimony of the Commissioner of Navigation before the committee shows that to-day there are building in American yards 372 steamers, aggregating 1,147,534 gross tons, equivalent to over 18 per cent of all the present tonnage in the coastwise trade, and there can be no doubt that a large percentage of this new tonnage and of the heavy additional tonnage



that will undoubtedly be constructed will eventually find its way into the coastwise and intercoastal trade. What element, therefore, of necessity, of justice, or of prudence is there in permitting these foreign-built vessels or other vessels acquired under this act to invade the coastwise trade that now almost everywhere has to meet the competition of railroads and the constantly increasing expenses of operation, with practically no opportunity, because of competition already existing, for any corresponding permanent increase in rates? May we not ask you to lend your best efforts to have section 9 so amended as to exclude not only foreign-built vessels but all vessels acquired under this act from the coastwise trade, thereby maintaining our traditional governmental policy under which our coastal fleet has grown to be the largest in the world?

#### PACIFIC COAST STEAMSHIP CO.

Mr. WORKS presented a memorial of the employees of the Hercules Powder Co., of Hercules, Cal., remonstrating against a tax on munitions of war, which was referred to the Committee on Finance.

Mr. DU PONT. I present resolutions adopted by the City Council of Wilmington, Del., which I ask may be printed in the Record and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

WILMINGTON, DEL., July 27, 1916.

Whereas we regard the acquisition of the Delaware & Chesapeake Canal by the United States Government as one of the most vital projects that the Government could consider. The needs of commerce demand it, and in case of war the value of the canal can not be overestimated: Therefore be it

Resolved by the Council of Wilmington, That as a body we desire this work done and urge upon Congress to take speedy action for the purchase and improvement of the canal.

WILMINGTON, DEL., July 27, 1916.

I, Homer C. Simmons, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the council of Wilmington in regular session this date.

[SEAL.]

HOMER C. SIMMONS,  
Clerk of the Council.

Mr. PHELAN presented a petition of the Board of Trade of Oxnard, Cal., praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. SHEPPARD presented a petition of sundry citizens of Gonzales, Tex., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. JOHNSON of South Dakota presented a petition of Local Union No. 68, Brotherhood of Railway Carmen of America, of Huron, S. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Fort Pierre, S. Dak., praying for an investigation into the conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. BRADY. I present a telegram I have received, signed by the mayor and other prominent citizens of Pocatello, Idaho, which I ask may be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

POCATELLO, IDAHO, August 3, 1916.

HON. JAMES H. BRADY,  
United States Senate.

DEAR MR. BRADY: We wish to enter our strongest protest against the unlawful seizure of United States mail by the British Government. We beg to ask you to use your utmost influence among our Senators and Congressmen to provide measures that will prevent the British Government from such unfriendly actions. We strongly favor dispatching of mails by United States warships.

D. W. CHURCH,  
WILLIAM WALLIN,  
DAVID DANIELS,  
T. H. GATHE,  
GEORGE WILLIAMS, Mayor,  
J. B. BISTLINE,  
OSCAR SONNENKALB,  
C. E. WHITE,  
(And 50 more citizens.)

Mr. OLIVER presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit interstate transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit the exportation

of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit sectarian appropriations, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit Sunday work and business, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit mailing liquor advertisements in newspapers in dry territory, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for national prohibition, which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 6715) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, reported it without amendment and submitted a report (No. 763) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6748) providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil reported it without amendment and submitted a report (No. 765) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans., reported it without amendment and submitted a report (No. 764) thereon.

Mr. CHAMBERLAIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5515) to consolidate certain forest lands in the Oregon National Forest, in the State of Oregon, reported it with amendments and submitted a report (No. 766) thereon.

#### BUREAU OF WAR-RISK INSURANCE.

Mr. CLARKE of Arkansas. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill as follows:

Be it enacted, etc., That section 9 of an act establishing a Bureau of War Risk Insurance, approved September 2, 1914, be, and it is hereby, amended so as to require the suspension of the operations of the act within three years from the date said act was approved.

SEC. 2. That all moneys received from premiums and from salvage shall be covered into the Treasury to the credit of the appropriation made for the payment of losses and be available for the purposes thereof.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DAMS ACROSS ST. CROIX RIVER, ME.

Mr. NELSON. From the Committee on Commerce, I report back favorably without amendment the bill (S. 5202) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me., and I submit a report (No. 756) thereon. I call the attention of the Senator from Maine [Mr. JOHNSON] to the bill.

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### BRIDGE OVER RED RIVER, N. DAK.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16891) granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North, and I submit a report (No. 760) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MAHONING RIVER BRIDGE, OHIO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16912) granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio, and I submit a report (No. 761) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SUSQUEHANNA RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16764) to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa., and I submit a report (No. 758) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BRIDGE ACROSS RED LAKE RIVER.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16380) granting the consent of Congress to the Board of Supervisors of High-land Township, Pennington County, Minn., to construct a bridge across Red Lake River, and I submit a report (No. 757) thereon. I ask for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FLINT RIVER BRIDGE, GEORGIA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16875) granting the consent of Congress to Crisp County, Ga., to construct a bridge across the Flint River, Ga., between Crisp and Sumter Counties, and I submit a report (No. 759) thereon. I ask for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MATTHEW C. BUTLER, JR.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 6740) to correct the military record of Matthew C. Butler, jr., and I submit a report (No. 762) thereon. I call the attention of the Senator from Tennessee [Mr. SHIELDS] to the report.

Mr. SHIELDS. Mr. President, I ask unanimous consent that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That Matthew C. Butler, jr., deceased, who was a major in the Sixth Regiment United States Cavalry, and who was nominated by the President for appointment as lieutenant colonel of Cavalry, to rank from the 1st day of July, 1916, said nomination being confirmed by the Senate before the death of said Butler, which occurred on the 20th day of July, 1916, before the issue to him of a commission evidencing his advancement, shall hereafter be held and considered to have become a lieutenant colonel of Cavalry in the service of the United States on the 1st day of July, 1916, and to have held that office until the date of his death; and the President is hereby authorized to issue a commission as lieutenant colonel of Cavalry in the name of Matthew C. Butler, jr., with rank to date from July 1, 1916.

Mr. SHIELDS. Mr. President, the proceeding proposed in this bill has been the course pursued in other cases where an officer of the United States has died or been killed after he was nominated but before his commission was issued. In the last Congress I observed the case of Capt. Hains, in whose behalf a bill was enacted some time in 1915. Capt. Hains was promoted to the rank of major, but before the Senate acted upon that nomination, and, of course, before the commission issued, he died, and relief was granted similar to that which is proposed in this bill, which is for the benefit of the officer's wife and infant child. Maj. Butler left a wife and a child of tender years residing in my State. Maj. Butler left a splendid record behind him, and his death was a loss to the service. The bill is meritorious, and I hope it will pass.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Wyoming?

Mr. SHIELDS. I do.

Mr. CLARK of Wyoming. It is not my present purpose to object to the immediate consideration of the bill, but I wish to ask the Senator from Tennessee, as the bill is somewhat involved, when was this promotion to take effect?

Mr. SHIELDS. On July 1.

Mr. CLARK of Wyoming. When was the officer to become a lieutenant colonel? That is what I am trying to ascertain.

Mr. SHIELDS. I will explain. Maj. Butler was entitled to this promotion under the recent act passed in June in regard to the personnel of the Army. The President sent his nomination to the Senate in accordance with the statute. As I understand, his promotion was to take effect as of the 1st day of July. The Senate confirmed the nomination, but he was shot before his commission was signed and issued. With that statement of the facts, Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 6754) to provide for the purchase of a site for and the erection of a public building at Brunswick, Me.; to the Committee on Public Buildings and Grounds.

A bill (S. 6755) for the relief of William L. Ross; to the Committee on Military Affairs.

A bill (S. 6756) granting an increase of pension to Charles E. Collins (with accompanying papers);

A bill (S. 6757) granting an increase of pension to Hiram N. Brann (with accompanying papers);

A bill (S. 6758) granting a pension to Louise M. Runnels (with accompanying papers);

A bill (S. 6759) granting an increase of pension to John R. Sparrow (with accompanying papers);

A bill (S. 6760) granting an increase of pension to Ivory D. White (with accompanying papers);

A bill (S. 6761) granting an increase of pension to Reynold D. W. Campbell (with accompanying papers);

A bill (S. 6762) granting an increase of pension to James M. Treat (with accompanying papers);

A bill (S. 6763) granting an increase of pension to Louisa A. Atherton (with accompanying papers);

A bill (S. 6764) granting an increase of pension to Ezekiel P. Rowell (with accompanying papers);

A bill (S. 6765) granting a pension to Minerva C. Knapp (with accompanying papers);

A bill (S. 6766) granting an increase of pension to Anna Thurston (with accompanying papers);

A bill (S. 6767) granting an increase of pension to Henry G. Mitchell (with accompanying papers);

A bill (S. 6768) granting an increase of pension to William L. Holmes (with accompanying papers);

A bill (S. 6769) granting an increase of pension to Thomas Gannon (with accompanying papers);

A bill (S. 6770) granting a pension to Arthur H. King (with accompanying papers);

A bill (S. 6771) granting an increase of pension to Llewellyn Hanson (with accompanying papers);

A bill (S. 6772) granting an increase of pension to Benjamin F. Goodwin (with accompanying papers);



A bill (S. 6773) granting an increase of pension to Joel H. Grout (with accompanying papers);

A bill (S. 6774) granting an increase of pension to Alvah Babbedge (with accompanying papers);

A bill (S. 6775) granting an increase of pension to Stephen H. Goodridge (with accompanying papers);

A bill (S. 6776) granting an increase of pension to John A. Patterson (with accompanying papers);

A bill (S. 6777) granting a pension to Charles H. Bachelder (with accompanying papers); and

A bill (S. 6778) granting an increase of pension to Philander W. Danforth (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6779) granting an increase of pension to John W. Sperry (with accompanying papers); and

A bill (S. 6780) granting an increase of pension to Luther B. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6781) granting a pension to Cordelia H. Lathrop; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6782) granting an increase of pension to David Liddell; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6783) for the relief of William F. Carter; to the Committee on Public Lands.

By Mr. PAGE:

A bill (S. 6784) granting an increase of pension to Edward F. Griswold (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6785) granting a pension to John M. Abney (with accompanying papers);

A bill (S. 6786) granting an increase of pension to Joseph W. Cunningham (with accompanying papers); and

A bill (S. 6787) granting an increase of pension to H. H. Frampton (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6788) for the relief of William Mattson (with accompanying papers); to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 6789) granting a pension to James E. Ratliff (with accompanying papers);

A bill (S. 6790) granting a pension to James Richards (with accompanying papers); and

A bill (S. 6791) granting a pension to Abner A. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 6792) to prevent and punish willful interference, or attempted interference, or conspiracy to interfere with the exportation of articles from the United States to foreign countries;

A bill (S. 6793) to prevent and punish willful injury or attempted injury to, or conspiracy to injure any vessel, engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosives, or otherwise;

A bill (S. 6794) to empower the President to better enforce and maintain the neutrality of the United States;

A bill (S. 6795) to authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes;

A bill (S. 6796) to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes;

A bill (S. 6797) to regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof;

A bill (S. 6798) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission; and

A bill (S. 6799) to amend section 13 of the act "To codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. WARREN:

A joint resolution (S. J. Res. 161) authorizing the printing, in book form, of the manuscript on the Antietam campaign (with accompanying papers); to the Committee on the Library.

#### THE REVENUE.

Mr. SHERMAN submitted four amendments intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

#### ADJUDICATION OF PRIVATE CLAIMS.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and to be printed.

#### PUBLIC-LAND STATUTES.

Mr. MYERS submitted the following resolution (S. Res. 243), which was read and, with the accompanying papers, referred to the Committee on Printing:

*Resolved*, That the publication entitled "Public Land Statutes of the United States" be printed as a Senate document, and that 3,000 additional copies be printed for the use of the Senate folding room, and 1,000 additional for the Committee on Public Lands.

#### HEARINGS BEFORE THE COMMITTEE ON FINANCE.

Mr. SIMMONS. Mr. President, I submit a resolution authorizing the Committee on Finance, or any subcommittee thereof, to send for persons and papers, to administer oaths, to employ a stenographer, and also to sit during the sessions of the Senate. There is always a resolution of this sort passed during the session. There was one passed in the last Congress; but I understand that that resolution has expired by limitation and that it will be necessary to pass a similar resolution. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Does the resolution call for the expenditure of money?

Mr. SIMMONS. Yes; to pay a stenographer; that is all.

The VICE PRESIDENT. Then it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. Mr. President, I have been listening attentively and have not heard one word of what has been said. I ask that the resolution be reported.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 244) was read as follows:

*Resolved*, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fourth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

Mr. GALLINGER. The resolution will have to be referred to the committee, of course.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### THE RURAL-CREDITS ACT (S. DOC. NO. 524).

Mr. POMERENE. I have before me a copy of an address delivered before the Ohio State Bar Association at Sandusky, Ohio, July 6, 1916, by the distinguished junior Senator from Montana [Mr. WALSH] on the subject of the rural-credits act. It discusses not only the provisions of the act, but especially the constitutionality of that act. I think it would be a matter of very great interest to all who are interested in this subject, and I ask unanimous consent that it may be printed as a Senate document.

Mr. SMOOT. I did not hear who the author of the article is.

Mr. POMERENE. The Senator from Montana [Mr. WALSH].

Mr. SMOOT. I have no objection.

The VICE PRESIDENT. It will be so ordered.

#### THE PANAMA CANAL ZONE.

Mr. SHIELDS. Mr. President, recently a very important action was decided in the district court of the Canal Zone, Balboa division, relating to the salary and expenses of William H. Jackson as district judge of the Canal Zone.

The opinion was delivered by Judge Clayton, of Alabama, who was designated to go to the Canal Zone and hear the case. The opinion is a judicial construction of what might be called

the organic act of the Canal Zone, and it is one of great importance. The questions involved are treated with great ability, and I am satisfied that the information if put in convenient form would be widely read and would be very valuable, especially to Members of Congress in considering similar questions. I ask that it be printed as a public document.

Mr. SMOOT. I will say to the Senator that if I am not mistaken it has already been printed. I ask the Senator, further, to have it referred to the Committee on Printing and see whether it was not printed in the House. I think it was printed in the House.

Mr. SHIELDS. The Senator is mistaken in supposing that it was printed as a public document. It was printed in the Record.

Mr. SMOOT. Then, if it has been printed in the Record I object to its being printed as a public document.

Mr. SHIELDS. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. That action will be taken.

#### INTERNATIONAL ARBITRATION AGREEMENTS.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that there be printed as a public document a letter written by Mr. Oscar T. Crosby. I wish to state that Mr. Crosby is a graduate of the West Point Military Academy, and he is very much interested in all questions with relation to arbitration agreements between nations. It was at his instance that I introduced an amendment to the naval appropriation bill which provided for disarmament in the event that arbitration agreements were entered into between the nations of the world. That amendment was incorporated in the naval appropriation bill.

I introduced another amendment with relation to amending the Constitution so that a certain amount of sovereignty could be yielded by all nations that entered into an agreement by which a court to enforce its decrees could be established among the nations of the earth. Mr. Crosby has written a very able letter explaining the reasons why, in his judgment, that ought to be done. He is a very able writer, and I ask unanimous consent that this letter be made a public document.

Mr. SMOOT. In accordance with the notice I gave some time ago, I object to the printing of it as a public document unless it is first referred to the Committee on Printing and they pass upon it.

Mr. SHAFROTH. Then, I ask that the letter may go with the resolution which it purports to explain to the Committee on Printing for the purpose of having it made a public document.

The VICE PRESIDENT. That action will be taken.

Mr. FLETCHER. I ask the Senator whether any estimate has been made as to the cost of the printing?

Mr. SHAFROTH. Oh, no; it consists of only nine pages.

Mr. FLETCHER. Let it go to the Committee on Printing.

Mr. SHAFROTH. The cost would be quite small.

#### DISTRICT EXCISE BOARD.

Mr. JONES. Mr. President, a few days ago I discussed the excise conditions in the District of Columbia. I stated that some charges had been made against Mr. Cummings, who had been lately appointed by the President as a member of the excise board, and that, if those charges were true, they were sufficient to warrant his rejection by the Senate. Such investigation as has been possible has been made; and in view of the statement I made the other day, I think it but fair that I should state in the open Senate that those making such charges have not furnished ample evidence of the truth of the charges; at least not sufficient has been found to warrant further opposition to his confirmation, as I do not think the Senate would reject him upon the evidence available.

Mr. Cummings is not the sort of man who, I think, ought to have been nominated for this position, but under the circumstances I feel that further opposition would not be justified.

Furthermore, Mr. Cummings has made every assurance that a man could make that in the administration of this law he will administer the spirit and letter of it in the interest of morality, temperance, and good citizenship in the District of Columbia. For these reasons I shall myself not interpose further objection to his confirmation. I hope he will make good. If he does, there will be no opposition to his reappointment. If he does not make good, it will be his own fault, and if his course does not meet with the approval of the moral forces of this District he alone will be to blame.

#### PUBLIC UTILITIES COMMISSION OF THE DISTRICT.

Mr. GALLINGER. Mr. President, I wish to give notice that on Monday next, at the conclusion of the routine morning busi-

ness, I shall occupy a few minutes in the discussion of the powers, duties, and responsibilities of the Public Utilities Commission of the District of Columbia.

#### TONNAGE DUTIES.

Mr. JONES. Mr. President, on March 16 of this year I submitted a resolution directing the Secretary of the Treasury to furnish certain information with reference to discriminating tonnage duties which have been paid. I do not know whether or not the attention of the Secretary of the Treasury has been called to the resolution. At any rate, no response, as I understand, has been made to the Senate. It seems to me that a resolution of the Senate passed last March ought to have had attention by the Treasury Department; and I simply want to say that if the officers of the Senate whose duty it would be to advise the Secretary of the passage of the resolution have not done so, I hope they will do it immediately.

#### CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. Mr. President, on the calendar day of May 26 [legislative day of May 18] a resolution was also passed directing the Secretary of War to furnish copies of certain papers to the Senate. No response, apparently, has been made to that resolution. I do not know whether or not the officers of the Senate have called the attention of the Secretary of War to that resolution; but, if they have not done so, I hope that that will be done promptly, because it seems to me that two or three months is sufficient time to make copies of a few papers which the Senate desires for its information.

#### PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 4, 6, 9, 10, 12, 13, 16, 17, 19, 22, 23, 24.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 8, 11, 14, 18, 20, 21, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named, insert "\$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amount named insert "\$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Dennie Dixon, late of Company L, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Williamson S. Wright, late first lieutenant Fourteenth Company United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of \$12 per month."

And the House agree to the same.

WILLIAM HUGHES,  
T. TAGGART,  
REED SMOOT,

*Managers on the part of the Senate.*

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

The report was agreed to.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers



and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 4, 6, 9, 10, 12, 13, 15, 16, 17, 18, 19, 21.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 5, 7, 8, 11, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter stricken out, insert the following:

"The name of Charles Groves, late of Company D, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter stricken out, insert the following:

"The name of Lillias E. Knapp, widow of John J. Knapp, late captain, United States Navy, Regular Establishment, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the House agree to the same.

WILLIAM HUGHES,

T. TAGGART,

REED SMOOT,

*Managers on the part of the Senate.*

EDWARD KEATING,

CARL VINSON,

SAM R. SELLS,

*Managers on the part of the House.*

The report was agreed to.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

CHARLOTTE M. JOHNSTON.

Mr. WORKS. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 7883) for the relief of Charlotte M. Johnston.

Mr. SMITH of Georgia. Mr. President, I hope we will be able to take up the calendar where we left off when it was last under consideration.

Mr. WORKS. I have been hoping so for some time, I will say to the Senator.

Mr. SMITH of Georgia. I was about to ask unanimous consent to consider the calendar.

Mr. WORKS. This is a very urgent matter.

Mr. SMITH of Georgia. There are a great many urgent bills on the calendar.

Mr. WORKS. In this case the son of the old lady who is the beneficiary of the bill was postmaster at a little town near the Mexican line. The post office was raided by bandits, and he was shot and killed. His mother is in need. I have been patiently waiting to have this bill considered, and I think it is a matter that can be disposed of in a moment.

Mr. SMITH of Georgia. If I can get an opportunity to do so, I will ask that the calendar be taken up commencing with Order of Business No. 593, where we left off when it was last under consideration, and then the bill to which the Senator from California refers will be reached in a few moments.

Mr. WORKS. It will take no more time to act upon it now than it will then.

Mr. SMITH of Georgia. I will not object to the Senator's bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7883) for the relief of Charlotte M. Johnston. It directs the Secretary of the Treas-

ury to pay \$1,000 to Charlotte M. Johnston, mother of Frank Volney Johnston, postmaster at Tecate, Cal., border line of Mexico, who was killed in the discharge of his duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PENSIONS TO WIDOWS OF CIVIL-WAR SOLDIERS.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes.

Mr. SMITH of Georgia. Mr. President, morning business has not been closed as I understand. I did not hear the Chair so announce.

The VICE PRESIDENT. Morning business has not yet been closed.

Mr. SMITH of Georgia. I object to the consideration of this bill. One objection carries it over, as I understand.

The VICE PRESIDENT. Are there any further resolutions? [A pause.] If not, morning business is closed.

Mr. JOHNSON of Maine. I renew my motion, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine to proceed to the consideration of House bill 11707, to increase pensions, and so forth.

Mr. SMITH of Georgia. Mr. President, I understand the motion is not debatable; so I can not urge my suggestion that the Senate proceed to the consideration of bills on the calendar.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine. [Putting the question.] The Chair can not decide the question on a vote of that kind.

Mr. TOWNSEND. I ask for a division.

After a division the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes, which had been reported from the Committee on Pensions with amendments.

#### CHILD LABOR.

Mr. THOMAS resumed and concluded the speech begun by him on yesterday. The entire speech is as follows:

Friday, Aug. 4, 1916.

Mr. THOMAS. Mr. President, I have paid close attention, and have listened with much interest, to the discussion of this very important subject. It is involved in considerable difficulty. Consequently I have been anxious to secure as much information as possible regarding both the purpose of the bill and the power of Congress to legislate upon the subject. So the discussions which thus far have taken place have been both interesting and illuminating. At the same time they have increased my difficulties.

Mr. President, as regards our inherent power under the Constitution I very much question whether we have the authority to enact this and kindred subjects of legislation. On the other hand, if we are to take several decisions of the Supreme Court, which recognize progressive extensions of the power of Congress over legislation, and then assume that this progress will continue, I must concede that, in all probability, the legislation will be sustained. In other words, the constitutional arguments against our power to enact this legislation are most convincing. But the attitude of the Supreme Court, especially in its recent decisions concerning the power of Congress to regulate commerce between the States, leads me to believe that it will sustain this bill. Between these two situations I hesitate, and the more so because the party with which I affiliate in its recent declaration of faith has indorsed this identical bill. The Republican platform contains a similar declaration; so that from the attitude of the two great national parties upon the subject, it may be considered as a closed one. Both parties are pledged to the enactment of child-labor legislation, and good party men on both sides upon the face of things will be expected to observe these party obligations and to discharge them as best they can. So, with the party declarations and the trend of the Supreme Court decisions upon the one hand, and my own view of the constitutional power of Congress over the subject upon the other, I may take refuge in the not very creditable course of not voting at all, a course to which I am unaccustomed and

which does not commend itself either to my judgment or to my sense of duty.

Mr. President, in the short time that I shall detain the Senate in the discussion of the bill itself I shall endeavor to give some of the reasons which convince me of our constitutional inability to enact this law. The bill provides:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which, within 30 days prior to the time of the removal of such product therefrom, children under the age of 16 years have been employed or permitted to work—

And so forth.

And the authority which is invoked by some for this legislation is the well-known interstate commerce clause of the Constitution and by others the national police power incidental to that clause.

Mr. President, I think it is safe to say that the great proportion of power in legislation which is exercised in latter days by Congress finds its support under that provision of the Constitution. Since the organization of the Government our commerce has increased enormously, not only in volume, but in character. We are the greatest commercial Nation in the world. We have the largest export and import trade in the world; and yet that trade is only about 5 per cent of our intrastate commerce, the enormity of which can be faintly imagined from that statement. Of course, as this commerce has grown diversified and extended, the importance of the interstate commerce clause has been equally expansive, and, as the powers of Congress have been exercised in meeting emergencies and new conditions, it is not at all surprising that so much of our authority and so much of our legislation finds shelter under the provisions of that very simple clause of the Constitution.

I think, Mr. President, it has been unduly extended. If you take that clause, together with the fourteenth amendment to the Constitution of the United States, you have practically everything under and through which constant and continued invasions by the Nation upon the power of the States have been carried on, the one through an actual extension of power, and the other through the extension of the jurisdiction of the Federal courts. If the policy continues, which seems entirely probable, it is my humble conviction that in the course of a quarter of a century the States will become provinces, and their original rights, or rather those rights which were not expressly or by necessary incidence granted to the Government of the United States, will have practically been absorbed by the central authority.

Take, for illustration, the modern jurisdiction of the National Government over the watercourses of the country. Since the case of *Gibbons v. Ogden* the authority of the Federal Government has steadily and inexorably marched from the tidewaters to the very sources of all the streams of the Nation; so that today the Secretary of War has greater jurisdiction over the headwaters, however insignificant, of the great rivers of the country than the States in whose boundaries those headwaters are found, and all upon the assumption that for the purposes of navigation and in the interest of interstate commerce this control has become essential.

It is the same, Mr. President, in many other directions to which it is not necessary to refer. This extension and expansion of authority and of jurisdiction, frequently challenged in Congress, and sometimes by the Supreme Court, has been one of practically constant progression. Macaulay, in one of his essays referring to the constant growth and progress of the development of free institutions in England compares it to the incoming of the tides. A wave will advance a little beyond the one preceding it, then seems to recede farther; yet the next reaches a little beyond its immediate predecessor, and so on till flood tide is reached. The extension of the Federal power to which I am calling attention may be similarly illustrated.

It was, perhaps, inevitable that the National Government should increase its activities, and therefore its power, that it might properly discharge its supreme functions. But, Mr. President, another cause has powerfully contributed to this expansion, and that is the constant surrender by the States of first one and then another and yet another function in exchange for appropriations from the National Treasury. I do not know of any right so sacred, I do not know of any sovereign function, the invasion of which 50 or 60 years ago would have been defended with all vigor of the States whose right was imperiled, that has not been or can not in these days be exchanged for adequate appropriations, in the making and distribution of which the National Government takes them over. Having once assumed them, it continues their exercise, and, of course, the appropriations required for their exercise continue. So, Mr. President, by this practice, coupled with laws for the regulation

of commerce, the decisions of the Supreme Court—beginning with the original-package case—and changing commercial conditions resulting from first one and then another development, it is confidently and ably contended by distinguished Senators that we may not only regulate commerce between the States but as well the methods of its production. They will do this successfully, for parties have been convinced and so the Senate will unquestionably pass this measure. Every Senator voting for it will do so with the sincere conviction, justified by these decisions, that the subject is entirely within the power of Congress.

We have had, commencing with the so-called Lottery case, and which was the exercise of a very questionable power, apparently essential to doing away with a great national evil, and which seemed at the time to be an undue extension of the authority of Congress under the commerce clause, down to the decision of *Hoke* against the United States, where an act aimed at an unquestioned evil, prohibiting under severe penalties the use of the transportation agencies in interstate commerce for the conveyance of women from one State to another for immoral purposes, which was sustained by the Supreme Court by a line of reasoning which logically, to my mind, leads to the contentions of the Senator from Idaho; and, of course, it is upon the doctrine of that decision and similar ones that this bill was framed and upon which it is defended.

I quite agree with the Senator from Connecticut [Mr. BRANDEGE] that it is not fair, either to ourselves or to the country or to the Supreme Court of the United States, that we, as a legislative body, should pass some doubtful proposition up to the Supreme Court as an easy alternative to the assumption by ourselves of the responsibility of saying that we do not believe we have the power to dispose of it; but the practice spreads all over the country. It infects the State legislatures as well as the Congress; and I fear, Mr. President, that it will continue, since it offers an easy means of complying with pressure in one direction and avoiding the direct and positive expression of our convictions in the other. I do not reflect upon any man supporting this bill, because, as I have stated, my conviction is that every vote cast in favor of this bill will be cast by Senators who are thoroughly convinced of the need for it and the power of Congress to enact it. But I perceive a fundamental difference between the purpose sought to be effected by this bill and that sought to be accomplished by preceding legislation.

This bill proposes to prohibit the channels of interstate commerce to articles perfectly unobjectionable in themselves, entirely free from any taint, not inimical to the health, the morals, or the welfare of the Nation, not differing from other articles of similar character manufactured by other forms of labor, but because they are produced by a class of labor the use of which Congress proposes to prohibit because the general welfare demands it. In other words, it is not the thing transported that is offensive; it is the manner in which the thing transported has been produced that is offensive, and because of which the embargo of prohibitive Federal legislation is to be laid upon the articles themselves. The Government in effect proposes to use this great power of regulating interstate commerce to boycott and blacklist articles which are unobjectionable, per se, in order to enforce what seems to be, what is claimed to be, a national labor requirement deemed requisite to the welfare or the morals or the health of the Nation or to all of them.

Mr. President, it may be we possess this power; but if we do, then I am unable to perceive any limitation beyond congressional discretion that can be placed upon its exercise. It is defended as the exercise of a national police power—a power said to be inherent in and incidental to the exercise of those other powers which are expressly conferred, and about which our authority is beyond question.

Speaking broadly, I think there is no such thing as a national police power. Of course, there may be, in the carrying out of a given authority, an incidental police power essential to the operation of the express authority; the possession of a power, in other words, measured and limited by the thing to which it is incidental.

Mr. OVERMAN. Mr. President, is not that a grant of power, rather than the police power?

Mr. THOMAS. It must be a grant of power, of course; though not an express one; but, if it is a necessary incident, to the extent to which it is necessary, I think there can be no question of its exercise. But what is this police power? If the contention for it be sound, the incidental police power is far greater and more formidable than the express commerce power from which it springs.

The Senator from Idaho [Mr. BORAH] read from a recent decision by Mr. Justice Holmes, speaking for the entire court, to the effect that the police power must be regulated by public sentiment, and that it extends to all public needs. Of course, it is a power which can not be specifically defined. In the con-



sideration of the Clayton antitrust bill the Senator from Iowa [Mr. CUMMINS] demonstrated to my satisfaction, and with the most remorseless logic, that the only term which could be safely used in the legislation there proposed was the general term "unfair competition"; and so with the proposed definition, or any attempted definition, of the police power. The police power, in other words, is something which comes into existence and must be commensurate with the thing at which it is aimed. In other words, as Mr. Justice Holmes said, it extends to all public needs.

Now, what is public need, and what is public sentiment? It must be which at the time controls. If it be true that such legislation as this is only justified by an incidental police power of the National Government consequent upon its possession of certain well-defined powers, and if it be further true that this police power extends to all public needs and is regulated by public sentiment, then, of course, the power changes with the public needs and with the public sentiment; and that which is to-day an overwhelming public sentiment or an obvious public need may be to-morrow something either forgotten or discarded or succeeded by some other overwhelming sentiment reaching in some other direction and prompted by some other need.

They have a Japanese problem out in California, said to be one which menaces the morals, the health, and the welfare of the people of the United States, and particularly of California. The competition of the oriental with the American is said to be exhaustive and overwhelming. The moral notions, practices, and customs of the oriental are degrading to the mind and to the sentiment of the American; not only so, but immoral in themselves, and consequently it is a public need that the alien people should be excluded. If that be so, then the question should be easy of solution, provided this proposed legislation be within the power of Congress, by merely providing that hereafter articles manufactured by or to which there has been a contribution of manufacture in whole or in part by Japanese labor shall be excluded from the channels of interstate commerce. In other words, the oriental Gordian knot can be cut, not by an immigration law but by merely translating into law the police power of the Government of the United States which arises from and is coincident with our power to regulate commerce.

Mr. President, there are an infinite number of subjects to which public sentiment relates and around which it sometimes gathers in overwhelming volume. There is and has been for some time, I will not say a contest, but friction between organized and unorganized labor. Organized labor never speaks of unorganized labor during their controversies, at least, in any but terms of reproach, and doubtless the feeling is reciprocal. I do not know. But suppose organized labor becomes so strong in this country as to dominate the national sentiment and demand the exercise of the police power in excluding from the channels of interstate commerce all articles manufactured in whole or in part by unorganized labor. We would then have a bill reading:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity, the product of any mine or quarry situated in the United States, in which, within 30 days prior to the time of the removal of such product therefrom, unorganized labor has been employed or permitted to work—

And so forth.

If public sentiment be in favor of it, the public need will require it, and the police power which springs from and is regulated by that sentiment is behind the legislation needed for its enforcement. Now, how can it be possible to distinguish between that which is before us and that which I have supposed?

Now, let us further suppose that the sentiment may be the other way; that it will become adverse to organized labor and in favor of unorganized labor, and that sentiment therefore demands a reversal of the proposition. Then a bill may be introduced reading:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity, the product of any mine or quarry situated in the United States, in which, within 30 days prior to the time of the removal of such product therefrom, organized labor has been employed.

Suppose that in the interest of morals and the public welfare—which may be as indefinable as the police power—Congress is called upon to enact such a measure of legislation. It could be defended, it would be defended, nay, it could be consummated along the same lines upon which this bill has been so ably defended.

But, Mr. President, there have been such things in the past as ostracism for religious beliefs. This sort of fanaticism has not entirely passed away. It appears sometimes in fitful flashes, and sometimes in more formidable shape in these times, and

frequently is well organized. Something of the kind exists in the country to-day. Suppose that a sentiment prevailed in some parts of the country against Catholicism which seriously believed that it was a menace to the institutions of our country, and that all those professing it owed a higher allegiance to the Pope than the Government of which they were citizens, and that to rid ourselves of that menace a bill should be offered—

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry situated in the United States in which, within 30 days prior to the time of the removal of such product therefrom, Catholics have been employed or permitted to work.

Here again we might have a controlling sentiment behind the measure which, as I say, is both the measure and the limit of the exercise of the police power, and which, in the interest of the public welfare, would clamor for the enactment of this legislation to the end that the evil existing or apprehended may be either minimized or removed.

Now, in the mutations of time it may be that the Catholics would get the upper hand in public sentiment, and that their attitude toward the Protestants of the country would be quite as vindictive, quite as sincere, and quite as dangerous; and suppose they should invoke the power of the Nation to regulate commerce in order to do away with, or to cripple this menace to the Nation's welfare. A similar bill could be introduced and passed, Mr. President, to accomplish that purpose.

We have a great many immigrants in America. Many of them persist in "flocking together," as the saying is. They do not learn our language. They know nothing of our institutions. They are constantly competing with American labor. Some regard them as a menace now, and that feeling is by no means a local or a limited one. We have an immigration bill which is designed to meet, in part at least, that evil and remove some of its consequences, by restricting immigration and making certain tests as qualifications to entry. But the situation is here. It has been here for some time. It is drastic and it is powerful, and after the end of the war it will probably increase. Now, why do we need an immigration bill if, under the provision of the Constitution, giving us power to regulate commerce, we can exclude from shipment all articles produced by this foreign labor, by this alien population, when they contribute in whole or in part to its production?

Mr. President, I sincerely believe that the presence of these large masses of immigrants, who either decline or fail to amalgamate with the general population, who continue their aloofness, cling to their own language and their customs, and repudiate everything American, are a danger to the morals and to the welfare of the people of the United States; and I fear that this is one of the internal conditions which menace the future of this country far more seriously than any imaginary invasion by a foreign foe.

I am unable to determine, Mr. President, if we have the power that is here invoked, where we are going to draw the limit, particularly as the legislation finds its force and its warrant in the exercise of a power that must always be subservient to the public needs and to harmonize with the public sentiment of the times. If we have the power—and I have no doubt of its existence in a limited degree—and if it be the only one upon which legislation like this can be based, it is impossible to place any limitation whatever upon the legislation of Congress under the provisions of the interstate-commerce law.

Mr. President, it must not be forgotten that what Congress may enjoin it can command and that it may enforce. Consequently I see no objection, on the theory upon which this bill is to be supported, to the enactment of legislation commanding the manufacturers in the States to use certain kinds of labor, and use certain kinds of labor only, or to provide their mills with certain methods of sanitation, or to remove immoral surroundings from them, upon the peril of being excluded from the channels of transportation if the mandate is not complied with. There is no State regulation of the land having opponents in sufficient numbers who can not for that reason create a public sentiment and, by the exercise of the congressional power, supplant by national legislation practically every feature of local self-government.

Mr. President, these conclusions of mine may be entirely erroneous, but I am unable to escape them, notwithstanding, as I said, I believe the Supreme Court will sustain this sort of legislation. In one of his inimitable contributions to the humor of the last decade Dooley discussed the insular decision of the Supreme Court. Hennessey asked him if he thought the Supreme Court always followed the Constitution. Dooley said, "I don't know, but I notice they follow the elections mighty close," which is another way of saying that the court, like others, is human and largely controlled by public opinion whenever its manifestation seems to be undoubted. Consequently, the public opinion is

undoubtedly behind this measure, manifested by the official announcement of both the great parties on the subject, and, founded upon a system of reasoning that has heretofore become official, will promote its passage and sustain its validity.

Mr. President, I am unable to imagine the existence of anything going into the manufacture of perfectly legitimate articles of commerce, either by way of labor or raw material, which can not be made the basis of legislation by Congress for the exclusion of such manufactures from our interstate commerce. Of course, if we control all the ramifications of interstate trade and can dictate the terms and conditions on which all articles of commerce are to be produced, then we can control intrastate trade as absolutely as though the Constitution by express enactment invested the National Government with jurisdiction over it.

This principle can perhaps be applied to a condition maintained in my own and the neighboring State of Wyoming. Under the laws of the State of Colorado no divorced person can marry until a year after the decree, but the good city of Cheyenne is only a hundred miles from Denver, and a custom has arisen whereby as soon as a decree is rendered, the law to which I referred is easily evaded by divorcees, who quietly take a train for the city of Cheyenne, where a new nuptial knot is tied and the newly wed return with safety to the old home. I do not think that practice is confined entirely to us. It prevails elsewhere. It is a bad practice; it tends to gross immorality; and it is certainly inimical to public morals.

Can not Congress destroy this evil by excluding all articles from the channels of interstate commerce manufactured by men and women whose matrimonial records are such as I have outlined? Why not? Can they not also exclude the offspring of such marriages from the lines of transportation in the exercise of their police power and in the interests of the general welfare? Why not? Where are you going to draw the line?

Under the rules of the Senate, Mr. President, we work boys as pages here 12 and 13 hours sometimes. I do not suppose we shall enact legislation against ourselves, but is not that a transgression as well of the principles contended for here which requires legislation for its correction?

Mr. President, I believe I have as great sympathy for the abuses of child labor as any man in this country. I know they exist in many places. I want it to cease. I know that children have been exploited and abused, and after the enactment of this law they will still be exploited by mercenary employers, sometimes by parents, in a manner shocking to the humane sentiment of every well-constituted man and woman. It is deleterious to the health of the child and certainly opposed to the general welfare and morality.

The same is true of adults, and in a less degree perhaps than it used to be in regard to women in the United States. With the exception, I think, of two, every State in the Union has its child-labor laws, and they ought to be enforced, and because they are not enforced, or because it is said they are enforced only here and there, partially enforced, possibly not enforced at all at times, a national scheme of legislation is deemed essential.

Mr. President, if that be true, then many State enactments, equally faulty and equally nonsusceptible of enforcement, demand the exercise of the national authority for a similar reason. Can we afford to yield to the tendency of the Government to embrace in its all-encircling arms every power and function of government, centering them here, and administered through commissions and bureaus in manner drastic, irritating, unsuccessful, to say nothing of the enormous expense which the attempt to enforce them entails?

Mr. HARDING. May I ask the Senator, Suppose this principle is established and a factory in a State requires certain raw material from another State in order to continue business in intrastate trade, could the application of this law forbid the shipment of raw material to a factory of that sort?

Mr. THOMAS. Mr. President, that gives rise to a most interesting feature of the bill and one which had not occurred to me, but I think I can say that if the bill does not cover the suggestion, and we have the power to enact such legislation, it will be enacted.

Mr. HARDING. It is very interesting to me. It seems that if that were true Congress would have authority to confiscate the business itself, even though it were limited to intrastate commerce.

Mr. THOMAS. I think the conclusion suggested by the Senator would inevitably follow the exercise of such an authority. I do not think Congress has that power, but I do not see how we can escape from its exercise if Congress sees fit to do so, if the proposed legislation is in our power to enact. I can see how this measure and kindred measures might by their operation have just the result that the Senator suggested. I do not know

that the inhibition of child labor in factories would cripple some of them, but I can see how the application of the principle to other features of the industrial system would have precisely that result, and some of them I have attempted to use by way of illustration.

Now, Mr. President, I have said upon that subject more than I perhaps intended to say. My real purpose in taking the floor was to discuss an amendment which I submitted this morning and whose insertion into this measure, should it be passed, I think is of great importance.

*Saturday, August 5, 1916.*

Mr. THOMAS. Mr. President, at the time of the adjournment of the Senate yesterday I was discussing some features of the child-labor bill and had reached a point where it seemed appropriate to present my reasons for offering an amendment to that measure.

Mr. TOWNSEND. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. I yield.

Mr. TOWNSEND. I should like to ask the Senator from Colorado if he will not defer his speech on the child-labor bill until the pending bill granting pensions to the widows of Spanish-American War veterans has been disposed of? It can be acted upon very quickly, I am sure.

Mr. THOMAS. No, Mr. President, I can not do that for two reasons, one being my necessary attendance upon the meeting of the majority members of the Finance Committee at an early hour, and the other being the fact that objection would be made to the consideration of that bill in any event by other Senators. The first, however, is the controlling reason why I am unable to yield the floor, and must insist upon finishing my remarks on the child-labor bill.

Mr. TOWNSEND. May I further suggest that my reason for making the request is that the Senate has already expressed its desire to consider this particular bill by a vote of the Senate.

Mr. JOHNSON of Maine. Mr. President, let me, before the Senator from Colorado proceeds further, suggest to the Senator from Michigan that he is mistaken as to the bill which the Senator from Maine has moved to take up. It is a bill which relates to the increase of pensions of the widows of veterans of the Civil War of 70 years of age and over.

Mr. THOMAS. Mr. President, if this were a bill having nothing whatever to do with pensions I should feel obliged, under the circumstances which I have mentioned, to proceed with my remarks upon the subject before the Senate as the unfinished business. The amendment which I have introduced reads as follows:

On page 5, line 24, after the word "meridian," strike out the colon and insert a comma and the following words: "or any article or commodity the product of any farm which is the material for the product of any mill, cannery, workshop, factory, or manufacturing establishment in the United States upon which children under the age of 14 years have been employed or permitted to work or children between the ages of 14 and 16 years have been employed or permitted to work more than 11 hours a day."

The amendment as originally prepared, Mr. President, limited the labor of children in the first instance covered by the amendment to eight hours. The change is due to the fact that many children are employed in farm work in a perfectly legitimate manner, and to limit their hours of employment to eight, instead of eleven, would seriously interfere with the manner of their employment and in no sense protect them or provide against any possible or real injury.

I take it that there is a fundamental reason for this proposed legislation, that abuses of child labor are so widespread and so extensive as to be beyond the power of the States to prevent or control, making it necessary for the activities of the General Government to extend themselves to correct, if not to eradicate, the evil. That must be the assumption, and if I do not err, Mr. President, in my estimate of the purposes of the bill, then it will fail to perform its purposes if it is not itself sufficiently broad to embrace all phases of the subject.

So far as the effect of the employment of child labor in the factories is concerned, as I said yesterday, I grant that it has led to a great many abuses in some sections of the country, and that the local or State legislation designed to remedy the evil is either ineffective in substance or inoperative through the indifference or the connivance of those who should enforce it, or both; and, if the difficulty were confined to that particular phase of child labor, then it would follow, as a matter of course, that the bill as drawn is sufficiently comprehensive to include and, therefore, to provide against it.

Mr. President, I do not admit that the abuses of child labor are confined to the mill and the factory. On the contrary, I challenge the assertion. There are departments of industry where the same evil is painfully apparent, if the information



which has come to me is at all reliable. I had occasion to call attention to this subject during the discussion of the bill which provided for the repeal of the provision of the Underwood tariff law placing sugar upon the free list on the 1st of May, 1916.

Mr. JOHNSON of Maine. Mr. President—

Mr. THOMAS. I yield to the Senator from Maine.

Mr. JOHNSON of Maine. If the Senator will yield to me, I should like to ask if he will not defer his speech upon the child-labor bill until that is reached, after the close of the morning hour?

Mr. THOMAS. Mr. President, I would do almost anything to accommodate my friend the Senator from Maine; but, as stated before, the engagements which I have in committee work are such that I must either neglect that work or finish my remarks at present. I do not propose to neglect it if I can help it; and if the Senator will bear with me, I think I will get through a great deal quicker if uninterrupted than if these requests are renewed.

On that occasion, Mr. President, I called the attention of the Senate to an article in the Rocky Mountain News published on the 12th of March, 1916, entitled "Labor in fields retards pupils. Child-labor committee report estimates 5,000 children work in beet industry."

The Rocky Mountain News under its present management is Republican in politics. It is a champion of what are known as the beet-sugar interests. It has, therefore, no motive of a partisan character in giving to the public the information to which I shall now address myself. I think I have the right to assume its accuracy for the additional reason that I presented it to the consideration of the Senate on the 10th of April, since which time I have seen no refutation of it in the press and have heard none upon the floor of this Chamber.

The article reads as follows:

Five thousand children are reported to be working in the beet fields of Colorado during the growing season of each year, according to figures given out last week by the national child-labor committee. School-teachers and the national child-labor committee, as well as other authorities, have been gathering information on this subject for some years, a part of which has been made into reports.

The committee declares that the children are overworked in the fields, so much so that their progress in their studies is seriously hampered.

The children are used principally in caring for the beets while they are growing. The farmer who contracts with the beet-sugar factory to grow a certain number of acres is told that he must place a proportionate number of persons upon the tract. If he has 20 acres, he will require a certain number of laborers; if 40 acres, he must have twice the number. The work of thinning, cultivating, topping and irrigating the beets is done by contract, the head of a family being paid a certain price per acre—from \$18 to \$20—for the work.

The first subhead of the article is:

Six-year-old children work.

Six-year-old children work! Children of half the age which is fixed as the limitation upon child labor in this bill.

Russian men usually contract to do the work, and when the farmer looks about for some one to engage for the summer, he inquires for a family with the number of members to correspond with that required for the work. Ordinarily the contract is made for a father, mother, and children to make up the required number.

The age of the children is said to be taken into consideration under the contract, and those of tender years are not expected to do any of the field work. But the real working of the system is declared, both by teachers in the Denver public-schools and by others who have investigated the matter, to be that the children of 6 years are sent into the fields. Those from 8 to 10 are said to be employed constantly during the weeding, thinning, and topping seasons.

An investigator states that he had found the practice has been for work to commence in the fields as early as 3 o'clock in the morning, when the first sign of day begins to peep in from the east.

At that high altitude the temperature in the early morning is very low in the spring and, comparatively speaking, very low during the summer months. Consequently, the altitude is itself very unpropitious to the health of the child, to say nothing of the fact that his sleep is disturbed and his rest interfered with at an hour when it is most beneficial to him.

The next subhead is:

#### SEVENTEEN HOURS OF LABOR.

At 7 o'clock the workers have breakfast, sometimes going to the "Russian house" for it and sometimes it being served in the fields, so that the labor does not cease. Again at noon the workers are fed in the same way, being allowed a half hour for that purpose. They take their supper at about 6 o'clock and return to their labors, staying out in the fields until 8 o'clock at night, or even later.

From 3 o'clock in the morning until 8 o'clock at night embraces a labor period which the most stalwart workman can not very long endure.

I proceed with the reading:

The average hours of work for children in the fields is declared to be about 17 during the busiest seasons.

One abuse of the system that investigators say they have discovered results in a charge of peonage.

Here, Mr. President, is a dual evil, the one being the consequence of the other.

The article proceeds:

This is that if the family desiring to take a contract for the handling of the beets upon a farm is not as large as required under the rules, the head of the house hires children from other families.

Now, Mr. President, it will be observed that this is not a system of work where the children of farmers and farm owners are engaged, and who would naturally be protected by the love and affection of the employer. It is a system of contract work. The beet-sugar companies keep knowledge of, if indeed they do not constantly employ, large numbers of people in order to furnish them to the farmers as they may need work in the more drastic and strenuous stages of beet growing; and consequently these are furnished by contract through the agency of the companies, directly or indirectly.

The article proceeds:

Sometimes the farmer does the managing himself, hiring men, women, and children to do the actual labor.

I am told that is only occasionally. When that is done, there is no danger to the child. When that is done, the maximum fixed by the amendment I have proposed is ample for the purposes of the employer and for the benefit of the employed. It is the contract system which is now the subject of censure, and at which this amendment is aimed.

The article proceeds:

The work of thinning and weeding is done on the knees, usually in soil that was irrigated the day before or maybe only a few hours before, and is wet and cold.

Of course, it is generally known that moisture is furnished growing crops in this section of the country by an artificial system. It is the best system in the world for the culture of the beet, because the peculiar requirements of the plant can be ministered to by the beet-grower through the agency of his irrigating ditches. In other words, water can be supplied when needed, and can be shut off when it is not needed; but it leaves the ground in a damp and moist and cold condition at the time when these children are called from their beds and put to work, and into which they must kneel for the purpose of performing this work of thinning, and crawl upon their hands and knees along the row from one end to another in accomplishing the purpose for which the work is secured.

I can conceive of no mill conditions, however obnoxious and repulsive, that are worse than the physical conditions attendant upon this exploitation of child labor. How they can escape the contracting of disease that will be permanent in character and injurious, if not ruinous, to their physical systems passes comprehension.

Denver teachers who have had charge of children used in the fields during the summer state that the work keeps the youths out of school during two months of the year set apart for their education. The teachers also say that children come in from the fields so worn out as to be unable to do satisfactory studying for several weeks. The effect is that they practically lose about four months of the school year, and are kept in grades twice as long as those who are able to attend regularly.

One teacher in the Denver schools received the following letter from a pupil who had been hired from a city family to do work in the fields during the summer:

"DEAR TEACHER: It is rainy to-day so I could write you a letter. We was working very, very hard the last two weeks, and we did work last Sunday, too, because beets grow so fast.

"We get up in the morning 3 o'clock every day and we work till 12 o'clock, then we have our dinner about half an hour, and then we go to work till 7.15, so we worked about 15 or 16 hours. Oh, it's too hard! I wish I didn't have to go any more to work beets and could spend my time in school. School is what I like, but I have to make my living to work so hard."

The next subhead of the article is:

Walks 80 miles on knees.

And then the article proceeds:

Four of us worked 60 acres of beets, and in this month I have to walk on my knees 80 miles and thin the beets at the same time, and to hoe that 80 miles; it takes me to do it about 34 days. I get \$6 an acre to block and thin, so I make \$90. But it's too hard to walk that 80 miles on your knees on hot summer days. I get sleep about six hours a day, and you know it isn't enough for that kind of job.

Soon as I lay in a bed I am sleeping in about three minutes, and I never wake up until our clock strikes to alarm. I am glad it's raining to-day so I could rest a little. I am going to make our dinner now, and after dinner I am going to sleep.

I tell you everything about hard work when I come to Denver.

That is the end of the letter. The article proceeds:

The report of the National Labor Committee says that the children between 7 and 15 employed yearly in the sugar-beet fields of Colorado, according to estimates made by the superintendent of schools, lose two or more school months as a result.

The next subhead is:

#### SCHOOL WORK SERIOUSLY AFFECTED.

That the loss of schooling seriously affects the progress of the beet workers in school is shown by the fact that the average per cent of retardation among the beet workers is 53 per cent as compared with an average of 20 per cent for the nonbeet workers, says the report.

The work the children do in "pulling" and "topping" the beets involves great physical strain when continued for 12 hours a day throughout the harvesting season.

The report states that compared with the total number of persons engaged in beet culture, the number of children under 14 employed is small, and that therefore the industry would not suffer if they were eliminated.

The compulsory education law is not enforced in the beet sections, and the report recommends the reorganization of the school system on a county unit instead of a district basis to secure enforcement of the law by removing it from local influence, and thus control the employment of children in the beet fields.

Mr. SMOOT. Mr. President—

Mr. THOMAS. At this point, if the Senator will permit me, I was interrupted in my former speech by the Senator from Utah.

Mr. SMOOT. I should like to ask the Senator now if I understood the report to say that the children pulled the beets and topped them?

Mr. THOMAS. That is what the report says.

Mr. SMOOT. Why, the Senator knows very well that no beet is ever pulled in the world. It is always plowed out of the ground and topped by men.

Mr. THOMAS. Why, Mr. President, the plow, of course, runs along, just as it does in a potato field, and then the beet is taken from the ground as potatoes are. Of course, the child is not obliged to take hold of the top of the beet and exert all of his physical strength in an effort to pull it from the ground; no.

Mr. SMOOT. I have been in thousands of beet fields, and I never saw a child top a beet in my life. I never saw a child in a beet field using a knife for the topping of a beet; and I know that all of them are plowed, and the beets are lying in the ground as they are plowed out of the earth.

Mr. THOMAS. The Senator, of course, knows more about beet culture than I do, because he has been interested in and identified with it personally. I think the Senator is very largely interested in the beet-sugar factories of his State.

Mr. SMOOT. I have 173 shares of beet stock, worth \$10 a share. That is \$1,730 as the extent to which I am interested in the industry, and that came to me through a trade. That is all that I have ever been personally interested in the beet industry in the United States; so the inference that the Senator makes is not right.

Mr. THOMAS. I intended no reflection on the Senator in that statement. He has a perfect right, as everyone else has, to invest in matters of that kind. Indeed, I am very sorry I did not make an investment last April a year ago—

Mr. SMOOT. So am I.

Mr. THOMAS. When Great Western common stock was selling at \$45 a share, and its last quotation is \$295. The Senator, in obtaining 174 shares, evinced much more business wisdom and perspicacity than I possessed; and if the Senator thinks for a moment that my statement was designed either as reflecting upon his interruption or the substance of his interruption or upon his own business conduct, I want to assure him to the contrary. I was merely stating a fact which sustained the accuracy of his assertions regarding the manner of extracting beets from the ground. But certainly the Senator knows that in the process of thinning the beets in the early stages of the crop, work which no American will do if he can help it, these children—Indians, Mexicans, Bohemians, all classes and conditions of rude, ignorant labor—go into the fields, and on their knees work and progress at the same time, performing a task whose demands upon the physical system can not be overrated.

If this be true, and I think it is, when young children from 6 to 14 years of age are required to do that sort of work during any season in the progress of the beets, from the planting of the seed to its gathering, it is unjust, it is wrong, and it is inhuman, and any law that is designed to protect child labor which is not sufficiently broad to cover that condition and remedy it must necessarily fail of successful operation. It only reaches a part of the difficulty.

Now, let me read what the Senator said regarding his own State during this discussion:

Mr. SMOOT. Who is the author of the letter? Will the Senator say? Mr. THOMAS. This is taken from the Rocky Mountain News of March 12. It is attributed to "Inquiries made by the national child-labor committee of school-teachers as well as other authorities."

Mr. SMOOT. I do not know how it is in Colorado or the other States, but I do know that the laws in my State compelling children to go to school are absolutely enforced.

Mr. THOMAS. Mr. President, of course I accept the Senator's statement, and yet I think he will admit that children are employed to work long hours in the beet fields of Utah, just as they are in the other beet-sugar States of the West.

Then there was an interruption from the Senator from South Carolina, and then I yielded to the Senator from Utah, who said:

Mr. SMOOT. I will simply say to the Senator, in answer to what he has stated, that the children in the State of Utah do work in the beet fields for the thinning of beets only. It is the easiest work that a child can do. It is the most healthy work that a child can do, because

he is out of doors. They are all paid so much per row. I have never heard anybody, either a parent or anyone else in the State, complain of the work; but I do know that it is a most profitable work for a child, and has done a great deal of good toward keeping children off the street, and has brought in a fair income to the child; and in many cases it is the means of starting a savings account that grows each year.

Mr. THOMAS. Will the Senator inform me how many hours the children work in his State?

Mr. SMOOT. I do not think they work over eight or nine hours a day, Mr. President—none that I know of.

Mr. President, I accepted then, as I accept now, the statement of the Senator with regard to these conditions in his own State, and largely because of that fact I changed the limitation of hours in this proposed amendment.

I agree with the Senator there is no work so helpful, no work so healthful, to a child as outdoor work on a farm, provided it is accompanied by those limitations as to hours and character which it is the purpose of this bill to enforce.

Mr. President, I sometimes think we are going too far in our schemes of economic legislation. The work is good, the motive is good, the motive is beneficent, but to my mind the crowning danger to the child in his years preceding adolescence is the absence of that employment which inevitably leads to practices and habits that may result in his ultimate corruption and undoing. There is no saying more true than the old one that Satan finds mischief for idle hands to do. It is inevitable that the unemployed, through the exercise of those mental faculties which keep children busy as well as men, will find their vent through improper sources when free from occupation. I venture the statement that if the Senate of the United States were polled one-half its Members when they were children, before the age of 14, were engaged in occupations and many of them wage earners.

Mr. SMOOT. Ninety-five per cent of them.

Mr. SHERMAN. Mr. President—

Mr. THOMAS. I think it is largely due to that fact that they were able to so sustain themselves and to rise in the scale of life as to represent their respective constituencies on the floor of the Senate. I yield to the Senator from Illinois.

Mr. SHERMAN. I wish to inquire of the Senator if the amendment as it is read on page 5 of the bill as amended as reported out by the Senate committee prevents a member of a farmer's own family within the ages named and with the products named from performing certain prohibited service?

Mr. THOMAS. It does not, neither does it prohibit a farmer from employing children, either his own or those of other people, for not to exceed 11 hours each day.

Mr. SHERMAN. I want to get it right, because I am in favor of the child-labor bill as it passed the House and so far as it has been reported by the Senate committee. Suppose the material produced in the field should be sent to a factory or cannery, would the farmer bring himself within the limitations?

Mr. THOMAS. No.

Mr. SHERMAN. Would the child—

Mr. THOMAS. But the product of the factory in which that raw material is produced by the work of children employed over 11 hours a day will be prohibited from transportation and use in interstate commerce. In other words, it operates precisely as the law operates in its present form except that it is extended to certain conditions of farm labor.

Mr. SHERMAN. In other words, it can be made, but could not be marketed. If manufactured, it can not find a market through interstate commerce.

Mr. THOMAS. As I read the bill as drawn, it not only could not be marketed but it could not be shipped.

Mr. SHERMAN. If it could not be shipped in interstate commerce, it would be deprived of the larger part of a profitable market.

Mr. THOMAS. Certainly; that is the intention of the bill.

Mr. SHERMAN. Let me ask this question. The Senator was referring to the duties of a Senator in a State to his constituents.

Mr. THOMAS. No; I do not think I did that.

Mr. SHERMAN. Suppose, without regard to color or race—

Mr. THOMAS. I did not say that.

Mr. SHERMAN. Suppose, without regard to color or race, within the prohibited age in my own State or in the State of the Senator from Florida a child, so called, within the limited age, should work in a field or an orchard or a truck patch or garden and the product of that field or garden ultimately would reach a cannery or factory, be it cotton or strawberries or apples or citrus fruits or what not, could the product manufactured or canned thereafter be shipped into interstate commerce and reach a market through interstate transportation?

Mr. THOMAS. Not if produced in whole or in part by children within the prescribed age working over 11 hours.



Mr. SHERMAN. I am assuming it to be your amendment as printed. It may be that it has been changed since it has been offered.

Mr. THOMAS. I will answer the Senator yes, if the children are employed in the production of the material for a longer period than 11 hours a day.

Mr. SHERMAN. If under 14 years of age?

Mr. THOMAS. Yes.

Mr. SHERMAN. And between 14 and 16?

Mr. THOMAS. I say nothing about that in the amendment.

Mr. SHERMAN. The limitation does not apply?

Mr. THOMAS. No.

Mr. SHERMAN. In that event, as there were about 10,000,000 people engaged in agricultural occupations of various kinds in the United States in 1910 or 1900—

Mr. THOMAS. Yes.

Mr. SHERMAN. There are about 6,500,000 farmers in the United States.

Mr. THOMAS. Yes.

Mr. SHERMAN. That includes all the farmers in the corn-and-wheat belt; all of them engaged in the production of orchard or fruit products north or south; all of them engaged in the cotton fields or plantations of the country.

Mr. THOMAS. Yes.

Mr. SHERMAN. Now, in that event under the Senator's amendment does he think it would be the duty of a Senator living in any State to so regulate matters, for instance, in the corn belt, and I have more raising corn than any other single cereal of the field, that a boy under 14 years of age could not work more than 11 hours a day in corn husking or wheat harvest? We have a considerable product of wheat.

Mr. THOMAS. Is that the question?

Mr. SHERMAN. Yes, sir.

Mr. THOMAS. I will answer that question Yankee fashion by asking another. If it is injurious for a factory man to employ a child under the age of 14 years longer than eight hours, why should the farmer claim exemption from that rule if it is also injurious to work the same class of labor 11 hours?

Mr. SHERMAN. The Senator answered in the form of a question, and it is certainly within his privilege. Because there is a very wide difference economically, socially, and physically between working in the open air and working in the closed walls of a factory with limited advantages for health, and for the general police regulations that belong to large numbers of people working together in a dense population and a very small area. The farmer or the farmer's family does not labor under that limitation, nor do the same economical or social reasons apply to those engaged in farm occupations that apply to manufactures or those in canneries.

Mr. THOMAS. If the Senator will permit me, let me ask him if work in quarries is not in the open air?

Mr. SHERMAN. It is work in the open air, but an entirely different kind of work from work in an orchard or work in a cornfield.

Mr. THOMAS. It is not very different from grubbing stumps. I do not see any difference at all.

Mr. SHERMAN. I wish to say to the Senator that I have not yet attained the three score and ten years named in the Scriptures—

Mr. THOMAS. I hope the Senator will live far beyond that period.

Mr. SHERMAN. I thank the Senator sincerely for his kindly wish, and I join with him and return to him the like felicitations and hopes. But since the age of 10 years myself and every associate that I know raised in the township in southern Illinois, from the time we had to climb up on a manger to buckle the collar on a horse, have been—far below the age of 14 years and far below the age of 16—working at something, and I do not know of a healthier crowd of boys that was ever produced any place in the country than those who have gone out. Some of them are in Australia; some of them are Scotch, and, following their nomadic instinct to emigrate, have gone around the world. As I said, some have gone to Australia. Some of them are in the trenches in Germany, because I was raised among a polyglot population of all races and all creeds. Those boys grew up until they are as healthy men as I know in the world.

Mr. THOMAS. I do not want to interrupt the Senator, but I only yielded for a question.

Mr. SHERMAN. I asked the Senator a question and he asked another and I was answering it.

Mr. THOMAS. The Senator's answer, I think, is very illuminating.

Now, Mr. President, the Senator's experience is the experience, as I stated, of a majority of the Members of the

Senate. If the Senator lives, as I hope he will, far beyond the allotted three score years and ten and retain his seat here, my prediction is that he will be called upon to enact legislation that will prevent the boys of the next generation from doing the very thing that he says is the foundation of his physical and intellectual growth.

Mr. SHERMAN. May I make an inquiry? Does the Senator think the boys under 14 years of age on the farms, on the cotton plantations, without regard to their color or race, or the farmers in the North and Northwest, in the Mississippi Valley, and the wheat fields and corn fields—that boys under 14 years of age are so depressed and unhealthy and overworked—

Mr. THOMAS. No; I do not.

Mr. SHERMAN. As to require a measure of this kind?

Mr. THOMAS. No; I do not, Mr. President.

Mr. SHERMAN. Then, why do you include it in your amendment?

Mr. THOMAS. I will proceed, if the Senator will permit me, to give the reason for it.

Mr. President, I contend that if it be true that 8 hours is an essential limitation for the preservation and protection of the youth of the land in labor indoors, 11 hours is a very liberal allowance for labor of the same kind out of doors, and if I could segregate the particular evil at which this amendment is aimed from a general classification, I would be glad to do so. My only purpose is to perfect the bill along the lines that it is designed to operate in order that it may include flagrant instances of child exploitation, which will continue, notwithstanding this bill, if this amendment is defeated.

Mr. SMOOT. Mr. President—

Mr. THOMAS. I yield.

Mr. SMOOT. The Senator must recognize the fact that child labor in a mill is generally for 12 months in the year while child labor in the fields is not to exceed in some cases 30 days, in other cases 60 days, and I doubt very much whether in any case it is more than 90 days in a year.

Mr. THOMAS. Then, does the Senator approve of working children of 6 years of age, up to 8 and 10, 17 hours a day for 30 days in the year, but would object to it were it for 12 months?

Mr. SMOOT. No; I have never heard of a 6-year-old child working in the fields until I heard the Senator read this report. I never saw it in my life. I do not believe in it, and no other living soul could believe in it who has a heart in him worthy of being called a heart. I do not believe in children working 17 hours a day, but I do believe that where a father has a boy 12 or 13 or 14 years old and, in the stress of gathering a crop, he himself works 13 hours or 12 hours, it would not hurt the boy a particle to work a day or two under those circumstances.

Mr. THOMAS. I agree with the Senator fully.

Mr. SMOOT. That is my position exactly; but I think a State that would allow children 6 years old, in the field or anywhere else, to work 17 hours or 12 hours or 10 hours ought to be—I will not say what I think, but I will say that they are very derelict toward their citizens and their laws ought to be amended. That is the least I can say.

Mr. THOMAS. I think if a State permits that it is subject to any censure which the Senator sees fit to express, and I think that if the National Government, because of such permission, proposes to take the whole subject over and still permits it, it is subject to the same censure.

Mr. SHERMAN. Will the Senator yield?

Mr. THOMAS. Yes; but I want to get through pretty soon. I will yield for a question.

Mr. SHERMAN. What would be the effect on the farmers of the corn and wheat belt or of the cotton country if during cotton picking or harvest or corn husking a farmer's own family, his boys, could not work beyond 11 hours if they were under 14 years of age? What would happen in harvest time?

Mr. THOMAS. Mr. President, when we are enacting a great piece of legislation like this what difference does it make what the effect may be. We are not concerned with the effect. The Senator from Idaho [Mr. BORAH] a day or two ago said if this bill did not hurt somebody, there would be no opposition to it. Irrespective of the effect, if it is our duty to protect child labor the way we propose to do it, the legislation which we enact should be comprehensive enough to remedy the evil. If the effect is bad, it is unfortunate; but we must do this because it is essential to the interests and welfare of the race.

Mr. President, I do not want to be misunderstood. I sympathize with the purpose of this act. I know that there have been gross exploitations of child labor, and I am sorry to say that one of them seems to prevail in my State.

Now, because I am trying to reach that, influences will be affected whose products ought not to be affected. That is the misfortune of those interests and not my fault. Of course I know that the very moment it is suggested that this measure shall be extended so as to take in the comprehensive industries very naturally it meets with strenuous opposition.

I know this amendment of mine has little prospect of being adopted here, but I want to focus the attention of the country upon the fact that the legislation will need amendment if it is going to be effective, and it must be extended so as to take in some lines of occupation which are not now included within it.

I do not think there is a better training in the world for a boy than on the farm. I do not believe that if he worked 15 hours a day it would injure him very much. It has been the making of a great many boys.

Mr. VARDAMAN. Mr. President—

Mr. THOMAS. But, Mr. President, is it not possible to abuse that system of occupation just as much as others, and if nationwide legislation is essential, should it not be nationwide? I yield to the Senator from Mississippi.

Mr. VARDAMAN. I want to ask the Senator if, in the history of this country or any other, he has knowledge of a system of agriculture which required the child to work on the farm in such a way or to such an extent as to interfere with the proper mental and physical development of the child? I have always regarded the farm as the breeding place of the highest order of men and women.

Mr. THOMAS. No; except in instances like those to which this amendment is directed.

Mr. VARDAMAN. The Senator has doubtless observed and will admit the fact that the child on the farm, as a general rule, works with his parents, under the direction and kindly care of his mother and father. He is not subjected to the inconsiderate, selfish domination of the boss in a factory, whose sole aim and effort, without regard to the mental and moral well-being of the child, is to make money out of the child's labor. The hot, dust-laden, mephitic air of the mill everyone knows is unhealthy, and especially to a child of tender years. It retards his physical growth, saps his strength, undermines his health, and stunts his moral and mental being—just the opposite effect from the pure, stimulating air, sunshine, and moderate employment which the boy on the farm enjoys. Really I do not know of anything that contributes more to the physical, mental, and moral development of the child than life upon the farm. The farm is the nursery of American greatness and from it will come the men and women who will save our civilization.

Mr. THOMAS. I have no quarrel with the Senator on that proposition at all. I think he is right.

Mr. VARDAMAN. Then why does the Senator want to interfere with a system that is so benign in its influences and that time has demonstrated is only for the benefit of the human race? Why not let well enough alone?

Mr. THOMAS. Some of the greatest men the country has ever produced have begun their lives working in the mills and working in the mines. The first head of one of the main labor organizations of America, and the organizer of it, began his work as a boy in the mines. So far as that is concerned the argument is not effective. Now the reason, and the only reason, why this bill was not made sufficiently comprehensive to take in the class of labor I mentioned is that it would present new features and arouse angry opposition. The Senator is a young man comparatively. He will live to see, if he stays in this body long enough, a measure far more drastic than the one I have offered.

Now, Mr. President, I have said far more than I intended. I think that this is a meritorious amendment, which ought to be adopted; and I hope it will be.

Mr. SHERMAN. Mr. President—

Mr. THOMAS. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator begins upon some other part of his address, I should like to inquire what will the boy under 14 years of age do the remainder of the 24 hours?

Mr. THOMAS. I do not know that the Senator from Illinois heard my earlier remarks.

Mr. SHERMAN. I did not hear that part of them.

Mr. THOMAS. I made the statement that the idleness of the youth during his period of immaturity was the worst thing that could happen to him. The Senator and I will have no disagreement with regard to the useful nature of this sort of employment nor as to the baneful effects upon the youth of the country of idleness and unemployment. That, however, as I said, must be beside this question if the evil to be guarded against is greater than that which may be accomplished by the application of the remedy.

Mr. LEWIS obtained the floor.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Overman	Smith, Ga.
Brady	Husting	Page	Smoot
Brandeggee	James	Penrose	Taggart
Bryan	Johnson, Me.	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Clapp	Kenyon	Ransdell	Tillman
Clark, Wyo.	Kern	Reed	Townsend
Clarke, Ark.	Lane	Robinson	Vardaman
Culberson	Lewis	Saulsbury	Wadsworth
Cummins	Lodge	Shafroth	Walsh
Curtis	Martine, N. J.	Sheppard	Weeks
Dillingham	Myers	Sherman	Williams
Fall	Nelson	Shields	Works
Fletcher	Norris	Simmons	

Mr. CLARK of Wyoming. The senior Senator from Missouri [Mr. STONE] desired me to announce that he has been called from the Chamber on official business.

Mr. MARTINE of New Jersey. I rise again to announce the absence of the Senator from West Virginia [Mr. CHILTON], who is absent on official business. He is paired with the Senator from New Mexico [Mr. FALL].

I also desire to state that the Senator from Louisiana [Mr. BROUSSARD] is absent owing to illness. I make these announcements for the day.

Mr. MYERS. I desire to announce that the Senator from Arizona [Mr. ASHURST] is necessarily absent for the day on account of his physical condition. This announcement may stand for the day.

Mr. FLETCHER. I am requested to announce that the Senator from Maryland [Mr. SMITH] is absent on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

REPLY TO MR. HUGHES'S ACCEPTANCE ADDRESS.

Mr. LEWIS. Mr. President, I rise to speak to the challenge of patriotism sent forth in the address to the American people by Judge Charles Evans Hughes in his acceptance at the city of New York of notification of his nomination as President of the United States by the Republican national convention held at Chicago. *I address myself to the shams and shames of the pretense of patriotism.* As I am not speaking the sentiments expressed to me by anyone, I wish it known that I alone am responsible for my utterances of this day.

*Here this day I put the responsibility for the death of every American soldier killed on the border of Mexico in the year 1916 upon the heads of the generals of the Republican Party.*

*I charge that not until the captains of the Republican Party shot at the President of the United States did the Mexican outlaws shoot at the soldiers of the American President.*

MEXICO AS THE ISSUE.

It is proclaimed by the message of the candidate and in the declarations of his directors that *Mexico* shall be the issue in the present political campaign. The chairman of the Republican national committee announces with formality on July 28 that Mexico is the issue. Candidate Hughes on July 31 confirms the issue by reasserting it in his official position. Let the country know that the statement is *that Mexico is the issue*. Not that there is a principle to be enforced in behalf of Mexico; not that there is justice to be asserted in behalf of Mexico; not that there is an American right to be vindicated in behalf of the United States as to Mexico. No! The statement is, *Mexico is to be the political issue*. Prejudices to be awakened in America, hatreds awakened against the Democracy, insurrection to be invoked and denunciations to be called down upon the head of the Democracy and its leader, merely that an issue is to be brought forth. Every man in the Republican Party is to be allowed his own expression of anything that in the locality wherein he speaks may serve to accomplish the issue. It is sufficient if it is Mexico.

The cry has gone forth—*let Mexico, in some phase, without regard to facts or justice, and in defiance of truth and honor, be the issue*. Summon the citizenship of the United States to war against its constituted authority—that is the issue. Revolt against the Government at Washington as to Mexico—that is the issue. Denounce the President as to Mexico—for that is the issue. Make contemptible your own country before the world whenever you can—for that is the issue. Humiliate your own fellow man by holding his country and his President up before the world as unworthy the support of his countrymen or the respect of foreigners. Cry "Mexico" and the "outrage" upon America from somewhere, somehow, in some way, through the administration of affairs by the United States in Mexico. *Summon from every-*



where anyone who by any charge, any slander, can induce an American to make issue against his own country as to her policy in relation to foreign countries. Summon the public enemies from every darkened place, from every unhallowed ground. Bring them forth—those with hopes of reward; those with itch for notoriety; those with dreams of place and position, and those who would vent their revenge upon their own country because they could not use it to enrich a guilty purse and debase the principles of freedom to reward robbery.

At last the army is summoned: "Hang the banners on the outer walls, the cry is—still they come." The mercenary—the concessionaire who pollutes the government in power to wrest the rights from the defenseless. The European bondholder, who casts his water-engorged securities in the face of America, demanding of the sovereign United States that she shall send her sons to die that their blood may give value to that whose creation was born of robbery and whose existence is maintained by fraud. The mining buccaneers of the mountains, the land pirates of the plains, pillagers of the peons, oppressors of liberty, murderers of justice, come all of you; at last there is found for you a house in which ye are worshipped as gods and at whose altars the innocents are to be sacrificed for you to make an election holiday. It is your father's house—the Republican Party. There you shall burn incense to the worship of despots and despoilers, the new high priests of modern Republicanism, headed now by the newly anointed chief of this political hierarchy—the nominee of a Republican convention for President of the United States—Charles Evans Hughes.

How long has been the quest for some issue! How wailing has been the cry from the wilderness for some deliverance! Never did Diogenes grope more helplessly among the grottoes of Greece with a lantern looking for an honest man than did these pursuers explore the purlieus of politics with false lights to find a dishonest issue. Mr. President, let us examine the sincerity of the pretension of "relief for Mexico" and "rights to Americans," which in its newborn announcement is to be the declaration upon which the multitudes are to be summoned. The cry is "Hughes! Up with Hughes! Down with Wilson! Up with the Republicanism that is new! Down with the Democracy that is true!"

#### PRESENT STATUS OF MEXICO.

Mr. President, what is the history of the political status of Mexico and the United States? Let America recall that there was Mexico, with 23 revolutions in one form or another since the American Civil War—the struggle for liberty, the fight for justice, the effort to be free from the yoke of masters and to rise from the iron heel of oppressors. All encouraged by Lincoln, when the fight was led by Juarez—Lincoln, in his announcement to the officials of that distracted country, gave them the assurance that the interests that were attempting then—50 years ago—to cast Mexico back to the ages of darkness and who, under the cry of "intervention," "peace," "rights of America," were bent on using America to slay republics and pledge the power of the United States to give assured value to possessions which had been wrung from the defenseless by the fraud of men and the crime of robbery. Since then every American President has patterned after Lincoln, offering aid to Mexico wherever possible, but refusing to oppress its people with power, however profitable to speculating finance or party politics.

These conditions of revolt and revolution, devastation and death, continued in this unhappy land through the years, while America stood by, hoping Mexico would build itself out of its misfortune and rise upon the wreck of empire to the grandeur of a republic. America wished for Mexico to survive as giving liberty to its humblest, doing justice to the highest, and in all establishing a government of its people by their free will, modeled after the mother Republic of the Western Hemisphere—the guardian United States of America.

In the administration of President Taft so severe had conditions become in Mexico that from 1910 to 1912, inclusive, 47 Americans were killed. The administration of Woodrow Wilson came into power in March, 1913, to find these deplorable conditions prevailing in Mexico, accentuated by the murder of Madero, concerning which the American Government had received the audacious announcement from Huerta, "I have deposed Madero and assumed authority." Quickly in the shadow of this dark communication flashed the light from the weapons that had sent the life from Madero and laid his family in death through the assassin's stroke. What could America do? With this information and with knowledge communicated to her officials could she palliate the murder by giving approval to the perpetrators by honoring the chief actor with the crown of authority? Only in the history of Rome do we find the parallel, when the Roman triumvirate, red with the blood of the ruler Pertinax, rushed out

in the ramparts of Rome to auction the world off to the highest bidder.

#### "RECOGNITION" OF HUERTA.

Mr. President, when had America steeped her hands in the blood of murdered rulers as the ceremony of recognition of the perpetrators? Few indeed have been the instances she has been called upon to consider as parallels or precedents. Yet the leaders of the Republican Party say it was America's duty to have recognized Huerta. That Wilson had committed an offense to the relations due Mexico when he failed to acknowledge Huerta. In what provision of the platform made at the convention in Chicago has the Republican Party made that assertion of a right and a duty upon the part of the Republic of America to have acknowledged Huerta as equal in authority and honor to the President of the United States? Where is the declaration of Republican authority that was dared to be proclaimed before a Christian civilization or God-fearing people of America? It does not exist. There were none so courageous in their audacity as to write the assertions in the platform as a duty of Wilson or as the right of Mexico. Yet Judge Hughes says we had no concern with the morals of Huerta. He would exclaim with the chief of the murdering Borgias:

Stand not on morals, but on power—'tis bloody, but hath rewards.

Let me ask: If the charge made 50 years past, that John Wilkes Booth killed Abraham Lincoln at the demand of those who represented Jefferson Davis, was true, and had Jefferson Davis assumed command at Washington, which of these will now announce that they would have recognized Jefferson Davis? If you believed the charges which were then made, would you have recognized Jefferson Davis as de facto President of the United States?

Let it be remembered that Vice President Andrew Johnson, who came to the position of authority in the stead of murdered Lincoln, was already indicted in the hearts of many of the leaders of America in the Republican Party, and most of them, through their representatives in the United States Senate, bided their time to vote his impeachment for no greater charge than that he stood in the shadow of the approval of the policies which led to the murder of Lincoln.

In 1903, in Serbia, King Alexander and his Queen met the fate at the hands of murderers as befell Madero and his wife in Mexico. It was charged that Peter Garegovich was a party to the murder, and when an attempt was made to make him King—though by assembly of a legislative body—the charge was openly asserted by those in Serbia that those who were making him ruler had incited the murder of King Alexander, and that therefore no such recognition to Peter should be accorded by the United States as would serve in this Republic as an approval by her civilization of such methods to obtain power. The United States under Secretary of State John Hay took cognizance of the offense. More than a year elapsed before this Government, under Roosevelt, gave recognition to Peter. During the delay the United States was satisfying its conscience that there was not the crime existing as against Peter as charged against those who were sponsoring his cause. This country gave to the world in that instance ample evidence of its intent to have disclaimed Peter had the proof disclosed any such condition as was evidenced to America in the affair of the assassination of Madero through the machinations of Huerta.

There was no other course for President Wilson to take than that which he did in declining to recognize Huerta under the circumstances as they then prevailed and were accepted. President Taft, who was in office when Huerta came to power, and who through the agencies of his administration existing for four years could have had the most complete and assured information, did not recognize Huerta or have his administration give to him official acknowledgment. That there must have been in the mind of President Taft facts that caused him to feel that he could not take such awful responsibility is evident from his own statement "that he was going out, and he did not wish to put responsibility upon the incoming administration by his act."

Mr. President, if the recognition of Huerta would have been an act, sustained by all its surrounding circumstances, that any American President could have ordered, there would have been no reason to pass this recognition to a successor and pass out in silence as did President Taft. The changes in the Governments of China, Japan, and the last in Portugal, within the same period of time, were not deferred but promptly accepted, as is the custom of countries living in comity and dealing in honor. And yet, shall it be said that Wilson should have accepted the government of Huerta, then, under these circumstances? And why now shall it be said that because in the imagination or in the calculation of certain interests that things under Huerta might have been better than they have developed under others; that for that speculation it were nobler to have chosen Huerta?



## VILLA AS AID TO UNITED STATES.

Mr. President, then we have it that the very officers of the administration who were in Mexico, the agents of commerce, the consuls of the United States, who were best informed and best constituted to be informed, gave to President Wilson and his Secretary of State their judgment that Villa at the time represented the abilities best calculated to bring forth order and establish peace in Mexico. Villa's platform and performances sounded as of the virtue of American doctrines—liberty for the humble, justice for the poor, the lands as homes for the people and not as the private possessions of landed princes.

Here let it be remembered that so powerful was that force of Villa that against the army of Porfirio Diaz and the best forces he could command in Mexico at the time of his greatest power Villa was able for 22 years to hold his army in opposition and to oppose successfully the conquering of him or his cause by Diaz. Was it not natural that President Wilson could conceive from these evidences that this commander had power as represented? The effort was honestly made by the President and every aid for peace that could be given without the violation of our duty was afforded. The object of the United States was to keep the hands of power off of Mexico; to let it work out its own destiny through the agencies of its own creation, as was the process of the government of republics. Villa was not acquiesced in by all of Mexico. He was opposed in his own land. Frustrated by those whose assumption of control he sought to dispute, and which he claimed had for its object the robbing of the poor, for whom he spoke. The ruling classes of Mexico and certain business interests all combined against him—under what righteous claim I know not. But this I do know, that had the leaders of the Republican Party in Congress given to the Democratic President support in this foreign policy and announced that as the President had recognized Villa as a test and trial to bring forth through him order, and had they demanded united obedience in America to this effort of the President as one from the highest authority and from the only authority that was vested with privilege of deciding the question, there would have been a different result from what ensued. Mexico would have seen that all the United States was behind the President.

The forces opposing Villa would have seen that all the United States supported the American President. Obstructionists in Mexico and opponents of the United States and the enemies of Villa would have all seen that there was union in America in the support of an American President when he was dealing with a foreign country and then would have subsided the opposition. There would have followed the acquiescence in the trial of the strength of Villa to enforce peace, and from it we would have been able to test the result and to have obtained relief from the conditions which were cursing Mexico and bewildering America. But no. Upon every occasion, in public place and in the Senate, denunciation of the President for his act was hurled forth. Senators would rise to condemn the President, hold his judgment up to contempt, his course to derision, while they frustrated and obstructed the execution of his every undertaking. This it was that gave license to those in Mexico who were opponents of the cooperation of America, and those in Europe who were the enemies of our welfare, and those in Mexico who for their own reasons, selfish or sincere, were opposing Villa—all joined in their opposition to America, being encouraged to their action by the leaders of the Republican Party in America, who certified by their conduct that anything that would oppose a Democratic President was by them approved.

That any depredation and outrage visited upon their own countrymen would be indorsed as penalty for obedience or respect to anything the Democratic President had done as to Mexico. These Republican masters divided their own countrymen in America, incited opposition in Mexico, infused treason against the head of their Republic by the selfish interests who served their own objects by destroying the success of the United States in restoring peace or order in Mexico.

## RECOGNITION OF CARRANZA.

Then, Mr. President, when as a result of the contribution of the efforts of a shouting and obstructing minority in the United States Senate and in the United States of America—encouraged by such agencies as spoke for interests that were served best when America was served worst—the efforts to bring forth order through the agency of Villa failed. What was the President to do? Should he sound the note of hopelessness? Was he to send forth the cry of despair? Was he to proclaim failure? No. It was then that he was informed that the growth of power enforced under control of Carranza gave promise that through him peace and order, which had failed through others, might be established. The President of the United

States still struggled to avoid the clash of arms. He was anxious to present to the world America's continuing example of an encouragement to a Republic, and in anxiety sought the counsel of those whose interests were in union with the hopes of Mexico, whose welfare was the welfare of Mexico. They were those who by theory of government and creed of church were brothers to Mexico—children of the same mother. From these he sought his direction, and from their patriotic ardor, born from their own achievements through the long years of struggle against insurrection, oppression, and revolution before they reached their destiny of a Republic—Argentina, Brazil, and Chile—these, not the monarchs of Europe, nor the despots of imperial finance, were the advisers to the American President. Upon their advice, their unselfish counsel, through the solicitude of their affections, through the hope that they bore for Mexico, feeling that only through the same slow steps of their progress could Mexico prevail, Carranza was accepted.

The destiny of Mexico was theirs—her fate their fate. By that which she should rise they would remain a risen and established thing in the world of government. By that which Mexico should fall, they would be stricken, and, tottering, wither and die. To what source could the President have gone more assuring in its aid, more sincere in its friendship, than these? Therefore, under these, through these, he turned to cooperate with them and recognized Carranza. Then was given to Carranza the test and opportunity to establish that peace and order for Mexico necessary to the welfare of all government established upon law. Let it be remembered that at this time Carranza had been recognized by the principal Governments of Europe—Britain, France, Spain, Germany, and Russia—and all of South America. Who shall say that under such conditions the trial of Carranza was not wise and the only thing expedient and justified in that hour?

Now, therefore, it was Carranza we asked aid for. It was Carranza we acknowledged as chief, for the object of quelling disorder. It may be that this was not the wisest nor the surest course, as all government speculates upon the chance of things. We know, Mr. President, how many things enter into the disposition of the affairs of men which can not be calculated upon and unsettle or contribute to the end. What events interceded between the time of the acknowledgment of Carranza up to the division between his forces and our own Government that were neither his making nor our own, but which served to undo the results sought by each, we can not say. We can only recognize that our duty was to reckon with the most serious that could be anticipated, assured with the philosopher that—

Since the affairs of men still rest uncertain,  
Let us reason with the worst that may befall.

The United States prepared to treat with that which had befallen, the worst that could befall—lawlessness where should be order, oppression where there should have been freedom, robbery and injustice where there should have been righteousness and equity. But, again, the Democratic President was destined to inherit at the hands of the minority obstruction in his undertaking and defeat wherever possible to his designs. In every other country in the world there could be unity given to those who were the ruling powers in all conflicts with foreign nations and foreign people. Even in Japan we have lately seen how its Parliament passed a resolution, as a policy of its Government, "that in matters of foreign complication the policy once asserted by those in power should be the will of the whole pending its execution." It is in America, the civilized and refined Government of perfected accomplishment and of established patriotism, that no such poor privilege could be accorded to the President of the United States—merely because he was a Democrat. It was assumed by Republican captains that any humiliation put upon him, any dishonor to his undertakings, any defeat to his adventures, however embarrassing to the country, was justified because this President was a Democrat. Sir, to them the fact that the will of the people had placed him in power, had commanded the American citizens to give him cooperation, that he might give to his Government the best that the intelligence of his mind and his inheritance from God afforded, was of no consequence. To them this was of no effect nor influence. Their policy was to indict and defeat, discredit and dishonor the administration in power before Americans and before the world. All this but to achieve a party advantage in being able to point out to their fellow citizens a "failure." Sir, that this failure would be the result of treasonable design and disloyal opposition on the part of those who profited by the failure, as they converted it into capital upon which to invest their political future, was of little appeal to their sense of honor. These marplots could not even be shamed by the consciousness of the infamy of this in-



justice to their country or the spectacle of dishonor to their own countrymen.

So, Mr. President, we find ourselves in January, 1916. Notwithstanding these multiplied oppositions, it seemed at last as if Mexico was working out in harmony. That peace was soon to brood over her distracted sections and order was to heal her rived and sundered sides. This could not be permitted. It would not serve the purposes of those who survive in confusion and prosper in lawlessness. But their designs had not yet been disclosed. To the great mass of the Republican Party it was believed the long-looked-for issue had failed.

#### TARIFF HAD BEEN DECIDED AS ISSUE.

The Literary Digest of December, 1915, produced the facts, showing that it had inquired of all the editors of the leading Republican press and the leading men of the Republican Party as to what the issue must be or should be for 1916. Now, remember, at this time all of these conditions before detailed as to Mexico had prevailed—discord, dissension, insurrection, revolution, outrage, and murder—the offsprings of despotism and tyranny. All were known to the leaders of the Republican Party. All were understood as a fixed fact in the history of Mexico. But these leaders well knew that these things could not be charged to any party. That neither the government of President Taft nor that of President Wilson could be rightfully charged with these consequences. The American people were not to be fooled, its citizenship not to be deluded, nor its patriotism beguiled into absurd judgment to gratify political resentments or to achieve political advantage for any whose whole quest is office, without regard to right or justice. So it never dawned as any light of hope that Mexico, with all its confusion, could be an issue. In Mexico appeared the prospect of peace—at least there was the promise before the people that union and united effort in America behind the Democratic President under the new régime would settle upon Mexico peace and quiet and that she would work her own problems out as had America been compelled to do in the trying years from 1776 to 1812.

But, sir, there must be issue. So we find that in the last of the year 1915 and the beginning of the year 1916, with all of these conditions of Mexico writ in history as established facts; the sense and intelligence of the great middle-class Republicans—those of equity and justice—laid aside the preposterous idea that the conditions in Mexico could be charged to the United States, far less to any one political party. The party masters cried out their appeal then to those who looked for privileges in America and for the increase of tariff bounties and tax filchings. The tariff was hailed as the issue. The Globe-Democrat, one of the great Republican papers of the Southwest, spokesman of the Republican Party for the whole Southwest, said that the "supreme issue of the campaign will be the tariff." Remember, if there had been any part of our country where the Mexican question would have appealed as an issue to the intelligence of those on the borderland, such as in the great city of St. Louis, Mo., it would have been the first to scent it. Thus it is that this great paper of the Republicans stands as expression of the viewpoint of those who were on the very trench of Mexico, scorched by the flames, rocked by its volcano. But we find from the publications that 451 Republican editors out of 685 in response hail the tariff as the dominant feature of the Republican platform for 1916. And in the city of New York, the State of Judge Hughes, 45 Republican editors out of 50 assert that "common sense means that the issue of 1916 will be protective tariff." This was the issue then. More privileges to the barons of monopoly, higher taxes to those who could exact them from the powerless and appropriate them from the defenseless. There was no Mexico. But, ah! day by day the country grew prosperous without this high protective tariff that was to be proclaimed as a nation's necessity. There was no distress. Mills hummed, industry multiplied, labor was content, riches increased—harvests became abundant, wealth distributed, and in every part of America the greatest prosperity prevailed that had blessed our land since the republican form of government had settled upon it.

The prophesied panics, the disasters, the hoped-for distresses, the prayed-for destructions had not realized. God in heaven and the Democracy on earth in America settled the destinies of the people of the United States. No longer the kings of vicious finance or the slayers of honest industry were in power. America was America, as dreamed of by the fathers who founded it. The declaration upon which our land was established was fulfilled. This was a Republic of "life, liberty, and the pursuit of happiness." The hope of an issue builded upon distress and arraigning class against class, the poor against the rich, and crying out

to the poor that it was Democracy that made them poor, all went by, and the last spark flashed for the moment in the hope and died—in the burning.

'Twas desolate to behold the retreat  
From false light to sure darkness.

Mr. President, something must be done. An issue must come forth. It must be born of something from somewhere, somehow. That it should be the offspring of truth or falsehood is immaterial. That it should be created from fact or fancy is indifferent. That it should be fair or foul would not matter. All is beside the necessity. "An issue! An issue!" is the cry. Office is the desire, power the object. Masters wring their hands in anguish in their disappointment that they no longer coil the lash over the souls of toil and dictate the destinies of freemen. This former reign must be restored. The kings must be put on the throne. There must be an issue by which they must be returned.

#### NOW MEXICO.

Sir, at this time there broke out in Mexico an explosion of lawlessness among the bandit followers of Villa, aroused now to resentment by having been supplanted by Carranza. These desperadoes assaulted American citizens who were then in Mexico conducting mining operations at Ysabel. Unhappily these Americans were killed from that race hatred through which Chinese miners were killed in Wyoming by Americans; from which Italians were killed in Louisiana; and negroes killed in the Republican States of Ohio and Illinois through no fault of any government but through race hatreds. Ah! This massacre at Ysabel gave the clue. Hear these Republican masters muttering, "Could not something be made of it? Could not the blood of our countrymen be coined into political advantage?" Hear them ask, "Could we not from the fallen forms of the murdered dead bring forth the spirits of a resurrected political hope?"

Mr. President, the unhorsed monarch exclaimed, "My kingdom for a horse"; but these issue inventors cry out, "My country and my honor for an issue." They reasoned that America, quick to resent an injury to her people, quick to avenge a wrong to her countrymen, need only be appealed to in the name of the outrages in Mexico while the Democratic administration is in power in America. This might give the issue. The councils were called, and when the State of New York was on the eve of its State convention. The first of the great agencies of Republican politics to declare its policy met. Then, as chairman, Senator Root announced Mexico as the issue, building upon the unfortunate conflict between the American miners in Mexico and the Mexican murderers at the mines. Senator Root, once Secretary of State, remembered as having traveled through the South and Central American countries, pledging the administration of Theodore Roosevelt to every just measure for their people, was at once taken as authority—not only as Senator and former Secretary of State but as the probable President. He was an announced candidate. As such joint power he was accepted as speaking the popular will of America as condemning whatever the Democratic administration was doing in Mexico.

Following this assault and political sortie, Senator LODGE—long the comrade in arms of Senator Root—on March 16, at Lynn, Mass., opened his campaign for the Senate, repeated the charges of Senator Root, and, as the ranking member of the minority of the Foreign Relations Committee, amplified them. Senator Lodge charged President Wilson with refusing to recognize Huerta because he had a "personal dislike," and sneeringly insinuated that while it was the President's privilege to ignore or decline to acknowledge, that it was not the office of diplomacy or statesmanship to do so for "personal dislike." No one knew better than Senator Lodge that the reason of President Wilson was founded upon higher ground. Whether true or false is beside the question. The learned Senator from Massachusetts knew it was not a personal dislike, but because of the charge that Huerta's hands were red with the blood of his predecessor.

What could this exhibition of joint denunciation mean to those in Mexico who had become quiet, who apart from the disaster at Ysabel seemed to take pattern after the course and quiet of America—those who had confided in the appearance of a united America at last behind the President in Mexico. It meant that these captains-general of the Republican masters had sounded their bugle note of opposition and obstruction, of defeat and disaster to anything the Democracy was then attempting in Mexico, to serve the design which was now to make Mexico an issue.

#### INCITED OPPOSITION TO PRESIDENT.

Then, sir, every interest that brooded revenge upon the United States for approving those who they felt would no longer give privilege to pillage her helpless land was awakened

anew. Every bandit on the mountain side, every murderer summoned from the mountain gorges, every creeping assassin in the shadow of the cactus awakened to the knowledge that something had happened to their profit in America. To them it meant that the United States was turning against the President of the United States; that it had withdrawn from Wilson all support; was repudiating his cooperation with Carranza; that America now no longer presented a common front or united support for Wilson's policy in Mexico.

Again, by this false display to Mexico the Republican masters licensed every marauder, every murderer, every interest, small and powerful, to feel privileged to assault that which represented Wilson or his policy. These knew that they would have the confidence and support of a great party in America which had for years been successful in electing a President and was now giving them aid and comfort through the mouth of those they had been given to understand by flattering press would be the next President. They felt now justified in these assaults, if such assaults could but serve to defeat Wilson and destroy his policy of peace in Mexico, and overturn the promised order that seemed on the eve of establishment under the Democracy in America. Then it was that by this license given by these Republican masters—this summons and call, the marauding murderers of Villa took hope—not content now with the mere assault in Mexico upon Americans that mined in Mexico, they grew courageous, they felt invited into America by such leading Americans who were Republican prophets. They heard the invitation saying, Go burn, plunder, murder—behind you are your new allies, the masters of the Republican Party, their captains being the keynote strikers upon the lute that whistled "Mexico" as the issue. Then it was that these murderous marauders, with this license from the Republican masters—on March 19, just a month following the speech of Senator Root striking this "keynote" of opposition and disaster to a Democratic President as an "issue"—went out, crossing Mexico into Columbus, N. Mex., and in the pursuit of their raid, in the dawn of the morning, looted the stores and the post office; set the torch to the homes, shooting the occupants as they ran for life. These assaulted were Americans. The first reward to the first announcement of Republican masters of Mexico as an issue. The first compensations for the disloyalty of Americans to an American President—the first booty to the treason of politics against patriotism in the United States of America.

*Then, say I, it was not until these Republican generals shot at the President of the United States did the murderers in Mexico shoot the soldiers of the President and kill the Americans in America. Surely these Republican captains can say that they sowed the dragon's teeth, and the pack sprung forth to devour.*

Mr. President, after this, everywhere in the United States that Republican leaders could, through insurrection, continue attacks upon the policy of the President and license the assault upon Americans, it was continued. All of those in Mexico who would defeat America saw that they were welcome in their design and multiplied their efforts. They embarrassed the Republic, defeating our purposes, and inviting the outrages of Glenn Springs and the further atrocities following on the border. One followed the other faster and faster. The flame had been lighted. Hot-footed murder was on the road. Those who had longed for the hour when they could have behind them the great political party of America to justify their insurrection against the President, their disloyalty to America, their assault and murder of Americans, had at last been rewarded. The bandits of Villa had found their allies in the captains of the Republican Party. All were for the destruction of an American policy of an American President, by any method through which it was achieved, though it meant, when done, the death of our country's sons, the murder of America's own children.

Then it was that the slanderers of the administration and the American inciters of its enemies in Mexico had been so successful in bringing about the murder of American soldiers and American citizens that there was nothing left for the administration to do but to promptly proclaim a punishment of those who had assailed America through the murder of her citizens. *The punitive expedition was then sent forward in the form of the soldiers of the United States.* It was sent with the object and purpose of punishing those who had outraged our citizenship and to do so without regard to consequences, even if these consequences now meant war. Now, let America remember that on the border there were 2,000 soldiers who had been there since the administration of President Taft and were continued by the administration of Wilson. Yet the attempt by Republican masters to mislead the American people to the conclusion

that no steps had been taken that might under ordinary circumstances have been a guardianship for the conditions of the border is a deliberate deception. Our soldiers then under order of Wilson moved in to consummate their purpose. Let America reflect upon the deplorable situation these soldiers were now put in. In a foreign country—a fever-stricken land—to fall by disease, to suffer with thirst, to want in hunger, to be victim of the stealthy murderer, to be shot at from mountain fastnesses, surprised and besieged from hidden places impossible of discovery. On they moved, many to fall, never to see their homes nor their kindred. *Yet with this enemy before them, hidden or around them—inspired by the enemies of the United States who for political purposes incited their own countrymen to the hatred of any course that would be taken by an American administration headed by a Democrat*—these soldiers had at the rear of them the awakened resentments in America, the withdrawal of sympathy, the withholding of approval, because in every public place and from every press that could be misled through misinformation, the soldiers were arraigned with being on an unholy mission and an unnecessary one, and the country began ringing with the charge made from Republican masters that America was *interfering in Mexico*.

#### THEN MEXICO ASSAILED SOLDIERS.

Mexico began to view the soldiers as invaders. It was educated to do so by these masters of the Republican Party; these captains of the Republican army. They were assured by these assailants of America—who for political purposes were dishonoring their own country—that America did not approve the movement of the soldiers, the object of the mission, but condemned the proceeding as one of injustice and wrong. Naturally, these Mexicans took license and felt encouraged, as they now knew that in America there was a political party that approved of every assault they made upon anything, anywhere, that was directed by a Democratic President. Quite boldly did these bandits and assailants accept the invitation of these Republican masters and began their assaults anew. They felt reinforced with courage drawn from the applause for their depredations that they received from these masters of the Republican Party, who gleefully snickered with joy that at last they had awakened an "issue," though they were writing it with the trickling blood of the murdered sons of their own country. "These were neither men nor women. They were neither beast nor human. They were ghouls." Here let us remember the contrast in the administration of President McKinley when he was called to send his punitive force to Cuba. The Democracy, which had been cursed and defiled, and in the South oppressed and abused; in the West ignored and denounced; or held up as unworthy and unpatriotic, and this for years, all laid their grievances aside, forgot their wounds. The son of the man who had worn the gray linked arms with the son of the soldier in blue, and enrolled themselves under the flag of their reunited country, and to the cry of "My country, and nothing but my country," they moved on, though they knew it was to sicken, to fall, to die. All over the Nation the leaders of the Democracy joined in one union of echo in support of the President, a vindication of America. From no point in the Nation was a Democrat to be found so despicable in character, so wanting in patriotism, and so low in intrigue as to open backfire upon the President that he might accomplish a political object at the expense of the defeat of his country and the dishonor of his Nation. All were a union then; they had but one object; it was to do and die if need be, but to serve.

The action was that of an American President and against a foreign foe. It was an American policy declared. A Democrat was a patriot; he asked no further. He obeyed in honor, and with the patriots from the Republican plain ranks they served to sustain the American President. Before the world they indorsed by voice and action the final decision of their country. There was but one voice, *strength to our President, victory to our arms*. How different was the spectacle now presented when the punitive expedition was sent into Mexico with the same object as that of McKinley into Cuba—though this into Mexico was under a Democratic President. Now a political party in America speaks, through its leaders, its contempt for its President in his efforts to maintain his country in peace, his countrymen in life and honor. See how these Republican masters all over the Nation proceeded to arouse conflict at home that they could awaken assaults upon America from abroad—all for votes and for office. These masters sent encouragement to the assailants of America, calling to them to destroy by death or disaster the sons of America as penalty for obedience to the orders of their President because he was a Democrat.

If this is called patriotism, God save the name from ever being profaned again by the mention in this Temple. May its



name be forbidden to human speech as were the names of the despoilers of the temple of Ephesus.

#### INVITATION OF REPUBLICAN CONVENTION.

Then, sirs, the Republican convention assembled in Chicago. Our soldiers were in the field. They were moving to punish the Mexican soldiers and the murderers of Americans. Carranza had been aroused by the Republican denunciation of a Democratic President to the knowledge that the action of Wilson did not meet the approval of a great political party in the United States. He saw that he could protest against the action of sending the soldiers across the border into Mexico and be sustained by the Republican Party of America. He could then strengthen himself with his own forces in Mexico and awaken sentiment of support, bringing the possibility of unity of all other forces in Mexico to him to the accomplishment of his own object. All Mexico turned to see if America now was with the action of the President. It seemed now that the soldiers were but the pickets and advance guard of a further following army for war. Mexico listened; watched to note if we were supported by a united country. If so, no Mexican faction would dare to oppose; they knew it would mean death to their assailant and prompt retribution upon their country. But the Republican masters were looking for the issue. *The convention assembled and, pursuing the course that had been prescribed by its leaders, wrote as its doctrine in the platform, for the world to read, its condemnation of America and her course then being pursued in Mexico. It told Carranza that it was against our sending those troops. With every word of its platform sounding to Mexico it condemned our sending the soldiers to rescue American citizens. The platform proclaimed that we were interfering, and wrote an indictment of their country in that critical hour in the statement:*

*We denounce the indefensible methods of interference employed by this administration in the internal affairs of Mexico and refer with shame to its failure to discharge the duty of this country as next friend to Mexico.*

#### EFFECT OF DENUNCIATIONS.

What could this mean except to certify to Carranza and to Villa that the Republicans asserted that our entering into Mexico with the soldiers at that date though wholly for the purpose of rescuing our own children was "indefensible." That it was "interference." Interference, Mr. President—that we were proceeding to punish the bandits; interference—when we were seeking to rescue our own sons; interference—when we were seeking to protect the honor of our country? Interference—when we were seeking to punish the murder of our own citizens. Then it was that Carranza drew license and encouragement from this indictment by the Republican Party, giving evidence and testimony that the combined judgment of that party was that our conduct was "indefensible" and "interference." That we were invaders. From this Carranza felt his opposition justified. It revived Carranza's charge. It gave approval to his accusations and invited him to treat us as convicted of *interfering* in the internal affairs of Mexico in a manner "indefensible" and in violation of what it charged to be "our duty as the next friend to Mexico." Thus Carranza and his people were aroused to their sense of justification for any assault they would make upon our soldiers by this, the declaration of the Republican Party in its platform, announcing to the world its impeachment of its own country—this summons to its country's enemies to kill the children of America as *interfering* invaders, "indefensible" and in violation of their duty before the world as the friend to Mexico. Now, to add to this, that they might summon Villa and his band of murderers to join secretly and in common cause with Carranza, they added with adroitness and craft that our other offense for which they justified any assault upon us by Mexico, was that the United States offended Mexico—

*By lending influence . . . through recognition of one of the factions.*

What did that mean except to inform Villa that our recognition of Carranza was, to the Republican Party, an offense unjustified and which anyone had a right to resent, which a great political party in America was resenting and protesting? Thus, Villa had his new license to renew his assaults upon our people, multiply his outrages upon our citizens.

#### PRODUCED JOINDER OF VILLA AND CARRANZA.

*Now, here it is that I summon America to behold this flaming truth, that when this summons to Carranza and Villa to revenge the entrance of the American soldiers into Mexico and the "interference of America in the internal affairs" and the "wrongful recognition of Carranza"—it was then Carranza and Villa combined; then it was they were in union; then it was for the first time in the history of all the proceedings they braved so far as to perpetrate the atrocity at Carrizal, and under Trevino, the officer of Carranza, surrounded our sol-*

*diers after the habit of Indian massacrers, and there slew them when they were powerless. All this in response to the echoes ringing in their ears from a Republican convention which summoned them to the deed. Villa and Carranza felt invited and approved by that unpatriotic band of political head-hunters assembled in convention at Chicago, who were content to sound any alarm to their own countrymen, to awaken resentment against a Democratic administration, though its effect must be to call a foreign foe to murderous assault upon the children of America and bring death upon the soldiers of the United States of America. It was the Republican convention which slew the soldiers in Carrizal. By the doctrine of the law which holds responsible those who set in motion the machinery that ends in the murder of a man, the Republican convention in Chicago, these platform builders who denounced their President and their country for punishing the murderers of Americans, to awaken an issue wherever they could, these were the perpetrators of the death of these Americans—these of this Republican convention must be brought to the indignation of our countrymen of America and to the punishment by a just vengeance in the hearts of humanity of all America.*

*Here this day I pronounce the doom upon these captains of the Republican Party. I charge that when these generals shot at the President of the United States they commanded the followers of Carranza and Villa to kill the soldiers of the President of the United States. On the heads of these Republican generals I put the blood of every soldier who has suffered and bled in Mexico at the hands of Carranza and Villa. On the heads of these Republican captains I launch the curse of every suffering mother in America.*

#### JUDGE HUGHES ENCOURAGES OPPOSITION.

*Now, sir, upon this platform the nominee was named. It was Justice Hughes, who now in his announcement touching Mexico says in his acceptance:*

*We have not commanded the respect; we have made enemies, not friends.*

Who made these enemies for America? I answer, it was the captains of the army now generaled by Candidate Hughes. Who is it that deprived us of respect? I answer, it was those traitors to the doctrine of patriotism that should have commanded from every honest heart faithful obedience to an American President when he was serving his country against a foreign foe. Judge Hughes is nominated, and, Mr. President, what is interesting to note is the proof of a conspiracy, which kept its subterranean trail following the order of the snake that puts its head out of the sands just before it strikes after its long course of creeping through the underground. We note the further proof of this hidden conspiracy to use Mexico as the issue by inviting in every indirect way that could be adopted the assaults from any agency of Mexico upon either property or men of America, by assuring them that the judgment of our country was that we were *intruders* and "*interfering*." *Interfering!* Note the word. *First used by Mr. Root at New York, then by Senator Lodge at Lynn, Mass., then the exact expression duplicated in the platform, and after 35 minutes of time had elapsed from the time of the announcement of the nomination to the time of the automatic sending of the telegram of Justice Hughes accepting his nomination we find the prepared exactness of long dwelt over phraseology and much slept over composition, artfully devised, and brazenly following the design which had been constructed and now executed to the object in hand of awakening revolt and insurrection in Mexico—murder and death if need be. Judge Hughes indicted this country as *interfering* and multiplied the charges of *interference* from the highest possible sources, that Mexico may feel that all of this country justified her in resisting the intruder who was *interfering*. Mexico felt approved in driving back the trespasser, by death if necessary, for invading his country. See the expression on June 10 of the telegram of Justice Hughes to Chairman HARDING, saying:*

*We interfered without consistency and sought to dictate while we were not concerned and utterly failed to appreciate and discharge our plain duty.*

Shall Justice Hughes, an eminent jurist, say that in crossing the border and entering upon pursuit of these bandits we were *interfering*? We might expect these expressions from those unlearned in the law or of the rights of the law when inspired to them through small political purposes, to misrepresent and misstate, but Justice Hughes must know that by treaty, suggested in 1882, approved in 1885 under Mexican Minister Manero Romero—here at Washington—there was provided the right to cross the border with our soldiers and pursue the bandits and punish those who had violated the sanctity of our soil through crime. How could this eminent officer so carelessly fall into the conspiracy of the adoption of accusations that had been conceived and constructed for uses most effective because of the

method of their employment, and how could he say we were "not concerned"? Has patriotism fallen so low and politics descended to so despicable a depth that for the purpose of craving political support of the concessionaires, land pirates, and murderous marauders, and those who are their indorsers and sponsors that any man of high position, one of presumed credit or standing, would say that America "was not concerned" in the death of her own children, in the murder of her own soldiers, in the dishonor to her own soil, in the insult to her flag? Yet we are told that this clause was the spot of attraction in the Republican platform. Then we cry: "Out damn'd spot—out!"

Is it possible that Justice Hughes believes that by thus joining his party and condemning the efforts of America to rescue her children and punish their assailants he could gather political support to himself and his party? Is it conceivable that America, once awakened to the object, would not resent it by every honorable method at its command and repudiate the authors of the purpose, as they would conspirators who betray the Republic when in the defense of the Nation? Who in the Nation, upon beholding the truth, would not turn upon the perpetrators and lash them from the temple of the Republic, as Christ did the conspiring gamblers of fortune from the temple of his holy Church? Mr. President, history never has approved, history never will approve, and mankind has never rewarded the condemnation by a party of its own country, and the repudiation of the deliverers of its own sons only in order to achieve political profit from the disloyal act.

Gladstone was a powerful man in England in 1884-85; Gordon and his followers in Egypt had moved toward the Sudan. Soon they were closed in at Khartoum, and the Mahdists, led by their chief dervish, imperiled their lives. An expeditionary and punitive force was ordered forth from England to rescue them, but obstruction so retarded the relief and the condemnation of the followers of Gladstone of the undertaking, multiplied the difficulties—aided by the censure of those in the design charging "failure of duty"—as bringing upon the country the result of Gordon's critical predicament. This defeated unity of rescue. Gordon was killed. Gladstone was powerful. But this course of his followers so awakened the indignation of England when she realized what had been the effect in the Sudan of the obstruction and censure by the political followers of Gladstone that it turned upon Gladstone and visited upon him the only humiliating punishment his great life was compelled to endure. He was driven for a while from power, as Justice Hughes and his allies will for all time be kept from power as a punishment for the unholy course they have taken through which to obtain power and exalted situation.

#### CANDIDATE REFUSES APPROVAL OF AMERICA.

And now, sir, that one may see to what degrading depths ambition may send noble natures, note the indifference of patriotism or affection to the United States of America of these political speculators on blind chance; these who hope to make of Mexico and its miseries and of America and her complications a bridge over which they could pass to the temple of power through party success. Mr. President, the exigencies for the protection of the border demanded of the President of the United States—the Commander in Chief—that he order his citizen soldiery, the National Guard, to the border. The order went forth. It seemed as if war was on us. It seemed as though, should the prisoners not be promptly released and Carranza not heed the wisdom of the just conciliation, that all Mexico would be upon the front and back of the young sons of America. These sons had demanded to go.

The President had commanded them to march on June 19. Under that order they went forth. From thousands of homes young men leaped forth adorned in their new uniforms—some with saber at side, some with gun on shoulder, all with knapsack upon their back, honor throbbing through their hearts and patriotism burning through their bodies. Music played upon the air, the national anthems were trumpeting to the American. The national spirit of our countrymen was aroused; our children were going forward again, as they had in 1776, in 1846, in 1898, in the cause of humanity. The leaders of public opinion and eminence were asked their opinion of the order. All gave approval. All delighted to shout their farewell and "God bless you." Justice Hughes is now the candidate of his party; he is at New York City; he is on an errand to meet Chairman Willcox and his political advisers. He is asked what he has to say as to the calling out the Guard and the mission. His response, "Nothing to say." Nothing to say! Is it true, oh, God in heaven, that a political aspiration could so overwhelm the nobility of a Christian soul living in America, who, beholding his country on the verge of war with a foreign nation, could not rescue himself from the contemplation of what might be the

political loss by approval of the course of a political opponent, sufficient to cry out as an American, "It is well; the cause is the cause of our country; victory to its arms, honor to its flag." No; Justice Hughes had not a word! Before all the world, with civilization listening for the verdict of mankind, when union of America would have been hoped for by every patriotic soul of any man, the candidate of the Republican Party, who had been honored by his country, could not find it compatible with his political hopes to utter one word of encouragement to his country, one hope for its welfare, or a prayer for its success when it was on the way before the world to oppose a foreign foe. And this when public press had announced that the foreign foe had been incited to its resentments against America by other foreign foes in Asia and in Europe—and Villa asserting that he now had Germany and Japan as allies. Sir, it is beside the question whether the accusation be true or not.

The exhibition to the world at such moment that there was no division between Americans as to the cause of America against a foreign enemy would have done all to have made impossible that there could ever be cooperation from foes without, as well as from the political conspirators within. But Justice Hughes, who in his declaration on Monday night presents himself as the ultra-American, throbbing with ardor for his country and burning with patriotism, when tested in the moment of his country's peril—if his course should be partyism or patriotism—claimed the privilege through the advantage of silence of refusing contribution of patriotism in any expression of an indorsement of the action of his native land.

But if Justice Hughes were so restrained in the fear of losing political advantage that he could not approve the order of the Commander in Chief of the course of his country as it moved on to a foreign foe, surely he might have observed these young men. They were leaving their homes. They were departing from school. They were bidding good-bye to mother, and grasping the hand of father in farewell. They may never see home again. They may fall under a sniping assassin. They may linger in fever and wither in disease. They may sink to unknown graves and their bodies decay in unknown spaces with nothing to mark the holy place save the streaming tears of mother dropping upon the imagined spot where her dreams tell her her son sleeps. Surely to these he could have had a word; a "God bless you," some cry of success to arms, some encouragement to their noble purpose. They were patriots and in their first sacrifice for country. It was not for them to reason whether Wilson was right or wrong, whether the Democracy or the Republicans were right or wrong, theirs was "not to reason why, but to do and die."

#### NOT A WORD FOR THE SOLDIERS.

Justice Hughes had his gallant son then at camp in Plattsburg. Surely out of the affection he bore him and the wish for his well-being that was in the soul of him, as well as the tender affection he bore to the mother of the boy—surely by this standard applied to all other sons and mothers he might have sent one word of cheer. To the mother and father of these boys he could have sent some thought that could have consoled their grief, and to the boy some word of praise that could have strengthened the daily march, with its hideous sufferings, which lay before him. But no, not a word said Justice Hughes; when asked, "Not a word to say." Is there anyone who feels that Justice Hughes is not a man of heart? Such a one does not know him. Is there anyone who thinks he is not a man of feeling? Such a one has failed to observe him. Would there be anyone who could fancy that there was not in the heart of him all sympathy, and in the life of him all hope, there was in the heart and the soul of any man who was a true patriot? Certainly not. We grant him this in the justice that Democracy extends in her equity ever given to all mankind. It is because of this fact that we stand bewildered for reason and palsied at the exhibition, compelled as we are to contemplate how a great man who had held exalted situation, when called upon to anticipate the possibility of winning the highest office in America, by refusing to approve his country or breathe a blessing on her sons; strangled every emotion, choked every sensation, and bade farewell to every impulse of duty, that he might not lose political support from any quarter which might resent his exhibition of fairness on the one hand or his exclamation of patriotism on the other. Here we note that one of his friendly critics said his "bearing on the occasion was like a Roman," to which every American replies, "I would rather be the dog that bays the moon than such a Roman."

#### CONDEMN PUTTING GUARD ON BORDER.

Mr. President, now, Justice Hughes, following along the course of his predecessors in condemnation and malediction of sending the soldiers of the guard to Mexico, said that taking



them from their homes and their business was inexcusable. What would Justice Hughes do? What would he have done in the matter of Mexico? Now, we propound to Justice Hughes: *Would you have recognized Huerta? What would you have done in Mexico at the time under the circumstances? Why is it that nowhere in your declaration you say what should have been done, what you would have done, what your party would have done, what it will do, what it expects to do? Why not give to the country what remedy you would have enforced, what method you would have taken, or now, with all the evidence that could not have been seen by our administration, but is plainly seen by you, what now will you do? Whom will you recognize in Mexico? Will you withdraw the soldiers sent in by President Taft? Will you refuse to protect the border, and if you withdraw the guard before order is restored what will you put in its stead? What do you tell your countrymen you will offer as a substitute for the maintenance of peace? Justice Hughes criticized the sending of the guard. He says that they were unprepared. Who says so? The Republican Party. What would they have—that there should have been a perfect Army—a standing Army of such numbers as to have been promptly sent into Mexico to have made it unnecessary to send the guard? Then the reply is that there was no such army in existence. The Republicans had been in power for 16 years preceding the advent of Wilson. They expended thirty thousand millions of dollars under the pretense of national defense. If there was no army which could have been sent into Mexico, who was responsible? And why this false pretense of responsibility for its absence hinted to be put upon the Democratic Party of three years in power? But we will not charge the Republican Party with misfeasance in failing to have such an army.*

*Every country was at peace, with few indeed willing to incite it to war, and if it is true that "Wilson changed his mind," as is charged, and brought his country to the realization of the necessity for increasing defenses, let it be understood that this was made necessary by the increased perils which were upon the country, not to be seen or apprehended when the President sought to have his country removed from the possibility of an "armed camp." And if any man shall ask what brought about these increased perils and the necessity for the change of position, I reply that it was these Republican captains, who, anxious for issue on militarism against Americanism and willing to sponsor militarism against Americanism, continually cried out to every foe America had, "Come forward; our country is helpless; we will show you where to strike; we will lay our finger upon the vital spot that you may behold the signs. We testify to you if you have any grievances now wreak them. We betray the confidence of our country to you. We reveal her secrets. We show you the spot that is vital, that is uncovered and defenseless. This is your hour to strike. We invite you for that in the striking down of our country we can point to it as the fulfillment of our prophecy that militarism was necessary to America and that she was 'unprepared.'" They were willing to have their land despoiled by the invader, their ports blockaded, their cities laid waste, their fields aflame, their children strewn upon every hillside and valley dead, to have justified the charge they made before the world against their own country that it was helpless and powerless.*

#### IF "UNPREPARED"—WHO RESPONSIBLE?

*If it were helpless in its defenselessness, the Nation will remember who was responsible for it. That the Republicans were in power for 16 years unbroken and had 16 years to achieve that which, if necessary, was necessary before their eyes, clear as it would have been before the Democracy or before any citizenship; and, if not necessary, it was an imposition and crime upon the citizen and taxpayer to cry the danger to force taxes from him whose burdens already had become so great as to overcome him in his march of life, put on him by Republican administrations of profligacy and political pillage. These it is who cry patriotism, national defense—who it is now that condemn us for sending the soldiery into the country, where before they said our offense consisted in not sending them earlier and in greater number. While pretending to patriotism they condemn every exhibition of courage, and hope to invite the indignation of mothers and fathers against the Democracy because their sons have been called to duty. Those who left the country helpless against invaders and enemies now would leave it defenseless if by doing so it could increase the Nation's embarrassments and awaken political following to its new doctrine of hypocrisy.*

Now these announce themselves—the patriots of peace and unity—and yet with our Nation once again composed in peace, her citizens of every nationality forgetting the differences that once divided them, and all turning their faces to the call of love

and the demand of patriotism, we find that before them is the leader of the Republicans, who as though he were a shouting dervish, now in the name of "Belgium" and the "horrors of the Lusitania," summoning his followers to madness, howling them to frenzy, demand that they tear at each other until they rip apart the healing wounds, that he may drabble his hands in the spurting blood, and by waving them in their dripping redness, summon his countrymen to the fury of internal dissension, race conflict, and human hatred. Their children to be pitted against each other. The women to be torn from friendships and the homes to be blackened again with the shadow of darkness and despair. *Where peace was, he will light a flame, and where there was the beauty of love, he will set a festering blister. No love, no peace, no union. All shall be conflict and hatred, and our citizens in riot that he, amidst these hatreds and reawakened conflicts, could be forwarded by the impact and rush to place and power.*

#### TRYING TO AROUSE PARENTS AGAINST UNITED STATES.

Now, these also would awaken the resentments of every mother, the retaliation of every father, because their son is upon the border bearing the burdens of a national patriot to secure peace and to avoid war. You Republicans cry out the injustice, as you claim, of having these young men in such condition of "inconvenience and vicissitude"; you exaggerate the conditions of distress, and magnify what are the possible sufferings they could endure. And yet you now pronounce through your candidate with a message to the world that had you had your way in making war against Germany and declaring war with the world for the "vindication of Belgium" you would have sent these young men, huddled like cattle, upon the board of every raft and vessel upon the raging seas, expiring with sickness on shipboard, hungering for want of food, crammed in polluted places infested with vermin, and when landed on the opposite side of the American world, in Europe, to be met with the combined armies of Europe, the ship bearing them shot to fragments, America's sons killed in legions, or, if ever landed, to be marched to hills and valleys, where they were to lie down in death, unmarked in grave, where their mothers and fathers would know them no more nor hear their last cry as they breathed out their young lives in sacrifice to the barbarism of those who would have established America upon the doctrine of militarism and send her children in millions to die in foreign lands for conquest of foreign countries.

Surely America will hurl upon you the malediction of St. Matthew upon the Pharisees:

*Ye are likened to whitened sepulchres, which appear beautiful outward, but within are filled with all uncleanness and unrighteousness—*

*and cry unto you, "Ye Pharisees and hypocrites, how shall ye escape the damnation of hell?"*

#### THE PEOPLE UNDERSTAND.

Mr. President, this Nation is not deceived. Her people will not be deluded in foolishness or deceived in fraud. The truth has awakened to them. The American citizen knows of the burdens that have been laid upon this administration. He knows the days of care and nights of agony borne by that man in the White House during those critical hours when the Nation trembled in the balance of war with the world or peace with earth. The citizen saw how this captain of the Democracy stood at the head of his ship, with his eyes scanning the distant seas, knowing the treacherous rocks ahead and that on every side were the reefs and all around him the pirates who would wreck his ship that they might feed and fatten upon its stranded cargo of liberty and justice. Still he stood steady, unafraid, the storm blowing about him, the winds howling against him, all earth trembling in terror around him; but true to the single star of "Peace on earth good will to men" he steered. Seemingly this captain had God for a pilot. And to-day we are in harbor, in the haven of peace. Malice could asperse him, slander could calumniate, disloyalty could wound him, and treason at times obstruct him; but all of the combined powers of his opposition could not defeat him.

*He was one, momentarily by error's host assailed,  
Stands strong as truth in greaves of granite mailed;  
And tranquil fronted, listening over all the tumult  
Hears the angels say, "Well done."*

#### MEXICO UNDER WILSON.

Sir, there, too, stands Mexico. As she has been, so shall she remain, the stepdaughter of our Republic. Though prostrate by oppression, stripped by her despoilers, and profaned by her ravishers, she shall still be the charge and care of this her protecting mother. We take her by the hand, we bring her to her feet, bid her take new hope to the days when through our aid, by the agency of humanity, and through the sanctity of religion, she shall inherit freedom as her state, liberty as her

justice, and to her children transmit the blessing of a free country, we ordain that she shall live under a constitution guaranteeing the freedom of press, the freedom of man, and the freedom of worship. Upon these she will build anew to the splendor of her future, and be welcomed in the family of nations as a republic purified by sacrifice, and through the aid and friendship of the United States to be at peace with her children and sovereign to her people.

This is the blessing for Mexico to enjoy through America's decree—administered in the dispensation of justice and liberty by the people's great Democrat, America's Christian gentleman, Woodrow Wilson. [Loud applause from the galleries, checked by the Vice President.]

During the delivery of Mr. LEWIS's speech,

The VICE PRESIDENT. The morning hour has expired, and the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

After the conclusion of Mr. LEWIS's speech,

Mr. FALL. Mr. President, I have just listened to the most remarkable political harangue which in my limited experience I have ever heard upon the "stump," and which certainly I had never expected to hear in the legislative halls of the Congress of the United States. I shall detain the Senate only a very short time. I shall not attempt to make a speech, Mr. President, and to reply to this remarkable outburst would be to dignify it. But there are some passages in it which I desire to emphasize in the Record and to which I shall refer for that purpose, and that purpose only.

We have been told not only by the Senator [Senator LEWIS, of Illinois] through his notice given here but also through the newspapers of the country that the Senator from Illinois intended to deliver a speech in which he proposed to reply to the Republican candidate's notification address, particularly with reference to foreign affairs. We have been told even through the press that the Democratic campaign committee would use hundreds of thousands of copies of this speech in the present campaign.

Mr. President, understanding the issue, which the Senator does not even refer to, as I think I do, and as I think it will be presented to the people in this campaign, I will say frankly to him, first, that if I were conducting the campaign for Mr. Hughes and I could not obtain copies of the Senator's speech from him or from the Public Printer I would expend every cent in the publicity fund of the Republican Party for disseminating the speech throughout the United States, and without an answer to it, letting it go, except as it had been answered by the President of the United States himself and by his Secretary of State. Without an answer, as I said, except to take the words of the President and the other officials of this Government and of Carranza himself. Without an answer, I say, I would trust to this speech alone if I was thinking only of partisan results to achieve those results and elect Mr. Hughes as the President.

The Senator belongs to that recent school of statesmen in this country developed during the last three years, developed since the minority party was successful in the last campaign, who are teaching the doctrine that patriotism means servility and subserviency to your party leader. Exactly, in more respects than one have the Democracy of this country or their leaders placed themselves upon an equality with those who are now ruling Mexico.

Do you hear the word "patriotism" in Mexico? In what terms is it phrased? "Yo soy Carranzista"—I am a Carranzista; "Yo soy Villista"—I am a Villista; "Yo soy Zapatista"—I am a Zapatista.

The old boast for the last 35 years in Mexico upon public occasions made by their orators was not "Long live Mexico, my country," but "Yo soy hijo de Porfirio Diaz"—I am a son of Porfirio Diaz.

This class of statesmen who constitute the leaders of the Democracy of this country would assure their followers that the campaign cry is not "I am an American," but "I am for Woodrow Wilson"—"Yo estoy para Wilson." Anyone who speaks of Americanism is against America. Any speaker who dares to present to the American people the facts on the Mexican question, because in presenting such facts necessarily those facts themselves condemn Woodrow Wilson, then that speaker is a traitor in the eyes of the Senator from Illinois and his class of statesmen, and his mouth should be closed.

Sir, I may say to the Senator I can see more resemblance than one between his Democratic Party and the party of Carranza, between the leader in his political views and the political views announced by Carranza.

I have here on my desk a decree of Mr. Carranza just issued referring to the election which is called. Oh, how happy would be the Senator from Illinois could Woodrow Wilson promulgate and enforce such decrees. On the 2d of June in this body I made a speech upon the Mexican question, in which I detailed from Carranza's own mouth the kind of "government" which existed in Mexico; that he was the legislative, the judicial, and the executive, the head of the army, legislating solely by decree, and enforcing his decrees by guns, passing upon them by court-martial.

Now, I may say for the information of the Senator, that telegrams were sent to the Carranza so-called government, calling attention to the criticism delivered here in this body which was, in turn, reflecting presumably, or would so reflect upon the administration now in power in this country, and the demand was made as I am informed that elections be called in Mexico. They were called; and I have here the decree; and the qualifications of electors and the qualifications of office seekers as fixed by Mr. Carranza's decree at the elections to be held in the month of September are, that neither the electors nor the office seekers should have given either armed or tacit assistance to anyone else than Mr. Carranza. The Villistas, the 20,000 Zapatistas armed and controlling four States in Mexico, the Felicistas controlling five States in Mexico, the millions of people throughout the Republic who have acquiesced in any attempt of anyone to resist the outrages of Carranza's bandits, those who have hidden away an ear of corn for the purpose of feeding their starving children, are disfranchised, and only Carranzistas shall vote.

He appoints the judges of election, he appoints the officers of election, he prescribes the qualifications of voters, he overturns the constitution of the union, he sets aside the constitution of the State, he abolishes the election laws fixed by the constitution, he ignores the State laws and State lines, he appoints municipal election officers, he names the municipal election candidates, he prescribes the qualification of voters (that they shall be Carranzistas).

If Mr. Wilson could enforce a decree at this election to provide that only followers of Woodrow Wilson should vote, how grateful would be the great statesman from the State of Illinois.

Mr. President, I am now taking more time than I had expected to take. The Senator says there is no issue, that it is merely "Mexico." The Senator knows in his heart what the issue is. The Senator is a Senator of the United States, and he knows that one of the issues which will be presented to the people and upon which they will pass will be an issue which was made when government was born, an issue lying at the very foundation of government itself.

May I ask the Senator what his idea is of the duty of government to its citizens? You will be compelled to answer some questions, sir. You will be compelled to declare your position. The people of the United States will want to know what this Government was formed for. Why does the citizen or individual surrender his inherent right to self-protection to society of which he becomes a part, if not in consideration of a reciprocal promise that if he will support this Government, coming to its assistance as the Serbs and Greeks and Roumanians and Bulgarians and the French and the Germans have gone to the assistance of their respective countries from Asia, from Patagonia, from the coal fields of Colorado, from the farthest corners of the earth at the call of their stricken country in time of need, that in turn his Government will support and protect him?

Sir, I am told that Serbs and Bulgarians and Greeks and Germans and French and English have gone to the assistance of their country. Why? Not because of the love of Kaiser Wilhelm, not because of partisan fealty to some crowned head or some elective President, but because of patriotism, the love of country; and the very foundation stone of patriotism, of love of country, is the mutual obligation that the citizen must protect and assist his country in time of danger, and his country must take over the protection of the citizen when he is in danger.

The very foundation of government itself is the issue involved in the Mexican question in this campaign, and you will meet it at every crossroads and in every street and in every paper. You will meet it from the White House to the humblest hut left standing at Columbus, in my State. Do not think you will escape it. The American people will be called on to know whether they will hold you responsible for the violations of your platform pledge that you would protect citizens in Mexico.

I say here and now, and I defy you to deny it, that the pledge of the protection of American citizens and their constitutional rights on the border and in Mexico was made in 1912 with a desire to create an issue for the administration.



Your returning delegates made those statements and attempted to secure votes upon the platform pledge. What you claimed was an issue with the Republican administration, and upon that you conducted the campaign in the border States—in Arizona, New Mexico, Texas, and California; upon the plank in your platform promising that you would protect our citizens in Mexico. Now, in the result of the recent primaries in Texas you have felt their resentment at your abandonment of the issue which you made, or attempted to make. You carried all the southwestern States along the border upon this issue, and then when I, a Senator in this body, offered your platform pledge as a resolution, without crossing a "t" or dotting an "i," your caucus leader objected even to its consideration.

My desire was to take it out of politics and make it the declaration of the united parties standing for Americanism in this body. Your caucus leader objected to its consideration and your statesmen spoke against it. Your colleagues were against its consideration, and referred it by the majority of your votes, by all your votes I may say, by your power, to the Foreign Relations Committee, where your Democratic plank still rests undisturbed, forgotten from that day to this—lost among the secret archives of the Foreign Relations Committee, just as you have lost American honor on the plains, in the deserts, and in the mountains of Mexico.

Sir, the issue is the platform pledge. Here is your President speaking to Mexico, a telegram sent by him August 27, 1913, as furnished me several months ago by the State Department, in which the "consul general was instructed to notify all officials, military or civil, exercising authority that they would be held 'strictly responsible' for any harm done to Americans or for injury to their property." Further, the consul general was instructed that, as he might have difficulty in reaching the consuls in the northern States, they would be reached directly from this department. I have here a copy of the telegram sent to those northern consulates. You would have never enforced or endeavored to follow up the threat that you proposed to hold every official throughout the Republic of Mexico, civil or military, "strictly responsible" for any harm done to an American citizen or for any injury to his property. You will be confronted with that promise, with that statement, by thousands of American fugitives driven from Mexico, their wives outraged, their children murdered, their companions killed by their side, forming an organization now, not political, but to tell the truth to the American people.

You will be confronted with the fact that Germany had her consuls in Mexico, that she had an ambassador in the City of Mexico, that this telegram was posted in front of the American Embassy and in front of every consulate in the Republic. Germany knew the threat which you had made. You had used the words "strict accountability" or "strictly accountable." Germany knew, sir, without the necessity of an intimation from your Secretary of State that when, on February 10, prior to the sinking of the *Lusitania*, she was told by you that if she did pursue her underseas warfare, and thereby an American citizen was harmed, that this Government would hold her to "strict accountability." She knew that it was a lie. You will later, I think, change your opinion that there is no issue involved in this Mexican question.

Mr. President, I am not going into this matter at this time at any great length. I may warn the Senator now that in the future he and other Senators here and the administration had better be a little careful how you attack American interests or Americans having interests in Mexico.

I may say to you, sir, that congratulating himself, and being congratulated by his leaders upon his Mobile, Ala., speech referring to concessions in Latin America, the President of the United States insulted every Latin-American country on this continent. These countries knew, however, that he was simply entirely ignorant upon the subject; they know that those of you who speak of grafting concessions, oil concessions in Mexico, are simply ignorant. Every Mexican knows, and every lawyer who has had anything to do with a Mexican oil concession, so-called mining concession, railroad concession, or any other so-called concession in Mexico, knows that there is no such word as "concession," first, and, second, that the contract entered into between the party asking the contract and the Government generally is simply an exemption from the import duties on machinery.

A contract entered into between such a party and the secretary of the interior, as he is called, the secretary of fomento in Mexico, that that contract after being entered into, after he has placed a bond in the treasury for his compliance with it, must be submitted in full to the Mexican Congress, must be debated in that body, and must receive the approval of a majority of both branches of the Mexican Congress. Then upon certifica-

tion made by the speaker of the House, the president of the Senate, the secretary of the Senate, and the secretary of the House must go back to the President. He communicates it to the department with instructions that it be printed and promulgated. The Senator may go to the country with that issue.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from New Mexico yield to the Senator from New Hampshire?

Mr. FALL. I do.

Mr. GALLINGER. The Senator from New Mexico lives on the border and has acquainted himself very thoroughly with the situation in Mexico. I will ask the Senator if he can approximately state—leaving out the marines that were killed at Vera Cruz and the soldiers who have been killed since our troops went into Mexico—how many Americans have been killed in that country, and whether or not reparation has been demanded or received for the murder of American citizens?

Mr. LEWIS. Mr. President, may I say that the observations—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. LEWIS. I was only going to ask that the observations of the Senator from New Hampshire, always interesting—

Mr. FALL. I yielded to the Senator from New Hampshire for a question.

Mr. LEWIS. I was only going to ask the Senator from New Hampshire to speak a little louder. I should love to hear what the Senator from New Hampshire says; the Senator's observations are always interesting and sometimes informing, and I am delighted to hear him.

Mr. GALLINGER. I was troubled during an hour and a half to understand what the Senator from Illinois said.

Mr. LEWIS. I am not responsible for the obtuseness of the Senator.

Mr. GALLINGER. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Mexico [Mr. FALL].

Mr. GALLINGER. With the permission of the Senator from New Mexico I will tell the Senator from Illinois what I said.

I asked the Senator from New Mexico if he could approximately state to the Senate, he having been in Mexico and on the border, how many American citizens had been killed in Mexico, leaving out the marines who were killed at Vera Cruz and the soldiers who have been killed since our troops went into Mexico, and whether or not reparation has been demanded and whether or not adequate reparation has been made for the murder of American citizens?

Mr. FALL. Mr. President, briefly answering the Senator's question, I will state that 267 Americans have been killed in Mexico, as per the list which I have verified myself. It is claimed by others, however, who have taken more pains possibly and had better opportunities to obtain the information, that there have been over 500 Americans killed; at any rate, 267 I think I can safely vouch for. As to whether there has been any demand for reparation, Mr. President, of course not; none whatsoever. No demand for reparation has been made for any of them. Even when the Santa Ysabel massacre occurred, when 18 Americans were shot down, when their clothes were stripped from them, when they were mutilated most horribly—and I can present to Senators privately the report of the surgeons' examination of the corpses—even then, sir, when the attorneys for the heirs of those people came here, and the department was asked if an attempt could not be made to secure some measure of damage or some reparation, they were refused any aid or assistance by this Government. That has been the course of this administration from its inception, never to present any such demand, except in one instance; that being the case of Mr. McManus in the city of Mexico; and Mr. Villa—outlaw bandit under the decree of the President of the United States recognizing Carranza—Villa himself paid 20,000 pesos for the death of McManus. This is the only instance in which the matter has ever been taken up or referred to.

Mr. President, if I had not intended to refer to the Senator's remarks at all upon any other point, I want to extend to him my political thanks for the statement which he has made to the Senate that this Government—his administration—was just about to recognize Pancho Villa as the governing force in Mexico, when by the efforts of these traitors to the United States—that means the opponents of Woodrow Wilson in the vocabulary of the distinguished Senator from Illinois—when these Republicans prevented the recognition by this Government, which he assures us was just about to be made, of a man whom Mr. Lansing denounces, even as late as June 20, 1916, as a bloody-handed murderer, whose career of crime was known

from one end of Mexico to the other, whose reputation as an assassin has gone throughout the broad confines of the earth. I am politically grateful to the Senator for the statement—which I knew to be true, but of which I did not until he spoke have proof—that this Government was just on the eve of recognizing as the head of the de facto government, Pancho Villa, horse thief, murderer, liar, assassin for hire, his character known to the State Department at the time that this Government was just on the eve of recognizing him as the governing power in Mexico, when these traitorous Republicans, by their clamor and denunciation, prevented it. Politically I thank you for that statement; as a citizen, as a Senator, I bow my head in shame that any administration should have fallen so low as to have made an associate and have attempted to make a copresident of Villa, whom the Senator from Illinois apparently admires.

Mr. President, I shall only refer to one other matter. The Senator knows about as much about what has gone on in Mexico as anyone else on his side; and that is nothing, except possibly that Pancho Villa was going to be recognized. He knows nothing more about the subject generally than he does about the specific subject, for instance, of concessions.

He criticizes the Republican platform because the Republican platform on Mexico says that the United States has not done its duty to Mexico and that it has not done its duty to the other countries of the world. Why, sir, I may inform the distinguished and learned Senator that those words in the Republican platform are copied from Woodrow Wilson's message to the Congress of the United States on August 27, 1913!

Mr. LEWIS rose.

Mr. FALL. I can not be interrupted now, if the Senator will excuse me.

In his message to the Congress of the United States Woodrow Wilson in proclaiming his intention not to recognize Huerta did not himself deal with the protection of Americans, did not proclaim the rights of American citizens, did not proclaim the rights of this Government with reference to Mexico; but he only relied for authority for his action, and only cited to the Congress of which the distinguished Senator was then a Member, I believe—he only cited to them as his reasons for his action the interest of Mexico; and the fact that he said the other countries of the world had placed their interests in our hands. Read his message and then undertake to criticize the Republican platform upon the subject.

Ah, Mr. President, the Senator, of course, as a court jester rather than as a statesman, undertakes to saddle responsibility for the murder of Americans at Columbus and for the murder of our soldiers at Carrizal upon the Republican Senators and upon the Republican candidate. That is worthy of the Senator, possibly, as an actor, but it is unworthy of the Senator's great attainments and his position in the Senate of the United States.

Sir, I will not undertake to encumber the Record nor to detain the Senate with a recitation on the messages backward and forward between Mr. Carranza and the President of the United States, nor between the generals in command preceding this incident, this murder and massacre at Carrizal—the generals of Carranza in command on one hand, and of our generals on the other—except to detail rapidly this: Trevino, the general in command of the department of the northwest or of the north, notified Pershing in writing that the latter could only move his soldiers north; that he should not move them south, east, or west. Pershing immediately notified Trevino—and his note to Trevino was published in the daily press, and it can be found, I presume, in the War Department—that he had no orders from his Government not to move his troops east, south, or west; that, until he received such orders, he would move them where he pleased; and that if Trevino undertook to carry out his threat by attacking his detachments, he would hurl the whole American Army at Trevino's army. This was the brave message of a brave American soldier in command, attempting to protect the soldiers under him. He did send a detachment under Capt. Boyd and Morey and Lieut. Adair. He did send those detachments, in accordance with his instructions from this Government, in pursuit of bandits, and they were shot down at Carrizal by Trevino's men. Pershing did not resent their death; he did not carry out his threat to Trevino; and the bodies of those boys were lying sweltering in the hot sun—it may be said that they were only "niggers"—he did not carry out his threat to hurl his army against Trevino. Still, no one questions for a moment the reputation of Pershing as a brave, courageous American soldier, who makes no bluffs.

I will ask the Senator the next time he appears in public to answer why Pershing did not resent the attack upon his detachment at Carrizal? I ask the Senator to answer why no soldier

of the American Army has ever gone into Carrizal from that day to this, and why the wounded were allowed to wander on the plains, famishing with thirst, a hundred miles from water, the wounded negro soldiers who were fighting for their country? I ask you why they were allowed to wander until some were rescued by charitable Mexicans, others found their way into the houses and homes of charitable American ranchers, and others died, and their bones were cleaned by the coyotes? You, a Senator, dare to attribute these things to those who would criticize a policy that sends to their death American men and to worse than death American women, sends starvation to millions of Mexican children, and sends to their death, without hope of revenge even, brave American soldiers and brave American officers! Why, Mr. President, I am hesitant for words, because I say to you, sir, that if I pronounced my judgment upon the so-called speech to which we have listened here to-day my words would not be parliamentary.

Now, sir, I am not going to say anything more; but as the Carrizal matter has been referred to, I want to read a tribute by Dean Collins, published in the Portland Oregonian on the day of the funeral of Lieut. Henry Adair:

#### ADAIR OF CARRIZAL.

[By Dean Collins.]

I had thought that our hearts would leap, Adair,  
That our hands would clutch at the sword and gun;  
I had thought that our spirit of old would flare  
At the tale of the deed that you have done.  
But silent we walk and silent you lie,  
And "peace" says the bishop above your pall;  
But the blood you shed is red—how red—  
Red on the sands of Carrizal.

I had thought we would rise on the wings of fame;  
That a river of swords would southward flow,  
And voices of battle would cry your name  
As they cried the name of the Alamo.  
But we mutter our prayers for the rest of your soul;  
And how shall rest on your spirit fall  
When we bow the head, while the blood you shed  
Cries from the sands of Carrizal?  
I had thought—but my thoughts were lies, Adair,  
For my heart was not with that art imbued  
That fashions a diplomatic snare  
To throttle a Nation's gratitude.  
The statesmen build up the forms of peace,  
Where words look large and where lives look small,  
While my hot cheeks flame with the blush of shame  
For the cry—unanswered—from Carrizal.  
The funeral honors are done, Adair,  
And under the earth your body lies;  
Thrilling and sweet on the vibrant air  
That last long wall of the bugle dies.  
Well was your duty done, Adair,  
And duty to us alone may call;  
And the blood you shed—how red, how red—  
Cries like a bugle from Carrizal.

And I may say that "form of peace" built with words—words from the White House, words from the Senate Chamber, words from your national committee, words from your public speakers, words from your partisan press—that "form of peace" built up by you as a fetter for the people of the United States to worship, will be torn to shreds when the issue which you so much fear confronts you upon every stump and every platform in the United States in the coming campaign. We will let the red sands of Carrizal cry to the people, and the mighty hosts of true Americanism will answer that cry and, like a great flame, will avenge the death of Adair at Carrizal.

You and your collaborators in the political vineyard undertake to befoul the issue by appealing to the American people upon the ground that some Americans are interested in Mexico; you undertake to cover your acts of omission and commission in refusing, except with words, to protect American citizens; you undertake to cover your retreat, to cover your trail, first, by appeals to the peace sentiment, and, second, by the denunciation, not of the murderers in Mexico, whom you refuse to hold responsible, even when you have them in your hands, but of Republicans who have done their duty. You refused to hold Castillo responsible when he was in your jail in El Paso and in your military prison. He was deported by you to Habana, Cuba, although he was a man who at the Cumbre tunnel sent to their death by fire 15 Americans, including an American woman with her five children. Castillo was denounced by you; his surrender was demanded of Huerta; and when he came across the border of his own volition and you arrested him, you sent him in safety to Cuba, from whence he has returned to join Carranza, with the avowed intention of fighting the United States in the event of war.

Why, sir, you served notice—and you have found before now that I make no statement that the records will not substantiate—you served notice on Randal, the governor of the State of Sonora, under these circumstances: You allowed Obregon to bring troops through the United States to attack Villa, and you



are responsible for the murder of Americans at Columbus because Funston was told that Villa would visit his wrath on America. Villa had made a speech when he disbanded his army of 12,000 men, stating that he would no longer fight Mexicans, that he would no longer spill Mexican blood, but from that time on, as the United States had recognized Carranza, he would devote his attention to killing Americans and raiding the American border. The American consul or vice consul, speaking Spanish and understanding the Spanish, conveyed that speech to Funston, and warned him of the intended raids on our border. Furthermore, sir, I may say to you now that I warned the State Department and the President of the United States three years ago not to allow the troops of one faction to be sent across our border, because it would result, as it had resulted before, in the death of American citizens. I may say to Senators that my warning was not even acknowledged.

Under these circumstances, Randal notified the Government of the United States: "If you allow Obregon's troops to pass through American territory I will not protect American citizens." And he posted notices at Cananea, at Hermosillo, and all over the State of Sonora, and the facts were reported to the State Department verbatim by the American consul. The department answered, directing its agent to notify Randal, in effect, that if the life of one American citizen in Sonora was lost, this Government would hold him—Randal—personally responsible. What happened? Beltran, Randal's general at Cananea, shot down Bean, an American. The American consul, or consular agent, took the matter up with the Government at once, and a few days after Randal was driven from his home by the victorious troops of his opponent across the border, and surrendered to the American military authorities. The civil authorities attempted to get him on this side, but could not do so. The Mexican general stood on the other side and said: "You have said that you would hold this man responsible for murder. He is responsible for Bean's murder. Turn him over to me and I will kill him." The American consul, who stood by his side, telegraphed that to the State Department, and suggested that if we did not want to take steps to punish Randal he should be turned over to Obregon, who was standing there waiting for him. However, you refused to do it, and Beltran enlisted under Villa, and was the leader, with Pablo Lopez, a little later, of that band which shot down Watson and his 18 companions at Santa Ysabel.

You will have issues enough, sir, in this campaign. Mr. President, I am through.

Mr. LEWIS. Mr. President, may I ask the Senator from New Mexico for his attention for one moment?

The PRESIDING OFFICER (Mr. SHAFROTE in the chair). Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. I am through. The Senator may have the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LEWIS. Mr. President, I desire the attention of the Senator from New Mexico for just a moment. Knowing the Senator desires that the premises from which he draws his conclusions shall be accurate, I beg, first, to have him understand that there was never an expression from me about the United States Government recognizing Villa as a government, but recognizing Villa as a force to bring about peace and order.

Mr. FALL. No; I did not misunderstand the Senator. The reporter's notes will show what the Senator said.

Mr. LEWIS. The Senator from Illinois did not make the statement. The Senator from New Mexico was simply drawing the deduction from the word "recognition," and I wanted to let him know the exact sentence, so that he would not do himself an injustice.

Mr. FALL. The Senator alluded to it more than once, and that was what brought me to my feet, for I wanted to nail that statement in the Record.

Mr. LEWIS. I am anxious to bring the Senator to his head.

Mr. FALL. Well, Mr. President, it would be more appropriate possibly, in view of the learning of the Senator, that I should kneel at his feet, but I am a little weary.

#### THE CALENDAR.

Mr. SMOOT. Mr. President, I will ask the Senator from Arkansas if he will not allow the unfinished business to be temporarily laid aside, so that we may take up the calendar for consideration the remainder of the afternoon?

Mr. ROBINSON. A number of requests have been made that that be done, and I ask unanimous consent that not later than 6 o'clock this afternoon the Senate stand in recess until 10 o'clock on Monday morning, and that the unfinished business be now temporarily laid aside.

The PRESIDING OFFICER. Unanimous consent is asked that at not later than 6 o'clock this afternoon the Senate take a recess until Monday morning at 10 o'clock, and that the unfinished business be laid aside temporarily. Is there objection?

Mr. GALLINGER. What is the request?

The PRESIDING OFFICER. The request is that at not later than 6 o'clock the Senate take a recess until Monday morning at 10 o'clock, and that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. OVERMAN. Mr. President, I understand the request applies to unobjected-to bills?

The PRESIDING OFFICER. That request has not been made as yet.

Mr. SMOOT. Now I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with Order of Business 593, and that only the bills to which there is no objection be considered.

The PRESIDING OFFICER. The request of the Senator from Utah is that the Unanimous Consent Calendar be taken up and proceeded with, beginning with Order of Business 593.

Mr. OVERMAN. Unobjected-to bills.

The PRESIDING OFFICER. Unobjected to bills.

Mr. GALLINGER. Mr. President, I will ask the Senator if he will not add to his request that any bill that has been passed over, to which a Senator desires to recur, he may be permitted to recur to, of course under the same conditions?

Mr. SMOOT. That is, passed over after Order of Business 593?

Mr. GALLINGER. No; that we have already passed over. There may be a few such bills.

Mr. OVERMAN. There is no objection to that.

Mr. SMOOT. That is, after the calendar is finished.

Mr. GALLINGER. Well, at any time.

The PRESIDING OFFICER. The request for unanimous consent, as the Chair understands it, then, is that the Senate take up the calendar, beginning with Order of Business 593, and proceed to the end of the calendar, and then any Senator desiring to move to take up—

Mr. SMOOT. No; any Senator asking unanimous consent to take up a bill that has been passed over may do so.

The PRESIDING OFFICER. Yes; by unanimous consent.

Mr. GALLINGER. Under the same conditions.

The PRESIDING OFFICER. Any bill passed over may be taken up and considered by the Senate. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

#### BILLS OF INTERPLEADER BY INSURANCE COMPANIES.

The bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader was announced as first in order.

Mr. SHIELDS. Mr. President, the Senator from New Jersey [Mr. HUGHES] is very much interested in this bill. I have just come in, and do not see him on the floor. He has been opposing some of the amendments. I favor the amendments.

Mr. ROBINSON. I suggest that the bill be passed over until the Senator from New Jersey arrives.

Mr. SHIELDS. I will ask that it be passed over and be taken up later in the day.

Mr. SMOOT. I object to its consideration at this time.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. HUGHES subsequently said: Mr. President, I understand that House bill 12541 was temporarily passed over in my absence.

The PRESIDING OFFICER. It was. The bill was the first one called, and the Senator from Tennessee [Mr. SHIELDS] requested that it go over for the purpose of sending for the Senator from New Jersey. The Senator from New Jersey now asks unanimous consent to consider that bill.

Mr. NELSON. I ask that the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the district courts of the United States shall have original cognizance to entertain suits in equity begun by bills of interpleader where the same are filed by any insurance company or fraternal beneficiary society, duly verified, and where it is made to appear by such bill that one or more persons, being bona fide claimants against such company or society, reside within the jurisdiction of said court; that such company or society has made or issued some policy of insurance or certificate of membership providing for the payment of a sum of money of at least \$500 as insurance or benefits to a beneficiary or beneficiaries or to the heirs, next of kin, or legal representative of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming or may claim to be entitled to such insurance or benefits and that such company or society deposits the amount of such insurance or benefits with the clerk of said court and abide the judgment of said court. In all such cases

the court shall have the power to issue its process for said claimants, returnable at such time as the said court or a judge thereof shall determine, which shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found; to hear said bill of interpleader and decide thereon according to the practice in equity; to discharge said complainant from further liability upon the payment of said insurance or benefit as directed by the court, less complainant's actual court costs; and shall have the power to make such orders and decrees as may be suitable and proper and to issue the necessary writs usual and customary in such cases for the purpose of carrying out such orders and decrees: *Provided*, That in all cases where a beneficiary or beneficiaries are named in the policy of insurance or certificate of membership or where the same has been assigned and written notice thereof shall have been given to the insurance company or fraternal benefit society, the bill of interpleader shall be filed in the district where the beneficiary or beneficiaries may reside.

Mr. POMERENE. Mr. President, I do not like to object to the consideration of this matter, but I have had so many letters about it that I feel that it ought to go over. It is a matter that will require some discussion.

Mr. SHIELDS. Are the Senator's letters in favor of the bill?

Mr. POMERENE. A good many of them favor it; yes. They come from the insurance societies. The objection, as I see it, is this: They seek to have all of this litigation in the Federal courts, and it will compel poor litigants who may be beneficiaries under this legislation to go perhaps a hundred or two hundred or three hundred miles in order to litigate their claims, and in my judgment it will operate as a substantial denial of justice to many of those people.

Mr. SHIELDS. Mr. President, the Senator's objection is based upon the bill as it passed the House, and in my opinion is entirely sound; but the Committee on the Judiciary has reported an amendment to obviate that very trouble.

Mr. POMERENE. Mr. President, I do not believe my attention has been called to the amendment. I should like an opportunity to go over it.

Mr. SHIELDS. The amendment requires the suit to be brought in the district where the beneficiary named upon the face of the policy resides.

Mr. POMERENE. Oh, yes; but even in that instance, Mr. President, in my own State, for example, many of these poor people—who may be workmen, or may be widows, or may be orphans—will have to go 200 miles to court to have their claims adjudicated. Now, I realize that the associations are put to some inconvenience; but they have their staffs of attorneys and agents all over the country everywhere.

Mr. SHIELDS. Mr. President, I again desire to suggest to the Senator that this does not confer upon the district courts jurisdiction of any case where such jurisdiction does not now exist under the present laws, but it only provides for practice in cases of which those courts now have jurisdiction; and the objection which he states does not appear upon the face of the bill.

Mr. POMERENE. If the Senator's position is correct, I think later on I will withdraw the objection.

The PRESIDING OFFICER. Does the Senator insist upon his objection?

Mr. POMERENE. I do insist upon my objection at this time.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### LANDS IN GUNNISON COUNTY, COLO.

The bill (H. R. 20) authorizing the county of Gunnison, Colo., to purchase certain public lands for public park purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS FOR CEMETERY AND PARK PURPOSES.

The bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CRATER LAKE NATIONAL PARK, OREG.

The bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM H. INGLE.

The bill (S. 6331) authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That homestead entry 014316, Sterling series, made by William H. Ingle for the southeast quarter of section 5, township 1 north, range 49 west, sixth principal meridian, Colorado, be, and it is hereby, validated and permitted to remain intact, in the same manner as though said Ingle had not, in the year 1873, made a homestead entry for 160 acres and perfected title thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ELISHA A. CRANDALL.

The bill (H. R. 7419) granting a patent to a certain strip of land to Elisha A. Crandall was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue to Elisha A. Crandall a patent to a strip of land formerly occupied by the Northern Pacific Railroad Co. as a right of way and embraced within the homestead entry of the said Elisha A. Crandall to the east half of the southwest quarter and lots 6 and 7, section 6, township 56 north, range 2 east, Boise meridian, for which patent was issue to entryman on October 16, 1903, the said strip of land having been abandoned by the said Northern Pacific Railroad Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NATIONAL PARK SERVICE.

The bill (H. R. 15522) to establish a national park service, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, to strike out the words "Congress may from time to time provide for by appropriation or other act" and to insert "the Secretary of the Interior shall deem necessary," so as to read:

That there is hereby created in the Department of the Interior a service to be called the national-park service, which shall be under the charge of a director, who shall be appointed by the Secretary, and who shall receive a salary of \$4,500 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at \$2,500 per annum; one chief clerk, at \$2,000 per annum; one draftsman, at \$1,800 per annum; one messenger, at \$600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided*, That not more than \$8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah if this is creating another bureau in one of the departments?

Mr. SMOOT. Mr. President, this bill is intended to do away with the appropriation of money to four or five different departments now for caring for the parks. It will save expense to the Government, and it will put the parks under one control. The bill ought to be passed. The way it is now, some of the parks are under the War Department, some are under the Interior Department, appropriations are made for other departments, and we can hardly keep track of the expenses.

Mr. GALLINGER. Does the bill in terms or in any way abolish the supervision that is now being exercised?

Mr. SMOOT. It places the supervision of all of the parks in the service. It is simply a service here in the Interior Department, and one head will direct the parks of the country.

Mr. GALLINGER. Will that head have a corps of clerks?

Mr. SMOOT. We provide here—and there will not be nearly the expense attached to this that there is to-day—for appropriations, as the Senator knows, in the legislative appropriation bill and the sundry civil appropriation bill for the care of these parks and the payment of the employees in each of them.

Mr. GALLINGER. But those employees are already provided for in the sundry civil appropriation bill and the money appropriated. Of course, they will not be disturbed, I take it.

Mr. SMOOT. After this bill passes they will either be placed under this bill or else the appropriation made for them will not be used. I assure the Senator that if I had the time now I could demonstrate to him that it will result in a saving of money to the Government of the United States.

Mr. GALLINGER. It doubtless will if the Senator's contention is right, that these officials will not continue in their present places and draw from the Government the money that has been already appropriated in the sundry civil appropriation bill.

Mr. SMOOT. I assure the Senator that that will be the case.

Mr. GALLINGER. Then I have nothing more to say.



Mr. OVERMAN. Mr. President, the Clerk read so fast that I could not understand the bill. I hope he will begin to read a little slower, so that I can understand what the bill provides.

The PRESIDING OFFICER. The Secretary will read the bill again.

The Secretary again read the bill.

Mr. GALLINGER. Mr. President, I have a great deal of sympathy for the Reading Clerk. I have often wondered how he stands up under the strain to which he is subjected, and I never have objected to the Clerk not reading the text, for instance, of appropriation bills; but I do think that when we are considering the calendar the bills ought to be read. My attention was attracted to the fact that this bill provided for a director—I believe that that is the title—and I wondered whether that man was going to perform all the duties of this bureau, because that is what it is; and had the Secretary read the bill, I perhaps would not have asked the question at all.

I am satisfied, Mr. President, that this is to be another great bureau in one of the departments, and if it does not grow to be as large a bureau as the Forestry Service I shall be disappointed. But I am an eastern man and am not supposed to interfere in western affairs, and for that reason I simply content myself with the suggestions I have made about the bill.

Mr. SAULSBURY. Mr. President, I only want to be assured by the Senator from Utah, who has this measure in charge, as to the scope of the bill. As I understand, this only refers to the large western parks. I can see the few lines of section 2, but I wanted to be sure that it was not interfering with the parks in the District of Columbia.

Mr. SMOOT. It does not affect the parks in the District of Columbia at all.

Mr. SAULSBURY. It simply refers to the national parks now under the control of the Interior Department and the Hot Springs Reservation, as I understand.

Mr. SMOOT. It refers to the Yellowstone National Park, the Yosemite National Park, the Sequoia National Park, the Gen. Grant National Park, the Mount Rainier National Park, the Mesa Verde National Park, the Crater Lake National Park, the Wind Cave National Park, the Platt National Park, the Sullys Hill National Park, the Hot Springs Reservation, the Glacier National Park, and the Rocky Mountain National Park.

Mr. SAULSBURY. I am much in favor of treating the parks of this city in a very similar way, so far as this area is concerned; but I wanted to be sure as to whether they were or were not included, so that I could examine the bill more carefully.

Mr. OVERMAN. What is the director getting now?

Mr. SMOOT. The director is getting \$4,500 at the present time. I will say that the department recommended that the amount be \$5,000; but the committee have simply allowed him what he is drawing to-day.

Mr. OVERMAN. I remember that we had the matter up in another bill.

Mr. SMOOT. Yes; the Senator will remember that.

Mr. OVERMAN. Now, the question is, with one assistant director at \$2,500, and other items making \$8,100 provided for here, is that amount appropriated now in the bill?

Mr. SMOOT. About that same amount, only this specifically states what their office shall be. The Senator will remember that the Secretary of the Interior recommended an appropriation of something like \$12,100, as I remember, and we compromised on something like \$8,000 for it. That is outside of the director's salary; and this simply specifically states the positions, and will take the place of the appropriation already made.

Mr. OVERMAN. Had you not better have a provision here that on the approval of this act the offices provided for in the legislative bill are abolished?

Mr. SMOOT. There is no necessity for it.

Mr. OVERMAN. If the Senator thinks the Secretary of the Interior can take those men over into this bureau, if that is what it is—

Mr. SMOOT. I know that is just what he will do.

Mr. OVERMAN. If the Senator knows that, then I have no more to say. I will rely on the Senator, who says he knows it will be done.

Mr. SMOOT. I do know it; and I know that it is just exactly what the Secretary of the Interior intends to do.

Mr. CLARK of Wyoming. Mr. President, is the bill under consideration?

The PRESIDING OFFICER. It is.

Mr. CLARK of Wyoming. I have an amendment that I want to propose to the bill, if it is now subject to amendment.

The PRESIDING OFFICER. No objection has been made to its consideration up to this time. Consequently the bill is

now being considered by the Senate as in Committee of the Whole, and is open to amendment.

Mr. CLARK of Wyoming. I move to strike out the proviso in section 3, on page 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 5, it is proposed to strike out the following words:

*Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created.*

Mr. SMOOT. Mr. President, I do not know whether the grazing privileges are granted at the present time or not, but I think they are. I am perfectly willing, however, to accept the amendment and allow it to go to conference, and then we shall see exactly to what extent the privilege is granted now.

Mr. CLARK of Wyoming. I do not want it to go with that consideration. I have special reference to the Yellowstone National Park. The Yellowstone National Park is the habitat of wild game which is being attempted to be very carefully preserved. The only grazing privilege they are now allowed is a grazing privilege of some acreage allowed to certain transportation companies, and the mere picnic privilege of campers; but I do not want a provision in here that will allow the Yellowstone National Park to become a grazing ground of great sheep and cattle industries, as would be allowed by this provision.

Mr. SMOOT. I am perfectly willing that it shall go out, Mr. President.

Mr. CHAMBERLAIN. Mr. President, I should like to ask a question. Does the Senator intend that the system of leasing lands within these parks shall be abolished?

Mr. CLARK of Wyoming. There is no system of leasing lands within the parks.

Mr. CHAMBERLAIN. Within the national forests, I mean.

Mr. CLARK of Wyoming. Oh, this has no reference to the national forests. This has reference only to the national parks.

Mr. CHAMBERLAIN. Does the Senator know whether any grazing privileges are extended within any of the national parks?

Mr. CLARK of Wyoming. I can only answer as to the Yellowstone Park; and, as I understand it, the privilege there is as I have already indicated.

Mr. CHAMBERLAIN. I shall not make any objection.

Mr. SMOOT. I do not believe there ought to be any grazing in the Yellowstone Park.

Mr. CLARK of Wyoming. I hope when this bill goes into conference it will be so arranged that there will not be any indiscriminate grazing in the national parks.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the suggestion that some Senator made strikes me with great force—that we ought to provide for the transfer of these officials. I think that has been our custom heretofore. Here are certain men appropriated for in the sundry civil act. They are performing, I suppose, substantially the same service that will be required of them if this bill should pass; but in this bill we are providing for another force, and I know of no reason why the Secretary of the Interior, unless he chose to do so, should transfer those men.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that we are not appropriating a dollar in this bill. We are not asking for the appropriation of a dollar. We are simply providing for those positions, and they will be appropriated for in the next sundry civil bill or the next legislative bill, just as in the case of other positions. I will say to the Senator that if we were appropriating the money in this bill, it would be a different thing; but we are not. We are just naming the positions. I simply said to the Senator from North Carolina that the positions named here will take no more money than we have already appropriated for the work that is being done now, and not quite so much.

Mr. GALLINGER. Perhaps that is so, Mr. President, but I never have discovered that there is any reduction in the force in any of the departments of the Government, no matter what we do here; and I shall be very greatly disappointed if we do not find that we will have an added force if this bill passes. However, I shall not raise an objection to it. I have said all I care to say about it. I believe it is going to be a great bureau in the near future.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTATE OF MARY H. S. ROBERTSON, DECEASED.

The bill (H. R. 12248) for the relief of the estate of Mary H. S. Robertson, deceased, was considered as in Committee of the Whole.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting this bill to explain it more in detail than it is explained in the report made by him to the Senate.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECKHAM] is called upon by the Senator from Utah to explain the bill.

Mr. BECKHAM. The report accompanying the bill contains the substantial facts in the case. It is a House bill and came before the Committee on Claims and was considered there and favorably acted upon.

Mr. SMOOT. I should like to ask the chairman of the Committee on Claims if this is one of the thousands of claims that have come before the committee for the occupation of property during the Civil War.

Mr. BRYAN. The report of the House committee shows clearly what it is. It says:

This is a claim for rent of a dwelling situated in Paducah, Ky., from September 10, 1861, to October 8, 1865, by the United States forces under the command of and used by Brig. Gen. Lew Wallace as his headquarters from September 10, 1861, till about the time of the Fort Donelson fight, in February, 1862. As soon as he vacated it it was taken by the military authorities in command of the post at Paducah, and occupied and used by them as a convalescent hospital continuously up to the 8th day of October, 1865.

It seems, therefore, there is no doubt but that Gen. Wallace and other authorities did take the building and agree to pay rent for it, which has never been done. In that respect it differs very widely from the general run of the cases which have been before the Committee on Claims for the use and occupation of property.

Mr. SMOOT. The committee has generally referred these bills to the department and asked for a report from the department. In this case was that followed?

Mr. BRYAN. The House report states that the case had been investigated by the Third Auditor and that—

There is sufficient evidence upon which to imply a contract to pay rent in this case.

Mr. SMOOT. The department does not recommend the payment of it, nor does it say anything that involves the justice of the claim.

Mr. BRYAN. The report shows the fact that it was investigated by the Third Auditor.

Mr. BECKHAM. It was approved by the quartermaster and then went to the Third Auditor and he allowed the amount, but for some reason the comptroller disallowed it. The House report states that a thorough investigation was made of all the facts.

Mr. SMOOT. If the chairman of the committee says this is differentiated from the thousands of claims that come here and have been pressed here for the last 45 years for property occupied during the Civil War, I shall not object to the consideration of the bill.

Mr. BRYAN. Yes; the War Department reports that Gen. Wallace did take charge of this building in 1861, and that it was not returned to the owner until 1865. Undoubtedly they used the building for over four years.

Mr. GALLINGER. Mr. President, what puzzles me about this claim is how it escaped the scrutiny of these diligent attorneys who are looking after these claims and presenting them here in the form of an omnibus bill from time to time. This seems to have escaped them in some way.

Mr. BRYAN. I think that is true about this. Those people get hold of a claim and sit down, and if Congress passes it, then they claim that they did it.

Mr. SMOOT. There is not anything in the report which states whether the claim has been paid before or not. The department does not say anything whatever in relation to it. It seems to me that it is very loosely reported.

Mr. BRYAN. The Senator has not read the report in the Fifty-fifth Congress. The committee was governed largely by the fact that the members of the House committee in their report say:

The claim is proved beyond a shadow of a doubt.

Mr. SMOOT. As the Senator knows, the House committee is passing all kinds of claims bills now. I think there have been more that have come to the Senate from the House thus passed

by the House this year than perhaps there have been in the last 12 years.

Mr. BRYAN. Most of them are on the calendar, and most of them are claims for injuries that have been suffered by people in the employment of the Government, revenue agents who have been killed in the discharge of their duties, and cases like that.

Mr. SMOOT. Those ought to be paid.

Mr. BRYAN. I believe a good many of those bills have gone to other committees. The Committee on Claims sat for three or four hours some two or three weeks ago and went very carefully through the House bills that appear on the calendar.

Mr. GALLINGER. Mr. President, I am not going to object to this bill, but I wish to ask the Senator from Florida, the chairman of the committee, a question. Near the close of the last session we had an omnibus claims bill paying a long list of claims for occupation and damage by the Federal forces to property in the South. That was a House bill. At the same time we had a bill reported from the committee to pay overtime claims for employees in the navy yards and other similar occupations. The Senator and I had a little colloquy about it, and the Senator gave me to understand that that bill would be taken care of at this session. The bill passed at the close of the last session, but it was a Senate bill. I reintroduced that bill some time ago, and it is in the Committee on Claims. I will ask the Senator if he has given attention to that bill.

Mr. BRYAN. Mr. President, I noticed that when the calendar was up last the Senator from New Hampshire made a statement with reference to the overtime pay cases. The Senator read a statement from the RECORD, in which I assured the Senator that the bill would be taken up. The Senator said it was at a time nearing the close of the session, perhaps nearer the close of the session than this time. Mr. President, it was on the afternoon before Congress adjourned when the Senator asked me that question. However, the bill was taken up that night and it passed the Senate.

So I do not know what purpose the Senator had in view in reading that into the RECORD. The bill has not been reported upon by the committee at this session.

Mr. GALLINGER. When I made the statement on the former occasion I overlooked the fact that the bill had been passed. I knew what the southern Senators had done. I have since ascertained what I did not know, that it passed the Senate, but that did not do any good.

Mr. BRYAN. The Senator read from the RECORD a statement I made and seemed to draw the conclusion from that statement that I had not kept my word with him.

Mr. GALLINGER. I did not mean to say that. I meant to say the bill had not been reported at this session.

Mr. President, we are passing a great many private bills, it is true, for claims. As the Senator from Utah says, there have been a great many more at this session than usual, and inasmuch as that bill was reported at the last session and passed the Senate there seems from my viewpoint to be no reason why it should not be reported again.

Mr. BRYAN. Mr. President, I do not want to take up time unnecessarily, but since the Senator has raised that question I wish to make a statement. Those claims are known as overtime pay claims in the navy yard. They are technically claims. They originally arose from this state of facts: Men in port claimed that they were on sea duty; that they were on the ship. The result here depends on the constitution of the committee. Sometimes the committee believe that they ought to be paid and sometimes a majority of the committee have been opposed to them.

Mr. GALLINGER. I think the Senator misunderstands the bill I have reference to. It is not the difference between land and sea pay. There is a list of those.

Mr. BRYAN. It is overtime pay in navy yards?

Mr. GALLINGER. It is claims for overtime in the navy yards, largely.

Mr. BRYAN. The Court of Claims passed on those claims and found the facts, what amount would come to each of these individuals if overtime payment was made. It was a simple finding of facts. My recollection is that two Congresses ago the majority of the committee were opposed to the payment of the claims included in that omnibus bill.

Mr. GALLINGER. How could they be when they had been found by the Court of Claims to be just claims?

Mr. BRYAN. They had not been found by the Court of Claims to be just claims. The Court of Claims found the fact that if we paid for overtime the men had performed so much overtime work and would be entitled to so much pay, and that is what the court held. But I was stating the fact that four years ago the majority of the committee were opposed to the payment of the claims. New members came upon the com-



mittee, old members went off, and last year or the year before a majority were in favor of the payment of the claims. This year, as far as I know, they have not been submitted.

Mr. GALLINGER. The Senator perhaps did not understand my question. I hope the Senator has not changed his view as to the legality of those claims and the propriety of paying them, because he reported the bill last year, and I simply ask the Senator that they be taken up for consideration by the committee at this session.

Mr. BRYAN. So far as I know they have not been taken up. The Senator knows that I have not been here continuously this year. We have had a good many taken off the calendar since I returned, and mostly they have been urgent matters. When the Senate meets at 10 o'clock the Committee on Claims can not meet weekly, as it has been accustomed to do. It is impossible to get the members there. We have devoted our attention to emergency bills, such as are found on the calendar to-day, bills where a revenue officer has been killed in the discharge of his duty, and bills of that character.

Mr. GALLINGER. Most of the men who worked overtime and whose claims have been practically recognized by the Court of Claims think their claims are emergency matters. I simply wondered why it is that we are passing one character of claims and not another; that is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTATE OF HECTOR M. McDONALD.

The bill (H. R. 6758) for the relief of the legal heirs of Hector M. McDonald, deceased, was considered as in Committee of the Whole. It proposes to pay to M. J. Haynes, public administrator of the city and county of San Francisco, State of California, as administrator of the estate of Hector M. McDonald, deceased, for and on account of the legal heirs of said deceased, the sum of \$261.20, taken from the body of said Hector M. McDonald, deceased, and deposited to the credit of the Treasurer of the United States with the First National Bank of Juneau, Alaska, on May 16, 1908, and subsequently covered into the Treasury of the United States by miscellaneous warrant No. 2083, fourth quarter of 1908.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HEIRS OF WILLIAM D. ALLEN.

The bill (H. R. 2052) for the relief of the estate of William D. Allen was considered as in Committee of the Whole. It proposes to pay to the legal heirs of William D. Allen, deceased, of Oswego, N. Y., \$320, for work performed in the release and rescue of the lighthouse tender *Hare*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### STEAMSHIP "ESPARTA."

The bill (S. 3681) for the relief of the owners of the steamship *Esparta* was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 1, after the word "authority," to strike out the words "to ascertain the amount of the said damages and to enter judgment in favor of the owners of said steamship *Esparta* for the same," and insert "to determine the liability of the United States therefor; and, if found liable, to render judgment against the United States for any damages sustained by the owners of said steamship *Esparta*," so as to make the bill read:

*Be it enacted, etc.,* That the claim of the owners of the British steamship *Esparta* against the United States for damages sustained by them in and on account of the collision between their said vessel and the United States lighthouse tender *Magnolia* on October 26, 1905, in the Passes of the Mississippi River, below New Orleans, be referred to the District Court of the United States for the Eastern District of Louisiana, with jurisdiction and authority to determine the liability of the United States therefor, and, if found liable, to render judgment against the United States for any damages sustained by the owners of said steamship *Esparta*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ENLARGEMENT OF BOTANIC GARDEN.

The bill (S. 6227) to increase the area of the United States Botanic Garden in the city of Washington, D. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on the Library, with an amendment in section 2, page 2, line 4, after the word "thereof," to insert the following proviso:

*Provided,* That the location of conservatories and other improvements of a permanent character which may be built within said parcels shall be confined to areas not intended as the site for future public buildings and driveways in the plan for that vicinity prepared by the park commission.

So as to make the bill read:

*Be it enacted, etc.,* That the United States Botanic Garden, situated in the city of Washington, D. C., be, and the same is hereby, increased and enlarged by attaching thereto those two certain parcels of land situated, lying and being between Third Street on the east and Sixth Street on the west, and Missouri Avenue on the north and Maine Avenue on the south, which said parcels are known as East Seaton Park and West Seaton Park.

SEC. 2. That said two described parcels shall upon the passage of this act become part and parcel of the said United States Botanic Garden and immediately available for the purposes thereof: *Provided,* That the location of conservatories and other improvements of a permanent character which may be built within said parcels shall be confined to areas not intended as the sites for future public buildings and driveways in the plan for that vicinity prepared by the park commission.

SEC. 3. That all laws and parts of laws inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

Mr. JONES. That does not change the Botanic Garden? It is simply an enlargement of the present location?

Mr. GALLINGER. It simply takes in two little ragged parks that are of no use and are owned by the Government.

Mr. JONES. That is all right.

Mr. NELSON. May I ask the Senator if it takes in any buildings?

Mr. GALLINGER. Not at all; it takes in no buildings of any description.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CONNERS BROS.

The next business on the calendar was the resolution (S. Res. 232) referring to the Court of Claims the bill (S. 5656) for the relief of Milton C. Conners and George G. Conners, doing business under the firm name of Conners Bros., and by unanimous consent the Senate proceeded to its consideration.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

#### WOMAN SUFFRAGE.

Mr. PITTMAN. Mr. President, the view of the presidential nominee of a great party upon so vital a question as suffrage is not only of importance to this body but to the whole country. A complete understanding of such view is essential at this time in the consideration of political issues and conditions by reason of the fact that there is pending in Congress a proposed amendment to the Constitution of the United States, generally called the Susan B. Anthony amendment, intended to grant equal suffrage to the women in all of the States of the Union. Similar amendments have been introduced and have been voted upon at prior Congresses. Such amendment can not become a part of our Constitution and operative until it passes Congress by a two-thirds vote and is ratified by the vote of the legislatures of three-fourths of all the States. So far no such amendment has received the necessary vote of Congress to entitle it to be submitted to the States. Under these circumstances, as representatives of the people in the legislative body before which such amendment is pending, it is our duty to inquire most diligently with regard to the present view of each presidential nominee and his intended attitude toward such legislation in the event of his election.

What is Mr. Hughes's view with regard to woman suffrage? With due respect and in all seriousness I ask this question of those Republican Senators upon this floor who were instrumental in obtaining Mr. Hughes's nomination and who participated in the preparation of his platform. Does he stand upon his declaration made upon the 31st day of July in his speech of acceptance of the nomination or upon his declaration contained in his telegram sent to Senator SUTHERLAND on the 1st day of August? In his speech of acceptance he said, "I indorse the declaration in the platform in favor of woman suffrage." Such declaration in the Republican platform is set forth in the following words:

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

So Mr. Hughes, in indorsing that declaration in the platform, declares that he "recognizes the right of each State to deter-

mine this question for itself." This is a positive and definite declaration of his view as held by him on the 31st day of July. It is an emphatic declaration against the granting of woman suffrage by the passage of the Susan B. Anthony amendment or by any other Federal action. No other construction was intended by the framers of that plank in the platform, and it is not subject to any other construction. Will Senator BORAH, who prepared the plank and submitted it to the subcommittee of the platform committee, give it any other construction? Will Senator LODGE, the chairman of the platform committee, who presented such platform to the Republican convention, give it any other construction? Did not Mr. Hughes know at the time that he made such declaration that those who prepared and submitted that plank were and had always been most intensely antagonistic to the Susan B. Anthony amendment and to every effort to grant woman suffrage through Federal amendment to the Constitution of the United States or through any other Federal action? Was he not aware that the direct issue was made before the Republican platform committee between those who favored a Federal amendment to the Constitution, those who favored suffrage through the action of each State, and those who were bitterly opposed to the granting of woman suffrage through any methods? Did he not know that that issue was determined in favor of those favoring State rights and against those contending for Federal action? As a well-informed public man we have a right to assume that he was familiar with the great debates in the Halls of Congress upon this burning issue, but if he was not he should have informed himself with regard to the party construction of such plank before he unequivocally indorsed it. He would only have had to turn to the pages of the CONGRESSIONAL RECORD and read the speeches of those who prepared, submitted, and adopted such plank.

Senator BORAH, in a speech made in the United States Senate upon such subject on the 17th day of March, 1904, in quoting from a prior address given by him before a committee of women of Baltimore, said:

I informed your committee, when asked to speak upon this occasion, that I would be glad to take part in this meeting, provided it did not commit me to the proposition of the proposed amendment to the Constitution now pending before Congress. I am an earnest advocate of woman suffrage, but I believe it to be both inexpedient and unwise to attempt to secure it otherwise than through the respective States.

And again in said speech, for the purpose of emphasizing his unalterable opposition to the Susan B. Anthony amendment, or any other action by the Federal Government looking to the granting of woman suffrage, said:

But there is another reason—and it is even a more controlling reason to me, because it goes to what I conceive the very foundation principles of the Republic—and that is the old doctrine, discarded and worn, but vital and indispensable, the doctrine of State rights for local affairs. I can not conceive of a State, or anything of sufficient dignity to be called a State, which has lost the right to say who shall vote for its State officer.

And again in the same speech he said:

So, Mr. President, this joint resolution does not stand upon the question of woman suffrage. The minute you leave the States and thrust the campaign for equal suffrage into the national domain the women of this country take upon themselves the race question; they take upon themselves these complicated problems which arise by reason of conditions upon the Pacific slope; they take upon themselves numerous propositions wholly dissociated and divorced from the woman-suffrage question itself. Why do so?

In view of the foregoing statements by Mr. BORAH, could Mr. Hughes have had any doubt at the time he indorsed the plank prepared by Mr. BORAH as to its meaning relative to the national amendment?

"The right of each State to settle this question for itself" is not compatible with the right to settle the question through Federal action. If Federal action is taken, if the Susan B. Anthony amendment be passed by Congress and submitted to the States, the right of each State to settle the question for itself may be destroyed, because by such method three-fourths of the States could grant woman-suffrage in all the States, including the one-fourth of the States which might have voted against woman-suffrage. The plank expressly and clearly demands that each State be permitted to settle the question for itself and not one for another.

So Mr. Hughes, on the 31st day of July, in his speech of acceptance of the Republican nomination, declared against woman suffrage by Federal amendment. This would terminate the question had not Mr. Hughes on August 1, the day following his speech of acceptance, made another declaration upon the subject directly opposed to his former declaration. In a telegram to Senator SUTHERLAND, of Utah, on the 1st day of August, Mr. Hughes stated his views on the suffrage question in the following words:

Your telegram has been received. In my answer to the notification I did not refer to the proposed Federal amendment relating to woman suffrage, as this was not mentioned in the platform. I have no ob-

jection, however, to stating my personal views. As I said in my speech, I think it to be most desirable that the question of woman suffrage should be settled promptly. The question is of such a nature that it should be settled for the entire country.

My view is that the proposed amendment should be submitted and ratified and the subject removed from political discussion.

Here he states most emphatically, "My view is that the proposed amendment should be submitted and ratified and the subject removed from political discussion," and yet on the prior day he said, in indorsing the plank in the platform, "The Republican Party \* \* \* recognizes the right of each State to settle this question for itself."

It is possible that Senator BORAH, who prepared the plank, or Senator LODGE, who submitted it to the convention, may have discussed this matter with Mr. Hughes since these conflicting declarations were made, and they may be prepared on his behalf to state which view the distinguished gentleman now holds and what view will govern him if he should be elected. While the people have a right to know which view Mr. Hughes now maintains, the most important question is, "What would Mr. Hughes do with regard to such suffrage amendment if he should be elected President?" Would Mr. Hughes in his first message to Congress urge the passage of the Federal amendment providing for equal suffrage? Would he use his influence with the leaders of his party to bring about the early passage of the Federal amendment?

If his last declaration is a correct expression of his views, would he, in the event of his election to the Presidency, use the power of his office to impress his views upon the Republican Members of Congress or would he submit to the views of his party publicly expressed in the platform in opposition to any Federal action with regard to suffrage? If he should pursue the latter course, he would be no more helpful in the passage of the Federal amendment than President Wilson, because President Wilson has never attempted to impose his personal view with regard to woman suffrage upon the members of his party, but, on the contrary, he has always maintained that it is a matter for individual determination. Will Mr. Hughes speak on behalf of the Federal amendment for equal suffrage during the coming campaign? If he should be elected and should thereafter say to those who favor equal suffrage by Federal amendment to the Constitution, "I still personally favor such amendment, but my party, in the platform upon which I was nominated, has declared it to be the policy of the Republican Party that such matter is not a subject for national legislation, but must be determined by each State for itself, and I am bound by that party declaration," the cause of national suffrage would be worse off than it is at the present time.

I respectfully submit that the American people are entitled to a definite and final statement by Mr. Hughes with regard to these matters.

During the delivery of Mr. PITTMAN's speech,

Mr. WADSWORTH. Mr. President—

Mr. PITTMAN. I decline to yield.

Mr. WADSWORTH. I call for the regular order. We are on the calendar.

The PRESIDING OFFICER. There is no way for the Chair to determine whether the Senator from Nevada is discussing the resolution under consideration or not. For that reason the Chair does not feel at liberty to restrain him from speaking.

Mr. NELSON. Mr. President, we are on the calendar under Rule VIII and we are limited to five minutes' debate.

The PRESIDING OFFICER. The Senator from Nevada has not been speaking for five minutes yet.

After the conclusion of Mr. PITTMAN's speech,

Mr. WORKS. Mr. President, I was unable to hear all that was said by the Senator from Nevada [Mr. PITTMAN], and I am not sure whether or not he declared himself to be in favor of the Susan B. Anthony constitutional amendment. I believe the Senator represents a State that has granted suffrage to women, and I should like to ask him whether or not he is in favor of that amendment?

Mr. GALLINGER. Mr. President, I ask that the next bill on the calendar be stated, so that something may be before the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the next bill on the calendar be laid before the Senate.

Mr. GALLINGER. Yes; that is, if the matter which was last before the Senate has been disposed of.

The PRESIDING OFFICER. It was a resolution, and it was agreed to. There is now nothing before the Senate.

Mr. GALLINGER. I ask that the next bill in order on the calendar be stated.



## FARMER'S STATE BANK OF EUREKA, ILL.

The bill (H. R. 8630) for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill., was announced as next in order, and the Senate as in Committee of the Whole proceeded to its consideration. It directs the Secretary of the Treasury to pay to the Farmers' State Bank of Eureka, Woodford County, Ill., \$200, in full compensation for claims on account of the loss of revenue stamps purchased and paid for by said bank and which were lost in the United States mails in transmission of the same from the office of the collector of internal revenue at Springfield, Ill., to Eureka, Woodford County, Ill.

**THE PRESIDING OFFICER.** The Senator from California. Mr. WORKS. Mr. President, I have submitted my question to the Senator from Nevada.

Mr. PITTMAN. In reply to the question of the Senator from California, I will state that I intend to vote for the Susan B. Anthony amendment.

Mr. WORKS. Does the Senator from Nevada know whether or not it is the intention of the majority to bring up the resolution before the Senate for action during the present session of Congress?

Mr. PITTMAN. I know that the joint resolution is in charge of the Senator from Utah [Mr. SUTHERLAND], who introduced it in the Senate.

Mr. SMOOT and Mr. CLARK of Wyoming. Oh, no.

Mr. PITTMAN. At least, I so supposed.

Mr. CLARK of Wyoming. The Senator from Colorado [Mr. THOMAS] has it in charge upon the floor, I believe.

Mr. PITTMAN. The joint resolution was introduced by the Senator from Utah; and if I have done him an injustice in saying that he had charge of it, I, of course, withdraw the suggestion. I naturally supposed, however, that, having introduced it, he had charge of it.

Mr. CLARK of Wyoming. The Senator from Colorado is the chairman of the Committee on Woman Suffrage.

Mr. WORKS. The Democratic caucus has been determining from time to time what bills and resolutions shall be taken up during the remainder of this session. My question was whether or not it was the intention to include this joint resolution among the number?

Mr. PITTMAN. I think it is the intention of the Democrats—although I am hardly in a position to speak for the Democrats on this side of the Chamber—to pass, if possible, all the bills upon the calendar.

Mr. WORKS. That is, it is the desire of the Senator himself that the joint resolution shall be brought to a vote?

Mr. PITTMAN. It would be my desire to bring it up, if it could be disposed of and passed. I will state for the benefit of the Senator that quite a while back some of the western Senators who favor the Susan B. Anthony amendment held a meeting, which was attended by Mrs. Carrie Chapman Catt and others who desire an early vote on the matter; and those Senators who were present, including myself—I do not know whether the Senator from California was there or not—favored early action upon the amendment.

There is another very powerful element of the advocates of woman suffrage who are opposing the bringing up of this amendment at this time. Miss Anne Martin, who is chairman, I believe, of the Congressional Union for Woman Suffrage, has written to me, and has written to other Senators within my knowledge, urging that this matter be not brought up at the present time. So there is no unanimity with regard to the time that the measure should be acted on. Personally I should like to see it passed promptly.

Mr. WORKS. Mr. President, I understand the Senator from Nevada is himself in favor of the proposed constitutional amendment; and, whatever may be the differences to which he has referred amongst the women, has the Senator made any effort to have the matter brought up in any form either before the Democratic steering committee or elsewhere?

Mr. PITTMAN. Yes; I have been discussing it recently with the Senator from Colorado [Mr. THOMAS], who is the chairman of the committee, and other individual members of the committee.

Mr. WORKS. But, Mr. President, the joint resolution of which I am speaking is on the calendar, and I ask what disposition there is to take it up and vote upon it?

Mr. PITTMAN. I think that a number of the western Senators—I do not remember whether or not the Senator from California was present—agreed to attempt to get a unanimous consent agreement that this matter might be voted on without debate, but I do not know whether or not that has been accomplished.

Mr. WORKS. Does the Senator know whether any effort of that kind has been made on the other side of the Chamber?

Mr. PITTMAN. I presume the Senator from Colorado, the chairman of the committee, can answer that question.

Mr. WORKS. The chairman of the committee can answer.

Mr. THOMAS. Mr. President, I was unaware, until notified in committee, that this subject was before the Senate.

Mr. WORKS. That is hardly an accurate statement.

Mr. THOMAS. And it is suggested to me now by the Senator from Florida that it is not before the Senate. So, perhaps, my assumption is an improper one; but, responding to the inquiry of the Senator from California, which was made since I entered the Chamber, I may say to him that some two or three weeks ago I addressed a letter to each Senator asking if he would consent to the taking up of this amendment and submitting it to a vote without argument. The responses which I have received have been about equal in number in consenting and objecting to the proposed method of procedure. Consequently, I have neither said nor done anything further about it.

Mr. WORKS. I should like to ask the Senator—

Mr. THOMAS. The national association was favorable to that disposition of it; indeed, I made the inquiry at the request of one of its officers. I have been informed that the Congressional Union opposed the suggestion; but that is a matter of hearsay.

Mr. WORKS. I should like to ask the Senator whether it is not true that the bill can not be taken up during this session of Congress without action either by the steering committee or by the Democratic caucus?

Mr. THOMAS. Well, Mr. President, we seem to be considering it, and we certainly have transacted a good deal of business recently with which the steering committee has had no concern. I do not know just what is before the Senate now.

**THE PRESIDING OFFICER.** The bill before the Senate now is House bill 8630, for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill.

Mr. THOMAS. Of course, I might have known it was not the amendment, because here everything seems to be in order except the subject matter under discussion.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. THOMAS. I will yield in just a moment; but I will say to the Senator from California—

Mr. CLARK of Wyoming. But just for a question; that is all.

Mr. THOMAS. Well, I will yield in a moment. I will say to the Senator from California [Mr. WORKS] that, so far as I am concerned, I am prepared to take up the joint resolution at any time; although, of course, I am unable to displace the unfinished business of the Senate. I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. The Senator has answered the question which I sought to ask; but I hope the Senator will take an early time so that the sentiment of the Senate can be had as to whether or not this legislation should be passed at this session.

Mr. THOMAS. I have no doubt, since the confession of faith of the Republican candidate for President of the United States has been made, that Senators upon the other side who were opposed to the legislation not only have been converted to his view but that they will unite with a commendable unanimity in taking it up and voting for it. If so, I will do my best to cooperate with them.

Senator SMOOT. Regular order!

Mr. WORKS. Perhaps the Senator from Colorado did not hear or was not aware of the fact, that this matter was not brought up this time by a Republican, but came from the other side of the Chamber.

Mr. THOMAS. Well, Mr. President, I was not aware of that, and consequently my remark may have been inappropriate, in so far as the occasion is concerned; but, independently of the occasion, I still indulge in the hope that the influence upon the Republican Senators of their nominee will be manifest in an increase of votes for the amendment when it does come up. But I doubt it.

Mr. CLARK of Wyoming. I hope you will give us a chance to act upon it quickly.

**THE PRESIDING OFFICER.** The bill (H. R. 8630) for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill., is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN CURRAN.

The bill (H. R. 8141) for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United

States naval magazine at Iona Island, N. Y., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$624 to Ellen Curran, of Haverstraw, N. Y., the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties on the 4th of November, 1903, at the United States naval magazine on Iona Island, in the Hudson River, N. Y., by the explosion of gunpowder and 13-inch shell, without his fault or negligence.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. W. FINN.

The bill (H. R. 14528) for the relief of W. W. Finn was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. W. Finn, of Wesley, Iowa, \$177.83, to compensate him for the loss by burglary of certain war-revenue emergency stamps of which he was custodian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED HENDERSON.

The bill (H. R. 10641) for the relief of Fred Henderson was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Fred Henderson the sum of \$43.75, out of any money in the Treasury not otherwise appropriated, for injury sustained on the 16th day of September, in the year 1906, while employed by the United States Government in the Government arsenal at Rock Island, Ill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE BOARD OF HARBOR COMMISSIONERS, CALIFORNIA.

The bill (H. R. 5453) for the relief of the State Board of Harbor Commissioners of the State of California, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$199.62 to the State Board of Harbor Commissioners of the State of California, for the purpose of reimbursing the said State Board of Harbor Commissioners for repairing damages to Piers Nos. 15 and 27, in the city of San Francisco, Cal., caused by the steamship *Angel Island*, of the United States Immigration Service, on August 8, 1911, and on August 17, 1911, respectively.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE BAGGE.

The bill (H. R. 10643) for the relief of Theodore Bagge, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Theodore Bagge the sum of \$221.91, out of any money in the Treasury not otherwise appropriated, for injury sustained on the 24th day of April, in the year 1907, while employed by the United States Government on the U. S. dredge *Ajax*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK J. DEUTSCH.

The bill (H. R. 1777) for the relief of Frank J. Deutsch, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Frank J. Deutsch, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, which sum is hereby appropriated, in full settlement of all claims of any nature whatsoever that the said Frank J. Deutsch may have against the United States Government for injuries sustained while employed in the Coast Guard at Sturgeon Bay, Wis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. JONES.

The bill (H. R. 9898) for the relief of John E. Jones, was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. BRYAN. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

W. W. WALL.

The bill (H. R. 1373) for the relief of W. W. Wall was announced as next in order.

The PRESIDING OFFICER. This bill has also been reported adversely.

Mr. BRYAN. I move that the bill be indefinitely postponed.

Mr. SMOOT. I ask that the bill be not acted upon in the absence of the Senator from Missouri [Mr. STONE]. Just let it go over to-day upon objection.

Mr. BRYAN. Very well.

The PRESIDING OFFICER. The bill will be passed over.

AUSTIN G. TAINTER.

The bill (H. R. 2638) for the relief of Austin G. Tainter was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. GALLINGER. Let the bill be read.

The Secretary read the bill.

Mr. GALLINGER. Let the bill go over until I can look into it.

The PRESIDING OFFICER. The bill will be passed over.

JOHN DOWD.

The bill (S. 6013) to confirm the entry of John Dowd was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 3, after the words "price of," to strike out the numerals "\$200" and insert "\$184.83," so as to make the bill read:

*Be it enacted etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to issue United States Government patent on the homestead entry of John Dowd, known as Boise 06054, for the following-described land:

Lot 5 of section 34, township 3 north, range 4 west, and lots 2 and 3 and southeast quarter of northwest quarter, section 3, township 2 north, range 4 west, Boise meridian, Boise land district, Idaho, containing 147.86 acres: *Provided,* That the said John Dowd or his transferee shall pay to the United States Government the commutation price of \$184.83.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, LOUISIANA.

The bill (S. 4811) to establish a fish-cultural station at some point in the State of Louisiana, was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EMMETT W. ENTRIKEN.

The bill (S. 1548) for the relief of Emmett W. Entriken, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Emmett W. Entriken the sum of \$250, in full compensation for injuries received by him on September 26, 1913, while employed as a painter at the Salem Indian school, Chemawa, Oreg.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. HEFFNER.

The bill (H. R. 11984) for the relief of William E. Heffner, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to William E. Heffner, out of any money in the Treasury not otherwise appropriated, the sum of \$525, being the amount of money due said William E. Heffner for the construction of a barracks and bathhouse at West Lawn Cemetery, Canton, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISH HATCHERY, DELAWARE.

The bill (S. 4970) to establish a fish hatchery in the State of Delaware, was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

M. E. SITTERS.

The bill (H. R. 8200) for the relief of M. E. Sitters, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to M. E. Sitters, widow of Joe Sitters, out of funds in the Treasury not otherwise appropriated, the sum of \$1,095 as compensation to her for the loss of her husband, who, on the 24th day of May, 1915, while in discharge of his official duties as a mounted inspector of the United States customs service in Presidio County, Tex., was assassinated by Mexican bandits.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries,



to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, was announced as next in order.

Mr. OLIVER. Let that bill go over.

Mr. GALLINGER. That bill ought to go over, unless our friends on the other side of the Chamber are willing that we should indefinitely postpone it. I do not know how that may be.

Mr. FLETCHER. I do not believe there is any disposition of that sort.

Mr. GALLINGER. The Senator is willing that it should go over?

Mr. FLETCHER. I am willing that it should go over.

The PRESIDING OFFICER. The bill will be passed over.

#### THE GOVERNMENT PRINTING OFFICE.

The bill (S. 6626) to fix the rate of pay for compositors and bookbinders in the Government Printing Office was considered as in Committee of the Whole. It provides that from and after the date of its passage the pay for compositors and bookbinders in the Government Printing Office shall be at the rate of 55 cents per hour.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MANIFESTS OF VESSELS.

The bill (S. 5395) to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States, was announced as next in order.

Mr. GALLINGER. Mr. President, I should like to have the Senator from Oregon, who introduced the bill, tell us exactly what those repealed statutes include.

Mr. LANE. Mr. President, that bill is one which repeals the statutes which require all inbound vessels coming into the mouth of the Columbia River, although they may be destined for the port of Portland some 110 miles above, to make a stop at the first port of entry, which is Astoria. The customhouse officials have requested that the bill be passed, and the Secretary of the Treasury has indorsed it. I want to say also, for the information of the Senate, that the people of Astoria are bitterly opposed to the passage of the bill. There is no question about that. It has been recommended, however, by the Treasury Department as being a matter in the line of economy. It saves expense and saves the time of the steamers.

Mr. GALLINGER. That word "Astoria" always appealed to me—it is so euphonious. I ask that the bill go over for to-day, and I will look into it.

The PRESIDING OFFICER. The bill will be passed over.

#### THE FUTURE OF CULEBRA (S. DOC. NO. 525).

The resolution (S. Res. 235) to print the manuscript entitled "Are Subterranean Gases Cause of Panama Canal Slides?" by Hon. Thomas Kearns, as a Senate document, with illustrations, was considered by the Senate.

Mr. FLETCHER. I move to amend the resolution by striking out the words "with illustrations" in the sixth line.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 6, after the word "document," it is proposed to strike out the words "with illustrations."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Wyoming (Mr. WARREN) on June 22, 1916, entitled "Are Subterranean Gases Cause of Panama Canal Slides?" by Hon. Thomas Kearns, former United States Senator from Utah, be printed as a Senate document.

#### MARTIN HUHN.

The bill (H. R. 1528) for the relief of Martin Huhn, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads, with an amendment, in line 9, after the words "the sum of," to strike out the numerals "\$100" and insert "\$1,000."

Mr. SMOOT. Let that bill go over.

Mr. GALLINGER. I think the bill had better go over. It is a very large increase.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MARTINE of New Jersey subsequently said: Mr. President—I understand that through my negligence in not being present—I was called out of the Chamber for a moment—House bill 1528, for the relief of Martin Huhn, was passed over under objection. I ask unanimous consent to recur to that bill for the purpose of having it considered. I trust there will be no objection. If there ever was an emergency measure, I feel that that is one.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry regarding this bill?

Mr. MARTINE of New Jersey. Certainly.

Mr. PENROSE. This bill was passed for \$100, as I understand, in the House.

Mr. MARTINE of New Jersey. Yes; and it was amended in the Senate.

Mr. PENROSE. And amended for \$1,000.

Mr. MARTINE of New Jersey. Yes, sir.

Mr. PENROSE. That is an extraordinary increase.

Mr. MARTINE of New Jersey. It is.

Mr. PENROSE. Did these injuries suddenly become more serious between the time when the bill was in the House and the time it came up in the Senate?

Mr. MARTINE of New Jersey. I will answer the Senator and state the situation.

This man—a young man, I should think, about 35 or 40 years old—is an employee of the Post Office Department in Hoboken, N. J. He was in the regular service there, in the employ of the Government. It was the regulation and rule that the flag on the post office should be taken down at night. Through somebody's failure the flag was not taken down. This young man was ordered by the assistant postmaster to go up and take down this flag at night. He went up to the third or fourth floor, whatever it is. Between the fourth floor and the roof is an attic, that compelled him to go in a stooping position. It was dark in the attic, and in his effort to reach around to the scuttle and ascend the three or four little steps to secure the flag an iron rod poked out, about 3 feet long, connected with the scuttle, unguarded and left without any notice or admonition in any way; and as the poor fellow was groping around it struck his right eye, and, of course, he was wild with pain. I believe, however, he did succeed in hauling down the flag. He was immediately, when he came down, taken to the eye-and-ear hospital in the close vicinity, and the result of the accident was that his eye was so injured and punctured that the eyeball was taken out. He suffered excruciating agony for months, and the result is that to-day the man has but one eye.

I saw him myself possibly a month or three weeks ago. He has substituted a glass eye. It is his right eye. I asked him if he suffered any pain from the removal of the eyeball. He said not so much in that eye as in the other one. The other one was compelled to do double duty, and he said that shooting pains went through it continually, and he was in very great distress. Then I asked him if, aside from that, it interfered with his duties, and he said: "You can tell by placing your hand over one eye whether it would interfere with performing your duties or not."

Now, it seems to me that, as this accident happened while this man was in the service of the Government, in the performance of his duty, and entirely within his sphere, the passage of this bill for the amount stated in the amendment is but simple justice. He was ill for some three or four months; I can not say just which. It seems to me it is entirely within the right and province of the Government, and within the lines of justice, that the great Government of the United States should give this man a thousand dollars.

Mr. GALLINGER. Mr. President, the injured man was retained on the roll and is still on the roll and performing his duty. I objected because I wanted to look into it a little. I find that the postmaster has written a letter saying that he thinks this man ought to have \$500. If the Senator agrees to that, I will withdraw my objection.

Mr. MARTINE of New Jersey. Well, Mr. President, I feel that it is an inadequate amount, when I think of how little compensation it would be to me or to either of us in the event of the loss of an eye. This man is on the roll and he is still performing his duties. It is his only source of livelihood, his bread and butter. So might I perform my duties here with one eye. There are Senators that can perform their duties with none.

Mr. PENROSE. As long as the Senator has his voice he does not need his eyes.

Mr. MARTINE of New Jersey. Well, it does not make any odds. I need both. I will accept the \$500, but I think even \$5,000 would be an utterly inadequate amount.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. I move to amend by striking out "\$1,000" and inserting "\$500."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, in line 9, it is proposed to strike out the numerals "\$1,000" and insert "\$500." The amendment to the amendment was agreed to. The amendment as amended was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALBERT GREENLAW.

The bill (H. R. 2180) for the relief of Albert Greenlaw was considered as in Committee of the Whole. It authorizes and directs the Postmaster General to credit the accounts of Albert Greenlaw, postmaster at Eastport, Me., in the sum of \$3,378.02, due the United States on account of post-office funds embezzled by Ernest A. Farris, assistant at the Eastport (Me.) post office during several years, ending December, 1912: *Provided, however,* That nothing herein contained shall be taken as releasing any other person or persons from liability to the United States on account of said embezzlements or in any manner affecting such liabilities.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BRYAN. Mr. President, that bill was passed so quickly that I did not realize it. I move to reconsider the vote whereby it was passed.

The motion to reconsider was agreed to.

Mr. SMOOT. Now I ask that the bill go over.

Mr. BRYAN. As there is no member of the committee present, I ask that the bill go over. I see that the Post Office Department reports against the bill.

The PRESIDING OFFICER. The bill will be passed over.

C. HORATIO SCOTT.

The bill (H. R. 4559) for the relief of C. Horatio Scott was announced as next in order.

Mr. SMOOT. That is the bill, is it not, that the Senator asked to have go over?

Mr. VARDAMAN. I do not object to its consideration.

Mr. BRYAN. The Senator who reported the bill is not present. I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAYTON H. ADAMS.

The bill (S. 10) to correct the military record of Clayton H. Adams, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Clayton H. Adams, who served in the Mississippi Marine Brigade, an organization drawn from the Fifty-ninth Regiment of Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the Fifty-ninth Regiment Illinois Volunteer Infantry on or about the 1st day of March, 1863: *Provided,* That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

Mr. GALLINGER. Mr. President, I will ask the Senator from Wyoming if he has any knowledge of any Senate bills correcting the records of soldiers similar to this having passed the other House?

Mr. WARREN. The Senate bills the House has not passed—that is, a large number of them.

Mr. GALLINGER. Have they passed any of them?

Mr. WARREN. In a late conversation I was promised that there will be action taken on as many of them as they can deal with in the condition in which they are.

Mr. GALLINGER. The reason why I asked the question is that for three or four years I have been trying to get through a similar bill meritorious in every respect, but it is ignored. I have passed one through the Senate at this session—a most worthy bill—but it is lost somewhere; and yet these House bills come here in quantities, and we pass them.

Mr. CLARK of Wyoming. I will say to the Senator that this is a Senate bill, and will undoubtedly reinforce his contention when it goes over there.

Mr. GALLINGER. I hope it will pass, then. I will not object to the House bills, but I thought it was proper to call attention to the fact that this is rather a jug-handled performance as far as this kind of a bill is concerned.

Mr. WARREN. I am very glad the Senator called the matter to the attention of the Senate as he has done. We have had to struggle with that situation for some years, and we ought to take some action to force through in another body the measures that are passed here.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. I ask the Senator from Wyoming if this man ever enlisted.

Mr. WARREN. Yes; he was a man who enlisted, and he was detailed to other service. He was found to be a good carpenter and was put at carpenter work. Consequently there is a lapse in his record in the department, but it has been made good by his fellows who served with him, and a clear case has been made.

Mr. BRYAN. He has what the department says is a record service.

Mr. WARREN. That is the old record; that is true. He is a man whom I know personally, and I know he deserves it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Clayton H. Adams."

JOHN P. WEBBER.

The bill (S. 736) to correct the military record of John P. Webber, alias John J. Webber, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws, John P. Webber, alias John J. Webber, who was a private of Company E, Engineer Regiment of the West, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 7th day of January, 1863: *Provided,* That no pay, bounty, or back pension shall accrue to him prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John P. Webber, alias John J. Webber."

CHARLES LEE BAKER.

The bill (S. 6154) for the relief of Dr. Charles Lee Baker was considered as in Committee of the Whole. It authorizes the President of the United States to appoint Dr. Charles Lee Baker, now a first lieutenant in the Medical Reserve Corps, a first lieutenant in the Medical Corps, United States Army, and place him upon the retired list.

Mr. GALLINGER. I move to strike out the word "Doctor" in line 4.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Charles Lee Baker."

JOSEPH EUBOR.

The bill (S. 6287) for the relief of Joseph Eubor was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 8, after the words "eighteen hundred and sixty-four" to insert "*Provided,* That no pay, bounty, or back pension shall accrue or become payable by virtue of this Act," so as to make the bill read:

*Be it enacted, etc.,* That in the administration of the pension laws Joseph Eubor shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company A, Sixth Regiment Vermont Volunteer Infantry, on the 6th day of August, 1864: *Provided,* That no pay, bounty, or back pension shall accrue or become payable by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAIL CONTRACTORS.

The bill (H. R. 11150) for the relief of mail contractors was announced as next in order.

Mr. PENROSE. I object to the consideration of that measure this afternoon. I have not had an opportunity to complete my researches into the measure.

The PRESIDING OFFICER. Upon objection, the bill goes over.

Mr. VARDAMAN. I ask the distinguished Senator from Pennsylvania if he will be good enough to be ready to consider it the next time the calendar is called. I am very much inter-



ested in the bill. I do not want to hurry the matter at all, but I am very desirous of having it disposed of. These claims are more than a half century old, and by all the rules of fair play and fair dealing they should be paid.

Mr. PENROSE. It seems to me this bill will be remarkably fortunate if it passes at all. It is a very remarkable measure, in my opinion, in that it apparently gives \$40,000 to one or more lawyers who, as experience demonstrates in similar cases in the past, have performed no other service than to gather these claims together in order to have them passed by Congress. It is an old story, Mr. President, and after the Senator has been in Congress a longer period than he has he will come to know them as well as those of us who have been here longer. These attorneys get these claims. Then they write down to Louisiana, Alabama, and other States and urge the litigants to write to their Senator or Congressman, and it makes their lives miserable. Most of them would never have been heard of if they were not fomented by attorneys.

This kind of legislation, Mr. President, in my opinion is little different from that of the ambulance chaser in a local court, which is not considered a very noble part of the legal profession, and if carried to too great an extreme, generally ends in the disciplining of any member of the bar who indulges in it by the board of censors of the board or association of the State.

Mr. SMOOT. Regular order!

Mr. PENROSE. I know I have been out of order in speaking. I object to the bill.

Mr. VARDAMAN. I wish to say in answer to the Senator's suggestion that \$40,000 of this appropriation will go to lawyers who rendered no service that I hope the Senator will make a suggestion, and I am sure I will cooperate with him in every effort, to keep the lawyers from getting anything except that which the lawyers are entitled to. But it is not exactly fair to the claimants in this instance for the Congress to refuse to pay them what the United States Government owes because perhaps they are willing to give somebody a part of the claim to help them to induce the United States Government to pay its honest debts. It is commendable for the Congress to desire to protect the interest of the citizens, but let us hope that protection in this instance may not take the form of robbery. If the lawyer gets only 20 per cent he is not as bad as the Government if the Government shall insist on taking 100 per cent. I do not want the shyster or the reputable either to get anything that he is not entitled to. I will cooperate with the Senator from Pennsylvania in any proper way that he may suggest to protect these people in the enjoyment of their just rights. I do not know anything about the lawyers in this case. Not one has spoken to me about it. I think there are a great many lawyers who do a great many undesirable and discreditable things, and I am perfectly willing to do what I can to prevent them from accomplishing anything that is not fair in the settlement of these claims. But the dishonesty of the lawyer is no justification for the United States Government refusing to pay its debts. This great Government can not afford to emulate the conduct of the dirty dishonest lawyer such as the Senator from Pennsylvania has described in its dealing with its citizens.

The PRESIDING OFFICER. There is objection and the bill goes over.

#### LANDS FOR EDUCATIONAL PURPOSES.

The bill (S. 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States was announced as next in order.

Mr. JONES. I ask that that may go over.

The PRESIDING OFFICER. Objection having been made the bill goes over.

#### SHOSHONE CEDED LANDS.

The bill (S. 6308) to authorize the Secretary of the Interior to lease, for production of oil and gas, ceded lands of the Shoshone or Wind River Indian Reservation, in the State of Wyoming, was announced as next in order.

Mr. SMOOT. I object.

Mr. CLARK of Wyoming. I hope the Senator will not object to the consideration of this measure. It is purely a local bill and confined to a small area on the ceded land of an Indian reservation that can not be otherwise handled. I hope the Senator, in view of the circumstances, will not object to it.

The PRESIDING OFFICER. Does the Senator from Utah insist upon his objection?

Mr. SMOOT. Just a moment. I want to read the report.

The PRESIDING OFFICER. In the meantime the bill will be read.

The Secretary read the bill and the amendment of the Committee on Indian Affairs on page 2, after line 11, to insert the following additional section:

SEC. 2. That the leases granted under this act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall not be less than one-tenth in amount or value of the production and the payment in advance of a rental of not less than \$1 per acre per annum during the continuance of the lease. The rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of expiration of any such period; said leases shall be irrevocable except for the breach of the terms and conditions of the same and may be forfeited and canceled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions.

So as to make the bill read:

That the Secretary of the Interior is hereby authorized and empowered to lease, for the production of oil and gas therefrom, lands within the ceded portion of the Shoshone or Wind River Indian Reservation in the State of Wyoming, under such terms and conditions as shall be by him prescribed; and the proceeds or royalties arising from any such leases shall be first applied to the extinguishment of any indebtedness of the Shoshone Indian Tribe to the United States and thereafter shall be applied to the use and benefit of said tribe in the same manner as though secured from the sale of said lands as provided by the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect": *Provided, however*, That nothing contained in this act shall be construed to abridge or enlarge any asserted or initiated rights or claims under any law of the United States.

SEC. 2. That the leases granted under this act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall not be less than one-tenth in amount or value of the production and the payment in advance of a rental of not less than \$1 per acre per annum during the continuance of the lease. The rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of expiration of any such period; said leases shall be irrevocable except for the breach of the terms and conditions of the same and may be forfeited and canceled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

Mr. WALSH. I wish to inquire of the Senator from Wyoming if there is not a general statute taking care of the leasing of lands on Indian reservations?

Mr. CLARK of Wyoming. This is not land on an Indian reservation. This is land upon the ceded portion of an Indian reservation which was subject to homestead entry under the law which ceded it, but the time for homestead entry has been exhausted, so that this Indian land which was not taken is interspersed among other lands. It is still Indian land and the Indians are entitled to it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DAVIE SKOOTAH.

The bill (S. 3773) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallocate the lands included therein was announced as next in order.

Mr. JONES. I ask that that go over.

The PRESIDING OFFICER. Objection having been made the bill goes over.

#### J. G. SEUPELT.

The bill (S. 1265) for the relief of J. G. Seupelt was considered as in Committee of the Whole. It proposes to permit J. G. Seupelt to enter, under the homestead laws, at the appraised price to be determined in such manner as the Secretary of the Interior may prescribe, a certain unsurveyed island in the Colville Indian Reservation, Wash., known as Hog Island, containing about 152 acres, located in the Columbia River, and within sections 26 and 35, township 30 north, range 36 east of the Willamette meridian, in the State of Washington: *Provided*, That proceeds arising hereunder shall be subject to the provisions of section 6 of the act of March 22, 1906, volume 34, United States Statutes at Large, page 81: *Provided further*, That the right of entry by the said Seupelt shall be exercised within 90 days after the date of the approval of this act or within 90 days after appraisal if not appraised prior to the passage of this act: *And provided further*, That the land hereby

disposed of shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INDEFINITELY POSTPONED.

The bill (S. 3130) granting certain lands to school district No. 56, Klickitat County, Wash., and authorizing the issuance of patent therefor was announced as next in order.

Mr. JONES. Senate bill 3130 and Senate bill 1266 were both covered in the Indian appropriation bill and may be indefinitely postponed.

The bill (S. 3130) granting certain lands to school district No. 56, Klickitat County, Wash., and authorizing the issuance of patent therefor and the bill (S. 1266) permitting Charles M. Hickerson to include a portion of allotment No. 36 to Secum-ka-nulax, of Chief Moses's Band, in his homestead entry, and providing for allotment to Secum-ka-nulax in lieu thereof on the Colville Indian Reservation, were indefinitely postponed.

#### INDIAN LANDS.

The bill (S. 3774) to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That any allottee to whom any trust patent has heretofore been or shall hereafter be issued by virtue of the agreement concluded July 7, 1883, with Chief Moses and other Indians of the Columbia and Colville Reservations, ratified by the act of July 4, 1884 (23 Stats. L., pp. 79, 80), and in accordance with the act of Congress approved March 8, 1906 (34 Stats. L., p. 55), if living, or the heirs of any such allottee, if deceased, may sell and convey all the land covered by such patent in accordance with the provisions of the act of Congress approved June 25, 1910 (36 Stats. L., p. 855), and the regulations prescribed by the Secretary of the Interior thereunder.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MOSES C. TINGLEY.

The bill (S. 3647) for the relief of Moses C. Tingley was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is, authorized to cancel the allotment made to Moses C. Tingley, under the fourth section of the act of February 8, 1887 (24 Stats. L., p. 388), described as the southeast quarter of the northeast quarter of section 17, township 28 north, range 13 east of the Montana meridian, in Montana.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### OMAHA INDIAN LANDS.

The bill (S. 3972) to provide for selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to reserve from sale, under the terms of the act of May 11, 1912 (37 Stats. L., p. 111), the following-described tracts of land within the Omaha Agency Reserve, in Nebraska: The northwest quarter of the southwest quarter of the southwest quarter, formerly used by the Presbyterian missionary, and the northeast quarter of the southwest quarter of the southwest quarter, in addition to the eight acres in the southeast quarter of the southwest quarter of the southwest quarter which have already been set apart; all in section 24, township 25 north, range 9 east of the sixth principal meridian; said lands to be used by the Omaha Indians for cemetery purposes.

Sec. 2. That the Secretary of the Interior, in his discretion, may likewise cause to be set apart for Indian cemetery purposes unappropriated lands as follows: Not to exceed 10 acres other than herein described, in the south half of the southwest quarter of section 24, township 25 north, range 9 east, and not to exceed 40 acres in two or more tracts in other parts of the reservation, said tracts to be selected by the Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SPOKANE INDIAN RESERVATION.

The bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That there is hereby appropriated, out of any funds in the Treasury of the United States to the credit of the Spokane Indians in the State of Washington, not otherwise appropriated, the sum of \$2,000 for the building and maintenance of roads on the Spokane Indian Reservation, in Stevens County, Wash., said amount to be spent under the direction of the Secretary of the Interior: *Provided*, That said \$2,000 shall not be available until Stevens County, Wash., appropriates \$1,000 for the building and maintenance of roads on the Spokane Indian Reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDIAN AGENTS AND SUPERINTENDENTS.

The bill (S. 5335) conferring upon tribes of Indians the right to recall their agents or superintendents was announced as next in order.

Mr. SMOOT. I know the Senator from South Dakota [Mr. JOHNSON] is interested in the bill and he reported it. I wish to say to him that I have a letter from the Indian Rights Association of Washington, D. C., criticizing the bill severely and asking that it be defeated. I will ask that the bill go over at this time, and I will take it up with the Senator at the first opportunity and show him the letter and discuss the bill with him.

Mr. JOHNSON of South Dakota. In answer to the Senator I will say that objection to the bill has been raised for a long time and by the same people. It is a matter of record. I hope the Senator will withdraw his objection for that reason. It has all been thrashed out during the session, and the bill applies only to the State of South Dakota.

Mr. SMOOT. From the statement made here by Hon. Joseph H. Choate and also by the agent of the Indian Rights Association, I should think the Senator himself would not insist on pressing the bill at this time.

Mr. JOHNSON of South Dakota. It has been a matter of record for three months in the CONGRESSIONAL RECORD.

Mr. SMOOT. I have not seen it. I have received a letter dated August 2—

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. GRONNA. I wish to say to the Senator that I know that this bill was very carefully considered in committee. It only applies to the State of the Senator from South Dakota.

Mr. SMOOT. I am aware of that.

Mr. GRONNA. I can see no reason why the bill should not be passed. Because some Indian agent perhaps who resides in the State of South Dakota is no reason why we should pass it over at this time.

Mr. SMOOT. I will say to the Senator it is not an Indian agent in South Dakota who has written this letter.

Mr. GRONNA. Can the Senator from Utah give me a good reason why the Indian tribes should not have a voice in their own affairs?

Mr. SMOOT. I do not know anything about the question here involved. I will simply say that I have a letter here dated August 2. It is signed by Mr. S. M. Brosius, agent of the Indian Rights Association, McGill Building, Washington, D. C. This is what the letter says—

Mr. GRONNA. I should think the Senator from South Dakota—

Mr. SMOOT. I am reading this to the Senator from South Dakota, telling him why the bill should go over a day.

Mr. GRONNA. If the Senator will allow me to finish my statement, I was about to say to the Senator from Utah that the Senator from South Dakota knows more about the Indians of his own State than some one who lives in the city of Washington.

Mr. JOHNSON of South Dakota. I hope the Senator from Utah will withdraw his objection. The bill was before the committee for a long time and it was fixed up so as to be entirely satisfactory, I think, to those who opposed it, the Senator from Vermont [Mr. PAGE] and the Senator from Minnesota [Mr. CLAPP] and other Republicans.

Mr. SMOOT. I wish to read this letter to the Senator and see if there is no room for objection and see if he can explain it. It will be entirely different:

AUGUST 2, 1916.

HON. REED SMOOT,  
United States Senate, Washington, D. C.

DEAR SIR: Your interest is urged in securing the defeat of Senate bill No. 5335 (Calendar No. 649) introduced by Senator JOHNSON of South Dakota.

This bill provides that a majority of the male adult members of any Indian tribe in South Dakota shall have the right to declare against the retention of the agent or superintendent in charge at any Indian agency in South Dakota, and such official shall thereafter be immediately removed by the Secretary of the Interior.

The Indian question is one of national interest, and it is most fortunate that the control of the Red Man was removed from the local influences of the States. This Government control seems as necessary in South Dakota as elsewhere.

If the bill in question is approved, it will be a distinct blow to the classified civil service, and would relegate to the Indians, who lack experience in business matters, the right to cause the removal of competent officials.

As was said by the Hon. Joseph H. Choate in his letter to Chairman ASHURST of the Committee of Indian Affairs (see CONGRESSIONAL RECORD, Apr. 7, 1916):

"Anyone familiar with Indians can readily imagine how the more dependent full bloods would thus become the easy prey of conniving mixed bloods and unscrupulous whites. As so aptly stated by Rev.



Sherman Coolidge, president of the Society of American Indians, "By such law the very worst elements will seek to control Indian tribes."

We respectfully submit that the right to select superintendents is one of the highest prerogatives, and it seems apparent that when Indians have become sufficiently advanced to exercise that right they are quite fully equipped to transact all their business affairs, and should be completely released from the protection of the Federal Government as guardian.

It would no doubt be disastrous to our Indian population to thus too hastily remove the safeguards now exercised by the Secretary of the Interior and the Commissioner of Indian Affairs.

We are inclosing a copy of the letter of the Hon. Joseph H. Choate, above referred to.

Trusting you will exert your influence to defeat the legislation in question, we are,

Very cordially, yours,

S. M. BROSIUS,  
Agent Indian Rights Association.

I will also say to the Senate that I understand the department has reported adversely to the bill. I received the letter only the other day, and that was my basis for asking that the bill go over. I shall gladly take the matter up with the Senator from South Dakota later on.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. CLAPP. I want to say that evidently the purpose of the bill is, perhaps in a measure, misunderstood. As I recall the bill, it does not give the Indians the right to select their agents. The initiative in that selection under the bill is left with the Indian Office. It simply provides that after a given length of time, and after notice to the Indian Office, the Indians may hold a council and vote against the retention of an agent who has been placed in charge of them. It is a partial step; it is a sort of a compromise between giving the Indians the control of the question of the agent and retaining the control, on the other hand, in the Indian Office.

Mr. GALLINGER. It comes pretty nearly being a recall, does it not?

Mr. CLAPP. It amounts to a recall, but still it is with the Indian Office to renew and to determine the appointee to succeed the agent who is recalled.

There has been a good deal of contention over this matter. At one time an effort was made to establish this principle, or at least to seek to establish it, by legislation extending over the entire country; but the Senator from South Dakota [Mr. JOHNSON] finally consented, on the suggestion of several of us, to limit it to South Dakota.

Humanity is so constituted that one man in authority over another is always reluctant to yield that authority. The time never comes, in the opinion of the one who has the authority, when the one under him has reached a degree of development where he should participate in authority with the one over him. I do not believe we should proceed rapidly; I would not favor a bill like this covering the entire country; but in the case of South Dakota, where a great deal of progress has been made, those of us who opposed the bill finally yielded to this initiative in displacing the agent, but retaining in the Bureau of Indian Affairs the initiative in the appointment as to South Dakota.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. JOHNSON of South Dakota. Mr. President, I merely wish to say one word. I hope the Senator from Utah [Mr. SMOOT] will withdraw his objection. If an agent or superintendent should be recalled, it leaves the selection entirely in the hands of the Secretary of the Interior. The Indians are unanimous in asking for this legislation, and it is nothing more than right and just to them that it should be enacted.

Mr. SMOOT. Mr. President, this is a Senate bill, which will, if it passes this body, have to be considered by the other House; and perhaps more information can be secured upon it before it passes there. Having called attention to the matter, I shall not interpose any further objection.

Mr. GALLINGER. I will ask the Senator from South Dakota if there is any trouble with the present officials, the agent and the superintendent of these Indians?

Mr. JOHNSON of South Dakota. None that I know of, except in one place where there is almost universal objection among almost all the Indians to their superintendent. I do not know the superintendent personally, and know nothing about the merits of the matter, except that general complaint has been made by a large number of the Indians there.

I talked with the Commissioner of Indian Affairs in relation to this case a short time ago, and he is aware of all the facts regarding it. As I have said, I am not personally acquainted with the superintendent, never having seen him, but there is trouble all the time there, and no end of it, and it will increase, in my judgment.

Mr. GALLINGER. Is it not probable, if we pass this bill, that in other States the Indians may be incited, perhaps by white men, to protest against their superintendents and their agents, and that the thing will spread? Then, again, if we pass this bill for South Dakota, why not have every other State where there are Indian reservations exercise the same privilege? Why should we select South Dakota?

Mr. CLAPP. Mr. President, if the Senator from New Hampshire will permit me, I shall perhaps not be able to answer, but I can suggest the reason for the action of the Indian Bureau. The development which the Indians have reached in intelligence in the different States and different tribes varies. For that reason it was thought best not to make this bill general, but to let it apply to these particular Indians. Of course, there is liable to be friction; there ought to be friction; friction is what has brought progress to the white people, and it will bring progress to any other people who have to develop. This seemed to be a very fair adjustment of the matter to the Indian Office. The fact that if a man was removed the Indian Office immediately appoints some one else, in which appointment the Indians will have no voice, is a check, to a certain degree, upon the exercise of this right of recall by the Indians.

Mr. GALLINGER. Mr. President, I will ask the Senator from Minnesota if it would be a procedure very much different from this if the citizens of my State did not like a postmaster and we should give the citizens the right by majority vote to recall the postmaster?

Mr. CLAPP. Well, that does not embarrass the Senator from Minnesota at all, because I never have been able to understand why the people of Concord, N. H., for instance, should not have some voice in the selection of the man whom they have to meet every day when they go to get their mail. I do not know that I would turn the selection of a postmaster absolutely over to the citizens, in view of the national character of the Postal Service, but, at the same time, it would not interfere at all with my views if they did have some voice in selecting him. The idea that because a man happens to be in Congress he can say to a great city, without any recourse whatever on the part of that city, "You shall do your postal business with a man of my choice" has never appealed to me very strongly.

Mr. GALLINGER. We might apply it to any other office.

Mr. CLAPP. Yes; I was not making any personal application of it.

Mr. GALLINGER. Mr. President, I received a similar letter to the one which the Senator from Utah received, and I have a copy of the letter of Hon. Joseph H. Choate. I intended to read it, but have not had time. I think, however, in glancing at it, there are very strong reasons against this bill suggested by Mr. Choate, and I will now object to the further consideration of the bill and ask that Mr. Choate's letter be placed in the Record. When the bill is reached again I certainly will not be factious about it, but if it is not a good bill it ought not to be passed.

The PRESIDING OFFICER. Is there objection to the printing in the Record the letter of Mr. Choate? The Chair hears none.

The letter referred to is as follows:

Letter of Hon. Joseph H. Choate relating to proposed legislation on the administration of Indian affairs.

8 EAST SIXTY-THIRD STREET,  
New York, N. Y., April 3, 1916.

Hon. HENRY F. ASHURST,  
Chairman Committee on Indian Affairs,  
United States Senate, Washington, D. C.

MY DEAR MR. ASHURST: Just now, when questions of great national moment are demanding universal attention, there is danger that matters seriously affecting our domestic affairs may be neglected or entirely overlooked.

The welfare of our Indians is a solemn national obligation. We have no more sacred trust than the protection of the weak from being overreached by the strong. From the earliest times the intent of our people has been to give the Indian that protection.

In the majority of cases this obligation is imposed on the Federal Government by treaty. In the absence of treaty obligation, however, the duty of the Nation to its wards is just as great. In the case of *Heckman v. United States* (224 U. S., 413-417), in speaking of the Indians of the Five Civilized Tribes, the Supreme Court says:

"From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been accomplished, there arises the duty of protection and with it the power."

Specific reservations have properly been set apart for Indian tribes, but for almost half a century there has been a tendency to recognize and give responsibility to the individual. The Dawes Severalty Act, adopted in 1887, was the culmination of this theory. It provides for an allotment of lands to individual Indians, breaking up of tribal relations, and disintegration of communal ownership. The principal thought in this and subsequent legislation has been to place responsibility upon the individual, and at the same time protect him in his personal and property rights until the untutored child of nature is equipped to assume full responsibilities of citizenship.

The difficulty is that too much has been expected of the Indian. To some people it is hard to understand why you can't take an untutored, ignorant, full-blood Indian and make an educated citizen out of him in a fortnight. They expect the unreasonable and impossible. It is contrary to all human experience. Extremists have insisted that the process is too slow, that these wards should be released from Government supervision and suffer the results of their own improvidence, regardless of their qualifications for self-protection and regardless of the consequences to their property rights.

Great caution is necessary in adopting new methods. The Indian problem has been the subject of too many theories which have proven disastrous in practice. In the early days the theory of extermination existed on the ground that "the only good Indian is a dead Indian." This idea did not appeal to our liberty-loving people, and later the theory of "segregation" was conceived, under which the Indians were virtually herded on reservations and policed that they might not escape and injure some white man. The latest theory—that of individualization—developed under the Dawes Severalty Act, really seems most plausible. It may prove a solution of the Indian problems, if properly administered and not interfered with by new and inconsistent legislation.

Of the Indians heretofore allotted about 10 per cent only—the full-bloods, at least—have been prepared for the additional responsibilities thus cast upon them.

Congress in 1908 clothed the county courts of Oklahoma with jurisdiction over the person and property of minor allottees of the Five Civilized Tribes, and further provided that upon the death of an allottee all restrictions against alienation of his land would thereby be removed. The raid upon the Indian's property as a result of this legislation is notorious, and the effect on the Indian was disastrous and irreparable.

Legislation is now pending in Congress which, if adopted, may overturn the present Indian policy and subject the Indian to the worst possible forms of spoliation, not only from outsiders but from unscrupulous persons within the tribal membership. The bill (H. R. 108) introduced by Congressman HASTINGS in the House of Representatives would confer on the Superintendent of the Five Civilized Tribes the authority now vested in the Commissioner of Indian Affairs and the Secretary of the Interior respecting the lands and individual moneys of the enrolled members of the Five Civilized Tribes in Oklahoma. About one-third of the Indian population in the United States belongs to these tribes, with more than 30,000 restricted Indians, their property including over 3,000,000 acres of valuable individually owned land. Perhaps the greatest oil field in the world has been developed in the country of the Five Tribes, from which enormous wealth has accrued to these people.

Under existing law the superintendent of these tribes is nominated by the President and confirmed by the Senate, the appointment being political. The pending bill (H. R. 108) proposes to turn over to this appointee full power and authority over this vast estate, and naturally every pressure, local and otherwise, would be brought to bear on anyone clothed with this great responsibility.

As evidence of the inability of these Indians properly to safeguard their own interests, the following is taken from the opinion of the Supreme Court in 1910 in the case of *Tiger v. Western Investment Co.* (221 U. S., 286-297):

"That full-blood Indians of the Five Tribes are, as a class, incompetent must be assumed, not only from the legislation of Congress with respect to them but from the finding of the Court of Claims, where, in the case of *Brown & Gritts v. United States* (44 C. Cls., 283), it was expressly found that full-blood Cherokees, whose right to alienate their lands was forbidden by the legislation contemporaneous with that involved in the case at bar, were, as a class, unable to speak the English language and incompetent to guard their interest from designing persons who were constantly attempting to induce them to part with their property at grossly inadequate compensation."

With respect to the Hastings bill, Arthur C. Parker, a highly intelligent Indian, engaged in important educational work for the State of New York at Albany, who is also the secretary and treasurer of the Society of American Indians, says:

"ALBANY, March 22, 1916.

"I desire to register my protest against the favorable consideration of H. R. 108, introduced by Congressman HASTINGS, of Oklahoma, designing to confer the authority now invested in the Secretary of the Interior and the Commissioner of Indian Affairs upon the office of the Superintendent of the Five Civilized Tribes. The condition of Indian property and the complex situation that has arisen from inheritance cases and the presence of a large number of incompetent Indians makes it of utmost importance that the administration of their affairs be retained in the hands of the Federal Government. There is precedent enough to show the danger of State control in Indian matters, where these matters are not properly adjusted and where the mass of Indians are by reason of ignorance or disability unable to protect themselves. The Oklahoma situation has been bad enough without now further providing the means for a wholesale plundering of the estates of minors and incompetents. This bill would bring injustice and be a reproach upon the Federal Government."

Another bill recently introduced by Senator JOHNSON, of South Dakota, S. 3904, by its terms proposes to confer upon tribes of Indians the right to select their superintendents and other employees. This would divest the Interior Department of the appointing power, and the Indian Service would be deprived of the wholesome restrictions provided by the civil service. Anyone familiar with Indians can readily imagine how the more dependent full bloods would thus become the easy prey of conniving mixed bloods and unscrupulous whites. As so aptly stated by Rev. Snerman Coolidge, president of the Society of American Indians, "By such law the very worst elements will seek to control Indian tribes."

Senator LANE's bill, S. 4452, proposes legislation to abolish the position of Commissioner Indian Affairs and his assistants, creating in lieu thereof an independent bureau with three commissioners subject only to the control of Congress. This bill provides that these commissioners shall be selected from candidates to be named by all the Indian tribes of the United States "congregated in general delegate council." It is further provided that these commissioners shall exercise all the authority now vested in the Secretary of the Interior and the Commissioner of Indian Affairs.

This bill would also deprive the Indian Service of that protection now afforded by the classified civil service and would subject the Indians to the same pernicious influences as the Johnson bill, the chief difference being that one is retail and the other wholesale destruction. One may suppose that the elements most hostile to the Indians will advocate this and similar vicious legislation.

While the Secretary of the Interior and the Commissioner of Indian Affairs might gladly welcome this relief from the very onerous duties imposed upon them in connection with the administration of Indian affairs, yet these officials, moved by the high sense of public duty the Federal Government owes to its dependent Indian wards, have felt impelled to suggest the great danger to the Indians involved in the legislation contemplated by either of the three bills referred to and have pointed out that existing law is sufficient to enable the Interior Department to place on their own responsibility individual Indians who are qualified to handle their own property. "Competency commissions" are now in the field visiting various reservations where allotments in severalty have been made with a view of removing restrictions against alienation from the land belonging to those Indians found capable of withstanding the machinations of designing persons seeking to prey on members of an unsuspecting race the moment the protecting hand of the Government is lifted.

That wholesale removal of restrictions invites disaster has been amply evidenced by past experience. Should even 50 per cent of the Indians of a given tribe prove competent, is that any reason why the incompetent should be turned over to the mercy of unscrupulous land sharks?

Developments within the past few years show remarkable improvement in the administration of Indian affairs, and just as the latest theory of "individualization" begins to bear good fruit can we afford to destroy the entire structure by removing from the protecting care of the Government even those whose feet are just beginning to tread along the pathway that leads to success?

As an earnest friend of the Indian race I trust that neither of these bills nor any similar legislation will be enacted.

Sincerely, yours,

JOSEPH H. CHOATE.

Mr. CLAPP. Mr. President, I desire at this point to add a word to what I said a moment ago, when I referred to the fact that human nature was disposed to retain authority. I would not want that to be understood as a reflection upon the present Indian Office. Of course, as a member of the Indian Committee and having once for some years served as its chairman, I have been brought very closely in contact with the Indian Office, and, so far as it might be proper, I desire to express at this time my appreciation of the efforts of that office to serve the great subject which has been committed to their charge. It is simply human nature that we shall always be loath to give up our authority and jurisdiction over others.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

#### CONVEYANCE OF LAND TO FLANDREAU, S. DAK.

The bill (S. 5635) authorizing the conveyance of certain land in the State of South Dakota to the town of Flandreau, in said State, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 6, after the word "land" to strike out "south one-half of lot 14 of the southwest quarter of section 21, township 107, range 47 west, Moody County, S. Dak., for the purposes of a public park," and insert "south one-half of lot 14 of the southeast quarter of section 21, township 107 north, range 48 west, fifth principal meridian, Moody County, S. Dak., which shall be permanently used as a public park or playground," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the town of Flandreau, Moody County, S. Dak., for the following-described land: South one-half of lot 14 of the southeast quarter of section 21, township 107 north, range 48 west, fifth principal meridian, Moody County, S. Dak., which shall be permanently used as a public park or playground.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. T. NANCE.

The bill (H. R. 10052) to reimburse J. T. Nance was considered as in Committee of the Whole. It proposes to pay \$81.78 to J. T. Nance, postmaster at Harrodsburg, Ind., to reimburse him for losses sustained by reason of robbery of that post office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JOHN A. FOX.

The bill (H. R. 14952) for the relief of Mrs. John A. Fox was considered as in Committee of the Whole. It proposes to pay \$1,000 to Mrs. John A. Fox, widow of John A. Fox, postmaster at Glenarm, Oldham County, Ky., who was killed in the discharge of his duty.

Mr. SMOOT. Mr. President, I see a number of claim bills on the calendar have been referred to the Committee on Post Offices and Post Roads, which seems not to have hesitated in reporting them back to the Senate. Other bills of similar character have gone to the Committee on Claims, and I desire to ask the Senator from Florida [Mr. BRYAN], the chairman of the Committee on Claims, who is also a member of the Committee on Post Offices and Post Roads, if the policy in the future is to be changed, and if such claims bills are to be referred to the Committee on Post Offices and Post Roads?



Mr. BRYAN. Mr. President, I have observed the fact to which the Senator refers. I do not know why they were sent to the Committee on Post Offices and Post Roads.

Mr. JAMES. I think I can tell the Senator.

Mr. BRYAN. I am not speaking particularly of this bill, but there are a number of other claims bills which have been referred to the Committee on Post Offices and Post Roads and reported by that committee. Why, I do not know.

Mr. SMOOT. I am speaking of 50 or more bills of similar character on the calendar.

Mr. JAMES. Mr. President, the beneficiary of this bill is the widow of the former postmaster at Glenarm, Oldham County, Ky., who was murdered in the discharge of his duty. The bill was introduced in the House and was passed by that body. Then it came to the Senate and was referred in the usual way to the Committee on Post Offices and Post Roads.

Mr. SMOOT. In the House the bill was referred to the Committee on Claims. It subsequently passed that body, but when it came to the Senate it was referred to the Committee on Post Offices and Post Roads. It should have gone to the Committee on Claims. I was not speaking as to the justice of the claim covered by the pending bill, for I do not know anything about that; but I do know that such claims bills ought to go to the Committee on Claims.

Mr. JAMES. This is a particularly just bill.

Mr. SMOOT. I am not saying that it is not.

Mr. JAMES. As I have already stated, the postmaster was murdered in the discharge of his duty. The bill has been unanimously reported, and I hope no objection will be made to its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JAMES. Mr. President, in connection with the bill just passed, I ask that there be printed in the RECORD the portion of the report on the bill filed by the Senate committee, covering a letter from the Postmaster General and certain affidavits.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., May 6, 1916.

Hon. EDWARD W. POU,  
Chairman Committee on Claims, House of Representatives.

SIR: I beg to acknowledge the receipt of your letter of May 2, 1916, transmitting a copy of bill (H. R. 14952) for the relief of Mrs. John A. Fox, widow of John A. Fox, who was killed while in the performance of his duties as postmaster at Glenarm, Ky., on December 1, 1915. Investigation by a post-office inspector disclosed that while the postmaster was engaged in making out his monthly reports he was stealthily approached from behind and shot in the head, death resulting within a few minutes. The trial of the murderer, Jack Henderson, was conducted by the State of Kentucky, resulting in a sentence of life imprisonment.

The circumstances attending the death of the postmaster are such that I am constrained to recommend favorable consideration of the bill.

Respectfully,

A. S. BURLINSON, Postmaster General.

STATE OF KENTUCKY, County of Oldham, ss:

On this the 3d day of May, 1916, personally appeared before me Mamie H. Fox, who, after being first duly sworn before me according to law deposes as follows: Affiant says that she is 58 years of age and that she resides at Glenarm, Oldham County, Ky., and that she is the widow of John A. Fox, deceased. Affiant says that her deceased husband was the postmaster at Glenarm, Ky., on the 1st day of December, 1915. Affiant says that on said 1st day of December, 1915, at about 10 minutes after 4 o'clock, which day was rather dark and rainy, my husband was at the post office attending to his duties as postmaster, when a negro robber named Jack Henderson shot and killed him as he was seated at his desk at work in the post office; he was shot through the head just above the left ear and his head pitched forward on his desk; he was found in this position before he ceased breathing by Joe Kraus and his daughter Minnie Kraus, who reside at Glenarm, Oldham County, Ky. After the negro had shot my husband he robbed the post office of \$5.35; this sum of money was taken from a box where my husband kept the change from the sale of stamps. The negro had failed to get the money taken in from the sale of money orders because that money was under some books in the desk drawer where my husband was sitting at the time he was shot, and where he was found at his seat, as is shown by the affidavits of Joe Kraus and Minnie Kraus, filed with this affidavit. Affiant was notified immediately of the murder and ran down to the post office. My husband was in the chair at his desk with his head and hands lying on the desk. Affiant says that the negro, Jack Henderson, was tried at the February term of the Oldham Circuit Court and convicted and sentenced to the penitentiary for life. Affiant says that her deceased husband was her only support; that her father and mother are both dead, and that she has no children. Affiant says that the only property of any kind she owns is a four-room cottage and 2 acres of ground located at Glenarm, Ky., which is worth about \$500 in money. Affiant says that she is in bad health and in needy circumstances, and for this reason she needs assistance from the Government in her old days.

MAMIE H. FOX.

Subscribed and sworn to before me by Mamie H. Fox this 3d day of May, 1916.

[SEAL.]

T. T. MAGRE,  
Notary Public, Oldham County, Ky.

My commission expires February 7, 1920.

STATE OF KENTUCKY, County of Oldham, ss:

On this the 3d day of May, 1916, personally appeared before me Joe Kraus, who, after being first duly sworn according to law, says that his age is 45 years, and that he resides at Glenarm, Oldham County, Ky. Affiant says the he is well acquainted with Mrs. John A. Fox and that he knew her deceased husband, John A. Fox, for some years prior to his death.

Affiant says that his house is located about 200 yards from the post office at Glenarm, Oldham County, Ky. He says that the L. & E. Railway Co.'s tracks parallel the tracks of the L. & N. Railroad Co. at Glenarm, Ky., and that the L. & E. Co.'s station is about 300 yards west or closer to Louisville than the post office. Affiant says that on the 1st day of December, 1915, he and his daughter, Minnie Kraus, were in Louisville, Ky., and that they went to their home at Glenarm on the L. & E. Railway car, and got off at the L. & E. station, which is about 300 yards west of the post office, at about 10 minutes after 4 o'clock, and started to the post office to get their mail before going to their home. As they got off the car and started toward the post office, affiant noticed a negro named Jack Henderson within a couple of feet of the post-office door. The negro came toward the affiant and his daughter, and as he approached them affiant noticed him pull his cap down over his eyes. Affiant and daughter proceeded to the post office. As I entered the post-office door I saw at a glance that John A. Fox, the postmaster, had been murdered; he was still breathing; he had been shot with a .32-caliber pistol. There were no other person or persons about the post office. I told my daughter to run across to my house and get my pistol. I kept my eye on the negro. When she returned with my pistol I started after the negro. As I advanced on him he began to run, me after him, running the faster; he jumped over into a corn field, affiant after him; he ran into a negro cabin. As he did so I went right in after him, put the pistol on him, and marched him in front of me back to the post office, locked him up in the telephone booth; the negro was turned over to the sheriff; the negro had robbed the post office of \$5.35.

The negro was tried and convicted in the Oldham circuit court at the February term of court and sentenced to the penitentiary for life.

JOE KRAUS.

Subscribed and sworn to before me by Joe Kraus this the 3d day of May, 1916.

[SEAL.]

FRED STARCK,  
Notary Public, Jefferson County, Ky.

STATE OF KENTUCKY,  
County of Oldham, ss:

On this the 3d day of May, 1916, personally appeared before me Minnie Kraus, who, after being first duly sworn according to law, says that she is 22 years of age, and that she resides at Glenarm, Oldham County, Ky.; she says that she and her father, Joe Kraus, got off of a L. & E. car at the interurban station, which is about 300 yards west or closer to Louisville than the post office at Glenarm, Oldham County, Ky., going to their home, which is about 100 yards from the post office, on the 1st day of December, 1915, and that they noticed a negro about 2 feet from the post-office door; that the negro came directly toward affiant and her father, the negro coming away from the post office and affiant and her father going toward the post office, and they passed the negro on the path leading up to the post office. The negro pulled his cap down closer over his eyes as he approached affiant and her father. The place where affiant and her father got off the L. & E. car is about 300 yards west of the post office. It was about 10 minutes after 4 o'clock p. m. when affiant got to the post office and opened the door. Affiant saw that the postmaster, John A. Fox, had been killed. He was still breathing; he had been shot through the head. There were no person or persons about the post office at the time. Affiant was directed by her father to go after his pistol, and affiant did so just as quick as she could, gave it to her father, and her father started after the negro, and after a chase brought the negro back and locked him up in the telephone booth, and that the negro, who turned out to be Jack Henderson, was tried and convicted at the February term of the Oldham circuit court and sent to the penitentiary for life.

The negro had robbed the post office of about \$5.35, which sum of money was found on his person when his pockets were examined.

This affiant says that on the afternoon of the murder she had been to Louisville, Ky., and she and her father, Joe Kraus, were together and alighted from the car together; she says that it was raining at the time, and it was a dark and gloomy afternoon.

MINNIE KRAUS.

Subscribed and sworn to before me by Minnie Kraus this the 3d day of May, 1916.

[SEAL.]

FRED STARCK,  
Notary Public, Jefferson County, Ky.

AQUILA NEBEKER.

The bill (S. 5632) for the relief of Aquila Nebeker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized in his discretion, to accept title to the following described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: The south half of the southeast quarter of section 3; the northeast quarter of the northeast quarter and the south half of the southwest quarter of section 10; the north half of the northeast quarter of section 15, all in township 12 north, range 4 east; the south half of the northwest quarter and the northwest quarter of the southwest quarter of section 14, township 13 north, range 4 east; lots 1, 2, 3, and 4 and the south half of the northwest quarter and all of the southwest quarter of section 4; all of section 9; and the north half of section 16; all in township 14 north, range 4 east of Salt Lake base and meridian, situate in the Cache National Forest; and to issue to Aquila Nebeker in lieu thereof patents to the following described areas, or to such parts thereof as are approximately equal in value to the lands conveyed: The south half of the northeast quarter and all of the southeast quarter of section 11; the southwest quarter of section 12; all of section 13, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, and all of the southeast quarter of section 14; the northeast quarter of section 25; and the north half of section 24; all in township 13 north, range 4 east of Salt Lake base

and meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Cache National Forest and subject to all laws and regulations applicable thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER C. RICE.

The bill (S. 4915) for the relief of Oliver C. Rice was announced as next in order.

Mr. BRYAN. Mr. President, I should like to inquire of the Senator who reported this bill, why there has been omitted the usual provision to the effect that the passage of the bill should not entitle the person for whose benefit it is passed to back pay? I notice in other bills of this character such a provision is included; but it has not been included in this bill; and it occurs to me that perhaps, if this gentleman gets his record straightened out and is considered as an honorably discharged soldier, he can make claim for pay back to the date of the war. I want to know why that exception was made in the case of this individual?

Mr. MYERS. Mr. President, I reported the bill, but I know nothing about it. The bill was introduced by the late Senator from Indiana, Mr. Shively, and was passed on by the Military Affairs Committee of the Senate. I was simply requested to report it, and I did so. If the Senator thinks that the provision to which he has referred ought to be in the bill, he can move an amendment to that effect. The committee did not put it in, but I do not know why it was omitted.

Mr. BRYAN. That is the way in which it was reported, and therefore I ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

ORION MATHEWS.

The bill (S. 2388) for the relief of Orion Mathews was considered as in Committee of the Whole. It provides that in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, Orion Mathews, late of Battery D, Second Regiment United States Artillery, shall be held and considered to have been honorably discharged as a private from that battery and regiment on the 22d day of March, 1865; but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 4320) to remove the charge of desertion against James B. Smock was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

WILLIAM GUY.

The bill (H. R. 11939) for the relief of William Guy was announced as next in order.

Mr. BRYAN. Mr. President, I should like to ask what was the recommendation of the Department of the Interior in the case of that bill?

Mr. SMOOT. That is rather a strange bill. I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

J. M. POTTER.

The bill (H. R. 9375) for the relief of J. M. Potter was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury of the United States not otherwise appropriated, to J. M. Potter, of Pikeville, Pike County, Ky., the sum of \$140, as a reimbursement for expenses incurred for surgical and medical aid and hospital fees in having wounds treated which were received while in the discharge of his duties as deputy United States marshal, and for loss of time, suffering, and permanent disability resulting from said wounds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARKENTINE "MABEL I. MEYERS."

The bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 13, after the word "appeal,"

to insert "*Provided*, That no award or judgment shall be made for prospective profits," so as to make the bill read:

*Be it enacted, etc.*, That the claim of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and the claim of the owners of the cargo of molasses late on board said barkentine, in alleged collision with the U. S. S. *Nebraska* about 30 miles southeast of Cape Cod, Mass., on the 30th day of July, 1915, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine and by her master and crew, and by the owners of said cargo, may be submitted to the United States Court for the District of Massachusetts, the district nearest to which the collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty. And that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That no award or judgment shall be made for prospective profits.

SEC. 2. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. Mr. President, I move that order of business 283, being Senate bill 3270, with a similar title, be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

AMENDMENT OF THE PATENT LAWS.

The bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNESOTA & ONTARIO POWER CO.

The bill (H. R. 2555) for the relief of the Minnesota & Ontario Power Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the Minnesota & Ontario Power Co., a corporation organized under the laws of the State of Minnesota, from any moneys in the Treasury not otherwise appropriated, the sum of \$714.66, the same being duties paid by the said Minnesota & Ontario Power Co. to the collector of customs for the district of Minnesota on May 31, 1912, on certain boilers and machinery especially imported from Canada for the equipment of a steam barge operating in the Rainy River between Minnesota and Ontario, said boilers and machinery having been refused for such use in the United States by the Secretary of Commerce and Labor, and at once having been returned to Canada without being used for any purpose in the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 4836) for the relief of Daniel O'Connell was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. OVERMAN. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

The joint resolution (S. J. Res. 92) relative to the construction on the site selected of the central heating, lighting, and power plant authorized by the provisions of the sundry civil appropriation act approved June 23, 1913, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 6352) for the relief of David Steers, alias William Johnson, alias John Hartman, was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. OVERMAN. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

GARDINER L. EASTMAN.

The bill (S. 5203) for the relief of Gardiner L. Eastman was considered as in Committee of the Whole.



The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Gardiner L. Eastman, who was a private of Company H, Thirtieth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 16th day of June, 1865: *Provided*, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

Mr. OVERMAN. Let that bill go over. This man was dishonorably discharged.

Mr. JOHNSON of Maine. Mr. President, I should like to call the Senator's attention to the fact—

Mr. OVERMAN. I simply wanted an explanation of the bill. I withdraw my objection.

Mr. JOHNSON of Maine. I will say that the committee had very fully investigated this matter and considered the reports from the War Department.

Mr. OVERMAN. I saw that he was dishonorably discharged.

Mr. JOHNSON of Maine. The reason was simply this: He was on the picket line and a musket was discharged, and he thought it was a signal to come in. The others came in, and he came into the camp. He had served three years and three months and then reenlisted. He came into camp, and was court-martialed for deserting his post, and was dishonorably discharged.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Gardiner L. Eastman."

#### ORION MATHEWS.

Mr. GALLINGER. Mr. President, the proviso in the bill we have just passed is precisely as it ought to be in all similar bills:

*Provided*, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

In the case of Order of Business 655, it simply says:

*Provided*, That no pension shall accrue prior to the passage of this act.

I ask that the vote whereby that bill was passed be reconsidered, and that language be substituted.

The PRESIDING OFFICER. The question is upon the reconsideration of the votes whereby order of business 655, Senate bill 2388, for the relief of Orion Mathews, was passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. Now I move to strike out the words: "*Provided*, That no pension shall accrue prior to the passage of this act," and insert the words:

*Provided*, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### POST-OFFICE BUILDING, PITTSBURGH, PA.

The bill (S. 6601) for the enlargement of the post-office building in Pittsburgh, Pa., was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to cause the present old post-office building at Pittsburgh, Pa., to be enlarged, extended, remodeled, and improved for the better accommodation of the post office and other governmental offices, at a cost not exceeding \$50,000, including all changes in, extension of, or additions and repairs to the mechanical equipment which may become necessary by reason of or incident to such enlargement, extension, remodeling, or repairs of said building, or which it may be found expedient to make to such mechanical equipment because of such enlargement, extension, remodeling, or repair of said building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said building, grounds, approaches, and mechanical equipment of such building as extended. And the Secretary of the Treasury is further authorized, in his discretion, to disregard the provisions requiring 40 feet open space for fire protection.

Mr. WALSH. Mr. President, I should like to learn from some member of the Committee on Public Buildings and Grounds, to which bills of this nature are referred, how it

comes about that a bill of this kind is reported as a separate bill. My understanding about the matter is that all the bills making appropriations for public buildings throughout the country eventually take the form of an omnibus bill, just the same as all of the pension bills take the form of an omnibus pension bill. A few weeks ago we passed here a bill making appropriations for a public building at Bingham Canyon, Utah, and that and the bill before us are the only individual bills for post-office construction.

Mr. SMOOT. The Senator is mistaken about that. Only day before yesterday a bill for a public building for Ohio was passed here by unanimous consent. They are only passed in cases where there is an emergency. For instance, one was passed for West Virginia. One was passed for Arizona carrying \$325,000. I have one here for Park City, Utah. The building was authorized eight years ago.

Mr. WALSH. Can the Senator tell me what the particular emergency was at Tucson, Ariz.?

Mr. SMOOT. I do not know whether there was any emergency or not, but it passed the Senate.

Mr. WALSH. I am simply struggling to learn. I have not been able to get any special reports from the committee upon any Montana bills, being always advised that they would go in the omnibus public buildings bill; and I wanted to learn the secret.

Mr. OLIVER. Mr. President, I think I can explain to the Senator's satisfaction about this particular case. This bill was sent to me by Assistant Secretary Newton. It relates to a post-office building in my own city, and it was sent to me by the Assistant Secretary of the Treasury with the request that I introduce it.

It has now been nearly 10 years since a site was purchased in the city of Pittsburgh for the erection of a new post-office building, which was then an urgent case. Owing to a grievous mistake in the selection of the tract which was purchased, and which was entirely unsuitable, the matter has lain dormant ever since. In the meantime the business of the post office has more than quadrupled. I suppose it is almost ten times what it was at that time; and with the introduction of the Parcel Post System the congestion is so great that something must be done immediately.

I will read what the Assistant Secretary said in his communication to the committee:

Sir: In response to your recent request the following report is submitted on S. 6601, which provides for the enlargement of the post-office building at Pittsburgh, Pa.

From information received by this department, the quarters occupied by the post office in the present building are very much congested and additional working space is urgently needed. The Post Office Department recommends the construction of an extension on the rear of the present building for a receiving and delivering shed. Under the present arrangement only four vehicles can be accommodated at one time, resulting in much delay in loading and unloading the mails. Under the proposed scheme 17 vehicles will be accommodated at one time.

The proposed shed is to be two stories in height, about 161 feet long and 43 feet wide, the lower story being used as a driveway extending the full length of the building and connecting with the street on the north and south of the site, with about 3,500 square feet working space opening out onto a platform alongside the driveway. The upper story will cover the entire area of the structure and extend out over the driveway, thus furnishing additional space of about 6,000 square feet.

It is estimated that an extension as indicated above, of substantial construction, can be completed for the sum of \$50,000, including the necessary alterations in the present building.

I will state that this is all temporary in its nature. In the early future a new building will be erected there, but something must be done at once, and it is proposed, if this bill is passed, that this addition will be constructed and in use before the snow flies.

Mr. WALSH. Just one other question. An emergency seems to exist in this case, from the statement made by the distinguished Senator from Pennsylvania. Let me inquire if he is a member of the Committee on Public Buildings and Grounds?

Mr. OLIVER. I am not a member of that committee.

Mr. WALSH. Is the Senator's colleague, possibly?

Mr. OLIVER. No; neither of us is a member of it. This bill was sent to me, and the chairman of the Committee on Public Buildings and Grounds referred it to the department, received this communication from the department, and then was kind enough to poll the committee on it, and every member of the committee who was applied to agreed to a favorable report on the bill.

Mr. WALSH. I made the inquiry simply with a desire to find the secret, if I could.

Mr. OVERMAN. Mr. President, it is usual to have an omnibus bill prepared by the House. No public building bill that is passed here ever goes through the House as a separate proposition. The House of Representatives prepares the omni-

bus bill, and if this bill passes here it goes before the House Committee on Public Buildings and Grounds and meets with their approval; they then put it in the omnibus bill and send the omnibus bill back here, probably with this bill in it, if they favor it. That is the rule.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (H. R. 14889) for the relief of the heirs of Jackson J. Mash, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### HIRAM P. GEASLIN.

The bill (H. R. 7396) for the relief of Hiram P. Geaslin was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit the accounts of or to pay, out of any money in the Treasury not otherwise appropriated, to Hiram P. Geaslin, of Hornersville, Mo., the sum of \$81.71, being the value of documentary stamps taken from his custody as postmaster at Hornersville, Mo., by burglars on the 6th day of April, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BUREAU OF LABOR SAFETY, DEPARTMENT OF LABOR.

The bill (H. R. 153) to create a bureau of labor safety in the Department of Labor was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SMITH of Georgia. Mr. President, I ask the Senator to withdraw his objection for just a moment.

Mr. SMOOT. Did the Senator offer the amendment that was suggested the other day?

Mr. SMITH of Georgia. I wanted to let the Senate understand that I am not going to support the bill as providing for a bureau. I was authorized by the committee to make certain further investigations; and, first, I am going to change it by changing the bureau to a division. Instead of having a \$5,000 salary for its head, I am going to ask that it be a chief of a division, with a salary of \$2,500. In the next place, I am going to ask that it be amended so as to exclude from its provisions the Bureau of Mines. In the next place, I am going to ask that it be amended—and I have the amendment ready—so as to except all railroad appliances, and take out from under its operation appliances incident to railroad service. In the next place, I am going to ask that it be amended so as to eliminate diseases, so as to leave diseases just where they are, and limit it simply to a collection and study of safety appliances where we are doing nothing already. I mention this because I thought it would remove the objection to the bill.

Mr. SMOOT. I think more than likely it will, so far as I am concerned; but I will say to the Senator that unless those changes were made I shall not favor the bill.

Mr. SMITH of Georgia. Unless those changes are made I shall not support the bill myself.

Mr. NELSON. In view of all the amendments the Senator desires to submit—and I think they are good amendments—the bill ought to be reprinted. Would it not be well to recommit the bill and prepare it in committee?

Mr. SMITH of Georgia. They are very simple amendments, and they can be put into this bill in five minutes.

Mr. NELSON. Very well.

Mr. GALLINGER. I will ask the Senator if he has any objection, after the word "law," in line 10, to insert the words "to be selected from the eligible list of the Civil Service Commission."

Mr. SMITH of Georgia. Not the slightest. My change puts them all under the civil service. The chief of the division will be under the civil service. It will not be a presidential appointment. I am simply reducing them to an ordinary division in the department and limiting the work to a study of subjects not elsewhere provided for.

Mr. GALLINGER. So the chief of the division would have no authority to go outside of the civil service and make appointments.

Mr. SMITH of Georgia. No.

Mr. GALLINGER. If that be so, my amendment is not necessary.

Mr. SMITH of Georgia. I think the amendment is not necessary. The language used was intended to limit to the civil service; but if it does not, I will offer an amendment covering it.

Mr. OLIVER. I suggest in view of the many amendments which I think will render the bill acceptable that it be offered and printed and then let the bill go over.

Mr. SMITH of Georgia. I think the suggestion wise, and I will offer them now and let the bill be reprinted.

Mr. OLIVER. Let the bill be considered and the amendments be offered and then let the bill go over.

Mr. NELSON. I suggest that it would be much better to submit the bill in an entirety in the form of a substitute. It would be much easier to consider a substitute to the bill and have the substitute embrace all the changes that are desired.

Mr. OVERMAN. I ask the Senator to allow it to go back to the committee, because there are so many amendments I think it would be better to bring in a substitute.

Mr. SMITH of Georgia. I will ask, in view of the suggestion of Senators, that the bill be recommitted.

The PRESIDING OFFICER. The question is on the motion to recommit the bill.

The motion was agreed to.

#### COMPENSATION OF EMPLOYEES FOR INJURIES.

The bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, was announced as next in order.

Mr. SMOOT. I have no objection to the bill, but there are Senators who desire to offer amendments to it, and it is a long bill. Let it go over.

Mr. SMITH of Georgia. I wish to state to Senators that there is one amendment that I wish to offer. I wish to provide by amendment that the present force of the employees in the Department of Labor who are engaged in this work shall be transferred to the new work and be made a part of the new work.

Mr. GALLINGER. Mr. President, I want to commend the suggestion of the Senator from Georgia. I was greatly pleased to find that the Senator from Georgia had decided not to create another bureau but a division in connection with the bill just recommitted. So in this case, I think, we ought to be very careful and transfer these officials and not leave it open so that additional appointments may be made.

Mr. SMITH of Georgia. Mr. President, just one moment before the bill goes over. I have given a good deal of thought to it, and I rather think it would be better to have three men. It is a semijudicial work in passing upon these claims. The committee put in a provision at my suggestion which recognizes an entirely new principle in compensation that is resisted by a good many other friends of compensation, but I am sure it is right.

We have an amendment which provides that this commission where they find that the injury resulted in whole or in part from the negligence of the employee injured may reduce the amount of the compensation allowed in the bill in proportion to such negligence, and that the total reduction shall not be more than 25 per cent. I put the amount small. I have still left him enough to live. We only make the reduction in case there is not a death, and yet we believe there should be what I believe is a most essential principle that has been omitted in these compensation acts, some lessening of the compensation to the man whose own negligence brings on the casualty.

Mr. OVERMAN. What is the difference between this bill and the compensation bill reported by the Judiciary Committee which is now on the calendar?

Mr. SMITH of Georgia. I think it is a much more complete bill. I think it is a much more comprehensive bill. I am not responsible for the draft of this bill. There is an organization in New York City which is devoted to philanthropic purposes and to compensation legislation, and it has helped to prepare the compensation bills for most of the States of the Union. I think they prepared the original bill, and the House worked over it and perfected it. It is one of the most comprehensive and philosophic bills and the most complete that I have ever studied. Our amendment contains a principle that I think ought to be in all these compensation bills, some small lessening of the compensation when the man's own negligence causes the accident. We have put it in by way of amendment in this bill, but in no case is it to be more than 25 per cent of the amount allowed, to be lessened according to the degree of his negligence, and not to apply if he is killed and the money goes to his wife and children.

Mr. WALSH. Mr. President, I venture to express the hope that the distinguished chairman of the committee will reflect further upon that provision of the bill, and I feel entirely satisfied that the more thought he gives to it the more firm will become his conviction that it is unsound in principle.

Mr. President, the chief reason or at least one of the chief reasons for substituting the principle of compensation for all



instead of the present method of exacting reparation upon the ground of liability is that recovery is defeated almost invariably in cases of alleged contributory negligence.

The Senator from Georgia, I am sure, has had a large experience in the trial of cases of this character. I am sure his experience will convince him that it often happens that a man is technically guilty of contributory negligence when really it is a misfortune, and that he should not be denied a recovery on that ground. There are many things in the infinite division of labor that go to distract the attention of a man for an instant. For instance, his hand comes up against a saw or a man engaged in any other dangerous occupation is guilty of negligence; of course he ought to have been attending to his duty but we are all frail, we forget about it; we do not give the attention that we should. It often happens that a man's negligence is entirely excusable—that is, it is something that diverted his attention at the time when it ought to have been riveted upon his work.

It is rather the frailty of the human mind; and what is more significant, Mr. President, it exists in different and varying degrees in different people. Some people have the great power of concentration, and they are not readily diverted; others, of less strong mental make-up, of less vigorous mentality, are more easily diverted. Of course the hard, studious man is the man who is able to concentrate his attention on what is before him and keep it there, but the man of less restraint permits his attention to be diverted from the matter in hand.

Then again—

Mr. SMOOT. Mr. President, I objected to the consideration of the bill. Will the Senator not allow us to go on with the calendar now? The bill will be up for consideration again, as the Senator knows. I do not like to take the Senator off his feet, but—

Mr. WALSH. I did not intend to trespass upon the attention of the Senate to-day, but I was afraid I would not be here the next time the bill came up.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. SMITH of Georgia. Mr. President, just one word. I have given much thought to this subject and my views are matured in favor of some reduction of compensation to the party injured by his own negligence.

#### EMPLOYMENT OF FEDERAL PRISONERS.

The joint resolution (S. J. Res. 151) authorizing the appointment of a special joint commission of the Senate and House of Representatives to investigate the employment of Federal prisoners in industrial occupations for the benefit of the Government of the United States was considered as in Committee of the Whole.

It had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, to strike out "advantageously" and insert "judiciously," so as to make the joint resolution read:

*Resolved, etc.,* That a special joint commission, to be composed of two Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is hereby created for the purposes of ascertaining—

First. To what industrial occupations the Federal prisoners of the Government of the United States can be most judiciously employed.

Second. What articles of manufacture now being used or in contemplation of use by the Government such prison labor is best adapted.

Third. The extent to which the Government should engage in such industrial activities for the sole use and benefit of the Government.

Fourth. The extent of the competition of such activities on the part of the Government with free labor in the country.

Fifth. The feasibility and justice of compensation to Federal prisoners or their dependents while incarcerated in said prisons out of any profits that may accrue to the Government from such industrial activities.

Sixth. The cost of installing the necessary machinery and the other equipment necessary to carry on such enterprises in said prisons.

Sec. 2. That said special joint commission shall make said investigation during the interim of the adjournment of the present session of Congress and the convening of the second session of this Congress, filing its report not later than the second Monday in December next.

Sec. 3. That for the necessary expenses incident to the investigation aforesaid not to exceed \$5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of the joint commission.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### ADJUDICATION OF PRIVATE CLAIMS.

The bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. SMOOT. I ask that the bill may go over to-day.

The PRESIDING OFFICER. Objection being made, the bill will go over.

#### ANNUITIES OF SIOUX INDIANS.

The bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 1, page 2, line 13, after the word "act," to insert "without interest," and in line 14, after the word "include," to strike out "the present value of the same and the" and insert "principal or"; so as to make the bill read:

*Be it enacted, etc.,* That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stats. L., p. 538), and August 5, 1851 (10 Stats. L., p. 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided,* That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act without interest and shall determine and include principal or capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Sec. 2. That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Sec. 3. That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

Sec. 4. That the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of \$2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (H. R. 2208) for the relief of James L. Yokum was announced as next in order.

Mr. BRYAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 6698) for the relief of Edward L. Keyes was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

#### SUITS UNDER REVENUE LAW.

The bill (H. R. 14299) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was considered as in Committee of the Whole. It proposes to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, so as to read:

Sec. 33. That when any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law, or is commenced against any person holding property or estate by title derived from any such officer and affects the validity of any such revenue law, or against any officer of the courts of the United States for or on account of any act done under color of his office or in the performance of his

duties as such officer, or when any civil suit or criminal prosecution is commenced against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the said suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court next to be holden in the district where the same is pending upon the petition of such defendant to said district court and in the following manner: Said petition shall set forth the nature of the suit or prosecution and be verified by affidavit and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced or of the United States stating that, as counsel for the petitioner, he has examined the proceedings against him and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said district court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the district court and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpoena, petition, or any other process except capias, the clerk of the district court shall issue a writ of certiorari to the State court requiring it to send to the district court the record and the proceedings in the cause. When it is commenced by capias or by any other similar form of proceedings by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court or left at his office by the marshal of the district or his deputy or by some other person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the district court, and any further proceedings, trial, or judgment therein in the State court shall be void. If the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause, according to law and the order of the district court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the district court that no copy of the record and proceedings therein in the State court can be obtained, the district court may allow and require the plaintiff to proceed de novo and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said district court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOMESTEAD RESIDENCE OF SOLDIERS.

The joint resolution (S. J. Res. 147) extending the provisions of the act approved June 16, 1898, was considered as in Committee of the Whole. It provides that the provisions of the act approved June 16, 1898 (30 Stats. L., p. 473), shall be applicable in all cases of military service rendered in connection with operations in Mexico or along the border thereof, whether such service be in the regular military or naval organization of the United States or the militia of the several States, and whether or not a state of war may exist or may have been declared.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMERICAN NURSES' ASSOCIATION.

The bill (S. 6667), to incorporate the American Nurses' Association, was considered as in Committee of the Whole. The bill was read, as follows:

*Be it enacted, etc.,* That Annie W. Goodrich, Adda Eldredge, Elsie M. Lawler, Katherine De Witt, M. Louise Itwiss, Helen B. Criswell, S. Lillian Clayton, Jane A. Delano, Mary M. Riddle, Ella Phillips Crandall, Mathild Krueger, and their associates and successors are hereby created a body corporate in the District of Columbia.

SEC. 2. That the name of this corporation shall be "The American Nurses' Association," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to adopt and use a common seal and to alter the same at pleasure; to acquire by devise, bequest, or otherwise and to have and to hold such real and personal estate as shall be deemed advisable; to administer all funds and property held for the purposes of the corporation; to mortgage or otherwise encumber, should it be necessary so to do, the real estate which it may hereafter own or acquire, and to give therefor such evidence of indebtedness as such corporation may decide upon; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof; and generally to do all such acts and things (including the establishment of regulations for the election of associate and successors) as may be necessary to carry into effect the provisions of this act and to promote the purposes of said organization.

SEC. 3. That the purposes of this corporation are and shall be to promote the professional and educational advancement of nurses in every proper way; to establish and maintain a code of ethics among nurses; to elevate the standard of nursing education; to distribute relief to such nurses as may become ill, disabled, or destitute; to disseminate information on the subject of nursing by publications in official periodicals or otherwise; to bring into communication with each other the various nurses and associations and federations of nurses throughout the United States of America; and to succeed to all the rights and property held by the American Nurses' Association as a corporation duly incorporated under and by virtue of the laws of the State of New York.

SEC. 4. That the corporation may adopt by-laws for the admission and qualification of members, the election of officers, the management of its property, and the regulation of its affairs, with a governing body so constituted as may be deemed advisable, and with power to amend by-laws at pleasure.

SEC. 5. That the principal office of the corporation shall be located at Washington, in the District of Columbia, but offices may be maintained and meetings of the corporation may be held at such times and places as the corporation may designate, and meetings of the directors, or such other officers as constitute the governing body, may be held at such times and places as they shall designate.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ILLINOIS CENTRAL RAILROAD CO.

The bill (H. R. 10546) for the relief of the Illinois Central Railroad Co., and for other purposes, was considered as in Committee of the Whole. It proposes to pay \$100 to reimburse the Illinois Central Railroad Co. for the payment by it of a fine of like amount levied and collected by the Secretary of the Treasury for failure on the part of the railroad company to clear a shipment of household goods originating in Habana, Cuba, and destined to Edmonton, Alberta, Canada, through the United States customs at Portal, N. Dak., it having been ascertained by the Secretary of the Treasury subsequent to the payment of the fine by the carrier that the shipment had been duly cleared through the United States customs at Noyes, Minn., and that no customs duties were due or collectable thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ACTIONS FOR DEATH ON THE HIGH SEAS.

The bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 3, page 2, line 7, after the word "within," to strike out "one year" and to insert "two years"; in line 12, after the words "period of," to strike out "one year" and insert "two years"; and, in line 15, after the word "offered" and the period, to strike out "After said period of one year it shall be barred as to an innocent purchaser for value without notice," so as to make the section read:

SEC. 3. That such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until 90 days after a reasonable opportunity to secure jurisdiction has been offered.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to insert:

SEC. 7. That this act shall not affect any pending suit, action, or proceeding.

The amendment was agreed to.

Mr. WALSH. Mr. President, before final action is taken on this bill I desire to say that the question was raised in the Judiciary Committee, by which the bill was considered, as to whether it is within the power of the Government of the United States to create the liability which would come into existence under an act of this character in case of accidents happening upon the high seas upon a vessel belonging to some other country and sailing under a flag other than our own. I have not been convinced that the jurisdiction of our Government extends so far. It is my own impression that the act will be applicable only to vessels of United States registry; but in terms the bill applies to all vessels. I dare say that no harm will be done by the passage of the bill in the comprehensive form in which it has been reported, although it might as well be understood that there is a serious question as to whether or not it can ever be made applicable to ships other than ships of the United States.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SHOSHONE TRIBE OF INDIANS IN WYOMING.

The bill (S. 6526) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims was considered as in Committee of the Whole. The bill was read, as follows:

*Be it enacted, etc.,* That all claims of whatsoever nature, both legal and equitable, which the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming may have or claim to have against the United States under the treaty between the United States and said Shoshone Tribe ratified February 26, 1869, or under any other laws or treaties, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the rights of said Shoshone Tribe in and to said reservation and for determination of the amounts, if any, of the funds of said Shoshone Tribe which have been wrongfully paid by the United States to the Arapahoe Tribe of Indians residing on said reservation, and for determination of the amounts, if any, due to said



Shoshone Tribe from the United States for the use and occupancy of said reservation by said Arapahoe Tribe, and for determination of the amounts, if any, due to said Shoshone Tribe from the United States for portions of said reservation, if any, which have been appropriated by the United States for said Arapahoe Tribe or individual members thereof; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal and equitable claims, if any, of said Shoshone Tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim, including gratuities, which the United States may have against said Shoshone Tribe, and to enter judgment thereon: *Provided*, That if it be found that the United States Government has wrongfully appropriated any part or parcel of said reservation for the said Arapahoe Tribe of Indians or individual members thereof, judgment for damages in respect thereto, if any, shall be confined to the value of the land at the time of said appropriation, together with interest at the rate of 3 per cent per annum thereon to the date of the decree of the Court of Claims rendered in respect thereto, less any legal or equitable set-offs or counterclaims, including gratuities, which the United States Government may have against the said Shoshone Tribe of Indians. The judgment of the Court of Claims in this matter rendered, when satisfied, shall annul and cancel all claims and title of the said Shoshone Tribe in and to said lands, as well as all other matters and things adjudicated and authorized to be adjudicated by the Court of Claims, as herein provided. The Court of Claims shall advance said cause upon the docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of said Shoshone Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof shall be a full settlement of all claims of said Shoshone Tribe against the United States. Such cause shall be commenced within one year after the passage of this act, and in such cause the said Shoshone Tribe shall be party plaintiff and the United States shall be party defendant; and the petition setting forth the cause of said Shoshone Tribe shall be verified by the attorneys employed by said Shoshone Tribe to prosecute their claims under this act under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by law, upon information and belief as to the facts alleged therein, and no other verification to said petition shall be necessary. The Attorney General of the United States is hereby directed to appear in said cause in behalf of the United States. Upon the final determination of said cause the Court of Claims shall decree such fees as the court shall find reasonable to be paid to the attorneys employed by said Shoshone Tribe, and the same shall be paid out of any sum or sums found due to said Shoshone Tribe, or out of any sum or sums which may be placed to the credit of said Shoshone Tribe as a result of said cause: *Provided*, That in no case shall the fees decreed by said court be in excess of the amount stipulated in the approved contract nor amount to more than 10 per cent of the amount and value of the judgment recovered in said cause: *Provided further*, That all sums of money which may be found to be due and recovered for the Shoshone Tribe of Indians under the provisions of this act, less attorney's fees, shall be placed to the credit of said Indians in the Treasury of the United States at 3 per cent interest per annum, subject to such disposition as Congress may direct.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LIENS OF JUDGMENTS AND DECREES OF COURTS.

The bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888," was considered as in Committee of the Whole.

Mr. BRYAN. Mr. President, what is the effect of this bill?

Mr. NELSON. It is really a local bill pertaining to the State of Louisiana. A special law was passed by that State several years ago in respect of the filing of liens of judgments. This bill is to repeal that law, and it only affects that State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

Mr. SMOOT. Mr. President, at the request of a number of Senators, I ask that Orders of Business Nos. 685 and 688, being respectively House bill 204 and Senate bill 5885, be passed over.

The PRESIDING OFFICER. Being objected to, the bills will be passed over.

The bill (S. 4857) granting an extension of patent to Thomas A. Dicks was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

#### MONUMENT IN ARLINGTON NATIONAL CEMETERY, VA.

The joint resolution (S. J. Res. 143) granting permission for the erection of a monument in the Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War was considered as in Committee of the Whole. It proposes to grant permission to the Ladies' Auxiliary, Ancient Order of Hibernians in America, to erect a monument in Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War, records of whose services are authenticated and in possession of said ladies' auxiliary; and it directs the Secretary of War to select a suitable site or loca-

tion upon which to erect the monument; but the monument shall be erected without expense to the Government, and be presented to the people of the United States by the Ladies' Auxiliary, Ancient Order of Hibernians in America.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BUSINESS PASSED OVER.

The resolution (S. Res. 168) requesting the Attorney General to examine into the facts concerning the illegal killing of seals, etc., was announced as next in order.

Mr. BRANDEGEE. Let that go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

The bill (S. 2512) to provide for the appointment of an additional district judge for the southern district of West Virginia was announced as next in order.

Mr. SMOOT. I have a number of letters in reference to that bill, and I see that the Senator from West Virginia who reported the bill is not present. I desire to interrogate him in regard to the matter, and so I ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

#### CLAIMS OF DISLOYALISTS.

The bill (S. 3700) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was considered as in Committee of the Whole. It proposes to amend the act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" by adding after the word "Army" the words "Navy, Marine Corps, and Revenue Service."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT PARK CITY, UTAH.

The bill (S. 6720) to increase the limit of cost of public building at Park City, Utah, was considered as in Committee of the Whole. It proposes to increase the limit of cost of the United States Federal building at Park City, Utah, \$10,000, or so much thereof as may be necessary, to meet the additional cost of changes and additions to the building.

Mr. SHEPPARD. Mr. President, may I ask the Senator for what purpose is this building to be erected?

Mr. SMOOT. Mr. President, in reply to the Senator, I desire to say that it is a post-office building, to be erected at Park City. It was provided for eight years ago, with an appropriation of \$30,000. There was some question concerning the title, and for some years the Government was unable to acquire proper title to the land. The Government now has secured the title, but according to the plans that were drawn for the Government the building would cost forty-nine hundred and some odd dollars more than the \$30,000 appropriated. The Government now finds that everything has advanced in cost, and the department has sent a letter to the chairman of the Committee on Public Buildings and Grounds of the House requesting that before the construction be commenced an appropriation of \$10,000 be made to take care of the building. They are ready to proceed with it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CONGRESSIONAL CLUB OF WASHINGTON.

The bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C., was announced as next in order.

Mr. BRANDEGEE. Mr. President, I do not care to object to the consideration of that bill if any Senator can give any reason why it should be passed. I should like to inquire why should the property of a club be exempt from taxation?

Mr. OVERMAN. And a Congressional Club at that.

Mr. BRANDEGEE. Well, as I have said, I do not care to object to the consideration of the bill, but I should like some reason given for its passage.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. Objection having been made, the bill will go over.

#### MANUFACTURE OF GAS IN SOUTH HILO, HAWAII.

The bill (H. R. 15777) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. WALSH. Mr. President, we are not supplied with copies of the bill now being considered. It seems to be rather an extensive bill, and I think I will object to its consideration.

Mr. SHAFROTH. Mr. President, I hope the Senator will not object to that bill. It has been before the committee and we have waited before reporting until a member of the Public Utilities Commission of Hawaii could come to Washington. After hearing him, the committee determined that the bill as passed by the Legislature of Hawaii and as approved by the House should also be approved by the Senate. I will state to the Senator—

Mr. WALSH. Mr. President, relying as I do upon the diligence of the Senator from Colorado in respect to all these matters, and reposing the confidence that I do in his judgment, I withdraw the objection.

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Is there objection to the consideration of the bill?

Mr. MARTINE of New Jersey. Mr. President, I should like to inquire whether the franchise is to be granted to a private corporation in Honolulu?

Mr. SHAFROTH. It is to be granted to a private corporation in Honolulu, subject to regulation as to rates, and so forth, by the public-utilities commission there.

Mr. MARTINE of New Jersey. That safeguard might improve it, but on general principles I think that all public utilities of that character should belong to the municipality.

Mr. SHAFROTH. No one wants to undertake this work there except a private corporation; and that corporation will be subject to regulation as to its rates and other matters by the public-utilities commission. The act granting the franchise was passed by the Legislature of Hawaii, and that act has been approved by the House of Representatives. The House bill approving it was referred to the Senate committee, and I received a telegram from the governor of Hawaii in relation to the laying of the pipes; but I delayed reporting the bill for probably a month in order that a member of the public-utilities commission might come here and explain the matter. He came here and consented to the bill. It is agreed to by everybody, and it seems to me that it should be passed.

Mr. MARTINE of New Jersey. Very well; I will acquiesce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOMESTEAD RESIDENCE OF SOLDIERS.

Mr. CURTIS. Mr. President—

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The Senator will state it.

Mr. BRANDEGEE. Has the calendar been finished under the unanimous-consent agreement?

The PRESIDING OFFICER. Yes; it has been finished.

Mr. BRANDEGEE. I want to inquire whether Calendar No. 677, being Senate joint resolution 147, has been acted upon?

The PRESIDING OFFICER. That joint resolution was passed.

Mr. BRANDEGEE. The Chair does not mean it was passed over, but was adopted?

The PRESIDING OFFICER. The joint resolution was passed by the Senate.

Mr. BRANDEGEE. I have no objection to it whatever, but, on looking at the Statutes at Large, which this bill proposes to make applicable to the soldiers of the Regular Army and the militia now on the Mexican border, I find it refers to the act approved June 16, 1898, page 473, Thirtieth Statutes at Large. There are four acts on that page all approved on the same date, and I believe that the joint resolution should be reconsidered, and that the chapter of the statutes should be put in so as to identify it; that is all.

The PRESIDING OFFICER. Does the Senator move to reconsider the votes whereby the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed?

Mr. BRANDEGEE. I have no particular concern about it; but I wanted to call attention to the matter.

Mr. SMITH of Georgia. I should like to secure a copy of the joint resolution, and see what the trouble is.

Mr. BRANDEGEE. There is no trouble about it, except that the joint resolution on the calendar which the Senate has passed purports to extend the provisions of an act in the Thirtieth Statutes at Large, to which it refers only by the page and date of the approval of the act. There are four acts on the page of the Statutes at Large mentioned in the joint resolution.

Mr. SMITH of Georgia. Does the other language of the joint resolution so clearly indicate the particular act approved June 16, 1898, that it could be plainly identified?

Mr. BRANDEGEE. There are four acts in the Statutes at Large on the same page approved on that day, each being a separate chapter, and I say that if we insert in the joint resolution the number of the chapter as well as the date, it will serve to identify the act referred to.

Mr. SMITH of Georgia. Is the Senator prepared to suggest the designation of the chapter which should go in the joint resolution?

Mr. BRANDEGEE. I have it right here, and I can prepare it in just a minute.

The PRESIDING OFFICER. The Chair will say to the Senator from Connecticut that the reference of the joint resolution is to the provisions of the act approved June 16, 1898 (30 Stat. L., p. 473).

Mr. BRANDEGEE. I know that; but there are four acts on page 473, approved June 16, 1898. The one that is mentioned in the joint resolution is an act in relation to the giving of a man in the military service of the United States the right to have the time of his service counted in computing his residence upon a homestead taken up on the public lands, or, if he is discharged, wounded, or disabled, the time of his enlistment, not to exceed one year, may be counted as a portion of the time he is required to have resided on his land. That act is chapter 458, and if in the joint resolution, in line 4, where it says in parenthesis "[Thirtieth Statutes at Large, page 473]," we were to add the words "chapter 458," that would identify the act.

The PRESIDING OFFICER. Does the Senator move to reconsider the vote by which the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed?

Mr. SMITH of Georgia. I think it had better be reconsidered, and we had better leave the matter to the author of the resolution to take care of. I move that the action of the Senate in passing the joint resolution in the shape in which it was passed be reconsidered.

Mr. BRANDEGEE. I do not want to imperil the consideration or passage of the joint resolution. We may never reach it again at this session.

Mr. SMITH of Georgia. I think, under the circumstances, we would all give consent that the author of the joint resolution might ask for its consideration at any time, as it occupies a peculiar position, and we ought to do that. I think we ought to reconsider it, and I therefore make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia that the votes whereby the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered.

The motion was agreed to.

#### MAINTENANCE OF INDIAN SCHOOLS.

Mr. CURTIS. Mr. President, I ask unanimous consent for the consideration of the bill which I send to the desk, (S. 6748) providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil, and which is asked for by the Department of the Interior. It is very short. I will say that the bill has been reported from the Committee on Indian Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all moneys appropriated or available for Indian school purposes may be expended without restriction as to per capita expenditure for the annual support and education of any one pupil in any Indian school.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ILLEGAL KILLING OF SEALS.

Mr. WALSH. Mr. President, I should like to ask the Senate to recur to Order of Business No. 689, being Senate resolution 168, to the consideration of which objection was made by the Senator from Connecticut [Mr. BRANDEGEE], as I understand. I think that if he would attend to the substance of the resolution for a moment he would be constrained to withdraw the objection. It simply requests and authorizes the Attorney General to examine into the facts as stated in House Report No. 500, Sixty-third Congress, second session, for the purpose of advising himself and ascertaining whether an action does not lie in behalf of the United States against a company having the seal privileges on the Pribilof Islands. I apprehend that the Senator will find no reason for not having the Attorney General make these investigations.



I might say, in this connection, that the bill comes to us introduced by the Senator from Michigan [Mr. SMITH] and with the concurrence of the Committee on the Judiciary. I do not remember that it encountered any opposition at all before that committee. I will say to the Senator from Connecticut that I have myself examined the report with some degree of care, and I certainly think that sufficient appears from the report to fully justify us in asking the Attorney General to make this inquiry.

Mr. BRANDEGEE. Mr. President, I notice—

Mr. NELSON. Mr. President, will the Senator from Connecticut allow me to say something?

Mr. BRANDEGEE. I will.

Mr. NELSON. I am somewhat familiar with the matter to which the Senator from Montana refers, and I am satisfied, from the facts that have come to my knowledge, that this bill ought to pass. It is a matter of justice, and it is a matter of right. There has been a disposition in certain quarters to evade the law that we passed some years ago to preserve the fur-seal herd up in the Pribilof Islands; and it is in order to get at the bottom of these facts, and for the protection of the herd, that this resolution ought to pass.

Mr. LANE. Mr. President, if the Senator will allow me, I should like to add my voice to the opinion given by both the Senator from Montana and the Senator from Minnesota. I think it would be very negligent on the part of this body if it did not pass this resolution and give the Government an opportunity to ascertain what there is back of this matter.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. BRANDEGEE. There was an objection which has not been withdrawn yet; and I am getting information.

The PRESIDING OFFICER. The Chair understood the Senator to ask for unanimous consent.

Mr. BRANDEGEE. I am being talked to by three Senators, and I am not allowed to say a word myself. After they have finished I shall have something to say.

Mr. WALSH. Mr. President, with the permission of the Senator, I should like to say another word.

Mr. BRANDEGEE. Yes; I have not the floor. The Senator has the floor.

Mr. WALSH. I understood that the Senator from Connecticut had. I was going to say to the Senator that I feel that the report makes a perfect prima facie case of liability in a very large sum to the Government of the United States. Now, it may be that the facts which apparently fix that liability are capable of some explanation, although, if there is an explanation which would relieve these parties from liability; it is certainly not disclosed in the report or in the testimony that accompanies the report. If I am any judge of the matter at all, I should say that a prima facie case of liability has been made.

Under the circumstances, it seems to me that it is quite proper for the Senate—the attention of Members of this body having been called to it—to request the Attorney General to make the investigation, with a view to the institution of a suit, if in his judgment a suit can be maintained. Indeed, my attention having been called to the facts, I should not feel that I had discharged my duty here as a Member of the Senate and as in a certain sense a guardian of the interests of the United States, if I did not urge this action; and I trust that the Senator from Connecticut will find some good reason for withdrawing his objection.

Mr. BRANDEGEE. Mr. President, I would have withdrawn it long ago if I had been given an opportunity; but I was so interested in the three orations that I did not have a chance.

I want to say, however, that the basis of my objection was simply this: The resolution purported to come from the Judiciary Committee. I am a member of that committee, and I had not heard any such resolution brought before the committee. I could not attend last Monday's meeting, if it came from that meeting, because I was out of town. When I saw it on the calendar I sent for the report to which it alludes—to wit, Report No. 500, Sixty-third Congress, second session—and I find that there is a minority report accompanying that report, which starts out by saying:

The undersigned have carefully considered the testimony of all the witnesses before the committee during these hearings, which have now been prolonged for three years. They are of the conviction that the charges under consideration, involving alleged irregularity in the conduct and management of the business of killing fur seals on the Government reservation known as the Pribilof or Seal Islands of Alaska, are without foundation.

I have had no opportunity to examine that minority report, which contains about 22 pages. I do not know whether the Senator from Montana has seen it or not; but as I knew nothing about it and as no Senator said a word about it when the bill was reached, I thought it might go over until it was explained.

Inasmuch as the Senator from Minnesota and the Senator from Montana think the investigation ought to be made, I have no objection, and I will withdraw any that I made.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

*Resolved*, That the Attorney General be, and he is hereby, authorized and requested to examine into the facts as stated in House Report No. 500, Sixty-third Congress, second session, April 4, 1914, concerning the illegal killing of fur seals on the Pribilof Islands, and taking of skins therefrom, and to bring suit as urged thereon if the law and evidence warrant such action.

ERSKINE R. HAYES.

Mr. HARDING. I should like to have unanimous consent to revert to order of business 539, House bill 7062, which was passed over the other day because no one was present to explain the measure. It is a very pitiable case which has come to the attention of the Senate at a previous session, and I may say that the Senate has already passed such a bill at its last session. This time the measure comes to us with the approval of the House. There was not the slightest objection in the committee to the relief being granted, and I should like to have it considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Erskine R. Hayes, the sum of \$3,000, in full compensation for injuries received on the 16th day of December, 1902, while in the performance of his duty as an employee of the Bureau of Engraving and Printing, Treasury Department, in the city of Washington, D. C.

Mr. SMOOT. Is there an amendment to the bill?

Mr. HARDING. No; there is no Senate committee amendment to the bill. It was amended in the House, and the amount reduced from \$5,000 to \$3,000.

Mr. SMOOT. Does the Senator know what salary this man was drawing in the Bureau of Engraving and Printing?

Mr. HARDING. Only approximately \$800, as I remember; probably less. I will state, for the benefit of the Senator from Utah, that the man was injured, and it was thought at one time that he had recovered, and for a number of years he pressed no claim against the department. It has since developed that it is a permanent injury, however. The man has a wife and children to support, and is in a very distressing state. I think the claim is a very just one and ought to be allowed.

Mr. SMOOT. It may be a meritorious claim. I do not know a thing about it. All I questioned was whether we were going to follow the rule of the Claims Committee in this case as in all other cases of similar occurrences. Of course there may be some circumstances that I know nothing about to justify the \$3,000 appropriation.

Mr. HARDING. The man is perfectly helpless. He has to be retained in a case that braces his spine. It is a very pitiable case, and worthy of our consideration.

Mr. SMOOT. I will ask the Senator from Florida [Mr. BRYAN] whether he knows anything about the case?

Mr. BRYAN. Mr. President, this bill was passed by the Senate during the last Congress. It is a most extreme case. There was a man working in the Bureau of Engraving and Printing, at a salary of \$660 a year, and he was injured, and apparently recovered. Several years later he became a hopeless cripple, and it turned out that his spine was injured. At the time of his injury he was 22 years old, weighing 180 pounds. He has lived all these years. It has been several years since the accident happened. He has very little property. The bill was considered very carefully in the committee a couple of years ago. The bill was introduced by the Senator from Ohio. My recollection is that the amount carried in the bill at that time was \$5,000.

Mr. SMITH of Georgia. How much is it now?

Mr. BRYAN. Three thousand dollars. It is an unusual case.

Mr. SMITH of Georgia. Would that be better for him than to come under our general bill, that we have about ready, and receive his annuity during the balance of his life?

Mr. BRYAN. Yes; I think it would, because he is not apt to live long.

Mr. HARDING. I should prefer the enactment of this bill, because it would bring immediate relief.

Mr. SMITH of Georgia. I do not object to the bill. He has already been waiting for some time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWARK TWO HUNDRED AND FIFTIETH ANNIVERSARY CELEBRATION.

Mr. SMOOT. Mr. President, the Senator from New Jersey [Mr. HUGHES] had to leave the Chamber. He asked me to

report for him House joint resolution 193, authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special cancelling die for the Newark two hundred and fiftieth anniversary celebration, and to ask for its immediate consideration.

Mr. BRYAN. Mr. President, does not the Post Office Department object to the passage of that bill on the ground that it involves considerable expense?

Mr. SMOOT. That is what the Senator from Alabama said the other day.

Mr. BRYAN. Mr. President, what is the order under which we are acting? Have we a right to consider that bill?

The PRESIDING OFFICER. We have a right to consider bills that are on the calendar.

Mr. SMOOT. I think that is true, Mr. President; and I will withdraw the request, because it is not in order under the unanimous-consent agreement.

#### STOCK-RAISING HOMESTEADS.

Mr. STERLING. Mr. President, I think there is yet time to consider Order of Business 324, House bill 407, and I ask unanimous consent that it be considered.

Mr. SMOOT. Is that the child-labor bill?

Mr. STERLING. No; it is the stock-raising homestead bill—a bill which was reached at the last call of the calendar, and two objections to its immediate consideration were withdrawn, and then the hour was nearly up.

Mr. SMOOT. Mr. President, I am perfectly willing that the bill should be considered, but the Senator from Arizona has an amendment which he desires to offer to the bill.

Mr. STERLING. That was urged the last time we were considering the calendar—that the Senator from Arizona had an amendment to this bill. Suppose he has; are we to wait for the Senator from Arizona to appear and present an amendment to this bill?

Mr. SMOOT. I object to its consideration at this time, Mr. President.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

#### ADJUDICATION OF PRIVATE CLAIMS.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to a bill that was objected to this afternoon, to see if possibly we can not pass it now. It is known as the Mann bill. It is a bill that has passed the House and was introduced by Congressman MANN. It proposes to repeal what is called the Crawford amendment, so as to permit the parties who have these cases pending in the Court of Claims to go on with their litigation.

Mr. SMOOT. We can not pass that in five minutes.

Mr. SMITH of Georgia. No. We can pass it in half an hour, though.

Mr. SMOOT. But the unanimous-consent agreement is that we will take a recess at 6 o'clock.

Mr. SMITH of Georgia. Oh! I did not know that. If I had known that, I would not have made the request.

Mr. SMOOT. We are working under a special order to that effect.

#### NAVAL DENTAL RESERVE CORPS.

Mr. OVERMAN. I ask unanimous consent to have printed in the RECORD a letter merely by way of correction of an erroneous statement that was made here on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, D. C.,  
August 4, 1916.

MY DEAR SIR: May I, in justice to myself and other members of the Naval Dental Reserve Corps, ask you to procure the publication in the CONGRESSIONAL RECORD of the plea of not guilty to the charges stated and implied in the following quotation from the CONGRESSIONAL RECORD, page 12835, in reference to amendment 77, pages 52 to 56, naval appropriation bill, namely:

"Not a line was written by any member of the committee. The amendment about the Dental Reserve Corps was brought to me by Dr. Brown of Columbus, who is chairman of the legislative committee of the National Dental Association. The department made no objection to it, and it was put in exactly as it was handed to me by Dr. Brown, who told me it was satisfactory to all the members of the Dental Reserve Corps."

The wisdom and policy of this disclaimer of the responsibility of the committee for the origin and the strikingly peculiar provisions of the amendment are readily recognized, but, unhappily, there is thereby attributed to all the Dental Reserve Corps officers a degree of damaging responsibility which is therein disclaimed for the committee.

It is inconceivable to me that the Senate or any Senator would deny us the opportunity of making the same disclaimer through the same channel that was used for the committee's own protection.

I desire, however, to go further than merely entering the plea of not guilty and to deny most emphatically that any correctly informed Dental Reserve Corps officer expressed satisfaction with the provisions of the amendment which are known to be deceptive and a false

pretense, the department having held these same provisions in existing law to prohibit instead of to authorize, as was the evident intent of the act of Congress, the more economic employment of Dental Reserve Corps officers when required to conserve the health and efficiency of the personnel.

To remain silent, under an imputation thus reflecting seriously on our intelligence, our sincerity, and our adherence to correct principles is too much to expect of men of character.

I have the honor to remain,  
Faithfully yours,

WM. DONNALLY.

#### STATUE OF JAMES BUCHANAN.

Mr. LEE of Maryland. I ask unanimous consent to take up Order of Business 152, Senate joint resolution 93, authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States. The committee reported this joint resolution with an amendment striking out the location and leaving the location to the Fine Arts Commission. I have a letter from Col. Harts, secretary of the commission, saying that they approve of the location that was already in the joint resolution. A joint resolution has come over from the House in the proper form, with the location as approved by the Commission of Fine Arts. I move, therefore, that it be substituted for the Senate joint resolution and passed. I move to substitute House joint resolution 145.

Mr. OLIVER. Mr. President, I think I shall have to object to the consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made by the Senator from Pennsylvania to the consideration of the joint resolution, so it will have to go over.

Mr. OLIVER. I will say to the Senator from Maryland that I will look into the matter, and the next time the calendar comes up I may withdraw the objection.

Mr. LEE of Maryland. Mr. President, this is a matter where contracts are pending.

The PRESIDING OFFICER. The Chair will state to the Senator from Maryland that it would be necessary to have the original joint resolution as passed by the House before it can be considered here.

Mr. LEE of Maryland. It has come over.

The PRESIDING OFFICER. No; the Secretary informs the Chair that it has not.

Mr. LEE of Maryland. It has come over, and has been referred to the Committee on the Library.

The PRESIDING OFFICER. The original is in the hands of the committee. It must be here on the desk of the Secretary before it can be considered.

Mr. LEE of Maryland. The Senate resolution, which is in similar terms, has been reported with an amendment striking out the site.

The PRESIDING OFFICER. Yes; but there is a rule providing that the original bill as passed by the House must be here on the desk of the Secretary before it can have consideration.

Mr. LEE of Maryland. I have asked unanimous consent for the substitution, but the Senator from Pennsylvania objects.

The PRESIDING OFFICER. The Chair does not believe that it is subject to unanimous consent. That is one of the rules of the Senate.

Mr. SMOOT. Under the unanimous-consent agreement we are only to consider bills on the calendar under Rule VIII; and as soon as the consideration of the calendar was completed, beginning with Order of Business No. 593, any bill on the calendar might be taken up by unanimous consent upon request of a Senator—just the bills on the calendar.

Mr. NELSON. Mr. President, I was about to ask unanimous consent to consider two or three bridge bills that were reported this morning.

The PRESIDING OFFICER. The Chair does not know whether or not they come under the unanimous-consent agreement.

Mr. NELSON. They are on the calendar. They were reported to-day.

Mr. SHEPPARD. If I remember correctly, those bills were passed.

Mr. NELSON. Were they all passed?

Mr. SHEPPARD. Yes, sir.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the bills were all passed this morning.

Mr. SHEPPARD. That is my recollection.

Mr. BRYAN. Mr. President, a parliamentary inquiry. What time is it?

Mr. OVERMAN. I move that the Senate take a recess until Monday morning at 10 o'clock.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate took a recess until Monday, August 7, 1916, at 10 o'clock a. m.



## HOUSE OF REPRESENTATIVES.

SATURDAY, August 5, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that in spite of the brutal instincts which seem to be in the ascendancy among some of the nations now engaged in a cruel war the godlike is asserting itself in solemn protestations and millions are being poured out to alleviate the suffering of the mangled men and the sorrowing women and children bereft of their loved ones; and we most fervently pray that out of it all the godlike may assert itself to a degree which shall make war a crime so hideous that it shall pass into oblivion; that Thy kingdom may come in the hearts of all Thy children; that they may think the thoughts they know they ought to think, do the things they know they ought to do, live the life they know they ought to live, and thus honor and glorify Thy holy name. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House to the amendments of the Senate numbered 54, 112, and 223 to the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6561. An act providing for the sale at public auction of all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., and for the issuance of patents for those previously sold under the act of May 2, 1906, on the payment of the price at which the said lots were reappraised under said act without further condition or delay.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa.; and

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, had agreed to the conference asked for by the House, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOR as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, had agreed to the conference asked for by the House, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOR as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16912. An act granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio;

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties;

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.;

H. R. 16380. An act granting the consent of Congress to the Board of Supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914; and

H. R. 7883. An act for the relief of Charlotte M. Johnston.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

## ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move to take from the Speaker's table the conference report on the bill H. R. 16699.

The SPEAKER. The gentleman from Alabama calls up the conference report on the Military Academy bill. The Clerk will read the report.

The Clerk read the conference report.

## CONFERENCE REPORT (NO. 1085).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 6, 7, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, and 15, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"Provided further, That the present manager of the cadet store shall, on his own application, after 40 years' service as clerk, superintendent, and manager of said store, be entitled to be placed on the retired list of the Army with the pay of a retired pay clerk, Quartermaster Corps, of the same period of service."

And the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Provided, That whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the Academic Board within 10 days after being officially notified of such failure. The examination demanded shall be held within 60 days from the date of such application, and if the cadet being otherwise qualified shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be readmitted to the academy: Provided further, That this proviso shall apply to those former cadets who failed in not more than two subjects during the

current year who shall make application for such examination within 20 days after the approval of this act: *Provided further*, That any cadet who fails to pass any required examination shall have no more than one reexamination: *And provided further*, That nothing contained in section 1325 of the Revised Statutes shall render ineligible any former cadet honorably discharged from the Military Academy for deficiency in studies, if otherwise qualified, as a civilian candidate for appointment to any vacancy in the grade of second lieutenant under class 6 of the national-defense act approved June 3, 1916."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$5,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is authorized and directed to appoint three officers of the Army, whose duty it shall be to investigate and to make report to Congress on the first Monday in December, 1916, what is necessary to be done in the way of buildings and other improvements to accommodate and care for the increased Corps of Cadets, as provided by the act of May 4, 1916, together with the probable cost thereof."

And the Senate agree to the same.

JAMES HAY,  
S. H. DENT, Jr.,  
JOHN C. MCKENZIE,  
*Managers on the part of the House.*  
GEO. E. CHAMBERLAIN,  
DUNCAN U. FLETCHER,  
*Managers on the part of the Senate.*

#### STATEMENT.

The statement of the managers on the part of the House as to the disagreeing votes of the two Houses on the amendments in the Senate to H. R. 16699, making appropriations for the support of the Military Academy for the fiscal year 1917, and for other purposes:

The Senate receded from its amendments numbered 3, 5, 6, 7, and 9, Nos. 3, 5, 6, and 7 being amendments classifying privates in the academy into privates of the first class and privates; No. 9 being an amendment providing for two professional civilian instructors in gymnastics, etc., instead of one, as provided by the House.

The House receded from its disagreements on the amendments of the Senate numbered 1, 2, 4, 8, 10, 11, 12, 13, 14, and 15, No. 1 being an increase of \$500 for pay of seven professors and providing for the rank, pay, and allowances of a colonel for a permanent professor who on July 1, 1916, should have served not less than 33 years in the Army, one-third of which service should have been as professor and instructor at the Military Academy, and also a proviso granting to the storekeeper, who has had 40 years' service, the privilege of retiring with the pay and allowances of a pay clerk, Quartermaster Corps. No. 4 is a mere correction of the omission of a word in the House bill. No. 8 is a new item for pay of one battalion sergeant major, \$768. No. 10 is a proviso giving the chapel organist quarters and allowances as those of a second lieutenant. No. 11 is a new item for the purchase of the latest model sketching apparatus, \$1,000. No. 13 is a new item for the purchase of one 8-ton road roller, \$2,850. No. 15 provides for the instruction at the academy of Mr. J. Ricardo de Borja, a citizen of Ecuador.

Amendment No. 2: Provides for a reexamination in the event of failure in any two subjects, and also grants to former cadets who have failed on their examination the same privilege as a civilian to be appointed a second lieutenant in the Army.

Amendment No. 12: Provides for an appropriation of \$5,000 instead of \$8,685 in the Senate bill and \$3,879 in the House bill.

Amendment No. 14: Provided for an appropriation of \$1,000,000 for the enlargement and extension of the buildings, grounds, etc., and in lieu thereof the Secretary of War is authorized to have an investigation made as to the necessity for such improvements and report the same back at the next session of Congress.

JAMES HAY,  
S. H. DENT, Jr.,  
JOHN C. MCKENZIE,  
*Managers on the part of the House.*

Mr. DENT. Mr. Speaker, unless some gentleman desires to ask some question about it, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. DENT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### PENSIONS.

Mr. KEATING. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. KEATING. Mr. Speaker, I desire to call up the conference report on the bill H. R. 11240.

The SPEAKER. The Clerk will report the bill by title and then read the report.

The Clerk read as follows:

An act (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1052).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 11, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 13, and agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,  
*Managers on the part of the House.*  
N. P. BRYAN,  
MILES POINDEXTER,  
*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House on the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments, namely:

On amendment No. 1: The House concurs in the Senate amendment. The proposed beneficiary is now dead.

On amendment No. 2: The House concurs in the Senate amendment. It is not believed that a higher rate than \$12 per month is justified on the facts presented by the report which accompanied the bill.

On amendments Nos. 3 and 4: The House concurs in the Senate amendments. The first amendment corrects an error, and the later merely changes the phraseology of the bill.

On amendment No. 5: The Senate recedes. The rate of \$20 per month to this widow is warranted by the evidence upon file in the case.

On amendment No. 6: The House concurs in the Senate amendment. It is not believed a pension is justified upon the evidence submitted in this case.

On amendments Nos. 7, 8, 9, and 10: The House concurs in the Senate amendments. This is only a change in the phraseology.

On amendment No. 11: The Senate recedes. It is believed that a pension of \$20 per month is fully warranted upon the evidence submitted in this case, and that same should be approved.

On amendment No. 12: The House concurs in the Senate amendment. The disabilities from which the soldier now suffers appear to be due to his own misconduct and not incurred in line of duty, as shown by the records of the War Department, and for this reason the committee did not believe the facts justified the proposed pension.

On amendment No. 13: The House concurs in the Senate amendment. This is only a change in phraseology.



On amendment No. 14: The Senate recedes. A pension of \$12 per month to this soldier is fully justified in this case, and the item is accordingly approved.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

The question was taken, and the conference report was agreed to.

Mr. KEATING. Mr. Speaker, I call up the conference report on the bill H. R. 12194.

The SPEAKER. The Clerk will report the bill by title and read the report.

The Clerk read as follows:

An act (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1055).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

N. P. BRYAN,  
MILES POINDEXTER,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments, namely:

On amendment No. 1: The House concurs in the Senate amendment. It is not believed a pension is warranted by the evidence submitted in this case, and the bill is therefore one which fails to warrant approval.

On amendment No. 2: The Senate recedes. A pension of \$12 per month to this soldier is fully warranted by the evidence upon file in support of the bill.

On amendment No. 3: The House concurs in the Senate amendment. This is merely the correction of an error in the name of the beneficiary.

On amendment No. 4: The Senate recedes. The facts of this case fully justify the approval of this case at \$17 per month, and an increase in rate is fully warranted.

On amendments Nos. 5, 6, and 7: The House concurs in the Senate amendments. This is only a change in the phraseology.

On amendment No. 8: The House concurs in the Senate amendment. The facts as presented by the report accompanying this bill fail to justify approval of this case.

On amendment No. 9: The House concurs in the Senate amendment. The beneficiary is now dead.

On amendments Nos. 10, 11, and 12: The House concurs in the Senate amendments. This is only a change in phraseology.

On amendment No. 13: The Senate recedes. A pension of \$12 per month to this soldier is fully justified by the evidence submitted, and for that reason the case is approved.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the Part of the House.*

The question was taken, and the conference report was agreed to.

Mr. KEATING. Mr. Speaker, I desire to call up the conference report on the bill H. R. 13620, an omnibus pension bill.

The SPEAKER. The Clerk will report the bill by title and also read the report.

The Clerk read as follows:

An act (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1053).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 8, and 9, and agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

N. P. BRYAN,  
MILES POINDEXTER,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments, namely:

On amendment No. 1: The House concurs in the Senate amendment. The evidence submitted in this case fails to warrant approval of the bill, and it is not believed a pension is justified.

On amendment No. 2: The House concurs in the Senate amendment. This is merely a change in phraseology.

On amendment No. 3: The House concurs in the Senate amendment. The beneficiary is now in receipt of a pension of \$12 per month and it is not believed the facts and circumstances of the case justify an increase in rate of pension.

On amendment No. 4: The House concurs in the Senate amendment. This is only a change in phraseology.

On amendment No. 5: The Senate recedes. It is not believed that a higher rate than \$24 per month, recommended by the House, is warranted, and the bill is therefore approved for that amount.

On amendment No. 6: The House concurs in the Senate amendment. The evidence submitted in this case fails to warrant the belief that any of the disabilities from which the sailor now suffers were incurred in service and line of duty, and therefore approval of the bill is not justified.

On amendment No. 7: The Senate recedes. Upon the evidence submitted in support of this bill a pension of \$12 per month is fully justified, and approval is therefore given the case.

On amendment No. 8: The House concurs in the Senate amendment. There is no evidence to show that any of the present disabilities from which the soldier now suffers were incurred in service and line of duty, and approval of the case is therefore not warranted.

On amendment No. 9: The House concurs in the Senate amendment. The evidence is far from convincing that any of the disabilities from which the soldier now suffers were incurred in service and line of duty, and approval of the case is therefore not justified.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

The question was taken, and the conference report was agreed to.

Mr. KEATING. Mr. Speaker, I desire to call up the conference report on the bill H. R. 14576, an omnibus pension bill.

The SPEAKER. The Clerk will report the bill by title and also read the report.

The Clerk read as follows:

An act (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1054).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 10, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, and 16, and agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

N. P. BRYAN,  
MILES POINDEXTER,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House on the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments, namely:

On amendment No. 1: The House concurs in the Senate amendment. It is not believed the evidence submitted in this case justifies the allowance of pension, and therefore the case can not be given approval.

On amendment No. 2: The House concurs in the Senate amendment. The soldier is now drawing a pension of \$20 per month, and an increase is not justified upon the evidence filed.

On amendment No. 3: The Senate recedes. A pension at \$17 per month is fully warranted by the evidence submitted in this case, and the same is therefore approved for that amount.

On amendment No. 4: The House concurs in the Senate amendment. The evidence fails to warrant the belief that any of the present disabilities from which the soldier now suffers were incurred in service and line of duty, and the case is one, therefore, which can not be approved.

On amendment No. 5: The House concurs in the Senate amendment. This is merely a change of phraseology.

On amendment No. 6: The House concurs in the Senate amendment. There is no evidence to show that any of the present disabilities from which the soldier is now suffering were contracted in service and line of duty, and therefore approval is not justified.

On amendment No. 7: The House concurs in the Senate amendment. The evidence fails to justify the belief that any disability from which the soldier might be suffering at this time was incurred in service and line of duty; the bill for that reason can not be approved.

On amendment No. 8: The Senate recedes. A pension of \$12 per month to this widow is fully warranted by the evidence upon file, and the case is therefore approved.

On amendment No. 9: The House concurs in the Senate amendment. The soldier is now in receipt of a pension of \$20 per month, which is the maximum to which he is entitled under any existing law, and it is not believed that a higher rate than that is warranted by the evidence upon file.

On amendment No. 10: The Senate recedes. It is not believed a higher rate than \$17 per month, recommended by the House, is warranted in this case.

On amendment No. 11: The House concurs in the Senate amendment. The facts as presented by the evidence submitted in this case fail to warrant approval of the bill.

On amendment No. 12: The House concurs in the Senate amendment. There is not evidence to show that any of the present disabilities from which the soldier now appears to be suffering were contracted in service and line of duty, and therefore approval is not warranted.

On amendment No. 13: The House concurs in the Senate amendment. The evidence fails to show that the death of the soldier was in any way due to or connected with his service, and therefore approval can not be given the case.

On amendments Nos. 14 and 15: The House concurs in the Senate amendments. This is only a change in phraseology.

On amendment No. 16: The House concurs in the Senate amendment. There is no evidence to show that any of the present existing disabilities from which the soldier appears to be suffering were contracted in service and line of duty; therefore the case can not be approved.

On amendment No. 17: The Senate recedes. An increase to \$12 per month is fully warranted by the evidence submitted in this case, and the bill is therefore approved for that amount.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

The question was taken, and the conference report was agreed to.

Mr. KEATING. Mr. Speaker, I desire to call up the conference report on the bill H. R. 15957, an omnibus pension bill.

The SPEAKER. The Clerk will report the bill by title and also read the report.

The Clerk read as follows:

An act (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1090).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 29, 30, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 11, 18, 21, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, and 36, and agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

WM. HUGHES,  
T. TAGGART,  
REED SMOOT,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Amendment No. 1: Only a correction as to service in the case of Frank O'Brien, proposed by the Senate.

Amendment No. 2: Strikes out the provision for pension in behalf of Alice P. Knapp, dependent mother of Steth B. Knapp, deceased.

Amendment No. 3: Reinstates the provision for increase in pension to \$12 per month in the case of Charles E. Shermer, as proposed by the House.



Amendment No. 4: Reinstates the provision for pension at \$12 per month in behalf of James J. McHale, as proposed by the House.

Amendment No. 5: Reinstates the provision for pension to Harry E. Brooks at \$12 per month, as proposed by the House.

Amendments Nos. 6 and 7: Correction as to service in the case of George E. Grubbs.

Amendment No. 8: Correction of an error in the case of Walter J. Frink.

Amendment No. 9: Reinstates the provision for pension to Tina Quinn, widow of John Quinn, deceased, at \$12 per month and \$2 per month additional on account of each of the two minor children of the deceased soldier until they shall reach the age of 16 years, as proposed by the House.

Amendment No. 10: Reinstates the provision for pension at \$12 per month to Oscar G. Rottman, as proposed by the House.

Amendment No. 11: Correction of service in the case of Willard L. Anthony.

Amendment No. 12: Reinstates the provision for increase in pension for John Blueford to \$17 per month, as proposed by the House.

Amendment No. 13: Reinstates the provision for pension to Floyd T. Patterson at \$12 per month, as proposed by the House.

Amendment No. 14: Reinstates the provision for pension to Mary McAlister, dependent mother of Francis J. McAlister, deceased, at \$12 per month, as proposed by the House.

Amendment No. 15: Grants a pension of \$30 per month, as proposed by the House, to John W. Lattimore, instead of \$50 per month, as proposed by the Senate.

Amendment No. 16: Reinstates the provision for pension in behalf of Daniel M. Moser at \$12 per month, as proposed by the House.

Amendment No. 17: Reinstates the provision for increase in pension to Mary P. Byram, widow of Quincy Adams Byram, deceased, at \$20 per month, as proposed by the House.

Amendment No. 18: Strikes out the provision for pension in behalf of William McClaskey.

Amendment No. 19: Reinstates the provision for pension at \$17 per month in behalf of Joseph Bailey, as proposed by the House.

Amendment No. 20: Reinstates the provision for pension at \$12 per month to Andrew Conley, as proposed by the House.

Amendment No. 21: Only a correction as to service in the case of Jacob Amberg.

Amendment No. 22: Reinstates the provision for pension in behalf of William C. Winslow at \$12 per month, as proposed by the House.

Amendment No. 23: Reinstates the provision for pension in behalf of John Shannon at \$12 per month, as proposed by the House.

Amendment No. 24: Grants a pension of \$12 per month to Robert Trexler, as proposed by the Senate, instead of \$1 per month, as proposed by the House.

Amendment No. 25: Strikes out the provision for pension in behalf of Simeon D. Morrison.

Amendment No. 26: Strikes out the provision for pension in behalf of Richard Thrash.

Amendment No. 27: Grants a pension of \$12 per month to Arthur Magoon, as proposed by the Senate, instead of \$17 per month, as proposed by the House.

Amendment No. 28: Correction of an error in the case of Effa M. Rule, widow of William H. Rule, deceased.

Amendment No. 29: Reinstates the provision for pension at \$17 per month to Reuben Solomon, as proposed by the House.

Amendment No. 30: Reinstates the provision for pension at \$12 per month to Daniel H. Gerald, as proposed by the House.

Amendment No. 31: Correction of an error in the case of Charlotte M. Beckham, widow of Robert H. Beckham, deceased.

Amendment No. 32: Strikes out the provision for pension to Carrie A. Stillions, widow of Robert E. Stillions, deceased, and the two minor children of the deceased soldier.

Amendment No. 33: Strikes out the provision for pension to Lily D. Murphy, widow of Frank T. Murphy, deceased.

Amendments Nos. 34 and 35: Correction in service in the case of Cordelia Mulford, widow of Jacob Mulford, deceased.

Amendment No. 36: Grants a pension of \$24 per month, as proposed by the Senate, to Cordelia Mulford, widow of Jacob Mulford, deceased, instead of \$20 per month, as proposed by the House.

Amendment No. 37: Reinstates the provision for increase in pension to \$20 per month in behalf of Mary A. Scott, widow of Jephtha Scott, deceased.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the Part of the House.*

The question was taken, and the conference report was agreed to.

Mr. KEATING. Mr. Speaker, I desire to call up the conference report on the bill S. 4654, an omnibus pension bill.

The SPEAKER. The Clerk will report the bill by title and also read the report.

The Clerk read as follows:

An act (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1086).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 4, 6, 9, 10, 12, 13, 16, 17, 19, 22, 23, and 24.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 8, 11, 14, 18, 20, and 21, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named insert "\$24"; and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amount named insert "\$24"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Dennie Dixon, late of Company E, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

And the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Williamson S. Wright, late first Lieutenant Fourteenth Company United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of \$12 per month."

And the House agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

WM. HUGHES,  
T. TAGGART,  
REED SMOOT,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments, namely:

On amendment No. 1, case of Joseph Wessler: Provides a pension of \$12 as proposed by the House instead of \$16 as proposed by the Senate.

On amendment No. 2, case of Charles A. Myers: Provides a pension of \$24 instead of \$30 as proposed by the Senate and \$12 as proposed by the House.

On amendment No. 3, case of William Peters: Provides a pension of \$24 instead of \$30 as proposed by the Senate and \$12 as proposed by the House.

On amendment No. 4, case of Virginia Watson: Provides a pension of \$40 as proposed by the Senate instead of \$30 as proposed by the House.

On amendment No. 5, case of Peter Black: Provides a pension of \$20 as proposed by the House.

On amendment No. 6, case of James M. Freeman: Provides a pension of \$20 as proposed by the Senate.

On amendment No. 7, case of Dennie Dixon: Provides a pension of \$24 instead of \$30 as proposed by the Senate.

On amendment No. 8, case of Louisa M. Fletcher: Provides a pension of \$35 as proposed by the House instead of \$40 as proposed by the Senate.

On amendment No. 9, case of Caroline Heywood: Provides a pension of \$50 as proposed by the Senate.

On amendment No. 10, case of John A. Avirett: Provides a pension of \$30 per month as proposed by the Senate.

On amendment No. 11, case of Andrew Houlihan: Provides a pension of \$30 as proposed by the House instead of \$36 as proposed by the Senate.

On amendment No. 12, case of Edward J. Cuzzort: Provides a pension of \$13 as proposed by the Senate.

On amendment No. 13, case of Elizabeth J. Burt: Provides for increase of pension for the widow of Brig. Gen. Andrew S. Burt at \$50 as proposed by the Senate instead of \$30 as proposed by the House.

On amendment No. 14, case of Edward D. Smith: Provides for a pension of \$12 as proposed by the House instead of \$16 as proposed by the Senate.

On amendment No. 15, case of Williamson S. Wright: Provides a pension of \$12 instead of \$20 as proposed by the Senate.

On amendment No. 16, case of Emer A. Robbins: Provides a pension of \$20 as proposed by the Senate instead of \$12 as proposed by the House.

On amendment No. 17, case of Benjamin Kelsey: Provides a pension of \$30 as proposed by the Senate.

On amendment No. 18: Strikes out the provision for pension for Joseph A. Nolan.

On amendment No. 19, case of Curt Seay: Provides a pension of \$16 as proposed by the Senate instead of \$12 as proposed by the House.

On amendment No. 20: Strikes out the provision for pension for Samuel C. Cochran.

On amendment No. 21, case of James A. Saurbaugh: Provides a pension of \$30 as proposed by the House instead of \$40 as proposed by the Senate.

On amendment No. 22, case of Bertha Z. Smith: Provides a pension of \$30 as proposed by the Senate instead of \$12 as proposed by the House.

On amendment No. 23, case of Elizabeth C. Allen: Provides a pension of \$50 per month as proposed by the Senate.

On amendment No. 24, case of Elie Jones Quinby: Provides a pension for the widow of Col. Ira Quinby of \$40 as proposed by the Senate instead of \$30 per month as proposed by the House.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

The question was taken and the conference report was agreed to.

Mr. KEATING. Mr. Speaker, I desire to call up the conference report on the bill (S. 5914), an omnibus pension bill.

The SPEAKER. The Clerk will report the bill by title and also read the report.

The Clerk read as follows:

An act (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1087).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 4, 6, 9, 10, 12, 13, 15, 16, 17, 18, 19, and 21.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 5, 7, 8, and 11, and agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and

agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Charles Groves, late of Company D, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month."

And the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Lillias E. Knapp, widow of John J. Knapp, late captain, United States Navy, Regular Establishment, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the House agree to the same.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

WM. HUGHES,  
T. TAGGART,  
REED SMOOT,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments, namely:

On amendment No. 1: Strikes out the provision for pension for William Bell.

On amendment No. 2: Strikes out the provision for pension for Odolon Valcour.

On amendment No. 3, case of Jennie G. George: Provides a pension of \$35 as proposed by the Senate.

On amendment No. 4, case of George A. Wilson: Provides a pension of \$24 as proposed by the Senate instead of \$12 as proposed by the House.

On amendment No. 5: Corrects a typographical error.

On amendment No. 6, case of Martha L. Sternberg: Provides increase of pension to \$100 for the widow of Surg. Gen. George M. Sternberg as proposed by the Senate instead of \$50 as proposed by the House.

On amendment No. 7, case of Henry Koehler: Provides a pension of \$12 as proposed by the House instead of \$18 as proposed by the Senate.

On amendment No. 8: Strikes out the provision for pension for William R. Claxton, now deceased.

On amendment No. 9, case of Minnie Jeffers: Provides a pension of \$12 as proposed by the Senate.

On amendment No. 10, case of Fonetta W. D. Scott: Provides a pension of \$30 as proposed by the Senate instead of \$12 as proposed by the House.

On amendment No. 11, case of William Meyers: Provides a pension of \$12 as proposed by the House instead of \$16 as proposed by the Senate.

On amendment No. 12, case of George W. Mosier: Provides a pension of \$30 as proposed by the Senate instead of \$24 as proposed by the House.

On amendment No. 13, case of Caroline Carr: Provides a pension of \$20 as proposed by the Senate instead of \$12 as proposed by the House.

On amendment No. 14, case of Charles Groves: Provides a pension of \$12 instead of \$24 as proposed by the Senate.

On amendment No. 15, case of Margaret A. Ede: Provides a pension of \$50 proposed by the Senate instead of \$30 as proposed by the House.

On amendment No. 16, case of Flora C. Plumb: Provides a pension of \$12 as proposed by the Senate.

On amendment No. 17, case of Margaret R. Thompson: Provides a pension of \$30 as proposed by the Senate.

On amendment No. 18, case of Mary O'Hara Carnes: Provides a pension of \$12 as proposed by the Senate.

On amendment No. 19, case of Mary A. Loveland: Provides a pension of \$12 as proposed by the Senate.

On amendment No. 20, case of Lillias E. Knapp: Provides a pension of \$40 instead of \$50 as proposed by the Senate.



On amendment No. 21, case of Susan L. F. Rand: Provides a pension of \$50 as proposed by the Senate instead of \$40 as proposed by the House.

EDWARD KEATING,  
CARL VINSON,  
SAM R. SELLS,

*Managers on the part of the House.*

Mr. MANN. Mr. Speaker, will the gentleman yield to me a moment or two?

Mr. KEATING. I will.

Mr. MANN. Mr. Speaker, I do not recall which bill the item is in, but in one of these Senate bills there is an item carrying a pension of \$100 a month to Mrs. Sternberg, widow of the former Surgeon General of the Army. When I first came down here I was besieged—as I think nearly all other Members of the House were at that time—by widows who wanted their pensions increased to \$100 a month, and they all would recite particular cases where Congress had granted \$100 a month to widows of some officers who had been killed in the war.

I think it was the general opinion at that time that Congress could not keep on making pensions at the rate of \$100 a month just because somebody asked for them. I knew Surg. Gen. Sternberg and had the very highest personal regard and affection for him. I know his widow and have the highest regard for her. I do not think we ought to inaugurate the policy of paying \$100 a month pension to any widow, and certainly not to any widow whose husband was not an officer killed in action. I have not objected to this bill. In fact, I do not recall just when this item was up in the House or whether, when the House reduced it, it was afterwards agreed to in conference. I want to say, as far as I am concerned, while I am quite willing to pay reasonable, liberal pensions, I am not in favor of paying a pension of \$100 a month to every widow of every officer who happens to die in time of peace. And the action that we are taking will undoubtedly plague us. The people who are interested will know sooner or later that in some particular case, possibly in the matter of favoritism, we paid this large pension, and they will not be able to see why we should not pay them the same pension that we paid to Mrs. Sternberg or some other widow, and no one else will be able to see any reason for it. But we will have to hold a tight line in reference to such matters, or we will be lost. [Applause.]

Mr. KEATING. Mr. Speaker, in the main, I fully agree with what the gentleman from Illinois [Mr. MANN] has said. The Sternberg pension was urged on the ground that Gen. Sternberg had served as chief of the commission appointed to fight yellow fever and because of the great service rendered the country and humanity by that commission it was thought his widow was entitled to this pension. It was further urged that the widows of practically all the members of that commission were now drawing pensions of at least \$100 a month; that in some cases they were drawing pensions of \$125 a month, and it was urged that the widow of Gen. Sternberg, who was the head of the commission, was entitled to as much consideration as the widows of other members of the commission. As I understand it the Senate Committee on Pensions reported in favor of \$50 a month, and on the floor of the Senate the bill was amended to make it \$100 a month. The House Committee on Pensions reduced the amount to \$50 a month, and in conference we agreed to \$100 a month. I am inclined to think that the Sternberg case is one of the worthy cases where the widows of officers have secured increased pensions. But the Senate of the United States is constantly sending to this House cases that are not nearly so worthy. And I agree with the gentleman from Illinois that the time has come for this House to put its foot down in a rather emphatic fashion, because about all that is necessary now is for the widow of an Army officer to go to a United States Senator and he will set aside the law for her and secure an increase of her pension. That is accepted apparently as a matter of course at the other end of the Capitol, and I fully agree with the gentleman from Illinois that the custom should be stopped by the action of this House.

Mr. CANNON. Will the gentleman allow me a question?

Mr. KEATING. Certainly.

Mr. CANNON. I do not recollect how many officers lost their lives in this investigation that led to the discovery of the fact that the mosquito carried the yellow fever germ. I do not know whether the widows of all of those receive a pension similar to this or not.

Mr. KEATING. My recollection is that there are three or four widows of the members of the commission now drawing a pension of at least \$100 a month.

Mr. MANN. If the gentleman will pardon me, there are three cases—the Kissinger case and two other cases—where the

widows do not draw pensions but receive \$120 a month through the Army pay bill.

Mr. KEATING. It is really an annuity and not a pension.

Mr. MANN. They are not pensions. They do not go through the Pension Office; but that is theoretical. It is not a matter carried from the Pension Committee at all. It came in the Military Committee and was reported from that committee.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. KEATING. I will.

Mr. MILLER of Minnesota. I think the gentleman from Illinois is mistaken about that. There are three widows, and one of them is drawing a pension of \$100 a month.

Mr. MANN. One is carried at \$125 a month in the military appropriation bill.

Mr. LONGWORTH. If the gentleman will permit, I remember the Kissinger case; I had charge of it when I was on the Pension Committee. This was a pension for Kissinger himself; but my recollection is it was \$75 a month.

Mr. MILLER of Minnesota. It was \$100. I am speaking of the soldier who submitted to the test; and he received \$100 a month.

Mr. CULLOP. I think that is entirely too small.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to introduce in the RECORD at this point a letter from Dr. Agramonte, who was a member of the Sternberg Commission, in which he testifies to the service rendered by Gen. Sternberg in connection with the fight on yellow fever.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Speaker, there has been a great deal of discussion concerning Gen. Sternberg's part in the campaign which resulted in the conquest of yellow fever. Perhaps the most impressive witness we can produce at this time is Dr. Agramonte, the surviving member of the famous Sternberg Commission. In January of this year Dr. Agramonte was in this city, and he addressed the following letter to Dr. George M. Kober, a distinguished scientist and one of Washington's most esteemed citizens:

WASHINGTON, D. C., January 2, 1916.

GEO. M. KOBER, M. D.,  
Washington, D. C.

MY DEAR DR. KOBER: It is with the greatest pleasure that I have read the pamphlet which contains the addresses delivered at the banquet tendered to the late Gen. George M. Sternberg in celebration of his seventieth birthday, so fortunately collected and preserved by you for the perusal of future generations of scientific men, who will no doubt find therein sufficient and ennobling inspiration.

The life of Gen. Sternberg, studied from the four points of view in which it was presented upon that memorable occasion, "the medical officer," "the scientist and author," "the philanthropist," and "the citizen," proves that it was as complete, as useful, and as worthy as any man may hope to live his own upon earth, with the assurance of leaving, upon quitting, imperishable memory of good deeds.

But as the modern scientist, in which character I knew Gen. Sternberg best, he excelled in one particular above most of his contemporaries; I refer to his broadmindedness; his readiness to rectify if in error was only comparable to his energetic defense of what he thought was right.

I feel in my heart that in the greatest achievement of modern preventive medicine—the almost total extinction of yellow fever in our hemisphere—he took an important part that has not been generally recognized, in spite of your pointing it out in your excellent speech. I say an important part, and I would be tempted to say the most important part, since by the elimination of many confusing and erroneous ideas with reference to the cause of the disease, obtained by his indefatigable work in South and Central America, he cleared the way for us who came after him, laboring in the same field of investigation; he saved us the work, and thus the waste of effort and time, which it would have entailed, by dealing with the fallacies in vogue during the last quarter of the nineteenth century, elucidating the question of yellow fever etiology in a manner nearly complete.

Only having lived in those countries, and particularly at the time when his investigations were undertaken, can one appreciate the enormous energy necessary and the great danger that must have been incurred to accomplish such result as revealed by his classical report. Not yellow fever alone, but other diseases as well, malaria, dysentery, typhus, if anything more deadly, then lay in ambush for the unwary, the overworked, or the systemically weakened, but how he escaped these diseases can only be ascribed to his remarkably sound constitution and the clean and pure manner of his life.

With regard to our own work I may say that Gen. Sternberg's instructions to Maj. Reed were so precise yet so complete that they embraced even human experimentation, a thing until then considered well-nigh impossible, and without the moral support which his reputation as a scientist of the highest order and his official position rendered us I am sure we would have never undertaken the method of investigation with which you are familiar, the results of which I need not extol here.

I thank you for sending me the booklet which has stimulated my writing this letter; I could not limit myself to simply acknowledge its receipt, for if in any way, by thought or action, I have the opportunity to render tribute to the memory of our departed friend you will find that I am ever ready to do so, as we say in Spanish, "with my heart in my hand."

Believe me, very cordially, yours,

AGRAMONTE.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to be recognized if I can get the time.

Mr. MANN. The gentleman from Colorado has the time.  
Mr. KEATING. I will yield to the gentleman from Minnesota.

The SPEAKER. How much time?

Mr. MILLER of Minnesota. I would like 10 minutes.

Mr. KEATING. I yield 10 minutes to the gentleman.

Mr. MILLER of Minnesota. I may not want to use it all.

Mr. KEATING. I yield to the gentleman.

#### CORRECTION IN CONFERENCE REPORT.

Mr. PADGETT. Will the gentleman from Minnesota yield?

Mr. MILLER of Minnesota. I will yield to the gentleman.

Mr. PADGETT. Mr. Speaker, I want to ask unanimous consent for the present consideration of the resolution to correct language in a conference report.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 339.

*Resolved*, That the managers on the part of the House in consideration of H. R. 15947 may change the following language on page 136 of the print of the bill with Senate amendments numbered, lines 2, 3, and 4, as follows: "Capt. John Gardner Quimby, retired, to be a captain on the active list, to take rank next after Capt. Thomas S. Rodgers," to read as follows:

"Capt. John Gardner Quimby, retired, to be a rear admiral on the active list, to take rank next after Rear Admiral Thomas S. Rodgers."

Mr. PADGETT. That is to correct the spelling, Mr. Speaker. When the House passed the bill Capt. Rodgers was a captain. He has since then been promoted in the regular order to rear admiral, and it is just to make the House provision consistent and proper.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SHANGHAI DOCK & ENGINEERING CO. (LTD.) (H. DOC. NO. 1320).

The SPEAKER laid before the House the following letter from the Secretary of War, in response to a resolution of inquiry concerning a contract with the Shanghai Dock & Engineering Co. (Ltd.), of Shanghai, China, for the construction of the single-screw steel collier No. 1, for the use of the United States Army, which, with the accompanying documents, was referred to the Committee on Military Affairs and ordered printed:

WAR DEPARTMENT,  
Washington, July 21, 1916.

The SPEAKER HOUSE OF REPRESENTATIVES.

SIR: In compliance with House resolution 275, Sixty-fourth Congress, first session, "that the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives detailed information in the War Department concerning the contract with the Shanghai Dock & Engineering Co. (Ltd.), of Shanghai, China, for the construction of the single screw steel collier No. 1, for the use of the United States Army," I have the honor to submit the following report:

On April 15, 1913, there was received in the office of the Quartermaster General a contract, dated February 7, 1913, between Col. I. W. Littell, Quartermaster Corps, United States Army, Manila, P. I., and the Shanghai Dock & Engineering Co. (Ltd.), covering the construction of one steel collier, at a cost of \$371,000; vessel to be completed in 16 months from date of contract. This was the first information that the Quartermaster General had that such a vessel was to be constructed by the Philippine authorities, no provision having been made in the estimates of appropriations for the fiscal year 1913 for such new vessel construction in the Philippine Department. Precedent was followed in this case, as the commanding general, Philippine Department, had authority to spend funds in much the same way as the Secretary of War is allowed to authorize the expenditure of funds in the United States.

This collier was planned to take the place of two old wooden colliers which had been in service for many years, one of which had been completely destroyed and the other was so rotten that it was difficult to keep her afloat. It was also desired to have a collier which could proceed to Corregidor Island under its own power with a cargo of coal in case of siege.

Under date of May 13, 1914, a supplemental contract was entered into with the above-named contractor, extending the time limit for completion to October 7, 1914.

On October 31, 1914, another supplemental contract was executed, extending the time for completion to December 15, 1914. From correspondence attached to this supplemental contract, it appears that the outbreak of the European war had delayed shipment of about 10 tons of material entering into the construction of the elevating gears of coal-discharging apparatus.

On March 16, 1915, the department quartermaster, Philippine Department, forwarded copies of correspondence explaining the further delay in completion of this vessel, which correspondence showed that on January 21, 1915, during trials of the collier, the coal-discharging machinery developed structural weakness and failed; and on March 15, 1915, it was decided by the contractors that new material must be designed and made to replace the parts which failed.

On March 20, 1915, the representative of the Quartermaster Corps at Shanghai submitted report to the department quartermaster, Philippine Department, inclosing marked photograph, showing the cause of the trouble with the coal-discharging machinery.

Under date of February 11, 1915, the department quartermaster, Philippine Department, forwarded report of the Shanghai Dock & Engineering Co. (Ltd.) relative to the above-mentioned accident to machinery.

On May 15, 1915, the department quartermaster, Philippine Department, furnished copies of correspondence relative to the further delay in completion of this collier, in which the difficulties experienced by the shipbuilding firm in getting satisfactory action from the patentees of the coal-discharging machinery are fully set forth.

Under dates of January 14, 1916, and February 25, 1916, the department quartermaster, Philippine Department, forwarded copies of cablegrams from the contractor, stating that the British Government had delayed shipment of the new parts required until January. Based upon this correspondence, two communications, dated February 24, 1916, and June 1, 1916, respectively, were sent to the department quartermaster, Philippine Department, asking for report as to the advisability of applying any balance due the contractor on this vessel toward supply and installation of coal-discharging apparatus from the United States. To this the department quartermaster replied, under date of June 1, 1916, that he considered it inadvisable to make any change in the coal-handling apparatus of the collier, for the reason that it is of special design and it would occasion more delay to abandon the present machinery than it would to allow the contractor to complete the present installation.

Under date of June 24, 1916, there was received from the Secretary of State a communication from the London representatives of Shanghai Dock & Engineering Co. (Ltd.), requesting the State Department to instruct the ambassador at London to obtain permission from the British ministry of munitions for the patentees of the coal-discharging machinery to complete the same and ship to Shanghai. After consulting with the Manila authorities by cable, the Secretary of State was requested, under date of July 3, 1916, to instruct the ambassador in London to use his good offices to secure, if possible, the above-mentioned permission for fabrication and shipment of this material.

Transmitted herewith are photographic copies of the records of this department bearing on the case in question.

Very respectfully,

NEWTON D. BAKER,  
Secretary of War.

#### PENSIONS.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] is recognized for 10 minutes.

Mr. MILLER of Minnesota. Mr. Speaker and gentlemen of the House, I feel justified in asking for 10 minutes by reason of the very deep interest that I personally feel in this case, having known Gen. Sternberg in his lifetime; and having during the past four or five years been pleased to make some investigation relative to the incidents of the Civil War and the subsequent period, I have come to feel that this particular item is extraordinary and should receive the unanimous approval of the membership of the House.

Gen. Sternberg was one of the giant figures of this century. Modest, unassuming, gentle in manner, as greatness always is, ever at work each year of his life, ever dedicated to the public service, every atom of his wonderful brain and energy given to humanity. He never spoke for himself. His modesty precluded that, but medical history and the military history of the last half century speak for him. He began his public service, if I can use that term in connection with the career of a surgeon in the Army, at the very outbreak of the Civil War. A young man with exceptional attainments and a splendid college training, he entered the Union Army as a surgeon and accompanied the Union forces to the disastrous field of Bull Run. He did not run from the field. He remained heroically and resolutely at his task. He stood on the field whence friends had fled, there where the Blue and the Gray commingled lay upon the first great battle field of the Civil War, and he bound up the wounds of both alike. [Applause.]

He was captured, of course, by the Confederates, and for a week, night and day, he used his talent and his energy to ease the pain, to relieve the suffering, and to save the boys of the North and the South. He then exhibited that daring which subsequently contributed to his great professional success. He borrowed the garb of a Confederate soldier one night and escaped, traveled 25 miles through the wilderness, swam the Potomac River, and the next day was ready for service here in Washington.

Years afterwards he presented the same characteristics for heroism and consecration to duty in many of the great Indian campaigns of the West, such that in one—perhaps the most notable that we have had—he was recommended for conspicuous gallantry on the field under fire and advanced to brevet rank by reason of his services on that occasion. He rose to such a position in the Army medical service that Grover Cleveland, President of the United States, in 1893 made him Surgeon General of the Army, and he immediately entered upon a reorganization of the service, its development being such that the present highly scientific and splendid condition is the result. He occupied that important position longer than any other man in the history of our Government.

But it is not so much of his direct connection with the military branch of the Government that commends this case to me as it is the long and distinguished service he rendered to humanity. In 1871 yellow fever broke out in the great city of New York. Gen. Sternberg had demonstrated that he pos-



sessed advanced knowledge of the subject of bacteriology, then a subject in its infancy the world over. He was the lone pioneer in the United States. He went to New York and combatted the yellow fever during that epidemic, and thereupon was looked upon by the authorities in this country as the greatest authority on that subject. In 1873, but two years later, an epidemic broke out in the Southland, that region that has been so severely devastated by this horrible plague. Looking the country over, Gen. Sternberg was selected. He packed his grip one night and took the first train to fight this fatal pestilence, as fearless as he was on the battle field of Bull Run.

In 1875 the plague ravaged New Orleans, La., and Mississippi. Sternberg was sent there to command the fight. Never once faltering, never once wavering, he knew his danger, but he battled and he won. Yes, he won; for the plague was checked, the land freed of the scourge, and countless lives saved, but he fell a victim to the horrible fever, there on the field of duty. He almost passed away, but with impaired health he was saved for future work for his country. He had been studying yellow fever intimately and closely. He continued that work for a quarter of a century, and performed those preliminary studies which narrowed the causes of yellow fever and enabled science to get a grip upon the dread disease. Here came into play his leadership in the realm of bacteriology, his trained mind, his extended experience. During this period by scientific research he demonstrated that the generally accepted theory of the celebrated bacteriologist, Sanarelli, as to the cause of yellow fever was wrong, as were many other theories that had been advanced, and so narrowed the field of necessary investigation that his eyes were squarely upon the mosquito.

A committee of three eminent physicians of this city, in behalf of the medical profession, recently prepared a memorial to Gen. Sternberg, and in it have this to say:

The members of your committee do not consider it unfair to the memory of Maj. Reed and his colleagues when they declare that much of the success achieved was rendered possible by the preliminary work of Dr. Sternberg, who had eliminated numerous errors committed by others, and had contested and overthrown the claims of several bacteriologists for the discovery of the specific organism. His conviction that all former claims were unfounded, or remained to be proven, is clearly evinced by the appointment of a commission which he personally selected.

It may be truly said that no history of this important discovery is complete without a just presentation of Sternberg's preliminary work. In giving due credit to all the participants of this splendid piece of research it must be remembered that all of his work was of the highest scientific value, and his daily contact with the sick, his autopsies and bacteriological investigations in different countries and climes in search of the yellow-fever organism, involved at least the same risks and heroism displayed by members of the Yellow Fever Commission.

In support of the foregoing statement your committee submits the following testimony from Dr. Aristides Agramonte, the only surviving member of the Yellow Fever Commission, who, on January 3, 1916, wrote to Dr. Kober as follows: "With regard to our own work I may say that Gen. Sternberg's instructions to Maj. Reed were so precise, yet so complete, that they embraced even human experimentation, a thing until then considered well-nigh impossible, and, without the moral support which his reputation as a scientist of the highest order and his official position rendered us, I am sure we would never have undertaken the method of investigation with which you are familiar."

"I feel in my heart that in the greatest achievement of modern medicine, the almost total extinction of yellow fever in our hemisphere, he took an important part that has not been generally recognized. In spite of your pointing it out in your speech (June 8, 1908). I say an important part and I would be tempted to say the most important part, since by the elimination of many confusing and erroneous ideas with reference to the cause of the disease, obtained by his indefatigable work in South and Central America, he cleared the way for us who came after him, laboring in the same field of investigation; he saved us the work, and thus the waste of effort and time which it would have entailed, by dealing with the fallacies in vogue during the last quarter of the nineteenth century, elucidating the question of yellow fever in a manner nearly complete."

Immediately after he became Surgeon General of the Army, with the power at his command, he organized this Yellow Fever Commission and placed at their disposal the 25 years of his work; and he had then become known as not only the pioneer, but the greatest bacteriologist in America.

You may be interested to know that when the great Dr. Koch, of Germany, was here a few years ago he placed his hand upon the shoulder of Gen. Sternberg and said: "Here is my brother in the work, one whom I admire among the men of the world." Well he might have said that, because in the very year that Dr. Koch discovered the tuberculosis bacillus Gen. Sternberg demonstrated and photographed it.

Later on he made one of the greatest contributions to our medical science, which was the discovery of the pneumonia bacillus, and the benefit of this epoch-making achievement gave to humanity and the world. Later on he became interested during the closing years of his life in a general organized movement throughout the country to wipe out the curse of tuberculosis. He headed the American society in that regard, and to its labors he contributed all of his talent and a large measure of his time.

But as to his work in the yellow-fever situation it seems to me an additional word might with propriety be said. He was the pioneer, the worker, the experienced man. His experience, his knowledge, and his genius selected the men for this commission which was to do so much for the world. He gave them their directions as to their work, and, as they say, he was their inspiration.

The distinguished Dr. William H. Welch, of Johns Hopkins University, Baltimore, speaks of Gen. Sternberg's work in the following extraordinary language:

I was not only intimately acquainted personally with Gen. Sternberg, but I am familiar with the facts of his scientific and professional career and work.

The position of leadership attained by Gen. Sternberg not only in the Medical Corps of the Army but in the medical profession of this country attested by the important offices which he held, was based upon scientific and professional achievements of the highest order which brought him national and international fame.

Dr. Sternberg was the pioneer worker in the modern science of bacteriology in this country, and to this subject he has made contributions of great importance. He discovered the germ which causes lobar pneumonia and made valuable studies relating to this organism. He greatly advanced our knowledge, both from the scientific and the practical sides, of disinfectants and methods of disinfection. He published many valuable papers concerning infection and its problems, his "Manual of Bacteriology," which appeared in 1892, being a comprehensive and authoritative work.

Gen. Sternberg's researches upon yellow fever, extending over a period of a quarter of a century, are of great importance and an essential part of that series of investigations which led to the discovery of the mode of conveyance of this pestilence and the method of its prevention. With great zeal, industry, and skill he applied modern bacteriological methods to the search for the germ of yellow fever and to the claims arising from time to time as to its nature. This painstaking work had to be done, and it was accomplished by Gen. Sternberg in a manner which laid satisfactory foundations for further studies. These further studies were conducted under his administration as Surgeon General of the Army and by the so-called Army Yellow Fever Commission appointed by him or upon his recommendation. With the work of this commission he was in constant touch, and he welcomed the epoch-making results thereby attained as crowning the laborious series of investigations upon the same subject which had occupied his attention for so many years.

It is apparent from this bare mention of a few of the contributions of Gen. Sternberg to medical science in the domain of preventive medicine that he rendered important services to science and to humanity, services which deserve ample recognition by the Government of his country.

The work of this yellow-fever commission is one of the great achievements in the world's history. The Southland is at last free from the scourge. Cuba has become a health spot. The work of that commission enabled us to build the Panama Canal. It has enabled us to clean up western South America and the Central American States, and the world is no longer subject to one of the greatest of plagues.

Elihu Root, serving several years as Secretary of War, has the following to say of Gen. Sternberg's work:

I have received your letter of March 6, and I respond heartily to the very moderate statements which you make regarding Gen. Sternberg's merits and the claims of his memory to recognition by Congress. Senator GALLINGER's bill does not rest alone upon long and faithful service, including both the Civil War and the War with Spain, but chiefly and distinctively upon the great part which Gen. Sternberg played in the service rendered by the Medical Corps of the Army in the nine years during which he was Surgeon General.

The practical extirpation of yellow fever in Cuba and on the Isthmus of Panama and the development of methods of preventive medicine which have secured the phenomenal freedom from typhoid in recent years are achievements in which the Medical Corps of the Army bore a great part and won the highest distinction. Congress has paid great honor to the medical officers who in the field and in camp became distinguished for their part in this extraordinary work. Let no one think, however, that the man who was at the head of the corps can be left out of account of this creditable record. Such things do not happen by accident. No body of men accomplishes what our medical officers accomplished for the 10 years succeeding 1902 except in response to leadership, incitement, encouragement, opportunity, motive power, coming from the head of the corps.

The Medical Corps accomplished what it did largely because the man at the top was a pioneer in bacteriology, an advance worker in protective medicine, and had the enthusiasm and devotion through which science wins victories. That spirit communicated itself to the corps, directed its energies, made it the field of opportunity for scientific effort, kept good men in it, brought good men into it, and furnished the indispensable element of leadership without which the work could not have been done. Gen. Sternberg was the general commanding in that campaign. Congress has been honoring his subordinates gratefully and properly. It is all wrong that there should be no appreciation for the commander. I have not received yet the copies of resolutions, etc., which you have sent, but I do not need them, for I know about this subject myself upon the experience of four years and a half, during which it was my business to observe and estimate the influences working for and against efficiency in the War Department.

These men have all gone but one, these men who solved the problem. The man who organized the commission and was its inspiring genius and guide is the last to pass away. We have recognized merit and worth as we ought. If we do not, there is no meaning to a republic, no meaning to free government, no meaning to unmeasured generous service to humanity. We appropriately have given to the widows of two of the men who were on this commission \$125 a month. One member of the commission is still living, a Cuban, Dr. Agramonte. As the gentleman from Colorado [Mr. KEATING] has said, he has re-

cently testified to the work of Gen. Sternberg in connection with the commission.

A soldier by the name of Kissenger, who was not a physician, offered himself to assist in the work. He was injured. We gave him a pension of \$100 a month. He has since died and his widow is now receiving \$100 a month. There is one more, the widow of Maj. Reed, who was acting chairman of the commission—

Mr. HUDDLESTON. Mr. Kissenger is not dead. He is still living and drawing a pension, which is carried in the Army appropriation bill.

Mr. MILLER of Minnesota. I do not care how the payment is carried; it comes out of the Treasury of the United States.

Mr. HUDDLESTON. But he is not dead.

Mr. MILLER of Minnesota. The gentleman from Illinois invited my attention to a paragraph which led me to think that the widow of Mr. Kissenger was drawing a pension in the way I have stated. If I am in error about that, I am glad to be corrected. The widow of Maj. Reed is drawing a pension of \$100 a month.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILLER of Minnesota. May I have two minutes more?

Mr. KEATING. I yield two minutes more to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Had Gen. Sternberg devoted even a portion of his lifetime to acquiring remuneration for his services he might have died a rich man. He died a poor man. He has left a widow. In my humble judgment he has contributed more for the well-being of humanity than almost any other one man I can name in the whole realm of medical science during the last half century. And we know what wonderful strides medical science has been making and what beneficent results have followed. It seems to me that a great—I do not mean to say generous, but I do think I have a right to say a fairly considerate—Government will recognize the lifetime of service, the heroic devotion, and the splendid achievements of this man and honor his memory, a memory that ought to be blessed and hallowed by every man in the South. He has done more for you than any other living man. I believe you agree with me that his widow, who is now of advanced years, ought to be able to live in reasonable comfort during the remaining period of her life, and the distinguished services of this noble man thereby in some degree recognized by an appreciative Government. [Prolonged applause.]

Mr. KEATING. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, special pension legislation is objectionable in the very nature of it. Like all other kinds of special legislation for the benefit of individuals, it is subject to very great abuses; but it has become an established practice in Congress, and it is too late to take up that question. There is no need to quarrel about that.

The objectionable features of special pension legislation when presented regularly to Congress are palliated by the fact that these bills are referred to a committee which has as its duty looking up the evidence and considering each case separately and rendering a fair decision. That palliates this evil to some extent. Since we have that method of acting on this special legislation, we should insist that all measures which have that kind of object should be referred to the Pension Committee and should come before this body in a regular way, after having had fair consideration and some opportunity to have their merits gone into.

The matter of this mosquito experiment, which demonstrated that the mosquito was the vicious carrying medium of yellow fever, has been referred to on the floor. I wish in that connection to call attention to what I regard as a highly objectionable method of granting pensions. The Army appropriation bill, on page 30, carries several items that I look upon as pensions. One of them is the payment of \$1,500 annually to Mrs. Jennie Carroll, widow of James Carroll, late major of the United States Army, and another is the payment of \$1,200 to John R. Kissenger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry. Those two items represent appropriations made on account of these mosquito experiments. Maj. Carroll made himself the subject of a mosquito experiment, and as the result he died. Subsequently, at some time before I came into Congress—I do not know whether it was by special bill, but I imagine that it came in here just as other things do, as a rider on this appropriation bill—

Mr. MANN. My recollection is that it was a special bill. I know there were special bills in some of these cases.

Mr. HUDDLESTON. I hope it was by special bill, because that at least gives some excuse for it. But it came in here, and

we are making appropriations of \$1,500 a year to Mrs. Carroll, widow of Maj. Carroll, who died as the result of these experiments.

Another soldier who volunteered to submit himself to the experiment was John R. Kissenger, who was an enlisted man, and an appropriation is carried here in this bill for Mr. Kissenger, who I am glad to say is still alive, and is receiving \$1,200 a year.

Now, the particular thing to which I wish to call attention is this, that in this bill, as it was originally presented to the House, the committee reported an appropriation of \$600 for the benefit of Mrs. Carroll, the mother of Maj. Carroll. Thereby it was proposed to make an appropriation not only for the widow of this man who lost his life but for his mother, a thing that is absolutely unprecedented, so far as my knowledge goes, in the granting of pensions by the American Congress.

I say it is highly objectionable that such a thing should be done. The distinguished chairman of the Committee on Military Affairs [Mr. HAY], in answer to a point of order which I made to the items, argued that they were not pensions, that they were appropriations for the upkeep of the Army. I do not see how such an argument can be sustained.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUDDLESTON. I ask for five minutes more.

Mr. KEATING. I yield five minutes more to the gentleman.

Mr. HUDDLESTON. Mr. Speaker, here are men, soldiers in the American Army, who voluntarily took the chance of losing their lives. I would not for a moment take away a flower that belongs in their wreath or depreciate their sacrifice to the slightest extent. They no more offered their lives, however, than you did, if you enlisted in the American Army, than I did when I enlisted, than any soldier does who goes to the front to serve his country. Men who submit themselves to experiments such as these are entitled to no more credit than a man who charges a battery and faces death in the mouths of roaring cannon. Certainly no different position can be sustained.

These men lost their lives in these experiments, and a compensation, an annuity, a gratuity, a reward, a payment, is proposed to be made to their widows. Is there any more reason why a man should have such a payment awarded by a rider on an appropriation bill, or that his family should have such recognition, than in the case of a man who goes out to fight and loses his life in open battle? Not at all. The only reason it was ever put in here, in my judgment, was because the pension committee did not see proper to give an allowance as large as the beneficiary thought it ought to have been. It is impossible to safeguard such legislation so long as one committee handles one feature and another another, and neither one knows what the other does.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. For a question.

Mr. GREENE of Vermont. I suppose, of course, the gentleman takes into consideration the fact that the principle governing military pensions is based on wounds or disabilities contracted in the service in line of duty?

Mr. HUDDLESTON. Yes; and I should say that these men who submitted themselves to these experiments suffered in the line of duty.

Mr. GREENE of Vermont. This was a voluntary service, which no government could compel.

Mr. HUDDLESTON. It could not compel it any more than a commander could order a soldier to go out as a spy and get information. A commander would not be likely to detail him on something that was a life and death service against his will. He volunteers, it is true, but the fact that he volunteers makes it no less in the line of duty than otherwise.

If the gentleman takes the position that in submitting to the mosquito experiment these men did not act in the line of duty, then I say that they are not entitled to any payment or pension whatsoever, any more than a man in civil life who submits himself to an experiment and loses his life.

Mr. GREENE of Vermont. But the gentleman—

Mr. HUDDLESTON. If these men were not doing their duty as soldiers, if they were not serving their country when submitting to this experiment, then they are entitled to no payment and no especial recognition.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. HUDDLESTON. Why should the matters come here in the Army appropriation bill when all other pensions are paid by another appropriation? It can not be defended.

I want to call attention to the fact that by this method of special legislation double pensions are likely to be paid without the knowledge of Congress and not as contemplated by law, and



pension claims turned down by the Pension Committee as unworthy come up with a favorable report from the Committee on Military Affairs. It is something that ought to be very carefully watched. Under no circumstances should these matters come in here without full and fair consideration by a committee accustomed to handling such matters, and knowing what they are doing when they do handle them.

The SPEAKER pro tempore (Mr. HAY). The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. KEATING, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### PENSIONS.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15048, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to take from the Speaker's table the bill H. R. 15048, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. BURKE, Mr. SHOUSE, and Mr. LANGLEY.

#### THE TARIFF.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Speaker, I rise for the purpose of reading a statement recently made by a very prominent American statesman on the subject of the tariff. After referring to what is expected to be done by the tariff commission provided for in the Kitchin bill, this distinguished statesman says:

It ought to be possible by such means to make the question of duties merely a question of progress and development, a question of adopting means to ends, of facilitating and helping business, and employing to the utmost the resources of the country in a vast development of our business and enterprise.

Let me repeat the first two or three lines:

It ought to be possible by such means to make the question of duties merely a question of progress—

And so forth.

Mr. Speaker, it will be observed that all reference to any question of revenue is omitted. I think it might be amusing and profitable to ask Members of this House to guess who is the author of that statement, and yet I do not care to waste so much time. Is it some high priest of protection; is it the representative of some great business interest that desires at all hazards to prevent any foreign competition? It scarcely seems possible that it could be a Democrat, because I observe in the Democratic platform the statement as to the tariff is as follows:

We declare it a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue.

Mr. SLOAN. Mr. Speaker, will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. SLOAN. I would like to have one guess or perhaps two. I suggest that the author of those words is either Mr. FORDNEY, of Michigan, or Mr. MOORE, of Pennsylvania. [Laughter.]

Mr. LONGWORTH. I am not surprised at the suggestion of the gentleman, yet he is wrong. Strange though it may seem, strange particularly though it may seem to Members on the other side of the aisle, abhorrent possibly as it may seem to my friend the distinguished chairman of the Committee on Ways and Means, the gentleman from North Carolina [Mr. KITCHIN], that statement was made by the President of the United States, Mr. Woodrow Wilson. [Applause and laughter on the Republican side.]

Mr. KITCHIN. Mr. Speaker, will the gentleman permit an interruption?

Mr. LONGWORTH. With pleasure.

Mr. KITCHIN. The gentleman just read from an irresponsible sheet, not giving any name of the paper, magazine, or other source. Where is the gentleman's proof?

Mr. LONGWORTH. Mr. Speaker, I am not at all surprised that the gentleman from North Carolina should doubt somewhat the authority for that most remarkable statement coming from the leader of his party, and yet it is set forth in the Washington Post, a Democratic newspaper— [Laughter on the Democratic side.]

Mr. KITCHIN. Mr. Speaker, the gentleman should not so reflect on the Democratic Party.

Mr. LONGWORTH (continuing). Bearing date of Saturday, July 29. I have read one sentence from it, and I am going to ask permission to incorporate the entire article.

Mr. KITCHIN. Mr. Speaker, if the gentleman will just permit me, I do not take back what I said when I asserted it is from some irresponsible sheet. I want to deny, in the name of the President and the name of the Democrats of this House and of former Congresses and in the name of Democrats throughout the country, that the President ever uttered such language, because, in my judgment, it is impossible for any man who voted for the Underwood Act or indorsed the Underwood Act, much less one who signed it, to have conceived and expressed publicly such high protective tariff sentiments.

The Washington Post is the earnest champion of all special interests, and especially of the highest protective-tariff interests; and I venture the opinion that it put that utterance in the President's mouth in order to injure the President with the real Democrats and patriotic tariff reformers of all parties throughout the country. I have never known even as high a protectionist as Mr. FORDNEY or Mr. MOORE, to whom the gentleman from Nebraska referred, to utter such a sentiment with regard to the tariff. The Democratic theory, as I have always understood it, is a tariff for revenue only. Even Mr. MOORE's and Mr. FORDNEY's theory—and the theory of the Republican Party in its palmyest stand-pat days—is a tariff for protection and revenue. The sentiment or utterances attributed to the President by that Republican high-tariff sheet is a tariff for protection only. The man who believes that import duties should be made merely a question of progress and development of business is bound to favor the repeal of the Underwood Act, for not a section or paragraph or sentence or line in that act was conceived or written upon any such theory. The President indorses the Underwood Act. Of course he never made such a statement as the gentleman from Ohio or the Washington Post attributes to him. I repeat my denial in the name of the President and the Democratic Party.

Mr. LONGWORTH. The gentleman's comment, I agree, is absolutely apropos; and yet this purports to be taken from a letter recently addressed by the President of the United States to the president of the Illinois Manufacturers' Association. Now, I agree that I may be, possibly, a little late [applause on the Republican side], possibly a little late in offering this statement for the consideration of the House. It was made as long as a week ago, and possibly the President may have changed his mind since. [Applause on the Republican side.] But, at any rate—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Speaker, may I have two minutes more.

The SPEAKER pro tempore. The gentleman from Ohio asks that he may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. At any rate, this statement came with that authority I have cited, and I assume we may easily determine the correctness of it by asking the president of the Illinois Manufacturers' Association to state whether it is correct or not. Now, I have great sympathy for the gentleman from North Carolina, and I do not wonder—

Mr. KITCHIN. The gentleman needs it, if the President wrote that. [Laughter.]

Mr. LONGWORTH. I think the gentleman must need it. I have the deepest sympathy with all Members upon that side of the House who attempt to follow the President in his lightning changes of opinion on all matters of great public policy. You are forced into the attitude of having to approve him both when he goes forward and when he comes back; both when he goes up and when he comes down; horizontally, vertically, diagonally, latitudinally, and parabolically. [Laughter on the Republican side.]

Mr. McKELLAR. Will the gentleman yield?

Mr. LONGWORTH. Yes; I will yield.

Mr. McKELLAR. Does the gentleman think that he made quite as rapid a change as the candidate of the gentleman's own party when he indorsed the plank of your party on woman's suffrage one day and came out for national woman's suffrage the next day?

Mr. LONGWORTH. Oh, the gentleman from North Carolina was shocked more than I am and I am speaking out of sympathy for his feelings. Why, gentlemen, your approval must be flexible and adjustable, it must be mobile and double-jointed, if you expect to keep up that attitude with respect to the President's ever changing state of mind. You are continually forced to say as the old backwoodsman said, "Them's my sentiments, and if they don't suit they kin be altered." [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to print this article to which I have referred.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to incorporate in his remarks the article to which he referred. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

**WAR'S EFFECT ON TARIFF—TRIP ABROAD MAY BE ONE OF NEW BOARD'S FIRST ASSIGNMENTS—WILSON'S VIEWS IN LETTER—INTENDS TO TAKE ADVANTAGE OF PROVISION AUTHORIZING COMMISSION TO CONDUCT INVESTIGATION—QUESTIONS WHETHER TIME IS OPPORTUNE TO STUDY THE SITUATION IN EUROPE.**

One of the first tasks assigned to the tariff commission to be created by the pending revenue bill may be a tour of European countries, including the belligerents, to study the effect of the war on industrial and trade relations of the United States and to report particularly information which might aid in the adjustment of tariff duties to meet conditions likely to follow the restoration of peace.

Administration officials let it be known that the plan to send the proposed commission abroad was being seriously considered in making public yesterday a letter from President Wilson to Samuel M. Hastings, of Chicago, president of the Illinois Manufacturers' Association, in reply to a telegram from the association suggesting that a special commission be appointed to visit all foreign nations to investigate economic conditions and trade opportunities.

#### IDEA LONG IN MIND.

The President said whether the moment to act upon the suggestion was opportune was open to serious question, but that when circumstances justified it he intended to take advantage of the revenue bill's provision for investigation by the tariff commission. The letter, in part, follows:

"After all, what we are interested in is to ascertain all the facts surrounding our economic life, and to disconnect a fundamental thing like the fiscal policy of the Government with regard to duties on imports from party politics. We shall strive to do this through the instrumentality of a permanent nonpartisan commission, composed of able and experienced men, so that when the facts are once obtained the handling of our tariff question may no longer be made the football of politics."

"It ought to be possible by such means to make the question of duties merely a question of progress and development, a question of adopting means to ends, of facilitating and helping business and employing to the utmost the resources of the country in a vast development of our business and enterprise."

#### WORLD'S TRUST LAWS COMPILED.

"Through the Federal Trade Commission, which substitutes the milder processes of helpful counsel for the harsh process of the law, we already have for the first time a compilation of the trust laws of the world, together with a complete analysis of the manner in which foreign Governments encourage their business enterprises and associations. A committee of the House of Representatives now has under discussion a bill to permit cooperation among American manufacturers and business men exclusively for export trade, so that American enterprise may be able to meet more successfully the organized competition with which they are face to face in international markets."

"We have not been accustomed to the large world of international business, but it is evident that we must get acquainted with it immediately. America is already establishing new industries. Some of these, like the dyestuffs industry, for example, are old and well established in Europe and have been for generations. The study of such industries, their wages, and their general organization with reference to economy and efficiency of operation can not fail to be helpful to the business man of the United States and to the people in general."

The SPEAKER pro tempore. In pursuance of the order made yesterday the Chair recognizes the gentleman from Iowa [Mr. GREEN] for 15 minutes.

#### WAR PROSPERITY.

Mr. GREEN of Iowa. Mr. Speaker, without questioning the sincerity of our friends across the aisle, they have always seemed to be long on imagination and short on arithmetic. They are eloquent but not accurate, and in the exigencies of the present campaign have given wings to their fancies and lost track of the facts. In an attempt to show that the extraordinary demand for our products created by the war in Europe is not the cause of the present business boom, they assert that the exports of war material only amounts to 3 per cent of the total value of our manufactured products and are therefore too small in proportions to affect general conditions. As usual, they are wrong in their figures, wrong as to the amount of war material, wrong as to the value of our manufactured products, and the comparison is utterly fallacious and practically absurd. What is war material? Is it merely cannon food—powder, explosives, and shells, or rifles and cartridges? The veriest tyro in military affairs knows that food, clothing, and an infinite variety of equipment are as necessary to modern warfare as the

weapons of the soldier, but the most important of these items are omitted from their calculations. And what is this total that they speak of as the value of our manufactured products and compare with our exports? Examine a census report to find out how it is made up and you will discover that it is in reality the total volume of business done by all our manufacturers, in which the products of each manufacturer are often included over and over again. With reference to these totals the United States Census of Manufactures (vol. 10, p. 21) gives this warning that "in combining the value of products of all industries, the value of products produced by one establishment and used as materials in another is duplicated, and the total, therefore, gives a greatly exaggerated idea of the wealth created."

I hold in my hand a bulletin from the census office issued this morning giving the latest official report on our manufactures—1914—from which it appears that the whole value added by our manufactures to the cost of material is less than \$10,000,000,000. How then do our Democratic friends compute it to be three times as much? In this way: The blast furnace turns out pig iron, the value of which is listed and included in the totals given of products manufactured. The pig iron is made into steel by the steel manufacturer, and a duplication occurs when the value of the steel is included as part of the same totals. The steel is bought and made into an engine by another manufacturer and another duplication occurs. The engine is bought by still another manufacturer and he puts it in an automobile and another duplication occurs. Usually the product goes through the hands of several manufacturers and many duplications may occur. The result is that the figures obtained are worthless for purposes of comparison with the statistics of our export trade. If an automobile is exported, nothing but its completed value is included. The value of its parts turned out by some other manufacturer is not added thereto, and there are no duplications in the figures given for our exports.

Mr. Speaker, if it were true that the increase of exports of war matériel for the fiscal year was only 3 per cent of the value of our manufactured products for the same time, what of it, considering the way the figures for the total value of our manufactured products are obtained? The statement, however, is immaterial from any point of view, as our exports for the fiscal year ending June 30, 1916, alone were over \$2,000,000,000 larger than for the year ending June 30, 1914; and I shall show that all of this immense increase was due to demands created by the war, and is the factor that determines its effect on our business conditions.

Bear in mind at the outset that all wars change the course of trade. The present war, unparalleled in its magnitude, has, through blockades and closing of outlets, diverted commerce as never before, and every change has been for our benefit, opening new markets and new opportunities for trade on every side.

Everyone knows that a slight surplus of any product at once depresses its price and that a slight shortage invariably raises the market. The same is true with reference to wages. There were thousands of men out of employment before the war and wages were low. The war created a demand for workmen that could hardly be filled and wages naturally went up. The new demands for products and for labor caused by the war were so tremendous that they necessarily affected not merely the particular industries whose products were required but all kinds of business.

Some of the increases were so enormous that we can hardly credit the figures. In the 11 months ending May 30 of this year (1916) the exports of explosives were seventy-five times as large as in the corresponding months ending May 30, 1914. In comparative value the increase in this period was over \$414,000,000, a sum so vast that in itself and alone it was sufficient to alter our commercial conditions. In the same period we exported five times the value of firearms that we did before the war, and our exports of shrapnel, shells, and iron and steel for war purposes increased over \$100,000,000. We exported twenty times as much brass, and our exports of zinc rose from less than \$400,000 to over \$40,000,000. Both are a necessity in making munitions. You have heard much of the barbed-wire entanglements which protect the entrenchments. The war created an unprecedented demand for barbed wire and the exports increased from less than \$4,000,000 for 11 months of the fiscal year of 1914 to over \$21,000,000 in same period of the fiscal year of 1916.

#### SENT PRICES SOARING.

Before the war our exports of alcohol were insignificant, but it was needed for the manufacture of smokeless powder, and in the period last above referred to we exported nearly \$7,000,000 in value. Aeroplanes became the scouts of the warring armies, and our exports rose from less than \$230,000 to over \$6,700,000. Cavalry and Artillery needed harness and saddlery, and in com-



parison with normal times we exported seven times as much of these articles. Armies not only need food but they are always extremely wasteful of provisions. Small wars have always caused flour, corn, and provisions to rise in value. Great wars have sent the prices soaring. Almost immediately after the declaration of war wheat went up 20 cents, corn 15 cents, and oats 10 cents. The closing of the Dardanelles shut out the greatest wheat exporting nation of the world—Russia. Last year every report of English success in their attack at these straits sent wheat down. If the Dardanelles could be thrown open tomorrow, wheat would drop 15 cents and a smash would ensue in the grain markets.

The demand for breadstuffs in the second year of the war was less than that for the first year, yet the exports of breadstuffs for the fiscal year of 1916 were more than two and one-half times as much as for 1914. Europe paid this country nearly \$256,000,000 more for breadstuffs in 11 months of the last fiscal year than for the same period before the war, the most of which went directly to our farmers, enabling them in turn to buy that much more of manufactured products. It is said that a horse only lasts three weeks upon the modern battle line. This would seem to be correct, for while we only exported a little over \$3,000,000 worth of horses and only \$652,721 of mules in 1914, we exported over \$69,000,000 worth of horses and \$21,000,000 of mules in the fiscal year of 1916. Horses were a drug on the market before the war began. Is it any wonder that in the face of such demand the price of horses suitable for war purposes almost doubled? In 1914 we exported no horses to France. In the fiscal year of 1916 we exported over 175,000 in number. The great Napoleon once said that armies traveled on their stomachs. That this was true was shown when our exports of meat products increased for this period from less than \$133,000,000 to \$242,000,000. The increase in sales of breadstuffs and meats alone was sufficient to bring prosperity to the farmer.

Armies must have clothes, and we exported ten times as much woolen goods in the fiscal year recently concluded as we did in time of peace. Soldiers can not march without shoes, and our exports of boots and shoes were \$30,000,000 above those of normal times. With so many men on the field of battle the warring peoples had not enough laborers to make locomotives or rails on which to run them, but their armies had to be transported, and our exports increased heavily in these lines. Iron and steel were needed for cannon and shells, etc., and the total of our exports of iron and steel was increased \$322,000,000 over the antiwar period. The steel industry, which was sunk in a pit of depression before the war, was thus raised to the highest mark of its prosperity.

Attention has been called to the fact that our exports increased somewhat to the South American nations during the same period. This was only the natural result of the war. When they could no longer obtain manufactured products from Germany on account of the blockade, or from England and France, because their workers were too busy making munitions, the South Americans had to buy them in the United States. The exports to the neutral countries in Europe have also largely increased, but the increase passed through the neutral countries to supply the nations at war. Turn where you will to any increase worth noting in our exports and it will be found to be due to the war.

By reason of the enormous increase in our exports caused by the war the balance of trade with foreign nations in our favor for the last fiscal year alone was more than \$2,100,000,000, a sum so gigantic that we can scarcely calculate the effects of it. Heretofore a balance of trade in our favor of \$500,000,000 per annum was a source of great satisfaction in all business circles by reason of the stimulus which it gave business. In the last few months before the war the balance of trade was heavily against us, caused by the workings of the Underwood tariff under normal conditions, and gold to the amount of nearly \$90,000,000 was sent abroad, just as it had been under the Wilson tariff of the Cleveland administration. The great balance created in our favor by the extraordinary conditions of the war turned back the golden stream. Since January 1, 1915, we have received from abroad over \$700,000,000 in gold, as part payment of the indebtedness created by our enormous exports. This golden flood has permeated into every industry, has everywhere stimulated trade, has made money abundant and wages high, and helped to create temporary prosperity, which will burst like a bubble when peace is declared and normal conditions resumed. [Applause on the Republican side.]

Our prosperity has come through the blood and misery of our fellow men. In it there is nothing of which to boast, and much to regret.

If anything further is needed to show that the war was the cause of this enormous increase in the demand for our products,

it can be found by an examination of the exports of products not used in war, which notwithstanding slight increases to some countries, as a whole, were reduced. The exports of agricultural implements, for example, fell off about one-half in 1916 as compared with 1914; for reapers, plows, and mowers are implements of peace alone. Typewriters are not used in war, although the present administration conducts its conflicts with them, and their exports fell off. Sewing machines were only exported about one-half as much as in normal times. Exports of stoves, structural iron, and sheet metal were greatly reduced. The warring nations are digging trenches instead of building houses and we exported about 50 per cent less of lumber as compared with times before the war. In normal times the Underwood tariff, like every other revenue tariff, increased our imports and lessened our exports, until the balance of trade was against us. The fact is that but for the war our exports instead of being so much greater would actually have been less than in times of peace.

Facts are stubborn things that will not down. In the face of these facts do our Democratic friends seriously think that they can make the people believe that the war is not the cause of the temporary prosperity that we are now enjoying? Do they think that our citizens will forget that when the war broke out our industries were depressed, our workmen largely out of employment, the balance of trade against us, our gold going abroad and a general panic impending? If so, they will find in November that the country realizes that nothing but a Republican protective tariff will save us from calamity when peace resumes its normal sway. [Applause.]

*Comparative table showing notable increases in exports of specified articles from United States.*

FISCAL YEARS ENDING JUNE 30.

Article	Eleven months ending May 30—	
	1914 (before war)	1916 (during war)
Aeroplanes.....	\$198,559	\$6,709,883
Alcohol.....	64,439	6,954,315
Automobiles.....	24,583,425	91,954,466
Barbed wire.....	3,698,770	21,253,647
Brass.....	6,842,434	132,09,153
Boots and shoes.....	16,617,829	43,786,859
Breadstuffs.....	151,939,203	407,998,745
Cars and parts.....	6,914,217	21,987,933
Corn (included in breadstuffs).....	6,283,264	27,023,371
Explosives.....	5,877,915	414,655,383
Harness and saddlery.....	721,893	5,229,923
Meat products.....	132,686,390	242,371,169
Metal-working machinery.....	12,931,549	52,849,047
Miscellaneous iron and steel.....	16,783,661	120,107,054
Rails.....	9,893,022	15,957,637
Manufactured wool.....	4,367,771	50,883,822
Zinc, spelter and manufactured.....	369,667	40,563,719
Horses.....	3,221,557	69,008,116
Mules.....	652,721	21,121,419

FISCAL YEARS ENDING JUNE 30.

Total exports for year ending June 30, 1916.....	\$4,333,698,604
Total exports for year ending June 30, 1914.....	2,329,684,025

Increase in exports..... 2,004,014,579

The SPEAKER pro. tempore (Mr. Cox). The gentleman from Nebraska [Mr. SLOAN] is recognized for 20 minutes.

#### MONUMENT TO JOHN ERICSSON.

Mr. SLOAN. Mr. Speaker, there is pending before the House of Representatives a bill introduced by Congressman FITZGERALD, of New York, for the erection of a suitable monument in the National Capital in honor of Capt. John Ericsson.

Years ago in the schoolbooks we learned that Baltimore was the Monumental City. It is now seldom so designated. This is largely due to the fact that within an hour's ride from the "metropolis on the Chesapeake" there stands by the lordly Potomac, at a point where the waters from the mountains meet the tides of the sea, our National Capital.

Pen of author and voice of orator have dwelt in studied phrase, polished sentence, and rounded period upon the plan, development, and prospects of the American Capital. It is at once a growing metropolis and at the same time practically devoid of the noise, smoke, and dust of industry found in other cities of the world containing 400,000 souls. Its regular streets, broad avenues, palatial homes, and great buildings, public and private; together with its numerous parks, whose areas describe many geometric outlines, all challenge the notice and command the favorable comment of visiting Americans and foreigners.

Some of the most interesting features of Washington are its monuments, erected as a protest against the oft-repeated

statement that republics forget and are ungrateful. Between the Capitol and the Potomac, reaching toward the heavens, stands the greatest obelisk in the world. It was erected by a generous people's voluntary subscription and a congressional appropriation to the memory of Washington. Near the banks of the Potomac, beyond which rises in solemn grandeur Arlington Cemetery, the resting place of American heroism, is now being constructed a magnificent Greek temple in commemoration of Lincoln. [Applause.] In the various parks are imposing statues erected to brave, wise, and great Americans, "whose deeds crown history's pages, and time's great volume make." All these are in chaste marble, enduring granite, or imperishable bronze. These in the main are erected to commemorate America's native sons.

However, America did not come into national existence by native effort alone nor has that national existence been maintained independently of those who looked for the first time upon the sun in other climes or under other flags than ours. In an oblong square fronting the Executive Mansion is Lafayette Park. Here are beautiful walks under trees transplanted from many other countries. In the southeast corner upon an elevated pedestal, about which is the compatriot group, stands a bronze statue, with military trappings, of America's early, tried, and noble friend—Lafayette. [Applause.]

At the northeast corner is a similar statue erected to Kosciuszko, the Pole. May it stand there in grandeur until dismembered Poland, which gave him birth and for which he fought and fell, shall take its place among the other nations of the earth. [Applause.] In the southwest corner is another statue of heroic mold erected to Rochambeau, the great French general, who led his army, side by side with the Americans under Washington, up to triumphant Yorktown. The latest statue placed is in the northwest corner, that of Baron von Steuben, an officer under Frederick the Great. He became, after Valley Forge, the effective drill sergeant of our Continental Army. It was to a large extent his methods and discipline, added to the zeal, daring, and patriotism of the American Army, which humbled the land forces of Britain. [Applause.]

Nor are those who distinguished themselves on land alone remembered. In Franklin Park there has recently been erected a bronze statue of Irish Jack Barry, who nobly earned the title, "The Father of the American Navy." [Applause.] Recently the American Government in just retrospect condemned its own neglect of John Paul Jones, who under different flags had become in that period of revolution on two continents "the terror of the seas." As a measure of justice the American Government transported his remains from their Parisian resting place and placed them in a mausoleum at the Annapolis Naval Academy. Afterwards a statue enduring, imposing, and appropriate was erected to his memory at Potomac Park in the National Capital. The achievements of this Scot in gallantry and daring reflected luster all along his career, but never more than when he patrolled the seas in vigorous warfare against all who would assail the encradled Republic of the west. [Applause.]

But new obligations are being contracted by the Republic. They are being slowly discharged. To my mind, in this day of battle, this day when so many are profoundly impressed that our national peace and security rest upon a great and efficient Navy, it is fitting that we should do belated honor to the man whose genius, flashing through the guns of the *Monitor* in 1862, turned the ebb of Union fortune into the flood of confidence and victory. [Applause.]

John Ericsson was born with a genius for mechanics and a mind for mathematics. With the industry and persistence of his race this child of the north lived and closed his career with a record for achievement which, had he lived a few centuries ago, would have, by the iconoclasts of to-day, been called a romance.

He first saw the light under the northern sun in Vermeland, Sweden. His nativity was but a few degrees from the Arctic Circle. It was the land of the short day and summer and the long night and winter. Eighteen hundred and three was a year of great import to America. It was the year when Napoleon, intending to deliver his greatest indirect blow at Britain, ceded Louisiana to the United States, giving us the scope of an empire. Far off Sweden was then under the rule of the great Napoleon. There a boy was born who 59 years later was to prove a great factor in preserving intact, under the American flag, that mighty domain. Napoleon intended by so ceding Louisiana to build a western republic capable of battling successfully with Britain. That was an enterprise in which the great Corsican recognized his own inability, for already Britain's supremacy of the seas had confined Napoleon's triumphs to continental Europe.

The march of events confirmed the foresight of Bonaparte. Britain was successfully combated and our most marked victory was at New Orleans, the populous center of that great

annexation. The supreme trial of the Republic was not destined to be with Great Britain or any other power. It arose between two parts of the Republic itself. In that John Ericsson earned the distinction which the bill for his monument now pending in this Congress would confer.

Between the Swedish cradle and the American tomb (1803–1880) we find many interesting facts. Ericsson exhibited a precocity for drawing at the age of 4. At 8 he became an adept at understanding and handling machinery. He was the builder of a perfect miniature mill at 9. At 10 he astonished Admiral Platten, the great Swedish canal builder, who prophesied for the boy an extraordinary future. At 13 he directed 600 Government military laborers in the construction of public highways. So the good roads builders of to-day may find a pioneer in John Ericsson. At 17 he became a soldier in the army of Bernadotte, under whom he was rapidly advanced. At 18 he was a surveyor in the King's service. His measurements and maps made at that time still remain marvels of accuracy and utility. At 23 he left his homeland of the north, where he deemed his abilities and activities circumscribed, for Britain was then as now the empire of the sea. There, he believed, there would be a demand for the creations of his brain and their perfection by his hand. [Applause.]

Britain was not an hospitable host for the Scandinavian genius. The man who rivaled Stephenson in producing the steam locomotive, the foreigner who produced at a London fire, the first steam fire engine, the alien who bound the cannon barrels against their bursting, and the originator of the screw propeller, came up against British official inertia and English red tape. While Ericsson could take dead metal and shape it to his will, chain the elements, make a gun safe, at last to its handlers, subdue the fire fiend, and, seizing upon the theory of bird flight, apply it to shipping, revolutionize in cheapness and speed navigation, yet, he could not jar loose the official mind of Britain. The official mind of Britain was much like the official minds of other countries which have so often dismissed the suggestions of genius with these insuperable objections: "We never saw it before. It was never done before." It almost leads one to inquire why the ancients wasted rocks with which to build pyramids. Were there not sufficient official skulls for the purpose?

So in 1839, wearied with Britain's official inaction, though he had acquired 30 British patents, he started for New York, the then ambitious port of the Western Continent, now the one through which passes more commerce than any other port of the world.

He had been schooled in his native land to look to officials and governments for patronage, but he learned in Britain, and had it confirmed in America, that governments are less inclined toward seeing and adopting enterprise than is private capital. This is probably due first to the fact that the government is not intent on accomplishing gain, and second, the machinery of government being hedged in by constitutions and laws, and controlled by many heads instead of one, is necessarily slow in either seeing or accomplishing that which is not warranted by precedent.

He came to America at the invitation of Robert F. Stockton, an American capitalist. In 1842 he designed, and the Government adopted, its first real steam war vessel, known as the *Princeton*. He invented an instrument for measuring distances in firing guns. The range finders on our great dreadnaughts are but the perfection of this instrument invented by Ericsson. Its importance may well be realized since size of guns, weight of projectile, resistance of armor plate, and distance between gun and target, constitute the four great facts in naval gunnery.

The New World became attractive to him. He conceived a patriotic devotion to the great Republic whose enterprising men and liberal Government gave him scope for his genius and industry. From this country he was granted 100 patents. So, in 1848, he abjured his allegiance to the Crown of Sweden and became a naturalized American citizen. Before our Civil War he conceived the *Monitor* and offered it to Napoleon III, there seeming to be no American demand, but Napoleon rejected it. By a strange coincidence, the character of the great battle in Hampton Roads was to either side suggested by Ericsson. Mallory, the naval secretary of the Confederacy, had been a friend of Ericsson's before the Civil War. In his then talks with the inventor, the ironclad was discussed, and Mallory later upon obtaining his position in the Confederate Cabinet, used Ericsson's thought, years before the war informally communicated, for the construction of the *Merrimac*.

The Civil War was on. Its first year had shown in the activities of the field the mettle of both sides, albeit lack of discipline and preparation were manifested on either side, but more particularly by the North. It is an ancient story now



about the construction of the *Merrimac*. Her entering Hampton Roads, sinking our *Cumberland*, burning the *Congress*—both wooden vessels—and driving the *Minnesota* into a position of helplessness.

But the building of the *Merrimac* was not unknown to the northern authorities, and the time of her arrival where the battle must take place was of course reasonably forecasted. It seemed providential that preparation for meeting it should have been made by the one man then in the world capable of successful preparation. [Applause.]

On September 14, 1861, the Government entered into a contract with Ericsson to construct the *Monitor*. One of his claims was that it should be impregnable to shot. Think of it! In that critical period the Government, dealing with the only individual capable of meeting the great national crisis, inserted in its contract of purchase a condition that payment should be withheld unless that condition could be clearly met.

The *Monitor's* keel was laid October 25, 1861; her engines were steamed December 30. It was launched January 30, completed February 15, went into United States commission February 25, and on March 8 made her famous trip to Hampton Roads. Word painting of the first great sea fight, where gravity seems to have been conquered and where iron not only floated but fought iron, is left to the many writers and historians who with picturesque detail have given to the world an account of the first great naval battle as modern warfare then begun and since continued. Interesting as such an account might be, more interesting would be a statement of the fear and trembling on the decks of every northern wooden man-of-war. The consternation of Philadelphia, Boston, and New York, who saw in the immediate future the menace of their invaded ports, their destroyed shipping, and their wealth placed under tribute to the ironclad monsters already under construction and fashioned after the *Merrimac*. More interesting yet was the suspense and almost terror in Washington, where those in authority in anticipation saw the *Merrimac* steaming up the Chesapeake on into the Potomac, past Mount Vernon, and up to the National Capital, with guns trained on the Treasury and the Capitol, which meant more than a mere battle and the destruction of property. It meant a release of the southern blockade. It meant recognition of the Confederacy by all the powers on earth. It meant their commerce aiding the seceding group. It forecasted an unconquerable South and a permanently divided Nation.

Men sometimes refer to the battle in Hampton Roads as being undecisive, because neither ship was captured or sunk. But the best evidence of victory was the subsidence of fear throughout our Navy; the restoration of complete confidence in Boston, New York, and Philadelphia; the tightening of the southern blockade; the nonrecognition by foreign powers; the supreme relief and the glorious confidence of Lincoln and his Cabinet; and as time went on the complete victory by the North and the perpetuation of the Union left unquestioned proof of who was victor and who was vanquished in the first great battle of floating iron. [Applause.]

That in building the *Monitor*, Ericsson's chief consideration was for battle rather than navigation is suggested in the final end of the historic craft. Late in the year of 1862, as the northern naval forces were prosecuting their conquest against the shore defenses of the South, the *Monitor* was sent down the Atlantic coast. There, in a stormy sea, it passed Cape Hatteras; but in the increasing gale which followed it yielded to the battering of Neptune's artillery, and on the 31st day of December, 1862, it sank in that section of the sea which has claimed so many craft of both wood and iron and levied, year by year, heavy tribute of human life.

My attention has recently been called to the fact that Dr. Greenville Weeks, who was a surgeon on board the *Monitor* in its first battle cruise, and still with it on its final trip, still lives, at the age of fourscore years. He recently visited the great Capital whose preservation was the *Monitor's* prize in 1862. It may be a matter of general indifference, but to me one of the most interesting seafaring accounts I ever read was "The last cruise of the *Monitor*," written many years ago by Dr. Weeks, in which he graphically described the last trip and final passing of the *Monitor* upon which he had been an officer and witness in its battle triumph, and which he left on its final cruise only when it sank to rise no more.

There is a story of the ancient Swedish kings, and, by the way, one of them was named Ericsson, that a prince entitled to the throne must look upon it, then go and perform some great and heroic deed; then drink a libation from a skull before he takes his seat of power. Ericsson had looked upon a throne of metal, proffered by Neptune. He drank a libation from rebellion's skull, and became entitled to his throne. That right was confirmed by Neptune and Mars. [Applause.]

Some may think Ericsson's monitor was the chance thought of the dreaming inventor. It was not. It was the legitimate product of a highly organized, tempered, tried, and cultured brain, which always controlled and commanded a hand of cunning.

A tribute to Ericsson is, in a broad sense, a tribute to the race from which he sprung. No evidence of this would seem better or more appropriate just now than a quotation from Admiral Luce in a paper read before the Naval Institute April 20, 1876:

The monitor was the crystallization of 40 centuries of thought on attack and defense, and exhibited in a singular manner the old Norse element of the American Navy: Ericsson (Swedish son of Eric) built her; Dahlgren (Swedish branch of valley) armed her; and Worden (Swedish, wording, worthy) fought her. How the ancient Skalds would have struck their wild harps in hearing such names in heroic verse! How they would have written them in "immortal runes"!

[Applause.]

The SPEAKER pro tempore (Mr. OLDFIELD). The gentleman from Indiana [Mr. Wood] is recognized for 40 minutes.

Mr. WOOD of Indiana. Mr. Speaker, when Woodrow Wilson was nominated for President the Democratic newspapers and text books contained much about his peculiar fitness for this high office to which he aspired. We were told by his official biographer that "forty years of constant study and investigation before he ever became a candidate for office at all" had qualified him for this place as no other man who preceded him as President had been qualified. That he was better grounded in the science of government than anyone who had preceded him. That he had such a high conception of the obligation of public office that he would be less liable to make mistakes in the conduct thereof than anyone who had preceded him. That he was a positive character. Had rare good judgment, and that when once his judgment was formed on public matters he would not easily reverse that judgment. That when he spoke he always used the right word in the right place. That he said what he meant and always meant what he said. That he expressed his conviction in no uncertain terms. That it was hard indeed to get him to deviate in the least degree from a conviction once formed.

William Bayard Hale, the author of "Woodrow Wilson; The Story of His Life," gives us a striking illustration of this characteristic in Wilson by relating the following incident:

When Wilson was a student at Princeton he was a member of a debating society known as "Whig Hall." Princeton had another society at the same time known as "Clio Hall." The best debaters were selected from these two societies annually to contend for what was known as "The Lynde Prize." On one of these occasions Woodrow Wilson was selected as the champion of Whig Hall. The subject of the debate was to be "Protection versus Free Trade." The debaters were required to take sides by lot. Wilson put his hand into the hat and drew out a slip that required him to argue in favor of "Protection." He tore the slip up and returned to his seat. Nothing under heaven, he swore, would induce him to advance arguments for a thing in which he did not believe. He did not believe in "Protection." So the Lynde Prize went to somebody else.

I know that comparisons are sometimes odious, but the people of the United States are entitled to know whether the Woodrow Wilson of Whig Hall is the present Woodrow Wilson of the White House.

Let us see whether there is now nothing under heaven that would induce him to advance arguments for a thing in which he does not believe. The best evidence on this proposition is afforded by the many mental acrobatic feats performed by Mr. Wilson since he became President, to a few of which I desire to call the attention of this House.

#### MOLASSES TO CATCH FLIES.

One of the planks in the Democratic platform of 1912 declared "Our pledges are made to be kept when in office as well as relied upon during the campaign." Frequently during that campaign Woodrow Wilson was inspired by the above plank to declare "our platform is not molasses to catch flies. It means business; it means what it says. \* \* \* And they who talk one way and vote another are going to be retired to a very quiet and private retreat." Mr. Wilson might have believed in this plank of the Democratic platform at the time and might have believed in his own declaration with reference thereto at the time he made it, but it is painfully evident that soon after he became President of the United States he changed his mind with reference to both of them, and has demonstrated by his action and his treatment of that platform that its pledges were not made to be kept, and that it must have been molasses to catch flies. Subsequent events have proved that that is the only practical purpose it has subserved.

#### ONE TERM FOR PRESIDENT.

The Baltimore convention that nominated Wilson for President declared emphatically in favor of a single presidential term, and also advocated an amendment to the Constitution of the United States making the President of the United States

ineligible for reelection, and the candidate of that convention was pledged to this principle. Woodrow Wilson accepted the nomination and accepted this plank in the platform, and much ado was made about it during the campaign of 1912. While he was a candidate for election he was in favor of it. After the election he immediately changed his mind and commenced doing and continues to do everything in his power to secure a reelection.

## FREE TOLLS.

The Baltimore convention declared in favor of exempting from toll all American ships engaged in coastwise trade passing through the Panama Canal. Woodrow Wilson accepted this plank, and every speech and public utterance made by him during the campaign emphasized the wisdom of this declaration. But when he became President he changed his mind, and without giving any reason for it whatever demanded that the Democratic Congress then in power pass a law imposing on American coastwise ships the same charges that were imposed on foreign ships passing through this canal. And up to this goodly hour he has never given Congress or the people any explanation in defense of this action. He permitted it to leak out from those closely connected with his administration that it was done to appease the demands of England, but that this is not true is substantiated by the statement of Sir Edward Grey, British secretary for foreign affairs, who has openly declared that England at no time demanded that foreign vessels be permitted to pass through the canal on the same terms with American coastwise vessels; that England did not expect any such action on the part of this country and was surprised at what was done.

## PROTECTIVE TARIFF.

All of his life, until within the last year, Woodrow Wilson has been unalterably opposed to a protective tariff. He has repeatedly in his written commentaries and in public speech declared it unconstitutional.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SLOAN. After making that statement, I would just like to ask if the gentleman desired to modify it any, in the light of the statement read by Mr. Longworth, of Ohio?

Mr. WOOD of Indiana. Yes. I thank the gentleman for the suggestion, and think another paragraph should be added to my speech. [Laughter on the Republican side.]

Yet when brought face to face with a depleted Treasury and with a tariff-for-revenue-only law that has utterly failed to supply the necessary funds with which to defray the current expenses of government, he suddenly changes his mind and advocates the retention of a protective tariff on sugar.

Until during this present session of Congress he has been opposed to a protective tariff upon dyestuffs, but something happened, and he changed his mind and is now loudly proclaiming the necessity of a protective tariff on dyestuffs.

How does his present position on this subject compare with the position that he occupied when, as a member of "Whig Hall," he swore that nothing under heaven would induce him to advance arguments in favor of a protective tariff?

## TARIFF COMMISSION.

The President, until quite recently, has been violently opposed to a tariff commission, looking upon it as an instrument utterly at war with Democratic principles and utterly inconsistent with his ideas of a tariff for revenue only. But something happened and he changed his mind, and we find him during the winter just past sending for Mr. KITCHIN, the gentleman from North Carolina, leader of the majority side, whom he informed of his change of mind and of his desire that he (KITCHIN) should introduce a bill for the establishment of a nonpartisan tariff commission. Mr. Wilson found as a result of this interview that Mr. KITCHIN was not as much of a mental acrobat as he, and that he would not consent upon demand to change his convictions of a lifetime, even at the behest of the President; that he laid some store upon principle; and that he would not surrender his principle, as the President was willing to surrender his, simply for expediency. So as an alternative the President induced the next ranking member of the Ways and Means Committee, the gentleman from Illinois, Mr. RAINEY, to introduce his tariff-commission bill. The original measure introduced by Mr. RAINEY provided for five members, but before this bill had been in the legislative hopper a week the President changed his mind again and had Mr. RAINEY introduce a new bill, which finally passed this House as a part of the general revenue bill, that provides for six members of the tariff commission.

In his Indianapolis speech—that he and his friends are now trying so hard to forget—the President declared that he had

"put one over" on the Republican minority of this House by providing in the law creating a new trade commission a scheme for the investigation and scientific treatment of the tariff question, including all the conditions of trade in this country, the cost of manufacture, the cost of transportation, and all things that enter into the question of the tariff, in foreign countries as well as in the United States, and into all those questions of foreign combinations which affect international trade between Europe and the United States. He was of the opinion then that he had a commission to do all the things that are now expected that a tariff commission could do. But he changed his mind, and voiced that change in his demand that this Congress create an independent tariff commission.

## REVENUE.

When this Congress first assembled, President Wilson delivered his message in person, and, amongst other things, declared that the additional revenue necessary to defray the expense of government should be raised by continuing the direct taxes then in force, and in addition that there be placed a tax of 1 cent per gallon on gasoline and naphtha, a tax of 50 cents per horsepower on automobiles and internal-explosion engines, a stamp tax on bank checks, a tax of 25 cents per ton on pig iron, and a tax of 25 cents per ton on fabricated iron and steel. But something happened. He got his ear to the ground, and he heard a mighty rumble of dissension coming from every quarter. He soon discovered that automobiles were no longer owned solely by the rich, but that almost every farmer in the country had either an automobile or an explosion engine. He also heard from the pig-iron workers of the country. He likewise heard from the fabricated iron and steel workers of the country. And he further discovered that, by reason of the confidence still obtaining in banking institutions of our country, the people deposited their money in banks instead of concealing it in their old shoes or elsewhere, and that the bank-check tax was especially odious. So he changed his mind; and in the revenue bill presented to this Congress, which was approved by the President before it was presented, not one reference is made to or a single cent of tax is laid on any one of the articles referred to in his message to Congress. [Applause on the Republican side.]

## NEUTRALITY.

Soon after the European war broke out the President admonished our people that we should occupy a position of strict neutrality as between the warring nations; that we should be neutral in thought as well as deed.

At that time he set his seal of condemnation upon a proposition being entertained by some of our financiers to make a loan to some of the warring powers, and declared that such an act would be inconsistent with our position of neutrality. But something again happened, and in less than a year after he made this declaration of neutrality he openly encouraged the making of a loan of millions to these same warring powers, and then contended and now contends that such action is perfectly consistent with our position of neutrality. If he was right in his first position, he is certainly wrong in his second. Or if he is right in his last declaration, he committed an error in making the first. In any event he completely reversed himself upon this very important point. [Applause on the Republican side.]

On January 18, 1916, the President declared, through the Lansing note, "that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral, as well as by a belligerent government, and [our Government] is seriously considering instructing its officials accordingly." Within two months after taking the above stand, and announcing our position to the powers of Europe, to the utter amazement of the people of the United States, he changed his mind and reversed the attitude of our Government completely on this all-important subject by declaring that a merchant vessel has the right to carry armament and that by so doing it should not be held to be an auxiliary cruiser.

In his note of January 18 the President recognized the submarine as a legitimate instrument of warfare and suggested that international law should be changed to meet this new instrument of war. Within less than three months, on April 19, in his message with reference to his note to Germany delivered in this House, he took a directly opposite position and declared that the submarine was "incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants." What transpired in this interim to cause the President to so completely change front? Something must have happened to cause him to change his mind, but what that something was he has never given to the public.



These contrary positions taken by the President came nearer getting us into war with Europe than all the other misunderstandings that have arisen up to date in our foreign relations. [Applause on the Republican side.]

At one time he declared that he wanted the fullest possible expression by Congress on the armed merchant-ship question, then suddenly changed his mind and declared that Congress had no right to express itself upon this question at all—that it was a matter solely for the Executive Department to deal with.

#### WARNING AMERICANS.

During the last of February of the present year he sent word to Democratic leaders in this Congress that he did not want the resolutions pending in this body warning Americans to stay off of armed merchant ships belonging to belligerents openly considered. For some unexplainable reason he changed his mind, and during the first days of March he sent word to these same leaders that he wanted these resolutions brought out on the floor of the House and defeated. In obedience to this demand fully 90 per cent of the Democratic side who were personally in favor of the warning resolutions voted against their convictions and in compliance with the President's demand to defeat them.

Repeatedly has the President warned Americans living in Mexico to leave that country, for the reason that the United States could not protect either their persons or property, notwithstanding the fact that these American citizens were in a place where they had a right to be, where their property interests were, and were entitled to the fullest protection of this Government. But when it came to warning Americans to stay off of armed merchant ships belonging to belligerents, the President changed his attitude entirely and not only neglected and refused to give this warning himself but also demanded that the Congress of the United States should not give such a warning.

#### MEXICO.

Soon after he became President, Mr. Wilson declared that the Mexican people had a right to decide their own internal troubles without any outside interference; that they had the right to establish their own form of government, no matter how much blood was shed in doing it, and that it was nobody's business but theirs. Very shortly after this he changed his mind and interfered himself in the affairs of Mexico, and declared that Huerta should not remain president of that unfortunate country, and immediately commenced conniving at his displacement by furnishing munitions of war to the bandit leaders of Mexico that they might the more completely terrorize the people of that country.

At another time he demanded that all Mexican claimants and aspirants for the presidency get together in a general conference to establish a de facto government and agree upon some one of their number to act as president, and threatened non-recognition of anyone who refused. Afterwards he changed his mind completely with reference to this scheme, abandoned it entirely, and recognized as the Mexican ruler Carranza, the only claimant who did not and would not join in his proposed conference.

He refused to recognize Huerta as President, declaring that he was not the head of a de facto government, yet he demanded that, as President, he salute the American flag; and to enforce this demand he sent an army of men and war vessels to Vera Cruz. After 19 of our boys were killed and a great many more wounded the President changed his mind and withdrew these troops and these war vessels without receiving the salute that he had so vociferously demanded, and so precipitate was his withdrawal of our war vessels that had it not been for the humane action of the officers of a German and a British vessel lying near by hundreds of American citizens would have been subjected to the merciless attack of enraged Mexicans.

He sent our Army into Mexico nominally for the purpose of capturing Villa, his former pet, and his bandit horde; but before capturing Villa, and without accomplishing any good purpose, he changed his mind, and after the Battle of Carrizal, in which a great number of our soldier boys were killed and a greater number wounded, he is now proposing, upon the demand of the impotent Carranza, to further humiliate this country by withdrawing our troops.

From first to last nearly a thousand American citizens and soldiers have been killed by the Mexicans, the deaths of more than three-fourths of whom may be traced to the wobbling policy, or want of policy, of President Wilson.

#### TOO PROUD TO FIGHT.

When the news came of the sinking of the *Lusitania* and the whole world stood shocked and appalled, Mr. Wilson said he was "too proud to fight"; but recently he gave evidence of

changing his mind on this proposition by telling a meeting of preachers in New York that he always welcomed a fight and that he thought it must be in his blood. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MOORE of Pennsylvania. I gather that the gentleman has already referred to about 25 different changes of policy on the part of the President of the United States. In order to be fair, the gentleman has perhaps included somewhere in his speech some one policy upon which the President has not changed his mind. Does the gentleman intend to refer to any such consistency on the part of the President? [Laughter on the Republican side.]

Mr. WOOD of Indiana. Well, if I can find any I will. Possibly I may find one or two. [Laughter on the Republican side.]

#### MEXICO BEFORE UNITED STATES.

When Mr. Wilson became President of the United States he took a solemn oath to defend our country and our countrymen wherever they might be, but if he is correctly reported he has even forgotten this solemn obligation, for in his speech at Detroit recently made he declared it to be his purpose to "serve Mexico first." He made this astounding declaration by first charging that unnamed persons, save as he designated them "fellow citizens," are seeking to "exploit" Mexico; and then declared that "Mexico has justification for distrusting us." What right has even the President to declare that a number of "fellow citizens" are seeking to exploit Mexico? He gives us no facts to substantiate his charge, and it little becomes the President of the United States to make it. Better would it appear if this charge came from Mexico and that the President of the United States, whose duty it is to defend our fellow citizens, should demand the facts substantiating any such charge rather than to assume the truth thereof and declare upon such assumption that he will serve Mexico first.

Mr. HELVERING. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. HELVERING. I suppose the gentleman wants to be correct?

Mr. WOOD of Indiana. Yes, sir.

Mr. HELVERING. As a matter of fact, the President said he would serve the people of Mexico first, rather than those interested in exploiting Mexico.

Mr. WOOD of Indiana. But the President is not justified in calling those who have spent their time and money in Mexico, by the invitation of an established government there, "exploiters."

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman again yield?

Mr. WOOD of Indiana. Yes.

Mr. MOORE of Pennsylvania. Was any exception made when Americans generally were ordered out of Mexico, to leave their property and take their chances?

Mr. WOOD of Indiana. None.

Mr. SLOAN. Mr. Speaker, will the gentleman yield right there for a moment?

Mr. WOOD of Indiana. Yes.

Mr. SLOAN. The gentleman from Kansas [Mr. HELVERING] said something about the President being interested in the people of Mexico. Does not the gentleman from Indiana think he ought to be interested in the people of the United States who are in Mexico, even ahead of the people who are Mexicans?

Mr. WOOD of Indiana. Yes. The Democratic platform at Baltimore declared that it would be one of its chief duties to protect the American borders and the rights of American citizens in foreign lands. [Applause on the Republican side.] In the face of that platform your President and mine has declared, "Get out of there; we can not protect you," and has raised no hand in behalf of those whose interests are in Mexico and whose lives have been lost or imperiled in Mexico.

That he intends to serve Mexico first is evidenced by the fact that on the 18th of March, nine days after the Columbus raid, in which a great number of our citizens were ruthlessly murdered, there arrived at Vera Cruz on a steamer from New York 1,350,000 rounds of soft-nosed cartridges and other munitions of war for Carranza. This Government is not only passively permitting the shipment of these munitions of war but in addition this administration is actively aiding in furnishing guns, cartridges, and other munitions of war to the so-called Mexican Government, for upon complaint being made by the Mexican Government to the State Department that cartridge-manufacturing machines from the Waterbury-Farrell Foundry at Waterbury, Conn., had been delayed, our Government took official action to hasten the shipment of these machines and

saw to it that these machines were immediately shipped. That was in May, at a time when this Government knew of the intense feeling existing in Mexico against the presence of American soldiers on Mexican soil, this all happening after the American soldiers had been shot down at Parral and just before the ambush and massacre at Carrizal.

When Wilson first became President he found an embargo upon shipments of arms and ammunition to Mexico, this embargo having been fixed by President Taft. Wilson first declared that he would continue its maintenance, but in order to accomplish his purpose in ousting Huerta he changed his mind and lifted the embargo, and from that time to this he has permitted the furnishing of arms and ammunition to this bandit country, with which the life blood of our soldiers and citizens has been spilled. Do you not think it is pretty near time that he should change his mind and in the discharge of his obligation as President of the United States serve, for a period at least, the people of the United States first? [Applause on the Republican side.]

#### PHILIPPINE ISLANDS.

About the time of the meeting of the Sixty-fourth Congress President Wilson, in a letter to Senator CLARK, informed him that he would veto the Philippine bill if it had a provision in it fixing the time for Filipino independence. Before Congress was half through he changed his mind and agreed to approve a bill having this clause in it.

#### THE ARMY.

After the European war had been in progress for more than a year Mr. Wilson expressed his opposition to any material increase in the Standing Army and declared that there was no need of any increase. He then became the advocate of Secretary Garrison's continental-army plan. And to the enlargement of our Army on this plan he remained a firm advocate until the present Congress was well under way. Suddenly he changed his mind and abandoned Garrison and his continental-army plan and became the champion of the scheme now embodied in the Hay reorganization law. Secretary Garrison, not being as adept at somersaulting as the President and seeing no reason why this sudden change of front should be made, resigned his position, and the President called in his place a Secretary of War who would do his bidding, but who personally had always been against the present scheme of so-called preparedness.

Mr. Wilson has repeatedly expressed himself in opposition to the young men of our country spending their time in military training; that such training is not consistent with our form of government, and that it tends to militarism. But he has changed his mind on this proposition and is now demanding that 400,000 young men be trained and kept in training.

#### THE NAVY.

President Wilson was likewise opposed to any additional increase of the Navy, and officially declared that it was sufficient to meet all emergencies and that there was no occasion for the expenditure of money beyond the fixed program for its increase and enlargement. But over night he changed his mind on this proposition and is now demanding that our Navy shall be made the second, if not the largest, in the world.

#### TRUSTS.

With great blare of trumpets during the campaign of 1912, and immediately after he became President of the United States, Mr. Wilson declared it to be his purpose to save "the wretched and downtrodden" from the "grasping hand of private monopoly," and pledged himself and his party to the annihilation of all "kinds of artificial advantage"; that he would not be content with the bringing of civil suits for the dissolution of monopolistic trusts, but that those who were responsible for their management and control should be prosecuted under the criminal law. Then he changed his mind, and not only has he failed to institute any criminal proceeding against violators of the antitrust laws, but he has also abandoned the prosecution of civil suits for the dissolution of what he termed "these unholy and unrighteous combinations." Yea, more, he has been encouraging them in every way that he knows how, until to-day there are more trusts and larger trusts in this country than there have ever been in all its previous history.

#### FOREIGN IMMIGRATION.

Before Mr. Wilson became President of the United States he declared himself in favor of using every possible means in check of foreign immigration. In his history of the American people, when discussing this question he said that the hordes that were coming into this country from Hungary and Poland and from the south of Italy were the most sordid and hopeless characters and that their standards of life and work were such as American workmen had never dreamed of hitherto; that we had prohibited the Chinese from coming into this country but that they were more to be desired as workmen, if not as citi-

zens, than most of the coarse crew that came crowding in every year at our eastern ports. And during the campaign of 1912 he said in a public address in New York City, "We want American life kept to its standards and that the only standards of American life shall be standards of restriction; then we are all upon a common ground, not of those who criticize immigration but those who declare themselves Americans. \* \* \* Of course, if the immigrants are allowed to come in unrestricted hosts and to stop at the ports where they enter and there to compete in an over-supplied labor market, there is going to be unhappiness; there is going to be deterioration; there is going to be everything that will be detrimental to immigrants." Thus did he, not only in his private writing, but in his public speech, cause the American people to believe that he was in sympathy with the sentiment of the country, then and now so largely in favor of putting the most stringent check upon foreign immigration. But these declarations made by him on this subject have proven to be but molasses to catch flies, for when he had an opportunity to put his words into acts he failed to do it; on the contrary he vetoed the Burnett immigration bill.

Now again has this bill passed the House during the present session with an overwhelming majority. It is now sleeping in the Senate. In making up the program of the Senate, selecting the bills which will be passed by that body during the remainder of this session, the Burnett immigration bill has no place. Why is this so, if it is not because the President will be compelled either to veto it, if he wishes for once in his life to be consistent, or else to sign it and again show to the world and again confirm his record of inconsistency. No one has heard of the President making a visit to the Capitol and applying the lash to the backs of Democratic leaders and demanding that the immigration bill shall be taken up and passed by the Senate during this present session, notwithstanding the fact that there is a greater demand for its passage from all sections of the country than there is for any other measure now pending in the Senate, unless it possibly be the child-labor bill. [Applause on the Republican side.]

#### CHILD LABOR.

How different the conduct of President Wilson in his attitude with reference to the child-labor bill. This bill was not included in the Senate program, which had been submitted to the President and met with his sanction, and public announcement had been made that it, together with the immigration bill, would not be considered during the present session. After that announcement was made and the public was apprised of the fact that this measure would not be considered during the present session, the mighty voice of the people was heard from every city, village, and hamlet throughout the United States, except a few States in the South, which the President knows are with him politically anyhow, and when he heard this voice, without announcement or any prearrangement, he came to the Capitol, sent for the Democratic leaders of the Senate, and demanded of them that the child-labor bill be taken up and passed before adjournment. Dumfounded at this action, after his former agreement to the Senate program, the Democratic majority were for a time at an utter loss to know what they should do, but, agreeable to their former obedience and compliance with the whims and caprices of the President, they finally held another caucus, and have agreed to conform their action to this last change of mind of the President with reference to their program and will pass this bill.

What of the President's attitude with reference to child-labor legislation? The evidence furnished by him, written and oral, discloses that he has been opposed to the regulation of child labor by Federal legislation for years and that his opposition was based upon the fundamental proposition that any such legislation is unconstitutional. In one of his lectures on constitutional law, delivered in 1911, he said:

Its power—

The Federal Government—

is to regulate commerce between the States, and the attempts now made during every session of Congress to carry the implications of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians are those set by the good sense and conservative temper of the country.

The proposed Federal legislation with regard to the regulation of child labor affords a striking example. If the power to regulate commerce between the States can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and action of the country. The only limitation Congress would observe should the Supreme Court assent to such obviously absurd extravagances of interpretation would be the limitations of opinion and of circumstances.

Since Mr. Wilson delivered the above opinion there has been no change in the Constitution of the United States either extending or abridging its powers of legislation upon this subject. If it was unconstitutional at the time Mr. Wilson delivered that opinion, it is unconstitutional now. He has written much on



constitutional law. He is delighted to be recognized as an authority upon this subject. Therefore what he says thereon is entitled to more than ordinary weight, and his change of attitude should receive more than ordinary attention. Something has caused him to change his mind and to become suddenly a great advocate of Federal legislation to control child labor. What can it be that has so suddenly caused this change? He has made no explanation, and are we not warranted in concluding that it is molasses to catch flies? [Applause on the Republican side.]

Notwithstanding this eleventh-hour conversion and the political purpose of his action, which is so patent, a Member of this House in a public speech within the least week declared that if this bill passes President Wilson will be entitled to all the glory and all the credit for its becoming a law. As a matter of fact, he will be entitled to no credit if honest conviction and unselfishness of action are to be counted the measures of credit. His contribution to this legislation will be like the contribution of King John to the Magna Charta—wrung from him by the people. [Applause on the Republican side.]

#### LABOR LEGISLATION.

The Democratic platform of 1912, for the purpose of inducing the labor vote of this country, contained the following plank:

The expanding organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.

Mr. Wilson accepted this plank and gave it his hearty indorsement in public addresses during the campaign. In his speech of acceptance, in speaking of this plank and of the laboring classes of the country, he said:

No law that safeguards their life; that improves the physical and moral conditions under which they live; that makes their hours of labor rational and tolerable; that gives them freedom to act in their own interest; and that protects them where they can not protect themselves, can properly be regarded as class legislation or as anything but a measure taken in the interest of the whole people, whose partnership in right action we are trying to establish and make real and practical. It is in this spirit that we shall act if we are genuine spokesmen of the whole country.

That is the way he talked before the election, when he was anxious to secure the suffrage of the 2,000,000 voters contributed from the laboring classes, but what was his performance after the election? The Democratic majority in the Congress that followed made a pretense to carry out this plank in their platform by inserting in the sundry civil bill "that no part of the \$300,000 provided therein for the enforcement of the antitrust law should be expended for the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful." This bill was signed by the President and it became a law. However, he accompanied his signature with a statement showing that he had changed his mind completely with reference to the plank, to which I have heretofore alluded, concerning labor organizations being exempt from prosecution under the antitrust law and concerning which he had declared that they should have the fullest freedom to act in their own interests. In this statement he said:

I have signed this bill because I can do so without in fact limiting the opportunity or the power of the Department of Justice to prosecute violations of the law by whomsoever committed. If I could have separated from the rest of the bill the item which authorizes the expenditure by the Department of Justice of a special sum of \$300,000 for the prosecution of violations of the antitrust law, I would have vetoed that item, because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle. But I could not separate it. I do not understand that the limitation was intended as either an amendment or an interpretation of the antitrust law, but merely as an expression of the opinion of the Congress.

I can assure the country that this item will neither limit nor in any way embarrass the action of the Department of Justice. Other appropriations supply the department with abundant funds to enforce the law. The law will be interpreted in the determination of what the department should do by independent and, I hope, impartial judgments as to the true and just meaning of substantive statutes of the United States.

He employed the most forceful language at his command in declaring his opposition to this character of legislation and emphasized the fact that he had completely changed his opinion with reference to the rights of union labor being privileged exemption from prosecution under the antitrust law. Afterwards Congress passed the Clayton antitrust bill, in which it is endeavored to exempt labor organizations from the operation of the Sherman antitrust law, but this, too, is merely a pretense according to the opinion of the President, for with reference to it he has declared that it "grants no privilege not already enjoyed."

#### ECONOMY.

In his pre-election declarations the President was very positive in his promises for retrenchment in public expenditures, and denounced in scathing terms the extravagance of the Republicans in their conduct of public business. But after he became President he changed his mind, and while he had the complete domination over the Congress that passed the appropriation bills and had the power to veto any or all of them, yet the first Congress after he became President appropriated \$114,000,000 more than any previous Congress, and the Sixty-fourth Congress will increase this figure by many millions, not counting a cent for the extra cost of preparedness.

#### NEW OFFICES.

President Wilson as a candidate also inveighed against the army of useless offices and officers who are yearly sapping the Government of millions of dollars for no good purpose, and promised retrenchment in this branch of the Government. But after he was elected he changed his mind, and instead of decreasing the number of offices and officers he has created many new offices and commissions, and has added to the office-holding class more than 30,000, with an increased salary list of \$42,000,000 annually.

#### WOMAN SUFFRAGE.

Mr. Wilson has been on every side of the woman-suffrage proposition. He has been against the right of woman suffrage entirely, but all at once he changed his mind on this proposition and became an enthusiastic advocate of woman suffrage, and voted for the suffrage amendment in the New Jersey election last fall. It was heralded from one end of the country to the other that he was going home to vote for it, which he did. Had his picture snapped as he was entering the election booth for this purpose, which was printed in most of the metropolitan papers. The amendment was beaten by more than 50,000. This caused the President's mind to go on center. Which way it will slip before the November election no one can tell. [Applause on the Republican side.] For the present he is contenting himself by declaring this question should be left to the States to determine, like until very recently he declared that child labor should be determined.

#### BRYAN.

One of the most remarkable changes of mind made by the President was with reference to William Jennings Bryan. Before the election he was in favor of knocking him and all of his theories and vagaries, including his initiative and referendum, into a "cocked hat." After the election he took him into his official household and set him for a time at the head of the table and put in vogue many of his teachings that he had formerly condemned. Bryan, because of the change of mind of the President on the subject of preparedness and his foreign policies, was daily witnessing the feathers being plucked from his dove of peace, and in order to save his cherished bird from absolute annihilation he departed from the house of Wilson. Since his departure his theories of government remain with the President only as a memory.

#### CIVIL SERVICE.

Before his election the President expatiated much on the necessity of civil-service reform, and promised that with his election merit should count and should be recognized in the advancement of those holding public place. But when he became President all of his beautiful theories with reference to civil service were forgotten. He changed his mind concerning the fitness of men for appointment and the necessity of their meeting the requirements of civil-service examination, as is evidenced by the fact that he has made more Executive orders appointing men to office, who otherwise would have had to pass the civil-service examination, than any man that has ever been President of the United States before him.

#### ELECTION OF UNITED STATES SENATORS.

At one time he was bitterly opposed to the election of United States Senators by direct vote of the people, but when it became evident to him that this reform was popular throughout the country he suddenly changed his mind and became one of its warmest advocates.

#### INSIDIOUS LOBBY.

During the campaign of 1912 Mr. Wilson, the candidate, had much to say about the iniquities of the insidious lobbyist, declaring that Congressmen must be protected from their baleful influence; that they should be free to act, without either threat or cajolement or other influence. But upon this, too, has he changed his mind and has himself become the greatest lobbyist with which Congressmen have to contend. [Applause on the Republican side.]

Not content with his constitutional prerogative to initiate and suggest legislation through official messages and to defeat legisla-

tion by veto when it does not suit him, he directs like a monarch from the throne what legislation must and what shall not be considered by the Congress. To accomplish his purpose he is not sparing with the party lash, nor does he mince words as to what will be the fate of those who do not yield to his demands. Woe unto the recalcitrant Congressman of his political faith who refuses to do his bidding; his lot, indeed, is a hard one. Like Rob Roy, the robber, who insisted that he should do all the robbing, our President insists that he should have a monopoly on all lobbying. [Applause on the Republican side.]

## CENTRAL BANKS.

Before his election President Wilson was in strict accord with his party leaders and the Baltimore platform in its condemnation of the so-called Vreeland-Aldrich banking bill. He opposed the establishment of a central bank. Opposed the bank ownership of stock in banking institutions and also opposed liquid assets. These things were undemocratic and had been since the days of Jackson. After the election, however, he changed his mind and became the champion of the present reserve-bank law, which contains every one of these features that were formerly so objectionable to him. In fact they furnish the nucleus of strength for whatever of virtue there is in this measure, and the central bank so long despised by Wilson and his party became the keystone to the arch.

## CONCLUSION.

I have mentioned but a few of the many changes of front taken by the President. [Laughter on the Republican side.] Many more as striking as the ones named might be enumerated. These, however, should be sufficient to convince the ordinary man of the absolute instability and unreliability of our President with reference to any important matter of state. They certainly demonstrate that there has been a mighty change come over the President since he was an idealist at Princeton University; that the Woodrow Wilson of Whig Hall and the Woodrow Wilson of the White House are two quite different individuals. Then he was living among and was possessed by his ideals. He had not been touched by the poison of sordid ambition or maddened by the thirst for power. High place, and the desire for continuance in high place, have completely transformed him. Long since has he ceased to be an idealist and has become an opportunist pure and simple. He can declare, as he has been declaring in almost every speech he makes, that he cares nothing for what may be in store for him or what happens to him as a result of the November election, and that it is only the judgment of the future with which he is concerned, but his actions speak louder than his words, and the future will judge him by his acts rather than by his declarations. That judgment will be, like the judgment pronounced by Jacob upon Reuben, "Unstable as water, thou shalt not excel." [Prolonged applause on the Republican side.]

Mr. BLACKMON rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Alabama rise?

Mr. BLACKMON. I rise to ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 10 minutes.

Mr. BLACKMON. Mr. Speaker, a Member of this body, Mr. RODENBERG, of Illinois, made a statement in the House on yesterday, which appears in to-day's Record, in which he says that the southern Members of this House are "an abomination in the sight of the Lord." [Laughter.]

Mr. DAVIS of Texas. Louder!

Mr. BLACKMON. Well, I am going to speak loud enough for every honest man in this House to realize that that statement is absolutely untrue, and is, in my judgment, a statement that no man should make on the floor of this House.

I know a number of gentlemen on the Republican side, and there is not one of them who, in my judgment, is "an abomination in the sight of the Lord." [Laughter.] If that be not true, if there are Republican Members of this House who are "an abomination in the sight of the Lord," they ought not to be here. If there is a Democrat here who is "an abomination in the sight of the Lord," he ought not to be here. I leave that to the gentleman on the Republican side of the House, an ex-Speaker of this body, and I say that he does not indorse such a statement as that.

Mr. CANNON. As what?

Mr. BLACKMON. That the Members from the South collectively are "an abomination in the sight of the Lord."

Mr. CANNON. I think very highly of all of them whom I know, I believe without exception, as individuals; but I think

that the Lord, if He took any notice about governing, would condemn the policies of the Democratic Party.

Mr. BLACKMON. The Lord in His wisdom will condemn him, and the respectable Christian people of the district of the gentleman who made that statement will also condemn him.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BLACKMON. Yes.

Mr. GREEN of Iowa. I am sure the gentleman wants to be fair. I heard the gentleman from Illinois [Mr. RODENBERG] make the statement that he is referring to, and I understood the gentleman from Illinois [Mr. RODENBERG] to say that he regarded the gentlemen upon the other side very highly, but that politically their actions were an abomination in the sight of the Lord.

Mr. BLACKMON. I will ask the Clerk to read the paragraph to which I refer, from the remarks of the gentleman from Illinois [Mr. RODENBERG].

The SPEAKER pro tempore. Without objection, the Clerk will read the paragraph.

The Clerk read as follows:

I have nothing whatever to say against these gentlemen of the South, because I am proud to be able to say that among them I number some of my warmest personal friends. Individually they are agreeable, affable, and courteous gentlemen, but collectively, as a political aggregation, they are an abomination in the sight of the Lord. [Laughter and applause on the Republican side.]

Mr. BLACKMON. The applause on the Republican side, my friends, refers to the Almighty.

Mr. DAVIS of Texas. Will the gentleman yield just a minute?

Mr. BLACKMON. Yes.

Mr. DAVIS of Texas. While they were talking about President Wilson changing his mind, I remembered that God Almighty changed His mind. He looked upon man once and was pleased with him, and said he was good. He looked upon him again, and was so displeased with him that He even repented that He had made him. I think He saw a Republican when He repented.

Mr. KELLEY. Is it not possible that He looked upon the gentleman from Texas? [Laughter on the Republican side.]

Mr. SLOAN. If the gentleman will yield right there, I wish to suggest that when the Lord changed His mind it was an exception, but in the case of the gentleman in question it is a profession.

Mr. BLACKMON. Of course, I am not a philosopher, but I will tell you what I think about it. No man who has been in this House with me during the six years I have been here has ever heard me say an unkind word against a Republican, whether he came from the North or the East, or any other section of this country. [Applause on the Republican side.] That is the truth, gentlemen. I have friends on the Republican side of this House for whom I have the greatest respect. They are good, true, honest, straightforward men, and I think we have reached the time when the man on that side of the House who undertakes to revive the sectional feeling that existed at one time has a head about the size of an acorn—not big enough to make a good meal for a squirrel. [Laughter.] On both sides of this House we are here to legislate. Our politics are different, but there ought not to be abuse of individuals, for the membership of this House does not deserve it. [Applause.] I could not let the statement of the gentleman from Illinois go by without uttering my protest against it. I say to you gentlemen here to-day that the Republican Members of this House, individually and collectively, are not "an abomination in the sight of the Lord," and no man ought to make such a statement about the Members on this side. I think that individually and collectively we ought to tone down these sectional orators who retard and are detrimental to substantial legislation for the people of the country. I do not object to what the gentleman said about the Democratic Party. I am informed that he made that same speech out in his district at one time, when another man beat him to a frazzle. It might happen again; and if so, I do not think there will be any great weeping, wailing, or gnashing of teeth among the Christian people of his district, and certainly not, so far as Congress is concerned. So I say that Republicans and Democrats alike ought to frown down any attempt to revive sectional feeling. I know that the Representatives from the South, as a rule, are good men. I know that the Representatives from the North, the East, and the West, as a rule, are good men. We differ in politics, but that is all. I simply wanted to make the statement to the House that I condemn the statement of the gentleman from Illinois that the Members from the South collectively and as a party are "an abomination in the sight of the Lord." I believe we all have a fair chance with Him if we do right. I sincerely trust that the Members from the North, the South, the East, and the



West, will so conduct themselves in Congress that none of us will be "an abomination in the sight of the Lord," not even the gentleman from Illinois [Mr. RODENBERG]. [Applause on both sides of the House.]

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.;

H. R. 2534. An act to adjudicate the claims of certain settlers in Sherman County, Oreg.;

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 15635. An act for the relief of the Eastern Transportation Co.;

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North;

H. R. 10554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York;

H. R. 10931. An act for the relief of Drs. Blair and Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 11749. An act for the relief of the administrator of the estate of John M. Waples;

H. R. 16097. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914.

H. R. 3896. An act for the relief of John H. Janssen;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 10116. An act for the relief of certain settlers under reclamation projects;

H. R. 8318. An act for the relief of De Barbieri & Co., of Valparaiso, Chile;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo;

H. R. 12208. An act adding certain lands to the Teton National Forest, Wyo.;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people;

H. R. 2209. An act for the relief of W. W. Blood; and

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.

LEAVE TO EXTEND REMARKS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of naval and military expenditures.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record on the subject of naval and military expenditures. Is there objection?

There was no objection.

Mr. MATTHEWS. I ask unanimous consent to extend my remarks in the Record on the Philippine bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record on the Philippine bill. Is there objection?

There was no objection.

Mr. VOLSTEAD. I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent that on Monday, after the reading of the Journal and the clearing

of business from the Speaker's table, and after all other regular proceedings of the House, I may have 10 minutes in which to address the House.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to address the House for 10 minutes on Monday next, not to interfere with business on the Speaker's table or any other business.

Mr. NOLAN. Mr. Speaker, reserving the right to object, does that mean after the Unanimous Consent and Suspension Calendar is completed?

The SPEAKER pro tempore. Yes; the consent is granted, not to interfere with any business of the House.

Mr. NOLAN. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. CULLOP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 41 minutes p. m.) the House adjourned until Monday, August 7, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting detailed information in the War Department concerning the contract with the Shanghai Dock & Engineering Co. (Ltd.), of Shanghai, China, for the construction of the single screw steel collier No. 1, for the use of the United States Army (H. Doc. No. 1320), was taken from the Speakers' table, referred to the Committee on Military Affairs, and ordered to be printed.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BRITT: A bill (H. R. 17333) for the relief of the heirs of Capt. W. D. Miller; to the Committee on War Claims.

Also, a bill (H. R. 17334) for the relief of the estate of Harry Johnson; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 17335) granting an increase of pension to Gardner W. White; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 17336) granting a pension to Charles Hathaway; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 17337) granting a pension to Mary Ettie Gray; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of Bernette Bachelier, of Whitinsville, Mass., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Petition of H. C. Simcoke and other citizens of Richmond, Ind., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

#### SENATE.

Monday, August 7, 1916.

(Legislative day of Saturday, August 5, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Simmons
Beckham	Gallinger	Nelson	Smith, Ariz.
Brady	Gronna	Norris	Smith, Ga.
Brandegge	Hardwick	Overman	Smoot
Bryan	Husting	Peterson	Sterling
Chamberlain	Johnson, S. Dak.	Pittman	Taggart
Chilton	Jones	Ransdell	Thompson
Clapp	Kenyon	Reed	Vardaman
Colt	Kern	Robinson	Williams
Culberson	Lane	Sheppard	Works
Cummins	Martin, Va.	Sherman	

Mr. MARTINE of New Jersey. I wish to announce the unavoidable absence of the Senator from Maryland [Mr. SMITH]

on public business. He is paired with the Senator from Vermont [Mr. DILLINGHAM].

I also desire to announce that the Senator from Louisiana [Mr. BROUSSARD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. THOMAS answered to his name when called.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. JAMES, Mr. CLARK of Wyoming, Mr. WEEKS, Mr. HITCHCOCK, Mr. LODGE, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I move that further proceedings under the call be vacated.

The motion was agreed to.

#### CHILD LABOR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

Mr. OVERMAN. Mr. President, I want at the outset to say that I favor just and humane child-labor laws by the States. My own State has a child-labor law. It is not what I would have it to be and it is not what it will be if the State is left alone. Some years ago we passed an act in relation to child labor, and gradually we have been making a stronger and stronger act every year. I have no doubt when the next legislature meets it will enact as good a child-labor law as there is now in any State if we are left alone.

I do not favor the pending bill. I think it is an unjust interference with the domestic affairs of the States. I find no warrant in the Constitution for it, and there is in the Constitution an utter want of power conferred on Congress to enact such legislation. I therefore think the bill unconstitutional.

There is a division of sentiment in my State in regard to this bill, but no allegiance to my party or to its platform would compel me to support it. If every man, woman, and child in my State should ask me to support this bill, I could not do so, Mr. President, for I would then be violating the solemn oath which I took at that desk to support the Constitution of the United States.

Several Senators have spoken deprecatingly of North Carolina. Mr. President, I am going to put some statistics into the RECORD which are startling. The Senator from Idaho [Mr. BORAH] spoke about moral standards. I undertake to state here to-day that with regard to child labor North Carolina has as high moral standards as has any other State in the Union. Our children are as well cared for, and perhaps better cared for, than those in any other State in the Union. Several years ago I invited and urged the Senate of the United States, when my people were being slandered, to send a committee to that State and let them investigate conditions there. We have asked the Commerce Committee to send a committee to North Carolina to see what is being done in that State in reference to our child labor.

Mr. President, would you believe it when I tell you that between the ages of 14 and 16 years there are fewer children in North Carolina in the jails, in the prison houses, and in the workhouses than there are in any other one of 45 of the great States of the Union. I ask, Mr. President, to print as an appendix to my remarks certain statistics I have here from the Census Department. I am proud to put them into the RECORD, so far as North Carolina is concerned, but I am ashamed to put them in the RECORD in regard to forty-odd other States of the Union, and especially as to this model city—the District of Columbia.

In 1898 we passed what was called the model child-labor law for the District of Columbia. In 1914 we passed a law providing that no person should work more than eight hours a day in this city. Not longer ago than last week, a Senator passing along the street close to a drug store here, saw a beautiful woman crying bitterly. He asked her what was the matter. She said "I have been selling soda water in that drug store, getting \$10 a week to support my widowed mother; but an inspector has come around and turned me out. What am I to do? Where am I to go? Shall I starve?" In the years to come, if crime should overtake her, she could say, I presume, with the noted criminal, "My country's laws have made me what I am."

Listen, Senators, to these startling figures, which I have had prepared by the Census Department, showing the number of children under 15 years of age committed to prisons, jails, workhouses, and reformatories. How many do you suppose, giving the numbers per hundred thousand, of the children from 10 to 14 years of age are in these institutions in the District of Columbia? There are 385 in this model city, while in North Carolina there are but 15.

Then, I have selected one State from each of the groups of States. Vermont, in the New England States, has 102 children in such institutions; Massachusetts has 279; while North Carolina has only 15; and New York has 249.

Now, let us come to the Eastern, the Northern, and the Central States. Indiana has 129 while North Carolina has but 15. Among the West North Central States, in Missouri the number was 122 per 100,000. In North Carolina, in the South Atlantic group of States, the number, I repeat, was 15.4 per 100,000. In Kentucky, in the East South Central group of States, the number was 94.9 per 100,000. So it goes, Mr. President, showing that North Carolina had far fewer children in workhouses and prison houses than had any of 45 of the great States of the Union.

Mr. CLARKE of Arkansas. Mr. President, what was the number in Arkansas?

Mr. OVERMAN. In Arkansas the number was 45 per 100,000.

Mr. CHAMBERLAIN. Does the Senator mean 45 out of a hundred thousand in a year?

Mr. OVERMAN. The figures refer to children under 15 years of age committed to prisons, jails, workhouses, or reformatories in 1910, according to the Tenth Census, number per 100,000 children 10 to 14 years of age. I want to say that I had a compilation made concerning children committed to institutions in the District of Columbia following the passage of the child-labor act for the District of Columbia and also a similar compilation made of conditions prior to the passage of that act. Prior to the passage of the act the number was 348 per 100,000, while following the passage of that act the number increased to 389.5.

Mr. President, I am not going to discuss the merits of this matter; but since North Carolina has been alluded to several times upon this floor I desire to say that, so far as that State is concerned, it makes a splendid showing, I think—better than any other State. While many other States are increasing in illiteracy, the old North State is decreasing, and also, Mr. President, in school attendance of persons of school age North Carolina, with 481,000, stands at the head of the South Atlantic States, surpassing every other Southern State but Texas, and ranks eleventh in the whole United States, notwithstanding her large colored population—about one-third—and her rank of sixteenth in population.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. Yes.

Mr. CUMMINS. To what does the Senator from North Carolina attribute the low rate of children in the jails, workhouses, and reformatories in North Carolina? He has just said North Carolina had a very stringent child-labor law.

Mr. OVERMAN. No, Mr. President; I did not say we had a stringent law. I think we have not. I wish we had. I said that it was not what I should like it to be.

Mr. CUMMINS. That is what I can not understand. The Senator says the law is not as stringent as it should be, and yet he produces statistics to show apparently that where the law is stringent the most lamentable results have followed.

Mr. OVERMAN. I have cited statistics showing the facts. I do not know whether child-labor laws have had anything to do with the conditions or not; I do not say they have; but I started out to say that certain newspapers and magazines had been taking North Carolina for their text; and yet, according to the statistics, the condition of children in that State is better than in 45 other States; and I think the Senator from Arkansas [Mr. ROBINSON] will admit that the reports before the committee show that the children of North Carolina are well taken care of.

Mr. ROBINSON. Mr. President, will the Senator yield to a question for information?

Mr. OVERMAN. Yes.

Mr. ROBINSON. What penal and reformatory institutions do the statutes of North Carolina provide for children within the ages contemplated by the figures which he has presented?

Mr. OVERMAN. We have reformatories; we have prisons and jails; but we rarely ever send children under 15 to jail. We send them to workhouses or to other houses of correction.

Mr. ROBINSON. Do the figures which the Senator has compiled comprehend all of the children who are confined in any



sort of penal institution or poorhouse in the State of North Carolina?

Mr. OVERMAN. In North Carolina, yes, sir; just as they do in other States, applying generally to reformatories, jails, and prison houses. As to North Carolina, I had the Director of the Census have a statistician make up the report from the census returns.

Mr. ROBINSON. Does the Senator know how many reformatory or penal institutions for children there are in North Carolina?

Mr. OVERMAN. We have one State reformatory.

Mr. ROBINSON. When was that established, or about when?

Mr. OVERMAN. It was established about 10 or 15 years ago.

Mr. ROBINSON. For what year are the figures the Senator is giving?

Mr. OVERMAN. For 1910.

Now, Mr. President, I want to ask the Senator from Arkansas, the Senator from Idaho, and also my friend, the distinguished Senator from Iowa, what are we going to do with these children if this proposed law goes into effect? What is going to become of them? Here, for instance, is an orphan boy who is now getting, say, \$10 a week and supporting himself. If you turn him out and deprive him of the opportunity of working, what are you going to do with him? Where will he go? Here is a dependent mother with two children, who are supporting her, making bread and meat for her and them—what are you going to do with them? At the present time the children who are working have the advantages of Sunday schools and of other schools; they have churches, and are you going to drive all of them back to the farm? Many of them have no farm to which to go. Are you going to make them tenants? They have no stock with which to begin work on the farm.

Now, I desire to suggest to the Senator that one way out of it is a pension system. According to the high moral standards to which we want conditions to conform—and I know every Senator wants the highest possible standards to prevail for the benefit of the children—if the present system is absolutely destroyed the alternative is a pension system, under which the children and the dependent widowed mothers shall be pensioned.

I have a suggestion to make, and I wish to ask the Senator from Iowa what he thinks about it. Children who are now 14 years of age and who are working in the mills in two years will become 16 years old. Then they may work, no matter what law might be passed; then they would not be turned off on the world. Therefore I want to introduce an amendment to this bill providing that the act shall not take effect until two years after it has been approved, so that children can go on supporting their mothers and supporting themselves until they arrive at the proper age, and so that they will not be turned loose without anyone knowing what is to become of them. Do not send them to prison houses and to workhouses and to jails, but give them time. We gave the barrooms in the cities two years in which to close; we have given the bankers two years in which to adjust their affairs; we have given the railroads two years in which to rearrange their business, and why not give those who are to be affected by the pending bill two years in which to work the matter out? I ask the Senator if he would object to that?

Mr. CUMMINS. Mr. President, answering the question of the Senator from North Carolina, I beg to suggest that, as I understood, the objection of those who appeared before our committee in behalf of the factories in North Carolina, it was that the provision in the bill which limited the children under 16 years of age to eight hours' work per day was the provision that would interfere with these industries. They all claimed that the prohibition against employing children under 14 years of age in the factories would bring about little, if any, change. They did not want to employ children under 14 years of age; but they said that children under 16 years of age ought to be permitted to work more than eight hours a day, because their factories—and I am speaking especially of the cotton factories—were so adjusted that, if the spinning room could be operated only eight hours a day, the spinning room being the place in which children are employed, it would affect the carding room and the weaving room, so that these two parts of the factory would also be compelled to work but eight hours per day. With that statement, I say that I am entirely willing, so far as I am individually concerned—and I speak for no one else—that time shall be granted in which these factories can so equip their spinning rooms as to be able to do in eight hours what is required by the other ends of the factory, namely, the carding room and the weaving room. I do not know how long, with the exercise of reasonable diligence, it will require to so adjust these factories that they may be able to continue without serious loss. This bill gives one

year, and I thought that was enough. I can hardly conceive that the factories can not so rearrange their affairs in this respect within a year as to accomplish the purposes they have in view. If the Senator from North Carolina can show me that it will require more than one year to do what I have suggested, I shall not object to a reasonable extension of the time; but I speak for no one but myself.

Mr. OVERMAN. I expect to take up that matter when I offer the amendment, and show the necessity of it, which I think I can show to the Senator from Iowa. I was alluding to it here from the humanitarian standpoint.

Mr. SMITH of Georgia. Mr. President, if the Senator will permit me, I have been advised by some manufacturers that while ordinarily they could purchase and put in the machinery in 12 months, there is now quite a large demand upon the manufacturers of the machinery, and with this increased demand it would probably be impossible in less than two years to procure the machinery and make the additions to their plants required to increase the spinning part of their plants so as to limit the work to eight hours and yet complete a sufficient amount of work to supply the balance of their factories, and that it is the difficulty about obtaining the machinery that is one of the elements that makes it important for them to have two years.

Mr. OVERMAN. Mr. President, I do not expect to take up much time with the argument as to constitutionality. The Senator from Arkansas [Mr. ROBINSON] says there are only nine Senators opposed to this bill. Like the goat in the animal convention, they have all voted; so I can not hope to change anybody's opinion. But I do want to say this, in reply to the Senator from Arkansas:

In the splendid argument he made, the great speech he made upon this subject, he says that the commerce clause of the Constitution is plenary, and that is so. Nobody denies that. The court has said so, but there are exceptions, and I think there are more exceptions than he stated. The court, in the very opinion he read, said, "You can not, under the guise of the commerce clause of the Constitution, legislate on something which is really going outside of commerce," as you are doing in this case, and going into manufacturing and production.

The Senator said that the other limitation was the fifth amendment of the Constitution. I admit that, but he said there is nothing in the tenth amendment to limit it.

Now, Mr. President, I want to tell the Senator a little piece of history that he has forgotten. It will be remembered that North Carolina did not go into the Union when it was first formed. When George Washington was elected she took no part in that election. She was as free and independent as any country in the world. She declined to go in. George Washington was President, and North Carolina was out of the Union. But John Hancock and other distinguished men who framed the Constitution were anxious that North Carolina should come in, and he and others wrote letters down there asking them to come in. Our people were jealous of their rights. They said, "Under this commerce clause of the Constitution we do not know what the Federal Government will do; there must be some limitation on it"; and she did not go into the Union at first. I want to say in passing that she was the last to go out of the Union, and did not go out until she was forced out. She did not go in until the last, except Rhode Island. In 1789 she adopted the Constitution, but not until the tenth amendment to the Constitution was adopted; and it was understood then to be a guaranty that the Federal Government should not in any way interfere with the domestic concerns of the States. They said it would not; they wrote down there time and again that it would not interfere with their domestic concerns, and North Carolina said, "Write it in the bond and we will go in, and not until you do write it in the bond will we go in."

Mr. HARDWICK. Mr. President, if the Senator will yield to me, it is also a fact, is it not, that Thomas Jefferson was the author of the greater part of the first 10 amendments, including the one to which the Senator has referred?

Mr. OVERMAN. Yes.

Mr. HARDWICK. And that he insisted on their adoption for the very reason, among others, described by the Senator?

Mr. OVERMAN. Why, of course, Hancock—I have seen his letters—Jefferson, and others wrote that the people should have their rights reserved, and it should be guaranteed in the Constitution that they should control their own local and domestic concerns. Mr. President, upon this fact of history Jefferson Davis, in his History of the War between the States, takes the State of North Carolina, her act and the history of those times, as the basis for the great argument he made for the right of secession. But that was shot to pieces and went down forever at Appomattox. The Constitution is still here, however, and

the tenth amendment to the Constitution, which guarantees to the people the right of home rule and local self-government.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina suggest that the Constitution should be interpreted according to the letters that were written into North Carolina before she adopted or ratified the Constitution?

Mr. OVERMAN. No, Mr. President.

Mr. CUMMINS. If he does, I shall be glad if he will produce the letters so that we can see how much they differ from the decisions of the Supreme Court.

Mr. OVERMAN. I do not know whether I can produce the letters or not. I know that North Carolina stayed out of the Union at first, and did not go in for a year. I know why she stayed out. I know why, because the debates show it in the journals—that the guarantee had not been made in the Constitution that she should have the right of local self-government.

Mr. HARDWICK. If the Senator will permit me, contemporaneous history is always useful in construing the real meaning of a constitutional provision.

Mr. CUMMINS. That is quite true; but if the Supreme Court of the United States has considered contemporaneous history and has put a certain construction upon the Constitution, as I view it the subject has already passed away from our consideration.

Mr. HARDWICK. Of course if they have not done so, then there is nothing in the Senator's position.

Mr. OVERMAN. I agree with the Senator that we are bound by the Supreme Court, and I want to ask the Senator now—I know he is a candid Senator, and open and free and frank—has the Supreme Court ever gone as far as this bill proposes to go?

Mr. CUMMINS. I think the Supreme Court has gone further than this bill proposes to go; but I assume what the Senator desires to ask me is whether the Supreme Court has ever decided a case exactly like this one, and I answer that it has not; that hitherto there has been no legislation exactly parallel to the measure now under consideration.

Mr. OVERMAN. Mr. President, I know that the Supreme Court has upheld as constitutional laws passed by Congress affecting the health of people who live in States other than that from which the article of commerce was shipped and laws designed to protect the morals of the community and to protect it from false pretenses. I know it has done that; but I have never known a case where the Supreme Court steps out from the article going into commerce that affects somebody else outside of the State, steps over and away from commerce, steps into a cotton mill, and undertakes to control an innocent subject of commerce that is injurious to no man anywhere in the world.

Can anybody cite me a case where that has ever been done? I challenge any Senator to show me where any act has been upheld by the Supreme Court forbidding the entrance into interstate commerce of innocent articles, articles that affect nobody injuriously, that affect the health of no community, that injure no man, that deceive nobody by reason of misbranding—I defy any Senator to show me where the Supreme Court has ever held any law that has done that to be constitutional.

Mr. President, for some 10 years bills of this character, in one shape or another, have been pending in the Senate or the House of Representatives with no chance of being considered, for the reason that few in either House of Congress believed there was any authority in the Constitution for such legislation. But now, by propaganda, petitions, literature, and lobbying, and because of the noble sentiments which these bills reflect, there seems to have come a great change of sentiment in these two bodies.

For a hundred years or more it was almost universally considered that no legislation could be enacted which was not authorized by the Constitution. Now in this day and hour with many it seems to be the theory that anything not forbidden by the Constitution can be enacted. That clause of the Constitution which says all power not granted by the Constitution is reserved to the people is regarded lightly and is void of meaning. A distinguished man who loves the fundamental principles, so sacredly guarded in the past, once declared that there was nothing left of the Constitution but the commerce clause.

If this legislation is constitutional, Mr. President, there will be nothing left of the rights of the States, but there will be an absolute absorption of the police powers of the 48 sovereign Commonwealths, and there will be no barrier in the way of centralization of all power in Washington, to which goal we are now rapidly drifting.

In the Fifty-ninth Congress this question was up for consideration—it was treated as a joke—when a resolution was passed by the House of Representatives referring to the Judiciary Committee the question of the constitutionality of such a meas-

ure. The chairman of that great committee is dead, and I regretted that my friend, the distinguished Senator from Iowa [Mr. KENYON], forgetful of that ancient saying, "Of the dead say no evil," should have denounced Judge Jenkins in such unmeasured terms. Whatever, Mr. President, you may say of him, no one, I think, will deny that he was a great lawyer. He was only one of 18 lawyers who agreed with him, some of whom are now the most prominent lawyers in the House of Representatives, and others who have left that body have a national reputation as lawyers of great ability. RICHARD WAYNE PARKER and JOHN A. STERLING are both Members of the House at this time; ALVA ALEXANDER, CHARLES E. LITTLEFIELD, JOSEPH N. GILLET, and other Republicans; JUDGE DE ARMOND, D. H. SMITH, JUDGE HENRY D. CLAYTON, ROBERT L. HENRY, JOHN F. LITTLE, and W. G. BRANTLEY, Democrats. These are some of the great lawyers who composed that great committee.

After a review of all the authorities and a careful study of the question, on February 6, 1907, a unanimous report was made to the House, which, among other things, said:

In the opinion of your committee, there is no question as to the entire want of power on the part of Congress to exercise jurisdiction and authority over the subject of woman and child labor. In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to so legislate. (See Rept. No. 7304, 59th Cong., 2d sess.)

At that time I was a Member of the Senate, and the question was debated here by Senators SPOONER, KNOX, and others, who took the same position as the House committee, and, with the exception of Senator BEVERIDGE, there was not a Senator on this floor who did not think this measure was unconstitutional. So many of the Senators had this opinion that it was hardly given the proper consideration. The Judiciary Committee of the Senate was of the same opinion.

Now, Mr. President, I have heard Senators say since this measure came up for consideration that they had serious doubts about the constitutionality of it, but they would vote for it and put it up to the Supreme Court. I was simply shocked at such expressions.

I have been taught to believe in the doctrine, and this was the doctrine of the fathers and has been the doctrine taught by all the text-writers and almost universally conceded until these later days, that when one held any doubt about the constitutionality of a measure all doubt should be solved in favor of the Constitution.

I call your attention, Senators, to what one of the greatest lawyers and greatest text-writers who ever lived in this country said upon this question, a man who was greatly honored by the people and much respected by the lawyers. I quote from Judge COOLEY, in his "Principles of Constitutional Law," second edition, page 150:

Legislators have their authority measured by the Constitution; they are chosen to do what it permits, and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution, is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly, and affirm things concerning which he was in doubt, would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts, and give it their support.

Mr. President, let us deal frankly with each other. This bill is not for the purpose of regulating commerce, but its main purpose—its ultimate purpose—is, under the guise of regulating commerce, to regulate production in the manufactories and mills in the country. Its purpose is to regulate the ages and the hours of labor at which children shall work in the mines and manufacturing plants in the States. It is indirectly to do what you can not do directly. It is to put a State under duress and compel it to do that which some States have done in order, as has been stated in this debate, to have uniformity.

It is conceded that Congress has no power to regulate the hours of labor and the ages at which children shall work in a State in any capacity or occupation. My friend, the distinguished Senator from Iowa [Mr. KENYON], in his very able speech upon this bill, the great and honest lawyer that he is, admitted this to be so, as will be seen in the following colloquy which took place between us at that time:

Mr. OVERMAN. Mr. President, may I ask the Senator a question? The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. OVERMAN. Has Congress a right to prescribe directly the hours of labor or the age at which a child shall work?

Mr. KENYON. I think it has not.

Mr. OVERMAN. In the Senator's opinion as a lawyer, it has not?



Mr. KENYON. It has not.

Mr. OVERMAN. I think everybody will agree with the Senator that that is true. Now, I come to the question I was going to ask. Can Congress do indirectly that which it can not do directly?

Mr. KENYON. We have done it. The Senator from New Jersey [Mr. HUGHES] has instanced the phosphy law and I have instanced the oleomargarine act.

Mr. OVERMAN. Another principle came into play in those instances. Action was taken by Congress in those cases because of the deleterious effect of the article itself. It is now proposed to prescribe that cotton goods, under certain circumstances, shall not enter into interstate commerce. Nobody contends that they are injurious or that their effect is immoral. It is upon those grounds that Congress has always held that certain goods should not be shipped in interstate commerce.

Mr. KENYON. I will answer the Senator in this way: I have no hesitancy in saying, of course, that if Congress should pass an act that children should not work more than a certain number of hours in North Carolina upon articles to be shipped in interstate commerce, Congress would have gone beyond its power. But we do not say that. Cotton or anything else can be manufactured in the mills of North Carolina employing children 4 years old, if they can work at that age. The proposed legislation which I am discussing does not stop that. The products of such factories in North Carolina can be sold in North Carolina. The proposed legislation does not stop children working, but simply says that if they are employed under a certain age the instrumentalities of commerce shall be withdrawn from those goods.

Mr. OVERMAN. Then is not the purpose of this bill to do that which Congress can not do?

Mr. KENYON. No; the purpose of this bill is to do just what Congress can do, and that is to stamp out child labor.

Mr. OVERMAN. What is the purpose of the bill?

Mr. KENYON. To stamp out child labor.

Mr. OVERMAN. Is not the purpose of the bill to regulate the hours of labor and the ages of employees?

Mr. KENYON. No; it is not. If manufacturers want to go on employing children, they can do so; the proposed legislation does not stop them.

Mr. OVERMAN. I understand the Senator's point; but is not the real purpose of the bill to provide that mill employees shall not work a greater number of hours than the hours prescribed in the bill and shall not employ operatives under the age specified?

Mr. KENYON. I understand that even under such a bill as has been enacted in Massachusetts the mill owners can have children of the age not prohibited work eight hours and then others work another eight hours, and carry on business in that way.

Mr. OVERMAN. I will ask the Senator frankly if it is not the purpose of this bill to have Congress do indirectly that which it can not do directly?

Mr. KENYON. Well, I do not say Congress can not do it directly. If it is in the power of Congress to pass an act under the commerce clause, then it does not make any difference what effect that act may have upon the manufacturing interests of any State or the agricultural interests of any State, or anything else, so long as it does not bump up against the fifth amendment to the Constitution.

The learned Senator says he wants uniformity in child-labor laws.

Mr. President, I doubt whether you ought to have uniform laws in regard to this matter. I have no doubt the Senator from Iowa has thought about it. Climatic conditions ought to have something to do with it. A child in the South matures much earlier than a child in Maine or a child in Minnesota or a child in the Senator's State. So you see if in these domestic affairs Congress begins to legislate it is going to create trouble, because what will do for one State will not do for another State. What will do in Wisconsin will not do in North Carolina, and what will do in North Carolina will not do in Wisconsin. Therefore I think in these matters of local concern this attempt to have uniformity will create trouble, bitterness, and jealousy.

Forty-six States now have these beneficial laws, as my own State has, but some are more drastic, some are more beneficial than others; but gradually, step by step, the States are improving their child-labor laws.

Mr. President, there are many wholesome laws in some of the States, which, in order to have uniformity, and for the good of the country, should be adopted by all of the States. However, there are many laws which are necessary, and their enactment would be wise and wholesome for one section of the country, which would not be for another section, and to that section would prove injurious and burdensome.

I should like to see uniformity in divorce laws and insurance laws, but uniformity can be obtained without congressional action, and without the usurpation of the reserve powers of the States. A few years ago there was a wide difference in the negotiable-instrument laws of the States, and the business of the country was suffering on account of it. There was a demand for uniformity, and the commercial interests, the public sentiment of the country, forced uniformity, and they corrected this evil, so that now a large majority of the States have the same negotiable-instrument law, and congressional action was neither sought nor demanded; was not even thought of. The evil remedied itself, as many other evils affecting and acting to the detriment of all the people will do in time.

The laws of Congress must affect and bear upon all the people alike, and the usurpation by Congress of the rights to legislate upon these matters of domestic concern would work a great wrong and hardship upon some and cause jealousy and bitterness, which might prove disastrous. Time and mutual intercourse and commercial dealing among the people of the States will in time bring uniformity wherever there should be uniformity.

Mr. President, Congress has no power to interfere with the domestic affairs or the police powers of the States. Congress has no right to employ its legislation for any such purpose.

In the words of that great lawyer and able judge, Abel P. Upshur:

Congress has no right to employ for one purpose means ostensibly provided for another; to do so would be a positive fraud and a manifest usurpation; for if the purpose be lawful it may be accomplished by its own appropriate means, and if it is unlawful it should not be accomplished at all. Without this check it is obvious that Congress may by indirection accomplish almost any forbidden object. (Upshur on the Federal Government.)

The evils for which the bill intends to prohibit in no way affect commerce, but its purpose is to prohibit evils that are peculiarly of domestic concern, and these evils are anterior to the time when jurisdiction of Congress attaches. That is, when the article produced enters into commerce when it starts on its journey to another State.

Can Congress pass a law forbidding interstate commerce in cotton goods produced by adult labor who worked more than eight hours a day in a mill? I take it that no one will even pretend that we can. Then, Mr. President, to prohibit cotton goods from entering into interstate commerce because it was produced by children at the age of 14 years, or who worked 10 hours a day, shows that the purpose of this bill is to do exactly that which the distinguished Senator says can not be done, and which every lawyer will concede to be true. It is not the cotton goods you are after. You are after the cotton goods, and in my judgment will violate the Constitution in order, as you contend, to protect the children in the mills.

There is probably, Mr. President, no limit to the power of Congress to deal with commerce as soon as it begins its transit or journey and until it ends and to deal with it while in transit between the States; also it has full power to prescribe all the rules, regulations, and conditions under which it is governed. But as Congress has the exclusive power over interstate commerce, so the State has the exclusive power to control its own domestic and internal affairs, and it should be permitted to do so without question. Without the consent of the State the Congress has not only no business but no power to interfere. And for any fancied act of omission or commission, I must say it is going very far for one citizen of another State or one high in authority in this Government to condemn and threaten the extinction of her rights as a State.

I am free to admit, Mr. President, that in some matters affecting the interstate commerce where citizens or corporations of one State are so conducting their business as to work an injury to citizens of other States, and where the other States, even under their reserved power, are powerless to protect themselves against the wrong done them on account of the power which has been surrendered to the Government, it is necessary for Congress to interfere and legislate for the purpose of controlling and regulating in these matters—such as the rate bill, the pure-food bill, the food-inspection law, dangerous matches, diseased cattle, oleomargarine, white slave, lottery, and other bills of like character, all of which receive my hearty indorsement—and in my opinion no legislation for a century has done more for the good of all the people.

But when it is proposed to regulate and control these matters which can be controlled whether the State will or will not, as regards articles of commerce which in themselves can possibly work no injury upon citizens of other States, or the ultimate consumer, I deny the power of the General Government to interfere in any respect to the point where it begins its transit.

Though Congress and the scope of Congress over its regulations, under these laws, have been extended so as to include manufacture, the mere fact that goods are manufactured in the State for export to another, this fact in itself does not constitute in them interstate commerce within the meaning of the Constitution. This is so held by the Supreme Court of the United States in the celebrated case of *Coe v. Erroll* (116 U. S., 517).

In that case certain logs cut at a place in New Hampshire had been hauled to the town of Erroll, on the Androscoggin River, in that State, for the purpose of transportation beyond the limits of the State to Lewiston, Me., and were held at Erroll for a convenient time for shipment, and taxes were assessed on these logs for city and county and State purposes and the question was whether these logs were subject to taxation like other property in New Hampshire, as they were to be exported into another State, and Justice Bradley delivering the opinion of the court, says:

Does the owner's state of mind in relation to the goods—that is, his intent to export them and his partial preparation to do so—exempt them from taxation? This is the precise question for solution.

There must be a point of time when they cease to be governed exclusively by the domestic law and begin to be protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement for transportation from the State of their origin to that of



their destination. When the products of the farm or the forests are collected and brought in from the surrounding country to a town or station serving as an entrepôt for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is exportation begun until they are committed to the common carrier for transportation out of the State to the State of their destination or have started on their ultimate destination to that State.

Until then it is reasonable to regard this as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction and liable to taxation. Then if not taxed by reason of their being intended for exportation, but taxed without any discrimination in the usual way and manner in which such property is taxed in the State, \* \* \* the point of time when State jurisdiction over the commodity of commerce begins and ends is not an easy matter to designate or define, yet it is highly important both to the shipper and to the State that it should be clearly defined so as to avoid all ambiguity or question. But no definite rule has been adopted with regard to the point of time at which the taxing power of the State ceases as to goods exported to a foreign country or to another State. What we have already said, however, in relation to the products of a State intended for exportation to another State will indicate the view which seems to us to be the sound one on that subject, namely, that such goods do not seem to be part of the general mass of property subject as such to its jurisdiction and to taxation in the usual way until they have been shipped or entered with a common carrier for transportation to another State or have been started upon such transportation in a continuous route or journey.

The courts have universally held that the police power of a State is as broad and plenary as its taxing power, and the police power is in the State and not in the General Government. This being the doctrine as to the taxing power, Mr. President, all property in the State therefore is subject to the police power of that State so long as it remains in the State and before it starts upon its journey as commerce from one State to another.

If Congress can regulate child labor in our factories and mines under the interstate-commerce clause or any other clause of the Constitution, it has the power and can with the same reason regulate child labor upon the farm, can regulate the ages at which boys and girls of the farm can pick from the boll the fleecy staple which is taken to the gin and then to the factory to be manufactured into cloth. It can regulate the ages at which the farmers' children shall work in the great wheat fields in the States of the Northwest, for the farmers have in mind when the wheat is produced that a greater portion of it is for interstate commerce, and it is to be shipped abroad to other States and foreign countries. The production of wheat and its manufacture into flour, though intended for such, is not interstate commerce. Neither is the production of cotton and its manufacture into cloth interstate commerce, though intended for such. If it is within the power of Congress to enact such legislation as this, it would have the power to pass an act providing that no goods should be shipped in interstate commerce which was not produced by union labor. Congress would have a right also to fix the minimum-wage scale in the States and say that no goods should be shipped in interstate commerce that were made by any employee receiving less than \$3 a day. As Justice Bradley says:

It is not the owner's or producer's mind which makes the commodity interstate commerce.

#### CONSTITUTIONALITY.

Besides the court itself some of the greatest lawyers in the country, some of the greatest text-writers in this country, and others, have spoken upon this very question and declared without hesitation that such a bill as this is unconstitutional.

President Roosevelt in one of his messages to Congress said:

The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle this question in its own way, but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter.

Ex-President Taft, who is recognized as one of the great lawyers of the country, so recognized by his political friends and foes alike, in one of his great lectures to the students of Yale, discussing this very subject, said:

Bills have been urged upon Congress to forbid interstate commerce in goods made by child labor. Such proposed legislation has failed chiefly because it was thought beyond the Federal power. The distinction between the power exercised in enacting the pure-food bill and that which would have been necessary in the case of the child-labor bill is that Congress in the former is only preventing interstate commerce from being a vehicle for conveyance of something which would be injurious to people at its destination, and it might properly decline to permit the use of interstate commerce for that detrimental result. In the latter case Congress would be using its regulative power of interstate commerce not to effect any result of interstate commerce. Articles made by child labor are presumably as good and useful as articles made by adults. The proposed law is to be enforced to discourage the making of articles by child labor in the State from which the articles were shipped. In other words, it seeks indirectly and by duress to compel the States to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the State of the shipment has no legitimate or germane relation to the interstate commerce of which the goods thus made are to form a part, to its character, or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights.

President Wilson in one of his lectures on Constitutional Law, in 1911, expressed himself as follows as to the unconstitutionality of this legislation:

Its power (the Federal Government) is "to regulate commerce between the States," and the attempts now made during every session of Congress to carry the implications of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians are those set by the good sense and conservative temper of the country.

The proposed Federal legislation with regard to the regulation of child labor affords a striking example. If the power to regulate commerce between the States can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and action of the country. The only limitations Congress would observe should the Supreme Court assent to such obviously absurd extravagancies of interpretation would be the limitations of opinion and of circumstance.

Watson, on the Constitution, says:

Closely akin to the question of regulating manufacturing is the question whether Congress can forbid the hauling of a commodity, by a carrier of interstate commerce, which was manufactured in a State, for instance, by women, or children under a certain age, as has recently been maintained. This question is of far-reaching effect, and if such power exists in Congress it would result in the most complete invasion of the sovereignty of the States by the General Government which has ever been accomplished under the Federal Government.

And he then proceeds with an argument and citations from the Supreme Court to show that Congress has no such power.

Now, what does the Supreme Court say upon the question?

In the case of *Kidd v. Pearson* (128 U. S.), Justice Lamar, in writing the opinion of the court, discusses this question at length, and I quote at some length, as it draws the line between the regulation of commerce and manufacture and the reserved rights of the States and the power of Congress to pass such a bill as this. Said the court:

No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term, as given by this court in *County of Mobile v. Kimball* (102 U. S., 691, 702), is as follows:

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property as well as the purchase, sale, and exchange of commodities."

If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate more or less clearly an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multifarious, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

It is not necessary to enlarge on but only to suggest the impracticability of such a scheme when we regard the multitudinous affairs involved and the almost infinite variety of their minute details.

It was said by Chief Justice Marshall that it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the several States was to insure uniformity of regulation against conflicting and discriminating State legislation. See also *County of Mobile v. Kimball* (supra, at p. 697).

While the courts have held that the commerce clause of the Constitution is plenary, provided it does not conflict with some other clause of the Constitution, yet it also says that this power can not be exercised by Congress arbitrarily.

Judge Harlan says in the *Lottery* case:

We may, however, repeat, in this connection, what the court has heretofore said, that the power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed in the Constitution. This power, therefore, may not be exercised so as to infringe rights secured or protected by that instrument. It would not be difficult to imagine legislation that would be justly liable to such an objection as that stated, and be hostile to the objects for the accomplishment of which Congress was invested with the general power to regulate commerce among the several States. (*Idem*, p. 303.)

In the case of *Adair v. United States* (208 U. S., 161), decided at October term, 1897, in which a portion of an act passed by Congress, known as the Edmond Act, was declared unconstitutional—that section of the act which forbade railroads engaged in interstate commerce to discharge from their employment employees because of their membership in any labor organization.

The court declared, because this regulation had no real relation to commerce sought to be regulated, it was beyond the power of Congress to prescribe, was unconstitutional, and void.



Mr. Justice Harlan, who delivered the opinion of the court and who delivered the opinion in the Lottery case, said:

The power to regulate interstate commerce is the power to prescribe rules by which such commerce must be governed. Of course, as has often been said, Congress has a larger discretion in the selection or choice of the means to be employed in the regulation of interstate commerce, and such discretion is not to be interfered with except where that which is done is in plain violation of the Constitution. \* \* \* In this connection we may refer to *Johnson v. Railroad* (196 U. S. 1), relied on in argument, which case arose under the act of March, 1893. That act required carriers engaged in interstate commerce to equip their cars used in such commerce with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes. But the act upon its face showed that its object was to promote the safety of employees and travelers upon railroads, and this court sustained its validity upon the ground that it manifestly had reference to interstate commerce and was calculated to subserve the interests of such commerce by affording protection to employees and travelers. It was held that there was a substantial connection between the object sought to be attained by the act and the means provided to accomplish that object. So in regard to the employers' liability cases (207 U. S. 463), decided at the present term. In that case the court sustained the authority of Congress, under its power to regulate commerce, to prescribe the rule of liability as between interstate carriers and their employees in such interstate commerce, in cases of personal injuries received by employees while actually engaged in such commerce. The decision on this point was placed on the ground that a rule of that character would have direct reference to the conduct of interstate commerce and would, therefore, be within the competency of Congress to establish for commerce among the States, but not as to commerce completely internal to a State.

Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization can have in itself and in the eye of the law no bearing upon the commerce with which the employee is connected by his labor and services. \* \* \* It results, on the whole case, that the provision of the statute under which the defendant was convicted must be held to be repugnant to the fifth amendment and as not embraced by nor within the power of Congress to regulate interstate commerce, but under the guise of regulating interstate commerce and as applied to this case it arbitrarily sanctions an illegal invasion of the personal liberty as well as the right of property of the defendant Adair.

Then, Mr. President, I ask what real connection has the child who is employed in the mill, which manufactures the cotton goods, with commerce, any more than an employee of a railroad, which is one of the instrumentalities of commerce, who joins the labor union?

The denial of the manufacturer from shipping in interstate commerce his goods which were in part produced by child labor, in the language of Justice Harlan, is repugnant to the fifth amendment of the Constitution as not embraced by or within the power of Congress to regulate interstate commerce but under the guise of regulating interstate commerce, and such legislation arbitrarily sanctions an illegal invasion of the personal liberty of the manufacturer.

This legislation for the indirect purpose of regulating manufacture under the guise of regulating commerce is not only arbitrary but in violation of the fifth amendment of the Constitution.

In *People v. Hawkins* (157 U. S.), the court says:

The citizen can not be deprived of his property without due process of law. Any law which annihilates its value, restricts its use, or takes away any of its essential attributes comes within the provisions of the Constitution and its power.

We have cotton commission merchants who buy and sell cotton goods. The commission merchant buys and has shipped to him, within the State, goods produced in part by child labor. Now if this bill becomes a law he can not ship these goods to another State, and therefore the value of his property is lessened, its use is restricted, and his property destroyed without due process of law; and Congress is exercising a power which infringes on the rights secured by the organic law other than the commerce clause and, as Mr. Watson in his work on the Constitution also says:

There is no power in Congress to control the manufacture of goods in the States destined for interstate or foreign commerce, and consequently Congress is unable to control the labor of persons engaged in manufacturing products in the States which are intended for interstate or foreign business. Such regulations are left to the State. The power to make such regulations resided there before the Constitution was adopted, or the Union was formed, and it was not surrendered by the States to the General Government.

Those cases cited as authority for this legislation are where the article shipped in interstate commerce directly affects the health, the morals, or deceives the ultimate consumer, or has some real or substantial relation to or connection with commerce regulation, or where the article or articles deleteriously injure the public in the State or community or that from which it is shipped.

Cotton goods are not misbranded cotton goods and in no way injure the health or the morals of the ultimate consumer, nor are they in any way deleterious to anyone.

The Lottery case which is so confidently relied on prohibits the shipment of the lottery ticket in interstate commerce because of its gambling nature and, therefore, as in the doctrine laid down in the White-Slave case, is injurious to the morals of the people. In the Lottery case, which is the strongest case cited, that the decision might not be drawn upon as a precedent for future extension of the legislative power, the learned Judge Harlan confines it to the precise issue and notifies the profession that the court will not extend the power further, and says in one of the concluding paragraphs of the opinion:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them.

The Supreme Court, in the *First Employees' Liability Case* (207 U. S. 463), states very strongly the principle of law for which I am contending.

The learned Justice McKenna, in delivering the opinion, has this to say in paragraph 3:

3. It remains only to consider the contention which we have previously quoted, that the act is constitutional, although it embraces subjects not within the power of Congress to regulate commerce, because one who engages in interstate commerce thereby submits all his business concerns to the regulating power of Congress. To state the proposition is to refute it. It assumes that, because one engages in interstate commerce, he thereby endows Congress with power not delegated to it by the Constitution; in other words, with the right to legislate concerning matters of purely State concern. It rests upon the conception that the Constitution destroyed that freedom of commerce which it was its purpose to preserve, since it treats the right to engage in interstate commerce as a privilege which can not be availed of except upon such conditions as Congress may prescribe, even although the conditions would be otherwise beyond the power of Congress. It is apparent that if the contention were well founded it would extend the power of Congress to every conceivable subject, however inherently local, would obliterate all the limitations of power imposed by the Constitution, and would destroy the authority of the States as to all conceivable matters which, from the beginning, have been, and must continue to be, under their control as long as the Constitution endures (pp. 502-503).

Manufacture is transformation. Commerce is traffic, intercourse. Manufacture of cotton is taking the fleecy staple into the mill and transforming it into cloth. Commerce is the shipment of the cloth from one State into another. Manufacture is one thing, while commerce is entirely a different thing. Over one the State has absolute power, over the other Congress has plenary and absolute power to control and regulate.

In this connection and for the purpose of this argument I will read the tenth amendment or article:

ARTICLE X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

And Mr. Madison declared the purposes of the Government to be under the Constitution—

To support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people and equally incorporated with and essential to the success of the general system.

As there was in those days of its adoption, there is to-day, it seems, a strong sentiment growing in this country for a consolidated or centralized government, for the extinction of the rights of the States, and abolition of State lines.

Mr. President, under our dual system of government the reserved and delegated powers respected and no intrenchment upon one nor the other, this country has progressed beyond the wildest dreams of the fathers, our civilization has rapidly advanced, our increase of wealth has been marvelous, and there is no reason why the system should be changed and the limitations placed in the Constitution be obliterated. There is no reason for any departure from the fundamental principles as construed and expounded by the founders of the Republic and by the highest court of the land.

And this great body which represents the States should see to it that there shall be no invasion upon these powers, should see to it that the fundamental principles of our free institutions are maintained in their full strength and vigor. For an encroachment upon these reserved rights to the extent which the tendencies of the time seem to be leading would be for the Central Government to interfere with, administer upon, and control the industrial, the local, and the domestic concerns of the people in the States, and when once begun and the precedent established there is no telling where it would lead nor where it would end, and State sovereignty would finally be no more. Instead of impairing the sovereignty of the State it is the duty of Congress to uphold and protect it to the last.

If more power is needed for the successful operation of the Government owing to changed conditions, the way is clearly pointed out, the method is provided for in the Constitution by Article V. Let an amendment be submitted to the States. In any event let the people be consulted, let their sacred will be known, let their consent be given to the surrender of any of their rights, and without their consent let nothing be done by an unwarranted construction.

It might be important here to observe that in the debates in the constitutional convention history shows that much more extensive grants of commercial power were proposed, asked for, and most strenuously advocated, but all such propositions were voted down and this simple clause adopted by the wise men who composed that convention and who, being fresh from the people, respected their will.

If Congress is to regulate the cotton mills and mines, why not let it go into the regulating business generally? Regulate the flour mills, the steel mills, the shoe factories, the clothing factories, and regulate the farms; regulate the laws in regard to health; let it regulate every branch of industry which contemplates an interstate or foreign market, and then there will be little left for the State to do.

Where the evils exist the States can and will correct them. I insist that in this Christian land of ours there is no less of higher moral ideas and humanitarianism—the brotherhood of man—in one State than another. We are all living and moving on a higher, nobler, and more Christian-like plane, I trust, and where one State has seen its duty and legislated in favor of humanity and corrected these evils you may soon expect that the Christian and patriotic sentiment in other States will cause their legislatures to act in these matters until we have the uniformity that is so much desired.

And again, Mr. President, the law which will suit one State might not prove satisfactory to the people of another State, where conditions are entirely different, and the regulation should be left to each State, which knows its own conditions best.

Mr. President, let the powers enumerated in the Constitution remain limited. Let the reserved powers in the people be undisturbed. Let the integrity and autonomy of the States be upheld; encourage State pride. Centralization would be a constant menace to the liberties of the people, breeding corruption and oppression. These reserved powers are in the people of the States. They are theirs to hold, they are theirs to surrender; but when once surrendered they can never be regained. I say with a great judge who wrote it, that that government is the best which while performing all its duties interferes the least with the lawful pursuits of the people.

In the language of the great father of Democracy, Thomas Jefferson:

It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this country already divided into States, that division must be made that each might do for itself what concerns itself directly, and what it can so much better do than a distinct authority. Every State is again divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. Were we directed from Washington when to sow and when to reap we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all.

Mr. Justice Hughes, in his recent address to the New York Bar Association, in January, said:

But in the face of the difficulties already before us, and destined to increase in number and gravity, we remain convinced of the necessity of autonomous local governments. An overcentralized government would break down of its own weight. It is almost impossible even now for Congress in well-nigh continuous session to keep up with its duties, and we can readily imagine what the future may have in store in legislative concerns. If we did not have States we should speedily have to create them. To preserve the essential elements of this system, without permitting necessary local autonomy to be destroyed by the unwarranted assertion of Federal power and without allowing State action to throw out of gear the requisite machinery for unity of control in national concerns, demands the most intelligent appreciation of all the facts of our interrelated affairs and far more careful efforts in cooperation than we have hitherto put forth.

Along this same line, I quote from a great speech of Senator Root in his address on "The Essentials of the Constitution," at Princeton University about two years ago:

If the power of the States were to override the power of the Nation, we should ultimately cease to have a Nation and become only a body of really separate, although confederated, State sovereignties, continually forced apart by diverse interests and ultimately quarrelling with one another and separating altogether. On the other hand, if the power of the Nation were to override that of the States and usurp their functions, we should have this vast country, with its great population, inhabiting widely separated regions, differing in climate, in production, in industrial and social interests and ideas, governed in all its local affairs by one all-powerful central government at Washington, imposing upon the home life and behavior of each community the opinions and ideas of propriety of distant majorities. Not only would this be intolerable and alien to the idea of free self-government, but it would be beyond the power of a central government to do directly. Decentralization would be made necessary by the mass of Government business to be transacted, and so our separate localities would come to be governed by delegated authority—by proconsuls authorized from Washington to execute the will of the great majority of the whole people. No one can doubt that this also would lead by its different route to the separation of our Union. Preservation of our dual system of Government, carefully restrained in each of its parts by the limitations of the Constitution, has made possible our growth in local self-government and national power in the past and, so far as we can see, it is essential to the continuance of that Government in the future.

Mr. President, I will close by reading from an address of Mr. Justice David J. Brewer to the Arkansas and Texas Bar Association July 11, 1906, on the subject "Two Periods in the History of the Supreme Court." Justice Brewer, as I have said, was a great judge and a great statesman, and he seemed to have in his mind's eye where it would lead if Congress should continue to invade the field of the local domestic concerns of the people.

Referring to political contentions on behalf of the extension of the commerce power, Justice Brewer said:

If we listen to the contentions of some, we shall be led to believe that when the farmer sows his wheat, having in view the gathering in the fall of a crop of grain which he intends to sell to a mill in some other State, the power of Congress attaches as upon a beginning of interstate commerce and continues until the wheat has been manufactured into bread and eaten by the consumer. \* \* \*

Because a manufacturer may intend to dispose of some of his products in interstate traffic it is said that Congress has the right to supervise the entire action of his manufacturing establishment. Inasmuch as it is difficult to draw the line in our great industries between that commerce which is wholly within the State and that which is carried on between the States, the contention is that Congress may take full control of the entire industry, the greater power of the Nation swallowing up the smaller power of the States. I might go on and enumerate many other illustrations, but these serve my purpose.

Is there not danger in this tendency, and may we not wisely consider whether it ought not to be stayed? I know it is said that the National Government is more efficient than the States; can reach supposed ills in their entirety when the States can only reach them partially. But is efficiency the only test? If it is, then a centralized government with a dictator is the ideal government, for none has such efficiency and thoroughness as a government under the absolute control of a single individual. \* \* \*

Never will we pass the danger line until those who dwell in all our communities realize that upon themselves rests the burden of our civilization. It is human nature to turn responsibilities off if possible, and if you develop in the locality a general feeling that in a government at Washington rests full responsibility the individual will steadily lose the spirit of independent, public-spirited citizenship. I am not pessimistic. I believe in the glorious future of this Republic, for though I clearly see the tendency to-day I as firmly believe that there will be a glorious resurrection of that spirit of individuality, that sense of personal responsibility which can alone give to this Nation an enduring and brilliant future. \* \* \*

Where is that individuality to-day?

That which I wish to call attention to is that too much and too frequent interference by government blunts the sense of individual responsibility, and the danger is that we drift to a condition where the individual abandons his own duty and simply appeals to government. So that if a man buys a pair of shoes which pinch his feet he will rush to the legislature for some statute regulating shoemaking, and for fear the State legislature can not reach every shoemaker in the land, hasten to Washington to have Congress undertake the work of regulation under its power over interstate commerce.

#### APPENDIX.

State.	Total number of children 10 to 14 years of age, 1910.	Children under 15 committed to prisons, jails, workhouses, reformatories in 1910.	
		Number.	Number per 100,000 children 10 to 14.
North Carolina.....	265,964	41	15.4
Massachusetts.....	284,960	554	194.4
Rhode Island.....	47,014	146	310.5
Connecticut.....	95,272	168	176.3
Wisconsin.....	246,154	161	65.4
Illinois.....	520,955	457	87.7
Minnesota.....	214,402	104	48.5
California.....	173,945	87	50.0

#### District of Columbia.

Year.	Total number of children 10 to 14 years of age.	Children under 15 years of age committed to prisons, jails, workhouses, or reformatories.	
		Number.	Number per 100,000 children 10 to 14.
1904.....	123,525	82	348.6
1910.....	24,649	96	389.5

<sup>1</sup> Estimated.



## Illiteracy decreasing.

	Total number of children 10 to 14 years of age, 1910.	Children under 15 years of age committed to prisons, jails, workhouses, or reformatories in 1910.	
		Number.	Number per 100,000 children 10 to 14 years of age.
United States.....	9,107,140	9,629	105.7
Geographic divisions:			
New England.....	559,556	1,061	189.6
Middle Atlantic.....	1,726,086	3,121	180.8
East North Central.....	1,706,759	1,723	101.0
West North Central.....	1,170,674	853	72.9
South Atlantic.....	1,396,083	1,327	95.1
East South Central.....	969,343	624	64.4
West South Central.....	1,016,531	408	40.1
Mountain.....	239,610	289	120.6
Pacific.....	322,523	223	69.1
New England:			
Maine.....	64,588	68	105.3
New Hampshire.....	36,271	37	102.0
Vermont.....	31,451	88	276.8
Massachusetts.....	284,960	554	194.4
Rhode Island.....	47,014	146	310.5
Connecticut.....	95,272	168	176.3
Middle Atlantic:			
New York.....	785,826	1,962	249.7
New Jersey.....	228,695	405	177.1
Pennsylvania.....	711,565	754	106.0
East North Central:			
Ohio.....	425,602	552	129.7
Indiana.....	255,508	279	109.2
Illinois.....	520,955	457	87.7
Michigan.....	258,480	274	106.0
Wisconsin.....	246,154	161	65.4
West North Central:			
Minnesota.....	214,402	104	48.5
Iowa.....	222,577	115	51.7
Missouri.....	324,191	398	122.8
North Dakota.....	59,392	17	28.6
South Dakota.....	60,021	4	6.7
Nebraska.....	121,782	63	51.7
Kansas.....	168,309	152	90.3
South Atlantic:			
Delaware.....	19,308	41	212.3
Maryland.....	129,605	340	262.3
District of Columbia.....	24,649	96	389.5
Virginia.....	237,563	212	89.2
West Virginia.....	131,027	111	84.7
North Carolina.....	265,964	41	15.4
South Carolina.....	192,406	186	96.7
Georgia.....	315,217	206	65.4
Florida.....	80,319	94	117.0
East South Central:			
Kentucky.....	252,905	240	94.9
Tennessee.....	243,328	167	68.6
Alabama.....	253,196	186	53.7
Mississippi.....	219,914	81	36.8
West South Central:			
Arkansas.....	179,879	81	45.0
Louisiana.....	193,791	179	92.4
Oklahoma.....	186,069	47	25.3
Texas.....	456,792	101	22.1
Mountain:			
Montana.....	29,686	74	249.3
Idaho.....	31,902	2	6.3
Wyoming.....	10,829	1	9.2
Colorado.....	69,688	133	190.9
New Mexico.....	34,408	13	37.8
Arizona.....	18,091	43	237.7
Utah.....	40,070	23	57.4
Nevada.....	4,936		
Pacific:			
Washington.....	92,802	99	106.7
Oregon.....	55,776	37	66.3
California.....	173,945	87	50.0

Mr. FLETCHER. Mr. President, I would not delay action on the bill, for which I recognize there is widespread favor, but I can not vote for it for the reasons which I will state as concisely as possible:

First. Clearly the States have the power and authority to deal with the subject of child labor in all its phases. There is no dispute as to that. The States are dealing with it. Twenty-two States, having a population of 54,484,888, prohibit the working of children in mines and quarries. Some States, which have no such prohibition, have no mines or quarries. Twenty-eight States, including Florida, have standard provisions, without exemptions, fixing 14-year limit in factories and canneries. See page 9 of report.

Sixteen States, including Florida, have laws that declare no child under 16 years of age shall be employed in any occupation injurious to health or dangerous to life, limb, or the morals of such child.

Florida provides a State inspector whose duty it is to see to the enforcement of the law. I know of no complaint in that regard. I deny that there is need of Federal inspectors to supervise the work of State officers, empowered to harass and inconvenience and oppress our people by arbitrary inspections, making complaints before United States commissioners, arresting and prosecuting them before the Federal courts in the process of earning their salaries. We have too many inspectors, special agents, secret service employees, and the like now, costing the people hundreds of thousands of dollars for the privilege of being watched from the time they arise in the morning until they retire at night, in order that they may be certain not to eat or drink, buy or sell, or do anything that would violate some law. If some ambiguous, omnibus statute should escape the citizen's notice or knowledge some inspector or special agent is on hand to hurry him to prison. Russia and Mexico must soon take lessons from the United States when it comes to restraining, under the guise of controlling, the liberties of the citizen. Laws have been and are being enacted by the States on this subject, as fast and as effective as the need for them is brought home to the people. Local conditions should not be ignored, and these conditions no general national legislation can adequately meet. Granted the legislation proposed would serve a high purpose, I can not believe it would be wise to pass this bill or that it is the best way to handle the subject. It is a field already occupied by practically all the States, and the States and local communities are in position to deal with it directly and to correct every evil, national or individual, which it is desired to correct.

It is argued that the State laws are not enforced, but I answer, Who is given the right to pass that judgment? and if that conclusion be true, it by no means follows the Congress has power for that reason to go into a State and interpose to correct such dereliction.

That would be an unwarranted, bold assumption of power by Congress.

I shall not argue the question. Senators' minds are made up. The bill will pass. My purpose simply is to state some of the principles involved, some we should preserve and some we will hark back to later. What we do here will be deliberately, not hastily and unthoughtfully, done.

Second. It seems to me even if we concede that child labor, as it exists in the United States, is a "national evil," that legislation by Congress is desirable to correct it, the more serious question is whether the remedy proposed in this bill is a constitutional remedy. If convinced it is not, my duty is to vote against it.

After serious consideration and no little study, no doubt rests in my mind on that point.

Let us keep in view that Congress can do nothing that is not granted in the Constitution, while the States may do anything not denied to them, and examine the provisions of Article I, section 8, paragraph 3, of the Constitution, to which we must look for the authorization of this power sought to be exercised under this bill, which reads:

The Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

I do not believe that it was originally intended that in the power to "regulate commerce \* \* \* among the several States" should be included the power to prohibit such commerce.

In the case of *Dooley v. United States* (183 U. S., 171), Chief Justice Fuller said:

But if that power of regulation is absolutely unrestricted as respects interstate commerce, then the very unity the Constitution was framed to secure can be set at naught by a legislative body created by that instrument.

Mr. Judson, in his work on Interstate Commerce, page 506, distinguishes between the three classes of commerce mentioned. Tucker on the Constitution, volume 2, pages 528-529, says:

The power to regulate foreign and interstate commerce was given in the same terms, diverso intuitu. In the first, to protect all against the machinations of foreign enemies; in the second, to protect and promote the free and unobstructed movement of men and things between the States in the family of the Union.

The States, in favoring the new Government, had for their object facilitating, not prohibiting, commerce—freeing commerce from the restraints which had existed.

Again, Congress, while having exclusive power to regulate commerce "among the States," has no such power to regulate the manufacture of goods in the States on the ground that such

goods may become the subjects of interstate commerce. If Congress has not the authority, granted or implied, to regulate manufacturing in the States, clearly it has not the power to control or direct or suppress the manufacturing plant.

This bill undertakes to provide for Federal regulation of the hours of labor in the States. We look in vain for any grant of power to Congress in the Constitution to regulate the hours of labor in the States.

I do not agree that Congress may do indirectly what under the Constitution it has not power to do directly, and the recent decision in the Oklahoma case, Two hundred and thirty-eighth United States, should eliminate the excuse for a sneer at that proposition.

It seems clear that an admission of the existence of such power would be full of danger, in that it might lead ultimately to the destruction of the reserved rights of the sovereign States.

The effort here is not to regulate commerce of any kind, but in order that the Federal Government may enforce the laws which Congress may enact respecting the employment of children in certain kinds of labor, to regulate the hours of labor, and to control the manufacture of products in the States.

To contend this may be done, no matter how noble the purpose, is to proclaim the doctrine advanced by Charles Sumner in the distressing period of the country's history, when desperate measures were resorted to, that—

Beyond all question the true rule under the National Constitution \* \* \* is that anything for human rights is constitutional \* \* \*. There can be no State rights against human rights; and this is the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

Two cases of the Supreme Court are principally relied upon to support the claims of the advocates of this bill, to wit:

What is known as the Lottery case (188 U. S., 331) and the White Slave case, *Hoke v. United States* (227 U. S., 308).

If we concede that these cases support the contention that Congress may prohibit interstate commerce, when the article of commerce is not inherently impure, not an "outlaw" of commerce, which I deny, still we must bear in mind it is commerce, and not manufacture, that may be prohibited, according to these cases.

It is not claimed that the article manufactured or produced by child labor as it exists in the States is in itself impure, unsound, unclean, dangerous to health and morals. The movement of such articles in commerce neither of these cases holds may be prohibited by Congress.

The fifth amendment to the Constitution protects such property from confiscation. The manufacturing plant is not the "outlaw" when the only complaint is the method, the practice employed in the process of manufacture. Can Congress prescribe that every cannery must have a glass roof, otherwise the goods coming from it can not move in interstate commerce?

The Supreme Court holds that even though, in certain circumstances, Congress may prohibit commerce in an article after its creation, it may not prohibit its creation.

The cases of *Kidd v. Pierson* (128 U. S., 1) and *United States v. E. C. Knight Co.* (156 U. S., 12) support this view.

These cases and the cases of *United States v. De Witt* (9 Wall., 47) and *Coe v. Erroll* (116 U. S., 517) seem to me conclusive against the constitutionality of this bill.

Justice Lamar said, in *United States against E. C. Knight Co.*:

The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article passes from the control of the State and belongs to commerce.

Justice Bradley said, in *Coe against Erroll*:

What we have already said, however, in relation to products of a State will indicate the view which seems to us the sound one on that subject, namely, that such goods do not cease to be part of the general mass of property in the State, subject, as such, to its jurisdiction and to taxation in the usual way, until they have been shipped or entered with a common carrier for transportation in a continuous route or journey.

Here the article, logs, had been cut and were intended for interstate commerce, and had started on their journey, but they were held to be subject to the jurisdiction and laws of the State where they were and had been cut.

These considerations oblige me to vote against the bill, while in cordial sympathy with every proper and lawful effort to protect the child from harm or injury, or oppression, or hardship by exactions or practices in respect to labor.

In the same breath I must say that there is no reason appealing to me why this protection of the child's rights and prevention of wrong and injustice should be limited to consideration of that one object, the child's labor.

Under the Senate amendment any producer, manufacturer, or dealer is prohibited from shipping or delivering for shipment

in interstate or foreign commerce any article or commodity the product of any mine or quarry in which within 30 days prior to its removal from the mine or quarry children under the age of 16 years have been employed or permitted to work.

If a manufacturer or producer permits a child under the age of 16 years to be employed in producing an article or commodity, a dealer in that article who ships or delivers for shipment in interstate or foreign commerce that article or commodity, if by oversight, accident, or neglect section 5 is not complied with, violates the law and may be arrested and punished as the act provides. He may have had nothing whatever to do with the employment of any of the labor employed in producing the article. He may have had no knowledge or information regarding the means employed in its production. The article or commodity may have no objectionable feature whatever on any ground, per se.

Again, no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of 7 o'clock p. m. or before the hour of 6 a. m.

Congress undertakes to say in effect by this bill that in no State shall there be employed or permitted to work in any "mill, cannery, workshop, factory, or manufacturing establishment" of any kind a child under the age of 14 years.

Further, that no child between the ages of 14 and 16 shall be thus employed or permitted to work more than eight hours in any day.

Further, that no such child shall be thus employed or permitted to work before the hour of 6 a. m. and after the hour of 7 p. m. nor more than six days in any week.

These are all matters which Congress is granted no power or authority, express or implied, to control or regulate. Any person who violates these provisions may be punished for the first offense by a fine of not more than \$200 and for each subsequent offense by a fine or not more than \$1,000 nor less than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment. The bill gives authority to the Secretary of Labor, or any person he may select, to enter and inspect at any time "mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce" and to employ assistance for the purposes of the act.

The opportunity for oppression under this bill is unlimited. The power to drive to bankruptcy and ruin producers, manufacturers, and dealers is given Federal agents in unmistakable terms.

These inspectors and assistants employed by the Federal authority will have in their hands the means to close the doors of mills, canneries, workshops, factories, or manufacturing establishments and other places where goods are made or held for interstate commerce and harass and have fined and imprisoned their owners and operators practically at their will.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. FLETCHER. I yield to the Senator.

Mr. BRANDEGEE. I do not think the Senator means exactly what he has stated in a part of his remarks. If I understood him correctly, he stated that this bill prohibits the employment of children within these hours. It only prohibits the transportation of the goods made in those factories if they do employ children over certain hours.

Mr. FLETCHER. My argument is that the effect of that is to accomplish the other result; that the real purpose is the prohibition as to the labor, not as to the transportation.

Mr. BRANDEGEE. Oh, certainly; but it is not prohibited. Everybody agrees that it could not be prohibited.

Mr. FLETCHER. Precisely; but I am arguing that that is the effect of the bill and the real purpose of the bill, and that it is attempting to do indirectly what it could not do directly.

Mr. BRANDEGEE. I agree with the Senator entirely.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I do.

Mr. CUMMINS. The Senator from Florida has asserted, with a good deal of emphasis, that the Government of the United States can not in any instance do indirectly what it has



no power to do directly. Does he apply the same principle to every power granted to Congress in the Constitution? For instance, does the Senator say that the taxing power can not be used to accomplish indirectly what can not be done directly?

Mr. FLETCHER. I will not attempt to say that the taxing power can not be used with the result of working out a consequence which flows indirectly from the exercise of that power; but that should not be the primary purpose of the exercise of the power by Congress.

Mr. CUMMINS. I call the Senator's attention to what was done in the early days of the war, and which gave rise to a very well known decision of the Supreme Court. Congress wanted to prevent the circulation of State bank currency. It had no power to prohibit the circulation of that kind of money directly, but its only desire was to prohibit it; and I ask if it be not true that we did prohibit it by imposing upon it a tax of 10 per cent?

Mr. PENROSE. Mr. President—

Mr. FLETCHER. I quite agree with the Senator that when the 10 per cent tax was imposed on State bank circulation it had the effect of prohibiting that circulation; but that was done under a positive, direct grant of power to Congress—namely, the power to tax.

Mr. CUMMINS. But this is done under the direct, positive power given to Congress to regulate commerce.

Mr. FLETCHER. To regulate commerce—precisely. It is not the commerce regulation that I am finding fault with. It is the attempt on the part of Congress to regulate and control and direct the employment of labor, and the exercise of that power in directing and controlling and supervising manufacturing in the various States, which is purely a matter within the police power of the State.

Mr. CUMMINS. The prohibition against the employment of children under certain circumstances is simply the effect, the consequence, of prohibiting the shipment of certain goods, and the prohibition against the shipment of certain goods is a regulation of commerce just as the tax upon State bank circulation was in form a tax upon an article or an instrumentality with which Congress could not deal directly.

Mr. FLETCHER. Now, the Senator is branching off upon another proposition where an article is an outlaw of commerce.

Mr. CUMMINS. What makes it an outlaw?

Mr. FLETCHER. That power might be exercised where it is injurious to health, where it is dangerous to public morals, and that sort of thing, but there is no such claim made as to the goods manufactured in these factories, that the goods are impure, that they are unsound, that they are unhealthy, that they are immoral in themselves.

Mr. CUMMINS. I will put the Senator another inquiry, if he will permit me. Does the Senator doubt that Congress has the right to levy a tax upon an import that will be sufficiently high to prevent the importation?

Mr. FLETCHER. Whatever Congress does in the exercise of that power is in pursuance of a direct grant of authority in the Constitution.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from California?

Mr. FLETCHER. I do.

Mr. WORKS. The illustration of the Senator from Iowa is quite an unfortunate one. It does not touch the real question involved here at all. That was a case where Congress had power and jurisdiction to act; but its effect was unlawful and it escaped an adverse decision of the Supreme Court only because that court would not inquire into the motives of Congress in enacting the law. It was doing a lawful thing, but really doing it for an unlawful purpose, and that was the question the Supreme Court did not inquire into.

Mr. CUMMINS. May I respond to the Senator from California?

Mr. FLETCHER. I yield.

Mr. CUMMINS. In my judgment, the illustration is a very pertinent and a very apt one. It of course is not precisely like the bill before us, but the express power had been given to Congress, and while taxation is ordinarily supposed to be laid for the purpose of getting a revenue, Congress can lay a tax to destroy as well as to create a revenue.

Mr. PENROSE. Mr. President, I rise to a question of order.

Mr. CUMMINS. A tax can be used to promote the general welfare of the country, just as every other express power in the Constitution can be used.

The VICE PRESIDENT. The Senator from Pennsylvania will state his point of order.

Mr. PENROSE. I have risen several times to be recognized and the Senator from Iowa has apparently gone on without

recognition from the Chair. This is a very important bill, constituting a radical departure in the policy of the American Government, this debate is impressive and interesting, and I think Senators ought to be here to listen to it. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Myers	Smith, Ariz.
Brady	Hardwick	Nelson	Smith, Ga.
Brandagee	Hitchcock	Norris	Smoot
Bryan	Hughes	Oliver	Sterling
Chamberlain	Husting	Overman	Thomas
Chilton	James	Penrose	Thompson
Clapp	Johnson, S. Dak.	Pittman	Tillman
Clark, Wyo.	Jones	Ransdell	Vardaman
Culberson	Kenyon	Robinson	Williams
Cummins	Kern	Shafroth	Works
Curtis	Lee, Md.	Sheppard	
Dillingham	Martin, Va.	Shields	
Gallinger	Martine, N. J.	Simmons	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. FLETCHER. Mr. President, perhaps I should not let pass the suggestion of the Senator from Iowa in regard to the legislation in connection with the tax on State banks and in connection with the prohibitive tariff as being unquestionably sound and proper and constitutional. I believe myself there is a very solemn protest against that sort of legislation, and that really there was an assumption of authority to a great extent on the part of Congress in respect to both the legislation with reference to the tax on State banks and in reference to laying duties that absolutely prohibit importation. It is very questionable whether under the Constitution Congress has not exceeded its power and authority in both those instances. A great many people feel that it has, and so contend in good faith. It seems to me, as I said, there was an assumption of authority there that it is doubtful whether it is justified by the language of the Constitution. But in both those instances Congress was acting under direct and express authority, which distinguishes the cases from the one presented by this bill.

I was proceeding to say, Mr. President, that under the provisions of this bill in several instances the assistants to the Secretary of Labor would be empowered to enter at any time any factory, mill, cannery, place of manufacture, or other place where these goods are held for the purpose of inspecting and endeavoring to enforce this law, and that such a power given to these special agents, unlimited in number, would arm them with authority to so hamper, hinder, and obstruct the exercise of the right of the manufacturers in respect to their business as to become an intolerable situation.

I would not for any consideration contribute to investing any such authority or power in any set of men. Especially is such a proposal abhorrent when the men chosen for that kind of work may be strangers to the people affected and alien in interest. I can not bring myself to believe that the policy advanced by the bill is wise. I am convinced it proposes legislation unsound in principle.

I can quite appreciate that in some circumstances and under some conditions the privilege of a child under 16, and even under 14, years of age to work is a blessing of the highest character. The welfare of the child, the good of society, may be subserved by the reasonable employment of such a child in useful labor. Work, under proper conditions—wholesome, healthful employment, not too hard or difficult—never on earth injuriously affected the morals of the child. Idleness, with its proximate consequences, on the other hand, voluntary or forced, has always been a fruitful source of vice and evil.

The situation does not make it necessary or justify the enactment by Congress, in the public interest, of a measure which must inevitably lead to conflict of jurisdiction, confusion of laws, and clashing of authority. The bill opens the way, moves far along that road which leads toward the gradual destruction of the rights of the States and the undermining of the constitutional liberty Americans have not ceased to love. The leadership of the future will be founded on commercial and industrial progress. Admit the constitutionality of this bill and you recognize a power in Congress to shackle commerce and strangle industry. When that day comes you will realize you have thrown to the winds the leadership and the power of the United States.

Mr. BRYAN. Mr. President, so much has been said, and so well said, in this discussion that I shall not undertake at any length to go into either the constitutionality or merits of the bill; but I do not feel at liberty to allow a vote to come without expressing my opposition to the principles and the provisions of this legislation.

It is of no consequence now to consider whether the Constitutional Convention intended in the grant to regulate com-

merce to include a provision to prohibit commerce. The judicial decisions construing acts of Congress have adopted that principle of prohibition; but heretofore neither the Congress nor the courts have undertaken to go outside the realm of commerce and deal with the production of articles which afterwards might go into commerce. Legislation heretofore has dealt with commerce. This legislation deals not with commerce but with production. Indeed, Mr. President, that is the purpose of the bill.

The report of the committee states in distinguishing the Senate committee's substitute from the bill as passed by the House:

The House bill seeks to stigmatize commodities produced in whole or in part by proscribed child labor in the processes of actual manufacture. The Senate amendment penalizes the producer.

Again, on page 5 of the report, there is this language:

The committee therefore recommends that the prohibition be of the shipment of the product of a factory, mine, etc., in which, within 30 days prior to the removal of the product therefrom, child labor has been used within the specified standards of ages and hours. This is placing the prohibition on the shipment of the products of a plant using child labor, and not on the shipment of the products actually made by the child.

In other words, it is not honest legislation. That is more clearly shown by reference to the last paragraph of the bill.

Section 6 provides that the word "person" shall include, among other things—

in the case of a dealer, means only to transport or to ship or deliver for shipment from the State, Territory, or District of manufacture or production.

What does that language mean? As explained in the committee report, it means that—

Under the House bill dealers in States other than that of production or manufacture are penalized unless protected by the manufacturers' guaranty, while in the Senate committee bill this very great burden which would thus be imposed upon commerce is totally removed.

The Senate committee, however, finds it necessary to retain a provision relating to guaranty in so far as dealers within the State of production or manufacture are concerned, in order to prevent evasions of the law.

In other words, Mr. President, the only penalty upon a dealer occurs in the State of production, in a jurisdiction with which Congress has no power to deal, and in the only place where Congress has the power to legislate the dealers are relieved from any restrictions at all in the interest of commerce. If that does not show that it is not the purpose of the bill to regulate commerce at all, but that the purpose is to legislate with reference to child labor itself, nothing could make it plain.

It is said that there is no harm in doing indirectly something that can not be done directly, and upon that basis appeal for the support of the bill is made because, Mr. President, no man in the Senate contends for a moment that Congress has the power to deal with the subject matter of the bill, to wit, child labor. Is there any objection to doing a thing indirectly that you can not do directly? In the first place, it is a plain usurpation of power. There is no subject of legislation under our Government that is not held either by the States or by the Federal Government. It is admitted that the Federal Government has no power to deal with this subject as such. Then, Mr. President, the conclusion is inevitable that we perpetrate a fraud upon the reserved powers of the States when we enact this legislation.

The Senator from Iowa [Mr. CUMMINS] propounded the inquiry to my colleague whether we have power to levy a prohibitive tariff. Of course we have the power. We have the power because the courts will not inquire into the motives of a coordinate branch of the Government. Mr. Justice Miller long ago held that it was robbery, although done under the taxing power of the Government.

Now, Mr. President, it does not lessen the responsibility of a legislator to say that the courts will not overturn the legislation. We too take an oath to support the Constitution, an oath as binding as the oath taken by the judiciary, and it is hardly fair to the judiciary when an item of legislation comes along that seems to have public sentiment behind it or upon which proposition there may be some doubt for Members of Congress to evade their responsibility and pass it on to the courts. When we have to deal with a question that might hurt there is an easy way of avoiding responsibility and of allowing the courts to assume it. But when we do that we are neither candid nor honest.

And then what happens, Mr. President? You place upon the judiciary the burden of seeming to overturn the will of the people as expressed in the legislative branch. It is to the credit of the courts that they have usually been true to their obligations.

Mr. President, is not the passage of legislation of this character which the court must finally consider responsible, at least in some degree, for several unfortunate conditions? Is it not

responsible, in a way, for the humiliating circumstances that men, even in official situation, even in the Congress of the United States, will rise up and say they have no respect for the Constitution of their country? Yet there are men who say they do not believe the Supreme Court has the right to pass upon the constitutionality of an act. It is unfortunate in another respect, that the people are made to believe that the court itself has usurped authority when it declares the act unconstitutional.

It is only a few years ago when we had quite a large element in this country expressing their disapproval upon the ground that the courts had usurped authority and held that we should recall judges, because they had assumed to overturn the acts of the legislative branch, not only recall judges but that we should recall the decisions of the judges. I say that puts a responsibility upon the courts that we ought not to transfer from our shoulders to theirs.

Again, Mr. President, there is a difference, as has been pointed out in several addresses during this discussion, between the duty of the legislator and the duty of the judge. In Congress and in legislative body the burden of showing that the act is constitutional is upon those who advocate it. We ought not to vote for a bill unless we are convinced that it is constitutional, and the court may not overturn an act of Congress unless convinced that it is unconstitutional.

So it comes about that a man may vote to sustain an act of the legislature in the capacity of a judge which he ought not to have voted for under his oath if he had been a member of the legislature that passed it.

Mr. President, what are the reasons urged for the passage of this bill? In the report of the committee it is said that it is done because the employment of child labor is a national evil. Yet in the report on page 7 we find this language:

With the passage of the South Carolina law, only three States—North Carolina, New Mexico, and Wyoming—remain with an age limit for the employment of children less than 14 years, though some of the States allow children as young as 12 to be employed for reasons of poverty, or during the vacation season, or in canneries.

So this legislation is asked for because it is supposed that North Carolina, New Mexico, and Wyoming have not enacted legislation that is satisfactory to Members of Congress.

We then turn to the table on page 12, and looking at the child labor employed in those States we see how pressing this demand is. North Carolina, in manufacturing and mechanical specified occupations, has employed children between 10 and 13 years of age, 6,344, and between 14 and 15 years of age, 8,475; in the extraction of minerals she has employed 15 children between the ages of 10 and 13 years and 27 between 14 and 15—that is, the total for North Carolina is 14,861.

In New Mexico, in manufacturing and mechanical occupations there are 29 employed between the ages of 10 and 13; 90 between the ages of 14 and 15. In the extraction of minerals there are 10 employed between the ages of 10 and 13, and 42 between the ages of 14 and 15; a total of 171.

In Wyoming, in the manufacturing and mechanical occupations, between the ages of 10 and 13 there are none; between 14 and 15 there are 17. In the extraction of minerals, between the ages of 10 and 13 there are none, and between the ages of 14 and 15 there are 39; making a total for Wyoming of 56—14,861 for North Carolina, 171 for New Mexico, and 56 for Wyoming; a total of 15,088.

The laws of the other States have been conformed in a general way to a standard bill, so there remains only one State employing any considerable number of children. It is pointed out in this report that some of the States make exceptions to standard provisions. The exception of poverty is the chief one in those States. A child between 12 and 14 years of age who must work because of poverty is exempt from the law.

Mr. President, I have never been in a cotton factory. I do not know of my own knowledge what the conditions are in North Carolina. I believe, however, the people of North Carolina know. I believe the people of that State have more interest in the welfare of their children than have the Members of Congress, because their lives are wrapped up in them. They are to be the future citizens of North Carolina, to govern it, and to carry it forward in its civilization.

I can understand that it might, whether wise or not, be necessary for a child to go to work, earning an honest living, rather than to be placed upon the charity of some State institution or of some individual. That is a question which I have no doubt has been considered in the various States. I have never understood that work was specially harmful and that idleness was of great benefit to children. A day or two ago, while this discussion was proceeding, I was sitting by one of the oldest and most influential Members of this body upon the other side of the Chamber, and he said when he was 12 years of age he was plowing with a yoke of oxen. I imagine that if men



accustomed to earn their living in the sunshine, out in the open, on a day like this, could have their way about it, they would think that work in the shade in a building was infinitely preferable.

This body is made up of men who, for the most part, were engaged in making their living in the shade, in buildings; so that they think that work in the shade in buildings is injurious to health. If it were made up of farmers, who have to work in the sunshine, and who have never in their actual experience found the theoretical benefits which occur to us from their labor, with their backs bended in the hot sun, they might pass legislation providing that if children worked in the fields they should not work more than eight hours a day; but if they had the opportunity to work in a building, where they were protected from the weather, they might work as long as they pleased.

What are you going to do with the children when you forbid them to enjoy the right to earn a living under this bill? That, too, is a serious question. This bill says they shall not labor; but it does not say to them what they can do. I do not believe we are going to much improve upon the policy that has heretofore obtained of allowing this Government to deal with the common interests of the States and allowing the States to deal with the matters that affect themselves, with the matters that they have reserved. I know it is unpopular to speak about State rights. When anybody mentions the rights of the States it is usually supposed that he is referring to the Civil War; yet, Mr. President, it seems to me that in the years ahead of us, there is nothing so important in our Government as the insistence upon the old-time division of powers between the Federal and the State Governments. This bill breaks down that distinction.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield.

Mr. CUMMINS. The Senator from Florida said a moment ago, if I understood him correctly, that this bill was intended only to take care of a few children in North Carolina, New Mexico, and Wyoming, and he read from the report showing the number of children in those States under 13 years of age, I think, who were employed in factories and in quarries. The Senator from Florida is always fair, and therefore I assume that he has overlooked what I regard as the chief purpose of the bill, which is to limit the hours of labor of all children employed in these industries, under 16 years of age, to eight hours per day. The figures that he has given, however, have no application whatever to the vast number of children in many States who are permitted to work more than eight hours a day.

Mr. BRYAN. Well, Mr. President, I was reading from the report of the committee; and I shall read further on page 7:

With regard to the exemptions from this age limit—

I suppose that is what we were talking about—

Mr. CUMMINS. No. The figures which the Senator gave, if I may be permitted to make the suggestion to him, covered the children in those three States who are permitted to work in the forbidden industries of the age of 13 or under, but they have no relation whatever to the number of children throughout the United States who are permitted under the laws of their respective States to work more than eight hours a day. North Carolina, for instance, has a great many more children working in excess of eight hours a day than she has children under 13 years of age working; and there are a great many States whose labor laws permit children under 16 years of age to work 11 hours—possibly 11 hours is the limit—and I think there are several States which permit them to work longer than that.

Mr. BRYAN. Of course, I do not want to draw any conclusions not warranted by this report; but I read this from page 7 of the report:

With regard to the exemptions from this age limit which still obtain in some of the States, it may be said that these are being rapidly repealed, it being almost universally claimed that such exemptions are against the best interests of the child, where the welfare of the child alone is considered.

Mr. CUMMINS. The Senator has but to refer to his colleague from Georgia, who is on his right, to learn that the laws of Georgia permit children under 16 years of age to work more than 8 hours a day; and that is true of many other States.

Mr. BRYAN. I have given the number of children in those three States which the committee state were not satisfactory in their legislation—the number of children employed between 10 and 16 years of age in the various employments, and I think I gave the total number; at least I gave it as it is reported by the Committee on Interstate Commerce.

Mr. CUMMINS. But when the Senator referred to three States as being the only States that would be affected by this measure, I think he fell into an error, so far as permitting children under 14 years of age to labor in those industries generally. He may be right; but so far as permitting children under the age of 16 to work more than 8 hours a day, he is not right. There are three prohibitions in the bill.

Mr. BRYAN. I understand that.

Mr. CUMMINS. First, that a child under 14 can work in these places; second, no child under 16 can work more than eight hours a day; and, third, no child under 16 will be permitted to work earlier than 6 o'clock in the morning nor later than 7 o'clock at night.

Mr. BRYAN. In order that there may be no false impression created, I will read again from the report of the committee, on page 11:

Taking the population figures of the country for 1910, it may be said that 89,242,314 out of 91,972,000 have declared for the 14-year age limit by State legislation; 86,496,694 have declared for the prohibition of night work for children under 16 years of age. In the States recognized as mining States 41,837,431 out of 53,565,917 have enacted the 16-year age limit as a standard for children employed in mines, while 52,551,796 people, a clear majority of all, have prescribed an eight-hour day for the employment of children under 16 years of age in factories, while several States, which have not yet reached the eight-hour day for children under 16, have a shorter working day for such children than for older workers.

Mr. HUSTING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. BRYAN. I yield.

Mr. HUSTING. I should like to call the Senator's attention to a statement on page 12 of the report, which is as follows:

According to the census of 1910 there were 2,266 children under 14 years of age employed in mines and 15,401 between 14 and 16 years of age. There were 22,000 children under 14 years of age employed in manufacturing and mechanical occupations specified and 176,137 between 14 and 16 years of age who would be affected by the provision relating to the eight-hour day and to the prohibition of night work.

Mr. CUMMINS. Mr. President, if I may be permitted, if the Senator from Florida will look on page 10, under paragraph (c), headed "Eight-hour day under 16 in factories and canneries," he will find the list of States, 19 in number, whose laws prohibit children under 16 from working more than eight hours a day. The other 29 do not prohibit them.

Mr. BRYAN. Mr. President, three States were selected out of the States which had not satisfactory child-labor laws or had not made efforts in that direction which, in the opinion of the committee, were satisfactory, and they are referred to in the report and were referred to by the Senator from Arkansas [Mr. ROBINSON] in his address. I was undertaking to find out how many children in those States were affected. That was the purpose I had in reading the figures.

The second reason the committee gives for urging legislation is found on page 12, as follows:

In some of the States there is only a slight pretense of enforcement; the power of factory inspection is denied the proper officials and the appropriations for the enforcement of the law are also withheld.

Mr. President, that means to say that the States themselves do not enforce their laws, and therefore Congress will pass and enforce its own act. It is claimed that the States, although in the first place many of them make proper laws, will not enforce them. That is a pretty serious criticism of the States of this Union. I believe that if the time ever comes when the States will not enforce their laws and that the enforcement of them must be had by Congress, then we will have to change our form of Government. But, Mr. President, not all the laws of the States and not all the laws of Congress are obeyed; men violate laws; and it would be so much easier to enforce laws bearing directly upon the things to be affected than in this roundabout way, under which you must have a large number of inspectors hunting the channels of interstate commerce for a bolt of cotton cloth, for instance.

The next reason given is that the conventions of the two great parties have indorsed this bill. Well, Mr. President, if we put it upon that ground, I say that, in my judgment, the conventions had better content themselves with dealing with questions of general policy. In neither of the conventions can constitutional questions be discussed under the most favorable circumstances. The Democratic convention indorsed the House bill; but we are to vote not for the House bill but for a Senate substitute for the House bill, which shows that there is nothing in that contention.

Mr. President, I have already said this is not honest legislation. It is to be acted upon here without due regard being had for constitutional requirements, and is then to be passed on to the courts. If this legislation shall be upheld by the courts

then the States will have no rights reserved to them worthy of mention.

Mr. KERN. Mr. President, I have here brief communications on the subject of child-labor legislation from three very able and thoughtful men, well known throughout the country—ex-President Charles W. Eliot, of Harvard University; Dr. Stephen S. Wise, the distinguished rabbi of New York; and Dr. Lyman Abbott, who is well known—all of which I should like to have read and printed in the RECORD.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HON. JOHN W. KERN.

ASTICOU, ME., July 21, 1916.

MY DEAR SIR: I venture to express the opinion that in view of the coming presidential election it would be very unwise to postpone the passage of the child-labor bill until December next. The Democratic Party needs the support next November of the numerous Republicans and Progressives who are interested in the child-labor legislation. The party has nothing to lose by passing the bill, and possibly much to gain.

Sincerely, yours,

CHARLES W. ELIOT.

LAKE PLACID, N. Y., July 21, 1916.

MY DEAR SENATOR KERN: You know better than I the importance of passing the child-labor bill without delay. The professions of the platform will seem hollow, indeed, if at the behest of southern Senators the bill remains unpassed. The bill is of supreme importance in itself. Its passage may be decisive in respect to the fortunes of the party.

Faithfully, yours,

STEPHEN S. WISE.

OGUNQUIT, ME., July 24, 1916.

HON. JOHN W. KERN,

United States Senate, Washington, D. C.:

Being probably in favor of the passage of the Federal child-labor law, we beg you to give it your favorable consideration, and we very much hope that such a bill will be passed at this session.

LYMAN ABBOTT.

Mr. and Mrs. HERBERT LEE ABBOTT.

Mr. BRANDEGEE. Mr. President, I should like to have the first communication read again.

The Secretary read as follows:

ASTICOU, ME., July 21, 1916.

MY DEAR SIR: I venture to express the opinion that in view of the coming presidential election it would be very unwise to postpone the passage of the child-labor bill until December next. The Democratic Party needs the support next November of the numerous Republicans and Progressives who are interested in the child-labor legislation. The party has nothing to lose by passing the bill, and possibly much to gain.

Sincerely, yours,

CHARLES W. ELIOT.

Mr. BRANDEGEE. By whom is that signed?

The SECRETARY. By Charles W. Eliot.

Mr. HUSTING. Mr. President, I have listened to this debate with a great deal of interest and considerable edification. It involves an issue which, I think, affects profoundly the welfare of this country and the welfare of its people. I have just heard read at the desk the communications stating that child-labor legislation is a matter of great consequence to the Democratic Party in the present campaign. I agree with what has been said in that respect. I believe that any party intrusted with power that fails to heed the people's demand for this sort of legislation will have the consequences of not passing proper legislation along this line visited upon its head. I hope, however, that this will not be a mere party question. I desire to speak of the matter from a somewhat higher and broader point of view. In the few minutes which I am going to consume I wish to speak of the merits of the proposition and endeavor to meet some of the objections, if I can, which have been raised against this bill.

One remarkable thing about the debate on this bill has been the unanimity with which Senators have risen to their feet and said that they agreed with the fundamental principle underlying this bill, namely, legislation that should prohibit or at least reduce to a minimum child labor. I do not believe there is one Senator who has risen on the floor to argue that child labor is a good thing or that child labor in this country has anything but a demoralizing influence upon the welfare of the country; in fact, almost every Senator has prefaced his remarks with the statement that if the Government of the United States, the Congress of the United States, could prohibit child labor, then it should be done; and if I understood the arguments of Senators and their position correctly, I understand them to mean that if it were not for constitutional objections they would not only vote for this bill but would speak in favor of it and give it their most cordial and hearty support.

I do not believe that that statement will be challenged. I think it can be said, without fear of successful contradiction, that the Senate and the House of Representatives, almost to a man, agree that if Congress has the power to prohibit child labor

in this country it should pass such a law; and the only objections that have been raised by Senators, either upon this side of the Chamber or upon the other side, have been that they fear Congress has not the constitutional power to do so. Further than that, I think this discussion has brought the issue down to a few very narrow points.

It has been conceded here, I think, that the Supreme Court of the United States has held that the Congress may legislate in regard to interstate commerce; that it may pass laws regulating commerce, and that it has passed constitutional laws regulating commerce between the States; but that the only argument which has been made along that line is that nothing of the precise nature of this bill has ever come before the Supreme Court of the United States for adjudication. They say that while laws have been enacted prohibiting things evil or bad in themselves from being admitted from any State into another, never before has Congress passed a law and its constitutionality been upheld where it goes back of the act of commerce itself, namely, to the production of the article. So it would seem that the opponents of this bill, so far as its constitutionality is concerned, take this position: That while a law would be constitutional, and that legislation of this kind would be constitutional, if the thing of itself, the article itself, were inherently bad, if the commodity to be sent into another State were of such a nature that the very introduction itself would exert a sinister or bad influence upon the State into which it was being admitted, yet that this bill goes further than that and proceeds to prohibit trade upon articles good and wholesome in themselves.

I think the Senator from North Carolina [Mr. OVERMAN] made that point—that never had a bill been passed regulating commerce which went back to the question of its manufacture, instead of being attached only to the thing itself or to the traffic in the thing itself. I think that point was sufficiently answered by the Senator from Iowa, who pointed to the act which prohibits and forbids the commerce in trust-made articles from one State to another. I understand that we have a law which forbids interstate commerce in trust-made goods, goods made illegally, goods made contrary to the antitrust law. There at least is one example. Now, suppose a trust manufactures any article, whether it be tobacco or anything of that kind, bread-stuffs, crackers—take crackers, for instance—I do not know whether there is a cracker trust or not, but if there is, the law prohibits interstate commerce in those crackers. The crackers themselves are not any worse than any other crackers made by a concern not in the trust; and yet it is conceded here, I think, that we have a right to prohibit interstate commerce upon such crackers. I think the Senator from Connecticut [Mr. BRANDEGEE] admitted that in that case the law would hold good. Now, would not a law hold good, for instance, that forbade interstate commerce in stolen goods? Suppose some of the States had no criminal laws whatever affecting the sale of stolen goods. Would it not be incumbent upon Congress to prohibit interstate commerce in stolen goods? The goods would not be any worse because they were stolen. They might be articles of clothing; they might be foodstuffs, or things of that kind; and yet Congress could well regulate or suppress the sending of stolen goods from one State into another, notwithstanding that the articles in and of themselves were entirely innocent or, in fact, wholesome in their character or even might be necessities of life.

Take the smuggling of goods: Could we not pass a law prohibiting interstate commerce in smuggled goods?

Of course Senators can say that that power would rest upon and be necessarily incident to the power that we have to levy imposts and duties. That may be true; but why have we a right to forbid the shipment of these goods in interstate commerce, if we accept the arguments of the Senators, who say that we can not do indirectly what we can not do directly, and who say that if a thing is not bad in itself we have no right to forbid the shipment thereof from one State to another? Here, then, is another instance where the shipment of goods might be prohibited, even though the goods were no worse for having been smuggled. The bread does not turn to stone or poison even though smuggled. It is of the same quality that it was before, and yet we can prohibit its shipment into another State. The same is true of any other article that has been smuggled, and yet we could pass a law forbidding interstate commerce in stolen or smuggled goods. Would the Senator from Florida, for instance, say that it was a fraud just because we used the instrumentalities within our hands to forbid the interchange of such goods in order to promote the advancement of a sound public policy?

Take, for instance, the illustration of stolen goods. We have not any national laws against stealing as such. We have not national laws forbidding "fences" or punishing the receivers



of stolen goods. It is not at all in the jurisdiction of Congress; and yet, at the same time, would anybody claim that we could not pass a law forbidding the sending of stolen goods from one State to another?

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. HUSTING. I do.

Mr. FLETCHER. I want to ask the Senator if he can not see a distinction between the power of Congress, for instance, to protect its commerce against smuggling and against theft and the exercise of that power in connection with an article that is unlawful and that is condemned as an article of commerce, and on the other hand the exercise of that power with reference to goods that have none of these features in connection with them at all?

Mr. HUSTING. I will say to the Senator from Florida that no two cases are alike. No two propositions can be alike unless they are identical. There is always some distinction; but I want to ask the Senator from Florida whether there is any distinction in principle between the forbidding of commerce in stolen goods, so far as the quality of those goods are concerned, and the point the Senator has made here that this had nothing to do with commerce, and Congress had no power to prohibit interstate commerce in certain things unless the thing of itself was inherently bad? The only point that I am trying to make is that it is not a necessary essential to a law regulating commerce that the thing itself shall be bad, but what goes before it can be considered. That which in our judgment violates good, sound public policy in the production of the thing or in the exchange of it is a factor to be considered, and not only gives us the constitutional power but makes it our duty to legislate in relation to its transportation.

I should like to say to the distinguished Senator from Florida that in the case of trust-made articles, before the trust laws were passed there was nothing inherently bad, so far as laws were concerned, about trust-made articles; and yet Congress passed a law forbidding trusts, and passed a law forbidding the transportation of trust-made articles in interstate commerce. How did it come about that that tainted it? Because Congress decided that it was contrary to sound public policy to have trusts, and that since it was contrary to sound public policy to have trusts, that every means within our command should be brought to bear to prevent such a trust from taking advantage of the arteries or instrumentalities of interstate commerce, and that we could follow their goods—goods made contrary to law, goods made contrary to sound public policy, business run contrary to sound public policy—and say, "You shall not cross the State line. You will not be permitted to do an interstate business in goods manufactured at the expense and interest of a sound public policy."

One of the Senators—I believe it was the junior Senator from Florida [Mr. BRYAN]—said that it was a fraud for the Government of the United States, pretending to want to regulate commerce, to go back of that and regulate, and in fact prohibit, child labor in certain States. The same argument could be made against the antitrust laws. If it is a fraud to do this here and now, then it was a fraud for Congress to pass laws prohibiting the shipment of trust-made articles between the States, for those laws were aimed, not at the commerce, not at the interchange alone, but were aimed right back at the trusts which manufactured the product. I can not see any distinction in principle between the two cases.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. HUSTING. Certainly.

Mr. FLETCHER. It seems to me that in one instance the Senator mentions, the article which is supposed to move in interstate commerce is an outlaw of commerce. That is a different case from a case dealing with articles that are in themselves pure and moral and otherwise untainted in any way and can not be stigmatized in any way. In the other case the Senator mentions, about preventing combinations and trusts, the act of Congress has reference to restraint of trade. It is the movement of those articles in trade that is prohibited; not that it has to do with the hours of labor, or other methods of manufacturing the article. The whole field that is covered there is one of trade and commerce.

Mr. HUSTING. I do not quite follow the Senator in his reasoning. I do not quite understand the point the Senator is trying to make, except that I want to ask this, in reply to the Senator's statement that the trust-made articles are outlawed: Why are they outlawed? They are outlawed because

Congress passed a law outlawing them to the extent that they can not cross the line of another State. And why? Not because the goods are harmful in themselves, but only because they were manufactured by agencies—instrumentalities not permitted by law to be used in the manufacture of articles so as to permit them to be shipped between the States. In one case commodities manufactured by unlawful trusts, in the other by children not lawfully authorized to perform such work. Aside from that, trust-made articles are not outlawed in the State where manufactured. They can be sold within the State in both cases as before prohibitory laws were passed by Congress.

Mr. FLETCHER. I had reference in that instance to the articles that were smuggled or stolen, which the Senator spoke of in the first reference he made.

Mr. HUSTING. I will point, first, to the trust-made proposition. Those articles are not outlawed. They are permitted to be sold within the State. They have the freedom of the marts of trade within the State. The goods are just as wholesome as any other. In fact, the trusts claim that they are better and more wholesome; and yet we have used the power of Congress to say: "You shall not cross the line and put those goods in another State." Why? "Because we think it is against sound public policy for you to engage in those practices in manufacturing what we think is contrary to public policy. If you dissolve yourselves, and manufacture the same goods with the same machinery and with the same laborers, this inhibition will be withdrawn, and your goods can be sold between the States, as they always have been."

In the case of the stolen goods, so far as any law of the United States goes, they are not outlawed. The goods themselves are not outlawed within the State. They can be sold within the State. Of course I presume every State has a law prohibiting people from engaging in the purchase of stolen goods, but suppose a State had not any such law and you had the same condition of affairs, could we not stop it by congressional action just the same?

Now, another word in reply to the charge that we are engaged in a hypocritical act in pretending to legislate to regulate commerce when in fact we are trying to stop child labor. In other words, we are engaged in a heinous conspiracy or a hypocritical conspiracy to do what? Why, to pass a law that the Members of Congress almost to a man admit would have a wholesome and beneficial influence on the country. We are held up to scorn before our own eyes because we want to do a good thing. The charge is made that we want to violate our oath of office; and the Senator from Florida claims that if we have any doubt of the constitutionality of an act—I think he went even further and said that even if we think that it possibly may not be constitutional—we have no right to pass this sort of a bill.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from California?

Mr. HUSTING. Certainly.

Mr. WORKS. What does the Senator from Wisconsin understand the object and purpose of this bill to be?

Mr. HUSTING. The object of this bill is to prevent the shipment of goods made contrary to what we consider a good, sound public policy.

Mr. WORKS. The Senator does not understand, then, that it is for the purpose of preventing child labor?

Mr. HUSTING. I think its effect would be that—at least, to reduce the evils of child labor.

Mr. WORKS. We may just as well be fair and sincere about this matter. Does not the Senator know that the primary object of the bill is to prevent child labor; that the other object is only incidental?

Mr. HUSTING. I will say that undoubtedly the friends of this bill are against child labor. They are against the shipment of goods made in States contrary to the provisions of this law from being shipped into any other State.

Mr. WORKS. The Senator understands that there would be no such legislation as this as against the transportation of goods that were not manufactured by child labor, does he not?

Mr. HUSTING. Why, no more than there ever would have been a law against the shipment of trust-made goods in interstate commerce if there had not been any trusts, and if we had made no laws prohibiting trusts—certainly not.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. HUSTING. I do.

Mr. BRANDEGEE. If the Senator will allow me to do so, I should like to answer the Senator from Nevada. I read from the hearings before the Committee on Interstate Commerce,

from the testimony of Prof. Parkinson, of Columbia University, who urged the passage of the bill before the committee. He says, on page 121:

The purpose of the bill is to withdraw the instrumentalities and facilities of interstate commerce from the employer or manufacturer who makes use of child labor in the manufacture of his products.

He says further:

The purpose is to prohibit the commerce in the interest of withdrawing Federal agencies from the continuance of a profitable market for the products of child labor, and I do not hesitate for a minute to assert that the underlying purpose of this legislation is to stamp out child labor.

He also says:

The means employed is the exercise by Congress of a power vested in it, which the Supreme Court of the United States has held was vested in it, to be exercised among other purposes for the general welfare of the country.

Mr. HUSTING. I will say to the Senator, speaking for myself alone, that the object of this bill reaches back to the evils of child labor. It would not be fair for me to say, nor would it be accurate for me to say, that it is for the purpose of preventing child labor in the States, because there is nothing in the bill that prevents or prohibits child labor in those States. It makes child labor unprofitable. It is going to minimize the evils of child labor. That is the object that I shall have, at least, in voting for the bill—to discourage as much as possible child labor in the country, because I believe it should be discouraged and minimized as much as possible if not entirely prevented.

Coming back to the constitutional proposition, I think there is far more danger of this body and of every State legislature of the United States not doing its full duty within the Constitution than there has ever been of its trying to do its duty beyond the authority of the Constitution. My experience in this body has been brief; but I have seen here, or at least in the legislature of my State, no matter of a remedial nature or of a constructive nature has been looked forward to but that the bugaboo of the Constitution was held menacingly over the head of any man that dared to talk in favor of it. Whenever an act of great merit comes up, and everybody is saying, "Why, it is a fine thing; it is a good thing; it is a wholesome thing; it should be passed," it is replied: "But you can not do it, because the Constitution will not let you." You can go back to the income tax, you can go back to every great thing that the Sixty-third Congress accomplished, and I think you will find very few of those measures but that were assailed as unconstitutional. The constitutional whip has been flourished over the head of almost everybody who has endeavored to do something which in his judgment would relieve certain serious conditions in this country.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. HUSTING. Certainly.

Mr. FLETCHER. Will the Senator permit me to inquire whether he has any doubt about the constitutional power of the legislatures of the various States to deal with this subject? The Senator suggests that he is in favor of minimizing the evils of child labor. I do not think he will find anybody who is opposing him on that proposition; but will the Senator deny that the States are dealing with the situation and that they are capable of doing so under their constitutions?

Mr. HUSTING. I will say to the Senator that that brings another thought to my mind, and I am glad the Senator asked the question. It is true that some States have dealt with it and some have enforced the provisions in regard to child labor, while others have not. I know, however, that in my State and in my legislature when the child-labor proposition was approached, when the income tax was approached, or any other similar measure was approached, it was held up to us that we were going to ruin our own manufacturers by passing laws in Wisconsin which would render manufacturing less profitable, while in the State right next to it, where these things were not prohibited, they would enjoy increased profits by reason of not passing this legislation. So we are now confronted with that argument, and that is a stock argument used in every legislature in the country. I know it was used with effect in my own State: "You can not do this, because Illinois does not do it, or Indiana does not do it, or North Carolina does not do it, or Florida does not do it; and if you are going to make our manufacturers compete against these other men, who have the freedom of employing child labor in their mills, and make us sell our goods in competition with theirs, you are going to ruin us. You must not do it."

Mr. BRANDEGEE. Mr. President, will the Senator permit me to ask him a question right there?

Mr. HUSTING. Certainly.

Mr. BRANDEGEE. Has not the State of Wisconsin a good child-labor law?

Mr. HUSTING. Yes, sir.

Mr. BRANDEGEE. Is it not just as good in its provisions as this Federal law would be?

Mr. HUSTING. I will say that the law of Wisconsin is fairly satisfactory to Wisconsin.

Mr. BRANDEGEE. And the State of Wisconsin, in spite of the opposition that was made to the passage of it on the grounds stated by the Senator, did in fact have the courage and the good sense to enact a proper child-labor law?

Mr. HUSTING. Yes, it did; but it did it notwithstanding the things that were put up in front of it. I say that it is wrong, in a sense, or, at least, unfortunate, to subject one State to certain things in manufacturing competition with other States who do not choose to adopt the same laws and the same remedies and thus place them in a disadvantageous position, and in many cases actually deter—if it does not altogether prevent—humanitarian and wise legislation of this kind from being enacted.

Take, for instance, two States. One of them possesses a humane labor law, an eight-hour-a-day law, or a child-labor or any other kind of a law of that kind, and the State next to it does not wish to follow it. Here is one State struggling to render its conditions humane, to render its workingmen efficient, and here they are pulling the ground right from under the feet of their own manufacturers, putting them at a disadvantage in competition with the surrounding States. Now, that may be answered by saying: "Well, you increase the efficiency of your own people, and you will soon be in a condition to compete with the next State," and there is much force in that. That would be true altogether if there were not always a new crop of children growing up to take the place of those who have been cast into the scrapheap with the discard. Children are not looked upon in some States as anything that is worth money. They can produce lots more to take their place, and one set of children can go through the mines and the mills with the resultant loss of efficiency, of health, of morals, and there will be another crowd of children ready to take their place to go through the same treadmill and meet the same fate. It does not harm the manufacturers that produce these results, because they can get new recruits at the same price and under the same conditions; but I will tell you what it does affect, Mr. President. It affects the country at large, which depends upon the efficiency, health, and the morals of the race; and in my judgment that makes it a national question—a question with which we not only have a right to deal, but with which it is our duty to deal, in order to produce a race of men and women in this country who will be able to compete with all the world, as we are doing and will more and more have to compete with all the world.

So we might well look this thing squarely in the face. I think more and more this country will have to take steps that are necessary and with relation to which the world is beginning to recognize as necessary and essential to the upbuilding of the country and its people. The laws of efficiency are being applied in every country. Countries that are looked upon as leaders of the world in efficiency long ago had adopted measures calculated to conserve the labor, the lives, and the health of the people. There was a time in the past when these laws were not only unnecessary but inadvisable, when a man would work under the eyes of his principal and came in personal contact with his chief. So whether it was in mine or field or factory the common, ordinary instincts of human feeling, of human generosity, of humanity itself were a sufficient safeguard for the right of the workman against his employer.

If the same condition obtained to-day which obtained 50 years ago, there would not be any need for changing that condition any more than there was 50 years ago. Everybody got along first-rate 50 years ago. There was not any demand for child-labor laws or labor laws of any kind. Why? Not because we were not just as enlightened then, but because there was no necessity for them then, and we wisely adopted the policy of not interfering with old practices until old conditions made such changes necessary. But to-day how many men know the man who owns the factory in which they work? How many employees know the men who own the mine? How many men ever see their employer, their boss, in the course of their career? Not many. I venture to say that some men work, for instance, in the mines and factories for men whom they never saw, do now know, nor are they known by their employer.

Now, what does the employer, the ordinary stockholder, personally do or care for his men who work for the corporation in which he holds stock? All he wants is the demand from officers of his company that they shall operate the plant



at a profit, and in the effort to operate the plant at a profit laws of humanity, laws divine, and laws human, I may also say, must oftentimes give way to the demand for profit in the operation of these things. So in the course of time men found it necessary to band themselves together for their mutual protection, and so we have the general labor problems and the child-labor problem coming up before us to-day.

I have here the proposed amendment of the Senator from Colorado [Mr. THOMAS]. I am going to vote against it, because I believe it is uncalled for, at least in part, and that there is no demand or reason for it, and for the reasons, largely, I have just stated, namely, that it relates to conditions as old as the country itself. I will read the proposed amendment, or a part of it, rather:

Or any article or commodity the product of any farm which is the material for the product of any mill, cannery, workshop, factory, or manufacturing establishment in the United States upon which children under the age of 14 years have been employed or permitted to work or children between the ages of 14 and 16 years have been employed or permitted to work more than 11 hours a day.

Mr. President, I do not think we ought to interfere unnecessarily between father and child. That is not within the purview of this bill. I think that a father, especially one who works a farm, almost without exception—of course there are exceptions to all rules—will not work his children unduly nor overwork them. That is an entirely different proposition. As to the question of labor about a farm, whether it is sitting upon a hayrack or some other employment which the father thinks is fit for his son, the condition has not changed materially in the last 75 or 100 years. That is not the condition which is calling for a remedy here. The bill before the Senate is a bill to meet conditions which have radically changed in the last 50 or 75 years. The employer—generally speaking, the stockholder—no longer has any personal interest in his men. There is no personal contact between the employer and the employee. The factories have become complex. The use of machinery has changed conditions. Piecework and stop watches have come into vogue and a thousand other things that make it now necessary for the State or the Nation to step in and intervene and protect the employee from the natural and inevitable results of these changed conditions.

So I say I am favoring this bill because the time has come when this Government, in its own defense, for its own benefit, must demand that children shall be permitted to have their opportunities in life, to have their opportunity to mature, with their vigor and morality and efficiency unimpaired, that the children may have a chance to live and become men and women who will be a source of strength and not of weakness to their country.

I regret conditions have changed. There is no longer any personal contract between the employer and the employee at all, and the factories have become so complex, the use of the machinery has so changed the conditions that it is necessary for the State or the Nation to step in and intervene and protect the employees from the natural result of these changed conditions. So, I say, I am favoring the bill myself. The time has come when this Government in its own defense, for its own benefit and the children, will be permitted to have their chances in life so that it will insure a race of men and women hardy enough, virtuous enough, and industrious enough, and able enough to perpetuate this country.

The children growing up in this country of to-day are the men and women of to-morrow. The boys of 12 and 13 and 14 of to-day are the defenders of their country to-morrow. Anything which is calculated to weaken them, anything which is calculated to impair either their efficiency industrially or their efficiency morally becomes a matter of national concern. The position I take is that it will not do for any State to say: "This is no concern of the Nation; this is none of the Nation's business; this, I claim, that you shall permit us to attend to, and us alone, regardless of its effect upon the Nation."

There is no disguising the fact that things have been moving along more and more in the direction of the strengthening of the national bonds. Look over the statute books and behold the legislation of the last 10 or 15 years. No one can be blind to the fact that it is considered necessary; nay, absolutely essential to the perpetuation of this Nation, for the Nation to put itself in a position where it can defend itself, where it can make laws to protect itself as a whole, where it can perpetuate itself; and I think that that is being done and can be done without violating any principle or letter of the Constitution. There is no danger here, in my judgment, of the National Government overstepping its constitutional bounds.

There were some inquiries directed here the other day by the Senator from Connecticut [Mr. BRANDEGEE] to the Senator from Idaho [Mr. BORAH] which would seem to indicate that that Sen-

ator had an idea that, if the National Congress passes a law of this kind, it then can do anything it pleases in the way of legislation. I remember one question that was put was to this effect, whether if Congress passed a law forbidding the shipment of goods not manufactured by organized labor that that would be constitutional also. If I understand the question correctly, from the cases that have been cited and the arguments that have been made by distinguished and able Senators on this floor, I do not understand that anyone contends or argues that Congress can do anything it wishes. I think their arguments sustain this proposition, that whatever police power we have in connection with interstate commerce can go no further and can not be greater than that of the State itself.

The State police powers are undefined. No court has ever set out to define the police power of any State. One eminent judge defined the police power as "the power to do an unconstitutional thing."

If there is such a police power and such a right, the States have always exercised it notwithstanding but subject to the limitations and restrictions of the Constitution. Scarcely any police power has ever been exercised by the State but what its constitutionality has been questioned, and rightfully so, because it is a power which should be held strictly within constitutional limits. There must be bounds, for instance, beyond which the State can not exercise the police power. There must be back of it a public opinion which necessitates its exercise, because many great questions never could have been successfully legislated for or against in States if the public demand and public pressure had not been back of them. Many laws are passed in response to a public demand, and in a country like this the people rule themselves and insist on getting what they ask. Of course it should and must be a demand not founded on caprice or bias or prejudice of the moment, but upon a demand founded on justice and necessity. It must have its roots stuck deep into the soil of humanity and nurtured by wisdom and prudence and intelligence. And who will say that the nation-wide demand for this child-labor legislation is not such a demand as I have just adverted to.

There is no question that from time to time new matters come up that are considered proper subjects for police regulation; we all know that to be the fact. Have the people of the States been deprived of their rights because the State has exercised its police power? No. At every session of the legislature in some if not all of the States measures have passed which depend for their validity on the rightful exercise of the police power. So this legislation might take away, just the same as they claim the National Congress may take away, the individual liberties of the people through the exercise of the police power.

When anybody complains that there is no definition limiting the exercise of the police power on the part of the United States, I say, of course not; no more than there is over the exercise of the police power on the part of any State itself. Each has unlimited right to exercise its police power within the control and within the confines of constitutional authority. But it is not defined. Every case has to stand on its own feet; and when the people fear, think, or believe, or any citizen fears, thinks, or believes, that the police power is encroaching upon his personal rights or liberty, as police powers always do encroach upon the liberty or license of the individual, the only way to stop it and to draw a ring around it is through the constituted authority, namely, the Supreme Court.

So, if any Senator asks what are the bounds of police power in the Congress, I say exactly the same bounds as that of the States; surely no greater.

Now, can the State pass a law prohibiting the manufacture of any goods within the State of Wisconsin, we will say, or of some State which prohibits the sale of any goods made by any labor organization? Of course, it can not. Neither can the United States Congress pass a law to do the same thing, because the measure of its power is the measure of the power of the whole State to take care of its interests. Moreover, it can not exercise the power directly as the State can. It can only exercise in this instance through a law affecting interstate commerce which minimizes many and manyfold the real power of a State to legislate upon the subject of child labor. Here it is removed, at least one step, and we can not do it except through the exercise of the rights of power and control over the interstate commerce.

The United States has got control over interstate commerce. It has exercised such control in many and many an instance by the passage of laws claimed by opponents to be unconstitutional but now held good and wholesome and also constitutional. We have an Interstate Commerce Commission which protects



shippers in their rights so that they can not be discriminated against as to rates. We have an Interstate Commerce Commission that compels common carriers to give service to the people. The people were jealous of the shippers' rights, and that is why the Interstate Commerce Commission was established, to see that shippers could ship their goods and not be robbed by common carriers, and that there should be a fair and equal system of exchange of commodities between the States upon terms nondiscriminatory. All these things have been done through the Interstate Commerce Commission, or at least we pretend that we are doing them, only if we are exercising this guardianship, as it were, this suzerainty or this protectorate over the shipper, have we not a right to tell him that the goods he desires to ship shall at least be produced and manufactured and exchanged in accordance with what the country believes to be sound public policy and not repugnant to the laws of the State and Nation.

Again, if this law should be passed it can only pass by a majority of both Houses, and I say again that hearing the discussion here upon the floor by the opponents of the bill I am satisfied in my own mind that every Senator here thinks and believes that children of the ages mentioned in the bill ought not to be permitted to go into quarries and mines, into workshops and factories at those tender years, and be stunted and deformed and degenerated before they reach mature age.

It seems to me it must be the opinion of every Senator and every Member of Congress that a child should be treated with the same consideration at least as that accorded the dumb beast. What farmer or driver puts a harness and a collar on a yearling colt and expects him to haul a load to market? What would Senators think of any employer or user of dumb animals who uses them in such a manner as to destroy their usefulness before they arrive at an age when they in fact only could naturally begin to become useful?

In applying that sort of mean consideration to the subject, that purely of expediency and of policy, how can Senators think for a moment a good result can follow from such a bad practice as this? I venture to say that if slavery had not been wiped out in this country—that if the practice still obtained and the children of 12 and 14 years cost money and had to be purchased like horses and cattle—I am not referring now to any sectional part of the country; I am talking now of anybody in the world who would have to buy human labor as he buys his horses and his mules—would he think of putting for a moment such a human instrument as that where it would be old and useless before maturity had set in? I do not believe that any man who had any business sense and business sagacity would buy labor if he had to pay cash for the labor and take care of it and support it after it became useless, would think of doing any of these things that this act forbids.

Now, let us see what this bill is about. It provides—

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work—

Now, in a mine or quarry, what Senator on the floor will say that any boy under 16 years old ought to be sunk down into the bottomless pit of a mine or any quarry and labor there? To put a child just beginning to show the signs of manhood down at labor thousands of feet below the surface, to put him in a quarry to bend his back and strain his body in work of that kind, shocks the ordinary sense and feelings of mankind. Can it be that there is necessity for this in this country? Are we so hard up for material with which to do our labor that we must rob the cradle for the human commodity necessary to do our work? This bill seeks to discourage such a practice. That is all. That is the most severe thing this bill seeks to do.

All this bill first seeks to do is to try to prevent a boy under 16 years of age from being engaged in a mine or quarry. Do you think that if a law were passed that no yearling colt should be hitched to a wagon containing two tons of coal and be made to pull two tons of coal it would not be considered a pretty humane law? But it would not be necessary to pass it, because no man would want his animal to do that work under such conditions. He would rise up indignant at even such a suggestion and would denounce it as inhuman. Indeed, the humane societies would stop it if he tried to do it.

Yet when we say here that no miner or quarryman shall take anybody's boy under the age of 16 and put him to work and then ship his product into another State, then we are doing something wrong—then we are unreasonably interfering with the

rights of the State and our own citizens. What are the rights of the State? Is it the right of a State to insist that the boys of 15 years of age shall go down into the mines if they want them to do so, or if somebody wants to hire them, and let them work themselves to death or let them work themselves into such a shape that when they arrive at the years of real usefulness, or rather at years which otherwise would have been years of real usefulness, their usefulness is ended, and they become a public charge and are thrown upon the community for their living and support?

The question was asked a little while ago, "What are you going to do with boys if they can not work in mines or quarries until they are 16 years of age?" I might answer that by asking another question, "What are you going to do with the boys who have worked in the mines and quarries and at an early age have been thrown upon the scrap heap of useless things, who have stunted themselves, who become deteriorated both in mind and body, and who become your criminals and your outcasts in society, and who are thrown upon the country for their support?"

But more than that, why should a boy of less than 16 years of age have to go down into a quarry or mine to make a living? Why can not he work somewhere else in a place more fitted for his ability, for his strength, for his whole moral and physical make-up? Mines and quarries are not the only places of employment. Will these boys have no chance when they are above the age of 14 to get any other work except to go into a mine or quarry? Is that an unreasonable restriction to say that he can not work in such occupation? Is the provision of the statute going to make every boy between the ages of 14 and 16 a loafer, an idler? Is there anything in this bill which does not permit any boy to go into any other employment except that?

I say I think it is rather idle to claim that because a boy can not go into the mines and into the quarries that thereby he becomes a public charge or a loafer and idler for the period of two years.

There are exceptions to all rules. It might be sometimes that a hardship would be placed upon a dependent mother whose husband had been killed in the mines not to let the boy temporarily take his father's place and earn something in support of his mother. But it does seem to me as though that boy could find employment elsewhere and support his mother in some other way than in the way that means his certain deterioration both physically and otherwise or something worse. What mother would want her boy to do this work? What country ought not to feel ashamed to permit conditions to exist that would compel a boy of 14 or 15 to work in a mine to keep his mother from starving? An enlightened self-interest should move the country to remedy such conditions rather than to lower and degrade its future men by such practices of employment. Now what further does the bill provide?

Or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock postmeridian, or before the hour of 6 o'clock antemeridian.

Mr. President, I want to submit that that is a reasonable restriction. Who would have children under 14 years of age to work in any mill, cannery, workshop, factory, or manufacturing establishment? I pause for a reply. He is not fit to work in any such establishments as that.

Still, there are plenty of avenues open for a child who must work to help his mother. Those are not so comprehensive that they close every avenue of employment. On the contrary, all the other avenues are still open for such a boy in such a stress of circumstances to get employment if he wants it, and for which he is better fitted and better qualified.

But again I ask, under the present conditions who is going to take care of a boy of 14 years, or under that age, who because he is permitted to work in a mill, cannery, workshop, factory, or manufacturing establishment, and thus to work himself out, becomes a charge upon a cruel and improvident country?

Mr. President, I do not think any country that expects to have a future, that expects to make a place for itself and to permanently keep it, has any right to have conditions obtain within its borders where it is necessary for any 14-year-old boy to support a dependent mother or where a 16-year-old boy has to go into a mine or a quarry. I say that any nation that holds up its hands and refuses to put the protection of the law about children of 16 years or less, any nation that fails to do its duty in protecting its seedlings that are to grow up into sturdy trees, is disgracing itself in hiding itself behind its own



Constitution and in refusing to do something that humanity demands and that an enlightened self-interest demands.

It would seem to me superfluous to point out to a generous and humane people that the laws of humanity—the dictates of common, ordinary humanity—ought to be against such conditions and such a practice. We ought to be able to rest there when we point out that a man would not use his horse or his ox as harshly as we permit the children of this country to be used. As I said a moment ago, no wise man would put the collar on the neck of the yearling colt and make him drag a load intended for a full-grown horse. I say the mere fact alone that it is wrong to compel children of 12, 13, 14, 15, and 16 years of age to sustain themselves ought to be sufficient to make us want to pass this bill.

We have laws for the protection of dumb beasts. We do not permit a man, in the exercise of personal liberty, to beat his horse or abuse his horse or put a load on him that he can not carry without injury to himself. In the exercise of the police power we stop him, do we not? We are sending millions and millions of dollars across the ocean in the name of humanity to alleviate the sufferings of people who are suffering not because of any fault of ours. This Nation, much maligned as it is and has been during this European trouble, at least, to my mind, has shown the highest spirit of disinterestedness, has played the good Samaritan across the ocean; has poured its millions and its plenty into the lap of want and misery over in Belgium, in Poland, and in other countries. We have been held up as a sordid, and avaricious, and a dollar-loving people; and yet in all the world no nation has set the example which this great Nation has set in the treasures spent in the old world. We have been generous to a fault; we are humane; we have never turned a deaf ear to the cry of distress from any corner of the globe. We have done it, too, without expecting any return; we have done it because we are a generous people; and yet here in our midst—oftentimes thoughtlessly, it must be, because it can not be explained in any other way—we close our eyes to the sufferings, the privations, and the hardships of our own, and we close our eyes and become deaf to the clamors and pleadings of humanity in the administration of our own affairs and even of our own people.

Shall we not listen to the voice of the children, purely because of our humanity, of our generosity? That ought to be enough; but if that is not enough, then we ought to take into consideration that in dollars and cents, because of the material good that will come to us, because of the profit that will come to us, we ought to make a law conserving that greatest national asset, that greatest national resource, that asset and resource which is not only an asset and resource, but which is the very end of the Government itself.

Why have we a Government; why have we banded together the United States? I do not know, unless it was for the purpose of advancing our material and mutual interests. I can not conceive of any other end of government than to promote the happiness and prosperity of its people and that of humanity. This Government has no excuse for living, it has no excuse for its existence, unless it makes this enterprise or leads or conducts this enterprise in the interest of all of the people who make up this country. When men grow into public service and get into places of responsibility and power, is it not a part of their business to look out for those who can not look out for themselves? Is it not a part of our business to protect the very root and tree of our national existence? Is it true that we have a Constitution that is so framed that it permits us only to do things that are bad, things that are not going to work out for the interest of everybody; that only permits us to legislate when it is for some form of special interests, but which raises an insurmountable obstruction to every generous and humane effort that would attempt to flow out of this Chamber and out of this Congress? Are things constitutional only when they are bad or indifferent and unconstitutional only when they are good? Or is the Constitution an instrument which, back of it all, underlying it, which is the very root of it, has for a purpose the advancement of the race, the advancement of the Nation, the promoting the happiness and prosperity of all the people? Is not that what a government is for? If that is what a government is for, how can you construe a Constitution to be a permanent obstruction to carrying out the very end which we are all seeking? How can a Constitution be so construed as to impede and to prevent this Nation from doing what is necessary and what ought to be done for its own permanent good?

We all say this proposed legislation is for the permanent good. I say, again, the Senators who have spoken upon this question all concede that it is a good thing, that it will do all its friends claim for it; that it will build up the children into good, strong men and women. I say how can you construe the

Constitution, then, to be an obstruction to all those kinds of things which are calculated and which it is admitted will promote the public good by legislation regulating what we will have to legislate? Of course there will surely be other things coming up here every moment over which we have the constitutional right to legislate.

If this Government lives to be 10,000 years old—which God grant that it may—there will be new things every year about which to legislate. New Senators will come here when we are gone, new Members will come to the other House who will have to deal with different problems from those with which we have to deal. Solomon has said: "There is no new thing under the sun"; but, congressionally, everything is new under the sun. This is an infant Government in point of age as compared with the history of the world; this is a new Government, compared with the history of the world; but it has been growing up into a magnificent institution based upon the Constitution. If that Constitution was made, however, so that it would outlive its usefulness in 20 years, or, if it is like the ordinary mortal, and is limited to threescore years and ten, and then is to die because it can not grow and mature and expand, we would have been dead long ago as a nation. We could not live now, and we never can continue to live as a nation, unless the Constitution is construed to be an ever-expanding, an ever-growing instrument that can take within it all that is good and keep out, or at least discourage, all that is wrong, to the end that this country may be built up into a country which its founders intended it to be, a country of, by, and for the people.

So I say the time is coming when we are going to have some more problems. I hope the time will come when we shall not find millionaires and paupers living on the same block. I do not believe there is any excuse for a condition of affairs which will permit men to own millions and permit a woman and her children to suffer starvation and distress within such narrow distances that their cries of distress may penetrate into the palaces of those owning the millions. That is not fair; that is not American, in my judgment. I think we all ought to recognize it as an evil that at some time we must correct, in part at least, in a proper way.

I say if a Government has any purpose to promote happiness and prosperity of its people it ought not to keep all of its favors for the favored few and thus enabling them to make or to inherit money in amounts away beyond the needs and demands of avarice and largely because of governmental favors extended. No one begrudges the fortunes enjoyed by some if within the bounds of reason and when earned or made by efforts or services of those enjoying it or of their descendants. But men do complain, and complain justly when the fortunes have been the result of laws passed for the benefit of a few for the very purpose of enabling them to reap where they have not sowed, and in so doing deprive the sower and the tiller of his just share of the fruits of his own labor. A fair division of profits and earnings is a growing demand that will become louder and louder and more insistent until it will be heeded.

One of the things that this Government will have to do in the next half century, I believe, will be to see to it that the men who toil may receive a fair proportion of the fruits of their own labor and that in their short travel through and along and upon this earthly sphere they may at least be assured of the means of making a living and a living wage, and that they may have an opportunity to have a family and to live with it; that they may not be compelled to toil so that when they rise in the morning they must rise before their children and their wives at home have arisen, and must toil so that when they reach home at night their children are in bed, as I know to be the case with the employees of many a factory in this country. It would seem to me that in a land like this "flowing with milk and honey" every man who works and is willing to work should find time to live, and that conditions should not be such that men—good men—should be compelled, as they are, to divide their days into three parts, namely, to sleep, work, and eat, and that they can spare no time in enjoying one constitutionally guaranteed right, viz, the pursuit of happiness. I think that every man ought to have an opportunity to raise his family, to educate them, and that at least he should have a chance and an opportunity to make good men and women of them.

So I say that these things—not immediately or perhaps entirely pertinent to this discussion—show that we have many, many problems to deal with, and when we have gone those who come after us will have their problems to deal with; but I hope that whatever may be done by this Congress and any other succeeding Congress will be to make conditions of humanity in general and your own people in particular just a little bit better when the individual Member of Congress comes out of it than they were when he got into it. I hope that this may

be the aim of every Member, and I say that so long as I remain in this body I hope, to the extent of my very humble ability, I may be permitted to help in legislation which will make conditions just a little bit better than they were when I came here. That is the business, I submit, of those intrusted with the responsibility of government, if I may be permitted to say so. We have this inheritance handed to us, and it is not only our privilege, but it is our business and our duty, to see that it is carried forward and perpetuated in the interest and for the good of all the people. It is their Government; they are running it. Those who appear here only too briefly, who come and go upon the stage of this theater, momentarily intrusted with power—is it not their bounden duty, I ask, under their solemn oath to take care of the interests of the people who sent them here, to recognize that theirs is the first, last, and sole consideration within legal and constitutional limits to enact legislation that will inure to their benefit and to the benefit of posterity? What would be thought of trustees who, invested with a solemn trust, dissipate that trust or waste it or favor a certain few with the corpus of it, with the result that the cestui que trust finds that it has been distributed without rhyme or reason amongst those who already had more than they knew what to do with and deprived those who were justly entitled to their share?

I say the mere fact that this question has never specifically come before the Supreme Court is no reason to hold the pending bill unconstitutional. We could not have anything new under the sun in the way of legislation if we had to show a precedent for it. Has it come to such a stage that when Congress undertakes to pass a law the burden is on them to show that the proposed law is constitutional, or are we going to adhere to the sound practice and principle that every act is presumed to be constitutional until it is held to the contrary?

As I understand the underlying principles of legislation and of the duties and responsibilities, rights, and powers of the coordinate branches of the Government, every act passed by Congress is held to be constitutional unless it is clearly shown to the contrary, and that is so ex necessitate. The Supreme Court has been vested with power to declare an act unconstitutional; but instead of being the rule of the court that an act is unconstitutional unless Congress proves it constitutional, the very wholesome, salutary, and sound doctrine has prevailed that every act of Congress is considered constitutional unless clearly shown to the contrary. That is the only principle that we ought to adhere to. If we do not do so, if before we legislate on any important question we have to put ourselves in the fear and trembling of passing an unconstitutional statute, then the Supreme Court has become the censor and overlord of Congress itself, it has become the dictator of legislation, and Congress has become a mere debating society, whose legislation and whose pronouncements are no more important than those of the famous "three tailors of Tooley Street" in London. I say that when an act of Congress is aimed at a salutary end and is designed for a good purpose, according to the dictates of an enlightened self-interest as affecting a question or a subject matter with which the Constitution has invested them with power to deal, we should not say to ourselves, "We can not do this because it may be unconstitutional," or, to put it in another way, we should not say that a great constitutional question has arisen just because somebody says so. If the constitutionality of any act of Congress is going to be made a controlling consideration because somebody has challenged it and has said that it is unconstitutional, we might as well adjourn and go home now without any further attempt to legislate.

As I interpret my oath of office, when I swore to uphold the Constitution of the United States and the laws made in pursuance thereof, I became invested, with others, with power to make laws in the light of judicial decisions, in the light of practices and principles laid down in the past, and I shall assume that an act is constitutional unless I am morally satisfied that it is not. I am not going to let myself be driven away from a meritorious purpose, as I conceive it to be, just because the cry of wolf or the cry of unconstitutionality is raised.

Mr. President, it seems to me that the decisions of the Supreme Court which have been cited in the debate and the principles laid down in those decisions uphold the constitutionality of this proposed child-labor law. While, of course, there is always some distinction between tweedledum and tweedledum, it is a distinction without a difference many times, and I have tried to show in this discussion that in this bill we are legislating no differently in principle than we have done in other similar acts whose constitutionality has been upheld or has not been challenged. I say that, in my judgment, the Supreme Court will hold that this bill, if enacted into law, is constitutional; that it is within our right to pass it; that

it is our duty to legislate along the line indicated in the interest of the Nation itself; that it is a matter that concerns intimately not only the welfare but the very life of the Nation itself; and that in the exercise of wise legislative discretion, in the exercise of a judgment which tells us that sound public policy demands this kind of legislation, the Supreme Court will not challenge our discretion or challenge our judgment. I think that they will hold it is a matter entirely of policy and not of constitutionality, and, as appears from the debate here, they will not fail to see that, if it were only a question of policy, then this Chamber would have been practically unanimous in favor of this law. With such unanimity of opinion as to what ought to be done, if we can do it, I submit as my own judgment that this proposed bill is entirely within the bounds of our constitutional powers and should be enacted into law.

Mr. WORKS. Mr. President, I am not going to take up the time of the Senate by any extended discussion of the merits of this bill or the important constitutional question involved. Both sides of this question have been very ably discussed, and I suppose all of the authorities bearing upon the question have been already cited to the Senate. I want to go home, where I can be comfortable. I think the sooner this Congress adjourns, after it has performed its duty, the better for all concerned.

I believe myself that if this bill is enacted it will be unconstitutional, but I am going to vote for it for what may seem to be a very peculiar reason. I think it will furnish the best opportunity the Supreme Court of the United States has ever had to determine this question definitely and for all time; and the question is not going to be settled until it is finally settled in that way. So we may just as well give the Supreme Court the opportunity to determine it now as at any later time.

We are not dealing fairly with this question, Mr. President. We are pretending to enact a law for the protection of interstate commerce. We are not really intending to do any such thing. We are purposely and intentionally invading the rights of the States and attempting to prevent the doing of something within the State that is entirely and exclusively within the jurisdiction of the State.

We all believe in protecting the young children from being overworked. There is no difference of opinion between us upon that question. If it were only the question of the merits of any legislation that was intended for their protection, there would probably be no opposition at all coming from any of the States to a bill of that sort; in fact, almost all of the States have legislation now to prevent child labor. We have a law of that kind in my own State, which is perfectly satisfactory, and there is no reason why the United States Government should come into my State and undertake to regulate the condition of the children or to protect them in any way whatever, and that is true of most of the States.

I know something about the overworking of young boys by my own experience, and there are probably a great many other Members of this body who have had like experience. At the ages of 13 and 14, which would be within the prohibition of this bill, I was doing a man's work on the farm. I drove an ox team and hauled saw logs; I swung the cradle and the scythe in the harvest fields; I did every kind of work that was to be done upon a farm. I worked out at \$43 a month; got up at 4 o'clock in the morning, had my team harnessed and ready to go out in the field by sunup, and worked until sundown. No one need tell me, Mr. President, that overhours of work like those are not injurious to a young boy, whether it is upon the farm or anywhere else. The memory of the little dark room in which I slept and the hardship, and almost the anguish, of being waked from the deep sleep of boyhood at 4 o'clock in the morning and being forced out to my work has been so stamped upon my mind that it will never be forgotten. Morning after morning, when I was forced out of my sleep at that time, my muscles were so sore and stiff that I could not walk without pain and suffering until I had, so to speak, exercised and warmed up the muscles.

Now, it may not have served other boys in that way; but I have every reason to believe that I have never, in the long life I have lived, entirely recovered from the effects of the work that I had to do in that way as a small boy.

But, Mr. President, these are things difficult to regulate by law. It is fair to assume that the States are just as much interested in the welfare and prosperity and protection of their children as is the National Government. They have shown, in almost every instance, evidence of the fact that they are trying to do that very thing, and do it in a proper and legitimate way. I do not believe the attempt of the Government to enter upon legislation of this kind and to attempt to control labor in the States is legitimate. I believe it is in violation of the Constitution. Ever since I came into the Senate, from time to time,



I have been protesting, as the Senators will bear witness, against the tendency of the States to surrender their rights to the National Government, and at the same time the tendency of the National Government, as represented here in Congress, to encroach upon the rights of the States. This tendency to surrender States' rights has come almost exclusively from the other side of the Chamber, strange to say, and from southern Senators. It has gone so far that I have come to think that the representatives of the South will surrender any of the sovereign rights of their States if they can get a sufficient price from the National Treasury. So I do not feel as sympathetic toward the South in this emergency as I might do otherwise.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from California yield to the Senator from Georgia?

Mr. WORKS. I yield to the Senator.

Mr. HARDWICK. I was just going to suggest to the Senator that I should very much appreciate it if he would not make that indictment quite so sweeping. Not all of the southern Senators or southern Representatives in Congress are guilty of the conduct described by the Senator.

Mr. WORKS. Mr. President, I should not, because I know the junior Senator from Georgia has taken quite an opposite view of that subject, and has stood with me in the attempts I have made to protect the sovereign rights of the southern States. But, Mr. President, we are on the brink of a complete change in the policies of the Government. We are driving irresistibly, it seems to me, to centralized government; and if such a law as this can be enacted by Congress and be sustained by the Supreme Court of the United States, either upon the ground that it is a proper attempt to protect interstate commerce or that it is within the police powers of the National Government, there is no limitation, there is no dividing line between the powers of the National Government and the sovereignty of the States, because if legislation of this kind can be maintained upon either of the grounds I have stated, there is no industry within any of the States of the Union that will not be subject to the control and domination of the National Government through just such legislation and regulation as is now proposed.

Mr. CLAPP. Mr. President, will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Minnesota?

Mr. WORKS. Yes; I yield to the Senator.

Mr. CLAPP. Would the Senator, if it were possible for him to be placed in that position, in dealing with the question of the creation of a constitution, have considered it hostile to the best interests of the people, or hostile to the maintenance of States within a national government, if this power had been expressly granted by the States in the constitution itself?

Mr. WORKS. Why, Mr. President, anybody who believes in local government and the division of sovereignty and power as between the National Government and the States must conclude that that would have been an evil even at that time. I have no doubt about it myself. I believe in maintaining the integrity and the sovereignty of the States.

Mr. CLAPP. Yes; but what I wanted to get—and the Senator has very frankly met it—was whether, at the beginning of the Government, it would have been, from his viewpoint, considered essential to the best interests of the people and the maintenance of the States within a National Government to have granted this power expressly to the Federal Government. The Senator has been very frank in his answer.

Mr. WORKS. Mr. President, no one could tell what might have been the result of such a form of government as that. It would be a mere speculation or opinion on my part. But judging from our experiences under the form of government that we now have I should say it would have been a great misfortune if any such power as that had been given to the National Government at that time. It may be that I am looking at this phase of the subject too seriously. It may be that there is not the degree of danger involved in it that I think there is. It may be possible that the people of this country would be better served, and their rights better protected, if there were no division of power and it all belonged to the National Government as a centralized power. But I have not come to believe that. The centralization of power in the National Government, to my mind, means eventually a despotism, a dictatorship. It means the centralization of power not only in the General Government but in one man.

No step that has ever been taken in Congress leads so directly and so strongly to that outcome as the bill that is now before the Senate. It involves a great fundamental governmental question. There is not very much in it of itself. If the law should be enacted and go into force it would amount to very

little, in my estimation. As I have said, the children of the country in almost all the States are amply protected now so far as legislation can protect them, and like a good many other cases the Congress of the United States is being forced into this kind of legislation by public sentiment. It is all right that public sentiment should be regarded and respected. That is a part of our duty here. We are representing public sentiment to a large extent, but it is well to inquire whether the sentiment that has been aroused in favor of legislation of this kind has taken into account the ultimate consequences of such legislation, and whether it is founded upon a necessity that should control public sentiment.

I know very well that Members of this body are being controlled by their sympathy for the dependent and often helpless children who are overworked. I hope I have as much sympathy for those conditions as other Members of this body have; but when I propose by action of mine to protect them from these evil conditions I do want to know that I am doing so in a legitimate and constitutional way, and that I am really going to benefit them by the action that may be taken.

It is a great question, Mr. President. It would be an important question if it merely involved the protection of the children of the country, because that is a great thing to be accomplished; but it is an infinitely greater question, because, in my judgment, it goes to the very foundation of the institutions of this country. We are not only tending toward centralized government; it is leading us off into something that may be even worse than that—bureaucratic government. We are not governed any more by Congress. We are governed, in the first instance, by the dictation of the executive department, and much of the legislation that should be conducted by Congress and for which it should be responsible is conducted now not by Congress but by bureaus and commissions. I hope before I leave the Senate to discuss some of the evils that I think are imperiling the existence of this country, but I am not going to stop to do it now. I desired only to say a very few words respecting the proposed legislation in order that my own position might not be misunderstood and in order that I might express my views with respect to the legitimacy or illegitimacy of this kind of legislation and its probable effect upon the future of the country. Having done that, I shall leave the question at the present time.

Mr. KENYON. Mr. President, I have already taken a good deal of the time of the Senate on this bill, and I would not take more time now were it not for the amendment of the Senator from Colorado [Mr. THOMAS]. What time I do take will be very brief.

I share in the wish of the Senator from California to go home. I would be perfectly willing to waive the very interesting remarks that I am about to make if we should adjourn at once; but there is no probability of going home, and we shall be grinding on here for some time yet.

The Senator from Georgia [Mr. HARDWICK], I think has said about everything that could be said upon the opposition side of this question. Certainly everything has been said when that is supplemented with the argument of the Senator from North Carolina [Mr. OVERMAN]. The Senator from Georgia has said it with a courage, a clearness, and an independence that commands the admiration of everyone. On the other side of this question everything has also been said. I could not add, I feel, very much, if I should attempt to do so, to the constitutional arguments that have been made. I do rejoice that this bill is about to pass. It ought not to pass without a word being said as to a gentleman now out of public life who is entitled, I believe, to the most credit for the fight that has been made for a child-labor bill. He stood on the floor of the Senate nearly 10 years ago and fought alone for something that now has come to be a bill in principle, at least, demanded by both of the great political parties and by the great consensus of opinion in this country. That was the distinguished former Senator from Indiana, Mr. Beveridge.

With a frankness that is refreshing, even in this weather, the Senator from Georgia [Mr. HARDWICK] has said that in his judgment the purpose of this bill was merely to secure Bull Moose votes. He did not indicate as to which party he thought was trying hardest to secure those votes, but I judge the exigencies of the situation are more with his party than with ours. What he says may be true. So far as I am concerned, I am glad even if that is the reason that this bill is being pushed; but perhaps it should have been pushed with a little more speed, because I notice that on Saturday one of the great leaders of the Bull Moose Party who had been a Democrat before he went into that party, and one of the brainiest men in that party, came out for the Republican candidate for President.

The Senator from Georgia states that this is not Democratic doctrine and not Republican doctrine; that it is Bull Moose doctrine. Mr. President, I believe that President Roosevelt, in the days when there was no question as to his being a Republican—as there is apparently none now—was very earnest in the advocacy of a national child-labor law.

Mr. HARDWICK. Mr. President, if the Senator will permit me, can the Senator cite any public utterance of President Roosevelt's to that effect?

Mr. KENYON. No; I can not.

Mr. OVERMAN. I cited it in my speech this morning—his message to Congress, in which he said that it ought to be done if it could be done under the Constitution.

Mr. HARDWICK. In the only public utterance that President Roosevelt made, he expressed himself as being in doubt as to the constitutionality of it.

Mr. OVERMAN. I stated that this morning.

Mr. KENYON. Well, Mr. Roosevelt has written a great many articles for magazines and papers not of an official nature; and I am very certain, while I may not be exact as to the time, that ex-President Roosevelt has been an earnest advocate of a national child-labor law.

Mr. HARDWICK. If the Senator will pardon me once more; if so, it was in private and not in public.

Mr. KENYON. Oh, no.

Mr. HARDWICK. In no public printed utterance of his that I have ever seen.

Mr. KENYON. Oh, yes; I think he has.

Mr. HARDWICK. I wish the Senator would put it in his remarks.

Mr. KENYON. I take issue with the Senator on that point.

Mr. HARDWICK. The Senator can not cite it.

Mr. KENYON. I will try to cite it later. I have nothing with me now on that subject. Senator Beveridge was also a Republican—a Progressive Republican. Now, this has been a Progressive Republican doctrine. It may not have been the doctrine of those who had most to do with shaping Republican platforms.

We have heard a good many arguments here and questions which have seemed to me utterly foolish. I do not refer in that to the argument of the Senator from Georgia [Mr. HARDWICK] or the argument of the Senator from North Carolina [Mr. OVERMAN]; but in the questions that have been asked, and other questions and suggestions that go to the very heart of the difficulty, we have had many foolish questions suggested, such as these: If Congress can regulate the products of child labor, then Congress can declare that no goods made by parties who do not believe in woman suffrage can be carried in interstate transportation; that goods can not be carried in interstate commerce, if Congress so decrees it, where liquor has been used by the workmen who have been making the goods; that certain religious denominations, if they had the power and the influence, if such a law as this can be passed, could bring about a situation in this country where goods could not be transported in interstate commerce unless they were made by people belonging to certain religious organizations, or who did not belong to certain religious organizations. Those questions do seem to me so utterly silly that they must be attributed to the effect of the weather upon those who made them.

When the Hoke case was up for discussion I assume that the same kind of questions could have been asked, such as, If we can keep women out of interstate commerce and keep them from being transported for immoral purposes, then we can keep women out of interstate commerce unless they cut their hair in a certain way, or old maids unless they have had one or two proposals of marriage in their lifetime. There is not any proposition that can come up but that ridiculous and absurd queries can be made about it, as there have been in this case.

There is another line of questioning, however, that has gone to the very vitals of this subject—questions suggested by the Senator from California [Mr. WORKS]. I do not think that any candid man who thinks about these questions is willing to say that this question is free from doubt. If we had applied to the antilobby law the test which the Senator from Georgia believes should be applied, we never would have had it. I do not believe that many lawyers would have gone out at that time and proclaimed that there was no question about that law; and certainly when we came to the law in regard to the transportation of women in interstate commerce, that law never could have been passed under any such test, because there were very few lawyers at that time who believed that that law was constitutional; and I think that is the experience of most lawyers here who ever discussed that question with others.

Mr. President, I have just as much veneration for the Constitution as anybody, and just as much veneration for the constitutional lawyer. I do not believe the Constitution was ever intended to block forward, progressive legislation that was in the interest of the people. I think it was Dr. Samuel Johnson who once said that "patriotism was the last resort of scoundrels." I have sometimes felt that the constitutionality argument that is put in front of everything is the last resort of those inclined to block these progressive measures. We have seen it when the safety-appliance laws were before Congress. Gentlemen with reputations as constitutional lawyers arose and said they were in favor of all this, but "Ah, Mr. President, the Constitution." In the case of the employers' liability act, "We are in favor of all this; we wish it could be brought about; it is just and right; but ah, the Constitution." In the case of the pure food and drugs act exactly the same argument was made.

I have gone through, just as a matter of curiosity, the arguments that were filed in the Supreme Court in the White-Slave case. They are the same old questions that we are discussing here. It was going to change the form of government. It was taking from the States the power to regulate the morality of its own citizenship; and so we will always have these questions. While this objection has been rolled in front of all these great measures for the people of this country in the last 10 years, what one of them has the Supreme Court declared unconstitutional? The first employers' liability act, but for reasons which were very clear and very plain and which were remedied very easily by Congress.

No man can be absolutely certain in any of those cases, or in this case, that the act is constitutional. I confess very frankly that there are grave doubts in my mind about it; but I can not accept the theory that has been advanced here that if we have any doubt about it we should vote against the bill.

Mr. HARDWICK. Mr. President—

Mr. KENYON. Just a moment. If we had a fixed conviction, or, possibly, if the balance weighed the other way, then we should. Now, I yield to the Senator from Georgia.

Mr. HARDWICK. Does the Senator dispute the soundness of the rule laid down by Judge Cooley, to which I referred on Friday last?

Mr. KENYON. I do not remember the rule.

Mr. HARDWICK. Judge Cooley's rule, or the principle stated by Judge Cooley, was this: That when legislators were passing on the constitutionality of proposed legislation it was their duty to resolve all doubts against the constitutionality of the bill if there were serious doubts in their minds, for the very reason that the courts were bound to uphold the constitutionality of the bill when it was enacted into law unless they were convinced beyond a doubt that the act was unconstitutional. Is not that sound?

Mr. KENYON. Perhaps it is. Of course, I think the question of "a serious doubt" is a very broad question.

Mr. HARDWICK. Oh, yes; of course, that is always a question as to the mental attitude of every legislator as well as every judge.

Mr. KENYON. Exactly. It must depend upon his own mental condition—

Mr. HARDWICK. Yes, sir.

Mr. KENYON. Which comes after his careful study.

Mr. HARDWICK. I do not think the Senator would take issue with that as a general proposition.

Mr. KENYON. No; I will not take issue with that as a general proposition, because it is saved, to my mind, by the question of the serious doubt. Just how serious that doubt must be is a question. Few bills are passed involving constitutional questions absolutely free from doubt.

Mr. HARDWICK. And yet I understood the Senator to say just now that he had serious doubts about the constitutionality of this bill.

Mr. KENYON. I have some doubts about it.

Mr. HARDWICK. Well, if they are serious, then the Senator is bound to vote against it.

Mr. KENYON. No; they are not serious enough to cause me to vote against it. I said grave doubt. If that argument should be applied, we never should have had, as I said, the white-slave decision, and we never should have had the lottery case. Each Senator must decide for himself as to the doubt questions warranting him in voting against a bill.

Mr. HARDWICK. And with all deference to the Senator, I think we would have been a great deal better off.

Mr. KENYON. I know the Senator does. One Senator said to-day that the lottery case had made all the trouble.

Mr. HARDWICK. I think so, too.



Mr. KENYON. It has made a good deal of trouble for some and it has done a lot of good, in my opinion.

Now, one Senator asks, where are we going to stop with this kind of legislation, and suggests that we are going to have more drastic laws. If this legislation is sustained, I have not a bit of question that the next step will be the attempt to pass through Congress an act to prohibit the transportation in interstate commerce of goods made in factories where women work more than eight hours per day. I believe if this is good, that will be perfectly good. So this kind of legislation is going on if the Supreme Court sustains this act. It is going on for the better care of the people of this country who are toilers.

Mr. HARDWICK. Mr. President, I do not want to bother the Senator.

Mr. KENYON. I am very glad to have the Senator interrupt me.

Mr. HARDWICK. Now, then, the next step after that will be, will it not, that we will also have the proposition advanced and seriously supported and the same humanitarian reasons given in support of it that goods or articles produced by labor that works over a certain number of hours a day—we will say eight hours, for the purpose of illustration—shall not be admitted into interstate commerce; and, in the Senator's opinion, could not every argument that has been made for this bill be made for that proposition, also?

Mr. KENYON. Of course, that goes to the question of the reasonableness of the regulation, and the time will probably come in this country when there will be a general consensus of opinion that eight hours a day is all that a man should work in the interest of himself and of the public at large.

Mr. HARDWICK. We are about there now, are we not?

Mr. KENYON. We are getting pretty rapidly to that.

Mr. HARDWICK. So, getting down squarely to the situation that has arisen, if this legislation is held to be constitutional, we face the proposition that goods produced by women shall not be admitted to the channels of interstate commerce, and next we will face the proposition that goods made by anybody working over eight hours a day shall not be admitted to the channels of interstate commerce and finally we will regulate everything from this Chamber and the other House of Congress, will we not?

Mr. KENYON. If the people can, under the Constitution, bring about conditions of that kind, and if the country is behind the proposition and there is constitutional authority.

Mr. HARDWICK. The Senator has not based this proposition on the general welfare.

Mr. KENYON. Not at all.

Mr. HARDWICK. The Senator said if the general welfare demanded it.

Mr. KENYON. By a regulation that would be reasonable or unreasonable.

Mr. HARDWICK. The trouble about resting the proposition on general public sentiment under that theory is that power which will be constitutional to-day may be utterly unconstitutional to-morrow, and vice versa, and our Constitution will be nothing but shifting sand. It will depend on election returns if you depend on public sentiment, as it changes from day to day, and we will have no Constitution under that theory.

Mr. KENYON. The Senator claims that the passage of this bill is dependent upon the anticipated election returns.

Mr. HARDWICK. I think that has a good deal to do with it, and the Senator knows it.

Mr. KENYON. I think I agree with the Senator about that.

Objections, which seem to be foolish ones, have been raised; but some very legitimate ones have also been raised—that the bill does not deal with the article transported; that it prohibits transportation unless the article is made in accordance with congressional rules; that it is not really a regulation of commerce; that it is only detrimental because of the way in which it is made; that it attempts to regulate production.

I think those are difficult questions, Mr. President, but I believe, not without some serious doubt as to what the court may eventually say, the bill is constitutional. Judges on the bench in weighing propositions before them oftentimes have great difficulty in deciding as to how a case should be decided. They are oftentimes in doubt when an appeal is taken and the line is so close. I think we have here a line that is very close. I am simply going to reiterate in a moment, after reviewing the Thomas amendment, my reasons for thinking the bill is constitutional without going into the general argument as I have upon a previous occasion done.

I want to say a word about the amendment of the Senator from Colorado [Mr. THOMAS]. I shall vote against the amendment, and really my purpose in rising was to explain my reasons therefor. I believe the amendment is like other amend-

ments which are offered to bills of this character which weaken the bill itself. I think there is a great distinction between the proposition embodied in the amendment of the Senator from Colorado and the proposition embodied in this bill. There is a difference between that class of labor which builds up and that class of labor which destroys because of the conditions surrounding it.

The Senator from California has referred to a boy working on the farm. We have all probably had the same experience. It is hard work, of course, but it is different from work in a factory. There may be individual instances where it does harm, of course. I know by experience just what the Senator was picturing here to-day. I have had the same experience, getting up at 4 or 4.30 in the morning and going out and waking up the cows and getting them up off the ground and milking the cows and then going out to the fields after breakfast.

Mr. CLAPP. Mr. President—

Mr. KENYON. You are going to claim the same thing?

Mr. CLAPP. No; I am going to ask the Senator a question. Does not the Senator also remember, and I think many a man in this Chamber does, that oftentimes when he woke up the cows he put his feet on the warm soil the cows warmed because the ground around him was frosty and his feet were unprotected?

Mr. KENYON. I think we have all had that experience.

Mr. WORKS. I do not want the Senator or the Senate to understand that I have any objection to a boy working on the farm. I do not myself. I think it is the very best possible experience for them. But there may be reasons for limiting the number of hours the boy is required to work, however beneficial the work on the farm may be.

Mr. KENYON. I was going to say that work in the field is not so very hard. They come in at noon. I can remember very well when we had rest at noon. That rest generally consisted in turning the grindstone for half an hour. Then we worked in the afternoon and milked the cows at night. But the farmer boy gets away. He gets to the swimming pool, he goes a-fishing, goes to the circus, to the schoolhouse once in a while and hears a political speech, and all those things add a little zest to life; the factory boy does not get these. I have a very distinct recollection that as a boy on a farm I had to pitch to the thrashing machine the bundles, I used to think that that was about the hardest work that could possibly be in the world. But when you remember the farmer's dinner—the fried chicken, and mashed potatoes, and gravy, and corn on the cob, and tomatoes, and the bread, and the butter that melted in your mouth, and the apple pie with a piece of cheese—and then you could go out and lie under a tree, it was not so bad. Farm life is quite different from that of people in factories.

Mr. President, it seems to me that those who believe in this legislation and believe in this bill ought to try and defeat the amendment of the Senator from Colorado.

I want to refer now just to one or two things along the constitutional line. We have heard the argument made here that the article to be prohibited must be harmful. My colleague, I think, answered that in just a question the other day as to trust-made articles. The article in commerce as an article may be perfectly innocent, such as interstate trust-made goods. Take the commodity-clause cases, coal and hay. There is absolutely nothing in the hay or the coal that is injurious in itself any more than the articles made by child labor, but yet we have prohibited that under certain circumstances, because it is the part of a plan and scheme that may be injurious to the public welfare.

Take the case that was cited called the "Seven Cases" that refers to misbranded articles or diluted articles. Those articles in themselves are perfectly innocent as an article; they are just as innocent as an article made by child labor; there is nothing harmful in them or it is perfectly possible that there may be nothing harmful to them.

There may be a medicine that is diluted, there may not be a particle of anything harmful in it, but they are prohibited because they are a part of the general plan and scheme that is injurious to the public welfare. Take bars of metal bearing the stamp of the United States. What is the harm in those goods? Take cattle shipped from infected areas. Of course you may say there is danger in that kind of a shipment, but the cattle themselves are absolutely free from any disease, perfectly innocent articles in commerce. They are prohibited; and it can be sustained because it is a part of a general transaction that may be injurious to the public health.

Now, Mr. President, these propositions I believe are true. The power to regulate commerce under the Constitution is absolute. We have had that reiterated over and over again, there is one exception, and that is the fifth amendment. If it was not for the fifth amendment Congress could strike down every-

thing in interstate commerce. It could prohibit the shipment of corn and wheat and rye and anything else absolutely pure, just as we have the power to-day to declare war. That is a question of power. The question of the discretion and reasonableness and the desirability of it is a distinct question from the question of power. We could declare war to-day against every nation on the face of the earth. Great powers must be lodged somewhere and they are lodged in Congress. So with the exception I have cited we could do all these things that are questioned.

The tenth amendment with relation to reserved power in the States does not apply, because there is no power reserved in the State to regulate interstate commerce. There is no limitation in favor of the State, the power is absolute in Congress. The only limitation is that this regulation of commerce must not violate that fifth amendment, it must not destroy life, liberty, or property without due process of law, and that due process of law is merely an exception on the fifth amendment and on the fourteenth amendment. That due process of law is merely a freedom from an arbitrary and unreasonable action. The fourteenth amendment is exactly like the fifth amendment, and the only distinction is that one is a limitation as to Governmental action and the other is a limitation as to State action. One is as to what the Government can not do and the other is as to what the State can not do. Take liberty of contract, that we talk so much about. There is no freedom of contract. The liberty of contract under the fifth amendment or under the fourteenth amendment is merely the absence of arbitrary restraint. It is immunity from any kind of reasonable regulation. If the law of the State is not a violation of the fourteenth amendment then a similar law by Congress is not a violation of the fifth amendment.

We have the case of *Miller against Oregon* and the California case in relation to the hours of service of women. It was held in those cases in opinions both of which I think were written by the next President of the United States, that the State law was not a violation of the fourteenth amendment; it was due process of law, it was a reasonable regulation; and that is exactly similar to the child-labor question. If that had been a construction of a child-labor law by analogy the result must have been the same. Then, if that law is not a violation of the fourteenth amendment a national child-labor law is not a violation of the fifth amendment.

Of course it must be followed out by the assertion that it is in fact a regulation of commerce. On the other hand, we have had the famous New York case, the Bakery case, where the regulation was held to be so arbitrary and unreasonable that it was violative of the fourteenth amendment.

So, Mr. President, the seriousness of the situation, I think, does not arise over the question of the violation of the fifth amendment. What seriousness there is about it arises over the fundamental question whether it is a regulation of commerce or whether it is a regulation of manufacture or a regulation of production. Now, it assumes to deal with commerce. It assumes to be a regulation of commerce. In the *Hoke* case it was stated by the Supreme Court that if the Congress had the power, if it was in fact a regulation of commerce, it made no difference what the effect might be upon the manufacture within the State. I wish to call attention for just a moment to that. On page 322 of the *Hoke* case (227 U. S. Rept.) the court said:

It may be that Congress could not prohibit the manufacture of the article in a State.

We all agree to that.

It may be that Congress could not prohibit in all of its conditions its sale within a State. But Congress may prohibit its transportation between the States, and by that means defeat the motive and evils of its manufacture.

This bill is not regulating the manufacturing interest of the State. They can go on and manufacture just as they please. They can use child labor. They can manufacture everything they want to, sell it in their State, and when they bring it to the channels of interstate commerce, when they attempt to enter into transportation as a part of the general plan and scheme of making goods by child labor and selling them in other States, Congress then steps in and says, "We withdraw this necessary instrumentality for you to carry out the general plan, which plan we say is against the public welfare."

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. KENYON. I yield to the Senator.

Mr. BRANDEGEE. When the court used that language it was speaking about the article, which it described as follows:

Let an article be debased by adulteration, let it be misrepresented by false branding, and Congress may exercise its prohibitive power.

Mr. KENYON. That is true, of course; but I do not see how that makes any difference with the proposition that if Congress has the power to pass the act, it makes no difference what its effect upon the manufactures of a State may be, and having that power, while Congress could not prevent the manufacture in the State of the adulterated article or the misbranded article, it can say that it shall not be transported in interstate commerce, and in that way to a certain extent regulate its manufacture.

Mr. BRANDEGEE. It makes this difference, because that part which the Senator cites with approval, to wit, "But Congress may prohibit its transportation between States," is the very next sentence to the one where it talks about the misbranded or other deleterious article.

Mr. KENYON. Of course I did not intend to deceive anybody by the illustration.

Mr. BRANDEGEE. Certainly the Senator did not, but my own judgment is that the force of the declaration of the court that Congress could prohibit is broken by the fact that it is confined to an adulterated or misbranded article.

Mr. KENYON. I was citing the case to sustain the proposition I was endeavoring to make, that Congress in a certain way could regulate the manufacture within a State as incidental to prohibiting transportation of the article manufactured in interstate commerce.

Mr. BRANDEGEE. No; it could not.

Mr. KENYON. But it does.

Mr. BRANDEGEE. No; it does not say that Congress could regulate its manufacture by a State; but it says it could prohibit the transportation of such a misbranded or adulterated article between the States, and by that means defeat the grave evils of its manufacture.

Mr. KENYON. Well, that is true.

Mr. BRANDEGEE. A misbranded or adulterated article.

Mr. KENYON. But the Senator, of course, supplies those words in reading the part of the decision which he does.

Mr. BRANDEGEE. I only mean to say, Mr. President, that that is my construction of it. Of course the Senator may have another construction.

Mr. KENYON. Yet it gets down to this: The regulation that we are talking about does not have to be a regulation that is for the benefit of commerce; and it seems to me that we make a mistake in that we seem to assume that this must be something that is for the benefit of commerce; that that is the only power Congress has over the subject. This regulation of commerce can be for the benefit of the public health, of the public safety, of the public morals, or of the public welfare. It is ample and complete so long as it does not in any way violate the fifth amendment to the Constitution. We can do indirectly what possibly we could not do directly. Instances have been cited here of the taxation of the issues of State banks. We have also had the phosphorous-match tax to relieve what was known as the "phossy-jaw" situation. We have had the oleomargarine tax and the cotton-futures tax.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to his colleague?

Mr. KENYON. Yes.

Mr. CUMMINS. May I suggest to my colleague that the tax which was levied on matches of a certain kind was not levied because they were dangerous after they were put into the hands of the users, but because the manufacture itself was a dangerous occupation?

Mr. KENYON. Yes. I thank the Senator for the suggestion.

Mr. LEWIS. Mr. President, may I ask the senior Senator from Iowa—I was at the time very much interested in the litigation to which he referred—does he not understand the doctrine to be that it was dangerous not as an occupation, but dangerous to those who were engaged in the occupation?

Mr. CUMMINS. I do not discriminate between the two things. It was dangerous to those who were engaged in making the matches; but after they were made and sent out, there was no evidence to show that they would bring about the disease known as "phossy jaw."

Mr. KENYON. Mr. President, the object of the tax, of course, was to stop the evils incident to the manufacture. It produced the condition which has been described among those who worked in the manufacture. Then the cotton-futures tax practically taxed that practice out of existence. Then there was the opium question and the water-power bill which we had here. That legislation was hung on the constitutional peg of our rights as to navigation. In fact, however, we were dealing with the water-power question—doing indirectly what we could not do directly.

Mr. President, Congress has the power to make any rule as to the regulation of commerce, subject to the one exception that it does not violate the fifth amendment. Congress itself is to be the judge, in the first instance, of whether the methods it adopts



and the rule it lays down for the regulation of commerce is an arbitrary one or not. I base my opinion on those propositions as to the constitutionality of the bill.

A question has been suggested by the Senator from California which has troubled me, namely, that this is purely a State matter; that the article itself is innocent; that it comes to commerce a perfectly innocent article, so far as it itself is concerned. We have got to face that. When the article made by child labor is presented to commerce it is an innocent article, except in the way in which it is made and the way that the use of it bears upon the way it is made.

Can you prohibit an article in commerce that is innocent in itself but that is made in a way that is contrary to the standards of civilization? There is no case in the books in which that has been held. It has been held that where the article is to be used in a way that is injurious to the public health, then it can be prohibited. So you have the question of whether or not there is the same power with relation to the production and the incidents surrounding production that there is as to consumption and the incidents surrounding consumption.

I go further than the question of the Senator from Connecticut [Mr. BRANDEGEE], which put it very aptly, as to the relationship between the hours of service in a mill and interstate commerce. We are not regulating those hours of service; we have no right to do so. They can go ahead with any hours they please and employ all the child labor they want, but when they come to bring this article to commerce they say: "Now, we have employed child labor in making this article; this article is just as good and as innocent as any article that was made by adult labor. Have you power to keep it out of commerce?"

Mr. BRANDEGEE. Will the Senator permit me to interrupt him there?

Mr. KENYON. Yes.

Mr. BRANDEGEE. And the article, not only innocent, but in all respects made in accordance with the provisions of the child-labor law of the State of origin.

Mr. KENYON. Well, I will assume that. Now, that is the question from the standpoint of the Senator from Connecticut and from the standpoint of the Senator from California. I do not myself accept that, but, even if that be so, I have been trying to find an answer to that in my own mind. Let us reason about it a little. Take *The Seven Cases v. The United States* (239 U. S.), that arose under the provisions of the food and drug act, section 3:

Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false and fraudulent.

That article may be a perfectly innocent article; that is, it may not be a harmful article. It is to be used in what you may say is a swindling operation, and you may draw a distinction there. The transportation is a part of the general swindling scheme. The swindling scheme, in its last analysis, is to make money in some way that is contrary to public morals and this century's standard of civilization.

But the question remains—

The court says—

But the question remains as to what may be regarded as "illicit," and we find no ground for saying that Congress may not condemn the interstate transportation of swindling preparations designed to cheat credulous sufferers and make such preparations, accompanied by false and fraudulent statements, illicit with respect to interstate commerce, as well as, for example, lottery tickets.

Lottery tickets are exactly the same thing. They are a part of a swindling scheme. That scheme could go on in the States; Congress could not interfere with it; it would be a perfectly legitimate transaction within the State. When, however, you come to carry it beyond the State, when you go into interstate commerce with your ticket and sell your ticket in another State, that is not absolutely essential to the lottery, because it can be carried on in the State, but it is all a part of the same plan of a swindling operation.

Take a case which I have already cited along the same lines, namely, the case construing the commodities clause of the interstate commerce act, reported in Two hundred and thirty-first United States Reports, page 370. In that case it was said:

The commodities clause was not an unreasonable and arbitrary prohibition against a railroad company transporting its own useful property, but a constitutional exercise of a governmental power intended to cure or prevent the evils that might result if, in hauling goods in or out, the company occupied the dual and inconsistent position of public carrier and private shipper.

That article, absolutely innocent in itself, being a shipment of hay intended for use in the private business of mining, is prohibited by Congress in the channels of interstate commerce.

Why? It is just as innocent as the articles produced by child labor, but it is a part of a general scheme and plan that commences with its production, its transportation by the railroads, and then its use—it is a part of a general swindling transaction. Perhaps that word is a little too strong; but, at any rate, it is part of a general plan against the public welfare, whereby shippers could be discriminated against by the railroads.

Take the case of *McDermott v. Wisconsin* (228 U. S.), which has been relied upon very much in this discussion. That deals, of course, with illicit articles such as are injurious to the public health; but there was a general plan to be carried out which involved the shipment or transportation of these articles which would injure the public health. They could have been kept within the State, and Congress would have had nothing to say about it; but when in pursuance of the general scheme and plan it was sought to transport them in interstate commerce and sell them in other States, then the power of Congress could step in, because you have the chain with the link of transportation in it, and the chain is not complete without it. So, from the standpoint of the Senator from California, the child of the State is the child of the Nation. The Nation is just as much interested in the welfare of the children of the State as are the people of the State. These goods are made by child labor, thus dwarfing and injuring the children. Then the plan and the keeping on of making the goods by child labor necessitates a market for them, or the business will not go on. Hence you have the transportation in interstate commerce and the sales in other States; and you have the same philosophy in the scheme and plan that you have in the cases which I have cited. It is an attempt to make money in a way contrary to what Congress may decree to be according to the standards of our civilization, and hence it is against the public welfare, just as the lottery case is in its last analysis, and just as the commodities clause case and other cases that I might cite.

I know that that argument does not appeal to many minds. If we can get, as the Senator from California says, the transportation connected up with that production in the State, then it would probably be conclusive. But I say that the question, from my standpoint, is "Is it or is it not a regulation of commerce?" That is all there is to it. If it is a regulation of commerce and does not violate the fifth amendment of the Constitution, then that ends the controversy, in my mind.

Mr. BRANDEGEE. Mr. President, would it annoy the Senator if I should ask him a question?

Mr. KENYON. Not at all. I shall be very glad to have the Senator interrupt me.

Mr. BRANDEGEE. This is an exceedingly interesting question, of course, and the Senator is referring to questions that might be asked about it from this angle or from that angle, testing the application of the statements that are made in relation to it. The Senator has said that, in his mind, he has connected up the work of the child with the product attempted to be prohibited from interstate transportation so closely that jurisdiction attaches to Congress to prohibit the product of the labor of the child from entering interstate commerce. Would it make any difference to the Senator, in his opinion about it, if the consequences of that principle, if sustained, should be so far-reaching as to practically transfer to Congress the entire domestic regulation of the State?

Mr. KENYON. What is the question of the Senator?

Mr. BRANDEGEE. That is the question—would it make any difference, in the Senator's legal opinion, if the establishment of this principle and the vindication by the Supreme Court of the child-labor bill should have such far-reaching consequences as that the power of Congress to regulate commerce among the States could be used to regulate all the internal affairs of the State?

Mr. KENYON. Well, of course, I do not believe that Congress can regulate the internal affairs of the States.

Mr. BRANDEGEE. Well, let me put it in this way, then: For instance, if it be admitted, for the sake of the argument—but, of course, I am not convinced of it and therefore do not admit it—that we could pass this child-labor bill on the ground that it is a proper exercise of our authority to regulate interstate commerce—if we could prohibit the product of child labor from passing through interstate commerce, then the Senator would have to say, would he not, that if, in the judgment of Congress, it was for the public welfare that no women should work in factories, we could prohibit the transportation of any product in which female labor had entered, could we not?

Mr. KENYON. Yes; if that were considered a reasonable regulation. I would not consider it such myself. Limiting to certain hours the work of women would be a reasonable regulation.

Mr. BRANDEGEE. I mean, if we should become convinced of it, owing to a proper campaign, or if for any reason we should be sufficiently convinced of it to pass such legislation?

Mr. KENYON. I assume that the Senator, if he were on the Supreme Bench, would hold such legislation unconstitutional.

Mr. BRANDEGEE. Do you not think it would be unconstitutional?

Mr. KENYON. No; I do not say that. I say the Senator, if he were on the Supreme Bench, undoubtedly would hold such legislation to be unconstitutional. My doubt on that, however—the mere working at all of women in factories, with no reference to hours of employment—would be so serious that I would not now be willing to vote for such a bill.

Mr. BRANDEGEE. I think it would be, because I think the pending bill is unconstitutional; but I did not know whether the Senator would be willing to go that far now.

Mr. KENYON. I believe, of course, there is somewhere a line where the matter stops.

Mr. BRANDEGEE. I hope so.

Mr. KENYON. And I think that is the line of reasonable discretion.

Mr. BRANDEGEE. I hope so.

Mr. KENYON. I believe that Congress now could pass an act along the lines of the pending bill prohibiting in interstate commerce goods made in factories where women work over eight hours per day. I say that on the strength of the Oregon and California cases, where the Supreme Court has held that those statutes do not violate the fourteenth amendment of the Constitution, and that it would be a regulation of commerce.

Mr. BRANDEGEE. Then, would it not be equally true that Congress could provide that no goods shall be transported in interstate commerce which are made by men who have been worked over eight hours per day?

Mr. KENYON. I would not say that was an unreasonable regulation. It is in the region of doubt. I think the time may come, however, and is coming, when public opinion may be such, and when the general sentiment of the country may be such, that an eight-hour day is the only day that men should work; that that might be considered a reasonable regulation. I would not want to guess on what the Supreme Court would do. It may be that time has arrived.

Mr. BRANDEGEE. That is what I mean. Of course, I will not consume time in multiplying instances; but I mean, if it is so that the principle contended for in this bill is a valid exercise of the power of Congress, as public opinion becomes educated or demands this, that, or the other prohibition unless certain conditions have been complied with in the State of manufacture, there is a whole field of such regulatory power unexplored.

Mr. KENYON. Undoubtedly. I do not know that the Senator believes as I do about it; but I believe the Constitution has been marching on; that it has not stood still; that the fathers who formed this instrument had no idea of what was coming, of the new conditions and the changes which would ensue, and the Constitution has been construed in a way to meet most of them. I think the Constitution will keep marching on.

Mr. BRANDEGEE. I entirely agree with the Senator that, of course, the construction of the commerce clause has had a wonderful development, and the constitutional power of Congress in that respect has been greatly increased by judicial determination.

Mr. CUMMINS. Mr. President, will my colleague allow me to ask a question of the Senator from Connecticut?

Mr. KENYON. Yes.

Mr. CUMMINS. Does the Senator from Connecticut believe that the Legislature of Connecticut could constitutionally pass a law limiting the hours of labor for men to eight hours?

Mr. BRANDEGEE. I do.

Mr. CUMMINS. That it would not be a violation of the fourteenth amendment to pass such a law?

Mr. BRANDEGEE. I think they have that law now. I am not sure. I think they could, unquestionably. I do not, however, see the relevancy of the inquiry to the subject under discussion.

Mr. KENYON. I think the Senator asked that question himself, as to whether Congress could pass that kind of a law.

Mr. BRANDEGEE. But the senior Senator from Iowa asked me if the State legislature could pass an eight-hour law.

Mr. KENYON. Mr. President, I am going to stop now, because others are to follow me who will cover this question more thoroughly than I can, and I did not expect to say more than a word or two about it. My theory has always been that in the last analysis it is going to be simply a question of whether the regulation of commerce is a reasonable or an unreasonable

regulation. If it is in fact a regulation of commerce and reasonable, it is constitutional; and if it is unreasonable, it is unconstitutional.

I want to put in the RECORD an article on this subject from the paper owned by the Secretary of the Navy—I do not know whether he is the editor of the paper or not—the Hon. Josephus Daniels, on the subject "Trying to push back the ocean." It is very interesting reading, but I shall not take the time now to ask to have it read. I also have here two telegrams addressed to Hon. JOHN W. KERN, which I ask to have inserted without reading.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

#### TRYING TO PUSH BACK THE OCEAN.

There was once a king—his name was Canute, we think—who thought that he could stand on the shore and sweep back the oncoming tides of the ocean. He used his broom vigorously, and at the first stroke, as the tide receded, thought that he had power over the ocean.

Yesterday in the State senate some very elegant gentlemen, who lacked the vision to see that the world will no longer tolerate child labor, essayed the task of King Canute, and with vigorous speeches succeeded temporarily in compelling a recession of the tide that is moving steadily everywhere else for the emancipation of the children who work in the mills. Behind these gentlemen was a committee composed of owners of cotton mills in the State.

The men who have built the cotton mills in North Carolina are among the State's best captains of industry, and nobody can give them too high praise for the work they have done in developing the State and giving it industrial supremacy. Most of them have also been liberal and kind and generous to those in their employ. If there were no organization of the cotton-mill men and each owner of a mill spoke his sentiments, many of them would have favored the bill which was defeated in the senate yesterday, and some of them do favor it; but, speaking as an organization, they have exerted their great power—and the cotton-mill men now exercise a greater power over such legislation than any other body of men in the State—against it. Their influence is paramount in many counties, and it has made itself felt in the State senate.

This organization is farsighted; it looks ahead to the senate, and for 10 years has been able to prevent any legislation that would secure real inspection of even the moderate child-labor laws which have been put upon the statute books. They consented some years ago to a law which was impotent to reach the need, but would not consent to proper and adequate inspection. Yesterday they were able to convince most of the senators that such inspection was not necessary or desirable, and senators killed all legislation looking to strengthening the labor law, even in the smallest detail. It is to be regretted that men who have done so much for North Carolina should be so shortsighted. It is more to be regretted that senators who legislate for all the people should have lacked the wisdom to put North Carolina abreast with the spirit of the times.

The victory yesterday against child labor is one that will be short-lived. No State in this day can stand for child labor any more than it could stand for slavery, for the duel, or for hazing. The hour has struck for the emancipation of the children in the factories. The sentiment of this country is overwhelmingly and irresistibly against using up the seed corn. These cotton-mill owners have persuaded themselves that their industry is dependent upon this utilization of the seed corn. They are grievously mistaken. No industry of this magnitude and character in the long run is dependent upon child labor. Whenever the mill-men stop long enough to consider the question as it has been considered in every industrial community in the world except our own, they will find a way to adjust their industry without compelling women to toil long hours and children to be denied their God-given right to play and live in the sunshine.

"Do you hear the children weeping, O my brothers,

Ere the sorrow comes with years?

They are leaning their young heads against their mothers,

And that can not stop their tears.

The young lambs are bleating in the meadows;

The young birds are chirping in the nest;

The young fawns are playing with the shadows;

The young flowers are blowing toward the west;

But the young, young children, O my brothers,

They are weeping bitterly;

They are weeping in the playtime of the others,

In the country of the free."

A few days ago the House of Representatives, in Washington, by a vote of more than six to one, passed the Palmer bill. This bill would prevent any factory selling its product in any other State if this product was produced by child labor. Only one vote was cast against this measure by a Member of Congress north of Mason and Dixon's line. If the bill could get before the Senate at this session, it would become a law. It is as certain to become a law in the near future as that Congress of the United States is responsive to the most enlightened public sentiment of America. Even if the North Carolina Senate should for some years to come be responsive to the demands of the cotton-mill owners that children should continue to work in factories, the reform will come through the passage of the Palmer bill or one like it.

This paper covets the honor of North Carolina, leading in the chivalrous spirit of not permitting the long hours of work for women or the working of children at all in cotton mills. The only question now to be considered in the near future is whether North Carolina, through its own legislature, will pass the enlightened laws which have been enacted by every other civilized nation in the world and nearly every State in the Union, or whether it will wait and be compelled to stop the working of children in factories by a Federal law. It is a matter of deep regret that the Senate yesterday thought it could stop the hands of the clock or sweep back the irresistible tide for the emancipation of children. North Carolina should lead, and it is to be hoped that two years hence the record made yesterday will be reversed, so that the State will of its own motion emancipate the children in the mills and not be compelled to do so by Federal laws.



Senator JOHN W. KERN,  
Washington, D. C.:

We earnestly hope the Senate will heed President Wilson's request for prompt passage of the House bill for the regulation of child labor.

HIGH C. MOORE,  
Editor Biblical Recorder, Organ Baptist State Convention.

CLARENCE POE,  
Editor the Progressive Farmer.

E. E. BRITTON,  
Editor News and Observer.

W. F. MARSHALL,  
Editor North Carolina Education.

ASHEVILLE, N. C., July 24, 1916.

Senator JOHN W. KERN,  
Senate Office Building, Washington, D. C.:

I voice the sentiment of the greater part of the press of North Carolina when I say that the southern people as a whole desire the passage of the pending child-labor bill.

JAMES H. CAINE, Editor Citizen.

Mr. POMERENE. Mr. President, I shall take only a few minutes of the time of the Senate. This bill has been discussed so ably on both sides that there is very little to be said which has not already been covered by the discussion.

I recognize that there are very serious questions involved in this bill. I will not concede that there is much doubt about the policy of regulating child labor. The serious question comes up when we consider the power that is conferred upon Congress.

If I were convinced of the unconstitutionality of this law, or had really serious doubts about it, I would not vote for it. I feel that there is some doubt, but in the light of the decisions that have been fully discussed during the past few days I believe that the constitutionality of the law will be sustained.

Mr. President, the preamble to the Constitution provides that this Constitution was established for the general welfare, among other things, of ourselves and our posterity. The Constitution gives to Congress the right to regulate commerce among the States, and my thought is that when we attempt to determine the full scope of the power which has been given to the Congress or to any other branch of the Government we construe it in the light of the purpose which was to be accomplished. And now, concretely, the question presents itself thus:

The Congress is given the right to regulate commerce for the purpose, among other things, of providing for the general welfare to ourselves and our posterity; so that when the court comes to pass upon the question as to whether or not we have gone beyond the scope of congressional power it will not alone look to the paragraph which confers upon the Congress the right to regulate commerce but it will also look to the preamble to see whether the regulations which we are contemplating will redound to the general welfare of ourselves and our posterity.

Mr. President, one of our judges, and perhaps more, has said that the power to regulate was without limitation. I think that is true, generally speaking. I have in mind, of course, the fifth amendment. But the difficulty with us has been to be able to see and determine what these limitations are, and we can only determine them in the light of experience and in the light of adjudications.

In my judgment, much legislation is held constitutional now which a century ago would have been held unconstitutional, and I predict that the courts in the future will hold legislation constitutional which they would not hold constitutional today; and that all addresses itself to the reasonableness, in large part, of the provisions of the bill itself.

The Seven Cases against The United States has been referred to, and I want to call attention to the first paragraph of the syllabus:

Congress is not to be denied the exercise of its constitutional authority over interstate commerce and of its power to adopt means necessary and convenient to such exercise merely because those means have the quality of police regulations.

I take it that if we were discussing the police powers of the States, and had before us a grant of the police power, it would not necessarily be held unconstitutional because it may perhaps have indirectly affected interstate commerce; and on the other hand because we have here a bill regulating interstate commerce it is not going to be held unconstitutional because indirectly it may affect the police power of the State.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. POMERENE. I do.

Mr. BRANDEGEE. If the mere declaration in a law passed by Congress that it prohibits the transportation from one State to another as a penalty for the violation of the law can clothe Congress with jurisdiction to act upon the matter and make it a regulation of commerce simply because it is a prohibition of transportation, then we can clothe ourselves with jurisdiction

and say that anything is a regulation of commerce which prohibits.

Mr. POMERENE. Mr. President, I think the Senator understood that I was speaking generally. The question which he puts, of course, is the one which is being seriously considered both by himself and by myself, and here we get into what may be called, perhaps, the twilight zone.

In discussing this case, Mr. Justice Hughes, on page 514 of the Two hundred and thirty-ninth volume of the Supreme Court Reports, uses this language:

So far as it is objected that this measure, though relating to articles transported in interstate commerce, is an encroachment upon the reserved powers of the States, the objection is not to be distinguished in substance from that which was overruled in sustaining the white-slave act, chapter 395, June 25, 1910. (36 Stat., 825; Hoke v. U. S., 227 U. S., 308.) There, after stating that "if the facility of interstate transportation" can be denied in the case of lotteries, obscene literature, diseased cattle and persons, and impure food and drugs, the like facility could be taken away from "the systematic enticement of and the enslavement in prostitution and debauchery of women," the court concluded that the reassertion of the simple principle that Congress is not to be denied the exercise of its constitutional authority over interstate commerce, and its power to adopt not only means necessary but convenient to its exercise, because these means may have the quality of police regulation—

Citing Two hundred and twenty-seventh United States, page 322.

Mr. President, bearing in mind what I said with reference to the phrase in the preamble to the Constitution, we are now, by this legislation, attempting to regulate the transportation of articles of commerce between the States; and the question is: Is it within the power of Congress, in providing for the general welfare, to regulate goods which may be the product of child labor? Other Senators here have discussed the effect of child labor upon the community and upon the Nation at large, and it is not necessary for me to take the time of the Senate to go into the details of that branch of the discussion. In my own State, for instance, we have what may be called drastic legislation upon this subject. I am in entire sympathy with it. When our legislature adopted these laws I know that there was an intense fight made against them from some sources, but I dare say that if the question were to come up anew in the State of Ohio again, those who opposed the legislation before would not permit its being repealed.

Having adopted this legislation, believing that the general welfare of the children of the State of Ohio would be served by limiting the age at which children should go into the mines or into the factories or into other places of employment, we are now confronted with this situation, speaking not only as citizens of the State of Ohio but as citizens of the United States: Other States see fit to permit the employment of children at a very immature age—12 or 13 years, perhaps. Does it not concern the general welfare of the children of the country to say that the products of the children of tender years, 12 and 13, shall not cross the State lines into other Commonwealths where, in harmony with the public sentiment of the country, we have seen fit to refuse employment to children in some industries under 14 years, and in other industries under 16 years, and limiting the hours of employment?

Mr. President, the distinguished junior Senator from Iowa [Mr. KENYON] some days ago printed as an appendix to his speech a comparative statement of the legislation bearing upon this subject. I have not taken the time to compare his abstract of the laws of Ohio with the original statutes, but I want to call attention to just a paragraph or two:

States.	Employments prohibited.	Hours of labor.
Ohio..... Laws, 1913, 1914.	Under 14: In any acrobatic, mendicant, etc., occupations. Under 15: In any business whatever during public-school hours. Males under 15 and females under 16: In any mill, factory, workshop, mercantile or mechanical establishment, tenement house, manufactory or workshops, store, office, office building, restaurant, boarding house, bakery, barber shop, hotel, apartment house, boot-black establishment, public stable, garage, laundry, place of amusement, club, or as driver, in any brick or lumber yard, construction or repair of buildings, distribution, transmission, or sale of merchandise.	Boys under 16 and girls under 18: Not more than 6 days a week, nor more than 48 hours a week, nor more than 8 hours a day, nor between 6 p. m. and 7 a. m. Boys under 18 and girls under 21: Not more than 6 days a week, nor more than 54 hours a week, or between 10 p. m. and 6 a. m. Boys under 18 as messenger: Not between 9 p. m. and 6 a. m.

Mr. President, we had pretty full hearings upon this subject before the Interstate Commerce Committee of the Senate. We

heard much from southern employers and others, and I am here willing to concede that that testimony showed that the conditions of child labor in the Southern States have materially improved within the last few years. Their objections seemed to be that if we were to place an inhibition against child labor as provided for in this bill it would serve to disorganize their forces in the mills.

Mr. President, I am not going to take the time to refer in detail to that testimony, but suffice it to say that there was a comparatively small number of these children under the inhibited ages employed in the mills of some of those who testified, and with all due respect to their statements upon the subject, I do not believe if this bill is passed it is going to interfere with the operations of those mills so as to do them serious injury. I am willing to depend upon the ingenuity of our manufacturers and their superintendents to reduce to a minimum, if we consider it only from the standpoint of dollars and cents, the injury which they will receive if this bill is to become a law. More than that, the injury, if any, which it may do to these companies—if we grant that it will do an injury to some of them—will be more than compensated for by the vast benefits to the children and to the community at large.

Mr. President, I said a moment ago that I recognize the fact that there is some doubt about the constitutionality of this legislation, and as one of the friends of that measure, I should like to reduce to a minimum any danger there may be in that behalf.

I want to call the attention of Senators, and particularly those who are present, who as members of the Interstate Commerce Committee have this bill under advisement. Senators will remember that the first section of the bill as it passed the House provided that no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce products of any mine or quarry or mill which has been produced in whole or part by the labor of children under the prohibitive ages or which is produced within the prohibited hours. In other words, the House bill prohibited the transportation of products into which entered the labor of children within the prohibited age. This section was redrafted. The Senate committee provision, in substance, reads as follows:

No producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity or the product of any mine or quarry or manufactory which is produced in any mine or quarry or any manufacturing plant where prohibited labor is employed.

In other words, under the provisions of the bill as passed by the House there must be child labor of the prohibited kind in the article which is the subject of transportation. Under the Senate committee bill, if it is to become the law, goods which are transported and which may not have any child labor of the prohibited character involved in that product can not be transported if any prohibited labor is employed within the mine, the quarry, or the mill. When we conceive that we are somewhat in the twilight zone with this legislation—I want to beg all Senators to consider this very seriously—will we not be better serving the purposes which we all have in mind if we should adopt the House bill in this behalf rather than the Senate committee amendment?

Mr. President, let me see if I can make my point a little clearer. Let us assume, for the sake of the argument, that in a cotton mill in North Carolina child labor should be employed, and employed in entire conformity with the State law. Let us suppose, further, that the child labor is employed in that mill upon products which are only to be transported in intrastate commerce, and that other articles are being manufactured there which are manufactured by labor in entire conformity with the Senate committee bill, so that the manufacturer could be shipping goods in interstate commerce which were manufactured by children in entire harmony with the Senate committee bill, and, on the other hand, they could have children employed in the manufacture of articles to be used in intrastate commerce in entire conformity with the public sentiment and the public law of the Commonwealth of North Carolina—and it is not impossible that such a situation could arise. I confess that it gives me graver doubt about the validity of the Senate committee bill than I would have about the bill as passed by the House if this were to become the law.

I think from what I remember of the discussions of this matter in the committee, one of the purposes of the Senate committee bill was to liberalize the administrative features of the bill. I recognize the fact that if it were to come to a prosecution of a defendant and the Government was required to prove that child labor within prohibited ages was employed in the mill where it was produced the task of the Government would be much simpler than it would be if they were compelled to prove under the House bill that there was prohibited labor in the article being transported. But—

Mr. CUMMINS. Mr. President—

Mr. POMERENE. Pardon me just a moment. Under the provisions of this bill the agents of the Government will have the right to visit these mills at any and all reasonable times, as I remember the provisions of the bill, and that being so—

Mr. FLETCHER. The bill omits the word "reasonable."

Mr. POMERENE. Possibly that is true. At any rate they are permitted to visit the shops and factories so that they may determine with reasonable certainty whether there was any of the prohibited labor involved. I yield to the Senator from Iowa.

Mr. CUMMINS. A little later in the consideration of the bill I intend to submit my views relative to the constitutionality of the House bill as compared with the constitutionality of the proposed Senate bill, but I may not think then to make the suggestion which I now desire to make to the Senator from Ohio. He has supposed an instance in which a child in harmony with the State law but contrary to the Federal law is engaged in the manufacture of commodities used only in the State of production. It is not likely that many such instances would occur, but it is possible that they may.

Mr. POMERENE. The Senator will agree with me that it is worthy of consideration when we are to determine the question of the constitutionality.

Mr. CUMMINS. My answer to the suggestion is this: The people of the United States are just as much interested in the children of a Commonwealth making goods for the people of that Commonwealth only as though the children were making goods for transportation throughout the country. The purpose of this bill is to prohibit the employment of these children under the ages specified or over the time specified.

Now, we want to prohibit the employment of these children, no matter what they are engaged in producing. I agree with the Senator from Ohio, that if the change in the form of the bill made by the Senate committee opens it to attack on its constitutionality widely or becomes more vulnerable to an attack on that account, then we ought very seriously and carefully to consider whether the substitution proposed should be made. I submit it with all deference. I know it is a subject upon which students of the matter may differ, but personally I think the substitute is more likely to be sustained in the Supreme Court than the House bill; and I will point out when we come to consider the matter the reasons which have led me to this conclusion.

Mr. POMERENE. The thought which the Senator has so well expressed had occurred to me as one that could be urged with considerable force in favor of the constitutionality of the Senate committee bill, and also the further thought, if I may be permitted to suggest it, that when it comes to legislation upon a subject of this kind the thought that is uppermost in the mind of Congress is to pass a law which is in harmony with the public sentiment of the country.

More than that, I think that a court in considering the question of the constitutionality of a law of that kind would give to Congress certain latitude in declaring the law in such a form that it would be less liable to be evaded.

I regret to say that I feel called upon to be away from the city to-morrow and perhaps the day following, and I wanted to give expression to my views to-day.

Mr. CUMMINS. Mr. President—

Mr. POMERENE. Pardon me a moment. If I can be present when the vote is taken, I think I would prefer the House section to the Senate section; but if the Senate did not agree with me in that thought, I would rather see the Senate committee bill enacted than have it fail.

Mr. CUMMINS. There is this further advantage in adopting the substitute proposed by the Senate committee, the differences between the House bill and the Senate bill will then be in conference and they can be very carefully and maturely considered by the conference committee.

Mr. POMERENE. I realize that very fully; but I think we ought to fully consider them on the floor of the Senate.

Mr. CUMMINS. The Senator is quite right about that.

Mr. POMERENE. I think that is all I care to say.

Mr. VARDAMAN. Mr. President, I rather agree with the Senator from Ohio who has just taken his seat that the House provision is preferable to the Senate committee amendment, and I expect to vote for that when the vote shall be taken; but whether that is adopted or the amendment of the Senate committee is agreed to, I expect to support the bill.

Mr. President, I think the most acceptable service to God is service to man. The highest end of government is the development and improvement of man, and if the man be improved the government will share his improvement and the moral sentiment will write the laws of the land. In the light of those self-evident truths a representative of the people truly desirous of



promoting the welfare of the people should experience no difficulty in finding the path of duty which leads to the final settlement of the question before the Senate.

Mr. President, the importance of the subject matter treated in the bill before the Senate is far above matters of ordinary legislation. Its moral aspect challenges my interest and compels my support. This bill deals with immortal stuff. Its effect upon the affairs of to-day are of inconsequential concern when we consider the larger issues of the future. The salvation of the child is the hope of the race—the source of strength and life of the Republic—the highest function of a great Government. The temporary moral welfare of society depends upon it, the permanent material welfare of the State depends upon it, the glory of our civilization draws life and inspiration from it, and the attainment by the individual of the infinite consummation in the realm of eternity is impossible without it. The great Carlyle once said in speaking of the child: "Good Christian people, here lies for you an inestimable loan; take all heed thereof; in all carefulness employ it; with high recompense or else with heavy penalty will it one day be required back." The wisdom of that warning will not be lost upon thoughtful conscientious minds. It is particularly pertinent to the consideration of the measure before the Senate. In this age of material expediency, when the gold dollar has become the first god and commerce the religion with so many of our people, we are too prone to minimize the importance of the man, the individual man, and his relations to society, to government, and his obligations to the God of our fathers, and to magnify the achievements of mankind in the mass. It is becoming more apparent each day that "the individual withers and the world is more and more." As the great river gathers its volume from the many springs that send their rippling rivulets down the hillside to join the great current which rolls on majestically to the sea, so are the material wealth and moral qualities of a great nation contributed to by the efforts of individual men and women who in aggregate compose the citizenship of the Nation. If the condition of our country is not what it ought to be, if the blessings and burdens of government rest not alike upon the rich and the poor, the weak and the strong, vouchsafing to every man, woman, and child an equal chance in the race of life, in so far as laws may, the cause or reason can be found in the delinquencies of the individual citizen. It is therefore of vital concern that we should make sure and certain that the individual child is given a chance to develop the latent qualities implanted by God Almighty in his soul and to bring out the physical forces that belong to every well-ordered human body. We may well understand that the child is "the fragile beginning of a mighty end." I have listened with unabated interest to everything that has been said pertinent to this question since the discussion began, and I have been reminded often of the epigrammatic utterances of the great President of the ill-fated Confederacy, who out of the anguish of a heart rendered desperate by the misfortunes that encompassed him about, like Laocöon in the cruel contortions of the serpent, of adversity exclaimed, "We must not grind the seed corn of the Confederacy." He realized that if the youth of his country were sacrificed to the god of war, no temporary success, however brilliant, would avail anything if that was the price we had to pay for it.

There may be differences of opinion founded on logic and bottomed on the highest order of patriotism regarding the tariff; we may differ on the money question, the forms of religious worship, the procedure in our courts of law—I repeat we may differ about all of these measures, but there can be no difference of opinion regarding the vital, pressing necessity, the essential importance of taking care of the child of the race. Now, I am not going to trespass upon the attention of the Senate by entering upon an extended discussion of the constitutionality of this bill. That phase of the subject has received exhaustive consideration at the hands of the great lawyers of this body. Indeed, everything has been said on the subject that could be said both for and against the measure. I think probably the last word has been said on the subject. I have been impressed, however, with the fact that the Constitution is usually the refuge of the statesman whose interests or preconceived notions are to be subserved or supported by the invocation of the terms of that instrument. It is rather a convenient document in that regard. But there is one thing, Mr. President, that I have observed, and that is that the Constitution of the United States has never stood in the way very long of the enactment of any measure which public sentiment demanded should be enacted for the good of mankind. And that is as it should be—for the reason that governments are made for men rather than men for governments. I do not desire to be understood as holding that the provisions of the Constitution should be lightly considered.

On the contrary, I believe with Thomas Jefferson that our only security is in a written constitution and the strict observance of its provisions. I have often felt that it would have been better if the people of the United States had changed the Constitution at least once in a generation, as Jefferson advised us to do, in order that its provisions might be made more adaptable without too much construing to meet the demands of our complex civilization. But that has not been done, and the original document, therefore, has been made to suit conditions which were probably never dreamed of by its framers.

Now, as to the policies embodied in this bill, I am very sure that at one time in the history of our Government the majority of Democratic statesmen entertained views which would have relegated the question of regulating child labor to the States. I am quite satisfied also that the framers of the Constitution intended that questions of this character should be treated by the authorities of the States. Of course the framers of the Constitution, in the widest stretch of fancy, did not dream of the conditions which exist in this country to-day. And the provisions of the National Constitution as they framed it and understood it, strictly construed, were ample to take care of any issues that might arise out of the civilization which existed contemporary with the adoption of the Constitution. But, Mr. President—

New conditions teach new duties,  
Time makes ancient good uncouth,  
They must upward still and onward  
Who would be abreast of truth.

The things that were, were so different from the things that are, that old principles and policies must be readjusted in order to make them meet the demands of the ever-changing pregnant present.

The complexity of our system, the multiform material interests to be subserved, the mad rush for gold, the cruel, heartless greed for gain, and the ingenuity and cupidity of the modern manipulator of business affairs renders it absolutely necessary that the powers of government provided for in the Constitution of the United States must be employed for the good of the people of all the States. Not in derogation of the sovereign rights of the States, but rather in harmonious cooperation with the States for the good of humanity. Congress has the right to regulate interstate commerce. There is no question about that. When that power was given to Congress by the framers of the Constitution, I do not believe that they contemplated that it would be used even indirectly for the regulation or the remote control of the internal affairs of a State. I do not think our Constitution builders had the instant case or anything like it in mind at all. But nevertheless and notwithstanding they gave to the Congress the right to regulate interstate commerce. And since Congress has that right it becomes the duty which enlightened statesmen will recognize as a benign use of a great power—it becomes the duty of Congress to use that power for the good of the people of the United States. The weak must be protected against the inhumanity of the strong, and the individual few from the unjust exactions of the many. If child labor, as it is tolerated in some of the States, tends to lower the standard of manhood, to weaken the virility, sap the moral force, and impoverish the mentality of the constituent elements of the body politic, then it is a wise use of this great governmental function to interfere so as to prevent that pernicious consummation. We all realize that the child in the cotton mills and in the factory who breathes the dust-laden, lint-poisoned, mephitic atmosphere of the damp, poorly ventilated room of the factory becomes a stunted specimen of humanity unable and unfit to appreciate and enjoy the privileges of citizenship in this free country. I have seen them with their little pinched faces, hollow chests, starved bodies, and poisoned souls go out of this industrial prison after being confined for 10 or 12 hours, not with the elastic step of childhood, the flush of health in the face, and the bounding spirit of the normal boy, but rather like old men worn and wasted, with the horizon of life fringed with a cloud of hopeless pessimism. The picture was indelibly impressed upon my memory.

Down all the stretch of hell to its last gulf  
There is no shape more terrible than this,  
More tongued with censure of the world's blind greed,  
More filled with signs and portents for the soul,  
More fraught with menace to the universe.

And I said to myself, no government can prosper and long survive that would permit such a wrong to be done to even one of its most insignificant and unimportant citizens.

No State will be strong very long whose men and women come from that unfortunate class. Like begets like in the physical world, and the rose will not grow from the seed of the thistle. Therefore the wrong is not only to the generation

living, but it is a crime—a capital crime, against those yet unborn. What reason can be given, what statement, that rises to the dignity of an argument, can be made in favor of such a system? None can be made.

Ah! How unjust to Nature and himself  
Is thoughtless, thankless, inconsistent man!

It is contended that the States are doing the things needful to protect their children. Very well, if that be true there is nothing in this bill that will interfere with the enforcement of the perfect State law or prevent the perfection of the State laws that need amending. There is one thing, however, which this law does, and that is, it puts all the States, so far as child labor is concerned, on an equal footing. Mr. President, I am going to vote for this bill. I am going to resolve the doubt of its constitutionality, if there be any, which seems to be pestering the minds of certain distinguished Senators—I am going to resolve that doubt in favor of the bill, because I recognize that the United States Government, acting with the States, is the only power beneath the stars that can save the children of America from the exactions of the conscienceless greed of the gold-worshipping capitalists of this country. The measure is full of good for the present generation, and it promises greater blessings for the generations of the future. I read an interesting story some days ago which gave an account of an Indian chieftain who went to New York City, and was shown the wonders of that great metropolis. He saw the cathedrals, and heard the soul-soothing music that came from the throat of the great organ, whose enchanting notes floated out upon the circumambient air like the melodies from a celestial choir. He was astonished by the skyscrapers, the hospitals, and the tenement houses, the imperial mansions, the crowded circus, and the airy span of Brooklyn Bridge—all filled his untutored mind with wonderment. "What is the most surprising thing you have seen?" asked a number of well-dressed, well-fed, luxuriously circumstanced Christian gentlemen of this benighted pagan who sees "God in clouds and hears Him in the wind." The savage lifted his red blanket and answered in three slow words, "Little children working." Edward Markham, commenting upon this, said:

It has remained for civilization to give the world an abominable custom which shocks the social ethics of the savage, for the Indian father does not ask his children to work but leaves them free to age and mature when they are ushered with solemn rites into the obligations of their fathers. Some of us are wondering why our savage friends do not send their medicine men as missionaries to shed upon our Christian darkness the light of barbarism.

I agree with Markham. I never see a little body-broken, soul-quenched specimen of humanity—the legitimate product of illegitimate conditions—the distorted things that grow out of "the social wants that sin against the strength of youth and the social lies that warp us from the living truth" that my heart is not filled with forebodings of ill for the State which tolerates such a thing. The day of settlement is inevitable. Nations, like individuals, in the end will be judged by the deeds done on the body. Then—

How will it be with kingdoms and with kings—  
With those who shaped him to the thing he is—  
When this dumb Terror shall reply to God,  
After the silence of centuries?

But I should be surprised if Markham's suggestion does not provoke a supercilious sneer upon the lips of the Christian philanthropist, who weaves the bodies and souls of the little children working in his factory into fabrics and sells them and reaps the enormous profit of child-labor manufactured goods, with which he may fill his ungodly coffers. Child labor seems to be one of the peculiar fruits of what is called in our day and generation higher civilization. In the better days of Greece and Rome the children of both slave and master fared alike in the common nursery. In those glorious days the patriot and philosopher taught that the proper study of mankind was man.

The influences, shortcomings, and handicaps of heredity were resisted in a common effort to develop the child to become a masterful man. Even among the people from whom America gets her religion, by the commands of the Talmud, "children must not be taken from the schools even to rebuild the Temple." The wisdom of protecting the child is the first fruit of the finest and earliest civilization. All thoughtful men and women recognize the fact that—

'Tis education forms the common mind;  
Just as the twig is bent, the tree's inclined.

Self-preservation should be the first law of nations as well as individuals. Excessive work in childhood universally results in mental and physical paralysis—it stunts the physique—empties the heart of passion and drives poetry from the brain. It results in general deterioration, which, in the course of time, will bring its victim on the dead level with the stolid ox. To

prevent this, I repeat, it is the proper use of the function of government which is necessary not only for the child of to-day but the child of to-morrow and the child of all the years to come. Every student understands the potentiality of prenatal environment—the handicap of hereditary delinquencies—influences when once put into motion go on through time into endless eternity. It is "the dreaded sweep of down-streaming seas" whose end the mind can not measure. Unfortunately, Mr. President, every question of far-reaching and national concern touches the peculiar issue in which we of the South are most vitally interested. It has been said that possibly if the Federal Government assumed the right even to indirectly regulate the hours of child labor in the mills that it may invade the cotton fields of Mississippi and undertake to proscribe the planter in the control of his negro labor. Of course that is only a bugaboo. There is no more danger of the Federal Government interfering with the management of the southern farm with its negro tenants than there is of the Federal Government interfering with the western and northern farmer in the management of his wheat fields. And, of course, we all know there is no possibility of the Federal Government interfering with the western and northern farmer in the management of his wheat field. The fact is, it will never become necessary to legislate for the regulation of child labor on the farm in any section of this Republic. Usually the child on the farm is under the care and tutelage of its parents. The labor is moderate, the hours reasonable; life in the open air and well-ventilated homes insure health and happiness. The farm is the breeding place of the statesman, the business man, and the philanthropist—men who dominate the business affairs of the Nation, blaze the way in State and national policies, who lead at the bar, in the forum, and in the field of science, as a general rule, either are the sons of farmers, reared upon the farm, or the first generation, who have gone from the farm to the city. The fact is, but for the great army of recruits that go into the cities from the rural districts every year the population in the urban districts would decay with the third generation. But I have wandered far afield from the question at issue. Let us come back to the main question. I have given a great deal of thought to the race problem of the South, because I regard it as the most difficult problem with which the white people of this or any other country were ever called upon to deal. I do not believe that God Almighty in His infinite wisdom ever intended that the negro and white man should live together in the same country on terms of political and social equality. I know it can not be done and preserve the integrity of the white race and the splendor of our civilization, and for that reason I and other southern men are very sensitive to any suggestion of pernicious outside interference with that peculiar problem. We know the danger of ignorant outside intermeddling. And yet at the same time we realize that nothing definite looking to the solution of the race problem can be effected without national aid. Because it is a national question. As national in all of its elements as ever emanated from the pregnant womb of time. It is a problem which the Nation made, and the Nation alone can solve it. But that question does not enter here and is not even remotely related to the question of child labor. The negro is not a laborer in the factory. Time has demonstrated his utter unfitness for any position that requires prudence, providence, foresight, and an alert sense of self-preservation and self-control. He has been tried in the factory and found wanting. The only place for a negro as a successful laborer is that of a servant about the home or in the cotton fields of the Temperate Zone.

If the negroes had been successful in the cultivation of cereals profitable to the farmers of the North, probably the war would not have been fought and slavery would have remained in this country for a century longer. No; the negro does not enter into the question of regulating child labor. It is the white man's problem and one the white man must solve. I do not believe this bill is violative of the Constitution. I do not believe it is a misuse of the power incidental to the interstate-commerce clause of the Constitution, but, on the contrary, it is my deliberate judgment that it is a proper employment of a power which the Federal Government alone possesses. It is the declaration of a policy which places the man above the dollar. It is the highest form of conservation which recognizes that all the just powers of government are derived from the consent of the governed, and that the government shall be good and wise and beneficent in the proportion that the individual man and woman is wise, prudent, and provident. It means the curbing of the greed for gain which brutalizes the beneficiaries and destroys the victims. It is a wise, beneficent use of a great governmental function, an augury of better things yet to be. If this Government is to live and fulfill the hopes and realize the dreams of the great men and women who gave it being, it must be through



the enactment into law the higher and nobler purposes which animate the patriotic heart.

You may talk of reformations, of the economic plan,

That shall stem the social evil in its course;

But the ancient sin of nations must be got at in the man—  
If you want to cleanse a river, seek the source.

This bill strikes at the source—deals with the source—and from the enactment of this measure I look for large, beneficent, humanitarian returns.

Mr. BRANDEGEE. Mr. President, I send to the desk, and ask the Secretary to read in my time, a communication from the secretary of the State board of education of my State, and also the paper to which he refers in his letter.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

CONNECTICUT STATE BOARD OF EDUCATION,  
Hartford, April 11, 1916.

To the Hon. FRANK B. BRANDEGEE,  
United States Senate, Washington, D. C.

DEAR SIR: At a meeting of the State board of education, held April 5, 1916, the following vote was passed:

Voted: That the Keating-Owen child-labor bill is a violation of the right of a State to promote education and industry in the way best suited to its agricultural, industrial, and educational interests.

The reasons for this action are on the inclosed sheet.

Yours, truly,

STATE BOARD OF EDUCATION,  
By CHARLES I. HINE, Secretary.

#### CHILD LABOR—KEATING-OWEN BILL.

First, The State board of education issues all certificates permitting employment in mechanical, mercantile, and manufacturing establishments. This employment law has been administered primarily as an education measure by which prohibition of labor has automatically operated to detain children in school until the age of 16, and has resulted in a distinct extension of education as well as a restriction of employment.

The physical condition of children has been an equal factor with education in determining whether they shall be employed in a particular occupation.

Second, The restriction of hours of labor to eight interferes with part time and continuation courses, which should be encouraged. Children can be effectively protected against so-called "blind-alley" or dead-end employment by ample opportunity for consecutive vocational training in connection with regular occupations.

Third, The penalty is so severe that it will lead to blackmail and evasion and the employment of officers whose business is spying and espionage, which interfere with personal liberty and harass business.

Fourth, Fifty-seven per cent, or 800,000 inhabitants, of the State are engaged in manufacturing and mechanical industry. The State provides nearly 200 days' schooling for each child and enforces its attendance and employment laws with success, so that practically all the children 7 to 14 years of age are regular attendants upon school. The child who completes the common-school course has had expended upon his education more than \$600. Having made this liberal and effective provision for schooling, the State has also entered upon a system of specific training in trades, including agriculture, adapted to the several localities and interests, which will be seriously jeopardized by the proposed legislation.

Mr. BRANDEGEE. I also ask the Secretary to read the substitute reported by the committee.

The SECRETARY. Strike out all after the enacting clause and insert:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than 8 hours in any day, or more than 6 days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m.; *Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties in such cases herein provided: *Provided*, That nothing in this act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

SEC. 5. That any person who violates any of the provisions of section 1 of this act, or who refuses or obstructs entry or inspection authorized by section 3 of this act, shall for each offense prior to the first conviction of such person under the provisions of this act, be punished by a fine of not more than \$200, and shall for each offense subsequent to such conviction be punished by a fine of not more than \$1,000, nor less than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be prosecuted under the provisions of this act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within 30 days prior to their removal therefrom no children under the age of 16 years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment, in which within 30 days prior to the removal of such goods therefrom no children under the age of 14 years were employed or permitted to work, nor children between the ages of 14 years and 16 years employed or permitted to work more than 8 hours in any day or more than 6 days in any week or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.; and in such event, if the guaranty contains any false statement of a material fact, the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: *And provided further*, That no producer, manufacturer, or dealer shall be prosecuted under this act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, if the only employment therein, within 30 days prior to the removal of such product therefrom, of a child under the age of 16 years has been that of a child as to whom the producer or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, and by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by this act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this act, shall have the same force and effect as a certificate herein provided for.

SEC. 6. That the word "person" as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term "ship or deliver for shipment in interstate or foreign commerce" as used in this act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia or to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory, or District of manufacture or production.

SEC. 7. That this act shall take effect from and after one year from the date of its passage.

Mr. BRANDEGEE. Mr. President, of course I know, as I assume every other Senator knows, that this bill is going to pass by a large majority; and those of us who are satisfied that it is an unconstitutional exercise of the power of Congress have, I am sure, no hope of defeating it, or even of delaying its passage. I certainly would not want to contribute to any delay. It is in behalf of a cause which I would be very happy to aid if I could do so. There may be a fair difference of opinion, I think, as to whether the cause will be aided by the passage of this bill. When I speak of the cause, I mean the proper regulation of the hours for which children may work at the occupations specified in the bill.

I think all the States in my section of the country have what everybody admits to be proper child-labor laws. They are enforced. There is no complaint there about their operation. The people are intelligent, and the children are well cared for. The mills and factories are sanitary and are under State inspection. That is true, I assume, of by far the largest part of the country. There may be here and there, in a few of the States, mills and mines and other places where children work which are not properly inspected, and several States which do not have sufficiently strict child-labor laws; but it must be remembered that even in those places the question is one of opinion and degree, and the circumstances differ, of course, in different parts of the country.

I am a member of the committee that heard the testimony upon this bill, and, of course, there was in the testimony evidence that in certain places conditions should be better than they are. I assume that that same statement could be made of the conditions of labor in general of men, women, and children. There are certain harsh employers, and many who are lost to any proper sense of being interested in the welfare of their employees; and there are certain sections where the State laws are ill enforced, not only as to child labor, but as to other kinds of labor.

I consider that those who have called in question the constitutional power of Congress to pass this legislation have performed a service to the country; and I think that even the strongest advocates of the bill would not want this kind of a bill to be allowed to slip right through the Congress of the United States

without any discussion, and have it go to the Supreme Court, and possibly be declared to be unconstitutional, without a word having been said about that feature of the bill upon the floor. I also rather suspect that there are those who, in the ardor of their advocacy of the measure, thoroughly believing that it will be an improvement over State regulation of the subject, are carried away by their advocacy into a more positive belief in its constitutionality than in their calmer moments, perhaps, they would be willing to admit. For instance, the junior Senator from Iowa [Mr. KENYON], who has made three most excellent arguments upon his side of the question during the session, and has reviewed and most carefully analyzed all the legal authorities upon the subject, declares here this afternoon that he has the gravest doubts about the constitutionality of the measure.

I do not misquote him when I use that expression; and I think quite a number of other Senators who are going to vote for the bill have the gravest doubts of its constitutionality. I think every lawyer, whether or not he can to his satisfaction squeeze this case in under the authority of the so-called White Slave case or any previous decision, must feel innately and intuitively that in certain respects, which it may be somewhat difficult to define, this does present a somewhat different principle from that involved in any of the previous cases. I feel so myself, and I feel also that the question is such a subtle one that it is not at all easy for me to state exactly, especially so that a layman would follow me, the exact point in which I think this bill proceeds upon a principle which is not involved in any of the previous decisions. I made a more or less unsuccessful attempt the other day to try to convey some of my feelings about this matter; and I am going very briefly this afternoon for a few moments to emphasize that, if I can.

In the Lottery case, One hundred and eighty-eighth United States—and I am reading from page 355—the court, in citing *McCulloch* against Maryland, state as a part of the opinion:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

We all agree to that.

Let the end be legitimate, let it be within the scope of the Constitution—

Of course, the end aimed at in the enactment of this legislation, as admitted by everybody, is the prohibition of child labor, the stopping of work by children who do not qualify under the terms and conditions of the act which we are proposing to pass—

Let it be within the scope of the Constitution.

Now, is the suppression of child labor in the several States within the scope of the Constitution? The advocates of the bill say that the power to regulate commerce, which, of course, is given to Congress, includes the power to prohibit commerce among the States, and therefore we have a right to prohibit transportation in products into which the labor of children has entered.

Of course nobody questions that the regulation of commerce among the States is within the authority of the Constitution, but why does that bring within the scope of the legislative power of Congress the right to prohibit interstate commerce in the products of child labor? The Senator from Iowa, in answering that, says that the commodity clause of the railroad-rate bill was sustained in relation to coal and hay and several other products which were perfectly innocent, honest, and legitimate articles of commerce. But, Mr. President, that, of course, was in the exercise of an unquestioned power conferred upon Congress by the Constitution. The railroad bill, whatever it was called, was passed for the purpose of preventing discriminations and rebates; and when it was found that preferences, discriminations, and so forth, were granted or acquired by the carriers themselves, carrying their own products and preferring themselves in the furnishing of the instrumentalities of commerce, so that they could more readily compete with outsiders, that brought the question of goods owned by carriers right within the rule. It was a part of the system of attempting to prevent discriminations, and it was a clear case of the exercise of power to regulate commerce among the States. As to the statement of the Senator regarding prohibiting counterfeiting tools, and such articles as that, which are made for a criminal purpose, and where Congress has passed statutes prohibiting counterfeiting and making it a crime, of course those, being the tools of crime, fall directly within the admitted decisions of the Supreme Court as to articles that are noxious and designed for immoral purposes.

On the same theory the white-slave act was sustained, the court distinctly putting it on the ground that the transportation of a woman with a shipper at one end and a receiver at the

other end for a distinctly immoral purpose, of course, was an immoral transaction, although the woman might have been perfectly pure and innocent, as the Senator from Idaho claims. The whole transaction was immoral in its inception and consummation, just as in the Lottery case, bringing it clearly within the purview of that case.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Connecticut yield to the Senator from Florida?

Mr. BRANDEGEE. I do.

Mr. FLETCHER. On that question of prohibiting commerce the senior Senator from Iowa [Mr. CUMMINS] raised the point to-day that Congress had exercised that power with reference to levying prohibitive tariff duties.

Mr. BRANDEGEE. Any kind.

Mr. FLETCHER. And I omitted to say at that time—I mention it now in order to see whether the Senator agrees with me or not—that there is a distinction between foreign commerce and interstate commerce within the meaning of our Constitution; that whereas the Constitution makers provided, as to foreign commerce, that situations might be taken care of which would result in protecting our people against foreign interference of any sort, as to interstate commerce the purpose was to facilitate and promote and make more free the commerce between the States.

Mr. BRANDEGEE. Mr. President, if I understand the Senator, I have not looked at that particular feature in thinking about the particular point involved in this bill, but my impression is that the power of Congress as to both interstate and foreign commerce is absolute and plenary, and I do not personally think there is any difference in the power of Congress.

Mr. FLETCHER. My impression is that the authorities on that subject make a distinction between foreign commerce and interstate commerce.

Mr. BRANDEGEE. I know it has been so claimed in the past, and it may have been so decided in some litigation, but not having thought that was particularly necessary to the decision of the point in this case I had not considered it.

Mr. CUMMINS. I asked the question because the Democratic Party has for a hundred years been claiming that tariff laws were unconstitutional, and I hoped the Senator from Florida would look at the subject from that point of view. I assumed that he was opposing this law for the same reason, practically, that his party has been opposing tariff laws through these many generations. However, I rose to ask the Senator from Connecticut to point out in the Constitution the authority of Congress to suppress immorality.

Mr. BRANDEGEE. I do not think any such power is given, Mr. President; but I noticed, of course, as the Senator has, that every decision of the court sustaining a case of misbranding or fraudulent transaction in relation to interstate commerce does put it upon that ground.

Mr. CUMMINS. But the Senator from Connecticut was reading from the opinion in the Lottery cases, I think.

Mr. BRANDEGEE. Yes.

Mr. CUMMINS. And he was quoting the decision of the Supreme Court in *McCullough* against Maryland.

Mr. BRANDEGEE. Yes.

Mr. CUMMINS. The quotation read something like this:

If the end is legitimate—

Is that the word?

Mr. BRANDEGEE. I will repeat it if the Senator wants me to do so.

Mr. CUMMINS. Will the Senator repeat it?

Mr. BRANDEGEE. "Let the end be legitimate; let it be within the scope of the Constitution."

Mr. CUMMINS. The end must be legitimate and be within the scope of the Constitution. The lottery law was passed to suppress lotteries. The white-slave act was passed to suppress certain forms of immorality. There is nothing in the Constitution with regard to either of those, but upon the reasoning that is being adopted by the Senator from Connecticut neither of them would be within the scope of the Constitution.

Mr. BRANDEGEE. The courts have, of course, held in the late decisions that the power to prohibit, being conferred under the power to regulate, could be used to prohibit from interstate commerce fraudulent, misbranded, and adulterated articles. That is all I mean to say about that. It seems to me that there is a distinction between the power to prohibit fraudulent, adulterated, dangerous, noxious, diseased articles from being transported in commerce for the purpose of preserving the safety of the transportation lines and the safety of the commerce with which they commingle and saying because that is true you have the power to prohibit transporting in interstate commerce



perfectly sweet, innocent, legitimate necessary articles because they were not manufactured in the State according to the conditions of some more elevated sentiment.

Mr. CUMMINS. In what possible way would a bottle of patent medicine that did not contain upon its label the ingredients of which it was composed tend to pollute or to contaminate or to infect a carload of merchandise or anything of that kind?

Mr. BRANDEGEE. Of course it would not.

Mr. CUMMINS. Is that simply intended to secure the general welfare of the people?

Mr. BRANDEGEE. The Senator uses the term "pollute." I said "to endanger." One element of it is the physical pollution and danger. I agree also that the Lottery case proceeded upon the theory that it was not physical pollution but was moral pollution. It is the same with the misbranded article. There is no danger from the bottle of consumption cure that is advertised to cure, when it is nothing but water, but there is a fraud connected with it.

Mr. CUMMINS. The end sought to be secured connected with the article is to protect the people.

Mr. BRANDEGEE. It is designed to protect the people from having these articles sent out from the State in which they were made into interstate commerce. Every one of these cases has proceeded upon the theory that Congress having exclusive jurisdiction over the control of commerce among the States, no matter what a State did under its own laws, if Congress thought what it did was to corrupt the rest of the country it could say, "Although we can not go into your State and say that you shall not manufacture this thing—that is your own business—still if you do manufacture it in a way that we think will corrupt the rest of the country, we will put a prohibition against bringing it into the rest of the country." That is what I think has been decided in those cases.

Mr. CUMMINS. Does the Senator think we could prevent the transportation of stolen property?

Mr. BRANDEGEE. I think it would be doubtful, I will say to the Senator. The crime of theft is a crime under the local State law. The fact that the goods were stolen I do not think would physically endanger the rest of the commerce of the country nor would it aid in crime. The crime has been committed, and I do not think that the object would be reasonable if Congress had it in mind that it could stop a man from stealing by prohibiting somebody else from transporting the goods.

Of course there is another objection to this bill. There are quite a number, but there is one in principle that occurs to me, even if the bill should be sustained as to its constitutionality, against the producer and mill owner. It makes it an equal crime for a dealer who has bought the article from the producer to send it into interstate commerce. I think even if the other proposition is sustained—if the bill is sustained as to the original producer—I do not believe it can be sustained after those goods have become a part of the lawful intrastate commerce and property of that State, that Congress could prohibit somebody else who now has the title of it from shipping it into another State and selling it after he has bought it, because the man from whom he bought it did not make it under conditions prescribed in the act of Congress. I may be wrong about that, as about everything else I have said.

Mr. THOMPSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Certainly.

Mr. THOMPSON. To carry the question of the Senator from Iowa to a final conclusion, would not the prohibition of stolen property from entering into interstate commerce prevent a fraud upon the public; that is, by the stolen property getting into the hands of an innocent purchaser and he losing the property, if it should finally be determined to be stolen?

Mr. BRANDEGEE. I do not know what the effect would be in practice. Of course, when property is stolen in a State the thief always wants to dispose of the stolen property and convert it into money. I suppose he could do it in the State. We could not prevent that; and it may be that if its interstate transportation was prohibited to stolen property it would restrict the market for the resale of it, and possibly it would tend to stop thievery in that way.

It may be that we would have a right to prohibit stolen property in interstate transactions, but I do not see how that tends to help this situation one way or another. It would be one of these things that if sustained I think it would be sustained by the Supreme Court on the ground that the whole transaction was immoral and universally admitted to be so, and hence Congress could, under its right to regulate commerce

among the States, withdraw the instrumentalities of interstate commerce from this universally admitted immoral and fraudulent conspiracy to hurt people physically or morally.

We must remember that this subject is not one which is universally considered to be one of morals, for instance. It is a question—and a grave question—exactly as to the age a boy or girl should be allowed to go to work. States that have child-labor laws have to adopt arbitrary ages, based upon experience no doubt, and the State laws are based upon the experience of their own people, with their own factories, and their own children. We here have prepared a bill which makes no distinction whatever for latitude, longitude, climate, the age at which children develop, which in the extreme southern part of our country is perhaps a year or two earlier than the extreme northern part; and we here are attempting to prescribe hard and fast conditions which will apply all over this broad land, both in interstate and foreign commerce, the result of which legislation, even if held to be constitutional, no man is wise enough to foresee. It might utterly tear apart and rend the commercial business interests of this country. Of course, the answer to that would be all everybody has to do all over the country is to submit, and then there will not be any tearing apart. That may be true, Mr. President. Of course, people who think their own labor law is better adapted to their own situation will not submit, and, of course, we have to have the decision of the court upon it.

Mr. President, I think the principle upon which this bill is founded and proceeds is of such tremendous importance, if sustained by the court, that really I tremble for the consequences.

I have been reading the brief of the Columbia law professor, Mr. Parkinson, which appears in the hearings before the committee. He advocated the bill before the committee, and he claims, and I think perhaps generally the friends of the bill claim, that whatever Congress may think to be for the general welfare we can, by the exercise of the commerce clause of the Constitution, put into practice and require of the several States under a penalty of an embargo against their exporting their products into other States.

Personally I would be glad if an agreement could be made to pass this bill and stop there along this line. I would not hesitate for a minute if I thought there was not going to be a dangerous sequence of consequences following the passage of this bill if sustained. Because, Mr. President, no matter what Senators or others may think as to whether this can possibly be sustained by the Supreme Court under the logic of the white-slave decision, all admit there is no difference in principle between the requirement we are making here of the different States as to the conditions upon which the labor of children shall be performed in their mills and a thousand other conditions as to other things that we can all imagine easily. The junior Senator from Iowa [Mr. KENYON] has thought some of the suggestions along those lines were foolish and silly. But, Mr. President, I think they will all be met. I think the proponents of almost every propaganda that will arise in this country in the future will be sustained by the same arguments that are made here, to wit—

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. I yield.

Mr. WORKS. Does the Senator not think that the passage of this bill will furnish an opportunity to stop this thing at this point?

Mr. BRANDEGEE. It will give the opportunity, certainly, and I hope it will be availed of. I know that is the only reason why the Senator from California is thinking of voting for the bill. I am not quarreling with anybody who wants to vote for it or with his reasons for doing it, but I am perfectly satisfied that this question will come up over and over again. These people are enthusiastic about this matter; they think they are doing the Lord's work, and that everybody who does not agree with them is an ally of the devil. Being inspired with the zeal of a crusader, and having a well-filled ammunition chest and plenty of enthusiastic employees, they will be here probably until some decision is made upon some bill that will settle this question one way or the other. I am not at all inclined to oppose the passage of this bill. I am trying simply to let the Supreme Court know that there was somebody here who would give them a little moral support, if you can call it that, and they need not feel that the whole Congress of the United States was demanding of them to pass the measure and that we had a clear right to do it.

What I am about to read I do not read in any spirit of criticism, but to show you why these people are able to keep

this agitation up and why they will keep it up. The chairman of the committee asked Mr. McKelway what organizations he represented and how they were formed. Mr. McKelway says:

I am one of the secretaries—the southern secretary—of the National Child Labor Committee. It is an organization of people interested in the child-labor question, organized about 12 years ago.

The CHAIRMAN. How large a committee is that?  
Mr. McKELWAY. It has a board of trustees of some 15 members, whose general offices are in New York City. We have some eight or nine thousand contributing members scattered throughout the United States.

The CHAIRMAN. What is the basis of their contribution?  
Mr. McKELWAY. They contribute about \$60,000 a year—most of them from \$2 to \$25 a year.

They are a perfectly self-sustaining organization, and McKelway will sustain himself as long as they will permit him to keep his contract with the Treasury. So this agitation will go on, Mr. President. All I can say is that I hope and I know that when this bill is passed, either in the House or the Senate form, and is brought before the Supreme Court, that court will know that they are at the parting of the ways between a Federal Government of sovereign States with a central Government exercising only the powers that were delegated to it and necessarily implied from those delegated, and a centralized Government here in Washington, which, under the guise of controlling commerce among the States can say to any individual State in the land, whether it is the wheat-growing State of Minnesota, or the Dakotas, or the cotton-growing State of Texas, or the manufacturing State of New York, or the mining and mineral State of Pennsylvania, "Gentlemen, in our opinion, so-and-so is for the public benefit, and until you meet our views upon that question, change all your conditions and customs and laws according to the standard that the representatives of other States meet here in this centralized Government and set up, you have an embargo placed around you; you have a circle of fire around your State that you can not go through."

I know that the Supreme Court will understand that they are up against a change in the form of our Government. It is not simply the passage of this bill, but if it is sustained by the court we shall have changed our form of government. The Senate and the House of Representatives are sitting here almost like the British Parliament, not with the direct authority to do these things in any State, but saying, under the strained construction given to these opinions of our highest court—which is the law, and we can not question it—that we can exercise every power specifically granted by the Constitution to demand conditions and arrangements in your State, and nobody can question it. The Senator from Ohio [Mr. POMERENE], who, I think, is too good a lawyer to stick to the opinion that he delivered here this afternoon, intimates that because the preamble of the Constitution says that, in order to form a Union and to promote the general welfare these specific powers are delegated to Congress, and all other powers are reserved to the donors, that anything that we think is for the general welfare—I have heard of "the general" before—can be done. If we only think it is for the general welfare we can do it under any clause; we can need not hunt out the commerce clause of the Constitution, because every grant of power from the States or from the people of the States to the central Government was to be exercised for the general welfare, of course. Under that theory, we can tax them all to death, because we think it is for their welfare to tax them—and I do not know but what we have started upon that course also, Mr. President—but I do not see why other Senators can not see that they are opening an entirely new door in this country; and I can not see why they do not see that it is an undesirable door to open.

The Senator from Georgia [Mr. HARDWICK] the other day said that we were lifting the lid of Pandora's box of evils, and so we are. The worst of it is that we are doing it thinking that we are acting in a holy cause. But, Mr. President, it means the beginning of the downfall of the kind of Government that we and our fathers and everybody who has lived between them and us had thought had been established in this country.

I do not think Senators would feel about this thing if they were back home the way they feel about it here; at least I judge the way they feel by the way they are going to vote. I know if I were a member of my State legislature or the governor of my State and I saw that this proposition was pending in Congress—that Congress was assuming authority to control all the men, women, and children in my State, to fix the hours of labor and the wages at which people might earn a living, and the power to cast out into starvation and to make tramps of a lot of able-bodied boys who would not go to school, but wanted to work—that such a bill was pending here and my Senators or Representatives were going to vote for it I would take the first train down here and tell them what the people at home thought about that sort of thing.

You are transferring to the General Government your local home rule and your local home government and the control of your own personal affairs, which, of course, the Government is interested in, because the whole is interested in the welfare of all its parts; but this Government is founded upon the principle that everything shall be done by the people within their own States at home, especially about their own conditions of work and labor, and that nothing shall be done down here to interfere with that except what is expressly delegated to this Government to do.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. BRANDEGEE. I do.

Mr. LEWIS. I would ask the able Senator's legal opinion on that which I was a moment ago about to ask the distinguished senior Senator from Iowa [Mr. CUMMINS] when he took his seat. I ask the Senator now, he having addressed himself to a subject which I think is cognate, this question: The Supreme Court of the United States in several rulings has lately held that the interstate commerce law vesting in the Federal Government the regulation of commerce on railroads, practically superseded the laws of the several States. The Senator is aware of those decisions. I ask the Senator if, in his opinion, at the moment we pass the pending bill embracing this new field of Federal legislation, and being full in its terms to the extent defined, it would not then supersede the law of the State of Connecticut and the law of the State of Illinois and the law of the State of Iowa and the laws of other States on the same subject, bringing, therefore, all regulation by the States at an end, for that it had been superseded by national legislation?

Mr. BRANDEGEE. Well, Mr. President, I will say to the Senator that when the States delegated the power to Congress to regulate commerce with foreign nations and among the States, they gave the whole power to regulate interstate commerce to Congress; the States could not regulate it themselves; the States can regulate their intrastate commerce; but under recent rulings and the decision of the Supreme Court, of course, intrastate commerce in certain sections has become so mixed with interstate commerce that the Interstate Commerce Commission have taken jurisdiction of intrastate rates, I believe, to a certain extent.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. I do.

Mr. CUMMINS. The Senator from Illinois [Mr. LEWIS] will remember that this proposed law does not supersede any State law; it does not abrogate any State rights. It is not a regulation of the hours of labor or conditions of labor by children, but it is a regulation of commerce, which prevents certain commodities from being transported into other States, and I give it as my opinion that it will have no effect whatever on the law of any State, save indirectly it will have this effect upon the manufacturer or the producer, that if he employs children under the forbidden conditions he will have to confine his commerce to his State territory. If he employs children under the conditions permitted, then he can ship his goods beyond the State; but I should like to ask the Senator from Connecticut [Mr. BRANDEGEE], who has turned all at once into so uncompromising an advocate of State rights, whether he had anything to do with the plank in the Republican platform adopted recently at Chicago, which proposes to amend the Constitution and to transfer to the central Government all the power of regulating commerce, not only interstate but intrastate as well?

Mr. BRANDEGEE. The questions are coming thick and fast, Mr. President, and I will endeavor to shed a few of them. My belief in State rights is no modern acquisition, no sudden one. I have always believed in exactly what I now believe in. I believe that Congress has plenary power over everything that has been granted to it and everything that must be implied as necessary to carry out the grants, and that the States have the rest. I do not see how anybody who can read the Tenth Amendment to the Constitution can doubt that.

I am very glad I was not on the committee on resolutions at Chicago, because I could not then answer the question of the Senator from Iowa without betraying the confidence of the committee. I do not know how the plank to which the Senator refers got into the Republican platform, but I will say that if it ever gets into the Constitution, or if we pass legislation upon that subject, it will be done by a valid constitutional amendment, which will become to all intents and purposes a part of the Constitution.



Mr. LEWIS. Mr. President, I should like to say to the able Senator from Connecticut [Mr. BRANDEGEE], as well as to the distinguished senior Senator from Iowa [Mr. CUMMINS], that this is in my mind: Favoring, as we do, the spirit of this proposed enactment, if it is true, as the courts have decided, that where Congress has assumed the jurisdiction of a subject and covered it, with the object of reaching a result, then the State legislation upon the same subject is superseded, as it did hold in two cases in regard to interstate commerce, touching the regulation by a State and the influence of a State commission upon the railroads, may I ask the able Senators, might we not anticipate that, if this bill is being passed upon the theory that it is a regulation of interstate commerce, as I take it from the argument of the junior Senator from Iowa it is conceded that is the theory upon which the Federal Government is assuming to act, why will it not be contended, may I ask the able Senators, when it is passed that the laws of the States upon the same subjects have been superseded, for that the whole subject has already been covered by the Federal Government?

Mr. BRANDEGEE. This is not upon the same subject, Mr. President. The Senator confuses, I think, the situation. Everybody admits we would not have the right to say what the hours of labor or the ages of children who labor in the States shall be. We can not make State statutes. This bill does not impose requirements as to age or hours of labor upon a single child in any State.

Mr. LEWIS. But will not the Senator admit that is the object of the measure—to prohibit goods from being shipped in interstate commerce in order to prevent children from being employed?

Mr. BRANDEGEE. Certainly; the object of the bill is to do indirectly what the Congress can not do directly. Of course everybody admits that. Everybody admits that Congress can not directly impose these limits upon the hours of labor or ages of children in industry in the several States. Therefore Congress proposes to say that any employer in any of the States who has children working for him who does not conform to the requirements as to hours and ages that Congress lays down shall have his goods proscribed from interstate commerce. Congress will boycott goods made in Illinois which come out of any factory or mine or quarry or cannery where a man employs a single child contrary to the provisions of this bill in any department of his establishment. He may have a hundred departments—and in a great many of the industrial establishments of this country, especially in the factories, a thousand different articles may be made, and perhaps a tremendous mail-order business and other kinds of business are carried on—but if there is employed in a particular room in one of those factories one child under the age prescribed by this bill the entire product of that mill is prevented from going into interstate commerce.

Mr. WORKS. Mr. President, may I call the attention of the Senator to the fact that the goods which are shipped may have been manufactured entirely by adult labor, and the work of the children may have been devoted entirely to other things. Therefore the connection is not made between the manufacture by children of the article shipped and the actual transportation of it.

Mr. BRANDEGEE. Yes; the Senator is perfectly right about that. As I say, and as he says, there may be a great steel works with blast furnaces going, and if there is employed one child under 16 years of age or under 14, or whatever the limit may be for that kind of an industry, in a particular part of that establishment, who has anything to do with producing any of the goods that are made there, although the child may be employed in a capacity that has nothing at all to do with the actual manufacture of the articles sought to be shipped, the entire product of the mill, which is made by men and women of lawful ages, is boycotted from interstate commerce.

But, Mr. President, I do not care so much about the details of the bill, although I think they are defective in several respects and would result in a great deal of complication, ultimately, however, their meaning would be ascertained by the court, and the desirability of such a bill would be proved in practice. I am voting against the bill because I think it is an unconstitutional exercise of power by Congress, and therefore, I can not honestly vote for it. Although I have not felt it necessary to harp upon the subject that I was not a cruel person and that I did not want to grind all the young children into gold for the greed of multimillionaires and the advancement of privilege and pelf and such alliterative lingo as that, Mr. President, I think I would treat a child as kindly as anybody else. My State has a very good child-labor law, and I would vote for any amendment to make it better, and, if I

thought a National child-labor law would produce better results and would be constitutional, I would vote for that, but I will not vote for it because a lot of people delude a lot of other people into making a howl for it, and I will not vote for it under threats, nor can I change my views as to a question of law on account of prudential considerations concerning the number of ballots that may suddenly get into a box.

Mr. President, everybody agrees that the question of whether this is a constitutional exercise of power is an exceedingly doubtful one. Why do they not bring forward a constitutional amendment? Why do they not come forward, as the women suffragists have done, and say, "We want a constitutional amendment now, so that Congress can regulate the hours of labor of children in the 48 States of the Union?" Why do they not do that? Because they know that there is not a State that would ratify such a proposed constitutional amendment. There is not a State that would turn over its authority over its own children and its police powers to the Federal Government in that respect. Perhaps it would be inconsistent for them to ask for a constitutional amendment to the effect that "The Congress shall have power to regulate child labor." Then, let them come forward and ask for an amendment providing that Congress shall have the exclusive power to regulate the hours and ages at which men, women, and children shall work, and the States shall have nothing to do about it, because the States have fallen to such a low estate that they do not know enough to act wisely, or else they can not be trusted. How many votes do you think a constitutional amendment would get providing that Congress should regulate the internal affairs of the people of the several States? It would not get any. There is not a Senator here who would vote for such an amendment, and if he would not, why should he vote for the pending bill without any such amendment?

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from West Virginia?

Mr. BRANDEGEE. I yield.

Mr. CHILTON. The Senator speaks of a constitutional amendment. Suppose that Congress should adopt a constitutional amendment providing that the Congress shall have power to regulate child labor in interstate commerce, what would be the effect of that kind of an amendment?

Mr. BRANDEGEE. I think the effect would be that it would be unintelligible, because I do not know what child labor in interstate commerce would mean.

Mr. CHILTON. If in the regulation of interstate commerce Congress finds it necessary to regulate child labor, would that not be all right? Would not that necessity give the Congress the power?

Mr. BRANDEGEE. I think we have undoubtedly the right to regulate the hours of labor and the ages of labor in the instrumentalities of interstate commerce now, and I think we have done so repeatedly, as in the case of prescribing the number of hours that telegraphers and trainmen shall work.

Mr. CHILTON. When the Senator concedes that, does he not concede the entire case?

Mr. BRANDEGEE. I do not concede the case I have been talking about; I do not know what case the Senator refers to.

Mr. CHILTON. The Senator has been talking very interestingly about the case that is before the Senate; and I do not think he does his speech justice by intimating that he has not been confining himself to the immediate matter the Senate is considering. The Senator, however, made the point that in order to meet the question directly there should be an amendment to the Constitution. If we pursue that a little further, it might throw some light upon the question. Some of us contend that, under the power to regulate interstate commerce, Congress can regulate it as it pleases; and that the present grant of power is all sufficient for this bill. Now, as proof that that is true, let us see where we would be if we were to pass a constitutional amendment granting directly that power as suggested by the Senator. Certainly if the Constitution were so amended as to grant us the right to regulate labor in interstate commerce, that would be all-sufficient to embrace child labor and every other kind of labor. The present grant of power is to regulate commerce between the States; if we should add to that grant the words "including labor engaged in producing articles which are subject to such commerce," the question is, Would that enlarge the present grant? It seems to me that in answering the question that I asked, as he did, the Senator practically concedes that the power is in Congress now.

Mr. BRANDEGEE. No, Mr. President. Of course the Senator must remember, if he has read this bill, that it does not purport to control the ages or the hours of laborers in interstate commerce at all.

Mr. CHILTON. I understand that.

Mr. BRANDEGEE. It has nothing to do with laborers in interstate commerce. It prevents any mill or productive agency from shipping out of the State where it is located anything made by it if there was concerned in its manufacture any child under a certain age.

Mr. CHILTON. I understand that.

Mr. BRANDEGEE. They were not engaged in interstate commerce.

Mr. CHILTON. Now, if this be a regulation of interstate commerce there can be no doubt of the constitutional power.

Mr. BRANDEGEE. If what be a regulation of interstate commerce?

Mr. CHILTON. The bill.

Mr. BRANDEGEE. Why, of course not.

Mr. CHILTON. Construed as the Senator says, if it be a regulation of interstate commerce, there is nothing to argue here as to constitutionality.

Mr. BRANDEGEE. It is not.

Mr. CHILTON. There is not. Therefore a constitutional amendment making that perfectly clear could be in the language which I suggest. Those of us who think that the amendment suggested would add nothing to the grant may be excused for differing from the Senator.

Mr. BRANDEGEE. They would have nothing to say against the constitutionality of it; but they never would vote for it, because no Senator would have the nerve to deliberately stand here and delegate now to the National Government the right to invade his State and fix the hours of labor and the ages of labor.

Mr. CHILTON. That is the Senator's opinion.

Mr. BRANDEGEE. That is, in my judgment. I would not dare vote for it. The Senator from West Virginia is a courageous man, and he might do it. So I say I simply instance that, not because I expect anybody to introduce any such amendment, because they know it could not pass, and they want to worm this thing through between the hiatuses of these recent decisions of the Supreme Court, backed up by an intimidating sentiment. They think they can scare Senators into voting for this thing or defeat them for reelection, when they know that it is only by the most violent stretch of the Constitution that they can successfully make the Supreme Court sustain it. But they think that if they can bulldoze the whole Congress, both branches, the Supreme Court will lie down, and this vista will open wider and wider until every proposition that can not be gotten through Congress in any other way will be based upon the commerce clause of the Constitution, and all the commerce of all the States will be put under the ban unless they agree to it.

Even the Supreme Court, if it takes this fatal step, will be compelled to be led on from one step to another; and there is no end to it, Senators. There is no end to it. Now, to the Senator who says he does not want an end to it, I have nothing to say. The Senator who thinks that the Senate and the House of Representatives can govern all the people of this country, not as to their foreign relations and their legitimate interstate-commerce operations and as to the things that have been specifically delegated to us, but that it can govern all the people in every home town and village in this whole country better than those people can govern themselves in their local affairs, knows exactly what kind of a government he is trying to make of this.

Now, however righteous the cause may be, however anybody may dislike to be called reactionary and not responsive to the finer impulses and affections, and so forth, we have sworn to support the Constitution of the United States, and to maintain it against all foes, foreign and domestic; and some of the worst of them are right here—domestic.

Mr. President, I do not object to a Senator or anybody else voting for this bill if he is convinced, or 90 per cent convinced, that it is a constitutional exercise of power; but to the Senators who say they have the gravest kinds of doubts about it, I say that I think a man with the gravest kind of doubts about a matter of this kind, which is a novelty and an experiment, had a great deal better give the Constitution of his country the benefit of the doubt; and I think that as a coordinate branch of this Government the Senate at least ought to try to sustain the Supreme Court in maintaining and defending the Constitution of our country, and not assist in twisting and making it into something entirely different from what any of us thought it was.

Of course, I realize that the Constitution must expand and develop and grow with the growth of the country; but I have no sympathy with men who, when the highest tribunal of the country has to give the gravest consideration to the interpretation of the Constitution, will stand up here and say that "every

time anybody tries to do anything that is for the benefit of the people somebody raises the old bogey of the Constitution." I do not think that is a proper spirit at all. Of course, if the Constitution is simply something that is impeding the welfare of the people, they had better tear it up and get rid of it at once. Repeal it; be orderly about it, but repeal it, or pass an amendment that it is no longer in force and that Congress shall have power—just one article will do it—to promote the general welfare. Then you will not hear any more about "the old bogey of the Constitution."

Mr. CUMMINS. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Iowa.

Mr. CUMMINS. Ordinarily the Senator from Connecticut is very clear and perfectly easy to understand, but I do not know what he means by saying that we ought to give the Constitution the benefit of the doubt. When a question comes up for consideration, and a Senator is doubtful or balancing, if you please, with regard to its constitutionality, is it giving the Constitution the benefit of the doubt to decide it in favor of the law or against the law?

Mr. BRANDEGEE. As I said, Mr. President, I have no difference of opinion at all with the Senator who feels himself equally balanced; but I said when a Senator is of the opinion, or about 90 per cent of the opinion—to express it in that way—that a law is unconstitutional, then, I say, give the Constitution the benefit of the doubt and vote against the thing.

Mr. CUMMINS. I do not know anything about these percentages of doubt.

Mr. BRANDEGEE. Then I see why the Senator failed to understand me.

Mr. CUMMINS. I have heard the expression used here a good many times that a man has 25 per cent conviction, or 50 per cent conviction, or that a law is 75 per cent good. All that is very mysterious to me. I do not begin to understand it. To me, if there is a question which involves a doubt under the Constitution, I give the Constitution the benefit of the doubt when I decide that it is constitutional. That is my interpretation of the Constitution.

Mr. BRANDEGEE. It depends, perhaps, on how badly the Senator wants to get the legislation through.

Mr. CUMMINS. No.

Mr. BRANDEGEE. I think it is perfectly fair, as the Senator states, if a Senator is fairly balanced, and he can not make up his mind, to give the legislation the benefit of the doubt, if he thinks that it is good and he would like to have it that way.

Mr. CUMMINS. Let me explain to the Senator from Connecticut I think I fairly represent a type here of minds that have been considering this bill. A man has very little doubt after he has studied a question and reached a conclusion; that is, he has little doubt as to the manner in which he would decide the question if he were the judge. Now, I put my own case as an instance. I have given a good deal of study to this question. I know how I would decide it if I were a judge. If I were a member of the Supreme Court and the question came before me, I know certainly and absolutely how I would decide it; but when I am asked, "What will the Supreme Court decide when the law reaches that tribunal for decision?" the doubt arises. I do not know. I can only conjecture, drawing my conclusions or my conjectures from the opinions already rendered. Now, is that the sort of doubt which the Senator from Connecticut has in mind?

Mr. BRANDEGEE. No. I think, if I understand the Senator at all, if he thinks that if he were a judge of the Supreme Court he would decide this bill to be constitutional, and he would like to see this legislation in effect, he ought to vote for it, by all means.

Mr. CUMMINS. I have never had any doubt about my duty in the matter, but I have wondered, in the discussion about doubt, whether it really was a doubt in the mind of the person who was considering the matter here, or whether it was a doubt with respect to the ultimate decision of the question by the court. I think it is the latter.

Mr. BRANDEGEE. I know; but I did not use the word "doubt" in that way at all. I am talking about the doubts in the Senators' minds as to the constitutionality of the legislation, their construction of the Constitution. My construction of it is that this bill is unconstitutional. The Senator, I assume from what he says, is going to vote for the bill, and if he were a judge I think he would decide that it was constitutional. At any rate, he says he knows exactly how he would decide, and he is not in any doubt as to how he would decide it if he were a member of the court.

Mr. CUMMINS. None whatever.

Mr. BRANDEGEE. Neither am I. I think, therefore, the Senator is entitled to have his own judgment about whether a



proposed bill for a public act meets with the requirements of the Constitution under the decisions of the Supreme Court, which are the tools with which he has to work. I think it is his business to make up his own mind on that question, form his own construction of the Constitution, and vote it. Now, if the Supreme Court takes a different view, that is not his fault; but thenceforth it is his duty to construe the Constitution as the court has done, although he may think they really erred.

Mr. CUMMINS. Mr. President, I agree perfectly with the Senator from Connecticut about that proposition. The real doubt, the legitimate doubt, I have had with regard to this legislation is respecting its desirability—the policy of the legislation.

Mr. BRANDEGEE. I have a grave doubt about that.

Mr. CUMMINS. That gave me a good deal of concern in the beginning, knowing that the greater number of the States had very fair, and some of them very efficient, child-labor legislation.

Mr. BRANDEGEE. Mr. President, I had intended to speak 5 or 10 minutes, but I have been engaged in colloquies longer than I expected to be. I think that this would not only be considered to be an unconstitutional exercise of power, on the ground that child labor and the practice of children working at certain ages has no such relation to commerce among the States as that it gave Congress any authority to legislate about it, but I think the legislation would be in violation of the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, or property without due process of law. I think that to say to all these productive agencies of the country that their goods, which may be lawfully made and sold within the borders of their States, can not, unless their child labor conforms to the standards set up by us, circulate in interstate commerce, which we were given authority to regulate and control largely for the purpose of keeping the channels of communication open, but not exclusively so, is to take their property in contemplation of law without compensation, and I think on that ground it would be set aside by the Supreme Court.

As I say, I have no intention of trying to delay a vote upon this bill; and all I can say is that, as at present advised and unless converted to the other view, I shall be constrained to cast my vote against it when it comes up for final action.

Mr. ROBINSON. I ask unanimous consent that not later than 6.30 o'clock the Senate take a recess until 10 o'clock tomorrow morning, and that the pending bill be temporarily laid aside.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none. Without objection, the pending bill will be temporarily laid aside.

#### EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

#### ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House:

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; and

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Maryland. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to the appointed by the Chair.

The motion was agreed to.

And the VICE PRESIDENT appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER conferees on the part of the Senate.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4654. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 7883. An act for the relief of Charlotte M. Johnston;

H. R. 11240. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 12194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14576. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 16380. An act granting the consent of Congress to the Board of Supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa.;

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.;

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties; and

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North.

#### PETITIONS AND MEMORIALS.

Mr. TAGGART. I present a communication in the nature of a petition from the South Bend Woolen Co., of Indiana, and also a communication from the president of the University of Notre Dame, Indiana, with reference to a bill which I had the honor of introducing, being S. 6721, authorizing the formation and organization of volunteer motor car reserve companies. I ask that the communications be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the communication was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

SOUTH BEND WOOLEN CO.,  
South Bend, Ind.

Mr. E. A. STOLL,  
263 Farmers' Trust Building, City.

MY DEAR MR. STOLL: I am in receipt of your general circular letter of July 17 with reference to your proposition to form a volunteer organization to assist the United States Government in case of war, and we are in hearty sympathy with the idea.

We believe it is a splendid movement and should receive the support of all loyal Americans who have the means to be of service through the motive which you have devised.

If this becomes a successful movement, we believe you, whom we understand to be the originator of this idea, can be proud of performing a great service to our country, and while we have no automobiles which we could place in military service, nevertheless we might be able to assist in some other way, and you can count on our hearty cooperation as well as membership, and we will be pleased to sign the charter application when presented to us.

Yours, very truly,

SOUTH BEND WOOLEN CO.,  
By E. L. BURCH, Manager.

UNIVERSITY OF NOTRE DAME,  
Notre Dame, Ind., August 4, 1916.

Mr. E. A. STOLL, South Bend, Ind.

MY DEAR ED: Thanks for your letter and for the invitation to become a charter member of the new organization. You have my permission to enter me as such.

I am returning the newspaper clipping according to your request.

Cordially, yours,

JOHN CAVANAUGH, President.

Mr. MARTINE of New Jersey. I present telegrams in the nature of memorials from Fred Garretson, mayor; Richard F. White, postmaster; Ira R. Crouse, alderman at large; William Hilker, alderman; John W. Kelly, alderman; H. E. Pickerspiel, police recorder; Andrew S. Wight, city attorney; John K. Sheehy, president board of education; Samuel J. Mason, city engineer; and J. Logan Clevenger, editor of the Evening News, all of Perth Amboy, in the State of New Jersey, and from H. Calder, of Glenridge, N. J., remonstrating against the proposed tax on munitions of war and copper. I ask that the telegrams may be received and properly referred.

The VICE PRESIDENT. The telegrams will be referred to the Committee on Finance.

Mr. PHELAN presented a memorial of the Board of Supervisors of Siskiyou County, Cal., remonstrating against the proposed inheritance tax, which was referred to the Committee on Finance.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARDWICK:

A bill (S. 6800) to authorize suits against the United States to test the constitutionality of the cotton tax paid between the years 1861 to 1868, inclusive; to the Committee on the Judiciary.

By Mr. CHILTON:

A bill (S. 6801) granting an increase of pension to William A. Byus (with accompanying papers); and

A bill (S. 6802) granting an increase of pension to Carrie L. Barnes (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6803) granting an increase of pension to John W. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6804) to authorize the advancement of funds to survey, construct, and maintain roads, trails, and bridges within Indian reservations; to the Committee on Indian Affairs.

By Mr. STONE:

A bill (S. 6805) granting a pension to Francis M. Wright (with accompanying papers); to the Committee on Pensions.

By Mr. CULBERSON:

A joint resolution (S. J. Res. 162) proposing to amend section 2971 of the Revised Statutes of the United States; to the Committee on Finance.

#### VOLUNTEER MOTOR-CAR RESERVE COMPANIES.

Mr. TAGGART. I submit an amendment intended to be proposed by me to the bill (S. 6721) authorizing the formation and organization of volunteer motor-car reserve companies, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the amendment was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

On page 1, line 5, amend by striking out the word "responsibility" and inserting the word "accountability";

On page 1, line 13, after the words "granted the," insert the word "following";

On page 1, line 13, strike out the words "whose names are subscribed hereto" and insert "to wit, Rome C. Stephenson, Rev. John Cavanaugh, C. S. C., Gabriel R. Summers, F. A. Miller, C. B. Stephenson, Samuel Leeper, Edgar A. Stoll, F. A. Bryan, Fred. L. Dennis, E. Louis Kuhns, John J. McErlain, J. C. Ellsworth, Robert Robertson, Clyde M. Valentine, Dr. Charles E. Varier, P. K. Goetz, Samuel M. Adler, H. W. Eldredge, George A. Robertson, Samuel Spiro, Julius Seeberger, Thomas H. Brandon, Fred W. Keller, E. H. Miller, Richard Elbel, Charles Coonley, W. G. Crabill, Samuel Parker, Dr. Stanley A. Clark, D. B. J. Schafer, R. B. McNerny, Abe Livingston, Walter A. Funk, George M. Sherman, Dr. F. R. Carson, C. N. Chubb, Dudley M. Shively, E. L. Burch, Arthur M. Russell, Dr. Frank D. Hager, Herman A. Tobulka, Abe Frank, William K. Lampert, George L. Hager, W. R. Baker, O. A. Clark, Frank B. O'Brien, Fred. J. O'Brien, Charles L. Zigler";

On page 2, line 19, strike out the word "the" and insert the words "a valuable";

On page 2, line 20, strike out the word "of," the first word in the line, and insert the word "for";

On page 2, line 21, strike out the word "is"; and

On page 2, line 22, after the word "hereby," insert the word "is."

#### ARMY APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 526).

Mr. CHAMBERLAIN. I present the conference report on the Army appropriation bill.

Mr. GALLINGER. Mr. President, I desire to ask the Senator from Oregon if this is a complete report?

Mr. CHAMBERLAIN. It is a complete report on the Army bill. I desire to have it printed and lie on the table. I shall probably ask to have it taken up for consideration some time to-morrow.

The VICE PRESIDENT. The conference report will lie on the table and be printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 43, 52, 54, 57, 58, 60, 72, 75, 77, 88, 96, 101, 104, 130, 131, 135, and 140.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 8, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 27, 32, 33, 34, 35, 36, 38, 39, 40, 44, 45, 47, 49, 53, 55, 62, 63, 65, 68, 78, 79, 81, 82, 83, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 97, 98, 103, 105, 107, 110, 111, 114, 117, 118, 126, 127, 128, 129, and 136, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed \$4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, \$50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$14,281,766"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 7 of the bill, line 10, after the word "section," insert the following: "Provided further, That of the sum last above mentioned \$900,000, or so much thereof as may be necessary, will be available for paying and otherwise providing for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field and remount station, the terms of the donation also to authorize the use of the property donated for any other service of the United States which may hereafter appear desirable."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is directed to investigate the suitability of the various military reservations for aviation purposes, and should any of the reservations be found not suitable and not available for aviation he is authorized, in his discretion,



to acquire, by purchase, condemnation, or otherwise, for the United States of America, such land as may be necessary for aviation purposes, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, for said purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$10,000,000: *Provided*, That in applying section 25 of the national defense act approved June 3, 1916, the President shall assign to officers of the Army such constructive dates of original commission, from which lengths of commissioned service shall be computed, as will preserve their rights to promotion in accordance with their relative order on the lineal lists of their arms and continue in effect losses of files occasioned by sentences of courts-martial or failures to pass required examinations for promotions, said constructive dates of original commission to be subject to change whenever a change thereof may be necessary in order to carry into effect losses of files hereafter incurred by any officer through a sentence of court-martial or a failure to pass a required examination for promotion: *Provided further*, That in determining the arm from which a detail is to be made to a vacancy in the detached officers' list, as provided in the third proviso of section 25 of the national defense act approved June 3, 1916, the officer of any grade who is the senior in that grade according to the constructive dates of original commission provided for in the preceding proviso shall be considered the senior in length of commissioned service of all officers of that grade: *Provided further*, That in determining the rights of officers in the last proviso of section 24 of said national defense act, officers retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery: *Provided further*, That when by reason of increase in the arm, corps, or branch of the service in which an officer is commissioned his loss of files in lineal rank due to suspension from promotion on account of failure to pass the required examination therefor exceeds the loss he would have sustained if no such increase had occurred, he shall, if promoted upon reexamination, be advanced to the position he would have occupied in the grade to which promoted had no increase occurred: *And provided further*, That the general officers of the line who were appointed as such pursuant to the act of March 4, 1915 (38 Stat. L., p. 1191), shall take rank in their present grades over all officers hereafter appointed to like grades"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$2,225,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$9,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$18,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided further*, That nothing in this act or previous acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in of said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$700,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the amount proposed by

said amendment insert "\$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$2,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$800,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$1,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: On page 9 of the printed amendments, line 1, strike out the word "may" and insert the word "shall"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$675,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$700,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$375,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ", which limitations shall include the grades of brigadier general, major general, and lieutenant general"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the following: "by and with the advice and consent of the Senate"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the President be, and he is hereby, authorized to appoint to the grade of major general on the retired list of the Army any brigadier general now borne on said list who served with credit in the Army throughout both the Civil War and the War with Spain, as well as during the interval between said wars, and who, being a general officer, exercised with efficiency and gallantry the command of a brigade or of a higher unit in action or in actual operations against an enemy, and who in consideration of services so rendered was recommended to be a major general, United States Volunteers, by the commanding general of the Army, as shown by the records of the War Department: *Provided*, That any brigadier general on the retired list who as senior colonel commanded with credit a brigade or higher unit in the Civil War, though not so recommended, may be advanced in grade as authorized by this paragraph if he fulfills the other requirements thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$712,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For three months' additional pay to enlisted men reenlisting within the period of three months from date of discharge from first enlistment"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For temporary employment,

under the direction of the Secretary of War, of additional clerks in the field on account of the induction of additional forces into the service of the United States, \$50,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Omit the matter inserted in said amendment; on page 20, line 13, of the bill, strike out the comma, and on the same page of the bill, line 5, after the word "Army," insert the following: "\$20,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter inserted in said amendment insert the following: "\$11,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That \$250,000 of the appropriation provided for in this paragraph shall be expended in the purchase of material and the construction of tent floors, framing for screens, and screens, to be added to the equipment of the tents now being used by the Army of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted in said amendment insert the following: "\$2,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Insert the matter inserted by said amendment on page 26 of the bill, line 3, after the word "discharge," where it occurs the first time in said line; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$23,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and the preparation of camp sites, including the procurement of water, installation of water and sewer systems, construction of roads, and the construction of temporary kitchens, mess shelters, latrines, bathhouses, and storehouses for the storage and safekeeping of supplies at mobilization camps in the several States for the forces called or drafted into the service of the United States, and to be available from June 18, 1916, \$4,000,000"; and on page 29 of the bill, line 18, strike out the word "and" and insert a semicolon after the word "employees" in the same line and on the same page of the bill, instead of the comma; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$20,280,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That hereafter the accounting for Army supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amount proposed in line 2 of said amendment insert "\$3,146,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$860,534: Provided, That \$6,000 of this sum may be used for repairing the military road in front of the east side of Arlington Cemetery; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$4,500,000, of which sum

\$500,000 may be used under the direction of the Secretary of War in the erection or rental of temporary hospitals for the care and shelter of the sick and injured: *Provided*, That so much of the act of June 3, 1916, as relates to the age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army, be, and the same is hereby, repealed: *Provided further*, That after January 1, 1918, the maximum age limit for eligibility to appointment of first lieutenant in the Medical Department of the Army shall be 32 years"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of material to be used in the construction of a trade school building at the Engineer School, to remain available until expended, \$9,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That authority is granted for the purchase, maintenance, and repair and operation from this appropriation of not to exceed 38 motorcycles, including those on hand"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$475,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That not more than \$5,000,000 of this appropriation may be used in the purchase of ammunition"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$3,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That not more than \$1,500,000 of this appropriation may be used for the purchase of articles not manufactured by the Government and necessary for small-arms target practice"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, for use in target practice, targets, target materials, and other necessary accessories, to rifle clubs organized under the rules of the National Board for the Promotion of Rifle Practice and to schools having a uniformed corps of cadets and carrying on military training, in sufficient number for the proper conduct of target practice."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$9,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$6,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$6,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed by said



amendment insert "\$500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$5,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$5,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: Strike out all after the period in line 8 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and restore the matter stricken out by said amendment, except as follows:

On page 49 of the bill, line 2, strike out "\$200,000" and insert "\$50,000."

On page 49 of the bill, line 6, strike out "\$100,000" and insert "\$25,000."

On page 49 of the bill, line 16, strike out "\$100,000" and insert "\$25,000."

On page 52 of the bill, line 7, strike out the words "Territory of Hawaii" and insert "Territories."

On page 52 of the bill, line 20, strike out "\$2,000,000" and insert "\$1,000,000."

On page 53 of the bill, line 8, after the word "laborers," insert the following: "at \$660 each per annum."

On page 53 of the bill, line 14, strike out "\$35,000" and insert "\$17,500."

On page 53 of the bill, line 17, strike out "\$15,000" and insert "\$7,500."

On page 53 of the bill, line 19, strike out "\$60,000" and insert "\$30,000."

On page 53 of the bill, line 23, strike out "\$60,000" and insert "\$30,000."

On page 54 of the bill, line 2, strike out "\$4,000" and insert "\$2,000."

On page 54 of the bill, line 6, strike out "\$175,000" and insert "\$75,000."

On page 54 of the bill, line 9, strike out "\$100,000" and insert "\$50,000."

On page 54 of the bill, line 12, strike out "\$25,000" and insert "\$12,500."

On page 54 of the bill, lines 20 and 21, strike out the word "Territory" and insert the word "Territories."

On page 55 of the bill, line 3, strike out the word "Territory" and insert the word "Territories."

On page 55 of the bill, strike out line 20.

On page 55 of the bill, strike out all on line 21, down to and including line 25, on page 56 of the bill, and in lieu thereof insert the following:

"Supplying and exchanging Infantry equipment, National Guard: For the purpose of manufacturing, procuring, exchanging, and issuing model of 1910 equipment to the Infantry and other dismounted organizations of the National Guard of the several States, Territories, and the District of Columbia: *Provided*, That whenever in the opinion of the Secretary of War a sufficient number of Infantry equipment, model of 1910, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue on the requisition of the governors of the several States and Territories, or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith against any allotments to said States, Territories, or the District of Columbia: *Provided*, That the equipment thus issued shall be receipted for and shall remain the property of the United States and be annually ac-

counted for by the governors of the several States, Territories, and the commanding general of the District of Columbia National Guard as now required by law, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of 1910 equipment, \$400,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for Promotion of Rifle Practice and approved by the Secretary of War; to provide standard military arms and ammunition, indoor gallery rifles and ammunition; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for prizes, trophies, badges, and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the direction of the Secretary of War and to remain available until expended, \$300,000: *Provided*, That the President be, and he is hereby, authorized, in his discretion, to appoint, as director of civilian marksmanship, under the direction of the Secretary of War, an officer of the Army or of the Marine Corps."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the sum of \$2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this paragraph shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *And provided further*, That this paragraph shall not apply to any such enlisted man who shall marry after the 15th day of July, 1916; and the word 'family' shall include only wife, children, and dependent mothers."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. That a Council of National Defense is hereby established for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor."

"That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance

of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

"That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation."

"That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed."

"That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized."

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 3. That section 1342 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"Sec. 1342. The articles included in this section shall be known as the Articles of War, and shall at all times and in all places govern the armies of the United States.

#### "I. PRELIMINARY PROVISIONS.

"ARTICLE 1. Definitions: The following words when used in these articles shall be construed in the sense indicated in this article unless the context shows that a different sense is intended, namely:

"(a) The word 'officer' shall be construed to refer to a commissioned officer;

"(b) The word 'soldier' shall be construed as including a noncommissioned officer, a private, or any other enlisted man;

"(c) The word 'company' shall be understood as including a troop or battery; and

"(d) The word 'battalion' shall be understood as including a squadron.

"ART. 2. Persons subject to military law: The following persons are subject to these articles and shall be understood as included in the term 'any person subject to military law,' or 'persons subject to military law,' whenever used in these articles: *Provided*, That nothing contained in this act, except as specifically provided in article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction, unless otherwise specifically provided by law.

"(a) All officers and soldiers in the active military service of the United States, or in the Regular Army Reserve, including volunteers from the dates of their muster or acceptance into said service; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, said service, from the date of notice of such call, draft, or order;

"(b) Cadets;

"(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the 'laws for the government of the naval service' prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

"(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

"(e) All persons under sentence adjudged by courts-martial;

"(f) All persons admitted into the 'Regular Army' Soldiers' Home 'at Washington, D. C.'

#### "II. COURTS-MARTIAL.

"ART. 3. Courts-martial classified: Courts-martial shall be of three kinds, namely:

"First, general courts-martial;

"Second, special courts-martial; and

"Third, summary courts-martial.

#### "A. COMPOSITION.

"ART. 4. Who may serve on courts-martial: 'All officers in the military service of the United States,' and 'officers' of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial.

"ART. 5. General courts-martial: General courts-martial may consist of any number of officers from '5' to 13, inclusive; 'but they shall not consist of less than 13 when that number can be convened without manifest injury to the service.'

"ART. 6. Special courts-martial: Special courts-martial may consist of any number of officers from three to five, inclusive.

"ART. 7. Summary courts-martial: A summary court-martial shall consist of one officer.

#### "B. BY WHOM APPOINTED.

"ART. 8. General courts-martial: The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 9. Special courts-martial: The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 10. Summary courts-martial: The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter



deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

"ART. 11. Appointment of judge advocates: For each general or special court-martial the authority appointing the court shall appoint a judge advocate, and for each general court-martial one or more assistant judge advocates when necessary.

"C. JURISDICTION.

"ART. 12. General courts-martial: General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

"ART. 13. Special courts-martial: Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

"Special courts-martial shall not have power to adjudge dishonorable discharge, no confinement in excess of six months, nor to adjudge forfeiture of more than six months' pay.

"ART. 14. Summary courts-martial: Summary courts-martial shall have power to try any person subject to military law, except an officer, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, which he may modify from time to time, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

"Summary courts-martial shall not have power to adjudge confinement in excess of three months, nor to adjudge the forfeiture of more than three months' pay: *Provided*, That when the summary court officer is also the commanding officer no sentence of such summary court-martial, adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month shall be carried into execution until the same shall have been approved by superior authority.

"ART. 15. Not exclusive: The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect to offenders or offenses that by the law of war may be 'lawfully' triable by such military commissions, provost courts, or other military tribunals.

"ART. 16. Officers; how triable: Officers shall be triable only by general courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

"D. PROCEDURE.

"ART. 17. Judge advocate to prosecute: The judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall 'have' the right to 'be represented before the court by' counsel 'of his own selection' for his defense, 'if such counsel be reasonably available,' but should he, for any reason, be unrepresented by counsel, the judge advocate shall from time to time throughout the proceedings advise the accused of his legal rights.

"ART. 18. Challenges: Members of a general or special court-martial may be challenged by the accused, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

"ART. 19. Oaths: The judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: 'You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like

cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God.'

"When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the judge advocate an oath or affirmation in the following form: 'You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same. So help you God.'

"All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: 'You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.'

"Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.'

"Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 20. Continuances: A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

"ART. 21. Refusal to plead: When the accused, arraigned before a court-martial, from obstinacy and deliberate design stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if he had pleaded not guilty.

"ART. 22. Process to obtain witnesses: Every judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

"ART. 23. Refusal to appear or testify: Every person not subject to military law who, being duly subpoenaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses.

"ART. 24. Compulsory self-incrimination prohibited: No witness before a military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

"ART. 25. Depositions—When admissible: A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of 100 miles

from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

"ART. 26. Depositions—Before whom taken: Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

"ART. 27. Courts of inquiry—Records of, when admissible: The record of the proceedings of a court of inquiry may be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

"ART. 28. Resignation without acceptance does not release officer: Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

"ART. 29. Enlistment without discharge: Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

"ART. 30. Closed sessions: Whenever a general or special court-martial shall sit in closed session, the judge advocate and the assistant judge advocate, if any, shall withdraw; and when their legal advice or their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel if there be any.

"ART. 31. Order of voting: Members of a general or special court-martial, in giving their votes, shall begin with the junior in rank.

"ART. 32. Contempts: A court-martial may punish at discretion, subject to the limitations contained in Article XIV, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

"ART. 33. Records—General courts-martial: Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the judge advocate; but in case the record can not be authenticated by the judge advocate, by reason of his death, disability, or absence, it shall be signed by the president and an assistant judge advocate, if any; and if there be no assistant judge advocate, or in case of his death, disability, or absence, then by the president and one other member of the court.

"ART. 34. Records—Special and summary courts-martial: Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the president may from time to time prescribe.

"ART. 35. Disposition of records—General courts-martial: The judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been finally acted upon, be transmitted to the Judge Advocate General of the Army.

"ART. 36. Disposition of records—Special and summary courts-martial: After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of special and summary courts-martial may be destroyed.

"ART. 37. Irregularities—Effect of: The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper ad-

mission or rejection of evidence or for any error as to any matter of pleading or procedure unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles; *Provided further*, That the omission of the words 'hard labor' in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

"ART. 38. President may prescribe rules: The President may by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

#### "E. LIMITATIONS UPON PROSECUTIONS.

"ART. 39. As to time: Except for desertion committed in time of war, or for 'mutiny' or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

"ART. 40. As to number: No person shall be tried a second time for the same offense.

#### "F. PUNISHMENTS.

"ART. 41. Certain kinds prohibited: Punishment by flogging, or by branding, marking, or tattooing on the body is prohibited.

"ART. 42. Places of confinement—When lawful: Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted constitutes an offense of a civil nature under some statute of the United States or at the common law as the same exists in 'the' District 'of Columbia,' or by way of commutation of a death sentence, 'and' unless, 'also,' the period of confinement authorized and adjudged by such court-martial is one year or more: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary, shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

"ART. 43. Death sentence—When lawful: No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of two-thirds of the members 'of said court-martial' and for an offense in these articles expressly made punishable by death. All other convictions and sentences, whether by general or special court-martial, may be determined by a majority of the members present.

"ART. 44. Cowardice—Fraud—Accessory penalty: When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

"ART. 45. Maximum limits: Whenever the punishment for a crime or offense made punishable by these articles is left to the



discretion of the court-martial, the punishment shall not, in time of peace, exceed such limit or limits as the President may from time to time prescribe.

"G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.

"ART. 46. Approval and execution of sentence: No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

"ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include, *inter alia*:

"(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to approve or disapprove the whole or any part of the sentence.

"ART. 48. Confirmation—When required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

"(a) Any sentence respecting a general officer;

"(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the Territorial department or division;

"(c) Any sentence extending to the suspension or dismissal of a cadet; and

"(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the Territorial department or division.

"When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

"ART. 49. Powers incident to power to confirm: The power to confirm the sentence of a court-martial shall be held to include:

"(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to confirm or disapprove the whole or any part of the sentence.

"ART. 50. Mitigation or remission of sentences: The power to order the execution of the sentence adjudged by a court-martial shall be held to include, *inter alia*, the power to mitigate or remit the whole or any part of the sentence, but no sentence of dismissal of an officer and no sentence of death shall be mitigated or remitted by any authority inferior to the President.

"Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence extending to the dismissal of an officer or loss of files, no sentence of death, and no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority.

"The power of remission and mitigation shall extend to all uncollected forfeitures adjudged by sentence of a court-martial.

"ART. 51. Suspension of sentences of dismissal or death: The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

"ART. 52. Suspension of sentence of dishonorable discharge: The authority competent to order the execution of a sentence, including dishonorable discharge, may suspend the execution of the dishonorable discharge until the soldier's release from confinement; but the order of suspension may be vacated at any time and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the

command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the soldier is held or by the Secretary of War.

"ART. 53. Suspension of sentences of forfeiture or confinement: The authority competent to order the execution of a sentence adjudged by a court-martial may, if the sentence involve neither dismissal nor dishonorable discharge, suspend the execution of the sentence in so far as it relates to the forfeiture of pay or to confinement, or to both; and the person under sentence may be restored to duty during the suspension of confinement. At any time within one year after the date of the order of suspension such order may, for sufficient cause, be vacated and the execution of the sentence directed by the 'military' authority competent to order the execution of like sentences in the command, 'exclusive of penitentiaries and the United States Disciplinary Barracks,' to which the person under sentence belongs or in which he may be found; but if the order of suspension be not vacated within one year after the date thereof the suspended sentence shall be held to have been remitted.

"III. PUNITIVE ARTICLES.

"A. ENLISTMENT; MUSTER; RETURNS.

"ART. 54. Fraudulent enlistment: Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

"ART. 55. Officer making unlawful enlistment: Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"ART. 56. 'Muster rolls'—False muster: 'At every muster of a regiment, troop, battery, or company the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit.' Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 57. False returns—Omission to render returns: Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

"B. DESERTION—ABSENCE WITHOUT LEAVE.

"ART. 58. Desertion: Any persons subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 59. Advising or aiding another to desert: Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death, or such other punishment as a court-martial may direct, and, if

the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 60. Entertaining a deserter: Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct.

"ART. 61. Absence without leave: Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

"C. DISRESPECT—INSUBORDINATION—MUTINY.

"ART. 62. Disrespect toward the President, Vice President, Congress, Secretary of War, governors, legislatures: Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

"ART. 63. Disrespect toward superior officer: Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

"ART. 64. Assaulting or willfully disobeying superior officer: Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

"ART. 65. Insubordinate conduct toward noncommissioned officer: Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

"ART. 66. Mutiny or sedition: Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

"ART. 67. Failure to suppress mutiny or sedition: Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer shall suffer death or such other punishment as a court-martial may direct.

"ART. 68. Quarrels; frays; disorders: All officers and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer or draws a weapon upon or otherwise threatens or does violence to him shall be punished as a court-martial may direct.

"D. ARREST; CONFINEMENT.

"ART. 69. Arrest or confinement of accused persons: An officer charged with crime or with a serious offense under these articles shall be placed in arrest by the commanding officer, and in exceptional cases an officer so charged may be placed in confinement by the same authority. A soldier charged with crime or with a serious offense under these articles shall be placed in confinement, and when charged with a minor offense he may be placed in arrest. Any other person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest, as circumstances may require; and when charged with a minor offense such person may be placed in arrest. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer who breaks his arrest or who escapes from confinement before he is set at liberty by proper

authority shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest before he is set at liberty by proper authority shall be punished as a court-martial may direct.

"ART. 70. Investigation of and action upon charges: No person put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled. When any person is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within 10 days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within 30 days after the expiration of said 10 days. If a copy of the charges be not served, or the arrested person be not brought to trial, as herein required, the arrest shall cease. But persons released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within 12 months after such release from arrest: *Provided*, That in time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

"ART. 71. Refusal to receive and keep prisoners: No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

"ART. 72. Report of prisoners received: Every commander of a guard to whose charge a prisoner is committed shall, within 24 hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

"ART. 73. Releasing prisoner without proper authority: Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

"ART. 74. Delivery of offenders to civil authorities: When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

"E. WAR OFFENSES.

"ART. 75. Misbehavior before the enemy: Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons or delivers up any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

"ART. 76. Subordinates compelling commander to surrender: If any commander of any garrison, fort, post, camp, guard, or other command is compelled, by the officers or soldiers under his command, to give it up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death or such other punishment as a court-martial may direct.



"ART. 77. Improper use of countersign: Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such punishment as a court-martial may direct.

"ART. 78. Forcing a safeguard: Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

"ART. 79. Captured property to be secured for public service: All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

"ART. 80. Dealing in captured or abandoned property: Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

"ART. 81. Relieving, corresponding with, or aiding the enemy: Whosoever relieves the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial or military commission may direct.

"ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

#### "F. MISCELLANEOUS CRIMES AND OFFENSES.

"ART. 83. Military property—Willful or negligent loss, damage, or wrongful disposition of: Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

"ART. 84. Waste or unlawful disposition of military property issued to soldiers: Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

"ART. 85. Drunk on duty: Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

"ART. 86. Misbehavior of sentinel: Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

"ART. 87. Personal interest in sale of provisions: Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessities of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 88. Intimidation of persons bringing provisions: Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessities to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

"ART. 89. Good order to be maintained and wrongs redressed: All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

"ART. 90. Provoking speeches or gestures: No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

"ART. 91. Duelling—Attempts to commit suicide: Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who having knowledge of a challenge sent or about to be sent fails to report the fact promptly to the proper authority, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

"ART. 92. Murder—Rape: Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

"ART. 93. Various crimes: Any person subject to military law who commits manslaughter, mayhem, arson, burglary, robbery, larceny, embezzlement, perjury, assault with intent to commit any felony, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

"ART. 94. Frauds against the Government: Any person subject to military law who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper, knowing the same to contain any false or fraudulent statements; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

"Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

"Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

"Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

"Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person

who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

"Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

"ART. 95. Conduct unbecoming an officer and gentleman: Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

"ART. 96. General article: Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

#### "IV. COURTS OF INQUIRY.

"ART. 97. When and by whom ordered: A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

"ART. 98. Composition: A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

"ART. 99. Challenges: Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available.

"ART. 100. Oath of members and recorder: The recorder of a court of inquiry shall administer to the members the following oath: 'You, A. B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.' After which the president of the court shall administer to the recorder the following oath: 'You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 101. Powers—Procedure: A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

"ART. 102. Opinion on merits of case: A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

"ART. 103. Record of proceedings—How authenticated: Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof and be forwarded to the convening authority. In case the record can not be authenticated by the recorder by reason of his death, disability, or absence it shall be signed by the president and by one other member of the court.

#### "V. MISCELLANEOUS PROVISIONS.

"ART. 104. Disciplinary powers of commanding officers: Under such regulations as the President may prescribe, and which he may from time to time revoke, alter, or add to, the commanding officer of any detachment, company, or higher command may,

for minor offenses not denied by the accused, impose disciplinary punishments upon persons of his command without the intervention of a court-martial unless the accused demands trial by court-martial.

"The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges, extra fatigue, and restriction to certain specified limits, but shall not include forfeiture of pay or confinement under guard. A person punished under authority of this article who deems his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

"ART. 105. Injuries to person or property—Redress of: Whenever complaint is made to any commanding officer that damage has been done to the property of any person, or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offender. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

"Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

"ART. 106. Arrest of deserters by civil officials: It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States.

"ART. 107. Soldiers to make good time lost: Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

"ART. 108. Soldiers—Separation from the service: No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

"ART. 109. Oath of enlistment: At the time of his enlistment every soldier shall take the following oath or affirmation: 'I, ———, do solemnly swear (or affirm) that I will bear true



faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War.' This oath or affirmation may be taken before any officer.

"ART. 110. Certain articles to be read and explained: Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

"ART. 111. Copy of record of trial: Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

"ART. 112. Effects of deceased persons—Disposition of: In case of the death of any person subject to military law, the commanding officer of the place or command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to convert such effects into cash, by public or private sale, not earlier than 30 days after the death of the deceased, and to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposit, accompanied by any will or other papers of value belonging to the deceased, an inventory of the effects secured by said summary court, and a full account of his transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of the accounts of deceased officers or enlisted men of the Army; but if in the meantime the legal representative, or widow, shall present himself 'or herself' to take possession of decedent's estate the said summary court shall turn over to him 'or her' all effects not sold and cash belonging to said estate, together with an inventory and account, and make to the War Department a full report of his transactions.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

"ART. 113. Inquest: When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

"ART. 114. Authority to administer oaths: Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the judge advocate or any assistant judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

"ART. 115. Appointment of reporters and interpreters: Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission, or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same, in the first instance, in shorthand. Under like regulations the president of a court-martial or military commission, or summary court, or court of inquiry may appoint an interpreter, who shall interpret for the court or commission.

"ART. 116. Powers of assistant judge advocates: An assistant judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the judge advocate of the court.

"ART. 117. Removal of civil suits: When any civil suit or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

"ART. 118. Officers—Separation from service: No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof, nor discharged except in pursuance of statutes now in force or which may hereafter be enacted; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

"ART. 119. Rank and precedence among regulars, militia, and volunteers: That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order, without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted or called into the service of the United States; and, third, officers of the volunteer forces: *Provided*, That officers of the Regular Army holding commissions in forces drafted or called into the service of the United States or in the volunteer forces shall rank and have precedence under said commissions as if they were commissions in the Regular Army; but the rank of officers of the Regular Army under commissions in the National Guard as such shall not, for the purposes of this article, be held to antedate the acceptance of such officers into the service of the United States under said commissions.

"ART. 120. Command when different corps or commands happen to join: When different corps or commands of the military forces of the United States happen to join or do duty together the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President.

"ART. 121. Complaints of wrongs: Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon."

SEC. 4. The provisions of section 3 of this act shall take effect and be in force on and after the 1st day of January, 1917: *Provided*, That articles 4, 13, 14, 15, 29, 42, 47, 49, and 92 shall take effect immediately upon the approval of this act.

SEC. 5. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of this act, under any law embraced in or modified, changed, or repealed by this act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this act had not been passed.

SEC. 6. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.  
And the Senate agree to the same.

GEO. E. CHAMBERLAIN,  
DUNCAN U. FLETCHER,  
F. E. WARREN,  
*Managers on the part of the Senate.*  
JAMES HAY,  
S. H. DENT, Jr.,  
JULIUS KAHN,  
*Managers on the part of the House.*

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had on August 7, 1916, approved and signed the following acts:

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise;

S. 6242. An act authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia; and

S. 6375. An act to authorize the changing of the name of the steamship *Aroline*.

GOVERNMENT OF THE PHILIPPINES—CONFERENCE REPORT (S. DOC. NO. 527).

Mr. HITCHCOCK. I desire to present the report of the committee of conference on the bill S. 381, commonly known as the Philippine bill. I ask that it lie over and be printed.

The VICE PRESIDENT. The report will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out section 34 of the bill, and agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same with an amendment as follows:

"An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

"Whereas it was never the intention of the people of the United States in the incipency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and

"Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence: Therefore

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act and the name 'The Philippines' as used in this act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900.

"SEC. 2. That all inhabitants of the Philippine Islands who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and

Spain, signed at Paris December 10, 1898, and except such others as have since become citizens of some other country: *Provided*, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.

"SEC. 3. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

"That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

"That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

"That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

"That no law impairing the obligation of contracts shall be enacted.

"That no person shall be imprisoned for debt.

"That the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President or by the Governor General wherever during such period the necessity for such suspension shall exist.

"That no ex post facto law or bill of attainder shall be enacted, nor shall the law of primogeniture ever be in force in the Philippines.

"That no law granting a title of nobility shall be enacted; and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

"That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

"That the right to be secure against unreasonable searches and seizures shall not be violated.

"That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

"That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

"That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed; and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited. That no law shall be construed to permit polygamous or plural marriages.

"That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

"That the rule of taxation in said islands shall be uniform.

"That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

"That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

"That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

"SEC. 4. That all expenses that may be incurred on account of the government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the islands, not, however, including defenses,



barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the government of the Philippines.

"Sec. 5. That the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands, except when they specifically so provide, or it is so provided in this act.

"Sec. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by act of Congress of the United States.

"Sec. 7. That the legislative authority herein provided shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this act as it may from time to time see fit.

"This power shall specifically extend with the limitation herein provided as to the tariff to all laws relating to revenue and taxation in effect in the Philippines.

"Sec. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this act.

"Sec. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections 63 and 64 of the act of Congress approved July 1, 1902, except such as may have heretofore been sold and disposed of in accordance with the provisions of said act of Congress, are hereby placed under the control of the government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided*, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

"Sec. 10. That while this Act provides that the Philippine government shall have the authority to enact a tariff law the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided*, That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting immigration or the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: *Provided further*, That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved.

"Sec. 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: *Provided*,

however, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of \$15,000,000, exclusive of those obligations known as friar-land bonds, nor that of any province or municipality a sum in excess of seven per centum of the aggregate tax valuation of its property at any one time.

"Sec. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated 'The Philippine Legislature': *Provided*, That, until the Philippine Legislature as herein provided shall have been organized, the existing Philippine Legislature shall have all legislative authority herein granted to the Government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized, the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

"Sec. 13. That the members of the Senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the Senate of the Philippines who is not a qualified elector and over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

"Sec. 14. That the members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over 25 years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election.

"Sec. 15. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter and until otherwise provided by the Philippine Legislature herein provided for the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

"Every male citizen of the Philippines 21 years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th day of August, 1898), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

"(a) Those who under existing law are legal voters and have exercised the right of suffrage.

"(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

"(c) Those who are able to read and write either Spanish, English, or a native language.

"Sec. 16. That the first Philippine Legislature provided for under this act shall be composed of a house of representatives consisting of the members of the present assembly elected on the first Tuesday in June, 1916, which after the passage of this act shall be known as the house of representatives, who shall hold office until representatives herein provided for shall have been elected, and of a senate whose members shall be elected on the first Tuesday in October, 1916, unless the Governor General in his discretion shall fix another date not earlier than 30 nor later than 60 days after the passage of this act, of which due proclamation shall be made. At said first election there shall be chosen one senator from each senate district for a term of three years and one for a term of six years, thereafter one senator from each district shall be elected from each senate district for a term of six years. That on the first Tuesday in October, 1919, each representative district shall elect one representative for a term of three years and triennially thereafter: *Provided*, That the Governor General of the Philippine Islands shall appoint without the consent of the senate and without restriction as to residence senators and representatives who will in his opinion best represent the senate district and those representative dis-



tricts which shall be included in the territory not now represented in the Philippine Assembly: *Provided*, That thereafter elections shall be held only on such days and under such regulations as to ballots, voting and qualifications of electors as may be prescribed by the Philippine Legislature which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section.

"SEC. 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor General shall hold office until removed by the Governor General.

"SEC. 18. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member. Both houses shall convene at the capital on the 16th day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the 16th day of October, or, if the 16th day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than 30 days, and no regular session shall continue longer than 100 days, exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

"The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

"No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislature, nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

"SEC. 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor General. If he approve the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor General, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the Governor General, so stating, and it shall not become a law: *Provided*, That if any bill or joint resolution shall not be returned by the Governor General as herein provided within 20 days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor General within 30 days after adjournment: *Provided*

further, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval.

"All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor General, make the payments necessary for the purposes aforesaid.

"SEC. 20. That at the first meeting of the Philippine Legislature created by this act and triennially thereafter there shall be chosen by the legislature two Resident Commissioners to the United States, who shall hold their office for a term of three years beginning with the 4th day of March following their election, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than 30 years of age and who does not read and write the English language. The present two Resident Commissioners shall hold office until the 4th of March, 1917. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise, the Governor General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

"SEC. 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be 'The Governor General of the Philippine Islands.' He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, or such as he is authorized by this act to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general supervision and control of all of the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of this act, and shall be commander in chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as herein provided. He shall submit within ten days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia or other locally created armed forces, to prevent or suppress lawless



violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the islands, or any part thereof, under martial law: *Provided*, That whenever the Governor General shall exercise the authority granted in this section, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

"SEC. 22. That, except as provided otherwise in this act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize the Philippine Commission as such shall cease and determine and the members thereof shall vacate their offices as members of said commission: *Provided*, That the heads of executive departments shall continue to exercise their executive functions until the heads of departments provided by the Philippine Legislature pursuant to the provisions of this act are appointed and qualified. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments or make such changes in the names and duties thereof as it may see fit and shall provide for the appointment and removal of the heads of the executive departments by the Governor General: *Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. There shall be established by the Philippine Legislature a bureau, to be known as the Bureau of Non-Christian Tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor General and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

"SEC. 23. That there shall be appointed by the President, by and with the advice and consent of the Senate of the United States, a vice governor of the Philippine Islands, who shall have all of the powers of the Governor General in the case of a vacancy or temporary removal, resignation, or disability of the Governor General, or in case of his temporary absence; and the said vice governor shall be the head of the executive department, known as the department of public instruction, which shall include the bureau of education and the bureau of health, and he may be assigned such other executive duties as the Governor General may designate.

Other bureaus now included in the department of public instruction shall, until otherwise provided by the Philippine Legislature, be included in the department of the interior.

"The President may designate the head of an executive department of the Philippine government to act as Governor General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor General and of the vice governor, or their temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor General during such vacancy, disability, or absence.

"SEC. 24. That there shall be appointed by the President an auditor, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source of the Philippine government and of the provincial and municipal governments of the Philippines, including trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the Provinces or municipalities thereof. He shall perform a like duty with respect to all government branches.

"He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

"It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

"There shall be a deputy auditor appointed in the same manner as the auditor. The deputy auditor shall sign such official papers as the auditor may designate and perform such other

duties as the auditor may prescribe, and in case of the death, resignation, sickness, or other absence of the auditor from his office, from any cause, the deputy auditor shall have charge of such office. In case of the absence from duty, from any cause, of both the auditor and the deputy auditor, the Governor General may designate an assistant, who shall have charge of the office.

"The administrative jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the Governor General he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

"The decisions of the auditor shall be final and conclusive upon the executive branches of the government, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the several auditors of the United States and the Comptroller of the United States Treasury and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office.

"As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the Governor General and the Secretary of War an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various Provinces and municipalities, and make such other reports as may be required of him by the Governor General or the Secretary of War.

"In the execution of their duties the auditor and the deputy auditor are authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, as now provided by law.

"The office of the auditor shall be under the general supervision of the Governor General and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

"SEC. 25. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the Governor General, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision.

"If the Governor General shall confirm the action of the auditor, he shall so indorse the appeal and transmit it to the auditor, and the action shall thereupon be final and conclusive. Should the Governor General fail to sustain the action of the auditor, he shall forthwith transmit his grounds of disapproval to the Secretary of War, together with the appeal and the papers necessary to a proper understanding of the matter. The decision of the Secretary of War in such case shall be final and conclusive.

"SEC. 26. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination.

"SEC. 27. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value

in controversy exceeds \$25,000, or in which the title or possession of real estate exceeding in value the sum of \$25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

"SEC. 28. That the government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal government of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government, or on the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than \$10,000.

"SEC. 29. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, \$18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; chief justice of the supreme court, \$8,000; associate justices of the supreme court, \$7,500 each; auditor, \$6,000; deputy auditor, \$3,000.

"SEC. 30. That the provisions of the foregoing section shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

"SEC. 31. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this act are hereby continued in force and effect."

GILBERT M. HITCHCOCK,  
JOHN F. SHAFROTH,  
*Managers on the part of the Senate.*  
W. A. JONES,  
JOE J. RUSSELL,  
*Managers on the part of the House.*

#### RECESS.

Mr. ROBINSON. I move the Senate take a recess until tomorrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 3 minutes p. m., Monday, August 7, 1916) the Senate took a recess until to-morrow, Tuesday, August 8, 1916, at 10 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate August 7 (legislative day of August 5), 1916.*

##### REGISTER OF THE LAND OFFICE.

William Edward Byerly, of Velva, N. Dak., to be register of the land office at Williston, N. Dak., vice Thomas B. Murphy, whose term will expire August 7, 1916.

##### ASSISTANT SURGEONS, PUBLIC HEALTH SERVICE.

Dr. Clifford R. Eskey to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Joseph D. Stout to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Edwin O. Woods to be assistant surgeon in the Public Health Service, to take effect from date of oath.

##### PROMOTIONS IN THE ARMY.

##### QUARTERMASTER CORPS.

Lieut. Col. Frank F. Eastman, Quartermaster Corps, to be colonel from August 1, 1916, subject to examination required by law, vice Col. George B. Davis, retired from active service July 31, 1916.

Maj. Hugh J. Gallagher, Quartermaster Corps, to be lieutenant colonel from August 1, 1916, subject to examination required by law, vice Lieut. Col. Frank T. Eastman, promoted.

##### SIGNAL CORPS.

Capt. George S. Gibbs, Signal Corps, to be major from July 27, 1916, vice Maj. William Mitchell, detailed in the Aviation Section of the Signal Corps.

##### APPOINTMENTS IN THE ARMY.

##### MEDICAL RESERVE CORPS.

*To be first lieutenants in the Medical Reserve Corps with rank from July 29, 1916.*

Nicolo Vincenzo Alessi, of Louisiana.  
James Stevenson Allen, of New York.  
Joseph David Aronson, of Pennsylvania.  
Eugene Jacob Asnis, of Pennsylvania.  
Carl Lewis Barnes, of Illinois.  
William Bates, of New Jersey.  
John Jacob Beard, of New York.  
Leo Pecci Bell, of Missouri.  
Burnett Boisseau Benson, of Kentucky.  
Leo Hellee Bernd, of Pennsylvania.  
Joel Ives Butler, of Arizona.  
Burns Stoddard Chaffee, of California.  
George Houghton Clapp, of Pennsylvania.  
William Arthur Clark, of Illinois.  
Clayton Reynolds Clarke, of New York.  
Alfred Burwell Claytor, of Pennsylvania.  
Inman Williams Cooper, jr., of Mississippi.  
W. Claude Copeland, of Colorado.  
Edward Foulke Corson, of Pennsylvania.  
James Hugh Finch, of Illinois.  
Charles Edward Belin Flagg, of Washington.  
Elisha Flagg, of Massachusetts.  
James Lennon Foley, of Illinois.  
Channing Frothingham, jr., of Massachusetts.  
John Patrick Gallagher, of Pennsylvania.  
Charles Robert Gill, of New York.  
Carl Goehring, of Nebraska.  
Frederic Grosvenor Goodridge, of Connecticut.  
Samuel Ashby Grantham, of Missouri.  
Robert Bruce Grimes, jr., of Pennsylvania.  
Arthur Joseph Hall, of the District of Columbia.



Thomas Farris Hale, of Pennsylvania.  
 Edward Wilbur Hanson, of Illinois.  
 Byron Harry Hermann, of New York.  
 Ralph Abram Hurd, of New York.  
 William James, of New Jersey.  
 John Prentiss Lord, of Nebraska.  
 Floyd Willcox McRae, jr., of Georgia.  
 James Robert McVay, of Missouri.  
 Hertel Philip Makel, of Maryland.  
 Laurence Hampson Mayers, of Illinois.  
 Hugo Mella, of North Dakota.  
 Edwin Morton Miller, of Illinois.  
 Thomas Grier Miller, of Pennsylvania.  
 George Richards Minot, of Massachusetts.  
 Daniel Virgil Moore, of South Dakota.  
 Cecil Goddard Morehouse, of Iowa.  
 John Walter Morris, of Tennessee.  
 Roscoe Edward Mosiman, of Ohio.  
 Frank Reid Mount, of Oregon.  
 Hugh Stevens Mount, of Oregon.  
 Percy Musgrave, of Pennsylvania.  
 William Herman Myers, of Georgia.  
 Arthur Newlin, of Pennsylvania.  
 Frank Roberts Ober, of Massachusetts.  
 John Elbert O'Keefe, of Iowa.  
 George Kingsley Olmsted, of Colorado.  
 Robert Bayley Osgood, of Massachusetts.  
 Alfred Harrison Parsons, of New York.  
 Francis Weld Peabody, of Massachusetts.  
 Albert Pfeiffer, of New York.  
 Damon Beckett Pfeiffer, of Pennsylvania.  
 Edgar Warden Phillips, of New York.  
 William Oscar Hampton Prosser, of Pennsylvania.  
 George Kremer Rhodes, of Maryland.  
 David Riesman, of Pennsylvania.  
 James Stevens Simmons, of Pennsylvania.  
 Frank Conger Smith, of South Dakota.  
 Mitchell Porter Stiles, of Pennsylvania.  
 August Adrian Strasser, of New Jersey.  
 George Reed Tabor, of Texas.  
 William Barclay Terhune, of Louisiana.  
 Donald Vaughn Trueblood, of Washington.  
 Ira Clinton Tyndall, of Maryland.  
 Norris Wistar Vaux, of Pennsylvania.  
 Charles Edward Walts, of Georgia.  
 James Ralston Wells, of Pennsylvania.  
 Walter John Whitehouse, of Pennsylvania.  
 Harry Leigh Willson, of Pennsylvania.  
 George Wilson, of Pennsylvania.  
 Henry Otto Wyneken, of Texas.  
 Walter Meredith Boothby, of Massachusetts.  
 Louis Herbert Burlingham, of Massachusetts.  
 George Parkman Denny, of Massachusetts.  
 William Lincoln Noble, of Illinois.  
 Harry Reeves Oliver, of California.  
 Frederic Kammerer, of New York, late first lieutenant in the Medical Reserve Corps.  
 Arthur Garner Coumbe, of Virginia.  
 Linus Reed Cranmer, of Ohio.  
 Frederick John Cullen, of Washington.  
 John Blair Deaver, of Pennsylvania.  
 Frank Martin Dedaker, of Pennsylvania.  
 John Sebastian Derr, of Georgia.  
 Henry Kuhl Dillard, jr., of Pennsylvania.  
 Clarence Eugene Drake, of Texas.  
 William Drayton, jr., of Pennsylvania.  
 Henry Culp Earnshaw, of Pennsylvania.  
 James Bennett Edwards, of New Jersey.  
 Edward Coleman Ellett, of Tennessee.

#### PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

Bruce G. Leighton,  
 Harold C. Van Valzah,  
 Paul A. Stevens,  
 Reginald S. H. Venable,  
 John M. Kates,  
 Eric F. Zemke,  
 Edward J. O'Keefe,  
 Arthur S. Walton,  
 Valentine Wood,  
 Henry A. Sellar,  
 Julian B. Timberlake, jr.,  
 Laurence W. Clarke,

Arnold Marcus, and  
 Ligon B. Ard.

Ensign Ray H. Wakeman to be a lieutenant (junior grade) in the Navy from the 8th day of December, 1915.

John W. Draper, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 2d day of August, 1916.

Boatswain Edward Sweeney to be a chief boatswain in the Navy from the 21st day of December, 1915.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 7 (legislative day of August 5), 1916.*

#### UNITED STATES ATTORNEY.

James O. Carr to be United States attorney for the eastern district of North Carolina.

#### SECRETARY OF EMBASSY.

##### CLASS 4.

Benjamin Thaw, jr., to be a secretary of embassy or legation of class 4.

#### EXCISE BOARD.

Andrew J. Cummings to be a member of the Excise Board for the District of Columbia for a term of three years.

#### POSTMASTERS.

##### IOWA.

H. L. Cartwright, Union.

##### KANSAS.

Charles M. Dillman, Cimarron.

##### NEBRASKA.

J. B. Davis, Humboldt.

##### NORTH DAKOTA.

Minnie M. Luce, Hope.

##### OHIO.

Glenn Baker, Centerburg.

##### OREGON.

Ira Wimberly, Drain.

##### TEXAS.

W. P. Copeland, Roscoe.

Burney Reagan, Big Spring.

J. L. Wilson, Celina.

J. O. Wood, Wellington.

##### VERMONT.

John Layden, West Pawlet.

##### WASHINGTON.

Arthur B. Foley, Wilbur.

Lester S. Overholt, Omak.

##### WISCONSIN.

William Dailey, Birnamwood.

#### HOUSE OF REPRESENTATIVES.

MONDAY, August 7, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, dispenser of all good, amid the confusion of tongues, the clash of convictions, the criminations and recriminations, the roar of battle, the groans of the wounded and dying, the far cry of the bereaved, the widows and orphans, help us to put our souls into that prayer of prayers which fell from the lips of the world's greatest Teacher, Prophet and Seer and try to live it.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in heaven. Give us this day our daily bread, and forgive us our debts, as we forgive our debtors, and lead us, not into temptation, but deliver us from evil: for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of Saturday, August 5, 1916, was read and approved.

#### ELECTION CONTEST—GEORGE HOLDEN TINKHAM.

Mr. HAMILL. Mr. Speaker, I offer the following privileged resolution from the Committee on Elections No. 2, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 340.

*Resolved*, That GEORGE HOLDEN TINKHAM was duly elected a Member of the Sixty-fourth Congress as a Representative from the eleventh congressional district of Massachusetts and is entitled to the seat therein.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20. An act authorizing the county of Gunnison, Colo., to purchase certain public lands for public-park purposes;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands in incorporated cities and towns for cemetery and park purposes";

H. R. 14868. An act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes;

H. R. 7419. An act granting a patent to a certain strip of land to Elisha A. Crandall;

H. R. 12248. An act for the relief of the estate of Mary H. S. Robertson, deceased;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 8630. An act for the relief of the Farmers' State Bank, of Eureka, Woodford County, Ill.;

H. R. 8141. An act for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.;

H. R. 14528. An act for the relief of W. W. Finn;

H. R. 10641. An act for the relief of Fred Henderson;

H. R. 5453. An act for the relief of the State board of harbor commissioners of the State of California;

H. R. 2052. An act for the relief of the estate of William D. Allen;

H. R. 10643. An act for the relief of Theodore Bagge;

H. R. 1777. An act for the relief of Frank J. Deutsch;

H. R. 11984. An act for the relief of William E. Heffner;

H. R. 8200. An act for the relief of M. E. Sitlers;

H. R. 12123. An act to appropriate money to build and maintain roads on the Spokane Indian Reservation;

H. R. 14952. An act to reimburse J. T. Nance;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 13982. An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens;

H. R. 7396. An act for the relief of Hiram P. Geaslin;

H. R. 2555. An act for the relief of the Minnesota & Ontario Power Co.;

H. R. 10052. An act to reimburse J. T. Nance;

H. R. 14299. An act to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 10546. An act for the relief of the Illinois Central Railroad Co., and for other purposes;

H. R. 11416. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of the act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";

H. R. 15777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii as amended by Congress relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii; and

H. R. 7062. An act for the relief of Erskine R. Hayes.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15522. An act to establish a national park service, and for other purposes;

H. R. 1528. An act for the relief of Martin Huhn; and

H. R. 11129. An act for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew and for the relief of the owners of cargo of molasses late on board said barkentine.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil war and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the

disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 4654. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors; and

S. 5914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15774) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6331. An act authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado;

S. 3681. An act for the relief of the owners of the steamship *Esparta*;

S. 6227. An act to increase the area of the United States Botanic Garden in the city of Washington, D. C.;

S. 6013. An act to confirm the entry of John Dowd;

S. 1548. An act for the relief of Emmett W. Entrikey;

S. 6626. An act to fix the rate of pay for compositors and bookbinders in the Government Printing Office;

S. 10. An act to correct the military record of Clayton H. Adams;

S. 736. An act to correct the military record of John P. Webber, alias John J. Webber;

S. 6154. An act for the relief of Dr. Charles Lee Baker;

S. 6287. An act for the relief of Joseph Eubor;

S. 6308. An act to authorize the Secretary of the Interior to lease for production of oil and gas ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming;

S. 1265. An act for the relief of J. G. Senpelt;

S. 3774. An act to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883;

S. 3647. An act for the relief of Moses C. Tingley;

S. 3972. An act to provide for selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes;

S. 5635. An act authorizing the conveyance of certain land in the State of South Dakota to the town of Flandreau in said State;

S. 5632. An act for the relief of Aquila Nebeker;

S. 2388. An act for the relief of Orion Mathews;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. J. Res. 151. Joint resolution authorizing the appointment of a special joint commission of the Senate and House of Representatives to investigate the employment of Federal prisoners in industrial occupations for the benefit of the Government of the United States;

S. 135. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863;

S. 6667. An act to incorporate the American Nurses' Association;

S. 4288. An act relating to the maintenance of actions for death on the high seas and other navigable waters;

S. 6526. An act authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims.

S. J. Res. 143. Joint resolution granting permission for the erection of a monument in the Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War;

S. 3700. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";



S. 6720. An act to increase the limit of cost of public building at Park City, Utah;

S. 5202. An act to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me.;

S. 6740. An act to correct the military record of Matthew C. Butler, jr.; and

S. 6748. An act providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil.

The message also announced that the President had approved and signed joint resolution of the following title:

S. J. Res. 160. Joint resolution appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and for other purposes.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6561. An act providing for the sale at public auction of all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., and for the issuance of patents for those previously sold under the act of May 2, 1906, on the payment of the price at which the said lots were reappraised under said act without further condition or delay; to the Committee on the Public Lands.

S. 3681. An act for the relief of the owners of the steamship *Esparta*; to the Committee on Claims.

S. 1548. An act for the relief of Emmett W. Entriiken; to the Committee on Claims.

S. 10. An act to correct the military record of Clayton H. Adams; to the Committee on Military Affairs.

S. 736. An act to correct the military record of John P. Webber, alias John J. Webber; to the Committee on Military Affairs.

S. 6154. An act for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

S. 6287. An act for the relief of Joseph Eubor; to the Committee on Military Affairs.

S. 1265. An act for the relief of J. G. Seupelt; to the Committee on the Public Lands.

S. 3774. An act to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883; to the Committee on Indian Affairs.

S. 3647. An act for the relief of Moses C. Tingley; to the Committee on the Public Lands.

S. 3972. An act to provide for selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes; to the Committee on Indian Affairs.

S. 5635. An act authorizing the conveyance of certain land in the State of South Dakota to the town of Flandreau in said State; to the Committee on the Public Lands.

S. 5632. An act for the relief of Aquila Nebeker; to the Committee on the Public Lands.

S. 5203. An act for the relief of Gardiner L. Eastman; to the Committee on Military Affairs.

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

S. 2388. An act for the relief of Orion Mathews; to the Committee on Military Affairs.

S. 4288. An act relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

S. 6720. An act to increase the limit of cost of public building at Park City, Utah; to the Committee on Public Buildings and Grounds.

S. 6748. An act providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil; to the Committee on Indian Affairs.

S. 6740. An act to correct the military record of Matthew C. Butler, jr.; to the Committee on Military Affairs.

S. 4. An act to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah; to the Committee on Public Buildings and Grounds.

S. 697. An act authorizing a credit in certain accounts in the office of the Auditor for the War Department; to the Committee on Claims.

S. 2544. An act to authorize the President of the United States to appoint John Q. A. Brett a first lieutenant in the United States Army; to the Committee on Military Affairs.

S. 55. An act to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the pur-

chase or redemption of the outstanding interest-bearing obligations of the United States; to the Committee on Ways and Means.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.;

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.;

H. R. 16380. An act granting the consent of Congress to the board of supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North;

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.;

H. R. 7883. An act for the relief of Charlotte M. Johnston;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14576. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 12194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 11240. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 4654. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

#### ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

#### RESIGNATION.

The SPEAKER laid before the House the following resignation:

JULY 22, 1916.

HON. CHAMP CLARK,  
Speaker House of Representatives, Washington, D. C.

SIR: I beg to inform you that I have this day transmitted to the governor of California my resignation as a Representative in the Congress of the United States from the tenth district of California.

Yours, very truly,

WM. D. STEPHENS.

#### CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

#### OVERISSUES OF SECURITIES.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate

commerce, to prevent overissues of securities by carriers, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that that bill may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

#### PROTECTION OF STREAMS, ETC., IN ARID PUBLIC LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I am perfectly willing, so far as I am concerned, to have the bill passed with the House amendments, if the House amendments restricting the authorization are likely to remain in the bill after it becomes a law.

Mr. RAKER. Mr. Speaker, I will state to the gentleman from Illinois that we will do everything we can to retain those House amendments. That is the unanimous judgment of the Committee on Public Lands, and it is our determination to retain them in the bill.

Mr. MANN. Very well.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Interior Department be, and is hereby, authorized, empowered, and directed immediately to proceed by all necessary and proper means to discover, develop, protect, and render more accessible for the benefit of the general public, springs, streams, and water holes on what are known as the western deserts and arid public lands of the United States in the State of California; and in connection therewith to erect and maintain suitable and durable monuments and signboards at proper places and intervals along and near the accustomed lines of travel and over the general area of said desert lands, containing information and directions as to the location and nature of said springs, streams, and water holes, to the end that the same may be more readily traced and found by persons in search or need thereof; also to provide convenient and ready means, apparatus, and appliances by which water may be brought to the earth's surface at said water holes for the use of such persons; also to prepare and distribute suitable maps, reports, and general information relating to said springs, streams, and water holes, and their specific location with reference to lines of travel.

Sec. 2. That to carry out the purposes of this act the expenditure of \$10,000, or so much thereof as may be necessary, is hereby authorized. All disbursements made under this act shall be made by the Secretary of the Interior on vouchers approved by the Director of the Geological Survey.

Sec. 3. That whoever shall willfully or maliciously injure, destroy, deface, or remove any of said monuments or signposts, or shall willfully or maliciously fill up, render foul, or in anywise destroy or impair the utility of said springs, streams, or water holes, or shall willfully or maliciously interfere with said monuments, signposts, streams, springs, or water holes, or the purposes for which they are maintained and used, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

Sec. 4. That the Secretary of the Interior is hereby authorized, empowered, and directed to make, issue, promulgate, and enforce such rules and regulations as may be necessary, or by him deemed expedient, to carry into force and effect the provisions of this act and accomplish its objects and purposes.

With the following committee amendments:

Page 1, line 3, after the word "authorized," insert the word "and."  
Page 1, lines 4 and 5, strike out the words "and directed immediately to proceed by all necessary and proper means" and insert in lieu thereof the words "in his discretion in so far as the authorization made herein will permit."

Page 2, line 1, strike out the words "what are known as the western deserts and."

Page 2, line 2, strike out the words "in the State of California."

Page 2, lines 19, 20, and 21, strike out the words "All disbursements made under this act shall be made by the Secretary of the Interior on vouchers approved by the Director of the Geological Survey."

Page 3, strike out all of section 4 and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this act into full force and effect."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend, on page 1, line 3, by striking out the words "Interior Department" and inserting in lieu thereof the words "Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Also the following amendment:

Page 1, line 3, after the word "and," insert the word "he."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same."

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MINING FOR METALLIFEROUS MINERALS, INDIAN RESERVATIONS, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. HAYDEN. Mr. Speaker, will the gentleman object to having the bill passed over without prejudice?

Mr. STAFFORD. I have no objection to the bill being passed without prejudice.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Arizona asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### BRIDGE ACROSS MISSISSIPPI RIVER, MEMPHIS, TENN.

The next business on the Calendar for Unanimous Consent was the bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912."

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARAWAY. Mr. Speaker—

Mr. ADAMSON. Mr. Speaker, I suppose that the reading at a previous session would not suffice. It was read when we had it up a few days ago.

The SPEAKER. Is this the same bill which the gentleman had up on last Wednesday?

Mr. ADAMSON. It was.

Mr. MANN. It is a short bill; let it be read.

The SPEAKER. The Chair thinks the better practice would be to read it.

Mr. ADAMSON. I thought it was the unfinished business.

The Clerk read as follows:

*Be it enacted, etc.,* That the time for the completion of a bridge now in the course of construction across the Mississippi River at Memphis, Tenn., which the Arkansas & Memphis Railway Bridge & Terminal Co., its successors or assigns, was authorized to construct, maintain, and operate by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," be, and the same is hereby, extended to the 1st day of April, 1917.

Mr. CARAWAY. Mr. Speaker, I move to resubmit the amendment offered when the bill was before the House last Wednesday and marked on the Journal.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, after line 6, insert the following: "Provided, That the wagon way portion of said bridge and the approaches thereto shall be completed within said time."

Mr. CARAWAY. Mr. Speaker, this amendment I offered to meet this condition—

Mr. ADAMSON. That is at the end of line 7 instead of line 6.



Mr. CARAWAY. I ask unanimous consent that the amendment be modified so as to read at the end of line 7.

Mr. ADAMSON. I have no objection to the amendment.

The Clerk read as follows:

Amend page 2, after line 7, etc.

The question was taken, and the amendment was agreed to.

Mr. CARAWAY. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

Mr. MANN. Mr. Speaker—well, I can offer an amendment to section 1 later.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, after section 1, add the following as a new section:

"Amend an act approved July 20, 1912, and amendment thereto approved August 23, 1912, entitled 'An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River.'"

So amend the proviso in section 1 of said act that amended it will read as follows:

"Provided, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad purposes, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used by vehicles, pedestrians, horsemen, animals, and all kinds of traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents."

Mr. ADAMSON. Now, Mr. Speaker, I understand that is agreeable to the people of the community, and I have no objection.

Mr. MANN. How does the first part of the amendment read?

The SPEAKER. The Clerk will report the first part of the amendment.

The Clerk read as follows:

Add the following as a new section. "Amend an act approved July 20, 1912,"—

Mr. MANN. Mr. Speaker, that is not in proper form.

Mr. ADAMSON. That is an awkward statement. The gentleman wants to amend the original act.

Mr. CARAWAY. I am inclined to think there is a pencil emendation to the amendment.

The Clerk read as follows:

Insert the following proviso:

"Provided, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad purposes, it shall provide for an adequate and separate roadway and approaches and continuous use by the public, etc."

Mr. MANN. Mr. Speaker, the language of the amendment is not correct. I move to amend by striking out before the proviso—

Mr. ADAMSON. That is, in the Caraway amendment?

Mr. MANN. Yes—and insert the language written there.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all preceding the proviso in the Caraway amendment and insert "That the proviso in section 1 of said act, approved August 23, 1912, be and the same is hereby amended to read as follows."

Mr. ADAMSON. Mr. Speaker, I think that is better.

The SPEAKER. The question is on the Caraway amendment as amended.

The amendment as amended was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, in line 5, page 2, by striking out the quotation marks after the word "twelve."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 5, by striking out the quotation marks after the word "twelve."

The question was taken, and the amendment was agreed to.

Mr. MANN. And then, in line 4, by inserting, after the word "river" and the inside quotation marks which follow the word "river," outside quotation marks.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert outside quotation marks after inside quotation marks after the word "river," line 4, page 2.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out, in the last line of the title, after the word "twelve," the quotation marks and by inserting in the line next to the last, after the inside quotation marks which follow the word "river," outside quotation marks.

Mr. ADAMSON. This is the same change made in the text so as to correctly describe the title.

The SPEAKER. Without objection, the title will be amended so as to conform to the text. [After a pause.] The Chair hears no objection.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LANDS FOR EDUCATIONAL PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of Congress approved February 28, 1891 (26 Stats. L., p. 796), entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," are hereby declared applicable to all grants of school lands heretofore made by Congress, and all selections heretofore made and approved under said grants and in accordance with said act of February 28, 1891, if otherwise lawful, are hereby ratified and confirmed; that all pending and unapproved selections heretofore made under said grants and in accordance with said act, if found otherwise valid, and for lands which are nonmineral in character and which have not, prior to date of approval, been withdrawn under the provisions of the act of June 25, 1910 (36 Stats. L., p. 847), may be approved under the provisions of said act of February 28, 1891: *Provided*, That nothing herein shall be construed as preventing the approval of selections included within withdrawals under the provisions of said act of June 25, 1910, subject to conditions, limitations, or reservations relating to such withdrawn lands if the surface of such land is found by the Secretary of the Interior to be of substantial value for agriculture, grazing, or timber.

The following committee amendment was read:

On page 2, in lines 12 and 13, after the word "character," insert:

And which were subject to selection at the time the applications were filed.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Sec. 2. That the act of Congress approved February 28, 1891, entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," is hereby amended by adding thereto the following:

"That as to all surveyed or unsurveyed sections in place granted or reserved to the use of schools and included within national forests it shall be lawful for the State in pursuance of an agreement, either prior or subsequent hereto, between the State and the Secretary of Agriculture to relinquish its claim, right, and title thereto and select in lieu thereof other unappropriated nonmineral lands of approximately equal value designated by the Secretary of Agriculture and lying within the boundaries of any national forest or forests within the State wherein the exchange is to be made; that upon the consummation of the exchange herein authorized and its approval by the Secretary of the Interior the President of the United States is authorized to eliminate from such national forest the lands so selected for and on behalf of the State: *Provided*, That the lands granted in place to such State or Territory and surrendered under the provisions hereof shall, upon the approval of the indemnity or exchange, revert to and become a portion of the national forest wherein located subject to all the laws, rules, and regulations thereto applicable.

Mr. WINGO. Mr. Speaker, I move to strike out the last word. I wish to get some information with reference to this matter. Can the gentleman from California [Mr. RAKER] tell me what the object is? I believe the gentleman wrote the report on the bill.

Mr. RAKER. I wrote a part of it.

Mr. WINGO. Tell us what the object is.

Mr. RAKER. In answer to the gentleman's question, there are two objects. The first is to adjust the lands where the State has lost them—that is, where there has been a railroad grant, or an Indian reserve, to exchange the land and permit the State to obtain the land it otherwise should have obtained under the original acts of Congress, namely, sections 16 and 36. The other provision of the act, in section 3, applies to exchange of land in place where the national forest or Indian reservations have been created, particularly national forests, where the lands have been surveyed, the sixteenth and thirty-sixth sections, to permit the exchange of that land by the State for other land outside the reserve, so that the land might be returned to the Government and fill out the national forest and the land selected by the States may be approved.

Mr. WINGO. The language of the section is contradictory, it appears to me. I do not understand what it means. In the first part, in lines 11, 12, and 13, it says:

That as to all surveyed or unsurveyed sections in place granted or reserved to the use of schools and included within national forests it shall be lawful for the State in pursuance of an agreement, either prior or subsequent hereto, between the State and the Secretary of Agriculture, to relinquish his claim, right, and title thereto—

And so forth.

Then down in the succeeding clause of the same section, and commencing at line 21, it provides:

That upon the consummation of the exchange herein authorized and its approval by the Secretary of the Interior the President of the United States is authorized to eliminate from such national forests the lands so selected for and on behalf of the State.

It looks to me that the first part of the amendment provides the States may make other selections where the original selections were in national forests, and yet the last part provides for the elimination from the forest when the State makes the selection. It appears to me to be contradictory.

Mr. RAKER. The first provision, as to all surveyed or unsurveyed sections granted or reserved to the use of schools and included within national forests, is the land in sections 16 and 36. There are two distinctions there, the sixteenth and thirty-sixth sections, where the land has been surveyed, and there has been some question whether or not the State could exchange that land in the national forest to the Government, because, having been surveyed, the title, they claim, immediately passed in the State. And this, then, creates that seeming trouble. The department has been holding they had a right to make the exchange. There have been two decisions of the United States district court that they could not make the exchange, and the department made its own ruling, and Judge Van Devanter, now on the Supreme Court bench, when he was in the department, ruled it could be made.

Mr. WINGO. Now, the report is very voluminous. I have not had time to read it. What States does this affect? Does this affect the State of Arkansas in any way at all?

Mr. RAKER. California, Oregon, Nevada, Colorado, Washington, Montana, North Dakota, South Dakota, Idaho, Wyoming, Utah, New Mexico, and Arizona. And all of those States were represented before the committee by their Representatives as well as a good part of them by the attorneys general of the States and some of the governors, and the others by the surveyors general.

Mr. WINGO. It just meets the conditions that have arisen in those States, and does not affect Arkansas?

Mr. RAKER. No; it does not affect Arkansas. The chairman of the Committee on the Public Lands sent a notice to the governors and the secretaries of state and the surveyors general in the States affected and had advice from them as well as from the Secretary of the Interior, and they have practically agreed on this legislation.

Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I want to make a suggestion to the gentleman from Illinois [Mr. MANN] if he will listen just a moment. The gentleman from Oregon [Mr. SINNOTT] called my attention to an oversight in that we possibly left out two small words in the bill on page 3, line 11. It reads, "that as to all." Now, the gentleman from Oregon suggested "any surveyed or unsurveyed land." He said the committee agreed to the amendment "or any."

The gentleman from Oregon [Mr. SINNOTT] suggested "as to all or any surveyed or unsurveyed" land. He says the committee agreed to that amendment—"or any."

Mr. MANN. I have no objection to it. It means the same thing.

Mr. RAKER. Mr. Speaker, I offer the amendment, on page 3, line 11, between the word "all" and the word "surveyed," to insert the words "or any."

Mr. MANN. I had supposed that "all" would include "any."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, line 11, by inserting, after the word "all," the words "or any."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 3. That exchanges of title between the United States and States heretofore made and approved under authority of said act of February 28, 1891, whereby the State relinquished its title to surveyed school lands in forest or other permanent reservations in lieu of lands elsewhere are hereby ratified and confirmed, and all pending and unapproved exchanges of like character, if found otherwise valid, and for lands

which are nonmineral in character, and which have not prior to date of approval been withdrawn under the provisions of the act of June 25, 1910 (36 Stat. L., p. 847), may be approved by the provisions of said act of February 28, 1891: *Provided*, That nothing herein shall be construed as preventing the approval of selections included within withdrawals under the provisions of said act of June 25, 1910, subject to conditions, limitations, or reservations authorized or permitted by present or future acts of Congress relating to such withdrawn lands, if the surface of such land is found by the Secretary of the Interior to be of substantial value for agriculture, grazing, or timber: *Provided further*, That in the future exchanges may be made and approved as provided in section 2 of this act or at the election of the State, vacant unappropriated nonmineral public lands of equal acreage outside the limits of national forests may be selected in lieu of lands surrendered or relinquished under the provisions of this act: *And provided further*, That the Secretary of the Interior and the Secretary of Agriculture are hereby authorized, in their discretion, to exchange lands within the limits of national forests for lands outside of such limits of approximately equal value lost to the State by reason of settlements, entries, reservations, or the mineral character of the lands.

With a committee amendment, as follows:

Page 4, after the word "character," in line 13, insert "and which were subject to selection at the time the applications were filed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 4, line 19, by inserting after the word "may" the words "within the discretion of the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

In line 20, strike out the word "by" and insert the word "under."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

On page 5, after the word "timber," in line 5, insert: "*Provided further*, That all lands within the boundaries of national forests title to which may be vested in the States under the provisions of this act shall be subject to all rights of way which the Secretary of Agriculture may at any time deem necessary for the administration of the national forests."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 5, line 13, after the word "State," insert the words "and with the approval of the Secretary of Agriculture."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

In line 14, after the word "nonmineral," insert the word "surveyed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

In line 15, page 5, strike out the word "acreage" and insert the word "value."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Line 16, page 5, after the word "forests," insert the words "designated by the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Line 18, after the word "act," insert "but nothing herein shall prevent the consummation of the agreement dated June 16, 1911, between the Secretary of the Interior and the State of California providing for the adjustment of the claim of the United States against the State, because of excess approvals and overcertifications under the grant for common schools, through surrender or conveyance by the State of surveyed school sections within the boundaries of national forests."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

On page 6, after the word "discretion," in line 3, insert "if they shall find that the public interests will be subserved thereby."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word.



The SPEAKER. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Speaker, I should have offered an amendment or made a motion to disagree with the House amendment on page 5, line 15, striking out the word "acreage" and inserting the word "value," if we had been considering the bill in any other way than by unanimous consent. I think it scarcely fair to the House, when Members consent to the consideration of legislation in this way, to contest amendments proposed by the committee, the adoption of which is undoubtedly expected as a part of the agreement to allow the bill to be considered by unanimous consent.

But I want to call attention to the fact, and I think I would not be doing my duty if I did not call attention to the fact, that if the bill becomes a law with the change that has been adopted, it will be utterly impossible to adjust in any reasonable length of time, or at any expense that the exchanges will justify, the exchanges that are affected by this amendment. It does not matter greatly, so far as the State which I have the honor to represent is concerned, for we have made most of our exchanges using lands within forest reserves as bases. But one of the most beneficial provisions of the act of February 28, 1891, was a provision whereby we allowed the States to get out of the forest reserves with their holdings and take lands elsewhere. In the main, if the States do that, they must, under the conditions that exist, necessarily accept generally lands of lesser value than those they surrender. It is true they might surrender mountain tops of little value, but they would also surrender timberlands of value, and as a matter of administration it would be utterly impossible to make exchanges, taking the lands within reserves for lands outside on the basis of equal value. There are no lands of equal value to exchange. If the provision remained in the bill, the only way it could be done would be by assuming an average value of all the lands which a State has in a forest reserve which it desires to surrender and an average value of all the lands it would select outside.

By adopting that amendment we have nullified a very beneficent and wise provision of the act which we amend by this legislation. I hope that in another body, or in conference, or somewhere, the gentleman in charge of the bill will carefully consider that feature of the situation, so very important to many of the western States, although no longer very important to my State, in view of the fact that we have made most of our exchanges of that character.

Mr. TAYLOR of Colorado. Will the gentleman yield for a suggestion?

Mr. MONDELL. Yes. I am not offering an amendment. I am simply making an observation, and giving my opinion in regard to it.

Mr. TAYLOR of Colorado. I will state to the gentleman from Wyoming that very many of us partially or wholly agree with the gentleman from Wyoming.

Mr. MONDELL. I realize that.

Mr. TAYLOR of Colorado. But we have been over this matter very exhaustively, and this is a composite adjustment, the best we can make of it, and we feel that for the benefit of all these States that will be benefited by it we ought to accept this measure.

Mr. MONDELL. I realize that, Mr. Speaker, but I did not feel that it would be right to allow this bill to go through the House without any suggestion whatever, but that all interested were entirely favorable to that provision. It is utterly unworkable, and if I may use the word without offense to anyone, it is absolutely silly and nonsensical, and calculated to make that provision of the bill of no effect whatever.

Now, Mr. Speaker, while we are on this bill I want to say one word more. This is a very important piece of legislation. It adjusts the land grants of 12 western States, involving hundreds of thousands of acres of lands, many of them selected years ago, transferred by the States, but conditions have arisen under which the States could not make their title good. It is highly important that the bill should pass, and pass, as the gentleman from Colorado says, in the best form in which we can get it, in view of all the conflicting views on the subject. But I want to register this suggestion here and now: If it were not for the fact that this bill was drawn in the Interior Department, and that in the long hearings the gentlemen from the Interior Department seemed to understand what the bill means—or at least what they understand it to mean—if it were not for that fact that the men who are to administer the bill seem to think they understand what it means, I should certainly not be in favor of having it pass the House. For I believe, and I measure my words when I say it, that I have never seen a piece of legislation dealing with a matter comparatively simple

which was so utterly obscured and confused by legislation as this matter of exchanges in this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. What might have been written on one page so plainly that a man who knew little of the subject might understand has been dragged through some six pages, so involved, so difficult of understanding, that those who are best acquainted with the subject find it necessary to read the bill again and again, and to study its provisions carefully, comparing one with another, in order to arrive at an intelligent opinion as to what is intended.

I am not blaming the committee, except for taking a bill drawn by the department, when the committee is composed of men any one of whom could himself have drawn a very much better bill. The committee took this bill as the department drafted it, backing and filling and double-crossing as it does, and as everybody knows it does who knows anything about it, and they amended it, until I think the bill does about what everyone wants to have done. I think it does conserve the public interest. I think it does probably deal fairly with the States, although a new set of officials in the department could easily interpret it so as to deprive the States of most of their benefits under it. But hoping that the department will continue to interpret its own bill in its own way, I am glad to have it passed; because, as my friend on the other side says, it is the best we could do under the circumstances.

Mr. TAYLOR of Colorado. We do not expect to have a new set of officials to administer it.

Mr. MONDELL. We certainly will have, but the gentlemen who are there are in the main very excellent gentlemen, trying to do their duty; most of them will remain, and as to the others we will keep them there long enough so that they can enlighten their successors as to just what this legislation means. I do not want to leave the impression that the public interest is not conserved in the bill. I think it is. I do not think you could interpret the bill in a way to do injury to the public interest; but it could very easily and readily be construed so as largely to nullify what we have started to accomplish, to wit, the fair adjustment of these selections, made years ago. My State is less interested than some of the States, because our adjustments are further along, and they are simpler in character, and we have never had a question with the department in regard to them, except as questions have been raised in other States. But in other States, where the situation is more complicated, there will be some difficulty, unless the department faithfully adheres to its present opinion in regard to this matter.

Having said this much, I am glad to have the bill pass, hoping that as to the one feature to which I have referred, before we get through with the legislation that particular matter will be remedied; not because it greatly affects my State, for it does not, but because it will unfortunately affect many of the other States. Other amendments are needed but I will not take time to refer to them now.

Mr. RAKER. Mr. Speaker, I move to strike out the last two words. The gentleman from Wyoming had an opportunity to appear before the committee on this bill. It was considered by the subcommittee and by the full committee. The attorneys of the Department of the Interior and of the Department of Agriculture, as well as the members of the committee, consisting of Members on that side and this, gave it every consideration and, I believe, understand its provisions.

Mr. MONDELL. I did not hear what the gentleman said.

Mr. RAKER. I say, I believe and, in fact, I know that the members of the committee understood the provisions of the bill and that it does accomplish what the States ought to have. It accomplishes what the Government believes ought to be done to protect the Government, and all concerned are thoroughly and fully protected by this well-drawn, well-provided for, well-adjusted piece of legislation on a subject which has been a source of contention before Congress for so many years.

Mr. MONDELL. If my friend from California will yield, I did not say that the members of the committee did not believe they understood the bill. If it continues to be interpreted as they hope it will be, I think it will work out, in a way; but my friend is getting to be quite a joker when he states that this is a well-drawn bill.

Mr. RAKER. Oh, it is always easy to criticize and complain, particularly when one does not understand a piece of legislation himself.

Mr. MONDELL. Well, I will say to my friend—

Mr. RAKER. Of course, on the question of acreage and value, the gentleman and I agree, but the department and many others thought this amendment ought to go in, and we felt in duty bound to present it to the House, and the House ought to pass upon it. If the other body takes a different view of it, then we will have our opportunity.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I always yield to the distinguished gentleman from Wyoming.

Mr. MONDELL. The gentleman is aware of the fact that I did appear before the committee, and after I made an extended statement to the committee in regard to the first bill, a new bill was introduced. This is that new bill; it is a little better than the bill I discussed before the committee, but it still has those unfortunate ambiguities.

Mr. RAKER. Let me suggest to the gentleman that when he made his suggestions to the committee he did not in any way correct or modify what he considers not a proper and well-comprehended piece of legislation by any concrete suggested amendment or amendments.

Mr. MONDELL. Does the gentleman say that I made no such suggestions?

Mr. RAKER. I mean to say that the gentleman made no concrete suggestions as to particular amendments.

Mr. MONDELL. Oh, on the contrary—

Mr. RAKER. Of course one can talk volumes in just going around Robin Hood's barn, but if you want to get results on a piece of legislation you ought to offer concrete amendments and present your arguments to those proposed amendments.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, the gentleman from California will remember that I not only discussed the matter before the committee, but that I offered concrete suggestions, and that a number of those concrete suggestions were embodied in the new bill. I am not claiming any credit for them, because the gentleman himself approved those suggestions, and he would probably have made them if I had not.

Mr. RAKER. Then as a matter of fact the gentleman's first statement that this is all from the department does not comport with the facts, but the bill does have in it those valuable suggestions of the gentleman and other gentlemen. The bill is intended to cover the entire subject, and we believe it does. The question of "acreage" and "value" suggested by the gentleman will no doubt be further considered before it becomes a law.

The SPEAKER. The Chair will suggest to both gentlemen that they are violating the rules when they talk about what happened in the committee. The Clerk will read.

The Clerk concluded the reading of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

[By unanimous consent, leave to extend his remarks in the Record was granted to Mr. RAKER, to insert a letter from Secretary Lane.]

#### WITHDRAWAL OF PAPERS—FRED A. CHURCHILL.

By unanimous consent, leave was granted to Mr. DYER to withdraw from the files of the House, without leaving copies, the papers in the case of Fred A. Churchill (H. R. 9104, 63d Cong.), no adverse report having been made thereupon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. EAGAN for five days, on account of illness in his family.

#### STANDARD LIME BARREL.

Mr. ABERCROMBIE. Mr. Speaker, I call up the conference report on the bill H. R. 5425, the lime-barrel bill.

Mr. STAFFORD. Mr. Speaker, I will ask the gentleman to defer that for a little while.

Mr. ABERCROMBIE. Very well; I withdraw the request for the present.

#### STANDARD CLASSIFICATION FOR COTTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15913) to authorize the Secretary of Agricul-

ture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce, to prevent deception therein, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### PUBLIC LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### SERUMS, TOXINS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### UNCOMPAGHE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### SIOUX TRIBE OF INDIANS.

Mr. DILLON. Mr. Speaker, I ask unanimous consent that the two next bills upon the calendar, S. 4371 and H. R. 10774, of similar title, authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Does the granting of a request that a bill be passed over without prejudice preclude its coming up again to-day?

The SPEAKER. If any Member desires to have such a bill taken up later in the day, he would first have to obtain unanimous consent to return to it.

Mr. COOPER of Wisconsin. Exactly; but half the House might go away, and if unanimous consent was then asked there might not be people here who would object when it was first called. Are we obliged to stay here and wait to see if a bill is called up again?

The SPEAKER. No. The Chair thinks when there is a general leave to pass over without prejudice that it is a bad practice to go back to it that day. Now, once in a long while some gentleman asks that a bill be passed without prejudice temporarily. That means that the House will go back to it during the day if it gets a chance.

Mr. COOPER of Wisconsin. But these requests are made—

The SPEAKER. The Chair understands, and the Chair thinks the best practice is where there is general leave granted to pass a bill without prejudice it ought not to be called up again during the day.

Mr. COOPER of Wisconsin. But we have all three of these requests—

The SPEAKER. The Chair understands, there have been a half a dozen. The Clerk will report the next bill.

#### IMPORTATION OF VIRUSES, SERUMS, TOXINS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 199) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?



Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice and remain on the calendar.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### EXPENSES, JOINT ENCAMPMENT, AUGUSTA, GA.

The next business on the Calendar for Unanimous Consent was the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, what became of No. 290? I ask unanimous consent that No. 290 be passed over without prejudice. It is under consideration on Calendar Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I make the same request as to 292.

Mr. ADAMSON. Mr. Speaker, the reason we are not insisting is that the bill is on regular call for Wednesday.

Mr. MANN. It is under consideration.

The SPEAKER. The gentleman makes a similar request as to No. 292. Is there objection? [After a pause.] The Chair hears none.

#### AGRICULTURAL LANDS IN ABANDONED MILITARY RESERVATIONS, NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5466) to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That all the agricultural lands embraced within the military reservations in the State of Nevada which have been placed under the control of the Secretary of the Interior for disposition be disposed of under the homestead and desert-land laws, and not otherwise.

The committee amendment was read, as follows:

Add at the end of the bill the following proviso:

*Provided,* That this act is intended to make applicable to the desert-land laws only such lands as were included under the act of March 3, 1877, providing for the disposition of public lands under the desert-land laws.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title of the bill by striking out all after the word "entry" where it occurs the second time, in line 2 of the title.

The amendment was agreed to.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### TOWN SITES, IRRIGATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15958) to amend an act providing for the withdrawal from public entry of lands needed for town sites in connection with irrigation projects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I wish to inquire of the committee what is the letter of the Secretary of the Interior, which letter, of date June 16, 1916, was written after the Secretary had had submitted to him the bill with the amendment the committee now proposes?

Mr. RAKER. Well, the letter was written, as I recall it, the letter before the department, but the committee considered the bill and amended it itself.

Mr. COOPER of Wisconsin. Yes; but the letter of the Secretary of the Interior in the report and purporting to be an indorsement of the bill, gives an indorsement of something different from the proposition contained in the measure now before the House.

Mr. RAKER. No, sir. I will state that the committee amendment to the bill simply clarifies the language, but leaves the bill just exactly as the law now applies to the project down there at Elephant Butte Dam; and it now applies to all, so that hereafter no right can be granted or lease of power on these reclamation projects without the consent of the majority of water users and making it apply to all.

Mr. COOPER of Wisconsin. The gentleman says that the amendment simply clarifies the situation. It appears to me it is a considerable clarification when you strike out nine lines of an entire proviso and insert, well, a great many—

Mr. RAKER. Let me call the gentleman's attention—

Mr. COOPER of Wisconsin. Why was this letter of the Secretary of the Interior presented to the House in this report as an indorsement of a bill that he never saw?

Mr. SMITH of Idaho. Mr. Speaker, the report of the Secretary of the Interior does not purport to indorse the bill as amended, but as introduced. Bills are not sent to a Cabinet officer, as a general rule, for a supplementary report. The committee first gets information from the Cabinet officer before the bill is considered, but does not call upon him for information as to the effect of every little amendment that is made to a bill.

Mr. COOPER of Wisconsin. Mr. Speaker, the average reader in the House reading this report would get another impression, and that is the impression which I had up to the time the gentleman from California said that the Secretary of the Interior had never seen this bill as amended.

The bill is presented to the Secretary of the Interior for his approval and for his criticism.

Mr. RAKER. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. One moment. The Secretary of the Interior sees a bill containing certain provisions relating to a very important subject. He unqualifiedly indorses the bill as presented to him. Subsequently that bill is changed in most important particulars, amended by the committee in many places, and yet in a report of the committee presenting that bill the letter of the Secretary of the Interior is incorporated as indorsing the measure. I object to the consideration of this bill at this time.

Mr. RAKER. Will the gentleman withhold it?

Mr. COOPER of Wisconsin. No; I object.

Mr. RAKER. Mr. Speaker, would not the gentleman withhold it just for one statement?

Mr. STAFFORD. I wish the gentleman would withhold it. I would like to get information myself.

Mr. COOPER of Wisconsin. Then I withhold it temporarily.

Mr. RAKER. In reply to the gentleman, if the facts were as the gentleman stated, he would be justified.

Mr. COOPER of Wisconsin. The gentleman admitted they were that way.

Mr. RAKER. Let me explain it to the gentleman.

Mr. COOPER of Wisconsin. Certainly.

Mr. RAKER. It is the same as the law now exists, with the sole exception that it permits the lease to irrigation districts. Now, lines 21 to 25, inclusive, and lines 1 to 4 are identical with the law as it now exists. The committee thought that that was a wise provision, as undoubtedly the gentleman does, and we put that provision in full in lines 10, 11, and 12, which reads as follows:

The Secretary of the Interior, with the approval of the legally organized and acting water-users' association, or associations, under any such project, is authorized to lease for a period—

And so forth. That is the law, but under this project it could not be leased without the consent of the water-users' association. The committee believed that that provision was so wise that hereafter under any project there should be no lease by the Secretary of the Interior without the consent of the water-users' association, and we struck out that whole long sentence and put it in an amendment here in lines 11, 12, and 13, to the effect that under no circumstances could the Secretary of the Interior lease any of the power without the consent of the water-users' association.

Mr. COOPER of Wisconsin. Mr. Speaker, it may be that the bill as amended is all that it should be, but I was entirely deceived—and, of course, I impute no wrongful motive whatever to the gentleman from California or to any other gentleman on the committee—by the report of the committee. The report says:

The report of the Secretary of the Interior on the bill is as follows.

And the Secretary of the Interior never saw the bill as reported. And, therefore, in the absence of just the information I want, I shall object, but with this request, Mr. Speaker, that the bill go over without prejudice. There will be abundant opportunity to consider this.

The SPEAKER. The gentleman from Wisconsin objects to the present consideration of the bill, and asks that the bill be passed over without prejudice. Is there objection? (After a pause.) The Chair hears none.

The Clerk will report the next bill.

#### OTTAWA INDIAN TRIBE.

The next business on the Calendar for Unanimous Consent was the bill S. 138, an act for the relief of the Ottawa Indian Tribe, of Blanchard Fork and Roche de Boeuf.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask to have the bill passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### REGISTRY FOR VESSEL "GOLDEN GATE."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8816) authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Commissioner of Navigation is hereby authorized and directed to cause the sailing vessel *Golden Gate*, rebuilt at San Francisco, Cal., from the wreck of the sailing vessel *Golden Gate*, wrecked near the harbor of Montevideo, Uruguay, and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commission of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

The following committee amendments were read:

Page 1, line 8, strike out the word "is" and insert the word "it."

In line 9 strike out the word "Commission" and insert the word "Commissioner."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### INSURANCE FUND FOR UNEMPLOYMENT.

The next business on the Calendar for Unanimous Consent was the House joint resolution 250, to provide for the appointment of a commissioner to prepare and recommend a plan for the establishment of a national insurance fund for the mitigation of the evil of unemployment.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### AVIATION IN COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15736, a bill to provide for aviation in the Coast Guard.

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. Mr. Speaker, I ask that the bill be passed without prejudice, if it has not been done.

The SPEAKER. The request has already been made, and the bill has been passed over.

#### ASSESSMENTS FOR OPENING STREETS, ETC., DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15460, a bill to provide for the payment of assessments for the opening of streets, avenues, roads, and alleys in the District of Columbia, and for other purposes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. JOHNSON of Kentucky. I hope the gentleman will not do it.

Mr. MANN. I am going to do it, and I will fight it when it comes up on the floor.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST.

The next business on the Calendar for Unanimous Consent was the bill H. R. 386, a bill to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer Officers' Retired List," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, and Marine Corps of the United States in the Civil War, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, would it be in order to ask that a day be fixed, not to interfere with the calendar, when the conference report on this bill could be considered?

Mr. MANN. It would not be in order at this time.

The SPEAKER. No; it would not be in order.

Mr. RAKER. Mr. Speaker, can I be recognized to suspend the rules and pass this bill?

The SPEAKER. Not now. The gentleman stands as the thirty-second applicant to suspend the rules.

#### HOURS OF SERVICE OF EMPLOYEES ON RAILROADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. BROWNING. I object.

The SPEAKER. The gentleman from New Jersey [Mr. BROWNING] objects. Is there objection to the present consideration of the bill?

Mr. BROWNING. I object to the present consideration of the bill.

Mr. MANN. I ask to have it passed over without prejudice.

The SPEAKER. Has the gentleman from New Jersey any objection to its being passed over without prejudice?

Mr. BROWNING. I will not object to that.

The SPEAKER. It is passed over without prejudice.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on this bill, H. R. 9216. I think a number of gentlemen here do not understand what the measure is.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to extend his remarks on Calendar No. 311. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

Mr. CULLOP. I understand, Mr. Speaker, that that bill was passed without prejudice?

The SPEAKER. It was passed over without prejudice.

Mr. CULLOP. That is as I understand.

#### OIL AND GAS, SHOSHONE OR WIND RIVER INDIAN RESERVATION, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16396) to authorize the Secretary of the Interior to lease for production of oil and gas ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. I reserve the right to object.

The SPEAKER. The gentleman from Wisconsin reserves the right to object.

Mr. STAFFORD. I wish to inquire why the committee did not increase the minimum amount of royalty that is provided in this bill? Under a similar provision, carried in the general omnibus leasing bill, provision is made for similar cases in litigation in California. As I recall, the minimum was not less than one-eighth. In this bill you provide for not less than one-tenth.

Mr. MONDELL. The provisions of the committee amendment are taken from the general leasing bill, and the provision as to the minimum royalty is the same as the general provision for royalty contained in the general leasing bill. There is perhaps



a different provision, as the gentleman suggests, in cases where there has been a development and where there has been some question of contest.

Mr. STAFFORD. Does not this bill cover instances where there are contests now pending in the department?

Mr. MONDELL. There are some few cases of that kind, I think, that I know of.

Mr. STAFFORD. But those three or four carry very valuable rights to good oil lands in Wyoming, I believe.

Mr. MONDELL. The thought of the committee was that these people, having some rights there, were at least entitled to the same consideration that the ordinary lessee would have under the general provisions of the leasing law. Of course, the Secretary of the Interior can increase that minimum as much as he likes. It is only a minimum of one-tenth. In other words, they made the minimum the ordinary commercial rate of the country.

Mr. STAFFORD. Was not a similar provision, involving oil wells in southern California, incorporated in the omnibus leasing bill that passed the House in the last Congress? A provision was incorporated there making the minimum one-eighth.

Mr. MONDELL. No. The general provision of the leasing bill, I will say to my friend—

Mr. STAFFORD. I am not speaking about the general leasing provision. In the case referred to the minimum provision was one-eighth.

Mr. MONDELL. I am not sure that the gentleman is right or not; but whether that be true or not, this is, as the gentleman will understand, merely a minimum. The Secretary of the Interior has the authority to increase it as much as he likes. He may consider the situation and the conditions existing in the country and make such a rate as he sees fit. That is the ordinary commercial rate. The committee made the minimum the ordinary commercial rate. I think it quite high enough.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield to me for a question?

Mr. STAFFORD. I yield to the gentleman.

Mr. STEPHENS of Texas. I think the difference is this: In California it is a well-known and well-defined oil field. In this instance it is a wildcat proposition.

Mr. STAFFORD. There are some superior oil wells in Wyoming, just as rich in value as there are in California, and the Standard Oil Co., through its subsidiaries, as I am informed by the department, is interested in this legislation. I simply want to ascertain why your committee departed from the rule laid down by the Committee on the Public Lands by making it one-tenth, whereas the Public Lands Committee made it one-eighth.

Mr. STEPHENS of Texas. We made it the minimum, and the department has the right to raise it to such amount as it sees proper.

Mr. MONDELL. I have no idea what the consideration was that led the committee to adopt one-tenth, the ordinary commercial rate, as the minimum, except that the committee adopted as section 2 the general provisions with regard to the length of the lease and the minimum royalty, which were the general provisions of the leasing bill.

Now, I will say to my friend that I am quite well acquainted with this particular situation. It is true there is, I think, at least one well on this land where oil has been found. There is no well so far as I know in which any great quantity has been found. We are hopeful that it will develop a fairly good oil field. Nobody expects it to be a bonanza. The ordinary commercial minimum is one-tenth. The committee evidently felt that it was fair to fix that as the minimum, authorizing the Secretary, of course, in his discretion, to go as far above that as he saw fit. He may make it more. He can adjust the royalty to fit the condition, whatever it may be, and I think the action of the committee was entirely proper in adopting the usual minimum.

Mr. STEPHENS of Texas. Will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. I wish to say to the gentleman that the Osage Indian oil fields, the richest in the world, were originally let for 10 years at a royalty of 10 per cent. It increased to one-eighth, and it was a question with the committee whether it should remain at 8 per cent or be made greater. The matter was referred to President Roosevelt and left in his discretion, and my recollection is that he put it at one-eighth. Now, when the 10 per cent was given to the Prairie Oil Co. it was an undeveloped field—like this one. They might have had one or two paying wells. This is a wildcat proposition. If there had been a developed field, we would have been right in asking a further amount.

Mr. MONDELL. And I will say further to the gentleman that it is not a field where it is possible to market a gallon of oil until we shall have got development there sufficient to pay to build a pipe line to the railroad. There is no oil marketed, and my understanding is that the well that has been secured on this particular land is a comparatively small one; that is, as compared with bonanza wells. But in any event, as gentlemen will understand, this is a minimum. The Secretary of the Interior has full authority to fix the royalty as he sees fit. This is a small field that we are hoping to develop. We think we ought to develop it. The price of gasoline is constantly mounting. These are good gasoline oils, and while this field probably will not reduce the price of gasoline the country over, whatever effect it has, of course, will be in that direction.

Mr. STAFFORD. Mr. Speaker, the Committee on the Public Lands has given this question of the proper rental and royalty to be paid for the use of our oil lands, or the oil on our public lands, more consideration than any other committee in the House. I do not question that the Committee on Indian Affairs has given very good consideration to this bill, but the Committee on the Public Lands, after months and months of hearing and consideration, decided that, so far as the oil wells in southern California were concerned, which were in litigation, the royalty, in case the litigants wanted to accept that provision, should be not less than one-eighth of the output. I think we should adhere to that, and unless the gentleman is willing to accept an amendment making the minimum one-eighth instead of one-tenth I think I shall feel compelled to object.

Mr. MONDELL. If the gentleman wants his kind of legislation or not legislation at all, and wants to prevent the development of an industry, very well.

Mr. STAFFORD. I am not stating that. I am stating that the committee that has given more consideration to this matter than any other committee has fixed one-eighth as the minimum, and I am saying that the committee that has thoroughly considered it should be given the credit of having its determination written into the bills reported from other committees that have not given it as thorough consideration.

Mr. MONDELL. I hope the gentleman understands that this particular field is to all intents and purposes a new field, entirely undeveloped except as to one well at the lower end of the area—a small producer, as I understand it, of possibly 200 barrels a day. The Secretary of the Interior under the proposed legislation can make the royalty higher if he wants to do so. He certainly will make inquiries as to how much these Indians ought to have. The committee says it shall be not less than 10 per cent. Now, under these circumstances why should the gentleman insist on a larger minimum when the matter is left entirely to the discretion of the Secretary of the Interior?

Mr. STAFFORD. May I inquire of the gentleman—because he has first-hand knowledge, and my information was obtained only incidentally some years ago by a casual visit to the department—does this bill cover those claims pending in the Interior Department as to some rich oil fields in the State of Wyoming, which claims are supposed to be controlled by subsidiaries of the Standard Oil Co.?

Mr. MONDELL. I am not quite sure just what claims the gentleman has in mind, but I suppose he has in mind what is known as the Midwest field.

Mr. STAFFORD. There is not only one claim, but there are two or three.

Mr. MONDELL. Yes; the Midwest—the Salt Creek field.

Mr. STAFFORD. I am informed that there are two or three subsidiary companies.

Mr. MONDELL. I do not think they are subsidiary. There are half a dozen independent properties there. I do not know whether the Standard Oil Co. is interested in them. It may or may not be. I know that the principal operator there is entirely independent. That field is 150 miles from this field, I will say to my friend. This is in a distant part of the State. These lands are about 35 miles from the railroad. Parties have been trying to get oil in that locality. One well was secured, possibly more, on a piece of private land adjacent to these lands. I think one well has been drilled on some of these lands that are claimed. That well is not, I understand, a large producer. And I will say to my friend that there is nothing to indicate that the field is going to be a bonanza field, though we hope it will be a good one; nor is it any part of the fields that were affected by the decision of the Supreme Court in the Midwest case.

Mr. STAFFORD. How many claims are pending on the land covered by this bill?

Mr. MONDELL. I really do not know how many filings have been made—possibly half a dozen or more. The parties have not pressed their claims, however, because—

Mr. STAFFORD. How many claims are in litigation in the department?

Mr. MONDELL. So far as I know, there is only one party who has been trying to get the department to settle the question whether these are Indian lands, subject to lease under the Indian law, or whether they are public lands, subject to disposition under the law under which the cession was made. These people have been trying to get the department to settle that question one way or the other. The department has not been disposed to do it. These people asked the department to bring suit against them for the purpose of determining whether the law authorized them to enter these lands or not. The department at one time was disposed to do that, but finally concluded not to do it; and then the department proposed a leasing bill as a way out, and the committee added these provisions in section 2, which are the provisions of the general leasing bill. Now, my own idea is that a royalty of 10 per cent would probably be a very excellent royalty under those conditions, from the standpoint of the Indians and of all concerned. That is, I think it would be quite enough, but the Secretary can make the royalty whatever he desires to make it. This is, in any case, but a minimum. The Indians can not receive less than 10 per cent. Under the legislation under which this land was ceded the Indians would get only \$2.50 an acre for these lands under the placer act. They now get anywhere from 10 per cent up on any development that may be made.

Mr. STAFFORD. Mr. Speaker, I was under the impression that this bill covered some part of Wyoming that was regarded by the department as a bonanza field.

Mr. STEPHENS of Texas. I think the gentleman is entirely mistaken.

Mr. STAFFORD. I thought, if that were the case, the same rule should be applied as that which the House adopted as its policy in the omnibus leasing bill, so far as the California litigated oil claims were concerned. Having the statement of the chairman of the committee [Mr. STEPHENS of Texas] and of the gentleman from Wyoming [Mr. MONDELL], who are acquainted with the conditions, and whose statement is that this is not regarded as a bonanza field, and that there is more or less risk involved in the venture, I will not press the question of the amendment, as I first suggested, in view of the information received, and therefore I withdraw the reservation of the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the title of the bill (H. R. 16396) to authorize the Secretary of the Interior to lease for production of oil and gas ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming.

Mr. MONDELL. I ask unanimous consent to take from the Speaker's table the identical Senate bill (S. 6308) and to consider that bill in lieu of the House bill.

The SPEAKER pro tempore (Mr. CARLIN). Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none, and the Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and empowered to lease, for the production of oil and gas therefrom, lands within the ceded portion of the Shoshone or Wind River Indian Reservation in the State of Wyoming, under such terms and conditions as shall be by him prescribed; and the proceeds or royalties arising from any such leases shall be first applied to the extinguishment of any indebtedness of the Shoshone Indian Tribe to the United States and thereafter shall be applied to the use and benefit of said tribe in the same manner as though secured from the sale of said lands as provided by the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect": *Provided, however,* That nothing contained in this act shall be construed to abridge or enlarge any asserted or initiated rights or claims under any law of the United States.

Sec. 2. That the leases granted under this act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall not be less than one-tenth in amount or value of the production and the payment in advance of a rental of not less than \$1 per acre per annum during the continuance of the lease. The rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of expiration of any such period; said leases shall be irrevocable except for the breach of the terms and conditions of the same and may be forfeited and canceled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a similar House bill be laid on the table.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

#### MUNICIPALLY OWNED INTERSTATE RAILWAYS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 455) to define the rights and privileges of the trustees of municipally owned interstate railways, and construing the act to regulate commerce with reference thereto.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. ALLEN. Mr. Speaker, I suppose the gentleman makes that motion with the idea of objecting to the bill if it does not go over?

Mr. MANN. I do not think I care to answer that question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the bill be passed over without prejudice?

There was no objection.

#### SALE OF MISBRANDED ARTICLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10496) to prohibit the manufacture, sale, or transportation in interstate commerce of misbranded articles, to regulate the traffic therein, and for other purposes.

Mr. MANN. Mr. Speaker, I make the same request with respect to that bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### EXPORTATION OF GIN IN BOND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16417) to provide for the exportation of gin in bond in other than original packages.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to obtain information from the author of the bill as to whether this provision would exempt gin for export from payment of all excise duties?

Mr. ALLEN. It does not affect the existing law as to the export of gin. It only permits gin to be bottled in bond immediately after it goes into bond. It takes away the time limit. As the report sets out, the law relating to spirits being retained in bond, particularly spirits that have gone into whisky and things of that kind, recognizes the fact that it improves with age. Gin is a neutral spirit, and there is no improvement in it by age, and there is no necessity for holding it that length of time.

Mr. STAFFORD. I withdraw the reservation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That distilled spirits known commercially as gin of not less than 80 per cent proof may at any time within eight years after entry in bond at any distillery be bottled in bond at such distillery for export without the payment of tax, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALLEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### RECLAMATION PROJECT AT YUMA, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14825) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### BALTIMORE & WASHINGTON TRANSIT CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13840) to amend an act approved May 20, 1908,



entitled "An act to amend an act entitled 'An act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia,' approved June 8, 1896."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not know how familiar my distinguished friend from Kentucky, the chairman of the committee, may be with this measure, but I see the gentleman from Missouri [Mr. LLOYD] also is here. The committee has reported House bill 13840 and also Senate bill 5976 upon the same subject, supposed to be almost identical bills, though differing a little in form, but the committee does not seem to agree with itself as to the merits of all the propositions in the bill.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Illinois that the gentleman from Ohio [Mr. CROSSER] brought this matter before the committee, and I remember quite well when this particular bill was there, but I do not remember the consideration of the Senate bill to which the gentleman refers.

Mr. MANN. The Senate bill was reported by the gentleman from Missouri [Mr. LOUD], though perhaps he is not aware of it.

Mr. LLOYD. The two bills are identical, except that the House committee offered an amendment to the House bill. What is sought to be done—

Mr. MANN. I know what is sought to be done, but the two bills are not identical as reported from the committee.

Mr. LLOYD. They are supposed to be identical. There is just a difference in the sections.

Mr. MANN. In the first bill, the House bill, the committee struck out lines 23, 24, and 25, on page 3, at the end of the bill and inserted an amendment. I do not know that it is important.

Mr. LLOYD. It is very important.

Mr. MANN. But in the Senate bill they did not do that. I suggest, however, that if either bill is to be considered the gentleman ask to consider the Senate bill. I have no objection to the consideration of the bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the Senate bill be considered in lieu of the House bill.

Mr. STAFFORD. Mr. Speaker, I rose also to make a reservation of objection.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. The report is rather brief and gives no information whatsoever.

Mr. MANN. The report on the Senate bill is fairly full.

Mr. LLOYD. It is reasonably full.

Mr. STAFFORD. I read the report upon the House bill and did not have the Senate bill before me. I did not get the idea as to the purpose of the bill. Will the gentleman kindly explain the real purpose of the bill?

Mr. JOHNSON of Kentucky. It is to permit the railroad company to enter the District of Columbia.

Mr. MANN. Oh, no; I can explain the purpose of the bill in a very few words. I do not know just what the Baltimore & Washington Transit Co. is, but I suppose it is that road that runs to Baltimore and Annapolis, and probably it is already built in the city, but I do not know about that. Under existing law when they build they are required to have an underground connection. They can not make a ground circuit from the car track to the power house. This is what the District Public Utilities Commission say in regard to it:

The purpose of this was to guard against the destructive effects of electrolysis caused by stray current in the earth from a grounded circuit. Such destructive effects exist only when there are underground metal structures to be destroyed.

There is no necessity for a nongrounded return on the line of the Washington & Maryland Railway Co. (successor to the Baltimore & Washington Transit Co., of Maryland) at the present time, due to the fact that the line runs through an undeveloped section of the District of Columbia. The necessity will exist, however, when the adjoining territory is built up.

They go on to say that the Public Utilities Commission under this bill and under the law creating the Public Utilities Commission will have authority at any time to require the company to make a direct circuit.

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STAFFORD. Did not the gentleman state the Senate bill was not identical with the House bill?

Mr. MANN. I said as reported to the House. The House reports an amendment.

Mr. LLOYD. The original House bill and the original Senate bill are the same.

Mr. STAFFORD. I wish to inquire what is the reason the committee struck out the provisions which relate to the railroad company paving between the rails and 2 feet on either side?

Mr. JOHNSON of Kentucky. Not only strikes out that part but substitutes other matter for it. Under the bill the transit company is only required to take care of the streets in such manner as the commissioners will determine upon. The amendment strikes that provision out and requires that existing law requiring that the street railway companies keep up the streets be complied with.

Mr. MANN. The amendment to the bill, I will say in the main, in other respects changes the law by inserting the words "Public Utilities Commission" in place of the Commissioners of the District of Columbia. That is because under the law which we passed, since this bill was originally passed, created the Public Utilities Commission and they have power over all of these things, I take it.

Mr. JOHNSON of Kentucky. Do I understand the gentleman from Illinois as suggesting that the Public Utilities Commission is given any authority or option relative to the construction of streets?

Mr. MANN. No. I say under the law creating the Public Utilities Commission they have this power.

Mr. STAFFORD. Am I to understand that this railroad company, by the bill in the form that the gentleman seeks to have adopted, would relieve the railroad company of the obligation of repairing the streets between the rails and on either side to the extent of 2 feet?

Mr. JOHNSON of Kentucky. It is intended not to permit them to escape the construction and repair of the streets used by them.

Mr. LLOYD. The Public Utilities Commission were not created at the time the original act was passed. Now, the Public Utilities Commission would have control of any part of the railroad that might be constructed within the District of Columbia.

Mr. STAFFORD. It will rest entirely with the Public Utilities Commission whether they would exact that condition or not?

Mr. LLOYD. Yes.

Mr. STAFFORD. Whereas under the existing law they are obliged to repair the street?

Mr. LLOYD. Yes.

Mr. STAFFORD. I do not think I am in favor of the exemption of this railroad company from paving between the streets and leaving it to the option and discretion of the commission.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, we are getting information. Mr. JOHNSON of Kentucky. Mr. Speaker, if the gentleman will listen, I will read the amendment, as follows:

Strike out lines 13, 19, and 21 and substitute the following: "The said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia."

That is the committee amendment.

Mr. MANN. There is no such amendment in the Senate bill, which requires paving between the rails and 2 feet on either side.

Mr. LLOYD. Mr. Speaker, the bill we are asking to be considered—

Mr. JOHNSON of Kentucky. I would be in favor, if the Senate bill be taken up, of amending the Senate bill to that effect.

Mr. STAFFORD. I would not. I would like to have incorporated that very provision—that they should be required to pave the streets.

Mr. JOHNSON of Kentucky. I have just read the amendment to the gentleman.

Mr. MANN. It might come in on streets not paved, and in that case they ought not to be required to pave.

Mr. JOHNSON of Kentucky. Evidently the gentleman did not follow the reading of the amendment.

Mr. STAFFORD. I followed the gentleman very closely, and I say that in all deference to the gentleman—

Mr. JOHNSON of Kentucky. Let me read it again:

The said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia.

Mr. STAFFORD. I will say in reply that I understood the gentleman to state that the Public Utilities Commission has the discretion to impose that condition on them.

Mr. JOHNSON of Kentucky. I did not say anything of the kind.

Mr. STAFFORD. I got the notion from some gentleman.

Mr. LLOYD. The gentleman got it from me.

Mr. JOHNSON of Kentucky. If this committee amendment were adopted that would meet all the objections set up by the gentleman from Wisconsin.

Mr. LLOYD. Mr. Speaker, I think the gentleman is a little mistaken in reference to this situation. If the Senate bill is agreed to there should be required that the law should be carried out or that the roadway should be kept up.

That provision is cut out of the House bill, but it remains in the Senate bill just as you want it. It provides:

The same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said commissioners, and kept in repair by the said railway company.

Now, if the Senate bill is agreed to, that provision will be in the law. If the Senate bill is not agreed to, then the House amendment, proposed by the House committee, might be agreed to, which would change this law; but the original House provision, without any amendment—the bill as it is presented to the committee—was exactly the same as the Senate bill.

Mr. STAFFORD. What is the purpose of the House committee in eliminating that provision of the law and substituting the phraseology as reported?

Mr. LLOYD. I was not present just at the moment this was considered in the committee, and I do not know. This is Mr. CROSSER's bill.

Mr. JOHNSON of Kentucky. It was made in deference to Mr. CROSSER's views, and I have the amendment in his handwriting. But I see no substantial difference in the Senate bill and the House bill as amended.

Mr. LLOYD. I understand from Mr. CROSSER that he wants this Senate bill to be passed. It is the CROSSER amendment in the House bill that we adopted. Now, Mr. CROSSER himself, in order to secure this legislation, is perfectly willing to accept the Senate bill.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the point of order.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The request is that the Senate bill (S. 5976) be taken from the Speaker's table and be considered in lieu of the House bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.,* That section 2 of an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia, approved June 8, 1896," be amended to read as follows:

"Sec. 2. That the said transit company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by electricity, compressed air, storage battery, or other motive power, to be approved by the Public Utilities Commission of said District."

Sec. 2. That section 4 of the act entitled "An act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896, be, and the same is hereby, repealed: *Provided, however,* That said railway shall be constructed of good material, with rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Public Utilities Commission of the District of Columbia; the standard gauge to be used, and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said commissioners, and kept in repair by the said railway company.

Mr. MANN. Mr. Speaker, I move to strike out in line 8, page 2, the quotation marks; and strike out in line 9 the language "Sec. 2" and insert on page 3, at the end of line 2, quotation marks.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendments offered by Mr. MANN: Page 2, line 8, after the word "District," strike out the quotation marks; page 2, line 9, strike out the words "Sec. 2"; page 2, line 21, after the word "Columbia," strike out the remainder of the paragraph and insert "the said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia."

Mr. MANN. I offer this amendment because all of this is a part of section 2 of the act it is proposed to amend. The Senate segregated it. The language they put in is part of section 2.

The SPEAKER pro tempore. The question is on agreeing to the amendments?

The question was taken and the amendments were agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, inasmuch as the bill has to go back to the Senate again, I offer the House amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 18, 19, 20, and 21, and substitute the following: "The said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia."

Mr. MANN. The gentleman does not want to strike out all that he suggested. The House amendment, if carried into the Senate bill, would strike out after the word "Columbia," in line 21, on page 2, down to the end of the section, and insert the language found at the top of page 3 of the House bill.

Mr. JOHNSON of Kentucky. Has the gentleman a copy of the House bill?

Mr. MANN. I have them both.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 2 of the Senate bill, after the word "Columbia" in line 21, strike out all of the language down to and including the word "company," line 2, page 3, and insert:

"The said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia."

Mr. MANN. With quotation marks following.

The Clerk read as follows:

After the word "Columbia" insert quotation marks.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out the quotation marks after the word "Columbia" in the second line from the bottom of the title.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by striking out the quotation marks after the word "Columbia" in the second line from the bottom of the title.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House bill (H. R. 13840) do lie on the table.

The motion was agreed to.

#### EXPRESS COMPANIES AND PUBLIC UTILITIES COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill H. R. 12712, to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I wish to inquire of the chairman of the committee as to its policy in exempting from the Public Utilities Commission, which has the time to give consideration to public utilities in the District, certain of these public-service corporations, as, for instance, the bill under consideration, relieving the express companies from making report to the Public Utilities Commission, and leaving them in the same category as the other express companies which are obliged to make report to the Interstate Commerce Commission.

Mr. JOHNSON of Kentucky. The express companies have no intrastate or intraterritorial business in the District of Columbia. They are strictly under the Interstate Commerce Commission. That is one reason, and then another reason is that the Interstate Commerce Commission, having control of the express companies, requires the companies' statements to be issued at certain times in the year. The Public Utilities Commission for the District of Columbia requires these statements to be made at another time in the year. If the express companies could furnish their reports to both commissions at the same time, then everything that is necessary would have been done. But in this way they have to furnish two reports at different times in the year, and it is unnecessary expense to them; and in addition to that, as I have said, they have no intrastate or intraterritorial business.

Mr. STAFFORD. What character of express companies under the Public Utilities Commission law are now obliged to make report to the Public Utilities Commission?

Mr. JOHNSON of Kentucky. Every express company that has an office in the District of Columbia has to make that report under the present law, and there is no reason in the world why it should be done.

Mr. STAFFORD. The thought was in my mind that these express companies, operating upon some of these suburban railroads, could have their rates more equitably and expeditiously passed upon by the local utilities commission, a local body, than by the Interstate Commerce Commission.

Mr. JOHNSON of Kentucky. The Interstate Commerce Commission and the Utilities Commission for the District of Columbia both recommend the passage of this bill.



Mr. STAFFORD. I am aware of that from the reading of the report, but that does not always necessarily carry conviction.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That section 8, paragraph 1, of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, relating to the Public Utilities Commission of the District of Columbia (37 Stat. L., p. 975), be amended by adding to the names of the companies excluded from the operation of said section, after the words "steam railroads," in the third subdivision of the last paragraph on page 975, the following: "express companies subject to the jurisdiction of the Interstate Commerce Commission."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### PUBLIC-UTILITIES LAW OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7591) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That paragraph 14 of section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, be, and the same is hereby, amended to read as follows:

"PAR. 14. That the accounts shall be closed annually on the 31st day of December and a balance sheet of that date promptly taken therefrom. On or before the 1st day of April following, such balance sheet, together with such other information as the commission shall prescribe, verified by an owner or officer of the public utility, shall be filed with the commission and a copy thereof transmitted to Congress."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### PUBLIC AUCTIONS IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14824) to prevent fraud at public auctions in the District of Columbia.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to make one inquiry to begin with. Under this bill no one can sell at public auction any merchandise or stock of merchandise without obtaining a license or permit from the District Commissioners. Suppose the sheriff or the marshal wants to make a sale. Suppose the court orders a sale made. Would the court have to obtain a license from the Commissioners?

Mr. JOHNSON of Kentucky. I should certainly say not.

Mr. MANN. I should certainly say that under this bill they would.

Mr. JOHNSON of Kentucky. The order of court would have way.

Mr. MANN. The order of court is powerful, but it is not as powerful as an act of Congress. We have plenary jurisdiction in the District of Columbia, and if we say they can not make a sale without obtaining a permit I am inclined to think they can not without violating the law.

Mr. JOHNSON of Kentucky. That would be a court sale. This says "No person, firm, or corporation."

Mr. MANN. It is an officer of the court who makes the sale. It is a person.

Mr. JOHNSON of Kentucky. No; he only makes it for the court, not in his individual capacity at all.

Mr. MANN. Then here is a receiver appointed.

Mr. JOHNSON of Kentucky. The receiver, too, acts for the court.

Mr. MANN. I know he acts for the court, but we have discovered through long practice that you have to be careful. We take the trouble always in the interstate-commerce acts to put in the words "or receiver," and all those things.

Mr. JOHNSON of Kentucky. I agree with the gentleman that the sheriff or receiver ought not to pay this license. I do not believe that he does, but I am willing to make it clear that he should not.

Mr. MANN. I am calling attention to it. I have not any amendment to offer, and I do not propose to object, I will say to the gentleman; but I think if this bill passes in this shape here somebody ought to take it up and call attention to a matter of that sort in the Senate. We have absolute power. We can regulate the practice of the courts.

Mr. JOHNSON of Kentucky. The courts can overrule it.

Mr. MANN. They can not overrule it.

Mr. JOHNSON of Kentucky. They do frequently.

Mr. MANN. The courts can declare a law unconstitutional. That is true. This would not be unconstitutional.

Mr. JOHNSON of Kentucky. I do not think we should interfere with a court sale, but if the gentleman will suggest an amendment to relieve his view of it I would be glad indeed if he would submit it.

Mr. MANN. I have not an amendment prepared.

Mr. JOHNSON of Kentucky. Would the words "voluntary sale" meet the gentleman's views, or "court sale excepted," or something like that? Or "excepting sales made under levy by the marshal, under order of the court"?

Mr. MANN. I do not like to undertake myself to put the language of a legal amendment in shape on the spur of the moment on the floor of the House. If some other gentleman picks out the right language it might occur to me whether it was good, bad, or indifferent.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask for consideration of the bill. I think we will have no trouble in properly amending it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That hereafter it shall be unlawful in the District of Columbia for any person, firm, or corporation, either for himself or itself, or for another, or for any firm or corporation to sell or offer to sell at public auction any stock or stocks of merchandise, in whole or in part, without first obtaining from the Board of Commissioners of the District of Columbia a written or printed permit so to do; and the said Board of Commissioners shall not issue a permit for any such sale or sales until they are satisfied that neither fraud nor deception of any kind is contemplated or will be practiced, and that neither the sale, the reasons therefor, nor the goods to be sold have not already been or will not thereafter be fraudulently or falsely advertised or in any wise whatsoever misrepresented.

SEC. 2. That every such permit shall be issued for a definite period of time not exceeding 12 months from its date of issue, and the date and hour of its expiration shall be stated in the permit, and before such permit shall be issued the applicant therefor shall pay to the District of Columbia, through its collector of taxes, such fee as the said Board of Commissioners may deem sufficient to reimburse the District of Columbia for the work and expense of issuing the permit and gathering information concerning the applicant and his goods as the said board may deem prudent and best for the protection of the public, but which fee shall not exceed the sum of \$50. The application for the said permit shall be by verified petition, stating the name of the applicant, residence, street, and number of the proposed place of selling, and shall set forth in detail the goods to be sold and what statements or representations are to be made or advertised as to the same, and the length of time for which the permit is desired; and, if previously engaged in a like or similar business, to designate all the places where the same was conducted, and shall furnish to said commissioners such further evidence as shall be deemed necessary to establish the truth of the statements made in the said petition.

SEC. 3. That no permit as herein provided for shall be required for the sale of any wagon, carriage, automobile, mechanics' tools, used farming implements, live stock, including game, poultry (dressed or undressed), vegetables, fruits, melons, berries, flowers, or for the sale of used household furniture and effects when being sold at the residence of the housekeeper selling them.

SEC. 4. That the Board of Commissioners of the District of Columbia are hereby vested with authority to temporarily suspend the operation of the license herein provided for whenever they may believe that this act or any part thereof, or regulations made in pursuance thereof, are about to be or are being violated, and they shall thereupon forthwith institute the appropriate proceeding in the police court in accordance with this act, and in the event that the said violation results in a conviction, then and in that event the license shall be and become null and void, but in the event that the said proceeding shall terminate in favor of the defendant, then and in that event the suspension of said license shall be at an end, and the license shall thereupon be restored and be in full force and effect.

SEC. 5. That no person as herein provided for shall sell at public auction, from the 1st day of April until the 30th day of September, both inclusive, between the hours of 7 o'clock in the evening and 8 o'clock the following morning, nor from the 1st day of October until the 30th day of March, both inclusive, between the hours of 6 o'clock in the evening and 8 o'clock in the morning, any jewelry, diamond, or other precious stone, watch, gold and silver ware, gold and silver plated ware, statuary, porcelain, bric-a-brac, or articles of vertu.

SEC. 6. That any person selling or offering for sale any property under the provisions of this act shall, in describing the same, be truthful with respect to the character, quality, kind, and description of the same and which, for the purpose hereof, shall be considered as warranties, and any breach of the same shall be punishable by prosecution in the police court, as hereinbefore set forth.

SEC. 7. That all prosecutions under this act shall be in the police court of the District of Columbia upon information by the corporation counsel or one of his assistants. Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$200 or imprisonment of not more than 60 days or both, in the discretion of the court.

Sec. 8. That nothing herein shall be construed to excuse or release any person, firm, or corporation, or property from the payment of any occupational or property tax, or any other tax imposed or levied by law. Neither shall anything herein be construed to obviate the application of any fraudulent or false advertisement statute of the District of Columbia to any person who may violate the same; nor shall anything herein be construed to prevent any prosecution for fraud, deceit, or larceny by trick; nor to in any way estop or hinder any remedy at law or in equity, or the right to cancel or estop any unconscionable bargain or fraudulent transaction.

Sec. 9. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. JOHNSON of Kentucky. Mr. Speaker, in line 3, page 1, after the word "hereafter," I move to amend as follows: Insert a comma and the words "excepting sales made under authority of law."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 1, line 3, after the word "hereafter," insert a comma and the following words: "excepting sales made under authority of law," so that the line as amended will read: "That hereafter, excepting sales made under authority of law, it shall be unlawful in the District of Columbia for any person, firm, or corporation," and so forth.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GALLAGHER. Mr. Speaker, will this do away with these auction houses?

Mr. JOHNSON of Kentucky. That is the purpose of it.

Mr. GALLAGHER. They are not prohibited in this bill.

Mr. JOHNSON of Kentucky. Yes; they are. They are not prohibited in so many words, but you can not prohibit a sale except by general description.

Mr. GALLAGHER. I did not know but what you could stop them from operating these mock auction houses.

Mr. JOHNSON of Kentucky. If this bill passes, there is no sort of doubt that it will have that effect.

Mr. GALLAGHER. Why not include these fake fortune tellers that are strung along the Avenue?

Mr. JOHNSON of Kentucky. If the gentleman will introduce a bill of that kind, the Committee on the District of Columbia will be very glad to consider it.

Mr. GALLAGHER. Can not this bill be amended?

Mr. JOHNSON of Kentucky. It relates to an entirely different subject. We are dealing now with auctions and not with fortune tellers.

Mr. GALLAGHER. It seems to me it is just as important to stop the fortune tellers. Pennsylvania Avenue is lined with a lot of fake fortune tellers with signs out. I do not think that is a very good thing—

Mr. JOHNSON of Kentucky. I agree with the gentleman.

Mr. GALLAGHER. I did not have time to read the bill. I did not know but we might be able to amend it.

Mr. JOHNSON of Kentucky. No; this bill does not deal with fortune tellers at all, but just with the fake auctions.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### UNCLAIMED BANK DEPOSITS IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16070) to dispose of unclaimed bank deposits in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. CARLIN. Mr. Speaker, reserving the right to object, a great many bills are being passed over without prejudice. That keeps them ahead of other bills that ought to be considered.

Mr. MANN. The reason we are doing it is to hasten along and get an opportunity to consider those bills.

Mr. CARLIN. Why not pass it over without saying "without prejudice"? Then when it comes back on the calendar next time it will take a different place.

Mr. HAWLEY. Oh, no; that would take it off the calendar entirely.

Mr. MANN. I think this expedites the reaching of bills further down on the calendar. Very few of these bills will be objected to without some one asking that the objection be reserved, and then discussing the bill for a while. In asking to have so many of them passed over to-day, it gives the opportunity to consider the bills further down.

Mr. CARLIN. The gentleman does not seem to understand me. I have no objection to bills being passed over, but why pass them over without prejudice, which retains their present place on the calendar?

Mr. MANN. There is no way of passing a bill over except without prejudice, or objecting to it, which takes it off the calendar.

Mr. CARLIN. I do not desire to object to it, and I do not desire to take it off the calendar.

Mr. MANN. And if it is objected to twice, it never can go on the calendar again.

The SPEAKER. Is there objection to passing the bill without prejudice?

There was no objection.

#### WHITMAN NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16532) authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That any land within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or for the protection of stream flow may be included within and made part of the Whitman National Forest, in the State of Oregon, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Township 11 south, range 34 east; townships 11 and 12 south, range 35 east; township 10 south, range 35½ east; townships 10 and 11 south, range 36 east, Willamette meridian, in the State of Oregon.

Sec. 2. That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to any lands in private ownership within established boundaries of the said Whitman National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for the production of timber or the protection of stream flow, and in lieu thereof may give in exchange such Government timber as may be determined by the Secretary of Agriculture to be of approximately equal value; and any reconveyed lands shall, upon acceptance, become subject to all laws affecting national forests.

With the following committee amendment:

Page 2, line 11, after the word "timber," insert the words "in or near the Whitman National Forest."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LOYAL CREEK INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9326) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903.

The Clerk read the title of the bill.

Mr. MANN. I ask unanimous consent to have the bill passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks to pass the bill without prejudice. Is there objection?

There was no objection.

#### REPUBLIC COAL CO.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MAYS. I object.

Mr. MANN. Would the gentleman be willing to have it passed over without prejudice?

Mr. MAYS. Certainly.

The SPEAKER. Without objection, the bill will be passed over without prejudice.

There was no objection.

#### FLANDREAU BAND OF SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13165) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.



Mr. MANN. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman asks that the bill be passed over without prejudice. Is there objection?

There was no objection.

#### ARID LANDS IN NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2519) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I want to suggest to the gentleman from Nevada [Mr. ROBERTS] that I think this bill should be safeguarded by certain amendments. The object sought is wise and meritorious, but I am sure the gentleman from Nevada does not want to afford opportunity for speculation, or to afford opportunity to withdraw enormous areas of land without making any real attempt at finding water. I think the bill should be amended on page 2, in line 10, after the word "developed," by inserting the words "and rendered available for such use."

That would require parties not only to find water and develop it, but to render it available for use in irrigation. I do not think that anyone should be given 640 acres of land unless they do actually render available for use enough water to irrigate 20 acres.

I want to make a further suggestion. In section 4, lines 19 and 20, the provision is that the remaining area within the limits of the land embraced within any such permit shall thereafter be reserved from other disposition. One section out of four is finally patented, if the conditions are met, and the provision is that thereafter the remaining three sections shall be reserved from other disposition except that the Secretary of the Interior may sell it. We are about to pass an enlarged homestead law. It does not seem to me wise to give people an opportunity to withdraw vast areas in Nevada in this way and withhold them from homestead entry. I would strike out the words "shall thereafter be reserved from other disposition," leaving the language "that the remaining areas within the limits of the lands embraced in any such permit may be disposed of by the Secretary of the Interior by sale," and so forth. It would still leave the Secretary with authority to dispose of the three remaining sections after the patenting of one, but it would not reserve those three sections from all other disposition. I do not think it is wise to do that.

I want to suggest, in addition to that, that at the end of section 3 there should be this proviso—and I should like to have the attention of the gentlemen who are familiar with these things:

*Provided, That the lands embraced in any permit herein provided for shall at all times be subject to settlement or appropriate entry under the public-land laws, but such settlement or entry rights shall be held and perfected subject to the rights of the holder of such permit.*

Let me for a moment illustrate the necessity for that kind of an amendment. In the Fifty-fifth Congress the House passed a seemingly very innocuous reservoir bill to encourage the development of water in the semiarid regions by the building of reservoirs, and it was very much along the lines of this bill. It was well intended, but, just as this bill does, it made it possible to withdraw from entry every acre of vacant land in a State. Under that law the Interior Department was compelled, when I was assistant commissioner, to make regulations that were in fact contrary to law in order to prevent whole regions from being withdrawn from homestead settlement and entry during the period that those withdrawal rights were held. There was one county in Kansas in which one man withdrew every acre of unentered land in that county, and but for those regulations which were, as I have said, contrary to law there would have been no settlement over vast areas. Under this bill, which I think is well intended, it would be possible to withdraw and withhold from any and every form of entry known to the land laws every acre of unentered land in Nevada for two years, and without cost. No one, I think, wants to have that done; at the end of two years they would slap on some more of these permits, and so on. We entirely remove the danger of permits not in good faith if we provide that the issuance of these permits will not prevent the assertion of a settlement right under the homestead law, or the making of a homestead entry, or other proper entries. The man making that settlement, or asserting that right, would know that he did it subject to any rights which the permittee may secure; therefore, the permittee proceeding in good faith would probably not be interfered with by a homestead settlement, but if it were made it would not defeat his right; but where it was notorious that these permits were sought simply for the purpose of with-

holding large areas from settlement the homestead settler would come in and he would secure his rights.

Mr. ROBERTS of Nevada. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. ROBERTS of Nevada. We have no objection whatever to those suggestions or to any amendments which will properly safeguard the people's interests.

Mr. MONDELL. I realize the gentleman's attitude, and that he does not desire to have the condition arise, which it seems to me might arise under the bill in the form in which it passed the Senate. He desires, in good faith, to encourage this development. He is trying to secure legislation; naturally he is not to be expected to criticize the Senate bill. We should secure legislation along these lines, but at the same time we should prevent the granting of exclusive permits that might result in the withdrawal from settlement of lands in very large areas for a considerable length of time for speculative purposes. The Senate bill is very broad. Under it I do not note any limit to the number of these four-section water prospecting permits one person could secure. They would cost nothing, not even a filing fee. They could cover the entire State without turning a hand or spending a penny. They hold for two years.

Mr. MANN. Mr. Speaker, before the gentleman from Nevada [Mr. ROBERTS] becomes too deeply committed, let us find out what the proposition is. As I understand, this bill proposes to give a man who wishes to make search for water the right to make that search on four sections, and if he finds the water so that it is available for irrigating purposes, he is entitled to have one section of the land, and the other three sections are to be reserved from homestead entry and put up for sale in 40-acre lots.

Mr. ROBERTS of Nevada. Not less than 40 acres.

Mr. MANN. As I understand, the gentleman from Wyoming [Mr. MONDELL] proposes to give away the other three sections, and not to put it up for auction sale at all, which is a very different proposition.

Mr. MONDELL. No; I leave it in the discretion of the Secretary.

Mr. MANN. But the gentleman's amendment as he read it, and as I understood it, provided that the other three sections should be open to homestead entry.

Mr. MONDELL. Of course they would be open to homestead entry, but the Secretary may nevertheless sell them.

Mr. MANN. Of course you may sell them, but you can also give them away, and, of course, that means that you would give them away. That is an entire departure from the theory of the bill. I do not undertake to say which is correct. This bill was in the last Congress, and I objected to its consideration at one time because I thought perhaps it was giving too much. It now comes in with the same provision in this Congress, and on the floor it is proposed to change it practically to give away at any place four sections of land where you can find water. Of course that means that a development company gets a permit to examine four sections of land. They get one section, and they locate some of their men on the other three sections. I shall have to ask that the bill be passed over without prejudice for further consideration.

Mr. MONDELL. Mr. Speaker, I do not want the gentleman from Illinois to construe what I have said as an indication of any desire on my part to give away, although we do give away and will give away, these lands. To make this bill more liberal I think some limit should be placed, for unless some such provision is made every acre of land in the State of Nevada, every acre that is not now filed on, could be covered by a permit and thus be withdrawn for two years, so that not an entry could be made in that entire State under any land law in that time, and at the end of that period it would be entirely possible to again renew the permits. In the meantime the water development might be much or little; nobody knows.

Mr. MANN. Well, if the gentleman is correct the bill ought not to pass, and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

#### INDEFINITE LEAVES OF ABSENCE, SUPERANNUATED EMPLOYEES, POSTAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6915) granting indefinite leaves of absence to superannuated employees of the Postal Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects.

#### APPROPRIATION FOR EXPENSES INCURRED UNDER TREATY OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 649) making appropriations for expenses incurred under the treaty of Washington.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### CERTAIN CLAIMS OF THE STATE OF NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3654) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of North Carolina.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

#### COLVILLE INDIAN RESERVATION, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15575) to amend the act of March 22, 1906, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not know I desire to have it done, but I notice in reference to this matter the department says that it is necessary to have five sections of land and that the committee did not make that change in the bill, it having been introduced for four sections. Did the committee consider that matter?

Mr. DILL. The committee did and thought four sections would be sufficient.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. DILL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That section 7 of the act of March 22, 1906 (34 Stat. L., p. 80), entitled "An act to authorize the sale and disposition of surplus unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," be, and the same is hereby amended to read as provided herein, and that one section, No. 13, as hereinafter provided, be, and the same hereby is, added to the said act.

"Sec. 7. That the Secretary of the Interior may reserve from allotment or other disposition and set apart such lands of the Colville Reservation as in his judgment may be necessary, said lands not to exceed four sections in all, for school, agency, sawmill, gristmill, and other mill or administrative purposes, said lands to remain reserved so long as needed for such respective purposes. And the Secretary of the Interior may also set apart for temporary use and occupancy such lands as he may deem necessary for mission purposes among said Indians, not to exceed in any instance, except as hereinafter specifically provided, 40 acres of land lying at any one point, said lands to remain so reserved as long as actually required and used exclusively for mission purposes, subject, however, to such regulations as the said Secretary deem proper to make: *Provided*, That the Secretary of the Interior is further authorized to issue a patent in fee simple to the properly designated missionary board or corporation which now maintains the St. Mary's School and Mission for Colville Indians, for the 60 acres of land in township 33 north, range 27 east of the Willamette meridian, which is the site of said St. Mary's School and Mission plant; and in addition thereto the said board or corporation shall have the privilege of using for training purposes and support of said school and mission the lands already formally set apart for such purposes, together with those several tracts selected and used for school or mission purposes which the mission authorities, prior to 1914, described and requested to have set apart, such privilege to continue so long as the lands are required and used exclusively for Indian mission and school purposes. The Secretary of the Interior is further authorized to reserve as an Indian cemetery any lands within said reservation, not to exceed 50 acres in all, and not otherwise formally or officially appropriated, which have heretofore been or are now being used by the Indians for burial purposes."

"Sec. 13. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State or otherwise disposed of, shall be subject to the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress."

The committee amendments were read, as follows:

Page 2, line 15, after the word "point," insert the words "not included in any town site heretofore provided for."  
Page 2, line 19, after the word "Secretary," insert the word "may."  
Page 3, line 11, after the word "cemetery," insert the words "or cemeteries."

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### EXTENDING TIME OF PAYMENT OF MONEY DUE THE GOVERNMENT BY THE CITY OF AUGUSTA, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16630) authorizing and directing the Secretary of the Treasury to extend the time of payment of the amount due the Government by the city of Augusta, Ga.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what reason can the gentleman from Georgia offer for reporting this bill?

Mr. VINSON. Mr. Speaker, the present situation with respect to the Government's contract with the city of Augusta, Ga., for the city's purchase of the old post-office property there appears to be as follows:

March 4, 1911, the Government owned a Federal building and a vacant site. The act of Congress approved same date authorized the exchange of the new site for the city's vacant lot, the United States paying the difference in value, provided city purchased old post-office property. Old post office appraised at \$50,000. The city's lot valued at \$16,000 more than the Government's vacant site.

The department contracted with the city to exchange lots and to convey the old post-office property to city upon completion of the new Federal building; city to pay net balance of \$34,000 upon delivery of deed to old post-office property.

The deeds for vacant lots have been exchanged. The new post office has been completed and the city notified to forward draft. The contract requires that upon receipt of draft the department shall deliver last-mentioned deed and if the city defaults it loses all claim to its equity in the old post-office property.

The reason why the city of Augusta asked for this extension is in view of the recent catastrophe in Augusta during, I think, the month of March, wherein a portion of the city was practically destroyed by fire, causing damage of over \$7,000,000.

The Treasury Department has no objection to the extension of time, and I hope the gentleman from Illinois will not interpose objection to the present consideration of this bill. Of course, as the bill is upon the Unanimous Consent Calendar it can not be considered at this time if the gentleman interposes an objection, and I earnestly request that he withhold the same and permit the bill to be considered by the House.

Mr. MANN. Well, Mr. Speaker, we have frequently extended the time for payment where we sold land to settlers, especially Indian lands. We have done so a great many times, though I do not recall any instance where we did not require that the interest on the extension should be paid in advance.

Mr. VINSON. If the gentleman will yield—

Mr. MANN. Does the gentleman from Georgia think that if this had been the reverse, and the United States by making this exchange of land had agreed to pay the city of Augusta \$34,000, that the city of Augusta would either postpone the time for payment, or, if we should take the extension of time, the city of Augusta would let us off without interest?

Mr. VINSON. Replying to the gentleman's question, I am confident that if the city of Augusta had a claim against the United States and a great calamity had fallen on the country, the city of Augusta would promptly, if requested to do so by the National Government, give it ample time to meet its indebtedness.

Mr. MANN. Why should we do more for the city of Augusta than we do for some poor pioneer down in Oklahoma, out in Montana, Wyoming, or Washington? We have quite a number of bills pending now, in one House or the other—we passed some at this session—extending the time for payment, but always requiring the payment of interest.

Mr. VINSON. Well, I do not think the gentleman will find any record whereby the Government exacted interest in cases of a calamity.

Mr. MANN. Oh, the gentleman is mistaken. These are all cases of calamity.

Mr. VINSON. Not at all.



Mr. MANN. Why, every one of these cases where we extend the payment the settlers come in here by their Representatives and say that owing to nature not giving them sufficient moisture, or something else, they have not been able to raise any crops. We extend the time and they pay the interest.

Mr. VINSON. Does the gentleman from Illinois take the position that the Government should go into the business of charging interest on money that is due to it by the citizens of Augusta, Montana, Wyoming, or any other place?

Mr. MANN. I take the position that we ought not to do it, but we are doing it every day. We are not loaning money. Here, the city of Augusta owes us the money. They say they are not prepared to pay it without hardship. It is like any other debt. It was a fair transaction. They entered into it knowingly and willingly. In fact, they obtained it as a concession. The Government of the United States was not asking for it. Now, they owe the money. I am perfectly willing to extend the time for payment, but I see no reason why we should extend the time without the payment of some interest.

Mr. VINSON. I can not see, Mr. Speaker, why any interest should be exacted in this case, because the original contract between the city of Augusta and the United States never contemplated interest, and for one I think it is an unwise policy for the Government to exact interest in a case of this character from any of its citizens who happen to be indebted to it.

Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. MANN. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bill be passed over without prejudice.

Mr. VINSON. I trust the gentleman will not do that, because it is a fact—

Mr. MANN. I have finished my discussion on it this afternoon. I will think it over.

The SPEAKER pro tempore. Is there objection?

Mr. VINSON. Mr. Speaker, I ask that it go over without prejudice.

The motion was agreed to.

#### PUBLIC UTILITIES COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16700) to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That section 8, paragraph 1, of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, relating to the Public Utilities Commission of the District of Columbia (37 Stat. L., p. 975), as amended by an act approved February 25, 1916, be amended by adding to the names of the companies excluded from the operation of said section, after the words "and the Washington & Old Dominion Railway, excepting as to the regulation of its operation inside of the District of Columbia," in the third subdivision of said paragraph, on page 975, the following: "And the Washington-Virginia Railway Co., excepting as to the regulation of its operation inside of the District of Columbia."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### RETIREMENT PAY FOR UNITED STATES DISTRICT JUDGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11152) to provide retirement pay in certain cases for judges of the United States district courts in the Territories.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

#### TABLET IN MEMORY OF COL. DAVID DU B. GAILLARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15078) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the Memorial Amphitheater at Arlington, Va.

The title was read.

Mr. MANN. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### MILITARY PARK, GUILFORD COURTHOUSE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

The title was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent to have the bill passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### PINEY BRANCH ROAD BETWEEN ALLISON AND BUCHANAN STREETS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12035) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia.

The title was read.

Mr. MANN. Mr. Speaker, I make the same request as to that bill.

The SPEAKER. The gentleman from Illinois asks that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

#### UNITED STATES JAIL AT GUTHRIE, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6904) authorizing the donation of the United States jail at Guthrie, Okla., to Logan County.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. THOMPSON. Mr. Speaker, I ask that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the United States jail at Guthrie, Logan County, Okla., shall, from and after the passage of this act, be and become the property of Logan County, Okla.

Also, the following committee amendment was read.

Strike out all after the enacting clause and insert:

That the Attorney General of the United States be, and he is hereby, authorized and directed to convey, by proper quitclaim deed, to the county of Logan, in the State of Oklahoma, the United States jail at Guthrie, Okla., and all the lands set apart therewith.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended to conform to the text.

There was no objection.

On motion of Mr. THOMPSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

#### MISSISSIPPI CENTENNIAL EXPOSITION AT GULFPORT, MISS.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 252) authorizing the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition at San Diego, Cal., to the Mississippi Centennial Exposition at Gulfport, Miss.

The title of the resolution was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

There was no objection.

#### PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 235) to authorize the President of the United States to convey to the foreign Governments participating in the Panama-Pacific International Exposition the grateful appreciation of the Government and the people of the United States.

The title of the resolution was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

There was no objection.

#### LANDS OF WINNEBAGO AND OMAHA INDIANS, NEBRASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11161) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole. I also ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the Senate bill 6116, and that that bill be considered in lieu of the House bill 11161, the two bills being identical.

Mr. MANN. Where is the Senate bill? Over in the committee?

Mr. VENABLE. Yes.

The SPEAKER. Where is the Senate bill now?

Mr. VENABLE. My information is that it has been referred to the House committee.

Mr. MANN. It is probably with the Committee on Indian Affairs. I ask unanimous consent, Mr. Speaker, that it be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. VENABLE. The bills are the same.

Mr. MANN. I am willing to pass it over temporarily. The Committee on Indian Affairs is right down below here. You have to have the original engrossed bill of the Senate before you can act upon it.

Mr. VENABLE. I ask unanimous consent, then, Mr. Speaker, to pass over the bill temporarily.

The SPEAKER. Is there objection?

There was no objection.

#### INDIAN DEPREDACTION CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6876) to amend an act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915.

The title of the bill was read.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill go over without prejudice. Is there objection?

There was no objection.

#### HIGHWAY THROUGH FISH-CULTURAL STATION, UNICOI COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.

The title of the bill was read.

The SPEAKER pro tempore (Mr. FERRIS). Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of Commerce is authorized to grant permission to the road commissioners of Unicoi County, Tenn., a right of way for a public highway, not more than 20 feet wide, through the property of the United States in Unicoi County, Tenn., used as a fish-cultural station and hatchery *Provided*, That such conveyance of right of way shall not be construed as affecting the right or title of the United States in said property or as in violation of any stipulation or condition in the conveyance of the same to the United States, and on the further condition that the land or right of way to be conveyed thereunder shall be constructed and maintained as a highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of said fish-cultural station, and in a manner satisfactory to the Secretary of Commerce.

With a committee amendment, as follows:

Amend, page 1, line 3, by striking out, after the word "to," the words "grant permission" and inserting the word "convey." On page 2, line 3, after the word "way," insert the word "authorized." In the same line, after the word "conveyed," strike out the word "thereunder," and insert the word "hereunder."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL of Tennessee, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### FISH-CULTURAL STATION ON THE KLAMATH RIVER, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11245) to authorize the establishment of an auxiliary or field fish-cultural station on the Klamath River, in the State of California.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes. I would just as lief object. I will, eventually. We do not pass any bills of this character.

Mr. RAKER. The gentleman made a request to pass the bill over. I would like to have it passed if I could.

Mr. MANN. I do not make any response. The gentleman is at liberty to do as he pleases.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to pass the bill over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

#### COOS HEAD MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 1159) authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FERRIS). Is there objection?

Mr. MANN. Reserving the right to object, I should like to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to grant permission to and to authorize the cities of Marshfield and North Bend, each being a municipal corporation of and within the State of Oregon, to use and occupy all of those tracts or parcels of land known as the Coos Head Military Reservation, and also described as lots 1, 2, and 3, and the southwest quarter of the northwest quarter of section 2, township 26 south, range 14 west of the Willamette meridian, and lots 1, 2, and 4, and the southeast quarter of the northeast quarter of section 3, township 26 south, range 14 west of the Willamette meridian, situated on the south shore of the entrance to Coos Bay, at Coos Head, in Coos County, State of Oregon, for park purposes, and to exercise such use and occupation by and through a commission consisting of three persons, two of whom shall be named and appointed by the said city of Marshfield from among its resident citizenship, and one to be named and appointed by the said city of North Bend from among its resident citizenship; and for the purpose of enabling said cities more effectually to promote the purposes herein defined, the said commission is hereby granted the privilege—

(a) To fell and to remove trees and underbrush from said parcels of land, and to otherwise clear and improve the same.

(b) To erect temporary buildings upon said parcels of land for the accommodation and convenience of the public.

(c) To grant to private parties and to others the privilege of erecting temporary buildings upon said parcels of land for the accommodation of private persons and the public.

(d) To survey and plat said parcels of land, or any part thereof, for the purpose of enabling said commission to indicate and define the particular tract or tracts of land granted for such privileges to any person or persons.

(e) To police said parcel or parcels of land while the same or any part thereof is being used or occupied as a park or for parking purposes, or while the same or any part thereof is used or occupied under any privilege granted by said commission in accordance herewith.

(f) To provide and enforce reasonable charges, restrictions, rules, and regulations for the use of property and the conduct of persons while upon said parcels of land or upon any part thereof while being used or occupied, in whole or in part, for park purposes; subject, however, at all times to the rights of the United States in any manner to assume control of, hold, use, and occupy, without leave or consent from anyone or from said cities of Marshfield or North Bend, or from said commission, any or all of said parcels of land for any and all military, naval, life-



saving station, lighthouse, and any and all other Government purposes, freed from any and all grants, conveyances, privileges, charges, incumbrances, improvements, or liens, matured or unmatured, made, created, permitted, or sanctioned thereon, by said cities of Marshfield or North Bend or said commission, or either of them, under and by virtue of this act: *Provided*, That the United States shall not be or become liable to any person or persons for any damages or compensation whatever to the said cities of Marshfield or North Bend or to said commission, or to either of them, for any future use by the said Government of any and all of the above-described parcels of land for any of the above-named Government purposes: *Provided further*, That each and all of the uses, occupations, and privileges hereby granted are and shall be of a temporary character only, and the said Secretary of War is hereby authorized to revoke the same at his discretion.

Mr. MANN. There is not very much information contained in the report on this Senate bill. I should like to ask whether the cities affected desire this legislation?

Mr. HAWLEY. They have passed resolutions through their common councils authorizing the taking over by the cities of this property if the grant is made by the Government. They agree to preserve it in good shape and police it, which is an important thing just now.

Mr. MANN. How large are these cities?

Mr. HAWLEY. The city of Marshfield approaches 7,000 inhabitants, I should think, and the city of North Bend some 4,000 or 5,000. There are other people living on the peninsula, so that the total number of people served will be over 15,000, as I understand.

Mr. MANN. How many acres are there in this reservation?

Mr. HAWLEY. About 120 acres.

Mr. MANN. As I understand, this bill does not provide for the sale of the land to these cities, but simply grants to them the use of this military reservation until the Government wants it, reserving the right of the Government to take it at any time.

Mr. HAWLEY. At any time, without any request whatever.

Mr. STAFFORD. Reserving the right to object, what improvements has the Government on this tract?

Mr. HAWLEY. Practically none. It has been abandoned for many years. Nuisances are committed upon it, the Government does not provide for its care, and if these cities take it over they will police it and care for it, and it will be preserved in better condition than it is now.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The bill is on the Union Calendar.

Mr. HAWLEY. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman asks unanimous consent to consider it in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901."

The Clerk read the title of the bill.

Mr. MANN. I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

#### ST. AUGUSTINE, FLA., PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the Powder House lot.

The Clerk read the title of the bill.

Mr. MANN. I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

#### BLACKFEET INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 793) modifying and amending the act providing for

the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, this bill proposes to advance out of the Treasury a considerable sum of money to the Indians, to be reimbursed to the Government finally?

Mr. EVANS. Yes.

Mr. MANN. Is there any reason why we should advance that money without charging some rate of interest on it?

Mr. EVANS. I know of no particular reason why interest should not be charged. I do not know whether it has ever been done.

Mr. MANN. I do not know of any other case like this where we have acted.

Mr. EVANS. The situation is briefly this, that this reservation was ordered to be opened some seven years ago, but because some coal and oil and other rights were not reserved the reservation had never been opened. It is now ready to open, but there is a disposition to open only a part of it. Because it appeared that the reservation was ready to be opened, the grazing privileges have been cut off, and these Indians have been left without means of support. Formerly they leased the grazing privileges, from which they received an income, but last year the Government spent about \$30 for the purpose of feeding these Indians. It is now proposed that the Secretary of the Interior shall loan to these Indians \$150,000—

Mr. MANN. Seven hundred and fifty thousand dollars would come nearer the amount.

Mr. EVANS. I think it would finally, but \$150,000 by this bill.

Mr. MANN. Seven hundred and fifty thousand dollars by the bill as originally introduced, and \$150,000 by the committee amendment, which I am sure the gentleman from Montana is not in favor of.

Mr. EVANS. I am in favor of it if the amount is increased. The Indians have a valuable property, but they are personally poor. The Commissioner of Indian Affairs testified before the committee that he could open the reservation within 60 days if this bill goes through.

Mr. MANN. I have examined the matter quite carefully, and have talked with some of the gentlemen who are here in behalf of the bill. I can see a good deal of merit in the proposition; but where we propose to sell a lot of Indian lands right away, and pending the sale propose to invest a large sum of money in stock raising or something else, what reason is there why the Government should do this at its own expense in the end, the Indians having plenty of property, and not charge them any interest on the amount advanced to them?

Mr. EVANS. Personally I should not object to an interest charge, because I think the principal will be repaid within two years. I shall not object to that.

Mr. STAFFORD. I ask unanimous consent that the bill go over without prejudice.

Mr. EVANS. I hope the gentleman will not ask that.

Mr. STAFFORD. I feel obliged to do so.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

#### VETERINARY INSPECTORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture.

The SPEAKER. Is there objection?

Mr. COX. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects.

Mr. RAKER. I ask unanimous consent that the bill retain its place on the calendar.

Mr. COX. I object.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed over without prejudice and the gentleman from Indiana objects. The Clerk will report the next bill.

#### AVIATION CORPS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17020) making an appropriation for the benefit of the Aviation Corps of the Department of War, and repealing the provisions of certain acts relating to the acquisition of a site and the erection of a public building at Ripon, Wis.

The Clerk read the title of the bill.

Mr. STAFFORD. Mr. Speaker, by request I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

JOHN ERICSSON.

Mr. FITZGERALD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5) for erecting a suitable memorial to John Ericsson, with committee amendments.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill H. R. 5, with committee amendments. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the sum of \$35,000, or so much thereof as may be necessary, is hereby authorized for the erection, in the city of Washington, D. C., of a suitable memorial to John Ericsson, the inventor and constructor of the *Monitor*, said sum to be expended for the purposes herein named by a commission consisting of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, and the Secretary of the Navy: *Provided*, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, if no one else demands a second, I do.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. FITZGERALD. Mr. Speaker, this bill is to commemorate by suitable monument the memory of one of the most distinguished members of the engineering profession, and a man who rendered services of an extraordinarily valuable character to the people of the United States in a great crisis in their history. John Ericsson was born in Sweden in 1803 and died in the city of New York in 1889, in which city he was buried. Subsequently, at the request of the Swedish Government, his body was transported upon an American man-of-war to Sweden for interment in his native land. He is most familiarly known to fame as the man who constructed the *Monitor*, at a very critical period in the existence of the Republic. But outside of his connection with the construction of the *Monitor*, he had been identified with a long list of useful inventions and improvements that have been of inestimable value to mankind. He was the first to adopt the screw propeller for steam vessels. He originated the use of compressed air for the transmission of power and of forced draft by centrifugal blowers. He was the inventor of improved boilers for steamships, and of the surface condenser for marine engines. One of his inventions that was particularly valuable to the United States was the location of the propellers below the water line, and it was tried for the first time on a vessel of the United States Navy. He was the inventor of an apparatus for deep-sea soundings, involving the principle now incorporated in Lord Kelvin's deep-sea sounding device, to locate accurately warning signals, and he was the inventor and designer and the improver of innumerable mechanical devices of great advantage to the commercial world.

He received the thanks of Congress and of the Legislature of the State of New York during his lifetime for services which he rendered to this country. He came to the United States in 1838, was naturalized in 1849, and lived the remainder of his life in this country until he died, as already stated, in the city of New York in 1889.

It is peculiarly fitting, Mr. Speaker, that at this time the Congress of the United States by some suitable memorial should commemorate the distinguished services of John Ericsson. He was a native of one of the few countries which is neutral during the present war. The United States is now on the most friendly terms with that progressive nation. Although the time has been considerable since he rendered the services for which the country is particularly grateful, there are now numbered among the citizens of this country a vast number of natives of Ericsson's native land who constitute a valuable and desired addition to our citizenship. They reverence his memory; they have just pride in his achievements; they are hopeful that his services will be commemorated by some fitting and lasting memorial. Nothing does so much to encourage patriotism and to

make men's hearts beat more rapidly with patriotic fervor than the contemplation of the deeds of able and patriotic men which the country in some suitable manner recalls to its people. A fitting memorial in the Nation's Capital will attract men from all parts of the United States as to a shrine, and it will enkindle a noble and more intense love of our country in the hearts of many estimable citizens.

I hope that the House will take advantage of this opportunity to pass this bill. In the last Congress nearly 300 Members of the House publicly pledged themselves to support legislation designed to commemorate the memory of this very distinguished man, and I am glad that they are all present now and will have an opportunity to vote for the bill at this time. [Applause.] I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

[Mr. STEENERSON addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, I demanded a second on the motion to suspend the rules in the absence of anyone else demanding it, not because I am opposed to the bill but because I thought it was proper to have it in a status where gentlemen might address the House concerning the bill. If anyone now wishes to be heard in opposition I would be very glad to yield him the time. Apparently no one is opposed to the bill. I am with the others who have spoken. I think we are paying a proper tribute to this great patriot, to this great Swedish citizen—Swedish-American I shall call him, notwithstanding the prejudice against hyphenated names, because it would not be just merely to call him an American. It would not be just merely to call him a Swede. It is only just to call him, as he was, a great citizen of the United States, born in Sweden, who is sometimes referred to as a Swedish-American. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Speaker, the remark was just made about a man being a "Swedish-American." If there was any man in this country who was intensely American it was Capt. John Ericsson. Throughout the entire country, from East to West, we do not know anything of Swedish-Americans. They are all Americans. [Applause.] Though often called Swedish-Americans, it is nevertheless true the Swedish-born people, adopted citizens of our Nation, love the land which gave them birth. They are an educated people; they read and recite the sagas, the literature, and sing the songs of their forefathers. They read the history of its warrior kings, its poets, and love its splendid music, instrumental and vocal. While this is all dear to them, above all they love their adopted country, and no citizenship of the United States is truer than they to the Stars and Stripes and what the flag stands for. [Applause.] The first settlement of the Swedish-born people in the West was in 1846, in Henry County, Ill., led by Eric Janson, with a company of about 1,000 men, women, and children from the hillsides and the valleys of Sweden. They established the well-known colony of Bishop Hill in as beautiful a portion of Illinois as can be found, and they and their descendants have transformed it into a veritable garden. I was born in the same county, so known of the energy, industry, and perseverance of the pioneer Swedish citizens of that county.

When the Civil War came there were no people in this country of foreign birth who responded better in relation to numbers to the call to preserve the Union and for the defense of the flag. [Applause.] Of the men of Swedish birth in Illinois it is said that every fifth man able to carry arms responded to the call of Lincoln and of the Nation.

When the news came that John Ericsson had constructed the *Monitor* which won the victory over the *Merrimac* and saved the Capital of the Nation, with the same came news of victories won by the valor of Swedish-born soldiers in the battle fields of the West. There was the celebrated Company C of the Forty-third Illinois, all of Swedish birth, who distinguished themselves at Shiloh. On the same battle field and elsewhere Silversparre's battery won glory for themselves. Capts. Forse and Eric Johnson, of the Bishop Hill company, Fifty-seventh Illinois, served for over four years in the defense of the Union; then there was Capt. Stolbrand, the great artilleryman, and Capt. John Dedrick, of the Nineteenth Illinois; Col. Hans Mattson, who led the Scandinavians from Minnesota. The soldier boys came from the shops and farms of Illinois, Iowa, and Minnesota, and together with the Norwegians of Wisconsin, Iowa, and Minnesota, did deeds of valor on many a battle field for the preservation of the Union. I remember as a boy when the news came that the *Monitor*, John Ericsson's invention, had won the battle against the *Merrimac*, and with what gladsome joy it was received.



The Swedish-born people, their sons and daughters, are and always have been true to this Government, whether you find them in the factories in the New England States, or in the shops of the great centers of manufacture, or in the fields of Minnesota, Kansas, Iowa, Nebraska, or Illinois; wherever you may find them from the Atlantic to the Pacific, in shops, factory, farm, mine, forest, or as merchants, bankers, or educators, they are a patriotic people.

They love to speak of John Ericsson and the brave boys who, during the Civil War, were always found loyal to this country. [Applause.]

In the schools and colleges of our land they have gained highest distinction, and the sons and daughters of Scandinavia in our schools compare favorably with those of any lineage or ancestry. The present governor of Minnesota is an example; I can remember when his father, his grandfather, and grandmother came to this country. They did not look "very much," as we say, but they have shown their sterling worth. They came to this country poor, with empty hands, but with an ambition to succeed. Their civilization was of the type that read the Bible. They brought the Bible and hymn book with them. They taught their children to worship God. They gave them the best education they could. They taught them to be true Americans, and to-day their children and grandchildren are filling honored places. The history of this family is the history of many Scandinavian families in this country. [Applause.]

I am glad to be present and vote for this measure; I wish the committee had recommended a larger amount; still I am pleased that Congress will show its appreciation to the memory of Capt. John Ericsson.

The turret idea evolved and put into practice in constructing the *Monitor* was the commencement and foundation of the present type of naval warships. Ericsson's fame as an inventor is national and it is also world-wide. The last century brought forth many wondrous inventions, and among the inventors Capt. John Ericsson's name classes with Morse, Bell, Edison, Howe, McCormick, and Marconi, wondrous in their inventive genius for the comfort and welfare of the peoples of the earth. [Applause.]

Mr. FITZGERALD. I yield to the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Speaker, the pending bill providing for the erection of a suitable monument in the National Capital in honor of Capt. John Ericsson is a meritorious one from every viewpoint, and I want to see the House pass it by a unanimous vote.

Every school child in the land has been thrilled by the story of Capt. Ericsson and his *Monitor*. I know that the first story of the Civil War that impressed itself on my mind was the story of the thrilling fight between John Ericsson's *Monitor* and the *Merrimac*. I heard the story even before I started to school from my father, himself a veteran of the old Grand Army of the Republic.

We have erected monuments in Washington to the memory of many of our great men, and it is in every way fitting that we should erect one to the memory of this great Swedish-American, a man whose memory the people of this Republic will revere as long as the Republic stands.

In connection with this I wish to insert as a part of my remarks extracts from the finest speech on John Ericsson that I have ever read. I refer to the speech of Congressman CHARLES H. SLOAN, of Nebraska. It is a literary gem. It contains more interesting information about John Ericsson than can be found in any schoolbook or history that has ever come to my attention. It should be published as a Government document and sent out to the public schools everywhere. I happen to be one of the members of the Committee on Printing, and if a resolution is introduced to make this speech a House document I will, as one member of the committee, vote to report it favorably. Congressman SLOAN's speech, in part, follows:

"Mr. SLOAN. Years ago in the schoolbooks we learned that Baltimore was the Monumental City. It is now seldom so designated. This is largely due to the fact that within an hour's ride from the 'Metropolis of the Chesapeake' there stands by the lordly Potomac, at a point where the waters from the mountains meet the tides of the sea, our National Capital.

"Its regular streets, broad avenues, palatial homes, and great buildings, public and private, together with its numerous parks, whose areas describe many geometric outlines, all challenge the notice and command the favorable comment of visiting Americans and foreigners.

"Some of the most interesting features of Washington are its monuments, erected as a protest against the oft-repeated statement that republics forget and are ungrateful. Between

the Capitol and the Potomac, reaching toward the heavens, stands the greatest obelisk in the world. It was erected by a generous people's voluntary subscription and a congressional appropriation to the memory of Washington. Near the banks of the Potomac, beyond which rises in solemn grandeur Arlington Cemetery, the resting place of American heroism, is now being constructed a magnificent Greek temple in commemoration of Lincoln. [Applause.] In the various parks are imposing statues erected to brave, wise, and great Americans, 'whose deeds crown history's pages, and time's great volume make.' All these are in chaste marble, enduring granite, or imperishable bronze. These in the main are erected to commemorate America's native sons.

"However, America did not come into national existence by native effort alone, nor has that national existence been maintained independently of those who looked for the first time upon the sun in other climes or under other flags than ours. In an oblong square fronting the Executive Mansion is Lafayette Park. Here are beautiful walks under trees transplanted from many other countries. In the southeast corner upon an elevated pedestal, about which is the compatriot group, stands a bronze statue, with military trappings, of America's early, tried, and noble friend—Lafayette. [Applause.]

"At the northeast corner is a similar statue erected to Kosciuszko, the Pole. May it stand there in grandeur until dismembered Poland, which gave him birth and for which he fought and fell, shall take its place among the other nations of the earth. [Applause.] In the southwest corner is another statue of heroic mold erected to Rochambeau, the great French general, who led his army, side by side with the Americans under Washington, up to triumphant Yorktown. The latest statue placed is in the northwest corner, that of Baron von Steuben, an officer under Frederick the Great. He became, after Valley Forge, the effective drill sergeant of our Continental Army. It was to a large extent his methods and discipline, added to the zeal, daring, and patriotism of the American Army, which humbled the land forces of Britain. [Applause.]

"Nor are those who distinguished themselves on land alone remembered. In Franklin Park there has recently been erected a bronze statue of Irish Jack Barry, who nobly earned the title, 'The Father of the American Navy.' [Applause.] Recently the American Government in just retrospect condemned its own neglect of John Paul Jones, who under different flags had become in that period of revolution on two continents 'the terror of the seas.' As a measure of justice the American Government transported his remains from their Parisian resting place and placed them in a mausoleum at the Annapolis Naval Academy. Afterwards a statue enduring, imposing, and appropriate was erected to his memory at Potomac Park in the National Capital. The achievements of this Scot in gallantry and daring reflected luster all along his career, but never more than when he patrolled the seas in vigorous warfare against all who would assail the encradled Republic of the west. [Applause.]

"John Ericsson was born with a genius for mechanics and a mind for mathematics. With the industry and persistence of his race this child of the north lived and closed his career with a record for achievement which, had he lived a few centuries ago, would have, by the iconoclasts of to-day, been called a romance.

"He first saw the light under the northern sun in Vermeland, Sweden. His nativity was but a few degrees from the Arctic Circle. It was the land of the short day and summer and the long night and winter. Eighteen hundred and three was a year of great import to America. It was the year when Napoleon, intending to deliver his greatest indirect blow at Britain, ceded Louisiana to the United States, giving us the scope of an empire. Far off Sweden was then under the rule of the great Napoleon. There a boy was born who 59 years later was to prove a great factor in preserving intact, under the American flag, that mighty domain. Napoleon intended by so ceding Louisiana to build a western republic capable of battling successfully with Britain. That was an enterprise in which the great Corsican recognized his own inability, for already Britain's supremacy of the seas had confined Napoleon's triumphs to continental Europe.

"The march of events confirmed the foresight of Bonaparte. Britain was successfully combatted and our most marked victory was at New Orleans, the populous center of that great annexation. The supreme trial of the Republic was not destined to be with Great Britain or any other power. It arose between two parts of the Republic itself. In that John Ericsson earned the distinction which the bill for his monument now pending in this Congress would confer.



"Between the Swedish cradle and the American tomb (1803-1889) we find many interesting facts. Ericsson exhibited a precocity for drawing at the age of 4. At 8 he became an adept at understanding and handling machinery. He was the builder of a perfect miniature mill at 9. At 10 he astonished Admiral Platten, the great Swedish canal builder, who prophesied for the boy an extraordinary future. At 13 he directed 600 Government military laborers in the construction of public highways. So the good roads builders of to-day may find a pioneer in John Ericsson. At 17 he became a soldier in the army of Bernadotte, under whom he was rapidly advanced. At 18 he was a surveyor in the King's service. His measurements and maps made at that time still remain marvels of accuracy and utility. At 23 he left his homeland of the north, where he deemed his abilities and activities circumscribed, for Britain was then as now the empire of the sea. There he believed would be a demand for the creations of his brain and their perfection by his hand. [Applause.]

"Britain was not an hospitable host for the Scandinavian genius. The man who rivaled Stephenson in producing the steam locomotive, the foreigner who produced at a London fire the first steam fire engine, the alien who bound the cannon barrels against their bursting, and the originator of the screw propeller, came up against British official inertia and English red tape. While Ericsson could take dead metal and shape it to his will, chain the elements, make a gun safe, at least to its handlers, subdue the fire fiend, and seizing upon the theory of bird flight, apply it to shipping, revolutionize in cheapness and speed navigation, yet he could not jar loose the official mind of Britain. The official mind of Britain was much like the official minds of other countries which have so often dismissed the suggestions of genius with these insuperable objections: 'We never saw it before. It was never done before.' It almost leads one to inquire why the ancients wasted rocks with which to build pyramids. Were there not sufficient official skulls for the purpose?

"So in 1839, wearied with Britain's official inaction, though he had acquired 30 British patents, he started for New York, the then ambitious port of the Western Continent, now the one through which passes more commerce than any other port of the world.

"He had been schooled in his native land to look to officials and governments for patronage, but he learned in Britain, and had it confirmed in America, that governments are less inclined toward seeing and adopting enterprise than is private capital. This is probably due, first, to the fact that the government is not intent on accomplishing gain, and second, the machinery of government being hedged in by constitutions and laws, and controlled by many heads instead of one, is necessarily slow in either seeing or accomplishing that which is not warranted by precedent.

"He came to America at the invitation of Robert F. Stockton, an American capitalist. In 1842 he designed, and the Government adopted, its first real steam war vessel, known as the *Princeton*. He invented an instrument for measuring distances and in firing guns. The range finders on our great dreadnaughts are but the perfection of this instrument invented by Ericsson. Its importance may well be realized since size of guns, weight of projectile, resistance of armor plate, and distance between gun and target constitute the four great factors in naval gunnery.

"The New World became attractive to him. He conceived a patriotic devotion to the great Republic whose enterprising men and liberal government gave him scope for his genius and industry. From this country he was granted 100 patents. So, in 1848, he adjured his allegiance to the Crown of Sweden and became a naturalized American citizen. Before our Civil War he conceived the *Monitor* and offered it to Napoleon III, there seeming to be no American demand, but Napoleon rejected it. By a strange coincidence, the character of the great battle in Hampton Roads was to either side suggested by Ericsson. Mallory, the naval secretary of the Confederacy, had been a friend of Ericsson's before the Civil War. In his then talks with the inventor, the ironclad was discussed, and Mallory later upon obtaining his position in the Confederate Cabinet, used Ericsson's thought, years before the war informally communicated, for the construction of the *Merrimac*.

"The Civil War was on. Its first year had shown in the activities of the field the mettle of both sides, albeit lack of discipline and preparation were manifested on either side, but more particularly by the North. It is an ancient story now about the construction of the *Merrimac*. Her entering Hampton Roads, sinking our *Cumberland*, burning the *Congress*—both wooden vessels—and driving the *Minnesota* into a position of helplessness,

"But the building of the *Merrimac* was not unknown to the northern authorities, and the time of her arrival where the battle must take place was of course reasonably forecasted. It seemed providential that preparation for meeting it should have been made by the one man then in the world capable of successful preparation. [Applause.]

"On September 14, 1861, the Government entered into a contract with Ericsson to construct the *Monitor*. One of his claims was that it should be impregnable to shot. Think of it! In that critical period the Government, dealing with the only individual capable of meeting the great national crisis, inserted in its contract of purchase a condition that payment should be withheld unless that condition could be clearly met.

"The *Monitor's* keel was laid October 25, 1861; her engines were steamed December 30. It was launched January 30, completed February 15, went into United States commission February 25, and on March 8 made her famous trip to Hampton Roads. Word painting of the first great sea fight, where gravity seems to have been conquered and where iron not only floated but fought iron, is left to the many writers and historians who with picturesque detail have given to the world an account of the first great naval battle as modern warfare then begun and since continued. Interesting as such an account might be, more interesting would be a statement of the fear and trembling on the decks of every northern wooden man-of-war. The consternation of Philadelphia, Boston, and New York, who saw in the immediate future the menace of their invaded ports, their destroyed shipping, and their wealth placed under tribute to the ironclad monsters already under construction and fashioned after the *Merrimac*. More interesting yet was the suspense and almost terror in Washington, where those in authority in anticipation saw the *Merrimac* steaming up the Chesapeake on into the Potomac, past Mount Vernon, and up to the National Capital, with guns trained on the Treasury and the Capitol, which meant more than a mere battle and the destruction of property. It meant a release of the southern blockade. It meant recognition of the Confederacy by all the powers on earth. It meant their commerce aiding the seceding group. It forecasted an unconquerable South and a permanently divided Nation.

"Men sometimes refer to the battle in Hampton Roads as being undecisive, because neither ship was captured or sunk. But the best evidence of victory was the subsidence of fear throughout our Navy; the restoration of complete confidence in Boston, New York, and Philadelphia; the tightening of the southern blockade; the nonrecognition by foreign powers; the supreme relief and the glorious confidence of Lincoln and his Cabinet; and as time went on the complete victory by the North and the perpetuation of the Union left unquestioned proof of who was victor and who was vanquished in the first great battle of floating iron. [Applause.]

"That in building the *Monitor*, Ericsson's chief consideration was for battle rather than navigation is suggested in the final end of the historic craft. Late in the year of 1862, as the northern naval forces were prosecuting their conquest against the shore defenses of the South, the *Monitor* was sent down the Atlantic coast. There, in a stormy sea, it passed Cape Hatteras; but in the increasing gale which followed it yielded to the battering of Neptune's artillery, and on the 31st day of December, 1862, it sank in that section of the sea which has claimed so many craft of both wood and iron and levied, year by year, heavy tribute of human life.

"My attention has recently been called to the fact that Dr. Greenville Weeks, who was a surgeon on board the *Monitor* in its first battle cruise, and still with it on its final trip, still lives, at the age of fourscore years. He recently visited the great Capital whose preservation was the *Monitor's* prize in 1862. It may be a matter of general indifference, but to me one of the most interesting seafaring accounts I ever read was 'the last cruise of the *Monitor*,' written many years ago by Dr. Weeks, in which he graphically described the last trip and final passing of the *Monitor* upon which he had been an officer and witness in its battle triumph, and which he left on its final cruise only when it sank to rise no more.

"There is a story of the ancient Swedish kings, and, by the way, one of them was named Ericsson, that a prince entitled to the throne must look upon it, then go and perform some great and heroic deed; then drink a libation from a skull before he takes his seat of power. Ericsson had looked upon a throne of metal, proffered by Neptune. He drank a libation from rebellion's skull, and became entitled to his throne. That right was confirmed by Neptune and Mars. [Applause.]

"Some may think Ericsson's *Monitor* was the chance thought of the dreaming inventor. It was not. It was the legitimate product of a highly organized, tempered, tried, and cultured



brain, which always controlled and commanded a hand of cunning.

"A tribute to Ericsson is, in a broad sense, a tribute to the race from which he sprung. No evidence of this would seem better or more appropriate just now than a quotation from Admiral Luce in a paper read before the Naval Institute April 20, 1876:

"The *Monitor* was the crystallization of 40 centuries of thought on attack and defense, and exhibited in a singular manner the old Norse element of the American Navy; Ericsson (Swedish son of Eric) built her; Dahlgren (Swedish branch of valley) armed her; and Worden (Swedish, wordy, worthy) fought her. How the ancient Skalls would have struck their wild harps in hearing such names in heroic verse! How they would have written them in 'immortal runes'!"

[Applause.]

Mr. STEENERSON. Mr. Speaker, I make the same request, to extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I rise not in particular to pay tribute to the Scandinavian people, which has been well done by both my colleague and the other two gentlemen who have spoken, but to recall that the putting of the *Monitor* at the service of the Government required the service not only of the distinguished and able Scandinavian but the use of the great historical figure—Abraham Lincoln. It was a fact that the naval officers of that day turned down the *Monitor* as an absolutely impractical and ridiculous proposition, and it required the direct personal order of Abraham Lincoln. Not only did it require the order of Lincoln but there are some of us among the older Members of the House who recall the then gentleman from Connecticut, Mr. Sperry, who sat here with us for years, and it is just and fitting that we should recall in this connection that when John Ericsson, not himself a man of wealth, needed money to build the *Monitor*, it was Nehemiah D. Sperry, of New Haven, Conn., who from his own private means not only put up the money to build the *Monitor* but under the exactions of the Navy Department gave a bond not only that the *Monitor* would be completed but that the *Monitor* would be a success. Upon those conditions, so confident was he of the merits of the *Monitor*, that he hazarded his entire private fortune, and this day when we are all paying just and proper tribute to that representative of the Scandinavian people that have done so much for our country, let us not forget along with them that representative of the pioneer races, Abraham Lincoln, and that stalwart New Englander, Nehemiah D. Sperry [applause], who did so much to make the *Monitor* a success. [Applause.]

Mr. MANN. Mr. Speaker, we are paying a very deserving tribute to a very great man who has gone on, and I want just for a second to call attention to a very great man who is still here. Twenty-three years is a long time. Not very many Members of the House have been here that long, although I think most of them prove they have been in existence more than 23 years. Length of service in the House counts for something, and I could prove by the testimony of all the newer Members of the House that it counts for a great deal.

I rise just now, feeling very serious about some things and very good-natured about everything, not to pay tribute but just to call attention to a fact. Twenty-three years ago to-day in this Chamber there marched down to the front in the well between the Speaker and the Members of the House, and for the first time took the oath of office as a Member of the House of Representatives, a man who has kept his oath of office in every respect. I refer to the great statesman, beloved by us all, the Speaker of the House of Representatives. [Loud applause.]

The SPEAKER. Gentlemen of the House, I thank Brother MANN for his very kind remarks, not only on this occasion but on diverse occasions. When I was sworn in on the 7th day of August, 1893, I would have been willing to have compromised on two terms in Congress. I suppose the district I have the honor to represent was at that time the worst factionalized district in America. It was called the "Bloody ninth." Now, it is the "Peaceful ninth." [Applause.]

I fully agree with the statement that Speaker Carlisle made once, that the better you know the House of Representatives and the longer you know it, the higher your opinion of it is. When I came here Charles F. Crisp, of Georgia, was Speaker, and he made a magnificent one. Thomas B. Reed, one of the most brilliant men that this country ever produced, was the minority leader. William L. Wilson, a very amiable, brilliant, splendid gentleman, was the majority leader. And I beg leave to assure you that Mr. Reed, as minority leader gave the Democrats plenty to do.

They are all gone. It was a great generation of men. One day I was sitting beside Jehu Baker, toward the end of that Congress. He had been here off and on for 25 years—mostly off. He had been a Republican when he first came here, and in 1892 he had three nominations, Democrat, Labor Union, and Greenback. He was a good deal of a philosopher. Toward the end of the session I was sitting by him one day and he said to me, "They are always talking about the old times and there being giants in those days. I have been around here at intervals for a long time. I sat in the Forty-fourth Congress, one of the most celebrated, but I give it as my opinion that this Congress, the Fifty-third, has as high an average of ability as any of the Congresses that ever preceded it." I think the same thing about this House.

When I came here we entered immediately into one of the hottest fights that ever took place in the House of Representatives, on the repeal of the purchasing clause of the Sherman silver law, and it wrecked more lives than did the Siege of Troy. If it had not been for one of these pesky landslides that come along occasionally my service would have been dated from the day that I first came here. But the next time I was one of the victims of that great landslide.

I thank the gentleman from Illinois; I thank the gentlemen of the House. I do not know that I will be here 23 years more, but I am going to stay as long as I can. [Loud applause.]

Mr. FITZGERALD. Mr. Speaker, this is an appropriate time to take this unanimous vote.

The SPEAKER. The question is on suspending the rules and passing the bill which has been read from the Clerk's desk.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### CALL OF THE HOUSE.

Mr. COX. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] There are 111 gentlemen present—not a quorum.

Mr. CULLOP. It is evident we can not get a quorum tonight. Therefore, I move that the House do now adjourn.

The SPEAKER. The gentleman from Indiana moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. NOLAN. I demand a division, Mr. Speaker.

The House divided; and there were—ayes 37, noes 61.

So the motion was rejected.

Mr. CULLOP. Tellers, Mr. Speaker.

Tellers were refused.

Mr. KEATING. Mr. Speaker—

Mr. CULLOP. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Indiana moves a call of the House.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. NOLAN. Division, Mr. Speaker.

The House divided; and there were—ayes 51, noes 29.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Coleman	Fairchild	Hamilton, N. Y.
Anthony	Cooper, Ohio	Fess, Ohio	Harrison
Ashbrook	Cooper, W. Va.	Fields	Hart
Barnhart	Copley	Finley	Hayes
Beales	Costello	Focht	Heaton
Bell	Crago	Fordney	Helm
Black	Cramton	Foss, Ill.	Henry
Blackmon	Crisp	Foster	Hensley
Bruckner	Crosser	Freeman	Hernandez
Burgess	Dale, N. Y.	Gallivan	Hicks
Burnett	Dallinger	Gard	Hill
Byrnes, S. C.	Darrow	Garner, Tex.	Hinds
Callaway	Davenport	Garrett	Holland
Cannon	Decker	Gillett	Hollingsworth
Cantrill	Dempsey	Glass	Hopwood
Capstick	Dewalt	Godwin, N. C.	Houston
Carew	Driscoll	Good	Howard
Carlin	Drukker	Gordon	Howell
Carter, Mass.	Dunn	Gould	Hughes
Carter, Okla.	Dupré	Graham	Hulbert
Cary	Eagan	Gray, Ala.	Humphrey, Wash.
Casey	Edmonds	Gray, N. J.	Husted
Chandler, N. Y.	Edwards	Gregg	Hutchinson
Charles	Elston	Griest	James
Chilperfield	Emerson	Guernsey	Johnson, Wash.
Clark, Fla.	Estopinal	Hamilton, Mich.	Jones

Kahn	Martin	Powers	Smith, Tex.
Kearns	Meeker	Price	Snell
Keister	Miller, Del.	Ragsdale	Snyder
Kelley	Miller, Pa.	Rainey	Stedman
Kennedy, R. I.	Mooney	Reavis	Steele, Pa.
Kent	Moore, Pa.	Ricketts	Stephens, Nebr.
Key, Ohio	Moores, Ind.	Roberts, Mass.	Sterling
Kiess, Pa.	Morgan, La.	Rodenberg	Stiness
Kreider	Morin	Rowe	Sulloway
Lafean	Morrison	Rowland	Summers
Lazaro	Moss	Rucker	Sutherland
Lee	Mott	Russell, Mo.	Switzer
Lehlbach	Murray	Russell, Ohio	Taylor, Ark.
Lenroot	Nelson	Sanford	Tilson
Leshner	Norton	Saunders	Tinkham
Lieb	Oakey	Schall	Treadway
Liebel	Oglesby	Scott, Mich.	Tribble
Lindbergh	Olney	Scott, Pa.	Van Dyke
Loft	O'Shaunessy	Scully	Vare
Loud	Overmyer	Sells	Walker
McCulloch	Page, N. C.	Shackelford	Ward
McDermott	Paige, Mass.	Shallenberger	Watson, Pa.
McFadden	Parker, N. J.	Sherley	Williams, T. S.
McGillcuddy	Parker, N. Y.	Sherwood	Williams, Ohio
McKinley	Patten	Sims	Wilson, Fla.
McLaughlin	Peters	Slemp	Wilson, La.
Madden	Platt	Small	Winslow
Magee	Porter	Smith, Mich.	Wise
Mapes	Pou	Smith, N. Y.	Wood, Ind.

The SPEAKER. On this roll call 213 Members answered to their names—not a quorum.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I do not believe we can get a quorum here to-day, and I therefore move that the House do now adjourn.

The SPEAKER. The gentleman from North Carolina moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. NOLAN. A division, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. NOLAN] demands a division on the motion to adjourn.

The House divided; and there were—ayes 85, noes 63.

Mr. NOLAN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from California demands the yeas and nays. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Forty-six gentlemen have arisen, a sufficient number, and the Clerk will call the roll. Those in favor of adjourning will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 86, nays 111, answered "present" 5, not voting 230, as follows:

## YEAS—86.

Abercrombie	Dies	McChintie	Slayden
Adamson	Dixon	McKellar	Stafford
Aiken	Doughton	McLemore	Steagall
Alexander	Ferris	Mann	Steele, Iowa
Almon	Flood	Matthews	Stephens, Miss.
Aswell	Gardner	Mays	Stephens, Tex.
Bailey	Glynn	Montague	Taylor, Ark.
Barkley	Gray, Ind.	Moon	Taylor, Colo.
Buchanan, Tex.	Greene, Vt.	Nicholls, S. C.	Thomas
Butler	Hardy	Oldfield	Tillman
Byrns, Tenn.	Hastings	Oliver	Venable
Campbell	Haugen	Olney	Vinson
Candler, Miss.	Hay	Padgett	Volstead
Caraway	Hedin	Park	Walsh
Condy	Hood	Quin	Watkins
Collier	Hull, Tenn.	Ramseyer	Watson, Va.
Cox	Johnson, Ky.	Rayburn	Webb
Cullop	Kincheloe	Rogers	Whaley
Dale, Vt.	Kitchin	Rouse	Wingo
Danforth	Lever	Rubey	Young, Tex.
Davis, Tex.	Lloyd	Sears	
Dent	Longworth	Shallenberger	

## NAYS—111.

Anderson	Denison	Hamill	London
Austin	Dickinson	Hamlin	McAndrews
Ayres	Dill	Haskell	McArthur
Bacharach	Dillen	Hawley	McCracken
Beakes	Doelling	Hayden	McKenzie
Bennet	Doolittle	Helgesen	Maher
Booher	Dowell	Helvering	Miller, Minn.
Borland	Dyer	Hilliard	Morgan, Okla.
Bowers	Eagle	Huddleston	Mudd
Britt	Ellsworth	Hull, Iowa	Neely
Britten	Esch	Igoe	Nichols, Mich.
Browne	Evans	Jacoway	Nolan
Browning	Farley	Johnson, S. Dak.	Phelan
Brumbaugh	Farr	Keating	Pratt
Buchanan, Ill.	Flynn	Kettner	Raker
Burke	Gallagher	King	Randall
Caldwell	Gallivan	Kinkaid	Rauch
Church	Gandy	Konop	Reilly
Cline	Garland	La Follette	Riordan
Connelly	Goodwin, Ark.	Langley	Roberts, Nev.
Conry	Greene, Mass.	Linthicum	Sabath
Cooper, Wis.	Griffin	Littlepage	Shouse
Curry	Hadley	Lobeck	Slegel

Sinnott	Swift	Temple	Wheeler
Smith, Idaho	Taggart	Thompson	Williams, W. E.
Smith, Minn.	Tague	Timberlake	Wilson, Ill.
Stone	Talbott	Towner	Young, N. Dak.
Sweet	Tavener	Wason	

ANSWERED "PRESENT"—5.

Fuller	North	Sloan	Steenerson
Humphreys, Miss.			

## NOT VOTING—230.

Adair	Fields	Kent	Reavis
Allen	Finley	Key, Ohio	Ricketts
Anthony	Fitzgerald	Kiess, Pa.	Roberts, Mass.
Ashbrook	Focht	Kreider	Rodenberg
Barchfeld	Fordney	Lafean	Rowe
Barnhart	Foss	Lazaro	Rowland
Beales	Foster	Lee	Rucker
Bell	Frear	Lehlbach	Russell, Mo.
Black	Freeman	Lenroot	Russell, Ohio
Blackmon	Gard	Leshner	Sanford
Bruckner	Garner	Lewis	Saunders
Burgess	Garrett	Liebel	Schall
Burnett	Gillett	Liebel	Scott, Mich.
Byrnes, S. C.	Glass	Lindbergh	Scott, Pa.
Callaway	Godwin, N. C.	Loft	Scully
Cannon	Good	Loud	Sells
Cantrill	Gordon	McCulloch	Shackelford
Capstick	Gould	McDermott	Sherley
Carew	Graham	McFadden	Sherwood
Carlin	Gray, Ala.	McGillcuddy	Sims
Carter, Mass.	Gray, N. J.	McKinley	Sisson
Carter, Okla.	Green, Iowa	McLaughlin	Slemp
Cary	Gregg	Madden	Small
Casey	Griest	Magee	Smith, Mich.
Chandler, N. Y.	Guernsey	Mapes	Smith, N. Y.
Charles	Hamilton, Mich.	Martin	Smith, Tex.
Chipherfield	Hamilton, N. Y.	Meeker	Snell
Clark, Fla.	Harrison	Miller, Del.	Snyder
Coleman	Hart	Miller, Pa.	Sparkman
Cooper, Ohio	Hayes	Mondell	Stedman
Cooper, W. Va.	Heaton	Mooney	Steele, Pa.
Copley	Helm	Moore, Pa.	Stephens, Nebr.
Costello	Henry	Moore, Ind.	Sterling
Crago	Hensley	Morgan, La.	Stiness
Cramton	Hernandez	Morin	Stout
Crisp	Hicks	Morrison	Sulloway
Crosser	Hill	Moss	Summers
Dale, N. Y.	Hinds	Mott	Sutherland
Dallinger	Holland	Murray	Switzer
Darrow	Hollingsworth	Nelson	Tilson
Davenport	Hopwood	Norton	Tinkham
Davis, Minn.	Houston	Oakey	Treadway
Decker	Howard	Oglesby	Tribble
Dempsey	Howell	O'Shaunessy	Van Dyke
Dewalt	Hughes	Overmyer	Vare
Doremus	Hulbert	Page, N. C.	Walker
Driscoll	Humphrey, Wash.	Paige, Mass.	Ward
Drukker	Husted	Parker, N. J.	Watson, Pa.
Dunn	Hutchinson	Parker, N. Y.	Williams, T. S.
Dupré	James	Patten	Williams, Ohio
Eagan	Johnson, Wash.	Peters	Wilson, Fla.
Edmonds	Jones	Platt	Wilson, La.
Edwards	Kahn	Porter	Winslow
Elston	Kearns	Pou	Wise
Emerson	Keister	Powers	Wood, Ind.
Estopinal	Kelley	Price	Woods, Iowa
Fairchild	Kennedy, Iowa	Ragsdale	
Fess	Kennedy, R. I.	Rainey	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

For the balance of the session:

Mr. FOSTER with Mr. CHIPERFIELD.

Mr. DOREMUS with Mr. JAMES.

Mr. GARNER with Mr. BARCHFELD.

Until further notice:

Mr. FINLEY with Mr. NORTH.

Mr. JONES with Mr. MOONEY.

Mr. CLARK of Florida with Mr. FULLER.

Mr. CRISP with Mr. HINDS.

Mr. T. S. WILLIAMS with Mr. WALKER.

Mr. DALE of New York with Mr. MEERER.

Mr. GLASS with Mr. SLEMP.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. CROSSER with Mr. EMERSON.

Mr. HOLLAND with Mr. ANTHONY.

Mr. HULBERT with Mr. GREEN of Iowa.

Mr. GREGG with Mr. STEENERSON.

Mr. WISE with Mr. ELSTON.

Mr. STEPHENS of Nebraska with Mr. SLOAN.

Mr. MCDERMOTT with Mr. CHARLES.

Mr. CALLAWAY with Mr. PETERS.

Mr. LEWIS with Mr. MCCULLOCH.

Mr. RAINEY with Mr. MOTT.

Mr. WILSON of Louisiana with Mr. SMITH of Michigan.

Mr. BLACK with Mr. CRAGO.

Mr. ADAIR with Mr. CAPSTICK.

Mr. BRUCKNER with Mr. CARTER of Massachusetts.

Mr. DAVENPORT with Mr. BEALES.

Mr. ALLEN with Mr. COOPER of Ohio.



Mr. BYRNES of South Carolina with Mr. CHANDLER of New York.

Mr. FIELDS with Mr. DEMPSEY.  
Mr. HELM with Mr. GRAY of New Jersey.  
Mr. FITZGERALD with Mr. HAYES.  
Mr. HUGHES with Mr. GRIEST.  
Mr. EAGAN with Mr. HICKS.  
Mr. EDWARDS with Mr. FOCHT.  
Mr. BELL with Mr. HUTCHINSON.  
Mr. MOSS with Mr. LOUD.  
Mr. MORRISON with Mr. HUMPHREY of Washington.  
Mr. HOWARD with Mr. GOOD.  
Mr. GARD with Mr. FREEMAN.  
Mr. GARRETT with Mr. GOULD.  
Mr. SMITH of New York with Mr. ROBERTS of Massachusetts.  
Mr. SAUNDERS with Mr. MOORES of Indiana.  
Mr. SMALL with Mr. RICKETTS.  
Mr. SHERWOOD with Mr. RODENBERG.  
Mr. SMITH of Texas with Mr. TILSON.  
Mr. WILSON of Florida with Mr. TREADWAY.  
Mr. VAN DYKE with Mr. SULLOWAY.  
Mr. STOUT with Mr. SNELL.  
Mr. ASHBROOK with Mr. CRAMTON.  
Mr. CASEY with Mr. DRUKKER.  
Mr. ESTOPINAL with Mr. FESS.  
Mr. CARLIN with Mr. FAIRCHILD.  
Mr. BURNETT with Mr. DUNN.  
Mr. CARTER of Oklahoma with Mr. DALLINGER.  
Mr. CAREW with Mr. COSTELLO.  
Mr. DUPRE with Mr. COLEMAN.  
Mr. BARNHART with Mr. HILL.  
Mr. HENSLEY with Mr. FOSS.  
Mr. GORDON with Mr. HOWELL.  
Mr. BURGESS with Mr. HEATON.  
Mr. GODWIN of North Carolina with Mr. HAMILTON of New York.

Mr. GRAY of Alabama with Mr. MAPES.  
Mr. LOFT with Mr. MILLER of Delaware.  
Mr. KEY of Ohio with Mr. MCKINLEY.  
Mr. LEIBEL with Mr. ROWLAND.  
Mr. MCGILLICUDDY with Mr. KELLEY.  
Mr. LIEB with Mr. KAHN.  
Mr. CANTRILL with Mr. MONDELL.  
Mr. LAZARO with Mr. KENNEDY of Iowa.  
Mr. BLACKMON with Mr. HAMILTON of Michigan.  
Mr. HARRISON with Mr. GILLET.  
Mr. HART with Mr. HOPWOOD.  
Mr. SIMS with Mr. COOPER of West Virginia.  
Mr. SHACKLEFORD with Mr. GRAHAM.  
Mr. SCULLY with Mr. SNYDER.  
Mr. RUSSELL of Missouri with Mr. SWITZER.  
Mr. SHERLEY with Mr. LAFEAN.  
Mr. RAGSDALE with Mr. WATSON of Pennsylvania.  
Mr. PATTEN with Mr. WILLIAMS of Ohio.  
Mr. PAGE of North Carolina with Mr. SANFORD.  
Mr. LEE with Mr. KENNEDY of Rhode Island.  
Mr. DECKER with Mr. McLAUGHLIN.  
Mr. DRISCOLL with Mr. MADDEN.  
Mr. MURRAY with Mr. MOORE of Pennsylvania.  
Mr. OGLESBY with Mr. MAGEE.  
Mr. O'SHAUNESSY with Mr. KIESS of Pennsylvania.  
Mr. LESHER with Mr. SCOTT of Michigan.  
Mr. OVERMEYER with Mr. PARKER of New York.  
Mr. SISSON with Mr. ROWE.  
Mr. RUCKER with Mr. PLATT.  
Mr. PRICE with Mr. PAIGE of Massachusetts.  
Mr. TRIBBLE with Mr. STINESS.  
Mr. SUMNERS with Mr. WARD.  
Mr. STEDMAN with Mr. WINSLOW.  
Mr. SPARKMAN with Mr. WOODS of Iowa.  
Mr. STEELE of Pennsylvania with Mr. WOOD of Indiana.  
Mr. HENRY with Mr. HUSTED.  
Mr. POU with Mr. OAKLEY.  
Mr. MORGAN of Louisiana with Mr. NORTON.  
From August 5 to 8, inclusive:

Mr. HUMPHREYS of Mississippi with Mr. CANNON.  
The result of the vote was announced as above recorded.  
The SPEAKER. There is not a quorum present and the House declines to adjourn.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record—

The SPEAKER. That request is not in order.

Mr. MANN. No such request is in order?

The SPEAKER. Not in the absence of a quorum.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. I want to ask the Speaker whether or not the following motion would be in order:

*Ordered*, That the Sergeant at Arms take into custody and bring to the bar of the House such of its Members as are absent without leave?

And the further inquiry, whether there was not a gentlemen's agreement that there would be no roll calls and no point of no quorum upon any bill until Members were given three days' notice to be in attendance?

Mr. MANN. Of course there was no such agreement. It would be impossible to have an agreement that there would be no point of no quorum until three days' notice had been given. Only a crazy man would try to make such an agreement as that.

Mr. RAKER. There was an understanding that on any contested bill—

Mr. MANN. There was a gentleman's agreement.

Mr. RAKER. That if there was to be any contested bill three days' notice would be given.

Mr. MANN. If any bill was brought up upon which a contest was made, it was to be put over until three days' notice had been given, but that was a gentleman's agreement.

Mr. RAKER. That is what I refer to.

Mr. MANN. And some men do not know what it is to be a gentleman.

Mr. RAKER. I made my inquiry of the Speaker for the purpose of reminding the House that there was a gentleman's agreement. I am not responsible for the comments of the gentleman from Illinois as to Members of the House.

The SPEAKER. The Chair has nothing on earth to do with the gentleman's agreement; but, answering the gentleman's parliamentary inquiry as to the first proposition, the Chair thinks that motion is in order.

Mr. FULLER. Mr. Speaker, it being evident that it is impossible to get a quorum to-night, I ask unanimous consent that further proceedings under the call be dispensed with, and that the House do now adjourn.

Mr. MANN. Of course it is not necessary to ask unanimous consent. That motion can be made.

Mr. NOLAN. I shall have to object to any unanimous consent of that kind. Mr. Speaker, I move that the Sergeant at Arms be instructed to arrest the absentees and bring them to the bar of the House.

SEVERAL MEMBERS. Oh, no!

The SPEAKER. The gentleman will reduce his motion to writing.

Mr. NOLAN. Mr. Speaker, I withdraw the motion.

Mr. FULLER. I renew the request for unanimous consent.

The SPEAKER. The gentleman from Illinois [Mr. FULLER] asks unanimous consent that further proceedings under this call be dispensed with, and that the House do now adjourn.

Mr. NOLAN. I object; and I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. MANN. I make the point of order that that motion is not in order in the absence of a quorum.

The SPEAKER. The motion is not in order.

Mr. WEBB. Mr. Speaker, I will ask if there has been enough intervening business so that a motion to adjourn is in order.

Mr. MANN. Certainly.

Mr. WEBB. Then I move that the House do now adjourn.

Mr. HARRISON. Mr. Speaker, I want to appear in the Record as being present.

Mr. JOHNSON of Washington. I also desire to appear as present.

Mr. NOLAN. Mr. Speaker, if the motion to adjourn is agreed to the Unanimous Consent and Suspension Calendar is dead, is it not?

The SPEAKER. It is until two weeks from to-day. The gentleman from North Carolina moves that the House do now adjourn.

The question being taken, the Speaker announced that the ayes appeared to have it.

On a division (demanded by Mr. NOLAN) there were—ayes 111, noes 55.

Mr. NOLAN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 93, answered "present" 7, not voting 232, as follows:

YEAS—100.

Abercrombie	Barkley	Campbell	Danforth
Adamson	Booher	Candler, Miss.	Dent
Alexander	Britt	Church	Dickinson
Allen	Britten	Coady	Dixon
Almon	Browning	Collier	Doughton
Aswell	Buchanan, Tex.	Cox	Ferris
Bacharach	Butler	Cullop	Flood
Bailey	Byrns, Tenn.	Dale, Vt.	Gandy

Glass	Lloyd	Quin	Stout
Glynn	Longworth	Rainey	Taylor, Ark.
Goodwin, Ark.	McClintic	Ramseyer	Thomas
Gray, Ind.	McKellar	Rayburn	Tillman
Greene, Vt.	McLemore	Rogers	Venable
Hamlin	Mann	Rouse	Vinson
Hardy	Matthews	Rubey	Volstead
Harrison	Mays	Saunders	Walsh
Hastings	Montague	Sears	Watkins
Haugen	Moon	Shallenberger	Watson, Va.
Heflin	Morgan, Okla.	Sisson	Webb
Hood	Nicholls, S. C.	Slayden	Whaley
Igoe	Oldfield	Stafford	Williams, W. E.
Johnson, Ky.	Oliver	Stegall	Wilson, La.
Kincheloe	Olney	Steele, Iowa	Wingo
Kitchin	Padgett	Stephens, Miss.	Young, N. Dak.
Lever	Park	Stephens, Tex.	Young, Tex.

## NAYS—93.

Anderson	Dowell	Johnson, S. Dak.	Riordan
Austin	Dyer	Johnson, Wash.	Roberts, Nev.
Ayres	Eagle	Keating	Shouse
Beakes	Ellsworth	King	Siegel
Bennet	Esch	Kinkaid	Smith, Idaho
Borland	Farley	Konop	Smith, Minn.
Bowers	Farr	La Follette	Stone
Browne	Flynn	Littlepage	Sweet
Brumbaugh	Gallagher	London	Swift
Buchanan, Ill.	Gallivan	McAndrews	Taggart
Burke	Garland	McArthur	Tague
Caldwell	Greene, Mass.	McCracken	Talbot
Carlin	Griffin	Maher	Tavener
Cline	Hadley	Miller, Minn.	Taylor, Colo.
Connelly	Hamill	Mudd	Temple
Conry	Haskell	Neely	Thompson
Cooper, Wis.	Hawley	Nichols, Mich.	Timberlake
Curry	Hayden	Nolan	Towner
Davis, Tex.	Helgesen	Phelan	Wason
Denison	Helvering	Pratt	Wheeler
Dill	Hilliard	Raker	Wilson, Ill.
Dillon	Huddleston	Randall	
Doelling	Hull, Iowa	Rauch	
Doollittle	Jacoway	Relly	

## ANSWERED "PRESENT"—7.

Fuller	Humphreys, Miss.	North	Steenerson
Hay	Lobeck	Sloan	

## NOT VOTING—232.

Adair	Fairchild	Kennedy, R. I.	Pou
Aiken	Fess	Kent	Powers
Anthony	Fields	Kettner	Price
Ashbrook	Finley	Key, Ohio	Ragsdale
Barchfeld	Fitzgerald	Kless, Pa.	Reavis
Barnhart	Focht	Kreider	Ricketts
Beales	Fordney	Lafean	Roberts, Mass.
Beil	Foss	Langley	Rodenberg
Black	Foster	Lazaro	Rowe
Blackmon	Frear	Lee	Rowland
Bruckner	Freeman	Lehlbach	Rucker
Burgess	Gard	Lenroot	Russell, Mo.
Burnett	Gardner	Leshner	Russell, Ohio
Byrnes, S. C.	Garner	Lewis	Sabath
Callaway	Garrett	Lieb	Sanford
Cannon	Gillett	Liebel	Schall
Cantrill	Godwin, N. C.	Lindbergh	Scott, Mich.
Capstick	Good	Linthicum	Scott, Pa.
Caraway	Gordon	Loft	Scully
Carew	Gould	Lond	Sells
Carter, Mass.	Graham	McCulloch	Shackleford
Carter, Okla.	Gray, Ala.	McDermott	Sherley
Cary	Gray, N. J.	McFadden	Sherwood
Casey	Green, Iowa	McGillicuddy	Sims
Chandler, N. Y.	Gregg	McKenzie	Sinnott
Charles	Griest	McKinley	Slemp
Chipfield	Guernsey	McLaughlin	Small
Clark, Fla.	Hamilton, Mich.	Madden	Smith, Mich.
Coleman	Hamilton, N. Y.	Magee	Smith, N. Y.
Cooper, Ohio	Hart	Mapes	Smith, Tex.
Cooper, W. Va.	Hayes	Martin	Snell
Copley	Heaton	Meeker	Snyder
Costello	Helm	Miller, Del.	Sparkman
Crago	Henry	Miller, Pa.	Stedman
Cramton	Hensley	Mondell	Steele, Pa.
Crisp	Hernandez	Mooney	Stephens, Nebr.
Crosser	Hicks	Moore, Pa.	Sterling
Dale, N. Y.	Hill	Moore, Ind.	Stiness
Dallinger	Hinds	Morgan, La.	Sulloway
Darrow	Holland	Morin	Sumners
Davenport	Hollingsworth	Morrison	Sutherland
Davis, Minn.	Hopwood	Moss	Switzer
Decker	Houston	Mott	Tilson
Dempsey	Howard	Murray	Tinkham
Dewalt	Howell	Nelson	Treadway
Dies	Hughes	Norton	Tribble
Dorenau	Hulbert	Oakey	Van Dyke
Driscoll	Hull, Tenn.	Oglesby	Vare
Drukker	Humphrey, Wash.	O'Shaunessy	Walker
Dunn	Husted	Overmyer	Ward
Dupré	Hutchinson	Page, N. C.	Watson, Pa.
Eagan	James	Palge, Mass.	Williams, T. S.
Edmonds	Jones	Parker, N. J.	Williams, Ohio
Edwards	Kahn	Parker, N. Y.	Wilson, Fla.
Elston	Kearns	Patten	Winslow
Emerson	Kelster	Peters	Wise
Estopinal	Kelley	Platt	Wood, Ind.
Evans	Kennedy, Iowa	Porter	Woods, Iowa

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HAY with Mr. KAHN.

Mr. LOBECK with Mr. REAVIS.  
 Mr. AIKEN with Mr. COPLEY.  
 Mr. KETTNER with Mr. STERLING.  
 Mr. LIEB with Mr. SLEMP.  
 Mr. CARAWAY with Mr. GILLET.  
 Mr. DIES with Mr. FORDNEY.  
 Mr. EVANS with Mr. MCKENZIE.  
 Mr. HULL of Tennessee with Mr. FAIRCHILD.  
 Mr. LINTHICUM with Mr. SNELL.  
 Mr. SABATH with Mr. LEHLBACH.

Accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 8, 1916, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16733) to amend an act entitled "An act to regulate commerce" approved February 4, 1887, as heretofore amended, and for other purposes, reported the same without amendment, accompanied by a report (No. 1093), which said bill and report were referred to the House Calendar.

Mr. HAWLEY, from the Committee on Agriculture, to which was referred the bill (H. R. 13046) to consolidate certain forest lands in the Oregon National Forest, in the State of Oregon, reported the same with amendment, accompanied by a report (No. 1094), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1092), which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 5386) for the relief of James Campbell, reported the same with amendment, accompanied by a report (No. 1095), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 17338) making an appropriation for the construction of a public highway from the corporate limits of the city of Richmond, Va., to the Cold Harbor National Cemetery; to the Committee on Appropriations.

By Mr. GARLAND: A bill (H. R. 17339) appropriating \$50,000 for the erection of a monument to the memory of Robert Morris; to the Committee on the Library.

By Mr. BENNET: Resolution (H. Res. 341) regarding inquiry concerning Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. HAY: Resolution (H. Res. 342) providing for the appointment of an additional page for the remainder of the present Congress; to the Committee on Accounts.

By Mr. RODENBERG: Concurrent resolution (H. Con Res. 53) appointing a select committee to investigate the shipment of munitions of war from the United States to the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. BROWNING: Joint resolution (H. J. Res. 291) authorizing the Secretary of War to exempt commissioned officers of the National Guard from the age provision of section 24 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.



## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 17340) granting a pension to Margaret A. Weed; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 17341) granting a pension to Deborah Harrison; to the Committee on Pensions.

By Mr. DRUKKER: A bill (H. R. 17342) granting an increase of pension to Emily Davison; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 17343) granting an increase of pension to William M. Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17344) granting an increase of pension to Byron See; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 17345) for the relief of John Dauberman; to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 17346) granting an increase of pension to Margaret Tschoepe; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 17347) granting an increase of pension to William E. Meadows; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 17348) granting a pension to Tilman L. Crafton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17349) for the relief of R. W. Earnheart; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of women voters of Garfield and Lake Counties, Colo., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. BUTLER: Memorial of Board of Trade of West Chester, Pa., indorsing the Smith-Hughes bill; to the Committee on Education.

Also, petition of citizens of Pennsylvania, opposing House bill 10845; to the Committee on Military Affairs.

Also, petition of citizens of Chester County, Pa., opposing House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of woman's section of the Navy League of the United States, Coatesville Division, Philadelphia Branch, and Devon Division, Philadelphia Branch, favoring adequate preparation; to the Committee on Military Affairs.

Also, memorials of public meetings of Chester, Pa., favoring adoption of constitutional amendment forbidding polygamy; to the Committee on the Judiciary.

Also, memorials of union meeting of Presbyterian, Baptist, and Methodist Churches of Media; union meeting of West Chester; Presbytery of Chester; union congregational meetings of Borough of Ridley Park, Pa.; mass meetings of Darby; Methodist Episcopal Church of Parkesburg; union mass meeting of Phoenixville; Darby Methodist Episcopal Church, of Darby; public meeting of Haven Church; union meeting of the Parkland churches of Media, Pa., favoring constitutional amendment forbidding polygamy; to the Committee on the Judiciary.

By Mr. CONNELLY: Petition of citizens of Russell, Ellis, Gransfield, Osborn, and Palco, all in the State of Kansas, pertaining to enactment of such legislation as will enable the Interstate Commerce Commission to arbitrate and settle certain industrial disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petitions of J. O. Crowell, of Dennis, and A. Young, of Boston, Mass., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Liquor Dealers' Protective Association of Illinois, relative to enforcement of United States revenue laws governing sale of intoxicating liquors; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of Liquor Dealers' Protective Association of Illinois, relative to United States revenue laws governing the sale of intoxicating liquor at retail; to the Committee on Ways and Means.

By Mr. FLYNN: Petition of Seggerman Bros., of New York, against Senate amendment to revenue bill, relative to suspension of drawbacks; to the Committee on Ways and Means.

By Mr. FULLER: Papers to accompany bill granting an increase of pension to Byron See; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Evidence to support House bill 17308, granting an increase of pension to Daniel E. Warner; to the Committee on Pensions.

By Mr. OAKLEY (by request): Memorial of American Branch of the Socialist Party of Hartford, Conn., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Memorial of Joseph G. Rickels and 230 others, of San Fernando, Cal., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

## SENATE.

TUESDAY, August 8, 1916.

(Legislative day of Saturday, August 5, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. HUSTING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Lane	Smith, Ga.
Brady	Gallinger	Martin, Va.	Smith, S. C.
Brandeggee	Gronna	Mvers	Smoot
Bryan	Hardwick	Nelson	Taggart
Chamberlain	Hitchcock	Overman	Tillman
Clapp	Husting	Penrose	Vardaman
Clark, Wyo.	James	Ransdell	Warren
Colt	Johnson, S. Dak.	Robinson	Williams
Culbertson	Jones	Shafroth	Works
Cummins	Kenyon	Sheppard	
Curtis	Kern	Simmons	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. STERLING and Mr. THOMPSON answered to their names when called.

Mr. CHILTON and Mr. CLARKE of Arkansas entered the Chamber and answered to their names.

Mr. KERN. I desire to announce the absence of the senior Senator from Maryland [Mr. SMITH], the senior Senator from New Jersey [Mr. MARTINE], the junior Senator from Louisiana [Mr. BROUSSARD], and the senior Senator from Ohio [Mr. POMERENE], who are necessarily detained from the Senate.

Mr. TOWNSEND, Mr. THOMAS, Mr. BECKHAM, and Mr. BANKHEAD entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

## ARMY APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 526).

Mr. CHAMBERLAIN. I ask unanimous consent that the conference report on the Army appropriation bill be taken up for consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

Mr. CHAMBERLAIN. I ask for the adoption of the report.

Mr. CLAPP. I think we ought to have the report read or some slight intimation given the Senate as to what the report contains. I should like to ask the Senator from Oregon what the conference committee did with the provision relating to the age at which young men may enlist without their parents' consent?

Mr. CHAMBERLAIN. In asking that the conference report be adopted I had no desire to hasten it through without consideration. The conference report was submitted yesterday and printed in the RECORD and it has been printed in document form and laid on the desk of Senators. I shall be glad to make any statement in reference to it.

I may state to the Senate first, generally, that the bill as reported to the Senate originally appropriated \$330,599,010.10. The net deductions on the floor of the Senate were \$16,628,563. In tabular form, I may state it as follows:

On floor of Senate.	
Deductions	\$29,318,295.00
Additions	12,689,732.00
Net deductions	16,628,563.00
As reported to Senate	330,599,010.10
Net deductions	16,628,563.00
As passed Senate	313,970,447.10
As passed House	182,303,356.10
Increase over House bill	131,667,091.00

Reductions in conference.....	\$48,363,917.00
Additions in conference.....	1,990,000.00
Net reductions.....	46,373,917.00
As passed Senate.....	313,970,447.10
Net reductions in conference.....	46,373,917.00
As agreed to in conference.....	267,596,530.10
As passed House.....	182,303,356.10
Increase over House bill.....	85,293,174.00

Mr. HARDWICK. It is about 250 per cent increase over an ordinary Army appropriation bill in normal times, is it not?

Mr. CHAMBERLAIN. Just about that.

In answer to the question of the Senator from Minnesota as to the amendment which was proposed and passed by the Senate referring to the consent of parents to the enlistment of young men between the ages of 18 and 21, the House conferees refused to agree to that amendment, and the Senate conferees, after two or three days' discussion, receded from the Senate amendment.

Mr. CLAPP. Mr. President, I do not intend to call for the yeas and nays on agreeing to the report. I know that the country is going to be very much disappointed indeed at the striking out of the Senate amendment with reference to the consent of parents. For one, anticipating that there will not be a yeas-and-nays vote, I simply want to say that I shall vote against the adoption of the report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

#### CHILD LABOR.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

Mr. CUMMINS. Mr. President, inasmuch as I was a member of the subcommittee which heard the testimony and the arguments submitted upon this bill, and am in a measure responsible not only for the form in which it appears at this time before the Senate but for the substance of the proposed legislation, I shall ask the indulgence of the Senate while I consider as briefly as possible some of the suggestions which have been made in opposition to the legislation.

I listened with great interest to the discussion of the subject by the junior Senator from Georgia [Mr. HARDWICK]. His argument was comprehensive; it was analytical; it was interesting; it was eloquent; and I compliment him most sincerely upon the performance, for I believe, if the measure becomes a law and ever reaches the Supreme Court of the United States, that those who oppose it could not do better than to utilize the argument he has already made.

I listened also with great care and with equal interest to the argument made by my friend, the distinguished Senator from North Carolina [Mr. OVERMAN]. His observations touched a phase of the subject well worthy of attention, for he dealt rather with the policy of the legislation than with its constitutionality; and if I have had any serious doubt as I have examined this subject it has related to the necessity of the legislation rather than to its validity.

May I suggest to the Senator from Georgia, who unhappily is not present at this moment, that little is to be accomplished by citations from the statesmen of former days. I heard with delight the views of Madison and of Jefferson and of the men of that period; but those views, Mr. President, contribute little to the investigation we are now making. Those men are not alone in their expressions of a desire to preserve intact and with integrity the dual form of government. All men—all intelligent men—in this day believe in the preservation of the distinctions which were originally established in the Constitution of the United States. When we give our full adherence to those lofty views, we are no nearer to a conclusion with respect to the subject than when we began, for the inquiry now is, Does this legislation infringe upon the right of the States? Does it withdraw from the States any part of the power which the founders of the Constitution originally intended should be exercised by the States and not by the Nation?

The Senator from Georgia, as I remember, gave to the Senate but two extracts from men of distinction with regard to legislation of this character. He cited an opinion—not a judicial opinion, but an opinion—announced by ex-President Taft, which seemed to be applicable to the discussion we are now having. I say nothing with regard to the opinion of Mr. Taft. I can only suggest that the environment in which he lived and moved may have had something to do with his view respecting the power of Congress to enact a national child-labor law. I pass to the other instance, the other authority, cited against legis-

lation of this character. It is found in a book, which is a collection of lectures delivered at one time by the present Chief Executive.

I do not attempt to quote literally the language used by the Senator from Georgia, but I intend to state the impressions which were made upon my mind by his references to the President of the United States.

He made two charges against this distinguished citizen, both of which are grave and serious. In substance, he said, first, that the President is attempting to coerce the Democratic majority into a support of the bill we are now considering. Substantially, he said that the President is using his vast power, his almost illimitable influence to compel the Senators who share his political belief and participate with him in a political organization to support this bill against their better judgment. He also said that he is exercising this power, believing that the measure is unconstitutional, for you will remember how careful the Senator from Georgia was to abstain from any suggestion or to make any admission that the President had changed his mind with regard to the Constitution and the authority conferred upon Congress in the commerce clause of that document.

Mr. President, I have been uncertain from the beginning, for three years or more, whether or not the President of the United States knows anything about the Constitution. I grant that he is an intellectual power; I grant that he is a man of fine attainments, of unusual training and education; but I am not ready to admit that he has any acquaintance with the Constitution; for, if I do admit it, I must at the same time believe that he is utterly indifferent to its obligations and to its mandates.

I do not know what influence the President of the country has attempted to exert upon the Democratic majority with respect to this particular bill; but I do know, and every intelligent man in the United States knows, that from the beginning of his administration to the present moment the Chief Executive has attempted, through every influence of which he is possessed, to absorb the legislative power of the Government and to exercise it in connection with the administrative or executive power; and, if he understands that the forefathers established a government in which there were to be three independent and coordinate branches, then he is careless of his duty and obligations, because it is known to us all that he has done everything that he could do to merge every power of responsible society in the Executive Office.

There has not been a single important measure passed by the Congress of the United States since the 4th day of March, 1913, that Congress has not felt his heavy hand upon it. I do not say—it would be possibly disrespectful, and certainly it is disagreeable to say—how far he has succeeded in taking to himself all the legislative powers; but those he has not taken have escaped him because he was unable to master the situation. This is the breach of the Constitution of which I most complain.

The distinguished Senator from Georgia, in his forebodings with regard to the unconstitutionality of this measure and its grave consequences upon the future of the Republic and upon our form of government, seems to ignore, at least he but lightly mentions, the more serious and graver violation of the Constitution that has been witnessed every day during this administration.

My friend from Connecticut [Mr. BRANDEGEE] and my friend from California [Mr. WORKS] seem to think that we are at the parting of the ways. They seem to think that the Constitution is about to be shattered by this particular legislation; but if they would lift their eyes to a broader and more comprehensive and more fundamental subject they would see that, if the Government of the United States, its form and its substances, are about to be changed, they will be changed, not by legislation affecting the children of the United States, but they will be changed by this insistent and persistent invasion of legislative prerogatives; and, inasmuch as voices have been lifted here warning the country of the frightful result of legislation of this sort, I ask those who are troubling their minds and hearts about this subject to dwell for a little time upon the infinitely more serious encroachment upon the Constitution which we are witnessing day after day, with scarcely a protest raised against the aggressor.

So much, Mr. President, for the constitutional views of the present Chief Executive. In all that I have said it must be understood that I am not disparaging his character, which I believe to be high; I am not disparaging his learning, which I know to be great; I am not impeaching his patriotism; I am only saying that he does not comprehend the Government of which he is the Executive. He is not imbued with the spirit of the Constitution which he has sworn to obey and to execute. He



believes, as many people apparently believe in these days, that we must not only have a leader, but we must have a master in the White House, and that there is no hope in the divided energies of the executive, the legislative, and the judicial branches of the Government.

Mr. PITTMAN and Mr. CLAPP addressed the Chair.

Mr. CUMMINS. I yield to the Senator from Nevada.

Mr. PITTMAN. I do not desire to interrupt the line of argument the Senator is making, but it seems that he has diverted slightly from the child-labor bill, which I assume he is discussing, to another branch of argument, and is discussing the tendency of the Executive to invade the legislative function. I wish to inquire of the Senator whether he considers that the attitude at the present time of Mr. Hughes, who is the candidate for the office now held by President Wilson, on the suffrage question, is a threatened invasion of the legislative function? Now, just a second, and let me make myself a little clearer.

As I take it, an amendment to the Constitution of the United States is a matter solely within the function of the legislative body of the Federal Government and the respective bodies of the States. As I understand it, the Executive has nothing whatever to do with a constitutional amendment—no power of approval nor of veto. Now, as I understand, the Republican Party has laid down a policy that will govern it in its legislation upon that subject if that party is given control of Congress, namely, that it will not consider the Federal amendment for suffrage a question for national legislation. Now, I want to know whether that function of the legislative body is not now being threatened by the Republican candidate for President in the speeches he is making through the country, wherein he is attempting to obtain the women's vote upon the ground that he, through his influence, is going to overcome the policy of the Republican Party, as announced in its platform, and force upon Congress a different policy, to wit, suffrage by national amendment?

Mr. CUMMINS. Mr. President, it gives me great pleasure to reply to the question put by the Senator from Nevada. I assume that every citizen of the United States, whether he is a candidate for office, whether he holds office, or whether he is purely a private citizen, has a right to an opinion upon every subject which affects the welfare of his fellow men. He not only has a right to his opinion upon every such subject, but he has a right to express it and give it the widest possible publicity. The Senator from Nevada is too intelligent and logical a reasoner to fail to discern the difference between the expression of an opinion with regard to a public matter and the use of the power which an office confers in order to enforce the opinion of the Chief Executive upon the legislative branch of the Government.

Mr. PITTMAN rose.

Mr. CUMMINS. I hope the Senator will confine himself to a question.

Mr. PITTMAN. I will. Then, as I understand the Senator—who is one of the leaders of his party—he construes the declaration of his Presidential candidate as only a private expression of opinion, and as meaning that he, if elected, will not use any power that he may have to enforce or influence Congress in the passage of the national suffrage amendment?

Mr. CUMMINS. Mr. President, if I believed that the candidate of the Republican Party, if successful, would use the power which resides in the Presidential office, and which I need not describe, to coerce Congress, the members of his political party, to support or to oppose an act of legislation, I would not vote for him, and I will criticize and condemn him just as freely and emphatically as I am criticizing and condemning the present Chief Executive. Possibly the Senator from Nevada was not a member of this body when I had occasion in former years to express the same views which I am now endeavoring to put upon record with respect to a Republican President. He did not offend the rule of the Constitution so grievously and so repeatedly as has the present Executive, but he did offend it, and I took the earliest opportunity to declare my unalterable opposition and repugnance to the attempt to compel Congress to do his bidding.

Mr. VARDAMAN. Mr. President—

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I am very much interested in the Senator's learned discussion; but I should like to have the Senator, if he will, state what particular function or power the President used to coerce Congress to legislate according to his will.

Mr. CUMMINS. Mr. President, I can hardly believe that the Senator from Mississippi asks the question for information—to describe the power and the manner of its exercise.

Mr. VARDAMAN. If there is such power being used, I should like—and it probably would be very enlightening to

the American people—to have it in the RECORD. If the President is doing anything so indefensibly wrong as the Senator charges he is doing, the people of America have a right to know it, and know it specifically, that public sentiment may deal with it.

Mr. CUMMINS. I think the Senator from Mississippi knows; and it is quite likely that if I should call upon him to reveal his own experience in recent years he would give a much more accurate and enlightening description of the power and the manner in which it is used than I could possibly do.

Mr. VARDAMAN. I will say to the Senator that no power of that character has ever been exerted upon me. I should like to know what power it is. I have never been moved by any power that the present Executive or any other Executive ever had in the performance of my duties on this floor. And, if I may be permitted to add, I would spurn with contumely any effort of the Executive to dictate to me in the performance of the functions of the place I hold in this Chamber.

Mr. ROBINSON. Mr. President—

Mr. CUMMINS. I can well understand that the power to which I have referred has not been effectual with the Senator from Mississippi, and I am not asserting that it has been effectual with any Senator.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I have too much regard for my fellow Senators to enter upon that subject; but I know as well as I can know anything concerning the contemporary history of my country that it has been done.

I yield to the Senator from Arkansas.

Mr. ROBINSON. Does the Senator controvert the right of the Chief Executive to confer with his party associates touching matters of legislation?

Mr. CUMMINS. I do not.

Mr. ROBINSON. Will the Senator indicate how the President, with regard to this bill, has violated his constitutional prerogative?

Mr. CUMMINS. I do not know that he has with respect to this bill. I only know what the newspapers say.

Mr. ROBINSON. The Senator, if I am correctly informed, is in favor of the child-labor bill.

Mr. CUMMINS. Very much in favor of it.

Mr. ROBINSON. And, if I am correctly informed, he understands that the President is in favor of the child-labor bill.

Mr. CUMMINS. The Senator from Georgia [Mr. HARDWICK] declared that the President was in favor of it.

Mr. ROBINSON. But in his speech advocating this child-labor bill, in which the Senator from Iowa agrees with the President, he assails the President as being ignorant of the Constitution or as deliberately disregarding its limitations upon the exercise of his power. Now, I call upon the Senator from Iowa to state in what particular the President has committed this offense against Congress.

Mr. CUMMINS. Mr. President, the offense has been committed continuously since the President came into power. Now, there is no use of Senators ignoring or trying to evade that one situation. Why, I have talked with Senators enough about the relations between the Senate and the Chief Executive to know what I am talking about, and I have referred to this subject because I believe it is a grave offense against the Constitution, and infinitely graver than to pass this bill, even though some Members of the Senate may believe it to be unconstitutional.

Mr. ROBINSON. Mr. President, will the Senator yield for a brief statement?

Mr. CUMMINS. I will.

Mr. ROBINSON. No one better than the Senator from Iowa understands the rule of ethics that should govern in the relations between the Executive and Members of Congress. The Senator from Iowa has somewhat bitterly assailed the President for interfering in matters of legislation, and that, too, when the Senator from Iowa is discussing a bill toward which he occupies the same position that the President occupies. Now, I ask the pardon of the Senator from Iowa for stating in his time that in my opinion the Senator from Iowa is committing a grosser indiscretion and violation of ethics than he has charged against the Executive.

The President can not appear upon this floor to defend himself against a charge of this kind; and when a Senator makes a charge of that nature he ought to be specific. He ought not to base it upon secret or confidential cloakroom conversations.

Mr. CUMMINS. I do not, Mr. President. I make it upon history that is just as well known as the proceedings of the Senate. I have entered upon the subject because the Senator from Georgia suggested that the President of the United States was violating his conception of the Constitution in favoring this bill. I have said, and I repeat, that if he is violating his con-

ception of the Constitution with regard to the validity of the bill—and of that I know nothing whatsoever—such violation is inconsequential as compared with his general attitude toward Congress and legislation.

Mr. President, having said so much with regard to the authority of the President, I pass to a consideration of the measure itself, and, first, I intend to devote a few minutes to the changes which have been suggested by the Senate committee.

The first difference between the House bill and the Senate proposal is that the House bill declares that products into which child labor under the forbidden conditions has entered shall not be transported from the State of production to any other State, or, in the hands of dealers in other States, shall not be transported from such State into another unless the dealer has a certificate showing that the commodity was produced without the aid of child labor. There is some doubt in the minds of Senators, I know, with regard to the wisdom of this change. I have no pride of opinion with respect to it. I only desire that it shall be made as impregnable as possible; and if the better judgment of Senators is in favor of adopting the House theory, I shall cordially cooperate with those Senators in the passage of the bill. I, however, am of the opinion that the bill as reported by the Senate committee is less open to constitutional objection than the bill passed by the House, and I will give my reasons for that opinion.

The junior Senator from Florida [Mr. BRYAN] seemed to be of the opinion that the Senate substitute was in the nature of a subterfuge in this respect. I frankly say that it was because I thought the House bill bore that complexion that I was in favor of changing the bill so that the prohibition would be laid upon the factory, the owner of the factory, the producer of the commodities, rather than upon specified goods which were the result in whole or in part of child labor. Everybody agrees that the goods produced by a child, or into which the labor of a child enters, are just as innocent and harmless or useful, as the case may be, as though the goods were produced by an adult.

It seemed to me that to attempt to put a brand or a stain upon the goods to which child labor contributes is to indulge a false pretense. They are not forbidden because of anything intrinsic with the goods or commodities themselves. They are precisely the same in form and character as though they had been manufactured by an adult, and to suggest to the Supreme Court of the United States, if the bill shall finally reach that tribunal, that we are trying to prevent the goods which are innocent of themselves and useful in themselves from transportation simply because they had been manufactured in whole or in part by a child under forbidden conditions was to insist upon a sham. If there was any peculiarity about goods manufactured or made by children, or in part by children, then the theory of the House bill would have been sound. But there is no difference whatsoever, and to insist upon an exclusion of such goods when we are really attempting to punish or penalize the man or corporation which employs the child seemed to me to introduce the case to a court, if it ever reaches a court, in a most unfortunate and unhappy way; and I thought, and I think still, that the honest, fair, reasonable way in which to construct the legislation is to penalize the man who employs the child, because all we are attempting to do is to prevent the employment of children under the conditions that are prohibited in the bill.

Mr. CLAPP. Mr. President—

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. The goods would still be the same innocent goods. We would try to reach over the goods to the manufacturer himself. Do we not more closely relate the effort by placing an inhibition on the goods than in the other way? Of course we must all recognize that we are simply using the interstate-commerce clause here to correct an evil that goes to the health and welfare of the people. It seems to me the more closely we can relate it to commerce the more likely it is to be sustained.

Mr. CUMMINS. I do not think so, Mr. President. However, the object is to prevent the employment of children under certain conditions, and we have just as much right to say that the product turned out by the factory which employs the children shall not be permitted to enter interstate commerce or interstate transportation as we have to say that the particular goods manufactured by the child shall not be shipped from one State to another. The only difference in the world is the extent of the penalty.

But that is a small matter as compared with the next consideration. Under the House bill it would have been necessary under all circumstances for the Government to have proved that the goods shipped were made in whole or in part or were the result in whole or in part of child labor under the forbidden conditions. That proof is absolutely impossible. You have only to

think a moment of the variety and course of manufacture to know that in most instances the proof would be impossible; the law would become utterly ineffective.

Now, how did those who composed the House bill attempt to remedy that acknowledged obvious weakness in a bill which aimed its penalties toward the shipment of goods which were made in whole or in part by a child under 14 years of age or in whole or in part by a child under 16 years working more than eight hours a day? The House appreciated the difficulty. Every student of the subject knows that the proof could not be made in most instances. The House therefore proposed that the presence or the employment of a child under these ages or beyond these hours within 60 days before the shipment should be prima facie evidence that the goods shipped were the product of such child labor. Without that provision the House bill would, in my opinion, be utterly ineffective. I gave some study to the validity or legality of that provision in the bill. There are a great many cases—some in the Supreme Court of the United States—which deal with the question of prima facie evidence. There is a good deal of learning in the law books respecting the relation of the fact which is to be prima facie evidence to the ultimate fact. Everybody knows that Congress can not say arbitrarily that a given fact shall be prima facie evidence of another fact. There must be some natural, inevitable relation between the two facts in order to give us the authority to declare that one of them shall be prima facie evidence of the other. I am not prepared to say that the Supreme Court or any other court might not hold that the fact of the employment of a child in a factory within 60 days could be made prima facie evidence of the fact to be proven, namely, that the goods which were sought to be shipped were produced by the child, but there is very grave doubt respecting that provision.

Mr. BORAH addressed the Chair.

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask the Senator if the leading motive in changing from the House bill to the Senate provision was not rather the practical working of the law than the question of constitutionality?

Mr. CUMMINS. Altogether. In my opinion one is just as constitutional as the other; that is, it is just as constitutional to debar the entire product of the factory in which children are employed against a law as it is constitutional to debar the product to which the child may in some degree have contributed. There is no difference in that respect. The Senator from Georgia [Mr. HARDWICK], I think, very freely conceded that. It is possible that he believes that there are degrees of infinity. They were both so clearly and obviously unconstitutional from his standpoint that he made no great difference between them, and no one could, in my opinion.

I do not know whether I ought to say this or not, but I think I may. The truth is that when the subcommittee began to consider the House bill this thought occurred to certain members of it, and in order that those who had been supporting or furthering the bill might understand the doubt that had arisen in the minds of some members of the committee we sent for Mr. Parkinson, who is the legal adviser of the Anti-Child Labor Society. He is a lawyer connected with Columbia University. He argued the case before the subcommittee and exhibited a knowledge of the subject which very few people can claim. We put this point before him and reasoned it out with him. I do not intend to suggest that he, as an original proposition, would have preferred the plan proposed in the Senate committee amendment, but he agreed with the change and, in fact, as I remember it, not only agreed but supported it heartily and confidently.

But that is not all, Mr. President. There is another difficulty about the House bill in its application which you can very easily perceive. What must a child do about a factory in order to contribute to the production of certain goods? Is a messenger in the office of the factory a laborer who helps to produce the things that are manufactured in the factory? Does the boy who is employed in an incidental capacity or outside capacity, or the girl who is so employed, contribute to the ultimate product of the factory? This question would be a very troublesome and vexatious one; it would involve the consideration of so many circumstances and be surrounded with so many complexities that we thought it ought to be eliminated from the legislation.

Again, in the House bill, dealers throughout the country everywhere before they could ship goods from one State to another must be provided with a certificate from the manufacturer asserting that the goods were manufactured in compliance with this law—that is to say, no child under the age of 14 years had contributed to their production or no child under 16



working more than 8 hours a day had contributed to their production. If that provision in the bill had remained, in my judgment the Supreme Court or any other court would have declared it unreasonable and therefore unconstitutional. It would have been an indefensible invasion upon the rights and privileges of the business men of this country.

For instance, take the illustration of Marshall Field & Co., of Chicago, with a store which covers two or three city blocks. That company or any other company—and I am simply instancing that company in order to show what would be the situation—would be compelled to have a certificate from the manufacturer of every piece of goods or every article in its store or it could not send them beyond the State of Illinois.

Not only so, but under the House bill, in my opinion, it would not be enough for Marshall Field & Co. to have a certificate respecting the manufacture or production of the completed article that it proposed to sell, but it would have been necessary to have provided itself with a certificate which covered every independent ingredient in a composite article.

Senators need but think about that for a moment to know that a bill of that sort would raise such a storm of protest, would so seriously interrupt and obstruct the business of the country, as to make it not only intolerable but to make it fairly sure that the court would declare it to be an unreasonable regulation of commerce, and therefore unconstitutional.

The Senate committee eliminated the dealer in States other than the State of production, and the State of production was retained, Mr. President, for this reason and this reason only. The producer could colorably sell his product to a dealer in his own State, and in that way entirely escape the operation of the law. Therefore, so far as the dealers in the State of production are concerned, they are required to provide themselves with a certificate which shows that the goods were produced in harmony with the law.

But, Mr. President, that is not all. The House bill contains no protection whatever for the manufacturer with respect to representations made as to the age of the child. A father, a mother, or anyone standing in loco parentis could make a certificate or affidavit with regard to the age of the child and the manufacturer, who employed the child in perfect good faith, would yet be subject to all the penalties and restrictions of the act. In my opinion, a provision of that kind is unreasonable and would not be sustained in the court.

But that is not all. The penalty in the original bill was attached to every shipment, no matter how numerous were the shipments or how few the children employed in violation of the law.

The case can not be better stated than to read a word from an argument that was made before the committee upon that subject. The application, as well as the truth of this statement, will be apparent to anyone who is familiar with the language of the House bill:

Moreover, each separate shipment constitutes an offense, so that the volume of shipments and not the number of children employed measures the penalty which may be incurred. An establishment making 500 shipments per day and employing 1 child would incur 10 times as many penalties as an establishment employing 200 children within the forbidden age and making but 50 shipments per day. The measure is not aimed at production in which children are exclusively employed. An establishment may have 10 or 12 or 20,000 operatives, but the employment of 1 child under 16 whose service may be said to contribute to the production of a commodity which is shipped in interstate commerce contaminates and penalizes every shipment flowing from that plant, although each article is otherwise sound and wholesome.

I repeat that the House bill makes every shipment a separate offense, and the penalty, therefore, has no relation whatever to the extent of the offense. The Senate substitute attempts to ameliorate that very onerous and, as I think, unreasonable provision in this way:

*Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

Mr. BORAH. Is that the House bill from which the Senator is reading?

Mr. CUMMINS. No; it is the Senate substitute.

I think, Mr. President, this reduces the prosecution within reasonable bounds, and any court, in considering the reasonableness of the general regulation, would not find in that part of the bill a cause for criticism or prejudice against the general regulation.

For these reasons, Mr. President, the amendments to the House bill were proposed by the committee and are now before us. In my judgment, the Senate substitute is better and vastly more practical and more reasonable than is the House bill, and if I were attempting to sustain the constitutionality of the measure—as undoubtedly some one will be compelled to make

that attempt—I would enter upon the work much more confidently with a bill free from some of the impracticable and, as I think, arbitrary and unreasonable provisions of the House measure.

Mr. President, I have but a word to say with regard to the constitutionality of the bill. I can understand the perturbation of some of my friends who look upon this bill as the parting of the ways, who look upon it as a complete change in the form of our Government. We have been at the parting of the ways, Mr. President, so often in the history of this country that it does not alarm me to meet the opportunity to take either one of two roads. Every great measure intended for the happiness and welfare of the people which has been proposed in Congress has been a parting of the ways. Every such measure has been met with the same objection which has met this bill. I do not share the rather gloomy forebodings that depress the spirits of some of my associates.

I have still great faith in the Congress of the United States. I am still willing to vindicate its power, even though I know that the power may be abused. There is no power given to Congress in the Constitution that can not be abused; there is no important power conferred upon Congress that can not be so exercised as to change, in the sense used by the Senator from Connecticut [Mr. BRANDEGEE], the form of our Government.

I understand perfectly that Congress can invoke the power to regulate commerce among the States in such a manner as seriously to affect the welfare and seriously to disturb the conditions under which we live; but we can not, therefore, deny the power of Congress to regulate commerce. All these powers may be so abused.

The Senator from Connecticut seems to forget that Congress stands between the people and chaos; he seems to assume that Congress will always yield to the temptation to pass legislation that will destroy, instead of construct; that will tear down instead of build up. I have no such fear.

The power to tax may be used so as to destroy the whole fabric of our Government; any other power contained in the Constitution may be used so as to greatly impair the stability and the soundness of our institutions; but Congress will not, we assume, use the power, if it has it, save for the benefit, the advantage, and the welfare of all the people.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. LANE in the chair). Does the Senator from Iowa yield to the Senator from Connecticut? Mr. CUMMINS. I yield.

Mr. BRANDEGEE. Lest the Senator from Iowa may have misunderstood me, I want to say to him that the remarks he has just made as to my position do not correctly state my position. I make no claim that Congress can not exercise to the limit every power conferred upon it; I agree that the power to tax may be the power to destroy; I agree that the power to regulate includes the power to prohibit for purposes of the regulation of commerce. My contention, of course, as to this bill is that it is not a legitimate exercise of the power to regulate commerce. Hence Congress has no power to touch the subject at all. The Senator, I think, understood that; but he did not make it quite plain in the remarks he has just made.

Mr. CUMMINS. Mr. President, I think I understood the position of the Senator from Connecticut [Mr. BRANDEGEE] very well. He says that this is not a legitimate exercise of the power to regulate commerce. What does he mean by the word "legitimate"?

Mr. BRANDEGEE. I did not say "legitimate"; I said it was not an exercise of the power to regulate commerce among the States, in my opinion.

Mr. CUMMINS. I thought the Senator from Connecticut said it was not a legitimate exercise of that power.

Mr. BRANDEGEE. If I did, I will eliminate the word, because it is superfluous.

Mr. CUMMINS. I did not know but that the Senator meant that it was not legitimate because it was not exercised to directly affect transportation or the instrumentalities of transportation—

Mr. BRANDEGEE. No.

Mr. CUMMINS. Or to enlarge or expand or protect, if you please, the physical aspects of commerce.

Mr. BRANDEGEE. Mr. President, commerce, of course, may consist in many other things besides transportation. I simply meant exactly what I think I said, that the attempt made by this bill to prohibit the channels of interstate commerce to products innocent in themselves, because not manufactured in accordance with the ideas of Congress, is not an attempt to regulate commerce among the States, but is an attempt to prohibit child labor within the States.

Mr. CUMMINS. Mr. President, I think there is a great confusion in the argument at that point. The Senator says it is not a regulation of commerce, but it is a regulation of commerce because it is a prohibition against the transportation of certain commodities. That is a regulation of commerce. It may be wise or unwise, it may be valid or invalid, but it is in form and character a regulation of commerce, just as we have regulated commerce in that way in connection with a great variety of subjects.

Mr. BRANDEGEE. Of course, if I may be allowed to make a suggestion there, the fact that the bill prohibits commerce among the States in certain articles produced in a certain way does not make it a regulation of commerce. The mere fact that the courts have held that the power to regulate includes the power to prohibit does not enable Congress, by using in a bill the words "We hereby prohibit," to clothe itself with jurisdiction to regulate something that it has no power to regulate under its constitutional authority to regulate commerce.

Mr. CUMMINS. Mr. President, the Senator from Connecticut, I think, confuses the effect of the regulation of commerce with the regulation itself. Any regulation of commerce may have a proximate or remote effect, but the prohibition against the transportation of certain articles is a regulation of commerce. It may be that it is applied to such commodities and under such conditions that the Supreme Court will hold that it is in violation of the fundamental law of the land as expressed in the fifth amendment to the Constitution; but that is quite a different matter.

Mr. BORAH. Mr. President—

Mr. CUMMINS. I yield to the Senator.

Mr. BORAH. Speaking about the effect of the regulation upon the internal affairs of the State, that same question was presented in a powerful way in the Northern Securities case. There was a State corporation, the members of which had been authorized to do certain things, and the able counsel presenting the matter as against the Government contended that the action of Congress in enacting the Federal statute was in effect undertaking to say under what terms and conditions one could buy stock or transfer stock in a corporation, contending that it was wholly an internal affair, a private affair, and subject alone to regulation of the State.

It was claimed, in other words, that Congress was making an effort to regulate the internal affairs of the States under the guise of regulating commerce; but Justice Harlan said that that is not the purpose of the law; that may be its effect; that may be the result of the regulation of commerce; but what Congress is doing is undertaking to say that these people must conform to certain things, the effect may be to affect the internal affairs of the State. It may have the effect of regulating those things within the State, but that is not the purpose.

So here our legislation may have the effect of controlling production; it may have the effect of substantially affecting production, and the regulation of commerce may often have that effect; but, nevertheless, we come back to the question of whether or not it is not a legitimate exercise of the power granted to Congress under the commerce clause of the Constitution, regardless of the fact that it has a most substantial effect upon production.

Mr. BRANDEGEE. Mr. President, of course I agree to the view that this is a regulation of commerce; but the question is whether it is such a regulation of commerce as can be carried into effect under the clause of the Constitution giving Congress the power to regulate commerce, and whether the question of the hours of labor of children is sufficiently connected with the subject of regulation of commerce to bring it within the power of Congress? That is the point, and the Senator from Iowa understands it, I think.

Mr. CUMMINS. Mr. President, I am glad the Senator from Connecticut has gone that far, although I assume that has been his attitude all the while. We, then, begin the examination with the admission that this is in form and character a regulation of commerce and is within the power of Congress, unless there are some limitations upon our authority to regulate commerce which will prevent the exercise of the power in this way.

In speaking of the Northern Securities case, I want at this moment, while we have it in mind, to read a sentence from that opinion, because it applies directly to a question which I propounded to the Senator from Connecticut a day or two ago, or possibly yesterday. It is found in the opinion of the court at page 342.

Mr. BRANDEGEE. Is the Senator about to read from the hearings or from the volume of Supreme Court Reports?

Mr. CUMMINS. This is the Northern Securities case, found in One hundred and ninety-three United States Reports. The court said:

Is there, then, any escape from the conclusion that, subject only to such restrictions—

That is the fifth amendment—

the power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce.

I asked the Senator yesterday whether, in his opinion, the State of Connecticut could pass a law of this character. He instantly and very candidly said that, in his opinion, there was no doubt with regard to the power of the State to pass a law which would prevent the employment of children save under the conditions that are prescribed by this bill. Now, if the Supreme Court is right with regard to that matter, then Congress can accomplish the same purpose through a regulation of commerce, if we can reach beyond the mere body of commerce itself—I can describe it in no other way—and legislate in the form of a regulation of commerce to promote the happiness, the welfare, the comfort, the health, and the morals of the people.

Mr. BRANDEGEE. Mr. President, I think the Congress can do all that the Senator has said it could do, all that the decision from which he is reading says it can do, provided the thing sought to be accomplished is legitimate and within the power of the Congress. I think there is no question about the purpose of this bill. It is not, and does not purport to be, to protect the public from any contagion to be derived from the products of child labor. It purports to try to bring to an end child labor in the States. Now, I say I do not think that purpose, or the standards set up in this bill for manufacture, are so related to the subject of regulating commerce among the States as to clothe Congress with jurisdiction to act upon the subject matter.

Mr. CUMMINS. Mr. President, I do not agree that there need be any relation. There may be the relation of cause and effect; but that is the only relation, so far as the point now suggested is concerned, that need be established. I agree that this bill is proposed for the purpose of suppressing certain child labor throughout the United States—not in any particular State, but throughout the United States. I assert, and the Senator agrees with me, that the instrumentality or the law through which we intend to accomplish that effect is a regulation of commerce. He protests against it because child labor in and of itself is not more directly connected with the business of transportation.

Mr. COLT. Mr. President—

Mr. BRANDEGEE. If the Senator will permit me to make a suggestion to the Senator, inasmuch as he is discussing my position, I will simply say that in every one of the cases decided the subject matter prohibited from commerce is of itself deleterious or injurious either to health or to morals. Child labor is one step further back than any case that has been decided, in my opinion. It is one step further removed. There is nothing which is sought to be prohibited or accomplished that is prohibited from actual transportation in this bill. It is not sought to be prohibited. It is not sought to prohibit the manufacture of legitimate products in the country at all; yet they are the things that are prohibited from interstate transportation.

Mr. COLT. Mr. President—

Mr. CUMMINS. I yield to the Senator.

Mr. COLT. I have listened with great pleasure to this argument, and I very much regret that I have not heard the whole argument upon this question. It seems to me it is largely a legal question, and I should like to ask the Senator from Iowa whether he finds any case in the Supreme Court where an act of Congress which forbade the transportation of goods from one State to another under the broad power that Congress has to regulate commerce has been held unconstitutional by the Supreme Court unless it violated some other provision of the Constitution? The power to regulate commerce not being limited in any way, how can the Supreme Court inquire into the motive of Congress in passing an act? It seems to me that if Congress possesses this broad power under the Constitution the Supreme Court must hold it has properly exercised that power, unless the act comes within the prohibition of the fifth amendment to the Constitution or some other provision.

Mr. CUMMINS. Mr. President, answering the inquiry of the Senator from Rhode Island first, I say that there is no opinion of the Supreme Court declaring unconstitutional a law regulating commerce, unless it is found to conflict with the fifth amendment to the Constitution, or with what is synonymous with the fifth amendment to the Constitution—the fundamental law which underlies all compacts of organized society. I have always looked upon the fifth amendment as expressive of that general law upon which all societies are builded. I think it is a fair expression, and it has come to be an accurate expression, of the rights which were demanded and secured long, long ago in Magna Charta.

Mr. OVERMAN. Mr. President, right there, referring to the Erdman Act, with which the Senator is very familiar, was not



that decided unconstitutional because there was no relation to commerce?

Mr. CUMMINS. It was declared not to be a regulation of interstate commerce in some aspects, just like the railway-liability law; but those decisions were the result simply of a finding that they were not regulations of interstate commerce, but were, in the case of the railway-liability law, regulations of intrastate commerce as well.

Answering the question put by the Senator from Connecticut, he finds difficulty in connecting with commerce the effect of the prohibition against shipments from State to State. It matters not whether it has any effect or not. We employ a regulation of commerce. Now, without asserting that the Lottery case is exactly parallel to this—although I think the principle upon which it is decided controls this—without asserting that the white-slave act is precisely like the act we are now considering, yet it is still true that what Congress attempted to do in the Lottery case was to suppress gambling; that is all. Its only purpose was to suppress gambling. That was the object of the law. Now, it did it through a regulation of commerce, by forbidding all the paraphernalia and all the instrumentalities for carrying on a lottery from entering into the channels of interstate commerce; but its purpose was to suppress gambling, and what has gambling to do with interstate commerce? Is gambling, or the maintenance of a lottery, more nearly related to commerce or the general welfare of the people than the suppression of child labor, where the effect of the child labor prohibited is to impair, if not to destroy, the citizenship of the United States?

Mr. BORAH. Mr. President, in the Lottery case the court did not lay stress upon the proposition that it was aiding or augmenting commerce. The court put it in unmistakable terms upon the desirability of getting rid of an evil or wrong which was demoralizing the whole country. It was not because it aided commerce, or because it diminished commerce, or because it in any way affected commerce per se, but because the court said: Here is an institution which is, from a moral standpoint, demoralizing the whole country. Now, when you strip it of everything else, did the court hold anything other than that immoral influences should not use the channels of interstate trade to accomplish their purpose?

Mr. CUMMINS. That is all. There is but one sentence in the lottery-case decision which in any way differentiates that case from the principles we are now attempting to establish, and that is immaterial. That sentence is this—I do not quote it literally—but it is found in that part of the opinion which says that the States into which the lottery tickets or lottery instrumentalities are powerless to prevent the introduction of those things into the State. Just so with the Hoke case. I think the same suggestion is found in that decision, but that was simply describing that particular case, and does not modify in any fashion whatever the principle which is established, namely, that the United States can, through any regulation of commerce, suppress any evil that affects the public morals, health, or welfare. That power has been exercised so often that it can not be successfully controverted at this time.

Mr. WORKS rose.

Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. Mr. President, it seems to me the fallacy of the suggestion made by the Senator from Idaho, and also in the position of the Senator from Iowa, is that in the Lottery-Ticket case and in the White-Slave case there was an attempt to introduce or carry into another State, through transportation, an evil or immoral influence. That was what gave the Government the right to legislate on the subject, and nothing else. Now, that condition of things is totally absent here.

Mr. BORAH. Mr. President, I challenge the proposition so far as the White-Slave case is concerned.

Mr. WORKS. I know the Senator does. He has done so heretofore.

Mr. BORAH. I will demonstrate it, if the Senator will listen for a moment.

Mr. WORKS. I shall be glad to listen.

Mr. BORAH. The case which was before the court, as it transpired, did carry into another State an immoral influence, but that was not the limit of the law. That case does not circumscribe by any means the extent of the law. The person who was carried into that State might have been a perfectly moral influence, might have been a perfectly innocent influence, and yet would have come within the purview of the law.

Mr. WORKS. Not at all. There must be some evil influence carried into another State in order to give Congress the right to legislate on that subject at all. There is where the Senator and I disagree.

Mr. BORAH. Let me ask the Senator this question, if the Senator from Iowa will pardon me for a moment. I suggested this the other day.

Suppose that A addresses a letter to B, and asks her to come into the adjoining State, and assigns a perfectly legitimate reason for it, and in response to that B goes and takes up her residence in the adjoining State and remains there until under all the decisions she becomes a part of the personality, or—using the term in a different way—the commodities of the State. Suppose that a month thereafter, or two months thereafter, A induces B to enter into a house of prostitution, he himself never having been in the channels of interstate trade, never having crossed the State line, never having been in commerce at all; is he not guilty under the law, and so is she?

Mr. WORKS. Mr. President, that does not touch the question that is involved here, to my mind.

Mr. BORAH. But the Senator said it was carrying an evil influence into the State. Now, it was not an evil influence when it was carried into the State at all. There was not even an evil intent upon the part of the party that was in interstate commerce.

Mr. WORKS. Then there would be no criminal offense at all, if the Senator is right about it.

Mr. BORAH. Exactly; but it does not have to be any criminal offense. If the purpose and intent upon the part of the party who was never in interstate commerce, who was never a part of the commercial transaction, was to induce this other party to enter into that condition of affairs, they would be guilty under the law.

Mr. WORKS. Mr. President, unless there was some ulterior purpose on the part of the man, in the case instanced by the Senator from Idaho, there would be no criminal offense; and unless there was some such intent as that that might have been concealed by securing the transfer of the woman by innocent means, there would be nothing to legislate against. The very fact that some such influence is being used, and is being carried out by transportation or commerce, is what constitutes the offense, and is the only reason for legislating on the subject.

Mr. BORAH. Exactly; but the Senator took the position that the commodity or the person traveling through the channels of trade must have been an evil or an immoral influence.

Mr. WORKS. No; the Senator did not take that position.

Mr. BORAH. If the Senator will look at the Record, he will see that that is the position he took.

Mr. WORKS. The Record will speak for itself, Mr. President. My position is that there must be an effort, through transportation, to carry into another State an evil influence.

It may have been done, so far as the record shows, by innocent means, and it may appear that it was done by innocent influences; but there must be behind it all that evil influence that can be legislated against, and that is the only ground upon which it can be done. Now, that does not exist in this case at all.

Mr. CUMMINS. Mr. President, the Senator from California takes altogether too narrow and illiberal a view both of the Constitution and of the decisions in these two cases. The purpose of the lottery statute was to suppress gambling—not in one State, but in all the States—so far as it could be done. The purpose of the white-slave act was not simply to prevent travel, but it was to help to suppress prostitution; and the Supreme Court so declared in its opinion—that prostitution is an evil preying upon the society of the United States; and if we can affect transportation by a regulation of commerce so as to assist in suppressing that evil throughout the country, we have the constitutional authority to do it, just as we had the constitutional authority to suppress gambling through an interdiction or prohibition against the transportation of the things that made gambling possible.

We want to suppress the employment of children under unfavorable conditions. Now, how do we do it? We can do it by intervening between the employer of the children and his market, if it be beyond the State, and say that you can not perpetuate your business, you can not complete your undertaking through the channels of interstate commerce. It seems to me that so long as we employ an acknowledged power of regulating commerce, so long as the form of the act which we pass is a regulation of commerce, no one can be heard to dispute our power or to dispute the validity of the act unless we have invaded the rights and the privileges of an individual—rights and privileges which are secured to him by the Constitution.

Mr. WORKS. May I ask the Senator a question? Suppose all the negotiations that led to an act of prostitution should have taken place within a State and that the transportation from one place to another had been within the State, and had not gone outside of it, does the Senator pretend that under those

conditions Congress would have a right to legislate on that subject?

Mr. CUMMINS. I have no doubt about that. I have no doubt that Congress may declare that a prostitute shall not travel on trains at all.

Mr. WORKS. Within a State?

Mr. CUMMINS. Not within the State, but one desiring to enter another State.

Mr. WORKS. I am talking about the whole proceedings taking place within a State.

Mr. CUMMINS. I have no doubt Congress can declare that one convicted of crime shall not be permitted to pass from one State to another. I have no doubt that we can reach the purification of the morals of the country through the interdiction or prohibition of the use of interstate instrumentalities wherever the crime or offense is of such a nature that it affects the whole body politic.

Mr. WORKS. It is hardly worth while to argue with the Senator if he has that broad view of the powers of the National Government. That breaks down every barrier and removes all limitations.

Mr. CUMMINS. The Senator has said that many times.

Mr. WORKS. It is the first time I have said it.

Mr. CUMMINS. No; the Senator has said a great many times that these views which I think are inseparable from the support of the measure would break down all limitations, destroy our form of government, and turn over to the Federal power the entire police regulation of the State.

I do not assent to that. There is a very large field, a great field, which the States may occupy and which the Federal Government can not enter. I am speaking here of a regulation of commerce, if this is a regulation, and no one doubts that a prohibition is a regulation. That has been determined by the Supreme Court so often that it is folly to even read the decisions which establish it. A hundred years ago, almost, the Supreme Court held that the regulation of commerce could extend to a prohibition, and no one doubts it. If the prohibition against interstate commerce or prohibition against the shipment of these articles is a regulation of commerce, why is it not valid? What does the Senator from California urge against its validity? I agree that there are things that can be urged against its validity; but if it is a regulation of commerce, if we have the power to regulate commerce, why is not this legislation valid?

Mr. WORKS. Mr. President—

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield.

Mr. WORKS. I challenge the statement of the Senator from Iowa that this is a regulation of commerce. The whole purpose of this bill, disclosed by the terms of the bill, is that it is not to regulate commerce but to prevent something being done within a State.

Mr. CUMMINS. Precisely.

Mr. WORKS. The claim that it is a regulation of commerce is a mere pretense.

Mr. CUMMINS. No, Mr. President.

Mr. WORKS. I may refer for a moment to what has been said by the Senator from Rhode Island, that the Supreme Court would have no right to inquire into the motive of Congress in enacting legislation of this kind; but in this case the motive is disclosed on the face of the bill, and a certain thing is attempted to be carried out by the provisions of the bill. It is not a question of hunting up the motive of Congress at all.

Mr. CUMMINS. The motive of Congress has nothing to do with it so far as this particular case is concerned. Again we reach the apparently irreconcilable difference. I say it is a regulation of commerce. The Senator from Connecticut says it is in form; the Senator from California says it is not. No matter what the effect may be, there is no pretense about it; there is no subterfuge about it; we are attempting in good faith to regulate commerce, that is, to exclude certain commerce from transportation from one State to another. If that is not a regulation of commerce I am entirely unacquainted with either the phraseology of the decisions or the Constitution. If it stopped right there, if we said nothing more than that John Smith should not transport his goods from one State to another, we would have regulated commerce. If we pass an act of that sort it could be assailed, and successfully assailed, because the fifth amendment to the Constitution which dominates the commerce clause, controls the effect of the commerce clause, would establish the proposition that we were taking the property of John Smith without due process of law, and therefore

the regulation would fall. But it is a regulation of commerce just as fully as though it had been sustained.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield again to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. The Senator is right in saying that the prohibition against transporting a certain thing through the channels of interstate commerce is a regulation of commerce. There is not any doubt about that. But in this instance every detail of this bill shows that is not the purpose of it. It goes back to the State and in great detail determines what shall not be done in the State, and as attempting to enforce a penalty against doing that thing the manufacturer is forbidden to transport the thing manufactured through the channels of commerce.

Mr. CUMMINS. But it seems to me the Senator from California is wrong about that. The regulation of commerce is not nominal; it is real. It says that these goods shall not be transported. There is no pretense about that. It is as substantial as it is possible to imagine. But when the person whose goods are thus refused transportation from one State to another comes to the court he must say that Congress had no authority to regulate commerce in this way, because it interferes with my constitutional rights and privileges. That is the only attack that can ever be made upon this bill. There is no man who can ever reach an issue upon the bill unless he alleges that the regulation of commerce which it is now proposed to make violates some other provision of the Federal charter, and he will reach it by alleging that he has a constitutional right under the fifth amendment to hire these children and to transport the products of the factory in which they are employed. When he does that it will be for the court to say whether this is fairly within the police power which attends the commerce clause of the Constitution, whether it is fair and reasonable and not simply an arbitrary exercise of an express power. Now, that must be the issue.

Mr. WORKS. The transparent pretence in the whole business is that while we are prohibiting the transportation of certain goods through interstate commerce we are not, in fact, doing it for the purpose of protecting commerce at all, and everybody knows it.

Mr. CUMMINS. We do not—

Mr. WORKS. Wait a minute. That is not the object and purpose of the bill. The bill discloses the fact on its face that it is not for the purpose of protecting commerce at all.

Mr. CUMMINS. But, Mr. President, there is nothing in the Constitution that says we must regulate commerce for the purpose of protecting commerce. There is nothing in the Constitution that says we must regulate commerce in order to expand it any more than to limit it. There is nothing whatever, as I see it, in our authority that restricts us to a regulation of commerce in order to benefit commerce in the sense in which the Senator from California evidently uses the word.

Mr. President, the lottery statute was not for the purpose of protecting commerce. The white-slave act was not for the purpose of protecting commerce. The prohibition against transporting a bottle of water and calling it a bottle of medicine was not for the purpose of protecting commerce. All these things are, in my opinion, further removed from what is thought by some here to be a regulation of commerce than the bill under consideration.

Mr. WORKS. The Senator may call it protection of what not, but the only ground upon which Congress can legislate under the commerce clause of the Constitution is for the purpose of preventing the transportation of commerce from working injury to somebody, and it must be some injury that affects more than one of the States. You can not just say arbitrarily we have a right to regulate commerce and do it for any purpose. Now, the Senator does not go that far.

Mr. CUMMINS. I do not.

Mr. WORKS. Certainly not.

Mr. CUMMINS. I say that we can enact a statute to regulate—that is, putting rules upon the transportation of certain goods, or prohibiting them entirely to accomplish any purpose that is within what is ordinarily known as the police power of the country, and the police power means all the power of the Government in promoting the general good, if you please, of the people.

Mr. WORKS. Now, the Senator is getting down to something like a solid foundation. He has been away up in the air until the present time. You have got to get down in order to legitimate any legislation of this kind. Now, you put it on the ground of the police power, and unless you carry it into a single State—



Mr. CUMMINS. No; I have said, over and over again, that the only limitation upon our right to regulate commerce or to prohibit transportation of goods from one State to another is found in the fifth amendment of the Constitution.

That is the only limit. When you read the fifth amendment you will find it protects property and persons against an arbitrary invasion of their rights and privileges, that it insists on due process of law, but the police power of a Government, of the Federal Government in this instance, is not forbidden by the fifth amendment to the Constitution. It exists with it.

Mr. WORKS. Mr. President, I think the Senator from Iowa is just as wrong on that proposition as he has been on the other, namely, that there is no limitation except that contained in the fifth amendment to the Constitution. There is a fundamental right that prevents this sort of legislation that interferes with the rights of individuals in the State, independent of the fifth amendment.

Mr. BORAH. What is that fundamental right?

Mr. WORKS. It is the right to control by the laws of the State and not by the Government.

Mr. BORAH. That all goes back to the proposition whether or not the commerce clause reaches this.

Mr. WORKS. Certainly, but you are appealing now to the police power in Congress.

Mr. BORAH. The Senator from Iowa takes the position, and I think he is entirely correct in that, that there is a police power attending the regulation of commerce and is an implied power in connection with the regulation of commerce. But I want to ask the Senator a question, if I do not interfere with the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. We will assume that this law has been passed and is controverted in the courts; that an action is brought in the courts and it is presented to the Supreme Court of the United States. The man whose goods have been denied admission in the channels of the interstate trade, the man whose goods have been prohibited, says, "My goods have been prohibited from being shipped in interstate commerce." The court will say, "Upon what ground"; and he will say, "Because I have employed child labor." Then does the Senator contend that that is such an arbitrary exertion of power on the part of the National Government that the man could go further and say, "I am protected under the fifth amendment"?

Mr. WORKS. No; it is not necessary to take any such ground.

Mr. BRANDEGEE. I claim that absolutely.

Mr. WORKS. I think the Senator is right about that; but that is not the only ground.

Mr. BORAH. The Senator said a few moments ago we were getting down to earth. The Senator from Connecticut contends that the denial of these goods to the channels of trade would be such an arbitrary exertion of power on the part of the National Government that the man who had employed child labor could say, I am protected under the fifth amendment; that is, the taking of the goods without due process of law. Suppose the court would say, as Justice Harlan said with reference to the other matter, does the fifth amendment protect him in the employment of child labor under such conditions as to be inimical to the welfare of the United States? Has a man a constitutional right to ship his goods regardless of the fact that their shipment is in aid and furtherance of a system of business in which child labor is an essential factor?

Mr. BRANDEGEE. I think the fifth amendment would protect the property, innocent in itself, in interstate commerce transportation against the prohibitions of this bill just as effectually as it would if the bill attempted to prohibit the putting of a mill in a State or to deprive men from voting. I think it is an utterly unreasonable prohibition. To have so held would be the taking of property without compensation.

Mr. BORAH. That is pretty well covered in the commodities clause, and that, it seems to me, disposes of it.

Mr. BRANDEGEE. The commodity-clause decision was absolutely related to the question of interstate commerce and the railroad rate bill and the antidiscrimination bill.

Mr. BORAH. But the Senator knows perfectly well the object of the commodities clause was not to prohibit the particular articles because they were deleterious, was not the aid of commerce, per se, but it was for the purpose of compelling a corporation not to engage in two kinds of business, because it was thought not to the interest of the community that it should do so.

Mr. BRANDEGEE. No; it was not. It was to prevent discrimination in interstate commerce.

Mr. BORAH. Exactly. That goes back to the proposition that it was thought to be an evil.

Mr. WORKS. If the Senator will pardon me, the inquiry was addressed to me, and the Senator from Connecticut seems to have taken it off my hands.

The PRESIDING OFFICER. The Senator from Iowa has the floor. Does the Senator yield?

Mr. CUMMINS. I yielded for a question to the Senator from Idaho, and I have no objection to yielding for the reply sought to be made by the Senator from California.

Mr. WORKS. The Senator from Connecticut has not gone quite far enough in my estimation to meet the circumstances suggested by the Senator from Idaho. In the case instanced by the Senator from Idaho all that would be necessary for the manufacturer to do was to set up the fact that there is an effort to prevent the transportation of these goods for the sole reason that he has used child labor in the manufacture. That is not a violation of any Federal law and is not a matter about which Congress has any right or power to legislate. It is wholly a State matter, and if he has committed any offense, it is an offense against the State. That, in my judgment, would be a complete defense independent of any question of the fifth amendment.

Mr. BORAH. That undoubtedly would have been just as complete a defense in the white-slave act.

Mr. WORKS. Not at all.

Mr. CUMMINS. Just a moment.

Mr. WORKS. The Senator will ignore the apparent distinction between the two cases.

Mr. BORAH. The Senator ignores the apparent distinction between the two cases that seem to exist in the mind of the Senator from California because he thinks the distinction does not exist.

Mr. FLETCHER. Mr. President—

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I suggest this consideration to the Senator in further confirmation of what the Senator from California has urged, namely, that whereas the Supreme Court has held that in circumstances Congress may prohibit interstate commerce in articles after they are created, it has never held and will never hold, in my judgment, that Congress has the power to prohibit the creation. After all, is it not the purpose of this bill to prohibit the creation of commodities except under certain conditions?

Mr. CUMMINS. Mr. President, this bill does not prohibit the creation of articles by child labor. It does not prohibit the manufacture of articles by child labor of any kind, of any age. It simply prohibits the man who is inhuman enough, if that be the proper standard, to employ children under these ages or over these hours from reaching a market for his products through interstate channels. He must be content, if he desires to employ children against the standard proposed in this act, with the markets of his own State, and to them, of course, he has access, and with them we do not interfere in any way.

Congress has constantly employed an express power to accomplish purposes not related to that power in the sense that the word "relation" has been used by those who oppose this bill. I think I asked some Senator what he thought about the tariff law. The tariff law is supposed to be bottomed upon our authority to tax. But whether it is bottomed upon our authority to tax or our authority to regulate commerce with foreign nations, the application I desire to make of the instance is the same. We levy a duty upon an article which is ordinarily imported into the United States not to raise a revenue, but to exclude the article. Why do we do it? We do it in order to benefit the people of this country. We do it in order to create a market in our own country for like goods manufactured upon our own soil.

I assume the Senator from Connecticut [Mr. BRANDEGEE] will not say that could not be done, that that would be a mere pretense and a subterfuge, or that a court would say it was in violation of some fundamental right of the citizen.

I beg to remind him that the party to which he and I and the Senator from California belong have maintained for a hundred years or more that the taxing power or the regulatory power of the United States could be used for precisely that purpose, to accomplish that end. These goods are not in themselves injurious; they are not poisonous; they are not adulterated; they bring with them no influence for evil; but we regulate commerce with other nations in order to promote the welfare of our own people.

Again, take the case of the circulation of State banks. We did not levy a tax upon the State banks' circulation in order to raise a revenue, because we knew it would create no revenue; we levied it in order to destroy the circulation. Within

my own time in the Senate there was introduced a bill which seemed to have universal support to tax a certain kind of matches. We did not levy the tax in order to raise a revenue, for we knew that we would receive not a penny from the imposition. We did not levy it because the matches were harmful to those who used them after they were put into the markets of the country, but we levied it solely because in the process of manufacture in some States there were such baleful effects growing out of the handling of the material of which the matches were composed that it was done for the general welfare, to promote the common good.

Mr. BORAH. Does the Senator have any doubt that we could have denied the right to ship those matches?

Mr. CUMMINS. None whatsoever. I think it was suggested on the floor of the Senate, at least, if not on the floor of the Senate in the committee when that measure was pending, that it could be reached just as well and probably better through a prohibition of such articles from interstate commerce.

Mr. President, we have prohibited the shipment from one State to another of scores and scores of articles that are not in themselves injurious, that are just as harmless and innocent, if not useful or beneficial, as any commodity which passes day after day over our great lines of transportation.

I do not intend to pass through these cases or give references to these statutes, because they are familiar to everyone, but they all establish just one doctrine, that the transportation between the States is within the control of Congress; that we can prohibit transportation to any person whom we may select or any commodities we may describe, provided we are not hindered from so doing by either the fundamental law of the land, which underlies the fifth amendment of the Constitution, or by the fifth amendment itself.

If when we pass this law the general sense of mankind, the civilized conception of the United States, the standards of morality, the ideals of the people have not so fortified the measure as to bring any judicial tribunal to an abiding and conclusive sense that the prohibition of child labor under the provisions of the bill is in harmony with the best standards of civilization and is required by the highest necessities of the Nation, then the court will say that this regulation of commerce invades the fifth amendment of the Constitution, and is therefore invalid; but if it believes that the Nation is deeply concerned in the bodies, the minds, and the hearts of the children of the United States; if the court understands, as we all understand, that the perpetuity of free institutions is dependent upon the character of our citizenship and that the character of our citizenship is involved in the opportunity which the children have to grow and develop and take on the stature mentally and morally and physically of free men and free women, then the court will declare that it is a reasonable regulation of interstate commerce and that it does not invade the rights or the privileges to those who desire to employ labor under the forbidden condition of those who desire to use the facilities of transportation to make their immoral employment profitable in commerce.

Mr. TOWNSEND. Mr. President, I do not care to detain the Senate unduly. For now about a week we have been listening to a discussion of this bill, mostly on the constitutional side, and many arguments have been repeated over and over again, some of them by the same Senators. I think it must be pretty clearly understood, at least, what the real constitutional situation is, although learned Senators disagree. I am not going to criticize the position of Senators who oppose this bill on constitutional grounds. I think possibly there is a chance for legitimate discussion of the question, but I am satisfied that the measure will be held constitutional by the courts, first, because I believe it is a just, nation-wide, important measure, and that Congress has the right to determine what matters are considered of sufficient importance to the general welfare to bring them under the wide scope of the commerce provisions of the Constitution. It is perhaps the longest step that has thus far been taken, but I believe it is in the same direction of established precedents.

I notice, however, there is great opposition to this proposed law on other than constitutional grounds, and as a possible explanation of such opposition I will read a little testimony that was taken before the Committee on Labor in the House of Representatives when this matter was being there considered. I shall read from the testimony of Mr. David Clark, of Charlotte, N. C., editor and sole owner of the Southern Textile Bulletin. He states this about himself in order to qualify as a witness:

Mr. CLARK. My position is that I am in close touch with the textile industry of the South, and have been for 16 years, 8 years a cotton manufacturer and 8 years the editor of two publications, and for the last 5 years editor of the present publication, which I own. It has been our desire to have you gentlemen come South and see the mills,

so that you will understand the situation; and we hope that you will come. I am here to give you any information that you may desire, openly and frankly, in regard to the conditions in the South.

On page 19 of the hearings this testimony was elicited from Mr. Clark:

Mr. KEATING. All of the pupils—

They were talking then about the schools. I wish to say here, Mr. President, that, so far as I am concerned, one of the things that has attracted me to the support of this measure is the fact that it has for one of its objects the giving to children what belongs to them; giving them an opportunity for an education, without which they can neither serve themselves nor their country, because our country is founded on education, on intelligence, So Mr. KEATING asks:

All of the pupils who expected to go to that school—

That was a night school—

worked 12 hours in the factory that day?

Mr. CLARK. Those above the legal age worked on the basis of 10 hours a day. Ten hours a day is the longest that anybody can work.

Mr. KEATING. But the children had worked 10 hours?

Mr. CLARK. Yes.

Mr. KEATING. And then they failed to show up at the night school?

It appears that he had stated in his previous testimony that the children did not attend the night school very generally. Hence, Mr. KEATING's question:

And then they failed to show up at the night school?

Mr. CLARK. Well, the night school is not so much for the children as it is for the adults.

Mr. KEATING. Where do the children go?

Mr. CLARK. To the day school.

Mr. KEATING. How can they if they work all day in the mills?

Mr. CLARK. They go when they desire.

Mr. KEATING. How can they go?

Mr. CLARK. The parents send them out.

Mr. KEATING. How can they do that and work 10 hours a day in the mills?

Mr. CLARK. They do not do it above the age of 12 except during the vacation period of the school year. During the rest of the term they should send them to the school.

Mr. VAN DYKE. Do I understand you to say that a child's education should cease at 14?

Mr. CLARK. No, sir; I think it should be optional after that time. I think the parents are pretty well capable of taking care of the children, and they have the right to look after their education. That has been the law of the world.

Mr. SUMNERS. If you leave the question of education to the judgment of the parents after they are 14 years of age, why not leave it to them all the time, and if you do not leave it to them all the time, why leave it to them any time?

Mr. CLARK. When these people come from the mountains they do not believe in education. That is the reason we do not have compulsory education in North Carolina, because the isolated mountain districts would go Republican if we forced compulsory education on them.

Mr. SMITH. I do not think that many of their Republicans are up this way.

Mr. CLARK. We have one.

Mr. NOLAN. In other words, they do not make much of a show in Congress?

Still further, on page 23, in connection with this matter Mr. Clark testifies as follows:

Mr. NOLAN. You state that the question of compulsory education in North Carolina is a political question?

Mr. CLARK. It is optional; yes.

Mr. NOLAN. What do you mean by a political question?

Mr. CLARK. Well, the State is Democratic—most of it—and our western counties are largely isolated communities. Those people are on the balance of power, and if we put on a State-wide system of compulsory education it would swing the balance the other way, because people of the isolated rural sections do not want compulsory education.

Now note the consistency—

Mr. NOLAN. Do you not think you are giving a mighty lot of consideration to the minority down there?

Mr. CLARK. If it will make them the majority; yes, sir. They have been in the majority in our tenth district. We often elect a Republican Congressman from there. We have one in this Congress.

Mr. COOPER. You people in North Carolina blame your condition on the Republicans?

Mr. CLARK. Oh, no; they blame it on a certain class of people who live in the mountains.

Mr. NOLAN. They do not want to educate the Democrats, because they are afraid that they might vote the Republican ticket if they were educated. [Laughter.]

Mr. CLARK. They vote the Democratic ticket now. If you force on them compulsory education, they might change around and vote the other way for spite.

Mr. President, I simply make this statement because I have been at a loss to understand why anyone not actuated by the high notion, and a laudable one, too, that this bill is unconstitutional, could oppose a proposition of giving the children of this country the opportunity, the right which actually belongs to them. Other parts of this testimony, which I shall not read, show conclusively that these children can not possibly obtain an education under the laws of the State where they have no law against child labor. The fact is they do not obtain it. I refer to the children who need it; the children of the poorer classes who, it is thought, are obliged to work.

I submit, Mr. President, it would be better for the State of South Carolina and for any other State to grant a bonus to



the manufacturers of the State, if they can not compete with their Northern or other competitors where higher wages are paid—it would be better for them to grant a bonus equal to the difference in cost of production and to give the children a chance for education in those Southern States. The States where universal education is known and enjoyed need no Federal child-labor law. Universal education is the enemy of every species of slavery which thrives on the exploitation of ignorance by greed and cupidity.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from North Carolina?

Mr. TOWNSEND. I yield.

Mr. OVERMAN. I do not desire to take issue with Mr. Clark, except that I wish to state the fact that the statistics in reference to the matter furnished by the Census Office, which will be found in my speech of yesterday—which I presume the Senator from Michigan heard—

Mr. TOWNSEND. I read what the papers said about the Senator's speech, but I have not read the entire speech to-day. I was necessarily absent during its delivery.

Mr. OVERMAN. I wish to say that the statistics furnished by the Census Office show that North Carolina is increasing as to literacy over a majority of the other States. In a majority of the States illiteracy is increasing, while it is decreasing in North Carolina.

I wish further to say that there is not a cotton mill in our State which does not have a school, and that there is not a child who works in the factories who can not read and write, for, under the law, a child can not work in them unless he can read and write. You can not get away from those facts, no matter what anyone may say. Not taking issue with the Senator from Michigan or with Mr. Clark, I ask the Senator to do the State of North Carolina the justice to read the facts as they appear in the official record. While we were a poor State, for a long time we ranked low in literacy; but so far as the facts are concerned, for the last 10 years we have been improving in our percentage of literacy as compared with the other States; and North Carolina to-day, I believe, stands eleventh in that respect. Illiteracy has been decreasing in North Carolina all the time.

We have four-month schools everywhere; and so far as the factories are concerned, I have been trying to get Senators to go down into North Carolina and see them. Every one of them has a schoolhouse, which has been put up by the owners of the factories. I repeat, that children can not work in those factories unless they can read and write. Therefore it is impossible, until they are 12 years old, to work them, because, as I have said, they are not permitted to work unless they can read and write. That is the law, and the law is observed.

Mr. TOWNSEND. I shall be very glad to read the Senator's speech. I have no doubt that there is great opportunity for a large improvement in the matter of illiteracy in the State of North Carolina as there is also in other Southern States, and that progress has been comparatively great there can be no question; there has been and is great opportunity and I am glad of it, for I believe that knowledge is the foundation of a State's and of the Republic's perpetuity and greatness—

Mr. OVERMAN. So do I.

Mr. TOWNSEND. The education of its children, and especially of its poor children, who start out somewhat handicapped, is the capital which a State should furnish them. The fundamentals at least of an education are necessary to every boy and girl when they engage in the battle of life. Deny them these and you contribute not alone to illiteracy but to suffering, disease, crime, and degradation.

Mr. OVERMAN. I fully agree with the Senator. We are encouraging education in North Carolina.

I wish to say that our people are opposed to compulsory education, especially the people in the mountain section. That section is now represented in the other House by a Republican—a good man and a strong man—and he represents those people. He is opposed to this bill, and made a speech against it in the other House. He knows that those people have been opposed for a hundred years to compulsory education. All of them are to the "manner born." We can not in my State enforce education on them; but we are doing everything in our power to get their children to go to school. We put up nice schoolhouses on nearly every hill in the State. That shows the remarkable record we have made in the last 10 years—better than that of two-thirds of the other States.

Mr. TOWNSEND. Mr. President, I was attracted to this testimony on this bill by this gentleman, who qualified as an

expert, who evidently was familiar with southern factory life, who had been operating in it for years, who had been conducting two great newspapers that took special care of these cotton industries. What he said seems to me should be given more than a passing notice when we come to consider this bill in all its bearings.

Mr. COLT. Mr. President, the Constitution of the United States has been in force for nearly 130 years. We have also the constitutions of 48 States. As I view the situation to-day, the Constitution of the United States and the constitutions of the 48 States stand substantially unimpaired; in other words, the framework of our Federal form of government still stands complete and unchanged. We must remember, however, that our Federal Constitution is a rigid instrument, and that one of the defects of a rigid instrument is that it does not respond to the changes in the moral sentiment of the people. In other words, we have the example of a rigid body and a moving body—that is, of society, ever moving forward and upward, and the rigid provisions of our Federal Constitution remaining unchanged. How are we to meet that situation? Society is the master. All laws are made for the Nation, and the Constitution itself must be made in some way to conform with true national sentiment.

Fortunately the provisions of the Constitution are in very general terms, as all legislation should be expressed in general terms. Where you have a provision in general terms it becomes elastic, and it can be molded to meet the changes in public sentiment; for, Mr. President, laws must advance toward existing conceptions of right, justice, reason, and public policy. The great forces which control the life of a people are beyond the control of legal rules. The tendency toward popular government, toward the election of the Executive by popular vote, has overridden the constitutional provision with regard to the electoral college. This national tendency has overridden the organic law of the land, and there are other examples which might be cited to the same effect. Therefore, in order to make the law conform to the changed sentiments and conditions of the people in their upward march to a higher civilization, we have added to the Constitution a number of usages, understandings, or conventions which are superior to that instrument itself. That is one way in which the Constitution has been changed. There is also another way. The Constitution may be modified or changed by construction. And this way of modifying the Constitution is illustrated in the history of the commerce clause in that instrument.

The commerce clause contains the broadest power conferred by that instrument on the Federal Government. There are no limitations in the words which are used. The question is not what the word "commerce" meant in the times of Thomas Jefferson, but what does the word "commerce" mean to-day to meet the wants of this great and growing empire; and we all know how the word "commerce" has been enlarged in the last 100 years. Mr. President, if you take a rigid provision of the Constitution, enacted 127 years ago, and do not enlarge it by construction it may break through revolution. The only way we can make this rigid Constitution conform to the great purposes of government is by enlarging its abstract provisions through interpretation in order to meet the sound moral judgment of the people.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from North Carolina?

Mr. COLT. Certainly.

Mr. OVERMAN. Does not the Constitution itself mark out how it shall be changed? I understood the Senator to say that the Constitution could be changed by construction, but does not that instrument by specific provision prescribe how it shall be changed?

Mr. COLT. I will answer the Senator by saying that I am not referring to radical changes such as might need to be brought about by amendment. I am taking, for instance, the general power conferred by the Constitution upon Congress to regulate commerce. I am saying that that provision might have received a comparatively narrow construction 100 years ago; it might have been held, possibly, to relate solely to the regulation of articles transported from one State to another, and yet we know that it has been held by construction to include the instrumentalities of commerce; it has also been held by construction to include the purchase by one corporation of stock in another corporation, when that stock apparently had only the most remote relation to the article that might be produced in a given mill and subsequently become an article of commerce. I do not mean organic changes such as must be brought about by amendment; I mean changes which come

fairly within the language or purpose of the constitutional provision.

Now, this bill says—

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry—

And so forth.

Of course, this provision relates to commerce between the States. Its purpose is to regulate or prohibit commerce between the States. We are dealing with the broad power—the broadest power, perhaps, in the Constitution—of regulating commerce in all its forms.

We know that the Supreme Court never holds an act of Congress to be unconstitutional unless it is clearly so on its face. Every doubt is resolved in favor of its constitutionality. If my recollection serves me correctly, I think the Supreme Court has said in several opinions that it would not inquire into the intention or motive of Congress in passing the act. The real question to be determined by the Supreme Court is not what was the ultimate purpose of Congress in passing the act, but had Congress the power to pass the act under the Constitution of the United States? If you are going to inquire into ultimate purposes, you are embarking on an unknown sea with no compass to guide you. Again, if the Supreme Court had given the commerce clause of the Constitution a narrow construction, it never would have fulfilled the great purposes for which it was designed. The commerce clause has probably done more, under the broad construction which has been given to it by the Supreme Court, to maintain and develop our Federal form of government than any other provision in the Constitution.

I want to say, further, that the pending bill appears to me to be an attempt to regulate commerce in the transportation of articles from one State to another; that that power is clearly conferred upon Congress under the Constitution; that the Supreme Court will not inquire into the motive which led Congress to pass the act; and that, unless this proposed statute violates some other provision of the Constitution, such as the fifth amendment, it will be upheld as within the constitutional power of Congress.

Mr. President, we all know that under the fifth amendment the individual right of liberty and property may be encroached upon in a reasonable degree in order to promote the health, the morals, and the welfare of the community. It is impossible to define the exact limits to the exercise of this police power. Upon the face of this bill, however, I do not see that it would come within the prohibition of the fifth amendment.

Mr. President, I want to say one word more. Some Senators seem to be worried about the encroachment of the Federal Constitution upon the rights of the States. I do not think we have any just grounds for any such apprehension. When I look at the temper of the Senate, when I see Senators on one side and the other debating for days in the most able, painstaking, and conscientious manner the constitutionality of this act, I realize that we need have no fear of the safety of our Federal institutions. Why, the whole organic law of Great Britain rests upon the moral sentiment of Parliament. Parliament has the power to pass any law, but the moral sense of Parliament governs, and forbids it to pass any radical legislation. And so, Mr. President, the safety of our Federal institutions, the question whether the National Government will swallow up the rights of the States, rests in a large degree upon the public sentiment and sound judgment of the Congress of the United States.

Mr. President, there may be a doubt about the constitutionality of this bill, but if it is not manifestly unconstitutional, and if it is just, if it meets the great humanitarian sentiment of the Nation, if it accords with our higher aspirations toward social reform, let us pass it; and then, if subsequently it should be shown, upon very careful investigation, to be clearly in violation of the Constitution of the United States, we have, thank God, under our form of Government, a tribunal which will so declare it to be.

Mr. BRYAN. Mr. President, before the Senator takes his seat I should like to ask him a question. The Senator stated that so far as the commerce clause of the Constitution was concerned, we would have power to pass this legislation unless prohibited by some other clause of the Constitution. I want to call the Senator's attention to section 2 of Article IV, with which the Senator is, of course, familiar. It reads as follows:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

I call the Senator's attention to the provision of the bill relating to dealers.

Mr. COLT. May I qualify what I said with regard to the fifth amendment? I should have said, The law is valid unless

it is in violation of the fifth amendment or some other provision of the Constitution.

Mr. BRYAN. The provision of the Constitution to which I have referred is found in section 2 of Article IV. There is a provision in this bill that relieves dealers from the requirement to have guarantees that no children have been employed in these factories except in the State of production. Does the Senator think that provision is valid, in view of the constitutional provision which I have just quoted?

Let me give the Senator an illustration of what I have in my mind. We will take Bristol, Tenn., which is on the border line between Tennessee and Virginia. The west side of the street is in Tennessee; the east side of it is in Virginia. Suppose there are two dealers in goods there that come under the terms of this act. The one on the west side is in Tennessee; the one on the east side is in Virginia. They are competitors in business. Now, the dealer on the east side would not be held to the penalties of this act if he did not have the guaranty, while the dealer on the west side, in Tennessee, would be—it being conceded for the purpose of the illustration that the factory is in Tennessee. Does the Senator believe, or not, that that provision violates section 2 of Article IV of the Constitution? That is the question.

Mr. COLT. In reply to the Senator I will state that I have not sufficient knowledge of the subject to answer this particular question. I have already said that I would not undertake to determine whether this statute might not be found to be repugnant to the fifth amendment or some other provision of the Constitution. I must leave that phase of the subject undetermined. When a question of this kind comes up, it can not be argued here as it would be argued before the Supreme Court of the United States.

It is our duty, Mr. President, it seems to me, to go along general lines; and unless the act appears manifestly and clearly unconstitutional, and especially when the act harmonizes with the humanitarian tendencies of the people, it should be allowed to stand, subject, as it will be, to a more critical examination by the Supreme Court.

Mr. GALLINGER. Mr. President, there are a great many empty seats in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smoot
Bankhead	Gronna	Norris	Sterling
Beckham	Hitchcock	Oliver	Swanson
Borah	Hughes	Overman	Taggart
Brady	James	Penrose	Thomas
Brandegee	Johnson, S. Dak.	Pittman	Thompson
Bryan	Jones	Ransdell	Tillman
Chilton	Keyon	Reed	Townsend
Clapp	Kern	Robinson	Warren
Clark, Wyo.	La Follette	Shafroth	Weeks
Colt	Lane	Sheppard	Works
Cummins	Lee, Md.	Shields	
Curtis	Lewis	Smith, Ga.	
Fletcher	Lippitt	Smith, S. C.	

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. ROBINSON. I desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is unavoidably absent from the Chamber on official business of the Senate.

Mr. CURTIS. I have been requested to announce that Senators SHERMAN, HARDING, WADSWORTH, and DU PONT are engaged on important business. This announcement may stand for the day.

Mr. LEWIS. I merely wish to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] has been called from the Chamber on important business.

Mr. ROBINSON. I desire to announce that the senior Senator from Ohio [Mr. POMERENE] is unavoidably absent.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. TAGGART. Mr. President, on Monday, July 31, Mr. Hughes, the Republican nominee for President, in his speech of acceptance, criticized the present administration very severely without in any way indicating what he would have done under similar circumstances had he been President.

On Wednesday, August 2, 37 men, representing the independent newspapers and magazines of the country, met and asked Mr. Hughes a series of questions in regard to what he would have done had he been in President Wilson's place. These questions appeared in the prominent newspapers of the United States.



On Monday, August 7, Mr. Hughes made a public political speech in the city of Detroit, Mich., but failed to answer any of the questions propounded by the 37 gentlemen. For fear the questions have not been called to his attention, I desire to read the questions into the Record.

The PRESIDING OFFICER. Without objection, the matter referred to may be printed in the Record.

The matter referred to is as follows:

THIRTY-SEVEN WRITERS AND EDITORS FRAME A QUIZ FOR HUGHES.

Thirty-seven well-known editors and writers for American magazines and Sunday newspapers met at the Hotel Biltmore yesterday and gave out, through George Creel, the following letter:

To the Hon. CHARLES E. HUGHES:

"The professional writers who sign this letter have small interest in parties but a very deep interest in democracy. It is our hope, through this voluntary association, to assist in the promotion of honest educational discussion in order that fundamental issues may not be decided in prejudices and ignorance.

"Mr. Wilson's beliefs have been expressed in law and in declared policies. He has made an open record, by which he may be judged. Wise choice is not possible unless you yourself make equally specific statement of purposes and convictions.

"Without intent to offend, we feel justified in charging that in no single public utterance have you filed a bona fide bill of particulars nor have you offered a single constructive suggestion.

DEMAND DETAILS.

"Personalities are without value; blanket criticism is worthless. What we desire to know, what it is fair that the electorate should know, are the exact details of your disagreement with President Wilson. What has he done that you would not have done, and what has he failed to do that you would have done or will do? Honesty and patriotism demand that you put yourself upon record in such manner as to permit people to judge you as they are now able to judge President Wilson. For example:

"Would you have filed instant protest against the invasion of Belgium and backed up that protest with the United States Navy?

"It is arrant nonsense to talk about action that would have prevented the *Lusitania* tragedy. The vague advertisement did not appear until shortly before the hour of sailing. The occurrence was one of those things that civilization has made the world regard as incredible. The only honest question to this: Would you have made the disaster the subject of diplomatic negotiations or would you have broken relations with Germany at once?

"Would you have urged upon Congress an embargo upon the shipment of munitions to the allies?

"Would you urge universal compulsory military service?

"You are frank in stating that Huerta's morals were of no concern to America. Does this mean that you would have recognized Huerta?

FOR OR AGAINST INTERVENTION?

"As matters stand to-day, would you be in favor of intervening in Mexico?

"Does your attack upon the Wilson shipping bill mean that you are in favor of ship subsidies?

"You speak enthusiastically of the fights of the worker. Does this imply that you indorse the Clayton antitrust law and the seaman's bill; or will you urge their repeal?

"What are your specific complaints against the Federal reserve law? As governor of New York, you opposed the income-tax amendment. Does this antagonism persist? Do you or do you not believe in paying for preparedness out of a tax on incomes, inheritances, and munitions?

"We agree with you that it is a 'critical period,' by far too critical, indeed, for candidates to talk in terms of office-seeking rather than in the simple, earnest language of definite Americanism.

Respectfully,

"Samuel Hopkins Adams, Ray Stannard Baker, Ellis Parker Butler, L. Ames Brown, Dante Barton, Irvin S. Cobb, Wadsworth Camp, J. O'Hara Cosgrave, Stoughton Cooley, William L. Cheney, George Creel, James Forbes, Frederick C. Howe, Gilson Gardner, Frederick Stuart Greene, Oliver Herford, Prof. Lewis Johnson, Richard Lloyd Jones, Peter B. Kyne, Percy Mackaye, A. J. McKelway, Basil Naylor, Meredith Nicholson, Albert Jay Nock, Harvey J. O'Higgins, Charles Johnson Poe, Eugene Manlove Rhodes, William McLead Raine, Boardman Robinson, John Reed, Ople Reed, Edgar Selwyn, William Leavitt Stoddard, Lincoln Steffens, Augustus Thomas, Frank Vrooman, and George West."

Mr. SMITH of South Carolina. Mr. President, I had intended to address myself at some length to this proposed legislation, but, on account of circumstances over which I have no control, during the early stages of this debate I was absent. The ground has been thoroughly covered from a constitutional standpoint by those who by their professions are, or should be, qualified to view this matter from the legal standpoint as related to the National and the State government. There is a difference of opinion amongst the legal profession as to its constitutionality. There have been arguments brought to bear to prove that it is unconstitutional, aside from any merit that may be in the bill. Taking the dual form of our Government, the rights of the people and the powers delegated to the National Government, and arguing the matter abstractly, without pretending to enter into the merits of the particular bill before us, there are those who contend that it is an invasion of the reserved powers of the States. There are those who likewise contend, without any regard to the merits of the bill, that it is clearly within the power of the Federal Government to enact this legislation. I shall not attempt to enter a field that I have not prepared myself to enter, as these others have, but desire to address myself to why I shall oppose this bill.

The Senator from California [Mr. WORKS] the other day, as I read in the Record, made a reference to my section that I hardly think the facts justify, and one that is scarcely worthy of the splendid character and attainments of that Senator, when he said that the South was willing to forego a strict interpretation of the Constitution, providing the price was big enough.

Mr. President, my State, South Carolina, is second to Massachusetts alone, if indeed she is second, in textile manufacture. For the last decade or two an influx of capital from abroad, as well as home capital, has built up a wonderful manufacturing industry in South Carolina. Without any threat of Federal intervention, without any menace of Federal intervention, my State holds the proud distinction of having perhaps the best law in reference to the manufacture of cotton goods by child labor in the Union. In South Carolina it is a family affair. The officers and the operatives in the mills are largely South Carolinians. These families are our own blood and bone, taken from less gainful occupations, put into the mill villages, and under the terms of our law they are furnished schools, the hours of labor are restricted, sanitary conditions are required, and a creditable supervision is maintained. In every State in the Union, according to tables submitted, there are laws more or less progressive in reference to this matter of child labor.

Now, there is not a man on this floor—I will not draw that comparison; I have heard it so much that I am nauseated with it—but every right-minded and rightly constituted white American citizen wants to give the children of this country the right to enjoy the kingdom of childhood, which never comes but once—the playgrounds, the little innocent pleasures that can be enjoyed with the budding imagination of childhood, which never comes but once. When an individual passes from the kingdom of childhood and enters the kingdom of manhood without the joys and pleasures that constitute the kingdom of childhood, he has lost a part of his life that may never be substituted.

Therefore every American citizen wants to see a condition where the children of all the people may enjoy the leisure and the happiness that release from toil alone can bring to children. But a higher law than you or me, a higher law than ever will be enacted in this body or in any State capital, has decreed that circumstances shall come when the child shall be called upon to make a sacrifice for those that brought him into the world and for those that are dependent upon him.

These are intimate and local conditions. As I go about in South Carolina and meet my acquaintances whom disaster has brought to poverty, and see them, as is notoriously true through the country, dependent upon their daily labor for their sustenance, upon wages that are not sufficient to enable the earnings of the adult members of the family to supply the common necessities of life to those about them, it is obvious that there must be some exception to your general law. Do you think it is fair and right to take a little orphan, whose mother and father both have been taken by the hand of Providence, and say that he must work, that he shall be denied the beauties of the kingdom of childhood, while the child of a little less unfortunate parents is to be protected? Why make the distinction?

This bill simply provides that children under a given age may not engage in these occupations. It does not say that when they are denied this opportunity under certain restrictions within the State you have offered them anything else. I believe that the State of South Carolina has risen to the occasion and is solving the problem; and I do not claim for my State any greater love for children, any greater love for the welfare of the coming generations, than any other State.

I believe that the intimate local knowledge that the employer has of the employee and that the legislators of a State have of both makes them more competent to grapple with these questions than anyone else can be; and I believe that local knowledge is more important than a mere question of uniformity—all that the Federal Government can grant.

Mr. CLAPP. Mr. President, I am not asking the question that I want to ask in any spirit of criticism at all, but rather to get more light on the law of South Carolina. Of course, I know the situation in a general way. But does that law make any exception where the parents are dependent upon the earnings of the child?

Mr. SMITH of South Carolina. I think it does. I am not very sure as to that. It was modified in January, 1915, raising the age limit to a point where, in my opinion, the bill in respect to those that may labor and the hours of labor, both as to night and day, is superior to the bill now under discussion; and I think the distinction is made that children may be or are exempted from certain restrictions where the parents are totally dependent upon them. I think that is the case.

Mr. CLAPP. I should like to ask the Senator another question along the line of comparison. Has the operation of this

law in South Carolina involved any noticeable increase in public preparation for the care of those who are unable to take care of themselves financially?

Mr. SMITH of South Carolina. I do not know that I am prepared to answer that question. I see the Senator is indicating this query: As we have these restrictive laws in our State, has the State made any preparation to take care of those to whom it denies the opportunity to labor?

Mr. CLAPP. Not so much as to whether it has, but whether this legislation has resulted in the necessity for any additional or unusual care of the children?

Mr. SMITH of South Carolina. I think perhaps I can answer that by saying that now there is quite a sentiment, that has become a plank in the local platforms of different aspirants for office, as to compulsory education—that is, they take the ground that the first essential for the proper discharge of the functions of citizenship is to be educated—and if the Senator will allow me, right in that connection, while I think of it, in comparing this law—because I take it one illustration is worth an hour's argument—to illustrate:

There is not a Senator who will not agree that education, the training of the mind to think logically, truthfully, and consecutively, to be acquainted with the progress of the race, the dangers that have been avoided and how they were avoided, politically and socially and nationally, are essential to the proper discharge of the functions of a citizen. Yet with the glaring illiteracy of certain States, the glaring indifference as to the educational facilities of different States, we have found no one to advocate that there should be a Federal law compelling the States to see that the children of all the States shall be educated according to a rule laid down by National Government or as a penalty forbid the citizens of such States as fail to comply the privilege and rights of citizens of America.

Yet when you come to the question which lies underneath the question of education and upon which education is dependent you are attempting to force upon the State your idea of the hours of labor and who shall labor. Buckle, in his History of Civilization, never said a truer thing than when he said there are but three elements in the civilizing process and you never can divorce them—wealth, leisure, and learning. Deny the child the privilege of making a modicum of wealth and you deny to him the possibility of having something of wealth with leisure, and without the wealth and the leisure you can not have learning.

Now, to get back to the question before us, as I said in the beginning—

Mr. CLAPP. Will the Senator pardon an interruption here?

Mr. SMITH of South Carolina. I yield.

Mr. CLAPP. The Senator comes from a State that has gone a long ways in this matter. In what way would the passage of this law interfere with the law in South Carolina? Would it go as far as the South Carolina law goes, or would it not go as far?

Mr. SMITH of South Carolina. I am not concerned with that at all. I am concerned with the Federal Government interfering with my domestic affairs while I am working out the problem as the Constitution gives me the right to do. I will answer the Senator in this way. What I am opposed to in this bill is its hypocritical plea that it is for the child. I would go as far as you go, and further than this bill goes, in helping these children; but I do not propose to jeopardize State rights by opening this Pandora's box and allowing the Federal Government to say who shall work and under what conditions they shall work, provided the product of that work enters interstate commerce, under the pain of being deprived the common carriers of the country.

Mr. CLAPP. I think the Senator misunderstood my inquiry, and yet I can readily see that he might have drawn the inference from it that he did. It was not asked in the spirit in which the Senator, I think, thought, and he is excusable from the form of the question in placing that construction on it. What I meant more particularly is this: We are all fairly familiar with this bill and I was seeking more to get a general broad comparison between the bill and the law of South Carolina.

Mr. SMITH of South Carolina. Specifically I think the law of South Carolina is infinitely superior to this. This simply denies the child the right to work and does not propose a single thing in lieu thereof. It gives him no alternative. It does not say we deny you the right to work, but we are going to see that you are educated, and we will put up the money to see it done. We are going to see that you have a vocational education, so that when you arrive at the age of responsibility, after you pass your immature period, you will be equipped to go into some gainful occupation. You simply say that the child shall not work, and then leave it to whom to say whether or not he shall be educated? You can not deny the fact here on the floor

of the Senate that there are not children who with a good, honest mother and father who are as dependent upon their own efforts as though the mother and father were dead. It is a notorious fact that the poor families are the larger, and therefore are more or less dependent upon the wages of their children as soon as they are large enough to help support the family.

I state the further fact that under modern conditions, such as are in my State, and I will not speak for any other, in our mill villages, in our mill schoolhouses and churches, under the restrictions of our law as to the hours of labor and the age, 90 per cent of the children there have an infinitely better opportunity than they have from the vocation in which they have come.

Surely we have not arrived at the period in our national and State life when every industry that seeks the channel of interstate commerce will be subject to the penalizing power of Congress if that industry happens not to be conducted along lines that do not appeal to certain individuals removed far from the State or place where the work is being done.

In my State and in every other State there are local conditions that justify a thing which in another State would be wholly unjustifiable. In my State the climate the year round is mild and there is no suffering to go to work at any hour.

With the climate in some of the Northern and Western States it would be absolutely cruel to make an adult, much less a child, at certain hours go through the snow and the rigid cold to work. Under those climatic influences longer hours may be sustained.

In the South practically the year around the windows of the factories are open, and it is as if the operatives were working in the open air; while in the North the buildings must be closed and artificially heated. This naturally poisons the air and makes long hours impossible. These conditions necessarily give advantage to the southern manufacturer over the northern manufacturer. Therefore, you are attempting by the act of Congress to destroy this advantage and make equal and uniform what by nature is not equal and uniform. I suppose that this is one of the causes for the so insistent demand for the passage of this bill.

Why do you not prescribe the textbooks, the qualification of the teachers, the hours that they shall teach, or penalize the State that does not come up to the ideas of Congress?

I am not objecting nor did I rise to object to child-labor legislation. I have not attempted to say nor can anyone put it in my mouth that I am opposed to all beneficial legislation guaranteeing to rich and poor the kingdom of childhood and the right to enjoy it. I believe my State is better qualified to give to its citizens and its own children those privileges than is Congress; but you want to invoke a principle which once sustained by the Supreme Court, quibble as you may, split hairs as you have done, will destroy the independence and sovereignty of the State. The principle of this legislation is that Congress has the right to prohibit the channels of commerce to every commodity manufactured under conditions that do not meet its sweet will.

It does not define the channels of commerce. With the facilities for transportation and communication and the marvelous divisions of labor incident to the progress of manufacture, what is it that does not enter into interstate commerce? The children that laugh in the fields as they gather the grain or pick cotton are an essential part of the process that finally produces finished product that finds its way into the channels of commerce. The child that prepares itself in our technical schools to work the loom or to repair machinery is an essential part of the manufacturing process. The mother that cuts the garment in the poor home, and turns the machine that stitches the seams, to clothe the child or the man, to enable him to go out to work, producing the raw material, is a concomitant and essential part of the machinery that produces the manufactured article that enters into commerce.

Your argument is that this is for a specific case. The case may be specific, but the principle invoked is as universal as human endeavor; and what is the need for it? It is not like the lottery case, where the States were totally incompetent to grapple with it. In that case we invoked this principle in behalf of humanity and civilization, and denied the right to use the mails, as the States were incompetent to grapple with it. It was the province of the Federal Government to stop the channels of trade to a thing that was detrimental to every person who touched it.

The same is true in the white-slave trade. I heard the Senator from Idaho [Mr. BORAH] drawing a nice comparison between a child coming in conjunction with or touching the article of commerce, in the eyes of the law polluting the commerce, and the innocent victim transported for immoral purposes coming in contact with the one who would degrade her. One was wholly



within the jurisdiction of the State and the other was wholly within the jurisdiction of the State. The analogy is far-fetched and unworthy of a legislator. It is a poor attempt to compare the incomparable. The poor victim contaminated by seduction is a firebrand forever and is at liberty to travel where she may. The child located within the State does not even, under this bill, become a thing of commerce or a polluted and degraded object that is transmitted from one State to the other. You claim there is a kind of moral miasma or malaria produced by child labor in factory that somehow is mysteriously borne to far distant States affecting them disastrously. No sensible man takes any such view of it.

But we do know that a poor unfortunate prostitute, traveling from State to State, is a firebrand. We do know that lottery tickets awakes and intensifies the gambling spirit. Transmitted from one State to the other produce a disastrous effect. We do know that a misbranded article in interstate commerce that deceives the purchaser is disastrous in its effect. But in the name of reason and common sense who will claim that a man in the State of Washington buying a shirt made out of South Carolina manufactured cotton is morally debased because a child carried water in the factory where it was made?

Now, what is the use for us to be so absurd? But I will admit that this bill should stand if the States in the Union had no power to correct the evil if, as has been said by some, the quivering flesh and bones of the children were being ground in order to squeeze out dividends for some southern stockholder. There is not a word of it true I say; but if it was true, and if my State aided and abetted this fictitious demon who was grinding the flesh and bones of children under the guise of law, I do not know but what I would forego any fear I might have for the application of this principle to the State. But it is not so. The proponent of this bill, the gentleman from Iowa [Mr. KENYON], read into the Record the fact that every State in this Union has a child-labor law except only two or three.

Have we gotten to the pass that in our own domestic affairs in the States the moral sense of the State as a unit is not more than the moral sense of unit representation here? Let the gentlemen who are so loud mouthed in their advocacy of a remedy for poor suffering childhood, which is not invoked in this bill, go back home and start a crusade within their State which would remove the necessity of such legislation.

I shall not pretend to say what the conditions are in some States, for I do not know. I can only speak for my State, and I state here positively that it has been progressive. From the time manufacture started in South Carolina step by step we have kept pace with the manifestation of a necessity for legislation to protect children. What I claim for my State is I believe true of every State, but the final plea that I am making before this body is this: I will grant you that a fire in a chimney is a good thing, it is necessary for the warmth and comfort of the inhabitants, but I have very little respect for the judgment of a man who will set his house on fire and burn it down in order to get warm.

We have every facility under the State law to protect the children of that State, and we are doing it. The thing that I fear and dread is, if you have the right to divorce manufacture from its local and domestic qualities and to connect it up with the finished article when it enters interstate commerce, and then by invoking the power of this Government to prohibit, and through prohibition to penalize the industries of a State, until it shall do as Congress says it shall do, then all incentive to local protection has been removed and State rights destroyed.

In conclusion I say it is a mere matter of theory, but there is not a Senator on the floor of the Senate who believes that the Constitution, as we now love it and revere it, would ever have become the organic law of the land if those who framed it dreamed that the carefully guarded delegated power granted to it would have been so misinterpreted, and the false ideas of some humanitarians be invoked, to the undoing of the State in its rights. It never would have been ratified.

I would infinitely rather see the children of my State suffer some of these evils that have been portrayed than to see their rights as citizens of the State destroyed. I do not want some Federal officer poking his nose in the domestic affairs of my State.

I repeat, I am in favor of child-labor legislation, but I predict that the passage of this bill in the year 1916 will mark that turning point in the dual form of our government, which means the absolute undoing of the splendid system upon which has been built up the wonderful civilization, progress, and power that we now have.

Mr. LANE obtained the floor.

Mr. ROBINSON. Before the Senator from South Carolina takes his seat I wish to ask him one question in reference to a

statement I understood him to make. The Senator from Minnesota [Mr. CLAPP] asked the Senator from South Carolina whether there were any exemptions in the South Carolina statutes as to the work of orphan children.

Mr. SMITH of South Carolina. I said I was not familiar with it; that my attention had not been called to it.

Mr. ROBINSON. My information is that there are no such exemptions. Furthermore, the statute of South Carolina has a 60-hour limitation.

Mr. SMITH of South Carolina. I wish to state, if the Senator from Oregon will allow me, that I think it is to the credit of my State that it really makes no such exemption. I think those children are entitled to every consideration that other children are entitled to.

Mr. ROBINSON. I agree with the Senator from South Carolina, and that is the reason why I asked him the question.

Mr. LANE. Mr. President, the last remark made by the Senator from South Carolina [Mr. SMITH] before he was questioned by the Senator from Arkansas [Mr. ROBINSON] interested me. He said in a general way that if this bill became a law the year 1916 would mark an epoch and the parting of the ways; that the interference of the General Government in the affairs of the States in this matter would be in the nature of a calamity. I do not know just what crisis the Senator had in mind when he made that remark. When we look over the country, however, we find such a condition to exist that if this bill were in any way to ameliorate or change it it would indeed mark an epoch and the parting of the ways, and it would be a good and profitable parting of some of the ways for the people of this country.

Sixty-five per cent of the people of this country, it is said, do not own one inch of the earth's surface. They are without means, they are without any financial or landed interest in the Government. By our method of government, under the Constitution then we have arrived at a condition of affairs where the majority of the people have no more tangible interest in the welfare of this country than a Chinaman; they have a sentimental attachment, perhaps, to the place wherein they were born, a kindly feeling for their neighbors, but they have no material interest whatever. A government which was conducted in the interests of its people, if it was a good government, would so manage its affairs that a fair majority at least of the people would be reasonably successful and not homeless or landless.

I do not think we would have anything to regret if we parted the ways, if the parting betters bad conditions.

So far as the Constitution is concerned, if under the Constitution which was handed down to us by our forefathers, if the general condition of the people and of the country has not benefited and it is never to go on in a way which will be of benefit to the majority of the people under its terms the Constitution is anything but a sacred document, and fails to appeal to me.

I have this much respect for it. So long as it answers the needs of the people and guards and protects the general interest and welfare of the people of the country who have to live under it, it is a good Constitution, a good organic act, and I am willing to live under it. But the minute and just as soon and as long as it stands in the way of and is an interference with the prosperity and happiness of the people of the country, then that soon would I alter it to the extent that was necessary to make it meet the needs of the people of the country.

In respect to child labor, if it was found that with the methods of working children, the children of the poor between the tender ages, say, of 3 or 4 years and the ages of 14 or 16, if such employment acts to deteriorate the child's health and impinge upon his or her physical condition or lowers his vitality, either mentally, morally, or physically, such employment is an evil, nor do I care what State tolerates it nor whether it is or is not confined to one State alone. If it causes children to become weak in their constitutions to the extent that they do not grow into good, healthy, vigorous men and women, prepared to carry on functions of the race or the affairs of the Nation to the best interests of the Nation; if the girls are unfitted to become ideal mothers, if you please, not just plain ordinary mothers, but good, healthy, vigorous mothers of healthy, vigorous children; and if it lowers the vitality of the future fathers of children yet unborn so that the general average of the health of the people of this country becomes lowered below a fair and reasonable standard, it affects the interest of every other State in the Union. It is not confined to that State, and no State has the right to rear back on its heels and demand its State rights privilege of continuing a course which will prove a blight on the Nation, brought on, if you please, upon other States where they have a higher sense of responsibility to the Nation at large and adopt and follow better standards.

Personally, I do not care what the Constitution says about it. The arguments indulged here regarding the difference which exists between tweedledee and tweedledum in respect to the powers of the Constitution when a condition exists where children are called upon to render up in their youth the vitality which they will need in other years, in old age, in mature age, to the general disadvantage of the entire Nation, do not interest me. If the States are not big enough and brave enough and honest enough to the Nation and with themselves to make that change, then the General Government, as a matter of self-defense, should, as a duty, step in and say to them, "Here, we will take this over for the general benefit of the entire community." The individual sacrifices his personal rights and for sake of peace allows the law to rule over him; he no longer takes his six-shooter or his bowie knife, as they did in the good old days, and settle it with you on the street corner, and the man who was quickest with his gun or who was handiest with his bowie knife, although he may not have been the better man, won the battle. There is a higher sense of duty to society than settling private wrongs in that way.

There is no question of doubt that the driving of children at a time in their lives when their bones are soft hampers them for life. No boy or girl who is 16 years old as a matter of physical fact, as a matter of scientific truth, has become fully formed physically; they have not developed into manhood or womanhood. There are certain portions of his or her bony system which have not become hardened, which are still cartilaginous; and the younger he or she may be the less is their osseous system hardened, the softer it is, and the less are they able to stand up under hard labor; they can not do it. It was not intended by nature or nature's God that they should stand it; and we are flying right in the face of and contrary to the laws governing the formation of the human body and its maturing processes when we put upon a child, boy or girl, the labor which requires the hardened tissues and the firmness of the bony system of maturity to bear up under its strain. Every anatomist who has ever dissected a human body knows that from the day men are born until the day they die their bony system, their osseous system, becomes harder year by year. In the earliest stages of growth it is too soft to stand the strain of heavy weights, or its own weight, for that matter, or laborious work; in old age it becomes so hard that it is brittle and may break like glass; but there is a period after 21 years of age, or about that time, when the tissues are fully formed and able to bear up under a remarkable amount of strain. Until a person arrives at the age of 45 the human system remains in about that condition. After that it begins to harden rapidly and to go down, finally becoming too hard to be of use for laborious toll.

The law of nature controverts and disproves any theory of any State or any lover of State rights or any constitutional lawyer that the child should have the privilege and the freedom of breaking down its tissues before it arrives at maturity. I do not see from a humanitarian or from a physical standpoint or view of the question how there can be any dispute of this proposition.

Only a few years ago I read in the newspapers a story—and it might have been exaggerated—to the effect that little children in a canning factory in New York—little children 3 and 4 years of age—were put to stringing beans, peeling tomatoes, or plucking the stems from some fruit or vegetable, whose little fingers became raw and bleeding in the process and who had to be whipped to keep them to their tasks. That is no way to treat a child; it is no way to treat, as some one said here the other day, a horse, or an ox, or an ass, or any other young living organism.

It will not work even with machinery. Take a piece of machinery and set it to hard work the day after it has been built—every machinist and every mechanic knows that if a locomotive or an engine of any sort is started off under full headway it will burn out its bearings or "rack" itself to pieces and will not run smoothly until it becomes "set" to its place, to its proper relation of one part to another, but will burn out and destroy itself if not carefully nursed along; but you can help it along gently until it gets its gait, until it is lined up and accommodates itself, one piece to another. After it has done that you may have a piece of machinery, like the steamboat engine of the old days, that you can with reasonable care run a lifetime if you keep the bearings well oiled and in line or, as the engineers call it, "running true." It is the same with the human being. There is no escape from the fact; there is no exception to it in all nature—none—and there never will be.

That State which plumes itself on its State rights, if it does not recognize this principle, will go down in the race with the other States which see further and see clearer and know better.

One Senator was asked the question as to whether, if this bill passed and became a law, it would interfere with the boys

who carry water in the coal mines, and he with great glee accepted the answer that it would do so. It would interfere with boys carrying water in a coal mine, and it ought to interfere and prevent boys from working hundreds of feet underground in a tunnel. The Senator said he had never worked in a tunnel. When I was a young fellow I never worked on a farm, but I did work for one season in a mine, part of the time in a tunnel. The ventilation is bad; it is wet underfoot and it is damp overhead. It is a place to put a child 14, 15, or 16 years old. You can not develop a child into a healthy, grown human being under such conditions. Children need plenty of food, but as much as they need that they need fresh air and sunshine and a chance to grow into normal human beings, with a fair, decent, just chance to acquire strength to resist the invasion of disease in later life.

The trouble with the mills—although I have had but little experience with them—is that the child does not get sunshine; it does not get enough vital outdoor air. The other trouble is that in its formative stage of life, when it is tender and its resisting powers are low, the child comes in contact with the exhalations of and the diseases of older persons or of some diseased person among them, and it inhales them and incorporates them into its system at the very time when it is least able to resist them.

So long as the Constitution of the United States acts and is able to work in the general interests and for the general benefit of the people of the country, it is a good ordinance, it is a beneficial ordinance, and I am willing to burn incense and pour oil before its altar and kow-tow to it; but just the minute that it interferes with the welfare of the general community and the general interests of the people of the country, and causes them to suffer or to deteriorate, to go down, to descend to a lower and a lower degree of health and prosperity, and one which will eventually wipe them out, if you please, then I am not for the Constitution. I am willing to vote for anything that will put this evil influence off the people and lift them out from under its shade. I am ready and willing to go further than that. I am willing to say unpleasant things about it and to question it, if you please, and the authority of any court of justice which would fasten that condition onto the backs of the people of this country.

I do not think we need worry about the Constitution. The courts have always been very tender of the constitutional rights behind which special interests hide. The Constitution has been a bulwark, not at all times for the general benefit of the people of this country, but more for the benefit of the few who have been extremely reverent of it and very active in making profit out of conditions which it has allowed to prevail and bear down upon the mass of the people.

The other day, for instance—Saturday, I think it was—the Senator from South Dakota [Mr. JOHNSON] called up a bill from the calendar which provided that the Indians in his State might have the power of referendum in the appointment of the superintendents who manage their affairs. It was objected to, I believe, by the Senator from New Hampshire [Mr. GALLINGER], and he placed in the Record a letter from one of our eminent citizens, a certain Joseph H. Choate, of Massachusetts, which criticized such legislation.

I also introduced a bill for the protection of the Indians, allowing them the right, if you please, to manage their own affairs. I did that for the reason that the Indians have no right to go into a court of law or to employ an attorney to protect their property; they have no voice in the selection of their superintendents.

They are not allowed to sell their property or a cow or a calf or a steer or a horse without the consent of their superintendent; and if somebody steals such an animal from them they have no right to bring a writ of recovery, or whatever you attorneys call it, to get possession of it again. Their condition has become deplorable. Some of us thought if we could relieve them from these supervisors, this sort of management of their affairs, now permitted under the Constitution, under whose gentle guidance they are dying like flies and losing their property as fast as it can be taken from them, that we would be doing a good, humane, kind thing, without prejudice to anyone, except, perhaps, to those who are preying upon them. When those bills were introduced, however, this eminent attorney, who, I think, is the president—the honorary president—of the Indians' rights or some such association, who has been holding that position and doing nothing much while the property and the health and the lives of the Indians have been squandered, saw fit to protest against it as unwise and vicious legislation.

A short time ago one of the physicians on one of the reservations sent in a report to the Indian Bureau here calling atten-



tion to the condition of some of those Indians. It should have been, and no doubt was, or it ought to have been, brought to the attention of this gentleman who was the honorary president of an association which purported to look out for their rights. I want to incorporate this report in the RECORD as part of my remarks. The writer shows—and he is an intelligent, capable man, and I know enough about medicine and the facts to know that he tells the truth, for I was upon this reservation myself—that if the methods now employed are not done away with, if they are not radically changed, the end is in sight, and within a few years every one of these wards of the Government will be dead from some disease which he never should have contracted and would not have contracted under anything like an honest and intelligent management of himself and his affairs. Members of Indian families, some of them worth \$200,000 in their tribal holdings I am informed, are eating out of swill barrels, eating aborted calves, if you please—calves whose mothers incidentally or accidentally have fed upon "spurred" or ergoted rye—and eating cattle which have perished in swamps. They are glad to get even such things for food. Such are the conditions in some instances which happen to people "constitutionally" governed, who are worth thousands of dollars each in lands and other property and to others whose money has been used to the extent of millions of dollars, perhaps, for irrigation schemes that are of no benefit to them at all but are undertaken for the benefit of the white man.

Now, let us take our own white children. The Indians are far removed. There are but few Indians who have an opportunity to say anything to the Members of this body; but every Indian who has consumption, every Indian who dies of tuberculosis, every Indian boy and every Indian girl who has trachoma—an almost incurable disease of the membranes of the eyelids—is a source of infection to his white brother, to his paleface brother, yea, even to the children and grandchildren of the Great White Father who resides in Washington and who is supposed to preside over their affairs. It may come home to any of us here, if not directly, at least indirectly, for the disease is easily carried into other communities, to lower the vitality, or kill thousands of people who are blameless, who are innocent, who do not even know that such conditions exist. And the little children in the cotton mill, black or white, with their little faces pressed, as I have seen them, against the bars of the cotton mill, peering out at you in idle curiosity as you go by, with their soft bones and their unformed tissues, are contracting a tendency to tuberculosis and living under conditions which lower their vitality and resisting powers. Through these children the elements of disease may come home to your children and your grandchildren, or to mine. I say we have no right, constitutional or otherwise, to permit children to labor under such conditions. It is a crime to do so; it is wrong; and it is our duty to stop it.

So far as the Constitution goes it is just as good as it is and not one whit better than it works out to be. I have no veneration for any ordinance that prevents a great government from doing what is right by its people, or respect for any man's theories as to how unfortunate it would be if we should go ahead despite it and do that thing which we were chosen to do for the people. If it is right, I would do it regardless of constitutions or the constitutional cavilings of anybody. The general health and well-being of the community at large are of greater importance than any constitution or any author of any constitution, for that matter.

If we hark back to the days when the Constitution was drafted and adopted, we will find that the gentlemen who were talking most about freedom in this country and about making this into a great free nation, were slaveholders, buying human beings off the block as cheaply as they could get them; and later along they and their descendants breeding them and to them and selling the crossbreeds into slavery and standing pat upon their constitutional right to do so.

The Constitution and its limitations is a good thing to argue about, but the general welfare of the people of this country is a greater thing and more imminent, and if this body does not take cognizance of general conditions as they exist in this country and take note how far it is being injured and by what it is being injured, and undertake to cure it of the economic diseases which afflict it, cure its ulcers and remedy its defects and build it into a Nation of men and women who can fairly acquire a reasonable living and home-owning interest in it, who are strong physically, who can think clearly and honestly, and be above self-interest, it will go down; it will be whipped by the Japs or by the Germans or anybody else except perhaps the Fiji Islanders, and it will deserve its fate.

There is a larger and broader aspect to this question than constitutional rights and interference with the dicta of some

court and fine whittlings of law points here and the interpretation of somebody of long ago who knew not what the country was coming to or what this day would bring forth.

I now ask that the report to which I have referred be printed entire in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
BLACKFEET AGENCY,  
Browning, Mont., January 21, 1916.

COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: I beg to submit the following report on medical conditions of the natives of the Blackfeet Reservation with suitable recommendation:

During my year's work with the natives I have traveled approximately 1,800 miles by horse, visiting the various homes and administering the sick, and have had occasion to furnish 4,000 separate treatments during this time. My trips have taken me to practically all portions of the reservation, both in summer and in winter. The portion of the reservation north of Browning is inhabited mostly by mixed bloods. The reserve to the south of Browning includes the major portion of the full bloods. The full-blood population of this reservation for 1915 is estimated at 1,224, and those more than one-half blood at 1,147.

I had the pleasure to accompany Inspector F. B. Linnen and Supt. C. L. Ellis to the native full-blood cabins on their recent tour of inspection. From that trip and my year's experience I conclude that 90 per cent of the full bloods are suffering from trachoma and perhaps 75 per cent are suffering from various stages of tuberculosis. This estimate at first seemed impossible or unfair, but when considering how those suffering from these highly infectious diseases congregate like cattle, men, women, and children, young and old, in mostly one-room cabins without sanitary provisions of any kind, using the same towels, breathing the same vitiated atmosphere, sleeping in the same beds, using the same bed clothing without change, and eating from interchangeable utensils year after year, is it any wonder that we should find a wholesale infection amongst this class of inhabitants?

I am sincere in my endeavors to put these conditions before you in a proper light, for unless something substantial, something adequate, is done for their welfare that will fully meet the needs, what is the use of planning for their future welfare, for without the tenant we will have no need for the house.

How long can this wholesale infection last? How long will it be before all of the full bloods are entirely blind or hopelessly tubercular? The question that naturally rises is, What shall we do and how can we remedy this deplorable condition?

We have erected here a hospital building to accommodate 10 females and 10 male tubercular patients, and imperfectly equipped. It is but a drop as it were in a bucket. Who will we select to put in there out of this vast reserve of patients? Shall it be the young and tender or the old and infirm? The incipient, middle, advanced or those in the last stages—the disseminators of contagion? And after we have filled our 20 beds and made our selection, what are we to do with the balance of the tubercular and trachoma cases? Then we have, due to their manner of living and weakened condition, many acute and chronic medical diseases and surgical complaints, which can not be handled at their homes. These cases must have daily, constant supervision to win the battle over disease. Under our present system the doctors and nurses can do little but relieve cursory symptoms, and the calls are so many that it is difficult to do even that.

There are two plans which appear for handling these conditions, one is a staff of field doctors and nurses to visit daily their reconstructed homes and their occupants; and the other plan is to have the cases under daily supervision in proximity to the hospital. I should say that the first plan is highly inadequate. It is expensive. Due to the vast distances to travel it would require a large staff and then constant medical supervision would not be maintained.

As to the hospital plan, I would respectfully suggest that a surgical and medical addition be added to the present tubercular unit and that the whole be modernly and adequately equipped. That no more additions be added to the present capacity of the tubercular hospital building until the needs of the service be developed, but that 30 or 40 cabins be erected separately in conjunction with the hospital building, and the grounds to be used by entire families for the different stages of tuberculosis or for individual needs. These cabins should be erected under suitable plans by the medical officer, expressly for handling invalids under the unit system.

The children at the boarding school showing signs of tuberculosis need not be robbed of their educative facilities; they could be furnished suitable quarters and attendants and so treated while living at the school, while the hospital and cabin would be used by those not of school age and those over school age.

The school should be continuous; that is, pupils should be kept there until they finish their education, so as they are not subjected to reinfection by returning to the old hovels and conditions to live. Taking for granted that these recommendations can be complied with, what are we going to do with those homes which are unsuitable for habitation? Amongst the full bloods, say, we have 300 cabins of one room and which are so poorly constructed and such hotbeds of contagion that reinfection is certain. I should say that they should be destroyed by the sure cleanser, fire, and that includes the time-ridden and loathsome bed furnishings. If they should rebuild on their individual ranches, this would mean new cabins and bed clothing, at least.

#### Conclusions:

I most heartily recommend that these school children at the boarding school be continuously retained and that suitable arrangement to take care of tubercular children be arranged.

That a surgical and medical addition be erected in connection with the tubercular hospital with 20 beds. That 30 or 40 individual cabins be erected in connection with the hospital for families of married invalids and dangerous or other cases and the whole be planned by the medical officer and modernly equipped.

As the patients at the hospital will need many nurses, I suggest that a training school with a three-year course be provided, not only furnishing nurses in an inexpensive manner, but at the same time educating many adolescents in the higher medical knowledge.

That new cabins be erected for full bloods and bed clothing supplied to take the place of those needing immediate destruction by fire. That the physicians receive the pay and recognition accorded them in the United States Public Health Service, so that competent surgeons and medical officers can be obtained and induced to remain.

Very respectfully,

CLIFTON MEARS ROSIN,  
Agency Physician.

Mr. TILLMAN obtained the floor.

Mr. GALLINGER. Mr. President, before the Senator from South Carolina proceeds, I desire to ask the Senator from Oregon a question before he leaves the Chamber.

Mr. TILLMAN. I yield to the Senator for that purpose.

Mr. GALLINGER. I want to ask the Senator from Oregon a question before he retires. When the bill to which the Senator called attention was before the Senate the other day I introduced the letter from Hon. Joseph H. Choate which is found in the Record of that day's proceedings. Mr. Choate, as I understand, is connected with an organization which is supposed to care for the Indians, or at least to inquire into their condition and recommend methods of amelioration.

Mr. President, the Senator from Oregon paints a terrible picture of the horrible condition and suffering of at least a portion of the Indians who are supposed to be wards of the Federal Government. I will ask the Senator if the Commissioner of Indian Affairs and the two committees of Congress are not inquiring into and looking after those conditions with a view of making them better? It seems to me almost incredible that the conditions the Senator has painted can be true. If they are true, certainly we owe the Indians a duty that we ought not to shirk, but that we ought to perform without fear and without hesitation.

Mr. LANE. Mr. President, I wish to say, in reply to the Senator, that if the detail were made to me singly to alleviate and cure the condition of the Indians of this country, I would not want a better helper than the Senator from New Hampshire, if once he saw the conditions which exist.

I know the Senator did not introduce the letter to which reference has been made with any design to discredit anyone, but the conditions to which I have alluded have continued to exist for years and years under all administrations. The present Commissioner of Indian Affairs, and his predecessors no doubt, have been kept submerged by a mass of detail. With thousands of employees under him the commissioner is unable to supervise the Indians individually, and is fed upon talk from his subordinates of the great improvement that is going on and that he is making; he gets the bighead, and therefore, I think, does not realize or discover the actual conditions. I do not believe that the majority of those controlling Indian affairs are dishonest, but I think the system is wrong. The system which they have inherited and adopted and hug to their bosoms proclaims that the Indian must learn to be self-supporting, and then handles his affairs in such a way that he can not do it. Their theory is right and proper on the face of it. It sounds all right to say when an Indian appeals for something to eat, "Go to work and earn it," "In the sweat of your brow," and so forth, but he can get no work; he has not a hoe nor a pick, nor a 10-cent piece to buy one with, nor does he get even a package of congressional garden seed to raise a crop of turnips as a food supply in order that he may live during the winter.

That condition has gone on year after year. Members of the Senate and of the other House are submerged with a vast mass of work, and, as in connection with this bill, by considerations of constitutionality. Long arguments and speeches, many of them, lasting hours, have been made, with no two Senators agreeing upon the issue, until we are buried in details, immaterial, if you please, in the long run, to the people of this country, in my opinion. In the meantime little children are working, their little fingers bleeding, stringing beans in the canning factories in the sweltering heat under which we are suffering now, a heat that melts our collars; they are working in the cotton factories, North and South, wherever they are located, while our attention is distracted.

The condition has gone on. I have called attention to it many times since I have been here, and tried to butt a hole in the stone wall, but have probably failed to make much impression on it, but in a way have bruised my head a bit and brought on myself criticisms from lachrymose officials and bogus philanthropists.

Mr. GALLINGER. I did not mean to ask the Senator a question about the pending bill, but what I was solicitous about was why it happens that this great, rich, powerful Government permits conditions to exist so far as the Indian wards of the country are concerned, such as the Senator has pictured. It does seem to me that the Commissioner of Indian Affairs, aided, as he is, by the committees of Congress, ought to be able to provide some relief that would meet the circumstances which the

Senator claims to exist. Of course, I suppose that that applies only to a small portion of the Indians. I have been told that very many of the Indians are exceedingly rich and that they do not need the benefactions of the Government, but even if a small proportion of them are in the condition the Senator has pictured there certainly ought to be some remedy for it.

We of New England know but little about the Indian question. When the late Senator Dawes, of Massachusetts, was connected with the Committee on Indian Affairs he took a very deep interest in the subject; and when the late Senator Platt, of Connecticut, was connected with the Committee on Indian Affairs, he likewise took a deep interest in the subject; but I do not know really very much about it myself, and I think the people of my section of the country know so little about it that they would like to be informed.

The Senator, I think, introduced a bill to abolish the Office of Indian Affairs. Is that because the Senator thinks the present commissioner is incompetent—

Mr. LANE. No; no more or less than others who preceded him.

Mr. GALLINGER. Or is not attending to his duties? Or does the Senator think there is a better way of administering the affairs of those poor people?

Mr. LANE. I think there is a better way of administering their affairs. The system is wrong. The present commissioner, I think, is doing probably about as well and about the same as any who has preceded him, and is doing probably as well as anyone who will succeed him, but the system has grown into an institution and is an expensive and heartless humbug.

Now, let me read a few brief extracts from a report by an intelligent and competent physician connected with the Indian Service, to which I have already referred. He says:

During my year's work with the natives I have traveled approximately 1,800 miles—

This report is dated January 21, 1916.

Mr. CLAPP. From what reservation is it written?

Mr. LANE. It is written from Browning, Mont., the Blackfeet Agency. I will say, in passing, that anyone familiar with the conditions could have truthfully written such a report as this at any time during the last 20 years, perhaps, but 50 years ago the same condition did not exist. I know the history of the Blackfeet Indians. My people mined in the Blackfeet country. They were then buffalo-eating Indians; they were mountain Indians, and were healthy, sound, able-bodied men and women. Now, then, the writer says:

I have traveled approximately 1,800 miles by horse, visiting the various homes—

I would not be surprised, I will interject here, if the publication of this report may lose this physician his job. Publicity given to a report of this kind is not relished by the Indian Bureau, and it may lose the physician his place; but if there is any move of that kind made, however, I am going to ask the Senate, and I am going to ask the Senator from New Hampshire especially, to help protect this man and to see to it that he is not removed for telling these truths.

During my year's work with the natives I have traveled approximately 1,800 miles by horse, visiting the various homes and administering to the sick, and have had occasion to furnish 4,000 separate treatments during this time. My trips have taken me to practically all portions of the reservation, both in summer and in winter. The portion of the reservation north of Browning is inhabited mostly by mixed bloods. The reserve to the south of Browning includes the major portion of the full bloods. The full-blood population of this reservation for 1915 is estimated at 1,224 and those more than one-half blood at 1,147.

I had the pleasure to accompany Insp. F. B. Linnen and Supt. C. L. Ellis to the native full-blood cabins on their recent tour of inspection. From that trip and my year's experience I conclude that 90 per cent of the full bloods are suffering from trachoma—

An incurable eye disease—

and perhaps 75 per cent are suffering from various stages of tuberculosis.

Due, if you please, in large part to a lack of sufficient nourishing food and fresh air to enable them to repel it.

This estimate at first seemed impossible or unfair, but when, considering how those suffering from these highly infectious diseases congregate like cattle—men, women, and children, young and old—in mostly one-room cabins, without sanitary provisions of any kind, using the same towels, breathing the same vitiated atmosphere, sleeping in the same beds, using the same bed clothing, without change, and eating from interchangeable utensils year after year, is it any wonder that we should find a wholesale infection amongst this class of inhabitants.

I interject here the remark that they are doing that from necessity and not from choice; that they have not the means wherewith to buy a pair of blankets, to build a house, or to buy a towel, if you please. Many of them sleep, not on blankets but on a pile of rags, herded into one-room cabins for the reason that they have not the money to build a two-room cabin, herded together for the reason they are cold when it is many degrees



below zero in the winter, and they congregate to keep from freezing.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. LANE. I do.

Mr. STERLING. I should like to ask the Senator from Oregon to what tribe of Indians that applies?

Mr. LANE. I am talking now of the Piegans, commonly called Blackfeet.

Mr. STERLING. Then the letter from which the Senator reads does not refer to conditions generally among the Indians?

Mr. LANE. No; but I say it is rather characteristic, and you will find the same condition elsewhere in many places—some worse and some better.

Mr. STERLING. I just want to say, Mr. President, that I think the picture is a little bit overdrawn so far as the Indians in South Dakota are concerned. We have about 20,000 Indians in that State; and while perhaps their condition is not of the best, and it might be greatly improved, yet it is not so deplorable as has been pictured by the Senator's correspondent.

Mr. LANE. No; I think it is not. He is not reporting on South Dakota.

Mr. STERLING. Let me say further that as to poverty among the Indians, no such condition exists as is there described. They have their allotments of land, and in addition to that, of course, nearly every Indian has his interest or share in the tribal funds, and these are allotted to him from time to time; so that there is comparatively little poverty. You rarely hear of an Indian that is deprived of the necessities of life, either in the way of food or of clothing, because of lack of means to purchase them.

Mr. LANE. I am quite willing to concede that their condition is better in the State in part represented by the Senator; but his colleague I think will inform him, if he will inquire of him, that those Indians have been swindled and robbed out of their property in many different ways. I was calling attention to a condition which can exist under the Constitution. I was merely quoting this instance—a true one—for the reason that the bill of mine, which in part was for the relief of these people, was criticized by Mr. Choate.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. LANE. I yield to the Senator.

Mr. NELSON. I want to say to the Senator from Oregon, and also to the Senator from New Hampshire, that we have a large number of Chippewa Indians in the northern part of our State. They occupy a reservation there known as the White Earth Reservation, which consists of some of the finest agricultural lands in the State. They have large allotments made to them of 160 acres each, but they do not get along, for the reason that they will not work. Instead of working and improving their allotments and cultivating them, they lease them out to the white settlers there, and they are landlords. They will not do any work, but they hang around and do a little hunting and trapping and wait for their annuities every year. You will find very few of them that have taken hold to improve their farms or to do any real work. The misfortune of those Indians is that they are utterly unwilling to work. What little work they do is done by the women, not by the men.

Mr. LANE. Mr. President, in response to the Senator I will say that the male Indian never did work. He was never taught to work. He was a hunter. He was a warrior. He considered it beneath him to work. Now, the wise gentlemen who have managed the affairs of this country and have managed the affairs of the Indian, not recognizing that fact, overlooking the fact that the Indian for thousands of years has been a communist, that he never worked, that he lived by the chase and by war, slapped him on a farm and told him to get busy and make a living, when he did not know how to do it, and they did not teach him or furnish him seed; they did not even give him a hoe.

Mr. NELSON. If the Senator will yield for just one word there. In our State they gave the Indians oxen with which to cultivate their lands, and they butchered the oxen and ate them.

Mr. LANE. To be sure. Any Indian would do it, and they might have known it. If they had given him a span of deer or buffalo, he would have eaten them quicker if he was hungry, because that is what he had always lived on. He had not raised potatoes and corn and other vegetables and knew nothing about farming; yet they put him to farming and gave him oxen and turned him loose on the raw soil, the handling of which he knew nothing about. The majority of the white farmers of this country make but a bare living farming, and an Indian with no

experience, never having been a farmer, naturally would fail when you put him right up against the one thing which he is sure to fail at and at which many others fail; and he did fail.

Just the other day you passed, and to-day you confirmed, the conference report on the bill raising a lot of troops to protect the Mexican border, militia from all over the country, some going to the front without proper shoes, I am told, and with all kinds of inefficient preparation.

If the Government had understood the Indian, and had taken him and put him in the Cavalry, a roving cavalry similar to the Arabs, you would have had a body of men that are born fighters, that can live off the country, and that would have been able to protect this country from any Mexican invasion or any other, without drafting one white man, and we would have had a healthy race of people. You would have had people whose families would have been healthy, and incidentally you could have given him some sort of education; you could have rented his land out to the whites who do know how to use it, and have some sort of a property left for him when he returned from protecting the country against invasion. But you have put him to farming; and if you had put me to farming at the same time you did the Indian, I would have eaten your oxen, too, and I would have quit your farm. I would have preferred to do something else. I would not have made a success of it, and most people do not.

Now, I will go on and read further from this report. It does not refer to Minnesota or South Dakota. I think the condition is not any too good in Minnesota. The Chippewas have been here, and also I have a lot of correspondence from them. If the Senator is interested in knowing what the Chippewas think of the management of their affairs, I will read some of these letters into the Record; but I am not on that subject now. I am reading about one set of poor people and there are others equally unfortunate, and I can bring the evidence here to prove it. This is the report of a physician on one special reservation. It is a truthful report, and I can verify it and stand ready to do it, for I have been on that reservation. I have not been upon the Chippewa Reservation.

He says:

I am sincere in my endeavors to put these conditions before you in a proper light, for unless something substantial, something adequate is done for their welfare that will fully meet the needs what is the use of planning for their future welfare, for without the tenant we will have no need for the house.

How long can this wholesale infection last? How long will it be before all of the full bloods are entirely blind or hopelessly tubercular? The question that naturally arises is what shall we do and how can we remedy this deplorable condition?

And then he goes on to give his idea of what that shall be.

I have merely called attention to this as an illustration of the manner in which the Government, under the Constitution, has managed the affairs of a helpless people who are deprived of their rights and even their lives under it, and are forbidden to employ an attorney to go into court to defend them. What will they do to the white children if it means a profit to treat them in the same way? We are deteriorating and destroying, and, in fact, we have deteriorated and have nearly destroyed the Indians of this country—a hardy native race—and we will do the same to the children of the white race and to the colored race if the General Government is denied the power to step in at any time that it is necessary to do so and stop the deadly work and lift off the blight that bears down on their young lives and makes them inefficient and defective when they come to the age of maturity. I have no great amount of patience with the mincing of words as to whether or not the lives of children can be measured and parceled out under the terms of the Constitution.

Mr. OVERMAN. Mr. President, has not the General Government control over these poor Indians?

Mr. LANE. Oh, yes; the General Government has control over them.

Mr. OVERMAN. Who is to blame for all this, then?

Mr. LANE. Oh, Congress is to blame—the Senator himself, and myself, and the rest of us.

Mr. OVERMAN. I am not on the Indian Affairs Committee.

Mr. LANE. We make laws here, and bureaus flout the laws we make. The bureaus are running this Government. Congress is not running it. Congress gets up and talks bravely about its functions and privileges, and then a little bureau official down town somewhere says what really shall be done, and it is done as he prescribes.

Mr. OVERMAN. I agree with the Senator. The Senator has been on the Indian Affairs Committee, however. I am not on it.

Mr. LANE. Well, I have been busy since I have been on that committee.

Mr. OVERMAN. And I think the Senator ought to find the remedy to take care of these blind children.

Mr. LANE. I put in a bill to remedy it, and I brought down criticism upon the remedy I presented, which I thought was a fairly good one, and that is why I have discussed the subject at this time.

Mr. TILLMAN. Mr. President, before I begin my speech, I want to say I am glad the Senator from Oregon has found something new to excite the sympathies of Senators besides the poor children in the southern cotton mills.

Mr. President, during the last few days I have received numerous letters and telegrams from cotton-mill owners in South Carolina, all asking me to defeat the Keating bill, if possible, and if not, that I get an amendment added making the bill inoperative for three years. I have stated before that I was opposed to this bill and have given the reason for my opposition, but I want the cotton-mill owners specially and the public generally to understand that if I believed that Congress had the right to legislate on the subject of child labor, I would heartily favor its doing so.

My position is this: Congress has no power to legislate on child labor unless it usurps it; but if it determines to act regardless of constitutional limitations, it ought to act effectively. The quibbling and selfishness of cotton-mill owners make me almost willing to vote for the Keating bill despite my honest conviction of its unconstitutionality—and I have so told them in my replies to their letters. The reasons they advance against the measure lead me to think that they oppose it, not because it sets a bad and dangerous precedent but because it reduces their dividends. I have been shocked to see men in South Carolina—rich, intelligent, well-educated men—who were willing to swell their dividends at the expense of little children. The veil of sophistry in their letters could not hide their heartlessness. Their plea, stripped of verbiage, is "Let the children toll that we may live in luxury." And yet we wonder at the spread of socialism and the increasing hostility of labor toward capital.

The greed and inhumanity of capital on the one hand and the blind, unreasoning hatred of labor on the other is the one dangerously significant fact of the twentieth century. What it will finally lead to no man can tell, but it looks like we are traveling toward socialism—if not anarchy. Latter-day politicians are not meeting the problem like statesmen. Their cowardice and selfishness are lamentable. They are as subservient to organized labor as the leaders of 20 years ago were to concentrated wealth. We have repudiated the leadership of the representatives of capital only to accept that of the representatives of organized labor. The Congress of the United States trembles every time the labor unions frown. The average politician of to-day is more afraid of an adverse vote than a real man is of a grizzly bear. I believe in organized labor because the alliance of big business and the Republican Party made necessary some power to combat it, but unless labor is restrained by real leaders and persuaded to act reasonably and justly instead of being fondled and slobbered over by vote seekers and demagogues, as is being done now, I shudder to think what may happen. We need statesmen with minds and hearts capable of showing to the people that labor and capital are not enemies but allies, and should be friends, and that each must be just to the other lest both suffer. Capital, with its brutal, cynical disregard for humanity, started the conflict, and labor, in self-defense, organized for the struggle. Where is the leader broad enough to bring about a lasting peace, founded on righteousness and justice and mutual understanding? However, if the fight must go on, I am for labor because capital started the trouble.

But to get back to the Keating bill. I shall advance no new reasons why it should not become law, because the arguments against it are trite, and have been presented time and again by able lawyers. I am no lawyer, but I have common sense, and good common sense is so often good law that I used to be known by the self-given title of "The cornfield lawyer of the Senate." My objection to it is based on constitutional grounds only, and therefore, if Congress legislates at all on the subject it should, in my opinion—since such action would set the precedent—do it thoroughly. Any national child-labor law, although it accomplished nothing, would still be notice to the world that the United States Government had assumed the right to enter the homes of the people and tell them how they must rear their children, and how, when, and where they must work them. That right once established all the evils of centralization would inevitably follow.

The Prussianizing of our free Republic will have begun. Little by little the Central Government would finally assume all the powers of Government, the States would sink to the level of mere counties, and Washington's control over the remainder

of the country would be not less complete than Berlin's over all of Germany. Give the sentimentalists free rein, and they will make a despotism of this country. The present-day professional "uplifters of humanity" are the counterparts of the old abolitionists. Those fanatics, honest and well-meaning as they were, declared the Constitution was "a league with death and a covenant with hell," and their twentieth century successors indorse the statement by acts if not in words. The fanaticism of the abolitionists at last resulted in the Civil War, which drenched the country with blood—a result which ought to warn those who to-day lightly disregard constitutional limitations.

But, as I have said, if we are going to tear up the Constitution, making it a "mere scrap of paper," let us at least have the act produce some good results. For my part, I shall vote against the final passage of the bill, but I shall do all I can by way of amendments to make it really effective should it become a law. With this end in view, I introduced some time ago an amendment to deny interstate shipment to goods manufactured by children under 16 years of age who could not read and write. A provision of this kind would force parents to give their children at least the rudiments of an education by the time they were 16 years of age and put them in school instead of in the cotton mills.

It is not easy for me to oppose a bill which proposes to abolish child labor, and I want to put in the RECORD the reasons that impel me to do it. I am simply old-fashioned enough to believe that the United States Government is one of delegated powers, and that what it can and can not legally do is laid down in the Constitution. I am aware that this belief is fast becoming obsolete—in practice if not in theory—but I still cling to it, believing that the future happiness of the people of this Republic depends on the Central Government staying within its own sphere.

The Keating bill is unconstitutional because it invades the police powers of the States. That the ordinary police powers inherent in government are left to the States by the Constitution is elementary law, and, since they are, they are denied to the Central Government. In the very nature of things they are not subjects of concurrent jurisdiction. Being left to the States and not granted either expressly or impliedly to the United States Congress has no power to legislate with regard to them. Now, the advocates of the Keating bill openly vaunt their purpose of regulating the common, ordinary affairs of the citizens of the States. They ask support solely on the ground that under the terms of their bill Congress is to enter the homes of the people and prescribe the methods by which children must be reared, which is to say they acknowledge that their object is one which can be attained only by the exercise of police powers by Congress; that is, by the exercise of unconstitutional powers.

The supporters of the bill soon saw the logical cul-de-sac into which their zeal had led them, and at once sought to justify their program by appealing to the interstate-commerce powers of Congress. But, to use a homely but expressive phrase, "they jumped from the frying pan into the fire." It is true that Congress alone has power to regulate interstate commerce, but it is not less true that what a legislative body can not do directly it can not do indirectly. It will not be permitted to "whip the devil around the stump." In plain English, the Keating bill would utilize the interstate powers of Congress to accomplish a result not only entirely foreign to the purposes for which the powers were granted, but also a result which the advocates of the bill themselves tacitly admit to be unconstitutional. Let government by indirection be upheld by the Supreme Court, and there is no subject under heaven on which Congress can not legislate. The American Congress, like the English Parliament, will then be able to do anything "except make it rain," and the States will soon sink into mere administrative departments of the central Government—which God forbid! Better that each State should become a separate political entity, working out its own destiny alone, than that all should be governed with despotic sway from Washington. Better that the centrifugal forces should have conquered in 1865 than that the centripetal tendencies should prevail now. Better disunion than absorption. Did we escape the Scylla of separation only to rush headlong into the Charybdis of centralization?

I could view the proposed action of Congress with much more ease of mind if I had more confidence in the Supreme Court. But the Federal justices early learned the lesson that the "true office of a good judge is to enlarge his own jurisdiction." Ever since the Government was founded, the Supreme Court, hour after hour, day after day, slowly but surely has been adding to the powers of Congress at the expense of the States. Thomas Jefferson saw the trend of events: "The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass." Again:



"The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric." If Congress passes the bill, I have no doubt that the Supreme Court will declare it constitutional, for the "sappers and miners" will never refuse to profit by the attack of the infantry.

The Constitution has been so closely invested by the insidious work of the "pioneers" that a frontal assault by all the forces of centralization may well be successful. The Supreme Court alone, in my opinion, will finally "press us into one consolidated mass," but I want to put off what looks like the inevitable as long as possible, so I shall vote against the Keating bill. The courts may at last reach the treasurers of our liberties by the use of skeleton keys, but Congress ought not to go to their aid with a crowbar and burst in the doors.

Some Senators who feel like I do on this subject say they will give the children the benefit of the doubt, but my conscience will not permit me to do that, as much as I would like to. It is not a matter of expediency or wisdom or unwisdom, but constitutional law is involved. For the life of me, I can not see how anyone who can read the English language and understand it can for a moment argue that the interstate commerce clause of the Constitution gives Congress the power necessary to enact this bill into law. If Congressmen and Senators continue to yield to organized labor and play politics in dealing with it, being afraid of their political scalps, heaven only knows what this country will come to in time.

We have ceased to legislate in the way we know to be right and have become panderers to public opinion, or rather are making a cowardly surrender to those who vote and demand these things. I predict in time that a law will be passed making it unlawful for anything to enter interstate commerce that is not desired by the vote of labor unions. Not in these exact words, but the idea I mean to convey. If Congress can determine that goods made by children can not be shipped between States, then Congress can pass a law to the effect that goods shall not be shipped between States if they are made by blind people; and equally other absurd provisions will grow up. I am only speaking of these two as the most absurd I can think of, and each Senator for himself will find illustrations just as unreasonable and unjust as these would be.

I wish we could stop the insidious process now, but we can not. But I shall at least have the satisfaction of knowing that I had nothing to do with furthering the surrender of our constitutional rights and liberties.

Mr. HITCHCOCK. Mr. President, the Senator from South Carolina [Mr. TILLMAN] assumes that the chief interest behind this bill is the demand of labor. I think he has entirely misjudged the public sentiment of the United States in reaching that conclusion. It is true that labor naturally objects to the competition of little children, underpaid and overworked, and I believe that labor has a legitimate right to make that objection. But there is in this country a much larger sentiment, a much more disinterested sentiment, which has resolved to put a stop forever to the abuse of children in the United States by abolishing the conditions which have forced them into the factories and mines of industry.

Mr. President, it seems to me that the evil of child labor in factories is one which can reasonably be said to be beyond the power of a State to remedy.

Mr. TILLMAN. Why so?

Mr. HITCHCOCK. I will proceed to tell the Senator. Whenever a legislature undertakes by legislation to protect the children in its factories or in its mines, it is met with the objections of powerful interests within that State—

Mr. TILLMAN. And the politicians are cowardly enough to surrender in the States, like they are going to do here.

Mr. HITCHCOCK. And in many cases those interests have been able, in coming before the legislature, to show that if child labor is legislated against in that particular State the industries of that State would suffer by reason of the cheaper competition from other States where child labor is permitted and tolerated. That argument has in many cases, in many States, prevented the better sentiment from passing laws for the protection of children and for the limitation of hours of work.

Mr. President, it seems to me that here in Congress, where all the States are represented, is the place where humanity should raise its voice and enter its decree that the manufactures of the United States shall be carried on not by the labor of little children but by the labor of adults or those who are approaching adult age.

Mr. TILLMAN. If the Senator will introduce a bill, and get anybody to vote for it, to do that directly by Congress, instead of indirectly and in a cowardly way, I will vote for it.

Mr. HITCHCOCK. Well, Mr. President, it is true that this is an indirect method; but, as the Senator from Iowa [Mr. CUMMINS] pointed out this morning, and as we all know, many of the very best acts of Congress—acts which the Senator from South Carolina has, I think, voted for in some cases—have been indirect legislation, because only in that way, under the strict terms of our Constitution, could they be enacted. Moreover, the fact that this legislation is indirect is no argument against its enactment. The question is, Is it right? The question is, Is it in accordance with the popular sentiment of the United States? The question is whether it is in the interests of humanity. The question is whether it is for the good of the coming generations that little children should be permitted to ruin their lives by working in the factories overhours and under adverse conditions.

Mr. TILLMAN. That is the old higher-law doctrine which we heard in the fifties and which brought on the war.

Mr. HITCHCOCK. And it will probably be heard a good deal hereafter. The people of the United States have a great respect for the Constitution. The people of the United States have not hesitated, however, to amend the Constitution when it became necessary to do so. If the Supreme Court in this case shall decide that this law is unconstitutional, I think it is a fair guess that the people will amend the Constitution so as to bring it within the power of Congress.

The evil of child labor in factories, Mr. President, is a great one. It is not an evil which is confined to the United States. It is an evil which has been grappled with by the legislatures of all civilized nations. The States are not the only authority which should have an interest in this matter. Every one of these children is not only a citizen of the State, but is to be a citizen of the United States. The Nation has an interest in his growth and in his mental and physical development.

Mr. President, it was a sad commentary on the destructive tendency of life in our industrial centers that when recruiting stations were recently opened for the Army of the United States it was found necessary to reject three out of every four men who offered to enlist. A physical examination proved them to be defective and unfit for military service, although they were young men.

England, in her experience, found that in her industrial centers there had been a great deterioration of human life as the result of life in the factory centers, largely the result of child labor. The people of the United States have made up their minds, the people of all parties have made up their minds, that if it is possible to put a stop to destructive child labor it shall be done. The people of the United States have made up their minds that the making of healthy citizens is more valuable than the manufacture of cotton, more important than the manufacture of woolen goods, and more to be desired than the prosperity of our industries. They have made up their minds to throw around the children of the United States the best conditions that are possible, and I believe that it is the response to this demand which has led Congress to undertake this rather extraordinary legislation.

I am glad, Mr. President, that the result of the consideration of the committee to which this bill was referred was that a majority of the committee reached the conclusion that the bill was constitutional. I am glad that the measure as finally reported by the committee contains such amendments to the original House bill as largely to increase the chance of its constitutionality.

I feel myself, I have felt all the time, in strong sympathy with the purposes of the legislation, and I rejoice that the discussion here has developed the fact that the very best lawyers in public life, the best lawyers in Congress, have given their opinions that this act of Congress will be held constitutional by the Supreme Court.

Mr. President, it seems to me that this act, if passed by the present Congress, will be a fitting climax to the record made by this administration in constructive legislation and in legislation for the social good.

Mr. President, permit me in closing to recite some of the things that have already been accomplished, a remarkable record of legislative achievements under the present administration.

When this administration came into power it found a customs tariff upon the books which was not only condemned as excessive by the Democratic Party and its adherents, but it was condemned also by a large portion of the Republican Party. Within a few months that problem was grappled with and a new tariff was passed reducing the taxes in hundreds of schedules, and yet giving to the country a revenue-producing tariff.

When this administration came into power it found the country complaining because the vast revenues of the United States were raised almost entirely by taxation upon consumption, which fell heavily upon the masses of the people, and it found no tax upon the wealth of the country. An income tax provision was included in the tariff law, and that complaint was remedied and that reform was completed.

When this administration came into power it found that for years the people of the country had been complaining because of the confusion in banking and currency matters, because of the frequent recurrence of bank panics and currency stringency. To remedy this the Federal Reserve act was passed, which may be called the greatest constructive act of this generation, which I believe has for all time put an end to bank panics and money stringency.

The new administration found that there was in the business world a confusion because of the uncertainty about the provisions of the antitrust law, and because of the uncertainty as to the rights and duties of business. To remedy that the Federal Trade Commission was created, and it is already in successful operation smoothing out the uncertainties and bringing order into the business world for the protection of the legitimate business interests and the restraint of unfair methods.

When this administration came into power it was upon the heels of an administration in which there had grown up the coal-land frauds in Alaska, a scandal due to an organized effort to seize the great coal deposits of Alaska. It was a conspiracy to take them from the people and turn them over to a great syndicate. One of the early acts under this administration was to pass a law which decreed that the coal lands of Alaska shall forever remain the property of all the people of the United States and be merely leased to those who desire to operate the mines, the royalties derived from that operation to be paid into the Treasury of the United States.

Following that, there was enacted a law providing for the construction of Government railroads in Alaska, for the development of that vast possession of the people.

Then came the Clayton Act. When this administration came into power it was at a time when for years there had been serious complaints from the labor of the United States that the powers of the courts had been abused by the issuance of injunctions which exceeded the legitimate powers of the courts and which were used unfairly to the injury of the labor of the country. The Clayton Act not only strengthened the antitrust law of the United States but provided that court injunctions shall no longer be used to oppress and intimidate the labor of the country.

More recently, Mr. President, Congress has grappled with the great problem of rural credits. For many years we have realized that the agricultural interests of the United States lacked the power which commercial interests have to secure adequate capital regularly and easily at low rates of interest—the capital necessary for the development of agriculture. That problem was attacked, and last month the President signed an act which Congress passed, establishing a rural-credit system for the benefit of the agricultural interests of the country.

For many years the complaint has been that in our country there has been a neglect of the development of good roads to the detriment of the country districts. Congress at this session has taken the step to remedy this neglect. It has entered upon a policy to encourage the construction of good roads by going into partnership with the States and the localities for the construction of roads, furnishing a portion of the money and providing the conditions under which I believe the good-roads system will spread all over the United States.

It is only within a few years that the Department of Labor was established for the benefit of the labor interests of the country in order that those great interests might have a fair representation here in the city of Washington.

It is only within a few years that Congress passed the corrupt-practice act for the protection of our elections and for the ending of scandals which have disgraced not only presidential but congressional and senatorial elections in the past.

And so, Mr. President, I say that this bill, providing in an indirect way, it is true, but providing effectually nevertheless, for the abolition of child labor under 14 years of age and for the regulation of the labor of children under 16 years of age will be a fair culmination of the program of legislation that has already been enacted.

Mr. WARREN. Will the Senator allow me to interrupt him?

Mr. HITCHCOCK. For a question?

Mr. WARREN. Yes. The Senator has enumerated the various benefits that have come to the country, as he alleges,

through the last and the present Congress with its Democratic majority. I notice he failed to enumerate putting back the tax on sugar. I should like to have the Senator go a little further and state whether that was a good move to make, and whether it has been beneficial—the restoration of customs duty on sugar—and what he and his party propose to do to provide further revenue? Will his party propose the imposition of other customs duties in order to provide the money necessary to run the Government?

We see in the newspapers some account of a proposed revenue bill based largely upon the war, munitions of war, and so forth. I am sure the Senator believes and certainly hopes, as I do, that the European war will soon close, and hence manufacture of war munitions will cease, or practically so. The Senator knows, because he serves on a committee that has the revenues, or rather, certain appropriations of the country under its jurisdiction, that we have launched out generally into a field of many hundred millions of dollars more of expenses than we have appropriated for heretofore, more than we have received revenues for, and hence we must have enlarged and constant sources of revenue.

I would be glad if the Senator would pursue that a little further, starting back to the time of taking the tariff off sugar and putting it back again, and tell us what he proposes to do during the next four years to raise funds sufficient to run the Government with.

Mr. HITCHCOCK. Mr. President, I am not upon the committee that has charge of the revenue legislation. I think the Senator from Wyoming will have an ample opportunity to hear at a very early date from responsible representatives of the committee on this subject as to what we propose. I have no doubt that that measure proposed will raise an adequate amount of revenue to meet the program of preparedness which has been undertaken and which I think has the approval of the Senator from Wyoming.

Mr. WARREN. Mr. President, it does have.

Mr. HITCHCOCK. I will say this to the Senator from Wyoming: He may be assured that when that revenue bill is brought in he will find that it is not an unjust measure placed upon the consumption of the country entirely, but it will be a measure which will distribute fairly the burden of taxation and will provide an adequate part of that burden from the wealth of the country, which was never done until this Democratic administration came into power.

Mr. WARREN. Nevertheless, the Senator has not answered the question whether it was, in his opinion, right to remove the tariff on sugar; and if that was done, why it was returned, and thus place an unjust measure upon consumption of the country, as the Senator might term it. I can understand from the lack of funds why the tax should again be put upon sugar. There are many other commodities that enter into consumption as sugar does which could as well return a considerable revenue.

Mr. HITCHCOCK. I hope the Senator will not urge that question now. I think he will have ample opportunity to discuss it.

Mr. WARREN. Of course I should like to hear from some Senator about that, because I have not been permitted to see, and I presume no other Republican Senator has yet been permitted to see, the proposed legislation that is to provide the revenue and what it may be based on. It seems to me, as I said before, to be largely based on the present prosperity of the country, caused by the foreign war, and upon the condition of war, which must in the nature of things be transitory and fleeting—the tax on manufactures of munitions of war, and so forth.

Mr. HITCHCOCK. I trust the Senator will not interrupt me further. I am about to conclude.

Mr. WARREN. I beg the Senator's pardon. I will not further intrude.

Mr. HITCHCOCK. I have not charge of the revenue bill, and do not know any more than the Senator or any more than I can gather from the papers. I am confident, however, that when the bill emerges from the committee the Senator will find it will provide ample revenue to meet the program of Congress that has been laid out. I am confident, furthermore, that the taxes will be laid in such a way as to appeal to the judgment of the country as being fair.

In conclusion let me repeat that this child-labor bill in the interest of humanity, in the interest of the welfare of society, in the interest of fair play for children who are not given fair play now in many States, will be a fitting climax to the great program of legislation which has been carried out under the present administration.

It is a fitting addition to those measures which have provided that Government work shall be limited to eight hours.



It is a fitting addition to those acts which provide that those having Government contracts shall not work their men more than eight hours a day.

It is a fitting addition to the provision which Congress recently enacted that female labor here in the District shall not be employed for more than eight hours a day.

It is a fitting addition to the Children's Bureau, established under this administration, and which has done much to coordinate the reforms in the country in the interest of children.

It is a fitting addition to the act of Congress which was passed under this administration putting an end to the manufacture of poisonous matches in factories, in which the labor suffered most untold agonies and was exposed to the most distressing diseases.

It is a fitting addition to the agricultural-education law which was passed by Congress and which is for the benefit of the agricultural classes of this country.

It is, Mr. President, I say a fitting climax to the efforts which have been legitimately and conscientiously made by Congress in the last two or three years to improve the condition of society and to make life more tolerable to those classes which are not able to protect themselves.

Mr. NORRIS. May I ask the Senator a question? The Senator does not claim that all the acts he enumerated were passed during the administration of President Wilson?

Mr. HITCHCOCK. They have all been passed while the House and Senate were Democratic, and, as I recall, most of them in the last four years.

Mr. NORRIS. The House and Senate were not Democratic under President Roosevelt.

Mr. HITCHCOCK. If I am mistaken in any particular I will be glad to have my colleague make any exception.

Mr. NORRIS. I have not in mind all the acts the Senator mentioned. He mentioned, for instance, the establishment of the Department of Labor. That act was passed during President Taft's administration. He then mentioned the law passed in regard to matches, and that was passed, as I remember, when either President Taft or President Roosevelt was President. Several of the other measures which the Senator mentioned I remember voting for when I was a Member of the House of Representatives, and that was before President Wilson became President.

Mr. HITCHCOCK. I am very glad to have my colleague make any exception to the list which I have given. I will merely say to my colleague that I jotted them from memory as I sat here while the Senator from South Carolina [Mr. SMITH] was speaking. My recollection is that all I cited were enacted since the Democrats assumed the responsibility of government. Some of them may have originated in the House of Representatives when it became Democratic, which was two years before President Wilson took office, but certainly most of this great program I have recited has been due to Democratic initiative.

Mr. CLAPP. Mr. President, I had not intended to say anything in regard to the pending bill but the debate has taken a certain direction which impels me to submit some suggestions for the Record. Recognizing the fact that the evening is sultry and the Senate has listened to this debate for some days I shall try at least to be very brief.

The matter that has caused me to give most consideration to the bill has been as to the practical effect of the bill. I realize, sir, that it is a great step for the National Government to take.

It has been charged here on the one hand that support of the bill is the mere result or effect of sentiment; it has been charged that those who favor this bill are impelled to do so by certain outside forces. It strikes me, sir, that the question of sentiment and influence is practically eliminated in this case by reason of the fact that already a large number of the States of this Union have enacted child-labor legislation. I think it also relieves us of the necessity of presenting any reason in support of so-called child-labor legislation.

I have been much impressed during the last three days, sitting here in the Chamber and in a certain way conjuring up and bringing back into the Chamber forms from the land of shadows. The very arguments that are made to-day against extending the power of the General Government have been made time and again upon this floor by great men in the past, and time and again it has been predicted that for the General Government to do this or to do that meant the striking down of the sovereign States and the bringing of a condition in this country so at variance with the original purpose of the founders of the Government as to amount to a revolution against the Constitution itself.

There never was and there never will be on this earth sufficient wisdom to frame a government, cut and dried, that without change in the spirit and purpose can fit succeeding genera-

tions. I yield to no man in my respect for the patriotism and the wisdom of the men who founded this Government, but this Government would have proved a miserable failure had not those men placed in the Constitution directly, and again indirectly, the instruments by which the American people, advancing in their mission, could change the Constitution itself. It is no reflection on their wisdom, and yet it does seem to me that those Senators who stand here to-day and base their sole argument against this proposed law upon the proposition that it violates the Constitution, ought to get some wisdom from the history of this Republic.

It is no reflection upon the wisdom of the men who framed our Constitution to say that we have already found it necessary to absolutely and acutely reverse their position, not upon mere administrative features of the Constitution but upon great fundamentals of government. It is borne out by the history of the Constitutional Convention that our forefathers were so fearful of the very name of a nation that on the second draft of that instrument coming before the assembly the word "nation" was stricken out, I think, where it occurred some 12 times, and that before the final draft was submitted to the people for ratification by one sweeping resolution the word "nation" was stricken from that instrument wherever it occurred. You will look through that great instrument to-day in vain to find the word "nation."

So jealous were they of this that when the amendments came afterwards, in the one relating to the freedom of religious thought and exercise the word "nation" had inadvertently crept into the amendment it was promptly stricken out; it was not the thought or purpose to found a nation, but rather to found a union of States.

But no people ever had worked out and no people ever can work out a great destiny under a federation of united States. They must have that concrete organization which is known as a nation, and the first step that a people take is the same first step of childhood itself, and that is to grow. When this Nation began to grow it had to have territory; and it will ever stand as a splendid monument to Thomas Jefferson that, notwithstanding his adhesion to a narrow construction of the Constitution, he could place himself above that and favor the Louisiana purchase, although Mr. Jefferson proposed that they make the purchase, and then ratify the purchase by a constitutional amendment. The American people, however, had begun their career, not as a union of confederated States but as a nation, and they never stopped to make an amendment to their Constitution to ratify that purchase.

The great struggle between State and national thought went on until John Marshall, from that great tribunal which he adorned, and which, fortunately, as I shall show, our fathers created, without intending that it should serve that purpose, however, and clothed with the power to amend this Constitution by construction—John Marshall decided that although the National Government was a Government of granted powers, it was for that Government to determine what the grant was and where the limitations lay. You could not have a confederation of States with some power above them that could pass upon the question of the extent of the grant or the limitation; such a power must be national. While it was some way around, it made, so far as judicial construction could make, a nation of this Republic.

But, sir, you can not make nations by judicial decrees. It was not until the wasted squadrons of Lee melted away at Appomattox that the American people forever tore the word "federation" from the spirit of their Constitution and wrote the word "Nation" in its stead; and we have gone on so grandly in the pursuit of a great career that no man to-day can dream of the grandeur of its fruition.

Again, our fathers believed from the experience that was then back of them that the great governing body in government should be the legislative body; and while they created the Supreme Court, they twice refused to give that court the authority to declare an act of the legislative department of the Government void as in contravention of the constitutional limitations. There never was, however, and there never can be on this earth for any length of time, such a thing as three coordinate human agencies when the basis of the association is power and authority. Somewhere there must be a power to decide the limitations of the one with reference to the other. That power has to be, of course, a separate authority, or one of the three branches must arrogate to itself that function. The Supreme Court wisely took the latter course, and from the day when Marshall made his great decision down to this hour there never has been seriously questioned the right and power and duty of the judiciary to set aside an act of the legislature when, in the opinion of the judiciary, it was in contravention of the limita-

tions of the written Constitution. The men who provided for that court in the Constitution never in general dreamed, in my judgment—and the fact that they twice refused to give it that power confirms my position—that that tribunal should ever arrogate to itself the function of placing a limitation upon the legislative authority of government; those who believed the court possessed that power were the exception. To their day and generation the bulwark of the liberty which had then been secured by the vanguard of humanity rested not in courts, but it rested in the legislature.

To them the legislature was the great popular branch of government; but, fortunately, they did put that provision creating the court in the Constitution, and thus equipped the American people with the means of molding, modifying, and developing this Constitution to meet the growing wants and needs of a growing people by the judicial construction of the Constitution. To have met those wants—not in the terminology but in the spirit of the Constitution—solely by constitutional amendment would have been too cumbersome and too slow.

They also put in the instrument another provision that, next to a call to arms, is going to do more to make a nation of this people than any other one provision of the Constitution, and that was that clause relating to interstate commerce.

Senators have stood here day after day and, I believe, seriously and honestly and candidly, have deplored the tendency toward nationalization as destructive of State rights and State sovereignty; but they should read the history of our Republic. I do not believe there is a Senator to-day on the floor of this Chamber who regrets that in the end, so far as we have gone, we have made a nation of this Republic; but at every step it was against the protests of those who opposed it; it was against the prophecy of dire disaster on the part of those who opposed it; and it represents and stands for the fact of the possibility of the change of American sentiment.

In 1859 the legislature of the State now so ably represented by the senior Senator from Wisconsin [Mr. LA FOLLETTE], passed a resolution indorsing the Kentucky and Virginia resolutions. It seems to-day incredible that that Northern State should have done that as late as 1859, but two years later—

Mr. HARDWICK. Mr. President, the Senator will pardon me just a moment. I think 11 Northern States did the same thing that same year.

Mr. CLAPP. Yes; but the others were, I think, what might be called the border States in the North.

Mr. HARDWICK. But there were 11 of them in the North.

Mr. CLAPP. But carrying this advanced thought and purpose, that pioneer State, not as later in legislative reform and policy, was still embodying the pioneer spirit and yet two years later the boys from the farms of Wisconsin and the boys from the woods of Wisconsin, aye, the boys in whose veins flowed the mingled blood of the white father and the red mother, were reversing that resolution, and forever eliminated it as a factor in American policies by the crimson tide poured out upon Southern battlefields.

Mr. President, with this history of change, we need not be alarmed at the mere thought of change. With these two great instrumentalities placed in the Constitution, through which and by which the American people may modify and alter their Constitution, we need not be deterred from the exercise of the power thus conferred upon us.

Mr. LEWIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. CLAPP. I do, with pleasure.

Mr. LEWIS. The philosophic discussion of the Senator from Minnesota is interesting me very much. Would it be regarded as a diversion if I asked him if he felt it was reserved in the foundation of our Government in the making of the Constitution that there should be privilege in the courts to declare the acts of legislative bodies unconstitutional?

Mr. CLAPP. No; I believe generally just the reverse of that. The history of the convention shows that twice the matter was submitted to the convention and rejected, and, if my memory serves me now—although I am speaking from memory of the matter and have not investigated it for some time—it was overwhelmingly defeated; and John Marshall, a year before he took his seat as Chief Justice of the Supreme Court of the United States, as a lawyer, of course, and not as a judge, in a brief in the case known as the Ware case asserted that the Supreme Court did not have the power to set aside an act of the legislature as in contravention of the Constitution. True, that was the act of the lawyer, but it was the act of a great lawyer and a great patriot, and a man who carried in his thought and in his purpose and in his patriotism an association with the birth of the Constitution itself.

This power became lodged in the court—I may perhaps say something that will not meet with universal approval—but, to my mind, in considering the constitutionality of a law it is not what has been, but what is and what will be, which should be considered. A truth, to my mind, gains no force because it has been uttered by some man, great man though he be. When you analyze it you will usually find he is great because he utters truths. Cooley, who has been so often cited in this debate, owes, I was going to say, his immortality to the truths that he uttered, rather than the truths that he uttered owing their validity to the fact that they were uttered by Mr. Cooley.

Under this policy and system of government, in the last analysis, we can only say that that is constitutional or unconstitutional which that great tribunal decides to be constitutional or unconstitutional; and that being true, we have got to measure the probability of their decision not so much by what has been said fifty or a hundred years ago, as by the trend of public purpose, public sentiment, and public thought to-day.

Now, what is there sacred about a State? There is but one excuse for the existence of the State; and that is that the American people in the conduct of their concrete affairs, dealing with all their problems, can accomplish some purposes better through a State government than through the Federal Government. Take that away and there would be no excuse for a State, and no more excuse for the authority of a State than there would be for the raising of a county to the dignity of a State or the reduction of the State in power to the level of an ordinary county.

Mr. HARDWICK. Mr. President, the same principle would apply just as well to the Federal Government, would it not?

Mr. CLAPP. Absolutely.

Mr. HARDWICK. The Federal Government is established for certain Federal purposes, certain express purposes.

Mr. CLAPP. There, I differ with the Senator.

Mr. HARDWICK. If the Government does not carry out those purposes for the good of the people of the United States, it might just as well not exist at all.

Mr. CLAPP. The latter is true. The Government was not created for certain Federal purposes. The Government proved to have been created for national purposes. Now, there is no excuse on earth for this National Government except the fact that the people who live under it and who compose it can gain morally and materially by the association. Take that away, and there is no excuse for either government.

Now, that being true, where would the line be drawn between the State and the National Government? We may admit that it was drawn at one point in the creation of this Government; but much of that division, much of that line of demarcation, has already disappeared. When the founders of our Government put the commerce clause in the Constitution, they put it there to free commerce. They put it there to prevent one State imposing duties and burdens against another State. They never dreamed that it would be invoked for a safety-appliance device, because they never dreamed of the railroad. They never dreamed that it would be invoked as the basis for a power to regulate rates, because they never dreamed of a railroad that would have any rates to regulate. They saw an evil; they saw a danger, and it was, that one State might impose unfair, unequal burdens against the other States. To obviate that, and to open the avenues of commerce, that clause was put in the Constitution. But putting in the same Constitution this tribunal that was to construe the Constitution, that tribunal naturally, as the industries of this country developed, as the complexities of our lives developed and increased, extended this power, wisely, of course, to cover things that never had been dreamed of by the founders of this Government. So, with this power in hand, and this tribunal to determine it, we must, living under this form of government, recognize in the last analysis that that is constitutional which that great tribunal sustains as within the power of Congress. When it comes to the invasion of the State, it is a mere question, primarily, what purpose can be best served by the State and what can be best served by the Federal Government?

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. I do.

Mr. WORKS. I should like to ask the Senator from Minnesota, in his view of the matter, what would become of the rights of the States if that great tribunal should be composed of men thinking as he does?

Mr. CLAPP. It would depend in its effect upon the American people upon whether I was wise or correct in determining what functions the State should retain and what functions the Gen-



eral Government should exercise. Whatever may be said of it, there is no escape from the fact that in the last analysis what five men, a majority of the Supreme Court, there say is the constitutional law of this land until five men of the same tribunal reverse the decision and the ruling.

Mr. HARDWICK. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. CLAPP. With pleasure.

Mr. HARDWICK. I want to ask my friend, entertaining the view that he does of the relative functions of the State and the Federal Governments, if he has no concern whatever for the practical consideration that Congress would have neither the inclination nor the time to enact all local legislation, and therefore, if he cares nothing for the States for any sentimental reason, if he has not some practical regard for our dual system because of the fact I have just mentioned?

Mr. CLAPP. Why, I am basing the line of demarcation upon the practical, and not the sentimental.

Mr. HARDWICK. The Senator is not drawing any line at all.

Mr. CLAPP. I had not reached it.

Mr. HARDWICK. All right.

Mr. CLAPP. What I was arguing was that if everyone of the Members of this Senate had been in the Constitutional Convention when the Constitution was adopted, in determining what things we would grant to the Federal Government and what we would reserve to the States, we would reserve to the States those things that we believed it was better for the American people to have functionized through the State instead of the Federal Government. It is a practical question—nothing more, nothing less. It was not a sentiment; it can not be a sentiment to-day. If it ever was a sentiment, then that sentiment has been rudely shaken not only by judicial decision but by the result of war itself.

This being true, I undertake to say that the question is, Which can best serve the purpose of the American people with reference to the restriction upon child labor? Now, a large number of the States have enacted restrictive child-labor legislation. We have there, then, a fixed purpose and policy of the American people. Now, the trouble about leaving it to the State is just what the Senator from Nebraska hinted at. He hardly went as far, I think, as he might have gone.

That is this, and it is a principle that every lawmaker ought always to bear in mind in framing legislation: You have to recognize the frailty of human nature. You have to recognize the element of greed as well as the element of humanity, and when you leave this matter entirely to the States you throw in the balance the element of greed in its effect upon a State refraining from restrictive legislation, to the end that it may give its citizens an advantage over the citizens of the State that does have restrictive legislation. You avoid that, in a measure, by bringing it to the broader equation of a Congress that represents the people of all the States.

Then, there is another reason why it should be done by the Federal Government. This Government was created to serve the purposes of the American people, to advance their moral and material welfare; and unless it does that, and wherever it fails to do it, it fails short of its high mission. Now, this broad, equated authority was given to the Union subsequently, and to the Nation when it became a Nation, to the end that the broader and higher thought and purpose, where the broader and higher thought was strong, might reach out its strong arm where it was weakest throughout this great Republic.

When you say that the people who live in the shadow of a great factory, where they tremble like leaves at the thought of the cessation of the operation of that factory, with their children around them, with the problem of bread and butter ever staring them in the face, must work out their own salvation, it seems to me it falls far short of that great mission which can be worked out by taking the broader equation of right throughout the length and breadth of this Union.

For this reason, while I recognize that this is a new step, while I recognize that it is not entirely free from its difficulties, while I recognize that it may present some problems we have not yet had to face, it does seem to me that taking this broad course, this equated power of right, we should reach out into those communities, into those States—if there be States—where the condition is such that the people themselves are absolutely unable to work out their own redemption.

A form of government is nothing. It is the spirit which surrounds people; and to say that they, operating in the great industrial centers, with the bread and butter of wife and child depending upon the continuation of that industry and their relation to it, shall work out their freedom, it does seem to me falls little short of being a hard if not a brutal proposition to present to them.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. With pleasure.

Mr. WORKS. Under the Senator's construction of the Constitution, why might not the National Government do this thing directly by legislating respecting the treatment of children in the factories? Why is it necessary to do it indirectly by attempting to control commerce?

Mr. CLAPP. I thought I made that plain. I will briefly review it, however.

As I said at the outset, no group of men ever were wise enough, and there never will be a group wise enough to make a government that will be a cut-and-dried government, that will fit changing conditions.

But fortunately our forefathers, meeting only from their viewpoint, as I believe, a then present exigency, put in the Constitution this commerce clause, and at the same time, without intending—although some of them may have thought that it would come to pass—that this tribunal would take upon itself the authority to determine the limitations of the Constitution, they put the Supreme Court in the Constitution. Without those two there would be, in the first place, no power to lay a hand of check upon the construction of the Constitution by the legislative power, and either that power would have frankly to violate the language of the Constitution or it could not reach the many things which it has reached through the commerce clause of the Constitution.

I shall not enumerate the progress we have made under that. It is familiar to every Member of this body. Year after year we have gone into realms undreamed of by virtue of the commerce clause in our Constitution; and I believe that the Supreme Court in the case of this act will say that it is valid as a part of the exercise by Congress of its constitutional power under the commerce clause. I have no doubt at all that they will. If they do, then under the very spirit and philosophy of our Government, unless we fear that final repository of power, we must accept the wisdom and the justice of its decision and the wisdom of its construction of our Constitution.

Somewhere in human government that power must exist. They fortunately, without intending, as I believe, placed it in that tribunal, and we must submit to the wisdom of that tribunal. Especially where it is a mere question of the comparative exercise of power we need not be alarmed at their construction, because, after all, the whole question of the relation of the State to the Nation was in the first instance the mere judgment of men meeting a then present condition, and subsequently construed by Chief Justice Marshall, worked out through war, and worked out since more elaborately by judicial construction.

Taking this view of it, believing that we can reach this result better through the Federal Government, believing that we can get away from the rivalries of the States and from the danger of one State withholding restrictive legislation to the end that it may cheapen the production within its borders, and thus gain an advantage over the State that does impose restrictive legislation, I certainly have no scruples whatever in casting my vote in behalf of the pending bill.

Mr. GALLINGER. Mr. President, I was somewhat startled a few moments ago to hear the senior Senator from Nebraska [Mr. HITCHCOCK] enumerate the great legislative triumphs of the present administration; and when his colleague, the junior Senator from Nebraska [Mr. NORRIS], challenged certain statements that he made, the senior Senator still insisted that he thought the list he had given was a correct one.

Mr. President, the Senator claimed that the Children's Bureau had been established during this administration; that the legislation suppressing the manufacture of white phosphorus matches was a Democratic achievement; that the Department of Labor had been created; and that the eight-hour law governing the operation of the workshops of the Government had also been enacted during this administration. I have taken the trouble to look up the statutes, and I find that the bill establishing the Department of Labor was approved March 4, 1913, before Prof. Wilson became President of the United States. The law creating the Children's Bureau was approved April 9, 1912, and the legislation in regard to white phosphorus matches was likewise approved April 9, 1912, both of them during a Republican administration.

The Senator also claimed that the law relating to political contributions was a Democratic measure. The truth is that on August 19, 1911, the law on that subject was amended by a Republican Congress, a statute having been previously passed by a Republican Congress. Again, the law was further extended on August 23, 1912. So that the Senator from Nebraska certainly can not truthfully claim credit for the laws that are on

the statute books relating to political contributions and their method of expenditure.

The Senator from Nebraska likewise claimed that the present administration had done a great deal for Alaska, a Territory that had been neglected. Why, Mr. President, the Republican Party purchased Alaska. The Republican Party created a legislative assembly for Alaska on August 24, 1912; and the statutes will show that many other laws were passed when the Republicans were in power designed to protect and safeguard the interests of the people in that Territory.

The Senator from Nebraska also claimed that the Democratic Party during this administration enacted the eight-hour law for Government employees. The fact is that that law, then on the statute books, was extended on March 3, 1913, before the present administration came into power, the Republican Party being responsible for that legislation. I hope that the senior Senator from Nebraska, before he sends his speech out over the country as showing the wonderful achievements of the Democratic administration, will make the corrections that the statutes show ought to be made.

Mr. President, I have a word to say on the bill that is now under consideration. I shall not occupy many minutes.

I have always believed in State legislation for the protection of children engaged in industrial occupations.

My own State has a law on the subject—not as good a law as it ought to be, but nevertheless a law that is in the right direction, and which beyond a doubt will be strengthened in the near future. As a Member of the Senate and as a member of the Committee on the District of Columbia I took an interest in child-labor legislation in this District years ago. In the Fifty-eighth Congress I introduced a bill, Senate bill 6386, which did not become a law. In the Fifty-ninth Congress I again introduced a bill, Senate bill 50, which also failed of enactment. In the Sixtieth Congress I introduced a bill, Senate bill 4812, which became the law for the District of Columbia, and which I feel sure every Senator who will examine it will say is a very good and effective piece of legislation.

The Senator from Georgia called attention—

Mr. HITCHCOCK. Before the Senator leaves that point, I was out of the Chamber at the time he criticized some statement of mine. I listed something like a dozen acts.

Mr. GALLINGER. Among them was the act which created the Department of Labor.

Mr. HITCHCOCK. I find that the Department of Labor bill was signed on the last day of Mr. Taft's administration.

Mr. GALLINGER. That is true.

Mr. HITCHCOCK. I think I am correct in saying that it originated in the House of Representatives, which was Democratic.

Mr. GALLINGER. It was passed by a Republican Senate and signed by a Republican President.

Mr. HITCHCOCK. I am also correct in the statement that the phosphorus bill originated in the House of Representatives and was signed April 9, 1912.

Mr. GALLINGER. The Senator would not claim that as a Democratic measure?

Mr. HITCHCOCK. My impression is that it originated in the House.

Mr. GALLINGER. No matter where it originated, it was passed by a Republican Senate and signed by a Republican President.

Mr. HITCHCOCK. There were, of course, a great many bills that originated in that Democratic House which received favor.

Mr. GALLINGER. They did some things fairly well in the House, but the claim of the Senator that the statutes enumerated were passed during the present administration is not correct.

Mr. HITCHCOCK. It is also true that the dozen bills which are listed here are achievements of the Democratic administration. It is also true that those acts received when they passed many Republican votes. One received the support of one group of Republicans and another the support of another group of Republicans. There is hardly a Republican who has not indorsed directly or indirectly one or more of these great acts of the Democratic administration. But the Senator will not question the fact that the initiative of these acts was Democratic, and that with the exception of the two or three that he names they were actually passed when the Democrats were in full control of the administration.

Mr. GALLINGER. The Children's Bureau act was approved April 9, 1912. Does the Senator claim that that was a Democratic achievement?

Mr. HITCHCOCK. There were three exceptions to the long list which I gave. I was misled in relation to the Department of Labor act having been passed under this administration by

the fact that the first Secretary of Labor was appointed under this administration, and it was the last day of President Taft's administration upon which he signed the act which created that department.

Mr. GALLINGER. The Senator claims that the eight-hour law for Government employees was a Democratic achievement. That was extended March 3, 1913, there having been a previous law on the statute book. So it surely could not be regarded as a Democratic measure.

Mr. HITCHCOCK. I have some personal recollection of the eight-hour provisions. They were all engrafted as I recall it upon appropriation bills at different times on the initiative of Democrats in the House of Representatives, and in most cases those amendments were placed on the bills in the face of considerable opposition from the Republican administration leaders.

Mr. GALLINGER. Mr. President, we will give the Democratic House of Representatives credit for anything which belongs to it, but the Senator is surely minimizing the work of this body when he gives credit to the Democratic House for initiating all the beneficent legislation of the last four or five years. The facts do not sustain that contention. The Senator also said that the Democracy deserves credit for the legislation relating to political contributions and the expenditure of money for political purposes. I did not notice that the Senator was absent when I called attention to the fact that in August, 1911, a bill was passed which is a very strict bill, which is in the volume before me, governing that matter, and it was extended August 23, 1912.

The title of the bill, if the Senator will take the trouble to look at it, shows what kind of legislation it was, and if he will read the bill itself he will see that while it may not be quite as radical as the bill we are threatened with during this session, nevertheless it was a very rigid bill requiring everything almost that could possibly be thought of in governing elections.

Now, Mr. President, I leave the matter right there. The Senator claims great credit for the fiscal legislation of the Democratic Party, but the truth is that the National Monetary Commission laid the foundation for all that legislation, and the Aldrich-Vreeland law was actually the basis upon which that legislation was built.

Mr. HITCHCOCK. Mr. President, as a matter of fact, does the Senator now forget that he and other Republican Senators voted against the legislation?

Mr. GALLINGER. I do not forget it at all, and I have no apologies to make for doing so. I believed then, as I believe now, that the Aldrich-Vreeland bill was sufficient to meet all emergencies.

Mr. HITCHCOCK. Yet it was founded on the National Monetary Commission.

Mr. GALLINGER. Yes. There is time yet to demonstrate the wisdom of that legislation, as there is of some other matters that the Senator called attention to, and they will be tested in the crucible of time. The Senator may be right about them and I may be wrong about them. Time will tell whether the legislation was good or bad—necessary or unnecessary.

Mr. HITCHCOCK. I call the attention of the Senator from New Hampshire to the fact that the national convention which recently adjourned did not venture to criticize it in any way.

Mr. GALLINGER. That may be.

Mr. HITCHCOCK. It maintained a profound silence on the subject of this great act of Democratic legislation.

Mr. GALLINGER. My public work and my vote as a public servant have never been shaped or governed by political platforms, whether they were Republican or Democratic. If the Senator had gauged his public actions by political platforms, he would certainly have been in a sorry plight during the last three years, so far as the Baltimore platform is concerned.

Now, Mr. President, I will proceed—

Mr. SMITH of South Carolina. I thought perhaps the Senator was through.

Mr. GALLINGER. No; I am not. I am only going to take two or three minutes, and I have been interrupted so that I scarcely know where I left off.

I suggested that I had always believed in child-labor legislation. I had encouraged it in my own State. I had not only encouraged it in the District of Columbia, but had introduced three bills, the last one of which became a law under a Republican administration, the excellent bill that is on the statute books to-day.

I was about to remark that the junior Senator from Georgia [Mr. HARDWICK] called attention to a remark I made during a debate on this subject some time ago, in which I expressed doubt



as to the constitutionality of the law, but stated that notwithstanding that I proposed to vote for the bill. My doubt as to the constitutionality of the law did not arise from any legal knowledge that I had on the subject or any presumption on my part that I could interpret the constitutionality of a question of this kind. It arose from what very prominent lawyers in this body, in whose legal knowledge I had great confidence, some of them on this side of the Chamber and some on the other side of the Chamber, had suggested to me when a similar bill was under consideration and was being so ably advocated by the then Senator from Indiana, Mr. Beveridge.

I absorbed the idea at that time from what I was told that the measure was in all human probability unconstitutional, but I have since had occasion to consult some of those same Senators and they have told me that they have changed their views, as the President of the United States has changed his views, and that they now believe the legislation to be constitutional. For that reason, having a strong inclination to support this kind of legislation, I have no hesitancy to-day in voting for the bill, assuming that it will go to the Supreme Court of the United States for interpretation and decision. I am not presumptuous enough as a layman to make any suggestion as to what I think the final fate of the bill will be if the Supreme Court is called on to pass upon it.

On a former occasion when a bill of this kind was under debate I occupied a minute or two to say this:

I am not in the habit of alluding to myself or my early struggles, but it would have been a blessing to me, Mr. President, if I had been kept in school until the age of 14 years. All through my life I have felt and realized that fact. I do think that the best disposition we can make of children until they are 14 years of age is to keep them in school.

Now, Mr. President, upon that utterance, made some years ago, I stand to-day. I believe this is beneficent legislation, and I assume that it will pass the Senate and become a law at this session of Congress. The Democratic Party will doubtless claim credit for the legislation, but it will be remembered that when we were informed by the majority that the child-labor bill was not to be a part of the Democratic program of legislation the minority of this body called attention to that fact and insisted that it should receive consideration at this session. The Republican minority is certainly entitled to much credit for the part it played in the matter.

I will not detain the Senate longer, simply repeating the hope that the bill may pass by a substantial majority, as I believe it will.

Mr. SMITH of South Carolina. Mr. President, I do not think that this debate could be better closed than by having read an extract from a speech delivered by the junior Senator from Utah [Mr. SUTHERLAND] on the power of the National Government, and which was made a Senate document and presented by the Senator from Idaho [Mr. BORAH] for that purpose. As the junior Senator is looked upon by his colleagues as being a diligent student of the Constitution and a very ardent supporter of the rights and privileges of the two powers recognized in our form of government touching this very identical point, I send to the desk and ask the Secretary to begin reading at the paragraph marked 2 in Roman, on page 10, and to read from that point down to the conclusion of it. I think the Senator expressed himself clearly and evidenced his clear knowledge of the Constitution, and coming from the other side, as it does, I hope it will have some effect upon those who have some doubt on the subject.

Mr. GALLINGER. Before it is read I want to say that I have full authority to say that the Senator from Utah [Mr. SUTHERLAND] is in the same category as the President of the United States. He has changed his view as to the constitutionality of the proposed legislation.

Mr. SMITH of South Carolina. When it is read I think his colleagues will see how radical has been the change.

Mr. GALLINGER. Not more radical than that of the President of the United States.

Mr. SMITH of South Carolina. I did not draw any comparison. I said "how radical." I might have drawn the comparison under other circumstances.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

While maintaining the power of the General Government to adequately meet and deal with every external situation which affects the general welfare of the United States, it is no less essential to maintain the supreme power of the State governments to deal with every question which affects only the domestic welfare of the several States. As happily expressed by Chief Justice Marshall in *Gibbons v. Ogden* (9 Wheat., 195):

"The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the Nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government."

There is a growing tendency on the part of many of our people to insist that because an evil has become great or widespread, and the several States do not deal with it as it should be dealt with, either from lack of desire or lack of ability, the General Government as a sort of overlord should assume the responsibility of correcting it. Reduced to the last analysis, this is the argument of the advocates of the Federal child-labor law. That the employment of immature children is a monstrous evil no properly constituted mind can for a moment doubt, but when existing in a State it is an evil the supervision, regulation, or suppression of which belongs wholly and exclusively to the State, and not to the General Government. It is purely a domestic matter. The General Government has been given no authority to legislate respecting the domestic evils which exist within the limits of a State simply because they are monstrous evils any more than if they existed in France or England. To do so would constitute a clear invasion of the reserved powers of the States, and in its ultimate effect would prove more harmful than the failure of the State to cure its own evils. Once break over the line which separates the State and Federal powers because the exigency is great or thought to be great, and the way has been opened for the gradual and insidious, though certain, breaking down of the barrier of separation altogether. If we begin to legislate in such matters upon the ground of exigency, we shall end by legislating upon the ground of expediency. If we enter the domain of State control to abolish evils because the States do not act at all, we shall remain to regulate and correct because the States do not act as we think they should. Of course no one who has considered the matter insists that Congress has authority to legislate directly to forbid the employment of child labor in the domestic industries of a State, but it is sought to do so indirectly by declaring that any article manufactured in whole or in part by child labor shall be denied the right of interstate transportation. In other words, if a manufacturer of woolen goods in Massachusetts employs a thousand operatives, one of whom is a child of tender years, the employment of that one child (whether sanctioned by the law of the State or not) taints the entire output of the factory, and none of it can be transported into another State. The authority for such legislation is supposed to be found in the commerce clause of the Constitution giving Congress power to regulate commerce among the several States. No power is given Congress to regulate the relation of master and servant, or to say who shall or who shall not be employed, to prescribe the hours of labor, or to regulate in any way the manufacture of commodities within the limits of a State. The power is to regulate commerce, and if under this power, which seems precise and clear, Congress may control the employment of child labor in a State, there would seem to be no phase of the business of domestic manufacture which it could not in the same way control. It could with equal authority forbid the interstate shipment of goods where the manufacturer employs his servants more than eight hours, where he employs nonunion labor or where he does not employ nonunion labor, where he employs any Chinese labor or where he declines to employ such labor, or, indeed, where he does anything which Congress does not approve or fails to do anything which Congress does approve. Thus a power to regulate interstate commerce would be transformed into a power to regulate domestic manufacture, and a power to regulate commerce into a power to prohibit commerce altogether.

It is far better to leave to the people of each State their constitutional right and their constitutional duty to deal with their own problems in their own way. To the extent that the General Government would assume the responsibility of correcting the evils in a State, the State government would quite likely shirk its own responsibility. With the gradual abridgment of local action would come the gradual loss of local ability. The people of the State would lean more and more upon the National Government which is remote from the locus of the evil, instead of relying upon themselves who are in close touch with it. Their power would become atrophied from disuse as the muscles of the body become atrophied from lack of exercise. Such a process would inevitably, to a great extent, sap the feeling of local responsibility, and in time the nation itself would become unable to bear up under the multiplicity of duties which it would be compelled to assume. The States are politically as well as geographically parts of one great governmental organism. To destroy or reduce the vitality of one of these parts would in the end reduce the strength of the whole, as the vigor of the human body is lessened by the loss or weakening of one of its limbs. By leaving local evils to the State and national evils to the Nation we shall preserve the harmonious balance contemplated by the Constitution, and in the end solve the problems of society much more effectually than we can ever do by devolving upon one the responsibilities clearly intended for the other.

Mr. SMITH of South Carolina. Mr. President, it is not necessary for me to remark that if we can find any greater right about face on a bill, in common parlance we have any flopper to beat that, he is surely some flopper.

I should like to have read into the RECORD right at this point, as there seems to be some discussion as to the power of the court to interpret the Constitution according to their will, from the Federalist, No. 78, reading from the point marked on page 541—

Mr. CLAPP. That is from Hamilton?

Mr. SMITH of South Carolina. Yes. Down to page 544.

Of course this was during the time of the formative period, and it gives some idea as to what they were discussing and what conclusions were reached.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary proceeded to read the article from the Federalist, and was interrupted by—

Mr. VARDAMAN. Mr. President, may I inquire what the Secretary is reading?

Mr. SMITH of South Carolina. The Secretary is reading an article from the Federalist in reference to the power of the Supreme Court to declare void acts of Congress.

Mr. CLAPP. It is an argument of Alexander Hamilton in favor of the adoption of the Constitution.

Mr. VARDAMAN. I thought it was; but I desired to be sure.

Mr. GALLINGER. It is ancient history.

The Secretary resumed and concluded the reading of the article, which is as follows:

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of the courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American Constitutions, a brief discussion of the ground on which it rests can not be unacceptable.

There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this can not be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will for that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A Constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute; the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental.

This exercise of judicial discretion in determining between two contradictory laws is exemplified in a familiar instance. It not uncommonly happens that there are two statutes existing at one time, clashing in whole or in part with each other, and neither of them containing any repealing clause or expression. In such a case it is the province of the courts to liquidate and fix their meaning and operation; so far as they can, by any fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable it becomes a matter of necessity to give effect to one in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law, but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision, but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable that between the interfering acts of an equal authority that which was the last indication of its will should have the preference.

But in regard to the interfering acts of a superior and subordinate authority, of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of an inferior and subordinate authority, and that, accordingly, whenever a particular statute contravenes the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes, or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it proved anything, would prove that there ought to be no judges distinct from that body.

Mr. CLAPP. Mr. President, notwithstanding that which has just been read from the Secretary's desk was the language of Hamilton urging support of the Constitution—and I stated in my remarks that there were men who took the other view—the great fact remains that Mr. Marshall did not take that view

until he became a judge. John Jay, to whom the Chief Justiceship was offered before it was offered to Marshall, declined it on the ground that the court had not sufficient authority under the Constitution to either maintain its own dignity or to serve the American people, and it was questioned in the court when Marshall took the Chief Justiceship. Mr. Marshall made a very labored, and yet a very logical and correct, argument in support of it, but the proposition was twice rejected in the assembly. I do not hesitate to say that the general sentiment and thought at the time was that the court would never set aside an act of the legislative department of the Government.

Mr. THOMPSON. Mr. President, I shall take but a moment of the time of the Senate, for I know the desire of the Senate to vote on this bill; and I believe I can render better service to the country, and especially to the children of the country, by aiding in bringing about a speedy vote than by attempting to talk. I wish, however, to express my hearty approval of the legislation and my belief in its constitutionality, after a thorough study of the question as a member of the Interstate Commerce Committee, which considered this bill, and also after hearing the arguments and reading all of the authorities presented on both sides of the question in the Senate during the consideration of the measure. The merits of the subject of the measure are acknowledged by all, even those opposing the bill. Commercialism has exacted a great deal from the people in this country, but I am glad we have now reached a point when the tears, blood, brain, and life of the children of this Nation shall no longer contribute to its profits.

In order, however, Mr. President, that we may have the benefit of the legal authorities and discussions on this question from the earliest period when bills of this character were first considered down to the present time, I desire to have printed in the RECORD, as a part of my remarks, and in the regular RECORD type, an article written by Edwin Maxey, of Lincoln, Nebr., in April, 1907, on "The constitutionality of the Beveridge child-labor law," published in the Green Bag for May, 1907; also an editorial written by Robert B. Troutman, of the Columbia Law Review, published in April, 1914, on "The constitutionality of a Federal child-labor law." I should also like to have printed in the RECORD a criticism of the Adair and Copeage cases, the two cases principally relied upon by those opposed to this bill, appearing in an article written by Mr. Justice Brandeis on the subject of "The living law," published in February, 1916, on page 467 in the Illinois Law Review. I shall not take the time of the Senate to read these articles, but I would like to have them printed in the RECORD in the type I have already stated.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

#### THE CONSTITUTIONALITY OF THE BEVERIDGE CHILD-LABOR BILL.

[Edwin Maxey in the Green Bag, May, 1907, pp. 290-292.]

The bill introduced in the Senate by Mr. Beveridge for the purpose of regulating child labor is a most interesting project of legislation in more ways than one. Not only is it an evidence of the growing influence of labor in politics, but it raises the whole question of the extent of police power possessed by the General Government. It may be safely said that there is no other question which is to-day of more vital interest in the field of American jurisprudence, and none more perplexing.

The bill provides that "no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine in which children under 14 years of age are employed or permitted to work, which products are offered to said interstate carriers by the firm, person, or corporation operating said factory or mine, or any officer or agent or servant thereof, for transportation into any other State or Territory than the one in which said factory or mine is located."

Owners of factories and mines are required to file every six months an affidavit, the form of which shall be prescribed by the Department of Commerce and Labor, but which shall in substance state that said factory or mine employs no child under 14 years of age. A penalty of \$10,000 or imprisonment for six months, or both, is provided in case any interstate carrier fails to require such affidavit, and double that penalty for each violation of the act by the owner of mine or factory.

As, therefore, the bill proposes to regulate child labor through an exercise of the powers of the Federal Government, derived from the interstate-commerce clause, it is necessary that we examine carefully the extent of powers conferred by that clause, in order to determine whether or not the Constitution confers any such powers upon the Federal Government as are necessary to the enforcement of the provisions of this bill.

As against the States, the Federal Government no doubt possesses the exclusive power to regulate interstate commerce. This was decided in *Gibbons v. Ogden* (9 Wheat., 1), and that



decision has never been reversed. The regulation provided by the bill is, therefore, no infringement upon the rights of the States, unless, instead of being a regulation of interstate commerce, it is a police regulation under the guise of regulating commerce. If it is a police regulation, its constitutionality is open to dispute.

If this can be sustained as a regulation of commerce, it becomes very difficult to see what limit there is to the power of the Federal Government to control the productive processes heretofore controlled under the police power of the States. If the Federal Government has the power to forbid interstate carriers to accept goods produced by child labor, would not the same power warrant the exclusion of goods produced in factories or mines in which men are permitted to work more than eight hours per day? Would not the same power enable it to forbid interstate carriers to accept goods from concerns employing foreigners or Mormons or union laborers or nonunion laborers? In short, if this is a legitimate exercise of the power of Congress over commerce, the extent of control which Congress may exercise over production becomes almost entirely a question of expediency, not of law. A large part of the police power now exercised by the States will have disappeared, and a considerable portion of what remains will be held by them as tenants at will.

That this is not a regulation of commerce would seem to appear from the fact that it is not commerce but manufacture and mining that is regulated. The processes upon which the regulation operates have ended before commerce begins. If there is any distinction at all between production and distribution, and it has always been considered that there is, the power to regulate the latter does not necessarily include the power to regulate the former. It is thus a new doctrine, which teaches that because Congress has power to regulate commerce it has power to regulate manufacturing and mining, which are parts of production.

One would not be surprised if, under its power to regulate commerce, the Federal Government should claim the right to prohibit interstate carriers from employing children under 14 years of age. While this would in reality be a police regulation, it would on the face of it be a regulation of commerce. But this is a very different proposition from making the regulation apply to a process which has ended before commerce begins, and calling it a regulation of commerce rather than of manufacture or mining. The Supreme Court of the United States in the case of *Gibbons v. Ogden* defined commerce as "intercourse." And in the case of the *County of Mobile v. Kimball* (102 U. S., 691) it supplemented the above general definition with one much more explicit: "Commerce with foreign nations and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and transportation of persons and property, as well as the purchase, sale, and exchange of commodities." And in the case of *Kidd v. Pearson* (128 U. S., 1) it was said that "manufacture is transportation—the fashioning of raw material into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce. \* \* \* If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the advantages of a large part of the localities in it, if not of every one of them. A situation more puzzling to the State governments, and more provocative of conflicts between the General Government and the States, and less likely to have been what the framers of the Constitution intended, it would be difficult to imagine."

And in *United States v. E. C. Knight Co.* (156 U. S., 1) the court said: "That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police power of the State. Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed."

It is therefore clear that unless the Supreme Court changes its view as to what constitutes commerce it would not hold the act we are considering to be a regulation of commerce. May it be sustained as a legitimate exercise of the police power of the Federal Government?

We often hear it stated that the Federal Government possesses no police power; that it possesses simply delegated powers, and that there is no delegation of police powers. True, no police power, *eo nomine*, was conferred upon the Federal Government

by the framers of the Constitution. The phrase "police power" was not used until 40 years after the Constitutional Convention, it being first used by Chief Justice Marshall in his opinion in the case of *Brown v. Maryland*, 1827.

But whether in theory the Federal Government possesses any police power, the fact is that it exercises police powers. The exclusion of lottery tickets from interstate commerce by prohibiting interstate carriers from carrying them can not be considered a regulation for the purpose of securing the safety of commerce, but is clearly for the purpose of protecting the public morals. As was said by the court: "What clause of the Constitution can be cited which, in any degree, countenances the suggestion that one may, of right, carry or cause to be carried from one State to another that which will harm the public morals?" (*Champion v. Ames*, 188 U. S., 357.) But legislation by the Government for the purpose of protecting the public morals is unquestionably an exercise of the police power.

The recent pure-food bill passed by Congress is in the interest of public health and not for the purpose of rendering commerce less dangerous. Though it may theoretically serve the latter purpose, its real purpose is well understood to be the former, and a law must be judged by its real purpose, not by its remote or incidental effects. This principle has been recognized by the Supreme Court in *Minnesota v. Barber* (136 U. S., 313); *New York v. Miles* (11 Peters, 103); *Passenger cases* (7 How., 283); *Yick Wo v. Hopkins* (118 U. S., 356). That governmental action for the protection of the public health is an exercise of the police power is too clear to admit of doubt.

The employers' liability act, which is a regulation for promoting public safety, is also an exercise of the police power by the Federal Government. Like the pure-food law, its constitutionality has not yet been passed upon by the Supreme Court, but until then the presumption is in favor of their constitutionality.

As to the fact of the exercise of police power by the Federal Government, we find the following in Freund's very able work on the police power: "It is impossible to deny that the Federal Government exercises a considerable police power of its own. This police power rests chiefly upon the constitutional power to regulate commerce among the States and with foreign nations, but not exclusively so. It must now be regarded as firmly established that the power over commerce, while primarily intended to be exercised in behalf of economic interests, may be used for the protection of safety, order, and morals." (*Police Power*, p. 63.)

Relative to the right of the General Government to exercise police powers, Judge Cooley says in his *Constitutional Limitations*, page 723: "Congress may establish police regulations, as well as the States, confining their operation to the subjects over which it is given control by the Constitution."

In view of the position taken by the Supreme Court in the *Lottery case*, it would not be surprising if it would sustain as constitutional a regulation by the General Government for the purpose of protecting the public health and promoting the public intelligence. This exact question has not yet been presented to that court for decision, so that it is impossible to say at present what its decision would be. Considered in connection with other questions closely allied to it, the question presented by this proposed legislation becomes one of intense interest, whether we consider it from the standpoint of its legality or of its expediency.

LINCOLN, NEBR., April, 1907.

#### CONSTITUTIONALITY OF A FEDERAL CHILD-LABOR LAW.

[Robert B. Troutman, of the editorial staff of the *Columbia Law Review*, in the *Green Bag*, April, 1914, pp. 154-160.]

On January 26 Representative A. Mitchell Palmer, of Pennsylvania, introduced into Congress a bill which, if it is made a law, will present to the courts a problem of constitutional law which is by no means easy to solve. The essential features of Mr. Palmer's bill are: That no person, corporation, etc., "manufacturing, producing, or dealing in the products of any mine or quarry in which children under 16 years of age are employed or permitted to work at any time, or of any mill, cannery, workshop, factory, or manufacturing establishment in which children under 14 years of age are employed or permitted to work at any time, or in which children between the ages of 14 and 16 years are employed or permitted to work more than eight hours in a day or more than six days in a week, or after the hour of 7 p. m. or before the hour of 7 a. m. of any day, shall ship or offer or deliver for shipment such products in interstate commerce." That a board composed of the Secretary of Commerce, Secretary of Labor, and Attorney General shall from time to time make and amend rules for enforcing the law. And that the Secretary of Labor or his authorized agent shall

be allowed to inspect the mines and factories which are producing goods for interstate commerce. That a violation of the act shall be a misdemeanor, with a punishment of a fine or imprisonment or both. (Senator Beveridge's child-labor bill, which was never adopted, was somewhat different in its provisions. It was directed expressly against the receipt by the carrier of goods for interstate commerce when such goods were manufactured by child labor. And it compelled the owners of factories and mines periodically to give certain affidavits that the goods which they tendered for shipment were not made by the use of child labor. For a discussion of the constitutionality of that bill by Edwin Maxey, see 19 Green Bag, 290.)

The validity of a statute directed against the use of child labor in certain industries depends upon the extent to which the power of Congress under the commerce clause may be used to exclude certain articles from transportation between the States. It can not now be doubted that Congress under its power to regulate interstate commerce can prohibit the shipment of certain "outlawed" goods (2 Willoughby, Constitutional Law of the United States, sec. 347; Goodnow, Social Reform and the Constitution, 80); but the extent of this power is by no means settled. For the purpose of argument on this question let us at the outset assume that Congress can not arbitrarily exercise this right of exclusion, and that this can only be done either to promote commerce itself or to enforce a police regulation, which is hereinafter discussed. It may be that this assumption can be correctly based on the ground that in order to avoid a violation of the due-process provision in the fifth amendment Congress must exercise its control of commerce among the several States within the bounds of reason. At any rate this assumption avoids an entry into that field of debate which began with Hamilton and Madison, namely, Are the citizens of the United States entitled to enjoy the facilities of interstate commerce as a matter of right or merely as a privilege to be enjoyed so long as Congress does not interfere? It may be conceded that the Federal Government has no power to regulate by direct legislation the manufacture of goods where that production is carried on wholly within the borders of a State. It has been repeatedly held that manufacturing and production do not of themselves involve interstate commerce, even though the goods made or produced are intended for use by shipment and sale in another State. (*Diamond Glue Co. v. U. S. Glue Co.* (1903), 187 U. S., 611; *United States v. E. C. Knight Co.* (1895), 156 U. S., 1; cf. 10 Columbia Law Review, 704, where in an article on "The antitrust act" Mr. Morawetz expresses the belief that the Knight case can not be reconciled with subsequent decisions on that act in the Supreme Court.) Although the production of the goods may not fall within the control of Congress, the distribution, in so far as interstate transportation is used, is subject to direct Federal regulation. In the exercise of this jurisdiction over transportation the cases which have sustained the prohibitory legislation of Congress excluding certain goods from carriage between the States may be classified as follows:

First. Statutes which have the effect of directly promoting the business of carriers as public servants; that is, laws which render the transportation of passengers and goods more safe or the service rendered more efficient. Thus, the shipment of articles dangerous, per se, as dynamite and other explosives, is a proper subject of such legislation. And another example is found in the commodities clause of the Hepburn Act, which prohibited interstate carriers from hauling commodities produced in other businesses owned by the carrier. (*United States v. Delaware & Hudson Co.* (1909), 213 U. S., 366; *United States v. Lehigh Valley R. R.* (1911), 220 U. S., 257; see Lewis, "Commodities clause of the Hepburn Act," 21 Harvard Law Rev., 595.) And this can be done by Congress, although the States creating the carrier corporations had expressly authorized them to produce and ship those commodities. But all this legislation, like the employers' liability act (1908, 207 U. S., 463), directly affects the promotion of the business of the carrier by prohibiting it from engaging in practices which tend to lessen its transporting efficiency as a public servant; and the fact that these laws have been sustained by the Supreme Court would form no precedent for a statement that the court would uphold a Federal law prohibiting the transportation of the products of child labor, for it can not be said that articles manufactured by child labor render in any manner the transportation facilities less safe or efficient.

Second. Statutes which impose police regulations. Under this division of its power over interstate commerce Congress has enacted laws for the protection of public morals, health, and for the prevention of frauds perpetrated through interstate shipments. And from the nature of the goods prohibited by these laws it is obvious that the goods themselves are not dan-

gerous or harmful to the business of interstate transportation. From the earliest history of our Federal Government it has been recognized that the States have a police power by which they are permitted to legislate for the protection of the general public health, morals, and safety. But it was doubtful, until the decision of the Lottery case (1903, 188 U. S., 321), whether Congress had such a power. (Edwin Maxey, "Beveridge child-labor bill," 19 Green Bag, 290.) In that case, and those which have been subsequently adjudicated in the Supreme Court, this doubt was removed. And it may now be regarded as settled law that Congress can enact police regulations as a means of exercising its control over interstate commerce. (Paul Fuller, "Is there a Federal police power?" 4 Columbia Law Rev., 563.) In fact, the Supreme Court, speaking through Mr. Justice McKenna, in a unanimous opinion upholding the white-slave act, has expressly recognized the existence of this Federal power. The statement is as follows: "The principle established by the cases is the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation 'among the several States'; that the power is complete in itself; and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulations." (*Hoke v. United States* (1913), 227 U. S., 308, at page 323.) If the child-labor law is to be upheld, it is obvious that the decision must be on the theory that it is a valid police regulation of Congress under the commerce clause. Therefore it will be necessary to examine the instances in which the exercise of this power by Congress has been sustained and discover if this law may properly be placed within the principles already decided.

The first case, generally known as the Lottery case (prior to this was a statute prohibiting the shipment of diseased cattle. This was upheld in *Reid v. Colorado* (1902), 187 U. S., 137. Although this was an exercise of the Federal power to prohibit certain goods from interstate commerce, it is not as closely connected with our discussion as the later cases), upheld a statute making it a crime to ship lottery tickets from one State to another. It may be noted that at the time this Federal law was enacted it was recognized by practically all of the States that this form of gambling was an evil to be eradicated; and this desire on the part of the States had been expressed in the form of legislation against lotteries. (1903, 188 U. S., 321.) Then came the pure-food law, which made it a misdemeanor to ship or deliver for shipment in interstate commerce uninspected adulterated foods and drugs. This was declared to be constitutional in the *Hipolite Egg case*. (*Hipolite Egg Co. v. United States* (1911), 220 U. S., 45.) And lastly, the Supreme Court sustained the white-slave act in 1913; this law made it a felony against the United States to transport or aid in the transportation of women for immoral purposes. How can these laws be distinguished in principles of police regulations from a law which makes it a crime to ship or offer for shipment an article manufactured by employers of children under a certain age?

It has been ably argued that there is a clear-cut distinction between production and distribution, and that while Congress has plenary power to control distribution, it can not without an invasion of the rights reserved by the States indirectly control production. (2 Willoughby, Constitutional Law of the United States, sec. 348.) There is, however, as wide a difference between consumption and distribution as between production and distribution; and if Congress can indirectly protect the consumers by the exercise of its police power to exclude harmful articles from interstate commerce, there seems to be no reason for saying that the same power can not be invoked to protect the producers. It is obvious that the practical effect of the administration of the laws in the Lottery, Pure Food, and White Slave cases is not merely to free "commerce among the several States" from articles which are injurious to commerce, for these articles were not injurious to commerce, as in no sense did they "render transportation less safe or efficient." (The Supreme Court clearly recognizes that Congress has the power to pass laws which protect the public health, morals, and safety, but which do not regulate the efficiency of the transportation business of the carriers. This is well illustrated by the construction very recently given to the intention of Congress in the white-slave act. The defense was that the prosecution had not made out its case, since there was nothing to show "that the defendants either directed or knew how the girls" were to be transported, "whether in a private vehicle or through the instrumentality of a common carrier." To this contention the court, speaking through Mr. Justice Pitney, gave the following answer: "But, in our opinion, in order to constitute an offense under the act it is not essential that the transportation be by common car-



rier. \* \* \* The prohibition is not in terms confined to transportation by common carrier, nor need such limitation be implied in order to sustain the constitutionality of the enactment. As has already been decided, it has the quality of a police regulation, although enacted in the exercise of the power to regulate interstate commerce (citing cases); and since this power is complete in itself, it was discretionary with Congress whether the prohibition should be extended to transportation by others than common carriers." *Wilson v. United States*, Nos. 168 and 169, October term, 1913, decided Feb. 24, 1914.) But these goods were outlawed because they were shipped for the purpose of inflicting injury on the members of the public after the carriage has terminated. And it would seem that in no case ought the court to rely on the mere wording of the statute in the determination of this validity, but will look into the practical effect and administration of the law. (This principle should follow from the attitude which the Supreme Court has always taken in examinations of State legislation under the fourteenth amendment. See *Yick Wo v. Hopkins* (1886), 118 U. S., 356.) It can not be doubted that this was done in each of the cases considered, and although the object and effect of the laws were to protect the public from injuries which could be inflicted only after transportation had ceased, the court nevertheless determined that they were well within the power of Congress. And of course these laws were intended to aid in the eradication of these evils altogether, and such must necessarily be their tendency, for, if in these pernicious enterprises a large part of the business is done through interstate commerce—a domain beyond the reach of State legislation—when the gates of this fertile field are closed to the promoters of such enterprises there is a decided disadvantage in a continuance of their operation. And even if this action on the part of Congress does not actually eradicate the evil, it has so limited the scope of their operations as to bring them entirely within State control. The child-labor law would have the same object and effect. And since the producers of the articles are as much a part of the public as those who may be harmed by them after their transportation, it would seem that the health of the producers constitutes as valid a basis for the denial of the use of interstate commerce as does the protection of the consumers.

There is no denial of the fact that if there should be a preconceived notion that this police power of Congress has been carried far enough and must not be further extended, there is a ground upon which the child-labor statute can be distinguished from the other laws which have been properly held to be within the control of Congress over interstate commerce. In the Lottery, Pure Food, and White Slave cases the harm from which the public is protected can be inflicted only after transportation. Therefore it may be said that Congress is merely refusing to permit the facilities of interstate commerce to be made the connecting link between the producer and the object of his wrong. But in the absence of such a desire to scour the field of adjudicated cases to find distinctions whereby the scope of Federal legislation may be limited to the conditions and circumstances of laws already upheld, there seems to be no reason for declaring a law invalid which denies to a producer employing child labor the facilities of interstate commerce. And assuming that the use of such labor is an evil detrimental to the public health, as I have already pointed out in reference to the other Federal prohibitory laws, this law would greatly discourage the employment of such labor, for it would close the gates to a large field of operation of these enterprises. And therefore as a police regulation, following logically the lines which have been developed by the preceding cases, it seems that this statute would fall within the power of Congress, although it can not properly be said to directly regulate interstate commerce.

Another apparent distinction between this case and the Lottery, Pure Food, and White Slave cases may be found in the fact that since a majority of the States have not enacted a child-labor law, there seems to be no such universal concurrence in the idea that child labor is an evil which deserves eradication, as was the fact in each of the other laws. But, of course, this argument, based on a theory that the States could in some manner consent to an interference by Congress, can not be approved. Congress, by virtue of its delegated powers in the Constitution, either has or has not the power to pass such a law, and the consent of the States, except by constitutional amendment, has nothing to do with the exercise of this power by Congress. And it is submitted that this is an answer to any attempted distinction between the nature of this law and of the other statutes discussed based on the competency of the machinery of the several States to obliterate these evils without the aid of Congress. The fact that the States were powerless from a practical point of view to prevent, by an adequate

enforcement of their statutes, the gambling in lotteries or the perpetration of frauds by use of adulterated foods or the traffic in women for immoral purposes forms no basis for a legal argument that Congress has the power to interfere to help the States. And it is equally true that the fact that child labor used in production is a local matter and that the States could ably enforce any laws directed against this evil, and that, therefore, there is no need for Federal aid, can not be used as an argument for a denial that Congress has the power under the Constitution to pass such a law. This would be an argument as to whether Congress should deem it advisable to exercise its power, but it can not be used to question the existence of that power. And, again, this argument may have great weight in determining whether Congress is acting within the due process of law requirement as prescribed by the fifth amendment. And it must be noted that the control over interstate commerce can not be exerted in violation of the other provisions of the Constitution. (It would seem that the same liberality of construction should be given to the police regulations of Congress under the due-process clause as the court has always accorded to the State laws enacted for the protection of public morals, health, and safety. Lewis, "Commodities Clause of the Hepburn Act," 21 *Harvard Law Rev.*, 595, 610.) It is on this point that Senator Beveridge, when arguing the constitutionality of his child-labor bill in the Senate in 1907, seems to have fallen into serious error. His position was that Congress has the absolute and therefore arbitrary power to exclude any article from interstate commerce. But he contended that the distinction must be observed between the power of Congress and the policy of exercising this power in an arbitrary manner. His argument is an attempt to prove more than is necessary to uphold the law, and the more conservative Senators refused to sanction so radical a doctrine. It can hardly be doubted in this age, when interstate transportation and shipment constitute so great a factor in our commercial life, that the right to ship through this medium is one which can not be taken away from the public without due process of law. In other words, it would seem that the Supreme Court must hold that the fifth amendment is an inhibition on the arbitrary power of Congress to deny to a shipper the right to transport his goods in interstate commerce without some reason, either based upon the conservation of public health, safety, or morals, or in furtherance of a reasonable plan to render interstate transportation more efficient. To sustain this Federal child-labor statute it is only necessary to prove to the satisfaction of the Supreme Court that this is a reasonable means of enforcing the power of Congress to enact police regulations in its control over interstate commerce. But this does not warrant the conclusion of Mr. Beveridge that Congress may exercise its power in an arbitrary manner.

This brings us to a discussion of the case of *Adair v. United States* (1908, 208 U. S., 161, 179), which is, of the recent cases, the most unfavorable to the position taken in this article. In that case the court decided that a law making it a crime for an agent of an interstate carrier to discriminate against an employee because he was a member of a labor organization was violative of the due-process clause. The decision really turned on a question of fact, namely, that there was not a sufficiently close connection between the end sought and the means adopted by Congress. This is shown by the opinion of the court, where Mr. Justice Harlan used the following language: We "hold that there is no such connection between interstate commerce and membership in a labor organization as to authorize Congress to make it a crime against the United States for an agent of an interstate commerce carrier to discharge an employee because of such membership on his part." Both Justices Holmes and McKenna dissented. And since that decision was rendered the Pure Food and White Slave cases, embracing a much broader field of Federal control, have been decided by the court with unanimous concurrence. And in each of these cases Mr. Justice McKenna delivered the opinion, and the broad language in which he expressed the court's views could well be applied to sustain a law excluding the products of child labor from the benefit of interstate commerce.

But the determination of the validity of the law must rest upon a question of fact, which only the Supreme Court can decide: Is the evil of child labor which is sought to be remedied by the statute of such substantial connection to the protection of public morals and health and safety as touched by interstate commerce as to warrant an interference by Congress? It may be that the court will repudiate what seems to be the natural and reasonable inference to be drawn from the Pure Food and White Slave cases, and the expression already quoted from the *Adair* case might be used to answer this question in the negative. But certainly the present tendency of the court is to view with favor the arguments presented by Mr. Justice

McKenna. It is submitted that this tendency is to be commended and that it should lead the court to sustain the child-labor law. And although the article manufactured by child labor, when offered to the carrier, may be perfectly innocuous in regard to its capacity or incapacity to inflict any future injury to the public health or morals, the facilities of interstate commerce should be denied the producer as a forceful incentive to forbear from a repetition from his malevolent practices. Certainly this indirect method of exterminating an evil is as justifiable in bearing a sufficiently close connection to interstate commerce as is the denial of the use of transportation facilities to the shippers of certain articles on the ground that these goods are designed to or may do harm to the public after the transportation has ceased.

NEW YORK CITY.

#### THE STRUGGLE CONTINUES.

The court reawakened to the truth of the old maxim of the civilians *ex factor oritur jus*. It realized that no law, written or unwritten, can be understood without a full knowledge of the facts out of which it arises, and to which it is to be applied. But the struggle for the living law has not been fully won. The *Lochner* case has not been expressly overruled. Within six weeks the Supreme Judicial Court of Massachusetts, in supposed obedience to its authority, held invalid a nine-hour law for certain railroad employees. (*Commonwealth v. B. & M. R. R. (Mass.)*, 110 N. E. R., 264.) The Supreme Court of the United States, which by many decisions had made possible in other fields the harmonizing of legal rights with contemporary conceptions of social justice, showed by its recent decision in the *Coppage* case (*Coppage v. Kansas*, 236 U. S., 1) the potency of mental prepossessions. Long before it had recognized (see 219 U. S., 570) that employers "and their operatives do not stand upon an equality," that "the legislature, being familiar with local conditions, is primarily the judge of the necessity of such enactments" (see 219 U. S., 569); and that unless a "prohibition is palpably unreasonable and arbitrary we are not at liberty to say that it passes beyond the limitation of a State's protective authority" (see 238 U. S., 452). And in the application of these principles it had repeatedly upheld legislation limiting the right of free contract between employer and employee. But in the *Adair* case (*Adair v. U. S.*, 208 U. S., 161), and again in the *Coppage* case (*supra*), it declared unconstitutional a statute which prohibited an employer from requiring as a condition of his securing or retaining employment that the workman should not be a member of a labor union. Without considering that Congress or the Kansas Legislature might have had good cause to believe that such prohibition was essential to the maintenance of trade-unionism, and that trade-unionism was essential to securing equality between employer and employee, our Supreme Court of the United States declared that the enactment of the antidiscrimination law was an arbitrary and unreasonable interference with the right of contract. (Louis D. Brandeis in *Illinois Law Review*, February, 1916, pp. 467, 468.)

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. ROBINSON. I think there was an amendment to the Senate substitute offered by the Senator from Colorado [Mr. THOMAS].

The VICE PRESIDENT. It was not offered.

Mr. ROBINSON. Then I withdraw the suggestion.

The VICE PRESIDENT. The Chair called the attention of the Senator from Colorado to the fact that he had not offered the amendment.

Mr. OVERMAN. Mr. President, I gave notice that I would offer an amendment to the bill, and stated my reasons for it. I think that there are other Senators interested in the subject who ought to be here, and therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Sterling
Bankhead	Hitchcock	Oliver	Swanson
Brandege	Husting	Overman	Taggart
Bryan	James	Penrose	Thompson
Chamberlain	Johnson, S. Dak.	Ransdell	Tillman
Clapp	Kenyon	Robinson	Townsend
Clark, Wyo.	Kern	Sheppard	Underwood
Culberson	La Follette	Shields	Vardaman
Cummins	Lane	Simmons	Warren
Curtis	Lewis	Smith, Ariz.	Weeks
Fletcher	Lippitt	Smith, Ga.	Works
Gallinger	Martin, Va.	Smith, S. C.	
Gronna	Nelson	Smoot	

Mr. ROBINSON. I desire to announce that the Senator from Ohio [Mr. POMERENE] is unavoidably absent.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. OVERMAN. Mr. President, I gave notice during the course of my remarks yesterday that I would offer an amendment. I then stated some reasons for the amendment, which I will not now repeat.

As will be observed, section 7 of the substitute reported by the Senate committee reads:

SEC. 7. That this act shall take effect from and after one year from the date of its passage.

I now offer an amendment to strike out the words "one year," in line 2, page 10, and insert in lieu thereof the words "two years," postponing the time of the taking effect of this bill until two years after its passage. Similar action has been taken in connection with nearly all legislation passed by Congress affecting the status of existing institutions. In the case of the excise law passed for the District of Columbia, as I recall, two years, and perhaps longer, were given to barroom owners in which to close out their business. In the case of the car-coupler legislation three years were given to the railroads in which to adjust themselves to the new conditions, and in the Clayton Act two years were given to the railroads to rearrange their affairs in accordance with the provisions of that bill.

I want to say, Mr. President, that if the pending bill goes into effect within one year it will work a great hardship upon the cotton factories in my State. Those factories have three great departments, namely, the carding room, the weaving room, and the spinning room. In the carding room and in the weaving room only adults are employed. The children are employed in the spinning room. If this bill goes into effect one year hence, it will reduce the output of the factories 20 per cent, because the employees of those factories now work 10 hours a day, and a reduction of the hours of labor by 2 will necessarily effect that reduction. Those factories have contracted ahead for a year, and in order to reorganize their plants so that they may have an adjustment which will apply evenly in all the various departments they will have to secure new equipment and machinery for the spinning room, and in many instances they will have to build new additions to the factory.

I am told that they can not now contract for new machinery for delivery under two years; and, unless some such provision as I have offered is added to the bill, their output will be lessened, as I have said, 20 per cent; and not only will it lessen the output but the adult labor will not be able to work over eight hours a day, because the carding rooms and the weaving rooms are dependent upon the output of the spinning room, and under this bill those under 16 years of age will not be allowed to work more than eight hours. If, however, the factories are allowed two years in which to adjust their affairs, they can secure new machinery to meet the new conditions. They could do it earlier if they could get the machinery; but, as I am informed, it will be impossible for them to do that. In addition, as I have said, they will in many instances have to build additions in which to house the new machinery.

The VICE PRESIDENT. The amendment offered by the Senator from North Carolina will be stated.

The SECRETARY. In the committee amendment on page 10, line 2, it is proposed to strike out the words "one year," and in lieu thereof to insert the words "two years," so as to read:

SEC. 7. That this act shall take effect from and after two years from the date of its passage.

Mr. ROBINSON. Mr. President, it seems to me this amendment should not be agreed to. The provision in the pending committee amendment postpones the act going into effect for one year. I believe that the readjustments of which the Senator from North Carolina has spoken, and which he says will become necessary if the bill is passed, have been greatly exaggerated in their importance. It seems to me one year would afford ample time to obtain such additional machinery, if any is required, as may be made necessary by the passage of this legislation.

Mr. HARDWICK. Mr. President, if the Senator will pardon me—

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. HARDWICK. Of course that is the very point involved in this amendment. The Senator from North Carolina has just stated—and I confess I have no information upon the subject, and I want to find out about it—that they can not do it in one year; that they can not get the machinery in one year; that it will be impossible, unless you are going to work great hardship on these people, to put this legislation into effect under two years. Has the committee made any investigation of that question?



Mr. ROBINSON. Yes, sir. I was just about to state, when the Senator from Georgia interrupted me, that that suggestion was made by some representatives of those who opposed this legislation, and the matter was gone into quite at length by the committee, either in the hearings or in the discussions before the committee itself when the bill was under consideration. The committee reached the conclusion that there was an attempt to magnify the effect upon the industry which would be wrought by the provisions of this bill. I am utterly unable to understand how it will become necessary, if this bill is passed, that any great amount of machinery shall be purchased by these manufacturers, and I do not think this provision is necessary.

Mr. HARDWICK. I want to say to the Senator that the only thing I know about it is that they do contend that there will have to be considerable machinery readjustment in order to coordinate all the branches and departments of these factories. Now, what I want to know is not what the Senator or his colleagues think, just on principle, but did you have any investigation to see whether they can buy this machinery or not?

Mr. ROBINSON. Yes; we investigated the subject, in so far as we thought it necessary to investigate it.

Mr. HARDWICK. Let us see the extent of the investigation. Did you ask them whether they could get this machinery in a year or not?

Mr. ROBINSON. I do not know that I asked them that specific question.

Mr. HARDWICK. Did anybody ask them that question? Do the hearings show that?

Mr. ROBINSON. Mr. President, I think the hearings disclose, at least to the satisfaction of the committee that heard the matter, that no great readjustment is required. I think the proposition on its face is an unreasonable one. To come into the Senate of the United States and say, merely because a law has been passed which will in effect compel these manufacturers to shorten the hours of labor of the few children they employ, that that fact makes it necessary for them to have two years in order to reorganize their plants and their industry, is on its face an unreasonable proposition.

That is all I have to say.

Mr. HARDWICK obtained the floor.

SEVERAL SENATORS. Vote!

Mr. HARDWICK. We are not going to vote just yet. Senators will get a vote a good deal sooner by not crying "Vote!" when we are not ready to vote. We are not going to vote until I discuss the amendment proposed by the Senator from North Carolina [Mr. OVERMAN].

Mr. President, if the Senator from Arkansas had given us any facts, or if he had any real information about this question, I would be willing to follow him—

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. HARDWICK. Just a moment; let me finish the sentence. I am going to yield to the Senator fully before I take my seat, and I will tell you why: Because the sooner we get this delectable law, or whatever you please to call it—I do not know how to characterize it—to the Supreme Court of the United States, where I am confident it will be overturned, and where I am confident that at last a check will be put on attempts at this sort of legislation, the better pleased I will be. Therefore, if I thought that the amendment of the Senator from North Carolina was not a meritorious one, and was a mere effort to secure delay, I would myself vote against it, because I want it to be decided at the earliest possible moment whether or not the Congress of the United States can enact legislation of this character. But I am informed that there is substantial merit in the Senator's contention and that it will work a real hardship for these people to make, within one year, the adjustments of machinery—in spite of the cavalier way in which the Senator from Arkansas seeks to dismiss it—that will be required by the provisions of this bill.

Now, that is a question of fact. What the truth is I do not know. I do not profess to know. But when the Senator from Arkansas, for the committee, just simply says that "we have concluded that there is no reason for any such thing as this," and it is perfectly apparent that there has been no particular investigation of the facts along that line, I do not think the Senate has the information that it ought to have.

Mr. CLARK of Wyoming. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. CLARK of Wyoming. I want to ask the Senator a question for information on this particular point. I do not understand just what readjustment will be necessary, and I should like to have the Senator explain it.

Mr. HARDWICK. I will try to explain it. As I say, my own knowledge of it is very limited, and I will yield to my friend from South Carolina to explain it exactly. There is some way in which the different departments of these factories are coordinated that makes it impossible to make changes of the kind required by this legislation in any one department without affecting them all. I do not know the details of it; but, anyhow, it is claimed that if you enact this child-labor law and it affects one of their departments, the others can not be run, under the present conditions, without readjustment. Whether it is true or not I do not even profess to know.

Mr. SMITH of South Carolina. Mr. President, will the Senator allow me?

Mr. CLARK of Wyoming. Mr. President—

Mr. HARDWICK. Let me yield to my friend from South Carolina. I do not know a thing about the details of this business.

Mr. CLARK of Wyoming. I just wanted to enlarge the question a little, which perhaps will reduce the time required to answer it. I can not see, really, why putting mature labor instead of child labor on certain machinery would involve the difficulty which the Senator mentions.

Mr. OVERMAN. Mr. President, I tried to explain that. In one room, which is called the card room, they work adult labor.

Mr. CLARK of Wyoming. Yes; and in the third room they work adult labor.

Mr. OVERMAN. And they work 10 hours a day.

Mr. CLARK of Wyoming. And in the center room they work child labor.

Mr. OVERMAN. Yes.

Mr. CLARK of Wyoming. Now, I can not see—

Mr. OVERMAN. If these machines stop at the end of eight hours, does not the Senator see that there is a 20 per cent reduction in the output?

Mr. CLARK of Wyoming. Exactly; but it means that if they are working all the time now in the three departments—

Mr. OVERMAN. Yes; they do work all the time.

Mr. CLARK of Wyoming. And if you cut the hours to eight, you reduce the product that much.

Mr. OVERMAN. Twenty per cent; yes.

Mr. CLARK of Wyoming. But the question as to whether you are employing child labor or not does not enter into that, as I understand it.

Mr. HARDWICK. The Senator will understand that the hours of labor of children are affected by this legislation—not only the character of the labor, but the hours of labor.

Mr. LIPPITT. Mr. President—

Mr. CLARK of Wyoming. I know; but if you substitute other labor for child labor I can not see why it makes any difference.

Mr. SMITH of South Carolina rose.

Mr. HARDWICK. The Senator from South Carolina will explain why it makes a difference.

Mr. SMITH of South Carolina. The idea is this: As everyone knows who is familiar with the situation in North Carolina and South Carolina, the amount of labor for these mills is limited. They have divided it up. Here is a diagram showing it. In the card room they employ adult labor. In the spinning room—the middle room—they employ child labor. In the weaving room—the finishing room—they employ adult labor. The number of hours that the children work is exactly adjusted to the output from the card room. The product goes through the spinning room and into the weaving room. Now, if you reduce the time of your middle force by three hours, you have got one of two things to do—you have either got to stop your machinery until you get enough adults from around about in the country and elsewhere, who may or may not be trained to this work, and have still further expense, or you have got to cut down the number of hours of the adults on both sides to conform to the reduction of hours at full time and full labor of the children intermediary.

The manufacturers claim that if you will allow them time to change their machinery so as to adjust themselves to this, they can get enough children to perform that light, not arduous, labor. It does not require adults. If you will give them time to adjust their plants to the new conditions they can do it. They will have to add more machinery than when the children work but 8 hours. They will have to have enough to take care of the 10 hours of labor of the adults.

Mr. HARDWICK. Now, Mr. President, if my friend from South Carolina will pardon the suggestion—

Mr. LIPPITT. Mr. President, will the Senator yield to me?

Mr. HARDWICK. Yes; in just a moment. Let me ask one question first, if the Senator pleases. Did these people make any representations to the Senator from South Carolina as to how long it would take them to alter their equipment, and to get the necessary machinery to comply with this law?

Mr. SMITH of South Carolina. I think practically every mill in my State has asked for the two years. Some of them have asked for as much as three years. They say it is practically impossible to get the machinery and install it now on account of the great demand and scarcity.

Mr. LIPPITT. Mr. President, I should like to say to the Senator from Georgia that the question to which this amendment relates has been settled in New England on three or four different occasions. We have had laws of this kind passed, first reducing the hours of labor from 11 to 10, and then from 10 hours a day to 56 hours a week, I think it was, and then from 56 to 54 hours a week; and all the conditions that these gentlemen from the South are calling attention to existed there. There was no particular trouble about meeting that situation. There will be no particular trouble in the South. It will put them to a little expense.

Mr. HARDWICK. Let me ask the Senator a question, because I really do not profess to have any knowledge about this thing.

Mr. LIPPITT. I am trying to tell the Senator.

Mr. HARDWICK. I am glad to hear from the Senator what the fact is. Will it require a change in equipment?

Mr. LIPPITT. No; it will require the employment of—

Mr. HARDWICK. More people?

Mr. LIPPITT. Not more people.

Mr. HARDWICK. But a different kind of people?

Mr. LIPPITT. It will require the employment of labor over 14 years of age, and so far as they are now employing young children at cheap rates, it will prevent them from doing that.

Mr. HARDWICK. Oh, I quite understand that; but I mean, as a practical business proposition, is there any reason why these men ought to have a delay for the purpose of equipping their plants and factories so as to meet the requirements of this bill?

Mr. LIPPITT. I will say to the Senator that on the occasions to which I have referred in New England no such opportunity was given to us. I do not think any mill in New England ever thought it necessary to ask for the opportunity; and I must say—

Mr. HARDWICK. I hardly think that answers the question, because we have had child-labor laws in each one of these States, too, or in most of them—certainly in mine—that were progressing, constantly improving, and we did not find it necessary. We were making gradual changes.

Mr. LIPPITT. This is progressive. This is gradual.

Mr. HARDWICK. I do not know how gradual it will be for some of them. I do not think it will be very hard in my State; but I do not want to do the people of any State any injustice, and I do not think any Senator does, if they can not adjust themselves to these new conditions within the time fixed by this bill. The committee must have thought it was a serious proposition, because, in spite of the opinion of the Senator from Rhode Island, they gave a year themselves for readjustment.

Mr. LIPPITT. I do not see why they can not do everything in a year.

Mr. HARDWICK. Of course, the Senator now convinces me that he does not know very much about the situation.

Mr. LIPPITT. I will say to the Senator that I have been very reluctant to take any part in the discussion of this question, because I am in rather an anomalous situation, representing large cotton-manufacturing districts which have for years suffered from the difference in customs between the two sections; and I do not now want to be put in the position of having it even implied that I am trying to interfere in any way with the southern customs for the purpose of helping New England. I think my course, my silence on the subject, is perhaps an indication of that. But, so far as this practical question goes in regard to the operation of cotton mills, I have no hesitation in saying that there is nothing in it.

Mr. HARDWICK. But the Senator first said they did not need any time at all, and then I understood him to say a year would be enough. Now, if they do not need any time at all, there is no necessity for postponing the operation of this law for even one year. If they do not need any time at all in which to adjust themselves to it, it ought to go into effect from the moment of the President's signature.

Mr. LIPPITT. I do not think I quite said such a thing as that.

Mr. HARDWICK. Yes; I think so. I think the RECORD will demonstrate it.

Mr. LIPPITT. Naturally I think it would take a month or two to meet the conditions.

Mr. HARDWICK. A month or two, then, the Senator says.

Mr. LIPPITT. But as to its requiring more than a year, or even requiring as much as a year, from my own experience in the business I do not think it will.

Mr. OVERMAN. Mr. President, I want to ask the Senator if he could not easily secure labor, equipped labor, men that had been taught before? Was it not easy to get labor in your mills, where it will be difficult in the South to get labor?

Mr. LIPPITT. All over the country in textile manufacturing labor is very scarce indeed, as it is in every industry.

Mr. OVERMAN. I understand that.

Mr. LIPPITT. And that is the usual condition.

Mr. OVERMAN. Was not that so as to your conditions when the hours of labor were reduced—that you had no trouble in getting the necessary labor?

Mr. LIPPITT. I do not think it could be said that we had no trouble. We did have trouble. We had to exert ourselves. We had to reorganize in order to do it.

Mr. OVERMAN. Does not the Senator think that these southern mills would have more trouble than you did in supplying themselves with the labor required to do this work?

Mr. LIPPITT. I think they could do it just as well in one year as in two. I am only giving the Senate my opinion on that subject. I do not think it is a very serious matter whether the bill goes into effect in one year or in two.

Mr. SIMMONS. Mr. President—

Mr. HARDWICK. The Senator from Rhode Island has made a remark to which I wish to reply for a moment. He said that his constituents have suffered from the difference in customs in the two sections on this question. I never heard a more selfish contention advanced on the floor of a legislative body than that embraced in the Senator's statement; nor have his constituents suffered, in my judgment, because the State of North Carolina or any other State had enacted different laws as to labor employment.

Mr. LIPPITT. If the Senator from Georgia will yield to me, when he describes the attitude of New England toward the South on this question as selfish, he uses entirely the wrong language. He should describe it as generosity of the highest order. I want to say to the Senator from Georgia that the only reason why the cotton manufacturing industry was ever established in the South was on account of the humanitarian labor laws that were enacted in Massachusetts and in Rhode Island and Connecticut.

The incipency of it occurred when those States began to establish these laws. It was the change in the running of the textile mills from 11 hours to 10 that gave the lever that made it possible for this industry to establish itself there.

As for the matter of selfishness, I fail to see what selfishness there is in running our industry without protest under these more humanitarian conditions when we allowed a competitor in our own country to go on under other conditions without protest on our part. It does not seem to me that the Senator can make the accusation of selfishness lie under such conditions.

Mr. HARDWICK. I am going to undertake to do it.

Mr. LIPPITT. The Senator undertakes to do many things I should like to see him do.

Mr. HARDWICK. All right. If there ever was an exhibition of the cloven foot on earth it is involved in the Senator's present performance. The Senator says that New England has suffered from this sort of competition. As a matter of fact, if I know anything about the cotton-mill industry, there is very little competition between the finer mills of New England and the coarser mills of the South. Your competition is keener among yourselves. Unfortunately, the South has been so poor, the South has been so prone industrially that she has not been able to give any New England mill one-half of the competition that the same mill got from its neighbors and its near-by competitors. The South has not been able to give New England any real competition in this matter; and why they should say that they have suffered through it, or why the Senator thinks so, is more than I can understand or appreciate.

Mr. LIPPITT. Let me explain to the Senator, as long as he evidently does not understand, and his knowledge is scant on the subject, that what first happened was that the South swept out of New England the manufacture of almost every pound of yarns, and goods made out of yarns, coarser than No. 20; all the drills, the first great fabric, the production of which the South has taken out of the hands of the New England mills, and they have had to substitute other fabrics and more difficult fabrics to manufacture.

Mr. HARDWICK. Now, let me ask the Senator a question.

Mr. LIPPITT. In just a moment.

Mr. HARDWICK. Oh, but wait a minute. I am not going to yield to the Senator unless he lets me interject a remark when I want to do so.



Mr. LIPPITT. The Senator yielded to me.

Mr. HARDWICK. I know; but I have the floor, and I do not want the Senator to cut me off on a question. What inherent natural right has New England to take the cotton grown in our fields and manufacture it rather than have our people manufacture it at home?

Mr. LIPPITT. I will answer the Senator very plainly.

Mr. HARDWICK. You say we drove you out of business.

Mr. LIPPITT. New England has no inherent right to anything that belongs to the South; but I should think, Mr. President, that the Senator from Georgia would be just as well pleased to see mills in the United States of America, located in New England, manufacturing his cotton, as to see it go across the Atlantic Ocean to be manufactured in the mills of Great Britain and Germany and Russia, where two-thirds of his whole crop is manufactured. Of course we have no inherent right in the matter.

Mr. HARDWICK. That is not the competition the Senator was complaining of. It was the southern competition that irked the Senator. It was the southern competition that he said was unfair to his constituency. It was the southern competition that he said drove New England into this business of manufacturing fabrics finer than No. 20.

Mr. LIPPITT. Yes, Mr. President.

Mr. HARDWICK. We were not discussing foreign competition, British spinning and weaving, or German spinning and weaving—not at all. The Senator was complaining almost as if it had been a bone that had been in his possession a long time and conditions had come about which made him drop part of that bone, and it did not go to Great Britain or to Germany, but it went back to the people of the South, in whose midst the cotton was raised.

Mr. LIPPITT. Oh, Mr. President, will not the Senator yield?

Mr. HARDWICK. No; I am going to get through first. The Senator can speak in his own time.

Mr. LIPPITT. If the Senator from Georgia understood the situation in New England on this question, he never would make such charges as that.

Mr. HARDWICK. I am afraid I do understand it.

Mr. LIPPITT. Let me say to the Senator that, as one cotton manufacturer, I have always been very much pleased, indeed, to see the South take up that industry.

Mr. HARDWICK. I am glad to hear the Senator say that.

Mr. LIPPITT. I have not complained of the competition which she gave us. I have stood it, in spite of the fact that it was competition very difficult to meet. I know the question of how to meet that competition cost me many, many nights of anxious thought. It took out of the mills in which I myself was interested fabrics that we would have been very glad to continue to make. I did not complain about it then, however, and I do not complain about it now. We in New England went to work to supply that deficiency. We were glad to see the South diversifying. We thought it was a good thing for America that those mills should be there. But because we did that it does not prevent me in a friendly spirit from stating frankly what was the condition forced upon us which it was very difficult to meet. I think the Senator is not dealing in a sense of justice and fairness when he makes that statement.

Mr. HARDWICK. I was judging the Senator only by his remarks. I know one of the potent forces behind this legislation is commercial rivalry of the very sort the Senator describes.

Mr. LIPPITT. The Senator is mistaken.

Mr. HARDWICK. I am not charging the Senator personally with it, and I am very glad to get from him an express disclaimer, because the position he assumed seems to indicate that efforts of that sort were not remote from his own mind.

Mr. LIPPITT. Mr. President—

Mr. HARDWICK. Just a moment. As far as the Senator is concerned, I, of course, accept his personal disclaimer as to his own position and his own views; but the fact does remain, in my judgment, and I do not hesitate to assert it here, that the industries in other sections of the country that think the South has some advantage in regard to this question is in a large measure and to a great extent behind this bill and supporting it for purely selfish reasons.

Mr. LIPPITT. The Senator from Georgia knows perfectly well there has been an enormous sum of money spent in advocacy of this bill. He knows there has been a lobby here advocating this measure for the last two or three years as vigorous as any lobby that ever appeared in the Halls of Congress. I have been told that one or two hundred thousand dollars have been spent in the advocacy of this measure. I venture to say that if the Senator will go to the books of the association that has been responsible for it he will find that not a single dollar was subscribed by the people whom he describes,

Mr. HARDWICK. I do not know anything about it.

Mr. LIPPITT. On the contrary, this measure has been backed by the idealists and the humanitarians of the country. It is the ministers, the women, those we sometimes call the uplifters, who have been behind this bill, and it has not been because of rivalry in commerce.

Mr. HARDWICK. Is the Senator going to vote for this bill?

Mr. LIPPITT. I have been in great doubt whether to vote for the bill or not. I have been very much impressed by the argument that it is not for the Federal Government to take this power of control of these industries, but the province for the States themselves. I have been urged to do it by more people in my State than any other one measure that has been brought to my attention. Among those I may say that there has not been one engaged in manufacture.

Mr. HARDWICK. I was going to ask the Senator about that.

Mr. LIPPITT. So far as I know, not a single one, but a very large number of women, a great number of clergymen and of lawyers. I think the Senator is entirely mistaken in his remarks.

Mr. HARDWICK. The Senator and I will not have any quarrel about that.

Mr. LIPPITT. The Senator misunderstands the question entirely if he thinks it is a question of commercial rivalry.

Mr. HARDWICK. It has something to do with it. I am not mistaken about that.

Mr. WEEKS. Mr. President—

Mr. HARDWICK. I yield to the Senator from Massachusetts.

Mr. WEEKS. I represent in part the largest cotton manufactures in the State, if not in the Union. I do not recall—and I think I am stating the entire fact—I do not recall an instance where I have had a word of any kind, personally or by letter, from any manufacturer or anybody engaged in cotton manufacturing in Massachusetts in favor of this legislation. The pressure, as far as my State is concerned, has come from the classes of people described by the Senator from Rhode Island. I think the Senator from Georgia is doing those who are engaged in the cotton-manufacturing industry in other sections of the country an injustice.

Mr. HARDWICK. No; I am not. I know what I am talking about. So far as the Senator's own statement is concerned, I acquit him, of course, of any such sentiment, but I have had letters myself from people engaged in this business in other States. I will not name the States, although if my statement is further challenged I will disclose the identity of the State and put it in the RECORD, protesting against the bill because they did not have a fair chance of competition with people who employ child labor. That argument has been used in letters written to me about this very measure.

Mr. WEEKS. If they have come from Massachusetts it is very strange that those who represent Massachusetts have not received any.

Mr. HARDWICK. I do not know that any one of them came from Massachusetts, although that is not material. They were sent to me because of the fact of my well-known opposition to the bill.

Mr. PENROSE. Will the Senator permit me inquiry?

Mr. HARDWICK. I yield.

Mr. PENROSE. I have heard nothing about this commercial rivalry. I represent one of the largest manufacturing States in the Union, engaged in all kinds of industry. It is my idea that the way this bill has come to life is that the President of the United States paid a visit to the Capitol and issued his personal directions to the Democratic caucus. Certainly the distinguished leader of the Senator's party would not be an accomplice in bolstering up one section of the country to the destruction of the other. The Senator certainly does not mean to argue that this bill would ever have been considered prior to the adjournment of the present session if President Wilson had not personally visited the Capitol and directed the Democratic caucus to take up the measure after they had determined not to have it considered at this session.

Mr. HARDWICK. Mr. President, I thought we had gone over that subject pretty well already.

Mr. PENROSE. I was not in the Chamber when it was gone over. I simply made the inquiry for my own information.

Mr. HARDWICK. For the Senator's benefit I will say this. I think the Senator is partially right. I do not think this legislation would have been considered at the present session of Congress if it had not been for the visit of the President to the Capitol, his real visit; I never heard it denied; and for a certain position the President took, or is alleged to have taken, with respect to this very matter.

Mr. PENROSE. Will the Senator permit me?

Mr. HARDWICK. In just a moment. I have no idea, and I do not think any Senator on either side of the Chamber could

possibly entertain such an idea, that the President of the United States, whatever motives may have influenced him, could possibly have been influenced by this commercial rivalry business. He is not engaged in the business at all in a personal way; it could have no personal effect upon him. That part of the Senator's suggestion is, I think, inapt.

Mr. PENROSE. I wish to make another inquiry of the Senator if he will permit me.

Mr. HARDWICK. Yes.

Mr. PENROSE. Does the Senator think this method of legislation is in accord with the parliamentary traditions of a deliberative body for a majority of this Chamber to get behind closed doors and locked doors and have the Executive come down here to the Capitol, who is not a member of the legislative branch of the Government, and tell them what they shall do and what they shall not do?

Mr. HARDWICK. Mr. President, I do not think that the conference was behind locked doors. The Senator will find the doors open during this sort of weather at least. But that is neither here nor there. As far as I am concerned, I want to say this: I think it is necessary for all political parties to have conferences or caucuses, or whatever you please to term them, about important measures that are pending. I do not think these political parties have a right to embrace in the subject matter of their consideration during these party conferences, measures that are utterly foreign to the declared party policy, about which there is no established party policy. Still it has been sometimes done, and sometimes Senators of both parties may, I think, have yielded to persuasion of that character.

As I said the other day when this debate began, personally I do not think that any President of the United States, be he Democrat or Republican or what not, ought to participate in anything like an attempt to control or influence legislation in any other except the way pointed out by the Constitution. I think it is a great mistake that we have drifted into such a course.

But the Senator and his party are certainly fully as guilty as my party, or its President, for the reason that this delightful practice of getting orders or suggestions or commands or entreaties, whatever you might term them, from the other end of the Avenue did not originate in this administration. The truth is, I think, it is all utterly wrong. I do not think we ought to permit it, and there is very little justification for it; but we all know our political system has developed in such a way, by an extra constitutional growth, that the President of the United States is not only the Chief Executive of the Nation charged with the duty of communicating with Congress in the manner prescribed by the Constitution, namely, by message, but so that he is also the leader of a great party, and as such he is entitled to consult with, and does consult with, his party associates in both Houses of Congress.

Intrusted with the leadership of his party, it is claimed that he has a right—and I am not fully prepared to dispute it, though I deprecate it—to advise his party associates about pending legislative measures, especially when he thinks those measures would very deeply affect the interests of the party. At any rate, that is the basis upon which all recent attempts of this kind by our Executives, from Roosevelt's day to this, must rest.

Mr. THOMPSON. Does not the Senator from Georgia recognize the right of the President under the Constitution to recommend legislation?

Mr. HARDWICK. The Senator need not ask me such a question as that. Everybody knows that who has read the Constitution.

Mr. THOMPSON. He has a constitutional right, and I desire to call the Senator's attention to section 3 of Article II, which makes it the absolute duty of the President.

Mr. HARDWICK. The Constitution of the United States does charge the Chief Executive of the Government with the duty of communicating his views respecting legislation to Congress, but he delivers it by message to both Houses of Congress in the way prescribed by the Constitution and in the manner laid down in that instrument. It is an entirely different proposition from that when the President of the United States comes up and privately advises with some Members of one branch of Congress about legislation.

Mr. THOMPSON. I desire to call the Senator's attention to the clause in the Constitution—

Mr. HARDWICK. Suppose you have it read.

Mr. THOMPSON. I desire to read section 3 of article 2.

Mr. HARDWICK. All right, read it.

Mr. THOMPSON (reading)—

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

That is exactly what the President has done in this case, nothing more nor less, so far as I know; and I am certainly glad he did it.

Mr. HARDWICK. Is that the way the Senator construes that section of the Constitution, that it means the President may come here privately and call out one Senator or call out three or four Senators and sit down and tell them what Congress ought to do?

Mr. THOMPSON. I know of nothing of that kind happening.

Mr. HARDWICK. I said just now I do not approve of that way of doing. More than one President has done it. All Presidents have done it since my experience in public affairs began, if we are to believe what is reported and published. I am not willing for you to blame my President more than I blamed yours. When the conditions were reversed President Roosevelt and President Taft undertook to do the same sort of thing. They were all tarred with the same stick. Those people who think it is wrong for the President to do that must condemn it impartially and without any partisanship. If excuses can be made for the others they can also be made for President Wilson, as well as for Mr. Roosevelt and as for Mr. Taft. The fact that the President is the leader of the great political party to which he belongs is some excuse if not entire justification for that sort of a position. I assume that the President of the United States, whether he is Democrat or Republican, would not come up and lay very strenuous commands on Congress. He might suggest in a delightful, tactful, considerate way that he thought a certain procedure might be for the benefit of the country and for the best interests of the party. I assume in the absence of definite and contrary information from somebody else that that is what the President of the United States did in this case, but no more. I hope he did no more. Now, going back to the amendment. I did not intend to get away from it.

Mr. SIMMONS. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. SIMMONS. The Senator has asked a very pertinent question, whether any reliable and definite information had been furnished Senators with respect to the merits of the amendment offered by my colleague. I will say to the Senator that quite a number of leading cotton manufacturers in my State have called upon me with reference to this amendment. Among them there were three of the most prominent cotton manufacturers of the State. They are gentlemen of as high character as live in North Carolina, and I would accept as absolute verity any statement they would make to me.

Those gentlemen discussed fully with me, and I am sure they did with my colleague, the merits of the amendment and the reasons why they felt that justice to them, if this bill was to become a law, required that its operation should be postponed for at least two years. They stated to me that the mill is divided into three parts; that the machinery of those parts is so evenly balanced and adjusted that one department in 24 hours or in a given length of time would do the same work that the other departments did in the fabrication of cotton goods in that same period. That is, they said the spinning room, in which the children and the women are employed, is provided with machinery that would take up and manipulate the entire output of the carding room for that day; that it would take up and finish the entire work of the weaving room during that period; each of the separate rooms working the same number of hours. They said, if you require one of the rooms to operate for 8 hours and the other rooms to operate for 10 hours, that it would unbalance the whole system of production and manufacture.

Mr. HARDWICK. Then the Senator thinks the amendment really ought to be adopted.

Mr. SIMMONS. Yes. To complete my statement, the suggestion was that they wished to continue to employ child labor, and to employ it according to the provisions of this act; that is, between the ages of 14 and 16, and to require them to work only eight hours a day. They wished also to continue in the card room and the weaving room with adult laborers working 10 hours a day. They said in order to enable the children to work in the spinning room and keep up with the adults employed in the card room and the weaving room it would be necessary to increase the capacity of the machinery 20 per cent, and it would be also necessary to enlarge the space occupied by that machinery.

Mr. KERN. Suppose that the children in the spinning room were superseded by adult labor, would any alteration at all be required?

Mr. SIMMONS. Of course not, Mr. President; but the purpose of this bill is not to deny the cotton manufacturers the privilege to employ child labor, but it is to require them, if they do employ child labor, to work the children only



eight hours a day and between certain ages. They stated it was their purpose to continue to employ child labor according to the terms of this bill—not in violation of its terms, but in pursuance of the terms of the bill. They stated that labor was scarce, anyway; that some of these children were already skilled laborers in these rooms; and, as a matter of getting skilled labor and labor already fitted and trained in this work, they proposed to continue to employ child labor in these rooms, but to employ it according to the terms of the bill.

The trouble comes right there, Mr. President, according to the statement of these gentlemen to me. They said that they had thoroughly investigated the matter—and I have no doubt about the truth of their statement—and they had ascertained that it would be impossible for them within the course of one year to secure the machinery necessary to make this change. They said that they found that the manufacturers of this machinery were crowded with orders ahead, and that they would be utterly unable to secure the machinery within the next 12 months. Therefore they asked, as a matter of justice, that they be given the necessary time to enable them to get the necessary additional machinery, for it is clear that if child labor is to be used at all in the spinning room, and to be worked only eight hours, while the other rooms are operated for 10 hours during the day, the space must be enlarged, and there must be additional machinery. That additional machinery must be purchased in the market, and they stated, as a matter of fact, that they were unable to get the machinery; that they had investigated the matter thoroughly and found they could not possibly get it within 12 months. That is the statement they made to me, and I have every reason to believe it is absolutely true.

Mr. HARDWICK. Accepting that statement at its full value—and I know the Senator from North Carolina [Mr. SIMMONS] would not make it on this floor unless he was convinced that it was truthful—I expect to vote for the amendment proposed by the other Senator from North Carolina [Mr. OVERMAN], because I do not believe that any Member of this body wants to work a real hardship on those people and not to give them a reasonable opportunity to get themselves ready to comply with this proposed law, if it shall be sustained by the courts. But for that, Mr. President—

Mr. BRANDEGEE rose.

Mr. HARDWICK. Does the Senator from Connecticut want to take the floor or does he desire to interrupt me?

Mr. BRANDEGEE. I thought the Senator had concluded.

Mr. HARDWICK. I have about concluded, but not quite. But for that I should vote against the amendment; but for that I should vote to strike out the one year of delay which is in the bill, because I am anxious that this question shall get to the Supreme Court of the United States, and shall get there as speedily as possible.

Mr. CURTIS. I move to lay the amendment on the table.

The VICE PRESIDENT. The question is on laying the amendment on the table.

Mr. LA FOLLETTE. May I ask the Senator from Kansas if he will withhold that motion for a moment?

Mr. CURTIS. I regret that I can not accede to the request of the Senator from Wisconsin, because I have been waiting for two days to vote for the original measure. I shall be compelled to leave the Chamber in a few moments. Therefore I must insist on my motion to lay the amendment on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas to lay the amendment on the table.

Mr. OVERMAN. I ask for the yeas and nays, Mr. President.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. DU PONT], but I understand that if he were present he would vote as I shall vote on this bill and the amendment. I therefore shall vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. For that reason I withhold my vote.

Mr. GALLINGER (when his name was called). I have a pair with the senior Senator from New York [Mr. O'GORMAN], but on this bill I am privileged to vote, and I vote "yea."

Mr. LIPPITT. I have a pair with the senior Senator from Montana [Mr. WALSH]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr.

LODGE]. In his absence I withhold my vote. Were I at liberty to vote, I should vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from Nevada [Mr. NEWLANDS], but on this bill I am free to vote, and I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. TILLMAN (when his name was called). I should like to vote "nay," but I can not get a transfer of my pair. So I will content myself with announcing my pair with the Senator from West Virginia [Mr. GOFF].

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent and I do not know how he would vote on this particular question if he were present. I therefore withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. In his absence I withhold my vote.

The roll call was concluded.

Mr. TOWNSEND. I desire again to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. If my colleague were present, he would vote "yea."

Mr. LEWIS. I wish to announce the enforced absence of the Senator from Ohio [Mr. POMERENE].

Mr. THOMPSON. I am paired with the Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SHAFROTH. I have a pair with the Senator from Washington [Mr. POINDEXTER], but I understand he would vote the same way I intend to vote, and therefore I shall take the liberty of voting. I vote "yea."

Mr. BRYAN. I am requested to announce that the senior Senator from Arkansas [Mr. CLARKE] is necessarily absent and that he is paired with the junior Senator from Utah [Mr. SUTHERLAND].

Mr. ROBINSON. The Senator from Ohio [Mr. POMERENE] is unavoidably absent. If he were present, he would vote "yea."

Mr. REED. Transferring my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. MARTINE], I vote "yea."

Mr. COLT. I have a pair with the junior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this question, and I vote "yea."

Mr. JONES. I should like to vote directly against the amendment; but as I can not do so, I shall vote "yea" on this motion.

Mr. MYERS. I desire to announce that my colleague [Mr. WALSH] is unavoidably absent.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. TAGGART. I wish to announce the absence of the junior Senator from Delaware [Mr. SAULSBURY]. If he were present, he would vote "yea."

Mr. BRANDEGEE (after having voted in the affirmative). I desire to announce that I am paired on this bill with the senior Senator from Ohio [Mr. POMERENE], but we had an understanding that I could vote as I chose on amendments and interlocking motions, and therefore I will let my vote stand.

Mr. KENYON. I desire to announce the necessary absence of the Senator from Washington [Mr. POINDEXTER]. If present, he would vote "yea."

The result was announced—yeas 42, nays 14, as follows:

#### YEAS—42.

Ashurst	Hitchcock	Myers	Smoot
Beckham	Hughes	Nelson	Sterling
Brandegee	Husting	Norris	Stone
Chamberlain	James	Oliver	Swanson
Chilton	Johnson, S. Dak.	Penrose	Taggart
Clark, Wyo.	Kenyon	Phelan	Thompson
Colt	Kern	Pittman	Townsend
Cummins	La Follette	Reed	Weeks
Curtis	Lane	Robinson	Works
Fall	Lee, Md.	Shafroth	
Gallinger	Martin, Va.	Sheppard	

#### NAYS—14.

Bankhead	Culberson	Overman	Warren
Borah	Fletcher	Shields	Williams
Bryan	Hardwick	Simmons	
Clapp	Lewis	Smith, S. C.	

#### NOT VOTING—39.

Brady	Dillingham	Gronna	Jones
Broussard	du Pont	Harding	Lea, Tenn.
Catron	Goff	Hollis	Lippitt
Clarke, Ark.	Gore	Johnson, Me.	Lodge

McCumber	Page	Smith, Ariz.	Tillman
McLean	Poinceter	Smith, Ga.	Underwood
Martine, N. J.	Pomerene	Smith, Md.	Vardaman
Newlands	Ransdell	Smith, Mich.	Wadsworth
O'Gorman	Saulsbury	Sutherland	Walsh
Owen	Sherman	Thomas	

So Mr. OVERMAN's amendment was laid on the table.

Mr. THOMAS. Mr. President, I offer the amendment of which I gave notice a day or two ago, and ask that it be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 5, line 24, after the word "meridian," it is proposed to strike out the colon and insert a comma and the following words:

or any article or commodity the product of any farm which is the material for the product of any mill, cannery, workshop, factory, or manufacturing establishment in the United States upon which children under the age of 14 years have been employed or permitted to work or children between the ages of 14 and 16 years have been employed or permitted to work more than 11 hours a day.

Mr. THOMAS. I ask for a vote on the amendment.

Mr. KENYON. Does the Senator desire the yeas and nays?

Mr. THOMAS. I do not ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was rejected.

Mr. BRANDEGEE. Mr. President, at the time the amendment of the Senator from North Carolina [Mr. OVERMAN] was pending I made several ineffectual efforts to get recognition. I wanted to say something on his amendment, but a motion to table it was made, so I could not do so.

Mr. President, I ask to have read a letter received from the secretary of the southern branch of the National Child Labor Association in relation to the amendment proposed by the Senator from North Carolina. It is a short letter, and I think other Senators have received similar letters.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[National Child Labor Committee, 105 East Twenty-second Street, New York City. Honorary members: Woodrow Wilson, William H. Taft, and Theodore Roosevelt. Executive officers: Felix Adler, chairman; Homer Folks and Samuel McCune Lindsay, vice chairmen; V. Everit Macy, treasurer; Owen R. Lovejoy, general secretary, 105 East Twenty-second Street, New York City; A. J. McKelway, secretary for Southern States, 204 Bond Building, Washington, D. C.; Edward N. Clobber, secretary for Northern States, 105 East Twenty-second Street, New York City. Board of trustees: Felix Adler (chairman), Jane Addams, Mrs. Caroline B. Alexander, Francis G. Caffey, Edward T. Devine, Homer Folks, William E. Harmon, Mrs. Florence Kelley, Adolph Lewisohn, Samuel McCune Lindsay, V. Everit Macy, Charles P. Nell, Isaac N. Seligman, Lillian D. Wald, Paul M. Warburg, Stephen S. Wise, and John W. Wood.]

WASHINGTON, D. C., August 7, 1916.

Senator FRANK B. BRANDEGEE,  
Senate Office Building, Washington, D. C.

DEAR SENATOR: In behalf of the children who are to be affected by the passage of the Federal child-labor bill, I wish to enter my earnest protest against the proposed amendment postponing for two years the operation of this law. It would mean that 12-year-old children could enter factories, either in accordance with or in violation of existing law, and would not be rescued by the operation of the Federal bill. The friends of the measure outside of Congress were willing to agree to a postponement of one year after the passage of the bill, but it will be a great disappointment to those who have the interests of the children at heart if this is lengthened to two years.

State after State has passed just such legislation as that proposed, or more advanced legislation, and it has never been thought necessary to wait two years before a State law should go into effect. Any establishment can adjust itself in one year. And since this bill allows children between 14 and 16 to be employed as much as 8 hours a day between the hours of 6 a. m. and 7 p. m., or 13 hours in all, those employed in the spinning room of cotton mills can be employed for two shifts of 6½ hours each, without the necessity of providing any more machinery.

Earnestly hoping that this proposed amendment will be defeated, I remain,

Cordially, yours,

A. J. MCKELWAY,  
Secretary for the Southern States.

Mr. BRANDEGEE. Mr. President, Mr. McKelway is the gentleman who appeared before the committee in regard to this bill.

Mr. OVERMAN. I understood the Senator to say that the letter was from some manufacturers' association?

Mr. BRANDEGEE. No; from the National Child Labor Association, of which Mr. McKelway is the secretary for the southern branch, as I understand. Mr. Woodrow Wilson, Mr. Theodore Roosevelt, and Mr. William Howard Taft are the three honorary presidents of the association, I will say to the Senator.

Mr. OVERMAN. I misunderstood the Senator. I thought it was a letter from some manufacturers' association.

Mr. TILLMAN. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from South Carolina.

Mr. TILLMAN. If the Senator is through, I desire to offer an amendment.

Mr. BRANDEGEE. I will give the Senator a chance to do that when I get through.

Mr. President, I have no disposition to hurry the mills in making their adjustments if this bill is to pass; but I doubt whether even two years would be of any use to them, because I think that their opinion is, and the opinion of their legal advisers in many instances is, that the law will be declared to be unconstitutional. So I do not think that they will attempt to adapt themselves to the provisions of the law, but will rely upon a declaration of the courts that it is invalid. Were it not for that I should be inclined to give time for any adaptation that might be necessary if I were satisfied that it is needed; but I am not quite satisfied that it is needed; and in view of the fact that if this law is to be contested, I want it to be contested at the earliest possible opportunity and settled at the earliest possible moment, I was compelled to vote to lay the amendment on the table.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. I notice that the Senator read into the Record the other day a statement in regard to a great deal of money being spent. Was it for the purpose of lobbying, and by whom was it spent?

Mr. BRANDEGEE. I did not say that it was used for lobbying. I read from the testimony of this same gentleman, Mr. McKelway, before the committee.

Mr. OVERMAN. Oh, that was Mr. McKelway, was it?

Mr. BRANDEGEE. About the amount of money which they raised each year, which was \$60,000, if I remember correctly; but I have no criticism to make upon that. It is simply, in one view of it, testimony to the earnestness of the people who are back of this movement, if they are willing to spend their money in publicity and in trying to impress their views upon the country. I simply cite that as an evidence of the pertinacity of it and to show that even if this Congress should vote against the bill it would come up again, and would be in the same situation next year, and the year after, and the year after, until it is settled one way or the other.

That is all I have to say about that.

Mr. TILLMAN. Mr. President, I have an amendment here which I wish to offer. I explained it a little while ago in my speech.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 13, after the word "years," it is proposed to insert the words "who can not read and write"; and, on page 5, line 20, after the word "years," it is proposed to insert the words "who can not read and write."

Mr. TILLMAN. It simply means that I want to keep children who can not read and write out of cotton mills.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Repeating the announcement in regard to my pair that I made on the former roll call, I vote "yea."

Mr. BRANDEGEE (when his name was called). As I announced before, I am paired with the senior Senator from Ohio [Mr. POMERENE] and therefore withhold my vote. If the Senator from Ohio were here he would vote "yea" on the bill, and I would vote "nay" if I were at liberty to vote.

Mr. BRYAN (when the name of Mr. CLARKE of Arkansas was called). The senior Senator from Arkansas [Mr. CLARKE] is unavoidably absent. He is paired with the junior Senator from Utah [Mr. SUTHERLAND].

Mr. COLT (when his name was called). Making the same announcement that I made before, I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."



Mr. LIPPITT (when his name was called). I transfer my pair with the senior Senator from Montana [Mr. WALSH] to the junior Senator from Vermont [Mr. PAGE] and will vote. I vote "yea."

Mr. WEEKS (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is unavoidably absent. I wish to announce that if he were present he would vote "yea."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN], who is absent. I am authorized to announce that if the Senator from Connecticut were here he would vote "yea." That being the case, I am at liberty to vote. I vote "yea."

Mr. DILLINGHAM (when Mr. PAGE's name was called). I desire to announce that my colleague [Mr. PAGE] is necessarily absent from the Senate, and, as has been announced by the Senator from Rhode Island, he stands paired, but if present he would vote "yea."

Mr. JONES (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is necessarily absent. If he were present, he would vote "yea."

Mr. ROBINSON (when Mr. POMERENE's name was called). The senior Senator from Ohio [Mr. POMERENE] is unavoidably absent. If he were present, he would vote "yea."

Mr. REED (when his name was called). Making the same transfer as on the last roll call, I vote "yea."

Mr. SHAFROTH (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER]. I am informed that if he were present he would vote "yea." Therefore I am at liberty to vote and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], and for that reason withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I again announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. If my colleague were present, he would vote "yea."

Mr. STERLING (when his name was called). Making the same announcement that I made before with reference to my pair, I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the absence of my colleague [Mr. SUTHERLAND] and to state that he has a pair with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER] and therefore withhold my vote. If I were at liberty to vote, I should be compelled to vote against the measure.

Mr. THOMPSON (when his name was called). I am paired with the senior Senator from Illinois [Mr. SHERMAN]. I am informed that if he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. TILLMAN (when his name was called). Announcing the same pair that I announced before, I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]; but the secretary to Senator HARDING has informed me that if Senator HARDING were present he would vote "yea"; and as I am for the bill I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I understand that if he were present he would vote as I shall vote, so I vote "yea."

Mr. MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent. He is paired with the senior Senator from Rhode Island [Mr. LIPPITT]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON]. I am informed that if he were present he would vote for the bill, and I therefore feel at liberty to vote. I vote "yea."

Mr. TAGGART. I desire to announce the absence of the junior Senator from Delaware [Mr. SAULSBURY]. If he were present, he would vote "yea."

Mr. SMITH of Georgia. I learn that I can transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. BROUSSARD], which I do and vote "nay."

Mr. GALLINGER. I have been requested to announce the unavoidable absence of the Senator from Delaware [Mr. DU

PONT], the Senator from Ohio [Mr. HARDING], the Senator from Illinois [Mr. SHERMAN], the Senator from New York [Mr. WADSWORTH], and the Senator from Idaho [Mr. BRADY], all of whom, if present, would vote "yea."

I have also been requested to announce the following pairs: The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. LEWIS. I desire to announce the unavoidable absence of the Senator from New Jersey [Mr. MARTINE] and the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 52, nays 12, as follows:

#### YEAS—52.

Ashurst	Gronna	Lippitt	Smith, Ariz.
Beckham	Hitchcock	Martin, Va.	Smoot
Borah	Hughes	Myers	Sterling
Chamberlain	Husting	Nelson	Stone
Chilton	James	Norris	Swanson
Clapp	Johnson, S. Dak.	Phelan	Taggart
Clark, Wyo.	Jones	Pittman	Thompson
Colt	Kenyon	Ransdell	Townsend
Culberson	Kern	Reed	Underwood
Cummins	La Follette	Robinson	Vardaman
Curtis	Lane	Shafroth	Warren
Fall	Lee, Md.	Sheppard	Weeks
Gallinger	Lewis	Shields	Works

#### NAYS—12.

Bankhead	Hardwick	Penrose	Smith, S. C.
Bryan	Oliver	Simmons	Tillman
Fletcher	Overman	Smith, Ga.	Williams

#### NOT VOTING—31.

Brady	Gore	Martine, N. J.	Sherman
Brandegge	Harding	Newlands	Smith, Md.
Broussard	Hollis	O'Gorman	Smith, Mich.
Catron	Johnson, Me.	Owen	Sutherland
Clarke, Ark.	Lea, Tenn.	Page	Thomas
Dillingham	Lodge	Poindexter	Wadsworth
du Pont	McCumber	Pomerene	Walsh
Goff	McLean	Saulsbury	

So the bill was passed.

Mr. ROBINSON. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NEWLANDS, Mr. ROBINSON, and Mr. CLAPP conferees on the part of the Senate.

#### THE MERCHANT MARINE.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 15455, known as the ship-purchase bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. Mr. President, I suppose the Senator does not intend to go on with the consideration of the bill to-night, does he?

Mr. SIMMONS. No; I do not. I will say to the Senator that I am going to ask unanimous consent to lay the bill aside temporarily. I make that request.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the bill is temporarily laid aside.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1159. An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes; and

S. 6308. An act to authorize the Secretary of the Interior to lease, for production of oil and gas, ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming.

The message also announced that the House had passed the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5466) to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River, at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5. An act for erecting a suitable memorial to John Ericsson;

H. R. 6904. An act authorizing the conveyance of the United States jail and land on which the same is located at Guthrie, Okla., to Logan County, Okla.;

H. R. 7591. An act to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913;

H. R. 8816. An act authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States;

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.;

H. R. 12712. An act to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes";

H. R. 14824. An act to prevent fraud at public auctions in the District of Columbia;

H. R. 15096. An act to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States;

H. R. 15575. An act to amend the act of March 22, 1906, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes";

H. R. 16417. An act to provide for the exportation of gin in bond in other than original packages;

H. R. 16532. An act authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes; and

H. R. 16700. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913.

#### PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition of the Public Service Commission of the State of Wyoming praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of Admiral R. D. Evans Camp, United States Spanish War Veterans, of Sacramento, Cal., praying for the passage of the so-called Nolan minimum-wage bill, which was referred to the Committee on Education and Labor.

Mr. GRONNA presented a memorial of sundry citizens of Grand Forks, N. Dak., remonstrating against the enactment of legislation to provide compulsory arbitration of labor disputes, which was referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway Co. and to

the Anheuser-Busch Brewing Association and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively, reported it without amendment and submitted a report (No. 768) thereon.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 1989) for the relief of the Methodist Episcopal Church and the Presbyterian Church, Keyser, W. Va., reported it without amendment and submitted a report (No. 770) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 162) proposing to amend section 2971 of the Revised Statutes of the United States, reported it with an amendment.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo., reported it without amendment and submitted a report (No. 769) thereon.

#### PUBLIC PARK AT FLANDREAU, S. DAK.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds, and I submit a report (No. 767) thereon. I call the attention of the Senator from South Dakota [Mr. JOHNSON] to the report.

Mr. JOHNSON of South Dakota. Mr. President, I should like to ask unanimous consent of the Senate that the bill be acted upon at once. A Senate bill exactly similar to this bill passed the Senate on Saturday last. I hope, therefore, that unanimous consent will be given for the present consideration of this bill.

Mr. SMOOT. Mr. President, there is so much confusion in the Chamber that I could not hear a word the Senator from South Dakota said.

The VICE PRESIDENT. The request is for the immediate consideration of the bill just reported by the Senator from Montana [Mr. MYERS] upon the statement that identically the same bill, being a Senate bill, passed the Senate on Saturday last.

Mr. PENROSE. What is the bill, Mr. President?

Mr. JOHNSON of South Dakota. I repeat, the bill is identical with a Senate bill which passed this body on last Saturday. It is rather an important matter. There are no objections to the bill from any source. The House of Representatives will not have any more committee work at this session, and this is the only way in which this bill can be passed at this session.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota for unanimous consent for the present consideration of the bill?

Mr. SMOOT. I understand that the bill now reported from the committee is a House bill?

The VICE PRESIDENT. Yes; and the statement has been made that it is identical with the bill which passed the Senate on Saturday last.

Mr. JOHNSON of South Dakota. This is the same bill, except that that was a Senate bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NEWARK TWO HUNDRED AND FIFTIETH ANNIVERSARY CELEBRATION.

Mr. HUGHES. On behalf of the Senator from Alabama [Mr. BANKHEAD] I report from the Committee on Post Offices and Post Roads favorably without amendment the joint resolution (H. J. Res. 193) authorizing the Postmaster General to provide the postmaster at Newark, N. J., with a special canceling die for the Newark Two hundred and fiftieth Anniversary Celebration, and I ask unanimous consent for its present consideration. A similar joint resolution passed the Senate, and the House passed its own joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.



The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOMESTEAD RESIDENCE OF SOLDIERS.

Mr. MYERS. The joint resolution (H. J. Res. 247) extending the provisions of an act approved June 16, 1898, passed the House, came to the Senate and was referred to the Committee on Military Affairs. A like resolution has been acted upon by the Senate Committee on Public Lands. I ask unanimous consent that House joint resolution 247 be withdrawn from the Committee on Military Affairs and that it be referred to the Committee on Public Lands. I may say this course is agreeable to the chairman of the Senate Committee on Military Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

#### PROPOSED BUREAU OF LABOR SAFETY.

Mr. SMITH of Georgia. Mr. President, a day or two ago, when we were considering the calendar, upon motion the bill H. R. 153, known as the safety-appliance bill, was recommitted to the Committee on Education and Labor. I have prepared a substitute for the bill which I desire to offer and have printed, although I am not ready to report it. I present it in order to have it printed.

The VICE PRESIDENT. It will be so ordered.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 6806) granting an increase of pension to Marion V. Stansbury; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6807) fixing and establishing a boundary line between the property of the United States of America, on Salmon Bay, State of Washington, and the property of Betterton-Morgan Co. (Inc.), a corporation, giving authority and providing for the conveyance of property in connection therewith, and for other purposes; to the Committee on Military Affairs.

#### BALTIMORE & WASHINGTON TRANSIT CO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896, which were, on page 2, line 4, after "District," to strike out quotation marks; on page 2, line 5, to strike out "Sec. 2"; on page 2, line 17, to strike out all after "Columbia" down to and including "company," in line 21, and insert in lieu thereof the following: "the said transit company shall comply with the laws and regulations relating to the paving and repairing of streets in the District of Columbia, and to amend the title so as to read: 'An act to amend an act approved May 29, 1908, entitled 'An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia,' approved June 8, 1896.'"

Mr. MARTIN of Virginia. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### LANDS IN CALIFORNIA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, which were, on page 1, line 3, to strike out "Interior Department" and insert "Secretary of the Interior"; on page 1, line 3, after "and," to insert "he"; on page 1, line 3, after "authorized," to strike out the comma and insert "and"; on page 1, lines 4 and 5, to strike out "and directed immediately to proceed by all necessary and proper means" and insert "in his discretion in so far as the authorization made herein will permit"; on page 1, lines 7 and 8, to strike out "what are known as the western deserts and"; on page 1, line 9, to strike out "in the State of California"; on page 2, line 15, to strike out all after "authorized," down to and including "Survey," in line 17; on page 3, line 3, to strike out all after "Sec. 4," down to the period in line 8, and insert "That the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this act into full force and effect"; and to amend the title so as to read: "An act providing for the

discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same."

Mr. WORKS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### ABANDONED MILITARY RESERVATIONS IN NEVADA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5466) to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890, which was, in line 7, after the word "otherwise," to insert: "Provided, That this act is intended to make applicable to the desert-land laws only such lands as were included under the act of March 3, 1877, providing for the disposition of public lands under the desert-land laws."

Mr. PITTMAN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 6904. An act authorizing the conveyance of the United States jail and land on which the same is located at Guthrie, Okla., to Logan County, Okla.;

H. R. 15096. An act to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States;

H. R. 15575. An act to amend the act of March 22, 1906, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes; and

H. R. 16532. An act authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 7591. An act to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913;

H. R. 12712. An act to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes";

H. R. 14824. An act to prevent fraud at public auctions in the District of Columbia; and

H. R. 16700. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913.

H. R. 5. An act for erecting a suitable memorial to John Ericsson, was read twice by its title and referred to the Committee on the Library.

H. R. 8816. An act authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States, was read twice by its title and referred to the Committee on Commerce.

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn., was read twice by its title and referred to the Committee on Fisheries.

H. R. 16417. An act to provide for the exportation of gin in bond in other than original packages was read twice by its title and referred to the Committee on Finance.

#### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

#### RECESS.

Mr. KERN. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m., Tuesday, August 8, 1916) the Senate took a recess until to-morrow, Wednesday, August 9, 1916, at 10 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate August 8 (legislative day of August 5), 1916.*

## PROMOTIONS IN THE ARMY.

## FIELD ARTILLERY ARM.

Maj. Willard D. Newbill, Field Artillery, detailed in the Quartermaster Corps, to be lieutenant colonel from July 26, 1916, vice Lieut. Col. Adrian S. Fleming, detailed in The Adjutant General's Department.

Maj. Manus McCloskey, Third Field Artillery, to be lieutenant colonel from July 26, 1916, vice Lieut. Col. Willard D. Newbill, detailed in the Quartermaster Corps.

## COAST ARTILLERY CORPS.

Maj. Johnson Hagood, Coast Artillery Corps, to be lieutenant colonel from July 26, 1916, vice Lieut. Col. Henry H. Whitney, detailed in The Adjutant General's Department.

Capt. John L. Hughes, Coast Artillery Corps, to be major from July 26, 1916, vice Maj. Johnson Hagood, promoted.

## MEDICAL CORPS.

*To be colonels with rank from July 1, 1916, to fill original vacancies.*

Lieut. Col. William B. Banister, Medical Corps.  
Lieut. Col. Charles F. Mason, Medical Corps.  
Lieut. Col. James D. Glennan, Medical Corps.  
Lieut. Col. Alfred E. Bradley, Medical Corps.  
Lieut. Col. Euclid B. Frick, Medical Corps.  
Lieut. Col. Frank R. Keefer, Medical Corps.  
Lieut. Col. Charles Willcox, Medical Corps, subject to examination required by law.

*To be lieutenant colonels with rank from July 1, 1916, to fill original vacancies.*

Maj. William H. Wilson, Medical Corps.  
Maj. William F. Lewis, Medical Corps.  
Maj. Thomas S. Bratton, Medical Corps.  
Maj. Thomas J. Kirkpatrick, Medical Corps.  
Maj. Irving W. Rand, Medical Corps.  
Maj. Powell C. Fauntleroy, Medical Corps.  
Maj. James S. Wilson, Medical Corps.  
Maj. Basil H. Dutcher, Medical Corps, subject to examination required by law.  
Maj. Leigh A. Fuller, Medical Corps.  
Maj. George A. Skinner, Medical Corps.  
Maj. Carl R. Darnall, Medical Corps.  
Maj. Henry Page, Medical Corps.

*To be lieutenant colonels with rank from July 1, 1916, to fill casual vacancies.*

Maj. Bailey K. Ashford, Medical Corps, subject to examination required by law, vice Lieut. Col. William B. Banister, promoted.

Maj. Henry A. Webber, Medical Corps, vice Lieut. Col. Charles F. Mason, promoted.

Maj. Jere B. Clayton, Medical Corps, vice Lieut. Col. James D. Glennan, promoted.

Maj. Weston P. Chamberlain, Medical Corps, vice Lieut. Col. Alfred E. Bradley, promoted.

Maj. Edward R. Schreiner, Medical Corps, vice Lieut. Col. Euclid B. Frick, promoted.

Maj. Frederick M. Hartsock, Medical Corps, subject to examination required by law, vice Lieut. Col. Frank R. Keefer, promoted.

Maj. Douglas F. Duval, Medical Corps, subject to examination required by law, vice Lieut. Col. Charles Willcox, promoted.

*To be majors with rank from July 1, 1916, to fill original vacancies.*

Capt. Charles F. Morse, Medical Corps.  
Capt. Haywood S. Hansell, Medical Corps.  
Capt. Junius C. Gregory, Medical Corps.  
Capt. Clarence H. Connor, Medical Corps.  
Capt. Jay W. Grissinger, Medical Corps.  
Capt. Will L. Pyles, Medical Corps, subject to examination required by law.

Capt. William M. Smart, Medical Corps.  
Capt. Robert M. Blanchard, Medical Corps.  
Capt. James Bourke, Medical Corps.  
Capt. Samuel M. De Loffre, Medical Corps.  
Capt. Louis C. Duncan, Medical Corps.  
Capt. Edward M. Talbott, Medical Corps.  
Capt. John A. Clark, Medical Corps.

Capt. Samuel J. Morris, Medical Corps.  
Capt. Jacob M. Coffin, Medical Corps.  
Capt. John W. Hanner, Medical Corps.  
Capt. Levy M. Hathaway, Medical Corps.  
Capt. Alexander Murray, Medical Corps.  
Capt. Philip W. Huntington, Medical Corps.  
Capt. James D. Fife, Medical Corps.  
Capt. William A. Powell, Medical Corps.  
Capt. Jesse R. Harris, Medical Corps, subject to examination required by law.

Capt. George H. Scott, Medical Corps.  
Capt. Robert L. Carswell, Medical Corps.  
Capt. Charles F. Craig, Medical Corps.  
Capt. William P. Banta, Medical Corps, subject to examination required by law.

Capt. Robert H. Pierson, Medical Corps.  
Capt. James I. Mabee, Medical Corps.  
Capt. George P. Peed, Medical Corps.  
Capt. Ralph S. Porter, Medical Corps.  
Capt. Henry D. Thomason, Medical Corps.  
Capt. Percy L. Jones, Medical Corps.  
Capt. Fred W. Palmer, Medical Corps.  
Capt. Edward B. Vedder, Medical Corps.  
Capt. Henry F. Pipes, Medical Corps.  
Capt. Charles L. Foster, Medical Corps.  
Capt. John R. Bosley, Medical Corps.  
Capt. Robert C. Loving, Medical Corps.  
Capt. Orville G. Brown, Medical Corps.  
Capt. George F. Juenemann, Medical Corps.  
Capt. Joseph F. Siler, Medical Corps.  
Capt. Arthur M. Whaley, Medical Corps.  
Capt. Theodore Lamson, Medical Corps.  
Capt. Craig R. Snyder, Medical Corps.  
Capt. Ernest G. Bingham, Medical Corps.  
Capt. James D. Heysinger, Medical Corps.  
Capt. Lloyd L. Smith, Medical Corps.  
Capt. John B. Huggins, Medical Corps.  
Capt. William H. Tefft, Medical Corps.  
Capt. Llewellyn P. Williamson, Medical Corps.  
Capt. William R. David, Medical Corps.  
Capt. Leartus J. Owen, Medical Corps.  
Capt. Robert M. Culler, Medical Corps, subject to examination required by law.

*To be majors with rank from July 1, 1916, to fill casual vacancies.*

Capt. Frank W. Weed, Medical Corps, vice Maj. William H. Wilson, promoted.

Capt. William A. Wickline, Medical Corps, vice Maj. William F. Lewis, promoted.

Capt. Howard H. Bailly, Medical Corps, vice Maj. Thomas S. Bratton, promoted.

Capt. Harry G. Humphreys, Medical Corps, vice Maj. Thomas J. Kirkpatrick, promoted.

Capt. Paul L. Freeman, Medical Corps, vice Maj. Irving W. Rand, promoted.

Capt. William A. Duncan, Medical Corps, subject to examination required by law, vice Maj. Powell C. Fauntleroy, promoted.

Capt. Earl H. Bruns, Medical Corps, vice Maj. James S. Wilson, promoted.

Capt. Herbert C. Gibner, Medical Corps, vice Maj. Basil H. Dutcher, promoted.

Capt. Clarence LeR. Cole, Medical Corps, vice Maj. Leigh A. Fuller, promoted.

Capt. Albert G. Love, Medical Corps, subject to examination required by law, vice Maj. George A. Skinner, promoted.

Capt. Harold W. Jones, Medical Corps, vice Maj. Carl R. Darnall, promoted.

Capt. Omar W. Pinkston, Medical Corps, vice Maj. Henry Page, promoted.

Capt. Mathew A. Reasoner, Medical Corps, vice Maj. Bailey K. Ashford, promoted, subject to examination required by law.

Capt. Henry J. Nichols, Medical Corps, subject to examination required by law, vice Maj. Henry A. Webber, promoted.

Capt. Louis H. Hanson, Medical Corps, subject to examination required by law, vice Maj. Jere B. Clayton, promoted.

Capt. Lucius L. Hopwood, Medical Corps, subject to examination required by law, vice Maj. Weston P. Chamberlain, promoted.

Capt. Charles E. Freeman, Medical Corps, subject to examination required by law, vice Maj. Edward R. Schreiner, promoted.

Capt. Ferdinand Schmitter, Medical Corps, subject to examination required by law, vice Maj. Frederick M. Hartsock, promoted.

Capt. Frederick S. Macy, Medical Corps, subject to examination required by law, vice Maj. Douglas F. Duval, promoted.



*To be captains with rank from June 7, 1916, after three years' service.*

First Lieut. Harry L. Dale, Medical Corps, subject to examination required by law.

First Lieut. Alvin W. Schoenleber, Medical Corps.  
First Lieut. Ernest C. McCulloch, Medical Corps.  
First Lieut. George R. Callender, Medical Corps.  
First Lieut. Edward T. B. Weidner, Medical Corps.  
First Lieut. Raymond W. Bliss, Medical Corps.  
First Lieut. Raymond C. Bull, Medical Corps.  
First Lieut. Norman T. Kirk, Medical Corps.  
First Lieut. William B. Borden, Medical Corps.  
First Lieut. Clarence R. Bell, Medical Corps.  
First Lieut. Robert H. Duenner, Medical Corps.  
First Lieut. Bertram F. Duckwall, Medical Corps, subject to examination required by law.  
First Lieut. Halbert P. Harris, Medical Corps, subject to examination required by law.

#### APPOINTMENTS IN THE ARMY.

##### MEDICAL RESERVE CORPS.

*To be first lieutenants in the Medical Reserve Corps with rank from August 3, 1916.*

Lemuel Grant Baldwin, of New York.  
John Hasting Bell, of Arkansas.  
Max Bornstein, of Wisconsin.  
James Harvey Brothers, of New Jersey.  
Julius Caesar Davis, Jr., of Florida.  
Arthur Brewster Emmons, 2d, of Massachusetts.  
Lemuel Whittington Gorham, of New York.  
Leon Jacobs, of Arizona.  
Adam Kemble, of the District of Columbia.  
Albert William Lindberg, of Illinois.  
Charles Daniel Lockwood, of California.  
Henry Edmund Meleney, of New York.  
William Austin Mills, of Florida.  
Arthur Pedro Perry, of Massachusetts.  
Charles Winfield Perkins, of New York.  
Henry Dudley Prescott, of Massachusetts.  
Samuel Herbert Richman, of Illinois.  
Alfred Alexander Schwartz, of New York.  
James Warren Sever, of Massachusetts.  
Jerome Wagner, of New York.  
Walter Albert Baetier, of Maryland.  
Charles Metcalfe Byrnes, of Maryland.  
Frederick Joseph Garlick, of New York.  
William Morris Hupp, of Maryland.  
Thomas Brantley Henderson, of North Carolina.  
William David Jack, of Indiana.  
John Hendricks King, of Maryland.  
Newdigate Moreland Owensby, of Maryland.  
Frank Elliott Perkins, of North Carolina.  
George William Pressly, of North Carolina.  
Frank Roxborough Ruff, of North Carolina.  
Harry Allen Sadden, of New York.  
Theodor Bratrud, of Minnesota.  
Enshraim Kirkpatrick Findley, of Illinois.  
Harry Knott, of Indiana.  
Louis Rudolph, of Illinois.  
Isaac Montrose Taylor, of North Carolina.  
Fred Paul Weltner, of West Virginia.  
Charles Shorey Butler, of Massachusetts.  
Eustace Lincoln Fiske, of Massachusetts.  
Gilbert Horrax, of New Jersey.  
Paul Hector Provandie, of Massachusetts.  
Cyril Godfrey Richards, of Massachusetts.  
Wade Stanley Wright, of Massachusetts.

#### CHIEF OF BUREAU OF NAVIGATION, NAVY DEPARTMENT.

Commander Leigh C. Palmer to be Chief of the Bureau of Navigation in the Department of the Navy, with the rank of rear admiral, for a term of four years, vice Capt. Victor Blue, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 8 (legislative day of August 5), 1916.*

##### UNITED STATES ATTORNEY.

John E. Kinnane, of Bay City, Mich., to be United States attorney for the eastern district of Michigan, vice Clyde I. Webster, whose term expired on August 5, 1916.

#### POSTMASTERS. CONNECTICUT.

Albert B. Goodrich, Berlin.

#### FLORIDA.

Lewis M. Raulerson, Okeechobee.

#### MASSACHUSETTS.

James J. Hunt, Winchendon.

William J. Young, Woburn.

#### NEW YORK.

William S. Charles, Hornell.

Alfred Cox, Hawthorne.

Edward C. Elliott, Orangeburg.

Benjamin Franklin, Ovid.

#### NORTH DAKOTA.

Lillian G. McGinnis, Ellendale.

#### OREGON.

Elizabeth Thompson, Nyssa.

#### PENNSYLVANIA.

Martin A. King, Clarke Summit.

W. F. Packard, New Albany.

#### SOUTH DAKOTA.

A. Posthuma, Centerville.

## HOUSE OF REPRESENTATIVES.

*TUESDAY, August 8, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that though half the world seems to have forgotten Thee, and though the sky is overcast with dark and ominous clouds, Thou doest live and reign, and the sun shall surely shine again.

Hasten the day, we beseech Thee, when the evil passions of men shall have spent themselves, when they shall turn again to Thee and seek forgiveness, when a deeper love shall come and justice have its sway, when men shall live together as born of Thee, and peace with all its glory dwell in the hearts of all peoples. In the spirit of the Master, amen.

#### THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. ADAMSON. Mr. Speaker, I desire to correct the Journal.

The SPEAKER. Does the gentleman desire to correct yesterday's Journal?

Mr. ADAMSON. Yes.

The SPEAKER. The gentleman will proceed.

Mr. ADAMSON. Mr. Speaker, I may be misinformed as to exactly what I want, but I will state it and let the Speaker decide. H. R. 13718 was reported and is on the House Calendar. Yesterday S. 5202, of exactly the same import, came over. I had requested that the Senate bill lie on the Speaker's table, and the parliamentarian intended to let the bill do that, but by mistake or inadvertence it appears both in the Journal and RECORD that the bill was referred to the committee. I desire to vacate whatever was done and correct the RECORD and Journal, because the bill in fact has not gone to the committee yet.

The SPEAKER. The gentleman from Georgia asks to vacate the annotation made inadvertently referring the bill to the Committee on Interstate and Foreign Commerce—

Mr. ADAMSON. And leave it on the Speaker's table.

The SPEAKER. What is the number of that bill?

Mr. ADAMSON. Senate 5202.

Mr. MANN. He also wants to vacate the reference, if it has been referred.

Mr. ADAMSON. Yes; that is what I asked.

The SPEAKER. And the gentleman also desires to vacate the reference.

Mr. ADAMSON. And also to correct the RECORD and Journal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Journal as corrected was approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14944. An act authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6626. An act to fix the rate of pay for compositors and bookbinders in the Government Printing Office; to the Committee on Printing.

#### ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12717. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes.

#### ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the conference report on the Army bill shall be in order to-morrow immediately after the reading of the Journal.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that to-morrow, immediately after the reading of the Journal and the clearing up of business on the Speaker's table, the conference report on the Army bill shall be in order. Is there objection? [After a pause.] The Chair hears none.

#### NATIONAL PARK SERVICE.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15522, to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill H. R. 15522, to disagree to the Senate amendments and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

An act (H. R. 15522) to establish a national park service, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced as conferees on the part of the House Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LA FOLLETTE.

#### LEAVE OF ABSENCE.

Mr. RUBEY. Mr. Speaker, I ask leave of absence for my colleague, Mr. RUSSELL of Missouri, who has been sick for a little more than a week. I desire to ask leave of absence for him for five days.

The SPEAKER. The gentleman from Missouri [Mr. RUBEY] asks leave of absence for his colleague, Mr. RUSSELL, for five days, on account of sickness. Is there objection? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. GRAY, who is very ill at the hospital.

The SPEAKER. The gentleman from Alabama asks unanimous consent for indefinite leave of absence for his colleague [Mr. GRAY of Alabama] on account of illness. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent Mr. BELL was granted leave of absence indefinitely, on account of important business.

#### BILLS ON THE PRIVATE CALENDAR.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar that are not objected to be considered next Friday, subject, of course, to the consideration of conference reports.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that on next Friday bills on the Private Calendar, not objected to, may be considered, subject, of course, to the presentation and consideration of conference reports, and so forth. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, in that connection would it not be practical on Friday to meet at 11 o'clock, with the understanding we quit not later than 4 o'clock?

Mr. STEPHENS of Mississippi. Mr. Speaker, I would be very glad to meet at that hour; I do not know what other gentlemen may think of it.

Mr. MANN. Well, of course, the latter part could not very well be provided, but I hope the gentleman will ask that on Friday we meet at 11 o'clock and privately have an understanding we will quit not later than 4 o'clock.

Mr. KITCHIN. Mr. Speaker, I will say to the gentleman we will meet to-morrow, and I intend to ask that we adjourn until Friday, and I will then couple with that the request that we meet at 11 o'clock on Friday. I will make that request to-morrow.

The SPEAKER. What is the request of the gentleman from Mississippi?

Mr. STEPHENS of Mississippi. I have no further request at this time. The matter is deferred until to-morrow.

#### COMPOSITORS, ETC., IN GOVERNMENT PRINTING OFFICE.

Mr. TAVENNER. Mr. Speaker, I desire to call up from the Speaker's table the bill (S. 6626) to fix the rate of pay for compositors and bookbinders in the Government Printing Office.

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask my colleague whether there is a similar bill on the House Calendar?

Mr. TAVENNER. Yes, sir. The printing bill, which is a document of 60 or 70 pages, includes this proposition.

Mr. MANN. I think a bill of that sort ought to go to the committee.

Mr. TAVENNER. Will the gentleman reserve his objection?

Mr. MANN. Oh, no.

Mr. TAVENNER. This matter has already been before the Printing Committee and has been reported out.

Mr. MOORE of Pennsylvania. Will my colleague yield for a moment?

Mr. MANN. Not on this bill.

Mr. MOORE of Pennsylvania. This bill has been considered—

Mr. MANN. I have objected.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill is referred to the committee.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15957. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 16699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had presented to the President of the United States for his approval the following bills:

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 7883. An act for the relief of Charlotte M. Johnston;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.;

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties;

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North;

H. R. 16380. An act granting the consent of Congress to the Board of Supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.;

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.;

H. R. 11240. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and



Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 12194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 14576. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

#### BILLS ON THE PRIVATE CALENDAR.

Mr. STEPHENS of Mississippi. Mr. Speaker, it has been suggested by one of my colleagues that the Speaker did not put my request for consideration of private bills next Friday. I understood the request was put, but the only thing deferred was the meeting hour.

The SPEAKER. The question was put and agreed to.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. BENNET. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the different gentlemen who have obtained leave to address the House to-day I may address the House not to exceed 25 minutes on the subject of trade boycotts.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent that at the conclusion of the remarks of the gentleman from Oklahoma [Mr. McCLINTIC] he shall have not to exceed 25 minutes in which to discuss the subject of trade boycotts. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentlemen now on the list the gentleman from West Virginia [Mr. NEELY] have 50 minutes in which to address the House.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that at the conclusion of the remarks of the gentleman from New York [Mr. BENNET] the gentleman from West Virginia [Mr. NEELY] shall be permitted to address the House not to exceed 50 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Mississippi [Mr. HARRISON] is recognized for one hour. [Applause.]

#### MEXICO.

Mr. HARRISON. Mr. Speaker, Mr. Hughes in his speech of acceptance delivered in New York City the other night, in discussing the Mexican policy of this administration, employed this language:

The dealings of the administration with Mexico constitute a confused chapter of blunders. Instead of commanding respect and deserving good will by sincerity, firmness, and consistency, we provoked misapprehension and deep resentment.

It is a record which can not be examined without a profound sense of humiliation.

When the administration came into power Huerta was exercising authority as Provisional President of Mexico. He was certainly in fact the head of the Government of Mexico.

The administration did not content itself with refusing to recognize Huerta, who was recognized by Great Britain, Germany, France, Russia, Spain, and Japan. The administration undertook to destroy Huerta.

The administration vacillated with respect to the embargo on the export of arms and munitions to Mexico. Under the resolution of 1912 President Taft had laid such an embargo. In August, 1913, President Wilson stated that he deemed it his duty to see that neither side to the struggle in Mexico should receive any assistance from this side of the border, and that the export of all arms and munitions to Mexico would be forbidden.

But in February, 1914, the embargo was lifted. In April, 1914, the embargo was restored. In May, 1914, it was explained that the embargo did not apply to American shipments through Mexican ports, and ammunition for Carranza was subsequently landed at Tampico. In September, 1914, the embargo was lifted on exports across the border; thereupon military supplies reached both Villa and Carranza. In October, 1915, an embargo was declared on all exports of arms except to the adherents of Carranza. There was an utter absence of consistent policy.

It is to this part of Mr. Hughes's speech that I desire to address myself.

The most casual reading of these expressions, as well as the other criticisms contained in this remarkable speech, naturally forces the conclusion that the Republican nominee is not now, and has not at any time been in sympathy with the Mexican

policy of this Government as inaugurated by Mr. Taft and followed by Mr. Wilson. His speech is a caustic, vitriolic, and unfair criticism of Mr. Wilson's Mexican policy, and if we are to take it as free of partisanship and sincerely uttered, we must believe that if he had been President and handling our Mexican policy during the trying time since President Wilson came into the White House, he would have acted quite differently in at least three essential points: First, he would have recognized Huerta; secondly, he would not have issued the various embargo orders touching the shipment of arms and munitions of war into Mexico; thirdly, he would have long since intervened in Mexico. No other construction can possibly be placed upon his language. He says the administration's dealings with Mexico constitute "a confused chapter of blunders," and in specifying wherein those blunders were made, he cites the failure of President Wilson to recognize Huerta, his proclamations touching shipments of arms and munitions of war into Mexico, and then ascribes the policy as weak.

When I read carefully the speech of the Republican nominee, and look back over the difficult problems with which this Nation has been confronted during the last three years; when I see how irritating and troublesome the confused domestic Mexican situation has been to us, and recall the almost superhuman degree of patience that President Wilson has shown in our whole Mexican controversy; and when I contemplate how at times his firmness almost drove us to actual war, and the lack of criticism of his policy by the Republican Party during all this time, I naturally conclude that the Republican nominee in his acceptance speech either is not in accord with his party on this question, or that he has allowed himself to be misled by certain advisers who are out of sympathy with the American people and whose views touching the Mexican situation are forced by their own selfish desire to obtain from the American people an approval of their outrageous and shameful past conduct. [Applause on Democratic side.] I am forced to the conclusion—and the American people, looking back over the record of the Republican Party, are bound to know that either Mr. Hughes does not express the true Republican viewpoint touching this question, or that he has been ignorant in the past of what this administration has done touching Mexico. I know and you know that a man on the United States Supreme Court bench, with a docket always crowded and the consideration of great, complicated, and intricate constitutional questions constantly being presented and demanding his attention has not time to keep advised of the current questions which those of us have whose duty it is constantly to be informed about them.

If there can be any place in the public service which divorces one from the "common touch" of mankind it is the Supreme Court Bench. There in the secluded consultation room meeting only his associates of the bench, and within the silent chambers of his own study—coming in contact with only his family, he can not be expected to keep posted on current events and abreast of the times. Senator George, of my State, who served his State and Nation with such distinguished and signal ability, is credited with having made the statement that public servants sent to Washington should return occasionally to their people—visit with them around the fireside, on the farm, in the workshop—that they might keep in close touch with the constantly changing conditions. Mr. Hughes, therefore, can not be justly condemned for any failure on his part to be informed about current events, including this Government's policy toward Mexico during the last four years.

His ignorance of the true policy of this administration touching the embargo on arms and munitions to Mexico is evidently due to the speeches made recently by the gentleman from Massachusetts, Mr. ROGERS, and the Senator from Rhode Island, Mr. LIPPITT. Naturally, the Republican nominee thought that the assertions then made by these gentlemen and contained in those speeches were true and could be taken as correct without an investigation on his part and with little or no consideration of the question. I hope before I have finished to show you that the statements of the Republican nominee are misleading.

I read in the papers several days before this remarkable speech was made that Mr. Hughes had invited Senator FALL, of New Mexico, and Henry Lane Wilson, the discredited ambassador to Mexico [applause on the Democratic side] to his summer home at Bridgehampton for a conference.

Mr. FERRIS. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. FERRIS. What was the date of the conference between the Republican nominee for the Presidency and the distinguished Senator and Henry Lane Wilson?

Mr. HARRISON. About a week before he made his speech of acceptance.

Senator FALL, no doubt, advised Mr. Hughes for intervention in Mexico. It has been his hobby since his entrance into the Senate. When I think of his views touching Mexico and the self-interest he has constantly exhibited toward our welfare there, the protection of the lives of our citizens and property, I am reminded of a story ascribed to my distinguished friend Private John Allen. He tells the story of two negroes fishing on the banks of a southern stream. One was an old darkey, the other a young one. The young negro while holding his pole waiting for a bite grew sleepy, and while nodding away accidentally lost his balance and fell over into the stream; and then, while he was struggling for his life, the older negro jumped in, grabbed the boy, and saved him. As he came onto the bank a white gentleman, seeing the heroic act, came up and congratulated the old darkey, and asked him, "Wasn't you afraid you would drown yourself?" "Yes, sir, but I had to do it." "And why, may I ask you?" inquired the gentleman, "you were taking a desperate chance." "Yes, sah, boss," says the darkey, "that nigger had all my bait in his pocket." [Laughter and applause.]

On July 22, 1912, nearly a year before Mr. Taft retired as President, Senator FALL in a very lengthy speech delivered in the Senate severely criticized the administration then in power touching their Mexican policy—citing hundreds of outrages and making many sensational charges. The State Department, then presided over by a Republican, Mr. Knox, ordered a report on the charges contained in the speech. I desire to quote you parts of that interesting report. It says:

It is only fair to say, at least so far as the State Department and the American diplomatic and consular officers are concerned, that none of them had ever before heard of injuries to those persons. The Senator is, therefore, in error when he states that "this Government has been apprised of this fact repeatedly, and even recently of the more recent outrages upon these same people." Had the Senator taken the trouble or the precaution to have consulted the Department of State, as he admits he did not, before making his speech, he could have learned these facts. And so with reference to "Ernest Goldner, Mr. Hollingsworth, and many others (who) have been maltreated and falsely imprisoned." The records of the department do not show that these cases have been brought to its attention. If complaints have been made to the diplomatic or consular officers, it is perfectly certain that due and appropriate representations have been made.

The Northwestern Railroad Co. and the firm of Ketersen & Degtau are both foreign and not American companies.

The Senator next speaks of "Losses to the Northwestern Railroad Co., Ketersen & Degtau."

The attitude of the administration in this matter was sufficiently and succinctly stated by the President of the United States in a telegram dated April 18, 1911, to the governor of Arizona, which reads as follows:

"Your dispatch received. Have made urgent demand upon Mexican Government to issue instructions to prevent firing across border by Mexican Federal troops, and am awaiting reply. Meantime, I have sent direct warning to the Mexican and insurgent forces near Douglas. I infer from your dispatch that both parties attempt to heed the warning, but that in the strain and exigency of the contest wild bullets still find their way into Douglas. The situation might justify me in ordering our troops to cross the border and attempt to stop the fighting or to fire upon both combatants from the American side. But if I take this step I must face the possibility of resistance and greater bloodshed, and also the danger of having our motive misconstrued and misrepresented, and of thus inflaming Mexican popular indignation against many thousands of Americans now in Mexico and jeopardizing their lives and property. The pressure for general intervention under such conditions it might not be practicable to resist. It is impossible to foresee or reckon the consequences of such a course, and we must use the greatest self-restraint to avoid it. Pending my urgent representation to the Mexican Government, can not, therefore, order the troops at Douglas to cross the border, but I must ask you and the local authorities, in case the same danger recurs, to direct the people of Douglas to place themselves where bullets can not reach them and thus avoid casualty. I am loath to endanger Americans in Mexico, where they are necessarily exposed, by taking radical steps to prevent injury to Americans on our side of the border, who can avoid it by temporary inconvenience."

It is submitted that for the reasons heretofore set forth the course of the President of the United States, both at Douglas and El Paso, was the one which was safest and wisest under all the circumstances, as well as the one which was least harmful and least disastrous to American lives and property—the prime purpose of all measures taken in connection with this trouble.

Further on the Senator says:

"Our Government has never resented the charges made openly by the Mexican Government that our troops invaded their territory at that time." That is, at the time of the most deplorable incident at Douglas, and that this charge "was the answer given to us when we protested against the outrages upon American citizens."

It may be observed that this is contrary to the fact, as the Senator could easily have found out if he had, as he states he did not, consulted the Department of State before making his speech. The Department of War made a thorough investigation into the facts at the time of the charge, and upon receiving a report of this investigation the Department of State replied to the Mexican Government repelling the charges and insinuations which that Government had made.

The Department of State has not sacrificed the rights of any American citizen, man, woman, or child, who has suffered injury during the recent revolutionary disturbances in Mexico. It is submitted, on the contrary, that the Department of State has taken every step necessary to protect, conserve, and reserve every right which any American citizen has for or on account of such injuries. No one denies that American citizens, during these disturbances, have had great losses;

that they have experienced many hardships; that they have endured much suffering; that some few have lost their lives; and that possibly there may have been some atrocities even worse than death inflicted upon some few American citizens. But unfortunately all of these, including the atrocities, appear to be the necessary incidents of war.

They have been charged against us in the Civil War, the Spanish-American War, and our operations in the Philippines; they have been charged against both parties in the Boer War, in the Russo-Japanese War, and in the Turco-Italian War. But fortunately there have been comparatively few American lives lost in Mexico, as the result of these disturbances (other than those who may have been killed in actual battle, as to which the Department of State has been advised), and it should be said that of these few a very small minority have been taken by the regular Mexican forces. The losses have been primarily inflicted by the rebel forces, and quite obviously, compensation not being obtainable for these from the rebels themselves, it is necessary to await a more settled condition before attempting to fix upon the Mexican Government itself the responsibility for these actions.

The constant problem which has confronted the President has been to secure the maximum amount of protection for American life and property with the minimum amount of danger thereto.

[Applause.]

So far no one with any adequate understanding of the situation believes that we should have intervened in Mexico or that we should intervene now.

[Applause.]

There will probably never come a time to intervene if we exercise the forbearance with them that we should desire for ourselves.

[Applause.]

But, however that may be, it is clear that the time to intervene will be when we can save more American lives by going into Mexico than by staying out of Mexico.

[Applause.]

At present we seem to be a long distance from that contingency.

[Applause on the Democratic side.]

You will recall that just before the Chicago convention was held, it was carried in the newspapers of the country that Senator FALL had arrived in Chicago and would fight in the resolutions committee for a plank in the Republican platform declaring for intervention in Mexico. Of course, he was not in accord with the rank and file of his party and no such plank was incorporated in the Republican platform. His magnetic personality and persuasive ways, however, had more influence upon the Republican nominee in the Bridgehampton conference than upon the committee at Chicago, the membership of which included so many of his associates in the Senate—thoroughly familiar with his views and cognizant of his patriotism. [Applause on the Democratic side.]

I wonder if the Republican nominee has ever read that series of articles published in Harper's Weekly in April and May of this year, written by that splendid and reputable newspaper correspondent, Robert H. Murray? Mr. Murray has spent much time in Mexico and during the events attending the overthrow of Madero kept fully advised as to the happenings there. From a patriotic and impartial viewpoint, he gives a history of the service of Henry Lane Wilson as ambassador, his incompetency, his loyalty to special interests in Mexico, his constant devotion to the influences of force rather than right, his qualities of deception and insincerity, and the very prominent part he took in conspiring with Huerta and men of his caste in the overthrow and elimination of Madero. Let me read to you what Mr. Murray says:

Neither Madero nor his ministers had apprehension of the ultimate result. Madero's only confessed fear was that Wilson might succeed in inducing the United States to intervene. "The American ambassador is our greatest enemy," he declared to me on the forenoon of Sunday, February 16, when I saw him in the National Palace. He then told me that Wilson had threatened that American troops would be sent into Mexico unless Madero resigned and the fighting ceased. "This is my answer," said the President, showing me a copy of a long cable message which he had sent the previous day to Taft, and which began: "I have been informed that the Government over which your excellency dignifiedly presides has ordered to set out for the ports of Mexico war vessels with troops to disembark, and to come to this capital to give guarantees of safety to Americans."

"Who informed you to that effect?" I asked. "The American ambassador," replied the President. The next day Taft's reply came. He reassured Madero as to intervention. Wilson charged that Madero had tried to arouse anti-American sentiment through the Republic by sending broadcast messages that the American troops were to be landed at Vera Cruz. What Madero did do, in a panic over the threat of intervention that Wilson had hurled at him, was to issue a proclamation exhorting the people to remain tranquil and support the Government, so as to avoid creating a situation which might lead to an American intervention.

Wilson had established secret relations with Huerta early in the fight. They had selected a go-between. "My confidential messenger with Huerta" Wilson terms him in one of his dispatches. This messenger was a fit selection for the dirty job that was cooking. Zepeda was his name—Enrique Zepeda, called by courtesy Huerta's "nephew," but in popular belief his illegitimate son. Zepeda was a notorious debauchee. He had been expelled from the Mexican Country Club for disreputable conduct. In after days, while drunk, he boasted that it was he who had made the arrangements between Huerta and Wilson. It was Zepeda who first notified the ambassador that Madero was arrested. He rushed into the American embassy on the afternoon of Tuesday, February 18, with blood streaming from a wounded hand



received during the mêlée in the palace which accompanied the seizure of the President, shouting, "Tell the ambassador that I have come, as I promised, to let him know what happened."

When and how the ambassador obtained the first knowledge that Huerta would seize the government and imprison Madero is not precisely indicated in his dispatches. He originally broached the matter to the State Department on Sunday, February 16. It is well to remember that this is the day upon which Blanquet, after a week's delay, brought his troops into the city. With the presence of Blanquet, the dependable Blanquet, Huerta was now in a position to drive ahead full speed. It is curious that on this day, when, with the arrival of Blanquet and his troops, Huerta must have felt the game securely in his hands, that the ambassador should have made his initial reference to forthcoming events in the following cryptic sentences with which he concluded a dispatch to the State Department:

"Eleven o'clock, Sunday morning, February 16. Confidential. Gen. Huerta has indicated a desire to speak to me, and I shall see him some time during the day, and shall perhaps ask the German and the Spanish ministers to accompany me. I hope for good results of this."

To continue: On Monday, February 17, at 4 o'clock in the afternoon, the ambassador once more endeavored to force his confidence and his dispatch he opened up a trifle, became more specific, cabling:

"Gen. Huerta has just sent his messenger to me again to say that I may anticipate some action which will remove Madero from power at any moment, and that plans were fully matured, the purpose of the delay being to avoid any violence or bloodshed. I asked no questions beyond requesting that no lives be taken excepting by due process of law. I am unable to say whether those plans will come to anything or not. I simply repeat to the Government the words sent to me, which I feel bound to listen to, as it so intimately concerns the situation of our nationals in the city."

That night, Monday, before he retired Wilson got off another cable to the department. The hardest fighting of the entire Decena Trágica took place that day. Possibly Huerta was so engrossed in his own private concerns that the federalists got away from him, and really made headway. They accomplished important gains in the vicinity of the Ciudadela, so much so, in fact, that the Government people, from Madero down, flattered themselves that one more assault, either that night or the following day, would give them the Ciudadela. I had this from the lips of Madero on Monday night.

On the evening of the same day Ambassador Wilson sent another message to Washington, part of which follows:

"Monday night, February 17, 10 o'clock: The Federal troops are being withdrawn from all exposed points to-night and retired toward the palace." (This was wholly false, for the only troops which went into or toward the palace that night were those of Blanquet, which Huerta had ordered there to replace loyal soldiers in preparation for the coup d'état next day. Further evidence that the ambassador knew what was going on is afforded by the following extract from the same dispatch:

"Blanquet's troops have been placed in charge of the national palace, which is in accordance with a message sent me by Gen. Huerta, that all purely Maderista soldiers were to be put outside and soldiers upon whom we could depend would replace them. The disorganization and lack of loyalty in the Federal army is becoming more evident and the adhesion of the citizen volunteers to Diaz more marked. I expect important developments to-morrow.")

Several times that forenoon (Tuesday) the President, restless under the inaction of the troops after the heartening successes of the previous day, had sent for Huerta and asked him what was the meaning of the delay. Huerta put him off with various pretexts. Huerta was with the President when I was at the palace. I could see them in conversation in the President's private office, through the door connecting the office and the small anteroom in which Ernesto Madero and I were sitting. Madero was manifestly agitated. Afterwards I was told that Huerta, when the President finally cornered him, had insisted upon being permitted to handle the military situation as he saw fit, and offered to relinquish the command on the spot if Madero was not satisfied. Madero was far from being satisfied; but what could he do? Suspicion of Huerta's duplicity has never entered his mind, tangibly. When the blow fell, an hour or so later, it was all the more fearsome and crushing because of its unexpectedness.

So here at noon, on Tuesday, we have Madero expostulating, Huerta playing for time, the Associated Press correspondent fidgeting, and Wilson waiting. Things were not going according to schedule. Can one imagine the fever our ambassador must have been in? His impatience played him a scurvy trick, as his correspondence shows. He could not restrain himself until the jaws of the trap had closed upon Madero, to flash the glad news to Washington. Noon was the hour told him by Huerta for the springing of the snare. Noon was the hour at which Wilson had warned the Associated Press correspondent to be on the lookout for the big news. And inconceivably stupid as it may seem, noon was the hour at which he sent the following message to the State Department announcing nearly two hours in advance of the fact that Madero was then a prisoner:

"Twelve o'clock noon, Tuesday, February 18: This morning there is complete calm, except that at certain intervals Diaz fires his heavy guns to prove that he has abundant ammunition. The supposition now is that the federal generals are now in control of the situation and of the President."

Some time between half past 1 and 2 o'clock soldiers broke into Madero's private office in the National Palace. Two or three of his aides attempted to defend the President. Shots were exchanged. Several men were killed. Madero sought to flee from the palace by descending to the ground floor. There Blanquet confronted him and made him prisoner. All of the Madero ministers were seized. Huerta had lunched with Gustavo Madero in Gambrinus's restaurant, a few squares from the palace, leaving the dog's work in the palace for Blanquet to do. With Gustavo Madero's food in his stomach and his wine still wet on his lips, Huerta excused himself, went outside the restaurant and ordered within a squad of soldiers to lay by the heels his host, who sat waiting for Huerta to return.

If Wilson's noon message to the State Department was a false alarm, that which he cabled at 2 o'clock redeemed his reputation for accuracy as a reporter. He wired:

"My confidential messenger with Huerta has just come from the palace, badly, but not seriously, wounded, to inform me that Madero has just been made a prisoner by Blanquet, with the approval of Huerta. He states that the President resisted, and that a number of officials in the room were killed, and that he (Huerta) afterwards took a squad of men and captured Gustavo Madero in Gambrinus's restaurant."

It was a merry afternoon at the American embassy. Smiles wreathed all faces. Americans shook hands with Wilson, hugged him, tossed off highballs to his health, congratulated him upon the successful accomplishment of the day's work. They made quite an impromptu little fiesta with the materials for a Roman holiday which events had provided them.

It was well into the evening before he rounded up Huerta, Diaz, and Mondragon and a few less important associates of the conspirators in the embassy. Out of that meeting grew the so-called "Pact of the Ciudadela," to which the signatories were Huerta and Diaz. Mondragon was relegated to a secondary place, largely through the influence of Wilson, who projected Diaz to the front. It was agreed that Huerta should become provisional president and that Diaz should succeed him for the constitutional term at an election which Huerta bound himself to call at the earliest possible date. The cabinet portfolios were thrown into a jackpot and the pot was split between Diaz and Huerta, each taking half. Mondragon's sole and only prize was the war ministry. Our ambassador, cabling to the State Department at midnight, when the half-drunken traitors had finally cleared out of the embassy, staggering, hiccupping, maudling, epitomized the shameful history of the day, as follows:

"Apprehensive of the situation which might ensue after the downfall of President Madero, I invited Gens. Huerta and Diaz to come to the embassy for the purpose of considering the question of preserving order in the city. After they arrived I discovered that many other things had to be discussed first, and after enormous difficulties I managed to get them to agree to work together, on the understanding that Huerta should be provisional president of the republic and that Diaz should name the cabinet and that thereafter Diaz should receive the support of Huerta for the constitutional presidency. After these points were settled, both left the embassy to put into effect the common order which had been agreed upon for the public peace. I expect no further trouble in the city. I congratulate the department upon the happy turn of events, which have been, directly or indirectly, the result of its instructions."

Recognition by all the foreign Governments was the thing that Huerta and our ambassador were hot for. Manifestly it was desirable to commit the United States and other countries, big and little, that were diplomatically represented, or misrepresented, in the City of Mexico, with the loss of as little time as possible, to a de facto acknowledgment of the legality and existence of the Huerta government.

On the evening of Thursday he cabled to the department requesting instructions on the question of recognition. The cable is timed "8 o'clock in the evening." That same night, probably before this message had even left the cable office in the City of Mexico, he summoned the remainder of the diplomatic corps to a conference in the embassy. At the conference the diplomats agreed with our ambassador that the recognition should be granted on the morrow.

Let us consider what chance Wilson had of getting before noon on Friday a reply to his cable of 8 o'clock of Thursday evening. Wilson's telegram, which would have to be decoded, would hardly be laid upon the desk of Knox or Huntington Wilson in the State Department before 9 o'clock, Washington time, or 8.30 City of Mexico time, on Friday morning. Assuming that a reply had been written and sent immediately, the task of coding the message in the State Department, transmitting it to the City of Mexico, and decoding it in the embassy there, could hardly have been accomplished before the time arrived for our ambassador to set out for the palace to recognize Huerta.

And Wilson knew it. Indeed, before going to the palace on Friday morning he cabled of the decision reached by the diplomats the previous night, pleading lack of instructions as an excuse for his precipitateness, and saying:

"After discussion my colleagues, all of whom are without instructions, agreed that the recognition of the new government was imperative to the end of enabling it to impose its authority and reestablish order. I shall accordingly unite with my colleagues, believing I am interpreting the desire of the departments and assisting in the tranquilization."

On the same day, manifestly prior to the recognition forms being gone through with at the palace (for he employs the future tense in referring to recognition), Wilson set in operation the machinery of the United States Consular Service in Mexico for the behoof of Huerta by ordering our consuls throughout the Republic not only to get behind the new government themselves, but to begin a Huertista propaganda among the Mexicans. The wording of this message indicates that Wilson did not fear that adverse orders would come from Washington to ditch the recognition express before the goods it bore were safely delivered at noon to Huerta. This is Wilson's order to our consular representatives in Mexico:

"The provisional government was installed yesterday, with Gen. Huerta as President. There is general approval in the city, which is practically quiet. The ex-President is a prisoner, waiting the decision of Congress in his case." [Query: What decision could the emasculated and cowering Congress make in Madero's case that would not be a decision dictated by Huerta?] "The Senate and the House of Deputies are in full accord with the new administration. You should make this intelligence public, and in the interests of Mexico urge general submission and adhesion to the new government, which will be recognized by all foreign governments to-day."

While the corpses of Madero and Pino Suarez were lying on the cement floor of a corridor of the penitentiary, Huerta, de la Barra, and various other members of the government were in the throes of a long and excited conference in the palace. They strove until nearly daylight before they evolved an explanation which they thought might satisfy not only the people of Mexico, but, what was more important, the foreign Governments. Their final production was to the effect that Madero and Pino Suarez had been accidentally killed while being transferred from the palace to the penitentiary during an exchange of shots between their guards and a party of friends who sought to rescue them. No one in the city believed the explanation. Diplomats frankly expressed their skepticism. But our ambassador accepted the version of Huerta unreservedly, and communicated it without comment or qualification to Washington. His dispatch did not go until 13 hours after the murder, although the early editions of the morning newspapers printed full details of what had occurred.

The whole course of this ambassador during that eventful period in Mexico's history is disgusting and unbecoming one of his high office. It was no wonder that he was recalled as soon as these facts came to the attention of the present administration. [Applause.]

And these are the men who inspired the expressions of the Republican nominee.

Answering the first proposition advanced by Mr. Hughes touching our failure to recognize Huerta, let me suggest that few, if any, speeches were made, certainly none that carried any weight with them, either on this side of the House or in the other Chamber, which were made by members of the Republican Party have ever contended that Huerta should be recognized. Even Senator FALL, in his speech in the Senate in April, 1914, said:

I want to say now in passing that I have approved of the action of the President in refusing to recognize as President of Mexico Victoriano Huerta.

[Applause on the Democratic side.]

Let me for a moment present the situation that existed in Mexico when Huerta became President. I have inserted excerpts from the articles I have just referred to written by Mr. Murray and published in Harper's Weekly. But briefly, here is what happened. It was the 22d day of February, 1913. Huerta had been an officer in the armies of Diaz. He had never been in sympathy with the social and economic movement inaugurated by Madero and believed in by the great mass of the Mexican people. He believed in the principle of force and was alive to those interests that hold the people in bondage and promote the continuance of those policies that had long been practiced by Diaz and upheld by the aristocracy of Mexico. There was not a particle of sympathy in his heart with that great movement of the revolutionists, but when the revolution became so strong and the need of social and economic reform in Mexico became so powerful that Diaz was driven from power and Madero elected by the people of that country as the provisional president, Huerta, one of the military chiefs of the old régime professing his loyalty and change of heart to the demands of the hour, was placed by Madero at the head of his military forces.

And while Madero, as President, and Huerta, as head of the army, were living in Mexico City, and the reforms which the people had so long struggled for were gradually being realized, small uprisings took place here and there in Mexico. Huerta, shrewd, ambitious, and tyrannical, saw the opportunity for himself to be made President. He called a conference, inviting Diaz, Mondragon, and other leaders of the old Porfirio Diaz régime, and they conspired the overthrow of Madero. Suddenly Madero was made prisoner by his own men. He was put into a cell and a conference was called by the American ambassador, which was held in the American Embassy. "Matters of great moment were discussed by Huerta, Diaz, and other traitors on that occasion," says Mr. Murray. Four nights afterwards, Madero was murdered. Within a few hours Huerta was declared President.

Was there ever such treachery practiced? Judas Iscariot's betrayal of the lowly Nazarene; Benedict Arnold's treason to his country; these can not be compared to the treacherous action of Huerta; but one incident in the history of the world is comparable to it—that was when a certain patriotic, brave, and progressive band of Americans who had abandoned their old love and marched to the tune of Onward Christian Soldiers to the very heights of Armageddon, while assembled in Chicago on June 6, was without warning or justification abandoned by their patron saint to the mercies of a cold and wicked world. [Laughter and applause.]

It was the disastrous defeat and nullification of that splendid achievement which Madero and his compatriots in arms had so long struggled to attain. Just in the heyday of the realization of their hopes when success had come and constitutional government had been established, in the twinkling of an eye, through this unsurpassed treachery of the head of the army, all was wrung from them, and wrong triumphed over right and force over justice. And before Madero's body was cold, almost before it had been moved from where it had been murdered, this adviser of the Republican nominee, Henry Lane Wilson, called a meeting of the ambassadors of other countries and recognized, in the names of their Governments, Huerta as the President of Mexico. It is the only time in the history of this Government where an ambassador of the United States on his own initiative and without authority from his Government recognized the head of a foreign country. Mr. Taft was then President and remained President until the 4th of March following, and he did not approve the unauthorized act of his ambassador, and did not before the end of his term recognize Huerta as the head of the Mexican Government. Mr. Hughes would have acted differ-

ently. Yet, there was not a syllable of criticism of Mr. Taft's action in refusing to recognize Huerta. When Mr. Wilson became President there was not the slightest influence brought to bear to move him to recognize Huerta in Mexico. If his policy was wrong, why was there not some criticism at least from gentlemen so critical now? [Applause on the Democratic side.]

If Mr. Taft or Mr. Wilson either had approved the murder of Madero by recognition of Huerta as head of the Mexican Government, it would have been a setback to the wonderful progress and development in the civilization of all South and Latin American countries. [Applause.] When this country, the foster mother of the Western Hemisphere, establishes the precedent that it will approve the action of military leaders when they murder the head of an orderly government and forcibly take charge of that government we will lower that high standard of character that we have instilled into South and Central American peoples. [Applause.] By the refusal of Mr. Taft and Mr. Wilson to recognize Huerta this Government set a commendable example for all Republics. The peace of the world is maintained only by orderly government firmly established, and when we, the greatest constitutional Republic on the face of the earth, set out upon a policy of recognizing chiefs who, because of their peculiar position in charge of the military of the country, can have the head of the government murdered and then recognize that practice we will subscribe to a policy revolting to our own sense of justice, a policy which will eventually result in encouraging revolutions and conspiracies against lawfully established governments. It should be particularly encouraging to those countries to the south of us that this administration at least has so far persistently and industriously tried to foster their good friendship and by act and deed aid them to a high standard of civilization and good government. It is our duty, if we are to hold high the fundamental principles of this Republic, to discourage rather than encourage, discountenance rather than countenance, every effort to secure changes in government by means other than through orderly and constitutional channels. [Applause on the Democratic side.] No policy of this administration has contributed more in bringing to us the close and friendly feeling of the South and Central American countries than has our refusal to recognize Huerta. And any reasoning person knows that if Mr. Hughes had been President and recognized Huerta he would have given encouragement to a revolutionary, disordered, and unstable government. [Applause on the Democratic side.]

But the failure of Mr. Wilson to recognize Huerta is not the only blunder with which the Republican nominee charges the administration. Peculiarly critical is he of the action of the President in his several proclamations touching the shipment of arms and munitions of war into Mexico. Let us analyze this criticism and see if it is just. Mr. Hughes says it was a vacillating policy. The facts are that only three changes have been made by the President touching the shipment of arms to Mexico—in August, 1913, February 3, 1914, and October 19, 1915. The policy of the administration throughout has been one of concern and solicitude for Mexico. The policy to allow them to work out their own internal and domestic affairs in their own way without interference from us.

The only requirement we have made of them is to conform to the spirit of humanity and to protect the lives of American citizens and American property. Of course, I know that American citizens have been killed and American property in a great many instances has been destroyed. I am not going to excuse the action of the Mexican people and the outrages they have committed at times upon American citizens and American property, but I know, and you know, that it would be impossible in a country, the home of 20,000,000 of people, engaged in civil war and where the property of the sympathizers of each faction in the war is being destroyed and taken and retaken, for American industries in that country to continue prosperous and for American interests not to decline in value. Huerta, when at the head of the Republic of Mexico, constantly gave assurances for the protection of American lives and property.

When Carranza became President he gave assurances of protection. I do not believe, nor do you believe, that these assurances have been kept at all times by the Mexican people, but as a great Government we can afford to treat with Mexico at times differently from what we would in dealing with a stronger nation. [Applause on the Democratic side.] And so with this civil war raging for over five years in Mexico, changed conditions have constantly arisen that have forced us to change our policy toward the shipment of arms and ammunition into Mexico. Prior to March 14, 1912, although there had been a revolution in Mexico for many months, this Government thought it was best that any citizen of Mexico, no matter to what faction he might belong, be allowed to import arms and munitions of war into



Mexico. That day, under the policy adopted by the Republican Party, a resolution was passed through Congress that allowed the shipment of arms and munitions of war only to the Madero faction in Mexico. It was based on the fact that this patriot and his compatriots in arms had struggled for years to gain mastery there, and since they had at last won out and were now in control of that country, even though there were several uprisings at that time in Mexico, this country thought it proper to encourage that constitutional government by prohibiting the shipment of arms and ammunition to those who were rebelling against it.

Mr. Wilson followed that policy when he became President, and only changed it when Huerta and his régime had grown so defiant and the Constitutionalists, who believed in those principles that Madero and his compatriots had fought for and to whom success had finally come, were making such headway that he felt that the embargo then existing was giving to Huerta an unfair advantage over them, and that the Government's policy was unneutral. The Huertistas were in charge of the seaports, and could not only buy arms and munitions under the then pending order from the United States but they could buy them from all the countries of the world, while the Constitutionalists, who were fighting for principle and who had gained their many advantages and series of successes only through a conquest of the arms of the Huerta forces, were prohibited by this country from obtaining arms here, and so it was at that time that the President came to the conclusion that an embargo should be placed on the shipments of arms and munitions of war, not only for the Constitutionalists but for the Huertistas. His action was applauded throughout the Nation. Practically every paper in the country praised his patriotic stand, and the Republicans of the Foreign Relations Committee of the Senate, as well as the House, approved the course of the President. [Applause.] Senator Lodge, ranking member of the Committee on Foreign Affairs at that time, said:

It is an excellent message. Its substantive declaration is that forbidding the shipment of arms to Mexico. I am in hearty agreement with that. The United States could not put itself in the position of adding to the slaughter in Mexico. Only two courses were open to the President—intervention and nonintervention—and I am sure that the sentiment of the country would not tolerate intervention. The President's policy is that of *waiting upon events*, and I feel that he could now pursue no other.

[Applause on the Democratic side.]

Senator Root at that time said:

The message is admirable in its general tone and spirit.

[Applause on the Democratic side.]

These expressions are quite different from the speeches recently made by Mr. Root to the New York Republican State convention and by the Senator from Massachusetts [Mr. Lodge] in his State when they had seen that the Democratic Party under the splendid leadership of Woodrow Wilson had redeemed every pledge to the people and when the last vestige of hope of a new issue for the coming campaign has vanished. Without any change in conditions in Mexico they give utterance to decidedly different views of the President's policy. [Applause on the Democratic side.]

I shall not continue quoting these expressions upon the part of the Republicans on the policy of President Wilson. Suffice it is to say that no man, either in this House or at the other end of the Capitol, raised his voice in protest against this policy.

And then what happened? Huerta continued in control of the Mexican seaports. They had arms and ammunition there; but the Constitutionalists, fired by the spirit of Madero fighting for the principles which they believed in and the cause of social and economic reform, trying to drive from the control of that country those men who had lived and prospered upon the blood and toil of the masses, moved on, gaining victory after victory, furnishing their soldiers with the guns and ammunition taken from the dead soldiers that fell in the ranks of the armies of Huerta, soon securing complete control of the upper States of Chihuahua and Sonora, and everyone could see that it was but a question of time when the Constitutionalists, though fighting against overwhelming odds, would soon drive Huerta and his forces from power.

It was then (Feb. 3, 1914) that President Wilson issued his proclamation removing the embargo on the shipment of arms and munitions of war into Mexico, so that this country might continue to show a spirit of absolute neutrality and noninterference. President Wilson in issuing this order gave out this statement:

The Executive order under which the exportation of arms and ammunition into Mexico is forbidden was a departure from the accepted practices of neutrality, a deliberate departure from those practices under a well-considered joint resolution of Congress, determined upon

in circumstances which have now ceased to exist. It was intended to discourage incipient revolts against the regularly constituted authorities of Mexico. Since that order was issued the circumstances of the case have undergone a radical change.

There is now no constitutional government in Mexico, and the existence of this order hinders and delays the very thing the Government of the United States is now insisting upon, namely, that Mexico shall be left free to settle her own affairs and, as soon as possible, put them upon a constitutional footing by her own force and counsel.

The New York World of February 4, 1914, in its news items from Washington, in commenting on the action of the President, said:

Expressions of warm approval came from both ends of the Capitol to-day when news spread of the President's decision to lift the embargo. To members of the Senate Foreign Relations Committee it was no surprise, for they had an intimation of it in their recent conference with the President. Senator Root commended the move. Many Members of the Foreign Relations Committee who now approve the lifting of the embargo did not think that way last August, and there are some, on the other hand, who think that if the embargo had been raised sooner the revolution in Mexico might now have been ended.

Those who try to give the impression that the President was encouraging war and revolution by that action do him and the American Congress a great injustice. [Applause on the Democratic side.] Huerta and his followers, being in charge of the seaports, could obtain arms and ammunition from other countries, but the Constitutionalists, although in control of 1,800 miles of border line along the Rio Grande, and who had gained victory after victory, and whose complete success, as could clearly be seen, was but a little way off, were prohibited, until this order was made effective, from importing arms and ammunition. The press of the country at the time applauded the action of the President. No criticism came from Republicans in this House or in the Senate. The American people looked upon it as a step in the interest of humanity and toward the furtherance of peace and order. That action did promote peace and order, because it was only a few months after that that Huerta's régime crumbled and he was forced out of Mexico. Notwithstanding the fact that Mr. Hughes in his acceptance speech cites several instances where arms and munitions of war following this order were permitted to go into Mexico, the facts are that from the order of February 3, 1914, up until the proclamation of October 19, 1915, when Carranza was recognized, with the exception of the time during the conference between this country and the A B C countries and the representatives of the factions in Mexico, there was no embargo on any arms and munitions of war into Mexico.

Mr. HUMPHREYS of Mississippi. Will my colleague yield?

Mr. HARRISON. I will.

Mr. HUMPHREYS of Mississippi. Is it not a fact that the recognition of Carranza came at the recommendation of the Republics of South America?

Mr. HARRISON. Absolutely. The gentleman is exactly right. Throughout this controversy our Government has worked hand in hand with our sister Republics to the south, and by our action we are to-day appreciated by South and Central American countries more than at any other time in our history. [Applause.]

This Government during that time treated Mexico as it did every other country under international law. No voice was raised in protest to it, and the policy of the President during all that time, of allowing each faction that desired to purchase arms and munitions in this country, was approved and applauded. It was in keeping with that spirit of strict neutrality that the President has shown from the time he took the reins of government to allow the Mexican people to work out their own destiny in their own way. It showed no preference to Carranza or Villa in their fight among themselves in the matter of shipments of arms and munitions until it was clearly demonstrated that Carranza and his following had practically obtained control of all the States of Mexico and that Villa and his following were but a handful of bandits left. When that condition came about—and not until then—did the President recognize Carranza as the head of the constitutional Government of Mexico. When he recognized him as the head he immediately issued his proclamation placing again the embargo on arms and munitions of war to any revolutionist whatsoever. His embargo policy has been consistent, fair, and just, and at each point in the development of that policy it was at the time approved by the American people. [Applause on the Democratic side.] He met the conditions as they arose firmly and justly, and the people of this country will not now believe that he was vacillating and blundering. His policy was the policy of Lincoln. During Lincoln's administration, when he confronted like conditions in Mexico, and the jingo cried for intervention, the same criticism was leveled at him. He answered by saying, "I am not controlling events, but events are controlling themselves." And to-day, even though there are bandits and uprisings in Mexico, there is

better law and order there than there has been at any time since the overthrow of Madero. [Applause.]

I submit that every act of the President has been based upon just grounds. They have made many misleading and incorrect charges against the administration, and only last Friday the distinguished gentleman from Illinois [Mr. RODENBERG] employed this language in criticism of the Mexican policy of the President. I quote it to show how unjust the opposition is, how they are trying to mislead the American people, how unfair they are to the President. Here is what he says. I read from the CONGRESSIONAL RECORD of Friday, August 4, 1916:

The trouble at Parral occurred as late as April 10 of this year. The attack on our soldiers at that place was made by the soldiers of Carranza. Four days after the attack and after the administration had full knowledge of Carranza's treachery, Secretary Lansing issued an order permitting Carranza to import 1,000,000 rounds of small-arms ammunition. The day before the order was issued Mr. Cleveland H. Dodge, vice president of the Phelps-Dodge Co., was in the city of Washington and, according to the newspapers, visited the Secretary of State. The Phelps-Dodge Co. is engaged in the manufacture and sale of munitions of war, and is the same company that was indicted in the Federal courts for violating the embargo on the shipment of munitions to Mexico in the last year of the Taft administration and escaped conviction on the technicality that the munitions had not actually reached the Republic of Mexico, but had been stopped at Bisbee, Ariz. Mr. Cleveland H. Dodge, vice president of the Phelps-Dodge Co., is a most interesting gentleman. The records show that he was the heaviest individual contributor to the Democratic national campaign fund in 1912, his first contribution being \$30,000. [Applause on the Republican side.] I am not making any charge against the integrity of the Secretary of State, nor do I know positively that the Phelps-Dodge Co. sold Carranza this 1,000,000 rounds of ammunition, but I can not help wondering if there is any connection between the call of Mr. Dodge on Mr. Lansing and the issuance of the order. The ammunition which was imported by Carranza under that order was used in the attack on our soldiers at Carrizal, in which 19 of the Nation's defenders, including two officers, lost their lives. If there should be any connection between the visit of Mr. Dodge and the issuance of the order, and if the ammunition that was shipped to Mexico was shipped by the Phelps-Dodge Co., then may God have mercy on an administration that permits a campaign contributor to recoup himself at the expense of the lives of our gallant soldier boys. [Great applause on the Republican side.]

Great applause on the Republican side! Now, gentlemen, if I were you I would applaud correct statements. [Applause on the Democratic side.] I would applaud statements based on justice and fairness and not statements charging the President of the United States in such language as that without having the slightest information on which to base it. The facts are, and the records will bear me out, and any gentleman can see for himself by an examination of the record, that the order for the consignment spoken of by the gentleman from Illinois [Mr. RODENBERG] as having been sent there on the 10th day of April, 1916, or four days after the killing at Parral, was granted over a week before that time, and at the time of the Parral killing the communication spoken of was in Mexico. [Applause on the Democratic side.] Under the arrangement then existing in the State Department, and which had existed since the embargo order of October, 1915, in the States of Sonora and Chihuahua and Lower California the Carranzistas could not obtain arms or munitions of war except on application of the agent of Carranza here. And the records show that on the 3d day of April Mr. Arredondo, the accredited agent of Carranza, requested and got permission to ship these goods from Douglas, Ariz., into Mexico. They had been in Mexico for a week before the killing at Parral, and the insinuation and the statement are wholly untrue. [Applause on the Democratic side.] I am sure that the gentleman from Illinois, for whom I have high regard, when he knows the facts will withdraw what he has said. I talked with the State Department about this allegation, and Mr. Polk, the Acting Secretary, told me that he knew nothing about the charge, that he knew nothing about Mr. Dodge having been there, but that he was sure the charge was not true. At the time of the alleged meeting with Mr. Dodge Mr. Lansing was well and attending the duties of his office in the State Department. Mr. Polk says, "I am sure it is wrong, and I will wire to Mr. Lansing and see what he says about it." And this morning Mr. Polk received a telegram in which Mr. Lansing says, "Have never met Cleveland H. Dodge in my life. Have had no communications with him of any kind. Rodenberg charge utterly false." [Loud applause on the Democratic side.] Such campaign charges as this, sirs, will not meet the approval of the American people.

The SPEAKER pro tempore (Mr. BURNETT). The time of the gentleman has expired.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi have 15 minutes longer.

Mr. GOODWIN of Arkansas. Mr. Speaker, I suggest that the gentleman proceed until he concludes his remarks.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the gentleman from Mississippi may proceed for 15 minutes or longer. Is there objection?

There was no objection.

Mr. HARRISON. I thank the House for its courtesy.

But, you say, we have soldiers on the border, and our Army is upon Mexican soil. That is true. But our soldiers were on the border during Mr. Taft's administration, and this Government has paid appropriations heretofore to reimburse the State of Texas for the services of Texas Rangers employed to protect the border. The border situation is one that has given this country concern for a half century. Mr. Lincoln, Mr. Grant, and Mr. Taft were all confronted with the cry of the jingo to intervene in Mexico. Their patience was compensated by the priceless jewel of peace.

Why should we not now be on friendly terms with the Mexican Government? They have given us their assurance of satisfaction for past wrongs and protection against future wrongs. They have offered to mediate our differences, and we have accepted the offer, realizing their difficulties and embarrassments. For my part, so long as we can maintain our peace with honor, I would prefer to vote billions of dollars to keep our soldiers on the border camping under the smiles of the western moon or drilling in the scorching heat of a Texas sun, writing letters of love back home, and receiving inspiration from us, than to vote to sustain a policy which would send them into a war endangering their lives and destructive of the peace and happiness of our people. [Applause.]

And when Mr. Hughes, in his acceptance speech, says that the Mexican policy of the President has not been firm the only construction that can be placed upon his language is that he believes that Wilson should have intervened. This Government several times within the past three years has been on the very brink of war with Mexico. Our citizens have not known any day what might happen on the morrow. We have sent demands to Mexico which if not answered as they were would have meant war. The President of this country should either have made those demands through diplomatic channels or should have resorted to arms. The only way the President could have been more firm than he has been would have been a declaration of war. We are to assume that Mr. Hughes, if he had been President, would have asked for a declaration of war.

Mr. Hughes may think that war is popular. He may think that the people are for intervention, but they are not. And I make the prophecy now that before the end of this campaign he will not be talking to the American people about Mexico; that he will not be crying out for intervention; that he will not be criticizing the President's policy touching the embargo on the shipment of arms and munitions of war into Mexico.

Mr. DENISON. Will the gentleman yield?

Mr. HARRISON. Yes; I yield.

Mr. DENISON. I should like to ask the gentleman from Mississippi if he knows what would probably have been the policy of the President if Germany had not yielded on his demand in regard to submarines?

Mr. HARRISON. Oh, the gentleman's question is far afield. The gentleman's candidate for the Presidency says that in the foreign policy of this country President Wilson has not been firm enough. Now, the gentleman's question implies that in that instance he would have been too firm. President Wilson has followed the right policy throughout. He has championed the rights of neutrals and on all occasions has contended for their rights under international law; and no President in the history of this country, when he shall have gone out of office, will have a better record touching foreign policies than Woodrow Wilson. [Loud applause on the Democratic side.]

Mr. HUMPHREYS of Mississippi. Will my colleague ask the gentleman from Illinois [Mr. DENISON] what Mr. Hughes would have done?

Mr. HARRISON. I have only 15 minutes remaining, and I do not want to impose on the House at too great length.

Mr. DENISON. I should like to have an answer to my question.

Mr. HARRISON. I have answered the gentleman's question. The President showed a degree of firmness in that instance that won from the American people commendation and praise, and what he did at that time, standing up for American rights and the protection of the lives of our citizens, he did notwithstanding the gentleman himself and many men of his party tried to hamstring and embarrass the President. [Loud applause on the Democratic side.]

Mr. HUMPHREYS of Mississippi. What would Hughes have done?

Mr. DENISON. The gentleman does not understand that the President ever intended to go to war, whether Germany yielded or not.

Mr. HARRISON. I have answered the gentleman; but the trouble is that in all the speeches made by the gentleman's candidate for the Presidency and by the members of his party



they criticize the President for doing this and doing that, and yet not in one instance do they say what their own party would do or what their own candidate for the Presidency would do. [Applause on the Democratic side.] The gentleman's candidate for the Presidency has not the courage to say that he would have recognized Huerta in Mexico. He has not the courage to say that he would actually intervene in Mexico. He has not the courage to say that he would not have put those embargo orders in force. And yet with all the language that he can employ he criticizes the President in such a way that that is the only conclusion you can draw. [Applause on the Democratic side.]

The American people are not for war. [Applause on the Democratic side.] They know what war means. Many of them remember the suffering that was endured, the damage that was wrought, and the material setback that accompanied the war from 1861 to 1865. We are all familiar with the horrors of the dreadful cataclysm now raging across the waters. Millions of the flower of Europe's manhood have been killed; strong men made cripples for life; asylums filled with the insane; industries paralyzed, capitalists pauperized, commercial houses bankrupted; battle fields whitened by the bleaching bones of the dead; agricultural fields laid in waste; rivers colored by the blood of wounded soldiers; homes saddened by the loss of loved ones; women forced to work in fields, on the streets, and in the factories, aye, even to marry in order to replenish the diminishing race. We have, Mr. Speaker, almost heard the sharp rattle of their muskets, the thundering roar of their cannon, the groans of their dying, and the wails of their sorrowing. We know the horrors of war.

If Mr. Hughes had been President—if we are to believe his speech of acceptance—instead of to-day in this country there being peace and plenty, happiness and contentment, an era of prosperity everywhere never experienced in the history of the country before, we would have war—cruel, unjust war. Our factories would be idle, our fields would lie in waste, our hospitals would be filled with wounded, our homes saddened; misery and poverty everywhere. We would read upon the faces of our women lines of sorrow, where now are written expressions of happiness. Our fathers would walk with dread and anxious step, where now they move in happy contentment. Where now we hear the laughter of children, we would hear the sobs of the sorrowing. The skies no more would reflect the color of burning furnaces, but rather the crimson glow of bloody battle fields.

No; the American people do not want war! [Applause on the Democratic side.]

I suppose recently when the Mexican situation became so tense that if Mr. Hughes had been President, instead of dispatching with firmness a note such as was sent through diplomatic channels by Mr. Wilson, which brought peace and preserved our honor, he would have refused Mexican overtures and ordered the American armies into Mexico. I received a letter the other day from a little 18-year-old woman. She is the wife of a militiaman. This letter to me expressed a philosophy of peace. In her simple way, because she is a country girl, she wrote me:

MY KIND SIR: I am 18 years of age, the mother of a 3-months' old child; my husband joined the militia and went to the border. I am absolutely dependent upon him. I have pellagra, and my little baby is sick. My father and my mother are both dead, and I have no sisters or brothers. I need my husband at home, and I do hope you can see Mr. Wilson for me, because everybody here says he has such a tender heart and is such a great man, and ask him to let my husband come back to me.

And so it is, Mr. Speaker, that there would have been in the past two months thousands of just such cases as this if the policies of those who would intervene in Mexico had prevailed. Just such cries would have come from every nook and corner of this country, from every village, county, and State of this Nation. When the call to arms came and war looked inevitable, and these young men from every section responded "like heroes to the cause," the mothers, wives, daughters, sisters, and sweethearts all over the land, with heavy hearts, wended their ways along 10,000 roads and streets to bid the soldier boys good-by. We will never know how many eyes were dimmed with tears and how many prayers went up from loving hearts of the noble womanhood of this land that war might be averted. And while the sons of many Christian mothers are now camping on the banks of the Rio Grande, these mothers are awaiting their return and on their knees are praying God that Woodrow Wilson be given divine guidance and that peace, happiness, and contentment may prevail. [Loud applause on the Democratic side.] It is easy enough to criticize and find fault, but there is one glaring fact in this campaign that will not be downed and that is that through it all Mr. Wilson has faced serious international problems; he has faced them all with firmness, maintained peace,

and preserved our Nation's honor. [Applause on the Democratic side.] And the policy with which Mr. Hughes finds fault and charges to be weak is the same policy that the metropolitan press of the country for three years has approved, the policy the American people have been inspired by, and the policy that Republican leaders have indorsed. There is less cause for intervention to-day in Mexico than there was in August, 1913. There is no more reason to-day for interfering in the domestic and internal affairs of Mexico than there was in August, 1913. No event has occurred since that time that would convince any rational mind that Huerta should have been recognized. And yet here is what Senator NELSON, an influential Republican statesman, said about the policy of Mr. Wilson on August 21, 1913. And, Mr. Speaker, when these sentiments were uttered Mexico was torn with strife and dissension. A large number of American people were then howling for intervention. But in face of these conditions, Senator Nelson said:

I want to remind Senators at this juncture of a little bit of history that we older ones remember well, because it transpired under our eyes and observation. We were very glad during the long, weary, and momentous days of the Civil War that no foreign Government intervened in our struggle, and that they allowed us to settle the struggle among ourselves. We were threatened time and again with intervention from France, from Spain, and even from England. In one case the situation became so acute that a general of the United States at New Orleans was removed because of the complaint of foreign Governments. We were very glad to have foreign Governments keep their hands off and let us settle our controversy among ourselves. The treatment that we hoped and longed for, and which was accorded us during the days of the Civil War, we ought to be willing to accord to a sister Republic at this juncture, and not attempt to agitate the question and bring on war. We ought to permit Mexico, as we were permitted during the Civil War, to settle her internal troubles without warlike intervention on our part.

[Applause.]

What is it Senators want? Intervention means war. Suppose we have a war with Mexico. There are 15,000,000 people in Mexico, and they will not quietly and supinely submit to have that country invaded and dismembered. Suppose we should get, as the result of war, what some people are pining for—two or three of the northern provinces from Mexico and attach them to the United States, what good will it do us?

Therefore it seems to me that at this juncture we ought to do everything we can in this country to avoid war and give the people of Mexico the same chance to settle their internal difficulties which we asked and obtained during the long and weary days of the Civil War.

[Applause on the Democratic side.]

Senator SMOOT, one of the old guard and a leader in the Chicago convention that nominated Mr. Hughes, in speaking on the same day, said:

I desire to say to the Senate that Hon. A. W. Ivins, who might be termed the father of the Utah Colonies, writes me that he speaks for a great number of the Utah people when he says they would rather lose every dollar of property they own in Mexico than to see intervention by this Government. He says, "Let them fight it out among themselves"; and I, too, believe in that policy. \* \* \* I want to say this much, because I believe that the President is doing everything to-day that can be done, and I believe it would be bad policy for this Government at this time to intervene in Mexico, and thus bring on bloody and costly war.

[Applause on the Democratic side.]

Mr. SUTHERLAND, whom the distinguished Republican nominee took into confidence on the woman suffrage amendment recently, speaking on the same date, said:

The former administration, with whose doing in Mexico I was personally more familiar than I am with the actions of the present administration, was doing precisely, so far as I understand, what this administration is doing.

I have personally every confidence in the patriotism and good judgment of the President of the United States. I have had an opportunity, in connection with others, of talking with him face to face; and no man can talk with him without being convinced that President Wilson is patriotically engaged in doing everything he possibly can to bring order out of the chaos which now exists in Mexico.

[Applause on the Democratic side.]

Mr. LODGE, one of the old guard, who seems recently to have become very close with Mr. Roosevelt, speaking on this same day, said:

I cordially agree with what the Senator from Utah [Mr. SUTHERLAND], who has just taken his seat, has said as to the general position, but I should like to add this remark to the present situation: The President of the United States, charged with the duty of conducting our relations with foreign countries, has been making an effort, in good faith and with all the wisdom and patience at his command, to bring about some arrangement in Mexico which would lead to peace and stable government. \* \* \* I am sure we are all actuated by the same desire, and that is to maintain the peace of the country, not to intervene, to avoid intervention if possible, and at the same time give full and proper protection to American life and American property.

[Applause on the Democratic side.]

But that is not all. The Republican nominee for Vice President knew what the sentiments of the American people were better than Hughes. He knew that they were not for war. He knew we had no business intervening in Mexico, and he gave some utterances to the country, and gave them at a time when the jingoes were crying aloud for intervention, when Mr. PENROSE had voiced his sentiments in the United States Senate, after Senator FALL had pleaded for intervention. This distinguished American, the candidate for Vice President,

this man who is now running on the ticket with the Republican nominee, who obtained his information from Henry Lane Wilson and Senator FALL, said in August, 1913, speaking at that time to the Republican Editorial Association of Indiana. I wonder if the distinguished gentleman from Ohio [Mr. LONGWORTH] ever read these sentiments of peace from the mouth of one of the distinguished standard bearers of his party. I wonder, when the distinguished gentlemen, the ex-Speaker of the House [Mr. CANNON], spoke the other day so fervently and vigorously on Mexico, if he had then read what the distinguished gentleman from Indiana, his vice presidential candidate, said on this question. Let me read to you. I want you to pay attention. It sounds good. It is a great pity that your Republican nominee for President had not called into conference his running mate to talk with him about this very delicate Mexican question.

Says Mr. Fairbanks:

I have no doubt that the disturbances in Mexico during the last few years have been due in a greater or less degree to an effort on the part of ambitious, cunning men to force intervention and possible annexation to the United States.

[Applause.]

The exploiters of public utilities and of the mineral and agricultural resources of our neighbor have undoubtedly thought that they would gain much if they could force intervention by the United States. There are soldiers of fortune in Mexico who would undoubtedly welcome such a contingency.

Sensationalists are adding to the confusion of the situation and are making more difficult the solution of the problem.

[Applause on the Democratic side.]

Could we not class the Republican candidate for President to-day as one of those sensationalists? [Applause on the Democratic side.] I read further:

Intervention in Mexico is, of course, not a matter to be considered lightly, for intervention means war, and war means the destruction of human lives and the expenditure of hundreds of millions of dollars. It means furthermore the responsibility of the Government of 20,000,000 people for an indefinite period. We are now engaged in governing 10,000,000 aliens as the result of the Spanish-American War, a war which could very probably have been averted if we could have exercised a little more patience, patriotism, and self-restraint.

Then he proceeds:

If our speculators—

I wonder whom he was talking about when he mentioned speculators? Did he mean men who own stocks in railroads, the men who own interests in mines, in timberlands, agricultural lands, and oil interests in Mexico? I wonder if any gentleman that the Republican candidate for President has lately conferred with could be placed in that class? [Laughter and applause on the Democratic side.] The vice presidential candidate proceeds:

If our speculators in Mexico suffer pecuniary loss as the result of recurring revolutions, that is a matter for future consideration, when stable government and peace are fully established in that country. It is no warrant for shedding the blood of Americans.

[Applause on the Democratic side.]

To sacrifice the life of one soldier for all of the dollars investors or speculators have ventured in Mexico would be the supremest criminal folly.

[Applause on the Democratic side.]

Without a deliberate affront on the part of the Mexican Government, whether it exists de jure or de facto, is no ground on which we would be justified in sending our armies beyond the Rio Grande.

President Wilson is dealing with it as best he can. We may not entirely agree that his course is better than that of his distinguished predecessor, nevertheless we should endeavor to uphold his hand.

There should be no difference of opinion as to that. By doing so we shall make his path a comparatively easy one.

It is not an hour for either little politics or sensational journalism.

[Applause on the Democratic side.]

The clamor of the jingoes should not be allowed to drown the voice of rational, deliberate statesmanship.

[Applause on the Democratic side.]

It is a pretty safe rule when we come to deal with grave international problems to put our faith in the President of the United States and follow where he may lead.

[Applause on the Democratic side.]

He speaks for the country when we come to deal with international affairs. The President of the United States is a safer guide than sensationalists and soldiers of fortune who come to the surface whenever international controversies arise.

[Loud applause on the Democratic side.]

Sirs, I have been quoting from the candidate for Vice President on your ticket. "He speaks for the country when," he says, "we come to deal with grave international problems." "It is a pretty safe rule to put our faith in the President of the United States and follow where he may lead." He concludes: "The President of the United States is a safer guide than sensationalists and soldiers of fortune who come to the surface whenever international controversies arise." [Applause on the Democratic side.]

Let me read again that beautiful sentiment that it may ring in the ears of you Republicans when you sit in great gatherings

in the coming campaign and hear these misrepresentations fall from the lips of the Republican candidate for President. I want you to remember this beautiful sentiment, so well expressed by your Vice Presidential candidate. He says:

It is not an hour for either little politics or sensational journalism.

[Applause on the Democratic side.]

And so I submit, Mr. Speaker, that these splendid expressions of approval and commendation coming from the men who championed the nomination of Mr. Hughes and who have the interest of their party at heart as much as he, should have been consulted concerning the Mexican policy. Instead, Mr. Hughes allowed himself to be swayed by the influence of Senator FALL and Henry Lane Wilson. But the acceptance speech of Mr. Hughes touching Mexico is in line with the criticizing and fault-finding policy of the Republicans. It shows conclusively that the Republican Party expects to wage such a campaign, hoping to create a false issue, that the people for the time being may forget that splendid and magnificent constructive record of President Wilson and the Democratic Party. [Loud applause on the Democratic side.]

#### THE DEMOCRATIC PARTY.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. MCCLINTIC] is recognized for 45 minutes. [Applause.]

Mr. MCCLINTIC. Mr. Speaker, three years ago when the Democratic Party took hold of the reins of this Government one of the first acts put upon the statute books was the Underwood tariff law. During the discussion on this bill strange and weird prophecies were made by those who opposed the measure, which were to the effect that if this law were put in operation this country would soon face one of the greatest crises in the history of the Nation. It is very easy for a person to criticize and to prophesy for the future, but when I see a person spreading a doctrine that is not based on facts I always recall that old saying, "Beware of false prophets who appear in sheep's clothing but inwardly are ravenous wolves." [Applause on the Democratic side.] Let us see how truly their prophecies have been borne out. On the 30th of June of this year the Treasury of the United States had on hand the enormous balance of \$236,789,590.90, which, according to the records, is the largest balance the Treasury has had in 20 years, except one. If the statements of those who are to-day criticizing the Democratic Party for revising the tariff downward were true, then what is the reason for this great era of prosperity that exists throughout our country? In practically every State in the Union the bank deposits are larger than ever before; business conditions are all that can be expected; and the pro rata wealth of the individual citizen has increased in wonderful proportions. In my State the banks now have \$8,000,000 more deposits than they had at this time last year. It is true that the revenue obtained from import duties has fallen off because of the terrible war in which many of the European nations are at this time engaged, yet the framers of the new tariff law had sufficient wisdom to provide an income tax, so that the wealth of this Nation should pay its just proportion of the cost of running this Government, and this feature of the bill alone caused something like \$124,000,000 to be collected from this source. [Applause on the Democratic side.]

Practically one-half of the income tax is paid by some 2,500,000 stockholders of 190,000 corporations. There are those who claim that this is unfair; yet I am one who believes that those who are the most fortunate in life should be willing to pay more than those who have a hard time in making both ends meet. Let us see how the income tax operates in other countries. As a comparison I will say that in one foreign country those who have incomes over \$3,500 pay 10 per cent; over \$5,000, 12½ per cent; over \$10,000, 18½ per cent; over \$15,000, 25½ per cent; and an income of over \$100,000 pays a tax of 33½ per cent. For this fiscal year that country expected to realize from its income tax alone \$975,000,000. Those who pay an income tax in the United States should have no complaint, as the percentage charged is smaller than that levied by any other country in the world.

#### UNDERWOOD TARIFF ACT.

On October 3, 1913, the Underwood tariff law was placed on the statute books. About 10 months later, in the forepart of August, 1914, war was declared. During this time the Underwood law produced \$10,889,000 more than the Payne Act for the same months in the preceding year. The Payne Act, besides levying tariff duties, also included a corporation tax; the Underwood Act likewise included an income tax.

I do not agree with the Members of this House who believe that the people should be taxed indirectly—that is, at the customhouse—and later on the added cost be placed upon the articles, which causes the people to pay the same without know-



ing it. Some few years ago Senator Dolliver, a Republican from Iowa, said:

For every dollar collected at the customhouse it was supposed to add \$5 worth of protection to the manufacturer, the person who paid the same.

According to his statement, if we had not collected last year the sum of \$124,000,000 from the income tax and this amount should have been collected at the customhouse, the large interests would have received profits, according to the Senator's statement, which is \$5 to \$1, amounting to some \$620,000,000. [Applause on the Democratic side.]

Mr. Speaker, there are some Members of this House who will try to lay stress on the fact that the Democratic Party fails to raise sufficient revenue to run the Government. This statement can be met by the assertion that the facts do not warrant its utterance, but what constantly underlies the remarks of the man who believes this doctrine is that the Democratic Party does not hide the methods by which the people are taxed as does the other party that has been in power. They seem to think there is a virtue in taxing through the customhouse and a vice in taxing in any other way. It has frequently been said that the height of statesmanship lies in taxing the people without their knowing it, and the real difference between the new Democratic tariff law and the one used by the other party when in power is that the Democrats believe in lowering duties on the necessities of life and, by an income tax, compelling the wealth of the Nation to make up the difference. The other party believes in taxing at the customhouse, thereby giving protection, as Senator Dolliver said, to the large interests at the rate of five to one.

The Underwood tariff law from January 1, 1914, to August 1, 1914, the time of the beginning of the war, produced \$18,198,599 more than the Payne Act in the same seven months in the preceding year. The old tariff law, during President Taft's administration, showed a deficit on August 1, 1910, of \$10,055,000; on August 1, 1911, \$15,524,000; on August 1, 1912, \$292,000; on August 1, 1913, \$9,563,000. The Democratic tariff law on August 8, 1914, showed a surplus of \$15,000,000. When the Democratic administration took charge of the affairs of this Nation on March 4, 1913, there was the sum of \$82,219,519.97 on hand. On June 30, 1916, the Treasury showed the handsome balance of \$236,789,590.90.

If the Underwood bill was the sole cause of business depression three years ago, it is equally fair to give it credit for bringing about the unequalled and unexampled prosperity in the country to-day.

So when you hear a person boldly making the statement that the Democratic tariff law has not been a success or that it has not produced as much revenue as the Payne bill, you will know that his statements do not agree with the facts.

#### FEDERAL RESERVE ACT.

The Federal reserve law is one of the most important acts that have been enacted for a quarter of a century. Prior to the passage of this law the big moneyed interests of this country, which controlled practically all of our industries by a system of interlocking directorates, could at their will bring down upon the people a disastrous panic. If there is any one thing that brings terror to the hearts of the people it is to have the savings of a lifetime on deposit in their banks snatched from them by a few men who have gained control of the Nation and who decree that there shall be a panic. I now have in my possession a number of clearing-house certificates that were used in the place of currency during the last financial eruption under the Roosevelt administration. I dare say these will be interesting relics a hundred years from now, as never again, as long as this law remains in effect, will it be possible to bring about another disaster of this kind. [Applause on the Democratic side.]

The Democratic Party has always believed that the Government should have certain supervision over the finances of this Nation; and, while this bill was seriously opposed by Wall Street and many of the big business institutions, those in charge of this legislation courageously did their duty, and were successful in passing the bill. From the very beginning it established confidence in the banking system of the country, giving it the soundest financial system of any nation in the world. This measure has become so popular that no party would dare go before the people and advocate its repeal; and it has frequently been said that no party in power was ever able to successfully cope with the big moneyed interest which controlled the wealth of this Nation until the Democrats took hold of the reins of this Government.

#### FEDERAL TRADE COMMISSION.

Another one of the highly important Democratic measures that have been put in operation during the Wilson administration is the act creating the Federal Trade Commission. The

duties of this body are to provide information and publicity and to act as a clearing house by which both the public mind and the managers of great business undertakings should be guided.

I have introduced a bill which gives to the Federal Trade Commission certain jurisdiction over corporations which offer for sale stocks, bonds, and other securities to the public. I am of the opinion that every association or corporation which offers for sale to the public any kind of securities should be supervised by some department of the Government in order that the innocent purchaser can know something as to the validity of such securities.

Thousands of companies in the United States are operating wildcat schemes, and many of our people are daily being defrauded because we do not have any proper jurisdiction over matters of this kind.

The following bill, when enacted into law, would give this commission the jurisdiction which is lacking and at the same time provide protection to thousands of investors in the United States.

A bill (H. R. 14726) to amend an act approved September 26, 1914, known as the Federal Trade Commission act.

*Be it enacted, etc.,* That the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38th Stat. L., p. 717), be, and the same is hereby, amended by adding a new section thereto, to be designated as section 6a, as follows:

"SEC. 6a. That from and after the passage of this act it shall be unlawful for any person, partnership, or corporation engaged in commerce, not exempted from the provisions of this act, to offer for sale any stocks, bonds, or other securities in any State or Territory of the United States without first submitting to the commission a notice of such intention to so offer for sale such stocks, bonds, or other securities, together with a report of the business engaged in, showing in detail the amount of capital invested or capital stock issued, the amount paid therefor, and the manner and time of the payment of same; the dividends paid, the surplus funds, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of any property, franchises, or other holdings; the number of employees and the salaries paid each; the amount expended and how expended; the earnings and receipts, the operating and other expenses, and the balances of profit and loss, for the year preceding the filing of said notice, or for such time as such person, partnership, or corporation shall have been engaged in business where operation has been less than one year preceding said notice, and without first obtaining authority to offer for sale such stocks, bonds, or other securities, as herein provided. If after examination of said report, or together with such other information as may be further required, the commission shall deem that the business to be affected is in a state of solvency and offers a reasonably safe investment for the public, it shall issue to such person, partnership, or corporation a certificate reciting in substance that such person, partnership or corporation therein named is authorized to offer for sale such stocks, bonds, or other securities, in any State or Territory of the United States. And person, partnership, or corporation failing to comply with this section shall forfeit in addition to the penalty prescribed for a violation of said act, to the United States, the sum of \$100 for each and every day default shall continue, recoverable in the manner prescribed by the provisions of this act."

#### MERCHANT MARINE.

Mr. Speaker, at the first session of Congress under a Democratic administration a merchant-marine bill passed the House, but when it reached the Senate the representatives of the special interests put on a filibuster and the measure was talked to death. If this bill had been enacted into law, it would already have saved the producers of this country millions of dollars in freight rates, besides furnishing sufficient tonnage to supply the peaceful nations of the earth. At this time, because of the scarcity of ships, the rates on grain have advanced from 4 cents to 51 cents; on flour, from 10 cents a hundred to \$1; on lumber, from 18 cents to \$1.10; and on cotton, from \$2 to \$18 per bale.

The merchant-marine act would have saved the people of the State of Oklahoma in freight rates on cotton alone more than \$10,000,000 last year; and who is it that can say that the United States Government should not take such steps as will be necessary to provide means for the carrying on of our commerce and to take care of the products of this Nation? [Applause.] The farmers of my State have had to pay as high as 3 cents per pound, or \$15 per bale, to the shipping monopoly because our Government had to depend upon vessels owned by foreign nations to take care of our trade.

A great railroad king once said, "Let me control the transportation facilities and I will own the country and the people who inhabit it."

The gross steam tonnage of all the nations in the world at the outbreak of the war was 45,400,000, and approximately one-half was under the British flag. The United States have 15 vessels of 1,000 net tons, but practically all of them are now employed on the Great Lakes. Since the outbreak of the war over 6,000,000 gross tons of ocean-going vessels have been withdrawn, and this has left such a shortage that the owners of vessels were able to obtain practically any rate for the hauling of commerce that they desired to charge. To-day ships are charging such high rates that the revenue received for one trip is in many cases more than the cost of the ship. Only a few

weeks ago the submarine merchantman *Deutschland* made a wonderful trip from Germany, bringing 750 tons of dyestuffs, and so forth. The owners stated that the profits would be sufficient to pay for the expense of building this vessel.

At this time our trade with some of the foreign countries has practically been destroyed because we have no ships, and while there are those who represent the big interests claim that this measure should not be enacted into law, yet our union with the Pan American States has placed us in a position where we can to-day have a market for millions of dollars worth of articles manufactured in this country if we only had sufficient vessels to properly carry on this trade. There are those who claim that the Government should not enter into the ship business and that if it did the results would be disastrous; yet they should take into consideration the fact that when we purchased the Panama Canal territory we acquired a line of ships plying between Panama and New York, and the records show that this line has paid a profit from the day we obtained possession until now. For a half a century we have been waiting for private capital to provide a merchant marine, but the number of our privately owned ships has been decreasing, until now we are at the mercy of the different foreign nations to handle our commerce. This condition must not continue. We as a Nation should provide means for the sale of the agricultural products and goods manufactured in this country. Inasmuch as the House of Representatives passed this bill, I am hoping that the Senate will do likewise, so that we can give to the people the protection along this line they are justly entitled to and keep the few shipowners from charging exorbitant rates in the future. [Applause on the Democratic side.]

#### PARCEL POST.

Mr. Speaker, the Democratic Party has raised the Parcel Post System to its highest point of efficiency. I believe that the rural population, which do not have the advantages of those that live in the city, are entitled to receive every commodity that will enable them to keep in closer touch with the markets of the world. When this system was being improved the express companies of this country put forth every effort possible to destroy it because of the competition it would bring to them. I am informed that prior to the development of this system the express companies, when the civil authorities sought to prove their rates were exorbitant, brought in a great compilation of facts and figures to attempt to prove that the rates being charged were not any higher than was necessary to pay a reasonable dividend upon the capital invested. Yet, strange to say, when the parcel-post rates went into effect a few months afterward these same companies, which had attempted to convince the civil authorities of the United States that they were not charging exorbitant rates, sent out a notice to the world that their rates would be reduced uniformly on a certain date, and no person has ever heard any complaint from this source from that day until this to the effect that the companies were not making a fair profit on their investments.

Millions and millions of dollars have been saved to the purchasers of this country because of the splendid Parcel Post System, which has been brought to its present state of efficiency by the Democratic Party, and no party could be successful that would advocate the repeal of the laws affecting the system which has been perfected under a Democratic administration.

#### PHILIPPINE ISLANDS.

About 10,000 miles from the United States there are located in the Pacific Ocean approximately 3,000 small islands, which comprise our Philippine possessions. These were obtained as a result of the War with Spain, and inasmuch as the investment made in this connection has never paid the United States an amount sufficient to pay the interest, the Democratic Party has steadfastly advocated giving to these people their independence. Every person knows that if we were the object of an attack by any country these islands would probably be the first section to suffer, and if any country were to attack the people of these islands at this time we would be compelled to uphold the honor and dignity of our Nation by repelling such attack. These islands are the same as a chip on our shoulders. Should some other nation attempt to brush it off, it would no doubt start a war that might cost the lives of thousands of our brave soldiers.

I say that it is nothing but a business proposition to cut loose from a venture that brings no profit. These people are not of our race. They are small, swarthy individuals who, to a certain extent, do not have our customs or our manners, and inasmuch as they very much desire their independence, I am sure that every person who makes a study of the question will support the policy of the Democratic Party in advocating their freedom. [Applause on the Democratic side.]

#### ARMOR PLATE.

President Wilson in his speech made at Chicago, Ill., January 31, 1916, made the following statement:

I have proposed to the Congress that for one thing we at once build our own armor plant, not for the purpose of making all the armor that our ships need, unless that should become necessary, but for the purpose of keeping the price within sight. I have proposed to the Congress that we prepare to manufacture also the munitions which the Government may need—for the same purpose—not to drive other people out of business, but merely to serve other people with notice that if necessary we will manufacture all the munitions we need. We have had some experience in this matter. The Navy now makes a very large proportion of its own powder. Before it began it paid 53 cents a pound for it, and now it pays 36. That shows the very interesting effect of Government competition upon the price. So all along the line we mean business, and we are going to see that business characterizes the processes of national defense. We would not be Americans if we did not.

The Democratic Party believes that the President is right and that the large manufacturing industries which have had a monopoly in the past in this branch of industry should not be allowed to charge our Nation any price they desire. By reason of their monopoly the big steel companies have piled up millions of dollars of profits, and would have continued so to do had not the Democratic Representatives in Congress had the courage to support this kind of legislation.

#### GOOD ROADS.

A good-roads bill has been enacted at this session of Congress which contains many of the features of the bill I introduced on this subject. This measure provides \$5,000,000 for the fiscal year beginning July 1, 1916; \$10,000,000 for the fiscal year of 1917; \$15,000,000 for the fiscal year of 1918; \$20,000,000 for the fiscal year of 1919; and \$25,000,000 for 1920. These sums of money are to be expended by the Secretary of Agriculture in cooperation with the various States of the Union. The State, in order to obtain the benefits of this law, must agree to the terms of the act, and for every dollar appropriated by the State the Government will furnish an equal amount, to be expended under certain rules and regulations which will standardize or provide a system which will give to every section of the country a uniform method of road building which will produce the best results. There are approximately 7,000,000 farmers in the United States. There are more than 2,000,000 miles of unimproved public roads. The farmers lose in wear and tear and depreciation and through other causes more than \$300,000,000 a year because of the bad condition of public highways. The cost of hauling over the average public road is approximately 23 cents per ton per mile, and over hard-surface roads approximately 13 cents per ton per mile. This bill will be of great assistance to every State in the Union. It is one of the most important laws that has ever been passed by Congress, and the Democratic Party is entitled to a great deal of credit for taking the first step in this direction.

#### RURAL CREDITS.

Mr. Speaker, I have been especially interested in the subject of rural credits. During my campaign I promised the people of my district that I would do everything in my power to assist in passing this kind of legislation, and I am indeed glad to see a law passed which provides a system whereby loans can be made to those who are trying to improve their home conditions. [Applause on the Democratic side.] This measure includes some of the ideas carried in the bill I introduced on the first day of this session, and it provides a complete interlocking set of machinery which is under the control of a Federal Farm Loan Board, which consists of five members, including the Secretary of the Treasury, who is chairman ex officio. Under the provisions of this act the United States, including Alaska, will be divided into 12 districts, each of the same having located therein a Federal loan bank, established for the purpose of making long-term loans on the amortization plan. The capital stock of these banks will be \$750,000, and no loan made by a Federal loan bank will be less than \$100 nor more than \$10,000. Loans made by these banks are limited to be used for the following purposes:

(a) To provide for the purchase of land for agricultural purposes.

(b) To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm.

(c) To provide buildings and for the improvement of farm lands.

(d) To liquidate the indebtedness of the owner of the land mortgage existing at the time of the organization of the farm-loan association.

A loan can not be made for a period of less than 5 years nor more than 40 years, and no loan or mortgage can be made under this law at a rate of interest to exceed 6 per cent per annum, exclusive of amortization payments. The national farm-loan association, provided for by this act, must be com-



posed of not less than 10 men in any community or county within the Federal land-bank district who desire to secure loans and who organize what is termed and classified by the act as a national farm-loan association.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. McCLINTIC. I yield to the gentleman from Oklahoma.

Mr. FERRIS. I will ask the gentleman if it has not been the pledge of both political parties in Oklahoma for a number of years that they would favor the enactment of a rural credit law, and if it is not true that during the first term of President Wilson that law was passed, and is now on the statute book?

Mr. McCLINTIC. The gentleman has stated the facts correctly.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. YOUNG of North Dakota. I understand the gentleman from Oklahoma [Mr. FERRIS] is referring to the party platforms in the State of Oklahoma, is he not?

Mr. FERRIS. In my question; yes.

Mr. YOUNG of North Dakota. Well, the national platform of the Republican Party never promised a rural credit law before four years ago. Is not that the fact?

Mr. FERRIS. That is their own dereliction of duty, not ours.

Mr. YOUNG of North Dakota. And the national platform of the Democratic Party did not include that question until four years ago.

Mr. FERRIS. They promised it on the stump throughout my State for the last 13 years, both parties. Your party has tried to get into power promising that, but never delivered the goods.

Mr. YOUNG of North Dakota. If the gentleman will be fair—

Mr. McCLINTIC. I only yielded for a question. Does the gentleman care to ask me a question, or does he care to have a little colloquy with the gentleman from Oklahoma [Mr. FERRIS]?

Mr. YOUNG of North Dakota. I simply desire to ask you whether you are trying to establish some principle, from a party standpoint, by stating what was done in the State of Oklahoma?

Mr. McCLINTIC. I will be glad to yield to the gentleman after I have concluded my speech.

Mr. YOUNG of North Dakota. The gentleman's colleague made an unfair statement. That is what I complain of.

Mr. FERRIS. "The gentleman" did not make an unfair statement, as the Record will show. The question was this, and I will repeat it: In our State has it not been the pledge of both political parties for years that they would pass a rural-credit law? The gentleman who occupies the floor [Mr. McCLINTIC] said yes, and I asked him if it was not true that during the first term of President Wilson the Democratic Party actually delivered the goods. What is there about that which is unfair?

Mr. YOUNG of North Dakota. I simply ask if it is not a fact that both national parties never promised it until four years ago?

Mr. FERRIS. Yes; but the gentleman from North Dakota goes off into another proposition. I said nothing about the national parties. I referred to our State platforms, and I stated them correctly, and I was not unfair about it.

Mr. McCLINTIC. I feel that this is one of the most important measures ever enacted into law by any Congress, and the Democratic Party is entitled to a great deal of credit for championing the cause of the tiller of the soil and making it possible for the farmers of this country to borrow sums of money at a low rate of interest on a long term of years.

#### IMMIGRATION.

The Democratic Party, President Gompers, of the American Federation of Labor, and practically every patriotic organization in the United States believe in the protection of the rights of American citizens, and have advocated the passage of a literacy test in the immigration law. This law will keep the United States from becoming a dumping ground for those who come from foreign countries, especially southern Europe. One Member of Congress, speaking on this subject, used the following language:

It embraces many who come from southern Europe, like the lawless herd in the Lawrence strike, with a torch in one hand and a bomb in the other. It embraces the militant suffragettes of England, who believe in blowing up churches and destroying mail boxes and private and public property.

Every person knows about the great war now going on in Europe. There is no question but that as soon as this great struggle is over there will be a great influx of the worst people that ever came to this country. If we allow the door to remain open for two or three years, it will result in driving out many that toil on the farm and in the mine, or, in other words, provide a class of competition that is not fair to the citizenship of this great Nation. The records of practically every eastern city show that the majority of criminals are aliens who can not read.

The average net cost per year to the State of New York for the maintenance of the alien insane for the last four years is \$2,602,634. I believe in protecting home institutions and home industries, and it is wonderfully strange why any person would be willing to let down the bars so that this country should be a refuge for the ignorant and illiterate foreigner who is willing to undermine the wage scale that is being paid in this country and bring misery and discontent to millions of our good citizens. This protection was opposed by a few Members, including the Socialist Representative in Congress.

#### NATIONAL GUARD.

President Wilson has been surrounded with what seem to be insurmountable difficulties from practically the beginning of his term up to the present time. By his clear, level-headed management he has been able safely to steer our Nation away from any difficulty with any foreign nation. At times he has taken a firm stand, which has resulted in other countries giving to the Stars and Stripes the respect it was entitled to receive. [Applause on the Democratic side.]

When it became absolutely necessary for this country to issue a strong ultimatum to Mexico in order that the rights of our citizens who live along the border or who were temporarily sojourning in that country might be protected, he came to Congress and asked that a bill be passed empowering him to use the National Guard if it became necessary to place a protectorate over that country. This was not a party measure, but, on the other hand, was a patriotic measure, and one that should have received the support of every red-blooded, loyal, true American citizen in this Nation.

It will doubtless be of some interest to the people to know that the Representative of the Socialist Party voted against giving the President this authority.

#### RIVERS AND HARBORS BILL.

Mr. Speaker, the rivers and harbors bill, carrying \$41,000,000, passed the House, supported by Democrats and Republicans. I voted against this measure because I do not believe that the money appropriated for this purpose is being spent in every case on feasible projects. There has been spent over \$800,000,000 on rivers and harbors throughout the United States, and it is pretty generally agreed that one-third of this amount has been wasted. Recently there was published an interesting article entitled "Fetching the Gulf to Dallas," which shows that more than \$1,952,287 have been expended upon this project up to June 30, 1913. The article follows:

An interesting exhibit in the 1914 catalogue of follies is the Trinity River in Texas. The plan is to make Dallas, 512 miles (by water) from the river's mouth, a seaport. The politicians and misguided business men behind the project propose to drown the deep baritone of bullfrogs on the Trinity's banks with the roar of steamboat whistles in midstream. But it is likely the frogs will be croaking for many years to come. The Trinity is being "improved" by canalization—by open channel work and a system of locks and dams—in order to secure a 6-foot stage from Dallas to its mouth. In 1902 Congress appropriated \$125,000 to start the work, and to June 30, 1913, \$1,952,287 was appropriated for the job. It is estimated that \$581,622 more will be required to complete the project. The present bill carries \$155,000. Last year only 60,877 tons of freight were carried on the Trinity, and 44,863 tons of that was saw logs and cordwood.

Texas furnishes another example in the Brazos from Old Washington to Waco, a distance of 170 miles. We have spent \$950,000 to date, and the present bill carries \$275,000. Official reports say "no commerce has yet developed," and that the amount necessary to complete the work is "indefinite."

Congressman FREAR, in commenting on this bill, made the following statement:

Over \$9,000,000 in the 1916 bill is carried for the Mississippi River, counting \$1,000,000 for the Passes, on which over \$18,000,000 have been spent. Over \$150,000,000 of Government funds have been sunk in and along that river, and the commerce has decreased 90 per cent while we were squandering that enormous amount of money.

Five million dollars of the 1916 bill is for the farcical Ohio River canalization scheme, apart from over a half million for open-channel work. About \$50,000,000 has been squandered by the Government on the Ohio, and the actual river commerce is far less now than it was 20 or 30 years ago, when expenditures were nominal.

Nearly \$2,000,000 of the bill is for the Missouri River, on which over \$20,000,000 has been spent, while the actual commerce in 1914 could have been carried by a half dozen trains, and the average haul was for only a few miles, at a cost of \$40 per ton, or more than the freight was worth.

The Beaufort Canal, which has an insignificant commerce, receives \$1,000,000 in the 1916 bill. Millions are being squandered on this North Carolina scheme, and yet the only Member on this floor who protested against the \$2,000,000 appropriations for dependents of National Guardsmen was a chief defender of the project.

Instead of commercializing patriotism, Congress has been too long commercializing political pork for the benefit of certain localities and at the expense of the country.

These four rivers and canals take \$17,000,000 of the 1916 bill, while their actual commerce, apart from duplications, is trivial compared with a dozen harbors that can be named.

The Tennessee River carries \$944,000 for another canalization scheme, which benefits no one but water-power owners, contractors, and dredgers. All the actual waterway commerce amounts to less than 2 per cent of that handled at Ashtabula, Ohio, and yet we have spent \$11,000,000 on this wasteful scheme.

In the 1916 bill is \$710,000 for the Cumberland River, which floats only about 50,000 tons of actual commerce annually, or about 1 per cent of that handled by the little harbor of Ashland, in my own State. Nearly \$6,000,000 of Government money has been spent on the Cumberland in order to get that result.

The Arkansas, Ouachita, and Red Rivers receive about \$1,000,000 in the 1916 bill, in addition to over \$8,000,000 already spent by the Government. All the actual commerce on these three rivers combined does not amount to one-half of 1 per cent of that handled by either of the Chicago or Milwaukee Harbors.

The Trinity gets \$250,000 and the Brazos \$390,000 in this bill, or \$640,000 for two streams that do not furnish a half-dozen trainloads of actual freight the year round. And we have spent nearly \$4,000,000 developing a commerce that costs over \$80 per ton to float on these dry rivers.

Appropriations of this kind should not be passed. A project should be feasible before it receives favorable consideration, and for this reason I am opposed to the methods used in considering this kind of legislation. This bill passed the House, and when it reached the Senate other projects were added which increased the amount appropriated by \$2,500,000. When the conference committee made a report on this bill to the House of Representatives, there was a sufficient number of Members voting for it to enact it into law notwithstanding the fact that it carried the sum of \$41,000,000. Among those voting for this report was Mr. LONDON, the Socialist Representative.

#### PREPAREDNESS.

The building of the Panama Canal and the union with the Pan American States to our South have raised new questions of defense in our Nation. During the present conflagration, in which every effort has been made by the different countries involved to get the United States to take sides, first with one nation and then another, President Wilson has handled the situation in a way that has caused him to deserve and to receive the admiration of the world, and while at times it seemed it was going to be impossible for us to maintain the dignity and honor of this Nation without becoming involved, yet he has been master of the situation, and by his conscientious efforts has succeeded in not only keeping our skirts clear but in bringing to the attention of American citizens the need for making sufficient preparation. In a speech delivered at the Auditorium, Chicago, January 31, 1916, he used the following language:

Somebody must keep the great economic processes of the world of business alive. Somebody must see to it that we stand ready to repair the enormous damage and the incalculable losses which will ensue from this war, and which it is hardly credible could be repaired if every great nation in the world were drawn into the contest. Do you realize how nearly it has come about that every great nation in the world has been drawn in? The flame has touched even our own continent by drawing in our Canadian neighbors to the north of us, and, except for the South American Continent, there is not one continent upon the whole surface of the world to which this flame has not spread; and when I see some of my fellow citizens spread tinder where the sparks are falling I wonder what their ideal of Americanism is.

The American people are as patriotic as any other citizenship on earth, and, while I am hoping that nothing will happen that will make it necessary for us to take up arms against any other nation, yet it can be easily seen that when a majority of the countries in the civilized world are engaged in mortal combat, it would be a very easy thing to be drawn into the present war, and unless a person is properly informed as to inside facts he is liable hastily to make utterances that it were better had not been said.

Every person who is informed must realize it is a gigantic problem to be the sole guardian of 100,000,000 of citizens, and this, to my mind, is very forcefully brought out by another statement made by the President when he spoke at Chicago. He used this language:

It is a very terrible thing, ladies and gentlemen, to have the honor of the United States entrusted to your keeping. It is a great honor, that honor of the United States! In it runs the blood of generations of men who have built up ideals and institutions on this side of the water intended to regenerate mankind, and any man who does violence to right, any nation that does violence to the principles of just international understandings, is doing violence to the ideals of the United States. We observe the technical limits; we assert these rights only when our own citizens are directly affected; but you know that our feeling is just the same whether the rights of those individual citizens are affected or not, and that we feel all the concern of those who have built up things so great that they dare not let them be torn down or touched with profane hands.

The United States Government has military attachés stationed in the foreign countries that are now engaged in war, and from these the proper department receives confidential reports as to the activities now being carried on. It is impossible for any person to be fully informed as to the conditions that exist in these foreign countries unless he should have access to the reports that are daily being received by our Government.

The President has advisers who have been successful up to this time and who realize that unless some preparation were made and a firm stand taken that we as a Nation might have to suffer insults and indignities, and in the end be humiliated as

a people that did not have the true patriotism to stand up for its rights. In order that the United States might hold its proper place in the estimation of the other countries, the President left the White House and went out and met the people and took them into his confidence and told them just how near we were to a crisis. In a speech delivered at Topeka, Kans., he used the following language:

What you have to realize is that everywhere throughout America there is combustible material—combustible in our breasts. It is easy to take fire where everything is hot. It is easy to start a flame when the air is full of the floating sparks of a great conflagration. We have got to be on our guard, and it has been our hourly and daily anxiety in Washington to see that the exposed tinder was covered up and the sparks prevented from falling where there were magazines.

The present war is costing England at the rate of approximately \$1,500,000 per hour. The United States is the richest Nation on earth, and while there are those who criticize us for making any kind of preparation, yet the old adage is still true, that "a stitch in time saves nine," and who is it that can prophesy and say that the action taken by the United States Congress in passing an appropriation act which will carry less than that spent by England in 15 days while engaged in the present conflagration was wrong? There is no person on earth that is any stronger for peace than I am. I am strictly opposed to any form of militarism, and I feel sure that as long as the Democratic Party is in power no legislation of this kind can ever be enacted into law. [Applause on the Democratic side.]

It is true that we have certain Members of the minority who have complained seriously because the appropriation made for preparedness was, in their opinion, entirely too small. I am, indeed, glad they do not have sufficient votes to carry out their program, as, if the ideas advocated by some members of the other party could be put into effect, I fear that this country would undergo a complete change, in that the military authorities would to a certain extent supersede the civil authorities. The President asked Congress to stand by him and give to this Nation the protection it was entitled to, and it is to the credit of this body that every Member but two were patriotic enough to stand by him. Mr. LONDON, the Socialist Representative, voted against this measure.

#### WAR REVENUE.

Mr. Speaker, notwithstanding the fact that the Treasury of the United States under the Democratic administration had the largest balance on June 30, 1916, that it has had for years, the decrease in imports caused by the present war and the increased appropriations made necessary because of this country not being sufficiently prepared, it became necessary for steps to be taken to raise additional funds for the future. When I learned that a bill for this purpose was under consideration by the Ways and Means Committee, I addressed the following communication to the chairman:

HOUSE OF REPRESENTATIVES,  
Washington, January 29, 1916.

HON. CLAUDE KITCHIN,  
House of Representatives, Washington, D. C.

MY DEAR MR. KITCHIN: I have given careful and critical consideration to the proposition concerning increased military appropriations and the means to which Congress will resort to meet these increased expenditures, and have definitely made up my mind that if Congress makes these tremendous increases for armament, I shall not vote for a stamp tax affecting the poor of the country, when they must be dependent on in time of war for the protection of our liberty.

However, I shall insist that the Ways and Means Committee report a bill to increase the income tax by a surtax, or any other way that is proper. I also favor an inheritance tax.

In addition, I would be glad to see a tax placed upon the traffic in war materials manufactured by the munition people who are amassing fortunes out of the horrors of the European war.

Very respectfully,

(Signed) JIM MCCLINTIC.

I do not believe there is any person who can successfully refute the argument that those who are the most fortunate in life should bear the largest proportion of the financial burden of this Government. I believe that the big manufacturers and trusts, which have made millions out of the present war, should pay a tax, and I was indeed very much pleased when the Ways and Means Committee made a report in which they adopted the suggestions made in my letter to them dated January 29, 1916. In addition to increasing the income tax, this measure proposes two new sources of revenue, namely, a Federal inheritance or estate tax and a tax upon the manufacture of munitions of war. The necessary additional revenue is to be raised in the following manner:

- (1) By increasing the present income-tax rates;
- (2) By levying an estate tax;
- (3) By levying a tax upon the manufacture of munitions of war; and
- (4) By reenacting certain of the special taxes provided in the emergency revenue act of October 22, 1914, omitting objectionable stamp taxes.



Treasury officials estimate the new income tax will raise the enormous sum of \$227,000,000, the inheritance tax raising \$54,000,000 when in full operation, the munition tax \$71,000,000. I feel that, inasmuch as it has been estimated that some of the munition plants are making as much as \$1,000,000 per day, the taxes received from these new sources of taxation will take care of the preparedness appropriations without it being necessary to tax those who are unfortunate in life, and surely no one can complain who is not called on to reach down in his pocket and subscribe to this fund.

#### OKLAHOMA LEGISLATION.

At different times during the past nine years representatives of the State of Oklahoma have made application to the Commissioner of the Land Office to obtain 210,000 acres of land to which the State was entitled under the acts of 1862 and 1866, which provided 30,000 acres for each Senator and Representative in Congress when the State was admitted into the Union. The department has always made adverse reports against the application filed at this session of Congress.

I have given the matter a great deal of study and have introduced a bill which gives to the State that which I felt it was entitled to at the time it was admitted into the Union. This bill was first considered by a subcommittee of the Public Lands Committee, and after an exhaustive hearing a favorable report was made, and then a similar report was made by the full Public Lands Committee. The bill was given a place on the calendar of the House of Representatives, and afterwards was advanced to the Unanimous Consent Calendar of the House, where it is ready for action just as soon as the Public Lands Committee is entitled to have a day for the consideration of such measures as it has reported. This measure when favorably considered will give to the State of Oklahoma all of the available unappropriated nonmineral public land, which approximately amounts to 42,177 acres. It also provides for an appropriation based upon \$1.25 per acre for the amount of land that we are entitled to. This appropriation will amount to about \$210,000.

Inasmuch as the Department of the Interior has not made an unfavorable recommendation against this measure and unanimous reports have been made after the committee had considered the same, I feel that the measure is just and that there should be no difficulty in getting it passed during the short session of Congress which convenes on the first Monday in December. I have given this matter some six months' study, and naturally I am very thankful to my friends who have given me credit for making one of the best fights that ever has been made by a new Member of Congress in reviving an old proposition which had been pigeon-holed for nearly nine years.

#### HOME PRIDE.

Mr. Speaker, the height of the ambition of every man should be to so conduct himself that he can bring about the most good and happiness in the community where he lives. This world has no place for a grumbler, and a man who is continuously dissatisfied because the machinery of progress does not move to suit him. I find good men in all parties. In my congressional district many of our best citizens, and my most loyal supporters, are those who have the same political faith as those who sit on my left. It only goes to show that the people are more interested than ever before in the things that affect their home, and the tendency is growing stronger each day among the better class of people to support those who have been faithful in performance of their duty, regardless of their political affiliation. [Applause.]

If we had a Government that would refuse to protect our American citizens by placing the proper safeguards in our immigration laws; that would refuse to listen to the appeal of the President when he asks for authority to use our National Guard to protect the dignity and honor of this Nation; that would refuse to vote for any measure to protect our canal and coasts so that we can maintain our honor and dignity on the sea; that would refuse to recognize the flag as an emblem of patriotism and to stand for the progress of the American Nation; that would refuse to safeguard the ballot properly, it might not be 12 months before the flag of some other nation would be floating from the United States Capitol and we as a citizenship would be compelled to suffer indignities heaped upon us at the direction of some other Government.

Loyalty, patriotism, and home pride have been the foundation upon which this country has been constructed, and it is the duty of every loyal citizen to put forth the proper effort to see that no party or person preaching disloyalty and disunion shall ever gain control of the reins of our Government.

The Democratic Party under the matchless leadership of Woodrow Wilson has done more for all classes and occupations than any other party has for a quarter of a century. The

Democratic Party has listened to the appeal from labor and has passed through this House the eight-hour-day law, the Children's Bureau law, the child-labor bill, the railroad employees' safety law, the workmen's compensation law, the seamen's law, the stop-watch amendment, and the anti-injunction law.

The Democratic Party has also listened to the appeal coming from the farmer and has given him the rural-credits act, the warehouse bill, the agricultural-extension act, the cotton-futures act, and the grain and cotton grading act. The Democratic Party, besides giving to the 100,000,000 citizens of the United States and its insular possessions the kind of legislation that will produce better economic conditions, has passed legislation which will more evenly cause the proper distribution of wealth, and at the same time has given to the industries of this country splendid encouragement by passing legislation to take care of our commerce.

The Democratic Party gave us the Louisiana Territory and by the stroke of a pen added more real territory to this country than was ever acquired in any other way. It was a Democratic President who first guaranteed the territorial sovereignty of our neighbors, the South and Central American Republics. It was a Democratic President who gave us Florida. It was a Democratic President who gave us the gold-veined lands of the Montezumas. It was a Democratic President who sustained the honor and dignity of our country in the Venezuelan controversy, and the record of the Democratic Party and its representatives in Congress is such that every man who believes in good government can indorse the measures passed during the Woodrow Wilson administration. [Applause on the Democratic side.]

Mr. Speaker, President Wilson has been criticized by a muck-raking press and by campaign orators on the stump for not going to war with some one somewhere, some place; but has he made a mistake in refusing to go to war and in keeping our country at peace? The blood-soaked battle fields of Europe answer back this criticism and say, "No mistake, no mistake." Thank God Almighty that we do not have millions of weeping wives and mothers and wailing orphan children with arms as long as eternity and fingers as bony as death, with faces grim visaged and determined, pointing to President Wilson and saying, "You did it," as they are now pointing to every king, emperor, czar, and sultan of Europe to-day. [Applause on the Democratic side.]

In every home on election day there will be a wife—a mother—pleading the cause of Woodrow Wilson because of his peace policy, because their husband and their sons have not been sent as fodder to the cannon mouths. [Applause.]

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore (Mr. HASTINGS). The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. BENNET] is recognized for 25 minutes.

#### TRADE BOYCOTTS.

Mr. BENNET. Mr. Speaker, I read with interest and gratification in the newspapers this morning that the President and the Secretary of State, upon the arrival of Ambassador Page, are going to take up the question of the black list on American commerce. The Members of this House may not be aware of the pressing necessity for this; but when I state in one sweeping sentence that through the operation of the British black list the commercial flag of Great Britain floats to-day from the Rio Grande to the North Pole I think that the reason for this possibly belated action will be apparent. What is a black list, and how many are there? A black list—and there are more than one of such lists—is a list of persons, firms, or corporations with whom the world is forbidden by Great Britain to do business. How many lists are there? I can not give a complete number, because it is not known, but these lists are known: First, a black list of vessels, never published, but frequently alluded to. An American black list, consisting of firms, corporations, and individuals in America, made public by the British consul general the 20th of July, and when our State Department filed a formal protest a subsequent list, containing 13 names in addition, the sole reply to date to our protest against this American black list. Third, a surveillance list. That is a list of firms in America, other than those on the black list, to whom is sent by way of

reminder the issue of the black list, and I hold in my hand a photographic copy of a list received by those firms on the surveillance list. The original of this list has been filed with the Department of State. Then there is in some form or another a bank black list, and in addition to these black lists there are separate known black lists covering the United States of Colombia, Peru, Brazil, and the Argentine. I hold in my hand a copy of the secret confidential black lists affecting the Argentine and Brazil. What is that list? Well, I will tell you what it means. The gentleman from Illinois [Mr. BRITTEN], say, is an American citizen. If he should desire to send merchandise in a quantity larger than would go by parcel post to any name on this list in Brazil or the Argentine, there is not one single steamboat company going out of the United States ports that would take the freight.

Mr. BRITTEN. Will the gentleman yield?

Mr. BENNET. I will.

Mr. BRITTEN. Of course it does not make any difference in reference to these names of corporations or individuals in South America—it does not make any difference whether they are Americans or neutrals or belligerents. The application would apply the same, would it not?

Mr. BENNET. Absolutely. And further than that—

Mr. ADAMSON. Will the gentleman yield?

Mr. BENNET. Yes, sir.

Mr. ADAMSON. Upon what principle are these names in South America selected?

Mr. BENNET. They are selected by the British Government to suit its own sweet will and whim.

Mr. ADAMSON. I can understand why they would blacklist people who traded with Germany or Austria, but I can not understand why they should blacklist anybody in South America for anything but trade reasons. Will the gentleman enlighten us as to that?

Mr. BENNET. It is for trade reasons and for this particular commercial reason: Up until the breaking out of the war the trade with South America was principally controlled by Germany and Great Britain. We did some. When the war broke out Germany, of course, ceased to be able to do business with South America. It is the desire of Great Britain not only to keep its trade with South America but to add to it the trade formerly done by the German Empire.

Mr. ADAMSON. Then the idea is that anybody is blacklisted who attempts to acquire trade which England has in South America?

Mr. BENNET. Anybody is blacklisted who attempts to acquire trade—

Mr. ADAMSON. Of either of them?

Mr. BENNET. Of either of them. I will give the gentleman an instance. There is an exporter in New York City, an American by birth and of ancient lineage, of Scotch ancestry. He is a world exporter, and a year ago he was sending large quantities of one commodity—I will call it varnish; it was not varnish, but it was as innocent a commodity as that. He was sending it to South America to various firms. One day the British consul general sent for him and told him, "Mr. So-and-so, you are shipping large quantities of varnish to South America." He said, "I am." He said, "You will have to stop it," and he stopped it. Now, if anyone can give me any reason for that except the desire on the part of Great Britain to keep us from extending our trade in South America, I would like to have the reason indicated.

Mr. ADAMSON. Will the gentleman yield?

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. BENNET. I yield first to the gentleman from Georgia.

Mr. ADAMSON. If any of these ships should take a cargo to any blacklisted firm, then the penalty is visited on the ship, is it?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. That is a very interesting problem which the gentleman has brought forward, and I have been trying to read up on it for some time. Does the gentleman from New York mean to imply that Great Britain's design seems to be to hold all her trade in South America and absorb that which has been forced to be vacated by Germany and prevent the United States from supplanting Germany or anybody else in that South American trade?

Mr. BENNET. The gentleman has stated it better than I could. Here is what has happened to one man. He tried to ship goods to firms on this list which is now in the possession of the State Department. He went to the Houston Line, which runs to Rosario, Montevideo, and Buenos Aires, and they refused the freight. He went to the Prince Line, running to Brazil and the River Plate. He went to the Lamport & Holt Line, also run-

ning to Brazil and the River Plate, and they refused the freight. Then he went to the Norton Line, which is an American line, running American ships to the River Plate ports. The Norton Line not only runs vessels under the American flag but under neutral flags. They declined to accept any shipments of American manufactures from an American port to those persons in South America whose only crime and offense was that the British Government had put up its hand and said, "You shall not trade with anybody."

Mr. BRITTEN. "Without my consent."

Mr. BENNET. Without the consent of the British Government.

Mr. HELGESEN. Is the black list referred to confined to German firms?

Mr. BENNET. No; the Argentine list consists largely of Italian names, and Italy and Great Britain are supposed to be allied in the contest now waging across the water. Then this man went to Funch, Edye & Co., who are the great forwarding concern in the city of New York, if not of the United States, in the Brazilian service. He could not get his shipments through them, and, furthermore, when a customer of this particular man of whom I am now speaking attempted to arrange a shipment of 40 tons of goods through Funch, Edye & Co. and said who his broker was, this man being himself on one of the black lists, Funch, Edye & Co. directed him, if he desired to do business, to get a broker who was not on the British black list; and Funch, Edye & Co. is an American concern.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. ADAMSON. It is well known that the distinguished gentleman never talks in this House without having some purpose or object in view, and I think we understand from his remarks the difficulty. I presume he has a remedy to suggest?

Mr. BENNET. I have.

Mr. ADAMSON. I would like very much to hear the remedy. I notice that the gentleman acknowledged in the outset that the President is considering the situation. Whether the President can find a way out, or whether it devolves on Congress, I would like to have the gentleman state his remedy.

Mr. BENNET. Mr. Speaker, I have introduced a bill which has been referred to the committee of which the distinguished gentleman from Georgia [Mr. ADAMSON] is the chairman. Just as soon as he gets a quorum of his committee in town I am going to ask him for a hearing. I do not think that the bill which I have introduced is the best bill that can be introduced on the subject. I think it can be improved, and I am very frank to say that I think the 21 gentlemen who compose the Committee on Interstate and Foreign Commerce—I think the number is 21—with their large experience, will improve the bill.

Mr. ADAMSON. Whatever we may be able to do, we want the benefit of the gentleman's suggestions about it. As I understand the gentleman and his bill, the proposition is to compel all steamship companies touching at our ports serving our people to cease to discriminate against our commerce. If these steamship companies, working under pain of the black list by all the allies, which are in control of the seas and of all the marts and ports of the world, have visited upon them pains and penalties under the criminal law if they refuse to take commerce ostracized by that black list, would not the inevitable result be to drive them out of business, at least temporarily?

Mr. BENNET. Mr. Speaker, replying to the gentleman from Georgia, I want to say to him that I am an American before I am a Republican; that I realize that this is an administration of the other party; but that if what I propose and what I think the gentleman's committee, in some form, as an American committee, will report to Congress does not work, I will be willing, with the gentleman or any other gentlemen on both sides of the House, to put into the hands of the President of the United States both the power and the money to buy ships—and I am opposed to Government ownership—but this is a question so much higher than Government ownership that it resolves itself into a question of whether we are to continue to be an independent Nation.

Mr. ADAMSON. The gentleman is not opposed to meeting emergencies by any available means?

Mr. BENNET. I will vote for any bill that meets the emergency.

Mr. ADAMSON. Does it not seem to the gentleman, in line with his remarks, that the difficulty presents such an emergency, and that it is absolutely the duty of our Government to meet the emergency by providing ships that are not afraid of a black-list and can carry our goods and trade to South America and other countries?

Mr. BENNET. Mr. Speaker, it is the duty of our country to provide ships which can do that, and it is the duty of our coun-



try to go further and say publicly that an American firm in America has the absolute right to ship American goods to anybody in South America, and that the whole power of the National Government will be behind any firm engaged in that kind of business. [Applause.]

Mr. STAFFORD. Can the gentleman give the reason why these shipping lines other than those of the allies decline to carry this merchandise to South American ports—for instance, the Norton Line?

Mr. BENNET. Yes. I do not know whether this applies to the Norton Line at the moment or not, but the reasons given by American steamship lines are that the coaling stations between here and South America are owned by Great Britain, and they actually say that if they take the goods of these firms on the British blacklists that the British Government will see to it that they can not coal at British coaling stations, although we have an absolute right under our treaties with Great Britain to do that. Now, not only do these various blacklists work this commercial wrong, but in connection with that there is a banking wrong. Within 48 hours after this blacklist was issued, in the city of New York the other day a firm which had accounts in two or three of the largest banks, which owed no man a dollar, which did not have a note in any of the banks, was sent for by one of these banks, an American bank, and they said, "Mr. So-and-so, our relations have been satisfactory, but you are on the British blacklist and you must withdraw your account." Another firm, not so fortunate financially, had notes in a bank. That bank sent for them and said, "Gentlemen, as your notes become due, they must be paid, and when the last of them is paid you must take out your account."

Mr. STAFFORD. Will the gentleman yield further?

Mr. BENNET. In just one moment. They replied, "Have not our relations been satisfactory?" They said, "Perfectly." "Why?" "Because you are on the British blacklist."

Mr. STAFFORD. Then, as I understand the gentleman, in the instances cited Great Britain is seeking to exercise extra-territorial jurisdiction beyond its own jurisdiction, and in the United States over activities over which the municipal authorities alone in this Government have exclusive control?

Mr. BENNET. Seeking to do it? They are doing it. What I stated in my remarks is an absolutely accurate statement, that to-day the British flag flies from the Rio Grande to the North Pole.

Mr. DAVIS of Texas. And if that is really so, she is more of a danger or menace to the United States than Germany when she sank the *Lusitania*, for she can not claim any law of self-defense.

Mr. BENNET. I do not want to go into any comparison.

Mr. ADAMSON. As I understand the gentleman from New York, he does not want to enter into the European contest, but protect our commercial interests?

Mr. BENNET. Certainly; and the gentleman from Georgia is going to help, I know.

Mr. ADAMSON. Yes; "the gentleman from Georgia" is ready to join with him right now if he is ready to help pass the shipping bill.

Mr. BENNET. The trouble with the shipping bill is that it does not meet the emergency. The situation with American firms to-day is that they are absolutely at the mercy of the British Government, and doing business in a market which has no relation at all to the European war. But when you go into the domain of Europe, into the territory of Europe, in relation to Switzerland and the Scandinavian countries, and Greece and Holland, there is always some plausible argument, always some pretext, at least, whether sound or unsound; but what under the canopy can anybody give as a reason why an American should not be permitted to trade from an American port to a South American port? There is no question of continuous voyage there, for the allies control every single ship that sails from a South American port to Europe. There is no question of any kind, and it comes down to the bald, brutal question as to whether we are going to permit the British Empire to say with whom we shall do business, when we shall do business, and how we shall do business. Why, you can not deposit in the banks of New York City a draft on these concerns which are on this blacklist, in the South American countries, for collection, and so many are these blacklists that the larger banks of New York City are compelled to employ a blacklist clerk, whose sole duty it is to answer the inquiries of people as to whether firms with whom it is sought to do business are on the blacklist of Great Britain or not, so that the bank can judge whether it is safe to do business.

Here is another grim and grizzly fact. As the British success in arms apparently increases on the Somme, the British

restrictions on American commerce increase. That which could be done two weeks ago by merchants and banks in New York City can not be done to-day because of orders by the British Government. I have not taken the time entirely that—

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. BRUMBAUGH. Along the line of the gentleman's very interesting argument, does not he think that we missed a grand opportunity when we did not purchase the interned ships that we could have purchased at such a bargain some time ago?

Mr. BENNET. I should be inclined to think that we did not. The gentleman may be correct. I am not going to enter into that. The gentleman asked my opinion in a word or two. In the first place, I do not know that the ships were for sale, and, in the second place, I am not sure if we could have gotten them free from complications.

Mr. BRITTEN. Is it not true that Great Britain would not have permitted us to buy the ships if we had wanted to do so?

Mr. BENNET. I hope the gentleman is not correct.

Mr. BRITTEN. The gentleman is correct, however.

Mr. HELGESEN. What good would it do to buy the ships if we had no coaling stations at which to coal the ships?

Mr. BENNET. The gentleman has put his finger on another point, although these particular ships would have coal-carrying capacity sufficient to take them from New York to Argentine ports.

Mr. ADAMSON. Have we not treaties with all of those countries authorizing us to build coaling depots and warehouses or any other facility for commerce that we wish?

Mr. BENNET. We have.

Mr. ADAMSON. And if we had some ships that were not afraid of a British blacklist, do you not think that we could send cargoes down there?

Mr. BRITTEN. Not under the present administration.

Mr. BENNET. I would be in favor of not only sending colliers but warships to protect what we have an absolute right to, and that is the right to trade with countries at the south of us. [Applause.]

And if we did that, my friend from Georgia will agree with me, I know, that we would not have any difficulty in getting coal at the British coaling stations.

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield for a question?

Mr. BENNET. Yes.

Mr. SAUNDERS. Will the gentleman tell me, if an American ship, for instance a freight ship, was started to Rio de Janeiro, what part an attendant warship would play if we sent one with the freighter? What would the warship have to do when it got to Rio de Janeiro?

Mr. BENNET. It would prevent what the shipping merchants of New York fear. That is, it would prevent that particular ship from being seized by a British cruiser. Now, the gentleman may think I am fanciful in expressing that opinion but—

Mr. SAUNDERS. I think you are, most decidedly.

Mr. BENNET. Will the gentleman permit me to complete that answer?

Mr. SAUNDERS. Yes certainly; then I would like to ask the gentleman another question.

Mr. BENNET. All right. That is not a fanciful ground, because in the insurance policies issued upon American ships sailing out of New York there is now stamped by every insurance company a provision to the effect that the policy does not cover risk from capture by British or allied ships, so that the insurance companies of the United States contemplate that if ships operate between New York and the countries I have named in opposition to the wishes of Great Britain, they may be seized by either Great Britain or France.

Mr. SAUNDERS. I do not care anything about the provisions of the insurance policies. We are all agreed that ships operating in the waters of Europe are liable under certain conditions to seizure by British cruisers. But have you any information, tangible and real, that we can put our finger on and call evidence, sufficient to show that an American ship carrying goods and wares to Rio de Janeiro would need the protection of American battleships, or cruisers against possible seizures by English cruisers, or other war vessels? That is something of more importance than the contents of the insurance policies.

Mr. BENNET. I have got this, that neither the Norton Line, nor the Barber Line, in fact no line operating ships under the American flag, will take a pound of freight to any of those concerns on the British blacklist.

Mr. SAUNDERS. As to these ships flying the American flag, have they ever represented to the department in Washington that they need the protection of cruisers and battleships to protect them from seizure in Brazilian waters by belligerent cruisers, French, or English? These American shipowners may be unwilling to take goods consigned to concerns on the blacklist, for very obvious business reasons, but what I want to know is, have these people ever represented to the American Government at Washington the fact that they are afraid to carry goods into a port of Brazil by reason of apprehension of seizure by English cruisers, and that they needed American ships of war to protect them against the danger of such seizure?

Mr. BENNET. Mr. Speaker, American shippers in the port of New York have made such representations to the department; they have furnished the department with the confidential blacklist that I hold in my hand.

Mr. SAUNDERS. That has nothing to do with the danger of seizure.

Mr. BENNET. Yes; it has.

Mr. SAUNDERS. Can you apprise us of any representations to the effect, that American ships carrying American goods into the ports of South America, should be placed under the protection of American warships to protect them against possible seizure by English, or other belligerent cruisers?

Mr. BENNET. Mr. Speaker, I have said repeatedly that no one single American ship has taken one single bale of cargo—

Mr. SAUNDERS. I wish the gentleman would answer my question. I asked the gentleman this specific question: Are you aware of any American shipper, contemplating shipping American goods into the ports of any South American country, who has represented to the department at Washington that he needed the protection of American battleships, or warships of any sort, on account of the dangers of capture by foreign belligerent cruisers in the event they undertook to make that voyage?

Mr. BENNET. I am sorry to say I do not know of one single American shipowner who has had either the nerve or the patriotism to come down here to Washington and say, "If the American Government will protect me with the might of its warships, I will take the freight of anybody that demands it into South America."

Mr. SAUNDERS. Does not that indicate very clearly that the dangers you talk about, do not exist? Does not the failure to make complaint to the authorities at Washington, clearly indicate that the shipowners, do not need the battleships that you insist we need? The people of this country may lack other things, but they certainly do not lack nerve.

Mr. BENNET. No. The gentleman wants a direct answer. And I have not insisted that we need warships.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. ADAMSON. I can understand, and all of us can, how a man, a shipper, whether a merchant or a manufacturer engaged in business, may be deterred by threat of loss of business from doing a thing.

Mr. BENNET. Yes.

Mr. ADAMSON. That is one thing. Whether the gentleman intends by the import of his suggestions or not, he does suggest a much more serious proposition than that.

Mr. BENNET. Of course.

Mr. ADAMSON. Does the gentleman mean to suggest that if threats of blacklisting trade do not suffice to withhold trade, they would resort to the extremity of force in order to prevent Americans from trading in South America?

Mr. BENNET. I mean to say that the conclusion I draw from the acts that have gone before is that, if an American ship violated the British orders against trading with those firms on the confidential list and the British Government could not deter them by any one of the several ways that could be imagined, I have not any doubt that either a British ship or one of the allies would seize that ship and take those goods off.

Mr. ADAMSON. A blacklisted ship takes a cargo from a blacklisted firm to go to South America, and—

Mr. BENNET. No; from an American firm, not blacklisted—

Mr. ADAMSON. Any firm, and goes to South America to trade meets with two dangers. One is that the people to whom the goods are consigned will not accept them, and the other danger is that the allies will cease to trade with them. We understand that that was the extent of the blacklist.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ADAMSON. Mr. Speaker, I ask that the gentleman may have five minutes more, so that I can finish the question I started to ask the gentleman.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the gentleman from New York [Mr. BENNET] may proceed for five minutes. Is there objection?

There was no objection.

Mr. ADAMSON. The gentleman would not expect an American battleship to force the people to whom the goods were consigned to take them or to force anybody to trade with them. The only thing he could apprehend that would render the protection of a battleship necessary would be the use of force by the British Government to prevent the transaction?

Mr. BENNET. Why, of course.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. BENNET. Yes.

Mr. BRITTEN. Is it not true that the present administration has played in a most vacillating manner with the arbitrary interference of all the European belligerents instead of treating them with firmness?

Mr. BENNET. The gentleman and I belong to the same political party, and we make those assertions with a good deal of force. But I am very carefully dissociating this question from the questions which arise, as one might say legitimately from the European war; for, as I said a while ago, for every one of these things there is always some plausible pretext as to why we have not done differently. The gentleman from Illinois [Mr. BRITTEN] and I usually agree that the protests are merely plausible.

Mr. SAUNDERS. May I ask the gentleman just one more question?

Mr. BENNET. In just one moment. For this there is absolutely no defense whatever.

Mr. SAUNDERS. I gather from what the gentleman from New York has said that the danger to an American shipper who undertakes to ship American goods into the neutral ports of South America, of seizure by belligerent cruisers, is a very real thing. I gather further from what the gentleman says that although that danger does really exist there is no shipper in New York who has had the nerve to ask our Government for protection. Is it, then, I repeat, a fact that although these dangers are real, and not to be denied, no shipper in New York has had the nerve to approach our Government, and ask for the protection to which he is entitled.

Mr. BENNET. No shipowner. I said that.

Mr. SAUNDERS. Then what the gentleman thinks is necessary in this connection is that the department at Washington should advise these shipowners in New York that if they will undertake to trade with South America, and will ship their goods into South American neutral ports, our Government will furnish them with the number of cruisers, and battleships, or dreadnaughts as may be necessary. Now if the Government will do this, will these shippers, having that protection afforded, ship American products to South America? Is the assurance of this protection all that is needed to start a movement of American goods to the ports of South America?

Mr. BENNET. If the gentleman will now allow me two uninterrupted minutes to answer his question, I will be glad to do so. My contention is not the contention advanced by the gentleman from Virginia. My contention is that the duty lies first with the Congress. Have we abrogated all our powers? I contend that it is the plain duty of the American Congress to say to all the world, "A steamer that comes into a port on the Atlantic or the Pacific to take freight to South America, where there can be no complications, must not discriminate against American citizens." [Applause on the Republican side.]

Mr. SAUNDERS. The gentleman does not answer my question.

Mr. BENNET. I should like to answer it.

Mr. SAUNDERS. I can not take the gentleman's time.

Mr. BENNET. The gentleman has succeeded in doing it more or less. I will say to the gentleman from Virginia in all fairness that it is my firm belief that if the Congress will pass such a bill as I have indicated—and I have not the slightest doubt that the President would sign it—we would not have to go any further, and that the simple assertion of American rights, in a straightforward, manly way, would restore to us again what we have always heretofore enjoyed, the right to traffic in our own way and at any time we pleased. [Applause on the Republican side.]

Mr. ADAMSON. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. ADAMSON. If the gentleman's apprehensions are well grounded as to the dangers to be encountered by these ship-



owners, if they take freight consigned to South America, then when we pass a law incarcerating them in jail if they refuse to take it, it seems to me the logical conclusion of the gentleman's remarks would be that we ought, on the other hand, to offer them a consort of a warship if they comply, in order that they may be protected in South America against the dangers that the gentleman apprehends. Is that right?

Mr. BENNET. I do not think we will ever get to that point. As a practical man I am very frank to say that it is my belief, founded on some study of history, that if with all our power and wealth, and with the impregnable right of our position, we simply assert our determination to trade with the peoples to the south of us, the mere manly, straightforward assertion of our position, backed up by a statute, will be all we will need.

Mr. ADAMSON. But the gentleman said he apprehended that if they did try to deliver freight down there to blacklisted firms, they would be seized by a cruiser. If that is so, then if we compel them under pains and penalties to accept the freight, ought we not to guard them against that danger by sending along the necessary number of cruisers and battleships?

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. KITCHIN. Does the gentleman want any more time?

Mr. BENNET. I should like a little more time.

Mr. KITCHIN. I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the time of the gentleman from New York may be extended five minutes. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, answering the question of the gentleman from Georgia, I think he misapprehended the exact statement that I made, something that he rarely does. My position is this: That those shipowners in New York have a right to have a reasonable apprehension, in the absence of any further statute or public declaration, that if they take American goods from an American port to South American firms, their ships may be seized; and that that apprehension is shared by the insurance companies in the city of New York is shown by the fact that they insist on stamping on their insurance policies "Free of British and allied capture."

Mr. ADAMSON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. ADAMSON. If there is danger of seizure in the absence of a criminal law, how is that danger removed if the shipowner takes the goods under threat of criminal prosecution if he does not take them?

Mr. BENNET. Mr. Speaker, there is such a thing as the power of governmental expression, and the public force of a right position taken by a powerful nation. No one denies our absolute right to trade with South America, the gentleman from Georgia [Mr. ADAMSON] least of all. Nobody can successfully deny in the face of the facts, that that right is to-day being interfered with. My position is that if we will assert our determination that the American manufacturer and shipper will be protected in his shipments, and, in addition, that the foreign vessels that come to our ports and the American ones as well shall cease to discriminate against Americans, we will have won our cause. [Applause on the Republican side.]

Mr. ADAMSON. I think I understand the gentleman. He means that if we enact such a law the British Government would take that law to mean that we were going to protect the fellow when we compelled him to do a thing.

Mr. BENNET. Exactly.

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Certainly.

Mr. SAUNDERS. First, before we begin to make declarations and establish policies, we should get our facts straight. Let me see if I have a correct understanding of the facts. For instance, we will take a firm in Brazil that has been blacklisted by the English, or the French Government. Do I understand the gentleman to say that England undertakes to say to Americans that an American merchant shall not sell to, or send American goods in an American ship, to that blacklisted firm?

Mr. BENNET. Yes.

Mr. SAUNDERS. And that if an American merchant undertakes to send on an American ship, American goods to that blacklisted firm in Rio Janeiro, it is liable to seizure by a British cruiser? Does the gentleman state that as a matter of fact?

Mr. BENNET. Mr. Speaker, what I state is this, that if an American firm attempts to make a shipment of the kind indicated, there is not one single steamship company on the Atlantic coast that will take his shipment.

Mr. SAUNDERS. The gentleman is good at avoidance.

Mr. BENNET. This is not avoidance; this is a statement of fact.

Mr. SAUNDERS. I ask the gentleman this question, because I wish to get at the facts. Is it a fact that the British Government has undertaken to say to this country, that American shippers shall not transport on an American ship American goods from a port in the United States to a blacklisted firm in Rio Janeiro, and that if it does, then that ship will be subject to seizure by a British cruiser? Is there extant any such declaration of attitude on the part of Great Britain?

Mr. BENNET. Mr. Speaker, one of the vices of the situation is that this black list, so far as it applies to these South American countries, is not even published by the British Government, and that the British Government, of course, has not attempted to say what means it will use to enforce its orders. It has simply given its orders and the American Nation has obeyed them.

Mr. SAUNDERS. Can the gentleman put his finger on these orders? I have never seen any orders to the effect alleged. As I understand, the English Government has undertaken to say to its people, and I do not undertake to say that it has not the right to so say—something that if we were in the same situation I imagine the United States would say—

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. SAUNDERS. Mr. Speaker, I ask unanimous consent that his time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SAUNDERS. I understand the British Government does undertake to say to its people that there are firms whose peculiar activities are destructive of the interests of the British Empire, in its present time of stress and danger, and that its people are called upon not to deal with these firms. But I want to know if the gentleman can put his finger on any declaration of the British Government which either expressly says, or would be understood by any reasonable man to say, to any American shipper that if he ships goods from an American port on an American vessel to a blacklisted firm in neutral South America, such a ship will be liable to seizure by the British Government. If the gentleman can put such a statement of fact in the Record I would be very glad to see it.

Mr. BENNET. Mr. Speaker, the gentleman from Virginia [Mr. SAUNDERS] is one of the ablest men in the House. He knows very well that if the Government of Great Britain had issued any written declaration like that it would have been equivalent to a declaration of war. In international dealings sometimes you have to ascertain the orders that have been given by the results that have been reached. We are not dealing with an academic question; we are dealing with a real question, and I have given the House the names of the shipping firms in New York, and I will give them again, to which men have gone in the attempt to ship goods to men whose names are on this black list. They are the Houston Line, the Prince Line, the Lamport & Holt Line, the Norton Line, and Funch, Edye & Co. Those are the leading lines out of New York City. The Norton Line is an American line and Funch, Edye & Co. is an American company. I say to the gentleman from Virginia, as a reasonable man, that when you find a continuous course of conduct leading always to the same end, you do not have to have the written order.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. The obligation and use of the boycott goes away back in history. I think I remember reading where Thomas Jefferson was brought up for buying a pair of stockings in England once under the boycott orders that had been issued. Does the gentleman from New York mean for me and other people to understand that Great Britain has by some method so overawed the steamship companies here that they refuse to carry the ordinary commerce between our ports and South American ports?

Mr. BENNET. I do, and I will propose an experiment to any Member of this House. This list to the Argentine and Brazil is a private list.

If any Member wants to try an experiment, I will let him look at the list. He can pick out a name unknown to me. He can pick out anybody in the city of New York, or any other city on the Atlantic coast, and let him try to ship American goods by any line to the name that he picks out.

Mr. SAUNDERS. Will the gentleman yield for one more question?

Mr. BENNET. Certainly.

Mr. SAUNDERS. This is a very interesting inquiry, if only by pursuing it we can secure the facts. Do I understand the gentleman further to say—and in this connection I have not heard all that has passed, I did not hear the first part of the gentleman's speech—do I understand from what I have heard that the gentleman states that a British ship sailing from an American port to a neutral port of South America under British orders will not carry goods to the blacklisted firms of South America?

Mr. BENNET. I do say that.

Mr. SAUNDERS. Does the gentleman think such an order is beyond the powers of the British Government? In effect the British Government says to its own people: There are certain concerns who are directly giving aid, and comfort to our enemy, and thereby affecting to our prejudice the course of the war in which we are engaged, and upon whose outcome our existence may depend. As loyal citizens of our Empire, we ask you not to trade with these concerns. Does the gentleman think if governments engaged in war, as the European countries are, should issue orders to the above effect to its own shippers, and its own ship owners, this Government would have the right to regard the same as a declaration of war? Would that be a reasonable, or natural course for this Government to take in such a situation?

Mr. BENNET. Mr. Speaker, if I could enact the legislation of the United States and a situation existed such as the gentleman described, I would say to all these nations abroad that the United States was an independent nation and that we had an undoubted right to ship our own goods to any firm in South America—

Mr. SAUNDERS. I assume we agree upon that point.

Mr. BENNET. I would like to answer the gentleman.

Mr. SAUNDERS. I did not intend to interrupt. I simply wished to say that we agreed in the latter statement of principle.

Mr. BENNET. But I did not want the gentleman to agree to it. I will commence over again.

Mr. SAUNDERS. No; go ahead.

Mr. BENNET. If the gentleman will allow me to answer—

Mr. SAUNDERS. Certainly; go ahead, I did not mean to interrupt the gentleman.

Mr. BENNET. I know the gentleman did not; he is very courteous. I mean to say this, that if I could enact the legislation for this House, and there was a steamship of any foreign country coming into our port, enjoying our hospitality, if that steamship company said in an American port, "You can not ship American products to a firm in South America." I would say to that steamship company, "If Americans can not ship American goods to anybody they pleased in South America, then you can not come into our ports."

Mr. SAUNDERS. That is a very different claim.

Mr. BENNET. No.

Mr. SAUNDERS. I am not prepared to say whether I dissent from the course suggested.

Mr. BENNET. I think the gentleman would agree.

Mr. SAUNDERS. I agree to all the gentleman says about our undoubted right to trade with the South American concerns, whether blacklisted, or not, and to use our ships to trade with these concerns, but the proposition I put to the gentleman was that if a foreign government should undertake to say to its own shipowners, "You shall not transport American goods to the blacklisted firms," would such an order call for the exercise of force on our part. We might very well consider whether we would allow foreign ships operating under such orders, to enter our ports, but that is an entirely different proposition, and one that has nothing to do with undertaking to use battleships to compel English freighters to carry American goods to blacklisted consignees at neutral ports. That is a very different proposition. But I am prepared to use our warships to protect our merchant ships against illegal seizure.

Mr. BENNET. I am glad that at last the gentleman apparently agrees with me fully.

Mr. SAUNDERS. When I came in, a good deal was being said about the use of battleships in order to enable us to trade with South American ports.

Mr. BENNET. I just want to say this.

The SPEAKER. The time of the gentleman has again expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes additional.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker, I had about concluded. There is no substantial disagreement with the position I have taken on the part of any man in the House. No American dares dissent from the position I have taken—that an American citizen has an absolute right to ship American products to a South American port, the dissent of any other nation notwithstanding. That is the proposition that is before the House.

Mr. SAUNDERS. If the gentleman will just pardon me for a moment.

Mr. BENNET. Just for a question.

Mr. SAUNDERS. No country in the world challenges the right of American shippers to ship American goods in American bottoms to any consignee, blacklisted, or not, in any neutral port in the world.

Mr. TOWNER. Will the gentleman let me answer the question of the gentleman from Virginia?

Mr. BENNET. No; I will answer him. I want to say to the gentleman from Virginia that under the orders of the British Government, philosophy aside, it is an absolute physical and commercial impossibility to ship one single American plow from any port on the Atlantic coast to any blacklisted firm on the list I have. Now I will yield to the gentleman.

Mr. SAUNDERS. Does not that grow out of the apprehension of loss of business, and not out of the apprehension of the use of force? I think we have pretty well dissipated the latter idea as we have gone along. Has not the apprehension of these shippers been on the ground that by dealing with blacklisted concerns they might lose the profitable use of foreign ships, and if they lost this use, they had not sufficient American ships to transport their goods? It is unfortunately the fact that as result of lack of adequate legislation during the past 50 years, we are suffering from a great lack of American merchant ships.

Mr. TOWNER. I wanted to ask the gentleman from Virginia this question: He is talking about American ships. The question is not now whether American ships ought or ought not to have that right. They would not exercise such a discrimination. But the question is now, Ought any English ship that has the right to clear from our ports discriminate against American shippers for any other reason than has been assigned in these cases?

Mr. SAUNDERS. If you put that question to me, I would say that this country might well suggest to Great Britain as a business proposition two could play at the game she had started. But this would be purely a trade war. The situation would not call for battleships, or angry armed controversy. We may very well take up with Great Britain whether as a business proposition we will allow English ships to enter our ports, and refuse to take American goods to blacklisted firms in South America. But the question is a large one, and with much to be said on both sides.

Mr. BENNET. I am not very much concerned in angry armed controversies. I have the feeling as an American that if we will simply assert our American rights and pass the necessary statutes in an American Congress, of which we are all American Members, and say to the world that if an American wants to ship American goods from an American port to South America he will get every necessary protection, every necessary facility, every necessary Government assistance, we will have accomplished the object, for my study of history leads me to the conclusion that when a nation of 110,000,000 people, with right on its side, takes a stand like that the mere forceful assertion of the right will carry with it a victory in the bloodless contest. [Applause.]

THE NATIONAL GUARD (H. DOC. NO. 1321).

The SPEAKER laid before the House a communication from the Secretary of War, in response to House resolution No. 323, inquiring about the National Guard, which was referred to the Committee on Military Affairs and ordered printed.

EXTENSION OF REMARKS.

Mr. OLNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Army bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record on the Army bill. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter from Louis E. Rowley, of Lansing, Mich.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record by printing a letter in the CONGRESSIONAL RECORD from Louis E. Rowley, of Lansing, Mich.

Mr. KITCHIN. On what subject?

Mr. FORDNEY. It is politics.



Mr. KITCHIN. All right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHALLENBERGER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the subject of John Ericsson.

The SPEAKER. The gentleman from Nebraska [Mr. SHALLENBERGER] asks unanimous consent to extend his remarks in the RECORD on the subject of John Ericsson. Is there objection?

There was no objection.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in reference to a bill providing for the erection of a monument to John Ericsson.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of a monument to John Ericsson. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I would like to ask unanimous consent on behalf of the gentleman from Mississippi [Mr. HARRISON], who spoke this morning, to revise and extend his remarks in the RECORD. He forgot to do it this morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Mississippi [Mr. HARRISON] be permitted to extend and revise his remarks, which he delivered this morning, in the RECORD. Is there objection? [After a pause.] The Chair hears none.

#### TRADE BOYCOTTS.

Mr. SAUNDERS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SAUNDERS. Mr. Speaker, having gotten into an informal colloquy with the gentleman from New York over an interesting subject-matter, I desire to add a few words to what I have already said. The gentleman from New York [Mr. BENNET] concludes his remarks by saying that if we would assert American rights we would get them, and the incident would be closed. That is one of a class of declarations that do not get us anywhere. It is like the declaration of a certain other gentleman made a few days ago, to the effect that he stood for undiluted Americanism. We all do. We are all for America first; we are all for American rights. Still that does not get us anywhere, in respect to stating a definite policy. It is an indefinite abstraction. The public wants a statement in plain terms, defining those rights and stating the facts in relation to any suggested invasion of the same. When this is done, the country will be ready for the next step proper to be taken.

If I got the facts correctly from the gentleman from New York, in the course of our colloquy, there are some American merchants in New York who are afraid to trade with South America on the ground that their ships are liable to capture by British, or other cruisers. If there is such a situation, the facts as to the same ought to be fully developed. If there is a single American shipowner, or American capitalist who is afraid to ship American goods on American ships to blacklisted firms, at neutral ports lest those ships, and goods be captured by belligerent cruisers, we ought to be apprised of that fact, in some definite and official fashion. Certainly I am not apprised that such a situation exists in this country.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield there?

Mr. SAUNDERS. Yes.

Mr. BRITTEN. I think the gentleman is mistaken. The gentleman from New York [Mr. BENNET] did not say the shipowners were afraid to ship their goods to those foreign countries, but he says they could not ship because the shipping companies would not make good.

Mr. SAUNDERS. As I recall the incident, the gentleman from Illinois [Mr. BRITTEN] intervened to state that we needed battleships for the protection of our ships trading with blacklisted firms at neutral ports. I gathered from what the gentleman intimated, that we needed American warships for the protection of American commerce in the above situation. I appeal to the RECORD for confirmation of my recollection.

Mr. BRITTEN. The gentleman did not hear me. That is all.

Mr. SAUNDERS. Then what did the gentleman say?

Mr. BRITTEN. I did say this, that the present administration is playing in a most vacillating manner with the insolence of all the belligerents of Europe, instead of dealing with them firmly. That is what I said, instead of saying anything about battleships.

Mr. SAUNDERS. The gentleman certainly called attention to the necessity of warships in connection with the situation presented in the remarks of the gentleman from New York.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield there?

Mr. SAUNDERS. Yes.

Mr. DAVIS of Texas. Will the gentleman from Virginia ask the gentleman from Illinois [Mr. BRITTEN] what kind of dealing would be "firm" dealing? That would not get us anywhere, either.

Mr. SAUNDERS. Oh, that is another one of those "undiluted" American generalities. It does not mean anything.

Mr. BRITTEN. I did not hear what the "Amen" gentleman said, but in the early part of this colloquy it was the gentleman from Georgia [Mr. ADAMSON] who referred to the question of battleships.

Mr. SAUNDERS. Well, anyway, this is all irrelevant. The gentleman from Illinois as I understood him made the suggestion, in connection with the remarks of the gentleman from New York, that an armed force was needed for the protection of American shippers trading with black-listed firms at neutral ports. But I accept of course the gentleman's statement of what he said, and will proceed.

Proceeding then, Mr. Speaker, if it is a fact as intimated by the gentleman from New York, that there is such a danger as that, or the threat of such a danger, we ought to be apprised of it, and ought to deal with it. But I deny that such a danger exists, or that the apprehension of such a danger on the part of any American shipper may be found, in New York or anywhere else.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. BENNET. If the gentleman will try the experiment that I suggested, he will find that he can not ship a bale of goods to any one of those black-listed concerns in an American ship.

Mr. SAUNDERS. Well, the gentleman's facts may be all right, but he does not draw the proper conclusion. As soon as I draw the conclusion from your remarks that a cruiser or battleship is necessary, you protest, and then you undertake to establish by the arguments you put in the RECORD that the danger of capture is real. If such a danger does exist, as a matter of fact, then I agree that this country should provide the battleships necessary to convoy these merchant ships, and secure them against danger. I have no doubt that the American shippers do not care to do business with these black-listed concerns; for fear of loss of other business. But that is a very different proposition from undertaking to say that they are afraid to make shipments, lest the American ships carrying these shipments, should be captured by belligerent cruisers, unless accompanied by American warships.

Mr. BENNET. Mr. Speaker, will the gentleman yield again?

Mr. SAUNDERS. Yes.

Mr. BENNET. I want to ask the gentleman whether he thinks the British Government ought to be allowed to pursue a course of conduct in America that will prevent American shippers and American business men from taking American goods to customers in South America?

Mr. SAUNDERS. That has nothing to do with the situation. What I am trying to develop is whether there has been any lack of action along the line of affording necessary armed protection by this Government, whether the failure of the New York merchants to trade with South America has been due to a lack of armed protection to which they were entitled, but which was not afforded.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. I ask for five minutes, Mr. Speaker.

The SPEAKER. The gentleman from Virginia asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BENNET. Now will the gentleman yield?

Mr. SAUNDERS. Yes; I yield to the gentleman from New York.

Mr. BENNET. Mr. Speaker, answering the question of the gentleman, I said very frankly that, so far as I knew, no American shipowner had the nerve or the courage to ask for armed protection. Therefore, as a practical matter, that can not be tested until it is asked.

Mr. SAUNDERS. Let us see what that means. What nerve or courage did it require on the part of New York shipowners to ask for protection, if the need of that protection existed? It seems to me that you pay but a poor compliment to your New

York concerns when you suggest that they are afraid to ask for the protection of this Government.

Mr. BENNET. Mr. Speaker, I regard myself as a Representative in the American Congress for the whole country, not particularly for New York; and when a question arises as to whether the rights of Americans are being denied by British interference, I am perfectly willing to include the interests of other ports as well as those of the port of New York.

Mr. SAUNDERS. I am perfectly willing to include the merchants all along the Atlantic coast, including those of Norfolk in my own State. I repeat that you pay but a poor compliment to those people when you say that they have not had the nerve to come to the United States Government, and ask for the protection to which they were entitled against such a danger as you intimate exists.

Mr. BENNET. Mr. Speaker, will the gentleman again yield?

Mr. SAUNDERS. Yes.

Mr. BENNET. In rising as I did a moment ago it was not my purpose to suggest compliments but to state facts.

Mr. SAUNDERS. Yes. That is what I want to get at. I will ask the gentleman in this connection, what nerve or courage did it require on the part of these American merchants to ask for the protection to which they were entitled, and which you say they are afraid to ask? Why did it call for nerve, or courage to make that request?

Mr. BENNET. Whatever nerve or courage it requires, they have not exercised it.

Mr. SAUNDERS. But why does it require nerve and courage for a citizen to approach his Government, and say, "I am confronted with a situation in which I am afraid to trade with merchants in the neutral ports of South America, lest my ships be captured by belligerent cruisers, and I demand protection."

Mr. BENNET. Not being in that position, I can not answer the gentleman's question. But it all goes back to the basic matter to which I referred, whether the gentleman from Virginia can disagree with me at all or anybody else; that they ought not to be permitted to continue a course of dealing—call it by any name you please—by which an American shipowner even ought to have an incentive to appeal to his own Government for protection when undertaking to transport American goods from an American port to the customer of an American firm.

Mr. SAUNDERS. Now, Mr. Speaker—

Mr. SLAYDEN. May I ask a question?

Mr. SAUNDERS. Yes.

Mr. SLAYDEN. I understood from the statement made a few minutes ago by the gentleman from Virginia that these were British ships, trading from American ports to ports in South and Central America. Now, the gentleman says they are both British and American ships.

Mr. SAUNDERS. They are ships of both sorts, trading with South America.

Mr. SLAYDEN. They do not say such a thing as that to an American shipowner, do they?

Mr. SAUNDERS. I can not find out that they have said it to any shipowner. I am trying to develop whether such is the fact. The gentleman from New York suggests that there are some of our shipowners who lack the nerve to come to their own Government and ask for protection against certain suggested dangers; but I am trying to ascertain whether we have ever been threatened with these dangers by any of the belligerent powers.

Mr. SLAYDEN. Is it not more important to ascertain whether these things have been said to an American shipowner or whether they have been said to a British shipowner?

Mr. SAUNDERS. Yes; but it is important to find out what has actually been said, and whether any real danger exists. So far as I am concerned, I am willing to say that it is an open question with me whether or not a country at war is not justified in saying to its own citizens, and its own shipowners that they shall not trade with others who are affording direct aid and comfort to the enemy of the mother country of those citizens, and shipowners. I am much inclined to think that upon the same state of facts the United States would not have much hesitation in saying to its own people and particularly to the owners of American ships, "You must not lend your aid and comfort, in way of reciprocal commerce and trade, to the immediate enemies of your country."

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, one of my constituents, Cornelius A. Davis, of Somerset, Mass., owns the schooner *Clara Davis*, which was put on the black list by the British Government. He addressed a letter to me and asked me to confer with the State Department about the proposition, which I did some three or four weeks ago. I allowed them to take all the time they wanted, and after consideration of the matter Capt. Cornelius A. Davis wrote me that he had been advised by his New York representative to correspond directly with the British ambassador at Washington, which I suppose he did. I regarded the whole matter satisfactorily settled, and that this American vessel, owned by an American shipowner of good standing, a mariner of more than 40 years on the sea, was at liberty to take his vessel where he pleased; but I have just learned from a published statement that the *Clara Davis*, owned by Capt. Cornelius A. Davis, of Somerset, Mass., in my district, is still upon the British black list. Why she should be put there Capt. Davis does not know and I do not know. I have not heard anything further from our Secretary of State or the State Department, and I do not suppose they know.

Mr. COOPER of Wisconsin. Will the gentleman yield for an interruption?

Mr. GREENE of Massachusetts. Yes.

Mr. COOPER of Wisconsin. Did I understand the gentleman from Massachusetts correctly? I understood him to say that our State Department requested Capt. Davis to communicate directly with the British ambassador?

Mr. GREENE of Massachusetts. He was advised to communicate directly with the British ambassador, which he did. I have not heard from him since, but I noticed in the papers yesterday that the *Clara Davis* is still on the British black list.

Mr. STEENERSON. What is the effect of that?

Mr. GREENE of Massachusetts. She can not do any business.

Mr. SLAYDEN. Did Capt. Davis ask the ambassador plainly why his ship was on the black list?

Mr. GREENE of Massachusetts. I can not tell you. I have not had any correspondence with him since. I supposed it was all settled.

Mr. SLAYDEN. I supposed that the gentleman had received that information—that the vessel was still on the black list—from Capt. Davis himself, and that he had been told why.

Mr. GREENE of Massachusetts. I saw the statement yesterday that the vessel is still on the black list. I shall be glad to send a telegram to Capt. Davis and ask him about the present situation.

Mr. SLAYDEN. Did the gentleman get this information from Capt. Davis or from a newspaper?

Mr. GREENE of Massachusetts. The first information which I received was from Capt. Davis.

Mr. SLAYDEN. Not the first information, but the last.

Mr. GREENE of Massachusetts. The last information was from the newspapers, that the schooner *Clara Davis* is still on the British black list.

Mr. KITCHIN. Will the gentleman state what were the reasons given?

Mr. GREENE of Massachusetts. That some goods shipped from an American port, I think, to one of the West Indian Islands, and they claimed that those goods, which were shipped on the schooner *Clara Davis*, an American vessel, without any knowledge on the part of the owner that they were going anywhere else, had been used by some enemy Government to the detriment of the British Government. I asked for an investigation by the department to find out what the trouble was.

Mr. BRITTEN. Will the gentleman yield?

Mr. GREENE of Massachusetts. I yield to the gentleman.

Mr. BRITTEN. Is it not true that no American shipper can ship anything out of the United States to any South American port or any other neutral port without first getting a permit viséed by the British Embassy in Washington?

Mr. GREENE of Massachusetts. I do not know about that.

Mr. BRITTEN. That is true.

Mr. SLAYDEN. How did the gentleman get that information?

Mr. BRITTEN. If the gentleman will yield to me for a moment, I will tell him how I got the information. A concern in my district manufacturing shoe polish and shoe brushes wanted to send a consignment to Norway in a Norwegian ship, a neutral ship and a neutral country, from New York.

Mr. COOPER of Wisconsin. Not contraband goods?

Mr. BRITTEN. No. They made a request through a forwarding agency in New York. The forwarding agency sent them a letter advising that they should apply directly to the British Embassy for a shipping permit and return the permit



from Chicago to them in order that they might present it to the shipping company in New York. The manufacturer of shoe polish, the American Shoe Polish Co., in Chicago, sent me this correspondence. I sent it to the British Embassy with a request for a visé or a permit in order that this concern might ship to Norway. They retained my letter and did not answer it at all. Six or seven weeks thereafter they sent a visé or permit direct to the American Shoe Polish Co. The company in turn sent it to the forwarding agency and that agency took it to the shipping company, a neutral company, and finally got the stuff off months after it was ordered. In the meantime I wrote the British Embassy and called attention to my letter, a carbon copy of which I inclosed, and told them they had not answered it, and I supposed this company in Chicago was still waiting for their permit. The British Embassy replied and said that they had replied direct to the American Shoe Polish Co., and that was all the satisfaction that I could get.

Mr. SLAYDEN. But the gentleman's first statement was that an American concern could not ship to South America without the consent of the British Government, and then he tells us about a Norway shipment.

Mr. BRITTEN. I was citing a definite case. It also applies to South America. No shipping company will take a shipment to South America unless you have your shipment viséed by the British Embassy in the city of Washington, D. C., and our administration knows that is going on every day out of the week and every week in the month. [Applause on the Republican side.] There has been no secret about that.

Mr. SLAYDEN. Does the gentleman know that to be true?

Mr. BRITTEN. I know that to be a fact. There is no secret about it. Our State Department knows it; our President knows it.

Mr. SLAYDEN. But the gentleman's first statement was that they could not ship to South America.

Mr. BRITTEN. And I am repeating my first statement that we can not ship to South America without getting the permit viséed by the British Embassy in Washington, D. C.

Mr. SLAYDEN. And the gentleman showed they had to have a permit to go to Norway.

Mr. BRITTEN. I am merely calling attention to one shipment with which I am familiar, and which went to Norway.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, the gentleman's first statement was that this Chicago concern could not ship shoe polish to Norway, which is, one might say, within the war zone, where the conditions of shipment are very different from what they are to South America.

Mr. BRITTEN. Norway in the war zone?

Mr. SLAYDEN. Oh, practically.

Mr. BRITTEN. The gentleman knows that Norway is not in the war zone, and that Norway is a neutral country.

Mr. SLAYDEN. I know, but it is bordering on those waters up there that make it practically a part of the war zone.

Mr. HELGESEN. And shoe polish might be dangerous.

Mr. SLAYDEN. That is a matter of indifference. The gentleman's original statement was that an American shipper could not send goods to South America without the permit of the English Government, and then he proved it by showing that goods were not permitted to be sent to a neutral country bordering on the war zone, if that suits better, without the visé of the British Government.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. COOPER of Wisconsin. The gentleman from Massachusetts [Mr. GREENE] called attention to the fact that you could not ship from the United States in an American ship to the West Indies without a British visé?

Mr. SLAYDEN. The gentleman refers to the Capt. Cornelius Davis matter?

Mr. COOPER of Wisconsin. Yes. What is the difference between that and South America in principle?

Mr. SLAYDEN. None in principle. I admit that; but the gentleman from Massachusetts admitted finally that his information was based on a newspaper publication.

Mr. GREENE of Massachusetts. Oh, no.

Mr. COOPER of Wisconsin. He has a letter from the captain.

Mr. SLAYDEN. The latter part, he said, of his information came from a newspaper. He answered that frankly.

Mr. GREENE of Massachusetts. I answered frankly that the last information came from a newspaper.

Mr. SLAYDEN. Was the shipment to the British West Indies?

Mr. GREENE of Massachusetts. I think so.

Mr. SLAYDEN. That is quite a different matter.

The SPEAKER. The time of the gentleman from Texas has expired.

#### NAVAL APPROPRIATION BILL.

Mr. KITCHIN. Mr. Speaker, before I make the motion to adjourn I wish to announce that on Tuesday next, August 15, 1916, we will take up for consideration the conference report on the naval appropriation bill.

Mr. MANN. I think the gentleman ought to state that on that occasion there will probably be a roll call on a motion to concur in the Senate amendment respecting the building program?

Mr. KITCHIN. That is true.

The SPEAKER. The gentleman from North Carolina announces that on Tuesday next there will be taken up for consideration the conference report on the naval appropriation bill, and there will probably be roll calls upon that day.

Mr. KITCHIN. The chairman of the Committee on Naval Affairs [Mr. PADGETT] will make a motion to concur in the building program, as inserted in the Senate.

The SPEAKER. And there will undoubtedly be roll calls upon that day.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Wednesday, August 9, 1916, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting response to certain inquiries contained in House resolution 323 (H. Doc. No. 1321), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 6748) providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil, reported the same with amendment, accompanied by a report (No. 1096), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 1098), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KONOP, from the Committee on Indian Affairs, to which was referred the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1097), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 17350) to promote export trade, and for other purposes; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: A bill (H. R. 17351) authorizing the Secretary of War to issue certain magazine rifles; to the Committee on Military Affairs.

By Mr. COX: Resolution (H. Res. 343) requesting the Secretary of State to furnish to the House of Representatives information in regard to Jacob Hoffman; to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 292) proposing to amend section 2971 of the Revised Statutes of the United States; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BRITT: A bill (H. R. 17352) granting a pension to Cicero F. Smith; to the Committee on Pensions.

Also, a bill (H. R. 17353) granting a pension to Julius Scheuer; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 17354) granting an increase of pension to William Strobe; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17355) granting a pension to Jessie G. Frier; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 17356) granting a pension to Elamarette Eldredge; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 17357) granting an increase of pension to John Keefe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17358) granting a pension to Arthur Paten; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 17359) granting a pension to Robert L. Crook, jr.; to the Committee on Pensions.

By Mr. NORTH: A bill (H. R. 17360) granting a pension to Harriet Alexander; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 17361) for the relief of William H. Sullivan; to the Committee on Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 17362) granting an increase of pension to John C. Smith; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 17363) granting a pension to Elizabeth Noland; to the Committee on Pensions.

By Mr. WILSON of Florida: A bill (H. R. 17364) for the relief of H. W. Reddick; to the Committee on War Claims.

Also, a bill (H. R. 17365) granting a pension to Fred D. Abbott; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Petition of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. DALE of New York: Memorial of National Association of Credit Men, favoring a national bankruptcy act; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of the Merchants' Association of New York, favoring repeal of the law purporting to Federalize the National Guard; to the Committee on Military Affairs.

#### SENATE.

WEDNESDAY, August 9, 1916.

(Legislative day of Saturday, August 5, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Overman	Sterling
Brandegge	Gronna	Penrose	Stone
Bryan	Harding	Ransdell	Swanson
Chamberlain	Johnson, S. Dak.	Reed	Taggart
Clapp	Jones	Robinson	Thompson
Clarke, Ark.	Kenyon	Shafroth	Tillman
Cole	Kern	Sheppard	Vardaman
Culberson	Lane	Simmons	Wadsworth
Curtis	Nelson	Smith, Ga.	Williams
Dillingham	Norris	Smith, S. C.	Works
Fletcher	Oliver	Smoot	

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. WEEKS answered to his name when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

After a little delay Mr. CUMMINS and Mr. HARDWICK entered the Chamber and answered to their names.

Mr. PENROSE (at 10 o'clock and 20 minutes a. m.). Mr. President, I move that the Senate adjourn, and I ask for the yeas and nays on the question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I have a pair with the junior Senator from Delaware [Mr. SAULSBURY] and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a pair with the senior Senator from Nevada [Mr. NEWLANDS] and therefore withhold my vote.

Mr. WADSWORTH (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. HOLLIS]. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. In his absence I withhold my vote.

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. DILLINGHAM. I withhold my vote, as I have a general pair with the senior Senator from Maryland [Mr. SMITH].

Mr. GRONNA (after having voted in the affirmative). I voted, but I have a general pair with the Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote if present, I withdraw my vote.

Mr. HARDING. In the absence of my general pair, the Senator from Alabama [Mr. UNDERWOOD], I withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. As that Senator did not vote, I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will let my vote stand.

Mr. STONE. Mr. President, has the Senator from Wyoming [Mr. CLARK] voted?

The VICE PRESIDENT. He has not.

Mr. STONE. I transfer my pair with that Senator to the Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to my colleague [Mr. PAGE] and vote "nay."

Mr. VARDAMAN. I desire to announce that the Senator from Kentucky [Mr. BECKHAM] is detained from the Senate on official business.

Mr. KERN. I desire to announce that the Senator from Ohio [Mr. POMERENE] is necessarily detained from the Senate on important business.

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kansas [Mr. THOMPSON];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 5, nays 34, as follows:

Cummins	Gallinger	Jones	Smoot
Curtis			
		YEAS—5.	
		NAYS—34.	
Ashurst	Clapp	Hardwick	Lane
Bankhead	Culberson	Johnson, S. Dak.	Myers
Bryan	Dillingham	Kenyon	Nelson
Chamberlain	Fletcher	Kern	Oliver



Overman  
Penrose  
Pittman  
Ransdell  
Robinson

Shafroth  
Sheppard  
Simmons  
Smith, Ga.  
Smith, S. C.

Stone  
Taggart  
Thompson  
Tillman  
Townsend

Vardaman  
Williams  
Works

# NOT VOTING—56.

Beckham  
Borah  
Brady  
Brandegee  
Broussard  
Catron  
Chilton  
Clark, Wyo.  
Clarke, Ark.  
Colt  
du Pont  
Fall  
Goff  
Gore

Gronna  
Harding  
Hitchcock  
Hollis  
Hughes  
Husting  
James  
Johnson, Me.  
La Follette  
Lea, Tenn.  
Lee, Md.  
Lewis  
Lippitt  
Lodge

McCumber  
McLean  
Martin, Va.  
Martine, N. J.  
Newlands  
Norris  
O'Gorman  
Page  
Phelan  
Poindexter  
Pomerene  
Reed  
Saulsbury

Sherman  
Shields  
Smith, Ariz.  
Smith, Md.  
Smith, Mich.  
Sterling  
Sutherland  
Swanson  
Thomas  
Underwood  
Wadsworth  
Walsh  
Warren  
Weeks

So the Senate refused to adjourn.

Mr. STONE. Mr. President, are there not a number of Senators present who did not vote?

The VICE PRESIDENT. The vote which has just been taken was on a motion to adjourn.

Mr. SIMMONS. I again suggest the absence of a quorum.

The VICE PRESIDENT. The Senate has not adjourned, and the order directing the attendance of a quorum is still in force and effect for the Sergeant at Arms to carry out the instructions of the Senate.

The Secretary called the names of Mr. MYERS and Mr. PITTMAN, who answered "Present."

Mr. STONE. Mr. President, I should like to make a parliamentary inquiry. If it be true that while an order of the Senate requiring the Sergeant at Arms to notify absent Senators to attend so as to make a quorum is pending, a motion to adjourn is made, as has been done in this instance, and it is disclosed that a quorum of the Senate is present, is it not entirely proper in such circumstances to move that the order to the Sergeant at Arms be vacated?

The VICE PRESIDENT. The roll call on the motion to adjourn did not disclose the presence of a quorum. The presence of a quorum has now been disclosed. Forty-nine Senators having answered to the roll call, a quorum is present.

## THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Mr. SIMMONS. Mr. President, there has been a sudden and rapid growth of sentiment in this country in favor of what is usually characterized by the term "preparedness." That outburst of sentiment has not been the result of any panic or hysteria on the part of our people. We are just as sober-minded and just as sure of ourselves and our strength as ever. The war has not in any way shaken our confidence or unsteadied our nerves; but, Mr. President, as a result of the events of the last two years, we have gained a new and a broader viewpoint and a clearer vision and perception with respect to ourselves and our relations to the other nations of the world, and we see now clearly where we before saw only obscurely; and this clearer vision has brought within our horoscope dangers we had not before seen and of our pitiable unreadiness to meet and to combat those dangers.

The new dangers and responsibilities which have been thrust upon us by reason of our advent into the family of world powers and by reason of the events that are transpiring across the water, bringing about a general world disturbance, are not dangers which formerly menaced us. They are not dangers of the eighteenth or nineteenth century; they are largely dangers and responsibilities of the twentieth century. They are dangers which affect us territorially and commercially and industrially.

In the past we have safely relied upon our greatness in population, in wealth, and in natural resources as our sure bulwark against outside attack. We have felt in the past that we were so powerful and so rich that no nation dare attack us. We have relied upon this; but we have relied possibly more upon our geographical isolation as a sure protection against outside attack. We have felt that the vast stretch of waters that separates us from the great military and naval nations of the world was a sure protection to us against aggressions or attacks from any of those great powers.

We have now learned that our great prosperity, our great population, our great wealth, while, of course, they afford us some protection at the same time tend to invite attack, at the same time serve as a temptation and a lure to encourage aggression and attack from the outside; or if they do not invite attack they at least expose us to the constant danger of international complications and controversies, in themselves pregnant with all sorts of dangers.

We have learned that the seas which separate us by thousands of miles from Europe and Asia do not now, as formerly, afford security against aggression, invasion, or attack. We now see clearly that modern discoveries, inventions, and science have overcome the difficulties which made them in former times a safe barrier of protection. We now realize how close, from a military standpoint, we are to Europe, and that the broad expanse of water which separates us is no longer an obstruction, but a great highway furnishing a thousand tracks for the concentration and mobilization of armies and navies and of all the paraphernalia of war upon our coasts.

With the facilities afforded in these modern times for sea transportation, the 3,000 miles which separate us from Europe can be spanned almost as quickly as the 3,000 miles that separate the Atlantic seaboard from the other coast of this country. When we consider some of these great leviathans of the sea that are now being constructed, such as the *Bismarck*, now being built in Germany, with a capacity of 56,000 tons, with a carrying capacity greater than a thousand freight cars, with a speed equal to that of the ordinary freight train, and not far behind that of the ordinary passenger train, it is easy to realize that mobilization of armies and of supplies and of all the other implements and accessories of war can be accomplished almost as expeditiously on sea as on land.

Mr. President, a full realization of this situation and of these dangers has aroused the public mind in this country and crystallized public sentiment in favor of such a thoroughgoing preparedness as will safeguard us against the dangers of the present and the contingencies of the future.

Congress has liberally responded to the demand for military preparedness. Congress has liberally responded to the national demand for naval preparedness also. In the course of the debate upon that measure I was gratified to hear the Senator from Massachusetts [Mr. LODGE], the ranking minority member of the Committee on Naval Affairs, declare his satisfaction with the provision made for naval preparedness.

I assume he voiced the sentiment of the other side of the Chamber, and that we are agreed without reference to party, as the people are agreed outside of this Chamber, upon the proposition that we have done as much as the circumstances will permit and as much as the circumstances now seem to require toward providing ample protection against the dangers as we now see them, so far as it can be done through the Navy.

So much, President, so good; but to stop here would leave the program incomplete, and our vast scheme of military and naval preparedness would be ineffective. It is an axiom, I think, accepted in all countries where they have navies and military establishments that fighting ships, like armies, can not carry their supplies of food or munitions with them. The supplies must be brought to them, and without adequate facilities for this purpose they are helpless. The railroad connects the army with its base of supplies. Naval auxiliaries connect the navy with its base of supplies. A navy can no more carry its supplies of food or its supplies of ammunition or of fuel along with it than an army can carry like necessities along with it; and an auxiliary navy, a well-balanced auxiliary navy, an auxiliary navy capable of adequately supplying the navy in case of war as well as in case of peace, is just as necessary to the navy, if it is to be an effective war machine, as the railroad and the other land facilities of transportation are necessary to connect the army with its base of supplies. Without this connection the navy would be just as helpless in action as it would be if it had no guns or as it would be if it had no munitions to supply its guns.

The same thing is largely true in respect to the Army in certain conditions. The Army in certain conditions is utterly useless, utterly helpless to serve the purposes of the Nation, without adequate transport service.

We had a lesson in that matter during the Spanish-American War which makes it unnecessary to elaborate this proposition. It is only necessary to refer to that occasion. We had our military forces upon our coast ready and anxious to meet the enemy in Cuba, and yet our whole program had to halt, our soldiers had to remain idle in an insalubrious climate and with insanitary surroundings, until we could go out into the open market and draw from the meager supply of our merchant

marine such vessels as we could get at any price which selfishness saw fit to impose; but until we got them our Army could not move.

At present, Mr. President, we have practically no naval auxiliary fleet, certainly none worthy of the name; not enough to serve our purpose, even in time of peace, surely not enough to supply the requirements of our Navy or of our Army in time of war. We have only 53—I think I am accurate—so-called auxiliary naval vessels. Only 24 of those are of modern construction. The other 29 are old vessels, the average age of them all being 25 years, none of them built for the purpose for which they are now being used, none of them built with reference to their conversion into auxiliaries, and most of the modern vessels, as well as the old ones, largely unsuited for these purposes.

But, Mr. President, we are managing to get along, and probably could manage to get along, with this junk fleet in time of peace; but what about the requirement in this respect of our Navy as it exists in time of war?

I do not myself, of course, profess to know the facts with reference to this matter further than I get them from official sources. I have here the reply of Admiral Benson, written as Acting Secretary of the Navy, to the Secretary of the Treasury, Mr. McAdoo, in response to an inquiry made of the Secretary of the Navy in these words:

Considering our Navy as it is to-day, and having reference to its maximum usefulness and efficiency in time of war, what number of merchant vessels, and of what total tonnage, would be required?

To that letter Admiral Benson replied:

There would be required 400 merchant vessels for auxiliaries, with a total of 1,172,000 gross tonnage. In addition to the above, a number of small vessels would be required.

Here we have the statement of the Navy Department that in the present condition of the Navy—making no allowance whatever for its enlargement as proposed in the legislation of this session—that in time of war upon a basis of maximum efficiency it will require, in addition to the vessels we already have, 400 vessels, of a total of over 1,000,000 tonnage.

Now, in case of emergency, in case we are forced to defend our shores against foreign assault—for I assume we are not likely to engage in an aggressive war—in case of attack upon us or in any case where we find it necessary to employ our Navy in armed conflict with another power, we will have to have these vessels quickly. If we are to get efficient and suitable vessels there must be some prearrangement with reference to their construction. Otherwise we would not likely find in our merchant marine many vessels of the requisite speed and construction. But, Mr. President, assuming that we had such vessels in our merchant marine, how would we get them into our possession? Only in the way that we supplied our wants in this respect in the Spanish-American War—by going into the open market, buying what we could get, and paying such prices as were demanded.

Of course, Mr. President, our merchant marine is in a much better fix now to supply us with a better class of vessels than we got then. As a result of the liberal legislation of this Congress, exemplified in part in what is known as the ship-registry act, a considerable number of vessels have been brought under American registry. Most of those vessels, however, are vessels that were constructed for special uses, owned largely by the Standard Oil Co. as tankers, owned largely by the United Fruit Co. and adapted especially to that trade, owned by the steel companies and by the coal companies. Most of them were vessels of American ownership before the war but under foreign registry. That is not true of all of them, but most of them that have transferred to our flag under that act are of the character I have described.

Whether they are going to remain permanently under our flag or not is a very pertinent and relevant inquiry in connection with the matter I am now talking about. It is easy to see that it was to their interest, in the conditions which have existed in the last two years, to get from under the foreign flag and come under our flag. Whether they will stay under it after the war is very problematical. In fact, some of the witnesses who came before the Committee on Commerce said the probabilities were that they would not remain under the flag after the war. I do not know how that will be, but I hope they will, although I think very few of them are suitable for the purpose of naval auxiliaries.

Again, Mr. President, undoubtedly there is building now quite a number of ships of commerce in our shipyards. They will add somewhat to our merchant marine. I assume they will probably remain permanently in our merchant marine.

These two sources undoubtedly would give us a broader market from which to draw our naval auxiliary. But the conditions

upon which we would acquire them and the question of their suitability for the purpose would be the same in this case as in the case of our purchase of vessels during the Spanish-American War.

But, even with these additions and with other prospective additions, at best, for years to come the woeful inadequacy of our merchant marine should appeal to us against the adoption of a policy which would require us in case of war to draw from our commerce, either domestic or foreign, a million and a half or two million tons of shipping. We could not do it without great injury to our commerce.

These facts seem to me to appeal most powerfully in favor of this legislation—

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. If the Senator will pardon me I would wish very much that the line of my thought may not be interrupted.

Mr. CUMMINS. The question I am about to ask will not interrupt the thought of the Senator.

Mr. SIMMONS. Very well.

Mr. CUMMINS. What will be the aggregate tonnage of the ships that can probably be secured under this bill? I ask purely for information.

Mr. SIMMONS. There are different estimates with respect to that. It would be impossible to answer the Senator with accuracy, but it has been estimated by the department at, I think, about 500,000 tons. There have been some estimates, I think, of 400,000 tons and some at 600,000. I think 500,000 to 600,000 tons about correct.

Mr. CUMMINS. It would not go very far then toward the complete preparedness of which the Senator is speaking.

Mr. SIMMONS. No; the amount appropriated by this bill would not supply all the auxiliaries we would need in case of a great war taxing the utmost strength of the Navy. But under the bill, if a vessel is constructed by the board and sold the money received could be used to build other vessels, and in this way the fleet can be constantly increased. It would be a good start. We must have a beginning to everything. In case of a great war with a great power or with a combination of powers—a war which we might conjure up in our minds as a bare and remote possibility—would need many more auxiliaries, but I am persuaded that, having in view the uses we are likely to have for our Navy in the near future, the provision made in this bill, while not altogether adequate, would reasonably supply the probable demand.

Mr. President, the question has been raised as to whether the primary object of this legislation is the construction of vessels for naval auxiliaries or of merchant vessels. I think that question is irrelevant and immaterial. We are constructing them for both purposes. One has no primacy over the other, either in the circumstances which suggest this legislation or the necessities of the situation. We need them both for naval and military purposes and for commercial purposes. We need them equally badly in each case, and when constructed they will be suitable and adapted to both purposes.

Now, Mr. President, I am through with that part of this subject. We have made pretty good progress in our preparedness program upon land. We have not only provided for bringing our Military Establishment up to a fairly high standard, but we have made a good beginning, looking to the organization and mobilization of our industries for purposes of defense in case of trouble and emergency. We have passed some important legislation with a view to making industries and the Government absolutely independent of other countries in time of war, notably the Government armor-plant and the nitrate-plant bills. We have made progress toward a condition of readiness upon the land for possible eventualities and contingencies.

But, Mr. President, when we come to the sea we have utterly neglected the commercial interests of the Government and of the people upon the sea. For 50 years, as we all know, we have been absolutely dependent—I use the word “absolutely” advisedly because it is descriptive of the actual condition that has existed—for 50 years we have been absolutely dependent upon foreign Governments, chiefly our competitors in foreign trade, for our deep-sea transportation. The greatest, the richest, the most prosperous Nation upon the earth, with the greatest foreign trade of any nation upon the earth, with a foreign trade this year of \$6,500,000,000—we are to-day, and we have been for 50 years, dependent for our over-sea transportation upon our foreign competitors, and have had to go to them to buy our transportation, not only to their markets, where they sell it to us upon fairly equal and fair terms, because they need what we have to sell to them, and want to sell to us what we are willing



to buy from them, but we have to go to them for transportation to the neutral markets—the open markets of the world, as well. That has been the case for 50 years. We have practically no transportation of our own worth speaking about to South America or to Central America, and practically none to the countries of the Orient. We must buy our transportation to those countries from the very men who compete with us in those markets. We must buy it as we have had to do and have done on terms of inequality, upon terms which have made successful competition on our part in those markets impossible.

That is the reason, Mr. President, that we have had such a small share of the trade of our neighbors to the south of us. Our competitors, Germany and France and Great Britain, from whom we buy transportation, supplied, as they are, with magnificent regular lines of steamers running on regular schedules, with preferential rates as compared with ours, having by the very process of discrimination, by the very fact of our dependence upon them for our transportation, practically closed those markets to us.

When the war closes, Mr. President, will we be in any better condition? Notwithstanding the scarcity of tonnage, by paying enormous rates, and by utilizing a part of our coastwise vessels we have been able to get our products into South and Central America, and by reason of the fact that our competitors were in a condition that they could not supply the wants of those people, and in a condition that they could not purchase what those people had to sell, we have of late enormously increased our trade with these countries. If you will take the statistics you will find that the best, the largest, and the most satisfactory increases in our trade, outside of what we call the war orders that have gone to Europe, have come from South and Central America, from the islands near us, and from the Orient.

If when the war closes we are without adequate facilities to handle our own commerce; if we are without a supply of ships, as we were at the beginning of the war, what is likely to happen to us? Why, it is clear that when the war closes, finding that while they were engaged in their war we had captured a large part of the trade which they had theretofore enjoyed with these people, is there any doubt in the mind of any man who takes forethought that in their zeal to recapture what they have lost they will tighten the adverse conditions upon which they will furnish us this transportation, and will just as effectually shut us out of those markets and take from us the trade that we have acquired under war conditions as if they should refuse to haul our products at all to those countries?

Mr. President, I do not wish to take up any more time of the Senate upon that branch of the question.

It is said that while we need ships in our foreign trade and while we needed them before the war and need them worse now, and shall probably need them still worse after the war, it is better to do without them than for the Government to go into the shipping business, even to the limited and contingent extent provided in this bill, for fear that private capital may be driven out of the business. It is also said that, although the Government under this bill is to operate none of the vessels it may either build or buy, provided it can sell or lease them upon condition that it may reclaim them when needed for military or naval purposes, the mere possibility, remote as it may be, of Government operation will be a menace of such dangerous import that it would be better to take the chances of having our foreign commerce handicapped, if not destroyed, by the selfishness of our competitors, to whom we should have to look in that case for transportation, than to risk Government ownership and operation.

Mr. President, these suggestions are strangely inconsistent with the attitude of those who now make them with reference to certain measures relating to this subject and upon which the Senate acted in 1914, so inconsistent with what I understood to be their attitude during the last session of Congress, when we had the shipping bill up, that I must feel that the opposition on the other side to the Government purchase and operation provisions of the pending bill is either captious or that it is political.

I recall that when the bill was before us last year opposition was made to the Government operation and purchase provisions of the bill. It was strenuously opposed by a group of Democrats over here, as well as by practically the whole membership of the other side of the Chamber, upon the ground that it would put the Government into the shipping business. I can not put my finger upon any declaration of Senators upon the other side; I have not examined those debates to refresh my memory; but I have a very distinct recollection that from some of the prominent Senators on the other side, who were antagonizing this legislation upon the grounds I have named, I had repeated expressions, some in the nature of assurances—because we were

trying to work out a bill that would be satisfactory to both sides—that if Government operation was limited to a reasonable period of time—five years being then named—and if a provision were inserted that would prohibit the purchase of interned vessels or vessels of belligents, because of the fear of international complications, or, as was described by the other side, the menace of war as a result of that policy, the opposition to that bill would practically subside. Now, we have in this bill done both of those things, to my mind in a very radical way, and a much more radical way than was proposed in the compromise suggestions at that time.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I do.

Mr. GALLINGER. The Senator says he has not examined the debates of the last session of Congress on this subject.

Mr. SIMMONS. I mean to refresh my mind, of course.

Mr. GALLINGER. I wish the Senator would refresh his mind and produce any suggestion made by any Senator on this side of the Chamber that he would support the bill then pending even if it were so amended.

Mr. SIMMONS. I do not say that any open expression was made on the floor; I said I had conferences, and I received expressions and assurances to the effect I have stated.

Mr. GALLINGER. Of course I know nothing about the Senator's private conversations.

Mr. SIMMONS. I have not spoken of any particular Senator, and I shall not do so.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt to suggest that the hearings on that bill at that time all indicated that the principal ground of objection to the bill was the feature which provided for operating the ships by the Government? I think that appears in the hearings. So it is not necessary to rely upon conversations, for it is of record.

Mr. GALLINGER. Of course the Republican Senators were not on the witness stand, and they can not be held responsible for what others may have said; but I want to say here and now to the Senator from North Carolina that the invasion of the coastwise shipping of the country, which is provided in this bill, is quite as serious a matter as Government ownership.

Mr. SIMMONS. Mr. President, I was about to say that we have met the objections of the group of Democrats on this side and what I consider the fundamental objections of the Senators on the other side, made at a time when we were trying to get a bill that would be satisfactory and would stop a filibuster and permit us to legislate. We have met those objections radically in this bill. We have practically made it impossible for the Government ever to operate any of these vessels, even during the three-year period, provided that private capital, in its great anxiety, as we are told, to get into the shipping business, will buy or lease ships from the Government, which they will be able to do as cheaply as they can get them built or purchase them in the open market, and probably cheaper.

We have absolutely eliminated all grounds of objection to the purchase clause. The power of purchase is so circumscribed that it does not amount to anything. So we have certainly met all the objections.

When we made those changes the group of Democratic Senators who had opposed the bill of the last session because of its Government-ownership feature, who had opposed it by reason of their staunch convictions and adherence to a policy which they thought was a wise policy, in contradistinction to a policy which they thought was not wise and which might lead to consequences which would be deprecated, having no political or captious objections, have promptly withdrawn their opposition and are now the staunch champions of this bill. Still the other side continues to oppose it.

I want to call the attention of Senators on the other side to a certain bill upon which they have voted and upon which some of them have spoken in recent years, by which they committed themselves irrevocably to the principle of Government operation, not of merchant vessels, but Government operation as merchant vessels of the vessels of the United States Navy converted into merchantmen for the specific purpose of commercial development. In that instance they based their action upon the great need, the imperative need, of our foreign commerce in the matter of deep-sea transportation caused by the neglect for 50 years of the Republican Party to make suitable provision for the rehabilitation of our merchant marine.

Mr. President, Senators will recall what is known as the Weeks resolution with respect to the use of our naval and army vessels—naval vessels, I think, chiefly—commerce carriers. That resolution was introduced April 1, 1914. It contained some very remarkable declarations, in the light of the

attitude of our friends on the other side toward this question at the present time. It starts out by recalling and reciting the conditions of our foreign trade with respect to transportation and its need of help from the Government:

Whereas it is desirable to develop and extend commercial relations between the United States and the countries of South America by the establishment of direct lines of communication for carrying the United States mail and for the transportation of passengers and freight; and Whereas private capital has not engaged in this service—

That is, in the service with South America—

to a sufficient extent to furnish facilities comparable to those enjoyed by the people of other countries having trade relations with South America.

The preamble of the resolution struck the root of the trouble with our trade in every neutral market of the world. Its author put his finger upon the difficulty in South America, and he sought to provide against it.

Declaring that it was desirable to develop a line of communication for mails and freight and passengers to South America, because our facilities for the accommodation of our trade with those countries were not comparable to those enjoyed by our competitors, the resolution concludes as follows:

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to cause to be prepared, in detail, a plan for the establishment of a line or lines of ships to run between ports of the United States and South America, such line or lines of ships to consist of vessels of the Navy not required for immediate military service, and which, in the opinion of the department, are best adapted for postal and commercial purposes, and that the information requested in this resolution shall include the following:

That resolution, introduced by the junior Senator from Massachusetts, passed this body without a division, and its recitals and its resolves constitute the whole case for which I am contending, so far as Government ownership and operation go.

Mr. STERLING. Mr. President, I did not hear the Senator from North Carolina say who was the author of that resolution.

Mr. SIMMONS. The junior Senator from Massachusetts [Mr. WEEKS].

That resolution passed the Senate without a division. The Secretary of the Navy made his report upon the resolution, and said he had some small vessels that might be used that he did not need for naval purposes. They could not carry many passengers and they could not carry much freight, but he had them. Now, when that report came in what did the Senator from Massachusetts do? The Senator at once proceeded to introduce a bill which authorized the Secretary of the Navy—

To establish one or more United States Navy mail lines, by employing such vessels of the Navy as in his discretion are available for the purpose of establishing and maintaining regular communication between the east or west coast, or both coasts, of the United States and either or both coasts of South America, and between the United States and the countries of Europe.

That bill was introduced subsequently to the resolution, and came up before the Senate for consideration and was passed by the Senate on the 3d day of August, 1914, after certain of the nations of Europe had engaged in hostilities, one day before the formal declaration of war.

Now, I want to read some things that the Senator from Massachusetts said about this bill and that resolution of his. In his speech on the floor of the Senate he said, among other things:

Mr. President, at the present time South American mails are sent at long and sometimes irregular intervals, and all American mails south of the Equator are carried in vessels sailing under a foreign flag.

He also said:

The service is very slow, and this, it may be easily assumed, militates against the development of our trade with South America.

We are in the position of having spent \$400,000,000 in the building of a canal, one of the reasons for doing so being that it would aid in the extension of our foreign trade; but, as far as I know, there are no American steamers prepared to undertake this service.

The Senator from New Hampshire [Mr. GALLINGER] added his mite. He characterized the bill as a makeshift. He wanted something better, but he said:

We are without a line from either the Gulf, the Pacific, or the Atlantic coast of the United States to South America.

This bill proposes to put in service a few inadequate ships, if we can spare them from other service; ships that will carry a handful of passengers and a little freight; slow ships, I take it, almost every one of them; and we are to be put in competition with the great countries of the world, with their magnificent steamships, by calling together this conglomeration of third-class or fourth-class ships for this service. I shall not oppose it.

Although it had in it the principle of Government ownership gone to seed in the most flagrant and offensive way possible to one who disapproves of that principle—Government ownership and Government operation, not through a corporation in which the Government is a mere stockholder, its traffic declared by law to be subject to all the regulations and laws that apply to privately owned vessels, but the operation of Government vessels

under the direction of the Secretary of the Navy—the Senator says, "I do not oppose it." He does not say he is opposed to it, and you can not gather from his speech that there is any opposition because the vessels are to be operated by the Government; but his criticism is upon the ground that it is a makeshift, inadequate, and that the vessels to be used are small.

I am gratified to observe—

Says the Senator from New Hampshire, continuing his speech, speaking of his speeches made before—

that in those speeches, among other things, I called attention to two possible complications which might arise if we did not have an adequate merchant marine. One was that in the event of a great European war we would not have any ships to transport the products of our farms and our factories. Those are the words that I used. That is exactly the situation which confronts us at this very moment—

That was the 3d day of August, 1914—

The other suggestion I made was that in the event of a war between a great foreign nation and our nation we would have no adequate auxiliary ships to supplement our battleship fleet, and that is exactly the situation which exists to-day.

If we only had adequate steamship lines—

He says, at another place—

between the United States and South America, there would be a boom in American trade which would astonish not only our own people but the world.

We had then, Mr. President, only such transportation as we could buy from our competitors, just as we have now. What the Senator then said was true at that time, and it is true now. One of the objects of this bill, one of the purposes of this bill, is to do that very thing. We have reserved the right to the Government, in the sale or lease of these vessels, to fix the routes, to prescribe where they shall go, and I trust that if this bill passes and the Government acquires these ships it will see to it that they are used to establish a regular line between this country and North and South America. If that is done the vessels that will be supplied will very largely, if not entirely, supply the needs of our South American trade, and when this war closes we will be in a position to protect and defend our trade with those countries against any comer and any competitor.

I had intended to discuss the various ventures of the Government in recent years in the field of business enterprise, and in every instance with success. One of the measures to which I refer is the Federal reserve act, which was characterized at the time by great Senators on the other side of the Chamber who led in the fight against that great measure as socialistic because it proposed to put the Government to a limited extent into the business of banking. Just as the great shipping associations, whose interests it is claimed will be adversely affected by the Government entering into the shipping business, even in a limited and a collateral way as proposed in the pending measure, have denounced it as socialistic, so the great American Bankers' Association, which met in Boston just before the Federal reserve bill was passed, denounced it as socialistic and as a menace to the private banking business of the country; just as the Postal Savings Bank System was denounced by the savings banks of this country as a menace to private interests and the action of the Government in entering into that field characterized as socialism; just as, when we went into the business of the parcel post, the emissaries and supporters of the express monopoly characterized it as the governmental entrance into the transportation business and as being socialistic and as calculated and intended to destroy private capital and business.

But I do not wish—

Mr. SHAFROTH. While the Senator is on that point, I wish to read the prediction which was made by the Senator from New York, Mr. Root, at the time that the Federal reserve act was being considered.

Mr. SIMMONS. Very well.

Mr. SHAFROTH. In carrying out the line of thought the Senator has suggested I wish to call attention to the predictions made by Senator Root with respect to that bill. He said:

There is another thing you must remember. Europe is an armed camp. For many, many years peace has been kept by the most delicate adjustments and by the most strenuous exertions of many men in many countries, who have been alert and solicitous to stop controversy as near its origin as possible and to prevent the frightful effect of general war; but war is always possible. The fear of it is always present. If a war comes, immediately our securities come back to us. Immediately, in every country where they are held, the desire to strengthen up, to increase the amount of gold, will operate to lead to a general conversion of the American securities they hold into immediately available gold.

It is not necessary that we should wait for a war actually to take place. The fear of it leads to the result. The fear of the Balkan war, far off on the edge of civilized Europe, as it was, because of the apprehensions of possible implication of the great commercial nations in a war consequent upon the Balkan war, sent hundreds of millions of securities back to this country, which had to be bought.



So, sir, if we enter upon this career of inflation we shall do it in the face of clearly discernible danger—danger which, if realized, will result in dreadful catastrophe.

Ab. Mr. President, we are turning our faces away from the fundamental principle upon which we have come to our high estate. We are turning them weakly toward practices which history shows have invariably led to decadence, to degradation, and the downfall of nations. We are setting our steps now in the pathway which through the protection of a paternal government brought the mighty power of Rome to its fall.

Further than that he said:

I say that this bill presents the financial heresy twice repudiated by the people of the United States. I say that the central reserve board appointed under this bill will have to represent that very heresy. If this bill passes as it stands, America stands to lose all we saved when Grant vetoed the inflation bill, all we saved when Grover Cleveland abolished the silver purchase, all we saved when we elected McKinley, all the Republicans, all the gold Democrats saved when they helped in the repudiation of the vital principle which has been put into this bill.

I wish to say that the whole speech of Senator Root made at that time was a declaration that the act was simply socialistic and that the disaster would be great upon the American people if the Federal reserve act were passed.

Mr. SIMMONS. I thank the Senator for injecting that extract into my speech.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Yes.

Mr. NELSON. It seems rather strange to inject into this discussion matter relating to the Federal reserve act. If the time were opportune, I could show to the Senator from Colorado that it was not the reserve act, as the Senator intimates, that stopped the flooding of this country with bonds from the foreign markets in the panic of 1914. The stock exchange in New York was closed, and that stopped the flood, and it was the Aldrich-Vreeland currency plan that furnished the relief to the country, and the reserve act had nothing to do with it.

Mr. SHAFROTH. Mr. President—

Mr. NELSON. But I am not going into it now. The Senator has seen fit to inject that into the shipping bill, and I thought I would make this brief reply to it.

Mr. SHAFROTH. I want to say to the Senator—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SHAFROTH. For just a second. The Aldrich-Vreeland Act could not have been and was not operative during the panic or the stringency of 1914. It had to be amended by this very Federal reserve act before any person could take out any of the currency provided for issuance under that act, and it had to be amended since that time in order that it might become available.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. It is apparent that we are getting away from the question altogether as a result of these interruptions. I did not refer to the Federal reserve act for the purpose of getting into a discussion as to its merits, but simply for the purpose of calling attention to the kind of opposition and the character of arguments made against it, to wit, that it was socialistic, just as is claimed with reference to the measure under discussion.

Mr. SMOOT. Will the Senator yield?

Mr. SIMMONS. I do not desire to go into that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. If the Senator wants to ask me a question about anything pertinent to the line of argument I am pursuing, I have no objection; but if he wants to get into a discussion with the Senator from Colorado over the merits of the Aldrich-Vreeland and Federal reserve acts I must decline to yield.

Mr. SMOOT. I do not want to ask—

The PRESIDING OFFICER. Does the Senator from North Carolina yield or does he not yield?

Mr. SMOOT. I will state to the Senator that I do not want to ask the Senator from North Carolina a question, but I did want to place a statement in the Record in order that the facts in the case may be known, if the Record is ever read.

The PRESIDING OFFICER. The Chair understands that under those conditions the Senator from North Carolina declines to yield.

Mr. SIMMONS. I do not yield for that purpose. I will yield for any purpose that is pertinent to the line of discussion I am pursuing with reference to the bill. I have not gone into the merits of the Federal reserve act at all.

Mr. President, there is just one other matter to which I wish to call attention. We are told that if the Government will just stay out of this business, private capital will take care of it; that it is the menace of such legislation as this that keeps private

capital from taking care of it, but they are ready now to come in and take care of it, and will do it if the Government will just hold its hands off and refrain from going into the business.

Mr. President, as I said a little while ago, for 50 years private capital has had ample opportunity to do what it says it will do if let alone. But it did not do it for 50 years before the European war. They now say, "We are getting ready to take care of it"; and as an evidence of that purpose they cite the fact that 600,000 tons of shipping have been brought under the American flag under the provisions of the ship-registry act passed during this administration.

Yes, Mr. President, it is true that about that amount of tonnage has been transferred to American registry. As I said before, it represents largely the vessels of special interests. The Standard Oil Co. have their own vessels to carry their own products. They have been able under conditions existing heretofore to maintain their own upon the seas, to carry their own products more economically than to hire foreign vessels to carry them. So have the United Fruit Co., and so have the United States Steel Co. They have their own vessels, and they have succeeded pretty well notwithstanding the handicapping conditions that we hear so much about, growing out of the difference between the cost of the construction and operating of American as compared with foreign ships. They have found it to their advantage to own and operate their own ships to carry their own goods instead of hiring somebody else to carry them.

Since the war we have built quite a number of ships in our navy yards, and a number have been taken out of the coastwise trade and put into the foreign trade, and others now building will soon be ready to enter the business; but, Mr. President, these vessels are at present engaged or will when finished, if present conditions continue, engage in our foreign trade—but the important question is, Will they stay in when conditions become normal at the close of the war?

Mr. Marvin and others testified on this point in the Senate hearings. I mention particularly Mr. Marvin because he appeared before the committee as representative of the special committee on the merchant marine of the Boston Chamber of Commerce. He has been connected with the shipping business for many years in important official positions. He has for years given special study to the subject and business of shipping. Mr. Marvin was asked the question, if in his opinion the ships that have been transferred to United States registry since the war would continue under our flag after the war, answered that they would probably go back to foreign registry.

When asked what in his opinion would the ships that have been taken out of our coastwise trade and put into the foreign trade do when the war closed, and asked if in his opinion those which have been built and entered in the trade since the war would after the war go into the coastwise or remain in the foreign trade, the answer came that when the war closes the ships that have been taken out of the coastwise trade would probably go back to the coastwise trade; that the vessels that are being built now suitable and designed for the coastwise trade and temporarily put into the foreign trade would probably go into the coastwise trade; that the vessels that have been transferred from foreign to American registry would probably go back to the foreign registry unless, Mr. President, unless Congress shall provide a subsidy or otherwise suitably provide for the difference in the cost of operation under the American flag and under a foreign flag.

So the assistance we are now getting in our foreign trade is temporary; it is expected to be temporary. It is conditioned when the war closes upon Congress granting a subsidy and guaranteeing a profit. I do not know what Congress will do about that. I know if the Democratic Party is in power it will not do it. I do not know what the Republican Party would do about it. I know what they failed to do when they were in power. They talked a great deal and did nothing that resulted in much good.

Now, Mr. President, it had been my intention to enter into a discussion of the regulatory provisions of this bill somewhat at length, but I have taken so much more time than I had expected to take in the discussion of the other parts of the measure, that I think I will leave that, in the main, for future discussion.

In brief I might say, however, by way of explanation, that the regulatory powers of the bill are somewhat analogous to those that are now vested in the Interstate Commerce Commission with reference to railroads. Of course, they are not altogether alike; that would be impossible. A system based altogether upon the interstate-commerce act plan would be unsuited in some respects and would operate very disadvantageously. So while the general plan is adopted it is modified in many material respects.

There is regulation by the Government of our foreign shipping, not only ours but that of foreign nations entering our ports, trading in our ports, and plying to and from our ports, and the bill also provides for the regulation of domestic shipping upon the high seas and the Great Lakes.

Our inland waterways were included in the regulatory provisions of the bill as it came from the House, but we have taken it out because of protests which seemed to us to have merit. I will not enter upon a discussion of that now. Outside of the protests that came to us with reference to the regulation of shipping on our inland waters there seemed to be with some slight exceptions a pretty general assent to the principle of regulation as applied in the bill. There seemed to be a feeling that there was as much need in the conditions which obtain in our foreign water transportation and our coastwise transportation and our lake transportation, for Government regulation now of water carriers as of rail carriers, and that under the limitations of the bill nothing but good could come from it.

At least, Mr. President, if we are to continue to have monopoly, if competition is to continue to be suppressed by agreements and understandings, those agreements should be in the open and be subject to the approval or disapproval of a shipping board.

Mr. President, if there is one thing that is near to my heart it is to secure the future. Facing the future as we do, the greatest of all industrial and commercial nations, with the largest stake upon our foreign trade of any nation in the world, confronted by a situation of absolute dependence upon our competitors for transportation after it reaches the seaboard, feeling as I do that not only in the past but probably to a more pronounced extent in the near future the maintenance, not to say the expansion, of our foreign trade will depend upon our ability to take care of it, feeling as I do that the future of our industries, whether of the field or of the forest or of the mine or of the factory, largely depends upon our foreign trade, believing that if there is a contraction in that trade through any instrumentality whatsoever it must necessarily result in a contraction of our industrial activities in the face of the fact that if our factories as now established were to run at full time six months in the year they could and would supply our domestic demand, I can not escape the conclusion that it is of paramount importance that we should safeguard our foreign commerce by protecting it against the menace and handicap of having to depend upon and buy its transportation to foreign markets from our competitors in those markets. Facing that situation, Mr. President, I feel deeply the importance of doing something for our merchant marine. I see nothing in the future from private capital—nothing whatever—unless the Government reverses all its policies and shall decide to become a guarantor of profits—unless it shall decide to depart from the precedents of the past and say to the people who are now building ships, who are now telling us what they will do after the war closes, for the restoration of our merchant marine: "Go ahead, build your ships, operate them under our flag, keep an account of the difference in cost of operation under the American flag and under a foreign flag, and when the year ends you shall be paid the difference out of the pockets of the people."

Mr. NELSON obtained the floor.

Mr. THOMAS. Will the Senator yield just a moment?

Mr. NELSON. I yield.

Mr. THOMAS. I desire to offer an amendment to the pending bill, which I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Add a new section to be known as section 36, and to read as follows:

The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise, destined for a foreign or domestic port whenever he shall have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refuses or declines to accept or receive freight or cargo tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor by any citizen of the United States, unless the same is so declined or refused because such vessel or other vehicle is fully laden and has no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Culberson	Hardwick	Kenyon
Brandegge	Cummins	Hitchcock	Kern
Bryan	Curtis	Hughes	La Follette
Chilton	Fletcher	Husting	Lane
Clapp	Gallinger	Johnson, S. Dak.	Lee, Md.
Clarke, Ark.	Harding	Jones	Lewis

Martin, Va.

Nelson  
Norris  
Oliver  
Overman  
Penrose  
Phelan

Pittman

Ransdell  
Reed  
Robinson  
Shafroth  
Sheppard  
Simmons

Smith, Ariz.

Smith, S. C.  
Smoot  
Sterling  
Swanson  
Taggart  
Thomas

Thompson

Tillman  
Townsend  
Underwood  
Wadsworth  
Weeks

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. LEWIS. I desire to announce the absence of the Senator from Mississippi [Mr. VARDAMAN] and of the Senator from Oregon [Mr. CHAMBERLAIN], who have been called from the Chamber on official business.

Mr. WEEKS. I announce the unavoidable absence of my colleague [Mr. LODGE]. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. I should like to have this statement stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present. The Senator from Minnesota.

Mr. NELSON. Mr. President, it is my purpose in discussing this bill to call attention, first, to the present condition of our maritime laws as applied to our shipping; in the next place, to call attention to the present status of our shipping, both in foreign and domestic commerce; and, in the next place, I shall aim, in stating the law and the facts, to keep as near terra firma as possible. I shall call attention to the abortive features of the bill and to those features of it which are utterly dangerous and destructive.

The shipping of the United States may be divided into two classes, namely, registered ships and licensed and enrolled ships, the former engaged in the foreign trade, the latter in the coastwise trade.

Under the act of December 31, 1792 (1 Stat., 287, now sec. 4131 of the Revised Statutes), all ships under our flag engaged in foreign trade must be registered and must be owned and commanded by citizens of the United States.

Under the act of December 31, 1792 (1 Stat., 288, now sec. 4132 of the Revised Statutes), only vessels built in the United States, or vessels captured in war or condemned in a prize court or forfeited for some breach of law, can be registered.

Vessels in our coastwise trade must be American built and must be licensed and enrolled. While foreign ships can engage in our foreign trade, no foreign ships can engage in our coastwise trade.

Mr. HUGHES. Mr. President:—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. NELSON. I do.

Mr. HUGHES. The Senator from Minnesota, I presume, means by "foreign ships" American ships with foreign registry?

Mr. NELSON. I mean any ships with foreign registry.

#### LAW AS TO REGISTERED VESSELS CHANGED.

This law requiring all registered vessels to be American built remained in force until the Panama act of August 24, 1912 (37 Stat., 562), was enacted, the material part of which is as follows:

And seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than 5 years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title.

I call the attention of Senators to the fact that this act was passed in 1912 during the last year of President Taft's administration.

While American shipping had a complete monopoly of the coastwise trade, and while American shipyards had a monopoly of both enrolled and registered ships, yet, as to the latter, it had for many years been of little or no economic value to the shipbuilders, for very few ships were registered in the foreign trade.

I here quote from a valuable compilation issued under the auspices of the National Foreign Trade Council, entitled "Ocean Shipping," page 62:

The foreign-built ships representing American capital but under foreign ownership of record for some years past have been nearly equal in tonnage to the ships registered under the American flag for foreign trade, and in carrying power have been even greater. For many years all these facts have been quite familiar to those who have given the



subject attention. All efforts to repeal the law, which was economically a dead letter, received little attention until the Panama Canal act of August 24, 1912. Section 5 of that act provided for the admission to American registry for foreign trade and trade with the Philippines, Guam, and Tutuila, of foreign-built vessels, steam or sail, certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargoes, not more than 5 years old at the time of registration.

In this connection I call attention to the following table from the Statistical Abstract of 1915, page 308, showing the tonnage of the sailing and steam vessels of the merchant marine of the United States employed in the foreign and coastwise trade and in the fisheries, 1889 to 1915:

Source: Reports of the Commissioner of Navigation. The term "gross ton" expresses in units of 100 cubic feet the entire cubical capacity of the vessel, including space occupied by the crew, engines, boilers, and coal bunkers.]

Year ended June 30—	Employed in the—								Total.	Annual increase (+) or decrease (—).
	Foreign trade.		Coastwise trade.		Whale fisheries.		Cod and mackerel fisheries.			
	Steam.	Total.	Steam.	Total.	Steam.	Total.	Steam.	Total.		
	Gr. tons.	Gr. tons.	Gr. tons.	Gr. tons.	Gr. tons.	Gr. tons.	Gr. tons.	Gr. tons.	Gr. tons.	Per cent.
1889	190,196	999,619	1,571,079	3,211,416	4,275	21,976	74,464	4,307,475	74,464	+2.75
1890	192,705	928,062	1,661,458	3,409,435	4,925	18,633	68,367	4,424,497	68,367	+2.71
1891	235,070	988,719	1,776,269	3,609,876	4,925	17,231	68,933	4,684,759	68,933	+5.83
1892	226,437	977,624	1,845,518	3,700,773	3,462	17,052	69,472	4,764,921	69,472	+1.71
1893	257,147	883,199	1,922,109	3,854,693	3,956	16,604	70,575	4,825,071	70,575	+1.26
1894	261,755	899,098	1,923,339	3,696,276	4,336	16,482	71,573	4,684,029	71,573	-2.90
1895	247,387	822,347	1,960,756	3,728,714	4,658	15,839	69,060	4,635,969	69,060	-1.03
1896	260,224	829,833	2,042,326	3,790,296	4,658	15,121	68,630	4,703,880	68,630	+1.47
1897	263,816	792,870	2,100,084	3,896,826	4,658	12,714	66,610	4,769,020	66,610	+1.33
1898	290,211	726,213	2,077,859	3,959,702	3,823	11,496	52,327	4,749,738	52,327	- .40
1899	355,913	837,229	2,115,981	3,965,313	4,117	11,017	50,679	4,864,238	50,679	+2.41
1900	337,356	816,795	2,289,825	4,286,516	3,986	9,899	51,629	5,164,839	51,629	+6.13
1901	426,259	879,595	2,491,231	4,582,645	3,463	9,534	52,444	5,524,218	52,444	+6.96
1902	455,017	873,235	2,718,049	4,858,714	3,808	9,320	56,633	5,797,902	56,633	+4.95
1903	523,602	879,264	2,880,678	5,141,037	3,808	9,512	57,532	6,087,340	57,532	+4.99
1904	549,938	888,628	3,041,262	5,335,164	4,218	10,140	57,603	6,291,535	57,603	+3.35
1905	596,644	943,750	3,140,314	5,441,688	4,536	10,763	60,342	6,456,543	60,342	+2.62
1906	586,749	928,466	3,394,002	5,674,044	4,536	11,020	61,439	6,674,969	61,439	+3.38
1907	598,155	861,466	3,664,210	6,010,601	3,970	9,680	57,047	6,938,794	57,047	+3.95
1908	596,147	930,413	4,099,045	6,371,862	3,590	9,655	53,515	7,365,145	53,515	+6.15
1909	575,226	878,523	4,157,557	6,451,042	3,300	8,982	50,208	7,388,755	50,208	+ .32
1910	553,468	782,517	4,330,896	6,668,966	3,509	9,308	47,291	7,508,082	47,291	+1.61
1911	582,186	863,495	4,505,567	6,720,313	3,544	9,176	45,806	7,638,790	45,806	+1.74
1912	616,053	923,225	4,543,276	6,737,046	3,653	8,876	45,036	7,714,183	45,036	+ .99
1913	667,896	1,019,165	4,646,741	6,817,013	3,252	8,611	41,762	7,886,551	41,762	+2.23
1914	720,609	1,066,288	4,688,240	6,818,363	4,265	9,864	42,260	7,928,688	42,260	+2.23
1915	1,346,164	1,862,714	4,578,567	6,486,384	3,682	8,829	41,502	8,389,429	41,502	+5.49

#### BURDENS OF OUR SHIPPING.

American shipping in foreign commerce had labored for years under two heavy burdens—the high cost of ships and the high cost of their operation. The Panama act of August 24, 1912, with its subsequent amendment of August 18, 1914 (38 Stat., 698), removed for the first time one of these burdens, the high cost of the ships, and put our foreign shipping in that respect on a par with the shipping of all other countries. This amendment is as follows:

That the words "not more than five years old at the time they apply for registry," in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," are hereby repealed.

SEC. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States. Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this act.

#### FIRST SUBSTANTIAL RELIEF.

These laws, aside from the mail pay acts, were the first substantial relief that was conferred on American shipping; and it was of very little loss to our shipyards, for so very few of their ships had for years been registered in our foreign trade. The yards still had all our coastwise trade and most of our naval construction. The relief given by these acts was broader and more comprehensive than the mail pay acts, for those were confined to a limited number of lines and routes, while the Panama act conferred its benefits upon the ocean tramps as well as upon the ocean liners; in fact, upon all of our foreign shipping.

#### THE STATUS AND GROWTH OF OUR SHIPPING.

I will now, Mr. President, call the attention of the Senate to the condition of our foreign shipping shortly before the Panama Canal act was passed.

On June 30, 1912, the status of our shipping, sail and steam, was as follows:

	Gross tons.
Foreign tonnage	923,225
Coastwise	6,737,046

As I have already said to the Senator from New Jersey [Mr. HUGHES], when I speak of "foreign tonnage," I mean tonnage carried in our ships in the foreign trade.

On March 31, 1916, according to the report of the Commissioner of Navigation, the status of our shipping was as follows:  
*American merchant shipping, Mar. 31, 1916.*

	Registered.		Enrolled and licensed.		Total.	
	Number of vessels.	Gross tons.	Number of vessels.	Gross tons.	Number of vessels.	Gross tons.
Sail	597	409,175	4,952	923,728	5,549	1,332,903
Steam	619	1,531,449	6,255	4,341,346	6,874	5,872,795
Gas	627	20,421	8,541	146,210	9,168	166,631
Canal			560	61,994	560	61,994
Barges	1,136	133,120	3,285	889,871	4,421	1,022,991
Total	2,979	2,094,165	23,593	6,363,149	26,572	8,457,314

"Registered vessels," as I have heretofore explained, embrace vessels that can engage in foreign commerce.

The figures I have quoted indicate an increase in our foreign tonnage since June 30, 1912, of 1,170,940 gross tons. But it also appears that there had been, in the meantime, a decrease in our coastwise tonnage of 373,897 gross tons. Nearly half of this consists of abandoned sail ships and, of the residue, about 200,000 gross tons have gone into the foreign trade, so that the net increase in our foreign tonnage is somewhere about 970,940 gross tons since the passage of the Panama act of August 24, 1912, or, to be more exact, since June 30, 1912.

#### PROSPECTIVE INCREASE IN FOREIGN TONNAGE.

There is going to be a large increase in our foreign tonnage if it is not hampered by adverse and hostile legislation, such as is proposed in this bill.

According to the Daily Commerce Report of July 17, 1916, page 197, on the 1st of July, 1916, there were building, or under contract for building, in American shipyards, to be completed in 1917 and 1918, 385 ships of a tonnage of 1,225,784 tons. I quote from this report as follows:

#### PROGRESS OF AMERICAN SHIPBUILDING.

Steel merchant vessels building or under contract to be built in private American shipyards at the beginning of the new fiscal year, July 1, 1916, according to builders' returns to the Bureau of Navigation, Department of Commerce, numbered 385 of 1,225,784 gross tons.

The following table shows first the distribution of steel merchant shipbuilding among the private shipyards of the United States and, separately, the number and gross tonnage of the ships building or under contract which the builders expect to launch during the current fiscal year, ending June 30, 1917, and those which will not be launched before the fiscal year ending June 30, 1918. These launches are sub-

ject to the usual allowances for delays due to the several causes which affect steel industries. The urgency of the naval construction program may also prove a factor in the situation. Barring delays builders expect to launch 327 steel ships of 927,893 gross tons during the current fiscal year and 58 ships of 297,891 gross tons during the following fiscal year.

Mr. President, I ask that the table giving in detail the yards and the ships built and to be built in the fiscal years 1917 and 1918 be incorporated in my remarks, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Shipyards.	Merchant construction, July 1, 1916		To be launched during fiscal year ending—			
			June 30, 1917.		June 30, 1918.	
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.
American Bridge Co., Ambridge, Pa., and Trenton, N. J.	105	49,394	105	49,394	.....	.....
American Shipbuilding Co., Cleveland, Ohio	23	82,200	18	56,800	5	25,400
Baltimore Dry Docks & Shipbuilding Co., Baltimore, Md.	7	24,500	7	24,500	.....	.....
Bath Iron Works, Bath, Me.	3	21,600	3	21,600	.....	.....
Charles Barnes Co., Cincinnati, Ohio	2	375	2	375	.....	.....
Chester Shipbuilding Co., Chester, Pa.	11	53,600	11	53,600	.....	.....
Clinton Shipbuilding & Repair Co., Philadelphia, Pa.	1	560	1	560	.....	.....
Cowles Shipyards Co., Buffalo, N. Y.	2	56	2	56	.....	.....
Ellicott Machine Corporation, Baltimore, Md.	2	500	2	500	.....	.....
Fore River Shipbuilding Corporation, Quincy, Mass.	12	176,400	9	54,944	3	21,456
George Lawley & Sons Corporation, Neponset, Mass.	1	75	1	75	.....	.....
Great Lakes Engineering Works, Detroit, Mich.	15	58,940	11	43,830	4	15,110
Great Lakes Towing Co., Cleveland, Ohio	4	360	4	360	.....	.....
Harlan & Hollingsworth Corporation, Wilmington, Del.	15	63,959	9	40,144	6	23,815
Howard Shipyards Co., Jeffersonville, Ind.	6	3,400	6	3,400	.....	.....
James Rees & Sons Co., Pittsburgh, Pa.	1	300	1	300	.....	.....
Manitowoc Shipbuilding & Dry Dock Co., Manitowoc, Wis.	8	10,700	6	6,200	2	4,500
Maryland Steel Co., Sparrow Point, Md.	10	58,705	8	47,546	2	11,159
Merrill-Stevens Co., Jacksonville, Fla.	4	2,500	4	2,500	.....	.....
Moore & Scott Iron Works, Oakland, Cal.	5	18,000	2	10,000	3	8,000
Newport News Shipbuilding & Dry Dock Co., Newport News, Va.	16	111,947	10	66,699	6	45,248
New York Shipbuilding Co., Camden, N. J.	24	121,538	18	79,835	6	41,703
Pusey & Jones Co., Wilmington, Del.	16	12,906	10	3,306	6	9,600
Seattle Construction & Dry Dock Co., Seattle, Wash.	7	42,600	5	30,300	2	12,300
Skinner & Eddy Corporation, Seattle, Wash.	6	35,720	6	35,720	.....	.....
Spedden Shipbuilding Co., Baltimore, Md.	3	730	3	730	.....	.....
Standard Shipbuilding Corporation, New York, N. Y.	6	28,800	4	19,200	2	9,600
Staten Island Shipbuilding Co., Port Richmond, N. Y.	5	5,241	5	5,241	.....	.....
Tampa Foundry & Machine Co., Tampa, Fla.	1	2,000	1	2,000	.....	.....
Tank-Ship Building Corporation, Newburgh, N. Y.	3	1,500	3	1,500	.....	.....
Texas Steamship Co., Bath, Me.	4	26,000	2	12,600	2	13,400
Toledo Shipbuilding Co., Toledo, Ohio	9	22,620	6	17,220	3	5,400
Union Iron Works Co., San Francisco, Cal.	31	201,158	25	149,958	6	51,200
Willamette Iron & Steel Works & Northwest Steel Co., Portland, Oreg.	5	28,500	5	28,500	.....	.....
Wm. Cramp & Sons Ship & Engine Building Co., Philadelphia, Pa.	12	78,400	12	78,400	.....	.....
Total	385	2,123,784	327	2,027,893	58	297,891

<sup>1</sup> Detailed statement of new contracts not received.

<sup>2</sup> Incomplete.

Mr. NELSON. Mr. President, American shipyards have never been so busy since steel ships came into vogue as now. Probably one-third of this new tonnage, or about 400,000 gross tons, will go into our foreign trade, so that by the end of two years, without regard to any possible increase by purchase, we can

count upon 2,500,000 gross tons in foreign trade, and this will be an increase of 1,574,775 gross tons since the Panama act was passed, which surely is not a bad showing of the advantages of that and its amendatory act. This will be our situation if not hampered by the hostile legislation of this bill.

NO IMMEDIATE INCREASE IN OUR SHIPPING POSSIBLE UNDER THIS BILL.

I shall now point out that it is utterly impossible to secure any immediate relief under the provisions of the pending bill by procuring additional ships. It will be impossible to get any immediate relief or any relief in the near future in the shape of increased shipping under this bill for the following reasons:

(1) No ships can be obtained from our own shipyards within the next two years, for it will take them all of that time or more to fill existing contracts; nor can any relief be obtained from foreign shipyards, at least while the war lasts, nor for a long time afterwards, for they will be busy making up the losses of their own countries.

(2) Under the provisions of this bill as amended by the Senate committee ships of belligerents can not be acquired, so that the only possible sources, outside of our own shipyards, will be to acquire ships from neutrals; and all their ships are as busy as they can be in carrying freight and passengers at high and exorbitant rates. None of these ships are for sale, and if for sale it would be at such exorbitant prices that under no circumstances would we be warranted in buying them. Their shipyards, like our own, are overcrowded. The neutrals themselves have been raking the shipping world over to buy more ships, and have in some instances been paying from \$100 to \$160 per registered ton, while the normal prices before the war were from \$30 to \$50 per ton for fair cargo boats. I quote from a letter to me from the Commissioner of Navigation, dated July 20, 1916:

The remarkable rise in the price of ships is shown graphically by the diagram I have copied for you from London Fairplay of December 23, 1915, a recognized shipping authority the world over. Fairplay has carried this diagram for a number of years, brought up to date, of course, at the end of each year. The prices are for an average cargo steamer of 7,500 tons dead-weight, equivalent to about 4,500 gross tons, 3,000 net tons. You will notice that the price in July, 1914, was £43,000, say, \$215,000, as compared with £125,000 for December, 1915, say, \$625,000. I inclose also a statement of the sales of representative cargo steamers in June and July, 1914, just before the European war, taken from the same authority, and some sales taken from the issue of Fairplay for June 29, 1916, just received. Mr. Hughes, the premier of Australia, last month carried through a remarkable shipping deal. Australia has a large amount of wheat which the Government wishes to forward for the use of the allied armies in France and England. Mr. Hughes employed private ship brokers, who did not disclose the interest of the Government in the transaction, to negotiate the purchase of ships. Fifteen were bought. Ten of these, aggregating 44,000 gross tons (75,000 tons dead-weight), were bought for £1,450,000, say, \$7,250,000. The price, you see, works out at the rate of about \$160 per gross ton, or nearly \$100 per ton dead-weight.

If the whole \$50,000,000 proposed to be appropriated by the pending bill were invested in ships at this rate of \$160 per gross ton, we would only be able to secure an additional tonnage of 300,000. To buy ships at such ruinous prices, even if they could be obtained, would be a great waste of capital, with no possible adequate return in any direction.

The following nations are belligerents from whom purchase is prohibited, viz, Germany, Austria, Turkey, Greece, Italy, Portugal, France, Belgium, England, Russia, and Japan. The war has entirely eliminated all Austrian and all German tonnage, except in the Baltic, from the channels of trade, and over one-third of the English and French tonnage has been eliminated for war purposes. Out of a total world's tonnage of 49,000,000 tons, upward of 20 per cent has been eliminated from the channels of private commerce as a result of the war; but the apparent scarcity of tonnage is not as great as these figures would indicate, for trade with Germany is interdicted and is in a state of blockade, except some local traffic in the Baltic, and, as a consequence, the shipping that would be required for this trade is released. It must further be noted that England, Japan, France, and most of the other belligerent nations that have any shipping of consequence have by law prohibited the sale of ships to anyone except their own citizens. I quote the following from a letter to me from the Commissioner of Navigation, dated July 20, 1916:

Replying to your request for the prices at which cargo steamers are selling now as compared with the prices for which they were sold just before the outbreak of the war, as I told you by telephone, it is quite difficult to make a comparison for this reason—

Now, listen to this—

Nearly all maritime nations have passed laws forbidding the sale of merchant ships under their respective national flags to any others than the citizens or subjects of their own respective countries. Sales to foreigners can be made only with the consent of the Government whose flag the ship flies. For example, a British subject can sell to another British subject, but not to a purchaser of another nation without the consent of the Government; so, too, a Norwegian can sell only to a Norwegian, etc.



This demonstrates that since the war began all the belligerent nations and all the neutral nations have prohibited the sale of any of their shipping to any but citizens of their respective countries.

The principal maritime neutral nations and their tonnage are as follows:

	Tons.
Norway	2,520,188
Holland	1,522,547
Sweden	1,122,883
Denmark	854,996
Total	6,020,614

To this may be added Mexico, South and Central America; in all, about 850,000 tons. All this neutral shipping is employed, and has been employed for the last two years, in the ocean-carrying trade at extraordinarily high rates, such rates as were never known of before, and in consequence none of their ships are for sale. Moreover, under the laws of these countries none of their ships can now be sold to foreigners. I have already referred to the letter of the Commissioner of Navigation which bears out that statement.

If no ships can be purchased, either from belligerents or neutrals, and none can be obtained from our own shipyards for at least two years, it is difficult to see where any addition to our shipping can be secured in the near future under the provisions of this bill.

The American people, when they come to understand the situation and the provisions of this bill, are not likely to be fooled or deceived by such a glaring and cheap political makeshift as this, and yet for such a measure we are to be kept here sweltering in the hot dog days of summer—"de gustibus non est disputandum." Verily, there is no accounting for the Democratic taste.

But it may be asked, if such is the situation, what harm can there be in this bill? The answer is, first, the provisions of the bill relating to the purchase, sale, leasing, and operation of Government-purchased ships remain in force until the expiration of five years from the conclusion of the present European war; and this means a period of not less than six years, perhaps longer. Now, while ships can not be built or purchased within the next two or three years, it may be possible to secure them after that time. Meanwhile Government competition will remain a continuing menace to our shipping interests. By the time ships can be built or purchased our own people will procure the ships if not menaced by Government competition. In the next place, the restrictive regulations of this bill, to which I shall hereafter refer, will prove a continuing embarrassment and handicap to our shipping, especially to tramp vessels.

#### ADMITTING GOVERNMENT SHIPS TO COASTWISE TRADE.

There can be no valid ground for admitting the proposed Government-owned ships to the coastwise trade. That trade is well supplied with ships; so much so that within the last two years upward of 200,000 tons of that trade have left it and registered and gone into the foreign trade. It is in the foreign trade where there is a dearth, a shortage, of shipping. Then, why should not these proposed Government ships be kept in that trade, where they are needed, and not injected into a trade where they are not needed, to the detriment of the shipbuilding industry of our country? Having left the door open as to ships in foreign trade, we ought not to open the door as to our coastwise trade. That should be kept intact for the American shipyards. Their efficiency is of vital importance to us in peace and in war in order to secure an ample and efficient Navy.

If the coastwise trade is left intact, I have no fears that hereafter our shipbuilders will be able to compete with foreign builders in respect to ships in foreign commerce. The great European war has largely equalized the cost of construction. Labor is higher abroad than ever before, and the cost of living is higher than here. We are better supplied with cheap raw material, and we have a better supply of coal than have many of these nations, whilst our skilled mechanics are of a higher order and our general efficiency is higher. I quote the following from Ocean Shipping, May, 1916, pages 132, 133, and 134:

Shipbuilding methods as carried on in Great Britain and in this country have very little in common. American shipyards have evolved construction methods of their own, and the designing and building of commercial vessels in this country is carried out with a degree of precision and a regard for details unknown in Great Britain. Ship for ship, the American-built boat is always better equipped than any other. American shipyard methods were the result of a natural development along lines of least resistance, due to the paucity of orders for commercial work precluding specialization in any given type; and it is doubtful if the same methods carried out in Great Britain would have enabled the shipbuilders there to turn out work as good for the price as that turned out in American yards.

In recent years the accumulation of experience has brought about a general lowering of prices in American shipyards, and to-day their capabilities in the way of competition are limited only by the amount

of berths at their disposal, for, owing to the tremendous rise in the price of materials and labor in Great Britain, British shipbuilders are no longer able to offset the high percentage of overheads in the total cost of American-built ships, besides which the overheads are a factor which is constantly decreasing in this country, while there is no doubt that it has increased considerably in all parts of Europe and will continue to rise as a result of the war.

When comparing prices of American and foreign ships, it is too often forgotten that the American ship is finished with a degree of thoroughness unusual anywhere outside of this country.

In marine engineering, especially, our shipbuilders have set a higher standard than obtains anywhere else in the world, due to the fact that the builders of cargo boats are also the builders of United States warships; hence the very best scientific data are always at the disposal of our shipbuilders, while our machinery trade is certainly superior to the British for the production of auxiliaries.

There have lately been signs that shipbuilding has begun to attract the attention of people who intend laying down yards in this country for the purpose of engaging in the industry on the theory that, whereas American engineers have demonstrated their ability to underbid the world in the cost of erecting the structural material used in our tall buildings, in the face of higher wages than are paid in other countries, it is possible to carry out the same operation with another form of structure, namely, a ship, and shows the same brilliant results from the economic point of view. [Since the above was written several American shipbuilders have begun to carry this idea into execution, through having the midship sections "manufactured" outside by the steel makers, contenting themselves with building the ends at the shipyard. For reasons which can not be dwelt upon here it has not yet been found possible to "manufacture" a ship from end to end at the steel mill.]

Looking at the results obtained by American metallurgists and motor car and locomotive manufacturers in the matter of reducing manufacturing costs, while raising wages, it seems that there is a great future for the shipbuilding industry along those lines in this country. In the meantime the cessation of commercial shipbuilding in England, due to the war, has apparently had very little influence upon the character of the orders placed with American shipyards within recent months, judging from the following table of ocean vessels building in this country under date of December 1, 1915, which has been compiled by the Department of Commerce from data supplied by the shipbuilders. It will be seen from this table—which embraces vessels of all classes on which work has actually commenced and vessels which will not be laid down for several months to come, owing to the crowded condition of the shipyards—that only six steamers were on order in this country on that date for foreign owners, all of which were oil-tank vessels.

The following is from Ocean Shipping, May, 1916, page 151:

From Shipbuilding and Shipping Record, June 3, 1915:

"With practically all berths filled, the American shipbuilding industry is in a better position than it has been for years to wipe out adverse balances accumulated in previous lean periods. So great has been the influx of orders lately that anything like early delivery is out of the question at the moment. As in former years, practically all orders booked by American yards are for vessels intended for trading between American ports, which, according to law, must be built in America. However, here and there one comes across a boat on the stocks that might possibly have gone to British yards had not the war so altered the situation."

Within the past two years a number of ships have been built in our shipyards for foreign countries, and a number of such ships are now under construction, or under contract for construction. England, Russia, Germany, France, and Austria will have their hands full for some years to come in replenishing the losses of the war. Labor will be scarcer and higher than before, and raw material will not be as ample or as cheap as before. The war has enriched our country, while it has of necessity impoverished and handicapped those countries.

#### COST OF OPERATION EQUALIZED.

In this connection I quote the following from the Morgenbladet, of Christiania, Norway, one of the leading newspapers of that country, in its issue of June 28, 1916:

Shipowner Christopher Hannevig has lately returned from a six months' stay in America. He has purchased two great industries, namely, the Pusey & Jones Co., of Wilmington, Del., and the Pennsylvania Shipbuilding Co., which is distant 20 minutes by rail from the first-named company's plant. The Pusey & Jones Co. manufactures paper machines, which have made the company well known and highly commended. Besides, it includes a shipbuilding plant. The company employs altogether about 1,000 men. The purchase price paid was about \$1,000,000. The industries of the plant will be continued, as heretofore, but will be considerably enlarged. The Pennsylvania company can build eight ships of a tonnage of 13,000 each. In August the keel will be laid for two 7,000-ton ships for Norwegian account, and in November a beginning will be made on two 13,000-ton ships. Both plants which together employ between 2,000 and 3,000 men, will be under Norwegian supervision. They will be managed by Engineer Haakon Norbom and Shipbuilder Henry Lysholm, both of whom have had several years' experience in American shipbuilding.

Mr. Hannevig says: "It is of vital importance for Norway to renew her tonnage. It is our tonnage that has made us what we now are, which, in other words, makes us noted. Without this we could not have maintained ourselves economically during this war. There are no others who will come here with their tonnage to carry away our products. This has been brought home to Norwegian ship operators. They have increased their tonnage considerably, especially in America."

I call especial attention to this—

"especially in America, which is now in these embargo times the only place where tonnage can be purchased. Norway has in America alone purchased and contracted for 125,000,000 kroner (\$33,750,000) worth of additional shipping. The price is not more than 100 per cent over American normal price. In Europe the prices are from 200 to 300 per

cent over European normal prices. Norway has during the war gained a great status. It is now the country that has the greatest amount of free tonnage."

I have read this letter to show the prosperous condition of our shipyards and how the neutral countries, in order to get a national shipping, have to come over here and buy plants to build ships here. In this connection I have another interesting little item which I clipped from the New York Sun of yesterday.

Mr. HUGHES. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. NELSON. I do.

Mr. HUGHES. Would it interfere with the Senator if I asked him a question at this point, just for information?

Mr. NELSON. No.

Mr. HUGHES. I want to know—I presume the Senator knows—how the law treats a foreign-owned ship which is built in this country in case an attempt should be made afterwards to give it American registry?

Mr. NELSON. Ships built for Norwegians in this country can not get American registry. The owners must be Americans.

Mr. HUGHES. Yes; but once having—

Mr. NELSON. These ships are built for Norwegian account.

Mr. HUGHES. And under the law as it was those ships never could obtain American registry.

Mr. NELSON. No; never.

Mr. HUGHES. But as it is now they can, of course?

Mr. NELSON. They can if they are owned by Americans.

Mr. HUGHES. Yes.

Mr. NELSON. They would have to be owned and controlled by Americans and officered by Americans.

Mr. HUGHES. But under the old law, nothing you could do in the way of ownership or control or officering the ships would permit them to get American registry.

Mr. NELSON. No; they could not by any possibility have come under the American flag.

I have referred to these matters to show the prosperous condition of our shipyards for the purpose of showing how foreign neutral nations, in order to get more ships, in order to get their own shipping increased, have to come to this country and buy ships and have them built. That statement shows that they have purchased in this country 125,000,000 kroner, as they are called—a krone being equivalent to about 27 cents in our money—of American ships already. This gentleman, Mr. Hannevig, has bought two plants here, and they have laid the keels for two 7,500-ton ships for Norwegian account, and in November they intend to start two 13,000-ton ships for Norwegian account. In other words, our shipbuilders not only have the work of our own country to do, but foreigners come here and employ them.

In this connection I desire to read the following item, which I clipped from the New York Sun of yesterday:

NORWEGIAN SHIP BUILT HERE—SAILS FROM CHICAGO TO TAKE CARGO OF CORN ABROAD.

CHICAGO, August 7.

The first ship for the Norwegian merchant marine built on the Great Lakes, the 3,000-ton *Nordal*, sailed for Montreal to-night. She was chartered by the Rockefeller Foundation to take a cargo of corn from Montreal to Rotterdam for the relief of Belgian war sufferers.

The *Nordal* is one of 30 ships being built for Norwegian firms in American shipyards.

This does not indicate that our shipyards are not in a prosperous condition. In fact, they are so prosperous that we could get no ships from them. They will be busily employed for the next two years in filling orders already received.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to his colleague?

Mr. NELSON. I do.

Mr. CLAPP. What I want to ask my colleague—it is a matter with which he may be familiar, and I am not—is whether the Norwegian Government is contributing any direct aid to the Norwegian shipbuilders who are having these ships constructed?

Mr. NELSON. Oh, no; no aid at all. Most of the shipping of Norway consists of what are known as tramp vessels. Norway gives subventions to what is called the Mexican Line, which runs to the Gulf of Mexico, and another line of two ships to New York. It also gives subventions to local lines along the coast of Norway. If you will look at the map of the country, you will see that there is a narrow strip along the northern border where there are only local settlements here and there in the valleys and mountains, mostly settlements of fishermen, and to afford them shipping facilities the Government has given subventions to a number of lines that ply along the northern coast

clear up to North Cape, Hammerfest, Tromso, and other points. Without those subventions, they probably would not have the necessary shipping facilities.

Mr. WEEKS. Mr. President—

Mr. NELSON. I yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator from Minnesota has been describing a condition which undoubtedly exists. American shipyards are busy, and I assume they are prosperous; but I did not notice that he stated that it was a comparatively new condition, and undoubtedly due to the war and the results of the war.

Mr. NELSON. Partly to the war, but partly to improved conditions of manufacturing in this country.

Mr. WEEKS. The necessity to ship our products on account of the demand?

Mr. NELSON. No; it comes from improved conditions, both because our plants are manufacturing more cheaply—I quoted a reliable authority on that point; the Senator may not have heard it—both because they can manufacture their ships more cheaply than ever before and because the cost of labor, the cost of food, and of everything else has vastly increased in the foreign countries, and they are not so well supplied with the raw material as are we. The best evidence, to my mind, that ships can be procured in this country more cheaply than anywhere else is the fact that that Norwegian firm comes over here and buys two shipyards in order to have ships built in this country by American workmen.

Mr. GALLINGER. Mr. President, is it not possible, if not probable, that the reason why Norway is coming to our market to get ships is because she can not get them built in the countries that are at war at the present time?

Mr. NELSON. That may have something to do with it; but you will notice that the last part of Mr. Hannevig's statement was that even in these times he could procure ships here at 100 per cent over normal prices, while in Europe the cost would be from 200 to 300 per cent.

Mr. GALLINGER. Yes, of course; but that is directly and inevitably due to the war.

Mr. NELSON. Partly; but the Senator must admit that the war will leave those countries in a condition such as they never were in before, and that they will be busy in supplying and replenishing their own losses.

Mr. GALLINGER. Very likely.

Mr. NELSON. Yes.

Mr. FLETCHER. Mr. President, may I ask the Senator, in that connection, if it is not a fact that Norway levies a very considerable tax on her shipping, especially her domestic and coastwise shipping, devoting the proceeds of that tax very largely toward building up state-owned ships?

Mr. NELSON. They have not any state-owned ships.

Mr. FLETCHER. Are they not applying the taxes they are levying on shipping now in that direction?

Mr. NELSON. No. They have in Norway both an income tax and a property tax; and under the provisions of that law they levy taxes on shipping as property, and then they levy taxes on the income of the shipowners and operators.

I think, Mr. President, I have demonstrated that, under present conditions, for years to come we can at least build ships as cheaply in America as they can be built abroad. The cost of operation is being largely equalized by the war. The supply of sailors has greatly diminished in the foreign maritime countries, and their wages are much higher than before the war, and the cost of their food supply is higher than in this country. There is not much difference in the bill of fare of sailors among the leading maritime nations. Most of the food supply comes from America, and hence it is higher in price abroad than it is here. In Norway, which is next in rank to the United States among neutral countries in her shipping, and which was fourth in rank among the nations of the world before the war, and which has always before had an ample supply of good sailors, there is now, and for some time has been, a serious complaint of the scarcity of sailors and of the high wages that have to be paid.

Norwegian ships which before the war had an ample supply of sailors among their own people, are now compelled to ship a heterogeneous crew of all shades and nationalities. I get this information from one of the leading newspapers of that country. The same conditions prevail to a greater or less extent in Sweden, Denmark, and Holland, and the war must necessarily have had a similar effect in all the belligerent nations.

While the late seaman's law (38 Stat., 1164) may have worked harm on the Pacific because of competition with oriental shipping, yet I think that on the Atlantic and Gulf coasts, if properly enforced, its tendency will be to equalize the wages of sailors among all shipping plying to ports on those coasts.



On the whole—though the statement may not be considered as orthodox in some quarters—I am impressed with the idea that under present conditions and under the important relief conferred by the Panama act of 1912 and the amendatory act of 1914, to which I have already referred, if not handicapped, hampered, and discriminated against by such legislation as is contained in this bill or other hostile legislation, our shipping in foreign commerce is on the high road to recovery, and will continue to have from year to year a sure and steady growth, though perhaps not an exceedingly rapid one. Relieved of one burden—that is, the cost of the ships—by legislation and of the other by conditions resulting from the war, it will be a healthy, natural, and steady growth, neither sporadic nor artificial. In most other lines of manufacture and industry America leads the world, and I believe, if given a fair chance, America will take a leading part in foreign shipping.

I am the more confirmed in these views by the fact that most of our import and export tonnage is carried not in route vessels but in ocean tramps, as I shall hereafter point out more in detail. No doubt additional subventions to mail steamers on regular routes would be a help and advantage in enlarging and extending traffic on such routes. In this connection I may add that our ocean shipping has some advantages over English and other foreign shipping—

First. In having no prescribed load line. All who are familiar with shipping matters know that under the Lloyd measurement in England there is a mark on the side of the ship called the load line, and ships are not allowed to carry any load that will sink a vessel lower than that load line. We have no such law in this country.

Second. In the matter of liability for damage to or loss of cargo and for injury to persons or loss of life. Under our laws our ships are only liable to the extent of the value of the ship, if saved, and of freight earned. In the case of the *Titanic*, which sank, there was nothing left to pay damages with, under our law, except the \$100,000 or so freight earned. Under English and other foreign laws the liability is much greater in such cases.

My recollection is that under the English law damages are granted upon the tonnage of the vessel. I am not absolutely sure, but I think a rate of \$8 per ton or something of that kind is allowed—that is, the people who sustained loss on the *Titanic* were able, in the settlement of the case in court, to get considerably more money than the mere freight that was due to the *Titanic*. I notice in the papers, but it may not be accurate, that they settled for something between six and seven hundred thousand dollars. The Senator from New Jersey [Mr. HUGHES], who is listening to me, will, I think, recall the fact.

Mr. HUGHES. I think that was the amount.

#### REGULATIVE FEATURES OF THE BILL.

Mr. NELSON. I now come to what I call the regulative features of the bill. These relate both to the coastwise and to the foreign trade. The bill provides for a board of five commissioners, who, in addition to their power to buy ships and the power to sell, lease, and operate the purchased ships, are given comprehensive regulatory power and control over all our own shipping, as well as over foreign shipping plying to or from our ports. These powers are far greater than those conferred upon the marine department of the English Board of Trade, which has jurisdiction over English shipping.

As to coastwise shipping, it may, in general terms, be said that the bill gives the board about the same regulatory power over such shipping as is possessed by the Interstate Commerce Commission over our railroads. As to shipping in foreign commerce, the regulative power is more limited and less restrictive. But these regulative powers will in both cases prove, as I shall point out, to be repressive and restrictive of the growth and prosperity of our shipping. The ocean pathway is open to all nations and in its nature is not a monopoly like a line of railroad. All ships can travel on the ocean, but only the cars of a railway company have the right of way over its tracks. The ocean carrier is in competition with all the world.

I have here, and I will insert it in my remarks, a table of our exports and imports for the years 1914, 1915, and 1916. These figures indicate that in value our exports in those years, especially in the last year, were double our imports and more than double in tonnage and in bulk.

Our imports and exports for the years 1914, 1915, and 1916 are as follows:

Exports.	
1914	\$2,364,579,184
1915	2,768,589,340
1916	4,332,698,604
Total for 3 years	9,466,867,092

#### Imports.

1914	\$1,893,925,657
1915	1,674,169,740
1916	2,197,984,842
Total for 3 years	5,766,080,239

This table indicates that in value our exports were nearly twice our imports, and they were much more than twice in tonnage, if we take into account the bulky character of much of our exports.

It may be said, as a general rule, that a nation pays the freight on its imports, while the freight on its exports is paid by the foreign purchasers. Where imports are of raw material for manufacturing purposes and such manufactures are re-exported in their manufactured state, the ultimate consumer will, to some extent, pay the cost both ways. Our normal freight bill is what we pay for our imports, and this is quite heavy, but it is much less on account of our excessive exports than what the foreigners pay on our exports. I quote from *Ocean Shipping* of May, 1916, pages 27 and 28, as follows:

It may therefore be taken as a commercial truism that a nation pays the freight on its imports, while the freight on its exports is paid by the foreign buyer. In countries where a large proportion of the imports consists of materials entering into the manufacture of articles which are reexported, a part of the freight thus paid on imports is eventually borne by the ultimate foreign consumer through price adjustments. For this reason, then, the total freight bill is a deceptive measure of the total amount of money which leaves a country for the purpose of paying the foreign owners of vessels engaged in overseas traffic, when, as in the case of the United States, a considerable portion of the carrying trade is in the hands of foreign shipowners. It appears from the foregoing that freight represents payment for an actual service performed. Therefore the American merchant who imports, say, textiles from Germany, or tea from China, must pay freight irrespective of the nationality of the ship carrying his goods; but, looking at the question from a general point of view, the problem is whether the payment of freight to foreign ships impoverishes a nation.

This question is usually linked with the general one of balance of trade, and though free traders would contend that it pays a nation to have foreigners do its carrying, if it is unable to perform the same service at equal price, there is no question that the carrying trade of such a nation as the United States represents a huge business which gives employment to a considerable proportion of the total tonnage owned in the world; and therefore the participation of Americans in this business would open a new source of national income.

Mr. Paish estimates that for the fiscal year 1908-9 the net sum paid by the United States to other countries was about \$25,000,000. He says (*Ocean Shipping*, May, 1916, pp. 32, 33):

There are, however, other credit items to be taken into consideration. The foreign vessels carrying goods from the United States to other countries are usually coaled and provisioned for the outgoing voyage in American ports, and the value of the coal and provisions supplied to them must be deducted from the payments which the United States has to make for freight brought into the country in foreign vessels. After taking all these factors into consideration, I calculate that the net sum which the United States pays to other countries for the transportation is about \$25,000,000.

Ocean shipping is generally classified as follows: Mail and passenger steamers (express lines), passenger and cargo steamers (combination lines), fast cargo steamers (cargo liners), ordinary cargo steamers (tramps).

I quote from *Ocean Shipping*, May, 1916, pages 15 and 16:

#### LINERS.

Express liners, with exceedingly small cargo space (the *Mauretania* carries but 1,500 tons of freight out of her gross tonnage of 32,000), may be likened in their relation to freight traffic to the express cars of fast passenger trains. This also applies to combination liners, which, however, do carry a large proportion of bulky commodities, such as grain, cotton, foodstuffs, manufactures of metal, etc., and combine the duties of express cars and fast freight trains. However, out of 25,000 steamers afloat probably not more than 1,600 are included in the two preceding classes. The cargo liner is to the sea what the fast-freight service is to rail transportation. It is a boat carrying cargo exclusively, but which steams regularly and periodically over the same routes. Types of this class of cargo carriers are those employed by, for instance, the Leyland, Prince, Lamport & Holt, and Bucknall Lines, to carry American exports to Europe, South America, South Africa, and the Far East. Cargo liners are almost invariably built for the trade in which they are to engage, and are kept up to the highest standard of efficiency in order to give shippers the advantage of the lowest rate of insurance.

Ordinary cargo or tramp steamers, the marine prototype of the common freight car, are the carriers of most of the bulky commodities and low-grade freight of the world. They are boats of full form, rarely exceeding 375 feet in length, of a speed varying between 8 and 10 knots and ready to go anywhere to pick up any sort of cargo. Tramp steamers are hired on charter by merchants at rates of freight governed by the state of trade and the supply of shipping. While, as a rule, cargo steamers are chartered by intending shippers through brokers at the great seaports or their agents at the smaller ports for a specific voyage only, there is another method by time charter.

#### WHAT TRAMPS CARRY.

It has been estimated that out of 45,000,000 tons of shipping owned in the world, fully two-thirds of the tonnage used in ocean traffic consists of tramp steamers, of which Great Britain alone owns 70 per cent of the whole. Low-grade freight and bulk goods constitute the tramp steamer's chief means of employment in marine transportation. As three-fifths of the bulk of British exports consist of coal, and as coal can only be shipped by "tramps," it follows that Great Britain has always at hand employment for her vast fleet of cargo boats which leave the home ports with coal for all parts of the world, but chiefly Mediterranean and South American ports.

The bulk of our agricultural, mineral, and forest products is carried in tramp ships, and our coarse, bulky, and heavy imports are carried in similar ships. As a rule, the world over, low-grade freight is carried in tramp ships which do not operate on fixed lines. Tramp steamships are indispensable for our foreign commerce.

I quote from Ocean Shipping of May, 1916, page 104:

TRAMP STEAMSHIPS INDISPENSABLE.

The disparity between import and export tonnage vitally affects the character and cost of the transportation afforded the foreign trade of the United States, for it means that all vessels used in export trade can not obtain direct return cargoes, and therefore must load at foreign ports for destinations other than the United States. For instance, a steamer starting from Savannah across the Atlantic with cotton for Liverpool is likely to be chartered to carry coal from Wales to Argentina to avoid being compelled to return to the United States empty (in ballast). If no cargo offers at Argentine ports, she may proceed in ballast to Chile to take nitrate for Europe, and thus remain away from the United States indefinitely or until, at some port, a profitable cargo or charter to the United States is offered. To lay down Pittsburgh steel at Vancouver in competition with British steel shipped from England via Magellan, steamers from New York, in addition to taking steel for Vancouver, had to take cargo for delivery at intermediate points along the west coast of South America and Mexico. After discharging steel at Vancouver, where no cargo direct for the east coast of the United States is regularly available, these vessels ship lumber or coal for the Gulf of California. They are reloaded with copper matte for Dunkirk, France, and in France take chalk for New York, the whole trip consuming from six to eight months. It was the only process whereby the cheap water rate from Liverpool to Vancouver, made possible by the existence of a large export traffic out of British Columbia to Europe and the Far East, could be overcome. In these voyages the export trade of other countries was served three times, while that of the United States was served once, but it was the toll taken from the commerce of the others that made this export of American steel possible.

Similar examples from other industries might be cited, but this is sufficient to reveal the extent to which American commerce is necessarily interwoven with that of the rest of the world, and the cheap and bulky character of most American exports demands normally the low rates which can be provided only by those vessels—chiefly tramp steamers—which, by taking cargoes for whatever destination is offered, avoid the deadening expense of long return trips in ballast. In the language of a recent report from the United States consul general at Rio de Janeiro: "A freighter follows whatever route insures its receiving the highest prices; owners and charterers maneuver a cargo vessel all over the map with that sole end in view."

The bill under consideration is defective in not making provision for tramp steamers. The bill only provides for "the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States." (See p. 10, sec. 11, lines 13, 14, and 15.)

An American tramp ship, if Government owned, with a cargo of cotton from Mobile to Liverpool, could not take a cargo from there to Brazil or Chile, for that would not be "commerce of the United States." I quote from Ocean Shipping, of May, 1916, page 108:

The bill appears to restrict the operation of these Government vessels (whether operated by the Government or by private corporations) to trade directly between the United States and foreign countries—I. e., in the language of the act, to "use in the transportation of the commerce of the United States with foreign countries," and between the United States and our distant possessions; in other words, to service on certain fixed lines. It fails, therefore, to touch tramp shipping, upon which the greater part of our exports and imports depends.

Such a ship, if a return cargo could not be immediately obtained, would have to wait until a return cargo for the United States could be obtained instead of securing immediately a cargo for a foreign port—or two ports—returning from such port or ports to the United States. The great bulk of our exports to and imports from South America are and will be carried in tramp ships. We would be at a great disadvantage in building up a trade with South America if we put our tramp ships under the restrictive regulations of this bill while the tramps of other countries have a free hand.

I quote on this point the following from Ocean Shipping, page 110:

It is urged that the application of the law alike to American and foreign vessels precludes discrimination and subjects the American ship to no disadvantage as compared with the foreign ships seeking cargoes from the same American port. American vessels, however, must also meet in their circuitous voyages the competition of foreign ships which never call at American ports, and, therefore, will never be subject to the seamen's act's requirements as to manning and equipment or to the proposed rate regulation of this bill. All American vessels will be obliged to meet the maximum requirements of the American laws, but only that portion of foreign shipping which calls at American ports will be similarly burdened. The struggle for survival would naturally occur in trade wholly foreign to the United States, such as from the United Kingdom to South America or Africa or the Far East, between American ships complying with all our extreme navigation legislation and foreign ships permitted by their Governments to operate on a competitive level with rival maritime enterprise. To live on our own export and import trade American tramp steamships must be able to live on the odd legs of the circuitous voyages necessary to avoid return in ballast. The fact that American shipping is now highly profitable is no criterion of its ability to compete during a shipping depression such as may follow a few years after this war and such as did follow the Boer War.

Ocean shipping is the most competitive of industries, a constant struggle for existence, chiefly among nations for centuries engaged in maritime carrying. It is difficult to conceive success for the American

entrant if burdened by legal restrictions not borne by the older and stronger opponents. In so far as such laws apply equally to American and foreign vessels they increase our freight rates and handicap our trade. If they do not apply to foreign vessels they drive our ships out of business.

These foreign tramps plying between Europe and South America can give rates, favors, and drawbacks that our tramps can not give under the restrictive regulations of this bill, and this would place our exporters at a great disadvantage in building up a trade with South America.

But a comparatively small part of our exports, especially of heavy and bulky tonnage, are carried in regular liners plying on fixed routes. It may be observed in this connection that while foreign countries give in one form or another to a greater or less extent subventions to mail and fast passenger and freight lines plying on regular routes, none of them give any such aid, or anything except unshackled freedom, to their tramp ships. Why should not our tramp ships enjoy the freedom that the tramp ships of other countries enjoy, and thus be on a footing of equality?

Mr. HUGHES. May I ask the Senator a question right there?

Mr. NELSON. Certainly.

Mr. HUGHES. I understand it is the practice of other countries with reference to tramp ships that they are given the privilege of plying between their home ports. I want the Senator to correct me if I am wrong, but I am under the impression that foreign countries give tramp ships the privilege of plying between the different ports of their home countries.

Mr. NELSON. The question the Senator propounds relates to whether foreign countries confine their own ships to the coastwise trade. Most of the countries do not.

Mr. HUGHES. Do not foreign countries as a rule, so far as tramp ships are concerned, give to them the privilege of touching at more than one port in the home country when coming in from a foreign voyage?

Mr. NELSON. They do. They give that advantage, and so our tramps should have that advantage.

Mr. HUGHES. Yes; but take the case of an American tramp engaged in the foreign trade, leaving Liverpool with a cargo, it could not touch and break bulk at New York and then go on to Galveston.

Mr. NELSON. No; because that would be entering on the coastwise trade.

Mr. HUGHES. I say that is one of the reasons why we can not have American tramp ships. We do not give them the privilege that other nations give their tramp ships. The Senator has frequently referred to Norway—

Mr. NELSON. I referred to it not because I have any more interest in Norway than has the Senator from New Jersey—

Mr. HUGHES. I understand.

Mr. NELSON. But I referred to it because in the matter of shipping Norway is the greatest country in proportion to population on the face of the earth.

Mr. HUGHES. I know that.

Mr. NELSON. Its shipping is next in rank to that of the shipping of the United States to-day. I referred to it because most of their shipping belongs to the tramp class, for the reason that I will state.

Mr. HUGHES. That is the reason why I asked the Senator the question. I referred to Norway because I thought from what the Senator said that he was exceedingly familiar with the shipping of that country. That is the only object I had.

Mr. NELSON. I will state the reason why most of the ships of Norway are tramp ships. Norway is a small country. It is mountainous and very sterile; it has a small population; and its exports and imports are exceedingly limited; but its shipping is considerable. If the shipping of Norway had nothing to do except to carry the exports and imports of that country there would not be much of it. They make their living by doing what I call a tramp business for all countries over the world. Most of their steamers belong to that class. On the other question to which the Senator referred incidentally, I have a book here which I have not had time to examine carefully, but from what I have seen, most of the maritime countries allow foreign ships to engage in the coastwise trade.

Mr. HUGHES. I agree with the Senator; and I just want to emphasize this point: There is no country except our own which refuses to permit a ship of its own registry in foreign commerce to go from port to port in that country. Does the Senator know of any other country, except the United States, that does not allow its tramp ships in its own commerce, carrying its own registry, to go from port to port in that country?

Mr. NELSON. But that question is not covered by the bill.

Mr. HUGHES. I think it is to a greater or less extent.



Mr. NELSON. It is not covered by the bill in any form or shape, as the Senator from Florida [Mr. FLETCHER] knows.

Mr. HUGHES. I understand that under the provisions of the bill the ships that are to be built are to be given that privilege.

Mr. NELSON. They are to be given the privilege of the coastwise trade.

Mr. HUGHES. Then it does involve that question.

Mr. NELSON. But it does not apply to other ships.

Mr. HUGHES. It does not apply to other ships.

Mr. NELSON. I repeat, it is comparatively a small part of our exports, especially of heavy and bulky tonnage, that is carried in regular liners plying on fixed routes. It may be observed in this connection that, while foreign countries give, in one form or another, to a greater or less extent, subventions to mail and fast passenger and freight lines plying on regular routes, none of them give any such aid, or anything except unshackled freedom, to their tramp ships. Why should not our tramp ships enjoy the freedom that the tramp ships of other countries enjoy, and thus be on a footing of equality?

An American tramp steamer at Liverpool should have as free a hand as a British tramp at that port. It should be as free at all ports as a British tramp ship. In this connection, and as bearing on tramp steamers, I refer to paragraph 4 of section 15 of this bill, to parts of section 16, to the first paragraph of section 17, to section 18, to part of section 22, and to the provisions of sections 24, 25, 26, 27, 28, 29, 30, and 32.

While some of these provisions may be justified as to freight and passenger ships, plying on fixed and regular routes on which there are or may be competing lines, they are a most grievous burden upon and are an impediment to the ocean tramps. Their rates necessarily shift from port to port, and to get freight, instead of being tied up or steaming away in ballast, they will have to accept such rates and conditions as may be offered; in other words, they are at the mercy of the port where they happen to land. To put such restrictive regulations upon them as is proposed in this bill would make our ocean tramps the outcasts among all the world's tramp steamers. In other words, if the Senator from New Jersey will read and note the restrictions in the bill that are put upon our tramp vessels and then compare them with the conditions of tramp vessels in other countries, the Senator will readily see the difference.

Not only do the tramp ships carry the bulk of our foreign commerce, but in our coastwise trade the bulk of all heavy traffic and all low-grade freight is carried by tramp ships. The tonnage carried by them at least equals the tonnage carried by liners plying on regular routes. These tramps are to some extent the regulators of the rates of the liners; their cost of operation is less, and, as to bulky and heavy goods, they can give much better rates than can the regular liners. They ply from port to port, wherever they can get freight and touch many ports not made by the liners. Their traffic is highly competitive, and hence their rates are necessarily fluctuating.

To secure freight they must give such rates as the port affords or offers. In one season of the year the rates may be very low and in another season higher. Between certain ports the rates may be very low, between other ports relatively much higher. In a journey from the Gulf coast to New England such a tramp may make many ports, some close together, others far apart. On the return trip many other ports may be made. I do not see how it is possible for such a ship to comply with the provisions of section 19, which are as follows:

SEC. 19. That every common carrier by water in interstate commerce—

And that includes all our coastwise trade—

SEC. 19. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

It is the next paragraph which works the greatest destruction—

Every such carrier shall file—

And that covers even tramp steamers—

Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

Now, listen to this:

No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the board and after 10 days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made; but the board for good cause shown may waive such notice.

Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

How can such stringent rules properly apply to tramp steamers from port to port? Compliance with this section would involve a separate rate sheet for each port, great or small, and between each two or more of such ports on our entire Pacific, Atlantic, and Gulf coast lines. As an illustration: Take a cargo tramp ship carrying lumber from a Gulf port to numerous ports on the Atlantic seaboard. It would be necessary to have a separate rate sheet for each port that it would be likely to make in the course of a year, and it could never be sure in advance as to what ports it would have to make. It may be suddenly called upon to carry lumber to a port for which it has no rate sheet or prescribed rate, and if it ships the lumber to such a port without a previously prescribed rate it would violate section 19.

Aside from the steamers of the tramp class, the report of the Commissioner of Navigation of March 31, 1916, shows that there were then in the coastwise trade a total of 8,237 sail ships and barges, with a total tonnage of 1,813,599 tons. All these vessels belong to the tramp class and do a tramp business in carrying coal, lumber, iron, ore, grain, and oil. Senators can at once see how embarrassing, annoying, and repressive it would be to make such vessels subject to the provisions of section 19.

Sir Norman Hill, secretary of the Liverpool Steamship Owners' Association for many years, in a report last year to his Government, stated:

Of the vessels that count in the ocean overseas trade the number belonging to the United Kingdom may be taken to have been at the outbreak of the war 3,600 steamers of over 1,000 tons net, and their tonnage at 10,000,000 tons net, divided as follows:

Liners—

That is, ships plying on regular lines:

Number of liners, 1,200; net tons, 4,200,000; gross tons, 6,960,000; dead-weight tons, 6,000,000.

General traders, or cargo boats or tramp vessels:

Number of general traders, 2,400; net tons, 5,760,000; gross tons, 9,600,000; dead-weight tons, 18,000,000.

Total number of liners and general traders, 3,600; total net tons, 9,960,000; total gross tons, 16,560,000; total dead-weight tons, 19,000,000.

In other words, the general traders or tramps under the British flag carry about two-thirds of the weight of cargo carried by British steamships in over-seas trade, the liners only one-third. These figures include British steamers which carry on the foreign trade of the United Kingdom with the rest of the world, and also British steamers which do not trade with the United Kingdom at all, but are engaged in carrying between foreign countries and colonies, to ports on the Continent of Europe, and so forth. Sir Norman Hill's figures include no sailing vessels, practically all of which are general traders or tramps. The Norwegian merchant marine is made up mainly of general traders or tramps.

To put tramp vessels, either in the foreign or coastwise trade, under the restrictive regulations of this bill would be to hamstring and to destroy the value and efficiency of all our ocean tramp shipping; and, in respect to our trade with South America and other foreign countries, it would, as I have already pointed out, be a great handicap and drawback. There may be some grounds of justification for placing our coastwise liners, plying on regular routes, under the restrictive restrictions of this bill, but there certainly is no valid ground or justification for treating our tramp shipping in that way; and, even in the case of liners on regular routes, I doubt the wisdom of it and fear the proposed restrictive regulations will do more harm than good.

Mr. President, in these remarks I have aimed, using a nautical phrase, to steer close to the wind. I have aimed to steer close to facts as they actually exist and close to the legal conditions that prevail to-day. I have pointed out—and I do not think it can be gainsaid—that under present conditions in our own shipyards, under the provisions of this bill, and under the conditions of legislation that prevail in foreign countries, it will be utterly impossible to secure any shipping within the next two years. No ships can be bought from the neutral countries, because they have prohibited their sale; none can be bought from belligerent countries under the provisions of the bill; and our shipyards will be fully occupied for the next two years, as I

have heretofore shown. Then, where are the ships coming from?

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. NELSON. I do.

Mr. WEEKS. I thought the Senator had finished, and I wanted to ask him a question before he took his seat. He has just been speaking of tramp steamers and their being put under the control of the proposed shipping board. I want to ask him if I am to understand that the tramp steamers are common carriers under the terms of this bill?

Mr. NELSON. I understand they are to be placed under the regulations prescribed by this bill.

Mr. WEEKS. "Common carriers" are carefully defined in the bill, and it seems to me that the definition does cover tramp steamers. I think it is an important consideration, however, because there is a vast difference between the business conducted by tramps and that conducted by the regular liners.

Mr. NELSON. Of course there is a vast difference between the business done by the regular liners and the tramps, but the regulations of the bill, as the Senator from Massachusetts well knows, are of a twofold nature: First, in respect to our coastwise shipping, which is called shipping in interstate commerce in this bill. The shipping board has practically the same right to fix and regulate rates in one form and another as has our Interstate Commerce Commission over the railroads; while in respect to the ships engaged in foreign commerce, there are no such comprehensive regulations; but in many respects they come under the provisions to which I have called attention in my remarks.

Mr. HUGHES. Mr. President, I agree, in the main, with what the Senator says with reference to the difficulty of applying this law to tramp steamers, if it was intended to apply to tramp steamers; but I call the Senator's attention to the definition of "common carrier" contained in the first paragraph of the bill in these words:

The term "common carrier by water in foreign commerce" means a common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country.

One foreign country. That would seem to include only liners. I want also to call the Senator's attention to the language on page 2 of the bill, defining "common carrier by water in interstate commerce."

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

This shows the distinction made.

Mr. NELSON. Of course, I noticed the distinction, because a common carrier engaged in the transportation by water of passengers or property on the high seas is entirely different from a common carrier engaged in like business on the Great Lakes. The commerce on the Great Lakes comes under the head of what we call in our phraseology the coastwise trade.

Mr. HUGHES. Yes; but I wanted to call the Senator's attention to the fact that different language is used in dealing with the shipping on the Great Lakes. The bill makes a common carrier out of any vessel which plies between one State and another State, whereas it makes a common carrier in the foreign trade only out of a vessel which plies between the United States and a country—not any other country—

Mr. NELSON. Of course, the Senator is right.

Mr. HUGHES. So, it seems to me that a vessel plying between the United States and any other country would not be a common carrier under this definition, but would be, as the Senator suggests, a tramp or trader. I hope that is the intention of the framers of the bill, as I think it should be the intention.

Mr. HARDING. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. HARDING. I want to ask the Senator, under the definition in this bill, would a vessel engaged in the ore trade, operating solely for its owners in carrying ore from Minnesota to Cleveland, Ohio, be a common carrier?

Mr. NELSON. I think it would if it operated on a regular route.

Mr. HARDING. Would a vessel which made a specific charter for a cargo from one shipper be a common carrier under the provisions of this bill?

Mr. NELSON. I think it would likely be so held.

Mr. HARDING. That is a very important question.

Mr. NELSON. The Senator knows that in reference to interstate commerce in connection with railroad traffic we have not held that those who own a small piece of road are immune from regulation.

Mr. HARDING. In order to bring out the point which is interesting me, suppose a vessel should charter a special cargo of cotton goods at New Orleans to be carried to New York, and the conditions were such that that vessel could offer an extraordinarily attractive rate to secure the cargo. Under the provisions of this bill could that vessel be made to hold to that rate except under permission of the shipping board?

Mr. NELSON. It would have to have a rate fixed, and adhere to it; and it could only be relieved from it by the permission of the board, as I construe the bill.

Mr. HARDING. Then, a tramp vessel plying from one American port to another can not pick a cargo to its advantage as it may choose?

Mr. NELSON. I think not.

Mr. President, as I said a moment ago, I have aimed to discuss some of the more important features of this bill. I have, I think, demonstrated that it will be utterly impossible to procure any additional shipping in any direction for the next two years. So that in that respect in going before the American people and holding this measure up as a piece of great constructive legislation and in telling them that the bill will provide more ships, when as a matter of fact it will provide no more ships within the next two years, our Democratic friends are at least not adhering strictly to the facts.

In reference to the shipping bill which was pending at the last session of Congress and which was defeated there were many good people in this country who entertained the suspicion that the purpose of the bill was to buy German interned ships. A provision has been inserted in this bill preventing the acquisition of such vessels; but whether at the other end of the Avenue that exclusion is approved we do not know. Mr. President, we hardly know where we stand on any important legislation in this Chamber until we know whether it has been ratified in one form or another, either in advance or subsequently, at the other end of the Avenue.

There are other features of this bill—and I grieve to note them—to which serious objection can be taken. Since I have been a Member of this body I have never been possessed of that partisanship that distinguishes between the North and the South. I have been always as anxious to help the people of the South in reference to river and harbor improvements and other matters as I have the people of the North. This bill originally not only included the Great Lakes, but also the rivers of this country, especially the Mississippi River. But a loud cry came from the people of the Southern and Gulf States, from New Orleans and other points, to omit inland waters from the provisions of the bill. "For God's sake," they said, "we are trying to build up shipping on the Mississippi River. Do not hamstring us in the bill." So the Committee on Commerce has dropped out of the bill the reference to the inland waters. I can see no more reason for exempting the Mississippi River from the regulative features of this bill than for exempting the Great Lakes. Why should we put the traffic of the Great Lakes in a regulative straight-jacket and then make navigation on the Mississippi River perfectly immune? It is such discrimination that, to my mind, gives this bill rather more of a partisan flavor than it ought to have. I live near the headwaters of the Mississippi River. None of my people have sought immunity for the upper end of the river, so far as I know. The demand came from New Orleans and the lower river. Their prayer was heeded, while the Great Lakes were given the cold shoulder.

There are some features of this bill which I may discuss by and by. I am simply aiming now to draw the attention of the Senate to some of the most radical and dangerous features of the bill, to the end that Senators may see into what a gulf they are about to leap if they adopt this measure. However, I suppose the inexorable mandate has come from above, the mandate which has carried so many peculiar schemes through Congress, and that this bill, right or wrong, must be passed because our Democratic friends want to go out on the stump and say, "See what a great volume of constructive legislation we have passed under this administration." If they go out on the stump and tell the truth about this bill, if it becomes a law, they ought to say, "Gentlemen, we have passed a ship-purchase and ship-operating bill, but it is not possible to get any additional shipping under the present conditions for the next two or three years." However, they will not tell the people that, but they will have given them another Democratic dose of paregoric.

Mr. CLAPP. Mr. President—



The VICE PRESIDENT. Does the Senator from Minnesota yield to his colleague?

Mr. NELSON. I yield.

Mr. CLAPP. While my colleague was pointing out the fact that the framers of the bill left the Mississippi out and included the Great Lakes, I want to remind him also that they have limited the most restrictive provisions, those that will interfere the most with the operation of navigation, to a class that includes the Great Lakes, for section 19 only includes those carriers that are defined on the top of page 2 as common carriers by water in interstate commerce, including in express terms "on the high seas or the Great Lakes." Not only have the Great Lakes been discriminated against in that way, but they have been further discriminated against by imposing the restrictions which, as the Senator has so plainly pointed out, will almost absolutely paralyze the navigation referred to in that part of the bill directly affecting the commerce of the Great Lakes.

Mr. NELSON. The Senator is undoubtedly correct. It would work a great hardship on the shipping of the Great Lakes, a great deal of which is carried on by tramp steamers.

Mr. FLETCHER. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. NELSON. I yield.

Mr. FLETCHER. I desire to suggest that the Senator will scarcely classify the Great Lakes along with the rivers and inland waterways of the country. The Great Lakes would correspond more nearly to the Gulf. They are high seas in effect and commerce carried on there is foreign as well as domestic. It is not only coastwise, but it is foreign commerce. I can not see any sort of reason for placing the Great Lakes on the same footing as the rivers and inland waterways of the country so far as the regulative powers of the shipping board are concerned. On the contrary, they classify naturally with the coastwise and foreign shipping, because they are used not only for coastwise and domestic commerce, but for foreign commerce as well.

Mr. CLAPP. Yes; but foreign commerce would not fall under the restrictive provisions of section 19, except the foreign commerce on the Great Lakes. That is the point I was getting at.

#### PROPOSED MISSISSIPPI VALLEY NATIONAL PARK.

Mr. KENYON. Mr. President, there seems to be nothing more to be said on the shipping bill after the conclusion of the remarks of the Senator from Minnesota [Mr. NELSON], and I desire to take just about 10 minutes on another bill which has been introduced in the Senate looking to the establishment of a national park in the Mississippi Valley.

On a bright day in the summer of 1805, near McGregor, Iowa, and almost across from where the Wisconsin River empties its volume of water into the majestic Mississippi, Gen. Pike, of the United States Army, stepped from his little boat, climbed the rugged hills, and planted the Stars and Stripes thereon. It was the first American flag ever raised over the Northwest territory, and ever since the spot has been known as Pikes Peak.

On his return Gen. Pike recommended to President Jefferson that a fort be built at or near the place. Across the river, at Prairie du Chien, in pursuance of this recommendation, was constructed Fort Crawford, and in the immediate vicinity of Pikes Peak. Possibly no fort is more famous in American history.

A century before Pike planted the flag on the bluffs of the Mississippi Father Marquette and Louis Joliet drifted down the Wisconsin River and discovered the upper Mississippi. Later Father Marquette described the wonderful scenery at this point to King Louis as "inexpressibly grand." Few places of our national territory are so pregnant with historic interest as is this stretch of the Mississippi River. Fort Crawford has been one of the inspirational points of our history.

For a time in 1812 the union jack floated over it, but it was the last union jack to float on American territory.

It was here Zachary Taylor, subsequently President of the United States, was commander for some years.

It was here the love story of Jefferson Davis and the daughter of Taylor was woven out of their lives. Taylor is said to have been opposed to the young lieutenant because he was an Army officer.

It was here Blackhawk, the great Indian chief, was brought captive.

Here often came Ulysses S. Grant, and here he served.

At Fort Crawford Abraham Lincoln, volunteer in the Blackhawk War, received his honorable discharge.

From this place, in 1856, marched, under Gen. Albert Sidney Johnston, the last garrison from the plains and on to the Golden West.

The bluffs and woods around McGregor have been scenes of many Indian conferences; many Indian treaties have been

signed there. Indian graves and relics are found to this day. This was the home of the Indian, the hunter, the trapper, the trader, the soldier.

The great advance of progress has not obliterated all those mementos of early times and prehistoric days. On the hills are found prehistoric mounds of the earlier races—so interesting and so important from an archaeological standpoint that Prof. Phoebe, a member of the London Archaeological Society, once expressed the opinion that this region should be preserved from commercialism on account of these historic mounds, and expressed wonder that the American Government had taken no steps to preserve them; that this group of mounds were the most valuable to the archaeologists of any group of mounds in existence.

Maj. Byers once said:

I have seen the Rhine and the Po, the Danube and the Hudson, the Tiber and the Rhone, but on none of these have I seen such entrancing beauty as on the Mississippi between Dubuque and St. Paul. If anyone should ask you what is the most beautiful water scene in all America, answer, it is from a high bluff above the Mississippi at McGregor, Iowa. There is a point just near to the little city that is called Pikes Peak. I climbed up there the other morning with some friends, and after emerging from the wood of splendid oak trees we suddenly beheld a scene such as one rarely witnesses in any land beneath the sun.

The mighty Mississippi lay 400 feet below us, sweeping in all its majesty to the ocean. Looking upstream from our point, the river seemed like a chain of little bright islands and lakes extending as far as the eye could reach. The islands were covered with verdure and hemmed in by oceans of pond lilies. Winding among the islands or dividing itself off into different channels or curves swept the great river, calmly, majestically, just as it has been doing for ages.

Right and left from the lofty bluffs where we stood were other forest-covered bluffs almost as high and beautiful. Opposite us, and beyond the river 5 miles away, stands the Wisconsin wall of the river. At times the bluffs there, too, are high and picturesque. But here at McGregor the supreme grandeur is on the Iowa side. Just below the peak where we stood the beautiful Wisconsin River pours its waters into the Mississippi.

Those things in themselves, from a historical standpoint, should call for the preservation of this portion of our country from the ravages of commercialism. It should be preserved, also, because of its picturesque and rugged beauty. There is no national park in the great Mississippi Valley. Millions of people live within a radius of 250 miles of this proposed park. These people can not visit the Yellowstone. This is as near like the Yellowstone as can be found. It would become the great playground of the Mississippi Valley—a place where thousands would turn for a little rest and recreation from the harassing hurly-burly of our commercial existence. The traveler will view the pictured rocks, the bluffs rising in majesty 400 feet above the Mississippi as it winds peacefully on its course to the sea, little islands with green verdure encircling a lake within the river, dotted with pond lilies—a panorama of dazzling and wonderful beauty. There is no more beautiful spot in this country.

Mark Twain, in "Life on the Mississippi," once said, concerning this part of the river:

The water is a beautiful olive green. The majestic bluffs that overlook the river charm one with the grace and variety of their forms and the soft beauty of their adornments. And then you have the shining river, winding here and there and yonder; its sweep interrupted at intervals by clusters of wooded islands threaded by silver channels; and you have glimpses of distant villages asleep upon capes; and of stealthy rafts slipping along in the shade of the forest walls; and of white steamers vanishing around remote points. And it is all as tranquil and reposeful as dreamland, and has nothing of this worldly about it, nothing to hang a fret or worry upon.

Prof. Brown, curator of the Wisconsin Historical Museum, has taken great interest in the scenery along the Mississippi, and some years ago expressed himself:

In common with many other persons, I have for several years thought that steps should be taken to provide for the preservation to the public of the widely known and appreciated beauty spots, Pictured Rocks and Pikes Peak.

Prof. Trowbridge of the Geological Department of the State University of Iowa pronounced it the most picturesque spot on the river.

This has been called the Switzerland of the Mississippi Valley. It is the duty of the United States to preserve these beauty spots. National parks are national assets. Cities have discovered the wisdom of playgrounds as breathing spots for their people; as a Nation we have recognized the duty to preserve our lakes and forests and waterfalls and geysers and canyons. People are awakened to the value of these things. Our people spend vast sums of money in traveling in foreign countries. Our beauty places would attract just as much as those of foreign countries. These places make for happier lives, more poised existence, better homes, better men, better women, better citizenship.

I trust the people of the Mississippi Valley may awaken to the great possibilities in this proposed national park and lend their assistance to a successful conclusion of the project. All that is asked in the bill is an investigation by the Government of the proposition.

## THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15455) to establish a United States board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Mr. FLETCHER. Mr. President, the Senator from Iowa has suggested that perhaps there is nothing more to be said on the subject of the shipping bill. If that is so, and the other side is ready to vote on it, I shall not weary the Senate with any remarks on my part. I presume, however, that that observation was rather more facetious than otherwise, and that there will be further discussion of the measure by those who are not in favor of it. Perhaps, in view of that, I would be justified in taking up a little of the time of the Senate in giving some of the reasons which prompt at least some of those who think the pending legislation desirable and efficacious.

## SHIPPING SITUATION IN 1914 AND NOW.

In order to get a proper starting point in this discussion, it seems to me it will be worth while, at the outset of the consideration of the pending bill, to take stock of shipping conditions as they existed prior to the commencement of the European war and as we find them to-day.

The tonnage under the American flag registered for the foreign trade, exclusive of the Great Lakes, on June 30, 1914, comprised 2,405 vessels of 1,076,152 gross tons.

The corresponding tonnage on March 31, 1916, comprised 2,981 vessels of 2,094,534 gross tons.

American tonnage engaged in the coastwise trade on June 30, 1914, was 24,538 vessels of 6,852,536 gross tons—this includes 3,406 vessels of 2,882,922 gross tons on the Great Lakes.

The coastwise tonnage on March 31, 1916, comprised 23,592 vessels of 6,346,825 gross tons. This includes the vessels on the Great Lakes—2,981 of 2,094,534 gross tons.

It will be clearer if stated in the following fashion:

Date.	Registered vessels.		Enrolled and licensed vessels.				Grand total.	
			Great Lakes.		Other coastwise.			
	Number	Gross tons.	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.
June 30, 1914	2,405	1,076,152	3,406	2,882,922	21,132	3,969,614	26,943	7,928,688
Mar. 31, 1916	2,981	2,094,534	3,070	2,751,240	20,522	3,595,585	26,373	8,441,359
Loss equals.	.....	.....	336	131,682	610	374,029	.....	.....

The monthly additions to the American merchant fleet during the current fiscal year from construction in American shipyards and from the admission of foreign-built ships to American registry under the ship-registry act of August 18, 1914, are shown as follows:

Month.	Built in United States.		Foreign built.		Total.	
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.
1915.						
July	139	16,565	2	2,910	141	19,475
August	94	15,410	4	12,599	98	28,009
September	83	14,301	5	11,776	88	26,077
October	88	17,368	8	19,467	96	36,835
November	70	23,841	3	6,322	73	30,163
December	32	20,307			32	20,307
1916.						
January	48	26,408	1	707	49	27,115
February	44	32,562	3	7,096	47	39,658
March	81	35,494	1	1,388	82	36,882
April	114	25,823			114	25,828
May	114	61,881	7	18,203	121	80,084
Total	907	289,965	34	80,468	941	370,433

Our tonnage in foreign trade has just about doubled since the commencement of the war. Our tonnage on the Great Lakes shows a decline of about 130,000 tons, steam vessels on the Great Lakes having been brought through the Welland Canal to the seaboard to engage in foreign ocean trade, and this movement still progresses; and, finally, upward of 300,000 tons heretofore engaged in our coastwise trade on the seaboard have gone into the foreign trade.

Foreign-built ships admitted to American registry under the ship registry act of August 18, 1914, up to date number 184, of 622,035 gross tons. It should be noted, however, that from March 4, 1915, to March 31, 1916, 128 vessels formerly under the American flag, of 61,342 gross tons, have been sold to foreigners. I attach a list of them, which I ask leave to insert without reading.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

American vessels of 500 gross tons and over sold to aliens from July 1, 1914, to Mar. 31, 1916.

Rig.	Name.	Gross tons.	Foreign flag.	Home port.	Date of sale (quarter).
Steam screw	Matoa <sup>1</sup>	2,311	British	Duluth, Minn.	1914.
Do.	William Henry Mack.	3,781	do.	do.	Sept. 30
Do.	E. M. Peck	1,809	Do.	Do.	Do.
Schooner	Rosefield	685	Spanish	Mobile, Ala.	1915.
Steam screw	Mariska	2,325	British	Duluth, Minn.	Mar. 31
Schooner	Cecilia Sudden	643	do.	San Francisco, Cal.	June 30
Steam screw	Oceana	7,796	Spanish	New York, N. Y.	Do.
Schooner	Iona Tunnell	1,315	Portuguese	do.	Sept. 31
Steam screw	Atlanta	2,094	Mexican	Wilmington, Del.	Do.
Do.	Case	2,278	British	Cleveland, Ohio.	Do.
Schooner	Moravia	1,067	do.	Duluth, Minn.	Do.
Do.	B. L. Pennington	1,142	do.	do.	Do.
Steam screw	Delhi	988	do.	Juneau, Alaska.	Do.
Do.	Oregon	727	Norwegian	New York, N. Y.	Dec. 31
Do.	Morris Adler	2,481	do.	do.	Do.
Schooner	White Wings	648	Portuguese	do.	Do.
Do.	Fanuco	646	Cuban	do.	Do.
Do.	Tuxpan	869	do.	do.	Do.
Steam screw	J. H. Wade	1,863	British	Cleveland, Ohio.	1915.
Do.	M. S. Dollar	4,216	do.	San Francisco, Cal.	Dec. 31
Do.	Pacific	6,034	Norwegian	do.	Do.
Barge	Transcontinental Petroleum No. 71	593	Mexican	Morgan City, La.	1916.
Steam screw	W. B. Morley	1,747	British	Ogdensburg, N. Y.	Mar. 31
Do.	Henry B. Hall	1,152	do.	do.	Do.
Do.	Collinge	1,601	do.	Oswego, N. Y.	Do.
Schooner	Ed. McWilliams	743	do.	Detroit, Mich.	Do.
Steam screw	E. A. Shores, Jr.	519	do.	do.	Do.
Do.	Manilla	1,075	Chilean	San Francisco, Cal.	Do.
Do.	Colon <sup>3</sup>	1,530	British	New York, N. Y.	Do.
Total, 29 vessels.		54,676			

## SUMMARY.

Flag.	Gross tons.	Number of vessels.
British	23,713	17
Norwegian	9,242	3
Spanish	8,481	2
Mexican	2,687	2
Portuguese	1,963	2
Cuban	1,515	2
Chilean	1,075	1

<sup>1</sup> This vessel was renationalized in July, 1915.

<sup>2</sup> Schooner-barge.

<sup>3</sup> This vessel was employed on the Pacific coast.

## WHERE EMPLOYED.

Great Lakes: 13 vessels, 22,338 tons.  
Atlantic coast: 10 vessels, 17,854 tons.  
Pacific coast: 6 vessels, 14,484 tons.

Mr. FLETCHER. This list indicates that "private enterprise" is not particularly attracted to the flag. If a good opportunity offers to dispose of a vessel or there is any reason for operating under a foreign flag, the idea of adding to an American merchant marine under the American flag influences very little, if at all. One American concern operates a line of ships, all American owned and financed. Six of their ships operate under the British flag and three under the American flag, transferred since the outbreak of war. Two of their ships were sunk by German cruisers. All 11 were under British flag, but American owned before the war. (P. 116, Senate hearings.)

The tonnage required for our over-seas trade is six to ten million tons. (P. 37, Senate Hearings.) Six million gross tons would supply about 60 per cent of present requirements for handling our foreign commerce (p. 223, Senate hearings), is the view of the Commissioner of Navigation.



At the beginning of the European war we had 2,405 vessels of 1,076,152 gross tons registered for the foreign trade. Some 300,000 tons went from the coastwise into foreign trade. Six hundred and twenty-two thousand and thirty-five tons came into American registry.

So now we have 2,981 vessels, of 2,094,534 gross tons, under the American flag registered for foreign trade, being about one-third to one-fifth of what we require.

The over-seas trade of the world demanded in August, 1914, about 45,403,877 gross tons of merchant shipping. This was the world's steam tonnage, June 30, 1914. The United Kingdom had 8,587 steamers, totaling 18,892,089 gross tons—over 40 per cent. The United States had a little over 2 per cent—1,076,152 tons.

There were other British ships, I presume not steamers, bringing British gross tonnage to 21,045,049.

It is estimated that only about 12,000,000 tons are now available—about one-third of the world's demand.

If the Government supplied, under this bill, 500,000 tons of merchant shipping—though 700,000 tons is more correct according to Mr. Marvin, page 18, Senate Hearings—it would be from 5 to 8 per cent only of what we need. It is difficult to see how that, even if put into competition with privately owned ships, should discourage private enterprise.

Such men as Mr. Franklin, representing large shipping interests, concede that if section 5 of the bill laid the emphasis on naval auxiliaries and Army transports rather than on "commercial requirements," and provided they should be leased or chartered to private concerns, "it would take away from this bill the principal objection, according to my understanding of the steamship interest." (Pp. 105, 110, Senate hearings.) He says further, "A constructive and upbuilding board would be beneficial to the interests of this country." (P. 106.)

He also said, "In a general way, we have no objection" to the powers given the board (p. 91) with respect to the regulatory features.

I mention this particularly in response to the argument of the Senator from Minnesota [Mr. NELSON] that these regulations would be unfair and prejudicial to the upbuilding of a merchant marine. I regard Mr. Franklin as one of the best-informed men in this or any other country on the subject of shipping and all problems connected with it. I believe, too, that while he is identified with the shipowners' side of the question he is public-spirited and sufficiently broad-minded to keep in view as well the public interest.

It is conceded our shipping facilities are wholly inadequate. It may be granted that our merchant marine in foreign commerce is being augmented. It is really astonishing how slowly that has been going on, in view of the enormous profits of the shipping business. A considerable portion of that increase is due to the building of tankers, barges, and ships for and by particular interests to serve their own purposes.

It must be remembered that nearly one-third of the product of our mines, fields, and factories is surplus and must find markets abroad. This surplus will increase. There has been an increase in our exports, exclusive of munitions, during the war in Europe. Our foreign trade has been growing under normal conditions and will continue to grow from the very necessities of the case. It becomes important to treat it fairly by removing insuperable obstacles. It would not be going too far to encourage it a little. Without facilities for our sea transportation it must fight a losing battle. The Government can help somewhat toward the establishment of a merchant marine for the United States, without deterring individual enterprise, but, rather, assisting in the development of fields and routes and by regulations and a grasp of conditions which will contribute to foster and aid individual effort. We can not afford to build walls about the United States—one with no gates opening inward and the other with no gates opening outward. If there must be walls they should have gates opening both ways.

The protective tariff affords one wall. The coastwise monopoly affords the other. We could not prosper at all without openings or gates or depressions in these walls.

One-third of our products must go to foreign markets.

We are obliged to have raw materials and manufactured products.

Ships must not go loaded and return in ballast. They must have cargoes both ways.

It is good Democratic principle to favor competition in our markets from abroad. We can find markets abroad for our surplus by increasing our sales abroad, and we will do that by increasing our purchasers abroad. We can not well do either if there are not adequate means of ocean transportation.

If the world's carrying power is insufficient, the volume of the world's over-sea trade must be reduced.

The same is true of any country in the world.

The United Kingdom has taken steps to restrict her imports now because of her lack of merchant ships. To-day 67 ships must do the work of 100 for the United Kingdom, and 21 to 24 of these are neutral foreign vessels.

#### THE WORLD SITUATION.

On June 30, 1914, Lloyd's Register gives the following as to merchant shipping in the countries named:

British, 11,328 ships, 21,045,049 gross tons; Belgian, 182 ships, 352,124 gross tons; French, 1,576 ships, 2,319,438 gross tons; Italian, 1,160 ships, 1,668,296 gross tons; Japanese, 1,103 ships, 1,708,386 gross tons; Russian, 1,254 ships, 1,053,818 gross tons; total, 16,603 ships, 28,147,111 gross tons.

To-day it is estimated that in German, Austrian, and Turkish ports merchant ships of the allies number 143, of 225,802 gross tons. There have been sunk or seriously disabled 330 merchant ships of the allies, of 1,065,869 gross tons.

Cruisers, mines, and explosions have sunk or disabled 179 such merchant ships, of 495,922 gross tons, making a total of casualties and out of business 652 merchant ships, of 1,787,593 gross tons. The Berlin statement brings the total loss for the war up to July 1, 1,303 "enemy merchantmen," of 2,574,205 tons. This does not include merchantmen confiscated in the harbors of the central powers, and it appears that 244 neutral merchantmen have been destroyed, so that it may be fairly assumed that 3,000,000 tons of merchant shipping has been destroyed by the central powers.

On June 30, 1914, the merchant shipping of Austria-Hungary and Germany was as follows:

Austria-Hungarian, 445 ships, 1,055,719 gross tons; German, 2,388 ships, 5,459,296 tons; total, 2,833 ships, 6,515,015 gross tons.

Now, of these ships in neutral ports there are 763 ships, of 2,877,244 gross tons, and in the ports of allies 627 ships, of 4,297,480 gross tons, tied up.

The shipping of neutral nations June 30, 1914, numbered 11,400 ships, of 14,427,426 gross tons.

Of this number, losses have been suffered to the number of 684 ships, perhaps approaching a million gross tons.

An enormous proportion of British tonnage has been requisitioned for war purposes.

"Some months ago it reached 50 per cent. I believe that the right honorable gentleman would be able to tell us that at the present time it is very nearly two-thirds of our total tonnage," said Mr. Peto in the "Debate on the Address," February 17, 1916, the particular subject being "Control of merchant shipping," page 254.

Assuming that two-thirds of 21,055,049 gross tons has been withdrawn from merchant marine service, that means 14,036,699 gross tons. Add to that, also out of service, the Austro-Hungarian and German tonnage, 6,515,015; add also the total tonnage destroyed, estimated, 2,250,000; also the losses of neutrals, estimated, 1,000,000; also merchant ships of allies in enemy ports, 225,802; and you have a total of 24,027,506 gross tons of merchant shipping taken from the world's supply, which approximates, if it does not exceed, one-half of the total world's tonnage at the beginning of the war. This does not include 137 British steamers frozen up in the White Sea, according to the debate referred to later (p. 285). Since that debate, however, it appears these ships have been released, as indicated by this clipping.

BRITISH SHIPS ARE FREED—TWO HUNDRED RELEASED FROM BALTIC PORTS BY NORTH SEA BATTLE.

LONDON, July 10.

As an immediate result of the great North Sea battle nearly 200 British merchantmen have been released from Baltic ports, according to the morning papers.

These ships have been lying idle in Petrograd and other Baltic harbors since the outbreak of the war. They have passed through the Cattegat without interference from German warships and have arrived safely in British ports.

To be sure, since then Japan has increased her tonnage and we have increased ours, but it is doubtful if such increases offset the depreciation and ordinary wastage in the total world supply. Certainly the gaps in British tonnage have not been filled to any extent, for says Mr. Peto, in the House of Commons (p. 255 of debate):

And since the war commenced, although a large number of ships were in course of construction at the time of the declaration of war, practically no progress whatever has been made, and nothing whatever has been done to replace the wastage of war by fresh merchant-ship construction.

He further said:

It is most undesirable to hold up to the population of this country the glowing example of capital earning ten times the amount in freight rates that it was earning before the war commenced (p. 259).

And Mr. Balfour, the First Lord of the Admiralty, said:

The rates are, as has been truly said, not only high but preposterously and dangerously high (p. 264).

It will be remembered that 50 per cent of the excess profits goes to the Government, and an income tax in addition, making about 67½ per cent of the excess profits.

Mr. Shirley Benn said:

Our mercantile marine, as we all know, has helped to make our country what it is. It has not only made us the great overseas carrying country of the world but it has built up our trade in ports all over the world, and has maintained it. Every ship that is requisitioned and taken away from the ordinary carrying trade of our country means a diminution of our trade, something which the Chancellor of the Exchequer must view with alarm (p. 261).

Mr. Houston said:

We depend on ships not only for our Empire but for our existence (p. 279).

One remedy proposed in this debate was "the employment of German ships." There was some talk of purchasing German ships (p. 288). I have little doubt but the allies would be glad to have us purchase German ships if they were offered. This debate gives every evidence of that. It was pointed out that an expeditionary force takes up 4 tons of shipping for every man sent out. The general complaint was that 70 per cent of the British mercantile marine had been requisitioned by the Admiralty (p. 287), and "we are now becoming dependent upon neutrals for our food supply" (p. 278). Sir Joseph Walton, however, claimed that "a shade over 30 per cent of the mercantile supply had been commandeered" (p. 293). Argentine, Spanish, American, and Italian steamers are being chartered by English shipping firms to carry on the work which their own steamers could do had they not been requisitioned (p. 286). There are some 2,500 such firms. Apparently shipowners were not without representation in the House of Commons. This debate is very interesting and illuminating. For instance, Mr. Hogge says (p. 303):

From the figures given by the Statist I find that the freights between the River Plata and the United Kingdom, which in 1914 was 13s. 6d., are now 113s. 6d., or an increase of 1,000 per cent. From the Atlantic ports the increase amounts to 796 per cent, and that, roughly taking the all-over figures, the increase is something like 800 per cent above what they were.

Mr. Hogge frankly said, further:

I say to the president of the board of trade that if he restricts the employment of British ships between foreign ports—of course I know how it may be excused—what is going to happen? You are not only going to lose invisible exports, but you are going to lose a great deal more, because if the British ships can not carry on that trade, who is going to carry it on? The neutral ships between New York and Buenos Aires will cut into the trade which has been built up by British industry, by British sagacity, and British shrewdness. It stands to reason that if that trade by neutrals is continued for a year or a couple of years, or as long as the war lasts, every British shipowner will have to fight for it after the war is over. The neutral will be in possession, and he will be able to fight with more muscle and determination than formerly, because he is now getting access to a source of capital which he never had before, but which will enable him not only to maintain the trade but to buy new ships and trade under better conditions and offering better terms (p. 305).

He reasons that—

America . . . will probably be one of our greatest financial competitors in the future (p. 307).

The president of the board of trade, Mr. Runciman, made reply, saying, "We are trying at this time to pour a quart into a pint cup," referring to the problem of management and control of merchant vessels (p. 308). He did not care to state the tonnage of merchant vessels under requisition by the Government, but "we may take it that it is a very considerable part of our mercantile marine," and he stressed that—

The task thrown upon us is not only that of feeding this country but of keeping Italy, France, and Russia supplied (p. 310).

Where a hundred vessels were required before the war they are now attempting to do that same trade with 67 vessels, and out of that 67 something like 21 to 24 are neutral foreign vessels (p. 309).

While the British ships (transfer restriction) act was not passed until March, 1915, "We had, as a matter of fact, been exercising these powers from the first week after the outbreak of the war," he said (p. 312).

It is made plain in this debate that one reason why our grain has fared as well as it has is because we are nearer Liverpool than the other great grain-producing countries, and the shortage of ships has up to this time helped us in respect to food products, because whereas it was 3,000 miles to us, it was 12,000 miles to Australia, and 6,000 miles to Argentina, and as one ship had to do the work of two or three in normal times, it was economy to send that ship here—but note what Mr. Runciman further said, speaking of the transport department (p. 315):

They certainly managed the requisitioning for food supplies so well that the only trade in the world where there has not been an abnormal rise in the rates of freight has been that very trade which they for the time being controlled. Now, in order that that work may be extended, we have asked them to do for the Argentine and River Plata trade what they have done for the North Atlantic trade. In the first

place, they have diverted ships in connection with the North Atlantic trade, for it is the nearer trade; you can make better use of your tonnage and get a larger amount of goods into this country for a smaller expenditure of shipping. Now, when the North Atlantic trade for various reasons is well supplied, and there are some people in America who seem to think we can not go elsewhere, it is just as well that we should start requisitioning for the River Plata and the Argentine, so providing that Argentine, Australian, and Indian grain would come into competition with the grain of the northern States of America.

Is there no food for thought in this for our wheat-growing friends?

Mr. Runciman further said:

The control (by the Government) of shipping is now so wide and so adequate that there is no vessel which can go and trade anywhere without permission of one kind or another. The last gap in that control is filled up by the licensing committee having to license vessels, not only those which run between foreign ports, but also those which run between this country and allied countries (p. 217).

The merchant yards all over England and Scotland have been "used for naval purposes, while merchant vessels have been laid on one side," but 145 vessels are being hurried away and another 140 will be declared "war work," for, he says, "We have come to the conclusion that the increase of our mercantile marine is just as necessary as warships," and he concluded with an appeal to take no steps that "would cripple us in adding to the merchant navy, immediately the war is over, so as to enable us to compete with our competitors and to build up at once the auxiliary fleet on which now our empire mainly depends." (P. 325.)

It is unnecessary to cite other authority to strengthen the effort we are now making to acquire ships. I am tempted, however, to quote from another member taking part in that debate, Mr. Pringle, as follows:

Before the American Civil War, America had a considerable portion of the Atlantic trade. She lost it during the war and has never got it back. . . . They will get it back now. When people speak of capturing German trade and of the necessity of fighting Germany after this war they cast their eyes on the wrong part of the map. It is on the other side of the Atlantic that we have to look for dangerous competition. We may see there the financial center of the world; we may there also see our most serious rivals in shipping. The trade between the Plata and New York is now almost entirely in American hands. I have been told by a man who ought to know that a single firm, which has practically only got into the trade since the beginning of the war, has made £1,800,000 in that time. What is the result? They are adding to their fleet and buying ships as fast as they can. They are making great profits. The United States is not taking their excess profits, so that they are able to put them into new ships. It is new ships all the time. What will be the situation at the end of the war? They will not have a heavy income tax, but they will have all these resources; they will be able to carry all these goods for practically nothing when the British shipowner tries to get back his own trade and when the British shipowner will have to bear an income tax of 5s. to 7s. 6d. in the pound—(An honorable Member: "Plus the super-tax!") If he is lucky enough to earn supertax. Under these conditions will it be possible to regain that trade?

This indicates what our friends across the ocean realize is the situation on their part and what they assume we will have sense enough to do on this side.

The remedy decided upon by the Government in February, on the principle that high freights are due to the fact that the supply falls short of the demand, was to place restrictions upon imports. The first imports to be affected were paper, paper-making materials, tobacco, dried fruits, furniture woods, stones, and slates. Orders in council were issued prohibiting the importation into the United Kingdom of any article which came under the general head of "luxuries." Among the articles prohibited were motor cars for private use, musical instruments, cutlery of all kinds, hardware, cotton and woolen manufactures, chinaware, fancy goods, and soaps.

#### SHIPPING COMPANIES' PROFITS.

The Statist of April 29, 1916, gives the following figures:

Frederick Leyland & Co.: For the year ended December 31, 1915, the profits of this line, after deducting expenses, debenture interest, and excess profit duty, etc., were £1,441,690, on a total capitalization of £2,614,350. The fleet consists of 45 steamers, with an aggregate gross tonnage of 283,651 tons. It is pointed out that "the directors regret the loss of some steamers, but do not propose making any statement in regard thereto at the present time."

Elder Line: This fleet consisted of 23 steamers, with an aggregate gross registered tonnage of 72,119 tons. This well-known Liverpool company has an authorized capital of £1,000,000. For 1915 it made a trading profit of £74,947.

British & African Steam Navigation Co. (Ltd.): This company has a fleet of 38 steamers, with a gross registered tonnage of 113,416 tons. The authorized share capital is £1,000,000. For 1915 the company showed a profit of £104,022.

Imperial Direct Line: This company has six steamers with an aggregate gross registered tonnage of 34,024 tons. The authorized share capital is £500,000, of which £300,000 has been issued. In 1915 it made a profit of £63,381.

According to the British Trade Journal of May 1, 1916, the Moor Line records a profit of £374,000, of which £150,000 is added to the contingency fund, £100,000 to reserve, and £85,250 to pay a dividend of 25 per cent.

The Caion Line paid a dividend of 30 per cent and carried £11,800 "forward."

The Redcroft Line paid a dividend of 20 per cent, placed £35,000 to reserve, £55,000 is reserved to cover income tax and excess profit duty, all on a capital of £100,000.



Cases are cited in numbers like this—the four-masted schooner *T. W. Dunn*, normally worth £1,000, was bought recently for £2,500, and chartered for £5,000 to take to Bordeaux a cargo of lubricating oil.

Tramp steamers which in normal times were sold for £30,000 are now being bought at £80,000 to £100,000 each.

Whereas in 1914, the United Kingdom built 1,722,000 tons of shipping; in 1915, the total was only 649,000 tons.

The British Dominions overseas built only half the tonnage in 1915 they built in 1914.

The rest of the world built 1,694,000 tons in 1914 and only 989,000 tons in 1915.

Denmark and Norway are about the only countries that added to their tonnage output in 1915 over 1914.

Mr. Archibald Hurd has shown that between the outbreak of the war and January 22, 1915, no fewer than 2,193 ships, with a total tonnage of 3,774,319, have been detained, captured, or destroyed.

To these must be added the ships requisitioned by Governments for naval and military work.

It is shown that Australia had a surplus of 3,000,000 tons of wheat available for export, and up to the end of March only about 500,000 tons had been shipped or contracted for shipment, owing to the scarcity of ships.

"The remedies are obvious," says the *British Trade Journal*. "Enemy tonnage in the allied and in neutral countries should be employed and shipyards must be kept at work, night and day, and the Government must be asked whether some of the requisitioned ships can not be released from time to time to assist the world's trade."

Mr. Cuthbert Maughon, in the *Quarterly Review* (London), April, 1916, discusses at length "the shipping problem," indulging in such expressions as these: "But the British Nation is now wide-awake and realizes at last that an efficient mercantile marine is just as important in its way for this country as a magnificent navy" and "the whole of the mercantile marine has found a place in the nation's heart which it never had before."

#### NEED OF AMERICAN SHIPPING IN SOUTH AMERICAN TRADE.

With reference to the subject of our trade with South America, it is one of the most inviting fields, and the demand is that there shall be some provision made for affording transportation facilities in order that we may take advantage of the opportunities which have been created to a very large extent by conditions in Europe.

The Federal Trade Commission, which is engaged in an investigation of foreign trade conditions, recently sent an agent to several of the South American countries. He found, especially on the east coast, a number of instances where the lack of adequate shipping to carry American goods was working great hardship to the American manufacturer and numerous instances where European goods at the present time are able to enter the South American markets on much more favorable shipping rates and with assurance of prompt deliveries.

Investigation made in South America clearly shows that for a number of years before the war all except one of the steamship lines between New York and Brazil and River Plata ports have been in a combination known as the conference agreement. The principal feature of this agreement is the payment of a rebate of 10 per cent on the amount of freight paid by any shipper who confined his shipments solely to steamers in the conference agreement. Payment of the rebate is made at six months' intervals, the settlement always being deferred for six months after the period covered by the payment. It was stated by various informants in Brazil that the conference agreement ceased to be operative about the first of 1916 for trade between Brazil and the United States ports. It was in operation as late as March, 1916, for three of the lines between River Plata ports and the United States, the three lines being the Lamport & Holt, Prince, and Barber Lines. Before the war there were also some other lines in the agreement. The effect of the conference system of rebates on the shipper, together with the certainty of prompt and regular service which existed before the war, was to give the conference lines practically a monopoly of all transportation of goods between the United States and the east coast of South America. Notwithstanding the much lower rates offered by occasional tramp steamers, no shipper who had regular shipments to make could make use of them without losing his conference-line rebate privileges, and so being obliged to pay a higher freight on those lines than his competitors enjoyed.

The power which the "conference" lines are exercising to-day in the United States River Plata trade through their rebate system in exacting higher rates from shippers who must use their lines regularly is shown in the following incidents. A shipper of sheepskins to the United States was offered a rate of \$25 per ton on an independent boat. The shipment actually went forward, however, at a rate of \$40 per ton on a conference line boat, as the accumulated rebate that would be forfeited to the conference lines would be much in excess of the amount saved on this shipment. Another shipper, who had a low-grade chemical product to ship, and who was not a regular shipper, was able to get a rate of \$35 per ton on an independent steamer instead of the \$60 per ton asked for by the conference lines.

Not only has the trade between the United States and the east coast of South America been hampered by the practical

monopoly exercised over it by the conference lines by forcing such trade to pay much higher rates than had there been competition, but there has been a further burden laid on it through the discrimination made in giving European goods to the same ports much cheaper rates over their lines. The following instance illustrates how, even before the war, the conference-line monopoly of the situation was used to the disadvantage of American trade. When Brazil granted by means of a preferential tariff lower duties on certain classes of imports from the United States, such as cement, an article on which the freight from Europe was much lower than from the United States at the time when the preferential duties went into effect, the conference lines raised their rates from the United States to Brazil an amount sufficient to absorb the advantage which Brazil sought to give American manufacturers. This action by the conference lines resulted in protecting the European cement manufacturers in their control of the Brazilian markets through their lower freight rates.

Of many examples encountered in Montevideo and Buenos Aires of the discriminatory freights in force at the present time against American trade the following may be cited: An importing firm in Buenos Aires placed duplicate orders for shipments of iron chains, one order going to the United States and the other to England. Both shipments went forward in December, 1915, over conference line steamers. The freight paid on the English shipment was at the rate of \$13.25 per ton, that on the American shipment \$31.25 per ton. Another firm, importing hosiery, had to pay freight at the rate of \$23 per 100 cubic feet for a shipment made in September, 1915, from New York, while in November, 1915, notwithstanding that there was a general increase in ocean freight in the interval, a shipment of hosiery was made from Liverpool at the rate of \$15 per hundred feet.

The effect of the high freight rates on the delivered prices of commodities, especially on those which are bulky in proportion to value, can readily be understood. Importation of those articles is restricted to the amount which is absolutely necessary. And when the freight on the article shipped amounts to from one to four times the price of the article at point of shipment, and the much lower rate from Europe is considered, the difficulty of securing American trade under the present conditions can be appreciated. And to make conditions worse, there is the difficulty in getting ships to carry American goods, even at the discriminatory rates.

Managers of firms engaged in importing goods both from Europe and the United States gave specific instances of the hampering of their trade in American goods through inability to get deliveries. They got prompt shipment from Europe on similar lines still obtainable from there. It was pointed out that various articles urgently needed for consumption can more readily be secured at much lower freight rates from Great Britain, France, Italy, and even Germany—through neutral countries—than from the United States. As the situation is understood by these men the control exercised over the British mercantile marine by the British authorities determines the shipping rates, regulates the chartering of ships, determines who shall be allowed shipping facilities, prescribes the extent of their shipments, and enforces the compliance of certain conditions regarding destination and the subsequent use which the consignee can make of the goods. It is widely believed by Americans who are intimately connected with importing houses which are doing a large business in American goods on the east coast that the measures taken by the interests which at present control the movement of the British mercantile marine go beyond the limits warranted by military necessity and are being used to hamper, in the interest of British foreign trade, much of the American trade that threatens to become thoroughly entrenched in the foreign markets.

For example, during February, 1916, a large coal consumer in Buenos Aires sought to place an order for coal with an important American colliery. The American firm named an attractive price, but was not able to charter a boat which would make delivery in time. Yet on the same day, in spite of the restrictions then in force on the exportations of coal by the British authorities, the Argentine firm was offered three cargoes of coal then being loaded in Wales. There was no scarcity of colliers obtainable to carry British coal. Great numbers of British freighters are coming out to South America in ballast or with part cargoes, the high rates on eastbound cargoes paying them large profits on this one-way traffic. Were some of these boats permitted to cross the Atlantic to the United States, they could bring down full cargoes at high rates, and the American shipping situation would be somewhat alleviated. Before the war the conference lines, when fighting a line of independent steamers, would send out a steamer half loaded from Liverpool to

call at New Orleans for cargo taken at a cut-rate freight charge to Buenos Aires, so as to prevent an independent steamer from getting a full cargo from the United States to Buenos Aires. Instead of routing steamers from England via the United States to-day, the conference lines are constantly cutting down on their American service by withdrawing steamers from it for their trans-Atlantic lines.

It is perfectly well known that foreign nations have used their ship lines for the direct upbuilding of their foreign trade. German steamship lines have maintained service continuously for years to certain parts of the world in which the existing German trade did not pay for the maintenance of the service, but the presence of these transportation facilities, the assistance offered by the steamship lines, and the encouragement of the German Government have resulted in a rapid development of German trade into these markets. Thus the steamship lines were used as a medium through which the German foreign trade was directly increased. At Colon one of the finest concrete buildings is the Hamburg-American's new structure, just completed and furnished when the European war came. They were preparing to utilize the Panama Canal on an extended scale.

Foreign nations which have had large merchant fleets under their own flag have been enabled to take care of their foreign business during the stress of the war conditions. They have not only protected the foreign business of their citizens, but they have been enabled to take full advantage of the opportunities for new business. Thus American exporters have been informed by British lines running from Canadian ports that Canadian cargoes would be given preference in all demands for space, and that American shipments would only be taken after the requirements of Canadian shippers had been satisfied. Similarly the Japanese Government has required Japanese steamship interests to give preference to Japanese demands for cargo space, and has kept the freight charges to Japanese on a reasonable basis. By these entirely proper and sensible requirements Japanese firms have been saved much interruption of business and have been able to extend their trade over seas. In the meantime American houses have been unable to obtain cargo space across the Pacific, and thousands of tons of freight have been piled on the docks awaiting shipment. (See commerce reports for Sept. 30, 1915, pp. 1523-1528.)

The success of the British export trade in coal depends directly upon more favorable shipping rates to South America, the Mediterranean, and other markets. Coal is mined in the United States much cheaper than in either Great Britain or Germany. It can be put down on the docks at tidewater along our Atlantic coast much cheaper than it can be placed on the docks of the North Sea or the South Wales ports, but the lower freight rates from Great Britain to South America offset the advantage which American coal normally should enjoy. This difference could be remedied by steamship lines running from the United States to South America.

What has just been said of coal applies with equal force to cement. South America, particularly the east coast, imports large quantities of cement as well as coal. This is also a heavy commodity which must move on low freight rates. England, Germany, and Belgium before the war had the bulk of the South American trade, notwithstanding the fact that more favorable producing conditions in the United States permit American producers to manufacture cement at equal, if not at lower, costs than any important European producers. They enjoyed this trade primarily because of the lower shipping rates available from European ports.

In considering the possible traffic which might furnish cargoes north and south, it may therefore be understood that with proper shipping facilities, which would insure regular and prompt deliveries at freight rates equaling those from Europe, our coal and cement operators would furnish the bulk traffic southward, which would be necessary for the economical operation of service. This bulk traffic would assist in keeping the freight rates low on the higher-grade commodities, such as manufactured articles of all kinds, which are certain of a greatly increased sale in South America whenever those markets are rendered accessible. There is thus no reason to doubt that plenty of tonnage will be offered for shipment south. On the return voyage it is equally reasonable to anticipate an excellent business. The United States is constantly buying more and more of South American raw materials and food products. This Nation consumes more than half the world's rubber, and could take the entire production of the Amazon Valley. It needs great quantities of South American hides and wool. It takes heavy tonnages of Chilean nitrates. American capital is developing copper and tin mines in Chile, Peru, and Bolivia. The ore or mineral from these mines will be shipped to the United States for refining. Moreover, important American interests have

secured large holdings of iron ore in South America on both the east and west coasts. In some cases these holdings are being developed. This ore is to be shipped to blast furnaces and rolling mills along our Atlantic coast. Thus rubber, hides, wool, coffee, nitrate, tin, copper, and iron ore may be relied upon to furnish an increasing volume of return tonnage.

#### TRADE WITH SOUTH AMERICA.

The meeting of the International High Commission in Buenos Aires April 3-15, last, was successful and important in every respect.

It brought the representatives of the best thought and highest aims of Pan America into close touch, advancing the social and business relations while moving toward the solution of economic and governmental problems.

It gave opportunity for personal observation of conditions and first-hand study of possibilities.

Just a glance at a few general facts suffices to show that, so far as commerce is concerned, there is existing a very considerable volume between the countries of South America and the United States; there is in waiting a much larger volume, and the future holds in store, ready for development, a trade no one dare estimate in tonnage or in dollars and cents.

Take, for illustration, Brazil, with a population of 24,000,000, and a territory larger than the whole of Continental United States; with a climate varying from tropic to temperate; yielding products, including rubber, coffee, cotton, tropical fruits, in the northern and central portion, and grain, hay, and live stock in the southern; minerals in her mountains, from finest stones to iron ore, in unexplored quantities.

Her exports in 1914 were valued at \$221,469,480 and her imports at \$165,556,950.

Take Argentina, with a climate from semitropical in the north to frigid in the south, and a soil capable of supplying every need of man and beast. The luscious grapes of Mendoza, at the foot of the Andes, contrast with the products of Patagonia. The wheat, corn, hay, and live stock of the vast pampas lands, level, fertile, and readily cultivated, constitute a permanent source of great and expanding wealth.

Her exports for 1914 were valued at \$468,999,410 and her imports at \$408,711,966.

The principal cities of these two immense Republics are Rio de Janeiro, with a population of 1,500,000 and Buenos Aires, with a population of 1,700,000. Rio is beautiful and picturesque, overlooking her magnificent land-locked harbor and bordering on the Atlantic.

"B. A.," commonly called for brevity, is beautiful and more Parisianized, extending along the broad Plata River, which flows on eastward 150 miles to Montevideo, where it is 119 miles wide, and thence some 15 miles farther to mingle with the Atlantic Ocean.

We are the largest purchasers of Brazil's coffee and rubber.

We are the largest purchasers of Argentina's hides and wool. I need not mention other products.

They need our coal and cement in enormous quantities. I am speaking of bulk traffic mainly.

They need our manufactured products, like cotton goods, machinery, wire, and numerous other commodities.

We have never had our share of this trade. We have never been in position to cultivate and develop it heretofore. Before the unprecedented catastrophe in Europe the traffic moved eastward across the Atlantic. There were controlling reasons for that. European capital had invested heavily in these countries. There were many European settlers of the best type, with capital and energy, actively engaged in various enterprises and in promoting that connection. Means of communication with Europe were quicker, more certain and efficient than with the United States. The distance from Buenos Aires to Falmouth, England, is about 5,700 knots. It is about the same from Buenos Aires to New York. Ships made regular sailings, covering the former distance in 14 days, while, with some irregularity, it required 24 days to cover the latter.

Better ships, better facilities, operated to Europe, with a saving of 10 days' time each voyage; and is it any wonder that trade moved in that direction?

Again, European branch banks were doing business all over these countries, while, until the Federal reserve act was passed, we were unable to establish a branch banking institution whereby financial transactions could be expeditiously handled there.

Now, what is the situation? Old commercial ties have been severed. New connections must be made. Argentina's wheat is rotting in the fields because there are no ships to carry it. Going from Buenos Aires to Mendoza we passed through that rich pampas country, and I observed immense stacks of sacked



wheat in the fields, and inquired of the president of the railroad company why it was not being shipped. He said:

The railroad can not move it, because we have 700,000 tons now loading down our warehouses and sidings at our terminals, and we have no place to put it.

That wheat was wanted in Europe at higher prices than it had known for years, but there were lacking means of getting it to market. I found people dredging the river for the coal which had fallen overboard while the ships were unloaded at Buenos Aires in past years. It was worth \$28 per ton. I made some inquiry about freight rates, and was told that in normal times the freight on coal from New York was 16 to 20 shillings per ton—it was now 102 shillings per ton. On belting and leather the freight from New York to Buenos Aires had been \$7 per ton, but the last invoice showed \$40 per ton, and notice had been given of a further increase of 50 per cent over that.

General merchandise which had paid 18 cents per cubic foot now had to pay 67½ cents, and notice had been given that in 10 days the rates would be \$1.30. Drugs had to pay \$1.30 per cubic foot, plus 35 per cent of value. A contract for cast-iron pipe, sufficient to lay 400 miles, had just been let to competitive bids. American manufacturers were the lowest bidders, f. o. b., but Liverpool and London people got the contract because they were able to fix the freight rate, and at a much lower figure than the American concern could arrange.

No argument is required, in the face of these facts, to convince anyone that the real need to enable us to hold the trade we have and extend it is control of the means of transportation.

The commerce is there. Our financial institutions have taken hold. The disposition of the people is to establish relations with us. There are 6,000 miles of high seas between us. The moving bridge is all that is required. How will that call be answered?

There are some details which might be borne in mind.

For instance, April here is the beginning of fall in Buenos Aires. Even though many of the products we grow are grown there, inasmuch as theirs are ready for market after our season is over, or vice versa, we are in position to trade in the same products.

The joint commission accomplished much toward bringing about uniformity of laws which will assist commerce. The customs laws, for instance, will doubtless undergo modifications to the advantage of all the countries.

For example, Brazil imposes a duty on automobiles of \$300 per machine, no matter what its value.

We observed in the streets of Rio many fine French and Italian automobiles, but seldom saw a low-priced American make.

In Uruguay, that ambitious and prosperous little—as compared to Brazil and Argentina—Republic, full of patriotism, intelligence, and progress, with Montevideo, its principal city, having a population of about 500,000, and one of the prettiest and most enterprising cities of the world, the duty on automobiles is 14 per cent of the value. There we saw many American machines, and Mr. Shaw, the agent, can tell you the Ford is having a great run.

American capital is developing copper and tin mines in Chile, Peru, and Bolivia. The ore or mineral from these mines will be shipped to the United States for refining. In fact, American interests have secured large holdings of iron ore on both the east and west coasts and they are being developed. There are the nitrates of Chile, also. We want the raw products of every Latin-American country—they want our manufactured goods. There would be no difficulty in finding cargoes in increasing volume both ways—to and from both coasts. Shipping facilities insuring regular and quick service at reasonable rates, which would be profitable, would shift the important routes of trade from east and west to north and south.

As an illustration of present tendencies and opportunities, let me instance the alterations occasioned by the European war in the usual routes of Argentine foreign trade since 1913.

I have here a list of articles which indicate the principal goods and products imported into Argentina from the United States and a comparison between the years 1913 and 1915, which I should like to insert in the Record without reading, if there is no objection.

The PRESIDING OFFICER. The Chair hears no objection.

The matter referred to is as follows:

SOME OF THE PRINCIPAL GOODS AND PRODUCTS IMPORTED INTO ARGENTINA FROM THE UNITED STATES, AND A COMPARISON OF PROPORTIONS BETWEEN THE YEARS 1913 AND 1915.

Coal: Of the total imports in 1913 the United States furnished 1.3 per cent and in 1915 23.5 per cent.

Naphtha (impure): The United States furnished in 1913 85.6 per cent and in 1915 41 per cent.

This decrease is due to the fact that in 1913 Mexico furnished 11.1 per cent and in 1915 58.8 per cent.

Hydraulic clay: The United States furnished in 1913 1.5 per cent and in 1915 9.1 per cent.

Galvanized iron, in 1913 4.7 per cent and in 1915 26.5 per cent.

Pig and sheet iron, in 1913 7.1 per cent and in 1915 78.5 per cent.

Steel rails, in 1913 26.1 per cent and in 1915 61.7 per cent.

Machinery (various kinds): The United States furnished in 1913 13.5 per cent and in 1915 31.9 per cent.

Automobiles, in 1913 19.3 per cent and in 1915 73.1 per cent.

Railway material, in 1913 5.3 per cent and in 1915 8 per cent.

Most of the railway material, including railway wagons and locomotives, have been obtained from the United Kingdom.

Wire and cable for electric purposes: The United States furnished in 1913 2.5 per cent and in 1915 14.3 per cent.

Wrought iron, in 1913 5.3 per cent and in 1915 10 per cent.

Iron girders, in 1913 1.5 per cent and in 1915 41.3 per cent.

Cleaned rice, in 1913 practically nothing and in 1915 11.1 per cent.

Spruce, in 1913 50.6 per cent and in 1915 31.3 per cent.

Canada having gone from 30 per cent in 1913 to 62 per cent in 1915, shipping facilities no doubt favored Canada.

Furniture: The United States supplied in 1913 25.1 per cent and in 1915 41.8 per cent.

Spare parts for machinery, in 1913 29.1 per cent and in 1915 35.3 per cent.

Spare parts for carriages and automobiles, in 1913 4.4 per cent and in 1915 13.8 per cent.

Lubricating oils, in 1913 56.8 per cent and in 1915 80.6 per cent.

Galvanized wire, in 1913 23.3 per cent and in 1915 93.7 per cent.

Petroleum, in 1913 99.9 per cent and in 1915 same.

Galvanized iron pipes, in 1913 12 per cent and in 1915 80.9 per cent.

Patent medicines, in 1913 11.4 per cent and in 1915 16.6 per cent.

Cotton socks, in 1913 0.2 per cent and in 1915 38.4 per cent.

Reapers, in 1913 34.7 per cent and in 1915 63.1 per cent.

Sheet glass, in 1913 0.9 per cent and in 1915 27.4 per cent.

News print paper, in 1913 35.9 per cent and in 1915 57 per cent.

Watches, in 1913 practically nothing and in 1915 5.6 per cent.

Spun cotton: Unbleached, in 1913 4.4 per cent and in 1915 59.3 per cent.

Sisal twine, in 1913 92.2 per cent and in 1915 99 per cent.

Iron pipes other than galvanized: United States furnished only 7.6 per cent, but this is largely due to the more favorable freight rates and facilities of the United Kingdom.

Household utensils, in 1913 4.1 per cent and in 1915 14.2 per cent.

Thrashing machines, in 1913 63.1 per cent and in 1915 60.1 per cent.

This falling off is due to the increase from Canada, which has gone from practically nothing in 1913 to 37.6 per cent in 1915.

Iron and steel manufactures, in 1913 14.1 per cent and in 1915 14.5 per cent. The United Kingdom supplying most of this material undoubtedly because of better shipping facilities and more favorable rates.

Steel fishplates, in 1913 20 per cent and in 1915 70.4 per cent.

Cotton goods, in 1913 practically nothing and in 1915 5.8 per cent.

Bolts and nuts, in 1913 24.3 per cent and in 1915 43.5 per cent.

Plows, in 1913 91.8 per cent and in 1915 97 per cent.

Pianos, in 1913 4.8 per cent and in 1915 31.3 per cent.

Paper for printed matter, in 1913 0.8 per cent and in 1915 26.2 per cent.

Malt, in 1913 practically nothing and in 1915 32.8 per cent.

Sewing machines, in 1913 59.2 per cent and in 1915 89.5 per cent.

Tin plate, in 1913 5 per cent and in 1915 70.5 per cent.

Cotton oil, in 1913 99 per cent and in 1915 99.2 per cent.

Dynamoes and electric motors, in 1913 practically nothing and in 1915 11.6 per cent.

Copper manufactures, in 1913 11.4 per cent and in 1915 19.5 per cent.

Unbleached cotton goods, in 1913 2.7 per cent and in 1915 4.3 per cent.

Tramway material, in 1913 nothing and in 1915 5.7 per cent.

Bollers, in 1913 1.4 per cent and in 1915 9.7 per cent.

Colored cotton yarn, in 1913 0.1 per cent and in 1915 30 per cent.

Glassware, in 1913 negligible and in 1915 5.8 per cent.

Colored cotton goods, in 1913 negligible and in 1915 6.2 per cent.

Electrical material, in 1913 negligible and in 1915 4.1 per cent.

Boots and shoes, in 1913 43.7 per cent and in 1915 61.4 per cent.

Steel ingots and sheets, in 1913 2.9 per cent and in 1915 47.3 per cent.

Staves and empty casks, in 1913 88.9 per cent and in 1915 91.7 per cent.

Iron and steel wire other than galvanized, in 1913 40.2 per cent and in 1915 93.7 per cent.

Iron columns, in 1913 6.3 per cent and in 1915 52.1 per cent.

Painters' colors, in 1913 17.3 per cent and in 1915 26.1 per cent.

Sacks for packing meat, in 1913 negligible and in 1915 32.9 per cent.

Motors, various kinds, in 1913 58 per cent and in 1915 70.2 per cent.

Of the exports from Argentina, the United States took of the total as follows:

Maize, in 1913 1.9 per cent and in 1915 2.1 per cent.

Linseed, in 1913 10.2 per cent and in 1915 25.7 per cent.

Wool, in 1913 7.4 per cent and in 1915 44.1 per cent.

Frozen beef, in 1913 negligible and in 1915 11 per cent.

Salted ox and cow hides, in 1913 16.6 per cent and in 1915 71.5 per cent.

Dry ox and cow hides, in 1913 50.7 per cent and in 1915 72.7 per cent.

Tallow, in 1913 negligible and in 1915 1.7 per cent.

Sheepskins, in 1913 0.7 per cent and in 1915 11.7 per cent.

The United States is the largest purchaser of quebracho logs, but the exportation has fallen off to some extent, no doubt by reason of the excessive freight rates. The same is true of extract of quebracho, except that the United Kingdom has greatly increased its purchase of this material. It may be that shipments are made to the United Kingdom which find their way to the United States by that route.

Frozen mutton, in 1913 negligible and in 1915 15.9 per cent.

Horsehair, in 1913 25 per cent and in 1915 44.6 per cent.

Goatskins, in 1913 90 per cent and in 1915 98 per cent.

Bones, in 1913 54.6 per cent and in 1915 77.5 per cent.

Sundry frozen meats, in 1913 0.9 per cent and in 1915 23.6 per cent.

Dry horsehides, in 1913 5 per cent and in 1915 94.7 per cent.

Nutria skins, in 1913 negligible and in 1915 93.8 per cent.

The United States took most of the tanned sheepskins in 1913, and in 1915 98.7 per cent.

Caseln, in 1913 18.4 per cent and in 1915 71.5 per cent.

Mr. FLETCHER. This list shows a very marked increase

in the quantity of imports from the United States to Argentina

and in the quantity of exports from Argentina to the United States since 1913.

I have only mentioned some of the principal articles.

I have also resolutions from a section of the Joint High Commission in respect to the necessity of shipping facilities in the promotion of our trade with Latin American countries. I will ask to have that inserted.

The matter referred to is as follows:

The United States section of the International High Commission, after the conference last April in Buenos Aires, unanimously joined in the following report regarding the shipping situation:

WASHINGTON, D. C., May 8, 1916.

So important did the members of the United States Section of the International High Commission find the shipping question in South American countries that they deem it their duty especially to report the statements brought to their attention by residents of the countries visited as well as by members of the commission from the Republics of Central and South America attending the Buenos Aires conference.

Without exception, in every country we found the shipping question uppermost in the minds of Government officials, bankers, and business men. Practically every business man with whom the members of the commission discussed conditions emphasized the absolute need of greatly increased ocean tonnage, while the members of the American colonies in the various cities sought every opportunity to impress upon the members of the commission the importance of action at the earliest moment to improve conditions.

It was pointed out repeatedly that under the normal circumstances preceding the war the operation of many lines to European countries for both passengers and freight, making the trips in less time than steamers plying to the United States, gave Europe a great advantage in the sale of merchandise, not only because of the larger tonnage available and quicker service but because of the lower freight rates enjoyed. Representatives of the American business houses declared that it would be very difficult to extend American trade with such a handicap.

As a result of the war, the cost of ocean tonnage to South American ports has increased enormously, and instead of an improvement in the conditions the fear seems to be well grounded that they will become worse. As an illustration of present rates, it may be stated that before the war the rate on coal from the United States to Buenos Aires was 16s. to 20s. per ton; for a considerable time recently it has been 102s. 6d., and on occasions the rate has been as high as 120s. As a result coal has been selling in Buenos Aires at \$28 to \$30 a ton, nearly \$25 of this price being represented in freight payments. Before the war it sold in cargo lots at \$7.75 to \$8.

Rates on hardware, drugs, paper, and general merchandise have increased in like proportion, and notices of general advances approximating 50 per cent additional were given to Buenos Aires houses about the middle of April. Even at these prices immediate acceptance of cargo space was necessary. We are advised bottoms are available in very much larger proportion from Great Britain than from other countries, and British merchants are enjoying rates 50 to 75 per cent less than American manufacturers. The situation as to rates does not obtain in the Argentine alone but applies in all the countries. A number of notable cases were brought to the attention of members of the commission where important contracts have recently gone to Europe, which would have been given to the United States, but for the wide difference of freight rates which made it impossible for our manufacturers to compete.

It was pointed out by the representatives of American shippers in these countries that very much higher rates to the United States, as against Europe, seriously militate against our manufacturers in the purchase of raw materials, which become available to European manufacturers at lower cost because of the cheaper transportation. This, of course, adds to the difficulty our manufacturers encounter in marketing manufactured products in competition with Europe.

American houses in Brazil and the Argentine informed the commission that they had been notified in the middle of April that a number of ships now in service from New York to South American ports would be taken off of this direct service and would soon make the trip from New York via Europe, thus still further restricting a service already so seriously impaired as to constitute a grave menace to our South American commerce.

The representatives of all the Governments participating in the Buenos Aires conference took every opportunity to urge that the shipping conditions could only be improved on the initiative of the United States. They made clear their inability to finance new steamship enterprises, but at the same time promised that cooperation would be given in every way that their Governments could aid. It was also urged upon us that, while the present situation constituted a serious emergency calling for the quickest possible relief, the development of the commerce of the United States with South American countries in times of peace necessitated very much greater tonnage than had ever been available, while fast passenger lines were also essential if increased trade and communication between the countries were to be developed.

The United States commission does not as a commission assume to say what remedies should be applied by our Government, but they are convinced that there is no more vital question affecting our commerce with the Latin American countries than that of providing greatly increased shipping facilities.

Mr. FLETCHER. I also have a copy of a letter from the American commercial attaché, Dr. Albert Hale, with reference to a business transaction in Buenos Aires, which illustrates the difficulties with which our manufacturers must now contend.

The PRESIDING OFFICER. Without objection, it will be inserted in the RECORD.

The letter referred to is as follows:

If specification is needed, as one example, I attach a copy of report from American Commercial Attaché Albert Hale, stationed at Buenos Aires, made while we were there, to wit:

APRIL 8, 1916.

CHIEF BUREAU OF FOREIGN AND DOMESTIC COMMERCE,  
Department of Commerce, Washington, D. C.

DEAR SIR: Shortly after my arrival at this post my attention was called to the extensive purchases made for several years past and to be made for many years in the future by the Obras Sanitarias de la Nación.

This organization is a part of the national Government and has charge of all the sanitary works, not only in Buenos Aires, but throughout the entire country. The purchases made by it in the way of iron pipe, material for construction work, and machinery of practically all kinds are enormous and its credit is of the best.

So important did I consider the Obras Sanitarias and the opportunities offered by it that I wrote a report on its activities, which appeared in Commerce Reports No. 87, April 14, 1915. Although the organization was known to American representatives here, I persistently called the attention of manufacturers' agents in Buenos Aires to these opportunities and interested traveling men who visited Buenos Aires.

Public bids are at regular intervals received for supplies to this organization. European manufacturers have constantly taken advantage of them, with the result that millions of dollars' worth of supplies have been placed in Argentina.

Finally, and largely at my instigation, advertisements for supplies to the Obras Sanitarias were seriously considered by American manufacturers. One of them quite recently put in a bid for supplies which amounted in round numbers to \$1,500,000 United States gold. This bid presented prices f. o. b. New York, and also c. i. f. Buenos Aires. The f. o. b. New York bid was lower than a similar bid of European manufacturers, but the c. i. f. Buenos Aires bid was somewhat higher. The engineers of the Obras Sanitarias here were inclined to accept the f. o. b. New York bid, but insisted on definite statements as to when delivery could be made in Buenos Aires.

Here was met an insurmountable obstacle. Cargo space could not be obtained. The manufacturers in the United States even tried to purchase vessels for the tonnage involved, but could not do so. Consequently there seemed no possible way of making the delivery in contract time, and the bids were therefore not accepted, the contracts finally going to English manufacturers.

This statement is made as a most unfortunate example of the difficulties impeding development of our commerce with Argentina. Until this handicap is overcome our trade will be only spasmodic. When regular vessels under the American flag are put into service the hoped-for development will take place, and such splendid opportunities as the one above mentioned will not be lost to us.

Detailed data can be furnished later, but I feel warranted in referring to Mr. R. A. Riesgo, of the United States Cast Iron Pipe & Foundry Co., of Philadelphia, Pa., to Mr. J. R. McWane, president of the American Cast Iron Pipe Co., of Birmingham, Ala., and to Mr. Alfred J. Eichler, representative of the Walworth Manufacturing Co. in Buenos Aires.

Yours, very truly,

(Signed) ALBERT HALE,  
American Commercial Attaché.

P. S.—This report is written for two purposes:

1. To call attention to the fact that f. o. b. prices on this bid were lower in New York than f. o. b. prices of the same character in Europe, and that the bid was lost not through any higher cost of manufacture, but through the fact that the lack of a merchant marine under our control made freight rates so high that delivery in Buenos Aires at a price to meet competition was impossible.

2. To emphasize the opportunity for future contract of this nature and that they will in many cases be equally unsuccessful unless we develop a merchant marine which will be at the service of American manufacturers competing for foreign trade.

A. H.

Mr. FLETCHER. Mr. President, some question was raised by the Senator from Minnesota [Mr. NELSON] regarding the regulatory features of the bill. Mr. Franklin, of the International Mercantile Marine, whom, as I have stated, I regard as one of the best informed men on the general subject of shipping, has favored the creation of this board and the regulatory provisions, generally, of the bill. I think they are in line also with the views and wishes of the National Foreign Trade Council; they are certainly in line, as in fact the whole bill is, with the revised and final views of the Chamber of Commerce of the United States of America, and especially as represented by Mr. Fahey, the former president of that organization. Being a very strong and influential body of business men, a word from it would seem to be of weight in connection with a measure which bears so directly upon the commerce of the country.

In the hearings before the Senate committee appears a communication from Mr. Fahey indorsing this bill. The letter appears on page 178 of the Senate committee hearings, from Mr. Fahey to Hon. JOSHUA W. ALEXANDER, the chairman of the Committee on the Merchant Marine and Fisheries of the House, and is as follows:

BOSTON, June 2, 1916.

Hon. JOSHUA W. ALEXANDER,  
Chairman Committee on Merchant Marine and Fisheries,  
House of Representatives.

DEAR MR. ALEXANDER: Owing to the number of things which accumulated during my absence to South America, which required immediate attention on my return home, I have just had an opportunity to get a look at the shipping bill, in its present form, and I want to congratulate you on the progress made and the present status of the measure. In the main, I think it is in excellent shape, and I hope it is going to go through the Senate promptly.

As you know, I have never been enthusiastic over the question of Government ownership and operation if there was any other way out. My feeling about it has been exactly the same as your own, but I want to say that as a result of what I saw and heard in South America, I am convinced that it will be long years before private interests will ever undertake the establishment, especially of the fast lines, which are needed in South American countries. These lines are vital to us if we are going to hold and develop our business, and we should have them at the earliest possible moment. I therefore hope that the bill is going to go through the Senate without delay. What do you consider the prospect is there?

By the way, I would like very much to have a complete set of the hearings before your committee on the bill. Can you have them sent to me?

With much appreciation of your personal work in advancing the cause of our merchant marine, and with best wishes, I am,  
Sincerely, yours,

JOHN H. FAHEY.



There is no discrimination in the bill with regard to waterways found in one portion of the country and not found in other portions of the country. As the bill came from the House it provided that this board should have to do with rules and regulations, and certain control and direction in reference to carriers on the inland waterways of the United States as well as on the high seas and on the Great Lakes engaged in the foreign and coastwise trade. It was represented before the Senate committee that that would be a useless interference, for the reason that there is not a great amount of commerce conducted on the inland waterways, the rivers comparatively, and the argument was that we had better first build up that commerce before undertaking to regulate it to any great extent.

There did not appear either before the Senate committee or in the hearings before the Merchant Marine and Fisheries Committee of the House that there was any particular need of regulating these carriers on the rivers of the country, and it was thought wise by the committee that we should for the present exclude or drop out of the bill this reference to inland waterways and confine the regulatory features to commerce on the high seas and on the Great Lakes. The Great Lakes might be likened to the high seas, because, in the first place, the commerce is not only coastwise but is foreign as well, and they are immense bodies of water. There is an enormous amount of commerce carried there and a tremendous transportation business conducted there; and although I do not know that any complaint at present is made regarding the methods of conducting that business there may come a time when regulation would be in the public interest and desirable.

For that reason that was left in the bill. The regulation, therefore, by this board is confined to the carriers on the high seas and on the Great Lakes. Other countries have regulated their carriers in the respects which are mentioned in the bill. They have even gone so far as to regulate the freight rates.

#### GOVERNMENT REGULATION OF FREIGHT RATES.

With reference to the subject of Government regulation of ocean freight and Government ownership of steamship lines, in addition to what has been said, it is illuminating to quote from the periodical, *Shipping Illustrated*, of July 15, 1916:

#### AUSTRALIA.

The Commonwealth Government has assumed power to control the movements of Australian shipping, and has also secured authority to regulate freight charges between Australian ports.

#### NORWAY.

The following are the rates of taxation imposed on Norwegian shipping under a new law: The proceeds of the tax, the imposition of which is due to high freight charged on the transport of grain and foodstuffs, will be used for the acquisition and operation of mercantile tonnage to be worked by the State. The tax is based on freights, as follows (kr. meaning krone—26.8 cents):

Freights of 27 kr. and over, 1.50 kr. per Br. R. T. (meaning net ton).  
 Freights of 24 to 27 kr., 1.25 kr. per Br. R. T.  
 Freights of 20 to 24 kr., 1 kr. per Br. R. T.  
 Freights of 16 to 20 kr., 0.75 kr. per Br. R. T.  
 Freights of 12 to 16 kr., 0.50 kr. per Br. R. T.  
 Freights of 8 to 12 kr., 0.25 kr. per Br. R. T.  
 Under 8 kr. are free of tax.

Vessels engaged entirely in trade between foreign ports are exempt, both because they have not been parties to the hoisting of rates in the home trade and in order not to place them in an unfavorable position as compared with foreign competitors. Vessels engaged in regular trade between Norway and foreign countries, but of which the whole cargo space is not occupied, will pay:

On 27 kr., 1 kr. per Br. R. T.  
 On 24 to 27 kr., 0.75 kr. per Br. R. T.  
 On 18 to 24 kr., 0.50 kr. per Br. R. T.  
 On 10 to 18 kr., 0.25 kr. per Br. R. T.

Vessels completed and put into service in January and February, 1916, or later, receive a reduction of 50 per cent of the tax; those in November and December, 1915, 40 per cent; and those in September and October, 1915, 20 per cent.

It is apparent that the tax on Norwegian shipping would amount practically to State regulation of ocean freight rates, but the most interesting feature of the tax is that the proceeds are to be used for the acquisition and operation of ships by the Government. Such a movement is worthy of especial note in view of the present extensive development of the Norwegian merchant marine.

#### JAPAN.

The ocean lines subsidy law of January 1, 1910, gives the minister of communications a large measure of control over the lines receiving subsidies, which include all of the large and a number of the small steamship companies of Japan. The most notable instance, perhaps, of Government regulation of ocean freight rates is furnished by Japan.

#### AUSTRIA.

A large degree of control is exercised by the minister of commerce of the Kingdom of Austria over the Austrian steamship lines receiving State aid. This control extends to method of operation as well as to freight tariffs. This State aid takes the form, generally, of mail subvention contracts. The largest line flying the Austrian flag is the Austrian Lloyd, and the company has been intimately related to the Government ever since its establishment—about 1845.

#### HUNGARY.

The Royal Hungarian Ocean Navigation Co., *Adria*, is the principal steamship line under the flag of Hungary. The mail subvention contract with the Government provides that the minister of commerce of Hungary shall name the president and vice president of the board of directors of the company, and grants additional governmental control.

#### CANADA.

Canada has contracts for the carriage of mails with practically every steamship line calling at Canadian ports, and through such contracts Canada exercises a marked degree of control over the affairs of steamship lines. See document, *Government Aid to Merchant Shipping*, pages 65 to 69.

#### GREAT BRITAIN.

The British Government has not attempted to regulate freight rates. The tax on excess profits has been increased to 70 per cent, according to latest information. This may be regarded in the nature of regulation. It is also true that existing mail subvention contracts with the Cunard Steamship Co. provide, among other things, that the company shall not give preferential rates to foreigners, and that it shall not unduly increase rates in general.

#### FRANCE.

All steamship lines receiving financial aid from the State in the form of mail subvention contracts give the Government, under such contracts, a large measure of control over their affairs. For example, these contracts, among other things, provide the manner in which accounts of the company shall be kept, the amounts to be set aside for depreciation and reserves.

Mr. WADSWORTH. Mr. President, will the Senator from Florida yield to me?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New York?

Mr. FLETCHER. I do.

Mr. WADSWORTH. Will the Senator inform us whether any other great maritime power grants to any one of its governmental agencies the power, either directly or indirectly, to fix rates for foreign commerce?

Mr. FLETCHER. I was just citing these instances, which practically amount to that; but I am not doing so because I mean to claim that under this bill this board would have any such power nor because I mean to advocate vesting this board with any such power. I am, however, referring to this as indicating that other countries have gone further than we propose to go in this bill. Japan, for instance, absolutely fixes its freight rates.

Mr. WADSWORTH. Does the Senator from Florida state that the Government of Japan may fix the freight rates for goods carried in Japanese bottoms from Yokohama to San Francisco?

Mr. FLETCHER. In answer to the Senator's question, I will say I hold in my hand a statement which appears in the *Commerce Reports* of May 9, 1916, at page 524, to this effect:

#### JAPAN.

A statement from the director of the Shipping Affairs Bureau in the Ministry of Communications credits Japan with 272 tramp steamers, displacing more than 1,000 tons, their combined tonnage amounting to 715,012 tons. Of the number 112, with a total of 249,258 tons, are run by the owners themselves, while 160, with a total of 465,754 tons, are chartered.

Of the whole number 188 ships, with a total tonnage of 423,031, are run in the coastwise trade, while 84 bigger ships carry on the ocean trade, these being distributed as follows: European routes, 14, tonnage 57,515; North American routes, 34, tonnage 129,835; Australian routes, 4, tonnage 11,790; Indian routes, 17, tonnage 56,560; South Seas, 12, tonnage 36,281.

#### INCREASED FREIGHT RATES AUTHORIZED.

The *Nippon Yusen*, *Osaka Shosen*, and the *Toyo Kisen*, *Kaisha* applied to the department of communications for permission to raise outward freights on the Antwerp line of the European service, and outward and homeward freights on the Puget Sound and San Francisco lines of the American service, which are run under Government protection. The Japan Chronicle says that the Government granted the applications April 10, with some modifications in the original scales of increase applied for. Freights for North American ports have been raised by about 20 per cent. The principal goods involved are rice, tea, matting, raw silk, silk textiles, cotton manufactures, soy, bamboo ware, porcelain and pottery, straw braid, foodstuffs, grain, peanuts, and camphor.

Homeward freights have been raised by about 25 per cent, with a few exceptions. The principal goods affected are raw cotton, machinery, iron and steel plate, iron wire, salt fish, pulp, wheat, flour, tin plate, malt, mails, resin, condensed milk, and glass. All these advances are to come into operation immediately.

Mr. WADSWORTH. Is it not true that the Japanese steamship lines, which apparently, according to that communication, are subject to a certain extent to rate regulation, are also completely protected from injurious competition with the ships of other nations by reason of the subsidy which the Japanese Government gives them? Is it not also true that they are reserved for naval auxiliary purposes in the event of emergency?

The point I wish to bring out, if the Senator will pardon me, is that the underlying theory of this bill—whether the result is to be obtained by direction or indirection—is that American vessels engaged in foreign commerce may have their rates regulated by the shipping board; but at the same time that their rates are regulated, and probably reduced at the demand of shippers, the Government does nothing to protect them from foreign competition; they are the recipients of no subsidy, whereas the Japanese ships, to which the Senator has referred, are protected from the effect of destructive competition from the ships of other nations.

Mr. FLETCHER. I disagree with the Senator from New York.

Mr. WADSWORTH. The ships of the two nations—Japan and the United States—are not in the same category at all.

Mr. FLETCHER. Mr. President, I disagree with the Senator from New York in his claim that under this bill the shipping board would have the right to fix the rates. It seems to me that the provisions of the bill are just as mild with respect to the jurisdiction and the power of this board concerning foreign shipping as could possibly be devised. All the board has the power to do, practically, is to see that those things which we all condemn, namely, rebates, unjust discriminations, the use of fighting ships, and those things which Congress has condemned heretofore, and which I think the public generally condemn, will not be permitted. That is about as far as the board may go under this bill. I think, if the Senator will examine the language of the bill, he will find under section 15 the things that are not permitted to be done, which is about the extent of the power which this board can exercise with respect to foreign ships.

It will be borne in mind, too, that the ships acquired under this bill will serve as naval auxiliaries when required.

Mr. WADSWORTH. The Senator from Florida undoubtedly states the language and describes the mildness of it with absolute correctness. However, is it not a fact that in the event of any complaint being made by a shipper to the shipping board the board may then fix a rate, and that eventually, by a series of complaints upon all classes of goods and from all groups of shippers, American or otherwise, the board will fix rates?

Mr. FLETCHER. I do not quite agree with the Senator in that regard. Only in case of complaint respecting carriers engaged in foreign commerce as to the matters which are mentioned in section 15. Then the board can inquire into that, and if they find that those practices are being indulged in they can have them stopped. That is the extent of their power. The original proposal in the House bill was very much stronger than it was finally left with respect to the powers of the shipping board and its jurisdiction regarding regulations of foreign carriers, but those original provisions were modified, and, I believe, as the bill now stands, it is precisely as the Chamber of Commerce of New York and other commercial bodies desire it and as the shipping interests desire it.

Mr. WADSWORTH. Do I understand, Mr. President, that the Chamber of Commerce of New York is supporting this bill?

Mr. FLETCHER. I do not understand that they are supporting the whole bill. They are opposed to the general proposition of Government ownership and Government operation, but outside of that they favor a board, and they favor the board having fully as much power and jurisdiction as this bill gives this board, I think.

Mr. GALLINGER. Mr. President, if the Senator will permit me, that means that if we must have this legislation they think we ought to have a shipping board? That is about as far as they go.

Mr. FLETCHER. I think so.

Mr. GALLINGER. They do not approve of the legislation?

Mr. FLETCHER. I think Mr. Franklin, who testified before the Senate committee, favors a board and he favors giving it this power and this jurisdiction. He objects only to that feature which emphasizes the Government operation of the ships in mercantile business. He even favors the provision of the bill so far as naval auxiliaries are concerned; and if we will reverse the proposal in section 3 and build the ships as auxiliaries of the Navy, primarily, and secondarily to be used as carriers, he would not object to the bill as it is. I think that is about his position.

Mr. GALLINGER. The Senator will remember, I feel sure, that in every bill which has been introduced in the Senate during the last 10 years designed to upbuild the American merchant marine, the naval auxiliary provision has been included. This bill has not anything new on that point.

Mr. FLETCHER. No; I think the Senator is correct about that.

Mr. GALLINGER. And yet, as a rule, our Democratic friends voted against all those bills.

Mr. FLETCHER. Of course, there have been grounds for that opposition in the minds of those who oppose the idea of any subsidy being granted; and at the present high rates of freight I do not think anyone can have the hardihood to claim that we ought to subsidize ships.

In reference to the situation in France, Mr. President, I offer a quotation, being a sort of digest from the *Revue Politique*, under date of the 10th of May, which I ask to have inserted in the *Record* without reading. It shows very clearly, I think, what the situation there is.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

BAZIN, LÉON.

The rise of freight rates and the crisis of the maritime industries [in France].

DIGEST.

The rise of freight rates in its ascending course has attained so high a mark as to be a cause of anxiety to all. Innumerable remedies have been suggested but found impractical, as they sought to suppress the effect without removing the cause.

What is the underlying cause of the present crisis? Some have laid the blame at the door of shipowners, who are accused of making enormous profits. But let us look at the facts.

The French merchant marine holds about fifth rank in the world's merchant fleets. It had before the war a net tonnage of about 2,500,000 tons, that of the British shipping being 21,000,000 tons and that of neutral countries about 12,000,000 tons. Requisitions for military purposes and losses have reduced the French tonnage to about 1,000,000 tons and the British tonnage to about 14,000,000 tons, while the tonnage of neutral countries has remained very nearly what it was. The great loss in tonnage suffered by France makes it difficult for French shipowners to exercise any great influence. British shipowners, while representing vastly more important interests, are themselves obliged to reckon with neutral countries, which have a tonnage almost equal to that of the British merchant fleet.

There is no instance on record of French shipowners having unduly increased freight rates. On the lines not directly affected by the war the rise has been extremely moderate. Thus, on the lines running to Algeria the rates were: In 1914, from 6 to 64 francs on exports and from 8 to 60 francs on imports; in 1916, from 8 to 83 francs on exports and from 10 to 78 francs on imports, an increase of only 30 per cent. On the Moroccan lines during the same periods the increase was 50 per cent on exports and 60 per cent on imports.

In reality the profits realized grew out of the demand for bottoms on the part of shippers. Shipowners can not refuse the highest price that shippers beg them to accept, shippers being so urged by consumers who need coal, steel, hides, wool, etc., immediately. The price offered by shippers is that which their clients are able to pay them. It is, therefore, unfair to lay the blame on the shipowners or on the shippers.

The only, or at least the main, cause, of the present crisis lies in a complete rupture of equilibrium between demand, which is increasing all the time and becoming more and more pressing, and supply, which is correspondingly decreasing, and this results from numerous factors, namely, the requisitioning of a large part of the commercial fleet for the needs of the Army, the destruction of a large number of ships by submarines and mines, the congestion of shipping in ports, increasing every day owing to unloading difficulties due to the scarcity of labor, the inadequacy of land transportation, the tying up of ships requiring the payment of demurrage charges and resulting in greatly increased transportation rates. Other accessory causes are increased working expenses, the rise in the price of coal, insurance on war risks, increased wages of crews, the enormous demand for raw material, especially iron and steel, the occupation of our mines and factories by the enemy having reduced the production by 50 per cent, and even 80 per cent in some cases.

Under these circumstances the rise in prices is but natural. Ships are like any other thing; the only limit to such rise is the cessation of the demand or abandoning the market, and both are out of question. Can, then, a tax be assessed on freights? If so, on what freights? Such tax would be ineffective in France by reason of our reduced tonnage and in the face of present requirements. Even Great Britain hesitates to take this step for fear that neutral shipping, which constitutes a third of the total shipping entering British ports, might seek elsewhere more remunerative returns.

British shipowners have vehemently protested against two recent orders in council—one forbidding British ships over 500 net tons to carry goods between two foreign ports without a license delivered by the license commission; the other increasing the power to requisition merchant ships in case of urgent necessity for the transport of foodstuffs or of any other merchantable article.

The commandeering of our fleet has often been suggested. But in normal times the French flag represents only 25 per cent of the tonnage entering our ports. Over one-half of this percentage is now requisitioned for the need of the army. The only result of such commandeering would be to weaken our merchant fleet already so reduced, while our competitors, free to fix their own prices, would thrive on our very commerce and make us for a long time after the war feel the weight of their superiority.

Among the remedies suggested are the following: Purchase of a fleet in England, loans to shipowners for the purchase of foreign ships, creation of an office for the regulation of freight prices. The two first suggestions are impractical, owing to the lack of ships for sale. Besides, to purchase ships abroad would merely constitute a transfer, not an increase in tonnage. The addition by purchase of new ships to our fleet, while beneficial to French shipping in general, would in no wise affect freight rates, for the freight problem is international, not national. The third suggestion is not, either, capable of realization, owing to the existence of other fleets and the impossibility of gaining any control over them.

An agreement recently concluded between France and Great Britain deserves mention. It provides that British shipowners shall agree to give up 30 per cent of the profits derived from coal transportation. It is hoped that neutrals shall in their own interest enter this compact.

For the purpose of insuring the best utilization of ships for the needs of the country, the French Government has issued, on April 4, 1916, a decree practically prohibiting (1) voyages between two foreign ports; (2) voyages from France not useful for the furnishing of supplies to the country. Special authorizations, however, may be granted.

These measures are but palliatives at best. The building of new ships is the only remedy to the situation. These ships should be as much as possible of the same type, in order to make up for the shortage in skilled labor and to build as many units as possible in the shortest time.

Recent debates in the Chamber of Deputies show that the Government is alive to the situation and will soon take a decision in that direction. (Digested and translated from *Revue Politique et Parlementaire*, 10 mai, 1916, p. 257-264.)

Mr. FLETCHER. Now, I come to another subject, namely, the blacklisting of commercial agencies.

The recent order to British merchants in reference to the use of British ships, excluding trade with those listed as enemy



sympathizers, presents a situation which ought to impress upon our merchants the need of legislation of this kind. The black list furnishes the strongest kind of argument in favor of American ships.

In point is a short editorial from the Washington Times of July 23, to wit:

THE BLACK LIST AS A LESSON.

Whatever may be thought about the right of Great Britain and her allies to blacklist certain American firms and individuals by prohibiting Britishers from doing business with them, it is pretty clear that Britain can enforce that sort of a rule if she likes.

She can enforce it, because she controls ocean shipping. It isn't the power of Britannia's Navy that rules the wave; not in such cases as this. It is the power of Britain's merchant fleet. American goods couldn't possibly be distributed to the markets of the world if they were cut off from the use of ships sailing under the Union Jack.

That is a fact that this country needs recognize. Perhaps this black-listing proposal will serve sharply to remind our people of their national weakness in this regard. If it does, it will serve one useful purpose.

The amendment offered by the Senator from Colorado [Mr. THOMAS] has merit as tending toward the protection of American shippers in these circumstances; but, of course, the permanent remedy is to have the carriers.

THE PACIFIC MAIL STEAMSHIP CO.'S COURSE.

It had been stated and published repeatedly that American ships were driven off the Pacific; that the seamen's law was ruinous to American shipping; that our navigation laws would have to be changed before we could expect ships to take and continue American registry. As a horrible example, we are warned, "Look what happened to the Pacific Mail!"

Let us see what happened. It appears the Pacific Mail did sell the following steamers: The *Siberia*, 11,284 gross tons; the *Korea*, 11,276 gross tons; the *Manchuria*, 11,638 gross tons; and the *Mongolia*, 11,638 gross tons. These steamers were formerly engaged in trade between San Francisco and Asia. They were not sold to foreign buyers. They did not change their flag. They were simply transferred to the Atlantic coast, and are now engaged in trade between New York and European ports where freight rates are higher and their earnings could be increased. They operate under the same laws as they did when owned by the Pacific Mail. Recently the Pacific Mail, seeing its mistake, evidently, has purchased three liners from the Royal Dutch West India Mail Co. at \$1,100,000 each, and announces that it will resume its trans-Pacific service, which it suddenly and without any regard whatever to the interests of its patrons abandoned. It alleges that it has decided to reverse its policy because "the gigantic leaps in freight rates have rendered it possible to operate at a profit in spite of the injurious effects of the seamen's law."

This is as false as the reason they gave when they quit their trans-Pacific service, namely, that the seamen's law made it impossible for them to operate profitably.

The falsity of this excuse or claim is proved not only by the resumption of their trans-Pacific sailings but by the fact that the poorest and least profitable ship in the former fleet of the Pacific Mail, the steamship *China*, was taken over by a small American company, which, notwithstanding the greatly increased cost of operating only one ship, has continued the *China* in the trans-Pacific service, under the American flag, with great profit. It was reported that the new owners paid for the *China* with the profits from the first two voyages in the same service which the Pacific Mail had abandoned.

All the circumstances tend to show, and those in position to know assert, that the Pacific Mail discontinued their trans-Pacific service at a time when they were able to sell their steamers for what they supposed were fancy figures, for no other reason than that it enabled the interests that controlled them to make very effective political capital of it; and they are now resuming the service not because of high freight rates—trans-Pacific freight rates are now actually lower than they were when the Pacific Mail discontinued their sailings—but because of the Government shipping bill, which is about to pass Congress, and their fear that as a result of this bill a line of Government ships would enter the trade they had abandoned.

The *Ecuador* and her two sister ships, which the Pacific Mail are now putting into the Orient trade, and for which they paid \$1,100,000 each, are much inferior in every respect to the vessels they formerly operated in this trade and which they foolishly sold for an average price of only \$1,050,000 each.

The new boats have less than one-third the capacity of their former steamers *Mongolia* and *Manchuria*, and they have less than one-half the capacity of their former steamers *Korea* and *Siberia*, and they are rated at only 13 knots speed while the former boats are rated at 18 knots.

It will be surprising if the new boats can be profitably operated in this trade, because they are believed to be much too small and slow for trans-Pacific passenger steamers; also, the Pacific Mail paid too high a price for them, about \$200 a dead-weight ton, and will consequently have to meet high charges for interest, insurance, and depreciation. They sold their former boats for less than \$100 a ton, which was regarded as exaggerated value.

The beneficial workings of the shipping bill, even before it has become law, are thus shown by the action of the Pacific Mail in hastening to cover the trade which they had abandoned, though they have to use vessels utterly unsuited for this trade.

OUR LAWS.

Mr. President, I have before me an address delivered by a business man at the annual dinner of American Newspaper Publishers' Association in New York, April 27, 1916, sent to me with the compliments of the speaker, in which he says:

It is the critics of finance and business \* \* \* who have passed laws which have driven our ships off the seas in the world's trade.

There is no error more thoroughly established by overwhelming proof than this oft-repeated denunciation of our laws as applied to ships.

But business men and newspapers keep on repeating it, evidently satisfied with their success in getting the public to take the poison.

May I suggest that just this sort of thing is precisely why there is occasion for the further complaint, if any exists, that "nor does it [Congress] seem inclined to pay serious heed to the views of business," and so forth. If "business" will not be truthful, should it expect to be heeded? Again, this same "business" man says:

Just as Congress, by a series of laws, has imposed burdens and costs upon ships operating under the American flag, which made it impossible for capital to invest in American ships for use in the world's trade and earn a fair return in normal times—

And so forth.

This is not true. It is simply an impression which has been created for a purpose—very much like the cry of "pork barrel" in connection with river and harbor improvements. It is a manufactured impression, ripening into a belief in many minds, with no substantial foundation in fact or real basis in reason.

Mr. Chamberlain, the Commissioner of Navigation, has so fully covered the whole subject of our navigation laws in his testimony before the House committee (Hearings on H. R. 10500, p. 179 et seq.) that I need only refer to his complete refutation of the assertion made over and over again by "business men."

Mr. Chamberlain shows that of the laws criticized by Wells in 1881 only two remain on the statute books, to wit: The one which reserves to American vessels our coasting trade, and the other requiring the officers of American ships to be citizens of the United States.

Only one maritime nation, Great Britain, opens her coastwise trade to foreign ships, and this is confined to the United Kingdom—England, Ireland, Scotland, and Wales. It does not extend to the Provinces nor the self-governing Dominions of the British Empire. All other countries reserve their coastwise trade to the ships of their own registry. As to the nationality of officers, I do not know of any country having a rule different from ours, and Congress has given the power to the President to suspend that requirement by the act of 1914 for a period of years. Neither of these laws could have "made it impossible for capital to invest in American ships."

But similar criticisms have been urged and published until many people were convinced they were justified, and Mr. Chamberlain sets them out and answers them in detail. (P. 189 et seq. of said hearings.)

He shows conclusively that the only feature of our navigation laws designed to protect American shipbuilding which remains on our statute books is section 4347 Revised Statutes, to the effect that foreign-built vessels can not engage in the coasting trade of the United States.

I have never heard of very serious objection to that law. In any case, whether it is the subject of criticism or not, it does not, of course, affect the American merchant marine in the foreign trade.

Mr. Chamberlain observes:

The campaign for the revision of the navigation laws, begun in 1880, you will see has been carried to a successful conclusion, of which some of the very recent volunteers to the cause do not seem to be aware.

It may be noted that the Democratic platform of 1880 favored "free ships and a living chance for American commerce on the seas and on the land." The Democratic administration of 1914 fulfilled that pledge. The ship registry act of August, 1914, removed the last refuge of the subsidists.

But foreign shipping interests and some benighted "business men," and some who have long hoped for subsidies, continue to hammer on the same old anvil and keep up the same noisy clamor to convince our people that by reason of our antiquated laws or the fool performances of Congress our flag is obliged to remain off the seas, and we must necessarily depend wholly on foreign ships to take care of our commerce.

These people seem utterly unable to see the inconsistency between one position they take, that by reason of our antiquated laws, they say, or the performances of Congress, our flag is obliged to remain off the seas, and we must necessarily depend wholly on foreign ships to take our foreign commerce, and the next position they take, to wit, that the Government should not build or acquire merchant ships for foreign trade because that would be interfering with private enterprise. In one breath they say our absurd laws have driven our flag off the oceans and in the next breath they say private enterprise stands ready to proceed at once to place it there if only the ship-purchase bill is not passed.

One moment they admit capital has refused for 50 years to build up our mercantile marine and in the next moment they say capital is ready and anxious to go into the business of building or acquiring ships under the American flag for foreign trade.

We find opponents of this measure taking equally conflicting positions, to the effect that under this bill the tonnage provided would be a mere bagatelle, influencing the situation not at all, and then they say no "business man" will go into the "business" of shipping because he would have to compete with the Government.

They argue that this bill would only provide 500,000 tons, and that subject to demands and equipment as naval auxiliaries—the Senator from Minnesota said 300,000, Mr. Marvin says 700,000—whereas from six to ten million tons are required to handle our foreign trade; and yet private enterprise will be deterred from supplying any portion of this six to ten million tons, however profitable the investment and attractive though the enterprise is, because, forsooth, the Government will own less than 10 per cent of what is imperatively needed. Mr. Chamberlain says to provide 60 per cent of the gross tonnage required for our foreign trade we must have 6,000,000 tons. (Senate hearings, p. 223.)

They argue that though our navigation laws impose unbearable burdens on American ships, there are those of our citizens eager to invest their money in them; although the Government's venture would not supply any appreciable relief from present conditions, private enterprise would be driven from the field.

Even in normal times, no undertaking yielded greater dividends than shipping, and although now profits have increased 5 to 10 times over what they were, it is still contended subsidies should be granted. Although terminals and warehouses at our ports are groaning under the weight of freight moving to foreign markets there are no ships to convey them, and when the foreign ship does consent to call for it in the interest of its country, always, the freight charges are out of all reason and are reflected in the price the producer receives, especially when he has to compete with other countries in the foreign market.

#### MANUFACTURERS AND PRODUCERS.

I can not understand why the manufacturers and producers, generally, of the United States, do not rise up and demand this legislation. I am amazed at the patience they have manifested. Every manufacturer interested in foreign trade must know he can not hope to extend or even maintain his trade unless he can have the means of delivering his goods. Every producer must know he will be unable to sell outside the United States, his market will be cut off if ships are not available to carry the commodities.

The situation is that one ship is to-day called on to do what it requires three to do.

Not only, too, is there discrimination in rates on freight in favor of the foreign shipper by the foreign ships and against the United States, but it extends to the point of depriving our manufacturers and exporters of the business which, if there was equality of rates, or even an approach to that, the American house would get the business. Instances have been given where, for example, there was a demand for 400 miles of iron piping. Bids were called for. The United States manufacturers were the lowest bidders, but the English people got the business because they could furnish the ships, and the manufacturers here could not do so.

Take this situation: Chilean nitrate is worth \$34 a ton at the wharf. It pays an export tax of \$11 per ton. The miner therefore gets \$23 per ton and pays the freight to the port. From there to the United States the importer must now pay \$34 per ton for its transportation. It costs the United States Government \$68 per ton delivered at our arsenal. This Government could right now save \$2,000,000 if we had the ships to bring what we need of that material for Government use alone.

There is plenty of business for private ships, and therefore they would not be deprived of cargoes if the Government undertook to transport this nitrate.

#### CROWDED YARDS.

The argument is made, and the Senator from Minnesota repeats it, that our yards are full, are crowded, and that ships can not be built within two years in sufficient quantity or of a kind that would be of any material use. This same argument was advanced last year. Since then orders for a considerable amount of new tonnage have been booked every month in our yards. I have here a clipping from the New York Journal of Commerce of a recent issue, giving a summary of new contracts placed during the five months in 1916, beginning with February. It shows that 206 vessels, aggregating 459,443 tons, were contracted for during this period. The same paper gives a detailed list of the vessels contracted for in June. They show the number of new contracts in June to be 34 vessels. The list also shows the number of vessels completed during June to be 10 vessels, of about 40,000 gross tons. Vessels completed during the last five months comprise 40; gross tons, 161,418.

It is absurd to claim that shipyards are full to the point where no more orders for new ships can be booked. Here is an advertisement by the Standard Shipbuilding Corporation stating that they are prepared to make deliveries to the extent of a ship a month, beginning with March, 1917, and the ships are of 7,300 tons dead weight. It will be seen by an examination of the list of vessels contracted for in June, with only three exceptions, all of them are to be launched within a year. It should be noted also that of the 385 merchant vessels, totaling 1,225,784 tons, now under construction or ordered, 327 vessels, totaling 927,893 tons, are to be launched on or before June 30, 1917. I venture to say there is not a shipyard in the country but what would be glad to take additional orders for new ships.

Large cargo vessels can be launched within three months after the keel is laid. The Union Iron Works have been doing this right along, and unquestionably other yards are doing the same, or can do so if necessary. Shipyards generally can easily increase their facilities by building additional slipways, and they would quickly do so if they saw business enough to warrant it. There are many new shipyards being built. Within less than a month two have been incorporated, namely, the Delaware Shipbuilding & Engineering Corporation, on the Delaware River, with a capital of \$1,000,000, and another on Puget Sound, with a capital of \$500,000. Plans for the erection of a shipbuilding and dry-dock company in Savannah, Ga., with a capital of more than \$1,000,000 are reported under way. Recently a similar plant was erected at Brunswick, Ga. Duncan, Young & Co., of New York, contemplate a \$1,000,000 shipbuilding plant at Beaumont, Tex., according to the Marine News of July. Statement is made that the American Shipbuilding Co. announced July 19 the recent booking of four more full canal-size ships for salt-water service, delivery to be made first half of 1917.

The shipping board will be able also to use the facilities of the United States Navy Yard. These facilities can be increased by building additional slipways.

#### CAN PURCHASE.

The assertion is made by way of argument against this bill that no ships can be purchased by the shipping board, except possibly at practically prohibitory prices. It is true that the present bill very considerably limits the field for acquiring by purchase such ships as will be needed. At the same time I have here the advertisement of the Marine Trading Co., dated Broad Street, New York, appearing in the Marine News of July last, giving a list of American and neutral steamers offered for sale; in all, 43. The private interests that are said to be going into the shipping business as fast as they can get the ships, it would seem would have an opportunity to purchase ships from this concern and also from the Standard Shipbuilding Corporation, which offers 7,300-ton dead-weight ships for sale at the rate of one each month beginning next March.

Most of the construction work is for the Navy and particular business.

It is true now, as it was last fall, that most of the vessels that are being built are for the special and exclusive use of certain large corporations, such as the oil companies, the steel companies, and others. Many of them are for the coastwise trade; some of them are for foreign owners; a large number are for lake, river, and harbor use. The general over-seas trade is yet to be provided for. Within a year after the passage of this act I am satisfied the shipping board can have at least 50 vessels in the service. In the Commerce Reports of August 1, 1916, pages 404 to 407, inclusive, facts are given with regard to the shipping facilities of the United States for 1916, with some very interesting statements covering over-seas shipping, shipping bound for Europe, clearances for South America and Africa,



trans-Pacific voyages, shipping to near-by foreign ports, which I shall ask to include as a part of my remarks. I shall ask also to include list of shipyards given by the Journal of Commerce, showing the merchant construction of July 1, 1916, showing also that 327 vessels, with 927,893 gross tons, now being built are to be launched on or about June 30, 1917.

The yards can increase their capacity. They are open to new contracts. A comparatively small percentage of present construction is for over-seas trade. New yards can be and are being built.

In support of these statements reference may be had to the hearings before the Commerce Committee, pages 278, 282, and 284.

I ask permission to insert here as part of my remarks an extract from the Commerce Reports, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From Commerce Reports No. 179, Aug. 1, 1916, p. 404.]

#### SHIPPING FACILITIES OF THE UNITED STATES FOR 1916.

The merchant shipping, American and foreign, cleared from seaports of the United States, 25,475,103 net tons for Europe, South America, Asia, Africa, Australia, and Oceania during the fiscal year ended June 30, 1916, was the largest in the history of the United States notwithstanding the European war, the capture of the port of Antwerp, and the closing of the Black Sea, the blockade of the ports of the central powers, the withdrawal of German and Austrian merchant ships from trade, and the dangers of submarines and mines cast adrift in the routes of ocean commerce.

Up to the year just closed the greatest volume of clearances from the United States for the over-seas continents named was 24,872,403 net tons during the year ended June 30, 1914, just before the outbreak of the European war. Much of the net tonnage in that year was space for passengers (tourist and immigrants) on ocean steamers, while during the fiscal year just closed such fast steamers to a great extent have been withdrawn from trade to serve as allied transports and hospital ships or held in port to avoid capture, and their place has been supplied by cargo steamers. (A net ton is 100 cubic feet of ship's closed-in space available for cargo or passengers.)

#### OVER-SEAS SHIPPING.

American shipping cleared for the over-seas continents during the year just closed was more than threefold that in 1914 so cleared—2,448,305 net tons, compared with 745,242 net tons for the fiscal year 1914. The American net tonnage cleared from the United States for these continents in the years ended June 30, 1914 and 1916, the foreign net tonnage so cleared, and the combined American and foreign tonnage were as follows, American tonnage more than doubling in each case and foreign tonnage showing a decrease, except to Asia:

Clearance for—	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>
Europe.....	447,667	1,134,952	19,598,524	18,791,713	20,046,191	19,926,665
South America.....	192,479	945,353	2,237,171	1,764,720	2,429,650	2,710,073
Asia.....	72,218	131,198	1,165,083	1,489,196	1,237,301	1,620,396
Australia, etc.....	28,615	157,390	724,189	596,486	752,804	753,876
Africa.....	4,263	79,412	402,194	384,681	406,457	464,093
Total.....	745,242	2,448,305	24,127,161	23,026,796	24,872,403	25,475,103

#### SHIPPING BOUND FOR EUROPE.

During the past fiscal year our shipping facilities (net tonnage) for the export trade to Europe have been the greatest in our history. Although the net tonnage in 1914 was a trifle larger—half of 1 per cent—much of that net tonnage in 1914 was for the passenger trade, as stated, which in 1916 was relatively small, and cargo space in 1916 was supplied to help to meet the great volume of our exports. During 1914 the American Line mail steamers to Southampton and the Red Star Line passenger ships to Antwerp were virtually the only American ships in trade with Europe; in 1916 American ships traded with the maritime nations of Europe, except Belgium and the blockaded central powers. The total tonnage clearances to France and Italy almost doubled, the clearances to Norway, Denmark, and Sweden more than doubled, and to Greece increased over threefold. The following summarizes the net tonnage clearances to European countries:

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>
Austria-Hungary.....			517,963		517,963	
Belgium.....	187,965		943,769		1,131,734	
France.....		184,140	1,763,808	3,452,567	1,763,808	3,636,707
Germany.....	8,406		3,893,667		3,902,073	
Great Britain and Ireland.....	241,606	604,604	7,351,796	7,700,103	7,593,402	8,304,707
Greece.....	5,727	93,203	345,855	93,203	351,582	
Italy.....	135,116	1,893,915	3,444,597	1,893,915	3,579,713	
Netherlands.....	8,926	10,014	1,751,756	1,356,129	1,760,682	1,366,143
Russia in Europe.....		24,535	157,434	197,906	157,434	221,441
Scandinavia.....	114,593	681,393	1,482,153	681,393	1,596,746	
Spain.....	11,464	422,571	547,177	422,571	558,641	
Other Europe.....	764	45,759	127,249	265,226	128,013	310,985
Total.....	447,667	1,134,952	19,598,524	18,791,713	20,046,191	19,926,665

#### CLEARANCES FOR SOUTH AMERICA AND AFRICA.

American shipping in trade with South America has developed more rapidly in the past fiscal year than in any other direction. The American tonnage cleared was almost five times greater than in 1914, and in trade with Argentina particularly the increase is notable. The withdrawal of foreign ships has been made good by increased American tonnage. The increase in total clearances is partly due, of course, to improved financial conditions in those countries, except Peru, and to the removal of the risk of destruction which checked trade with South America for some months after the outbreak of the war. The clearances for South America follow:

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>
Argentina.....	4,757	191,436	611,360	575,842	616,117	767,278
Brazil.....	62,356	259,619	648,345	548,880	710,701	808,499
Chile.....	44,385	236,578	482,377	355,547	526,762	592,125
Colombia.....	285	109,197	271,804	74,319	272,089	183,516
Peru.....	48,457	32,385	42,951	50,794	91,408	83,179
Uruguay.....	7,310	54,657	93,069	121,743	100,379	176,400
Venezuela.....	23,066	52,286	29,800	13,357	52,886	65,643
Other South America.....	1,863	9,195	57,465	24,238	59,308	33,433
Total.....	192,479	945,353	2,237,171	1,764,720	2,429,650	2,710,073

The clearances from the United States for Africa on both oceans and on the Mediterranean increased from 406,457 net tons in 1914 to 464,093 net tons in 1916. In 1914 the American shipping thus cleared was insignificant, only 4,263 net tons, while in the past year it mounted to 79,412 net tons, of which over half, in spite of submarine warfare in the Mediterranean, was cleared for Egypt and Algiers.

The foreign net tonnage clearances decreased from 402,194 in 1914 to 384,681 in 1916.

#### TRANS-PACIFIC VOYAGES.

The total tonnage clearances from the United States of ships on trans-Pacific voyages to ports in Asia, Australia, the Philippines, and foreign islands of the Pacific increased from 1,990,105 net tons in the fiscal year of 1914 to 2,374,272 net tons in 1916, and of these amounts American net tonnage increased from 100,833 net tons in 1914 to 288,588 net tons in 1916. The table below shows that the gains have not been uniform, but there have been marked increases and decreases in shipping facilities between the United States and the countries and colonies comprised within the limits named. Clearances to "other Asia" show the greatest increase, from 89,176 net tons in 1914 to 618,610 net tons in 1916. During the past year "other Asia" has meant mainly Vladivostok, and the tonnage increase shows shipping facilities provided for the export of locomotives, cars, rails, motor trucks, and steel products generally to Russia through Siberia, Russian Black Sea ports being closed and Baltic ports, especially Riga, partly closed during the year. The effect of the withdrawal of the Pacific Mail ships to Hongkong is to be noted and clearances to the Philippines also show a marked decrease. The Philippine figures do not include Government transports.

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>	<i>Tonnage.</i>
ASIA.						
China.....	4,952	37,452	348,147	182,624	353,099	200,076
British India.....		19,707	120,832	135,051	120,832	154,758
Hongkong.....		9,346	75,879	243,856	75,879	253,202
Japan.....	66,615	13,462	531,800	378,086	598,415	391,548
Other Asia.....	651	51,231	88,425	509,581	89,176	618,610
Total.....	72,218	131,198	1,165,083	1,489,196	1,237,301	1,620,396
OCEANIA.						
Australia.....	14,243	136,173	492,119	431,154	506,462	562,406
Philippine Islands.....	2,051	1,181	143,945	86,407	145,996	87,588
Other Oceania.....	12,321	20,036	88,125	78,725	100,346	95,682
Total.....	28,615	157,390	724,189	596,486	752,804	753,876

#### SHIPPING TO NEAR-BY FOREIGN PORTS.

The gain of 602,700 net tons in export clearances of shipping from the United States across the seas and into waters, to a greater or less extent, the zones of naval and submarine operations and of war risk has been offset, however, by decreased clearances to foreign seaports on or near the coasts of North America. In 1914 these amounted to 14,750,083 net tons; in 1916 to 13,420,158 net tons. The principal decreases have been in clearances to the British West Indies, preoccupied with war, 738,649 net tons, and to Mexico, Haiti, and the Dominican Republic, disturbed by internal dissensions, 688,717 net tons.

In North American waters the foreign clearances of American ships show a large gain, but proportionately not so great as in over-seas trade, from 4,395,082 net tons in 1914 to 7,296,777 net tons in 1916. While the figures are larger, they represent a much smaller number of ships, and these of less tonnage than the figures for over-seas trade, because the voyages in American waters are relatively short and the same ship clears often during the year. To Cuba, Panama, and Central America the American tonnage more than doubled this year.

Clearances for—	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
Nova Scotia and British Columbia	Tonnage. 1,854,058	Tonnage. 1,998,805	Tonnage. 2,855,943	Tonnage. 2,733,882	Tonnage. 4,710,001	Tonnage. 4,732,687
British West Indies and Bermuda	138,073	266,163	1,520,591	653,852	1,658,664	920,015
Cuba	871,506	1,810,358	1,738,337	1,257,095	2,609,843	3,067,453
Panama	500,009	1,139,889	838,097	84,518	1,338,106	1,224,407
Mexico, Haiti, and Dominican Republic	964,553	1,601,412	2,203,413	787,837	3,167,966	2,479,249
Central America and West Indies, except British	66,883	390,150	1,198,620	606,197	1,265,503	996,347
Total	4,395,082	7,296,777	10,355,001	6,123,381	14,750,083	13,420,158

Out of 38,895,261 net tons of shipping cleared on ocean voyages to foreign ports during the fiscal year ended June 30, 1916, 9,745,082 net tons were American, or 25 per cent; in the fiscal year 1914, out of 39,622,486 net tons only 5,141,324, or 13 per cent, were American.

Note.—Including frequent but short fresh-water foreign trips to Canada across the Great Lakes and St. Lawrence, American tonnage in 1916 was 34 per cent of the total. Detailed figures will be printed in the Monthly Summary of Foreign Commerce of the United States, June, 1916, to be issued by the Bureau of Foreign and Domestic Commerce about the middle of August.

Mr. FLETCHER. According to figures compiled by the Bureau of Foreign and Domestic Commerce, the foreign trade of the United States for the fiscal year ended June 30, 1916, amounted to \$6,525,000,000. Of this, exports amounted to \$3,870,000,000; increase of exports over preceding year, \$1,576,411,000; increase in imports, \$541,025,000.

Our shipping bound for Europe, expressed in net tonnage clearances to European countries, was, in 1916, 19,926,665 tons, as against 20,046,191 tons in 1914; but it should be remembered that much of the 1914 tonnage was for the passenger traffic, which in 1916 was relatively small.

Clearances from our ports for South America were, in 1916, 2,710,073 net tonnage, as against 2,429,650 in 1914.

The tonnage clearances from the United States to ports in Asia, Australia, the Philippines, and foreign islands of the Pacific increased from 1,996,105 net tons in 1914 to 2,374,272 net tons in 1916.

There has been a decrease in clearances to foreign seaports on or near the coasts of North America from 14,750,083 in 1914 to 13,420,158 in 1916.

These decreases were due to conditions in Mexico, Haiti, Dominican Republic, and West Indies.

Foreign clearances of American ships show a gain in North American waters. To Cuba, Panama, and Central America American tonnage more than doubled in the year.

Out of 38,895,261 net tons of shipping cleared on ocean voyages to foreign ports during the fiscal year ended June 30, 1916, 9,745,082 net tons were American, or 25 per cent; in the fiscal year 1914, out of 39,622,486 net tons, only 5,141,324, or 13 per cent, were American. (Commerce Reports, p. 407, Aug. 1, 1916.)

So it appears our foreign trade has been increasing, notwithstanding it is interfered with in some quarters by war conditions. The need for carriers is great now, since at least one-third of the world's shipping is out of commission—perhaps one-third of that a total loss, and, of course, can not reappear when the war ends.

After the war the demand for shipping will be greater than ever. The supply will be shorter yet. This condition constitutes a world-wide problem. It will be the height of folly for the United States to delay action looking to its solution, at least so far as it affects us. We can not hold the trade we now have unless we increase our shipping facilities. We can immensely extend and increase that trade if we pursue the right course. We can take our proper place on the seas if we will. If that is done, commercial leadership will be assured for all time. The opportunities are here; shall we take advantage of them?

The question narrows down to that.

The proposal by this bill is to take care of our needs for naval auxiliaries. I will not dwell on that. No one denies the existence of that need.

Further, the proposal is very similar to that involved in the establishment of the War-Risk Insurance Bureau. The effect there was to afford insurance when it could not be obtained elsewhere and to reduce the abnormally high rates to a reasonable and equitable basis.

That bureau has been in operation two years and has made a profit of more than \$2,000,000 and at the same time supplied an agency that was needed and served a great public purpose.

We may hope for similar results if this bill becomes a law.

The claim that ships can not be built within two years is answered by the testimony found in the Senate hearings, pages 278, 279, and so forth. As to the existing yards, a list of them was furnished in the House hearings, at page 41.

#### ADMISSION TO LICENSE AND ENROLLMENT.

These vessels will be built or acquired by American money—indeed, by Government money. It can not be satisfactory to the people of the country, whose money is used for the building or purchasing of these vessels flying the flag of the United States, to have them denied the right to engage in our coastwise trade. They are ships supplied by the Government and they should be privileged to sail anywhere water will take them, to serve the commerce of this country, whether foreign or domestic. There can be no sound reason urged to deny them access to the coastwise trade of the United States, no matter if it be conceded that at present that business is adequately cared for and served.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

Mr. FLETCHER. I will; certainly.

Mr. GALLINGER. As I understand, this legislation is primarily designed, if not entirely so, to build up our foreign trade, to provide ships for over-seas commerce. The coastwise trade is fully supplied with ships. Four hundred thousand tons of shipping from the coastwise trade has been put into the foreign trade during the last two years. Now, why the necessity of putting these ships—some of which will be built abroad or purchased abroad—into the coastwise trade? There is no need of it.

Mr. FLETCHER. I will say to the Senator that I do not myself at present see any necessity for that, but I can see a situation which would make it very desirable.

Suppose we had one of these ships, for instance, engaged in trade between New York and Liverpool. Suppose upon that ship bringing a cargo to the United States she should find that she would have to get a return cargo in New Orleans or in Galveston. Now, would the Senator have that ship go all the way from New York to New Orleans or Galveston in ballast? Would he not permit her to take passengers or to take freight between New York and Galveston, to which port she is going in order to get her cargo to return to Europe? She could not do that unless she were allowed to be licensed and enrolled in our coastwise trade.

Mr. GALLINGER. My position is that, inasmuch as we have an abundance of American ships—indeed, a surplus of American ships—in the coastwise trade to-day, I would not have one of them displaced by a ship of this kind, which might have been built abroad or purchased abroad. If you put such a ship into the coastwise trade, you must of necessity deprive some American ship of that trade. It goes without the saying.

Mr. FLETCHER. I am in favor of the principle that only ships flying the American flag shall engage in our coastwise trade; but all of these ships will fly the American flag. All of them will not only have American registry and sail under the American flag, but they will be acquired by American money, the money of all the people of this country. Now, why should they not be allowed in that trade?

Mr. GALLINGER. The Senator from Florida remembers the contest we had two years ago, when it was proposed that we should admit foreign ships to the coastwise trade, but the Senate did not agree to it, the vote being 20 for it and 40 against it. Now, is not this putting the nose of the camel under the tent, and does it not mean that another effort will be made in the near future to open our coastwise trade to all foreign ships, just as the attempt was made two years ago?

Mr. FLETCHER. I do not think so, Mr. President. My judgment about the matter is that these ships, however, which are American ships, owned by Americans and flying our flag, even though primarily engaged in foreign trade, ought to be permitted, when they go from one port of this country to another port in connection with that foreign business, to carry passengers or freight between our ports. That is my view about it.

Mr. GALLINGER. I will say to the Senator that if some of us could have the assurance—which we can not have, I take it—that those who are trying to open the coastwise trade to foreign ships would be content with letting only these ships go into the coastwise trade, it would not be very serious; but inasmuch as the effort has been made heretofore to open our coastwise trade to all foreign ships, and this is a beginning in that direction, I have very grave fears as to what the result will be if the Democratic Party continues in power, which I do not believe it will, fortunately. I will say to the Senator that if that feature of this bill could be eliminated it would have a much easier passage through the Senate than it will have with that feature in it.



Mr. FLETCHER subsequently said: I ask permission to include as a part of my remarks without reading the advertisement that I referred to of American and neutral steamers offered for sale by the Marine Trading Co., and of the Standard Shipbuilding Corporation offering for sale standard cargo steamships and the details of new contracts in June and vessels completed during June.

There being no objection, the matter was ordered to be printed in the RECORD.

[From the Marine News, July, 1916.]

**AMERICAN AND NEUTRAL STEAMERS OFFERED FOR SALE—FURTHER PARTICULARS FURNISHED ON REQUEST.**

- No. 202. American, 2,000 D. W.; American built, 1881; accommodations for 360 passengers; 13 knots; prompt delivery, Pacific coast.  
 No. 203. American, 2,300 D. W.; American built, 1913; prompt delivery, Atlantic port.  
 No. 204. American, 2,800 D. W.; American built, 1908; 10 knots; prompt delivery, Pacific coast.  
 No. 205. American, 330 D. W.; American built, 1911; 11 knots on 110 barrels; prompt delivery, Pacific coast.  
 No. 206. American, 4,200 D. W.; American built; 10 knots on 125 barrels; delivery July, Pacific coast.  
 No. 207. American, 2,900 D. W.; American built, 1890; 12 knots; delivery October or November, Orient; December, Pacific coast.  
 No. 208. American, 3,500 D. W.; American built, 1912; delivery July, southern port.  
 No. 209. American, 5,000 D. W.; American built, 1912; delivery July, New York.  
 No. 210. Uruguayan, 5,000 D. W.; built 1899; 9 knots on 15½ tons; prompt delivery, Buenos Aires.  
 No. 211. Uruguayan, 4,200 D. W.; built 1889; 8 knots.  
 No. 212. Uruguayan, 3,600 D. W.; built 1890; 8½ knots.  
 No. 213. Greek, 3,900 D. W.; built 1892; 8 knots on 17 tons; prompt delivery, U. K.  
 No. 214. Greek, 5,250 D. W.; built 1906; 9 knots on 18 or 19 tons; delivery July, U. K.  
 No. 215. Greek, 7,000 D. W.; built 1912; 10 knots on 22 tons; prompt delivery, London.  
 No. 216. Greek, 5,960 D. W.; built 1898; 9 knots on 17 tons.  
 No. 217. Greek, 5,360 D. W.; built 1908; 9½ knots on 16 tons; prompt delivery, European port.  
 No. 218. Greek, 5,360 D. W.; built 1905; 9 knots on 18 tons; prompt delivery, U. K.  
 No. 219. Greek, 5,900 D. W.; built 1898.  
 No. 220. Greek, 5,360 D. W.; built 1908.  
 No. 221. Norwegian, 5,809 D. W.; built 1899; 9 knots on 16 tons.  
 No. 222. Norwegian, 5,300 D. W.; built 1899; 9 knots on 20 tons.  
 No. 223. Norwegian, 5,800 D. W.; built 1899.  
 No. 224. Norwegian, 5,300 D. W.; built 1899.  
 No. 225. Neutral, 6,250 D. W.; built 1900; 9 knots on 17 tons; delivery August, South American port.  
 No. 226. Neutral, 7,200 D. W.; built 1889; 12 to 14 knots; delivery August, European port.  
 No. 227. Spanish, 7,000 D. W.; built 1900; 8 knots on 22 tons.  
 No. 228. Spanish, 5,800 D. W.; built 1898; 9½ knots on 23 tons.  
 No. 229. Spanish, 6,980 D. W.; built 1900; 10 knots on 26 tons.  
 No. 230. Spanish, 6,000 D. W.; built 1900; 8 knots on 20 tons.  
 No. 231. Spanish, 8,000 D. W.; built 1900; 10 knots on 23 tons.  
 No. 232. Norwegian, gross 2,416; net 1,546; built 1898.  
 No. 233. Norwegian, gross 3,715; net 2,428; built 1899; prompt delivery, American port.  
 No. 234. Norwegian, gross 4,375; net 2,808; built 1898.  
 No. 235. Norwegian, gross 2,111; net 1,292; built 1912; delivery July, American port.  
 No. 236. Norwegian, gross 3,531; net 2,230; built 1896; delivery August, European port.  
 No. 237. Norwegian, gross 2,872; net 2,018; built 1882.  
 No. 238. Norwegian, gross 1,378; net 860; built 1906; delivery July, U. K.  
 No. 239. Greek, gross 2,979; net 1,878; built 1904.  
 No. 240. Argentine, gross 674; net 409; built 1890; delivery July, U. K.  
 No. 241. Neutral, 5,300 D. W.; built 1904; 9 knots on 18 tons.  
 No. 242. Neutral, 3,600 D. W.; built 1890; 8 knots.  
 No. 243. Neutral, 6,320 D. W.; built 1900; 9 knots on 21 to 22 tons.  
 No. 244. Neutral, 3,600 D. W.; built 1890; 8½ knots on 15 tons.

**SAILING VESSEL.**

- No. 245. American schooner, 4 masts, about 1,500 D. W.; American built; prompt delivery, New York.

MARINE TRADING CO.  
89 Broad Street, New York.

[The Marine News, July, 1916.]

STANDARD SHIPBUILDING CORPORATION—SHIPBUILDING PLANT, RICHMOND BOROUGH, N. Y.—CITY OFFICE, 44 WHITEHALL STREET, NEW YORK—CABLE ADDRESS, "DOWNEYARD," NEW YORK.

We specialize on the construction of "standard cargo steamships" of about 7,300-ton dead-weight capacity.

Dimensions: 392 feet by 52 feet; 23 feet 8 inches loaded draft; speed, 10½ knots; between decks; classification, 100-A1 British Lloyd's or equivalent.

The output of our shipbuilding plant is sold for deliveries up to March, 1917. We offer for sale "standard cargo steamships" for delivery, one each month, during the balance of 1917.

Offers of purchase of one or more of these "standard cargo steamships" are solicited, and will be filed in the order received and, subject to prior sale, will be acted upon in that order. Sales will be closed at terms and times to be fixed by our board of directors.

WALLACE DOWNEY,  
First Vice President and General Manager.

**Details of new contracts in June.**

Vessels, owner, trade, probable date of launch.	Gross tons.	Speed, knots.
Great Lakes Towing Co.: No. 41, builder's account, towing.....	90	9
No. 42, builder's account, towing.....	90	9
Manitowoc Shipbuilding & Dry Dock Co.: No. 84, F. M. Dyer, trawler, Oct. 1, 1916¹.....	300	10
No. 80, Berghansen, cargo¹.....	2,500	9
No. 81, Berghansen, cargo¹.....	2,500	9
No. 82, Hannevig & Johnsen, cargo.....	2,250	.....
No. 83, Hannevig & Johnsen, cargo.....	2,250	.....
Merrill-Stevens Co.: No. 92, Boston Molasses Co., molasses, January, 1917.....	300	7
Moore & Scott Iron Works: Do., Wilson Bros.....	1,000	.....
Do.....	1,000	.....
Pusey & Jones Co.: No. 1336, C. Hannevig, cargo¹.....	300	.....
Do.....	300	.....
Do.....	300	.....
Do.....	300	.....
No. 1337, C. Hannevig, cargo¹.....	1,600	.....
Do.....	1,600	.....
No. 1338, C. Hannevig, cargo¹.....	1,600	.....
Do.....	1,600	.....
No. 1339, C. Hannevig, cargo¹.....	1,600	.....
Do.....	1,600	.....
Standard Shipbuilding Corporation: No. 4, builder's account, cargo.....	4,800	10½
No. 5, builder's account, cargo.....	4,800	10½
No. 6, builder's account, cargo.....	4,800	10½
Texas Steamship Co.:² No. 1, builder's account, bulk oil.....	6,300	11
No. 2, builder's account, bulk oil.....	6,300	11
No. 3, builder's account, bulk oil.....	6,700	11
No. 4, builder's account, bulk oil.....	6,700	11
Union Iron Works Co.:² No. 148, not given, bulk oil.....	7,200	11
No. 149, not given, bulk oil.....	7,200	11
No. 150, not given, cargo.....	5,950	11
No. 151, not given, cargo.....	5,950	11
No. 152, not given, cargo.....	6,200	11
No. 153, not given, cargo.....	6,200	11
No. 17, W. C. Gilbert, cargo.....	3,600	9½
Willamette Iron & Steel Works & Northwest Steel Co.: John Erland, John Erland, cargo, April, 1917.....	5,700	10½

¹ For foreign owners.

² Probable date of launch: No. 1, March, 1917; No. 2, May, 1917; No. 3, October, 1917; No. 4, December, 1917; No. 148, June 1, 1917; No. 149, July 1, 1917; No. 150, May 20, 1917; No. 151, June 20, 1917; No. 152, July 31, 1917; No. 153, Oct. 1, 1917; No. 17, Mar. 30, 1917.

**Vessels completed during June.**

Vessel, owner, type, and trade.	Gross tons.	Speed, knots.
American Shipbuilding Co.: D. G. Kerr, Pittsburg Steamship Co., cargo, coasting.....	7,756	10
Ellicott Machine Corporation: P. R. R. No. 6, Pennsylvania R. Co., towing, coasting.....	191	11
Fore River Shipbuilding Corporation: Sucrosa, Cuba Distilling Co., molasses, foreign.....	5,788	10½
Great Lakes Engineering Works: Maitland, Toronto, Hamilton & Buffalo Ry. Co., car ferry, foreign.....	2,757	13
Harlan & Hollingsworth Corporation: George E. Paddelford, Pan American Petroleum & Transport Co., bulk oil, foreign.....	4,787	11
Manitowoc Shipbuilding & Dry Dock Co.: George A. Wallace, City of Cleveland, Ohio, fire boat.....	112	9
New York Shipbuilding Co.: Standard Arrow, Standard Transportation Co., bulk oil, foreign.....	7,794	11
Toledo Shipbuilding Co.: Moonlite, Standard Oil Co. of New Jersey, bulk oil, foreign.....	1,930	7
Starlite, Standard Oil Co. of New Jersey, bulk oil, foreign.....	1,930	7
Union Iron Works Co.: Acme, Standard Transportation Co., bulk oil, foreign.....	6,395	11

The PRESIDING OFFICER (Mr. CHILTON in the chair). The bill is as in Committee of the Whole and open to amendment.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Reed	Taggart
Brady	Kenyon	Robinson	Thomas
Bryan	Kern	Shafroth	Thompson
Chilton	La Follette	Sheppard	Tillman
Culberson	Lane	Simmons	Underwood
Fletcher	Martin, Va.	Smith, Ariz.	Vardaman
Gallinger	Nelson	Smith, Ga.	Warren
Hardwick	O'Gorman	Smith, S. C.	Weeks
Hollis	Overman	Smoot	Williams
Hughes	Penrose	Sterling	
Husting	Ransdell	Swanson	

Mr. LANE. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. CLAPP, Mr. DILLINGHAM, Mr. PHELAN, Mr. PITTMAN, and Mr. STONE answered to their names when called.

Mr. BRANDEGEE and Mr. LEWIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. PENROSE. Mr. President, I ask to have the names of those Senators who are present read.

The PRESIDING OFFICER. The Chair does not know of any rule for that.

Mr. PENROSE. I ask to have read the names of those Senators who are recorded as present.

The PRESIDING OFFICER. If there is no objection, it can be done. The Chair hears none, and the Secretary will read the names.

The Secretary proceeded to read the names of the Senators recorded as "present," and was interrupted by

Mr. STONE. Mr. President, I may be a little too late, but I wish when the Secretary reads the name of the Senator from Pennsylvania [Mr. PENROSE] to pause a moment and emphasize it.

Mr. GALLINGER. Mr. President, I make the point of order that nothing is in order during the recapitulation.

Mr. WILLIAMS. It is just as much in order as the previous remarks of the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senate will observe that the Chair said it could be done, without objection. There was no objection, and therefore it is being done.

The Secretary resumed and concluded reading the list of Senators present.

Mr. PENROSE. Mr. President, I rise to a question of privilege. For some time there has been dissatisfaction on this side of the Chamber with the way the names have been taken down in counting a quorum. To put it mildly, it seems to me at least that the greatest carelessness has prevailed. It is the duty of the majority to maintain a quorum here, but almost every day the quorum has been maintained largely by the help of the minority. This morning the Senate was held up for one-half an hour or three-quarters of an hour, the majority not being in their seats. It is this kind of laxity in the conduct of the legislative business that has delayed the appropriation bills far past the beginning of the fiscal year and kept us here far into the summer.

I want particularly, Mr. President, to call attention to the name of the senior Senator from Texas [Mr. CULBERSON]. He is recorded as having answered to the roll call. I did not hear that Senator answer, and I certainly did not see him in the Chamber. I ask that that name at least be stricken from the roll of those who answered to the roll call as being present.

The VICE PRESIDENT. The Chair has no power to do that.

Mr. PENROSE. Can not the roll be corrected?

Mr. MARTIN of Virginia. The Senator from Texas was here and responded to his name.

Mr. PENROSE. Did the Senator from Virginia see him?

Mr. MARTIN of Virginia. I saw him in the Chamber.

Mr. PENROSE. Did the Senator hear him answer?

Mr. MARTIN of Virginia. I will state that he was here, and he has been here much oftener than the Senator from Pennsylvania.

Mr. PENROSE. That may be. It would not be hard to beat my record on that.

Mr. WILLIAMS. Mr. President—

Mr. PENROSE. I will yield in just a moment. I want to impress the importance and necessity of having the roll call more carefully conducted and to see that Senators are bodily present in the Chamber and not in the corridor or in their committee rooms.

Mr. SHEPPARD. I wish to state that my colleague, the senior Senator from Texas, has been detained from the Chamber on account of official business in his committee room. He entered the Chamber and answered to his name on the roll call and immediately returned to his committee room. My colleague's attendance record will compare favorably with that of any other Senator.

Mr. WILLIAMS. Mr. President, I want to say that there is not any Member of this body who does not recognize the perfect propriety of making a mentor and monitor out of the Senator from Pennsylvania when it comes to the subject of the duty of Senators to attend in their places here. It is the first time, perhaps, in the history of the Senate—though there may have been other occasions of like character, I do not know assuredly,

but the first time that I remember—when a Senator insisted upon having the names of those who were present read. The Senator from Pennsylvania insisted upon it. I do not know whether it was because he is so seldom present that he thought the fact of his presence ought to be noted, celebrated, or that he thought that whenever he is here the names of those who are present, his chiefly among them, ought to be read.

Mr. PENROSE. Will the Senator permit me?

Mr. WILLIAMS. If the Senator from New Hampshire [Mr. GALLINGER] had asked that the names of those present be read whenever he was here, or the Senator from Utah [Mr. SMOOT] had asked that they be read whenever he happened to be here, or I had had asked to have them read when I was here, or the Senator from North Carolina [Mr. OVERMAN] had had them read whenever he was here, it would take up nearly all the time of the Senate. But I agree that there is nothing more proper, nothing more replete with the lesson of the duty of attendance, than having the names of those who are present read answer to their names read, whenever and wherever the Senator from Pennsylvania happens to be one of them.

Mr. GALLINGER. Mr. President, I rise to a question of order. I dislike exceedingly to interrupt the Senator, but no announcement has been made as to whether there is a quorum present or not.

The VICE PRESIDENT. The Secretary informs the Chair that the former occupant of the chair announced that a quorum was present.

Mr. GALLINGER. I did not hear it.

Mr. CHILTON. I announced it when in the chair.

Mr. WILLIAMS. I do not know whether I am in order or not, but I am just as much in order as the Senator from Pennsylvania was when I took the floor and he sat down.

The VICE PRESIDENT. The Senator is talking on the shipping bill, and while he speaks within the rule he is in order.

Mr. WILLIAMS. If it is the shipping bill, then ships have to have a free sea to sail upon, of course, and we can talk about almost anything; but I was merely calling attention to the fact that if anybody at all were appointed to see to it that we were always here and that we attended the sessions, it ought to be par excellence the Senator from Pennsylvania.

As I grow older I am beginning to think sometimes that I fail in my memory, that my power of recollection seems to grow less, but I have regained confidence. The other day when the Senator from Pennsylvania came into this body, notwithstanding the long lapse of time, I recognized him at once, and a great many Senators complimented me upon knowing who he was without having to take any time either to study his features or ask any questions concerning him. After so long a time I regarded it as a test of my powers of observation and memory.

If it is in order, I should like to move that hereafter whenever the Senator from Pennsylvania is present the Secretary shall ipso facto read the names of those who are present and answer to their names.

Mr. FALL. Mr. President, I should like to make a parliamentary inquiry for information. Does the particular clause now under discussion relate to steamships or to ships that need a breeze to drive them over the sea—wind, in other words?

The VICE PRESIDENT. That is a parliamentary question which the Chair submits to the decision of the Senate.

#### RAILWAY SECURITIES.

Mr. WEEKS. Mr. President, it is my intention to discuss within two or three days some phases of the shipping bill which is now before the Senate, but this afternoon I am going to discuss briefly another subject.

Some days ago when the Army appropriation bill was up for consideration the senior Senator from Wisconsin [Mr. LA FOLLETTE] discussed the question of railway capitalization, and during the discussion some question was raised about the statements made by the Senator. I announced that later on when I had obtained definite and accurate information I would address the Senate upon that subject. I now intend to refer in detail to that subject. In order that there may be clearly before the Senate the subject which I want to discuss I wish to read from the RECORD what the Senator from Wisconsin actually said:

The railroads of this country have been built, and can be rebuilt today, even with the advance in the cost of material, upon which the Senator from Nevada [Mr. NEWLANDS] has dwelt at such length, for the bonded indebtedness of the railroads of the United States. It is the history of all railroad building, sir, that the people have furnished the capital that built the railroads. The Senator from Massachusetts shakes his head in dissent. I give this as the uniform method of railroad construction. If there be exceptions to it, my study—and it has been reasonably diligent, beginning back thirty-odd years ago—has missed it.



Railroads are built in this way: A company is organized and secures a right of way. The right of way is gotten with the payment of but little money. Communities, counties, States are stimulated to believe that the building of the railroad will be a tremendous advantage to them. Their cooperation is secured in the bonding of the towns, in the bonding of the cities, in the bonding of the counties. In many cases farmers have given farm mortgages to promote the building of railroads in this country. The right of way is secured—secured by gifts, by donations. On top of it the bonds of the communities are offered.

Then, Mr. President, a construction company is organized. The construction company takes over the company that secured the right of way, and takes over all it has. Then the construction company proceeds to carry out the construction of the road in a very rough and elemental way. Then it presents to the financiers the proposition of bonding the entire enterprise. It is the history of railroad building in the United States that the amount of bonds which have been issued upon each of these enterprises has been sufficient to cover all the expenses of securing the right of way, all the expenses of organization, all the expenses of agents to work upon public sentiment; every dollar of expense is included in the amount for which the property is finally bonded.

The bonds are issued, the railroad is built; and stocks are then issued, which represent no dollar of money, which go into the hands of the promoters of the enterprise as a clear gift.

It is that proposition, Mr. President, which I intend to controvert so far as I can, not because I have any direct or personal interest in it but because I think it is of vital importance to the people of this country to know whether or not a statement made on the floor of the Senate by a leading Senator, which charges that no money whatever has gone into railroad stock, is correct.

We depend for our railroad construction and our railroad development, as the Senator from Wisconsin has said, on the money of the people which goes into the enterprise. If it is true that no money whatever has gone into railroads against which stocks have been issued, as is charged, then it is a vital matter from the standpoint of the people of the country; it is especially a vital matter to them in making their investments. Furthermore, it is of importance in the future, because we must develop our railroad properties to meet the increasing demands which are constantly coming up. The late James J. Hill said not long ago that within a short time—I think within three or four years—that something like \$4,000,000,000 would have to be spent on railroad improvements and railroad development in order to bring the railroads up to the conditions required by the shipping and traveling public. We have plenty of examples before us, which have occurred within the past year, of the incapacity of the railroads to handle the business that has developed as a result of the European war.

My observation is that our people are not greatly agitated about the rates which they pay for passenger or freight transportation, but that they do demand that there shall be good service given. The truth is that our freight rates in the United States are materially less than are the freight rates of any country in the world, and that the passenger rates, with the exception of third and fourth class rates in European countries, are as low as are the rates in other parts of the world. It is not a question of complaining of the rates, but it is a question of getting the service which the people demand. In order to get that service, additional money must go into the railroads; in order to get that money, somebody must sell the securities which the people must buy to obtain it, unless we are going to take over the railroads as a governmental function, which, I am fearful, might be the result if the Democratic Party remained long enough in power. If that is true, and if we must go to those sources for the money with which to develop our railroads, and if it is true that the stocks of the railroads now issued are not represented by property investments, but are purely profit to somebody, then it is going to produce a hesitation on the part of the investing public to put their money into railroad securities. That hesitation does exist to-day.

I am not going to discuss railroad rates, whether they are too high or whether they should be increased, as has been recently proposed; but I am going to say, Mr. President, with an assurance of the correctness of my statement, that there is great hesitation about putting capital into railroad securities at this time. That is definitely shown by the prices at which railroad securities are selling. Certainly the railroads of the country have never had more prosperous times in volume of business than they have had during the last year. It would be impossible for them to profit any more than they have during the past year, unless rates are increased, because, generally speaking, and especially in the case of the eastern railroads, they have been doing all the business they could possibly handle, and very frequently there have been blockades due to their incapacity to handle the business. Even under those circumstances, however, railroad securities are a lagging feature in the market; they do not bring the prices on the returns paid which railroad securities brought 10 years or even 5 years ago.

There must be a reason for this, and the reason undoubtedly is that there is a feeling that the investor can not obtain a fair return on his investment if he puts it into railroad securities with an absolute certainty of the integrity of the investment. I feel that way myself. Railroads have been so restricted that the difference between gross and net is constantly diminishing.

Now, to show, Mr. President, the prices at which railroad securities are selling at the present time, I want to quote the prices of some of the bonds and stocks of the very best railroads in the United States. It is true in the case of the bonds which I shall quote that their price depends somewhat on the length of time they have to run. Of course, if a bond matures within a short time, it is going to sell at very nearly par, while it might sell at materially less than par if it had a long period to run. I am taking the very best railroad bonds, first mortgage or general mortgage bonds in each case. It will be seen what a satisfactory return can be obtained from investments in these securities if there is the confidence which should go with investments of that kind:

Atchison, Topeka & Santa Fe general mortgage fours, selling at 92½;

Chesapeake & Ohio general mortgage four-and-a-halves at 89½;

Chicago, Burlington & Quincy general mortgage fours at 93;

Chicago, Milwaukee & St. Paul general mortgage fours at 90;

Chicago & North Western general mortgage fours at 94;

Chicago, Rock Island & Pacific general mortgage fours at 84;

Erle general mortgage fours at 74;

Illinois Central general mortgage fours at 89;

Lake Shore general mortgage fours at 94;

New York Central general mortgage three-and-a-halves at 82;

New York Central debenture four-and-a-halves at 92;

Pennsylvania Railroad general mortgage fours at 99;

Pennsylvania 4½ per cent general mortgage bonds at 101½;

Southern Pacific general mortgage fours at 89; and

Union Pacific general mortgage fours at 96½.

It will be seen, assuming that those bonds mature within a reasonable time, that every bond on that list is selling on substantially a 4½ per cent basis, and, as I have said, they are the very best railroad bonds which are issued in the United States.

I noted in looking at the paper this morning that there were being offered to the public by a New York banking house bonds of the Minnesota Transfer Co., which company owns or controls the lines of transfer railroad in St. Paul and Minneapolis which connect the great systems running into those places, bonds maturing in 1946, bearing 5 per cent interest, a first mortgage on the property, at 102. Of course there could not be a much better bond issued than that, and it shows that substantially the best railroads are paying 5 per cent for the money which they are borrowing under present conditions.

Now, let us take the prices of stock as a further substantiation of the statement I have made. The average price of 50 stocks selling on the New York Stock Exchange yesterday was 85.14. The same stocks a year ago were selling at 77.17. Everybody knows what a marked increase there has been in the selling price of securities during the past year. Some of them have doubled in price. The stock of almost every industrial concern in the country which is listed on the stock exchanges has increased from 25 to 50 per cent in price, and yet railroad securities, including the standard railroad stocks of the country, have only increased in price about 7 per cent.

The returns which investors may get from railroad stocks are indicated from the following prices, which I will read:

Atchison common stock, selling at 102, pays 6 per cent, and has done so since 1907.

Northern Pacific stock, selling at 110, pays 7 per cent, and has done so since 1903; and it paid an extra dividend in 1908 of 11.26 per cent.

The stock of the Chicago & North Western, one of the very best-managed railroads in the United States, selling at 126, pays 7 per cent, and has done so since 1902.

The stock of the St. Paul Railroad, selling at 94, pays 5 per cent at this time, but paid as high as 7 per cent between 1902 and 1911.

Union Pacific stock, selling at 140, now pays 8 per cent, but paid 10 per cent from 1907 to 1914.

Pennsylvania stock, selling at 116, is on a 6 per cent basis.

New York Central stock, selling at 104, is paying now 5 per cent.

Louisville & Nashville stock, selling at 126, has paid from 6 to 7 per cent, except for the last year or two, during the period to which I have referred in the other cases.

In other words, these standard railroad stocks are returning to the investor from 5½ to 6 per cent.

Money has been relatively cheap in the United States during the past year. Notwithstanding the great business which has been developed, there has been an ample supply of money, and I maintain that there is not a business or manufacturing concern in the United States which has not been able to buy its money cheaper than have the standard railroads.

I want to see the public well served by the transportation lines. They are the arteries of our industrial life, and if they do not serve the public efficiently, if they have not the means to serve the public efficiently, then we are going to have stagnation in other directions. The very fact that we have developed a great industrial business in the United States during the past two years has been of material moment in connection with the transportation problem, because if the transportation lines could not serve the industrial elements satisfactorily we would have been unable to have developed our industrial production as we have; but there has been great dissatisfaction with the way the railroads have been able to serve the public, and I wish to present the reason given by one of these railroads for this condition.

The Lehigh Valley Railroad has been one of those most severely criticized because it has been unable to handle its business at its New York terminals. I wrote the president of that road some time ago, asking him the reason for this condition, and I read for the RECORD his reply to my letter:

LEHIGH VALLEY RAILROAD CO.,  
143 Liberty Street, New York, January 21, 1916.

MY DEAR SENATOR: I am in receipt of your letter of January 11, in which you ask my opinion "as to the reasons for the present congestion in the port of New York, its effect upon the general railway situation, and its relation to the present shipping conditions."

Your inquiry involves a subject of vital interest to the railroads of this country, and I have come to the conclusion that it is receiving the serious consideration of the authorities at Washington.

A short time ago I received a letter from the Secretary of the Treasury asking for information on the same subject. Under date of January 7, I wrote to the Secretary, giving in detail, so far as it affected the Lehigh Valley Railroad, the embargo problem in the port of New York. In summarizing this problem my letter to the Secretary said:

"In reply to that portion of your letter which states that the chief purpose of this inquiry is to find out how the commerce of the country is being affected injuriously or otherwise by the congestion and embargo in question and how far the lack of adequate ocean transportation facilities is responsible for this condition, I would refer you to a compilation contained in the Journal of Commerce on Wednesday, January 5, 1916. This compilation shows that during the year 1915 there was a net increase of 1,125 vessels arriving in New York from foreign ports, as compared with the year 1914. In other words, we have considerably more steamers coming to this port to-day than ever before.

"It is true that despite this increase in the number of vessels the tonnage of the vessels entering the port in 1915 was 932,058 less than in 1914, but in studying tonnage figures it must be remembered that the two great German steamship companies have ceased operations from this port, and many of the large vessels of other lines have been requisitioned by their respective Governments. It also should be remembered that the largest of the vessels, now out of service, which swelled the tonnage figures for 1914, were primarily passenger boats. The great increase in vessels devoted exclusively to freight more than offsets, therefore, the apparent losses shown in tonnage figures.

"It would appear, therefore, that while we have had an increase in the number of vessels coming to the port of New York, the chief cause of the congestion is to be found in the fact that the railroads were unprepared to handle the avalanche of freight created in the United States because of abnormal conditions abroad. The cause for this unpreparedness of the railroads to meet abnormal conditions is to be found in the remarkable decrease in new construction work and purchases of equipment in the five calendar years ending with 1914 as compared with the five years ending with 1906, as follows:

*New construction and equipment orders.*

	1902-1906	1910-1914	Decrease.
			<i>Per cent.</i>
New mileage built.....	25,521	14,787	42
Freight cars ordered.....	1,092,375	736,075	32
Locomotives ordered.....	22,393	15,894	29

"You are familiar with the money market and therefore are aware that railroad financing has become exceedingly difficult, not only because of the higher rates of interest demanded for new bond issues, but also because the investing public became exceedingly timid in regard to railroad securities. This timidity was caused by the multiplicity of burdens placed upon the railroads by the Federal and State regulatory authorities, by increased wages, increased taxes, and increased cost of supplies. Because of these adverse conditions financing for extensions became so difficult that new construction and equipment orders fell off, as indicated above.

"I regard it as profoundly important to direct attention to the fact that, while the industries of the United States were able to take care of the abnormally large amount of business offered them as a result of the war, the railroads have not been able to dispatch the freight as rapidly as in normal times. To my mind the demonstrated strength of our industries shows clearly that the railroads must be able to keep pace with industrial progress in this country. I am hopeful that the congressional investigation suggested by President Wilson will show the disparity between industrial and railroad development and that as a result of such an investigation our Government will devote itself

to constructive railroad legislation. If the railroads and our industries are able to march side by side in our national development I do not think we need fear a recurrence of existing conditions."

A short time previous to my receipt of the letter from the Secretary of the Treasury I was asked by the Federal Trade Commission to answer a number of questions regarding the development of our export trade. To my mind the present condition in the port of New York bears a very close relation to the industrial development in which the Federal Trade Commission is so keenly interested.

It must be obvious to you that the railroads of this country are interested in industrial expansion. I assume that it is the desire of the Federal Trade Commission to encourage such expansion. But there is a practical side to such expansion which can not be overlooked. It is true that our present volume of foreign trade is abnormal, and it is also true that this country is on the eve of a commercial development which, if properly developed, can not fail to be generally beneficial.

It seems strange to me, however, that one branch of the Federal Government should devote itself to the broad policy of development of our foreign trade without some thought being devoted to the transportation facilities which would make that foreign trade possible. Development of home industries means increased production; increased production means an increased volume of freight; and increased freight traffic must result in a comprehensive development of our railroads.

Is it not fair to ask that if the Federal Government is to encourage industrial development that it also give serious consideration to the sort of constructive regulation of and legislation for the railroads that will enable them to handle the heavy increase in business which our industries have shown themselves capable of producing?

I am keenly interested in this entire problem and if this letter has served to throw some light on a problem which seems to be somewhat puzzling, you are at liberty to make such use of it as you see fit.

Sincerely, yours,

E. B. THOMAS.

HON. JOHN W. WEEKS,

United States Senate, Washington, D. C.

That adds cumulative evidence to the statement I have made that it is impossible—and I can bring any amount of the same kind of evidence—for the railroads to finance themselves in order to meet the industrial business conditions which have developed. If such statements are to go broadcast throughout the country as the one which I have quoted from the Senator from Wisconsin, that there has been no capital invested in railroads represented by stocks, then it is going to make investors more timid. It is true that in the earlier days—in the seventies, possibly the early eighties—there were railroads constructed in the unbroken West in the manner which has been described by the Senator from Wisconsin. It was absolutely impossible to get capital to go into the West at that time on other conditions. It was necessary to offer a premium and a possible speculative return on such an investment. Therefore the bonds that were issued did pay higher rates of interest—6 and sometimes 7 per cent—and very often stock was sold at a less price than par, and frequently, I have no doubt, was given with the bonds in order to induce capital to go into an untried field where the population had not developed and where business conditions really did not warrant at the time the building of a railroad.

If any of us had been investors at that time, I think our own conclusions would have been that we wanted to have some possibility of a profit from the stocks if we were going to put our money into such enterprises. But that any such condition has existed within the last 30 years I emphatically deny. The manner of issuing securities by the great railroad companies has entirely changed. In most States there are public-service commissions or railroad commissions which superintend the issuing of securities; and I am going to demonstrate by instancing a few railroads that the statement which I have quoted from the Senator from Wisconsin has absolutely no foundation whatever.

I am going to take first what is considered by many the most important railway system in the United States—the Pennsylvania system—and I will read a letter which I have received from the president of that road:

I will be very glad indeed to furnish you the information just as requested in your favor of the 7th if you particularly desire it in that way, but it has seemed to me, after reading the speech to which you refer, that it would answer your purpose better if I were to summarize the data, to meet the principal point in question, from the records of the Interstate Commerce Commission, being returns made to them under oath "in re investigations of rates, practices, rules, and regulations governing the transportation of anthracite coal, I. C. C. Docket 4914," and I will accordingly show it in this way:

Capital stock (from the date of incorporation, 1846, to Dec. 31, 1912):  
Par value issued.....\$453,910,807

Mind you, this goes back to 1846—

Cash value of proceeds.....\$499,501,251

Less—

Commissions.....\$2,252,842

Stock issued as dividends.....19,430,000

21,862,842

477,818,409

Net cash proceeds in excess of par value.....23,907,602

(Par value of stock, \$50; average sale price, \$52.63.)



That does not look very much as if any stock had been given away to investors with bonds or in any other way. The treasury of that company has benefited to the extent of more than \$23,000,000 by the sales of its capital stock in addition to its par value during this period of 70 years.

Funded debt (from date of incorporation, 1846, to Dec. 31, 1912):

Par value issued	\$491,795,975
Cash realized	478,557,000

Net cash proceeds less than par value	13,238,975
Cash proceeds of capital stock and funded debt in excess of par value from date of incorporation to Dec. 31, 1912	10,668,627

In connection with the difference between the cash proceeds and the par value of bonds, as you doubtless know, the amount realized from the sale of bonds is largely regulated by the rate of interest which the security bears. The average interest rate on the funded debt of the Pennsylvania Railroad Co. as of December 31, 1915, was 4.40 per cent.

So that for all this capital which has been used in the development of the great Pennsylvania system the company has received in cash \$10,668,627 more than the par value of all the stocks and bonds issued. It must be remembered, too, that many of the bonds which have been issued in recent years have borne a very low rate of interest, and therefore, for that reason, they have frequently been sold at less than their face or par value. It does not make a great difference to a railroad whether it sells a 4½ per cent interest-bearing bond at a material premium over par, or whether it sells a 4 per cent bond at a discount from par, thereby reducing its annual rate of interest by one-half of 1 per cent; and in the case of the Pennsylvania road, as in some of the others to which I will refer, the bonds have been sold at less than par for the reason that they have carried a very low rate of interest.

I will not rest my case, however, on the showing made by the Pennsylvania Railroad, but I will take another of the great railroad systems of the country—the New York Central.

In the case of the New York Central road and its allied lines, the following figures have been taken from the books of the company, and are embodied in a letter to me from the president of the company:

The bonded debt of the New York Central, exclusive of equipment trust certificates, amounts to \$631,981,000; its outstanding capital stock is \$249,590,460; total bonds and stock, \$881,571,460.

During the 26 years from July 1, 1890, to July 1, 1916, the New York Central issued a total of \$160,162,160 of stock and a total of \$603,892,000 of bonds, which are now outstanding. Of that amount of bonds, approximately \$131,000,000 were issued for the refunding of bonds, bearing a higher rate of interest, outstanding on July 1, 1890, and the balance—approximately \$473,000,000—was issued and sold for corporate purposes other than refunding. The bonds issued for refunding were issued at par or better, and the remainder was sold at an average of 96.72 per cent of par. The discount on the sale of bonds amounted to \$15,509,268.75, or 3.28 per cent on the par of the bonds issued for other than refunding purposes.

The table which I shall offer and ask to have printed will indicate that the average rate of interest on these bonds is just about 4 per cent.

The commissions paid on the sale of bonds amounted to \$5,311,020, or 0.879 per cent on the par of bonds issued. The interest paid on the \$603,892,000 of bonds averages 4.211 per cent on their par value, or including the amortization of discounts and commissions, an average of 4.313 per cent of par.

All of the stock was sold at par or better.

You will observe that since July 1, 1890, new money for capital purposes other than refunding has been provided by the sale for cash of stock and bonds of the par value of \$663,000,000, in even figures. In addition, and between January 1, 1900, and June 1, 1916, over \$133,000,000 out of income has been either reinvested in the property or carried to surplus.

The price at which bonds can be sold depends, among other things, on the rate of interest which they bear. Certain of the bond issues of the New York Central, because of their low interest rate, have been sold at a discount. Other things being equal, the greater the interest rate the more a bond will sell for. From the company's standpoint, the financial result may be the same when it sells at less than par a bond having a low interest rate and when it sells at par or better a bond carrying heavier interest. In fact, when a company sells a bond at a discount the result is frequently more favorable to it, because, amortizing the discount over the life of the bond and adding it to the interest, the company gets its money at less cost than it would have gotten it for had it sold at a higher price a bond bearing larger interest.

The proportions which the securities so issued bear to total capitalization appear from an inspection of the accompanying balance sheets.

They amount to about three-quarters of the total issues of securities of the New York Central Railroad.

I send you a copy of a circular letter dated February 23, 1915, to the stockholders, containing information as to the financial condition of the company, and also a copy of a pamphlet giving a history of the New York Central, both of which I think you will find of interest.

I shall ask, after quoting two or three paragraphs from this circular, Mr. President, to put it into the Record. It indicates some of the methods of spending the money which has been raised by this railroad company during recent years, and the reasons why the capital stock and the bonded indebtedness have increased to such a degree. For example:

The more important improvements made on the lines now comprising the New York Central Railroad since January 1, 1910, include:

Further construction at the Grand Central Terminal, at a cost of \$30,000,000 (including commercial buildings), in order to meet the requirements of an increasing passenger business, and to develop the valuable real estate within the terminal area. The annual rentals received from the Grand Central Terminal amount to more than \$2,000,000, which should increase as further improvements are completed and become productive.

Acquisition of important links in the company's main line previously held on lease, \$14,185,000.

Four tracking between New York and Albany, including improved signaling and new stations, \$15,931,000.

New passenger stations at Rochester and at Utica, including new engine terminals, new yards, and appurtenances, \$6,886,000.

Elimination of grade crossings and enlargement of Gardenville yard, \$3,276,000.

Electrification work between New York, Croton, and White Plains, \$3,783,000.

Enlargement and improvement of facilities west of Buffalo, \$14,000,000.

That statement was issued by the New York Central Railroad to explain the reasons for the issue of bonds which this circular advertises, which were sold at about par; and it indicates the tremendous amount of money which must be spent by railroad companies in order to keep their systems up to the needs of the public.

I ask permission to put this circular in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE NEW YORK CENTRAL RAILROAD CO.,  
GRAND CENTRAL TERMINAL,  
New York, February 23, 1915.

To the stockholders of the New York Central Railroad Co.:

The board of directors has authorized an issue of \$100,000,000 of 20-year 6 per cent convertible debenture bonds, which (subject to approval by stockholders and the public authorities having jurisdiction) are hereby offered for subscription by the stockholders at par, to the extent of 40 per cent of their several holdings of record of the capital stock of the company at 3 o'clock p. m. on March 19, 1915.

Information as to the bonds and directions for the guidance of stockholders will be found on the page which follows this letter.

The entire issue has been underwritten, the underwriters agreeing to take so many of the bonds as are not subscribed for by the stockholders.

These bonds will be the direct obligation of the New York Central Railroad Co., formed by the consolidation of the New York Central & Hudson River Railroad Co. and the Lake Shore & Michigan Southern Railway Co. and certain of their subsidiaries. As now constituted the railroad of the consolidated company comprises 6,050 miles of main line and 14,670 miles of track.

The proceeds of the sale of the bonds will be used to fund an equal amount of the company's now unfunded debt, which has been incurred for the betterment and extension of its railroads and in the acquisition of property.

The convertible bonds will carry an interest charge substantially the same as that heretofore paid on the notes to be funded.

The more important improvements made on the lines now comprising the New York Central Railroad since January 1, 1910, include:

Further construction at the Grand Central Terminal, at a cost of \$30,000,000 (including commercial buildings), in order to meet the requirements of an increasing passenger business, and to develop the valuable real estate within the terminal area. The annual rentals received from the Grand Central Terminal amount to more than \$2,000,000, which should increase as further improvements are completed and become productive.

Acquisition of important links in the company's main line previously held on lease, \$14,185,000.

Four-tracking between New York and Albany, including improved signaling and new stations, \$15,931,000.

New passenger stations at Rochester and at Utica, including new engine terminals, new yards, and appurtenances, \$6,886,000.

Elimination of grade crossings and enlargement of Gardenville yard, \$3,276,000.

Electrification work between New York, Croton, and White Plains, \$3,783,000.

Enlargement and improvement of facilities west of Buffalo, \$14,000,000.

Since January 1, 1900, the New York Central & Hudson River Railroad Co., the Lake Shore & Michigan Southern Railway Co., and their subsidiaries, now consolidated into the New York Central Railroad Co., increased their resources by \$658,000,000, of which over \$122,000,000 came from the sale of capital stock and over \$114,000,000 from earnings. The remainder came from the sale of bonds, equipment trust certificates, and notes.

During the same period more than \$400,000,000 has been spent for additions, betterments, new construction, and new equipment. The following tables give the approximate figures:

*Increase in resources since Jan. 1, 1900.*

From—	
Capital stock	\$122,729,000
Funded debt	234,621,000
Equipment trust certificates	53,782,000
Notes	132,743,000
Income (reinvested in the property or carried to surplus)	114,242,000
Total	658,117,000

*Disposition of the increase in resources.*

For—	
Additions, betterments, and new construction	\$246,745,000
New equipment	155,637,000
Stocks and securities acquired	161,377,000
Advances to affiliated companies	72,879,000
Material, supplies, and working fund	21,479,000
Total	658,117,000

The expenditures above mentioned have been made in order that the companies might keep pace with the growth of their business and provide the facilities needed to enable them to perform their public service. The benefits which have come from them are shown by the increases in the gross of operating revenues (including auxiliary operations), which are set forth in the following table:

	Total, including auxiliary operations.
1900	\$87,050,000
1901	99,006,000
1902	102,394,000
1903	114,983,000
1904	114,041,000
1905	125,000,000
1906	137,257,000
1907	146,604,000
1908	131,971,000
1909	146,770,000
1910	158,753,000
1911	162,263,000
1912	175,578,000
1913	186,905,000
1914	168,153,000

During the six years 1909 to 1914, inclusive, the net corporate income of the companies now consolidated, after the deduction of charges prior to the interest on the convertible bonds now to be issued, has averaged \$21,792,000, while the interest charge on the new bonds will call for \$6,000,000.

When the convertible bonds shall be outstanding the average of the interest which the company will pay on the total of its bonded debt will be 4.17 per cent, and the average interest upon its equipment trust certificates will be 4.61 per cent.

In every year since its incorporation in 1869 the New York Central & Hudson River Railroad Co. paid dividends at the rate of not less than 4 per cent per annum.

The consolidation of the New York Central & Hudson River Railroad and the Lake Shore & Michigan Southern Railway Cos. has brought into the treasury of the New York Central Railroad Co. securities of a book value of approximately \$218,000,000, part of which, representing the entire issues of controlled properties, are not currently quoted. The book value of the stocks which are currently quoted is about \$100,000,000, compared with a present market value of over \$125,000,000. These holdings include stocks of Reading Co., Pittsburgh & Lake Erie, Mahoning Coal Railroad, Nickel Plate, Big Four, etc.

About 78 per cent of the company's investments in securities is in affiliated steam roads. The interests of the company in street railway or other local utilities are its holdings in the Mohawk Valley Co. and the New York State Railways, which during the last five years have paid the company an average of 6.75 per cent on its investment.

During 1915 the increases in freight rates recently granted by the Interstate Commerce Commission will become effective, and on the basis of 1914 business will result in adding about \$3,500,000 to the company's income. Further increases in passenger rates which are now pending, and which it is hoped will shortly become effective, will still further add to income.

Of the \$658,000,000 which has been added to the resources of the company since January 1, 1900, \$237,000,000 has been derived from income and from the sale of capital stock and \$421,000,000 from the sale of bonds, equipment trust certificates, and notes. So soon as the convertible bonds are sold and the proceeds applied to the payment of notes which are now outstanding all of the \$421,000,000 of indebtedness above mentioned will have been funded with the exception of about \$32,000,000, which is offset by indebtedness of other companies.

The New York Central & Hudson River Railroad Co. executed its refunding and improvement mortgage, dated October 1, 1913, which, now that consolidation has been effected, is to be extended to include also the railroads formerly of the Lake Shore & Michigan Southern Railway Co. and of the other railroad companies included in the consolidation. Of the refunding and improvement mortgage bonds, \$40,000,000 have already been sold. It is expected that eventually bonds issued under this mortgage will provide for the capital requirements of the consolidated company so far as they are to be met from the sale of bonds. Owing to the unusual financial conditions now prevailing the board of directors has decided that it is best to fund the now maturing note indebtedness of the company by an issue of debenture bonds, convertible into stock, and to offer such bonds to the stockholders so that those who subscribe may share in the advantages which it is expected will come with the return of more prosperous years.

At the request of the company, and under the terms of the fiscal agency arrangement of February, 1911, Messrs. J. P. Morgan & Co. have formed a syndicate (of which they are members) to underwrite the issue at par. As fiscal agents they are to receive for their services their stipulated commission of 1½ per cent. The syndicate is to receive for its underwriting a commission of 2½ per cent. The company is to have the benefit of all commissions on directors' subscriptions. To the extent that profits shall be realized by the syndicate in excess of its commissions, the same shall be divided equally between it and the company. No commissions are to be payable except in respect and to the extent of such bonds as shall be actually issued.

A special meeting of the stockholders will be held on April 20, 1915, at the office of the company in Albany, N. Y., to authorize the issue of the convertible bonds and an increase of \$100,000,000 in the amount of the capital stock of the company to be used for the conversion of the bonds so far as required, and to authorize the leasing of the railroads of the Ottawa & New York Railway Co. and of the St. Lawrence & Adirondack Railway Co., of which companies the New York Central owns all of the capital stock.

Inclosed herewith is a proxy for the stockholders' meeting, which please sign and return to the secretary at your early convenience.  
A. H. SMITH, President.  
D. W. PARDEE, Secretary.

#### INFORMATION AS TO THE BONDS AND DIRECTIONS AS TO SUBSCRIPTIONS.

The convertible debenture bonds referred to in the foregoing letter will be \$100,000,000 in amount; will be dated May 1, 1915; will mature May 1, 1935; will bear 6 per cent interest from May 1, 1915; and will be convertible, at the option of the holders, after May 1, 1917, and prior to May 1, 1925, into the common stock of the New York Central Railroad Co., or of any successor company, as such stock shall be constituted at the date of conversion, on the basis of \$105 per share for the stock, the \$5 being payable either in the bonds or in money.

The company reserves the right to retire all or any part, not less than \$5,000,000, of the bonds on any interest day or days on or after May 1, 1918, at 110 per cent of par and interest on 90 days' notice, but if so called for redemption the bonds may be converted into stock up to 30 days prior to the date of redemption. Coupon bonds will be in denominations of \$100, \$500, and \$1,000, and may be registered as to principal. Registered bonds will be in denominations of \$1,000 and such multiples thereof as the board of directors may determine; \$100 bonds and \$500 bonds, in aggregates of \$1,000, may be exchanged for a \$1,000 bond. Coupon bonds for \$1,000 and registered bonds will be interchangeable.

Stockholders of the New York Central Railroad Co. have the right to subscribe on or before April 20, 1915, for bonds at par to the extent of 40 per cent of the par value of their several holdings of record of the capital stock of the company at 3 o'clock p. m. on March 19, 1915.

Subscriptions will be payable in three installments, as follows: On May 1, 1915, 50 per cent; on September 1, 1915, 25 per cent; and on October 1, 1915, 25 per cent. To installments paid on September 1 and to installments paid on October 1 will be added interest at the rate of 6 per cent per annum from May 1, 1915, to installment payment dates. Subscribers have the right to anticipate the payment of installments by making payment thereof on any of the installment dates.

Warrants will be mailed to stockholders as soon as possible after March 19, 1915, and will specify the amount of bonds for which they are severally entitled to subscribe.

The privilege of subscription will be accorded only to the holders of subscription warrants for \$100 or a multiple thereof, and to their assigns, under assignments executed in the prescribed form on the back of the warrants.

Stockholders who desire to subscribe for only a portion of the bonds to which they are entitled and to sell their subscription rights for the balance may exchange their original subscription warrants at the office of the company in New York for subscription warrants, in denominations of not less than \$100 each, of an equal aggregate amount. Such exchange must be made on or before April 16, 1915.

For each fraction of a bond less than \$100 a fractional warrant will be issued, which may be surrendered on or before April 16, 1915, at the office of the company in New York, together with other fractional warrants aggregating in amount at least \$100; and a subscription warrant or warrants in the denomination of \$100 or a multiple thereof, together with a new fractional warrant, if required, of an aggregate amount equal to the aggregate amount of the surrendered fractional warrants, will then be issued in exchange therefor. After April 16, 1915, no new fractional warrants will be issued, and all fractional warrants outstanding will be void and of no effect.

Fractional warrants may be bought or sold in the market, but will not be bought or sold by the company.

The subscription warrants must be presented and surrendered with the subscription made in respect thereof on the form to be provided on the back of said subscription warrants. If the subscription warrants are not so presented and the required payment made, such subscription warrants will become wholly void and of no value, and the privilege of subscription will cease.

Upon payment of the first installment a negotiable receipt will be issued therefor, which must be presented when further installments are paid, so that such payments may be entered thereon. All receipts must be surrendered to the company before bonds are issued.

Upon the making of final payment, engraved bonds, or receipts exchangeable for engraved bonds as soon as the latter are ready for delivery, will be issued.

Failure to pay any of the installments when and as payable will operate as a forfeiture of all rights in respect of the subscription.

Warrants will be issued and subscriptions will be received subject to the approval of the issue by the stockholders and by the governmental bodies having jurisdiction in the matter.

Mr. WEEKS. I will now take a railroad system in another section of the country, because it may be charged that the method of financing in the East is different from that in the West. In that connection I will read a letter from Mr. E. P. Ripley, the president of the Atchison, Topeka & Santa Fe Railway. Incidentally I want to say here, lest I forget it, that in many cases in the building of western railroads 40 or 50 years ago, where stocks were given with the bonds issued without any additional cost to the owner of the bonds, there have been reorganizations of the roads, and such stocks have been wiped out of existence. Furthermore, and incidentally, 45,000 of the 250,000 miles of railroads in the United States are at this time in the hands of receivers. If one will take the time to go over the railroad conditions which have existed during the last 30 years, it will be found that very much more than a majority of the mileage of the railroads of the United States has been at some time in the hands of receivers, and in many cases the stocks which were subscribed for originally have been wiped out.

Mr. Ripley says:

ATCHISON, TOPEKA & SANTA FE RAILWAY SYSTEM,  
Chicago, July 14, 1916.

Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR MR. WEEKS: In compliance with your letter of July 7 I am attaching a statement showing sales to date of securities by the Atchison Co. since January 1, 1896, the date the reorganization of the company became effective, together with the proceeds of these sales. The Atchison Co. has not since their acquisition sold any securities of subsidiary companies. Furthermore, it has sold no common stock except that \$112,357,000 convertible bonds have been exchanged to June 30, 1916, for an equal amount par value of common stock.

The preferred stock shown in the statement was sold to the public through the medium of bankers.

The securities covered by the statement represent 42.62 per cent of the capital liabilities of the Atchison, Topeka & Santa Fe Railway Co. as of June 30, 1916, including assumed obligations of subsidiary companies outstanding in the hands of the public.

Yours, truly,

E. P. RIPLEY.



## Atchison, Topeka &amp; Santa Fe Ry. Co.

PROCEEDS OF SALE OF SECURITIES, JAN. 1, 1896, TO JUNE 30, 1916.

Dates of sales.	Par amount.	Cash proceeds.	Discount.
Preferred stock: December, 1915.....	\$9,999,970.00	\$9,879,637.50	\$120,332.50
General mortgage fours (due Oct. 1, 1995):			
June, 1897.....	3,000,000.00	2,467,500.00	532,500.00
July, 1898.....	3,500,000.00	3,220,000.00	280,000.00
November, 1898.....	2,500,000.00	2,311,100.00	188,900.00
April, 1899.....	1,000,000.00	990,666.67	9,333.33
May, 1899.....	1,000,000.00	996,000.00	4,000.00
June, 1899.....	1,000,000.00	999,333.33	666.67
June, 1900.....	3,600,000.00	3,554,000.00	45,400.00
October, 1900.....	5,000,000.00	4,947,541.66	52,458.34
October, 1903.....	10,000,000.00	9,500,000.00	500,000.00
October, 1907.....	3,000,000.00	2,820,000.00	180,000.00
April, 1908.....	1,000,000.00	940,000.00	60,000.00
	34,600,000.00	32,746,741.66	1,853,258.34
Serial debenture fours (\$2,500,000 due Feb. 1, 1903, and each year thereafter): February, 1902.....	30,000,000.00	27,600,000.00	2,400,000.00
Eastern Oklahoma Division first mortgage fours (due Mar. 1, 1928):			
March, 1903.....	1,922,000.00	1,720,190.00	201,810.00
April, 1903.....	679,000.00	605,020.00	73,980.00
May, 1903.....	2,016,000.00	1,894,320.00	211,680.00
June, 1903.....	1,031,000.00	922,745.00	108,255.00
September, 1904.....	1,483,000.00	1,311,547.50	171,452.50
February, 1908.....	1,975,000.00	1,727,582.17	247,417.83
	9,603,000.00	8,550,254.67	1,052,745.33
Transcontinental Short Line fours (due July 1, 1958):			
July, 1908.....	17,000,000.00	15,512,500.00	1,487,500.00
September, 1915.....	545,000.00	470,062.50	74,937.50
November, 1915.....	5,000,000.00	4,350,000.00	650,000.00
	22,545,000.00	20,332,562.50	2,212,437.50
California-Arizona lines four-and-a-halves (due Mar. 1, 1962): March, 1912.....	18,299,095.00	18,116,698.05	182,396.95
Convertible fours, issue of 1905 (due June 1, 1955):			
April, 1905.....	32,420,000.00	31,233,860.25	1,186,139.75
April, 1906.....	16,295,000.00	16,295,000.00	0.00
September, 1909.....	12,000.00	12,480.00	480.00
March, 1910.....	7,000.00	7,280.00	280.00
April, 1915.....	977,000.00	997,702.50	20,702.50
	49,711,000.00	48,546,322.75	1,164,677.25
Convertible fours, issue of 1909 (due June 1, 1955):			
July, 1909.....	28,258,000.00	29,105,740.00	847,740.00
Convertible fours, issue of 1910:			
June, 1910.....	43,686,000.00	43,904,430.00	218,430.00
Convertible fives (due June, 1917):			
July, 1907.....	26,056,000.00	25,756,560.00	299,440.00

In other words, it will be found there has been a discount of about 5 per cent on the par value of the bonds of the Atchison road that have been issued since its reorganization in 1895, and the only capital stock issued was sold at substantially par.

I take another railroad. In this instance I am going to take a New England railroad, the Boston & Maine. I think there never has been any contention as to any part of this system that any money that has gone into the system has been badly spent on any charge against its directors, as has been the case with the New Haven road.

The Boston & Maine Railroad issue of common stock between 1890 and 1916 aggregated \$222,438,654, at an average price of \$126.92 a share. In other words, the amount realized by the railroad amounted to a premium of very nearly 27 per cent on its par value.

The stock issued by the branch lines of the Boston & Maine Railroad during that time amounted to 102,615 shares. The average price at which these stocks were sold, the return made to the treasury, was \$207.82 a share. In other words, the treasury received more than twice as much in the case of its branch lines as the par value of the stock issued.

The summary of the Boston & Maine system shows a capital stock of 307,000 shares, which has netted the treasury of the company \$46,757,182, or, practically speaking, 50 per cent more than the par value of the securities.

One of the principal branches of the Boston & Maine system is the Boston & Lowell Railroad, which owns the terminals of the system in Boston. There have been issued by the Boston & Lowell Railroad during the period to which I am referring, the last 26 years, 21,500 shares of stock, at an average price of \$204.74. In other words, the Boston & Lowell treasury has received more than \$2 for every \$1 of stock issued, and that is

largely true in the other instances of the branch lines which I have here, and which I will not read, asking permission to put them in the Record in connection with my remarks.

The Boston & Maine Railroad has sold bonds since 1896 to an aggregate volume of \$43,338,000. The bonds average to bear about 4 per cent interest. They range from 3 per cent to 4½ per cent. The return to the treasury for these bonds aggregated \$43,523,543, or almost exactly the par of the bonds—slightly more rather than less.

The Boston & Lowell Corporation, the branch of the Boston & Maine to which I have referred, issued bonds in that period aggregating \$4,278,000, which brought to the treasury \$4,331,000.

As I have stated, all these securities were issued under the direction and the approval of the Massachusetts Public Service Commission.

I will ask to put in the Record all the figures relating to this system, some of which I have quoted.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

## Boston &amp; Maine R. R.

AMOUNT RECEIVED FOR COMMON STOCK ISSUED FOR CASH 1890 TO 1916.

	Shares (par, \$100).	Price per share.	Issued to—	Amount realized.
June, 1891.....	46,414	\$100.00	Stockholders..	\$4,641,400.00
January, 1900.....	17,351.454	191.00	Public.....	3,314,384.75
January, 1903.....	2,000	190.50	Public.....	381,000.00
January, 1905.....	8,000	170.625	Public.....	1,365,000.00
September, 1906.....	36,337.200	165.00	Stockholders..	5,995,638.00
January, 1910.....	5,699	143.50	Public.....	817,094.12
December, 1910.....	104,364	110.00	Stockholders..	11,480,040.00
August, 1911.....	2,273	105.25	Public.....	238,949.12
Total.....	222,438.654	126.92		28,233,505.99

COMMON STOCK ISSUED TO STOCKHOLDERS IN EXCHANGE FOR STOCK OF ROADS PURCHASED.

Account.	Shares (par, \$100).	Market value.	Amount.
May 8, 1890 Consolidation of the Eastern and P. G. F. & C. roads.....	61,479	\$220	\$13,525,380.00
June 15, 1892 Chelsea Beach.....	504	164½	85,428.00
June 29, 1892 Dover & Winn.....	3,600	169½	610,200.00
June 30, 1892 Wolfeboro.....	3,402	169½	576,639.00
July 20, 1892 South Reading branch.....	1,147	169½	194,416.50
Jan. 16, 1893 Newburyport City.....	555	172	95,460.00
Jan. 25, 1893 Orchard Beach.....	291	172	50,000.00
June 15, 1899 Eastern road in New Hampshire.....	4,801.875	171	821,120.62
Jan. 1, 1900 F. & D.....	5,815.378	200	1,163,075.60
Do..... P. & R.....	5,820	200	1,164,000.00
Do..... P. S. & P.....	15,000	200	3,000,000.00
Total.....	102,615.253	1207.82	21,325,719.72
Grand total since 1890.....	325,053.907	152.46	49,559,225.71

Average.

SUMMARY.

	Shares.	Amount.
Stockholders.....	307,081,907	\$46,757,182.47
Public (others).....	17,972,000	2,802,043.24
Total.....	325,053,907	49,559,225.71

NEW ISSUES OF BOSTON &amp; LOWELL R. R. CAPITAL STOCK (PAR, \$100 PER SHARE) SINCE ITS LEASE TO BOSTON &amp; MAINE R. R., JUNE 22, 1887.

	Shares.	Price per share.	Issued to—	Amount.
March, 1892.....	1,000	\$173.245	Public.....	\$173,245.00
May, 1892.....	2,000	177.125	Public.....	354,250.00
September, 1892.....	1,000	180.00	Public.....	180,000.00
February, 1893.....	2,000	186.00	Public.....	372,000.00
January, 1894.....	2,000	185.00	Public.....	370,000.00
April, 1896.....	2,000	206.25	Public.....	412,500.00
April, 1903.....	700	240.00	Public.....	168,000.00
January, 1909.....	350	231.25	Public.....	80,937.50
Do.....	2,150	230.625	Public.....	495,843.75
March, 1910.....	1,755	221.375	Public.....	388,513.12
Do.....	100	221.25	Public.....	22,125.00
Do.....	100	221.00	Public.....	22,100.00
Do.....	100	220.625	Public.....	22,062.50
Do.....	645	220.50	Public.....	142,222.50
April, 1911.....	12,800	221.75	Public.....	2,838,000.00
November, 1912.....	12,800	205.14	Public.....	2,626,832.00
Total.....	21,500	204.74		4,401,880.37

## Boston &amp; Maine R. R.—Continued.

NEW ISSUE OF CONCORD &amp; MONTREAL R. R. CAPITAL STOCK (PAR, \$100 PER SHARE) SINCE ITS LEASE TO BOSTON &amp; MAINE R. R., JUNE 23, 1895.

Date	Shares	Price received	Issued to—	Cash received
October, 1895	11,853	\$100.00	Public	\$1,185,300.00
March, 1896	273	170.375	do	46,512.57
July, 1903	1,000	189.50	do	189,500.00
January, 1904	1,500	183.25	do	274,875.00
March, 1908	1,600	160.00	do	256,000.00
March, 1910	2,500	160.00	do	400,000.00
March, 1912	4,000	160.00	do	640,000.00
Total	22,726	\$131.67		2,992,187.37

NEW ISSUES OF FITCHBURG R. R. PREFERRED CAPITAL (PAR, \$100 PER SHARE) STOCK SINCE ITS LEASE TO THE BOSTON &amp; MAINE R. R., JUNE 30, 1900.

Date	Shares (par, \$100)	Price received	Issued to—	Cash received
1900	300	\$132.75	Public	\$39,825.00
	5,200	132.375	do	688,350.00
1910	5,500	\$128.48	do	706,628.75
1911	1,948	128.125	do	249,587.50
	2,052	128.00	do	262,656.00
Total	15,000	\$129.80		1,947,046.25

NEW ISSUES OF CONNECTICUT RIVER R. R. CAPITAL STOCK (PAR, \$100 PER SHARE) SINCE ITS LEASE TO THE BOSTON &amp; MAINE R. R., JAN. 1, 1893.

Date	Shares	Price received	Issued to—	Cash received
1901	500	\$275.00	Public	\$137,500.00
1908	791	\$250.08	do	197,811.00
1909	209	250.00	do	52,250.00
1906-1909	5,033	\$293.68	do	1,478,060.00
Total	6,533	\$285.67		1,865,621.00

STATEMENT OF SALE OF BOSTON &amp; MAINE BONDS OUTSTANDING JUNE 30, 1916.

Date of issue	Amount	Rate	Cash realized	Sold to—
February, 1887 (impt. sk. fund)	\$1,919,000.00	4	\$1,947,000.00	
August, 1892	2,500,000.00	4	2,515,458.60	
January, 1894	6,000,000.00	4½	5,700,000.00	Drexel, Morgan & Co.
July, 1900	5,454,000.00	3	5,454,000.00	Exchanged for common stock Fitchburg R. R. Co., Massachusetts.
November, 1901	1,000,000.00	3½	1,029,200.00	Lee Higginson & Co.
January, 1903	2,000,000.00	3½	1,945,000.00	Estabrook & Co.
February, 1905	500,000.00	3½	493,375.00	N. W. Harris & Co.
September, 1906	10,000,000.00	4	10,120,000.00	R. L. Day & Co.
April, 1909	11,700,000.00	4½	12,054,510.00	Wm. A. Read & Co.
June, 1887 (P. G. F. & C.)	1,000,000.00	4½	1,000,000.00	
January, 1890 (W. N. & R.)	735,000.00	4	735,000.00	
October, 1894 (W. N. & R.)	380,000.00	4	380,000.00	Assumed by Boston & Maine with purchase of road.
June, 1906 (W. N. & R.)	150,000.00	4	150,000.00	
Total	43,338,000.00		43,523,543.60	

¹ Sold at auction; purchased by Boston &amp; Maine R. R.

² Average.

³ 3,335 shares sold at auction; purchased by Boston &amp; Maine R. R.

⁴ Average market value.

⁵ Issued in exchange for capital stock of the Vermont Valley R. R., dollar for dollar.

## Boston &amp; Lowell R. R. Corporation.

STATEMENT OF SALES OF BONDS DURING PAST 25 YEARS.

Date	Par.	Cash realization	Sold to—
October, 1897	\$200,000.00	\$207,163.76	E. C. Stanwood & Co.
October, 1898	214,000.00	231,841.18	
July, 1899	620,000.00	634,353.00	
January, 1901	319,000.00	333,084.12	G. A. Fernald & Co.
May, 1903	250,000.00	250,000.00	Lee Higginson & Co.
September, 1905	500,000.00	485,567.50	F. L. Higginson.
November, 1906	500,000.00	498,722.22	R. L. Day & Co.
July, 1907	325,000.00	323,094.55	Mackay & Co.
April, 1909	350,000.00	350,705.67	James A. Hutchinson.
February, 1913	1,000,000.00	1,017,190.00	Merrill, Oldham & Co.
Total	4,278,000.00	4,331,723.00	

Mr. WEEKS. I now take a railroad system in still another section of the country, the Louisville &amp; Nashville system. In a

letter to me under date of July 17, the first vice president, Mr. Mapother, writes as follows:

LOUISVILLE & NASHVILLE RAILROAD CO.,  
Louisville, Ky., July 17, 1916.Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your favor of the 7th instant, addressed to the president, making inquiry as to the sales of stocks and bonds by the Louisville &amp; Nashville Railroad Co. during the last 25 years, I submit the following:

1. Price at which stock was sold:

Stock issue, par value	\$24,012,300.00
Net amount realized	22,996,776.77
Average price per share of \$100	95.77

2. To whom sold—stockholders or the public: Of the total par value issue, \$11,975,172 was issued to stockholders at par and the remainder sold to the public.

3. Price at which bonds were sold:

The total amount of bonds sold during the 25 years, par value, amounted to \$177,663,500; net amount realized, \$169,337,657.38.

Included in the above par value are bonds aggregating \$42,000,000, which are no longer outstanding in the hands of the public, having matured, from which there was realized when originally sold, \$39,190,000.

Deducting these two amounts from the total sale and net amount realized, we have as the amount of par value of bonds sold during the last 25 years, which are outstanding in the hands of the public, \$135,663,500, and the net amount realized on these bonds amounted to \$130,147,657.38.

The average amount realized per bond of \$1,000 was \$959.34.

4. Proportion which above sale of securities bears to the total capital:

Total issue of capital stock	\$72,000,000.00
Proportion of sale during last 25 years to the total	33.35
As of May 31, 1916, the total bonded debt outstanding in the hands of the public was	\$172,932,000.00
Proportion of the sale for the last 25 years of bonds which are still outstanding to the total outstanding	75.26
The total net sale, par value, of capital stock and bonded debt for the 25-years period aggregated	\$160,675,800.00
Upon which we realized	\$153,144,434.15
The total capital stock and bonded debt outstanding in the hands of the public	\$244,932,000.00
The par value of total sales represents	65.60
Of the total stocks and bonds outstanding and of the amount realized is	62.53

Yours, truly,

W. L. MAPOTHER,  
First Vice President.

In other words, the treasury of the Louisville &amp; Nashville Railroad operating in the southern section of the country received practically 97 per cent of the par value of every bond and every share of stock which it has outstanding.

Now, I take another road, the Union Pacific, which has become one of the great railroad systems of the country. I have here a statement of the bonded indebtedness and the stock issued since the reorganization of that system in 1897. I will ask to put this in the RECORD without reading, because the figures there bear out the general statement which I have made in connection with the other roads.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Without objection, that order will be made.

The matter referred to is as follows:

UNION PACIFIC SYSTEM,  
New York, July 21, 1916.Hon. J. W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: Your letter of the 7th instant, addressed to Mr. A. L. Mohler, as president of the Union Pacific Railroad Co., requesting information as to sales of securities by that company, has been referred to me.

In compliance with your request I have had compiled and inclose herewith a statement giving the desired information in so far as we are able to furnish it. The Union Pacific System was reorganized in 1896 and 1897, and the existing companies, which acquired the railroad properties as a result of the reorganization, have none of the information which you request for the period prior to the reorganization.

You refer to a speech by Senator LA FOLLETTE printed in the CONGRESSIONAL RECORD of Thursday, July 6. This citation is apparently erroneous, and we have not been able to find the speech to which you refer. I should be greatly obliged if you would have a corrected citation sent me.

In 1914 I had some correspondence with Senator THOMAS, of Colorado, the principal part of which was printed in the CONGRESSIONAL RECORD, of April 13, 1914, page 7149, and April 22, 1914, page 7600, concerning a criticism of certain Union Pacific financing which he had made on the floor of the Senate.

Yours, very truly,

R. S. LOVETT.

Union Pacific System.

CAPITAL STOCK AND FUNDED DEBT IN HANDS OF THE PUBLIC AS OF JUNE 30, 1916.

[Union Pacific R. R. Co., incorporated July 1, 1897; Oregon Short Line R. R. Co., incorporated Feb. 9, 1897; Oregon-Washington R. R. &amp; Navigation Co., incorporated Nov. 23, 1910, successor to Oregon R. R. &amp; Navigation Co., which was incorporated July 16, 1896, and dissolved on Mar. 1, 1911.]



## CAPITAL STOCK UNION PACIFIC R. R. CO.

## Common stock:

Issued at par value under "Plan and agreement for reorganization dated Oct. 15, 1895," in part payment for railroad and other property acquired.....	\$80,986,400
Issued in exchange for the capital stock of the Oregon Short Line R. R. Co. on basis of par value of U. P. R. R. Co. stock for par value O. S. L. R. R. Co. stock and \$3 in cash per share, amounting to \$820,479. The O. S. L. R. R. Co. stock was owned by the public and had been issued under the "Plan and agreement for reorganization dated Feb. 20, 1896".....	27,349,300
Issued in exchange, at par value, for Oregon R. R. & Navigation Co. common stock owned by the public, which had been issued under "Plan and agreement for reorganization dated in 1895".....	7,690,600
Issued for conversion of first lien convertible 4 per cent bonds at rate of \$100 par value in stock for each \$100, face value in bonds. The convertible bonds were previously sold at their face value, \$39,450,000 to the stockholders and \$60,000,000 to the public.....	99,450,000
Issued for conversion of 20-year 4 per cent convertible bonds at rate of \$100 par value in stock for each \$175 face value in bonds. The \$46,926,775 in bonds converted were originally sold to the stockholders at 90 per cent of face value, which amounted to \$42,234,097.....	26,815,300
<b>Total common stock.....</b>	<b>222,291,600</b>

## Preferred stock:

Issued at par value under "Plan and agreement for reorganization dated Oct. 15, 1895," in part payment for railroad and other property acquired.....	74,974,200
Issued in exchange, at par value, for Oregon R. R. & Navigation Co. preferred stock owned by the public, which had been issued under "Plan and agreement for reorganization dated in 1895".....	9,883,800
Issued in exchange, at par value for face value, for Oregon Short Line R. R. Co. collateral trust, noncumulative income B bonds owned by the public, which had been issued under "Plan and agreement for reorganization dated Feb. 20, 1896".....	14,685,500
<b>Total preferred stock.....</b>	<b>99,543,500</b>

## FUNDED DEBT UNION PACIFIC R. R. CO.

## First mortgage railroad and land grant 4 per cent bonds:

Issued at face value under "Plan and agreement for reorganization dated Oct. 15, 1895," in part payment for railroad and other property acquired.....	89,978,000
Issued in exchange, at par value for face value, for Oregon Short Line R. R. Co. noncumulative income A bonds owned by the public, which had been issued under "Plan and agreement for reorganization dated Feb. 20, 1896".....	6,584,000
Sold to public at 102 per cent of face value, amounting to \$3,506,760.....	3,438,000
	<b>100,000,000</b>

## First lien and refunding mortgage 4 per cent bonds sold to the public at 93 per cent of face value, amounting to \$60,876,023.....

20-year 4 per cent convertible bonds sold to the stockholders at 90 per cent of face value, amounting to \$24,151,703.....	26,835,225
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## OREGON SHORT LINE R. R. CO.

Oregon Short Line Ry. Co. first mortgage 6 per cent bonds issued in 1881. Assumed by O. S. L. R. R. Co. under "Plan and agreement for reorganization dated Feb. 20, 1896".....	14,931,000
Utah & Northern Ry. Co. first mortgage 4 per cent bonds issued in 1878. Assumed by O. S. L. R. R. Co. under "Plan and agreement for reorganization dated Feb. 20, 1896".....	4,991,000
Utah & Northern Ry. Co. consolidated mortgage 5 per cent bonds issued in 1880. Assumed by O. S. L. R. R. Co. under "Plan and agreement for reorganization dated Feb. 20, 1896".....	1,744,000

## Consolidated mortgage 5 per cent bonds:

Issued at face value under "Plan and agreement for reorganization dated Feb. 20, 1896," in part payment for railroad and other property acquired.....	10,295,000
Sold to the public at face value.....	2,033,000
	<b>12,328,000</b>

## Noncumulative income A bonds issued at face value under "Plan and agreement for reorganization dated Feb. 20, 1896," in part payment for railroad and other property acquired.....

Collateral trust noncumulative income B bonds issued at face value under "Plan and agreement for reorganization dated Feb. 20, 1896," in part payment for railroad and other property acquired.....	272,500
4 per cent refunding bonds sold to the public at 97.56 per cent of face value, amounting to \$43,902,000.....	25,000
	<b>45,000,000</b>

## OREGON-WASHINGTON R. R. &amp; NAVIGATION CO.

## Oregon R. R. &amp; Navigation Co. consolidated mortgage 4 per cent bonds:

Issued at face value under "Plan and agreement for reorganization dated in 1895," in part payment for railroad and other property acquired.....	15,174,000
Issued at 110 per cent in exchange for \$4,900,000 Oregon Ry. & Navigation Co. first mortgage 6 per cent bonds.....	5,390,000
Sold to the public; can not furnish prices.....	2,816,000
	<b>23,380,000</b>

First and refunding mortgage 4 per cent bonds sold to the public at 90 per cent of face value, amounting to \$35,698,532..... 39,665,035

Total funded debt..... 334,629,850

NOTE.—The above represents securities held by the public and does not include stock and bonds of the respective Union Pacific system companies held in the Treasury or owned within the system.

JULY 20, 1916.

Mr. WEEKS. Also, I have a statement of the Southern Pacific System, which operates in the same section of country covered by the Union Pacific System.

The issue of stock in the Southern Pacific system since December 31, 1890, amounts to \$156,599,000. Of this amount \$81,636,415.64 was issued in exchange for stock of companies forming part of the system. This leaves \$74,963,100 to be accounted for. Seventy-four million four hundred and fifty-one thousand eight hundred dollars was issued in exchange for an equal amount of preferred stock, which has been issued for cash at par. Five hundred and eleven thousand three hundred dollars was issued in exchange for convertible bonds, which had previously been issued for cash at par. Of this last amount \$509,300 was issued at a premium of 130.

I annex a statement giving the detail of the bond issue and the total issue aggregating \$249,000,000. There are now outstanding \$204,000,000, the remainder having been retired or converted into stock. I ask that there may be printed in the RECORD the statement relating to this matter which I have been discussing.

The PRESIDING OFFICER. That order will be made.

The matter referred to is as follows:

SOUTHERN PACIFIC CO.,  
July 27, 1916.

HON. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: Mr. William Sproule, president of the Southern Pacific Co., as well as of the Southern Pacific Railroad Co., has referred to me your letter of July 7, in which you ask to be furnished with certain information as to the sales of stocks and bonds by the "Southern Pacific Railroad Co." and its leased lines during the last 25 years.

The Southern Pacific Railroad Co. owns one of the several lines composing the Southern Pacific system, which is operated under lease by the Southern Pacific Co. On account of the almost total destruction of its corporate records by the San Francisco fire of 1906, it is impossible at the present time to furnish you with the desired information. I say "at the present time," for agents of the valuation department of the Interstate Commerce Commission, with the cooperation of our own officers, have been engaged for some time in the endeavor to work out from what remains of the corporate records information similar to that which you have asked for. It is believed that this work will be completed and a report made in about six weeks or two months.

The parent company of the Southern Pacific System is the Southern Pacific Co., a Kentucky corporation, whose executive officers are in New York. Your letter was referred to me, as chairman of the executive committee of the Southern Pacific Co., doubtless because Mr. Sproule thought that you had in mind the Southern Pacific Co. By the Equitable Building fire of 1912 this company also incurred the loss of nearly all its corporate records.

From the printed annual reports of the Southern Pacific Co. and from its reports to the Interstate Commerce Commission it appears that its outstanding capital stock was issued either in exchange for the stock of the companies which compose its system or for the equivalent of cash at par.

The issue of its stock since December 31, 1890, amounts to \$156,599,515.64. Of this amount, \$81,636,415.64 was issued in exchange for stock of companies forming part of its system. This leaves \$74,963,100 to be accounted for; \$74,451,800 was issued in exchange for an equal amount of preferred stock, which had been issued for cash at par; \$511,300 was issued in exchange for convertible bonds, which had previously been issued for cash at par. Of this last amount, \$509,300 was issued at a premium of 130.

All the bonds of the Southern Pacific Co. have been issued in the last 25 years; \$16,818,500 were issued in 1900 in connection with the acquisition of the Central Pacific Railway Co.; the remainder were issued at the highest prices obtainable, varying from a minimum of 87.50 for an issue of 4 per cent bonds during fiscal year ended June 30, 1912, to a maximum of 96.75 for 4½ per cent bonds during fiscal year ended June 30, 1913. The \$136,346,500 of convertible bonds were issued for cash at par. I annex a statement giving the details of the bond issues. Of the total issues, aggregating \$249,345,000, there are now outstanding \$204,835,110. The remainder have been retired or converted into stock.

Yours, truly,

J. KRUTTSCHNITT.

*Southern Pacific Co.*  
BONDS ISSUED TO JUNE 30, 1915.

Title of bonds.	Par value.	Rate at which sold (less commission).	Disposition of bonds.	Par value of bonds outstanding June 30, 1916.
First mortgage 6 per cent steamship bonds, issued fiscal year—				
1891.....	\$1,971,000	100	Sold to Pacific Improvement Co. (eventually acquired by the Central Pacific Ry. Co. for sinking funds).	None.
1892.....	1,029,000			
Total.....	3,000,000			
Two 5-year 4½ per cent gold bonds, issued fiscal year—				
1901.....	15,000,000	Average 93½	Unable to ascertain from records account destruction thereof in Equitable Building fire Jan. 9, 1912; issued for corporate purposes of the company.	None.
1903.....	5,000,000			
1904.....	10,000,000			
Total.....	30,000,000			
Two 5-year 4 per cent gold bonds, issued fiscal year—				
1905.....	6,991,000	100	Issued in exchange for a like amount of two 5-year 4½ per cent gold bonds.	None.
1906.....	262,000			
Total.....	7,253,000			
4 per cent gold bonds (C. P. stock collateral), issued fiscal year—				
1900.....	16,818,500		Issued in part payment of purchase price of Central Pacific R. R. Co.'s common stock, in accordance with readjustment plan, which provided that holders of the said stock should receive share for share in Southern Pacific Co.'s common stock and 25 per cent in S. P. Co. 4 per cent gold bonds (C. P. stock collateral).	\$34,218,500
	12,000,000		Issued in exchange at par for \$12,000,000 Central Pacific preferred stock.	
1903-1912.....	5,400,000	89	Sold to Union Pacific R. R. Co. to reimburse S. P. Co. for advances made for additions and betterments Central Pacific Ry.	
Total.....	34,218,500			
4½ per cent 20-year gold bonds, issued fiscal year—				
1909.....	72,000		Issued in part payment of preferred stock surrendered and canceled. Holders received for each share surrendered 100 per cent in bonds and 20 per cent in cash.	227,000
1910.....	155,000			
Total.....	227,000			
per cent 20-year convertible bonds, issued fiscal year—				
1900.....	79,896,546	100	Sold to stockholders to reimburse company for expenditures account road and equipment and provide funds for future additions and betterments.	81,151,910
1910.....	1,917,454			
Total.....	81,814,000			
San Francisco Terminal first mortgage 4 per cent bonds, issued fiscal year—				
1910.....	15,000,000	87½	Sold to Kuhn, Loeb & Co. <sup>1</sup>	24,965,700
1911.....	4,000,000	88½	do. <sup>1</sup>	
1912.....	6,000,000	87½	Sold to Union Pacific R. R. Co. <sup>1</sup>	
Total.....	25,000,000			
5 per cent 20-year convertible gold bonds, issued fiscal year—				
1914.....	51,526,427	100	Issued to stockholders to reimburse company for expenditures account road and equipment and to refund \$26,000,000 S. P. Co. 1-year notes.	54,527,000
1915.....	3,006,073			
Total.....	54,532,500			
Equipment trust 4½ per cent certificates:				
Series A—				
Issued fiscal year 1913.....	5,000,000	96.75	Sold to Kuhn, Loeb & Co. to provide funds with which to purchase rolling stock.	9,745,000
Issued fiscal year 1914.....	5,120,000	+95.89		
Series B, issued fiscal 1914.....	2,010,000	+95.62		
Series C, issued fiscal year 1915.....	1,170,000	+96.45		
Total.....	13,300,000			
Grand total.....	249,345,000			204,835,110

<sup>1</sup> To reimburse company for expenditures account Bay Shore Line and terminal facilities.

Mr. WEEKS. I have statements from other prominent railroads of the country that practically substantiate the figures which I have given in the roads I have cited.

In a word, I want to say, Mr. President, that I do not find that any railroad company in this country has issued securities during the last 25 years materially below par, and that the average of all the railroad securities issued, both stocks and bonds, during that period is substantially 95 per cent of their par value. I doubt, unless in the very remotest sections of the United States, in the case of some small railroad, if there has been a single mile of road built during the last 25 years where a bond issue has been made and the stock has been given to the purchaser of the bonds as a gratuity. It certainly has not been done in the case of any of the great railroad systems of the country, which have constructed practically all of the mileage which has been constructed in the United States during that time. I do not know a single instance of an old railroad where that has been done. I think in one or two cases in the Southwest I have heard of cases where railroads have been

undertaken by a sale of bonds, and the stock sold at a material discount from par. In one instance—I do not recall the name of the road; I guess it was the Kansas City & Southern or the Kansas City & Gulf—the road was in the hands of a receiver before it was completed. The same individuals attempted to construct a road in a southwestern direction from Kansas City—with this the present Presiding Officer (Mr. ASHURST in the chair) may be familiar—but I think the result was exactly the same as in the previous case—that the road went into the hands of a receiver before the construction was completed.

So finally in my investigations, which have been fairly thorough, I do not find any instance which will corroborate the statement made by the Senator from Wisconsin—that railway stocks are given to the purchasers of bonds, and do not bring any return to the treasury of the road.

I make this statement and submit these figures not because I care personally anything about defending the railway situation in the United States in any other manner than to promote the public interest by furnishing the public with sufficient confi-



dence in railway securities so that they may safely invest in them and thereby enable railroads to make developments which will enable them to perform the service which the public has a right to demand. If what I have submitted has any influence in bringing about that condition, I am quite content. I certainly have had no other purpose in taking this matter up for discussion at this time.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15522) to establish a national park service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LA FOLLETTE managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEWIS, Mr. MAHER, and Mr. SMITH of Michigan managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 12717. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 15957. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 16699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

#### PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Men's Club of the St. Andrew's Episcopal Church, of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented memorials of sundry citizens of California, remonstrating against the enactment of legislation to limit the freedom of the press, which were ordered to lie on the table.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 6808) granting a pension to Mrs. W. H. Holmes (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6809) granting an increase of pension to William F. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 6810) for the relief of John H. Rheinlander; to the Committee on Claims.

#### WITHDRAWAL OF PAPERS—TABITHA RASK.

On motion of Mr. PITTMAN, it was

*Ordered*, That the papers in the case of the bill S. 4156, Sixty-fourth Congress, first session, granting a pension to Tabitha Rask, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### NATIONAL PARK SERVICE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15522) to establish a national park service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT conferees on the part of the Senate.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries, to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes.

Mr. FLETCHER. Mr. President, I presume it would now be in order to have the Secretary read the bill and take up the amendments of the committee in their order.

Mr. SMOOT. I will ask the Senator not to make that request at this time. I will say that there are no other Senators ready to go on to-night, but they will be prepared in the morning, and I hope the Senate will now adjourn.

Mr. FLETCHER. I think, Mr. President, I will not ask unanimous consent to have the bill read and consider the committee amendments first. We have had a very hard day of it anyway, and I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Wednesday, August 9, 1916) the Senate adjourned until to-morrow, Thursday, August 10, 1916, at 12 o'clock meridian.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 9, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, we approach Thee in faith and confidence that we may be guided by the light of Thy spirit through all the duties of this day; impress upon us, we beseech Thee, the certainty of the great and universal law: "Whosoever a man soweth, that shall he also reap. For he that soweth to his flesh, shall of the flesh reap corruption; but he that soweth to the Spirit, shall of the Spirit reap life everlasting. And let us not be weary in well-doing, for in due season we shall reap, if we faint not." Hear us and thus bless us in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendment to bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments and had appointed Mr. NEWLANDS, Mr. ROBINSON, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 193. Joint resolution authorizing the Postmaster General to provide the postmaster at Newark, N. J., with a special canceling die for the Newark Two hundred and fiftieth Anniversary Celebration.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co. of Maryland to enter the District of Columbia," approved June 8, 1896.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1351. An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same; and

S. 5466. An act to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890.

#### TRADE RELATIONS WITH FOREIGN COUNTRIES.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter recently written by the President to the president of the Illinois Manufacturers' Association. Mr. Speaker, I will say, this was

the letter from which I read an extract a day or two ago, the authenticity of which was doubted by the gentleman from North Carolina [Mr. KITCHIN]. I therefore ask to put the letter in the RECORD, the reply thereto by the Illinois Manufacturers' Association, and the letter addressed to me, inclosing same.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the letters referred to. Is there objection? [After a pause.] The Chair hears none.

The letters referred to are as follows:

ILLINOIS MANUFACTURERS' ASSOCIATION,  
Chicago, August 7, 1916.

Hon. NICHOLAS LONGWORTH, M. C.,  
Washington, D. C.

DEAR SIR: Mr. Hastings requests me to acknowledge receipt of your telegram of August 5. I inclose herewith a copy of the letter of President Wilson and also a copy of Mr. Hastings's reply.

Very truly, yours,

JOHN M. GLENN, Secretary.

THE WHITE HOUSE,  
Washington, July 28, 1916.

Mr. SAMUEL M. HASTINGS,  
President Illinois Manufacturers' Association, Chicago, Ill.

MY DEAR MR. HASTINGS: It was with real interest and appreciation that I received your suggestion for the appointment of a commission to visit the belligerent nations for the purpose of studying the means whereby closer economic relations might be brought about between the United States and Europe. The general idea underlying your suggestion had for a long time been much in my thoughts. Whether this is the opportune moment to act upon it, however, is open to serious question.

Let me say that when the circumstances justify it I shall take advantage of that provision of the Rainey bill under which the President is authorized to direct an examination or investigation by the tariff commission of trade relations between the United States and foreign countries, including the conditions, causes, and effects of the competition of foreign industries with those of the United States.

After all, what we are interested in is to ascertain all the facts surrounding our economic life and to disconnect a fundamental thing like the fiscal policy of the Government with regard to duties on imports from party politics. We shall strive to do this through the instrumentality of a permanent, nonpartisan commission composed of able and experienced men, so that when the facts are once obtained the handling of our tariff question may no longer be made the football of politics. It ought to be possible by such means to make the question of duties merely a question of progress and development, a question of adapting means to ends, of facilitating and helping business and employing to the utmost the resources of the country in a vast development of our business and enterprise.

Through the Federal Trade Commission, which substitutes the milder processes of helpful counsel for the harsh process of the law, we already have for the first time a compilation of the trust laws of the world, together with a complete analysis of the manner in which foreign Governments encourage their business enterprises and associations. A committee of the House of Representatives now has under discussion a bill to permit cooperation among American manufacturers and business men exclusively for export trade, so that American enterprise may be able to meet more successfully the organized competition with which they are face to face in international markets. In addition to the information gathered and systematized by the Federal Trade Commission bearing upon foreign and domestic commerce, our consular representatives and commercial attaches abroad have kept us well supplied with information relative to the changing business conditions and the new financial processes which are proceeding with unusual rapidity; but it will be the privilege and function of the tariff commission to obtain and collate in an even more systematic way the information which is desired as a basis for our future action.

We have not been accustomed to the large world of international business, but it is evident that we must get acquainted with it immediately. American enterprise is already establishing new industries. Some of these, like the dyestuffs industry, for example, are old and well established in Europe, and have been for generations. The study of such industries, their wages, and their general organization, with reference to economy and efficiency of operation, can not fail to be helpful to the business men of the United States and to the people in general.

May I not add an expression of my sincere appreciation of the evidence you and your colleagues have given of a willingness to cooperate in all such enterprises?

Sincerely, yours,

WOODROW WILSON.

ILLINOIS MANUFACTURERS' ASSOCIATION,  
Chicago, July 31, 1916.

To the PRESIDENT:

I beg to acknowledge receipt of your letter of July 26, and in reply wish to express to you my appreciation as well as the appreciation of my colleagues for the very cordial reception you have given our suggestions.

The very important services which we propose no doubt could be done by the tariff commission as you indicate, but we feel that it would be much better to have a special commission, the idea of which should be to carry our feelings of friendship and good will to other nations. The members of the tariff commission would be received as commercial emissaries, while it was our thought that the commercial feature should be secondary.

We feel our country should cultivate a friendly spirit with other nations, and the commission we suggest should precede any commercial effort made on the part of business houses of our country.

We were impressed with your Detroit speech and gathered our suggestions largely from this source. There is no desire to interfere with the diplomatic officials or encroach upon the duties of any other department. If a commission made up of representative industrial and financial men could sit down with similar representatives from other Governments and talk matters over, our people feel confident that great good would result, as it would help to eliminate misunderstandings and place us on a more friendly footing. The message our commission would carry to the foreign Governments and trade associations could not help but bear fruit beneficial to ourselves and the countries visited.

Very truly, yours,

SAMUEL M. HASTINGS, President.

#### PREVENTION OF INTERSTATE COMMERCE IN PRODUCTS OF CHILD LABOR.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8234, just reported from the Senate, to disagree to the Senate amendments and agree to the request for a conference on the differences between the two Houses, and ask that the conferees be appointed for that purpose.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

The SPEAKER. To disagree to the Senate amendments and agree to the conference asked. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. LEWIS, Mr. MAHER, and Mr. SMITH of Michigan.

SCHOONER CLARA DAVIS.

Mr. GREENE of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. GREENE of Massachusetts. Mr. Speaker, I desire to insert in the RECORD two telegrams, the one I sent to Capt. Davis, of Somerset, Mass., and his reply thereto.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing two telegrams, one that he sent to Capt. Davis and Capt. Davis's reply, pertaining to the debate of yesterday. Is there objection? [After a pause.] The Chair hears none.

The telegrams are as follows:

WASHINGTON, D. C., August 8, 1916.

Capt. CORNELIUS A. DAVIS,  
Somerset, Mass.:

Saw a statement that the Clara Davis is now on the British black list. Is that correct, or has the black list been suspended? Answer.  
WM. S. GREENE.

FALL RIVER, MASS., August 8, 1916.

Hon. WILLIAM GREENE, M. C.,  
Washington, D. C.:

Have promise that black list will be removed in a few days.

C. A. DAVIS.

#### EXTENSION OF REMARKS.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 1660, providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed by the Bureau of Animal Industry in the Department of Agriculture.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

#### ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army appropriation bill (H. R. 16460), and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. PARKER of New Jersey. Mr. Speaker, reserving the right to object, may I ask whether there will be a full explanation given of this matter?

Mr. HAY. I did not hear the gentleman.

Mr. PARKER of New Jersey. Well, the statement does not tell very much; will there be a full explanation given?

Mr. HAY. I will be glad to answer any questions.

Mr. PARKER of New Jersey. I know, but people do not understand very much about it unless a full explanation is given. The report is very long.

Mr. HAY. I will be very glad to explain to the gentleman anything I can explain.

Mr. PARKER of New Jersey. Will the gentleman explain the conference report in addition to having the statement read?

Mr. HAY. I will do so after the statement has been read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The statement was read:

#### CONFERENCE REPORT (NO. 1091).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917, having met, after full and



free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 43, 52, 54, 57, 58, 60, 72, 75, 77, 88, 96, 101, 104, 130, 131, 135, and 140.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 8, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 27, 32, 33, 34, 35, 36, 38, 39, 40, 44, 45, 47, 49, 53, 55, 62, 63, 65, 68, 78, 79, 81, 82, 83, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 97, 98, 103, 105, 107, 110, 111, 114, 117, 118, 126, 127, 128, 129, and 136, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed \$4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, \$50,000."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$14,281,766"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 7 of the bill, line 10, after the word "section," insert the following: "Provided further, That of the sum last above mentioned \$900,000, or so much thereof as may be necessary, will be available for paying and otherwise providing for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field and remount station, the terms of the donation also to authorize the use of the property donated for any other service of the United States which may hereafter appear desirable."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is directed to investigate the suitability of the various military reservations for aviation purposes, and should any of the reservations be found not suitable and not available for aviation he is authorized, in his discretion, to acquire, by purchase, condemnation, or otherwise, for the United States of America, such land as may be necessary for aviation purposes, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, for said purpose."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$10,000,000: *Provided*, That in applying section 25 of the national-defense act approved June 3, 1916, the President shall assign to officers of the Army such constructive dates of original commission, from which lengths of commissioned service shall be computed, as will preserve their rights to promotion in accordance with their relative order on the lineal lists of their arms

and continue in effect losses of files occasioned by sentences of courts-martial or failures to pass required examinations for promotion, said constructive dates of original commission to be subject to change whenever a change thereof may be necessary in order to carry into effect losses of files hereafter incurred by any officer through a sentence of court-martial or a failure to pass a required examination for promotion: *Provided further*, That in determining the arm from which a detail is to be made to a vacancy in the detached officers' list, as provided in the third proviso of section 25 of the national defense act approved June 3, 1916, the officer of any grade who is the senior in that grade according to the constructive dates of original commission provided for in the preceding proviso shall be considered the senior in length of commissioned service of all officers of that grade: *Provided further*, That in determining the rights of officers in the last proviso of section 24 of said national defense act, officers retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery: *Provided further*, That when by reason of increase in the arm, corps, or branch of the service in which an officer is commissioned his loss of files in lineal rank due to suspension from promotion on account of failure to pass the required examination therefor exceeds the loss he would have sustained if no such increase had occurred, he shall, if promoted upon reexamination, be advanced to the position he would have occupied in the grade to which promoted had no increase occurred: *And provided further*, That the general officers of the line who were appointed as such pursuant to the act of March 4, 1915 (38 Stat. L., p. 1191), shall take rank in their present grades over all officers hereafter appointed to like grades"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$2,225,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$9,000,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$18,000,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That nothing in this act or previous acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in of said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$700,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$300,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$2,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$800,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$1,500,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: On page 9 of the printed amendments, line 1, strike out the word "may" and insert the word "shall"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$675,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$700,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$375,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "which limitations shall include the grades of brigadier general, major general, and lieutenant general"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the following: "by and with the advice and consent of the Senate"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the President be, and he is hereby, authorized to appoint to the grade of major general on the retired list of the Army any brigadier general now borne on said list who served with credit in the Army throughout both the Civil War and the War with Spain, as well as during the interval between said wars, and who, being a general officer, exercised with efficiency and gallantry the command of a brigade or of a higher unit in action or in actual operations against an enemy, and who in consideration of services so rendered was recommended to be a major general, United States Volunteers, by the commanding general of the Army, as shown by the records of the War Department: *Provided*, That any brigadier general on the retired list who as senior colonel commanded with credit a brigade or higher unit in the Civil War, though not so recommended, may be advanced in grade as authorized by this paragraph if he fulfills the other requirements thereof."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$712,500"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For three months' additional pay to enlisted men reenlisting within the period of three months from date of discharge from first enlistment"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For temporary employment, under the direction of the Secretary of War, of additional clerks in the field on account of the induction of additional forces into the service of the United States, \$50,000."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Omit the matter inserted in said amendment; on page 20, line 13, of the bill, strike out the comma, and on the same page of the bill, line 5, after the word "Army," insert the following: "\$20,000,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of

the matter inserted in said amendment insert the following: "\$11,000,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That \$250,000 of the appropriation provided for in this paragraph shall be expended in the purchase of material and the construction of tent floors, framing for screens, and screens, to be added to the equipment of the tents now being used by the Army of the United States"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted in said amendment insert the following: "\$2,000,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Insert the matter inserted by said amendment on page 26 of the bill, line 3, after the word "discharge" where it occurs the first time in said line; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$23,000,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and the preparation of camp sites, including the procurement of water, installation of water and sewer systems, construction of roads and the construction of temporary kitchens, mess shelters, latrines, bathhouses and storehouses for the storage and safe-keeping of supplies at mobilization camps in the several States for the forces called or drafted into the service of the United States, and to be available from June 18, 1916, \$4,000,000," and, on page 29 of the bill, line 18, strike out the word "and" and insert a semicolon after the word "employees" in the same line and on the same page of the bill instead of the comma; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$20,280,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That hereafter the accounting for Army supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amount proposed in line 2 of said amendment insert "\$3,146,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$860,534: *Provided*, That \$6,000 of this sum may be used for repairing the military road in front of the east side of Arlington Cemetery"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$4,500,000, of which sum \$500,000 may be used under the direction of the Secretary of War in the erection or rental of temporary hospitals for the care and shelter of the sick and injured: *Provided*, That so much of the act of June 3, 1916, as relates to the age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army, be, and the same is hereby, repealed: *Provided further*, That after January 1, 1918, the maximum age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army shall be 32 years"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of



the matter inserted by said amendment insert the following: "For the purchase of material to be used in the construction of a trade-school building at the Engineer School, to remain available until expended, \$9,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That authority is granted for the purchase, maintenance, and repair and operation from this appropriation of not to exceed 38 motorcycles, including those on hand"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$475,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That not more than \$5,000,000 of this appropriation may be used in the purchase of ammunition."

And the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$3,000,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Provided, That not more than \$1,500,000 of this appropriation may be used for the purchase of articles not manufactured by the Government and necessary for small arms target practice."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, for use in target practice, targets, target materials, and other necessary accessories, to rifle clubs organized under the rules of the National Board for the Promotion of Rifle Practice and to schools having a uniformed corps of cadets and carrying on military training, in sufficient number for the proper conduct of target practice."

And the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$9,500,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$6,000,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "\$6,000,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$500,000"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$5,000,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$5,000,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: Strike out all after the period in line 8 of said amendment; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and restore the matter stricken out by said amendment, except as follows:

On page 49 of the bill, line 2, strike out "\$200,000" and insert "\$50,000."

On page 49 of the bill, line 6, strike out "\$100,000" and insert "\$25,000."

On page 49 of the bill, line 16, strike out "\$100,000" and insert "\$25,000."

On page 52 of the bill, line 7, strike out the words "Territory of Hawaii" and insert "Territories."

On page 52 of the bill, line 20, strike out "\$2,000,000" and insert "\$1,000,000."

On page 53 of the bill, line 8, after the word "laborers," insert the following: "at \$660 each per annum."

On page 53 of the bill, line 14, strike out "\$35,000" and insert "\$17,500."

On page 53 of the bill, line 17, strike out "\$15,000" and insert "\$7,500."

On page 53 of the bill, line 19, strike out "\$60,000" and insert "\$30,000."

On page 53 of the bill, line 23, strike out "\$60,000" and insert "\$30,000."

On page 54 of the bill, line 2, strike out "\$4,000" and insert "\$2,000."

On page 54 of the bill, line 6, strike out "\$175,000" and insert "\$75,000."

On page 54 of the bill, line 9, strike out "\$100,000" and insert "\$50,000."

On page 54 of the bill, line 12, strike out "\$25,000" and insert "\$12,500."

On page 54 of the bill, lines 20 and 21, strike out the word "Territory" and insert the word "Territories."

On page 55 of the bill, line 3, strike out the word "Territory" and insert the word "Territories."

On page 55 of the bill strike out line 20.

On page 55 of the bill strike out all on line 21 down to and including line 25, on page 56 of the bill, and in lieu thereof insert the following:

"Supplying and exchanging Infantry equipment, National Guard: For the purpose of manufacturing, procuring, exchanging, and issuing model of 1910 equipment to the Infantry and other dismounted organizations of the National Guard of the several States, Territories, and the District of Columbia: *Provided*, That whenever, in the opinion of the Secretary of War, a sufficient number of Infantry equipment, model of 1910, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue, on the requisition of the governors of the several States and Territories, or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith against any allotments to said States, Territories, or the District of Columbia: *Provided*, That the equipment thus issued shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the several States, Territories, and the commanding general of the District of Columbia National Guard as now required by law, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of 1910 equipment, \$400,000."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134,

and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the national board for promotion of rifle practice and approved by the Secretary of War; to provide standard military arms and ammunition, indoor gallery rifles and ammunition; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for prizes, trophies, badges, and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the direction of the Secretary of War and to remain available until expended, \$300,000: *Provided*, That the President be, and he is hereby, authorized, in his discretion, to appoint, as director of civilian marksmanship, under the direction of the Secretary of War, an officer of the Army or of the Marine Corps."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the sum of \$2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Secretary of War in all cases provided for in this paragraph shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act: *And provided further*, That this paragraph shall not apply to any such enlisted man who shall marry after the 15th day of July, 1916; and the word 'family' shall include only wife, children, and dependent mothers."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. That a Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor."

"That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work."

"That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to

the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation."

"That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and make available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed."

"That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized."

And the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 3. That section 1342 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"Sec. 1342. The articles included in this section shall be known as the Articles of War and shall at all times and in all places govern the armies of the United States."

#### "I. PRELIMINARY PROVISIONS."

"ARTICLE 1. Definitions: The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

"(a) The word 'officer' shall be construed to refer to a commissioned officer;

"(b) The word 'soldier' shall be construed as including a noncommissioned officer, a private, or any other enlisted man;

"(c) The word 'company' shall be understood as including a troop or battery; and

"(d) The word 'battalion' shall be understood as including a squadron."

"ART. 2. Persons subject to military law: The following persons are subject to these articles and shall be understood as included in the term 'any person subject to military law,' or 'persons subject to military law,' whenever used in these articles: *Provided*, That nothing contained in this act, except as specifically provided in article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction, unless otherwise specifically provided by law."



"(a) All officers and soldiers in the active military service of the United States, or in the Regular Army Reserve, including volunteers from the date of their muster or acceptance into said service; and all other persons lawfully called, drafted or ordered into, or to duty or for training in, said service, from the date of notice of such call, draft or order;

"(b) Cadets;

"(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

"(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

"(e) All persons under sentence adjudged by courts-martial;

"(f) All persons admitted into the Regular Army Soldiers' Home at Washington, D. C.

## "II. COURTS-MARTIAL.

"ART. 3. Courts-martial classified: Courts-martial shall be of three kinds, namely:

"First, general courts-martial;

"Second, special courts-martial; and

"Third, summary courts-martial.

### "A. COMPOSITION.

"ART. 4. Who may serve on courts-martial: All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial.

"ART. 5. General courts-martial: General courts-martial may consist of any number of officers from 5 to 13, inclusive; but they shall not consist of less than 13, when that number can be convened without manifest injury to the service.

"ART. 6. Special courts-martial: Special courts-martial may consist of any number of officers from three to five, inclusive.

"ART. 7. Summary courts-martial: A summary court-martial shall consist of one officer.

### "B. BY WHOM APPOINTED.

"ART. 8. General courts-martial: The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 9. Special courts-martial: The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 10. Summary courts-martial: The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

"ART. 11. Appointment of judge advocates: For each general or special court-martial the authority appointing the court shall

appoint a judge advocate, and for each general court-martial one or more assistant judge advocates when necessary.

### "C. JURISDICTION.

"ART. 12. General courts-martial: General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

"ART. 13. Special courts-martial: Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

"Special courts-martial shall not have power to adjudge dishonorable discharge, nor confinement in excess of six months, nor to adjudge forfeiture of more than six months' pay.

"ART. 14. Summary courts-martial: Summary courts-martial shall have power to try any person subject to military law, except an officer, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, which he may modify from time to time, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

"Summary courts-martial shall not have power to adjudge confinement in excess of three months, nor to adjudge the forfeiture of more than three months' pay: *Provided*, That when the summary court officer is also the commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month shall be carried into execution until the same shall have been approved by superior authority.

"ART. 15. Not exclusive: The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by the law of war may be lawfully triable by such military commissions, provost courts, or other military tribunals.

"ART. 16. Officers; how triable: Officers shall be triable only by general courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

### "D. PROCEDURE.

"ART. 17. Judge advocate to prosecute: The judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented before the court by counsel of his own selection for his defense, if such counsel be reasonably available, but should he, for any reason, be unrepresented by counsel, the judge advocate shall from time to time throughout the proceedings advise the accused of his legal rights.

"ART. 18. Challenges: Members of a general or special court-martial may be challenged by the accused, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

"ART. 19. Oaths: The judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: 'You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God.'

"When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the judge advocate an oath or affirmation in the following form: 'You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same. So help you God.'

"All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: 'You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.'

"Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.'

"Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 20. Continuances: A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

"ART. 21. Refusal to plead: When the accused, arraigned before a court-martial, from obstinacy and deliberate design stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if he had pleaded not guilty.

"ART. 22. Process to obtain witnesses: Every judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

"ART. 23. Refusal to appear or testify: Every person not subject to military law who, being duly subpoenaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses.

"ART. 24. Compulsory self-incrimination prohibited: No witness before a military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

"ART. 25. Depositions—when admissible: A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of 100 miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

"ART. 26. Depositions—before whom taken: Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

"ART. 27. Courts of inquiry—records of, when admissible: The record of the proceedings of a court of inquiry may be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

"ART. 28. Resignation without acceptance does not release officer: Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

"ART. 29. Enlistment without discharge: Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

"ART. 30. Closed sessions: Whenever a general or special court-martial shall sit in closed session, the judge advocate and the assistant judge advocate if any, shall withdraw; and when their legal advice or their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel if there be any.

"ART. 31. Order of voting: Members of a general or special court-martial, in giving their votes, shall begin with the junior in rank.

"ART. 32. Contempts: A court-martial may punish at discretion, subject to the limitations contained in Article XIV, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

"ART. 33. Records—General courts-martial: Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the judge advocate; but in case the record can not be authenticated by the judge advocate, by reason of his death, disability, or absence, it shall be signed by the president and an assistant judge advocate, if any; and if there be no assistant judge advocate, or in case of his death, disability, or absence, then by the president and one other member of the court.

"ART. 34. Records—Special and summary courts-martial: Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the president may from time to time prescribe.

"ART. 35. Disposition of records—General courts-martial: The judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been finally acted upon, be transmitted to the Judge Advocate General of the Army.

"ART. 36. Disposition of records—Special and summary courts-martial: After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of special and summary courts-martial may be destroyed.

"ART. 37. Irregularities—Effect of: The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence, or for any error as to any matter of pleading or procedure, unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made



punishable by one or more of these articles: *Provided further*, That the omission of the words 'hard labor' in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

"ART. 38. President may prescribe rules: The President may by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

#### "E. LIMITATIONS UPON PROSECUTIONS.

"ART. 39. As to time: Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

"ART. 40. As to number: No person shall be tried a second time for the same offense.

#### "F. PUNISHMENTS.

"ART. 41. Certain kinds prohibited: Punishment by flogging, or by branding, marking, or tattooing on the body is prohibited.

"ART. 42. Places of confinement—when lawful: Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted constitutes an offense of a civil nature under some statute of the United States, or at the common law as the same exists in the District of Columbia, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is one year or more: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary, shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

"ART. 43. Death sentence—When lawful: No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of two-thirds of the members of said court-martial and for an offense in these articles expressly made punishable by death. All other convictions and sentences, whether by general or special court-martial, may be determined by a majority of the members present.

"ART. 44. Cowardice; fraud—Accessory penalty: When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

"ART. 45. Maximum limits: Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not, in time of peace, exceed such limit or limits as the President may from time to time prescribe.

#### "G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.

"ART. 46. Approval and execution of sentence: No sentence of a court-martial shall be carried into execution until the same

shall have been approved by the officer appointing the court or by the officer commanding for the time being.

"ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include, *inter alia*:

"(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to approve or disapprove the whole or any part of the sentence.

"ART. 48. Confirmation—When required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

"(a) Any sentence respecting a general officer;

"(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the Territorial department or division;

"(c) Any sentence extending to the suspension or dismissal of a cadet; and

"(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the Territorial department or division.

"When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

"ART. 49. Powers incident to power to confirm: The power to confirm the sentence of a court-martial shall be held to include:

"(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to confirm or disapprove the whole or any part of the sentence.

"ART. 50. Mitigation or remission of sentences: The power to order the execution of the sentence adjudged by a court-martial shall be held to include, *inter alia*, the power to mitigate or remit the whole or any part of the sentence, but no sentence of dismissal of an officer and no sentence of death shall be mitigated or remitted by any authority inferior to the President.

"Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence extending to the dismissal of an officer or loss of files, no sentence of death, and no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority.

"The power of remission and mitigation shall extend to all uncollected forfeitures adjudged by sentence of a court-martial.

"ART. 51. Suspension of sentences of dismissal or death: The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

"ART. 52. Suspension of sentence of dishonorable discharge: The authority competent to order the execution of a sentence, including dishonorable discharge, may suspend the execution of the dishonorable discharge until the soldier's release from confinement; but the order of suspension may be vacated at any time and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the soldier is held or by the Secretary of War.

"ART. 53. Suspension of sentences of forfeiture or confinement: The authority competent to order the execution of a sentence adjudged by a court-martial may, if the sentence involve neither dismissal nor dishonorable discharge, suspend the execution of

the sentence in so far as it relates to the forfeiture of pay or to confinement, or to both; and the person under sentence may be restored to duty during the suspension of confinement. At any time within one year after the date of the order or suspension such order may, for sufficient cause, be vacated and the execution of the sentence directed by the military authority competent to order the execution of like sentences in the command, exclusive of penitentiaries and the United States Disciplinary Barracks, to which the person under sentence belongs or in which he may be found; but if the order of suspension be not vacated within one year after the date thereof the suspended sentence shall be held to have been remitted.

### "III. PUNITIVE ARTICLES.

#### "A. ENLISTMENT; MUSTER; RETURNS.

"ART. 54. Fraudulent enlistment: Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

"ART. 55. Officer making unlawful enlistment: Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"ART. 56. Muster rolls—False muster: At every muster of a regiment, troop, battery, or company the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit. Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 57. False returns: Omissions to render returns: Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property hereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

#### "B. DESEPTION—ABSENCE WITHOUT LEAVE.

"ART. 58. Desertion: Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 59. Advising or aiding another to desert: Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death, or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 60. Entertaining a deserter: Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct.

"ART. 61. Absence without leave: Any person subject to military law who fails to repair at the fixed time to the properly

appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

#### "C. DISRESPECT—INSUBORDINATION—MUTINY.

"ART. 62. Disrespect toward the President, Vice President, Congress, Secretary of War, governors, legislatures: Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

"ART. 63. Disrespect toward superior officer: Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

"ART. 64. Assaulting or willfully disobeying superior officer: Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

"ART. 65. Insubordinate conduct toward noncommissioned officer: Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

"ART. 66. Mutiny or sedition: Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

"ART. 67. Failure to suppress mutiny or sedition: Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer shall suffer death or such other punishment as a court-martial may direct.

"ART. 68. Quarrels; frays; disorders: All officers and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer or draws a weapon upon or otherwise threatens or does violence to him shall be punished as a court-martial may direct.

#### "D. ARREST; CONFINEMENT.

"ART. 69. Arrest or confinement of accused persons: An officer charged with crime or with a serious offense under these articles shall be placed in arrest by the commanding officer, and in exceptional cases an officer so charged may be placed in confinement by the same authority. A soldier charged with crime or with a serious offense under these articles shall be placed in confinement, and when charged with a minor offense he may be placed in arrest. Any other person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest, as circumstances may require; and when charged with a minor offense such person may be placed in arrest. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer who breaks his arrest or who escapes from confinement before he is set at liberty by proper authority shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest before he is set at liberty by proper authority shall be punished as a court-martial may direct.

"ART. 70. Investigation of and action upon charges: 'No person put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.' When any person is put in arrest for the purpose of



trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within 8 days after his arrest, and that he is brought to trial within 10 days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within 30 days after the expiration of said 10 days. If a copy of the charges be not served, or the arrested person be not brought to trial, as herein required, the arrest shall cease. But persons released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within 12 months after such release from arrest: *Provided*, That in time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

"ART. 71. Refusal to receive and keep prisoners: No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

"ART. 72. Report of prisoners received: Every commander of a guard to whose charge a prisoner is committed shall, within 24 hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

"ART. 73. Releasing prisoner without proper authority: Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

"ART. 74. Delivery of offenders to civil authorities: When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

#### "E. WAR OFFENSES.

"ART. 75. Misbehavior before the enemy: Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons or delivers up any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

"ART. 76. Subordinates compelling commander to surrender: If any commander of any garrison, fort, post, camp, guard, or other command is compelled, by the officers or soldiers under his command, to give it up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death or such other punishment as a court-martial may direct.

"ART. 77. Improper use of countersign: Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct.

"ART. 78. Forcing a safeguard: Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

"ART. 79. Captured property to be secured for public service: All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

"ART. 80. Dealing in captured or abandoned property: Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who falls whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

"ART. 81. Relieving, corresponding with, or aiding the enemy: Whosoever relieves the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial or military commission may direct.

"ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

#### "F. MISCELLANEOUS CRIMES AND OFFENSES.

"ART. 83. Military property—Willful or negligent loss, damage, or wrongful disposition of: Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

"ART. 84. Waste or unlawful disposition of military property issued to soldiers: Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

"ART. 85. Drunk on duty: Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

"ART. 86. Misbehavior of sentinel: Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

"ART. 87. Personal interest in sale of provisions: Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessities of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 88. Intimidation of persons bringing provisions: Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessities to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

"ART. 89. Good order to be maintained and wrongs redressed: All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation

or riot shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

"ART. 90. Provoking speeches or gestures: No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

"ART. 91. Duelling—Attempts to commit suicide: Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who having knowledge of a challenge sent or about to be sent fails to report the fact promptly to the proper authority, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

"ART. 92. Murder—Rape: Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

"ART. 93. Various crimes: Any person subject to military law who commits manslaughter, mayhem, arson, burglary, robbery, larceny, embezzlement, perjury, assault with intent to commit any felony, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

"ART. 94. Frauds against the Government: Any person subject to military law who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper, knowing the same to contain any false or fraudulent statements; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures, or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

"Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

"Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

"Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

"Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

"Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

"ART. 95. Conduct unbecoming an officer and gentleman: Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

"ART. 96. General article: Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital of which persons subject to military law may be guilty shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

#### "IV. COURTS OF INQUIRY.

"ART. 97. When and by whom ordered: A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

"ART. 98. Composition: A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

"ART. 99. Challenges: Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. 'The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection if such counsel be reasonably available.'

"ART. 100. Oath of members and recorder: The recorder of a court of inquiry shall administer to the members the following oath: 'You, A. B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God.' After which the president of the court shall administer to the recorder the following oath: 'You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 101. Powers; procedure: A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

"ART. 102. Opinion on merits of case: A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

"ART. 103. Record of proceedings—How authenticated: Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court.

#### "V. MISCELLANEOUS PROVISIONS.

"ART. 104. Disciplinary powers of commanding officers: Under such regulations as the President may prescribe, and which he may from time to time revoke, alter, or add to the commanding officer of any detachment, company, or higher command may, for minor offenses not denied by the accused, impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

"The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges,



extra fatigue, and restriction to certain specified limits, but shall not include forfeiture of pay or confinement under guard. A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

"ART. 105. Injuries to person or property—Redress of: Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

"Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

"ART. 106. Arrest of deserters by civil officials: It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States.

"ART. 107. Soldiers to make good time lost: Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

"ART. 108. Soldiers—Separation from the service: No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

"ART. 109. Oath of enlistment: At the time of his enlistment every soldier shall take the following oath or affirmation: 'I, ———, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War.' This oath or affirmation may be taken before any officer.

"ART. 110. Certain articles to be read and explained: Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

"ART. 111. Copy of record of trial: Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

"ART. 112. Effects of deceased persons—Disposition of: In case of the death of any person subject to military law, the commanding officer of the place or command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to convert such effects into cash, by public or private sale, not earlier than 30 days after the death of the deceased, and to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposit, accompanied by any will or other papers of value belonging to the deceased, an inventory of the effects secured by said summary court, and a full account of his transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of the accounts of deceased officers or enlisted men of the Army; but if in the meantime the legal representative, or widow, shall present himself 'or herself' to take possession of decedent's estate the said summary court shall turn over to him 'or her' all effects not sold and cash belonging to said estate, together with an inventory and account, and make to the War Department a full report of his transactions.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

"ART. 113. Inquests: When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

"ART. 114. Authority to administer oaths: Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the judge advocate or any assistant judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

"ART. 115. Appointment of reporters and interpreters: Under such regulations as the Secretary of War may from time to time prescribe, the 'president' of a court-martial or military commission, or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same, in the first instance, in shorthand. Under like regulations the 'president' of a court-martial or military commission, or summary court, or court of inquiry may appoint an interpreter, who shall interpret for the court or commission.

"ART. 116. Powers of assistant judge advocates: An assistant judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the judge advocate of the court.

"ART. 117. Removal of civil suits: When any civil suit or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

"ART. 118. Officers—Separation from service: No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof, nor discharged except in pursuance of statutes now in force or which may hereafter be enacted; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

"ART. 119. Rank and precedence among regulars, militia, and volunteers: That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order, without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted or called into the service of the United States; and, third, officers of the volunteer forces: *Provided*, That officers of the Regular Army holding commissions in forces drafted or called into the service of the United States or in the volunteer forces shall rank and have precedence under said commissions as if they were commissions in the Regular Army; but the rank of officers of the Regular Army under commissions in the National Guard as such shall not, for the purposes of this article, be held to antedate the acceptance of such officers into the service of the United States under said commissions.

"ART. 120. Command when different corps or commands happen to join: When different corps or commands of the military forces of the United States happen to join or do duty together the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President.

"ART. 121. Complaints of wrongs: Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon."

SEC. 4. The provisions of section 3 of this act shall take effect and be in force on and after the 1st day of January, 1917: *Provided*, That articles 4, 13, 14, 15, 29, 42, 47, 49, and 92 shall take effect immediately upon the approval of this act.

SEC. 5. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of this act, under any law embraced in or modified, changed, or repealed by this act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this act had not been passed.

SEC. 6. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.  
And the Senate agree to the same.

JAMES HAY,  
S. H. DENT, Jr.,  
JULIUS KAHN,  
*Managers on the part of the House.*  
GEO. E. CHAMBERLAIN,  
DUNCAN U. FLETCHER,  
F. E. WARREN,  
*Managers on the part of the Senate.*

## STATEMENT.

Amendment 1 of the Senate: Strikes out the entire paragraph entitled "Contingencies of the Army" and increases the appropriation to \$100,000; the House recedes with an amendment which provides that this appropriation may be in part used for the employment of translators and provides that no other personal services in the War Department can be paid for out of it, and reduces the appropriation by \$50,000.

Amendment 2: Provides that second lieutenants of the Field Artillery may be assigned for purposes of instruction to Fort Sill; and the House recedes.

Amendment 3: Provides for motor-driven vehicles, professional and scientific books and maps for use in the office of the Chief Signal Officer; and the House recedes.

Amendment 4: Provides for \$14,827,126 for the Signal Service of the Army; and the House recedes with an amendment cutting down the appropriation by \$545,400.

Amendment 5: Provides \$13,281,666 for aviation purposes; and the House recedes.

Amendment 6: Provides for the acceptance by the Secretary of War of land suitable for aviation purposes and for the purchase of a certain site in San Diego County, Cal.; and the House recedes with an amendment restoring the language of the House bill and striking out the proviso in the Senate amendment.

Amendment 7: Provides for the purchase of certain land at College Park, Md., for aviation purposes; and the House recedes with an amendment which directs the Secretary of War to investigate land already owned by the Government for the purpose of ascertaining whether it can be used for aviation purposes; if it can not, \$300,000 is appropriated for the purchase of a site to be used for aviation purposes.

Amendment 8: Authorizes the Secretary of War to accept land suitable for mobilization, training, and supply stations. And the House recedes.

Amendment 9: Appropriates \$11,400,000 for pay of officers of the line and provides for an amendment of section 25 of the national defense act approved June 3, 1916, which amendment is necessary to carry out the intention of said section. The House recedes with an amendment reducing the appropriation to the amount carried in the House bill and inserting a proviso with regard to officers retired before the separation of the Field Artillery and Coast Artillery.

Amendment 10: Increases the appropriation for additional pay for officers for length of service by \$500,000. And the House recedes with an amendment decreasing the Senate increase by \$225,000.

Amendments 11, 12, and 13: Provide appropriations for pay of the members of the Officers Reserve Corps amounting to \$40,000. And the House recedes.

Amendment 14: Increases the pay of the officers of the National Guard from \$2,225,000 to \$11,400,000. And the House recedes with an amendment reducing the appropriation to \$9,000,000.

Amendment 15: Provides for increased pay of enlisted men detached for duty at recruiting depots. And the House recedes.

Amendments 16, 17, 18, 19, 20, and 21: Provide for pay of enlisted men of the Regular Army Reserve and of the enlisted reserve corps amounting to \$58,500. And the House recedes.

Amendment 22: Increases the pay of the enlisted men of the National Guard from \$7,750,000 to \$23,000,000. And the House recedes with an amendment fixing the amount at \$18,000,000.

Amendment 23: Provides that the members of the Medical Reserve Corps in active service who are Government employees may be restored to positions occupied by them at the time of the call at the expiration of their military service. And the House recedes.

Amendment 24: Provides for the pay of men enlisted by State authorities for the purpose of bringing up organizations to the strength necessary. And the House recedes with an amend-



ment striking out that part of the amendment which provides for transportation before physical examination is had.

Amendment 25: Increases the pay of enlisted men in the Corps of Engineers. And the House recedes with an amendment decreasing the appropriation made by the Senate by \$87,500.

Amendment 26: Increases the pay of the enlisted men of the Ordnance Department. And the House recedes with an amendment cutting down the amount allowed by the Senate \$51,000.

Amendment 27: Increases the appropriation for additional pay for length of service of enlisted men of the Ordnance Department \$25,000. And the House recedes.

Amendment 28: Increases the pay of the men of the Quartermaster Corps by \$350,000. And the House recedes with an amendment decreasing the amount allowed by the Senate \$150,000.

Amendment 29: Increases the pay of the enlisted men of the Signal Corps from \$551,664 to \$890,000. And the House recedes with an amendment fixing the amount at \$800,000.

Amendment 30: Increases the pay of the enlisted men of the Medical Department from \$1,300,000 to \$1,743,300. And the House recedes with an amendment fixing the appropriation at \$1,500,000.

Amendment 31: Appropriates \$5,000 for privates, first class, when rated as nurses, etc., and provides that the proportion of privates, first class, and privates in the Signal Corps and in the Medical Department may be the same as the proportion fixed for the Quartermaster Corps. And the House recedes with an amendment inserting the word "shall" in place of the word "may."

Amendment 32: Strikes out the provision of the House bill for clerks, messengers, and laborers at the headquarters of the territorial departments, districts, etc., and office of the Chief of Staff and inserts a provision dealing with the same subject but giving the Army field clerks the same allowances as heretofore allowed to pay clerks and giving the same allowances to 200 clerks of the Quartermaster Corps who have had 12 years of service. And the House recedes.

Amendment 33: Increases the pay of the officers of The Adjutant General's Department from \$80,500 to \$100,000. And the House recedes.

Amendment 34: Increases the appropriation for additional pay for length of service of such officers by \$4,000. And the House recedes.

Amendment 35: Increases the pay of officers of the Inspector General's Department by \$10,000. And the House recedes.

Amendment 36: Increases the appropriation for additional pay for length of service of said officers by \$1,500.

Amendment 37: Increases the appropriation for the pay of officers of the Corps of Engineers from \$592,700 to \$725,000. And the House recedes with an amendment fixing the appropriation at \$675,000.

Amendment 38: Fixes the appropriation for additional pay for length of service of said officers by \$30,000. And the House recedes.

Amendment 39: Increases the appropriation for the pay of officers of the Ordnance Department by \$27,000. And the House recedes.

Amendment 40: Increases the appropriation for additional pay for length of service of said officers by \$5,000. And the House recedes.

Amendment 41: Increases the pay of officers of the Quartermaster Corps from \$655,400 to \$746,900 and provides that Charles P. Daly be appointed a military storekeeper in the Quartermaster Corps, with the rank, pay, and allowances of captain. And the House recedes with an amendment fixing the amount of the appropriation at \$700,000.

Amendment 42: Increases the appropriation for additional pay for length of service of said officers from \$160,000 to \$222,375. And the Senate recedes.

Amendment 43: Increases the appropriation for the pay of the officers of the Medical Department by \$130,000. And the Senate recedes.

Amendment 44: Increases the appropriation for the pay of officers in the Judge Advocate General's Department by \$12,500. And the House recedes.

Amendment 45: Changes the language of the House for the payment of the expenses in making a revision and codification of the military laws of the United States. And the House recedes.

Amendment 46: Increases the appropriation for the pay of officers of the Signal Corps from \$319,650 to \$415,200. And the House recedes with an amendment fixing the amount at \$375,000.

Amendment 47: Applies to the pay of 30 aviators at \$18,000 per annum. And the House recedes.

Amendment 48: Provides for the assignment in certain cases of a retired officer of the Army to command a post. And the

House recedes with an amendment providing that no such officer shall receive higher pay than that of a major on the active list.

Amendment 49: Provides that the President be authorized to appoint Col. James Jackson a brigadier general on the retired list. And the House recedes.

Amendment 50: Provides that the President be authorized to appoint any colonel on the retired list who before retirement served more than 45 years and 6 months, including 16 years in the line of the Army, who held command in the line or staff over 9½ years, who received campaign badges for service in four Indian campaigns and in the War with Spain and Philippine insurrection, and who possesses other distinctions set out in the said amendment. And the House recedes with an amendment striking out the words "by and with the consent of the Senate."

Amendment 51: Provides that the President be authorized to appoint to the grade of major general on the retired list of the army certain brigadier generals who are described in the said amendment. And the House recedes with an amendment striking out the words "by and with the consent of the Senate."

Amendment 52: Provides that the President be authorized to appoint Edward W. Whitaker a lieutenant colonel of Cavalry in the Army and place him upon the retired list. And the Senate recedes.

Amendment 53: Provides that the President be authorized to appoint an officer to the grade of major general who is now on the retired list as brigadier general, said amendment giving a description of the service of the said officer. And the House recedes.

Amendment 54: Increases the appropriation for commutation of quarters and of heat and light \$126,412. And the Senate recedes.

Amendment 55: Increases the appropriation for interest on soldiers' deposits \$34,000. And the House recedes.

Amendment 56: Increases the appropriation for mileage \$212,500 and inserts language with regard to National Guard officers. And the House recedes with an amendment decreasing the appropriation \$100,000 and changes the language used by the Senate.

Amendment 57: Provides for 10 per cent increase of officers' pay serving on the Mexican border. And the Senate recedes.

Amendment 58: Provides for 20 per cent increase of pay for enlisted men serving on the Mexican border. And the Senate recedes.

Amendment 59: Changes the language of the House providing for pay of enlisted men reenlisting within three months. And the House recedes with an amendment cutting out the examination provided for by the Senate.

Amendment 60: Provides for certain beneficiaries of the National Guard. And the Senate recedes.

Amendment 61: Provides for additional clerks in the field on account of the muster of additional forces into the service of the United States. And the House recedes with an amendment changing the language so as to provide for the temporary employment of additional clerks.

Amendment 62: Inserts the word "second" before the word "lieutenants." And the House recedes.

Amendment 63: Inserts the word "hereafter." And the House recedes.

Amendment 64: Increases the amount for subsistence and inserts language which is deemed superfluous. And the House recedes with an amendment striking out the language.

Amendment 65: Provides for cost of irrigation on military reservations and for the removal of suspension in the accounts of Capt. Sam Van Leer. And the House recedes.

Amendment 66: Increases the appropriation and inserts superfluous language. And the House recedes with an amendment striking out the language and decreasing the appropriation by \$1,250,000.

Amendment 67: Provides for the purchase of screens and tent floors for the National Guard on the Mexican border. And the House recedes with an amendment providing the same for the Regular Army.

Amendment 68: Provides for additional school-teachers at post schools. And the House recedes.

Amendment 69: Increases the appropriation and inserts superfluous language. And the House recedes with an amendment striking out the language.

Amendment 70: Provides for the transportation of baggage of enlisted men discharged on account of disability and also for transportation of men from the Mexican border. The House recedes with an amendment striking out the last-named provision.

Amendment 71: Increases the appropriation and inserts superfluous language. And the House recedes with an amendment

striking out the language and decreasing the appropriation by \$2,000,000.

Amendment 72: Strikes out the provision of the House authorizing the sale of the Army transports *Meade* and *Crook*. And the Senate recedes.

Amendment 73: Increases the appropriation and inserts superfluous language. And the House recedes with an amendment striking out the language and decreasing the appropriation by \$500,000.

Amendment 74: Increases the appropriation and inserts superfluous language. The House recedes with an amendment striking out the superfluous language.

Amendment 75: Strikes out the provision of the House for the sale of surplus cuttings of materials manufactured by the Quartermaster Corps of the Army. And the Senate recedes.

Amendment 76: Provides for the accounting for Army supplies and the fixing of responsibility therefor under regulations to be prescribed by the Secretary of War, and further provides that officers of the Quartermaster Corps may intrust money to other officers as their agents. And the House recedes, with an amendment striking out the last provision.

Amendment 77: Inserts language with regard to the National Guard which is deemed superfluous. And the Senate recedes.

Amendment 78: Decreases the appropriation for the purchase of horses. And the House recedes.

Amendment 79: Inserts the words "instructing and" under the head of "Barracks and quarters." And the House recedes.

Amendment 80: Increases the appropriation for barracks and quarters and provides an appropriation of \$750,000 for the purpose of purchasing additional land at Fort Sam Houston. And the House recedes, with an amendment reducing the appropriation by \$750,000.

Amended 81: Inserts the word "further" after the word "provided." And the House recedes.

Amendment 82: Inserts a provision giving the Dowsett Co. of the Territory of Hawaii permission to move certain buildings now on the military reservation of Schofield Barracks. And the House recedes.

Amendment 83: Appropriates \$50,000 for repairs to buildings, wharves, etc., at Forts Barrancas, McRee, Pickens, and Morgan damaged by hurricanes. And the House recedes.

Amendment 84: Increases the appropriation and inserts superfluous language. And the House recedes, with an amendment striking out the language and providing that \$6,000 of the appropriation be expended to improve the military road east of Arlington Cemetery.

Amendments 85 and 86: Provide for the closing of public streets in the city of San Francisco, in accordance with an act of the Legislature of California, and grants to the Panama-Pacific International Exposition Co. a permit to occupy such portion of the Presidio of San Francisco Military Reservation as the Secretary of War may designate. And the House recedes.

Amendment 87: Increases the appropriation for barracks and quarters in the Philippine Islands by \$390,000. And the House recedes.

Amendment 88: Increases the appropriation \$100,000 and inserts superfluous language. And the Senate recedes.

Amendment 89: Appropriates \$100,000 for the purchase of 504 acres of land for a target range at Vancouver Barracks. And the House recedes.

Amendment 90: Appropriates \$7,120 for the acquisition of land for Fort Bliss Target Range. And the House recedes.

Amendment 91: Appropriates \$28,000 for sinking additional wells on the Fort Bliss Military Reservation and for the construction of new ranges. And the House recedes.

Amendment 92: Increases the amount for the rent of Field Medical Supply Depot. And the House recedes.

Amendments 93 and 94: Strike out certain language in the House bill. And the House recedes.

Amendment 95: Changes the language in the House bill under the item for claims for damages to and loss of private property. And the House recedes.

Amendment 96: Provides for the expenditure by the American Red Cross of \$500,000 for the comfort of military forces in time of war or when war is imminent. And the Senate recedes.

Amendment 97: Strikes out language of the House bill with reference to the supplies for sanitation and inserts other language with reference to said supplies. And the House recedes.

Amendment 98, under the head of Medical Department: Inserts the words "printing and binding." And the House recedes.

Amendment 99: Increases the appropriation for the Medical Department by \$2,500,000, strikes out the provision of the House with regard to the age limit for appointments of first lieutenants in the Medical Department of the Army. And the House recedes with an amendment fixing the age limit at 32 years, but

providing that the age limit shall be fixed by the Secretary of War until the 1st day of January, 1918.

Amendment 100: Inserts a provision for material and construction of a trade-school building at the Engineer School at the cost of \$9,000. And the House recedes with an amendment striking out the words "by enlisted labor."

Amendment 101: Increases the appropriation for engineer equipment of troops by \$770,000. And the Senate recedes.

Amendment 102: Strikes out the House language authorizing the purchase of 24 motorcycles and provides for the purchase of 208 motorcycles. And the House recedes with an amendment restoring the language of the House and providing for the purchase of 38 motorcycles.

Amendment 103: Provides for an appropriation of \$100,000 for engineer operations in the field. And the House recedes.

Amendment 104: Provides for a survey for locating, constructing, and maintaining a system of roads in the island of Oahu and appropriating \$10,000 for the purpose. And the Senate recedes.

Amendment 105: Provides for the transfer of a tract of land on the Island of Oahu to the jurisdiction of the Navy Department. And the House recedes.

Amendment 106: Increases the appropriation for ordnance service by \$175,000. And the House recedes with an amendment decreasing the appropriation by \$75,000.

Amendment 107: Inserts the words "and purchase" after the word "manufacture." And the House recedes.

Amendment 108: Increases the appropriation by \$8,276,000. And the House recedes with an amendment decreasing the appropriation by \$2,776,000.

Amendment 109: Strikes out the language of the House providing that not more than \$2,000,000 of the appropriation may be used in the purchase of ammunition, and inserts a provision that the Government shall manufacture at its arsenals as much of said ammunition as can be produced, operating said arsenals at full capacity if necessary, but having due regard to economy and efficiency in their operation. And the House recedes with an amendment striking out the language of the Senate and restoring the language of the House and fixing the amount to be purchased at \$5,000,000.

Amendments 110, 114, and 120: Provide that in the purchase of lots of ammunition to complete the object of the proviso in the House bill for the purchase of gauges, dies, etc., the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed \$50,000 in one case.

Amendment 111: Inserts the words "for manufacture and purchase of ammunition." And the House recedes.

Amendment 112: Increases the appropriation by \$2,294,000. And the House recedes with an amendment decreasing the appropriation \$494,000.

Amendment 113: Strikes out the language of the House limiting the amount that can be used for articles not manufactured by the Government under the foregoing appropriation and inserts the same language as was inserted in amendment 109. And the House recedes with an amendment making the amount which can be spent \$1,500,000 and restoring the House provision.

Amendment 115: Provides for the issuing for use in target practice targets, target materials, etc., under the rules of the national board for the promotion of rifle practice, and to schools. And the House recedes with an amendment striking out the words "without expense to the United States" and inserting the words "under such rules and regulations as he may prescribe."

Amendment 116: Increases the appropriation \$5,000,000. And the House recedes with an amendment decreasing the appropriation \$1,500,000.

Amendment 117: Increases the amount by \$2,600,000 of the foregoing appropriation which may be used for the purchase of ordnance stores. And the House recedes.

Amendment 118: Authorizes the Secretary of War to sell to the Government of Cuba certain ordnance and ordnance stores. And the House recedes.

Amendments 119 and 120: Increase the appropriation for automatic machine rifles by \$8,731,150. And the House recedes with an amendment decreasing the appropriation by \$2,331,150.

Amendment 121: Increases the appropriation for armored motor cars by \$700,000. And the House recedes with an amendment making the increase \$200,000.

Amendment 122: Increases the appropriation for field artillery for National Guard \$6,200,000. And the House recedes with an amendment decreasing the appropriation by \$4,200,000.

Amendment 123: Increased the amount of the appropriation to be used for the purchase of field-artillery material to \$11,200,000. And the House recedes with an amendment fixing the amount to be so spent at \$5,000,000.



Amendment 124: Increases the appropriation for ammunition for field artillery for the National Guard by \$6,000,000. And the House recedes with an amendment which provides for an increase of \$2,000,000.

Amendment 125: Increased the amount to \$8,400,000 which could be spent out of this appropriation for the purchase of field-artillery reserve ammunition. And the House recedes with an amendment fixing the amount at \$5,000,000.

Amendment 127: Provides for the payment of an allowance in the Ordnance Department, not exceeding \$4 per day in lieu of subsistence to civilian employees of that department traveling on official business. And the House recedes.

Amendment 128: Authorizes the appointment by the President of John Q. A. Brett to the grade of first lieutenant in the Quartermaster Corps. And the House recedes.

Amendment 129: Provides for an appropriation of \$30,000 for the replacement of a bridge across the Republican River near Fort Riley, Kans. And the House recedes.

Amendment 130: Provides for the appropriation of \$25,000 for cleaning out old jetties in the French Broad River, N. C. And the Senate recedes.

Amendment 131: Provides courts-martial of officers, soldiers, and employees for use of Government vehicles for private purposes and the painting on all Government vehicles of the words "War Department. For official use only." And the Senate recedes.

Amendment 132: Provides that the President in time of war may assume control of any system or systems of transportation for the use of the Government. It also provides that the Secretary of War may, in time of war, secure the services of persons for the organization of the War Department and the operation of all that functions of said department. And the House receded with an amendment agreeing to the first provision, but cutting out the last provision of the amendment.

Amendment 133: Strikes from the House bill all of the language of that bill with regard to appropriations for the National Guard, and decreasing the appropriation made by the House. And the House recedes with an amendment restoring the language of the House bill and agreeing to the appropriations made by the Senate, except as to the appropriation for ranges for Field Artillery target practice, which was restored as it was in the House bill.

Amendment 134: Strikes out the language of the House providing for the establishment of indoor and outdoor rifle ranges, and inserts a provision of the same kind, and provides for the appointment of an officer of the Army or of the Marine Corps as director of civilian marksmanship, with the rank and pay of colonel of the Army. And the House recedes with an amendment striking out the provision for pay and rank of colonel and giving to the National Board of Rifle Practice the power fixing the regulations.

Amendment 135: Increases the appropriation \$2,300,000 for the expense of maintaining camps for military instruction of civilians. And the Senate recedes.

Amendment 136: Provides for the payment of teams authorized to participate in the national rifle matches, and appropriates \$80,000 for the purpose. And the House recedes.

Amendment 137: Appropriates \$2,000,000 for the dependent families of soldiers in the military service of the United States. And the House recedes.

Amendment 138: Strikes out the House provision for a council of executive information and inserts another provision of the same character. And the House recedes with an amendment restoring the House provision with the exception of the name of the council, which is changed to read "A council of national defense."

Amendment 139: Provides for a revision of the Articles of War. And the House recedes with an amendment, amending in several instances the amendment of the Senate.

Amendment 140: Changes the law as to the age of enlistment of men in the Regular Army and the National Guard. And the Senate recedes.

The bill as it passed the Senate carried an appropriation of \$313,970,447.10; as agreed to by the conferees, an appropriation of \$267,596,530.10.

JAMES HAY.  
S. H. DENT, JR.  
JULIUS KAHN.

The SPEAKER. The gentleman from Virginia is recognized for one hour.

Mr. HAY. Mr. Speaker, I do not desire to consume any time and I call for a vote.

Mr. MANN. I thought the gentleman was going to explain the matter.

Mr. HAY. I will do so if there is anything anybody wants explained.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to inquire of the gentleman from Virginia why a bill entitled—

An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917—

should be reported out of conference with such an amendment as amendment No. 139, beginning on page 102 and ending on page 159 of the conference report—that is practically 56 pages—an amendment which has nothing whatever to do with appropriations for the Army, but is an elaborate and very intricate series of amendments to the Articles of War. The statement just read by the Clerk contains this elaborate explanation of the amendment:

Amendment 139: Provides for a revision of the Articles of War. And the House recedes with an amendment amending in several instances the amendment of the Senate.

From that statement, Mr. Speaker, no one could gather even the slightest idea of the character of the proposed amendments to the Articles of War, articles which are utterly distinct from the subject of appropriations for the Army. Members of the House can not be informed as to all that this amendment means. I would like to inquire of the gentleman why there was any necessity for that sort of an amendment to a bill, the title to which relates exclusively to appropriations?

Mr. HAY. I will say to the gentleman that the Articles of War passed the Senate some time ago. They were taken up by the Committee on Military Affairs and referred to a subcommittee. When the Army appropriation bill went to the Senate the Senate saw fit to put these Articles of War on this appropriation bill. The House conferees did not think that it was a proper place for them. But they were informed that, owing to conditions now obtaining in Mexico, it was absolutely necessary that those Articles of War should be adopted as soon as it could be done. Therefore, the House conferees, insisting on some changes which they think ought to be made and to which the Senate acceded, agreed to put the articles on this bill.

I will say to the gentleman the conference report sets out the Articles of War in full. In the statement I could not undertake to set out every change that has been made in them. And the reason given by the Senate for doing it, as I stated a moment ago, was that the old Articles of War did not contain provisions which pertained to conditions which exist now in Mexico. And for that reason the War Department insisted on having this done as soon as possible, and the House conferees acceded to that request.

Mr. MANN. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Illinois.

Mr. MANN. What was finally done with the Senate amendment appropriating the \$2,000,000 for the families of the National Guardsmen?

Mr. HAY. That amendment was agreed to by the House conferees, providing, however, that the same relief should be given to families of Regular soldiers as long as the National Guard was kept in the service of the United States on the border.

Mr. MANN. The Senate amendment, as I recall it, was the same as the bill which passed the House?

Mr. HAY. With the exception that it provides for the Regular Army.

Mr. MANN. I did not recall. Was that in the Senate amendment?

Mr. HAY. That was in the Senate amendment.

Mr. MANN. Now, in the amendment as agreed to the \$2,000,000 may be used for care of families of National Guardsmen and also families of men in the Regular service as long as the National Guardsmen are at the front?

Mr. HAY. Yes, sir; that is the proposition.

Mr. MANN. Was any estimate made during all the time as to how much this will cost?

Mr. HAY. There was not.

Mr. MANN. Frankly, it seems to me that if much use was made of this provision the \$2,000,000 would hardly carry the Army through until next December.

Mr. HAY. I will state to the gentleman that a large number of men who had dependent families have been discharged. The War Department issued an order about a month ago authorizing the department commanders to discharge men who had dependent families. A good many of them have been discharged.

Mr. MANN. I know a number of cases from Chicago myself personally where men are married and have families dependent upon them, who are now at the front; men who have been undecided as to whether they would apply for a discharge under the circumstances or not, some of them absolutely dependent upon the salaries that they were receiving before they went into the service and their families dependent now upon aid from

friends or relatives. I do not know what they will do. Of course, most of these men hesitate to apply for a discharge if there is going to be anything doing. They do not know how long they will be kept there.

Mr. HAY. I can not tell the gentleman how long they will be kept there.

Mr. MANN. I understand. Nobody knows how long they will be kept there, and I can not find out why they are kept there.

Mr. CANNON. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Illinois.

Mr. CANNON. I understand now that while the National Guard is on duty on the border the Regular Army shall receive for their dependent relatives, within the terms of the agreement and after the National Guard ceases service on the border or until after they are discharged, similar pay?

Mr. HAY. Yes.

Mr. CANNON. Now, does that law apply to the present emergency or does it reach into the future, and the Regular Army without regard to what its size may be shall be provided for, and the National Guard, in the future, in 1 year, or 10 years, or any other period, shall be cared for permanently by this provision? Or is it for the present emergency?

Mr. HAY. I think it is permanent law.

Mr. CANNON. You think it is permanent law?

Mr. HAY. I do. I am just going to look at it, but my impression is it is permanent law.

Mr. STAFFORD. It is at the bottom of page 12 of the report.

Mr. HAY. I think it would only apply in case where the National Guard is drafted or ordered into the service of the United States, but it would apply in the future if the appropriation held out. Of course, if the appropriation does not hold out, then it rests with Congress to say whether they will appropriate anything more or not.

Mr. CANNON. Can they recover? Suppose no further appropriation is made, can the members of the National Guard and the Regular Army, when they are in service under conditions similar to those that now exist, before a draft—or must there be a draft—

Mr. HAY. I do not think this provides for pay for the men. It provides for the support of the family, and that provision must be made on the application of the family and not of the men.

Mr. CANNON. Yes.

Mr. HAY. And they could only have this relief when the National Guard is ordered into the service or drafted into the service of the United States.

Mr. CANNON. When they are ordered into the service or drafted into the service?

Mr. HAY. Yes.

Mr. CANNON. And during the period of that service in the present emergency and in the future?

Mr. HAY. I think so. I do not see why it should not apply in the future.

Mr. CANNON. It would apply.

Mr. HAY. I think it fixes the policy.

Mr. GREENE of Vermont. There was a Senate amendment to this Army appropriation bill making some specific appropriations for the establishment and maintenance of an aviation service in the National Guard. Will the chairman of the committee kindly say what is the result on that proposition under this conference report?

Mr. HAY. Under this bill \$13,000,000 is appropriated for aviation purposes. I am informed by the War Department that \$10,000,000 of that will be devoted to the development of aviation in the National Guard, and that they do not need any language other than that carried in the bill to enable them to devote that amount of money to that purpose.

Mr. McKENZIE rose.

Mr. HAY. Now I yield to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. I simply wish to ask the chairman whether or not it is his understanding that this section shall apply generally to the Regular Army, or whether it is confined to the members of the National Guard drafted into or enlisted in the Regular Army?

Mr. HAY. You mean the section about dependent families?

Mr. McKENZIE. Yes.

Mr. HAY. You know that the National Guard can not be drafted into the Regular Army. The Regular Army is one thing and the National Guard is something else, and when it is drafted into the service of the United States it does not become a part of the Regular Army. But this provision provides that the families of enlisted men of the Regular Army can receive this aid so long as the National Guard remains drafted or ordered into the service of the United States.

Mr. CANNON. And that is permanent legislation?

Mr. HAY. I think so. That is my understanding.

Mr. McKENZIE. It seems to me that the language is a little confusing.

Mr. MANN. The gentleman would not contend that this is permanent legislation?

Mr. HAY. I think so.

Mr. MANN. Here is what it says:

That the sum of \$2,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe—

And so forth.

That is only an appropriation of \$2,000,000, and that is all there is of it.

Mr. HAY. I stated that unless Congress chooses to appropriate, then, of course, there would be no appropriation.

Mr. MANN. There is no permanent legislation except an appropriation of \$2,000,000 to be expended, and when that \$2,000,000 is expended there is no further authorization of an appropriation?

Mr. HAY. No; there is no further authorization of an appropriation; but I say it seems to me to fix the policy.

Mr. MANN. Fixing a policy is one thing, but permanent legislation is another thing.

Mr. CANNON. Without further legislation, then, after the present emergency is over, or after the appropriation is expended, there would not be for service a claim under which the families of the National Guard or the Regular Army might recover against the Government?

Mr. HAY. No; but I say, in my judgment, it fixes the policy of Congress.

Mr. CANNON. But it would require—

Mr. HAY. It would require further legislation.

Mr. CANNON. After the \$2,000,000 of appropriation is exhausted, then Congress would have to act by further enactment and appropriation?

Mr. HAY. That is true.

Mr. CANNON. Before an appropriation would be authorized?

Mr. HAY. Yes.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. HAY. Yes.

Mr. DYER. Will this appropriation be available for the benefit of the families of the men, dating back from the time they were drafted into the service or ordered in?

Mr. HAY. I think so.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. HAY. Yes; I yield to the gentleman from Wyoming.

Mr. MONDELL. Is this increase in the conference report over the amount that passed the House for \$85,000,000?

Mr. HAY. Yes.

Mr. MONDELL. Can the gentleman give an idea of what proportion of that increase would go to the increase of pay to the officers of the Army or to increase the pay of numbers of the Army, as compared with this bill?

Mr. HAY. I will say to the gentleman that so far as the pay of officers is concerned the appropriation is the same as it was in the House bill. The Senate increased that appropriation by \$1,400,000, but receded on it, so that the amount for pay of officers of the line of the Army is the same as in the House bill. The Senate increased the appropriation for officers of the National Guard, and that increase, that part of it, was accepted by the House, because these officers have been called into the service of the United States. They are down there on the border for a time, nobody knows for how long, and therefore the House conferees thought the money ought to be provided to pay them.

Mr. MONDELL. Does this conference report increase the number over that provided by the House?

Mr. HAY. No.

Mr. KITCHIN. Mr. Speaker, I would like to make a statement.

Mr. HAY. How much time does the gentleman desire?

Mr. KITCHIN. Two minutes.

Mr. HAY. I yield to the gentleman from North Carolina two minutes.

Mr. KITCHIN. Some two weeks ago we had a gentleman's agreement that we would call up no important matters of legislation, including conference reports, without giving three days' notice, so that Members could be present, if there was an attempt to have a ye or nay vote or any contest over it. Now, it is evident that we will not have time to give any three days' notice, and, therefore, under the agreement there would be no roll call on this proposition, because the three days' notice has not been given. A great many Members on both sides, Republicans and Democrats, have left here, with the understanding



that they will not be called back without having the three days' notice. In view of that fact, I would like to ask unanimous consent that any Member may have the privilege of extending his remarks in the RECORD on this conference report, stating his views and how he would have voted if he had had the opportunity.

I want to say that if I had the opportunity by a roll call, I would vote against this conference report, and I am sure that there are other Members here, and some who are absent, who would do the same. So I ask unanimous consent that any Member of the House may have the privilege of extending his remarks in the RECORD on the subject of this conference report.

Mr. WINGO. For how many days?

Mr. KITCHIN. Until the end of the session.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that Members may have leave for five days—

Mr. KITCHIN. No; I will not ask to limit the time, for the reason that many Members will not get back within the limit. So I think it would be well for Members to have the leave until the end of the session. This morning I phoned to three or four offices of Members who are absent, and was informed that they would not be back until near the end of the session.

The SPEAKER. Is there objection? The Chair understands that the remarks are to be confined to this bill.

Mr. KITCHIN. Yes.

There was no objection.

Mr. HAY. I yield one minute to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Speaker, if there is not to be a roll call or record vote on this bill, I wish to say that I am against it and shall vote against it. As it passed the House it was larger than I felt it ought to be, and I only voted for it then in a spirit of compromise. I wish to add this further thought: I have no doubt that the chairman of this committee has rendered the country a great service in holding down this bill. [Applause.] I wish my conscience would allow me to vote for it, but it will not, and I shall vote against it.

Mr. HAY. I yield to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. I want to ask permission of the chairman of the committee to follow up the question asked by the gentleman from Wisconsin [Mr. COOPER] with reference to certain legislation that this bill carries. I would like to direct the attention of the gentleman to amendments 49, et sequentia, on page 24 of the bill. Amendment 49 promotes Col. James Jackson to be a brigadier general on the retired list; the net result being that Col. Jackson, or Gen. Jackson, as he will very soon be, will get some two or three thousand dollars more a year in the way of salary, and that is all there is to it. Amendment 50 also authorizes a promotion. It is evidently intended for the benefit of some specific Army officer. Who he is I do not know.

Mr. HAY. I can tell the gentleman.

Mr. HUDDLESTON. I do not wish to ask, because I am not concerned about the individual, but it has no other purpose, and can have none except to give a promotion by a special act. That same thing is true of amendments 51 and 53.

The purpose of amendment 52 is to put a Volunteer officer on the retired list as a Regular Army officer, and I congratulate the committee on not having agreed to that amendment, which the Senate attempted to put into this bill. As to the other amendments, they have no pressing necessity and relate merely to promotions and are special legislation of a very vicious type. I would inquire of the chairman what the necessity was to allow those amendments to be put on the House by the Senate in a general appropriation bill such as this?

Mr. HAY. I will state to the gentleman from Alabama that as to the promotion of Col. Jackson, he is a Civil War man who is, as I am informed, 84 years of age, who has been in active service with the National Guard of one of the States and has been attached to that command in active service for a great many years. The Senate thought he ought to be given this promotion and insisted upon it; and as the House conferees can not get everything they ask for, the House yielded on that amendment.

On amendment 50, where the officer is described and not named, that amendment was for the benefit of Col. Pope, who served 45 years in the Army on the active list, and lost his eyesight as a result of that service. The Senate also insisted on that amendment.

The other amendment provides for the promotion of four Civil War officers—Gen. Pennington, Gen. Ernst, Gen. Schwann, and Gen. Hains—all men over 80 years of age, who served during the Civil War, whose services were very distinguished, and who served many years after the Civil War. The Senate in-

sisted on those amendments, and the House conferees yielded because they believed it was better to do so than to bring in an incomplete report.

Mr. MAPES. May I ask a question in that connection?

Mr. HAY. I yield to the gentleman from Michigan.

Mr. MAPES. Why were amendments 49, 50, and 51 agreed to and amendment 52, which provided for Gen. Whitaker, not agreed to?

Mr. HAY. Because we did not think Col. Whitaker made out a good case.

Mr. GREENE of Vermont. Will the chairman yield for just one question? Was Brig. Gen. John L. Clem included in the promotions?

Mr. HAY. Yes.

Mr. GREENE of Vermont. He is promoted as a major general?

Mr. HAY. Yes.

Mr. GREENE of Vermont. I thought it might not be improper at this time to suggest that that was rather contrary to the policy that the House had adopted heretofore in that same individual case.

Mr. HAY. I call the attention of the gentleman from Vermont, however, to the fact that the Committee on Military Affairs have reported that bill.

Mr. GREENE of Vermont. I understand that. I am speaking of the policy of the House.

Mr. MAPES. Referring again to amendment 52, does the chairman of the committee mean that the Senate conferees did not insist as strongly on amendment 52 as they did on the others, and that that was the reason it was allowed to go out? I understood the chairman to say that one reason why amendment 52 was allowed to go out was that it was not insisted on as strongly as the others.

Mr. HAY. I did not mean that.

Mr. MAPES. Was it a matter of the Senate conferees?

Mr. HAY. I say that after a conference on that particular case the Senate receded. I now yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I want to ask the gentleman from Virginia [Mr. HAY] if the appropriations on pages 13 and 14 for pay of officers of the National Guard and pay of enlisted men of all grades of the National Guard are available for the pay of National Guardsmen of all classes?

Mr. HAY. They are of all classes of the National Guard who have been called into the service of the United States, and of those who train under the law which we passed in June last.

Mr. MONDELL. These appropriations are only available for those called by the President, who have been drafted into the Federal service?

Mr. HAY. They have not been drafted.

Mr. MONDELL. Without regard to whether they have been drafted or not, it applies to all of the militia organizations that have been called to the colors?

Mr. HAY. Called into the service of the United States.

Mr. MONDELL. I notice that the amounts carried in the bill as agreed to for officers and men aggregate about \$17,000,000 in excess of the amount carried in the bill as it passed the House. Can the gentleman inform us on what basis of numbers and length of service the increase of \$17,000,000 was made?

Mr. HAY. The gentleman will observe that there is no appropriation for length of service of officers and men of the National Guard. The increase was made because about 100,000 guardsmen, as near as we can be informed, have been called into the service of the United States. We have no definite information as to how long they are to remain in that service.

Mr. MONDELL. Does the gentleman recall how long the sums appropriated, amounting in the aggregate to approximately \$27,000,000, will pay 100,000 guardsmen?

Mr. HAY. About nine months.

Mr. MONDELL. So that the bill is drawn in anticipation of the possibility of the men who have been called remaining in the service nine months?

Mr. HAY. They have been in the service now nearly two months. They were called out June 18, 1916. I do not know how long they will be in the service.

Mr. MONDELL. No; the gentleman is not a prophet.

Mr. HAY. If they are recalled and sent back to their States, then this money will be covered into the Treasury.

Mr. MONDELL. I realize that; but the fact is that the sums appropriated in the bill would pay these men for about nine months, on the basis of 100,000 men?

Mr. HAY. Yes.

Mr. MONDELL. Beginning with the time when they were called into the service of the United States.

Mr. CANNON. Mr. Speaker, will the gentleman yield to me again?

Mr. HAY. Yes.

Mr. CANNON. Some few days ago I received a letter from a captain in the National Guard who has had 15 years of service under the State. In that letter he stated that when he was called for 9 or 10 days of service for maneuvers, if that is the proper term, he received longevity pay for those 9 or 10 days' service. He asked me whether, under the law, he would receive that longevity pay when he is under service with the National Guard, under the call of the President, or by draft, either or both; and if not, then he asked me if I would obtain the enactment of legislation that would give him and those similarly situated longevity pay while in the service of the United States. Will the gentleman from Virginia kindly inform me what the law provides?

Mr. HAY. As I understand it, when an officer is called out for training purposes he gets the pay of an Army officer, and therefore would get the longevity pay if he had sufficient length of service; but when he is called into the service of the United States under the draft act he goes in as a volunteer would go in. The law so provides, and the volunteer act does not provide for longevity pay for officers who have been serving in the militia. Nor does the act of June provide for longevity pay when they are called into the military service of the United States until in both cases they have served long enough in the service of the United States to entitle them to it. When he has been called into the service heretofore under the Dick Act he got the pay of a Regular Army officer. Now he gets his pay as provided for under the act of June 3, 1916, and under the volunteer law, so that there is no law by which he can get longevity pay for service with State troops.

Mr. CANNON. The gentleman has given me the status. I may be indulged to say that I would have been very glad to vote for legislation in this bill which would provide that in such a case the man would receive longevity pay. Of course I shall not vote against this conference report in these closing days of the session, but I would have been glad to vote for legislation of that kind upon this bill, although on examination I find that such an amendment was not in conference and that the conferees are without jurisdiction to consider the same; or I would be very glad if it were possible to pass such a measure separately. It seems to me there are many reasons why longevity pay should be given in such cases. I also understand that it is not now possible and has not been possible to have such a bill considered for several weeks, as there has been no quorum of the Committee on Military Affairs or quorum of the House in Washington, and business in the House only proceeds because no one demands a quorum. I hope in the future legislation may be had that will give longevity pay to officers in the National Guard when in the service of the United States.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. HAY. I yield to the gentleman from Nebraska.

Mr. SLOAN. Mr. Speaker, I notice the bill is quite comprehensive and has a good many closely related and some very distantly related parts. Remembering that the body at the other end of the Capitol made some effort in considering the bill to provide for the soldiers down on the border having the right to vote for Senators and Representatives if detained down there, I would ask if anything was accomplished or anything attempted toward that end by the conferees?

Mr. HAY. Mr. Speaker, the conferees could not accomplish or try to accomplish anything toward that end, because there was not anything in the bill, either put in by the Senate or by the House, looking to voting by National Guardsmen, and if we had attempted to do anything of that sort it would have made the report subject to a point of order, as the conferees are not authorized to consider something which neither House placed in the bill.

Mr. SLOAN. It would be subject to a point of order, but if there had been no objection to it, it would have gone through with all of the rest of it, would it not?

Mr. GREEN of Iowa rose.

Mr. HAY. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I would ask the gentleman from Virginia what amount under the bill as it comes from the conferees would be expended for the manufacture or purchase of rifles?

Mr. HAY. Five million dollars, the same as it was in the House.

Mr. GREEN of Iowa. And that amount, I understand, is less than asked for by the department?

Mr. HAY. Well, I do not think so. I do not think the department asked that much, but when the bill was up in the House it occurred to me that if there was anything we needed

it was a reserve of rifles, and I therefore offered an amendment in the House increasing the amount to \$5,000,000. In the Senate, when the bill was reported to the Senate from the Committee on Military Affairs of the Senate, the amount was decreased to \$2,500,000. On the floor of the Senate it was again put at \$5,000,000, and, of course, remained in because it was not in dispute in conference.

Mr. GREEN of Iowa. Will the gentleman yield a little further? In that connection, in view of these inquiries I would like to ask the gentleman to yield me five minutes for some remarks in reference to the rifle equipment issued to the militia.

Mr. HAY. Very well. I yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I wish to make a brief statement regarding Senate amendment 137 appropriating \$2,000,000 for dependent families of men in the Army. This amendment covers dependent families of men in the National Guard and in the Regular Army, and applies to the Regular Army only so long as the men in the National Guard remain drafted in the Federal service. The War Department has issued an order absolutely exempting or rather providing for the discharge of every enlisted man in the National Guard who has a family dependent upon him, and it was stated on the floor when this proposition was under discussion before that there was no necessity of appropriation for dependent families of the men in the Regular Army because none of those men had families dependent upon them.

Mr. LOBECK. Will the gentleman yield?

Mr. SMALL. When I can finish this statement. Assuming that the War Department will exercise good faith and will discharge every enlisted man in the National Guard who has a family dependent on him; assuming the statement heretofore made that there are no men in the Regular Army who have families dependent upon them, then this appropriation is for a purpose which does not exist. However unselfish and generous the motives of Members may be who advocate this large appropriation, it is after all an attempt to play politics with the National Guard. It is a sop to Cerberus. I am not opposed to legislation providing for dependent families of soldiers when a great national emergency shall demand it, but that emergency does not exist. If the time ever comes when we shall have to wage a great defensive war, testing our resources in men, in munitions, and in money, then we will have to make some such provision consistent with our ability, and try to do justice to the men who are serving their country, but I submit that emergency does not exist at this time, and this appropriation, if the facts which I have stated are correct, and I think they are, is unnecessary, is an expenditure of money which can not be warranted from any standpoint of a national emergency, and ought not to have been ingrafted upon this great bill.

Mr. DOWELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOWELL. I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. SMALL. I do.

Mr. DOWELL. Do we understand from the remarks of the gentleman that the War Department has discharged all persons in the service who have dependent families?

Mr. SMALL. An order has been made providing for the discharge of every man who has a family dependent upon him.

The SPEAKER. The time of the gentleman has expired.

Mr. HAY. How much time have I remaining, Mr. Speaker?

Mr. DOWELL. Mr. Speaker, may I just complete my question?

The SPEAKER. The gentleman has 17 minutes remaining.

Mr. HAY. I yield one minute additional to the gentleman from North Carolina.

Mr. SMALL. I yield to the gentleman.

Mr. DOWELL. Is not the order issued by the department an option for a person in the service that he may be relieved if he desires upon his request?

Mr. SMALL. Oh, of course, application has to be made through the usual military channels.

Mr. DOWELL. But does not the application have to be made by one in the service?

Mr. SMALL. Of course.

Mr. DOWELL. Then, as I understand it the department does not discharge or relieve those in the service who have dependent families, but if they remain in the service \$2,000,000 is to be drawn upon for the dependent families.

Mr. SMALL. Yes; and I am not willing to assume that a man in the service has less regard for his family than the Government of the United States, and that is what the gentleman's question implies. If the family of a soldier is really dependent upon him for support and the soldier knows that he



may upon application secure an honorable discharge and return to his home, he will make the application.

Mr. LOBECK. Will the gentleman yield further?

Mr. SMALL. Certainly.

Mr. LOBECK. I want to ask the gentleman one other question. If a member of the National Guard be relieved from service, does the department pay the expenses to his home?

Mr. SMALL. I understand that this bill provides for transportation of a man honorably discharged, and this would be an honorable discharge.

Mr. LOBECK. Upon his request?

Mr. SMALL. Upon his request.

Mr. LOBECK. My understanding is that a soldier has to ask for his discharge. Then, if his mother or dependents will get proof from the county commissioners or some one at home, or a city official, that she needs his services, then the War Department will discharge him, so that he has to have a full line of proof as to the necessity of the dependent family before this soldier can be relieved.

The SPEAKER. The time of the gentleman from North Carolina has again expired.

Mr. HAY. Mr. Speaker, I yield one minute more to the gentleman.

Mr. SMALL. Just to answer this question, if I may have the attention of the gentleman from Nebraska [Mr. LOBECK]. Proof, of course, has to be offered. Unofficially I am informed by the War Department that they will be liberal as to the proof which they will exact as to the condition of dependent families, but the complete answer to the question of the gentleman is this, that under this provision they will have to submit proof that they are dependent, probably proof under more rigid conditions than for the discharge of the enlisted man. So that if there is any humiliation to the soldier involved in applying for his discharge, the humiliation will be even greater in securing assistance from the Government under the terms of this appropriation. Besides, if there is any humiliation, it is suffered by the family. Under the existing order of the War Department, the soldier does the manly thing by returning to his family and providing for them. Under this appropriation they become mendicants under Government bounty.

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, some time back I called the attention of the House to the fact that although it was sometimes charged that the militia could not shoot, as a matter of fact the militia teams in all contests had defeated the Regulars and Marines at every kind of shooting—at long distance, short distance, and rapid fire.

But the National Guard can not shoot without good rifles. We were told some time ago—at least it appeared in the hearings—that the Chief of Ordnance stated we had about 700,000 rifles, in good condition, ready to issue to the National Guard. As a matter of fact, we find that we are deficient in all kinds of equipment, and in my own State rifles which are quite inferior, owing to the fact that they have been used so much as to affect their efficiency, have been issued in considerable numbers to the National Guard. I have this information upon reliable authority, and I will give the names if any gentlemen of the House so desire. These rifles have been found by test to be practically worn out and not capable of accurate shooting.

And this is not the only kind of equipment as to which deficient material has been issued. In this connection I want to speak of the size of the underwear that was issued to the Iowa National Guard, it being of some unusual, extraordinary sizes, such as hardly any man could wear, so that I was informed the soldiers got up some sort of a mock parade and marched around with two men in one shirt. I do not know how the Quartermaster's Department, or whatever department is responsible for it, obtained such goods, but apparently there was fault in its selection.

There was also issued to the cavalry and other branches of the National Guard revolvers and pistols of different caliber, something that, of course, would cause the greatest confusion and trouble if they ever got into actual warfare.

Here is the sample of shoes [exhibiting] which were furnished for our Guardsmen. I would like to have my friend from Illinois [Mr. BRITTEN], who sits smiling at this time, put on a pair of them, march a few miles, and see how he would like them.

Mr. BRITTEN. I am from Chicago. I could not get them on. [Laughter.]

Mr. GREEN of Iowa. They are not like the Regular Army shoe and not fitted for the purpose, being too heavy and too roughly made, although the leather is good and they would be durable. We should have a standard shoe.

I do not speak of these matters so much in criticism of the Quartermaster's Department or any other department, because in this particular case, not having had a mobilization for a great many years, I suppose it is inevitable that some deficiencies should be ascertained. What I do object to, however, is statements continually appearing in the newspapers here that the delays and the deficiencies in the equipment of the National Guard is owing partly to Congress and partly to the militia system, when neither is responsible for anything of the kind. Everyone in this House within the sound of my voice, and anyone at all informed on this subject, knows we make the appropriation for the Quartermaster's Department and the Ordnance Department and the other departments that buy these supplies and control the equipment, and that the buying of these supplies is entirely in the hands of the officers of the Regular Army. The method of obtaining equipment would be just the same, no matter how additions were made to our Army. The complaint, if any, should not be of the militia system but of department methods.

Mr. MANN. Will the gentleman from Virginia yield five minutes to me?

Mr. HAY. I yield five minutes to the gentleman from Illinois.

Mr. COOPER of Wisconsin. I want only about two minutes to ask the gentleman a question.

Mr. HAY. I will yield to the gentleman from Wisconsin as soon as the gentleman from Illinois finishes.

Mr. MANN. I yield to the gentleman now.

Mr. COOPER of Wisconsin. I desire to ask the gentleman from Virginia whether amendment 139, when enacted into law, will exempt from the Articles of War any person or persons who now are amenable to existing law?

Mr. HAY. Yes; it will exempt retired Army officers and retired enlisted men.

Mr. COOPER of Wisconsin. How long have they been under the provisions of existing law?

Mr. HAY. Fifty-five years.

Now, I yield to the gentleman from Illinois [Mr. MANN].

Mr. DOWELL. I desire to ask the gentleman a question before the gentleman from Illinois starts. I understand that this is all the time—

Mr. MANN. Oh, no; we will extend the time if anybody wants more time.

Mr. Speaker, I shall vote for the conference report. I would vote for it with even more pleasure if it carried more money. I have not yet changed my opinion as to the possible dangers of the future. I see once in a while some one's rosy view about an early settlement of the European war, and I hope that such views may be correct and that peace may come soon. I can not see how either side of the controversy in Europe can voluntarily yield. I think that the war will be prolonged, and the longer it goes on the more determined each side is that it will not be overcome, the more each side will resort to various devices involving neutral nations. And when the time comes when one side or the other over there thinks perhaps it can see defeat in the future, that side will exert every power at its command to drag other nations into the war. No reader of history can doubt such a conclusion.

When the war broke out in Europe, as I then said on the floor of the House, I set my face and mind with determination that, so far as I had any influence, this country would keep out of the war and maintain peace with both sides. [Applause.] And while I hope that we will be able to do that, the wise thing is to recognize the possibility of our becoming involved, and to at least have a small supply of ammunition on hand. I think we ought to be, more widely than we are, training some soldiers. We can arm and train without enormous expense, but if we fail to arm and train and the trouble comes, we can not get out of it without enormous expense, such as no one will now dream of.

That is for the European situation. I do not know what will happen in Mexico. I was very much surprised to read—I think in the morning paper—a statement said to have been made by Mr. Carl Vrooman, Assistant Secretary of Agriculture, who, the article stated, was to be in charge of the speakers' bureau at the Democratic headquarters in Chicago, giving as the reason why we had not intervened in Mexico that there were 400,000 Japanese in Mexico, and that we were afraid to get into war. I do not want war with Mexico. I do not want war with Japan. But God knows I do not want to keep out of war merely because I am afraid. [Applause on the Republican side.] And if it be true—which I do not believe—that there are 400,000 Japanese in Mexico for the purpose of engaging in war with the United States, if there are 4,000 Japanese there for that purpose, we ought to make a larger Army appropriation bill than we have

now. [Applause on the Republican side.] The United States can afford to maintain peace. It can afford to use moral suasion. It can afford to extend the sphere of its influence, through trade and pacific influence. But it can not afford to fail to prepare for war because it is afraid to fight. [Applause on the Republican side.]

Mr. HAY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced the adoption of the conference report.

Mr. HUDDLESTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Alabama asks for a division.

The House divided; and there were—ayes 81, noes 9.

So the conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

#### BILLS OF LADING IN INTERSTATE AND FOREIGN COMMERCE.

The SPEAKER. The Clerk will call the unfinished business. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 19) relating to bills of lading in interstate and foreign commerce.

#### BRIDGE BILLS.

Mr. ADAMSON. Mr. Speaker, I desire, before taking up that bill, to pass two or three bridge bills, unless I can get recognition on the next day.

Mr. MANN. I suggest that the gentleman ask unanimous consent to lay aside the bill-of-lading bill temporarily. It will take only four or five minutes to dispose of these other bills.

Mr. ADAMSON. Unless I can get assurance of recognition on the next day—

The SPEAKER. There is not anybody who can give you the assurance.

Mr. ADAMSON. I can only ask unanimous consent to lay aside the business temporarily.

The SPEAKER. The easy way is to lay this bill aside and take up bridge bills.

Mr. ADAMSON. That is what I am asking.

The SPEAKER. Is there objection to the gentleman's request?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I do not know what the bridge bills are.

Mr. MANN. They are three very simple bridge bills.

Mr. COOPER of Wisconsin. How many did the gentleman say there are?

Mr. ADAMSON. Three. One is for a bridge over the Savannah River, one is for a bridge over the Colorado River, and the other is for a bridge over the Spanish River in Alabama.

The SPEAKER. The gentleman can call them up anyway after he gets through with this other bill.

Mr. COOPER of Wisconsin. That is so, Mr. Speaker; but I wanted to know what they were, anyway.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. What is the first one?

#### BRIDGE ACROSS SAVANNAH RIVER.

Mr. ADAMSON. The first one is Calendar No. 361, House bill 16995, granting the consent of Congress to A. N. Alford to construct a bridge across the Savannah River.

The SPEAKER. The Clerk will report it.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to A. N. Alford, of Georgia, and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation, at or near Browns Ferry between mouth of Lightwood Log Creek and one-half mile south of Crafts Ferry, in the county of Hart, State of Georgia, on the west, and the county of Anderson, State of South Carolina, on the east, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. COOPER of Wisconsin. Mr. Speaker, may I ask the gentleman from Georgia what report the War Department has made upon this?

Mr. ADAMSON. A favorable report.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGE ACROSS COLORADO RIVER, CAL. AND ARIZ.

Mr. ADAMSON. Mr. Speaker, the next is Calendar No. 362, House bill 16914, permitting the Needles & Oatman Bridge Co. to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona.

The SPEAKER. The Clerk will report it.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Needles & Oatman Bridge Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River at a point suitable to the interests of navigation at or near the city of Needles, San Bernardino County, State of California, about 10 miles north of the existing bridge of the Atchison, Topeka & Santa Fe Railway Co. in that vicinity, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. COOPER of Wisconsin. Mr. Speaker, has this bill received a favorable report from the War Department?

Mr. ADAMSON. Yes. We never report such a bill without a favorable recommendation from the War Department.

Mr. COOPER of Wisconsin. I will say to the gentleman from Georgia it will not be long before all of the navigable streams and all the rivers that can by any possibility be canalized for navigable purposes will be crossed by bridges, and it is of very great importance that care be exercised in the permits granted for the construction of these bridges. In my own State we have some streams that are navigable, but bridges were constructed so near to the water by what is called a "draw" that nobody now wants to put in a boat. In other words, navigation has been practically destroyed by the character of the bridges that have been erected.

Mr. ADAMSON. Mr. Speaker, I am glad the gentleman is helping me. I am glad to have his cooperation. I am going to see about those bridges in his State. I want to see that the streams are made navigable and kept navigable, and that the bridges crossing every river are passable bridges. Our duty here is to see that it is done in accordance with the law, and that the bridges which are placed over navigable streams are such as can be crossed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGE ACROSS SPANISH RIVER, ALA.

Mr. ADAMSON. The next bill is S. 6372.

The SPEAKER. The Clerk will report it.

The Clerk read the bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers, as follows:

*Be it enacted, etc.,* That the counties of Baldwin and Mobile, in the State of Alabama, successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and all approaches thereto across the Spanish River at or near the junction of Raft and Spanish Rivers, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I move to amend by inserting after the word "Alabama" in line 4, the word "their."

Mr. ADAMSON. I think the committee ordered that amendment but by inadvertence it was not included in the report, and I intended to offer it myself. The minutes of the committee will show that it was ordered. I sent up my copy of the bill to the Clerk, and did not have it before me.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 1, line 4, after the word "Alabama" insert the word "their."

The amendment was agreed to.

Mr. MANN. I move to amend by inserting after the word "and," in the same line, the word "they."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "and" insert the word "they."

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 5, the word "all."

Mr. ADAMSON. In what connection is that?

Mr. MANN. It says "all approaches."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, at the end of the line, strike out the word "all."

The amendment was agreed to.



The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. MANN. I ask unanimous consent to amend the title by inserting, after the word "Alabama," the word "their."

The amendment was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the three votes by which the three bills were passed was laid on the table.

#### ADJOURNMENT UNTIL FRIDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Friday. The idea is to try to get away at 4 o'clock.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Friday. Is there objection? There was no objection.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for one hour on the subject of the eight-hour day when the House meets on Friday. I will say that it was partly due to unavoidable reason that I was unable to deliver the address yesterday. I was somewhat indisposed.

The SPEAKER. The gentleman from Illinois asks unanimous consent that next Friday, after the reading of the Journal and the cleaning up of business on the Speaker's table, he be permitted to address the House for not to exceed one hour. Is there objection?

Mr. POUL. Mr. Speaker, reserving the right to object, I would inquire of the gentleman if he would not be willing to take an hour on some later day? Next Friday is the day set apart for the consideration of the Private Calendar, and there are a great number of bills that Members desire to have considered.

Mr. MANN. That action was taken by unanimous consent yesterday or the day before.

Mr. BUCHANAN of Illinois. I will say that I do not want to interfere with any previous action, or any important business. I am perfectly willing to take my hour after that business is concluded, if the time for adjournment has not arrived.

Mr. MANN. I think if the gentleman will ask unanimous consent that at 4 o'clock on Friday he may address the House for one hour there will be no objection.

Mr. BUCHANAN of Illinois. I want to make it clear that it is not my intention to interfere with any previous action, or any important legislation. I am willing to take the time beginning at 4 o'clock on Friday, or sooner if the business is concluded before that time.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday he be permitted, at 4 o'clock, or sooner if the consideration of the Private Calendar is concluded, to address the House not to exceed one hour on the subject of the eight-hour day. Is there objection?

There was no objection.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14868. An act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes;

H. R. 6180. An act for the relief of Lillie B. Randell;

H. R. 20. An act authorizing the county of Gunnison, Colo., to purchase certain public lands for public park purposes;

H. R. 2052. An act for the relief of the estate of William D. Allen;

H. R. 14528. An act for the relief of W. W. Finn;

H. R. 1777. An act for the relief of Frank J. Deutsch;

H. R. 11416. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";

H. R. 15955. An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits;

H. R. 15777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and

towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 10641. An act for the relief of Fred Henderson;

H. R. 11984. An act for the relief of William E. Heffner;

H. R. 10643. An act for the relief of Theodore Bagge;

H. R. 10546. An act for the relief of the Illinois Central Railroad Co., and for other purposes;

H. R. 10052. An act to reimburse J. T. Nance;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 12248. An act for the relief of the estate of Mary H. S. Robertson, deceased;

H. R. 14952. An act for the relief of Mrs. John A. Fox;

H. R. 16912. An act granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio;

H. R. 12123. An act to appropriate money to build and maintain roads on the Spokane Indian Reservation;

H. R. 8630. An act for the relief of the Farmer's State Bank of Eureka, Woodford County, Ill.;

H. R. 8200. An act for the relief of M. E. Sitters;

H. R. 8141. An act for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.;

H. R. 7419. An act granting a patent to a certain strip of land to Elisha A. Crandall;

H. R. 7396. An act for the relief of Hiram P. Geaslin;

H. R. 7062. An act for the relief of Erskine R. Hayes;

H. R. 5453. An act for the relief of the State board of harbor commissioners of the State of California; and

H. R. 2555. An act for the relief of the Minnesota & Ontario Power Co.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1159. An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes; and

S. 6308. An act to authorize the Secretary of the Interior to lease, for production of oil and gas, ceded lands of the Shoshone or Wind River Indian Reservation, in the State of Wyoming.

#### SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 143. Joint resolution granting permission for the erection of a monument in the Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War; to the Committee on the Library.

#### BILLS OF LADING.

Mr. ADAMSON. Now, Mr. Speaker, I call up the unfinished business, which is the bill (S. 19) relating to bills of lading in interstate and foreign commerce.

The SPEAKER. The bill has been read.

Mr. ADAMSON. Mr. Speaker, unless some gentleman has an amendment to offer, I ask that all the amendments be voted upon in gross.

Mr. PARKER of New Jersey. The other day I said I was not willing to have all the amendments voted on in gross, but I should like to aid the gentleman by having all voted on in gross, except the amendments to sections 20 and 21.

Mr. ADAMSON. That is all right.

The SPEAKER. The vote will be taken on all amendments except those to sections 20 and 21. The Clerk will report all the amendments except those to sections 20 and 21.

The Clerk read as follows:

Page 2, line 6, after the word "act" strike out the period and insert the words "unless upon its face and in writing agreed to by the shipper."

Page 4, line 5, strike out the word "An" and insert in lieu thereof the words "Possession of the bill of lading and an."

Page 7, line 5, after the word "loss" insert a comma and the word "theft."

Page 7, line 6, strike out the semicolon after the word "destruction."

Page 7, line 10, strike out the semicolon after the word "outstanding," insert a period, and capitalize the letter "t" in the word "The."

Page 7, line 11, after the word "fees" insert a colon in place of the period and add the words: "Provided, A voluntary indemnifying bond without order of court shall be binding on the parties thereto."

Page 11, line 16, strike out the words "the issuing of bills of lading" and insert in lieu thereof the words "the receiving of goods and issuing bills of lading therefor for transportation in commerce among the several States and with foreign nations."

Page 11, line 20, strike out the words "the consignee named in a straight bill," and insert in lieu thereof the words "the owner of goods covered by a straight bill subject to existing right of stoppage in transitu."

Page 12, line 21, strike out the word "no," and insert in lieu thereof "a."

Page 12, line 21, strike out the word "except"; same page and line, after the word "for" insert the word "all."

Page 12, line 25, after the word "bill" insert the words "and all other charges incurred in transportation and delivery."

Page 14, line 4, after the word "negotiated" insert the words "free from existing equities."

Page 18, line 14, after the word "lading" insert the words "purporting to represent goods received for shipment among the several States or with foreign nations."

Strike out section 42.

Page 19, line 7, strike out as follows: "'Owner' does not include mortgagee or pledgee."

Page 20, line 12, strike out as follows: "'Purchaser' includes mortgagee and pledgee."

Page 20, lines 15, 16, and 17, strike out as follows: "Second. A thing is done 'in good faith' within the meaning of this act when it is in fact done honestly, whether it be done negligently or not."

Renumber section 43 to be section 42, section 44 to be section 43, section 45 to be section 44, section 46 to be section 45.

The SPEAKER. The question is on all the amendments except those to sections 20 and 21.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will now report the amendments to section 20.

The Clerk read as follows:

Page 9, lines 10, 11, and 12, after the word "him," in line 10, insert the words "or in case of bulk freight and freight not concealed by packages the description made by him."

Mr. ADAMSON. Mr. Speaker, I think the amendment of the gentleman from New Jersey [Mr. PARKER] is to the next section.

Mr. PARKER of New Jersey. I have an amendment to section 20, and then an amendment to the amendment to section 21. I should be obliged if the committee amendment to section 20 could be put and agreed to—I shall vote for it—and when that is agreed to I shall offer my amendment.

Mr. ADAMSON. Very well.

The SPEAKER. The question is on agreeing to the committee amendment to section 20.

The committee amendment was agreed to.

Mr. PARKER of New Jersey. Mr. Speaker, I offer the following amendment to section 20, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 9, line 12, after the words "bulk freight," insert the words "upon written request of the shipper and payment by the shipper of reasonable charges therefor."

Mr. PARKER of New Jersey. Mr. Speaker, I am heartily in sympathy with the purposes of this bill. It is founded upon the uniform bill-of-lading bill recommended by the American Bar Association, which has been adopted by many States. It is a great pity that we could not adopt it in its exact words, but new times made new problems. That bill says to every carrier, "You may issue two sets of bills of lading, one a straight bill saying, for instance, 'I have received so many bales of cotton weighing so much,' and the other a bill which simply says, 'I have received a carload of goods said to contain so many bales of cotton of such and such weight,' thus relieving itself of responsibility." The banks want to lend on the cotton and the shipper wants to get money on the cotton, and, therefore, they want the first sort of bill of lading; but as we know perfectly well a great many shipments do not necessitate that sort of a bill of lading. When you or I bring down a carload of household goods from home, the carload includes horses and furniture and harness and looking-glasses and this, that, and the other—every kind of thing that is put in the car—and the load pays a cheap rate because the railroads simply put in whatever is furnished them and we ask no warranty, and take out whatever they have loaded when the car gets here.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield there?

Mr. PARKER of New Jersey. I would like not to be interrupted, unless the gentleman can grant me some more time. I have only five minutes.

Mr. ADAMSON. I have not control of the time, but I would not object to an extension.

Mr. PARKER of New Jersey. Very well.

Mr. ADAMSON. I would call the gentleman's attention to the fact that his own personal case is not appropriate, because this is a case where the carrier himself loads the goods.

Mr. PARKER of New Jersey. Mr. Speaker, but this is a case where the carrier loads the goods. All I do is to send the goods to the station, and the carrier loads them. I employ a man to carry the goods to the station, and that is all; but under section 20 as it stands every carrier would have to not only weigh the goods but to examine them and give a bill of lading stating the exact kind and quantity of the goods, and the carrier would have to

charge twice as much as such a carload would pay ordinarily. All I seek to do by my amendment is to provide that if a man wishes to have careful inspection made of the amount of goods and their quality then he shall pay to have it made. Such weighing and inspection must be done by experienced men. I will give you an example. My family happens to come from a place in New Jersey—Perth Amboy—where they load clay. Those clays all look alike to the ordinary man, except that some are white, some black, some brown, and some gray; but every one of them is called by a different name in the trade. Fire clay is or was worth \$5 a ton, while ordinary clay is shipped that is not worth over 25 cents a ton. If the law requires the station agent employed at a given place, perhaps where clay is mined, over there on Cheesequake Creek—if the law asks any countryman who is at the station to certify that there are so many thousand tons of fire clay in the train and he gives that certificate, then this law makes the railroad responsible. As a rule shippers do not want to borrow money on the clay; it simply goes to the factory, and there is no need of having any expert to determine kind and quantity. But if the shipper says he wants to borrow on the goods he should say so to the railroad and also be willing to pay reasonable charges, and then he should have a "straight bill of lading." In this case the shipper can say, "I am ready to pay a reasonable charge to count up the amount of that clay and what kind it is," and he is given practically a certified check for the goods.

If Congress does not make this provision that the railroad shall be paid where such a warranty is required and necessary, it will raise the rates of freight all over the United States, because it takes time to weigh and it takes experience and time to investigate and certify. It takes a first-class man who can be trusted at your station to give warranties as to the kind of goods on board the car, and it is not unfair to say to the man who is shipping cotton from the South or grain from the West, "You can have a cheap rate of freight if you do not require a warranty, but if you require a warranty of the character of this grain, or the character of this ore, or whatever it may be, and its quantity, if you require us to be sure it is on board, and to have a man there who can not be bribed, as some station agents have been, to give bills of lading when the goods were not there." And if Congress is going to require all this to be done, it is fair to say to the shipper that he must request it in writing and pay the reasonable cost before he can get that warranty. That is all this amendment asks, and, if the gentleman will pardon me, the committee amendment to the next section acknowledges that principle.

There are many cases where the shipper loads his own goods, and the committee amendment to section 2 says that the railroad company shall not be responsible for the goods when loaded by the shipper unless he has requested the railroad in writing to find out the kind and quantity and give a straight bill of lading, and then this must be done. We should only add to that request in writing so to do that it should be upon payment by the shipper of reasonable charges therefor. Whether the shipper loads or the carrier, there is no reason in either case why the extra work should be put upon the carrier without reasonable payment, and probably neither the banks nor the shippers would think this unfair. I want to say in justification of myself that this bill was brought up for final determination in committee on a day when I happened to be out of town, and I had no opportunity to be in the committee. I have no doubt I would have carried these amendments with the committee, because it is only fair. May I suggest to the House that if we want to make railroad business for the whole people of the United States very much more expensive, we should pass this bill as it is and insist that a warranty shall always be given, a counting or weighing had, and the quantity and quality ascertained, when it is not required, is not necessary, is not asked for, and is not paid for.

Mr. ADAMSON. Mr. Speaker, it has always been the law since the dawn of civilization that a carrier has to account for whatever it receives. There are two practices which have grown up in our system of transportation. One is where the carrier himself loads the goods. He must account for all those goods and he ought to know what the goods are upon which he issues a bill of lading. There might be a lawsuit had, and he ought to determine what he is receiving. This section deals with the case where the carrier loads the goods himself and weighs or counts it and bases the freight rate on the weight. The proposition here is to make somebody pay the railroad for attending to its own business. The next section, 21, is the one that deals with the case where a shipper loads the goods himself and we have some descriptive law as to what shall be done and as to how it shall be done in order that there may be certainty at the start as to what the railroad is accountable for there. I think this amendment ought to be voted down.



Mr. ESCH. Mr. Speaker, I move to strike out the last word, for just a moment. In this section, 20, we deal with the case where the carrier himself loads the goods into the car. Now, but a very inconsequential amount of the total shipments are loaded by the carriers. The vast amount of freight is loaded by the shipper. This is particularly true of goods going under commodity rates and is true of all bulk freight, such as coal, ores, and grains of various kinds. Now, where, therefore, the carrier loads the goods, he desires to load them because, as a rule, they are in less-than-carload lots, and the experience is that the freight loaders of the carriers can load more expeditiously, more economically as to the space in the car, and more safely so far as the transportation of the goods is concerned. So that rather than have a shipper pay the carrier for this service, the carrier might well prefer to load the less-than-carload lots for the reasons I have stated.

The SPEAKER. The question is on the amendment of the gentleman from New Jersey [Mr. PARKER].

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. PARKER of New Jersey. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 6, yeas 25.

So the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 9, strike out, beginning on line 15, all down to the end of the page and lines 1, 2, 3, and 4, on page 10, and insert in lieu thereof the following:

"Sec. 21. That when package freight or bulk freight is loaded by a shipper and the goods are described in a bill of lading merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill of lading that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill of lading, such statements, if true, shall not make liable the carrier issuing the bill of lading, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may also by inserting in the bill of lading the words 'Shipper's weight, load, and count,' or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the nonreceipt or by the misdescription of the goods described in the bill of lading: *Provided, however*, Where the shipper of bulk freight installs and maintains adequate facilities for weighing such freight, and the same are available to the carrier, then the carrier, upon written request of such shipper and when given a reasonable opportunity so to do, shall ascertain the kind and quantity of bulk freight within a reasonable time after such written request, and the carriers shall not in such cases insert in the bill of lading the words 'Shipper's weight,' or other words of like purport, and if so inserted contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein."

Mr. PARKER of New Jersey. Mr. Speaker, I desire to offer an amendment to the amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 11, line 7, after the words "so to do," insert the words "and upon payment by the shipper of reasonable charges therefor."

Mr. PARKER of New Jersey. Mr. Speaker, this section 21 is really quite reasonable in its terms. It provides that if the shipper loads his goods himself at his own plant that the carrier is not responsible for the goods put into the car unless the shipper has a scales there and makes a request in writing of the carrier so to do and gives reasonable opportunity, in which case the carrier shall send men there to determine the kind and quantity of the goods. And when they shall ascertain the kind and quantity of the bulk freight the carrier gives a straight bill of lading for it. Now, this is fair. It is quite right; but I want to point out this, that when the carrier has to send up, we will say, to an ore dump or to some particular small town in the country, and must send men to what we will call the cotton press or the ore dump, and they have to stay there and wait—for everybody knows that takes time—and when they must certify whether it is upland cotton or middling cotton, or whatever the brands are—I do not myself know the brands—when they must certify as to the kind and quantity, all I have to say is that if that is desired by the shipper and he puts that extra work upon the railroad company, upon its agents, this bill says that he ought, in writing, to request that the extra work be done, and he ought also to pay reasonable charges. I want only to make that point plain.

I am not quite certain whether the courts would not allow him to charge extra anyhow if he has had to do that extra work. But I ask for a vote.

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GREENE of Vermont. Mr. Speaker, I move to strike out the last word for the purpose of presenting a question to the chairman of the Committee on Interstate and Foreign Commerce. I would like to send to the Clerk's desk the following letter, to be read as a part of my remarks.

The SPEAKER. Without objection, the Clerk will read it.

Mr. GREENE of Vermont. If I may say so here, this letter states the case I would like to lay before the chairman of the committee and before the House in detail.

Mr. ADAMSON. Let him print that letter in the Record and ask me a question.

Mr. GREENE of Vermont. All right. I would like to ask the chairman if he is willing to define what the effect of this bill would be upon a situation something like this: Heretofore it has been the practice of some transportation systems having joint lake-and-rail or water-and-rail rates, or shipping conveniences, to transport grain, for instance, originating at a Lake port in bulk cargoes, with one general bill of lading, but resorting to what is known as split bills of lading when the cargo, having arrived at the rail port for transshipment, is distributed in carload lots or units, or lesser bulk, from one part of the country to another, depending upon market conditions or market transfers and transactions. I am asked, as will be shown in this letter, whether that practice of issuing split bills of lading in anticipation of the breaking up of bulk cargoes into a rail size of units for transportation will be lawful.

Mr. ADAMSON. I understand that there is a boat company which, with the railway company, makes a through line?

Mr. GREENE of Vermont. Yes.

Mr. ADAMSON. Either one of them can make their bill of lading under this bill. The fact that you change the vehicle in which it is hauled does not make any difference. If they issue a bill of lading for so many tons it will be a good bill of lading under this bill.

Mr. GREENE of Vermont. Of course, under the Panama Canal act this lake part has been divorced from the railroad management.

Mr. ADAMSON. I understood the gentleman to say, in answer to my question, that it was an extension of a rail line, and that together they made a through line.

Mr. GREENE of Vermont. They do now, for all practical shipping purposes.

Mr. ADAMSON. Then they can not be divorced under the Panama act.

Mr. GREENE of Vermont. They were divorced. That does not affect the decision which may be looked for in this bill anyway. The point is that the rail end of this through line, if there is a joint through line—

Mr. ADAMSON. If one of them takes the other's freight and hauls it to destination, either one of them can issue a bill of lading.

Mr. GREENE of Vermont. And either one of them can split it into as many car units as there are.

Mr. ADAMSON. But I would doubt the banking operation on such a bill of lading.

Mr. GREENE of Vermont. Mr. Speaker, I will insert herewith the letter to which I have referred:

RUTLAND RAILROAD,  
Rutland, Vt., July 31, 1916.

Mr. E. W. LAWRENCE,  
General Attorney.

DEAR SIR: Am inclosing communications addressed to me by Congressman GREENE under date July 27 and 28, together with copy of the so-called Pomerene bill-of-lading bill.

At the time we were operating the Rutland Transit Co.'s steamers it was our practice to issue so-called split bills of lading. Certain parcels of grain would be loaded into steamers and Chicago and lake line bill of lading given for the entire amount, say, 60,000 bushels. The owners of the grain, of course, desired to be in position to dispose of the same immediately after shipment, and the Rutland Railroad issued so-called bills of lading against the shipment as called for by original shipper.

As an illustration, in the case of 60,000 bushels corn received from steamer the owners might sell that day 10 carload lots of 1,000 bushels each, and the Rutland Railroad issue 10 bills of lading for the 10,000 bushels, each covering 1,000 bushels, dating the bills of lading Ogdensburg, N. Y., and noting thereon the steamer and date forwarded from Chicago. When the split bills of lading were handed shippers indorsement to that effect was made on the lake line bill of lading as a protection to us.

It was practically impossible for us to have secured any grain cargoes unless we were in position to issue bills of lading prior to the grain having been loaded into cars. The owners of the grain at Chicago naturally desired to sell the same quickly, and, in our judgment, the traffic would have ceased had we not issued bills of lading for carload lots prior to the time of loading into cars. By issuing bills of lading on carload lots the owners were able to make immediate sales, whereas

otherwise more than a week's delay would occur after the grain left Chicago before bills of lading could have been gotten from Ogdensburg to Chicago.

This season, having disposed of the boats and leased the elevator at Ogdensburg to the Rialto Elevator Co., we found it necessary to continue issuing split bills of lading as in previous years, protecting ourselves by requiring shippers to bring their insurance policy to us and our agent stamp on same notification, as under:

"Bills of lading Nos. — have been issued by the Rutland Railroad on — bushels, valued at \$ —. In the event of loss or damage it is agreed that the Rutland Railroad Co. becomes party to the settlement under this policy as their interest may appear, as specified hereon."

Section 41 of the Pomerene bill would appear to put a stop to the methods we have heretofore employed, which, of course, are not and have not been fraudulent. As a matter of fact, this company stands back of the bill of lading it issues on ex-lake grain as above referred to.

With the above explanation, I trust you may get in touch with Congressman GREENE and have the bill amended so that we can continue the practice of issuing split bills of lading on grain, referred to, which is of considerable importance to us in the conduct of this traffic.

Yours, truly,

GEO. CASSIDY,  
General Freight Agent.

The SPEAKER. The gentleman from Vermont [Mr. GREENE] and the gentleman from Wisconsin [Mr. ESCH] withdraw their pro forma amendments. The gentleman from New Jersey [Mr. PARKER] said that he wanted to offer an amendment to section 9.

Mr. ADAMSON. That was to line 9, section 20. He did that.

The SPEAKER. The committee amendment was voted on and carried.

Mr. ADAMSON. That is all right, then.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, before calling up House bill 13718 I desire to call the Speaker's attention to the fact that there is a Senate bill of the same import on the Speaker's table, and I ask that that bill be laid before the House. I do not remember the number of the Senate bill. The Clerk has it.

Mr. MANN. The Senate bill is numbered 5202.

The SPEAKER. It turns out that the bill was referred to the committee, and it has not been sent back.

Mr. ADAMSON. The Clerk tried to send it to the committee yesterday after the action of the House, and I sent it back to the file clerk.

The SPEAKER. Why did the gentleman send it to the file clerk?

Mr. ADAMSON. He sent it to me, and I questioned his right to do it.

The SPEAKER. Has the gentleman from Georgia another bill that he wishes to call up?

Mr. ADAMSON. Yes.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. ADAMSON. I want to make this request, Mr. Speaker: I have had one hour in each of two days. That does not constitute two days' business. I want to get the consent of the House that I can call up bills at another time.

The SPEAKER. The gentleman can request it.

Mr. ADAMSON. I ask unanimous consent that I may be allowed to call up two or three other bills when I can. I do not want to lose Calendar Wednesday on two or three hours.

Mr. MANN. Mr. Speaker, the gentleman from Georgia has passed more bills on these two days, owing to the great leniency of gentlemen who are here and the absence of those who are absent, than we usually pass in three days, and I shall have to object. There are other committees.

Mr. ADAMSON. I acknowledge the grace and affability of my friends in the House, and I am going to ask that I may have unanimous consent on a future day to get up some of these bills.

The SPEAKER. The gentleman had better ask it now.

Mr. MANN. I make the point of order, Mr. Speaker, that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. ADAMSON. If the gentleman will withhold that for a moment, I want to say that I have not succeeded in calling up that bill from the Speaker's table yet.

The SPEAKER. It is not on the Speaker's table.

#### REQUEST FOR LEAVE TO PRINT.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a synopsis of a conversation which took place in my office regarding the administration. [Laughter.]

The SPEAKER. The gentleman from California [Mr. KETTNER] asks unanimous consent to insert in the CONGRESSIONAL

RECORD a synopsis of a conversation concerning the administration, which took place in his office.

Mr. MANN. But, Mr. Speaker, I made the point of order that there is no quorum present. I understood myself to make that point.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn. There is no quorum present.

The SPEAKER. The gentleman from North Carolina moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned, pursuant to the order previously made, until Friday, August 11, 1916, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimates of appropriations required by the War Department to complete the service of the fiscal year ending June 30, 1916, and to remain available until June 30, 1917 (H. Doc. No. 1322), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD: A bill (H. R. 17366) to authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17367) to authorize the President to employ the land and naval forces of the United States to enforce compliance with its obligation relating to neutrality; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17368) to regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations, and for other purposes; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17369) to regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17370) to empower the President to better enforce and maintain the neutrality of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17371) to restrict aliens, other than diplomatic or consular officers or attachés, from acting in the United States as the agent of a foreign Government without prior notification to and consent of the Government of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17372) to prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States are at peace, or of any subdivision or municipality thereof; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17373) to amend section 13 of the act "To codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17374) to prevent and punish the impersonation of officials of foreign Governments duly accredited to the Government of the United States; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 17375) to amend an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910; to the Committee on the Public Lands.

By Mr. FLOOD: A bill (H. R. 17376) to provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 17377) to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17378) to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon,



during a war in which the United States are a neutral nation, and for other purposes; to the Committee on Foreign Affairs.

Also, a bill (H. R. 17379) to authorize the collector of customs, or other officers duly empowered by the President, during time of war between foreign nations to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HARRISON: A bill (H. R. 17380) for the establishment of Gulfport, Miss., as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 17381) to establish game sanctuaries in national forests, and for other purposes; to the Committee on Agriculture.

By Mr. BELL: Resolution (H. Res. 344) providing for the consideration of S. 509; to the Committee on Rules.

By Mr. TAGUE: Resolution (H. Res. 345) for the appointment of a committee to investigate the delay in delivery of certain cablegrams; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 17382) granting a pension to Elizabeth Jenkins; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 17383) to correct the military record of Adam R. Bollinger; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 17384) granting a pension to Julia Casey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17385) granting a pension to Jessie Rowland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17386) granting an increase of pension to Robert Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17387) granting an increase of pension to George Claxton; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 17388) granting a pension to Michael W. Murphy; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 17389) granting an increase of pension to Mrs. Margaret E. B. Thompson; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 17390) granting an increase of pension to Julia P. Miller; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 17391) granting an increase of pension to Henry O. Ayers; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 17392) granting an increase of pension to Charles G. Hendrick; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17393) for the relief of the heirs of David G. Stockwell; to the Committee on War Claims;

Also, a bill (H. R. 17394) granting an increase of pension to Clarke Dodge; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 17395) granting an increase of pension to Andy Mullen; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of General Assembly of the Presbyterian Church in the United States of America, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Newnan, Ga., urging support of Tillman bill providing that certain sum of money now held by the United States Government be paid to Confederate veterans; to the Committee on Appropriations.

By Mr. DALE of New York: Petition of National League of Commission Merchants of the United States, relative to Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of T. G. Pownall, relative to drilling of guardsmen in their respective States; to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Alliance, Box Butte County, Nebr., favoring passage of naval bill as passed by the Senate; to the Committee on Naval Affairs.

#### SENATE.

THURSDAY, August 10, 1916.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the most sacred interests of millions of Thy creatures are constantly before us. We need the inspiration of Thy spirit that we may discharge well and faithfully the duties that have come to us. We pray that Thou wilt give to us wisdom, prudence, and justice, that our spirits may respond to every call of duty, that we may be glad to enter as coworkers together with God in the great work of leading the world to higher and better things. Guide us this day in the discharge of the sacred duties of this Senate. For Christ's sake. Amen.

#### THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, August 5, 1916, when, on request of Mr. CLARKE of Arkansas and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16460) making appropriations for the support of the Army for the fiscal year ending June 30, 1917.

The message also announced that the House had passed the bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 19) relating to bills of lading in interstate and foreign commerce, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16914. An act permitting the Needles & Oatman Bridge Co. to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona; and

H. R. 16995. An act granting the consent of Congress to A. N. Alford to construct a bridge across the Savannah River.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1159. An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes;

S. 6308. An act to authorize the Secretary of the Interior to lease, for production of oil and gas, ceded lands of the Shoshone or Wind River Indian Reservation, in the State of Wyoming;

H. R. 20. An act authorizing the county of Gunnison, Colo., to purchase certain public lands for public-park purposes;

H. R. 1777. An act for the relief of Frank J. Deutsch;

H. R. 2052. An act for the relief of the estate of William D. Allen;

H. R. 2555. An act for the relief of the Minnesota & Ontario Power Co.;

H. R. 5453. An act for the relief of the State Board of Harbor Commissioners of the State of California;

H. R. 6180. An act for the relief of Lillie B. Randell;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 7062. An act for the relief of Erskine R. Hayes;

H. R. 7396. An act for the relief of Hiram P. Geaslin;

H. R. 7419. An act granting a patent to a certain strip of land to Elisha A. Crandall;

H. R. 8141. An act for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.;

H. R. 8200. An act for the relief of Mrs. M. E. Sitters;

H. R. 8630. An act for the relief of the Farmer's State Bank of Eureka, Woodford County, Ill.;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 10052. An act to reimburse J. T. Nance;  
 H. R. 10546. An act for the relief of the Illinois Central Railroad Co., and for other purposes;  
 H. R. 10641. An act for the relief of Fred Henderson;  
 H. R. 10643. An act for the relief of Theodore Bagge;  
 H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;  
 H. R. 11416. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."  
 H. R. 11984. An act for the relief of William E. Heffner;  
 H. R. 12123. An act to appropriate money to build and maintain roads on the Spokane Indian Reservation;  
 H. R. 12248. An act for the relief of the estate of Mary H. S. Robertson;  
 H. R. 14528. An act for the relief of W. W. Finn;  
 H. R. 14868. An act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes;  
 H. R. 14952. An act for the relief of Mrs. John A. Fox;  
 H. R. 15777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, County of Hawaii, Territory of Hawaii;  
 H. R. 15955. An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits; and  
 H. R. 16912. An act granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio.

## PETITIONS AND MEMORIALS.

Mr. CLARKE of Arkansas. I present certain communications recently received from citizens of Arkansas and elsewhere on the subject of the immigration bill. I ask that they may be printed in the RECORD.

There being no objection, the communications were ordered to lie on the table and to be printed in the RECORD, as follows:

BROTHERHOOD RAILWAY CARMEN OF AMERICA,  
 OUACHITA LODGE, No. 88,  
 El Dorado, Ark., August 6, 1916.

Senator JAMES P. CLARKE,  
 Washington, D. C.

DEAR SIR: I have been instructed by Ouachita Lodge 88, B. R. C. of A., to write you asking to do all you can to have the immigration bill, H. R. 10384, pass the Senate during this session of Congress.  
 Thanking you in advance, I am,  
 Yours, truly,

R. M. MAUPIN,  
 Recording Secretary.

BROTHERHOOD RAILWAY CARMEN OF AMERICA,  
 ARGENTA LODGE, No. 423,  
 Argenta, Ark., July 24, 1916.

Senator JAMES P. CLARKE,  
 Washington, D. C.

DEAR SIR: Am writing you to ask you to support the immigration bill which passed the House of Representatives March 30, 1916. I would consider it a favor if you would use your influence to pass the bill when it comes up before the Senate and would appreciate it if you would let me know if you will support the bill.  
 Yours, truly,

A. F. RICE.

UNITED MINE WORKERS OF AMERICA,  
 LOCAL UNION No. 2773,  
 Clarksville, Ark., July 23, 1916.

Senator JAMES P. CLARKE,  
 United States Senate, Washington, D. C.

YOUR HONOR: Our Local 2773, U. M. W. of A., located at Jamestown, Ark., agreed unanimously for the adoption of the Burnett restriction bill of immigration. I am authorized by this local to write to your honor, to urge your influence for the action, to pass this bill at the present session and getting it to become a law.

In the agreeable hope to comply with my request, I am,  
 Your humble servant,

HENRY PSCHIERER,  
 Recording Secretary.

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,  
 Cotter, Ark., July 25, 1916.

Mr. JAMES P. CLARKE,  
 Washington, D. C.

DEAR SENATOR: The above organization is appealing to you again for your support in clearance bills (H. R. 16681 and S. 6550), the salary increase for safety inspectors (H. R. 15950; S. 3523), and last, the appointment of Mr. Frank McManamy, as a member of the Inter-

state Commerce Commission, as we feel that a man with Mr. McManamy's experience will be a good addition to the commission. Thanking you for your past favors and support, I am,  
 Very truly, yours,

J. E. HARRISON,  
 Secretary and Treasurer Division No. 701, B. L. E.

UNITED MINE WORKERS OF AMERICA,  
 LOCAL UNION No. 2371,  
 Ozark, Ark., July 28, 1916.

Hon. JAMES P. CLARKE,  
 Washington, D. C.

DEAR SIR: The immigration bill, now pending before Congress, is of vital importance to labor. Therefore we ask that you use every effort possible to have this bill passed at this session.  
 With best wishes, we beg to remain,  
 Yours, respectfully,

MACK BROWN,  
 W. V. HOGOM,  
 T. L. RESIMONT,  
 Committee.

UNITED MINE WORKERS OF AMERICA,  
 LOCAL UNION No. 1315,  
 Fort Smith, Ark., July 29, 1916.

DEAR SIR: I have been instructed by Local Union 1315 to write to you about the immigration bill (H. R. 10384). We received a letter from Sam Gompers, president of American Federation of Labor, advising the local union to take some action on it. Local Union 1315 is in favor of indorsing the immigration bill (H. R. 10384). The membership of local union is 140 members.

Yours, respectfully,  
 [SEAL.]

F. G. PRYOR, President,  
 TONEY STEIMETZ, Recording Secretary.

LOCAL FEDERATION OF RAILWAY EMPLOYEES,  
 MISSOURI PACIFIC SYSTEM,  
 Little Rock, Ark., July 31, 1916.

Senator JAMES P. CLARKE,  
 Washington, D. C.

DEAR SIR: The Little Rock Local Federation of Railway Trades urgently requests that you vote and use your influence for the passage of the immigration bill (H. R. 10384).  
 Thanking you in advance for this favor, I remain,  
 Yours, truly,

[SEAL.]

O. B. DAILEY, Secretary.

ALABAMA STATE FEDERATION OF LABOR,  
 Birmingham, Ala., July 19, 1916.

Hon. JAMES P. CLARKE,  
 United States Senate, Washington, D. C.

DEAR SENATOR: From authentic sources the information comes to us that it will only be a short while before Congress will adjourn, and that there are several very important matters pending that will be overlooked unless some immediate steps are taken to have them enacted into law.

Among the measures pending before your honorable body the one that is most important to all who labor is the Burnett immigration bill. This bill, as you know, passed the House by a very substantial majority some time ago, and the millions of working people of these United States feel that it is only fair and reasonable that you use every influence to have this bill enacted into law before the adjournment and without amendments.

As the official correspondent of the Alabama State Federation of Labor, which is affiliated and a part of the great American Federation of Labor, I urge you as a Member of the United States Senate to use your influence and vote for the Burnett immigration bill.

This bill has been indorsed unanimously by practically every State Federation of Labor in the United States, and at each of their respective conventions they have reaffirmed their position on this measure.

Trusting you will see that this matter is brought up and passed by the Senate before adjournment and that we may receive an early reply from you, we are,

Yours, most respectfully,

J. B. WOOD, Vice President,  
 L. BOWEN, Secretary-Treasurer.

ARIZONA STATE FEDERATION OF LABOR,  
 Phoenix, Ariz., July 18, 1916.

Hon. JAMES P. CLARKE,  
 Senate Office Building, Washington, D. C.

MY DEAR SIR: I am instructed in behalf of the Arizona State Federation of Labor to ask you to use all honorable means to bring about the enactment at this session of Congress of the immigration bill, H. R. 10384.

We understand that the above bill has been passed by the lower House, and it is feared that it may not be acted upon by the Senate at the present session.

Anything that you may be able to do toward bringing action on this bill at the present session will be considered a great favor by the labor movement of this State.

Thanking you, and with best wishes, I beg to remain,  
 Very respectfully, yours,

THOS. A. FRENCH,  
 Secretary-Treasurer Arizona State Federation of Labor.

ARKANSAS STATE FEDERATION OF LABOR,  
 Little Rock, Ark., July 17, 1916.

Senator JAMES P. CLARKE,  
 United States Senate, Washington, D. C.

DEAR SENATOR CLARKE: Every now and then our organization has to apply to you for assistance in passing measures we are particularly anxious should become laws. Now it is the Burnett immigration bill, which has passed the House and which we are very anxious to see pass the Senate at this session. We are not so afraid of defeat by vote as we are that it will be carried over as has been done before.



Anything you can do to expedite the passage of this bill during the present session will certainly be appreciated not only by the members of the State federation of labor but by the Farmers State Union as well.

With personal regards, I am,  
Sincerely, yours,

L. H. MOORE, *Secretary-Treasurer.*

LOUISIANA STATE FEDERATION OF LABOR,  
Shreveport, La., July 16, 1916.

HON. JAMES P. CLARKE,  
Washington, D. C.

DEAR SIR: We beg to address you in regard to the Burnett immigration bill now in the Senate.

We earnestly request you to use your influence to have same voted on at this session of Congress; also your vote and influence to have same passed by the Senate.

Trusting that you may see yourself clear and justified in granting us this request, we beg to remain,  
Yours, most sincerely,

LOUISIANA STATE FEDERATION OF LABOR,  
T. J. GREER, *President.*  
ERNEST H. ZWALLY, *Secretary-Treasurer.*

MAINE STATE FEDERATION OF LABOR,  
OFFICE OF SECRETARY,  
Pejepscot, Me., July 18, 1916.

HON. JAMES P. CLARKE,  
United States Senator from Arkansas,  
Washington, D. C.

MY DEAR SENATOR: I am writing you at this time calling your attention to the immigration bill and urging you to give it your earnest consideration, with the end in view toward using your influence in seeing that action is taken on this bill by the Senate before the coming adjournment of Congress.

We believe that this bill should be passed by the Senate as it comes from the House, and we sincerely trust that you will see that it is immediately enacted as the law of our land.

We believe that restrictions should be passed in regard to immigration and are in favor of the immigration bill as it passed the House, and we hope the Senators will see the urgent necessity of action being taken upon this important bill now. I remain,

Very truly, yours,

H. B. BRAWN,  
*Secretary Maine State Federation of Labor.*

MINNESOTA STATE FEDERATION OF LABOR,  
July 26, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

DEAR SIR: The Minnesota State Federation of Labor, which comprises upward of 40,000 members in the State of Minnesota, are vitally interested in the immigration bill, H. R. 10384, which passed the House of Representatives March 30, 1916, and which is now before the Senate for action.

We are beginning to feel that the Senate is not disposed to pass this measure with the same unanimity as did the House of Representatives, but assure you that this bill is of vital interest to the working men and women of State and Nation, and we urge you as Senator that you do everything possible by both voice and vote in its passage at this session.

Trusting that you will hear the appeal of the workers of our country for this much-needed legislation, I am, in behalf of the working men and women of Minnesota,

Respectfully, yours,

GEO. W. LAWSON, *Secretary.*

MISSOURI STATE FEDERATION OF LABOR,  
Kansas City, Mo., July 15, 1916.

HON. JAMES P. CLARKE,

MY DEAR SENATOR: The Missouri State Federation of Labor earnestly requests you to do what you can to bring the Burnett immigration-restriction bill to a vote in the Senate before the adjournment of the present session.

Organized labor of the United States is very much interested in seeing this important bill disposed of at this time. Anything you can do in our behalf along this line will be highly appreciated by labor in the State of Missouri.

Yours, respectfully,

JOHN T. SMITH,  
*Secretary-Treasurer.*

NEW JERSEY STATE FEDERATION OF LABOR,  
OFFICE OF THE SECRETARY,  
Newark, N. J., July 17, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

HONORABLE SIR: In the name of the New Jersey State Federation of Labor, I am writing you and respectfully request that you use your best efforts to bring the immigration bill, H. R. 10384, now before the United States Senate, to a vote, and to do all in your power to have same become a law. We insist that democracy can not be developed to its highest possible point while we encourage the admission of illiterates who destroy living standards of American labor and who refuse to become a part of our national life.

The literacy test provides that immigrants over 16 years must read at least 30 words in some language or dialect, including Hebrew or Yiddish. Surely this is a fair proposition and should be advocated by every Senator.

In the name of the New Jersey State Federation of Labor, I therefore again urge upon you to do everything in your power to have this bill become a law at this session of Congress.

Hoping that you will comply with our request, and awaiting your reply, I am,

Respectfully, yours,

HENRY F. HILFERS,  
*Secretary New Jersey State Federation of Labor.*

NEW YORK STATE FEDERATION OF LABOR,  
Utica, N. Y., July 20, 1916.

HON. JAMES P. CLARKE,  
Senate Office Building, Washington, D. C.

DEAR SIR: I am again calling your attention to the importance of the provisions of the Burnett immigration-restriction bill to the workers of this country.

This law is necessary for the protection of the workers of this country against the influx of illiterate labor after the war which is now in progress in European countries.

Opponents of the measure presented no new arguments against this bill. True democracy can not be developed to its highest possible point while we encourage the admission of illiterates who destroy living standards of American labor and refuse to become a part of our national life.

The enactment of this law is demanded by every right of the American workman. The New York State Federation of Labor, representing 800,000 organized workers of the State of New York, where this great influx of labor will be felt, respectfully requests you to work and vote for the passage of this measure.

Respectfully,

EDWARD A. BATES,  
*Secretary-Treasurer*  
New York State Federation of Labor.

PENNSYLVANIA STATE FEDERATION OF LABOR,  
Harrisburg, Pa., July 14, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

DEAR SIR: Our organization is deeply interested in the passage of the immigration bill now before the Senate.

In deference to this interest in the bill and by direction of the executive council of the federation, I am writing you to solicit your vote for the side of the affirmative. Organized labor throughout the country feels that this bill should be enacted into law as speedily as possible.

Thanking you for favorable action on our request, I am,  
Very truly, yours,

C. F. QUINN, *Secretary.*

INTERNATIONAL BROTHERHOOD OF BOOKBINDERS,  
Indianapolis, Ind., July 17, 1916.

HON. JAMES P. CLARKE,  
Senate Office Building, Washington, D. C.

DEAR SIR: I am taking the liberty of writing you at this time to urge that you use your influence to have the Burnett immigration-restriction bill passed by this session of the Senate. As you know, the bill has already passed the House, and the membership of the International Brotherhood of Bookbinders will certainly appreciate whatever effort you will make toward the passage of the above-mentioned bill at this session of Congress.

Respectfully, yours,

W. N. REDDICK,  
*Secretary-Treasurer*  
International Brotherhood of Bookbinders.

INTERNATIONAL UNION OF THE UNITED BREWERY  
WORKMEN OF AMERICA,  
Cincinnati, Ohio, August 2, 1916.

HON. JAS. P. CLARKE,  
Washington, D. C.

DEAR SIR: On March 30 the House of Representatives passed the Burnett immigration-restriction bill by a vote of 307 to 87, which bill has so far failed to pass the Senate.

Within the last few months every public official, including the President of the United States, has made urgent pleas for true Americanism. The constitution of our international organization provides that an applicant for membership must be in possession of his first citizenship papers, and must qualify as a citizen within the time limit allowed by the naturalization law. This provision in our constitution is rigidly enforced by an examination of membership on the 1st of October each year.

Under our present naturalization law it is very difficult for a fairly well-educated man to become a qualified citizen, and how is this possible if we admit into the United States men who are unable to read or write 30 words in their own language. These men can not be educated to become American citizens in the true sense of the word, and therefore should be restricted from coming into the country to be made the prey of unscrupulous corporations.

We earnestly urge you to insist upon the bill being reported out of committee and help the passage of same during this session of Congress. Thanking you for your assistance in the matter, I remain,

Respectfully, yours,

JOSEPH PROEBSTLE,  
*International Secretary.*

AMALGAMATED MEAT CUTTERS AND BUTCHER  
WORKMEN OF NORTH AMERICA,  
Syracuse, N. Y., July 17, 1916.

HON. JAMES P. CLARKE,  
Senate Office Building, Washington, D. C.

DEAR SIR: Acting under instructions of the international organization of the Amalgamated Meat Cutters and Butcher Workmen of North America, which I have the honor to represent as its secretary-treasurer, and which is composed of 56,000 members located throughout the various States of the Union, we are urgently requesting that you vote for and use your influence in aiding in passing the Burnett immigration bill with the literacy test included.

Our organization feels very deeply the necessity of the enactment of that bill into law, not only as a protection for Americans but for the protection of those who are lured here under false pretenses and are exploited upon their arrival, owing to their lack of education.

Hoping you will see your way clear to comply with the request of our organization, and with best wishes, we are,

Fraternally, yours,

HENRY D. CALL,  
*Secretary-Treasurer.*

CIGAR MAKERS' INTERNATIONAL UNION OF AMERICA,  
Chicago, Ill., July 18, 1916.

HON. JAMES P. CLARKE,  
Senate Office Building, Washington, D. C.

DEAR SIR: In behalf of the Cigar Makers' International Union, representing over 50,000 people, I earnestly request you to support and vote for the immigration bill at this session of the Congress.

Respectfully, yours,

G. W. PERKINS,  
*International President.*

INTERNATIONAL BROTHERHOOD OF STATIONARY FIREMEN,  
Omaha, Neb., July 15, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

MY DEAR SIR: I am writing you on behalf of our international organization, which has local unions in nearly every city in the United States, to ask you to support the Burnett immigration bill when it comes before the Senate. I also kindly ask that you use your influence to have it passed at an early date.

Thanking you in advance for the favor we are asking of you to support this bill, we remain,

Very truly, yours,

C. L. SHAMP,  
International Secretary-Treasurer.

THE GRANITE CUTTERS' INTERNATIONAL  
ASSOCIATION OF AMERICA,  
Quincy, Mass., July 18, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: We are very much interested in the passage of the immigration bill at the present session of Congress. We are as much interested in the immediate passage of the bill as we are in favor of the retention therein of the literacy test. The bill without this provision would be shorn of its real value, and we are glad to know that a large majority in the Senate stands with us in favor of this qualification in the bill, as well as of the bill itself; but what we are writing about at the present time is to ask your influence and assistance in a concerted effort to bring up and pass the bill at the present session of Congress.

A rumor, perhaps unjustified, is in circulation that there are Senators, both Democrats and Republicans, who are opposed to the consideration of the bill at the present time, and which idea looks to us to be very unfair. There is nothing so dilatory as a pledge of legislation after election.

With other citizens of our great country, we have waited long for an approved immigration act, and we believe that the present bill will measure up to that requirement. We therefore at this time and in this way insist, in as far as interested citizens can insist, that the bill be called up and passed before the present session adjourns.

We hope you are with us in this worthy purpose, and it will be gratifying, indeed, to know from you, either by reply or by your action in the Senate, that you have listened to our earnest appeal for the passage of such a needy and important piece of constructive legislation.

Yours, respectfully,

JAMES DUNCAN,  
International President.

INTERNATIONAL HOD CARRIERS' BUILDING AND  
COMMON LABORERS' UNION OF AMERICA,  
Albany, N. Y., July 18, 1916.

HON. JAMES P. CLARKE,  
Senator, Senate Office Building, Washington, D. C.

HONORABLE SIR: In the name of the majority of the members of this union, which counts more than 50,000 members, I kindly beg you to vote favorably for the so-called immigration bill. Furthermore, we would appreciate it if you would use your influence to see that the bill is acted upon in this session of Congress.

Hoping that your honor will consider this request favorably, I remain, Respectfully, yours,

A. PERSION,  
General Secretary-Treasurer International  
Hod Carriers' Building and Common Laborers' Union of America.

AMALGAMATED LITHOGRAPHERS OF AMERICA,  
New York, July 26, 1916.

TO THE HON. JAMES P. CLARKE.

DEAR SIR: The American Federation of Labor in convention assembled has indorsed the Burnett immigration bill with the literacy test included.

This organization, as a component part of the American Federation of Labor, concurs in this indorsement and earnestly requests that you use your best endeavors to have this bill passed at the present session of Congress in the same form that it was passed by the House of Representatives.

Trusting that this appeal meets with your approval and that you will see your way clear to assist in the passage of this measure, we are, Respectfully, yours,

AMALGAMATED LITHOGRAPHERS OF AMERICA,  
JAMES M. O'CONNOR, Secretary-Treasurer.

UNITED MINE WORKERS OF AMERICA,  
Indianapolis, Ind., July 19, 1916.

HON. JAMES P. CLARKE,  
Washington, D. C.

DEAR SIR: In behalf of the United Mine Workers of America, labor organization numbering approximately 500,000 men, I am addressing you in the interest of the Burnett immigration bill, which is now pending in the Congress of the United States.

We regard this bill of especial importance and very much desire that it be passed at this session of Congress. The members of our organization will appreciate it very much if you will not only give this bill your full support when it is up for final passage, but if you will also interest yourself in pushing it for final passage before the Congress adjourns.

May we count on your valuable support in pushing the bill forward and also when it is up for final passage?

Very respectfully, yours,

WM. GREEN,  
International Secretary-Treasurer.

INTERNATIONAL ASSOCIATION OF MACHINISTS,  
Washington, D. C., August 1, 1916.

THE HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

SIR: As the official representative of more than 115,000 organized skilled machinists, toolmakers, and specialists of our country, I take the liberty of writing you requesting you give favorable consideration to the immigration bill now pending in the United States Senate.

We urgently request that this meritorious measure be passed at this session of Congress.

We believe that no more important legislation is before you than the legislation above referred to, and inasmuch as it has passed the House by such an overwhelming vote, and the legislation is sought by the great mass of people who desire to maintain an American standard of living, I respectfully urge upon you to use your voice and vote in an effort to have this legislation enacted into law at the present session of Congress.

I beg to remain yours, most respectfully,

WM. H. JOHNSTON,  
International President.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,  
Buffalo, N. Y., July 20, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: As secretary of the International Longshoremen's Association, I am writing to ask that you vote favorably upon the Burnett immigration bill now pending in the Senate. Not only does this legislation mean a great deal to the multitude of the American workers and their families but to all employers and the general public as well, for the reason that if the literacy test were a law it would result in a higher type of immigrants coming into this country.

Sincerely trusting, therefore, that we may see your name recorded as favoring this bill, I remain,

Sincerely, yours,

JOHN J. JOYCE,  
Secretary International Longshoremen's Association.

PIANO, ORGAN, AND MUSICAL INSTRUMENT WORKERS'  
INTERNATIONAL UNION OF AMERICA,  
Chicago, Ill., July 17, 1916.

HON. JAMES P. CLARKE,  
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: On behalf of the undersigned organization, I earnestly request that you use your influence, voice, and vote in furthering the passage of the immigration bill, recently passed by the House of Representatives and now pending in the United States Senate.

Our organization has suffered more bitterly from the present indiscriminate mass immigration than any other. Unless relief is had the calling to which the members have devoted the better parts of their lives will not render them a livelihood such as every American citizen is entitled to.

It may be interesting to learn that of the 90 per cent American, German, and Irish employees of the musical-instrument industry of 10 or 15 years ago hardly 10 per cent are left. Their places have been taken by Huns, Slavs, Italians, Greeks, etc., the majority of whom are illiterate and absolutely subservient.

The present conditions of our trade, as far as the employee is concerned, are frightful. We therefore appeal to you to help keep the wolf from the home of our members, to permit us to enjoy life, liberty, and the pursuit of happiness. Help pass the immigration bill and you will forever endear yourself to the employees, their wives, and little ones of the musical-instrument industry.

Thanking you in advance for any courtesy you may extend, we remain,

Respectfully, yours,

PIANO, ORGAN, AND MUSICAL INSTRUMENT WORKERS'  
INTERNATIONAL UNION OF AMERICA,  
CHAS. DOLD, International President.

PUBLIC OWNERSHIP LEAGUE OF COOK COUNTY,  
Chicago, July 19, 1916.

HON. JAMES P. CLARKE, Senator,  
Senate Chamber, Washington, D. C.

DEAR SENATOR: As per instruction of the undersigned organization I am writing you earnestly requesting that you do your utmost in furthering the passage of the immigration bill, recently passed by the House of Representatives and now pending in the Senate.

Our organization numbers some hundred thousand members. It is specifically organized to protect the interests of the wageworker. We are a unit on the proposition of immigration. We believe that unless some relief is had from present indiscriminate immigration, such as provided for in the bill referred to, untold injury will accrue to the employees of our industries.

Hoping you may see your way clear to comply with this request, we remain,

Very respectfully, yours,

PUBLIC OWNERSHIP LEAGUE OF COOK COUNTY,  
CHAS. DOLD, Secretary-Treasurer.

BROTHERHOOD OF PAINTERS, DECORATORS,  
AND PAPER HANGERS OF AMERICA,  
La Fayette, Ind., July 17, 1916.

HON. JAMES P. CLARKE,  
Senate Building, Washington, D. C.

DEAR SIR: The 85,000 members of the Brotherhood of Painters, Decorators, and Paper Hangers of America, in common with the 3,000,000 of their fellow workers represented in the American Federation of Labor and the railroad brotherhoods, are intensely interested in the passage of the Burnett immigration bill at this session of Congress. Organized labor also speaks for the several million unorganized workers who have no other means of expressing their wishes.

May we urge you to work and to vote for the enactment of this bill into law?

Respectfully, yours,

J. C. SKEMP,  
General Secretary-Treasurer.

RAILWAY EMPLOYEES DEPARTMENT,  
OFFICE OF SECRETARY-TREASURER,  
St. Louis, Mo., July 17, 1916.

HON. JAMES P. CLARKE,  
Senate Office Building, Washington, D. C.

Subject: Burnett immigration-restriction bill.

DEAR SIR: We, the undersigned, officers of the railway employees department of the American Federation of Labor, representing 350,000 railway shopmen, and in conformity with the recommendation of the third biennial convention of the Railway Employees Department held



In Kansas City April, 1916, appeal to you in the interest of the American workmen to render your full support toward the passage of the Burnett immigration bill as a safeguard against the invasion of our country by the pauper labor from Europe and in order to maintain the standard of living of American citizens.

Hoping that we can be assured of your full support to the passage of this bill during the present session of Congress, and thanking you in advance in behalf of organized labor,

Yours, very truly,

RAILWAY EMPLOYEES DEPARTMENT,  
A. O. WHARTON, President.  
JOHN SCOTT, Secretary-Treasurer.

AMALGAMATED ASSOCIATION OF STREET AND ELECTRIC  
RAILWAY EMPLOYEES OF AMERICA,  
Detroit, Mich., July 20, 1916.

HON. JAMES P. CLARKE,  
Senate Office Building, Washington, D. C.

DEAR SIR: As you are aware, the United States Congress passed the Burnett immigration-restriction bill by a vote of 307 to 87. Now, as this is a measure vitally concerning the interests of the citizens of the United States, I have been instructed by our association to urge you to vote in favor of this measure before the adjournment of the present session of the United States Senate; for if some restriction is not placed upon immigration our splendid country will be flooded with an illiterate class and a great many of those in foreign countries who are inclined to promote disturbance will be admitted to our shores, and we will be continually confronted with an unsettled industrial condition which will be detrimental to the best interests of all our citizens. Trusting you can see your way clear to vote for this measure, I beg to remain.

Yours, respectfully,

REZIN ORR,  
International Treasurer.

UNITED TEXTILE WORKERS OF AMERICA,  
Washington, D. C., July 26, 1916.

HON. JAMES P. CLARKE,  
United States Senator, Arkansas.

DEAR SIR: At the annual convention of our international union recently held in New York City, a resolution indorsing the Burnett immigration-restriction bill was unanimously adopted.

I was instructed by the members of our executive council to write you urging you to use your best efforts to bring about the passage of this immigration bill at this present session of Congress.

Trusting you can see your way clear to comply with the above request, in order that this immigration bill, which is so earnestly desired by the large mass of the wage workers of the country, will soon become a law, I beg to remain,

Respectfully, yours,

JOHN GOLDEN,  
General President United Textile Workers of America.

INTERNATIONAL TYPOGRAPHICAL UNION,  
OFFICE OF SECRETARY-TREASURER,  
Indianapolis, Ind., July 31, 1916.

HON. JAMES P. CLARKE,  
United States Senate, Washington, D. C.

DEAR SIR: Members of the International Typographical Union, 65,000 in number, are interested in the passage of the Burnett immigration bill now before the United States Senate during the present session. They desire it passed in the shape in which it is passed by the House of Representatives, with the literacy test intact.

Trusting you will use your influence to this end, I am,

Very truly, yours,

J. W. HAYS,  
Secretary-Treasurer International Typographical Union.

WOOD, WIRE, AND METAL LATHERS'  
INTERNATIONAL UNION,  
Cleveland, Ohio, July 22, 1916.

Mr. JAMES P. CLARKE,  
Washington, D. C.

DEAR SIR: We are informed that there seems to be some tendency in the United States Senate to withhold action at this session on the Burnett immigration bill, which was passed by the lower House at this session by a vote of 307 to 87. Action which has been taken in this and previous Congresses must be strong proof of the fact that there is an overwhelming sentiment in this country in favor of putting restrictions upon the right of immigration, and except for the liberal use of, if not the abuse of, the veto power such a law would long ago have been upon our statute books. Developments since the European war has started have undoubtedly accentuated the sentiment in favor of restriction.

Our people are intensely interested in this question. With us it is not a question of theory. Every day we are up against the actual results of what it means to have an unlimited flood of immigration coming here all the time.

The change in conditions because of the war which resulted in hundreds of thousands of foreigners going back home and the consequent reduction of immigration has produced concrete evidence of the improvement in the average man's affairs in this country to such an extent that the demand for restriction is considerably stronger, even in the labor movement, than before the war, and we sincerely trust that the rumors that there is intention not to push the Burnett bill at this session in the Senate are wrong, but that, on the contrary, this bill will be acted upon, so that before the war closes this proposal will be a law for whatever good it can do before the tide of immigration starts this way again.

Yours, respectfully,

RALPH V. BRANDT.

Mr. GRONNA. I present a resolution adopted by the Commercial Club of the city of Larimore, N. Dak., which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Larimore Commercial Club, Aug. 4, 1916.

Whereas the threatened strike of railway trainmen is a very serious menace to the prosperity of all classes of people in this Nation, and, if carried into effect, will inevitably paralyze industry and produce untold suffering and immeasurable financial loss; and

Whereas the question of this strike is not a thing that concerns the railroads and their employees alone, but every individual in this Nation is directly concerned: Therefore be it

Resolved, That the Larimore Commercial Club request our Senators and Representatives in Congress that they introduce, or cause to be introduced, and give their most earnest support to an act or resolution compelling the parties to the dispute to submit their differences to the Interstate Commerce Commission for adjustment and, under severe penalty, to accept the findings of said commission: And be it further

Resolved, That an urgent emergency exists, that said act or resolution be given right of way over other legislation and be hurried through Congress as rapidly as circumstances will permit.

O. H. PHILLIP, President.  
J. DEXTER PEIRCE, Secretary.

Mr. WEEKS presented a memorial of the American Society of Landscape Architects, remonstrating against the erection of a power plant on the banks of the Potomac River, in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PHELAN presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN. I have received several communications relating to the proposed extension of the open season for killing wild fowl in certain States, which I ask may be printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

30 CHURCH STREET,  
New York, August 7, 1916.

HON. JAMES A. O'GORMAN,  
United States Senate, Washington, D. C.

DEAR SIR: I understand that the latest proposed regulations of the Biological Survey at Washington plan to establish an open season on wild fowl for the gunners of Illinois, Iowa, Nebraska, Kansas, and Missouri between February 9 and March 11, in addition to the fall open season.

This is spring shooting in mating time, which I believe you will agree with me is a crime against nature, against sport, and against the spirit of conservation, and if carried out must ultimately end in wiping out the birds, as these States are a valuable breeding ground for our depleted flocks of wild ducks and other water fowl, which are increasing in number under the beneficent Federal law.

I therefore desire to enter my earnest protest against such a measure and trust whatever influence you have in the matter will be used against same.

Yours, very truly,

CHAS. C. CLUFF.

NEW YORK, August 3, 1916.

Senator JAMES A. O'GORMAN.

DEAR SIR: The inclosed is a copy of a letter I have written the Secretary of Agriculture. It is sent that you may know and be willing to see recorded my vigorous protest against this extension of the open season for wild fowl.

Yours, respectfully,

GLEN WRIGHT.

NEW YORK, August 3, 1916.

HON. D. F. HOUSTON,  
Secretary of Agriculture, Washington, D. C.

DEAR SIR: There are no reasons for the extension of the open season on wild fowl in Illinois, Iowa, Nebraska, Kansas, and Missouri, from February 9 to March 11, except two—for food and for sport.

As far as food is concerned, we are past the savage stage when the sustenance of our bodies is obtained by killing wild animals. We get our meat food by the propagation of domestic animals and fowls. There is no other way in our country, with its vast growth in population.

As for desiring to kill these fowl during the mating season, there is no sportsmanship in it. A true sportsman saves, and does not kill, the goose that lays the golden egg.

There is not even need to mention the advantage in the propagation of wild fowl. Every word in nature and science is fraught with its advantages. Those trying to add this open season are small comparatively in numbers and, in my judgment, thoroughly unpatriotic in wishing to impose their will against a tremendous majority. I respectfully say that it must not be. I enter my most vigorous protest, and ask that you give ear to my protest and my solicitation.

Respectfully,

GLEN WRIGHT.

#### REGULATION OF IMMIGRATION.

Mr. ASHURST. Mr. President, I have received a large number of petitions, letters, and telegrams urging a vote on the immigration bill. I will not ask to have them included in the RECORD because of their great volume. They are all in favor of regulation of immigration.

I have observed a tendency on the part of the Senate on both sides to bring about some kind of an agreement whereby a final adjournment can be had.

If we postpone a vote on the immigration bill, the people of the United States will believe that, through expediency and shifting, we have dodged a vote on that bill. The Democratic Party is not cowardly; it is bold and courageous.

Therefore, before any agreement looking to final adjournment is had, if no other Senator does, I shall move to proceed to the consideration of the immigration bill.

Mr. MYERS. Mr. President, with reference to what the Senator from Arizona [Mr. ASHURST] has just said I desire to state that I am in accord with him, and I am strongly opposed to final adjournment until we shall have had a vote on the immigration bill.

#### REPORTS OF COMMITTEES.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (H. R. 12889) authorizing the Secretary of the Interior to sell the unsold and unappropriated portion of lands within the town site of Newell, S. Dak., and for other purposes, reported it without amendment and submitted a report (No. 771) thereon.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to which was referred the bill (H. R. 8816) authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States, reported it without amendment.

Mr. MYERS. For the Committee on Public Lands I report an amendment intended to be proposed to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, which I ask may lie on the table and be printed.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

#### OLD FORT MIFFLIN RESERVATION.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa., and I submit a report (No. 772) thereon.

Mr. PENROSE. I ask unanimous consent to have that bill considered. It is a short bill and there can be no objection to it. It proposes to run a street through the old Fort Mifflin Military Reservation near Philadelphia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, line 8, after the words "Secretary of War," to insert the words "and the Secretary of the Navy"; in line 9, before the word "supervision," to strike out "his" and insert "their"; in line 17, after the word "maintain," to insert the words "and to operate"; and in line 18, after the words "Secretary of War," to insert the words "or the Secretary of the Navy," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to grant to the city of Philadelphia, in the State of Pennsylvania, an easement of a right of way for municipal purposes over a strip of land 100 feet wide, extending from Back Channel to the Delaware River, through and over the United States military reservation located in the said city of Philadelphia, county of Philadelphia, State of Pennsylvania, and known as the Fort Mifflin (Pa.) Military Reservation; the said city of Philadelphia to have a right of way over said strip of land, and as well authority to construct a paved roadway and an industrial railway thereon for the use of the sewage treatment works of the said city of Philadelphia, and as well to construct upon the end of said right of way at the Delaware River a wharf or pier, and as well to construct and maintain under said right of way conduits from the said sewage treatment works to the Delaware River. *Provided,* That the exact location of the said right of way and wharf shall be fixed by the Secretary of War and the Secretary of the Navy; that the construction thereof shall be under their supervision; and that the city of Philadelphia shall remove the old earth battery and level the entire portion of the reservation west of the old fort: *Provided further,* That no title or property right whatever to said strip of land or interest therein, by reason of said conveyance, is to pass to the city of Philadelphia, excepting the right of use as above set forth; that the use by the city of Philadelphia of the said strip of land for any other purpose than herein set forth or the failure to maintain and to operate as directed by the Secretary of War or the Secretary of the Navy shall work a forfeiture of the above-recited right; that the said right of easement of the city of Philadelphia may be declared terminated and ended by the Secretary of War of the United States at any time and he may thereupon resume complete possession of such strip of land and all right hereunder shall cease and determine: *And provided further,* That the right is reserved to the United States to occupy the said right of way for military or other governmental purposes.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### DISTRICT PUBLIC UTILITIES COMMISSION.

Mr. MARTIN of Virginia. From the Committee on the District of Columbia I report back favorably without amendment

the bill (H. R. 12712) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," and I submit a report (No. 773) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That section 8, paragraph 1, of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, relating to the Public Utilities Commission of the District of Columbia (37 Stat. L., 975) be amended by adding to the names of the companies excluded from the operation of said section, after the words "steam railroads," in the third subdivision of the last paragraph on page 975, the following: "express companies subject to the jurisdiction of the Interstate Commerce Commission."

Mr. MARTIN of Virginia. I will state that this is a House bill, and it exempts the express companies, subject to the jurisdiction of the Interstate Commerce Commission, from the jurisdiction of the purely local Utilities Commission of the District of Columbia. A similar bill originating in the Senate is now on the calendar of the other House.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TRANSFER OF RIGHTS OF EASEMENT.

Mr. REED. I ask unanimous consent to call up the bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively. It is purely a local bill.

Mr. SMOOT. I am not going to object to the consideration of this bill on the calendar, but I give notice that I shall object to any other bill on the calendar.

Mr. MYERS. I hope the Senator from Utah will not say that at this time. I have a bill here in behalf of the militia on the border which was passed on Saturday and then reconsidered. I want to offer it again. The defect in it has been overcome. I will make that request, and I think when the Senator from Utah hears the request he will not object.

Mr. SMOOT. Did I understand the Senator to say that the bill is on the calendar?

Mr. MYERS. It is not.

Mr. SMOOT. If it were on the calendar I should object.

Mr. MYERS. I am going to make my request when I get a chance, and let the Senator from Utah object if he will.

The VICE PRESIDENT. Is there objection to the bill called up by the Senator from Missouri [Mr. REED]?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

#### HOMESTEADS OF SOLDIERS.

Mr. MYERS. Unfortunately, I am the last of those asking for unanimous consent. On Saturday the Senate passed a Senate joint resolution which had been recommended by the Senate Committee on Public Lands. The purpose of it was to provide that homesteaders who are serving with the militia down on the Mexican border shall not lose their time while they are serving with the troops, but that it may be counted in their favor when they come to final proof. Through the action of the Senator from Connecticut [Mr. BRANDEGEE] a technical defect was discovered in the act which was passed, and the vote was unanimously reconsidered.

Mr. SMOOT. I will say that I understand that the joint resolution is not on the calendar, and, as far as I am concerned, I shall not object to its present consideration for the reason that the joint resolution passed the Senate once, and I am heartily in favor of it, and I think everyone in the Senate is.

Mr. SMITH of Georgia. In the absence of the Senator I moved to reconsider the favorable passage by the Senate of the joint resolution, and we practically agreed at the time that we would give it preference and make no objection to it when it was corrected.

Mr. MYERS. An identical joint resolution with the same omission passed the House and came here and has been considered by the Senate Committee on Public Lands and the defect



remedied. I now report back with an amendment the joint resolution (H. J. Res. 247) extending the provisions of the act approved June 16, 1898, and I submit a report (No. 774) thereon. I ask for the immediate consideration and passage of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BRANDEGEE. Let me ask the Senator a question. The joint resolution is amended now and the chapter of the act is specified.

Mr. MYERS. The amendment names the chapter.

Mr. BRANDEGEE. That is all that was necessary.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 4, after the words "ninety-eight," the committee proposes to insert "chapter 458," so as to make the joint resolution read:

*Resolved, etc.,* That the provisions of the act approved June 16, 1898, chapter 458 (30 Stats., 473), shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

#### UNLAWFUL RESTRAINTS AND MONOPOLIES.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably with an amendment the joint resolution (S. J. Res. 129) extending until October 15, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and I ask unanimous consent for its consideration.

Mr. SMOOT. I should like to have the Senator from North Carolina explain what the joint resolution is.

Mr. OVERMAN. I will say that this is a resolution extending the time over the next Congress, to April 1, 1917, the tenth section of the Clayton Act, in regard to competitive bidding. The subcommittee of the Committee on the Judiciary had a hearing. The full committee, after considering the resolution, reported the same with amendment limiting the time to April 1, 1917, instead of October 1, 1918, as the original resolution provided. It may be that that section needs to be extended. The representatives of the railroads came before us and said they feared it had a tendency to break up some of the great railroad systems of the country. I could go into it and explain it, but the committee went into it thoroughly. The railroads wanted an extension until October, 1918. The committee concluded that we would give them a six months' extension, so that when the December session comes, if we see that they are going to be injured we could make the needed amendments if we should find it should be amended. We did not have time to discuss it and study it as it probably should be, and since the Newlands resolution has passed, for the study of the question, we thought that the committee of the Senator from Nevada [Mr. NEWLANDS] might look into this very question and see whether that section needed any amendment. The representatives of the railroads feared that it would absolutely ruin them if it should go into effect in October without amendment, and we concluded to give them a six months' extension so that we could look into it at the December session. The law goes into effect the 1st of October, and it might be injurious. So the committee proposed to give them a six months' extension only, and it will work injury to nobody, and we thought it was for the best interests under all the facts and circumstances presented to the committee.

Mr. SMOOT. Is it a unanimous report from the committee?

Mr. OVERMAN. It is a unanimous report of the committee.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was considered as in Committee of the Whole.

The amendments were, in line 8, to strike out the word "October" and insert "April," and, in line 9, to strike out the numerals "1918" and insert "1917," so as to make the joint resolution read:

*Resolved, etc.,* That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to April 15, 1917.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution extending until April 15, 1917, the effective date of section 10 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914."

#### BUREAU OF LABOR SAFETY.

Mr. SMITH of Georgia. Mr. President, when we were having the call of the calendar on the last calendar day, on my motion the bill (H. R. 153) to create a bureau of labor safety in the Department of Labor was recommitted to the Committee on Education and Labor, I having called attention from the floor of the Senate to several modifications in the bill restricting its effect. It is quite difficult, there being several members of the committee out of the city at present, to hold a meeting of the committee, and those members with whom I have conferred approved my course in moving to reconsider the recommitment. I have presented to the Senate and had printed the substitute as it was outlined on the floor of the Senate by me when the bill was before the Senate. It is a bill providing for the consideration in the Department of Labor of certain safety devices.

I move to reconsider the action of the Senate in recommitting the bill to the Committee on Education and Labor that it may take its place on the calendar. I have tendered the substitute and it is printed and is now in a shape where I think we can dispose of it when we reach it in the Senate without any further consideration by the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 6811) to authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained;

A bill (S. 6812) to regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations, and for other purposes;

A bill (S. 6813) to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation;

A bill (S. 6814) to prohibit and punish the manufacture or counterfeiting of coin or paper intended to be used or passed as money, or of securities issued or intended to be issued by an unrecognized Government, faction, or body of insurgents in a country with which the United States are at peace;

A bill (S. 6815) to prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States are at peace, or of any subdivision or municipality thereof;

A bill (S. 6816) to prevent and punish the impersonation of officials of foreign Governments duly accredited to the Government of the United States;

A bill (S. 6817) to restrict aliens, other than diplomatic or consular officers or attachés, from acting in the United States as the agent of a foreign Government without prior notification to and consent of the Government of the United States;

A bill (S. 6818) to authorize the President to employ the land and naval forces of the United States to enforce compliance with its obligations relating to neutrality; and

A bill (S. 6819) to provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes; to the Committee on the Judiciary.

By Mr. PENROSE:

A bill (S. 6820) to provide for the acquisition of additional land adjoining the present post-office site at Gettysburg, Pa.; to the Committee on Public Buildings and Grounds.

A bill (S. 6821) granting an increase of pension to Sylvester Bonaffon, jr.; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6822) to authorize the President to appoint Clarence H. Knight a captain in the line of the Army; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 6823) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley, in Texas and

New Mexico, to determine the feasibility and cost of an irrigation project thereon; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. HARDWICK:

A bill (S. 6824) for the relief of the estate of Sybil A. Penniman; to the Committee on Claims.

By Mr. RANSEDELL:

A bill (S. 6825) to amend sections 2804 and 3402 of the Revised Statutes; to the Committee on Finance.

By Mr. PHELAN:

A bill (S. 6826) for the relief of Edward F. McDermott, alias James Williams; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 6827) to repeal a portion of the act of April 30, 1908, making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909; to the Committee on Indian Affairs.

A bill (S. 6828) for the relief of Albert Ostner; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 6829) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws; to the Committee on Public Lands.

A bill (S. 6830) granting a pension to Philura Haney Allan; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6831) granting an increase of pension to Daniel W. Green;

A bill (S. 6832) granting an increase of pension to Thomas Newton Primm; and

A bill (S. 6833) granting an increase of pension to Henry H. Stoubus (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6834) to amend section 217 of the United States Criminal Code; to the Committee on the Judiciary.

By Mr. SHIELDS:

A bill (S. 6835) to provide for the purchase of a site and the erection of a public building at Erwin, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 6836) granting a pension to George Moir (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6837) granting an increase of pension to Narcissa Wion (with accompanying papers); and

A bill (S. 6838) granting an increase of pension to Charles Edgar Mason (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 6839) to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; to the Committee on Territories.

A bill (S. 6840) to authorize the Secretary of the Interior to convey title to certain lands in the State of Nevada; to the Committee on Indian Affairs.

By Mr. O'GORMAN:

A bill (S. 6841) to enlarge the scope and purpose of the post-office building at Syracuse, N. Y. (with accompanying papers); to the Committee on Post Offices and Post Roads.

#### OMNIBUS PUBLIC BUILDINGS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 17052) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a bureau of public buildings and define its duties, powers, and jurisdiction; to create and establish the office of Commissioner of Public Buildings; to fix the salary and prescribe the duties and powers of the said Commissioner of Public Buildings; to create a Board of Estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### THE MERCHANT MARINE.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, which was ordered to lie on the table and be printed.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16914. An act permitting the Needles & Oatman Bridge Co. to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona; and

H. R. 16995. An act granting the consent of Congress to A. N. Alford to construct a bridge across the Savannah River.

#### PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORTS.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 8, 12, 16, 20, 21, 24, 25, 26, 27, 32, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 22, 23, 28, 31, 33, and 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter stricken out insert the following:

"The name of Adella I. Cummings, former widow of John A. Cummings, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and major, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of \$12 per month."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter stricken out insert the following:

"The name of Benjamin F. Longenecker, late of Company B, Seventh Regiment; Company D, Fourth Regiment; and Company L, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$25 per month."

And the Senate agree to the same.

WM. HUGHES,

REED SMOOT,

*Managers on the part of the Senate.*

M. E. BURKE,

JOVETT SHOUSE,

JOHN W. LANGLEY,

*Managers on the part of the House.*

The report was agreed to.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 15, 17, 18, 21, 26, 29, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, and 33, and agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Restore the amount stricken out by said amendment and on page 9, line 20 of the bill, strike out the following: "in lieu of that she is now receiving"; and the Senate agree to the same.

WM. HUGHES,  
REED SMOOT,  
*Managers on the part of the Senate.*

M. E. BURKE,  
JOUETT SHOUSE,  
JOHN W. LANGLEY,  
*Managers on the part of the House.*

The report was agreed to.

#### THE MERCHANT MARINE.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 15455, commonly known as the shipping bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15455) to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

#### THE DANISH TREATY.

Mr. STONE. Mr. President, I do not rise to discuss the bill before the Senate, but I desire to advert briefly to a matter which involves the privilege of the Senate.

On Tuesday last the President transmitted to the Senate a treaty between the United States and Denmark, relating to the Danish West Indies. When that treaty was laid before the Senate in executive session on that day, I hesitated for a moment as to the motion I should make respecting the disposition of the treaty. I had in mind to move that the treaty be referred without printing. I knew, of course, that such a motion would be in contravention of the usual practice of the Senate, and fearful that such a motion might be regarded as being in some way derogatory of the membership of the Senate or of the officials of the Senate, I concluded to make the usual motion that the treaty be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate. That motion was agreed to. The text of the treaty was accordingly referred to the Committee on Foreign Relations, and the usual number of copies was ordered printed for the use of Senators. Twenty-five of those printed copies were delivered to the Committee on Foreign Relations by the executive clerk. That is the usual number delivered in such cases to that committee.

I have this morning inquired of the committee clerk whether any of these 25 printed copies had been delivered to any Senator or to anyone else, and am informed that no one has even called or asked for one, and that the 25 copies are intact in the possession of the committee.

I will add that it is the custom for the executive clerk to deliver 10 copies of the printed treaties to the Secretary of State. That was done in this instance. These 10 copies were transmitted by the executive clerk, under seal, by special messenger, to the State Department. I have just communicated with the Secretary of State to ascertain if these transmitted copies were received; and if so, whether any of them had been given out. He advises me that the copies were duly received; that one copy is held by him for his own use, and that the other nine have been locked in a department vault.

Mr. President, this morning I find in the Washington Post, and also in certain New York newspapers with which the Washington Post is generally supposed to have some kind of alliance, what purports to be the substance of this treaty. This publication purports to give not only the substance of this treaty article by article but to quote literally from the various articles.

When the treaty was sent to the Senate, according to this newspaper report, it was accompanied by a letter of the President. I wish to read from this news report, as it appears in the Washington Post, the following:

This letter—

Speaking of the President's letter—

This letter also states that the Danish Government "has requested that publicity to the terms of the convention be withheld until such time as the two Governments shall agree to promulgate them." The department suggests that the Senate be recommended that in giving

its advice and consent to the ratification of the convention the text of the treaty be not made public until the two Governments shall agree to make it public.

That treaty, according to these newspaper reports, came to the Senate in that way and with these requests from the President and the department which I have read.

Mr. President, I believe it would be a waste of time to express an opinion as to the conduct and the act of a newspaper that would print such a document of international import in the circumstances stated. I know, as you do, how the men who represent the great publications of the country seek the news; we are familiar with the activities they exercise; we know the extremes to which they resort to get the news. I have no special criticism to make of these news gatherers who make their living in that way, so long as they use fairly honorable means; and I think I may well say, and say it with the approval of every Senator, that the correspondents and representatives of the press who are entitled to seats in the Senate gallery are honorable men, and that few, if any, of them ever resort to other than honorable means in the prosecution of their work; furthermore I believe that, as a body, they would not tolerate dishonorable methods in the acquisition of news. In personal intercourse I would trust them as far as I would any other class of men I know. I make no criticism of the correspondents; but that a great newspaper should, to the manifest detriment of the public interest, print a document of the kind in question, no matter how obtained—and which the President had specially asked, for the reasons he stated, might be held in strict confidence—is another and a very different question. It is unnecessary for me to characterize a performance of that kind by a great publication that professes to be and ought to be deeply concerned about the national honor. I need not comment upon that. All Senators and all patriotic Americans must have but one opinion about that.

My chief purpose in speaking at this time, however, is to express the wonderment I have as to how this document was obtained. The executive clerk, Mr. Dawson, in whose integrity I have the highest confidence, advises me that he still has in his possession all the printed copies sent to him from the Printing Office, except those he has given out in an authoritative way. As I have mentioned, Mr. President, there are only three, possibly four, ways that this treaty could have been surreptitiously obtained or given out. First, it might have been done by a Senator, for every Senator is entitled to a copy of this confidential print. It is published for the confidential use of Senators. Secondly, it might have been obtained by some official of the Senate surreptitiously and by him surreptitiously disposed of to a news gatherer; thirdly, it might have been abstracted by some official in the Printing Office and disposed of to a news gatherer; or, fourthly, it might have been surreptitiously given out by some dishonest official of the State Department. In no other way could it have been given out that I can conceive of.

Mr. President, for the moment I wish to speak of the Senate only, and when I have done that I shall close, at least for the present. I think, however, that at the next executive session I shall bring this matter before the Senate and ask the judgment of the Senate as to what course should be taken in the premises.

Mr. President, it is hard for me to believe that a Senator of the United States would give this treaty away as seemingly has been done by somebody. Every Senator had a right to a printed copy; every Senator had a right to go to the executive clerk and ask for one of the printed copies. If any Senator did that and received a copy, he knows it. That is easily ascertainable. Moreover, every Senator who received a copy knows what he did with it. If he exposed it to the public, he did a dishonorable act and ought to be disciplined by the Senate. A man who so disregards and defies the rules of the Senate treats with contempt and scorn the body of which he is a member. I have heard Senators say in open session and in executive session that they did not have the greatest respect for the rules governing executive sessions; but I have never yet heard one of them say that he did not make an exception of treaties where secrecy was manifestly required; and I am speaking now to that one point, and will not diverge from it.

Here is an instance where secrecy manifestly should have been observed. Here is a treaty sent to the Senate, where the foreign contracting power is said to have requested the Government of the United States to keep the treaty secret until final action is had by both Governments with respect to it. Why that request was made I scarcely venture to inquire. None of us think for a moment that any foreign influence would be attempted, or, if attempted, could be made effective in impressing itself upon the action of the Senate of the United States; but I do not know how that might be with respect to other countries.

We do know that a treaty of similar import was negotiated between the United States and Denmark concerning these very possessions some years ago; and it has been currently reported as an open secret that a foreign Government—possibly more than one foreign Government—exerted an influence to prevent the ratification of that treaty.

Mr. OVERMAN. And it failed of ratification.

Mr. STONE. Yes; it did fail. Whether that had to do with the request of the President and the Secretary of State or of the other high contracting party to this treaty that the matter be held in confidence, I do not know; but I do know that when two sovereignties make an agreement like this, and it is desired, especially desired, by one or both of the contracting parties, that the agreement should be treated in confidence until final action is taken, it immediately becomes a question of national fair dealing—therefore of national honor. In that view every Senator, separately, must, at least in the first instance, establish his own individual standard of national honor; but above and beyond him the Senate must establish its own standard.

Mr. President, I shall be very sorry to believe that any Senator has been guilty of such infinite, unspeakable disregard of the decencies and proprieties that should be observed in international intercourse as that here indicated; and, of course, any official of the Senate guilty of such a crime should be instantly discharged. It is hard for me to believe that any Senate official could be guilty of this offense.

This much I wanted to say as expressive of my indignation if, perchance, this moral—aye, this dirty—crime against the Senate and against the decencies of international intercourse has been committed by a Senator or by any official of the Senate. Whether we should go further and take affirmative action I shall, as I have said, probably lay before the Senate at the next executive session; but I have felt that this much, at least, ought to be now said in the open Senate.

Mr. BORAH. Mr. President, I do not rise to take issue with the Senator from Missouri with reference to his views as to the duty of the Members of this body to observe the rules of the Senate so long as they are the rules of the Senate; but those of us who have been here any length of time have witnessed these incidents time and time again, and in reading the history of the Foreign Relations Committee of the Senate and its transactions for the last 50 years we find that these things have recurred about every so often during the entire history of the Senate. We have our rules, which require secrecy upon our part, silence in regard to these matters; but we all know that the silence becomes vocal, and the things become known when they are of sufficient moment for the public to be interested in them. And they become known in a garbled, unsatisfactory, unreliable way.

Mr. STONE. Mr. President, will my friend allow me?

Mr. BORAH. Certainly.

Mr. STONE. The public interested here is not alone the public of the United States, but the public of the world.

Mr. BORAH. I was going to say that the Senator from Missouri is perhaps justified, more particularly as I understand that the foreign power requested that this matter be kept secret until it was disposed of. That would add a further reason to any reason which might be found for secret action with reference to treaties. But I only rose, Mr. President, to point to the moral that this matter of dealing with treaties in executive session is not only wholly fruitless of any result so far as the executive sessions are concerned, but, in my judgment, it has long ago served its purpose, has become a relic of antiquity, and should be dispensed with. That which is made public in an inadequate and questionable way should be hereafter made public in an effective and dignified way.

There is scarcely any treaty which comes before this body which ought not to be considered in the open. There is scarcely any treaty which should not be considered and debated the same as we consider and debate other important measures. Almost all of these treaties are such treaties as the public are concerned to know about before they are made as well as after they are made. These are matters upon which the public are entitled to be advised before it is too late to object.

I am quite satisfied in my own judgment that treaties have been made in the past which it would have been well, it would have been wholesome, if the public had been thoroughly informed about before they were considered as to their contents. It is not sufficient that they be made known after the binding obligation has been entered into. In my humble opinion, our form of government justifies the people in having full knowledge before many of these obligations are entered into. There are exceptions, but they are exceedingly few.

Mr. President, a short time ago we made a treaty with the Republic of Nicaragua. I am not going to discuss it now, al-

though I purpose to do so at some time; but it would have been altogether to the credit and to the dignity and, in my judgment, to the honor of this Government had that treaty and its details been fully known and fully discussed before the public prior to its ratification. In my humble judgment, if the people of the United States had known fully what that treaty contained, the circumstances under which it was made, and the circumstances under which it was to be ratified by Nicaragua, and the only circumstances and conditions under which it could have been ratified by Nicaragua it never would have been made by this Government at all.

What is this treaty, Mr. President? It is a real-estate deal. We are going to pay a very large sum of money. The people who will have to pay may well claim the right to know all about it before the obligation to pay is incurred. It has been known for months and years that such a transaction was possible. The general outlines of it have been known for months, and all except the details have been known to the public for the last two or three weeks. We know that we are proposing to purchase certain islands; that we are paying for them a certain sum; that it is for a certain reason, supposedly. There is nothing connected with this treaty, so far as the Government of the United States is concerned, which the people of the United States might not well know in advance of their entering into an obligation to pay \$25,000,000 for the lands which we are to get. How much better it would be that the facts be put out in full and with frankness rather than have them go out by connivance.

As the Senator from Missouri has said, if a foreign power dealing with us requested that nothing be said until the matter was closed, that presents another question which I am not at this time going to discuss. But I do want to go on record, once and for all, that there are very few treaties, of a limited number and of a peculiar nature, which require secrecy so far as this Government is concerned; and the quicker the Senate of the United States dispenses with these executive sessions and the consideration of this class of treaties in executive sessions and deals with them in the open the better it will be for the dignity of the Senate and the better it will be for the people of the United States. When this great war in Europe shall have been fully written secret diplomacy will be found to be one of its contributing causes. I am hopeful we will soon rid ourselves of this relic of a discredited age.

#### RESIGNATION OF FORMER DIRECTOR OF THE CENSUS.

Mr. TOWNSEND. Mr. President, I rise for the purpose of calling attention very briefly to a matter of somewhat recent history which seems to me to have been made pertinent at this time by a telegram sent out by the Secretary of Commerce, Mr. Redfield, and published in the papers yesterday relative to the appointment of Mr. William J. Harris as successor to E. Dana Durand, former Director of the Census. That telegram perverts the facts. I would not speak of this subject if I were not entirely familiar with it.

As reported in the press, the Secretary of Commerce asserts that Mr. Durand resigned from his position, and, on account of the existence of the vacancy, Mr. Harris was put in his place. Mr. President, that is not correct. The fact is that the Secretary of Commerce called upon Mr. Durand somewhere about the 1st of April and stated to him—and now I am quoting from what Mr. Durand afterward told me—that he, Mr. Redfield, desired the position of director and wanted Durand's resignation. Mr. Durand stated to Secretary Redfield the importance of the work then in progress and about to be completed which he thought he ought to be permitted to finish. Mr. Durand believed, or thought he had reason to believe that the Secretary would withhold the sending of his successor's name to the Senate until the special work of the Thirteenth Census was completed, which would be in about two months. It appears, however, that on that day, or the day after, the name of Mr. Harris was sent to the Senate for director, and the next day Mr. Durand sent in his resignation. This nomination was sent to the Senate on April 17, as I recall, and immediately referred to the Committee on the Census, of which I am a member. Soon after it was referred there a meeting of the committee was called, which I attended. I had learned indirectly that Mr. Durand was about completing the work, and that unless he did complete it the reports would go out under the name of his successor, and whatever credit should have gone to Mr. Durand would go to the new director, and whatever defects might be found in it would undoubtedly be charged to Mr. Durand. I called the attention of the committee to this fact. There were several Democratic members of the committee who agreed with me, but there seemed to be some doubt as to just exactly what the situation was; and so, from the committee room, I called up the Director of the Census, Mr. Durand, and



he told me—which I subsequently reported to the committee—the facts as I have stated them to you.

It was at that time the opinion of the majority of the committee that this nomination of Mr. Harris should not be acted upon at once. One of the Democratic members of the committee volunteered to talk to the President about it, as he was sure that the President did not understand the situation. I was informed by that Senator that he did talk with the President, and that he had the impression from the President that a message was going to be sent by the President to the Senate withholding the nomination until the census report was completed. The Senator never heard anything more from the President. Soon afterwards another meeting of the Census Committee was held and a majority reported favorably upon the nomination of Mr. Harris. Unfortunately, I am not permitted to recite what occurred in the executive sessions of the Senate. It is sufficient to state, however, that that nomination was held up in the Senate until the 25th day of June, at which time Mr. Durand had stated he would have had opportunity to complete the census report.

Mr. President, I think it is perhaps proper for me to state that I was largely instrumental in holding up that nomination, in spite of the great efforts which were made to have it confirmed; and so Mr. Harris did not take his position until the 1st of July, or about that time, being confirmed on the 26th of June, as I recall.

I make this statement, Mr. President, because I believe it well for the country to have the facts in reference to this matter. Mr. Durand had made a very satisfactory director.

Mr. STONE. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Michigan yield to the Senator from Missouri?

Mr. TOWNSEND. In just a moment. Mr. Durand was practically removed, for the Harris nomination was sent in first and Durand resigned a day or two afterwards, or about that time. He resigned under pressure and after he had stated to the Secretary that he felt that he ought to remain in his position until the census reports were completed.

I now yield to the Senator from Missouri.

Mr. STONE. Mr. President, I should like to ask the Senator whether it is his idea, and that of his political associates, to make this Durand business one of the rare issues of the campaign? The Senator's party is very much in search of issues, and I was just wondering whether this was to be one of them.

Mr. TOWNSEND. Neither the Senator from Michigan nor his party is in search of issues; the Senator from Missouri has already discovered that there are many; but I and my party have become somewhat weary of misrepresentations and misstatements on the part of representatives of this administration. The Senator may characterize this as a small matter, but it impeaches the truthfulness of a Cabinet officer and is characteristic of the administration.

Mr. HARDWICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. TOWNSEND. I yield.

Mr. HARDWICK. I want to inquire of the Senator from Michigan whether or not, when both of Mr. Cleveland's administrations came to an end, our good Republican friends who succeeded him kept in office Democratic Directors of the Census?

Mr. TOWNSEND. I think not. I am not arguing that point, and my complaint was not so much against your having that office. I did not say that I would oppose your having the office when this man's work was completed. It was only a matter of two months.

Mr. HARDWICK. Right there, Mr. President—

Mr. TOWNSEND. Just a moment; let me answer the question. The question at issue is whether a telegram sent out to the country by the Secretary of Commerce was true or false.

Mr. HARDWICK. Now if the Senator will yield, in the two instances when Republicans succeeded in power after each one of Mr. Cleveland's terms, did they wait until the Democratic Directors of the Census completed their work; and if so, how long?

Mr. TOWNSEND. I will say that I would have had a good deal more respect for the Secretary of Commerce if he had said: "We want that office, and we are making no excuse for taking it. We are not pretending that this man resigned when we forced him out of the position."

Mr. HARDWICK. The Senator knows we were entitled to it.

Mr. TOWNSEND. If the office of Director of the Census is to be regarded as political spoils, yes. Your party was in power. You took it as spoils with which to reward a spoilsman.

I am objecting now to the misrepresentation of the way in which you obtained it. Secretary Redfield states that he did not force Durand out of office to make room for a political worker. That Harris was appointed because of his political service I have no doubt. On this point I will quote some evidence that was put into the RECORD by the senior Senator from Nevada [Mr. NEWLANDS] at the time Mr. Harris was a nominee for a place on the Federal Trade Commission. This was what the senior Senator from Nevada [Mr. NEWLANDS] put in the RECORD. He quotes from an editorial in the Post of May 17:

W. J. HARRIS A POWER, HE SAYS.

"William J. Harris, of the Federal Trade Commission, is the dominant power now in Georgia politics," said Crawford Wheatley, of Americus, Ga., one of the delegates at large from Georgia to the Democratic national convention, at the New Willard, yesterday.

"At the recent State convention in Macon," continued Mr. Wheatley, "the name of Mr. Harris, who was on the ground to look after the administration's interests, elicited almost as much applause as that of the President. He was the only person asked to address the convention, although both Senator THOMAS W. HARDWICK and Gov. NAT HARRIS were present. As a further mark of confidence the slate of delegates to the national convention which he approved was elected." Mr. Harris and the President were both indorsed by the convention.

Now, I am not critically complaining of Mr. Harris for being interested in politics, if it is clean politics. I think a little more of a man, whether he be an officer or not, if he takes a wholesome, proper interest in politics. He can do that and not violate the true spirit of civil service. What I am stating to the Senate is the fact, however, and it is the fact, that Secretary Redfield was absolutely unfaithful to the record in his telegram. Mr. Harris was appointed for political reasons. His name was sent in and Mr. Durand was forced out of the office, and the intention was to give the new appointee credit for the work which Mr. Durand had done.

Mr. SMITH of Georgia. Mr. President, I desire to congratulate our friends on the other side that at last their candidate and they have found an issue in this campaign. After having thrashed over the whole field and been unable to discover any legitimate criticism of this administration, overpowered by the record of the President and by the magnificent legislation passed in the interests of the great masses of the people, they found an issue. True, the Democrats have given the country a great financial system, while the Republicans with their many years of rule had failed. True, the Democrats met the financial stress in 1914 following the war, when in 1907 the Republicans failed. True, act after act has been passed by the Democrats in the interest of the great body of the people, legislation which long since would have been passed but for opposition or neglect by the Republicans. That is of no avail.

The great issue made by Mr. Hughes and the Republicans is that Secretary Redfield recommended the removal of Durand from the office of Director of the Census. It is a splendid issue. It is worthy of Mr. Hughes and his associates.

Mr. OVERMAN. For another issue they have the appointment of Mr. E. Lester Jones as Superintendent of the Coast and Geodetic Survey.

Mr. SMITH of Georgia. That was not noticed by the distinguished Senator from Michigan this morning, so I pass it by as of no importance. But this is an issue, an issue worthy of the Republican Party, and it is entitled to discussion.

It is true that if this removal had been induced solely for partisan reasons we would have followed the example of the Republicans under like circumstances. The Senator does not deny that. His associates can not deny it.

But let us consider this question for just a few moments. If I were criticizing the Secretary and the President, it would be that they did not remove Mr. Durand sooner. If they had done so, there would have been ample cause. He was inefficient as an executive officer. If you will study his record, it will show a waste of money, a duplication of work, a carelessness of management that might be expected from a scientist and perhaps a great statistician, but a man without executive capacity and without the kind of force that is needed for a Director of the Census.

Now, upon this subject I have had some experience. I had the honor of filling, 20 years ago, the office of Secretary of the Interior. At that time the Census Bureau was under the Interior Department. A vacancy took place. I fell into the usual view that the man to fill the place must be a great statistician. I knew one who could fill it. It was first offered to the professor of political economy of Yale, now the president of that institution. He could not take it. Then, looking around for a great statistician, we located him at the head of the Labor Bureau. But the law did not allow the President to name as head of two bureaus the same man. Therefore I prepared a statute, so zealous was I, and submitted it to the President, and induced him to send it to Congress and secure its passage,

that we might have the great Commissioner of Labor also Director of the Census. I want to say very frankly that I found at the end of a few months that he did not dispatch the work of bringing the business to a close with effectiveness. He resigned, and his chief clerk filled the place a great deal better than did the able statistician.

The work of the statistician is not the work of the director. It should not be the work of the director to prepare himself the papers that go into the census reports. You have better work done by the Director of the Census when he does not undertake to write the reports himself, but as the executive officer insists that the various statisticians in charge bring their work together, and he supervises publication with speed and economy.

I wish to say, Mr. President, that we can lay the record for economy and dispatch and effectiveness made by Mr. Harris alongside that of Mr. Durand, and Mr. Durand's reputation will not gain by it. I will not say that Mr. Durand is not a statistician and not an accomplished man, but I do say that he neglected the administrative work of the Census Bureau; that he allowed waste in publications; that he allowed duplications in preparation; that he allowed duplication in work, and a great deal of work was thrown away. The expense bill he ran up was unnecessary.

Mr. President, with reference to the other portion of the issue between Mr. Durand and Mr. Redfield as to who first spoke of resigning, that is a question between them. I do not know. The Senator from Michigan does not know.

Mr. TOWNSEND. I think I do.

Mr. SMITH of Georgia. You know what you were told. I only know what I was told. I do not care. I would really have more regard for the Secretary if he had not waited for the resignation but had removed Mr. Durand. If I had occupied his place, I would have suggested to him as soon as I found his mode of handling business that a vacancy was desirable.

Mr. OLIVER and Mr. PENROSE addressed the Chair.

Mr. SMITH of Georgia. I yield to the junior Senator from Pennsylvania [Mr. OLIVER], as he rose first.

Mr. OLIVER. I will ask the Senator from Georgia if it is not a fact that the Secretary himself, as reported in this morning's papers, stated that he did not know at the time of the removal of Mr. Durand of his inefficiency. Assuming that the statements the Senator makes are true and that Mr. Durand was inefficient, is it not true that the Secretary confesses, as reported in to-day's paper, that he was not aware of that fact at the time the removal took place?

Mr. SMITH of Georgia. I do not recall now just how soon after Secretary Redfield took charge of his office this subject arose. He took charge on the 5th of May. The confirmation of Mr. Harris was in the latter part of June, was it not?

Mr. TOWNSEND. The 26th of June.

Mr. SMITH of Georgia. It was in the latter part of June. I do not recall just when Mr. Harris's nomination came to the Senate.

Mr. TOWNSEND. The 17th of April.

Mr. SMITH of Georgia. The Secretary, then, had but a little over 30 days in which to familiarize himself with Mr. Durand's lack of administrative capacity.

Mr. OLIVER. I am referring to the statement made by the Secretary in which he states that he did not know it when he removed Mr. Durand, but if he had known at that time what he afterwards knew he would have removed him.

Mr. SMITH of Georgia. As I construe the statement, it is that he understood it was the wish of Mr. Durand to go to Wisconsin, and at the time he named Mr. Harris it was not with the view of removing Mr. Durand against Mr. Durand's wish, but with the opinion that Mr. Durand was going to Wisconsin, and at that time he was not familiar with what he has since learned, the lack of administrative capacity of Mr. Durand. He must have learned it later on. If he had been familiar with the work of the Census Bureau, I believe he would, even before Mr. Durand's resignation, have agreed with the views I have expressed. I had learned something about it prior to that time. I had occasion to look into a part of the work of the Census Bureau, and had reached the conclusion that administrative force was lacking, and that the administration was making exactly the same mistake I made as Secretary of the Interior in seeking a statistician when an effective business man was much better at the head of the Census Bureau.

Mr. THOMAS. Mr. President, the Senator has referred to the fact that the Republican nominee has finally discovered an issue, which, as I understand it, is that it is wrong to displace a good official by a man who is unknown and untried. I ask the Senator whether if that, carried to its logical conclusion,

should not result in returning the present incumbent of the Presidency to his office the 5th of November?

Mr. SMITH of Georgia. Not only that, but we would be glad to hear from this candidate some frank declaration that if he comes into office none of his followers are to have places. That would cause a scattering even in their present limited number.

The truth is that the only issue which now seems to be worthy of being pressed is a hollow sham. If Mr. Durand had simply been removed to give place to another man who was competent and a Democrat, I for one would cordially approve the change. I believe it is desirable for an administrative officer to have the heads of the departments and bureaus around him in perfect sympathy with him.

I reiterate, Mr. President, that the administrative record of Mr. Durand was a failure, that it was accompanied with waste and lack of economy and lack of force, and that it does not compare favorably with the administrative record of his successor.

So far as the issue of fact is concerned between Mr. Durand and Mr. Redfield, if the Republicans now desire to change their great cause of appeal to the public from the first proposition, that Mr. Durand was removed to make place for a more competent administrative officer, who was a Democrat, and limit it to the issue as to whether Mr. Durand was right when he said he did not voluntarily resign, or Mr. Redfield was right when he understood that Mr. Durand wanted to resign, they can take that as their issue. They can submit that as their great issue and say to the people of the United States, here is an issue of veracity between Redfield and Durand, an issue of veracity between the Secretary of Commerce and the retired Director of the Census, and this issue of veracity is a sufficient reason for turning down the great record of the Democratic Party in its service to the people, and the great record of Woodrow Wilson in leading this country magnificently and caring for the interests of the people of the country for three years and a half in a way never before surpassed, through difficulties never equaled by a President since the time of Abraham Lincoln. If they think that is a basis for them to present their case to the people, I am willing for them to make all out of it they can.

Mr. TOWNSEND. Mr. President, I am reminded that somewhere in the Good Book the prophet said in talking unto the idolatrous people who were falling down to worship the golden image, "Cry aloud, for he is a god." The Senator and his party have worshiped at the shrine of the President and their only arguments are cries unto him. They believe that he alone is their salvation. They cry aloud, and it is only a cry, it is the word that the Senator hopes the country will take without any regard to the facts and circumstances which attend it.

The Senator's disposition to brush aside what I have proven to be a deliberate misstatement of facts is all right in the course of the political program that is marked out for him. Never mind if the facts are not true; do not let them embarrass you; brush them aside or deny them.

I rose to correct the record that has been made relative to this matter. The Senator says that Mr. Durand was an inefficient officer. I never heard that statement except from the Senator. He made it before the committee. I can see why the Senator might be very anxious in establishing such an excuse when the boss of Georgia politics was demanding that he should be recognized in some place and therefore some place had to be created for him and a false excuse is better than none at all.

I know of no comparison that has been made between two Directors of the Census, Durand and Harris. I know the general impression is that under Mr. Durand's direction there was compiled the most complete census that was ever made. It ought to be so. I admit that the last census ought to be the best census, because we are supposed to learn something and gain some information from experience. But as I said, I have never heard Director Durand attacked for his inability except by the senior Senator from Georgia.

But that is outside of the issue. The Senator, in answering, says that Republicans are making this an issue in the campaign. Oh, this is only just one little incident, and the Senators are squirming on the other side over the arraignment of their party and hope to make the record clear by stating it is all right; but unfounded declamations will not weigh much as arguments with the people, who are not going to be satisfied entirely with words, but are going to insist on knowing the truth about this weak, inefficient, and unreliable present administration.

Mr. THOMAS. Mr. President, the Senator from Michigan [Mr. TOWNSEND], in replying to the remarks of the Senator from Georgia, suggests the difficulty of making a campaign



upon words merely. I may not quote him accurately, but I think that is the substance of his criticism. I think it is a good one. It recalls an editorial in to-day's New York Herald which I have read within the hour. It is so appropriate, so much in line with the Senator's criticism, and so short that I venture to read it. It is entitled "Mr. Hughes hit out," and is as follows:

The Herald thinks that Mr. Hughes is making a mistake in his frequent attacks upon Mr. Wilson. There is likely to be a monotony in faultfinding. Mr. Hughes can do a great deal better if he will take a page out of his own policies when he was governor of the State of New York. He is regarded by the American public generally with confidence, and when he was governor he was responsible for considerable constructive legislation. He wrote the public-service law in New York State, which has since been copied by the National Government and by every State in the Union. It is true that he made a good many enemies among the race-track gamblers by his position on race-track betting, but he has since been vindicated as to that. Mr. Hughes, by telling the public what he will do, rather than by finding fault with Mr. Wilson, will, we think, make greater headway with the thinking public.

Mr. President, this comes from a newspaper which supports the candidacy of Mr. Justice Hughes, and points the finger of criticism, when the public, Republicans and Democrats alike, are directing their comments. The nominee indulges in a tirade of words, unaccompanied by any suggestion of a constructive or other positive policy, and this will continue in all probability.

The Senator from Michigan seems to think that we upon this side of the Chamber are uneasy regarding the progress of the campaign. We may become so, Mr. President, but not yet. We perceive less reason for uneasiness than we did a month ago. The candidate is not so formidable as he seemed. A good many years ago California had a governor whose name was Newton Booth. He led the great fight of the people in the early seventies against the Central Pacific Railroad monopoly, and led it successfully. The people, without regard to party, sent him to the Senate of the United States in the belief that he would there grow in usefulness and power. He was classified as an independent. After occupying his seat for four long years and attempting little, the then Senator from Nevada, Mr. Nye, sneeringly remarked that the Senator from California was like a squab—biggest when he was first born. The modern application of that criticism is too obvious to require comment.

When the Republican nominee for President maps out a policy of his own and quits condemning others, there will be time enough for Democrats to seriously consider his candidacy; but he gives no sign of doing this, Mr. President. This effort to catch everybody and everything is consistent only with a policy of denunciation of the other side—a policy to which Mr. Hughes, as a most excellent lawyer, has doubtless had frequent occasion to resort in his days of previous, as he will also in his days of subsequent, practice at the bar. He will declare no constructive policy, because it may offend where perhaps offense would be more serious than the satisfaction which it would give in other directions. To use his own elegant expression, well befitting the lips of a former Justice of the Supreme Court, "You might just as well expect a revival meeting from a disorderly house."

Mr. CHILTON. Mr. President, I was not in the Chamber when the Senator from Michigan [Mr. TOWNSEND] began his remarks on the subject which he discussed, but as I came in he was reading from the CONGRESSIONAL RECORD, and I afterwards learned that it was the RECORD of May 18, 1916. I do not want to take the time—

Mr. FLETCHER. May I make a parliamentary inquiry, Mr. President?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Florida?

Mr. CHILTON. I do.

Mr. FLETCHER. I desire to know whether or not the shipping bill, House bill 15455, is before the Senate for consideration?

Mr. SMITH of Georgia. It is.

Mr. GALLINGER. It is not only up for consideration but it is being considered and discussed, I will say to the Senator from Florida.

Mr. CHILTON. I hope the Senator from Florida does not think that I will not stick to the subject.

Mr. FLETCHER. I did not know what the Senate was proceeding with, and I wanted to ascertain that for my own information.

Mr. CHILTON. I think my discussion will fit anything that has been before the Senate or which may hereafter come before the Senate. I will stick to the rule.

Mr. President, I do not want to take any part in what I consider, without meaning any reflection upon Senators who have engaged in it, this hypocrisy about appointments to office. I

think what has been done in regard to Mr. Durand was done within the rights of everybody connected with it.

Mr. Durand was given proper consideration by the Committee on the Census. The whole matter was discussed, and, after going over it, the name of Mr. Harris was regularly and legally reported for confirmation and approval to the Senate; and he was confirmed by the Senate. He made a splendid official. I have been chairman of the Committee on the Census, and I know that he was a good Director of the Census, observing not only the civil-service law but every other law. His record is there to stand for itself, and it is just as good a record as that of Mr. Durand or of anyone else who ever occupied the position. In my judgment, Mr. Harris improved upon Mr. Durand's work and showed superior adaptability to the work.

I had intended, however, Mr. President, to call attention to the remarks of the Senator from Nevada [Mr. NEWLANDS], which were made on May 18, 1916, and to a newspaper clipping which was at that time read by the Senator from Nevada and which has been again read to the Senate this morning by the Senator from Michigan, as he himself informs me. As the Senator from Michigan has read it, I shall not weary the Senate by again reading it. It was a newspaper report of an interview with a distinguished citizen of the State of Georgia concerning the popularity of Mr. Harris in that State, and containing some inaccurate statements as to what Mr. Harris had done in that State at a Democratic convention.

The facts are that Mr. Harris did not go to the State of Georgia at that time to attend a convention at all, but that he went there upon private business. A notice had been given of a public sale of some property in which he was interested, and he had to go there upon that business. The sale was within a few miles of the place where the convention was held. As to attending the convention, he was on his way home, and stopped over to see some old friends. He did not go there to represent the administration nor himself nor the Democratic Party; but, I repeat, he was simply in the State on business, and dropped by the convention to see many old friends.

It is hypocrisy for us to talk about men not doing those natural things if they have been in politics at all. Anyone who has risen to the prominence to which Mr. Harris has risen must be known by the prominent men of both parties in the State, and it would be perfectly natural under the circumstances which I have stated for him to drop into a State convention, either a Republican or a Democratic convention.

But, Mr. President, the essential thing is that he was not a delegate to that convention; he was not there to represent the administration; he was there only incidentally, as I have said, having gone to the State primarily upon business which required his personal attention. Being there upon private business, I say he did not attend the convention—I have looked into that—he did not attend the convention; he was not upon the floor of the convention. If there at all, he only attended as anyone else would, and sat in the gallery, as did any other spectator.

Mr. Harris is popular in the State of Georgia, Mr. President, as he is popular here. It would be very natural that at a gathering of the Democrats of Georgia, as it would be natural for the Democrats in any other State, to indorse first the splendid administration of President Wilson. Inasmuch as the President had signally honored Mr. Harris and Mr. Harris had signally honored both positions to which he had been appointed, it was most natural that the Democrats would link his name with that of the great President who appointed him, and would thank the President in effect for making the appointment.

I wanted to make this statement. The statement of the Senator from Nevada on May 18 that Mr. Harris was engaged actively in politics in that State was made upon information that was not correct, and I know that the distinguished Senator from Nevada, if he had known the facts, would not have made the insinuation which he made at that time. In his earnestness to see to it that the Federal Trade Commissioners shall not participate in partisan politics the interview from an overzealous Georgian was read into the RECORD, and that interview did Mr. Harris an injustice, even though it did disclose the fact that he is popular in his native State.

I suspect that in the exigencies of politics, in the dearth of other issues, the Senator from Michigan would now possibly put the same construction upon the act which the Senator from Nevada mistakenly put upon it at the time. We can excuse our Republican friends in this great emergency, when they have nothing else to talk about and have to pick up these little inconsequential matters upon which to base some kind of a plea to the American people to put a face upon the remarkable campaign which they are beginning. If they could not enlarge upon these small matters, what would they have to talk about?

Mr. PENROSE. Mr. President, it seems that the real issue involved in this controversy is overlooked. Mr. Durand is not the issue in the present contest; but the Secretary of Commerce deliberately and publicly stated that Mr. Durand was not removed, but that his resignation was voluntarily tendered.

Now, it turns out as a well-established fact that Mr. Durand was removed against his desire and his will, and the Secretary of Commerce is detected, to put it mildly, in a deliberate misrepresentation to the American people.

I am not going to blame the Democratic Party for being spoilsmen. I never expected anything else. I can not claim to be a fanatic civil-service reformer myself. I believe in a moderate degree of civil-service regulation; but what I abhor is the hypocrisy, Mr. President, which characterizes the whole transaction.

President Wilson in his campaign goes before the people upon a lofty standard of the "moral uplift," and with many pretentious declarations in favor of the civil service, and then, after he is inaugurated, we see a greater raid upon the merit system than has been witnessed in the history of the country since the time of Andrew Jackson. It was given forth that the postmasters were to be permitted to serve their four years' tenure of office. That has always been a custom recognized by the Republican Party. These officials are not within the classified service, and, so far as the people are educated to the civil-service standards, they are looked upon as the spoils of war; but there has always been a thought that it was for the interest of the service, and perhaps to the advantage of the party in power, to permit each postmaster to serve out his four years, and then, when his four years' term had expired, the question of a new appointment came up. Otherwise this enormous patronage, amounting to many thousand postmasters, was thrown upon the party in power all at once; changes of a sweeping and radical character were made, the party in power was embarrassed, and the service was disturbed.

An intimation that that rule would be observed was held out by the Postmaster General or some accredited official of the administration. It had always been the custom of Republican administrations when in power. I know that following Cleveland's last administration, which is the most recent precedent, in Pennsylvania I do not recall a case where the Senators from Pennsylvania or the Representatives from that State requested the removal of a Democratic postmaster until his term had expired; and even toward the expiration of the Congress prior to Mr. Cleveland's relinquishing the presidential office the Republicans in the Senate cheerfully acquiesced in the confirmation of Democratic postmasters up to the 4th of March. On the other hand, when Mr. Wilson was elected, we witnessed the deliberate "holdup," through a threatened filibuster, of all the long list of nominees for postmasters and other appointments sent in by President Taft during the short session of the last Congress during his administration. Then, when the present administration assumed office, the postmasters all over the country were ruthlessly beheaded. The intimation that they were to be permitted to serve four years was cast to the winds; and, further than that, honorable men, who had served as postmasters during the 18 years of Republican control, were besmirched by innuendo, trumped-up charges, and accusations trivial in nature, but calculated to reflect on their character for the rest of their careers, just as charges were trumped up against Durand. It is the infernal hypocrisy of the whole transaction, Mr. President, to which I object and which every honorable American in the country will protest against when he knows all the facts.

Mr. BRYAN. Mr. President—

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. PENROSE. I do.

Mr. BRYAN. Did I understand the Senator from Pennsylvania to say that the postmasters were not permitted to serve out their terms under the present administration?

Mr. PENROSE. Of course they were not.

Mr. BRYAN. I am sure that, so far as my State is concerned—

Mr. PENROSE. I do not know anything about the Senator's State.

Mr. BRYAN. They were permitted to serve out their terms in every instance of which I have any knowledge.

Mr. SIMMONS. And everywhere else.

Mr. PENROSE. The Senator ought to know about Florida.

Mr. TOWNSEND. Mr. President, will the Senator from Pennsylvania permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Michigan?

Mr. PENROSE. Yes.

Mr. TOWNSEND. That was true after some time had elapsed following the accession of the present administration to power; but at the beginning of this administration nomination after nomination was sent to the Senate in cases where the term of office had been shortened until there was a persistent effort in the Senate and in the Committee on Post Offices and Post Roads to prevent the consideration of nominations of men sent in to succeed postmasters whose terms had not expired, unless there was cause for removal.

Mr. BRYAN. I do not know of a single instance where a postmaster has not been permitted to serve out his term.

Mr. PENROSE. Mr. President, I believe I have the floor.

Mr. SHAFROTH. Mr. President—

The PRESIDING OFFICER. The Senator from Pennsylvania is entitled to the floor. Does he yield to the Senator from Colorado?

Mr. PENROSE. For an inquiry; yes.

Mr. SHAFROTH. I should like to say for the information of the Senator from Pennsylvania that, so far as the State of Colorado is concerned, I do not know of a single instance where a postmaster was removed before his term of office had expired.

Mr. PENROSE. Well, the thirst for office among the Democrats perhaps had not been acquired in Colorado until recently; but in Pennsylvania and in nearly every other State the contrary has been the fact; and proof conclusive that such is the fact is shown in a book, accessible to any Senator, containing a very long list of offices, the nominations to which were not confirmed during the third session of the Sixty-second Congress, ending March 4, 1913. Why were the nominations of these men held up if not to gratify the spoilsmen in the Democratic Party? If the administration in power had beheaded these men without this hypocrisy, this fraudulent pretense, I would not object; but I know, as a member of the Committee on Post Offices and Post Roads, how Republican officials, honorable men, efficient officers, have been humiliated in their homes and besmirched down here at the department, with no opportunity to secure an investigation and no opportunity to defend themselves, subjected to an infamous and cowardly attack, which I resent and every other honorable man would resent. The methods pursued, perhaps, more than what was done afford a source of serious complaint, not only in the Post Office Department but in all the other departments.

It is well known, and can not be denied, that the invasion of all these new, untried, and inexperienced men as postmasters all over the country resulted in an utter demoralization of the service. In the city of Philadelphia we have never had a worse administration of postal matters than under the present Democratic postmaster, who was put in there after the resignation of the Republican postmaster. I have visited the State of the Senator from Florida, and have seen postmasters in charge there at some of the post offices who would hardly be competent, physically or mentally, to sweep the streets.

Mr. BRYAN. Mr. President, I am sure the postmasters to whom the Senator refers must have been Republicans.

Mr. PENROSE. No; this was a good Democrat I had in mind. There was only one Republican in the town, and he—

Mr. BRYAN. He was the postmaster. I have no doubt.

Mr. PENROSE. He was not the postmaster. The Post Office Department has been completely demoralized, as is well known. In the city of Philadelphia the collector of customs was removed with this same hypocrisy and false pretense, charges not openly made, not authenticated, no one taking the responsibility for them, whispered in the corridors of the Treasury Department—an honorable man who stands as high as any citizen in Philadelphia or in Pennsylvania; and yet he was put out and a Democrat was appointed whose chief qualification for the place was his ability to go over the country talking free silver and inflated currency, and who has hardly been one hour a day in the customhouse since he has held the office.

The Republicans, Mr. President, were consistent—in my opinion frequently almost too rigid—in the administration of the merit system. It is well known to every Senator—and I have no doubt many of them have complained about it on the Republican side—that the Civil Service Commission under President Taft was really a Democratic institution, and that any complaint whatever of activity in politics—I have known numbers of cases to occur in Philadelphia—was immediately taken up and attended to, and in very numerous instances the official whose partisan activity was complained of was suspended for 30 or 60 days, or whatever the penalty might be. I have heard of no such case under the present Democratic régime.

It is claimed, and I believe correctly, Mr. President—I have not the exact data—that some 20,000 additional places have



been created under the present administration, at an annual expense of from forty to forty-five million dollars; and it is no exaggeration to say that most of these places have been purposely kept out of the civil service by riders put into appropriation bills, and that fully 50 per cent of these men are not performing duty one hour a day, but are attending to their own private business or actively participating in the politics of their localities. That is one considerable item in this deficit which is staring us in the face and which no revenue bill which the Democratic Party can bring into this Chamber will cure or correct—wastefulness in the Government service, and to a large extent incompetence.

Mr. President, I suppose the proceedings of the National Civil Service Reform League have some authority. I do not know who the officers are. Probably there are as many Democrats, or more, on the board of management than there are Republicans; but their indictment of the Wilson administration for violation of the civil-service principle is certainly astonishing to those who are not familiar with the details.

They say—I refer to the report of December 11 and 12, 1913, and do not quote exactly, but refer to some of their declarations:

The change in administration in Washington has been followed, as was expected by serious assaults on the merit system. In the last session of the last Congress hostility to the civil-service law displayed itself openly. The occasion for these early attacks was the order of President Taft, issued on October 15, 1912, placing in the competitive classified service the 36,000 fourth-class postmasters south of the Ohio and Potomac Rivers and west of the Mississippi River. The order was attacked because, as has been the case in every extension of the classification, beginning with the passage of the civil-service law in 1883, the order of October 15 covered in thousands of political appointees who had never passed an examination. The resolution to repeal the order, made in the form of a rider to the Post Office appropriation bill, was recognized, however, as clearly political in its purpose, and was adopted by a vote of 141 to 107, 40 Democrats, to their credit, refusing to approve this backward step.

Thus, Mr. President, immediately after the inauguration of the present administration, a large majority of the Democratic Party in the House of Representatives started the raid upon the merit system by urging the repeal of this executive order of Mr. Taft.

Then they go on to say:

Early in the special session of the present Congress other signs of a determination to overthrow the merit system became manifest. The first serious effort came in the form of a rider to the tariff bill, inserted by the Senate committee, providing that the force employed for the collection of the income tax should for two years be appointed without compliance with the requirements of the civil-service law. The exemption of this force is peculiarly dangerous because of the great inquisitorial powers which will vest in these collectors, carrying with them rich opportunities for corrupt favoritism or oppression in the collection of the tax, if the appointment of the force is not safeguarded from politics by the barriers of the merit system. In its vigorous opposition to this rider this league, fortunately, had the co-operation of commercial and civic organizations throughout the country, and the amendment was scathingly criticized by the press.

Mr. President, this rider invaded what ought to be a branch of the Government service maintained upon the very highest grade, yet the Democratic majority deliberately kept these thousands of appointees outside of the requirements of the civil service; for what reason? Simply to reward the Democratic spoilsmen. Anyone who has seen the class of men who invade the houses of individuals or the offices of banks and corporations to ask them questions about their corporation tax or their income tax knows how unworthy and how unfit a large number of them are for the responsible and confidential duties with which they are intrusted.

Then, Mr. President, I should say that this rider before its passage was amended so as to provide that the appointments should be made under rules and regulations to be fixed by the Secretary of the Treasury, and by the adoption of a clause directing that the income-tax employees outside of Washington should be employed on general internal-revenue work when not engaged in the collection of the income tax.

The latter clause makes it possible—

Says the Civil Service League—

to pack the general internal-revenue force with political appointees, but in its amended form the rider undoubtedly left with the President the power to order that the appointments be made under civil-service rules and regulations. This the league earnestly requested the President to do, but thus far no action has been taken.

And this, Mr. President, in the face of the repeated and pretentious claims of Mr. Wilson, when he was a candidate, that he believed in civil-service reform and abhorred the spoils hunter. Under no Republican administration can such a condition be recalled; and not since a period long before the Civil War has there been such a ruthless and unscrupulous and brazen raid upon the merit system as we have witnessed under the present Democratic administration, notwithstanding the halo of righteousness and uplift which the present administration has assumed.

The Secretary of the Treasury, meanwhile, has issued a set of regulations governing these appointments which call in general for a statement from applicants as to their training, experience, and so forth, and for references as to their character. The best that can be hoped from this system is a weak pass examination, necessarily far inferior to the competitive tests which would have been set by the Civil Service Commission.

Almost every month witnesses an additional assault upon the merit system and the efficiency of the public service.

Upon the heels of this successful effort came—

Says the report referred to—

a worse rider to the urgent deficiency appropriation bill, removing from the competitive classified service practically all deputy collectors of internal revenue and deputy United States marshals. The deputy collectors had been in the competitive classified service since 1907; the deputy marshals since 1909. For their exemption there is no shadow of excuse. The classification of the Internal Revenue Service was followed by striking increases in economy and efficiency. The exemption of the deputies can work only injury to the service, not merely through lowering its efficiency but through increasing the political activity of the deputies, which will again be felt with special force in the Southern States. \* \* \* It was only by the narrow majority of 5 that the rider was approved, 57 Democrats voting against it.

The League goes on further to say that—

This proviso was most obnoxious, not only per se but because of its appearance as a totally irrelevant rider in an appropriation bill. The League urged the President to veto the bill and thus check the growing tendency of Congress to force the President's hand in civil-service matters through rider legislation. At the same time it confidently expected that if he did not follow this course he would at least exercise the power which the language of the bill gave him and order that the deputies should remain in the competitive classified service. To the deep regret of the League, however, neither of these things was done. Instead, the President signed the bill and issued a memorandum—

Reciting his reasons for not issuing the civil-service order, the report of the League goes on to say:

The League takes issue squarely with the President on his statement that the deputies were never intended to be included under the ordinary provisions of the civil-service law. Their appointment through competitive examinations has worked most successfully, while their exemption, if one may judge from past experience, can result only in grave prejudice to the service. The President's statement of his opposition to the spoils system may have some wholesome effect on Congress.

But it did not have any wholesome effect, Mr. President, as the Civil Service League thought it might, because other attacks upon the merit system continued to follow.

The report of the League goes on to say:

The league regrets that in the selection of ministers abroad the President has in many cases displaced experienced, trained diplomats with men of neither experience nor training, in some cases apparently distributing these posts as mere political rewards. It is evident that this country is far from an established merit tradition in this part of its foreign service, but the unfavorable criticism so widely made of several of the diplomatic appointments indicates the growing interest of the people in the complete reclamation of the foreign service from the taint of partisan politics. It is especially encouraging that business men and business organizations have shown a lively interest in a matter which so vitally affects the entire Nation.

In other words, Mr. President, our diplomatic system, which had been built up so carefully by experienced men, has been completely revolutionized, and I doubt whether there is a single minister abroad to-day who can speak the language of the country to which he is accredited, unless it be the minister to England.

Now, about the Civil Service Commission, Mr. President. On August 10 we noticed in the Washington Post the astonishing information that the officials of the Civil Service League can not get access to the records of the commission. I will ask the Secretary to read this short extract from the Post.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEES CIVIL SERVICE SECRECY—REFORM LEAGUE CHARGES IT WAS NOT ALLOWED TO INSPECT RECORDS.

NEW YORK, August 9.

Charges that the Federal Civil Service Commission has inaugurated a policy of secrecy which threatens to endanger the civil-service law and has been sustained in that action by President Wilson were made by the National Civil Service Reform League to-day.

The league made public correspondence it has had with the president of the Civil Service Commission and also with President Wilson. League officers charged that the Federal Civil Service Commission for the first time, with the exception of one short period in 1899, refused permission for an examination of its records on the ground that an attempt might be made to mislead the public and attack and embarrass the Wilson administration. The league wanted to observe the practical effect of the Executive order of May 7, 1913, requiring fourth class postmasters to submit to a competitive examination, declaring that in many instances the effect of the act was simply to replace Republicans with Democrats.

Mr. PENROSE. That is an extraordinary position for the Civil Service Commission to take with the consent of the President. It has only been taken heretofore upon the one occasion referred to, and I am not advised as to the reasons for it then; but upon every other occasion under Republican administration the books and the data and the archives have been opened.

Such should be the practice of every department, with a few exceptions. How can it embarrass the administration of President Wilson to permit the Civil Service League to examine these archives? Is there anything there that shows guilt, or that shows violations of law, or that shows an entire disregard for the merit system, that these doors must be kept locked and closed to an honorable and respectable association which have for years, from their point of view, and to the best of their ability, endeavored to advance a propaganda in which they believe? I charge now that they are kept locked because they do not dare open them to the National Civil Service League, because the disclosures there would be too shocking and glaring to everyone, not alone to those interested in the merit system but to those interested in efficient public service.

The League goes on to say:

The Civil Service Commission has been reorganized, the President retaining Commissioner McIlhenny, who is now president of the commission, and appointing Mr. Charles H. Galloway, of South Carolina, and Mr. Hermon W. Craven, of the State of Washington, as successors to Gen. Black and Commissioner Washburn, whose resignations he accepted. President McIlhenny has been a member of the commission since 1906. Neither of the new members has had any experience in civil-service matters. The work before the commission now is of greatest importance, including, as it does, the development of an efficiency system for the entire service as provided for by Congress in the summer of 1912. As John R. Procter, president of the United States Commission, said 12 years ago: "The nature of the examinations depends really, not only upon the rules, but upon the commission which is to execute them. A commission could run the standard down until an entirely different class of men was obtained, or gradually work it up so as to bring in only the highest class of candidates." The new members of the commission will need months of labor to give them the proper mastery of the definite details of the commission's work, but, although for these reasons it is unfortunate that in making the changes in the commission's personnel the President did not select men of some practical experience in civil-service administration, the league confidently hopes for a sound, progressive administration of the law.

I might add in passing that Mr. Black resigned from the Civil Service Commission because he was unwilling to comply with the request of the President to agree to the proposal to take the fourth-class postmasters out of the civil service. This was in 1913. That hope has been considerably shattered. Here we have the statement made by the Senator from Colorado and the Senator from Florida that no postmasters were changed in their States.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the shipping bill.

Mr. SIMMONS. It is already before the Senate.

The PRESIDING OFFICER. It is before the Senate as in Committee of the Whole.

Mr. SIMMONS. We are now considering it.

Mr. PENROSE. We are considering the statistics regarding the civil service, and, I take it, when the shipping bill is passed the \$50,000,000 will be largely squandered to pay liberal salaries to Democratic officeholders, who will be carefully relieved from any civil-service requirement and who will walk the quarter-deck, whether they have ever been off of dry land or not before.

The League, in reference to these post offices, says:

Thirty thousand of the presidential postmasters have been changed.

This, remember, was in December, 1913. So the ax was swinging quite actively at that time, not very long after the President assumed office.

Forty-six per cent of the collectors of internal revenue, 36 per cent of the United States district attorneys, and 20 per cent of the registers of the General Land Office.

For an administration that has been in office for only a few months I think that record is doing fairly well from the spoil hunter's point of view.

In some cases the appointments have been distinctly political, notably in such instances as the appointment of William J. Harris as Director of the Census to succeed E. Dana Durand, and of Patrick H. Quinn, a Democratic district leader of Brooklyn, to be shipping commissioner in New York City.

The League declares:

To this task department heads and the President himself have been forced to devote an enormous amount of time and energy which should have been devoted to the consideration of questions of real importance.

Still, I can imagine, Mr. President, that while the policy of "watchful waiting" was in full force leisure was afforded for the President to consider the appointment of Democratic workers and supporters of the administration in different parts of the country.

The League goes on to say:

Another feature of the national administration which calls for serious consideration and early action is the lack of any real system of promotion on merit in the departments.

The fact of the matter is, Mr. President, the demotions and the promotions have utterly disregarded merit within the

classified service. Good Democrats were promoted and good Republicans demoted. As far as I have been able to discover, in the Philadelphia customhouse and elsewhere, there has been absolutely no other reason for causing these changes; and when it was not quite convenient to demote or promote, the handy method of abolishing a place has been resorted to; so that the Republican suddenly woke up in the morning and found his place abolished, and, being in the classified service, was compelled to take any place, however inferior it might be, available or else leave the service entirely.

In the Department of State the League cites as an illustration:

In the Department of State the two foreign trade advisers, men of valuable experience and training, voluntarily resigned because they believed the failure to recognize merit in filling the higher posts, and the substitution of politics for merit, made a career in the service impossible. Their places were filled by the selection of two men without experience, who evidently obtained appointment as a reward for personal or political services. The Solicitor of the Department of State is understood to have resigned for the same reasons.

Mr. President, this making of Executive orders has been a marked characteristic of the present administration. The league says:

The exercise of the power by Executive order to grant special exceptions permitting the appointment of an individual without complying with the requirements of the civil-service rules has been carefully watched by the league, and it is manifest that its abuse must be closely guarded. During the four years of President Taft's administration an average of 61 special exceptions a year were granted. Seventy-two of these exceptions were granted within the last two months of his administration.

Later on I shall come to the number granted by the present administration and compare them with those granted during the administration of President Taft. I will show that they far exceed similar orders in number under any preceding administration. The league goes on to say:

President Wilson announced on the 5th of March that he did not propose to see applicants for office in person unless he himself invited the interview, and that it was his intention to deal with appointments through the heads of the several executive departments. The attitude of the several Cabinet officers toward civil-service reform therefore immediately became a subject of great interest to the National Civil Service Reform League. The Secretary of State has clearly made or proposed appointments in payment for political services, and some other Cabinet officers have given signs of accepting a doctrine which Mr. Bryan publicly favored in 1908, namely, that the national offices should be divided between the two great parties in proportion to their political strength. Acceptance of this precept has been indicated by making some removals, some transfers, and some promotions in the classified service in such a way as to bring in or advance Democrats.

Then the League refers to the experience of the men who have been appointed:

Henry Morgenthau, chairman of the Democratic finance committee, displaced William Rockhill as minister extraordinary and envoy plenipotentiary to Turkey. Mr. Morgenthau was wholly without experience in diplomacy. Mr. Rockhill had been in the Diplomatic Service for 19 years as chief clerk and Third Assistant Secretary in the Department of State, minister and consul general to Greece, Roumania, and Serbia, director of the International Bureau of American Republics, commissioner of the United States in 1900-1 in connection with the Boxer insurrection in China, minister to China in 1905, ambassador to Russia in 1909, and thence transferred to Constantinople in 1911.

But the fact that Mr. Morgenthau was chairman of the Democratic finance committee and contributed a great many thousands of dollars to the national committee for the election of Mr. Wilson apparently gave him every qualification necessary to represent the American Republic in the foreign country referred to.

Of the 22 members displaced 13 had had several years' experience in the Diplomatic Service. None of the 22 who were appointed had ever had any experience. Every one of them, as far as I know—and I hope I will be able to show when I can get the paper—was a contributor in sums ranging from \$1,000 to \$30,000 or \$50,000 to the election of Mr. Wilson. That was their diplomatic experience and qualification for representing this country abroad.

I am not one to criticize a man for making a campaign contribution. I think it is a laudable proceeding on his part, an evidence of his patriotism and interest in his party; but I do object to this hypocrisy which enables an individual and a party to come into power under lofty pretenses and then practically sell every diplomatic office in the gift of the President for the consideration of a campaign contribution ranging from \$5,000 to \$30,000.

How much more was contributed beyond the amounts recorded and admitted is a matter of general gossip and conversation among those who are supposed to be familiar with the facts.

As the League declares:

None of the 22 new appointees had ever had any experience. As has been already mentioned, several of the appointments of obscure men to diplomatic posts have seemed to the public to be made in payment of political debts.



Says the Civil Service League:

It must be said with regret that the action of the administration with regard to the appointment of ambassadors and ministers, like much of the action on this subject in all preceding administrations, goes to establish the fact that in the United States there is no such thing as a profession of diplomacy.

I want to repeat that I do not want to be understood as criticizing these changes as a party man. What I do object to is the pretense of regard for civil service and the brutal performances which are witnessed afterwards, the unfair treatment of the Republican officeholders, who have been besmirched and had charges whispered about them which they could not deny or meet in order to bring about their removal from office, when it could have been done just as well in a straightforward, direct, and honest way.

The League goes on to say:

The rider placed by the Senate and House on the urgent deficiency bill was an unblushing attempt on the part of Congress to limit the range of the merit system in the national service and enlarge the range of the spoils system. To the adoption of this measure the Republicans in the House were uniformly opposed, and 57 Democrats stood by the pledge in the Democratic platform. The votes in favor of this pernicious measure were given by Democrats only.

I will soon be through, Mr. President. I had not intended to discuss this matter to-day, but on a later occasion. However, the occasion having arisen in a natural way, I have taken advantage of it.

The League further declares:

None of the new ministers appointed to succeed them can equal in trained qualifications the men they displaced. There are other men of experience in the Diplomatic Service from among whom it should not have been difficult to find proper representatives, in full sympathy with the administration's foreign policies and worthy of promotion.

Study of appointments, even to the higher position of ambassador, shows the existence of similar conditions. The Russian embassy, for example, filled in the recent past by such professional diplomats as John W. Riddle and William W. Rockhill and later by George von L. Meyer, promoted from Italy, has been offered to Henry M. Pindell, a newspaper editor of Peoria, Ill., of considerable local political prominence, but apparently without any special fitness for this difficult post. As to Turkey, another difficult post—

And so forth.

I have here a list of contributors to the Wilson campaign fund, which is a matter of public record and of considerable interest. I have not examined it very carefully. I notice James W. Gerard, of New York, ambassador to Germany, contributed \$13,500 to the Wilson campaign, and Mr. Henry Morgenthau, who the Civil Service League says displaced a trained diplomat and had no qualification whatever for the position, contributed \$10,000 on the first installment and \$20,000 on the second installment.

There are a large number. Mr. Frederic C. Penfield, who is upholding the honor and dignity of the country in Austria, contributed \$10,000 and then followed along with \$12,000. Mr. Charles W. McAlpin, who was said to have been offered the minor position of minister to the Netherlands, contributed \$2,000.

Mr. McCombs, who was said to have been offered the ambassadorship to France, if the newspapers can be relied upon, contributed \$11,000.

Charles R. Crane, who is said to have been offered the ambassadorship to Russia, but declined it, contributed \$40,000 and then a little later \$10,000.

There is a long list of minor contributions, all of them promptly rewarded with office, of the type of Walter W. Vick, of Rutherford, N. J., who contributed \$1,750, and was made general receiver of customs at Santo Domingo.

I want now to read briefly from the report of the proceedings of the National Civil Service Reform League, held in Chicago, Ill., December 3 and 4, 1914:

The first two of these acts—the exception of the field income-tax-collection force and the removal from the classified service of deputy collectors and deputy United States marshals—had passed into history at the last meeting of the league. The third inroad on the classified service followed in short order. On the eve of the passage of the currency bill, Senator OWEN, of the Committee on Banking and Currency, offered an amendment directing that employees of the Federal Reserve Board be appointed without complying with the requirements of the civil-service law. Despite the almost universal condemnation of this item as the most indefensible spoils grab in years, it was retained in the act by a majority of 1. Vice President MARSHALL breaking a tie and casting his vote in favor of the spoils rider. As soon as the officers of the league were informed of this action of the Senate, the President, the Members of the House, and the conferees on the bill were urged to reverse the action of the Senate. The House Democratic managers, however, accepted the Senate amendment without demur, and the bill was signed by the President on December 23. As enacted into law, a declaration was attached to the rider to the effect that the provision should not prevent the President from putting the employees in the classified service. After careful consideration of this section the officers of the league reached the conclusion that this provision allowed the President to order these places to be filled in accordance with the civil-service law at the very beginning of the system. In support of this conclusion it was urged that no worse menace—

I want to quote just what the League says:

In support of this conclusion, it was urged that no worse menace to the success of the new currency and banking system could be imagined than that its administration should be subjected to partisan politics; that the difficulty of excluding political influences in the future would be increased because of the fact that at the inception of the new system the force of employees under the board had been appointed without complying with the civil-service law and that this failure would be used as an excuse for wholesale changes in that force and for its reorganization on a partisan basis.

President Wilson decided that he did not have authority to act upon the league's suggestion, because the language of the currency act "distinctly provides for the employment of the employees of the Federal Reserve Board without regard to the civil-service rules." He assured the league, however, that "the Federal Reserve Board will not allow political considerations to influence its selections in the least, and that they will be made solely upon merit."

The statement of the President is branded with insincerity on its face.

He assured the League, however, that the Federal Reserve Board would not allow political considerations to influence its selections in the least, and that they would be made solely upon the merits, an assurance, Mr. President, which has had the effect of rendering every Republican unavailable for appointment in this department of the Government.

Now, the League goes on to say:

Successful in this attempt, the spoilsmen grew bolder and turned their attention to the Post Office appropriation bill. The House Committee on Post Offices and Post Roads attached to this great supply bill a rider removing all assistant postmasters from the competitive classified service. In which they had been placed by President Taft's order of September 30, 1910. This order was one of the great advances toward the reclamation of the Postal Service from politics. This attack on the civil service aroused friends of the merit system, who made it clear that the exemption of the assistant postmasters was one of the most backward steps that could be taken. It is a notorious fact that in the greater number of offices the assistant postmaster is the actual postmaster; that the holder of the title of postmaster is but the titular head, an absentee officeholder, whose time is given more to political management than to post-office administration.

Approximately 24 per cent of these officers have been appointed under the civil-service rules and regulations, either by promotion, transfer, or through open competitive examination. All of the 1,700 assistant postmasters carried into the service by Executive order have been in office for more than three years.

No action was taken on the legislation advocated by Mr. Moon until August, when Representative CULLOP offered an amendment striking out the provision relating to assistant postmasters and substituting therefor a section providing a four-year tenure of office for all employees of all post offices, to be selected by the postmaster "irrespective of any civil-service law to the contrary." The Cullop section was actually approved in the Committee of the Whole, but when the committee rose 87 Democrats joined with 75 Republicans and Progressives in rejecting the proposal. The House retained in the bill, however, by the small majority of 19 votes, the Moon provision relating to assistant postmasters.

Even these efforts made repeatedly to undermine the merit system on several occasions, to their credit be it said, have been resisted by a large part of the Democratic Party in the House of Representatives.

The League calls attention to another flagrant attack on the merit system:

The Indian appropriation bill furnished the next opportunity for attack on the law. To this measure a section was attached exempting over 100 physicians in the Indian Service from the operation of the civil-service law. In some respects this rider was worse than any of its predecessors. The Indians affected by the legislation are the wards of the Nation. To intrust the care of their health to any but physicians of sound training and high qualifications would be little short of criminal. The feasibility of selecting qualified physicians for the public service through civil-service examinations has been demonstrated many times and in all parts of the country. In the Indian Service itself the evidence conclusively shows that physicians employed under the contract system without examination are far inferior to those who have been selected through competition. In the face of this evidence the House took the places out of the classified service. The Senate fortunately declined to yield to this sordid desire to provide places for congressional favorites at the expense of the wards of the Nation, and these positions were retained in the competitive schedule.

The League goes on to express its opinion about the conduct of the State Department:

In spite of the open disapproval—

The report says—

In spite of the open disapproval of the business interests of the country, Congress next accepted the statement of the Secretary of Commerce that 14 important positions of commercial attaché credited to American ministers abroad should be filled without regard to the civil-service law. In urging the appointment of these attachés on a merit basis, the league called attention to the fact that as unclassified positions that would be regarded by members of Secretary Redfield's party as legitimate party spoils. Pressure to treat them as such would be great, and while the present Secretary might succeed in resisting it, about these places would always linger the atmosphere of political favoritism, which pervades the unclassified service of the United States. Nevertheless these positions were removed from the merit system with the result that they may be made the means for the payment of political obligations upon every change of administration.

Congress completed the reactionary record in the passage of the Trade Commission bill by exempting attorneys, special experts, and examiners of the new board from the operation of the law.

And since this report was made we will all recall that every commission that has been authorized contains this rider, that the civil-service regulations shall not apply to its employees. This is true of the rural-credits bill and of nearly every other measure providing for a commission that I have in mind.

I have some other matters in connection with this indictment of the Democratic Party, now in control of the Government, relative to the civil service, but I do not know that it is necessary to detain the Senate any longer upon the subject.

Mr. BRYAN. Mr. President—

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. PENROSE. For any inquiry; yes.

Mr. BRYAN. May I inquire of the Senator if the book from which he is reading makes any reference to the legislative, executive, and judicial appropriation bill which was passed in 1912 and which President Taft vetoed because it had in it a revision of the civil-service law, cutting down the term to five years? Does the book from which the Senator has been reading make any reference to that?

Mr. PENROSE. It may do so, but I have not noted it. I will give the Senator the book when I am through.

Mr. BRYAN. What does the Senator think of that legislation?

Mr. PENROSE. I do not quite understand to what the Senator from Florida refers.

Mr. BRYAN. In the appropriation bill for the legislative, executive, and judicial departments of the Government for the fiscal year 1913 both branches of Congress included a provision making radical changes in the civil-service law. I have before me the veto by President Taft of that bill, dated August 15, 1912. He vetoed that appropriation bill because it contained that provision. Was the Senator from Pennsylvania at that time opposed to any curtailment of the civil service, or did the Senator then vote for the legislation which President Taft later vetoed?

Mr. PENROSE. I have not the slightest recollection of it in the multitude of matters which have occurred since then.

Mr. BRYAN. It is remarkable to me that a civil-service reformer like the Senator from Pennsylvania does not remember that.

Mr. PENROSE. Mr. President, I do not pretend to be a civil-service reformer, but I merely make the statement that, after many pretentious claims on the part of the Democracy during the campaign in favor of civil service, there has been no more reckless or scandalous raid made upon the merit system than has been made by the present party in power. They have practically destroyed that system; they have taken the great bulk of appointments, scattered all over the country, out of the civil service, and have filled them to the detriment of the public service and to the inefficiency of the service, as is well known in the Post Office Department and in other departments. That Republicans may have been offenders in the past I am not prepared to argue about; but their offenses were trivial compared to this gigantic drive which has been made in the last two years, with the result that we have had this enormous increase in the number of places—some 20,000—at an annual expenditure of \$45,000,000 a year, filled by men who, in many instances, are not doing an hour's work a day, as the figures will prove, so far as the discharge of their official duties is concerned.

I shall only refer, Mr. President, to the Executive orders made under the present administration. It is really too small a matter for me to discuss in view of the very extensive operations through riders on appropriation bills. I only call attention to the fact that the number of Executive orders made for very trivial, and frequently for very ridiculous, reasons have been greater than those made by any other administration in recent years.

Therefore, Mr. President, to conclude, it seems to me that the Durand case is only the beginning and an illustration of an utter prostitution of the Government departments to partisan spoils-men and to party requirements, accompanied, not by a straightforward avowal of that purpose but with a hypocritical pretense that men resigned voluntarily when, as a matter of fact, they were compelled to resign, or they have been removed by trumping up charges which they could not answer or deny. The party in power every month for the last three years has been getting bolder and bolder until here, openly on the floor of the Senate and in the House of Representatives, we witness the placing of these riders on appropriation bills.

I shall ask, if there is no objection, to have the list of contributors referred to by me printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list referred to is as follows:

*Amounts contributed to Wilson campaign fund as reported by Democratic national committee; amounts contributed to McCombs, McAdoo, and Quincy prenomination funds, as are shown in testimony before Campaign Contributions Committee of the Senate (subcommittee of Committee on Privileges and Elections), 1913.*

A. H. Boyden, Salisbury, N. C., postmaster, Salisbury, July 15, 1914	\$2,500.00
A. S. Burleson, Austin, Tex., Postmaster General, Mar. 5, 1913	575.00
W. J. Bryan, Lincoln, Nebr., Secretary of State, Mar. 5, 1913	1,000.00
John Burke, Bismarck, N. Dak., Treasurer of United States, Mar. 17, 1913	100.00
John H. Clarke, Cleveland, Ohio, United States district judge northern district of Ohio, July 15, 1914	500.00
Henry D. Clayton, Eufala, Ala., district judge middle and northern districts of Alabama, May 2, 1914	100.00
H. C. Comings, Richfort, Vt., collector of customs western district of Vermont, June 27, 1914	250.00
Josephus Daniels, Raleigh, N. C., Secretary of the Navy, Mar. 5, 1913	100.00
Winthrop M. Daniels, Princeton, N. J., Interstate Commerce Commissioner, Jan. 21, 1914	250.00
Winthrop M. Daniels, contributed to McCombs prenomination fund	300.00
C. L. Decker, Sheridan, Wyo., surveyor general of Wyoming, Sept. 25, 1914	100.00
Frederick A. Delano, Chicago, Federal Reserve Board, Aug. 4, 1914, and Commissioner of Industrial Relations, Sept. 10, 1913	100.00
John L. De Saules, New York, minister to Uruguay, Mar. 27, 1914	5,000.00
A. M. Dockery, Gallatin, Mo., Third Assistant Postmaster General, Mar. 13, 1913	100.00
Charles S. Duncan, Gettysburg, Pa., postmaster, Gettysburg, Mar. 6, 1914	214.50
Thomas Ewing, Jr., Yonkers, N. Y., Commissioner of Patents, July 10, 1913	500.00
Thomas Fox, Sacramento, Cal., postmaster, Sacramento, Sept. 10, 1913	100.00
James W. Gerard, New York, ambassador to Germany, July 28, 1913	13,500.00
Gonzales Bros., Columbia, S. C., W. E. Gonzales, South Carolina, minister to Cuba, June 21, 1913	100.00
R. B. Gordon, Celina, Ohio, superintendent document room, House, and elected Sergeant at Arms, House	100.00
T. W. Gregory, Austin, Tex., Attorney General United States, Aug. 29, 1914	507.31
Josh. T. Griffith, Owensboro, Ky., collector internal revenue, second district of Kentucky, June 10, 1913	100.00
George W. Guthrie, Pittsburgh, Pa., ambassador to Japan, May 1, 1913	1,000.00
William Bayard Hale, Hollis Park, N. Y., special representative or ambassador of President Wilson to Mexico, 1913-14	100.00
C. S. Hamlin, Boston, Assistant Secretary of the Treasury, July 28, 1913, and member Federal Trade Board, July 6, 1914	100.00
Andrieus A. Jones, Las Vegas, N. Mex., First Assistant Secretary of the Interior, May, 1913	100.00
Thomas D. Jones, Chicago, Federal Reserve Board, "declined under fire"	10,000.00
Thomas D. Jones, contributed to Cleveland H. Dodge prenomination fund	10,500.00
William Gibbs McAdoo, New York, Secretary of the Treasury, Mar. 5, 1913	100.00
William Gibbs McAdoo, contributed to McAdoo prenomination fund	2,700.00
William Gibbs McAdoo, contributed to McCombs prenomination fund	400.00
William F. McCombs, New York, offered ambassadorship to France (McCombs prenomination fund)	11,000.00
James C. McReynolds, New York, Attorney General of the United States, Mar. 5, 1913, and Associate Justice Supreme Court of the United States, 1914	100.00
Charles R. Crane, Chicago, offered but declined ambassadorship to Russia	40,000.00
Charles R. Crane, Chicago, contributed to McCombs prenomination fund	10,000.00
John B. Moore, New York, Counselor Department of State, Apr. 21, 1913	175.00
Henry Morgenthau, New York, ambassador to Turkey, Sept. 4, 1913	10,000.00
Henry Morgenthau, New York, contributed to McCombs prenomination fund	20,000.00
Meredith Nicholson, Indianapolis, nominated minister to Portugal; nomination withdrawn	200.00
Frank B. Niles, Toledo, Ohio, collector internal revenue tenth district Ohio, Dec. 20, 1913	100.00
Frank J. Noonan, Mahanoy City, Pa., United States marshal, eastern district Pennsylvania, Oct. 30, 1913	500.00
J. E. Osborne, Rawlins, Wyo., Assistant Secretary of State, Apr. 21, 1913	500.00
W. H. Osborne, Greensboro, N. C., Commissioner Internal Revenue, Apr. 24, 1913	100.00
Fred. C. Pabst, Galveston, Tex., collector of customs, Galveston district, Mar. 12, 1914	100.00
Frederic C. Penfield, Germantown, Pa., ambassador to Austria-Hungary, July 28, 1913	10,000.00
Frederic C. Penfield, Germantown, Pa., contributed to McCombs prenomination fund	12,000.00
A. J. Peters, Boston, Assistant Secretary of the Treasury, Aug. 12, 1914	100.00
H. M. Pindell, Peoria, Ill., confirmed ambassador to Russia, Jan. 27, 1914; subsequently resigned	100.00
Frank Rabb, Brownsville, Tex., collector customs district of Laredo, Sept. 2, 1913	100.00
William C. Redfield, New York, Secretary of Commerce, Mar. 5, 1913	100.00
Thomas E. Rush, New York, surveyor of customs district New York, Aug. 8, 1914	100.00



Cato Sells, Cleburne, Tex., Commissioner of Indian Affairs, June 2, 1913	\$100.00
William G. Sharpe, Elyria, Ohio, ambassador to France, June 19, 1914	100.00
A. S. Snowden, Paragould, Ark., postmaster, Paragould, June 29, 1914 (rejected)	100.00
Fred Jessup Stinson, Boston, nominated minister to Argentina, Sept. 24, 1914	100.00
Charles B. Strecker, Boston, Assistant Treasurer, Mar. 17, 1914	500.00
Samuel H. Thompson, jr., Denver, Colo., Assistant Attorney General, Apr. 24, 1913	100.00
Walter W. Vick, Rutherford, N. J., general receiver customs, Santo Domingo	1,750.00
Charles J. Vopicka, Chicago, minister to Roumania, Sept. 11, 1913	400.00
Carl S. Vrooman, Bloomington, Ill., Assistant Secretary Agricultural Department, Aug. 12, 1914	500.00
Frank P. Walsh, Kansas City, Commissioner on Industrial Relations, Sept. 10, 1913	500.00
Preston C. West, Muskogee, Okla., assistant attorney general, Interior Department, Aug. 19, 1913	100.00
Joseph E. Willard, Richmond, Va., ambassador to Spain, Sept. 10, 1913	2,000.00
John Skelton Williams, Richmond, Va., Comptroller of Currency, Treasury Department, Jan. 13, 1914	100.00
John Skelton Williams, contributed to McAdoo prenomination fund	100.00
H. Otto Wittmann, Jersey City, naval officer of customs, New York, Nov. 20, 1913	100.00

## Possibilities.

	McCombs prenomination fund.	Democratic campaign fund.
Davies, Jos. E., Wisconsin.—Appointed United States Commissioner of Corporations. No contributions to Democratic campaign fund of record. Secretary Democratic national committee. Collected for and managed Wilson prenomination campaign in Massachusetts and other States, and in connection with Quincy prenomination fund in Massachusetts. Also handled and disbursed McCombs prenomination fund in Massachusetts.		
Alexander, Harry, New Jersey.—Said to be confidential agent of the President or Tumulty. His brother, J. R. Alexander, appointed postmaster at Zanesville, Ohio, Apr. 6, 1914. Contributed to McCombs prenomination fund.	\$100	
Russell, Jos. B., Massachusetts.—Offered collectorship customs, Massachusetts, and declined May, 1913.		\$100
Brandeis, L. D., Boston.—Look up Interstate Commerce Commission and see if employed there as special counsel. (Was active in making suggestions by letters and testimony as to framing of trust legislation, Sixty-third Congress, before Senate Interstate Commerce Committee)		500
Douglas, Chas. A., Washington, D. C.—Represents the Carranza Constitutionalists (Insurrectos) of Mexico in Washington, D. C., before the Department of State.		100
Quincy, Josiah, Boston.—Disbursed the so-called Quincy prenomination fund, including \$500 contributed by W. A. Gaston, Boston, Mass.		100
McAlpin, Chas. W., New York.—Offered (?) minister to the Netherlands.		2,000

Mr. SMITH of Georgia. Mr. President, some hour or more ago, about the middle of the address of the senior Senator from Pennsylvania [Mr. PENROSE], I felt quite a desire to briefly reply to a part of the address which he had delivered; but he has continued at such length, and other engagements conflicting, I shall be unable to more than pay my respects to his address.

Mr. President, a week ago last Monday night, the nominee of the party of the Senator from Pennsylvania delivered his address in New York City accepting the nomination. On Wednesday morning, in the Senate of the United States the Senator from Pennsylvania spoke. I was not surprised that he spoke. The address delivered on Monday night by his candidate for the Presidency had fallen so flat and had been so utterly without issues, that the real leader of the Republican Party, a man than whom there is no one in the party with a stronger personality or a more powerful intellect, spoke upon the floor of the Senate. Realizing that no issues had been raised, he felt called upon for his party to present some. They could not have put up an abler member of their party to present issues. Some one else may be the candidate; some one else may be the nominal leader; but in the party there is no one who has greater influence or comes here having the right to control and to speak for it more than he.

I was, however, surprised—no, not surprised—that in his criticism of Democratic extravagances one of the things he first mentioned was the creation of an armor plant—such a Democratic extravagance; such a horrible thing, by building a Government armor plant to take away some of the revenues that had been made before by private companies.

To-day, Mr. President, the great Senator from Pennsylvania comes as a champion of the Republican Party to do what? To point out an issue against the Democratic administration,

charging it with lack of fidelity to the civil-service system. What a spokesman the Republican Party finds for civil-service reform, for the elimination of all regard to politics, freedom from recognition of party service, selection of men solely without reference to politics to fill office. Where could the Republican Party find among its members a better spokesman upon such a subject than the great champion of civil-service reform in the Republican Party, the Senator from Pennsylvania? The choice is well made as their spokesman to present this issue.

Wednesday, a week ago, dissatisfied with the speech of their candidate, he presented issues for his party. Coming again to-day, he presents issues for his party; and his leadership in the party authorizes him to speak. His issue is the disregard of civil-service reform by the Democratic Party; some recognition by the President in some few cases of men in the party who have contributed something to Democratic success.

With what sincerity we must recognize such a criticism from the Republican Party when it puts up as its champion of reform the Senator from Pennsylvania to make it! How severe is the blow directed at the Democratic Party when it comes backed with the marvelous record for selection for office of men solely on account of merit which backs the distinguished Senator from Pennsylvania.

Mr. President, I was almost amused when I heard the Senator read so long from the report of the Civil Service League. I wondered when the Senator from Pennsylvania became familiar with their reports and when they first interested him. Indeed, I wondered when they first really interested anybody in his party.

It is not necessary in answering him to take up the individual cases that he cited. I undertake to say that following either of Mr. Cleveland's terms more postmasters were removed by the Republicans before the end of their full terms than were removed after the close of Mr. Taft's administration. One of the Senator's charges was that postmasters did not serve out their terms; and from every State where a Senator replied the charge was challenged, for the great bulk of the postmasters were permitted to serve out their terms.

Mr. President, speaking of postmasters, let us see what the record of the Senator's party was. In every single administration that it had it held fourth-class postmasterships for political spoils; but just at the close of the last administration, after they had filled every one of those places with their spoils-men, they blanketed them over with the civil service and kept them in office.

What was the course of the present administration? An order was passed providing for civil-service examinations for fourth-class postmasters. Examinations were held, and the appointees were limited to the three highest on the eligible lists. The Senator says that many Republicans were turned out. I am not surprised at that. I should not be surprised if 99 per cent of the political appointments which his party had made had lost out in those examinations; and yet the great Senator from Pennsylvania comes here as the champion of his party to talk about civil-service reform and the recognition of merit in office!

He then branches off on deputy collectors and deputy United States marshals. For myself, I want to say that I do not think a deputy United States marshal can be selected properly under civil-service examination.

There are qualities required of the vast majority of those who serve as deputy marshals that can not be ascertained or covered by civil-service methods; but I do not think the Senator can attack the efficient service of the men who have received appointments in that department of the public service.

Then the Senator branched off to the Diplomatic Corps. I want to know how many Democrats were left by the Republican President in diplomatic positions after Mr. Cleveland's last term?

The Senator, however, goes further, and he reads from some one in criticism of our representative to Turkey, Mr. Morgenthau. Mr. President, I challenge a criticism of Mr. Morgenthau's service in Turkey. It is said that he took a great interest in Mr. Wilson's campaign and perhaps contributed some money to it. Ah, he showed his wisdom; he showed his knowledge of men; he showed his appreciation of capacity in the course which he pursued; and, then, when the President sent him to Turkey, the President, at least for once, made a splendid selection, for Mr. Morgenthau handled the difficult responsibilities of that office in a manner that has brought to our Nation as much credit as have the acts of any representative who ever went to Constantinople as ambassador from the United States.

But the Senator says that promotions and demotions have been made on account of politics. I challenge the accuracy of that statement.

Mr. PENROSE. I can give the Senator a number of specific instances, if he wants them, at any time.

Mr. SMITH of Georgia. The Senator may find a few instances—

Mr. PENROSE. They occurred all over the country.

Mr. SMITH of Georgia. Of Republicans reduced and of a few Democrats who were promoted; but I have had a good deal of observation, and my observation, department by department, has been an utter disregard of Democrats in connection with promotions and a failure to right the wrongs that have been done to Democrats under preceding Republican administrations.

Mr. PENROSE. That is just what I complain of, Mr. President.

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. Yes.

Mr. PENROSE. That is just what I complain of. With loud claims of virtue, the Democratic administration proceeds with the ax, and decapitations go on every day. If the Senator would make a candid admission that he is a spoilsman and that this thing is going on, I would stop.

Mr. SMITH of Georgia. I did not catch the Senator's remark.

Mr. PENROSE. I say that is just what I am criticizing in this whole proposition—the lofty pretenses that are made of virtue and purity, and the utter, reckless disregard under the surface of every principle of decency in administering the civil service. If the Senator would come out in a straightforward manner and admit that he is a spoilsman, and wants the places, and that these things are being done, I would not complain; but when he says that the civil-service rules are not manipulated and offices are not abolished to facilitate the demotion of Republicans and the promotion of Democrats, he is either ignorant or he deliberately makes a statement which I know to be without foundation in fact.

Mr. SMITH of Georgia. Well, now, the Senator must be a little careful in his speech. The Senator can not say that I am deliberately making any statement that is not accurate. I say that I have watched the departments, and that the Republicans are promoted oftener than Democrats. I say that from my own knowledge. It is true; and any statement to the contrary, coming from whomever it does, is false.

My complaint is that wrongs done the Democrats in the departments under previous Republican administrations have not been righted; I have been utterly unable to get them righted; and demotions made in the departments of Democrats because they were Democrats have been allowed to remain.

Mr. PENROSE. They must have been pretty tough cases, Mr. President.

Mr. SMITH of Georgia. They were superior men—vastly superior to the Republicans who secured the promotions.

Mr. PHELAN. Mr. President, may I interrupt the Senator for a moment?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes.

Mr. PHELAN. The most recent diplomatic appointee, Mr. Fletcher, who has been made ambassador to Mexico, is a Republican.

Mr. SMITH of Georgia. And I criticize that appointment; for, if I had been President, I would have sent a Democrat instead of a Republican to Mexico.

Mr. WADSWORTH. Mr. President, if I may be permitted to interrupt the Senator, Mr. Fletcher has not been sent anywhere as yet.

Mr. SMITH of Georgia. The Senate has confirmed his nomination and he has been given his commission.

Mr. WADSWORTH. The trouble seems to be that the administration does not seem to know where the capital of Mexico is, and so Mr. Fletcher is still in Washington.

Mr. SMITH of Georgia. I am not taking issue with the Senator from New York on that subject; not at all. I do not know where it is, certainly. I wish I did.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. I always believe the Senator from Georgia in making statements makes them absolutely as he understands the situation to be; but do I understand the Senator to say that, for instance, in the Government Printing Office there have been promotions of Republicans and demotions of Democrats?

Mr. SMITH of Georgia. I know very little about the Printing Office.

Mr. SMOOT. I want to say to the Senator from Georgia—  
Mr. SMITH of Georgia. Let me answer the Senator's question first. He has asked me about the Printing Office. I know very little about the Printing Office, except I know that two or three people in whom I was interested were demoted and one of them turned out. I do not think I ever secured a promotion, except in the case of one man, and that was when there was a vacancy above him. That is my experience with the Printing Office. Beyond that, as to the whole list of employees in that branch of the service I do not know anything.

Mr. SMOOT. I have the names of all of them, I will say to the Senator, and if he doubts my word I can go to my office and get the list and read exactly what promotions and demotions have been made. There have been demoted, I think, 95 per cent of all the Republicans in the Printing Office, and I do not know of a promotion that they could not give a Democrat, with the exception of Capt. Brian, that has not been given.

I did not desire to enter the debate in a controversial way, but simply wanted to state this fact, because I think the Senator from Georgia wants to have the Record correct.

Mr. SMITH of Georgia. I do.

Mr. SMOOT. Then, I want to say to the Senator from Georgia—

Mr. SMITH of Georgia. I am speaking of my utter inability to get any recognition of Democrats in the departments.

Mr. SMOOT. Of course I can not say what influence the Senator from Georgia may have in getting them, but I know that others get them; I know that the promotions are made and that demotions are made.

Mr. SMITH of Georgia. My observation is that they do not make them—

Mr. HARDWICK. Mr. President, if my colleague will yield to me, I merely want to suggest that, if we may believe current newspaper reports, the Assistant Secretary of State, now acting Secretary of State, was an alternate delegate to the Republican National Convention.

Mr. SMOOT. Who?

Mr. HARDWICK. The Assistant Secretary, and present acting Secretary of State, Mr. Polk. That is what the newspapers state. I do not know whether it is true, but, if it is true, it does not look like we are very partisan in dealing with these matters.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. I do.

Mr. O'GORMAN. I desire merely to correct what I fear is an inaccuracy. Do I understand the Senator from Georgia to say that the Acting Secretary of State was an alternate to the Republican National Convention?

Mr. HARDWICK. I have seen that statement published; that is all I know.

Mr. O'GORMAN. I wish to assure the Senator that that is an error, because the Acting Secretary of State was born a Democrat and has been a Democrat all his life.

Mr. HARDWICK. I am very glad indeed to hear it. I was merely citing that instance, because I had seen it printed, and I suppose that other Senators have seen that statement in print.

Mr. SMITH of Georgia. I never saw it.

Mr. SMOOT. If it was printed, it was a mistake.

Mr. SMITH of Georgia. Speaking of the Acting Secretary of State, the counsellor of the State Department I know, as I know his father and knew his grandfather. His father is a leader in medical science. His grandfather was a bishop and a general. He is a Democrat in person and by descent. I want to say that, of course, I have not paid detailed attention to the departments. I am speaking only of my own observation, and I do understand and know that, so far as my observation has been able to go, they have had commissions or committees in charge of promotions, and wherever I have been able to detect what appeared to be favoritism it seemed to be a personal rather than a political favoritism. I think there has been a good deal, and always will be a good deal, of favoritism in connection with promotions in the departments, but whenever I approached the departmental officers they all have assured me that nothing but the merit system applied and that the records of employees in whom I might be interested would be considered and promotion made based on records alone. There are in the General Land Office to-day several Democrats who were demoted by the Republicans. Those men have been in that office since I was head of the Interior Department, and they are all very able men. One man whom I have in my mind



particularly, who I think is the ablest lawyer in the Interior Department, whom I appointed when I was Secretary of the Interior to a \$2,500 place, was demoted purely on account of politics by a Republican administration, and the present Secretary would not restore him to his former place upon the ground that the department officials were acting under the civil-service law, and that unless a vacancy occurred the promotion could not be made. So my personal observation has been that recommendations have practically nothing to do with promotions. I have not made many, because I do not think they should have anything to do with promotions except to call attention to the merits of particular men that they might be considered by the department.

Mr. OVERMAN. Mr. President, has the Senator ever investigated the Forestry Service appointments?

Mr. SMITH of Georgia. Not very fully.

Mr. OVERMAN. I understand that nearly all the employees are Republicans, and have been so for many years.

Mr. SMITH of Georgia. I have not gone into that very fully, except that I understand that everyone connected with it of any prominence, if not a Republican, is a Progressive, a member of the present party of the Senator from Pennsylvania.

Mr. PENROSE. To what department is the Senator from Georgia referring?

Mr. SMITH of Georgia. The Forestry Department. I think it is just beehived with men who supported the "Colonel" in the last race.

Mr. PENROSE. Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. Yes.

Mr. PENROSE. I suppose it is necessary to retain a few Republicans in the departments to run them.

Mr. SMITH of Georgia. I do not know whether that was the reason, and I was not sure whether the Senator thought that that branch of the Republican Party was the most efficient part of its operating machine.

Mr. PENROSE. Well, we are a united brotherhood, Mr. President, marching on to victory—

Mr. SMITH of Georgia. Yes.

Mr. PENROSE. And I have no doubt they are just as efficient as anyone else.

Mr. SMITH of Georgia. The Senator from Pennsylvania seems to be pretty thoroughly converted. There was an old adage, which I might paraphrase humorously, that "While the lamp holds to burn the Senator from Pennsylvania has the right to become a Progressive"—changing the language a little—although they had better watch him. He will take the whole thing if they give him a chance.

Mr. PENROSE. Mr. President, if the Senator will permit me, in making my criticisms upon the horrible picture of the civil-service record of the present administration, I was not expressing my own opinion, but was expressing the deliberate criticisms of a responsible nonpartisan body of gentlemen constituting the National Civil Service Association. The Senator has the right to say that perhaps, I having been a partisan a large part of my active life, such criticisms ought to be made conservatively; but I was quoting from the report of the Civil Service Commission, which condemns in emphatic—

Mr. SMITH of Georgia. The Civil Service League, the Senator means.

Mr. PENROSE. The Civil Service League, which is nonpartisan, and three-fourths of which may be Democrats so far as I know, but they are all gentlemen engaged in a propaganda which they believe in; and it is very apparent, from reading their last two annual reports, that they condemn in emphatic terms every legislative and administrative act of the present administration.

Mr. SMITH of Georgia. Mr. President, if you will go back you will find that that same league has condemned every administration that has ever existed, so far as its treatment of civil-service problems was concerned. While I believe in a genuine civil service, while I believe in a genuine recognition of merit in appointments, I must confess that I am not sure that the kid-glove crowd connected with the Civil Service League know more about it than practical men who have had more to do with political affairs. If you will go back to your previous administrations you will find that they never have commended anybody. They have always found something to criticize. That is their business.

Mr. PENROSE. Well, Mr. President, they may never have commended anybody. Their task is criticism, I admit, but in the whole history of the league—I do not know how long it has been in existence—there never was an indictment of an

administration of the character and extent that is contained in this year's and last year's report with reference to the Wilson administration.

Mr. SMITH of Georgia. I will ask the Senator if he has read all their reports?

Mr. PENROSE. Yes, sir.

Mr. SMITH of Georgia. All their previous reports?

Mr. PENROSE. I read them every year with very great interest, as I read a great many other reports. I have them.

Mr. SMITH of Georgia. I have not them here; but I really can find in them ample material criticizing all the other administrations besides.

Mr. PENROSE. It may be, but never an indictment such as is contained here.

Mr. SMITH of Georgia. I do not think there could have been a much weaker one than this report contains.

Mr. PENROSE. That is a matter of opinion.

Mr. SMITH of Georgia. Certainly it is, and I was giving mine.

Some one sends me a memorandum giving me the name of an auditor in the Post Office Department, and states that he is a partisan Republican. I do not know whether he is or not. I will say that I have found him as courteous in my dealings with him as anyone else I have found; and I will not add his name personally to this controversy, because whatever party he belongs to, I have found him exceedingly pleasant to deal with, and I am glad he is left, no matter what party he is connected with.

Mr. PENROSE. If he is the gentleman I have in mind, he is kept there because a new man absolutely could not do his work. He is a skilled expert, has been in the department a great number of years, and is kept there, not out of any love and affection, but simply because the department could not get along without him.

Mr. SMITH of Georgia. However that may be, that is an excellent reason for keeping him.

Mr. PENROSE. Yes.

Mr. SMITH of Georgia. I believe in keeping that kind of men, and I am glad that the Senator from Pennsylvania also believes in keeping them.

Mr. President, I have taken more time than I intended. I only desired to rise to express a recognition of the fact that when the Senator from Pennsylvania speaks and presents issues against the Democratic Party, that the Republican Party is speaking; for mental power and force of character he stands among the very first in his party, at the very head. I speak seriously. I am perfectly frank and sincere when I pay tribute to his great ability and his strength of character. Whenever he speaks and presents his indictment of the Democratic administration I know that no one will present a stronger one. However much it may surprise him I desire to close by adding that having listened to his indictment of Wednesday a week ago, and his fully prepared indictment of to-day, I feel that the Democratic Party may be congratulated that nothing serious is presented.

Mr. LEWIS. Mr. President, it is not my purpose to add either to the jest or the zest of the particular question raised by the able Senator from Pennsylvania [Mr. PENROSE] and countered upon by the distinguished Senator from Georgia [Mr. SMITH]. There is a view I desire at this time to express, hoping that I may allay for the future time a misconception and set at end an indulgence that is generally enjoyed by certain members of our honorable opponents—the Republican Party—concerning an expression used by the President of the United States. It is that of "Too proud to fight."

To-day's papers bring me the information that the candidate for the Presidency of the United States on the Republican ticket, Judge Hughes, after doing me the compliment of making some reference to myself and to my expressed views, makes an allusion to the President and scoffs at the President in terms touching himself, such as "Not too proud to fight."

Mr. President, it has been a busy occupation on the part of certain gentlemen in America to seize upon that expression, "too proud to fight," and, playing around and about it, to capitalize it to what they imagine is their political advantage. As I desire to have something to say touching that expression which the President of the United States used, and concerning that which the able candidate of the Republican Party is quoted as saying, I prefer to impose upon the Senate for a moment by expressing some views—some to be quoted, as they consist mostly of historical and classical allusions.

Mr. President, we who admire the independent intelligence of Judge Hughes deplore that he has surrendered to the yelp and bark of "Blanche," "Sweetheart," and "Tray" in the refrain of "too proud to fight," and upon this attack President Wilson,

charging the use of the expression as a confession of weakness or cowardice on the part of the President, speaking for himself and his country. I had hoped that Judge Hughes might be saved from the exhibition of ignorance displayed by so many lesser but anxious assailants of that which they did not understand.

The expression "too proud to fight" used at Philadelphia by the President to an audience of courageous, Christian people, was the adaptation of an old quotation from the classics, ancient as the Scripture. Its meaning is known to be that a brave people, filled with the consciousness of their right and conscious of their superior strength, were too proud to fight where a concession of what was right would bring justice to all. Too proud to use brute strength to overcome a weak people where by understanding, on the basis of humanity, the rights of all would be preserved and the friendships of all maintained. The President presumed on the intelligence of his audience to understand.

The expression "too proud to fight" is the adaptation of the line from the Latin "non dimicare est vincere," meaning "Not to fight is to conquer."

Lord Chatham used it January 20, 1775, in Parliament, in his speech on the removal of the English troops from Boston. There he applied the "too proud to fight" adage to the condition of America in her weakness compared to Great Britain, as our strength is compared to Mexico. Said Chatham:

Allay the ferment prevailing in America by removing the obnoxious hostile cause, obnoxious and unserviceable, for their merit can only be inaction—"non dimicare est vincere."

Continuing, he said:

Their force would be most disproportionately exerted against a brave and generous people. \* \* \*

Closing with the query, he cried out:

Is the spirit of persecution never to be appeased?

Mr. President, Charles Sumner, in a speech in the United States Senate in the Trent affair, on January 7, 1862, sustaining President Lincoln, who had declined to permit war over a principle contended for by an opponent, fixed in international law, but which our Nation under excitement had in haste violated—and concerning which had we gone to war would have involved us in a conflict to establish that which we knew was not the principle of right but the principle of force—Senator Sumner said, referring to what was called "surrender":

In this surrender, if such it may be called, the National Government does not even "stoop to conquer." It simply lifts itself to the height of its original principles. The early efforts of its best negotiators, the patriotic trial of its soldiers \* \* \* may at length prevail. Yet \* \* \* there are victories of force; but here is a victory of truth.

Concerning this speech of Mr. Sumner, in his adaptation and construction of the phrase "too proud to fight," one of his American historians, Mr. Morse, has this to say:

The speech was generally approved by men of all parties on this side of the ocean. It smoothed the ruffled sensibilities and turned apparent humiliation into triumph.

Mr. President, I often regret that President Wilson can not find it compatible with his sense of the dignity of his position to sometimes enter into explanations—not that he should descend to make defense where accusation is made from sources absurd and ridiculous, but that he might demonstrate to the great mass of his fellow mankind how, prompted by malevolence in some instances and by ignorance in others, are the sources of the assaults upon him.

Mr. President, as the present campaign progresses let us all hope that, out of a wish for a just discussion of real issues and from a respect to the dignity of the contest, there may be an end to the display of frenzy or foolishness and that both candidates may be exempt from the malevolence of malice or the absurdities of ignorance.

Mr. NELSON. Mr. President, I have been very much interested in the speech of the Senator from Illinois. It reminds me a good deal of Coke upon Littleton.

Mr. LEWIS. I may say, in answer to my able friend, that Coke upon Littleton has its present application only in referring to something that has been badly burned and smoked out. Coke invariably has to be. I do not know to what my able friend may refer in the application he makes; but I did intend to light a small fire, hoping that in its conflagration little bugs that had buzzed and hummed around this particular political possibility may be burned out. [Laughter.]

The PRESIDING OFFICER (Mr. THOMPSON in the chair). The bill is before the Senate as in Committee of the Whole and will be read by the Secretary.

The Secretary proceeded to read the bill.

Mr. GALLINGER. Mr. President, unless an order to the contrary has been agreed to in my absence, I ask that the first reading of the bill be in full. It can then be taken up for amendment.

The PRESIDING OFFICER. There has been no order made, as the Chair understands.

Mr. CLARKE of Arkansas. Mr. President, it is my understanding that the Senator from Florida [Mr. FLETCHER] asked on yesterday that the formal reading of the bill be dispensed with, and that it be read for committee amendments.

Mr. GALLINGER. That is the very question I asked. I was not present when that order was made, and I simply wanted to know the situation.

The PRESIDING OFFICER. The Secretary informs the present occupant of the chair that there is no record of any such order. Does the Senator from Florida make that request?

Mr. CLARKE of Arkansas. Would the Senator from New Hampshire object to such an order?

Mr. GALLINGER. I ask that the bill be read in full first. I think we will not gain any time by the other procedure.

The Secretary proceeded to read the bill.

Mr. JONES. Mr. President, I understand the bill is simply being read now, and not for amendment?

The VICE PRESIDENT. There was no unanimous consent granted to waive the reading of the bill, so it must be read.

The Secretary resumed and concluded the reading of the bill.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smith, S. C.
Borah	Hollis	O'Gorman	Smoot
Brandegee	Hughes	Overman	Sterling
Bryan	Husting	Phelan	Stone
Chilton	Jones	Pittman	Swanson
Clark, Wyo.	Kern	Reed	Thomas
Clarke, Ark.	Lane	Shafroth	Thompson
Cummins	Lee, Md.	Sheppard	Tillman
Curtis	Lewis	Shields	Wadsworth
Fletcher	Martin, Va.	Simmons	Williams
Gallinger	Nelson	Smith, Ariz.	

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. KERN. I desire to announce that the Senator from Ohio [Mr. POMERENE] is absent on important business.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. SMITH of Georgia and Mr. RANSDELL entered the Chamber and answered to their names.

The VICE PRESIDENT. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. BANKHEAD, Mr. BECKHAM, Mr. CULBERSON, Mr. SMITH of Maryland, and Mr. WARREN answered to their names when called.

Mr. LA FOLLETTE entered the Chamber and answered to his name.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

#### PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. Mr. President, I dislike exceedingly to take a single moment of time in discussing a matter not related to the bill under consideration, but in accordance with the notice I gave on the 7th instant that I would occupy a few moments in calling attention to the powers, duties, and responsibilities of the Public Utilities Commission of the District of Columbia, I avail myself of the opportunity to do so at this time.

For many years prior to 1912 we had controversies in both Houses of Congress over the rates for gas, electric light, telephone service, and transportation on the street railways of the District. In view of that fact there was a strong demand made that a public utilities commission should be created that would take out of Congress all such matters, and have them adjusted by a commission clothed with full powers to ascertain values, regulate rates and charges, and enforce their demands. At that time I was chairman of the Committee on the District of Columbia, and in response to that demand, during the recess of Congress, I came to Washington in midsummer and spent about a month in formulating a bill that would meet the popular demand on that subject.

In considering the proposed legislation the services of the District attorney, the Commissioners of the District of Columbia, and leading citizens of the District were availed of, and the men at the head of the several public utilities were also required to present their views. To my surprise no man at the head of a public utility opposed the proposition that a public utilities commission should be created. Most of the laws passed by the several States of the country were carefully examined, and after a study covering three or four weeks a bill was framed, many provisions of which will be found in the statutes



of Wisconsin, New York, and Maryland. I presented that bill to the Senate and secured its passage as an amendment to the District of Columbia appropriation bill, the public sentiment being so strong in its favor that there was no objection to its consideration as an amendment to that bill. The House concurred in the amendment, and it became a law on the 4th day of March, 1913.

As before suggested, the law was passed for the express purpose of taking out of Congress the discussion of matters relating to public utilities of the District, as the States had similarly done with a view to relieving the legislatures of all matters of that kind. The statute creating the commission is as strict a law as any State in the Union has passed, and is fully adequate to protect the people in all their rights as against the corporations.

On Thursday of last week, when the District of Columbia appropriation bill was under consideration, and an amendment was pending reducing the price of gas in the District, I called attention to the fact that the matter should be left entirely to the Public Utilities Commission. I have a distinct recollection of a disagreeable observation that I heard made by a Senator sitting quite a little distance from me when the charge was made that I was defending the corporations, and in that way opposing the interests of the common people of the District, but such suggestions never disturb me in the least. It will be recalled that my contention on that occasion was that Congress should not interfere with a matter that had been placed unreservedly in the hands of a commission with express legislative authority to do the very thing that was being done in the Senate, to wit, to regulate the price of public-utility services.

I now propose, in as brief a manner as possible, to call attention to some of the salient features of the act of March 4, 1913, and trust that Senators will give attention to them. I will take such paragraphs from the law as relate to the powers, duties, and responsibilities of the public-service commission, not for the purpose of controversy, but that the matter may be fairly presented to the Senate.

Par. 2. That every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, rendered, or to be furnished or rendered, shall be reasonable, just, and non-discriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful. Every public utility is hereby required to obey the lawful orders of the commission created by this section.

Par. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public utility, and to replace all the physical properties belonging to the public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain in detail the gross and net income of the public utility from all sources, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this paragraph is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

Par. 7. That the commission shall value the property of every public utility within the District of Columbia actually used and useful for the convenience of the public at the fair value thereof at the time of said valuation.

Par. 9. That the commission may at any time, on its own initiative, make a revaluation of the property of any public utility.

Par. 11. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this section, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

Par. 21. That the commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage, or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examining and testing such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

Par. 34. That the commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any public utility, and to examine, under oath, any officer, agent, or employee of such public utility in relation to its

business and affairs. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection or examination.

Par. 35. That the commission may require, by order or subpoena, to be served upon any public utility in the same manner that a summons is served in a civil action in the Supreme Court of the District of Columbia, the production within the District of Columbia at such time and place as it may designate of any books, accounts, papers, or records kept by such public utility in any office or place without the District of Columbia, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission under its direction. Any public utility failing or refusing to comply with any order or subpoena shall for each day it shall so fail or refuse forfeit and pay to the District of Columbia the sum of \$100, to be recovered in an action to be brought in the name of said District.

Par. 41. That if upon such investigation the rates, tolls, charges, schedules, or joint rates shall be found to be unjust, unreasonable, insufficient, or unjustly discriminatory, or to be preferential or otherwise in violation of any of the provisions of this section, the commission shall have power to determine and by order fix and order to be substituted therefor such rate or rates, tolls, charges, or schedules as shall be just and reasonable. If upon such investigation it shall be found that any regulation, time schedule, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory, or otherwise in violation of any of the provisions of this section, or if it be found that reasonable service is not supplied, the commission shall have power to determine and substitute therefor such other regulations, time schedules, service, or acts and to make such orders respecting and such changes in such regulations, time schedules, service, or acts as shall be just and reasonable.

Par. 42. That if upon investigation it shall be found that any rate, toll, charge, schedule, or joint rate, or rates, is unjust, unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise in violation of any of the provisions of this section, or that any time schedule, regulation, act, or service complained of is unjust, unreasonable, insufficient, preferential, or otherwise in violation of any of the provisions of this section, or if it be found that reasonable service is not supplied, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

Par. 55. That the commission shall, within its jurisdiction—

Have general supervision of all gas corporations and electrical corporations having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any corporation.

Investigate and ascertain, from time to time, the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas or electricity for light, heat, or power, and in transmitting the same, and have power to order such reasonable improvements as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution thereof or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations and electrical corporations.

Par. 61. That all public utilities to which an order of the commission applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such reasonable time thereafter as the commission shall prescribe.

Par. 63. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

Par. 64. That if at any time the commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this section, they are authorized and empowered to institute a proceeding in equity in the Supreme Court of the District of Columbia, petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

Par. 66. That no injunction shall issue suspending or staying any order of the commission, except upon application to the Supreme Court of the District of Columbia or a judge thereof, and only upon notice to the commission and after hearing had.

Par. 85. That if any public utility shall violate any provision of this section, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect, or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal such public utility shall forfeit and pay to the District of Columbia the sum of \$200 for each such offense. In construing and enforcing the provisions of this paragraph, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment, and instructions shall in every case be deemed to be the act, omission, or failure of such public utility.

Par. 87. That every day during which any public utility, or any officer, agent, or employee thereof, shall fail knowingly or willfully to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this section, shall constitute a separate and distinct violation of such order, or direction, or of this section, as the case may be.

Par. 88. That whenever, after hearing and investigation as provided in this section, the commission shall find that any rate, toll, charge, regulation, or practice of any public utility within the District of Columbia is unreasonable or discriminatory, it shall have the power to regulate, fix, and determine the same as provided in this section.

Par. 24. That every public utility shall file with the commission, within a time to be fixed by the commission, schedules, which shall be open to public inspection, showing all rates, tolls, and charges which it has established and which are in force at the time for any service performed by it within the District of Columbia, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls, and charges shown on such schedules shall not exceed the rates, tolls, and charges now allowed by law, and shall be the lawful rates, tolls, and charges within the District of Columbia, and shall remain and be in force until set aside by the commission.

Par. 73. That no public utility shall hereafter issue any stocks, stock certificates, bonds, mortgages, or any other evidences of indebtedness payable in more than one year from date, until it shall have first obtained the certificate of the commission showing authority for such issue from the commission.

Par. 74. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness for money, property, or services, either directly or indirectly, nor shall it receive any money, property, or services in payment of the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the certificate of the commission in this section provided for.

Par. 75. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

Par. 76. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating; and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

Par. 77. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidence of indebtedness to any other purpose, or issue the same on any less favorable terms, than that specified in the certificate issued by the commission.

Par. 78. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this section shall be void.

Par. 79. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this section, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, one-half to the credit of the District of Columbia, not less than \$1,000 nor more than \$10,000 for each offense.

Par. 80. That each and every director, president, secretary, or other official of any such public utility who shall make any false statement to secure the issue of any stock, certificate of stock, bond, mortgage, or other evidence of indebtedness, or who shall, by false statement knowingly made, procure the commission the making of the certificate herein provided, or issue, with knowledge of such fraud, negotiate, or cause to be negotiated, any such stock, certificate of stock, bond, mortgage, or other evidence of indebtedness in violation of this section, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than \$1,000 or by imprisonment for a term of not less than one year, or by both such fine and imprisonment, in the discretion of the court.

Par. 81. That if any public utility, or any agent or officer thereof, shall, directly or indirectly, by any device whatsoever, or otherwise, charge, demand, collect, or receive from any person, firm, or corporation a greater or less compensation for any service rendered or to be rendered by it in, or affecting or relating to, the conduct of a street railroad or street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electric corporation, water-power company, telephone line, telephone corporation, telegraph line, or telegraph corporation, or pipe-line company, or to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the conveyance of telephone or telegraph messages, or for any service in connection therewith than that prescribed in the public schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person, firm, or corporation other than one conducting a like business for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be a misdemeanor and unlawful, and upon conviction thereof shall forfeit and pay to the District of Columbia not less than \$100 nor more than \$1,000 for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$100 for each offense.

It will thus be seen, Mr. President, that every possible safeguard has been thrown around the interests of the public in this statute, and that the duties of the commission are specifically laid down, with penalties for the nonobservance of their duties.

The chief point that I desire to emphasize is that provided in paragraph 24, which states:

The rates, tolls, and charges shown on such schedules shall not exceed the rates, tolls, and charges now allowed by law, and shall be the lawful rates, tolls, and charges within the District of Columbia, and shall remain and be in force until set aside by the commission.

Another matter that is worthy of particular attention is the provision relating to the issuance of stocks, certificates of stock, bonds, or other evidences of indebtedness. This provision makes it utterly impossible for any corporation in this District to do what is alleged against the Washington Gas Light Co., and absolutely safeguards the public against any increase of the capitalization of that or any other corporation without the sanction of law. The provision placing in the hands of the commission complete power and authority to change the rates, tolls, and charges is full and conclusive, and yet the Senate, unmindful of

that provision, saw fit to change the charges for gas in the District of Columbia. It was an open and palpable nonobservance of law, as Congress had transferred its authority in that regard to a commission, which was clothed with authority and directed to do the very thing that Congress did.

Mr. President, I call attention to this matter in justice to myself. I am not now a member of the Committee on the District of Columbia and do not expect in the future to have much to do in the framing of laws for this District, but, after a service of 22 years on the committee, I am quite unwilling that it should go to the country that I have neglected my duties and permitted the corporations of the District to take advantage of the consuming public. It is a charge that has no foundation in fact and ought not to be made by any Member of this body, and I think I feel entirely justified in saying that under no circumstances would it have been made by any Senator on either side of the Chamber who has served with me for a considerable length of time. If we are to utterly ignore the statute placing the authority to which I have called attention in the hands of the Public Utilities Commission and proceed to legislate ourselves on matters that are entirely in their hands, we certainly should follow that by abolishing the commission, which under such circumstances will be a useless, unnecessary, and costly institution. Failing in that, we should refrain from legislating on matters that are in the jurisdiction of the commission, placed there by Congress in an unrevoked statute.

Mr. WORKS. Mr. President, may I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. WORKS. Does the Senator know of an instance since the enactment of this legislation on the subject where the work of the commission has proved unsatisfactory and in which they have neglected their duties in any way?

Mr. GALLINGER. I confess I can not answer that question. Having been responsible for this statute to a very large extent, and recalling the fact that we had safeguarded it to the extent that we had, and placed in this commission this absolute and undisputed power, I confess it was a surprise to me that the matter should ever have been brought up in the Senate.

Mr. WORKS. I wondered at it myself, and that led me to inquire whether the Senator had any knowledge of the reason for taking that course.

Mr. GALLINGER. I have not.

Mr. WORKS. I think the Senator is perfectly right in saying that the matter should be left to the commission, as we have constituted that commission with ample authority. I think I had something to do with that legislation myself, as the Senator will remember.

Mr. GALLINGER. The Senator from California had.

Mr. WORKS. I had something to do with getting that law into proper shape, and I thought it was fairly satisfactory.

Mr. JONES addressed the Senate. After having spoken for an hour and three quarters,

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. I yield to the Senator.

Mr. FLETCHER. May I inquire of the Senator whether he thinks he can conclude his address this afternoon?

Mr. JONES. No. I have taken much more time than I had expected. I really hoped that I would not need to start in to-day because I simply had notes made. I think if I had had time to reduce my remarks to writing I could have cut them very much shorter, because I have gone on very much longer now than I expected. I could not get through to-day, and if the Senator from Florida would like to have the Senate take a recess I shall be very glad to yield for that purpose.

Mr. FLETCHER. I wish to save all the time I can in the matter, but under the circumstances, as this has been a long day, I expect we would not lose any time if we took a recess now.

Mr. JONES. I think not. I may be able to condense my notes to-night and make my remarks shorter to-morrow.

[Mr. JONES's entire speech is printed in the Senate proceedings of August 11, 1916.]

Mr. FLETCHER. If it suits the Senator, I will move that the Senate take a recess until 10 o'clock to-morrow.

Mr. JONES. Very well.

Mr. FLETCHER. I make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until to-morrow, Friday, August 11, 1916, at 10 o'clock a. m.



## SENATE.

FRIDAY, August 11, 1916.

(Legislative day of Thursday, August 10, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I think we ought to have a quorum present before beginning the labors of the day. I observe but one Senator on the other side of the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Brady	Gronna	Nelson	Sherman
Bryan	Hardwick	Norris	Simmons
Chamberlain	Hollis	Overman	Smith, Ga.
Chilton	Husting	Penrose	Smith, S. C.
Clapp	Johnson, S. Dak.	Pittman	Smoot
Clark, Wyo.	Jones	Pomerene	Sterling
Colt	Kenyon	Ransdell	Vardaman
Culberson	Kern	Reed	Warren
Dillingham	Lane	Robinson	Works.
Fletcher	Martin, Va.	Shafer	
Gallinger	Martine, N. J.	Sheppard	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CURTIS, Mr. HUGHES, and Mr. TOWNSEND answered to their names when called.

Mr. TOWNSEND. I desire to state that my colleague [Mr. SMITH of Michigan] is absent on account of sickness in his family, which has continued for some little time. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present.

Mr. SIMMONS rose.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. SIMMONS. That is the purpose for which I rose.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. OLIVER, Mr. BRANDEGEE, Mr. WILLIAMS, and Mr. BANKHEAD entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

## SPANISH RIVER BRIDGE, ALABAMA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers, which were, on page 1, line 4, after "Alabama," to insert "their"; on page 1, line 4, after the word "and" where it occurs the second time, to insert "they"; on page 1, line 5, to strike out "all"; and to amend the title so as to read "An act to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers."

Mr. BANKHEAD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

## PORT OF NEW YORK.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the League for Municipal Ownership and Operation in New York City with reference to an investigation of the terminal facilities at the port of New York. The communication will be printed in the RECORD and referred to the Committee on Interstate Commerce.

The communication is as follows:

THE LEAGUE FOR MUNICIPAL OWNERSHIP  
AND OPERATION IN NEW YORK CITY,  
New York, August 10, 1916.

Hon. WOODROW WILSON, President of the United States; Hon. THOMAS R. MARSHALL, President of the Senate; and Hon. CHAMP CLARK, Speaker of the House, Washington, D. C.

GENTLEMEN: The port of New York is not a port of New York State nor of any locality, but of the United States. The problem of the port terminal facilities for all railroads, particularly in view of the shipping arrangements and connections, is a national problem. We are now confronted with a crisis in the port development due to the effort

of the New York Central & Hudson River Railroad Co. to secure a monopoly of the west side of Manhattan from about Canal Street north and of the west side of The Bronx, so that it may prevent other railroads from securing access to the city on the same terms.

We therefore respectfully request that Congress appoint a committee to investigate the port problem of New York City as a national problem, or, if it commend itself to your judgment, that the recently appointed Committee on Railroads include such a study as part of its task.

The Pennsylvania Railroad and the Central Railroad of New Jersey monopolize a large part of the water front of the Jersey shore opposite New York City. The problems of the two sides of the Hudson River are one, in fact, despite the dual governmental control.

The New York Central & Hudson River Railroad Co. has a long unenviable record of manipulation and privilege. It now owns an important, if not the controlling, interest in 8 noncarrier and in 42 carrier companies. It is capitalized for \$400,000,000, and the assessed value of its realty holdings in New York City is approximately \$40,000,000, while the assessed value of realty holdings of one of its subsidiary companies in the city is nearly \$6,000,000.

Because of its easy grades and few curves the Central can carry freight from the west cheaper than most of the railroads terminating on the Jersey shore, but it enjoys the same freight rates, so that it includes the lighterage charges which railroads terminating in New Jersey have to pay on freight carried to New York.

As the late Mr. James J. Hill pointed out, the problem of terminals is the most important problem for railroads to-day.

We are seeking Federal aid to dredge the harbor, which gives the National Government a direct monetary interest in the problem of port development in addition to the vital connection due to the fact that the city of New York is the chief port of the country.

We urge that you will take prompt action on this request, as a proposal is pending to grant this monopoly to the New York Central & Hudson River Railroad Co., which will militate not only against the city of New York, but against the commerce of the country, and most injuriously affect the proper interest of the farmers, at least throughout the Middle West.

Yours, truly,

AMOS PINCHOT,  
Honorary President.

FREDERIC C. HOWE,  
President.

JOHN J. HOPPER,  
Chairman Committee on West Side Improvement.  
FREDERIC C. LEUBUSCHER,  
Chairman of the Executive Committee.

## EMBARGO ON WHEAT.

The VICE PRESIDENT presented a telegram from the National Association of Master Bakers with reference to placing an embargo on the exportation of wheat, which was referred to the Committee on Finance.

## THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15455) to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Mr. JONES. Mr. President, I see the chairman of the Committee on Finance [Mr. SIMMONS] is present, and I should like to ask him a question or two for information. I want to ask the Senator whether he can tell me what bill it is intended to make the unfinished business when the shipping bill shall have been disposed of?

Mr. SIMMONS. I could not answer the Senator definitely without knowing when the shipping bill will probably be disposed of. If the shipping bill can be disposed of to-day, why, we might take up one bill, and if it can not be disposed of to-day, we might take up a different bill. Does the Senator from Washington think that we can have a vote on the shipping bill to-day?

Mr. JONES. I doubt that; but I had understood that it was the program when the shipping bill was disposed of that the revenue bill would be taken up and made the unfinished business.

Mr. SIMMONS. The program is not a rigid one; it has some little elasticity. The order in which the bills are to be taken up according to the program is to be determined by the steering committee.

Mr. JONES. Well, has the steering committee determined upon what bill will be taken up or is likely to be taken up when the shipping bill is disposed of?

Mr. SIMMONS. That depends, as I tried to state to the Senator a little while ago, on when the shipping bill is disposed of. I will try to answer the Senator as definitely and as frankly as I can. If the shipping bill shall be disposed of to-day, I think probably the workmen's compensation bill would be taken up.

Mr. JONES. If that bill should be disposed of to-day, what bill would then be taken up?

Mr. SIMMONS. We might possibly take up the Philippines bill.

Mr. JONES. The conference report?

Mr. SIMMONS. There are several of those small bills which, likely, will take very little time; and if we had a hiatus of probably a day or two days, as the revenue bill is not ready this morning and will not be ready to-day, we would probably take up one of those bills; especially the workmen's compensation bill might fill in some little time.

Mr. JONES. I want to ask the Senator whether or not the revenue bill since it came over from the House of Representatives has been yet considered by the Finance Committee?

Mr. SIMMONS. The revenue bill has not yet been laid before the full membership of the Finance Committee. The revenue bill has been under consideration, however, during the last month by the majority membership of the committee, in pursuance of the custom and practice that has obtained in the Senate with reference to revenue bills from time immemorial.

Mr. JONES. So that, as I understand, the revenue bill has not yet been given any consideration in the full committee?

Mr. SIMMONS. No; the revenue bill has not yet been taken up by the full committee.

Mr. JONES. As I understand, the majority members of the committee have not yet agreed upon the terms of the revenue bill?

Mr. SIMMONS. Practically the majority members of the committee have done so. There is only one subject with reference to which we have not finally come to a conclusion.

Mr. JONES. Will the majority members of the Finance Committee submit their agreement to the full committee before it is submitted to the Democratic caucus, or will they first submit it to the Democratic caucus?

Mr. SIMMONS. They will first submit it to the Democratic caucus. They have already—if the Senator wishes to go into that—submitted it to the Democratic caucus. The Democratic caucus is now considering it; but I should say that there is one title of the bill that we have not yet submitted to the caucus, because the Democratic membership of the committee has not yet agreed as to that. I have no doubt, however, I will state to the Senator, that at our meeting this morning we shall agree.

Mr. JONES. Is that to be a meeting of the committee members?

Mr. SIMMONS. It is the meeting of the Democratic committee members, yes. I have no doubt we shall agree this morning, and that at our caucus to-night we shall be prepared to present the whole bill as we have amended it.

Mr. JONES. Can the Senator give me any idea as to the time the bill is likely to be considered by the Democratic caucus?

Mr. SIMMONS. I could not give the Senator anything more than a conjecture. I have very strong hope that we shall be able to lay the bill before the full committee on Monday, and that on Tuesday morning I shall be able to present the bill to the Senate.

Mr. JONES. So the Senator hopes that the Democratic caucus will be able to complete its consideration of the bill this week?

Mr. SIMMONS. Yes.

Mr. JONES. And that on Monday he will present it to the full committee?

Mr. SIMMONS. That is what I hope, and what I believe we shall be able to do.

Mr. JONES. And he will expect the full committee to act upon it immediately without any further consideration, and he will be prepared to report it on Tuesday?

Mr. SIMMONS. I will state to the Senator that I have been a member of the Finance Committee for now quite a long time. Several tariff bills have been framed since I became a member of that committee—one in 1909, known as the Payne-Aldrich bill. That bill was framed altogether by the Republican members of that committee, without any consultation whatever with the minority members. When it was finished we were called together; it was laid down before us and we were told to take it or leave it. We took it because we could not help ourselves. I do not know, and therefore can not say, whether or not the full committee will require a long time for the consideration of the bill or not; but I know—

Mr. JONES. The Senator, however, is—

Mr. SIMMONS. Will the Senator permit me to finish?

Mr. JONES. I was not asking for all these explanations. I was simply asking for facts; that is all I wanted.

Mr. SIMMONS. I shall be through in one second. I know when we passed the present tariff act this same course was pursued. We presented it to the full committee, and we were through with our labors in a very short time. The same thing was done with reference to the present emergency act. I am merely meaning to say that heretofore—I am not making any criticism

of the Republican action in establishing this precedent—but I mean to say that heretofore no time has been consumed in the full committee after the majority membership have reported the result of their deliberations.

Mr. JONES. Merely in the interest of the facts, I will ask does the Senator know whether or not the Payne-Aldrich bill was submitted to the Republican caucus in the Senate?

Mr. SIMMONS. I think Senator Aldrich was the caucus probably at that time and the committee, too, very largely.

Mr. JONES. That is the Senator's idea of the Republican caucus?

Mr. SIMMONS. I think that was about what it resolved itself into at that time.

Mr. SMOOT. The Senator from North Carolina is mistaken about that.

Mr. JONES. The Senator knows, as a matter of fact, that that bill was not submitted to a caucus?

Mr. SIMMONS. I have no recollection of that having been done.

Mr. JONES. It is my recollection that it was not.

Mr. SIMMONS. Not a caucus of the full membership of the Republican side, but probably a caucus of the controlling few.

Mr. JONES. Of course the Senator has no more right to make an assertion of that kind than we have to assert that because he is the chairman of the Finance Committee whatever he says goes, and that they merely go through the form of sending the bill to a Democratic caucus.

Mr. SIMMONS. There is pretty good evidence in the present situation that that is not the case.

Mr. JONES. That is the Senator's view. I have my idea of it. I have an idea that, as a matter of fact, the bill will be determined at some place other than the Democratic caucus, by somebody other than the Democratic members of the Finance Committee, and that it will be determined by somebody other than the membership of the House of Representatives or of the Senate, and by the same power that has practically determined the action of our Democratic friends with reference to several different kinds of legislation.

But, Mr. President, I did not intend to make any suggestion of this kind. I simply wanted to get at the facts in order to a certain extent to govern my action with reference to the shipping bill as to the time I might desire to take in connection with that measure, which I know the caucus has decreed shall go through in a certain way. Now, if it were the intention to take up the revenue bill—and, by the way, the Senator refers to tariff bills. Does the Senator call the revenue bill a tariff bill?

Mr. SIMMONS. No; it is a revenue bill; but they have been treated alike. There are some tariff items in the bill.

Mr. JONES. I did not understand the Senator's last remark.

Mr. SIMMONS. I say there are some tariff items in the bill, but it is a revenue bill. However, revenue bills and tariff bills have generally been treated alike as party measures.

Mr. GALLINGER. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES. I yield.

Mr. GALLINGER. I want to say to the Senator from North Carolina that the shipping bill will not be disposed of to-day. It may possibly be disposed of to-morrow afternoon, but, in my opinion, it is quite as likely to go over until Monday.

Mr. SIMMONS. I thank the Senator for the information. I have tried to answer the Senator from Washington very frankly, and I desire to say, in addition, that I hope to be able to present the revenue bill to the Senate on Tuesday morning, and trust that he will be in a situation then to take it up immediately and proceed with its consideration to a final vote.

Mr. JONES. As to that, I want to ask the Senator if the shipping bill is not disposed of by Tuesday morning, and the committee is prepared to report upon the revenue bill, whether that report will be submitted?

Mr. SIMMONS. The report will be submitted, but of course we would not undertake to displace the shipping bill.

Mr. JONES. Does not the Senator think it would be very desirable that those Members of the Senate who have not had access to the secret meetings of the Democratic members of the Finance Committee, who have not had access to the meetings of the caucus, who do not know anything about what the committee is going to report, and will not know anything about it until Tuesday morning, should have some little time to consider the measure which the Democratic members have been considering for several weeks, and, therefore, does not the Senator think that it would be well to have his revenue bill reported as soon as possible, and then not have it taken up as the unfinished business for at least two or three days, until other Senators can have an opportunity to inform themselves with reference to its provisions?



Mr. SIMMONS. I will state very frankly to the Senator that on Tuesday, when I present the revenue bill, if I am able to do so at that time, if Senators on the other side, members of the Finance Committee especially, should ask for a day or two days' delay in order that they may examine the bill, if there is anything that we can take up to fill in that time, I shall be very glad to extend to them that opportunity. I want to say, however, to the Senator that we have had printed the only hearings that I think were had, and we have also had the briefs printed and hope to get them to Senators to-morrow. Every day as the committee has proceeded in a general way we have given to the press the result of our action during that day; so that the Senate, as well as the public, have had an opportunity to keep up in a general way with what we were doing in the committee. Of course things that we have done in the committee may be somewhat modified, and I see the force of the Senator's suggestion.

There is no disposition on our part not to permit the minority to have ample opportunity to examine the revenue bill before we take it up for consideration, if we can do so; and if the shipping bill is not finished until Monday, and I should report the revenue bill on Tuesday, I would be perfectly willing to take up the workmen's compensation bill or any of several other measures which will not consume very much time, some of which can be disposed of, in all probability, in a day, and some in less than a day, although others may take two or three days. We might fill in three or four days in that way and give the minority members opportunity to further investigate and examine the revenue bill.

Mr. JONES. I thank the Senator for his frankness in giving me the information desired.

Mr. GALLINGER. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. GALLINGER. When the Senator kindly yielded to me before I meant to say to my friend the Senator from North Carolina that all this legislation will be greatly expedited if the majority tries to furnish a quorum at 10 o'clock. I have been here every day, with one exception, since Congress assembled in December, helping to supply a quorum. I do not know how long my strength will hold out or how long my sense of duty will impel me to come here at 10 o'clock in the morning to supply a quorum for the majority of this body. We wasted 20 minutes this morning and 20 or 25 minutes yesterday in getting a quorum, and the Senator must not be surprised, and complaint must not be made, unless matters are expedited by a quorum being supplied by a party that has 17 majority in this body, if some of the rest of us conclude to take a little rest in the forenoon.

Mr. SIMMONS. I think there is justification for the criticisms and even the strictures of the Senator from New Hampshire. No one regrets more than I the fact that we can not secure prompt attendance at our early morning sessions; but we are doing everything we can to bring about a better situation in that respect, and we will continue to do so, and I hope we will improve somewhat. If the Senators on the other side, however, would attend in larger numbers it would help those of us on this side who do come to make a quorum. Of course, the obligation is on us; I recognize that the Senator is entirely right about that; but I hope that there will be no disposition by Senators on the other side of the Chamber to embarrass us in getting a quorum by absenting themselves.

Mr. GALLINGER. Not at all.

Mr. SIMMONS. I do not say that there is any.

Mr. GALLINGER. None at all.

Mr. SIMMONS. But I hope there will be none.

Mr. GALLINGER. None at all, except that we are getting a little discouraged, being called here at 10 o'clock in the morning on these sultry days and required to remain here until half-past 6, when it is becoming incumbent upon us to supply a quorum. We would like very much to have our burdens alleviated as much as possible by our friends on the other side.

Mr. SIMMONS. Mr. President, just at this particular time we seem to have rather a better attendance over here than on the other side.

Mr. THOMAS. Mr. President, may I ask the Senator from New Hampshire, before he takes his seat, whether the Senators upon the other side of the Chamber intend to occupy the entire day in the discussion of the shipping bill?

Mr. GALLINGER. I should think so, although possibly not.

Mr. THOMAS. I have an amendment to the bill which I desire to present briefly, but will probably be otherwise engaged to-day, and if the Senator intends, or if the Republican Members of the Senate intend, to occupy the day I shall make no effort to address the Senate until to-morrow.

Mr. GALLINGER. I will frankly state to the Senator from Colorado that, as I understand the situation, the Senator from Washington [Mr. JONES] will complete his address this morning. I shall occupy probably about one hour, and I think the junior Senator from Ohio [Mr. HARDING] will probably be prepared to speak, but I do not know how long he will occupy. I think the Senator will have an opportunity during the day to speak on the amendment to which he has referred.

Mr. THOMAS. I do not care for the opportunity, Mr. President, unless it is necessary to expedite the consideration of the bill. To-morrow will suit me quite as well.

Mr. SIMMONS. Mr. President, I desire to make one further observation. I think probably attendance on this side and on the other side would be somewhat improved if it were understood that both sides were eagerly and actively cooperating to get through with this legislation and to get home. There has been a little suspicion that there was a disposition to unnecessarily prolong the discussion, and I think that policy has had something to do with the meager attendance that we have sometimes had. But I understand that the minority now give us assurances that there will be no disposition whatever to indulge in any unnecessary discussion.

Mr. GALLINGER. That has been announced over and over again by Senators on this side of the Chamber; and I want to ask my good friend from North Carolina—because we are good friends—that he drive from his mind those evil suspicions that he has of the Members on this side of the Chamber. We are good-natured. We would defeat all this legislation if we could, but we know we can not; and we are quite as anxious to go home, after proper legislation has been enacted, as can be the Senator from North Carolina or his associates.

Mr. SIMMONS. The Senator understands I have no personal suspicion. It is rather in the nature of a political suspicion.

Mr. JONES. Mr. President, the Senator says that it has been suspected that there was some purpose of delay on this side, and so on. I submit that there is nothing in the Record, nothing in the proceedings of the Senate, to warrant any such suspicion as that, so far as this side is concerned. My judgment is that an examination of the Record will show that more time has been occupied on that side of the Chamber during the last three or four months, if not during the entire session, than upon this side of the Chamber.

Mr. HARDWICK. Mr. President, if the Senator will yield to me for just a moment—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. Certainly.

Mr. HARDWICK. That is perfectly natural when this side is responsible for legislation, and the Senators on this side are reporting bills, defending them, and explaining them to the Senate; so it is hardly a fair criticism.

Mr. JONES. Yes; but it seems to me there is nothing to justify the Senator from North Carolina in saying that they are suspicious on that side that unnecessary delay has been caused on this side.

Mr. HARDWICK. That may be. I am not passing on that question.

Mr. TOWNSEND. Mr. President, will the Senator yield?

Mr. JONES. Yes.

Mr. TOWNSEND. I would suggest to the Senator also the other fact, that the legislation that is presented here generally has been legislation that has been considered in secret caucus and has been discussed on that side, and the first impression we get of it is when it is reported here to the Senate.

Mr. HARDWICK. That is not true in the majority of instances. It has been true in a very few instances.

Mr. TOWNSEND. Well, in the case of all the large bills—all the bills that have occupied considerable time.

Mr. HARDWICK. Just one or two bills; that is all.

Mr. JONES. Mr. President, I have gotten the information that I desired; and now I will state to the Members of the Senate, for their convenience and in order that possibly it may expedite the business of the Senate, that I shall take until about 12 o'clock, and under the circumstances I do not expect and do not care whether Senators remain here or not. In fact, I should prefer that they go about the necessary business of the Senate, in order to expedite the conclusion of the session.

Mr. KENYON. What time did the Senator say he would finish?

Mr. JONES. I will go on until 12 o'clock, anyway, from the notes that I have here. I will say that I give this notice largely for the benefit of the Democratic members of the Finance Committee and the Democratic caucus, so that they can "get a move on them" with this revenue bill that they are trying to get up.

I am anxious that it shall get out here just as soon as possible, so that we will have an opportunity to consider it for a while, and then proceed with its consideration in the Senate, and get through with it as soon as possible.

[Mr. JONES resumed and concluded the speech begun by him yesterday. The entire speech is as follows:]

Mr. JONES. Mr. President, I appreciate the conditions under which we are considering the shipping bill and under which Senators have been laboring for a long time. We have been meeting at 10 o'clock in the morning and remaining in continuous session until 6.30 in the evening. In addition to that we have our committee meetings to attend, departmental work to look after, and also work at our offices that must be attended to. The temperature has been about 90 degrees and the humidity has been very high. Under the circumstances I know that many Senators are almost exhausted, mentally and physically. It is not surprising, therefore, that there is not very much interest being taken in the shipping bill.

Not only for these reasons, but also because of the fact that the bill has been up for consideration heretofore and has been considered at considerable length—although it has been very materially changed from what it was at that time—and that it is also understood that under caucus action no changes can be made in the bill as reported, that no amendments can be added to it, and that the bill is going to pass as reported by the caucus through the committee, I want to say to Senators who are here that they do not need to remain unless they desire to do so.

Mr. BORAH. I trust the Senator does not insist on our going?

Mr. JONES. I think that for "the good of the service" I ought to insist upon your taking a little rest. I desire to say that I am going to take about the remainder of the day in considering the matter. I say that, so that Senators who may not desire to stay here may go to their offices or go anywhere else that they desire to go, and I shall not yield, so far as I can retain the floor, even for a call for a quorum. Therefore Senators will not be disturbed.

Mr. President, never was party expediency so patent in legislation as now. Convictions are sacrificed and mature beliefs in the fundamentals of constitutional government are thrown to the winds to promote party success. Sentiment is strong for child-labor legislation by the Federal Government. Republicans were for it and for enacting it at this session. A majority of the Democrats were against it because of their belief in the doctrine of State rights. They were not in favor of acting upon it at this session. Their caucus arranged a program. Child-labor legislation was omitted. This must have been done with the approval of the President and with the knowledge that he was opposed to such legislation as unconstitutional. The political effect of such action soon became apparent. Fearful of it, the President, who had deliberately and maturely declared such legislation not only unconstitutional, but absurd, without any expression of any change of view, communicated to some of the leaders of his party that he desired this legislation passed. He did not communicate his views to Congress, but he did emphasize his suggestion by coming here to the Capitol in person and conferring privately with some of the leaders of the Democratic Party.

I have heard it suggested, Mr. President, that this was a sort of prearranged theatrical performance; that it was understood as a part of the program that the Democratic caucus would leave this legislation off its program, and this would give the President the opportunity to come down to the Capitol and have it heralded abroad through the press that he had forced his party to take up this legislation, and in this way to secure some credit for this legislation. Whether that is so or not, it is very much in line with the policy that has been largely pursued with reference to various legislative matters. What was said by the President only those Senators who conferred with him know, but the caucus was called together again. Why? What was the need of such action? Republicans were for the legislation; they were not opposed to it; they were urging its passage; they were demanding early action upon it. The caucus was necessary either to carry out this theatrically staged performance or it was necessary to suppress Democratic opposition. The caucus ordered the bill taken up. It was passed; and yesterday afternoon a great newspaper, fully aware of all the facts, said editorially:

The President himself is not committed to the constitutionality of the bill; rather the other way; but he wanted it, and will sign it on the score of political expediency. He needs the bill in his campaign.

The immigration bill was on the legislative program, according to the newspaper reports and according to the general understanding about the Senate. The people want it; their Senators are for it; the President is against it. He thinks it is

politically unwise to pass the bill now. He does not want to have to veto it on the eve of a campaign, and so he decrees that it go over. The Democratic caucus, again bowing to the Executive will, declares that the bill shall not be taken up.

Rather an unusual performance took place to-day. During the morning hour, soon after the Senate met, under the order of business of petitions, the Senator from Arizona [Mr. ASHURST] rose and announced that he proposed to see to it that the Senate should take a vote on the immigration bill before the session is over. Following suit, the distinguished Senator from Montana [Mr. MYERS] made the same announcement; and yet, upon a motion to take it up a few days ago a solid Democratic vote is recorded "nay" and a solid Republican vote is recorded "yea." This vote will be found at page 11873 of the CONGRESSIONAL RECORD of July 31. It is interesting to note that upon that roll call the distinguished Senators who announced to-day that they proposed to have a vote on the bill are recorded as not voting; but, as I have said, every vote to table the motion to take up the immigration bill was a Democratic vote, and every vote against tabling that motion was a Republican vote. The ambassadors of sovereign States obey the Executive mandate and caucus decree rather than the people's will. The people themselves will pass upon the record thus made.

Mr. President, I do not propose to discuss the propositions that have been before the Senate to-day. It did occur to me, however, that if a simple, plain statement of fact like that made by the Senator from Michigan [Mr. TOWNSEND] can cause so much commotion, so much apparent excitement and uneasiness, and such loud protests from our Democratic friends on the other side, they will certainly be in such a hysterically delirious state of mind before November comes around that will be beyond the conception of any finite mind.

Mr. President, the bill that is under consideration is known as the shipping bill. It is another party caucus decree imposed upon an unwilling majority by Executive domination. Its fundamental principles are not approved by a majority of the Democrats, much less by a majority of the membership of Congress. It is another headstone erected at the grave of another discarded pledge of the Democratic platform of 1912. The uncertain, hesitating, vacillating, erratic action of the Executive is and has been reflected in the same kind of action by the majority in Congress. It has been reflected with reference to this measure.

Last Congress the ship-purchase bill, so-called, was presented. It was very earnestly urged by the Executive and by the executive departments. It was a departmental framed and conceived measure. It did not have the approval of the great majority of the Democratic Members of this body, but it was pressed upon us as an emergency measure. Advantage was taken of the conditions created by the war to press the measure upon Congress for consideration. It was urged that it must be passed; American shippers were without transportation facilities; freight charges were very high; and the only relief that was offered after the emergency shipping bills that had been enacted was the passage of this measure as it was then presented. The bill now before the Senate is very much different from the bill that was urged then.

That bill went through a peculiar performance. It was introduced here, went to the committee, and was reported; then objections were made to it, objections were presented to the different provisions of it, and substitute after substitute was reported. The country thought the bill would furnish them some relief. Determined opposition was made to it, not only on this side of the Chamber but on the other side of the Chamber. The methods of the opposition were vigorously denounced. All sorts of parliamentary schemes were devised in order to overcome the opposition. It was attempted to make the country believe that the opposition to the bill was a captious one, and that the majority sentiment of this Chamber was being thwarted; and yet, Mr. President, the RECORD will show that at no time was there a measure before this body for passage that commanded a majority vote of the Chamber.

The bill failed. We went home last summer and came back here in December, and have been in continuous session ever since. There has not been any special hurry about pressing this bill that was so urgent during the short session of the preceding Congress. Almost every conceivable kind of legislation has been taken up ahead of this bill. The Executive has not seemed to be very urgent about it. The departmental heads did not seem to be so insistent upon it, and many began to expect that the bill probably would not be pressed. Senators on the other side of the Chamber from time to time expressed the hope and the belief that the bill really would not be urged for final action. Many of them hoped that it would not come to a vote. They did not believe in it. They do not believe in it



principles now. They do not believe that it will be of any special benefit to the people of the country, and they do not believe that it will rehabilitate our merchant marine.

It is framed on principles that are against their lifelong convictions, and, as I said, they hoped it would not be pressed. They thought it would not come up, but they could not escape the Executive mandate. Notwithstanding the fact that apparently there are no ships that can be purchased—at least, none that can be purchased at a reasonable price—notwithstanding the fact that no ships can be built for possibly two years, notwithstanding the fact that any alleged emergency can not possibly be met by this bill, word came down to the majority that they must pass it.

Why? Well, I do not know; but I have my ideas about it. I am inclined to think that its passage has been insisted upon simply to show that they can do it; that it has been insisted upon to satisfy somebody's vanity; that its passage is insisted upon simply to show the minority and the people of the country that when the Executive and the executive departments want something done, and decide that it shall be done, they can get it done.

Furthermore, I believe that behind the pressing of this bill now is about the same idea that there appears to be behind some of this other legislation. There is politics in it. There are political motives. It is thought, I suppose, that they can make the people of the country think that some great thing has been done toward building up the merchant marine of this country, and when this bill is passed our friends will go out on the stump and tell the people what wonderful things they have done toward building up an American merchant marine.

The American people are anxious for a merchant marine. We all want to see ships flying the American flag, manned by American sailors, carrying American products to all the markets of the world; and if our opponents can just simply tell the people that they have done something to bring about this desired end they think that the people will not look very much further; that they will not examine the particular legislation to see whether or not it will really do what they claim it will do, but that they can simply say, "We have passed legislation for the upbuilding of the merchant marine," and that will end it.

Of course the election comes in a couple of months. Nothing can be done under the bill before that time. Its effect can not be determined. They may start the members of this board to drawing their \$10,000-a-year salaries. That may be done; but that will be as far as any accomplishment will come about before election. That is the way it has been with reference to a good deal of this legislation that they have passed and of which they are so proud.

The child-labor bill, for which most of us are heartily in favor, has been put off until the session is nearly over. It has not been pressed until just the last few days, and it does not go into effect for a year, so that the beneficent results that we hope will come from that legislation will not be taking effect until this administration is out of power.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to suggest that it was the effort of the Democratic friends of this measure to have it on the statute books as much as a year ago?

Mr. JONES. Oh, I have gone over that.

Mr. FLETCHER. It is not a new proposition, so far as this side is concerned. It can not be claimed that it is done now for election purposes.

Mr. JONES. I am afraid the Senator has not honored me by his presence. I have not asked him to do so and I do not expect him to stay here, but I have already expressed my views with reference to that matter. I have not seen any special activity toward pressing this bill to passage until just the last month or two. As a matter of fact, as I said, a good many Senators on that side of the Chamber privately expressed from time to time the hope and the belief that the bill would be allowed to slumber and pass over, and that it would not be passed; but that, of course, is not a matter of record, and may not count for anything.

Mr. FLETCHER. I will say to the Senator that I have not been present during all of his remarks; but I distinctly heard, as I thought, the proposition that there was no chance whatever of getting ships, and therefore this was simply a play to the galleries before the election; and I wanted to remind him, in that connection, that this effort was made over a year ago.

Mr. JONES. Oh, that was not the reason I gave for thinking that this was simply a play for the election—the fact that the ships can not be purchased, or anything of that kind; but it was the dilatory way in which this bill has been pressed during the last year that led me to conclude that the main purpose

of pressing it now is to get it through so that the Democratic Party could say at election time that they had done something, or tried to do something, for the American merchant marine. Of course, my friend from Florida will not agree to that; I know that; but I form my opinion simply from the record and from what has been done and from what has not been done. I form my opinion largely because of the intense activity during the short session a little over a year ago, and the urgent appeals made then for the immediate passage of the bill, and the very dilatory action and the sort of half-hearted way in which the bill has been pressed during the last year.

Then, there is the rural-credits legislation. That was passed finally. It went all through the two years of the first part of this administration and very little was done with reference to rural-credits legislation, although it was declared, I think in one of the first messages of the President, that it was of equal importance with other banking legislation. Yet nothing was done. It was not pressed. It was not urged. Nothing was enacted, and this session got very far along before the legislation was passed. The board provided for in that bill has just been appointed, and now it is stated that it will not go into active operation for six months; so that there will be nothing coming to the people prior to the election to show them any of the benefits of the legislation that has been enacted.

The benefits will all be in the future, and whatever political advantage may come from anticipated benefits will of course come to our Democratic friends from this legislation. It will be found to be a mere makeshift; an expensive, cumbersome, and burdensome system that will have to be perfected and simplified by the Republican Party. It will do this promptly after the 4th of March.

I simply call attention to this condition of the record in the hope that the people will just consider these things a little bit when our Democratic friends are telling them what wonderful things they have done for them. You will not be able to put your finger upon any very substantial benefit that can be traced to Democratic legislation.

Mr. President, as I said a moment ago, everybody is anxious for an American merchant marine. Everybody realizes its importance to every industry in the country and to every class of our people. It is a part of our patriotic desire that we should see the American flag flying upon American ships in the harbors of the world and across the seas from continent to continent. Its importance as a means of defense in case of war, its importance as a matter of industrial preparedness, can not be questioned. That is beyond argument. We need not point out the necessity and the importance of a merchant marine. We need not cite the opinions of the fathers of the Republic as to our need of a merchant marine and as to its importance in time of war and in time of peace. Everybody appreciates that.

It is said that the purpose of this bill is to build up an American merchant marine; that that is the intention of those who press it. With the declared purpose and with the declared intention, nobody can be in disagreement. The main question and the sole question is whether this bill will accomplish the purpose and the ends desired by everybody.

Mr. President, the question of building up an American merchant marine is not a party question; at least, I do not consider it a party question; I never have considered it a party question. I have hoped that legislation for its development could be framed and passed free from partisanship. There has been heretofore no substantial difference in party platform declarations with reference to the building up of an American merchant marine. Of late years the only declarations that we have had in party platforms have been of a general character. We have not gotten down to specific methods or specific plans. The last specific declaration of the Republican Party was in 1896—that is to say, that is when they declared for a specific plan of building up the American merchant marine—and I want to read the platform then:

We favor restoring the American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships, the product of American labor, employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans, may regain the carrying of our foreign commerce.

Mr. President, in my judgment, that was not only a patriotic declaration, but it was a wise declaration. It was the declaration of a wise policy to be pursued by this country. It was a declaration in favor of a policy that had been tried and tested in the early days of the Republic and had been found to be most efficient. Under this policy our merchant marine sailed every sea and entered every harbor. Our ships were the superior of the ships of any other nation.

Our sailors were the superior of those of any other nation, and through our shipping, through our seamen and our sailors,

our Navy was able to gain victories in the War of the Revolution and the War of 1812 that not only reflected glory upon our sailors and our seamen, but that really brought victory out of defeat and saved our Republic from humiliation, if not from overthrow.

The Democratic platform of 1912, as I construe it, declared for the same policy, although not definitely or in so many words. The declaration is as follows:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the South, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Mr. President, when that platform was uttered the Democratic Party was in control of the House of Representatives. It had been in control for two years. Legislation for the upbuilding of the merchant marine had been presented. The bills had been reported from the committee, which was controlled by Democrats. What did they propose? Did they propose Government ownership? No. Did they propose Government operation? No. Did they propose Government purchase? No. They proposed a system of discriminating duties, and a bill was reported to the House carrying a provision for discriminating duties for the building up of the American merchant marine, and my recollection is that that provision in the bill met with the unanimous approval of Democrats and Republicans.

During that session one of the most distinguished Members of this body, one of the most able Members of this body, was chairman of the Ways and Means Committee of the House of Representatives. He was the majority leader on the floor of the House, and he made a powerful speech in favor of building up the American merchant marine and in favor of a particular policy for doing that very desirable thing. What did he urge? What did he press upon his party colleagues and upon Congress? He urged the system of discriminating duties, and he presented in favor of that policy an argument which, in my judgment, is unanswerable.

What had the Democrats in the House of Representatives proposed when they were in the minority during the many years of Republican control? Had they proposed Government ownership? No. Did they propose Government purchase of ships? Did they propose Government operation of ships? No; but time after time they filed minority reports recommending and urging the establishment of the system of discriminating duties, and presented in these reports an argument which has not been answered to this day.

Mr. President, it is for these reasons and because of this action by the Democrats in the House when they were in the minority and when they were in the majority that I assert that their platform of 1912 was a declaration in behalf of the system of discriminating duties.

There, Mr. President, was a common ground upon which all parties could have gotten together upon this great proposition. In my judgment there is a common principle or policy upon which the great majority of the Members on both sides of this Chamber could unite; and, in my judgment, it would result in the permanent building up and development of a merchant marine for this country.

The Senator from North Carolina [Mr. SIMMONS] on yesterday twitted the Republicans because we had done nothing, although we were in control of the Government for a great many years. Well, that is true. We did not pass legislation for the building up of the merchant marine. We did not do it for the same reason that you did not do it during the first two years of this administration—simply because there were some in our own party who, joining with the opposition, were able to defeat the propositions that the majority presented. It is true that the Republican majorities presented what might be considered and has been termed a subsidy plan and a subvention plan or fast ocean-mail pay plan. As I say, this did not command a majority, and so nothing was done. Republicans called no party caucus to stifle honest opinions and sincere convictions. Every Republican Senator and Representative was left free to discharge his duty as a representative of the people.

But you now are in a position of taking up plans that you never indorsed before, that you never advocated before. You are now in a position when you get in power of abandoning every proposition that you advanced when you were in the minority. Why have you done it? It is harder for you to explain why you have done that than it is for us to explain why we did not pass any legislation. If your party believed when it was in the minority in the discriminating-duty plan, you would not have had a bit of trouble in passing a proposition of that kind

when you were in the majority. You could have passed it in the last Congress if you were in favor of it when you were in the minority and continue to be in favor of it. You could not only have passed it by your votes, but you could have secured at least a majority of those on this side of the Chamber for it. Why do you not press it now? Were you sincere when you were in the minority? If so, why have you changed? If you were insincere, why?

Mr. President, during the first Congress of this administration you did make a feeble attempt at doing this. You did show that you really believed in that policy, and in your tariff bill the House of Representatives put in a provision, weak it is true, very ineffective it is true, but nevertheless embodying the principle of discriminating duties. In the Senate you struck it out, and you struck it out by Democratic votes. It could not have been stricken out in any other way, because there were several Republican votes in favor of that provision. It went to conference. Our esteemed colleague the Senator from Alabama [Mr. UNDERWOOD] was one of the conferees and he insisted upon that provision. I do not remember now whether it was modified or not, but the principle of it was embodied in the bill and it became a part of the law.

It applied, however, only to those countries with whom we had no treaties that would be contravened by its terms. There are no very important countries that it applied to. It did not amount to very much, and yet little as it was, what did your administration do? As I understand it, public officials are sworn to support the laws that we pass and the Constitution, and yet your Attorney General's office has appeared in opposition to that law, and instead of trying to sustain it your administrative officers and your judicial officers have been doing their utmost to defeat it. So I understand it is now before the Supreme Court of the United States with the Attorney General's office represented against the law.

Mr. President, the administration took up something else. Another plan suggested itself to them, and they prepared the bill and sent it down to us expecting us to pass it if they did not order us to do it. You took up something that had never been submitted to the people of the country. You took up something that had never been passed upon by the people of the country. You took up something that you had not declared for in your platform, but which, in my judgment, is squarely against the declaration in your party platform of 1912. In that platform you specifically declare that you will not place any burden upon the Treasury of the United States. Yet you propose to take out \$50,000,000 directly from the Treasury to put this plan into operation. You have denounced subsidies and yet this bill will in effect be a far greater subsidy than was ever proposed by any of the much-denounced subsidy bills.

You involved in it a principle that the American people are against except as a last resort, and that is Government ownership. No party platform has even declared in favor of it. At no national election has the policy been indorsed or approved. Yet that was the fundamental principle of the bill that was submitted by your administration and pressed upon Congress day in and day out. But it was finally defeated. It is still the fundamental policy of this bill, although acknowledged by few.

If you read the debates in another body with reference to this measure, you will find that those urging this bill disavow their belief in Government ownership. You will not find the proponents of the bill in this body favoring Government ownership. They present this bill and urge it upon special grounds. They urge it as meeting a special emergency. They urge it as providing for a naval auxiliary. They try to avoid the fundamental principle of the bill.

Mr. President, if this is a bill for the development of an American merchant marine, if it is a bill for the building up of the American merchant marine, it must embody a policy that is applicable not only to the present but to the future, and more to the future than to the present. If there is any policy in this bill it is the policy of governmental ownership. If that policy is not in the bill then there is no policy in it and it is a mere makeshift, a mere sham, a mere fraud, a mere pretence. If that is the policy we need not expect private capital to try to compete with it or the Government.

Mr. President, we need a policy for the upbuilding of the merchant marine. We are not so much in need of something to meet an emergency as we are in need of something that will develop a merchant marine for the future necessities of the country, for the future necessities of our commerce, and to take care of the situation that is bound to confront us when the present abnormal conditions are over, and when an almost equally abnormal condition will come the other way. What



we want is not so much a policy or a plan that will bring ships immediately to our assistance as a policy that will develop ships for the future and that will develop a privately owned American merchant marine and continue the activity that is now under way.

How much shipping, Mr. President, is it estimated that we really ought to have under the American flag, that we really need, to give us a merchant marine that would meet the emergencies of war in the future as well as the needs of peace? A conservative estimate is from six to ten million tons of American shipping to carry about 60 per cent of our foreign commerce. What is the estimated cost of such a merchant marine? From \$750,000,000 to over \$1,000,000,000. Is it proposed by those who support this bill and who advocate this policy, if it is to be called a policy, that the Government is going to put up \$750,000,000 or \$1,000,000,000 in the development of an American merchant marine? No one would contend that. In fact, they disavow that. They would not dare submit such a proposition openly and squarely to the people. And yet that is the effect of this bill if it contains any policy at all.

If they admit that is what the Government is going to do, then the fears of those who came before our committee and told us that they were afraid of this bill because it is an entering wedge for permanent ownership and Government operation and a Government-built merchant marine were well founded. If you do not advocate it, if that is not what you want and what you believe in, then this bill amounts to nothing. It proposes to appropriate \$50,000,000. Suppose you take that \$50,000,000 and build ships in the costly, expensive way that they must be built now, how much tonnage do you get? The highest estimate was five or six hundred thousand tons. We need from six to ten million tons. You probably would get about 250,000 tons out of this \$50,000,000 now.

Oh, but they say that is something. Yes, it is something. Oh, but they say that every ship you add to the merchant fleet of the world furnishes that much additional means of transportation for our products, and that is what we want. That is true to a certain extent. It does add and should add a few more ships; but what figure would those ships cut under present conditions toward reducing freight rates? Take a bucketful of water out of the ocean and you get it that much nearer being dry, but you do not see any effect when taking that bucketful out, and for all practical purposes you are no nearer the bed of the ocean than you were before you took the bucketful out. So it is with this. Taking the most extreme case, even if you could get to-morrow all the ships that will be constructed with the money provided in this bill, they would not show any appreciable reduction in the freight that must be paid under present conditions for the transportation of the products of the farm, the factory, and the mine. Only the specially favored few who would lease and operate such ships under this bill would profit from them. This bill is urged for the benefit of the people. Its real beneficiaries will be a few ship operators or a few great exporters.

But they say we want to build up the American merchant marine. We all want to do that. They are going to tell the people that this legislation has been enacted for the purpose of building up an American merchant marine. I will not deny that. They will tell the people that we intend by this bill to promote the development of the American merchant marine. I will not deny that. I will not question the sincerity of the purpose of our friends who are behind this bill. I will not question the honesty of the intention of those who press this bill. We are all in favor of the purpose that they have announced; we are all animated by the same intention. Will this bill promote the purpose that they announce? Will it carry out the intention that animates them? These are the real issues involved in this bill.

Those who came before the committee represented, of course, private interests and private capital, and they testified that this bill would deter private capital from going into the shipbuilding, owning, and operating industry. Of course, we must take into account that they are probably moved to a certain extent by selfish motives, and yet if we can not take the opinion and the judgment, with proper allowances, of men who are acquainted with the condition and character of this as well as other industries, it seems to me that we are going almost without a rudder; that if we must take the judgment of men who know nothing from practical experience about a certain line of business as to what is best to carry on that business, then we must say that experience is a detriment rather than a benefit, that experience disqualifies a man instead of qualifying him to judge what is best along the line of his work and his activity. To follow such a course is to reverse all business and human experience, judgment, and rule of action.

The men who came before the committee not only said that this measure will deter private capital from going into the shipbuilding industry, but they said that they know it has already done that, and there are those who specify the particular cases wherein capital was ready to go into the shipbuilding industry, but has not gone in because of the pendency of this legislation.

Mr. President, the men who make these statements are men of integrity; they are men of high character and standing, and there is not any reason apparent why their word should be doubted. As a matter of fact, I believe that the passage of this bill will deter the building of more ships by private capital and enterprise than can be built under it. Instead of enlarging our merchant marine it will actually diminish it in the ultimate result.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. I yield.

Mr. VARDAMAN. Mr. President, I agree with the Senator from Washington that the effect of this legislation will be disappointing; but when the Senator states that certain men experienced in the shipbuilding business have come before the committee and stated that this legislation will retard or interfere with the building of ships by private companies, in the light of the fact that the number of ships to be built by the money appropriated in this bill is so insignificantly small compared with the demand for shipping—that fact, coupled with the fact that the Government is going out of this business by the terms of this bill in five years, seems to rather discount the sincerity or the force of the statement made by these gentlemen who came before the committee that this legislation would prevent the building of shipping. I do not see how this legislation is going to interfere with it at all.

The ships are to be built to be put into the trade; they are to be given to private companies to operate, and if the business of the country demands it I do not see how it is possible to interfere with the prosecution of private enterprise.

Mr. JONES. Well, Mr. President, this is what they say. They say that this is but the beginning; this is but the start; that while the bill now provides that only \$50,000,000 shall be invested in the building of ships, their observation has always been that when the Government gets started along a certain line the demand is for more and more and more, and that we are not likely to stop with \$50,000,000 for the construction of ships, but that we will keep on appropriating an additional amount or turning over and over this \$50,000,000, and this will have a tendency to, in fact will, drive private capital out of the shipyards and shipping lines. That is the argument they present.

Mr. VARDAMAN. But if that is the purpose of the Government and of the Democratic administration, that answers the Senator's argument that the appropriation which this Congress is making, and which this administration is favoring for shipbuilding, is wholly inadequate and insufficient to meet the demand of the shipping trade, for, as the Senator says, it will require six or seven hundred million dollars to do it. It is the purpose of the administration to begin to inaugurate a policy which is going to supply this much-needed facility for transporting goods by water. That answers the Senator's argument that the administration has been neglecting its duty just that far.

Mr. JONES. But here is the trouble about that. While we need from six to ten million tons of American shipping to carry our commerce in American ships, when the European war is over there will be shipping of other countries available to do that business. We shall not in a sense need American shipping, except as we think we ought to have it under the American flag. They say there will be ships available when the European war closes; when the English ships that are now used in transporting armies and munitions of war and supplies; when the German ships that are now interned; when the French ships that are now being used for war purposes are all released, we shall have almost as much tonnage available for transporting the world's commerce, including our own, as we had at the outbreak of the war. That, I think, is true. It is not so much that we should have to add six or ten million tons under the American flag to the world's shipping as it is desirable to have it under the American flag, notwithstanding the other supply of tonnage may be reasonably sufficient for the world's business. They say, if the Government is going to put up money for the building of ships, while, of course, it does not come any way near supplying the immediate demand, yet the tendency, and the continued tendency, is to get more and more Government money

for that purpose; and the more we do that, the more we retard private capital from going into the business.

The Senator from Mississippi knows, as I do, that capital is awfully timid. I think many times that capital is too timid; but I can not speak from experience; I have not been able to handle any capital, and so I do not know just how timid I would be with it or how courageous I would be with it; but I fear I am too courageous with everybody else's money.

We here in Congress do not seem to be very timid about appropriating the people's money and making demands upon the people's money; but, notwithstanding our courage, it is true that capital is timid, capital is scary. It is also true that neither you nor I, as legislators, can compel capital to go into any particular line of industry or business; and if we pass this legislation, which scares capital, whether it has good grounds to be scared or not, if it is scared capital will not put its money into it.

These gentlemen say this will be the result. I do not say that they are entirely right about it, but I have not had experience sufficient to say that they are wrong. Their contention is reasonable, to my mind, and should not be lightly cast aside. At any rate, as I say, these men state they know instances where shipbuilding concerns and ship-operating concerns intended to let contracts for a certain number of ships and that they have refused to do so because they saw that this bill was being pressed. If this has already been done, we may expect such a course to be continued after the bill is passed.

Mr. VARDAMAN. Mr. President, will the Senator from Washington yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. Certainly.

Mr. VARDAMAN. I really think that the result of the building of these ships is not going to be in the interest of the masses of the people; I do not think it is going to affect freight rates. I think about it as I did a year ago when the matter was up for consideration. I think it is going to enable capitalists to lease ships and to operate them for their special benefit, and that the probabilities are that the loss which the Government will sustain will be pocketed by the people who pay the taxes. I do not feel, though, that there is anything in this measure that capital has anything to be alarmed about.

Mr. JONES. The Senator may be right about that. I am simply giving him what men—able men and careful men—testified to before our committee. I agree with the suggestions that the Senator makes with reference to the benefits that are to come, or the lack of benefits that are to come, from this legislation; that when our friends go out and tell the people that they have done something for the upbuilding of the American merchant marine, something that will help them in getting cheaper freight rates, and all that sort of thing, that the people will never realize those benefits; that they will never see any benefits from it. They may hope for them hereafter, but they will not come. They will go, as the Senator says, to the men who lease these ships; they will go, as I have said, to some special few ship operators, or to some specially favored interests or exporters.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I want to make myself more distinct and definite about one statement which I have made. I think the provision of this bill which creates a shipping board, with the power to regulate freight rates, will redound to the interests of the shippers to some extent; but, so far as the competition which is going to be created by the building of ships under this bill is concerned, I think the effect will be well nigh infinitesimal.

Mr. JONES. I did not understand the Senator in his other remarks to refer to what effect might come from the regulative powers given to the shipping board. That I shall discuss a little bit later on if time will permit.

Mr. President, as I have said, we need a policy for the future, and I shall present a little later my suggestions as an individual Senator as to what I think ought to be done. The present conditions are the greatest incentive possible to the development of an American merchant marine. The existing war conditions are the greatest subsidy, if it may be called such, or subvention or encouragement toward the building of an American merchant marine that we could have, and these conditions simply illustrate what the Government must do in order to have a permanent development of the merchant marine to a greater or less degree.

Prior to the war we were wondering why capital did not go into the business of building up an American merchant marine. We were wondering why ships were not being constructed in our yards to fly the American flag, to carry our products across

the sea, and to bring foreign products to our shores. We were trying to devise this measure and to encourage capital to go into this industry. It seemed, however, that nothing could be done. Away back—I think in 1891—we passed an act known as the ocean mail pay act. We thought by that act we were giving ample compensation and affording sufficient inducements to lead capital to go into the construction of fast ships to carry not only our mails but our products. My recollection is that only four ships ever took advantage of the act between this country and Europe, and a few ships to nearby countries; certainly the fast ships we secured under the provisions of that act amounted only to two or three or four, and they are the only source of pride that we now have in our merchant marine under the present conditions.

Then it was found that that act did not offer sufficient inducement to capital to enter the ocean carrying trade under the American flag. Capital did not go into that business.

I might argue from my lack of knowledge of the industry and of the business, that the law which we passed gave ample compensation to warrant capital to put its money into shipping, and I might present good reasons for my belief from an academic standpoint; yet the facts are that capital did not go into the business, and capital would not go into it and has not gone into it under that law, and will not do it. But the very moment that the demand for shipping became great enough to offer rewards sufficient to lead capital from other lines of industry and other lines of development into this line of development. It went there, it is going there now, and it will continue to go there as long as conditions exist as they are now; and as long as there is hope for a reasonable return on the investment capital will continue along this line. If these conditions are to continue, we do not need any legislation to encourage the development of an American merchant marine. They will not continue. This fact makes a definite policy for the future imperative. What are the shipbuilding conditions now?

Why, Mr. President, ships are being built now faster than they have ever before been built in this country; they are building just as fast as the shipyards of the country can construct them; and, Mr. President, do you know that during the last year more tonnage has been available for the transportation of American commerce than ever before in the history of our country? That may seem remarkable to some who have not given this matter any particular thought.

I believe that a great many people throughout the country think that during the last two years we have not had as many ships for the transportation of tonnage as we did before the European war commenced; and yet the fact is that we have had a greater tonnage for this purpose than we ever had before. I believe that, whatever strength there may be throughout the country to the support in behalf of this proposed legislation, it comes from the thought and the belief that we have had a much smaller supply of ships than we had before the war began; yet, if we stop to think for a moment that our foreign commerce is greater in the aggregate by one or two billion dollars than it ever was before, we will realize that we must have had more shipping to transport it, unless, of course, our foreign commerce was made up of products of a much higher class than usual, commanding higher prices and requiring less cargo space.

I have the Commerce Report here with reference to shipbuilding and tonnage available, and I want to put it in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES. Well, I want to read some of it, Mr. President.

I have here the Commerce Report for Saturday, July 8, 1916. At page 84 is the heading, "American shipbuilding during fiscal year."

This, now, is as to what our shipbuilding plants have been doing. This shows that under the conditions that now confront us and that now surround us, American capital and American industry and American shipyards are more active than they ever were before; that when the opportunities offer and when the encouragement is presented that warrants capital going into this line of work, it goes there, and that it is engaged in it now.

The Bureau of Navigation, Department of Commerce, reports 1,030 vessels of 347,847 gross tons were built in the United States and officially numbered during the fiscal year ended June 30, 1916, compared with 1,266 vessels—

That is, a greater number of vessels.

Mr. VARDAMAN. Mr. President, what was the first number the Senator gave?

Mr. JONES. The first number was 1,030 vessels of 347,847 gross tons. I was going to call attention to the fact that the number of vessels built in the preceding year was greater than in this last year, but the tonnage was much less. In other words,



the ships in the prior year, while greater in number, were smaller in tonnage—  
compared with 1,266 vessels of 215,711 gross tons during the fiscal year ended June 30, 1915.

That is, the tonnage for the fiscal year ending June 30, 1916, was 347,847 gross tons, while the tonnage for the fiscal year ended June 30, 1915, was 215,711, showing 130,000 tons more for the fiscal year 1916 than the fiscal year 1915.

The seaboard yards—

Now, this describes these ships—

have built 35 large steel merchant steamers aggregating 191,859 gross tons, the largest merchant steel output in their history. Of these, 21 steamers are each over 5,000 gross tons, the largest being the steamer *H. H. Rogers* of 10,050 gross tons, and 14 are between 3,000 and 5,000 gross tons each. The Newport News (Va.) Shipbuilding and Dry Dock Co. built 6 of 40,329 gross; Maryland Steel Co., Sparrows Point, Md., 8 of 35,665 gross; Union Iron Works, San Francisco, Cal., 5 of 32,665 gross; New York Shipbuilding Co., Camden, N. J., 7 of 32,164 gross;

and Fore River Shipbuilding Co., Quincy, Mass., 4 of 24,932 gross. The Newport News, Camden, and Quincy yards were also engaged in naval construction.

Of these steel ocean steamers, 24 of 138,858 gross tons have been registered for foreign trade, 8 of 34,386 gross tons enrolled for the coasting trade, one, the steamer *Pacific*, of 6,034 gross tons, was sold to Norwegians, and up to June 30 the two remaining had not been documented.

Of the relatively small output of the Great Lakes, 8 vessels of 14,775 gross tons are each under 2,500 tons, built for the ocean trade, of which 4 are for foreign trade and 1 (*Morris Adler*, of 2,481 gross) has been sold to Norwegians.

Then I will put in the rest of this article, with the table, if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

CLASS OF VESSELS AND WHERE BUILT.

Following is the detailed statement according to material, power (gasoline included under steam), and place of build for the fiscal year ended June 30, 1916, compared with the preceding fiscal year:

Fiscal year ended June 30, 1916.

	Atlantic and Gulf.		Pacific.		Great Lakes.		Western rivers.		Total.	
	Number.	Gross.	Number.	Gross.	Number.	Gross.	Number.	Gross.	Number.	Gross.
Wood:										
Sailing.....	44	14,208	3	1,879					47	16,087
Steam.....	242	7,107	172	8,426	82	1,350	98	1,898	594	18,781
Unrigged.....	159	49,053	77	10,054	20	3,060	29	677	285	62,844
Total.....	445	70,368	252	20,359	102	4,410	127	2,575	926	97,712
Metal:										
Steam.....	47	162,237	6	32,887	23	48,079	10	2,009	86	245,212
Unrigged.....	5	2,723			7	2,117	6	83	18	4,923
Total.....	52	164,960	6	32,887	30	50,196	16	2,092	104	250,135
Totals:										
Sailing.....	44	14,208	3	1,879					47	16,087
Steam.....	289	169,344	178	41,313	105	49,429	108	3,907	680	263,993
Unrigged.....	164	51,776	77	10,054	27	5,177	35	760	303	67,767
Grand total.....	497	235,328	258	53,246	132	54,606	143	4,667	1,030	347,847

Fiscal year ended June 30, 1915.

	Atlantic and Gulf.		Pacific.		Great Lakes.		Western rivers.		Total.	
	Number.	Gross.	Number.	Gross.	Number.	Gross.	Number.	Gross.	Number.	Gross.
Wood:										
Sailing.....	49	7,225	1	16					50	7,241
Steam.....	297	8,297	237	13,612	103	2,029	106	3,144	743	27,082
Unrigged.....	205	51,515	101	4,187	35	3,727	14	194	355	59,623
Concrete.....	2	565							2	565
Total.....	553	67,602	339	17,815	138	5,756	120	3,338	1,150	94,511
Metal:										
Sailing.....	1	27							1	27
Steam.....	35	98,332	8	16,833	17	4,458	8	762	68	120,385
Unrigged.....	1	283		434	1	34	4	37	7	788
Total.....	37	98,642	9	17,267	18	4,492	12	799	76	121,200
Totals:										
Sailing.....	50	7,252	1	16					51	7,268
Steam.....	332	106,629	245	30,445	120	6,487	114	3,906	811	147,467
Unrigged.....	206	51,798	102	4,621	36	3,761	18	231	362	60,411
Concrete.....	2	565							2	565
Grand total.....	590	166,244	348	35,082	156	10,248	132	4,137	1,266	215,711

Mr. JONES. Then, at page 223 of the hearings before the subcommittee of the Senate Committee on Commerce, Mr. Chamberlain, the Commissioner of Navigation—

Mr. VARDAMAN. May I ask the Senator, are those the hearings of this year?

Mr. JONES. Yes; of this year. Mr. Chamberlain, the Commissioner of Navigation, gave a statement of the ships and their tonnage, and so forth, built or under contract on the 1st of the months of February, March, April, May, and June of this year. You will note, Mr. President, that it shows a steady increase. On the 1st of February the tonnage of the ships built or under contract was 901,371. On the 1st of March it was 945,798, or an increase of over 44,000 tons in one month contracted for. On the 1st of April it was 1,067,856 tons, or an increase of 120,000 tons in one month contracted for. On the 1st of May it was 1,129,014 tons—an increase there of over 60,000 tons contracted for in one month. Then, on the 1st of June it was 1,147,534, or an increase of 18,000 tons contracted for in that month.

I will ask to put this entire table in the Record, Mr. President. It is found at page 223 of the hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

On the 1st of—	Built, or under contract.		New contracts.		Vessels completed.	
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.
February.....	230	901,371	20	61,136	6	31,320
March.....	244	945,798	107	151,296	5	23,394
April.....	360	1,067,856	20	51,011	6	12,915
May.....	368	1,129,014	20	81,470	13	53,840
June.....	372	1,147,534				
Total.....			167	344,913	30	121,478

Mr. JONES. Mr. President, that shows, and the testimony is to this effect, that our shipbuilding plants are running to their fullest capacity; that they are limited in their output by

the lack of competent help and experienced and trained men; that if the labor supply were better and greater they could put out more ships or probably would put out more ships, but that they are now running to their utmost capacity, and that we are building more ships than we ever built before.

As to the shipping facilities of the United States for the year 1916, I have here the commerce report of Tuesday, August 1, 1916, and at page 404 I find this heading:

#### SHIPPING FACILITIES OF THE UNITED STATES FOR 1916.

The merchant shipping, American and foreign, cleared from seaports of the United States, 25,475,103 net tons for Europe, South America, Asia, Africa, Australia, and Oceania during the fiscal year ended June 30, 1916, was the largest in the history of the United States notwithstanding the European war, the capture of the port of Antwerp, and the closing of the Black Sea, the blockade of the ports of the central powers, the withdrawal of German and Austrian merchant ships from trade, and the dangers of submarines and mines cast adrift in the routes of ocean commerce.

Mr. President, that was a surprising statement to me, although if I had thought for a moment about the tremendous increase in our foreign commerce I would have been compelled to realize that our shipping facilities must have been greater than before, and I believe that that will be a surprising statement to the people of the country. The people have the impression that our shipping facilities have been less since the war began than before. This is an official statement from our Department of Commerce and is as nearly correct as any such information can be.

Up to the year just closed the greatest volume of clearances from the United States for the over-seas continents named was 24,872,403 net tons during the year ended June 30, 1914, just before the outbreak of the European war.

That shows, Mr. President, nearly 1,000,000 tons more shipping available for the transportation of our commerce in the year ending June 30, 1916, than in 1914, when we had the greatest tonnage available for that purpose.

Now, notice this, too:

Much of the net tonnage in that year (1914) was space for passengers (tourists and immigrants) on ocean steamers, while during the fiscal year just closed such fast steamers to a great extent have been withdrawn from trade to serve as allied transports and hospital ships or held in port to avoid capture, and their place has been supplied by cargo steamers. (A net ton is 100 cubic feet of ship's closed-in space available for cargo or passengers.)

In other words, Mr. President, the tonnage available for cargo carrying for the year ending June 30, 1916, has been very much greater than the tonnage available for any preceding year.

Mr. President, I should like to put in the RECORD the remainder of page 404, pages 405 and 406, and part of 407—the remainder of that article.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

#### OVER-SEAS SHIPPING.

American shipping cleared for the over-seas continents during the year just closed was more than threefold that in 1914 so cleared—2,448,305 net tons, compared with 745,242 net tons for the fiscal year 1914. The American net tonnage cleared from the United States for these continents in the years ended June 30, 1914 and 1916, the foreign net tonnage so cleared, and the combined American and foreign tonnage were as follows, American tonnage more than doubling in each case and foreign tonnage showing a decrease, except to Asia:

Clearances for—	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
Europe.....	Tonnage. 447,667	Tonnage. 1,134,952	Tonnage. 19,598,524	Tonnage. 18,791,713	Tonnage. 20,046,191	Tonnage. 19,926,665
South America.....	192,479	945,353	2,237,171	1,764,720	2,429,650	2,710,073
Asia.....	72,218	131,198	1,165,083	1,483,196	1,237,301	1,620,396
Australia, etc.....	28,615	157,390	724,189	596,486	752,804	753,876
Africa.....	4,263	79,412	402,194	384,681	406,457	464,033
Total.....	745,242	2,448,305	24,127,161	23,026,796	24,872,403	25,475,103

#### SHIPPING BOUND FOR EUROPE.

During the past fiscal year our shipping facilities (net tonnage) for the export trade to Europe have been the greatest in our history. Although the net tonnage in 1914 was a trifle larger—half of 1 per cent—much of that net tonnage in 1914 was for the passenger trade, as stated, which in 1916 was relatively small, and cargo space in 1916 was supplied to help to meet the great volume of our exports. During 1914 the American Line mail steamers to Southampton and the Red Star Line passenger ships to Antwerp were virtually the only American ships in trade with Europe; in 1916 American ships traded with the maritime nations of Europe, except Belgium and the blockaded Central Powers. The total tonnage clearances to France and Italy almost doubled, the clearances to Norway, Denmark, and Sweden more than doubled, and to Greece increased over threefold. The following summarizes the net tonnage clearances to European countries:

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
Austria-Hungary.....	Tonnage. 187,965	Tonnage. 517,963	Tonnage. 943,769	Tonnage. 1,131,734	Tonnage. 1,131,734	Tonnage. 3,636,707
Belgium.....	184,140	1,763,808	3,452,567	1,763,808	3,636,707	3,902,073
France.....	8,406	3,893,667	7,351,796	7,700,103	7,593,402	8,304,707
Great Britain and Ireland.....	241,606	5,727	93,203	345,855	93,203	351,582
Greece.....	135,116	1,893,915	3,444,597	1,893,915	3,444,597	3,579,713
Italy.....	10,014	1,751,756	1,356,129	1,760,682	1,356,129	1,366,143
Netherlands.....	8,926	23,535	157,434	197,906	157,434	221,441
Russia in Europe.....	114,593	681,393	1,482,153	681,393	1,482,153	1,596,746
Scandinavia.....	11,464	422,571	547,177	422,571	547,177	558,641
Spain.....	45,759	127,249	265,226	127,249	265,226	310,985
Other Europe.....	764	447,667	1,134,952	19,598,524	18,791,713	20,046,191
Total.....	447,667	1,134,952	19,598,524	18,791,713	20,046,191	19,926,665

#### CLEARANCES FOR SOUTH AMERICA AND AFRICA.

American shipping in trade with South America has developed more rapidly in the past fiscal year than in any other direction. The American tonnage cleared was almost five times greater than in 1914, and in trade with Argentina particularly the increase is notable. The withdrawal of foreign ships has been made good by increased American tonnage. The increase in total clearances is partly due, of course, to improved financial conditions in those countries, except Peru, and to the removal of the risk of destruction which checked trade with South America for some months after the outbreak of the war. The clearances for South America follow:

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
Argentina.....	Tonnage. 4,757	Tonnage. 191,436	Tonnage. 611,360	Tonnage. 575,812	Tonnage. 616,117	Tonnage. 767,278
Brazil.....	62,356	259,619	648,345	548,880	710,701	808,499
Chile.....	44,385	226,578	482,377	265,547	526,769	692,125
Colombia.....	285	109,197	271,804	74,319	272,089	183,516
Peru.....	48,457	32,885	42,951	50,794	91,408	83,179
Uruguay.....	7,310	51,657	93,069	121,743	100,379	176,400
Venezuela.....	23,066	52,286	29,800	13,357	52,886	65,613
Other South America.....	1,863	9,195	57,465	24,238	59,308	33,433
Total.....	192,479	945,353	2,237,171	1,764,720	2,429,650	2,710,073

The clearances from the United States for Africa on both oceans and on the Mediterranean increased from 406,457 net tons in 1914, to 464,033 net tons in 1916. In 1914 the American shipping thus cleared was insignificant, only 4,263 net tons, while in the past year it mounted to 79,412 net tons, of which over half, in spite of submarine warfare in the Mediterranean, was cleared for Egypt and Algiers.

The foreign net tonnage clearances decreased from 402,194 in 1914 to 384,681 in 1916.

#### TRANS-PACIFIC VOYAGES.

The total tonnage clearances from the United States of ships on trans-Pacific voyages to ports in Asia, Australia, the Philippines, and foreign islands of the Pacific increased from 1,990,195 net tons in the fiscal year of 1914 to 2,374,272 net tons in 1916, and of these amounts American net tonnage increased from 100,833 net tons in 1914 to 288,588 net tons in 1916. The table below shows that the gains have not been uniform, but there have been marked increases and decreases in shipping facilities between the United States and the countries and colonies comprised within the limits named. Clearances to "other Asia" show the greatest increase from 59,176 net tons in 1914 to 618,610 net tons in 1916. During the past year "other Asia" has meant mainly Vladivostok, and the tonnage increase shows shipping facilities provided for the export of locomotives, cars, rails, motor trucks, and steel products generally to Russia through Siberia. Russian Black Sea ports being closed and Baltic ports, especially Riga, partly closed during the year. The effect of the withdrawal of the Pacific Mail ships to Hongkong is to be noted and clearances to the Philippines also show a marked decrease. The Philippine figures do not include Government transports.

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
ASIA.	Tonnage. 4,952	Tonnage. 37,452	Tonnage. 348,147	Tonnage. 162,624	Tonnage. 353,099	Tonnage. 200,076
China.....	19,707	120,832	135,051	120,832	135,051	154,758
British India.....	9,346	75,879	243,856	75,879	243,856	233,202
Hongkong.....	66,615	13,462	531,800	378,086	598,415	391,541
Japan.....	651	51,231	88,425	569,581	89,176	618,610
Other Asia.....	72,218	131,198	1,165,083	1,483,196	1,237,301	1,620,396
Total.....	14,243	136,173	492,119	431,154	506,462	562,406
OCEANIA.	2,051	1,181	143,945	86,407	145,996	87,588
Australia.....	12,821	20,036	88,125	78,725	100,946	95,682
Philippine Islands.....	2,051	1,181	143,945	86,407	145,996	87,588
Other Oceania.....	12,821	20,036	88,125	78,725	100,946	95,682
Total.....	28,615	157,390	724,189	596,486	752,804	753,876



## SHIPPING TO NEAR-BY FOREIGN PORTS.

The gain of 602,700 net tons in export clearances of shipping from the United States across the seas and into waters, to a greater or less extent, the zones of naval and submarine operations and of war risk has been offset, however, by decreased clearances to foreign seaports on or near the coasts of North America. In 1914 these amounted to 14,750,083 net tons; in 1916 to 13,420,158 net tons. The principal decreases have been in clearances to the British West Indies, preoccupied with war, 738,649 net tons, and to Mexico, Haiti, and the Dominican Republic, disturbed by internal dissensions, 688,717 net tons.

In North American waters the foreign clearances of American ships show a large gain, but proportionately not so great as in overseas trade, from 4,395,082 net tons in 1914 to 7,296,777 net tons in 1916. While the figures are larger, they represent a much smaller number of ships and these of less tonnage than the figures for overseas trade, because the voyages in American waters are relatively short and the same ship clears often during the year. To Cuba, Panama, and Central America the American tonnage more than doubled in the year.

Clearances for—	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
Nova Scotia and British Columbia.....	Tonnage. 1,854,058	Tonnage. 1,998,805	Tonnage. 2,855,943	Tonnage. 2,733,882	Tonnage. 4,710,001	Tonnage. 4,732,687
British West Indies and Bermuda.....	138,073	266,163	1,520,591	653,852	1,658,664	920,015
Cuba.....	871,506	1,810,358	1,738,337	1,257,095	2,609,843	3,067,453
Panama.....	500,009	1,139,889	838,097	84,518	1,338,106	1,224,407
Mexico, Haiti, and Dominican Republic.....	964,553	1,691,412	2,203,413	787,837	3,167,966	2,479,249
Central America and West Indies, except British.....	66,883	390,150	1,198,620	606,197	1,265,503	996,347
Total.....	4,395,082	7,296,777	10,355,001	6,123,381	14,750,083	13,420,158

Out of 38,895,261 net tons of shipping cleared on ocean voyages to foreign ports during the fiscal year ended June 30, 1916, 9,745,082 net tons were American, or 25 per cent; in the fiscal year 1914, out of 39,622,486 net tons only 5,141,324, or 13 per cent, were American.

NOTE.—Including frequent but short fresh-water foreign trips to Canada across the Great Lakes and St. Lawrence, American tonnage in 1916 was 34 per cent of the total. Detailed figures will be printed in the Monthly Summary of Foreign Commerce of the United States, June, 1916, to be issued by the Bureau of Foreign and Domestic Commerce about the middle of August.

Mr. JONES. Mr. President, I have just shown that our private yards are taxed to the utmost; that they are running to full capacity; that they are putting out all that labor can put out. Where will we get our ships built under this bill? "Well," they say, "we provided in this bill that they may be built in the navy yards, as well as in private yards." Mr. President, ordinarily we might have some of them built in our navy yards, but does anyone think that we are going to have any capacity in our navy yards for building merchant ships if we adopt the naval program that has just passed the Senate? Every navy yard in the country will be taxed to the utmost, together with the private yards, in order that these naval ships—that is, these battleships and battle cruisers and scout cruisers and torpedo boats and ammunition ships and hospital ships and colliers and submarines—may be constructed at as early a date as possible, as should be done.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. Certainly.

Mr. VARDAMAN. As a matter of fact, I think our Government-owned yards are to be enlarged for the purpose of meeting the demands of the Navy. That is contemplated under the bill we have recently passed.

Mr. JONES. They will have to be enlarged. We do provide that several of the yards shall be fitted up for building capital ships—that is, the battleships and battle cruisers, and so forth. It will have to be done in order to carry out this program that we have provided for.

Mr. President, as I have said before, this bill is urged upon us to meet an emergency, and our attention is called to the high freight charges that must be paid for the transportation of products to this port and that port. We find in the hearings a long list of charges that this man and that man and this merchant and that merchant have had to pay for the transportation of their freight. I remember that in the last Congress, when the ship-purchase bill was presented, we had printed a special document from the Treasury Department giving letters from merchants in different parts of the country telling about what the freight charge was upon their shipments and appealing to the Congress to pass some legislation to reduce these freight charges and bring them relief. Now, this bill is urged upon that ground, and the hope is held out to the farmers of

the country more than to anybody else that they will get great relief as a result of the passage of this bill.

How will they get it? "Well," they say, "we will buy more ships." Are there any ships to be bought, Mr. President? It is reported that some ships can be bought from this company or that company. Well, suppose we buy ships; what relief will that bring for the freight situation? If you buy ships you do not add anything to the transportation facilities.

There are no ships now that are not being used except some ships which the Government itself owns. Why, Mr. President, in the military bill here a few days ago we had an item that provided for the sale by the Government of the transports *Mcade* and *Crook*, and the showing was made that one of these vessels had been tied up at a wharf for several years. Notwithstanding the tremendous demand for ships for the carrying of freight, and notwithstanding the fact that it was said that our Government has expended two millions in freight charges for the transportation of nitrates since this war began, one of these Army transports has been tied up at the wharf for a good many years—a striking example of the efficiency or lack of efficiency of Government ownership. The Senator from Massachusetts [Mr. WEEKS] says that if we had passed the bill which he put in, that ship would have been available. I guess that is true; but it is also true, so far as I am concerned, that when that bill did not pass the department ought to have recommended some legislation to pass that would make that ship available if it could not be used under existing legislation. No doubt we have had to pay thousands of dollars wharfage charges for this ship all the years when it would have been so valuable for the transportation of freight.

Mr. FLETCHER. Mr. President—

Mr. JONES. I yield to the Senator from Florida.

Mr. FLETCHER. I want to suggest that the Senator would hardly class such a ship as a seaworthy vessel—a ship 43 years old. I remember that one of the two vessels the Senator mentions was said to be 43 years old, and the other forty-some years old.

Mr. JONES. Why, the only reason the department urged that they be permitted to sell them was that they should go into the commercial trade of the country. They are foreign-built ships and could not be admitted to the coastwise trade unless you put them in under special legislation of some kind. No, Mr. President; these ships will go into the foreign trade when you sell them to some private buyers, who are, no doubt, ready to purchase them now, and want to purchase them now, and who will make something out of them.

Mr. President, the Senator from Florida says these are old ships. They are old ships; and yet Admiral Benson testified before us that they had one naval transport that was built in 1879 and is good for 10 years yet.

No, Mr. President, the *Meade* and the *Crook* are going to be put to commercial uses when this Army bill becomes a law, and the parties who are now no doubt ready to purchase them will get hold of them at a bargain. Will they reduce rates? No. They are buying them to take advantage of the present high rates. We struck out that item in the Senate and it went back in the conference, and these vessels will be sold and the people will pay high rates for the transportation of their production.

But, Mr. President, as I was saying, to buy ships that are already in the transporting business will not bring any relief to the shippers. It will not add any increased shipping facilities. It will have absolutely no effect whatever upon freight rates and transportation charges. It will simply transfer the ownership of certain ships from one owner to another, and that is all there is to it. The second owner possibly will be not nearly so efficient as the first owner.

Friday, August 11, 1916.

Mr. JONES. Mr. President, on yesterday, when the Senate took a recess, I was considering the suggestion that the shipping bill is urged and pressed upon us for the purpose of meeting an emergency. It will not meet any emergency, Mr. President. There are no ships to buy—at least no ships that can be bought except under very peculiar circumstances that do not reflect very much credit upon our Government, and which I shall refer to just a little bit later on. No present emergency can be met by the building of ships, because the testimony conclusively shows that it will be practically two years before any ship of considerable size can be contracted for now and constructed and put in operation. I think we have every reason to expect that the present deplorable war in Europe will close, at any rate, within two years, and that the abnormal conditions created by it will be largely ended before that time; but the high freight charges are pointed to as showing the necessity for this meas-

ure. It is claimed that our producers and our manufacturers and our shippers have to pay enormous freight rates, and many instances of these enormous charges are cited.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that at the present price of shipping it would not be possible, if the proposed shipping board spent every dollar of the \$50,000,000 carried by this bill, to secure over 300,000 additional tons; and how could that small tonnage of itself, even if it were all acquired and afloat, regulate and affect the price of the tonnage on all the other ships?

Mr. JONES. Yes; I referred to that yesterday, and also have a further note down here, and was going to refer to the very idea suggested by the Senator from Minnesota. I am very glad indeed to have his suggestion, because coming from him—a man of his experience and knowledge with reference to these matters—it carries much more weight than the suggestion would from me. But this suggestion is made to hold out the inducement to our farmers and our merchants and our producers that if we will just pass this bill lower freight charges will prevail, and this will be reflected in the price that they will get for their commodities.

Mr. President, it is true that high freight charges are paid now to the shipowners for the transportation of products and goods and wares and merchandise, and so forth; but I contend, Mr. President, that this is not only the normal result of the abnormal conditions, but that the purchaser of these goods across the water, the foreigner, is the man who pays these high freight charges. As a matter of fact, while it is not so intended, the passage of this bill, if it would accomplish what its sponsors say it will accomplish, would benefit the foreigner and not the American. That is not the purpose, but that would be the result if there is any result.

Prior to the breaking out of this war freight charges were normal. Prices of produce were comparatively low. But since the war broke out, and since the freight charges have increased, the farmers and producers of this country have been getting higher prices than they received before. Why, Mr. President, I note in a newspaper just yesterday that the producer of wheat is getting almost \$1.50 a bushel for his wheat. If these freight rates were reduced, is there anybody who will have the hardihood to contend that the producers of wheat would get the benefit of that reduction in rates? Do our friends contend that if freight rates are reduced the price of wheat will be increased? Surely not. Who would get the benefit of it? The men in England or France or the countries of Europe that buy wheat. They would get the benefit of this reduced transportation cost, not our producers.

The price of our commodities is high, not because freight rates are high but because the demand for them is so great; and when the demand is great the consumer, the purchaser, the buyer pays the transportation charges and the producer gets the price that the demand warrants. Of course, if with increased ships the freight charges were reduced, and that benefit went to the producer of goods and products and not to the consumer, then, under present conditions, of course our people would get a great benefit. But nobody, it seems to me, can seriously contend that the freight charges, the charges for transportation, are paid now by our people. They are not paid by our farmers; they are not paid by our merchants; they are not paid by our business men; but they are paid by the people across the water, who must have our products, who must have our goods, and who must pay for the transportation to their shores, and who are paying for it and have been paying for it and will continue to pay for it while these conditions exist.

Mr. President, high prices to the producers almost uniformly come with high freight charges, because high freight charges can only be paid when there is a tremendous demand for these things, and the people who must have them must get them, no matter what transportation charges have to be paid. Why, Mr. President, we could argue with more force and with more basis that the longer these rates are kept up the longer will continue the high prices for the farmer than we can argue that if you should reduce these freight rates to the people across the water and change the conditions so that these charges would not be so high it would lower the price to our people. As a matter of fact, Mr. President, you will find that when we do get down to normal conditions in the transportation world, when we do get an abundance of shipping for the transportation of products it will not be long until the prices paid to the farmer and to the other people will come down. That price will come down abnormally, too, unless something is done to prevent

the flooding of our markets from abroad. That should be our greatest concern now, and immediate steps should be taken to meet it.

Mr. President, the holding out of this hope, especially to the farmers of the country, that if we will just pass this shipping bill they will get higher prices for their products is a false hope and can not deceive them, in my judgment.

But, Mr. President, if this bill should pass, and if the ships that it is hoped to build or buy under it could be gotten tomorrow, would it lower freight charges? Not at all. As the Senator from Minnesota [Mr. NELSON] suggested a while ago, it would be a mere drop in the bucket. Possibly not more than 250,000 or 300,000 tons of additional shipping could be gotten. What would that amount to as compared with the shipping that we had for the year ending June 30, 1916—twenty-five million and odd tons? It would amount to nothing, and all that it would do would be what the Senator from Mississippi [Mr. VARDAMAN] suggested yesterday: It would put in the hands of some transporters a few ships and enable them to make tremendous profits out of the present condition of things. The real benefit that would come if the ships that the money in this bill might purchase or build could be made available tomorrow would come to the transporters who are taking advantage of these abnormal conditions and the abnormal situation, and it would not benefit the people of the country at all.

But, as I said, when this bill passes it will be two years before any new ships can be gotten; and if you buy ships that are now in the transportation business it does not increase the transportation facilities. That would certainly have nothing to do with the reduction of rates. That would not benefit anybody, except that the Government would transfer the ownership of these vessels to another party, either itself, or it would put them in the hands of some privileged or special favorite and let him make the money that is now being made by the present owners of such ships.

Mr. President, I have been led to think that it is the hope of some of those who press this bill that if it is passed ships can be gotten and used for a specific purpose, used for the transportation of particular products or particular items, in order to get these items and these products transported at cheaper rates than they are now transported. It has been suggested on this floor and it was suggested in the committee that our people have been paying for nitrates from Chile—I think it was \$34 a ton freight charges—and that this is outrageous and we ought not to have to pay it. Therefore, they urged the passage of this bill.

What does that mean, Mr. President? If it means anything it means that it is expected that the ships will be taken for the purpose of carrying nitrates and giving the consumers of nitrates a special advantage. Is that the purpose of this bill? Is it the purpose of those who press this bill, or the hope of those who press this bill, that it will be used to give special privileges and special advantages to particular people, to particular localities, or to special lines of trade? They dare not avow openly any such purpose as that.

But under the terms of the bill as it is now prepared I doubt if they could use it for this purpose even if they wanted to. The Democratic caucus and the Democratic members of the committee decided upon certain amendments to the bill, and they are now in the bill, under which the operation by the Government is practically prohibited, and the result will be under the bill as prepared now that whatever ships are purchased, whatever ships are built, will be turned over to private parties upon a lease.

Mr. President, those private parties will put those ships in whatever trade they want to put them in. They will put those ships where they can get the most money out of them; and if they can get the most money for transporting products from Atlantic ports to European ports, they will do it, and they will not go to transporting nitrates. They will not transport nitrates unless it is a money-making proposition; and the farmers whom they may try to make believe will get a benefit by the cheaper transportation of nitrates will see the ships their money has built going where they can make the most money—where they can get the highest rate. They will see these ships used for the carrying of munitions of war from Atlantic to European ports.

They present figures here showing tremendous prices or charges for the transportation of lumber; they present facts showing that at certain ports there are no vessels available for the transportation of lumber; and they hold out the hope to the lumbermen that, if we will pass this bill, there will be some ships available at those ports for transporting lumber.



They hold out to the lumber manufacturer the hope that, if we pass this bill, he will get lower rates for the transportation of his lumber.

Mr. President, these ships will not be sent to those ports unless they can get more money by sending them to those ports than they can by sending them somewhere else. These ships will not be sent to transport lumber unless they know they can get more for the transporting of lumber than they can get for the transporting of something else.

No, Mr. President, this bill is a false hope. Suppose the Government does not lease these ships, but operates them itself, will our people expect that the Government will operate the ships at a lower rate than the going price of freight transportation? Do our friends who favor this bill suppose that? If they do, then that amounts to a pure subsidy. That, then, is a purely Government special privilege to some individual or some locality or some business. Our Democratic friends pretend to look upon a matter of that kind in holy horror.

Do the people of the country want shipping operated in that way? What does it mean? It means that if congressional influence is strong enough with the administration and with those who operate these ships to get them to send a ship to this port or that port in preference to some other it will be done, and one locality or one port will be discriminated against by such a preference. Or if some particular business, some great exporting house, desires additional transportation facilities it will come down here to Washington and get the Senators and Representatives from that State to go to the shipping board and point out to them their special needs. They can show the great benefit that will come if they will just send one of these ships to their port and let them load it and send their products abroad. If they do so, and some other locality, some other exporter, will suffer, if it or he is discriminated against; he can not get the service.

Mr. President, I can not imagine any condition of things more detrimental to our prosperity than a condition like that. There is nothing more detrimental to honest business and honest administration and honest government than a condition of things like that. The people of this country do not desire anything like it. There is too much political influence in governmental affairs. Yet it is likely to come about under a policy of this character.

Mr. President, the Senator from North Carolina [Mr. SIMMONS], the honored chairman of the Finance Committee, urged this proposition on the ground of naval preparedness. He said we need as naval auxiliaries merchant vessels in conjunction with regular naval vessels, to be available in time of war as well as in time of peace. I have taken some time to examine the debates in the House, and I have been struck with the great number of Representatives who have based their support of this bill upon the ground of its desirability from a naval standpoint. They support this bill because it will furnish ships as naval auxiliaries, and that is made the primary purpose of the bill so far as they are concerned.

I rode down in the car a few days ago with a very prominent Democratic Member of the House who had been against a ship-purchase bill. He said, "I give my support to the bill now because of its naval-auxiliary feature." He said, "I am in favor of the bill now because the primary purpose of it, the basic purpose of it, is to furnish auxiliaries for our Navy." I called his attention to the terms of the bill itself. I called his attention to the fact that under the terms of the bill the primary purpose of it is commercial. He said, "I did not understand that the bill was framed in that way." He said, "If I had understood it that way, I would not have supported it."

Now, what does the bill do, Mr. President? Many of the people of the country are for it because they think it furnishes primarily a naval auxiliary. Many of the people of the country are for it because they do not understand that its primary purpose is to furnish commercial ships to engage in the transporting trade of the world rather than as naval auxiliaries.

The title of the bill reads as follows:

To establish a United States shipping board—

For what purpose?

for the purpose of encouraging, developing, and creating a naval auxiliary.

That is the first purpose specified in the title of the bill—a naval auxiliary—and then—

And a naval reserve and a merchant marine.

That is apparently subordinate. But what are the terms of the bill itself? They seem to go on the theory that most of the people will not look any further than the title of the bill. They may have a good deal of basis for that. A great many people may not read any further than the title. In many of our

States we have a constitutional requirement that the purpose of a bill must be expressed in the title.

Our friends, I suppose, are going on the theory that the people of the country understand that Congress must express the purpose of the bill in the title, just as they are required to do in State legislation. Of course, that is not so. We can put anything in the bill and nothing in the title, or we can put one thing in the title and something else in the bill; it does not invalidate the bill. I do not suppose we need any title at all, that all we need is the enacting clause.

Section 5 of the bill is the legislative part of it, so far as the naval auxiliary and so on is concerned. What does it provide?

That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter, vessels suitable—

Now, suitable for what? Suitable for a naval auxiliary, as the title says? No—

suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports.

In other words, the primary consideration in the construction of these ships and in the purchase of these ships is commercial. The prime motive for which they are to be constructed and purchased is commercial, and only in so far as commercial purposes will permit their use as naval auxiliaries shall they be used for that purpose.

Mr. President, I proposed in the committee to turn that around and authorize the purchase and construction of these ships for naval auxiliary purposes, and to be used as may be for commercial purposes. With a change like that I would support the bill, at least so far as its fundamental features were concerned. I would have some very serious objections to some of the other provisions, but that is the fundamental proposition with me. That would eliminate the principle of Government ownership and operation in private industry.

I have voted in the Senate for the expenditure of \$30,000,000, I think it was, for the purchase of naval auxiliaries. The Senate passed a proposition of that kind without a dissenting vote. The Senate would pass a proposition like that now without a dissenting vote. But our friends would not make that change. They insist upon the commercial feature of it being the primary and main purpose of the bill.

The Senator from North Carolina said we ought to standardize the building of ships, and he suggests that it has been proposed by some that if we would standardize our ships we could build them much more cheaply than they can build ships abroad. In other words, he seems to suggest that this \$50,000,000 would be a sort of an experimental fund for the purpose of trying out the idea some people have with reference to standardizing the construction of ships.

Mr. President, it may be true that we can standardize the construction of our ships. I think they have already done that to a certain extent. I do not believe that the Government needs to go into that experimental business. I am satisfied that private capital and private energy and private initiative and private development will bring forth the highest possible efficiency in the construction of ships, whether by standardization or otherwise, and that if we will give our capital the proper encouragement, if we will take the proper steps to continue as nearly as may be in time of peace the basic influences under which we are having such a stimulus in the shipbuilding industry and the ship-operating industry as we have now, our people will standardize ships, if that is the best and cheapest way to construct them. The Government does not need to do it. We do not need to take the people's money to experiment in a proposition of that sort.

The Senator from North Carolina says that we need ships for the South American trade, and he seems to hold out the idea that we will get them for that trade under this bill. There is nothing in the bill requiring any of these ships to go into the South American trade. There is nothing under this bill requiring any of these ships to be put in any special trade. I should like to see more transportation lines between this country and South America, but we will not get them under this bill unless conditions of trade warrant their going there.

It was urged when we had the other shipping bill up that the Government would take its ships where business had not been developed sufficiently to warrant private enterprise to go; that the Government would develop the business and then turn it over to private enterprise. Under a proposition of that sort there might have been some development of transportation lines to South America or some country, but there is not anything of that sort in this bill.

These ships will be leased, and the lessee will put them wherever he can make most profit out of them. If he can make more profit by going to South American ports, he will go there. If he has not any business there, he will not go there. He will not take these ships to develop business. He will take these ships and put them where the business is; where he can get the highest freight rates for the transportation that he furnishes.

The Senator from North Carolina [Mr. SIMMONS] suggested that we wanted ships that we could keep under the American flag; that could not be transferred when the European war closes and when these abnormal conditions pass away to foreign flags. He said that Mr. Marvin, who appeared before our committee, suggested that the ships that came in under the American flag under our emergency act were likely, when the war closed and when these abnormal conditions ceased, to re-transfer themselves to a foreign flag. Well, that is true; that is very likely to happen unless this Government gives better encouragement for ships to remain under the American flag than it has been doing.

Why did many of these ships come under the American flag under the emergency act? They came under the American flag because it was safer for them to do it; they came under the American flag because they were afraid to sail under any other flag. They did not come under the American flag because they wanted to be under the American flag, but simply because they thought it was more profitable for them to do it at the time and safer for them to do it. When these abnormal conditions pass away and the European war ceases they will leave the American flag if it is more profitable for them to go under some other flag. That is true. If we do not make our laws of such a character that they can operate under the American flag as cheaply or more cheaply than they can operate under any other flag, they are going to leave our flag. That is natural, and they can not be blamed for it. They are in this business to make money; they are not philanthropists; they are not conducting a charitable enterprise. They will go where they can make the most money. Of course if the Government buys the ships, or if the Government builds the ships, it can prevent their going under another flag; but if they can not operate at a profit under American laws and American policies, Mr. President, they will not be operated, except at the expense of the American people. If private enterprise can not operate a privately built ship at a profit under American laws, then private enterprise can not operate these ships under American laws unless the Government gives them some special rates, in other words, unless the Government gives them a subsidy, which is anathema to our Democratic friends. If private parties will not operate these ships, then the Government must operate them, and again the people will put up the difference. That is all there is to it.

Mr. GALLINGER. Mr. President, I will ask my friend from Washington, who is very familiar with attempted legislation on this question of rehabilitating the American merchant marine, if he has ever seen a bill that provides so great a subsidy as does this bill which is now under consideration?

Mr. JONES. I do not think so.

Mr. President, if I were in favor of Government ownership and Government operation, I would consider this is the last business and this is the worst time that it could be put into effect. Those who are in favor of Government ownership, those who are in favor of Government operation, are taking the very worst line of business and the very worst time to demonstrate the efficiency or the merit of their contention.

Government operation of ships is entirely different from Government operation of railroads. A railroad is fixed; it has fixed termini; it has a fixed line; a fixed route, and, to a certain extent, a fixed business that must come to it; that it must get. You can put your hand on it; you can control it; you can compel it to run; you can compel it to handle products; you can regulate it. It can not get away from you. If it does not like what you demand it can not help itself. It must continue to run or go into bankruptcy.

How is it with shipping? You can not do anything of this kind with it. A ship may be in this port to-day, in a port 100 miles away to-morrow, and the next day in a port a hundred miles away from that. A ship may run between two certain ports to-day and between two entirely different ports to-morrow. A ship may find business at this port to-day and find none there to-morrow, and none at the port to which it goes.

A railroad to a certain extent has no competitor. No other train runs upon its line except its own. How is it with shipping? One ship is hardly over a certain space in the ocean until another goes along the same track. One ship enters a port and docks. Immediately at its side comes another ship and docks. If we have an American ship landing at one of our ports, not

only can another American ship land by its side, but here comes a ship on its same track from England or Germany or France, or from any other country on the face of the earth; that ship may come with a crew receiving but half the wages received by the crew of the American ship. It may come from a port where the charges and dues were nothing like the charges and dues which the American ship has had to pay. It may be a ship that cost in its original construction not more than 75 per cent of the cost of the American ship. You can try to regulate it. If it does not like your regulations it will go somewhere else to do business or transfer to another flag. All these and many other various conditions show the difficulty of the operation of ships, and especially the operation of Government ships by the Government. I will not take up the time to point out other varying conditions. They will occur to anybody who will think about the matter for a moment.

But what about the present conditions as affecting the entrance into this business by the Government? Everybody knows that the present conditions are as unfavorable as they possibly could be.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Yes.

Mr. REED. The Senator has just said that conditions are as unfavorable as they possibly could be. One of these conditions is the fact that ocean rates are about four times as high as they were normally. Is that one of the things that make the conditions unfavorable?

Mr. JONES. I have gone into the matter of ocean rates heretofore, and I do not want to take any more time than is necessary, and therefore I do not care to go into that further. I could not, I think, convince the Senator from Missouri in any event.

Mr. REED. No; the Senator could not convince anybody of that if he would give the facts.

Mr. JONES. The Senator has his opinion, and I have mine; but I have answered that suggestion, I think, very fully in my remarks.

I was just going on to point out some of the unfavorable conditions, to my mind, for the Government going into the ownership and operation of ships aside from the suggestion of the Senator, whether or not that is a valid suggestion. What are the conditions which the Government will have to face if it wants to purchase ships now? It is going to have to pay the highest possible price; it is going to have to buy ships in the highest possible market.

Mr. REED. Why are ships high?

Mr. JONES. Oh, Mr. President, the Senator does not need an answer to that question.

Mr. REED. It is because they get high rates for shipment. I will answer the question myself; and that is the reason why it is profitable to go into the business.

Mr. JONES. Certainly; I think I have touched on all that, but I am coming now to the specific conditions which will confront the Government if it is going to go into the ownership and operation of ships, without discussing further the reasons.

The Government, if it buys ships, will have to pay the highest possible price; and what is it confronted with? It is confronted with the absolute assurance that within one, two, or three years it will face a great reduction in the value of those ships; in other words, we are going to buy ships on a high market with the absolute certainty that if we want to sell them in the near future we will have to sell them on a low market.

Mr. SMOOT. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. SMOOT. Is it not a fact that four or five years ago the usual price paid per ton for the construction of a ship ran from \$30 to \$40, and is it not also a fact that to-day offers are made of as high as \$100 to \$120 per ton in order that shippers may secure ships to carry on the trade that commerce demands?

Mr. JONES. That is true; I was just coming to that.

Mr. SMOOT. And if the Government of the United States should undertake to purchase ships to-day they would have to pay the market price, which is \$100 to \$120 per construction ton; and if in two or three years they are compelled to sell those same ships the price no doubt would be about the same as it was before the advance in price owing to the demand for ocean carriers.

Mr. JONES. That is absolutely true, although the case is even stronger than that.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. JONES. I yield to the Senator.



Mr. NELSON. The price of ships has increased even more than the Senator from Utah has suggested. Lately the premier of the Government of Australia purchased 10 ships to send wheat and other cereals to Europe, and they cost on an average over \$160 per gross ton; and the records show that there have been many sales from \$125 to \$150 per ton.

Mr. JONES. That is correct, and I was just going to mention that in connection with the proposal that the Government build ships.

Mr. FLETCHER. Mr. President, I call the Senator's attention to the testimony of Mr. Marvin before our committee. On page 18 of the hearings the following appears:

Senator BANKHEAD. Can you tell this committee about what would be the cost of, say, a 7,000-ton ship—what it would cost to build it and put it into service?

Mr. MARVIN. It would cost about \$500,000. Ships have been built in this country at as low a rate as \$50 per ton dead-weight capacity. The prices have gone up, because the cost of labor has risen and the cost of materials has risen.

So that he estimates that a 7,000-ton ship would cost about \$500,000.

Mr. JONES. Mr. President, anybody who will examine the testimony taken by our committee and the testimony before the House committee, and take it altogether, will be convinced that the statements made by the Senator from Utah [Mr. Smoot] and the Senator from Minnesota [Mr. Nelson] are correct; that if we were to purchase ships now, instead of paying from \$30 to \$40 or \$50 a ton, or at about that rate, we would have to pay from \$100 to \$150 or \$175 per ton for the ships. And nobody can deny that when normal conditions come about again if the Government desires to sell the ships, they could not be sold for a price to exceed \$30, \$40, or \$50 a ton.

Suppose the Government should construct its ships. It will have to make its contracts now, and contracts for the construction of ships will be based upon present conditions, not on what they will be two or three years from now. The Government will have to pay for ships that it will have constructed from \$100 at the lowest to \$150 or \$175 per ton gross. How far will the \$50,000,000 proposed to be appropriated by this bill go? As I said yesterday, we will probably under Government construction and Government administration and operation get about 250,000 or 300,000 tons, and inside of four years the vessels acquired will not be worth \$25,000,000—that would be a high estimate—and possibly by the time the ships are built, two years from now, they will not be worth half the contract price.

Any business man can see why that will be so; the people of the country can see why that will be so; they can appreciate the fact that when all the ships of the world are available for commercial transportation the price of ships must go down, and that these ships will be available inside of two years there can hardly be any reasonable doubt. If we were to contract under this bill to-morrow for the building of these ships, we could not get them short of two years; and I think I am justified in saying that what we would now contract to pay \$50,000,000 for would not be worth over \$25,000,000 when they were actually completed.

Do the people of this country want to do that? Do you call that a subsidy to anybody or for any particular purpose? Is that economy? Is that wasteful administration? Is that a wasteful policy? It seems so to me. I can not make anything else out of it. How can you expect to demonstrate the efficiency of Government operation and Government construction when you are confronted with a situation like that?

Why, as I said, if I were the strongest advocate of Government ownership and Government operation, and wanted to demonstrate the merit of my contention, this would be the last line of business and the last time that I would want to go into it in order to demonstrate it. Under this bill the people of this country will get the fewest possible ships for the money expended, and when they want to dispose of them they will get the lowest possible price for them. Somebody will get a greater subsidy than was ever before suggested and the people would get the least benefit.

Mr. President, under this bill there are various restrictions and impositions placed upon shipping in the foreign trade.

It is understood by a great many that under the terms of this bill the shipping board will have the right and the power to regulate the rates to be charged in foreign trade. Our friends on the other side seem to contend that this is not so. At any rate they declare that it is not their intention to do that; but I know that many of the shipping people think that is so. One man who contracted some time ago for the construction of eight or nine ships to go into the foreign trade—a man whom I know personally; a man of the highest character and splendid business judgment, and I am satisfied that what he says is his honest conviction—wrote me a few days ago that if this bill

goes through with the provisions with reference to regulation of rates and the publication of rates and the publication of their business in the foreign trade he will take his ships out of the foreign trade, or he will get rid of his ships at the very earliest possible opportunity; and he is not a Republican either. He may be mistaken in regard to the effect of the bill, but I am satisfied he believes what he says, and that he will do what he says he will do; and that is the great trouble with this bill. I think he is right in his view of the power given the board. Instead of promoting the development of the American merchant marine, instead of adding to its shipping, it will destroy the American merchant marine and drive men out of it who are in the foreign trade.

Mr. President, why is it that our people do not go into the foreign trade now? That is to say, why is it that they did not go into it before these abnormal conditions came up? Because they apparently could not compete with their foreign competitors. They did not think their investment was safe. They did not see a profit in it. They deemed our laws too harsh or too restrictive. They may have been mistaken, but they did not go into it, and there was no power that could compel them to do so. If we put upon them additional restrictions and additional impositions, we simply hamper and fetter our own development. That is all there is to it.

Why, Mr. President, instead of trying to regulate, instead of trying to control and hamper what we have not got, we ought to offer every possible inducement to bring into being what we so much desire. What we want is a shipping in the foreign trade. We have not got it except as it has come under these abnormal conditions that are soon going to cease. We want it; and instead of restricting it, instead of hamstringing it, instead of fettering it, we ought to make it free and offer every possible inducement and every possible encouragement for our people to go into the foreign trade.

In my judgment, by the restrictions that we have put into this bill—with a good purpose, of course; with a good intention, of course; in the hope largely of benefiting not the merchant marine but the shippers of the country—we will not only prevent the development of our foreign merchant marine, but we will destroy what we get under these abnormal conditions.

We did not begin to regulate our railroads until we got the railroads, and there is a great deal of question as to whether our regulation of railroads is a success or not. I am not going into that subject; but it does seem to me that it is not wise, it is not good statesmanship, to begin to regulate our shipping until we get our shipping. Then, we must not forget that, as I said a while ago, the shipping business is different from the railroad business. After we get our shipping we will have to be very careful about our regulating, for fear we will drive it from under the American flag, drive it to some other country. Ships do not have to come to this country. They can go anywhere in the ocean, free. If the restrictions, no matter how reasonable we think they are, are not satisfactory to the shipowner, he does not have to come under them.

Mr. President, what is going to confront us very soon? What is going to confront the shipping industry that we are building up now more rapidly than we ever did before? Why, Mr. President, that shipping industry is going to be confronted within the next three or four years with the most tremendous competition from every maritime country on the face of the earth. The ships of England that are now commandeered by the Government for the transportation of troops, Government supplies, and ammunition; the ships of France that are used for the same purpose; the ships of Germany that are tied up in neutral ports; the ships of England that are tied up in neutral ports, if there are any—all will be set free to engage in the commerce of the seas, and they will all meet our ships, not under our regulations, not upon our terms, but under their regulations and upon their terms. They are free.

Mr. FLETCHER. Mr. President, I will suggest to the Senator that it is estimated, I think from reliable sources, that at least 3,000,000 tons have gone to the bottom of the ocean.

Mr. JONES. Oh, yes; that is true. There will be some little shortage for a while. How long will that last? What are the shipyards of England doing now? What are the shipyards of Germany doing now? I do not know. They may be engaged in the building of naval ships, warships; but the minute the war closes they will run day and night to their utmost capacity in the construction of merchant ships. I saw in a paper the other day that in Germany they are constructing a large number of great merchant ships, one of them of 56,000 tons.

I do not know whether it is true or not—I suspect it is—they know this war is going to end. They are going to make every possible preparation for it. They know that when this war ends a commercial war will begin. They are going to be

as fully prepared to engage in this commercial war as they possibly can be when the peace that they know is inevitable comes, and we are going to have to face it. They are going to go after our market at home and abroad. They know it is the greatest and richest in the world. They want it. They are going to take it if they can, and they are going to coordinate every governmental power with private enterprise to take it.

Mr. GALLINGER. Mr. President—

Mr. JONES. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I assume the fact has not escaped the attention of the Senator that very recently a proposition was made in the French Assembly to make a grant of a considerable sum of money to the Government of France for the purpose of getting a fleet of steamships; but after debate it was concluded that the proper thing for France to do was to make a loan of 100,000,000 francs to the shipbuilders of France, and that loan has been made, to be repaid with a very small rate of interest.

Mr. JONES. That is correct. I am glad the Senator made the suggestion. There are a great many of these things that ought to be suggested that I did not feel that I had the time to take up. I have taken much more time than I ought to have taken or than I expected to take; but that simply illustrates what these countries are doing to-day and are going to do in order to meet the conflict that is coming. Why, Mr. President, instead of hampering their shipping they are not only leaving it perfectly free but they are giving it every possible encouragement, not only by direct subsidies and subventions but by loans, such as just mentioned by the Senator from New Hampshire, and by secret relief and secret benefits and secret encouragements, and everything of the kind.

We propose to regulate the rates. There is not a country on the face of the earth that pretends to regulate the rates to be charged by its shipping in foreign commerce; and if that is true—and it is true—why should the United States, when its shipping is just being built up, start out upon a proposition that can not do anything but hamper it?

The advocates of this measure say they do not intend to do it by this bill, but they do not make it very plain. It ought to be made plain. There are those in the shipping business who think that this board is given the power to regulate, to a greater or less extent, the rates to be charged, and I believe they are correct.

Mr. CUMMINS. Mr. President—

Mr. JONES. I yield to the Senator from Iowa.

Mr. CUMMINS. I should like to call the attention of the Senator from Washington to section 18. I suppose he has already referred to it; but in view of what he has just said, I suggest that the language of the bill is very plain upon the point just mentioned. It does give the shipping board absolute power to fix the rates for every common carrier by water in foreign commerce; and when we turn to the first section of the bill and find how a common carrier by water in foreign commerce is defined, it will be seen that the attempt is made here to give the board power to regulate or fix the rates on all such commerce. My question is, Does the Senator from Washington, or does the Senator in charge of the bill, or any Senator who favors the bill, believe that we can regulate the rates of foreign ships?

Mr. JONES. I do not know how it can be done.

Mr. CUMMINS. I should like, at some time during the discussion, to know what the interpretation of that and kindred sections is with respect to that subject—as to whether the United States can fix the rates for every ship that comes into our ports, either to deliver goods or to carry away goods from our shores?

Mr. JONES. Mr. President, I should like to have that question answered at some time during the discussion. It was not answered in the committee. It was contended that they could do it. It was claimed to be the intention to regulate these foreign carriers as well as our own, to see that our own people are put on the same basis with them. It was contended also that this bill did not give this board the power to regulate charges by our ships in foreign commerce. I can not see any construction of that kind in the language of the bill. Under the language of the bill I agree with the Senator from Iowa that it does give this board, or attempts to give this board, that power.

Mr. FLETCHER. Mr. President, I would suggest that section 18 provides as follows:

That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports or unjustly prejudicial to exporters of the United States as compared with their foreign competitors.

I do not think there is any question but that Congress has the power to deal with that. I do not think there is any doubt

but that we can prevent discrimination of that kind. We have various means of doing that.

In giving clearances from our ports we may require compliance with such rules and regulations as we may see fit to require. Other countries have done it, and we have that power under the Constitution. We can absolutely prohibit a foreign ship from coming into the port of New York or other ports of the country. We have not seen fit to do it in the past; but with reference to the general powers exercised by other countries in the matter of control of freight-rates, and the statement which has been made that no country on earth has done such a thing, I call attention to some of the remarks I had occasion to submit the other day where I gave instances of that kind. Australia has done it, for one; Norway in large measure; Japan; Austria-Hungary; Canada in very large measure.

Mr. JONES. But are not those Government ships, or ships carrying Government mails, or something of that sort?

Mr. FLETCHER. Not altogether.

Mr. JONES. Practically every one of them, I understand.

Mr. FLETCHER. In the case of Australia, the Commonwealth Government has assumed power to control the movements of Australian shipping, and has also secured authority to regulate freight-charges between Australian ports.

Mr. JONES. That means Australian ports. We are talking about foreign trade.

Mr. FLETCHER. France has exercised very large control.

Mr. JONES. In foreign trade?

Mr. FLETCHER. In foreign trade.

Mr. JONES. And fixed rates?

Mr. FLETCHER. Yes; a large measure of control of their ships.

Mr. JONES. Is it true that France tried to regulate the rates in the foreign carrying trade?

Mr. FLETCHER. It has practically controlled the rates where the Government requires certain things to be done, certain payments to be made, just as Great Britain when charging a large percentage of the profits of shipping has been in a large measure dealing with the question of rates.

Mr. JONES. She is not interfering with the charges her ships will make in their dealings with other countries.

Mr. CUMMINS. The answer of the Senator from Florida is hardly satisfactory, if it be an answer at all. My question was whether it was claimed by the supporters of the bill that an American shipping board could fix the rates that should be charged by a foreign ship carrying goods to this country or taking goods away from this country. That is just the power that is attempted to be given to the shipping board.

Mr. FLETCHER. I undertook to show that we can prevent a discrimination against our own exports by foreign ships.

Mr. CUMMINS. Precisely. If the Senator from Washington will permit me just a moment more the language of the bill is:

Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier—

That is whether an American ship or a foreign ship—

shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

I venture to say we can confer no such authority upon a shipping board, and I venture, further, the assertion that there is no country on earth that has attempted to give any department of its Government the authority to fix a rate that should be charged by a foreign ship.

Mr. JONES. I agree entirely with the Senator from Iowa. He is absolutely correct. I did not intend to go into the special terms of the bill. I was talking about the commercial contest which is going to confront us when this war closes, and I called attention to what I think the fact will be, that every maritime nation on earth will do its utmost to get as much of the carrying trade of the world as possible, that they will offer every possible encouragement and inducement to their merchant marine, and they will place just as few restrictions upon it as possible.

England especially is the great maritime power. England especially desires to control the sea. She has done it and she is going to try to continue to do it, and we might just as well face the fact now that Great Britain will do everything in her power to keep us off the sea. England will do everything in her power to prevent the development of the American merchant marine. It has been the whole course and policy of Great Britain to destroy where she could the maritime interest of other nations and develop her own. It is a wise policy from her standpoint; she can not be blamed for doing it; but it does look strange that we should play into her hands when the great opportunity presents itself to us now to take our place in the maritime trade of the world.



What has been the policy of England? What has she done to build up her maritime interests? I want to call your attention briefly to some of the acts that she has passed just to illustrate what she will do in behalf of this same interest, an interest that is absolutely necessary to England's perpetuity and to her supremacy.

In 1600 Sir Walter Raleigh uttered this fundamental truth:

Whosoever commands the sea commands the trade, whosoever commands the trade of the world commands the riches of the world, and consequently the world itself.

That has been the basis of England's action. That has been the principle that has underlain her policy with reference to shipping from the beginning. That expression of Sir Walter Raleigh was simply the expression of the principle that had been animating Great Britain prior to that time. In 1381 England passed this law:

That for increasing the shipping of England, of late much diminished, none of the King's subjects shall hereafter ship any kind of merchandise either outward or homeward but only in the ships of the King's subjects, on forfeiture of ships and merchandise, in which ships also the greater part of the crews shall be of the King's subjects.

Suppose we should pass a law like that to take effect when this war is over. We would develop an American merchant marine, we would continue its development, and while it might seem like a harsh proposition, it would probably bring very great results.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I do.

Mr. SMOOT. In this connection I wish to call the Senator's attention to the fact that England, Germany, France, Japan, Austria—I might say every maritime nation of the world—has passed laws since the beginning of this horrible war preventing the sale of a merchant vessel to anyone outside the citizens of the country passing the law. They see the necessity of maintaining their merchant marine.

Mr. JONES. They are getting ready for the conflict that is to come.

Mr. SMOOT. They have passed laws that would prevent a citizen from selling a ship to a citizen or company of any other country. They can plainly see what is coming, that the greatest conflict in the world will be upon us in a very little while, and if we pass legislation such as this—

Mr. JONES. They will laugh at us.

Mr. SMOOT. It will be impossible for us to do any trade at all.

Mr. JONES. Yes; they are laughing in their sleeves now at the action we are taking.

Along in 1662 and for a short time after that the Dutch navigators began to go about the sea and to develop their merchant marine. They began to supplant the English, and they got so bold about it that England's attention was called to it. They went down the English Channel with brooms at the masthead to signify to Great Britain how they were sweeping her off the seas. What did England do? Did she sit supinely by and allow that to go on? Did she pass some Government-ownership proposition or something of that sort? This is what she did: Here is a statement prepared by Hon. Alexander R. Smith, now editor of the Marine News, and one of the best informed men with reference to the merchant marine that we have in this country. He says:

When Oliver Cromwell, a trifle more than two and a half centuries ago, had composed the differences that had previously existed in England and had brought about an orderly condition in that turbulent country he paused for a moment to gaze seaward, and instantly he realized that he had but half completed the work high destiny had imposed upon him. Passing down what were then called the Narrow Seas, now commonly called the English Channel, were numerous Dutch ships that, too arrogantly for Cromwell's gorge, flaunted at their mastheads a broom heralding to the world the fact that they "swept the seas," because at that time the maritime dominance of the Dutch was unquestioned.

Cromwell, happily for England, was a man of action. He was also a man of indomitable determination. He set about the task of removing the brooms from the mastheads of Dutch ships. It was some task, but Cromwell accomplished it, and he did it so thoroughly that since that time Dutch participation in maritime affairs has been of a minor character.

How did she do it? She passed this law:

Act 12, Charles II, Chapter VIII, section 3: And it is further enacted, etc., that no goods or commodities whatsoever of the growth, production, or manufacture of Africa, Asia, or America, or of any part thereof, which are described or laid down in the usual maps or charts of those places, be imported into England, Ireland, or Wales, islands of Guernsey and Jersey, or town of Berwick-upon-Tweed in any other ship or ships, vessel or vessels whatsoever but in such as do truly and without fraud belong only to the people of England or Ireland, Dominion of Wales, or town of Berwick-upon-Tweed, or of the lands, islands, plantations, or territories in Asia, Africa, or America to His Majesty

belonging, as the proprietors and right owners thereof, and whereof the master and three-fourths at least of the mariners are English, under the penalty of the forfeiture of all such goods and commodities and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, and apparel, one moiety to His Majesty, his heirs and successors, and the other moiety to him or them who shall seize, inform, or sue for the same in any court of record by bill, information, plaint, or other action wherein no essoin, protection, or wager of law shall be allowed.

Now, that was an effective method of promoting British maritime interests and destroying the Dutch. It did accomplish its purpose. That is the character of method that England has been using, when it was necessary, to develop her merchant marine.

By this law only the nations of Europe could carry their own products or manufactures into British ports in their own vessels. The rest of the nations and all other parts of the world were dependent on British shipping. So were all the colonies of Great Britain and the British domestic trade. The monopoly set up by this law violated the right of every people excluded from the carriage of their own merchandise to market.

England had no regard for that. She was looking after her own interest, protecting her own people. It may have been some little hardship, because they could not bring goods to England in some of the ships that possibly would have carried them a little cheaper, but it built up the great merchant marine of Great Britain upon which the very life and perpetuity of the nation depended.

What did she do in reference to the colonies, a part of her own people? In the navigation act of 1771 this provision is found:

No goods or commodities whatever of the growth, production, or manufacture of Europe, Africa, or America shall be imported into England or Ireland or into any of the plantations (American Colonies) except in ships belonging to English subjects of which the master and the greater number of the crew shall also be English.

That is familiar history, of course, to every Member of the Senate; yet I thought it might not be amiss to call attention to it now, to put it in the Record, to show what England has done and to show what we are likely to meet—the principle, at least, and the policy we are going to meet in a commercial contest with the world when this war closes. England will leave nothing undone to maintain not only her supremacy upon the sea but to keep just as much as possible other nations off the sea and out of the maritime business.

Mr. GALLINGER. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. GALLINGER. There is a more recent example that has always attracted my attention. We were having a great prosperity, so far as our merchant marine was concerned, under the historic principle of the founders of the Republic in the matter of discriminating duties. Great Britain, with her usual foresight and wisdom, induced our Government to agree to a policy that forbade us giving any advantage to our shipping that Great Britain did not give to hers; that is to say, we would abolish the discriminating-duty policy and we would have reciprocity, as it was called. We were foolish enough to enter into that commercial agreement with Great Britain, which is still in existence, but Great Britain immediately commenced giving large subsidies to her vessels, and handicapped us in that way, so that without subsidies given by our Government we were utterly unable to compete with Great Britain. That, to my mind, had a great deal to do with the decline of our merchant shipping in competition with Great Britain and other countries that gave governmental help to their ship-building industry.

Mr. JONES. When the Underwood tariff bill was under consideration here in the Senate, I remember that, one night along about 12 o'clock, I made a speech on that proposition; and I convinced myself, at any rate, if nobody else, that our abandonment of the discriminating-duty system was the primary cause for the decline of the destruction of our merchant marine. I did not intend to go into the matter here and to take the time up fully. I thought I made it pretty clear in that speech; I thought I showed, by five-year periods, how this operated, and showed how England did not accept our proposition that we embodied in the statute until she had everything ready to destroy us, until she had her discriminating features all framed up and in operation; and then she continued them after she had accepted our proposition of reciprocity and fair treatment. I have urged time and again, and I urge again, that we get rid of the treaties—that we get rid of these fetters that bind us now—and let us start into this commercial campaign at least upon an equality with these foreign countries, unfettered at any rate by any act of our own. We ought to get rid of those treaties just as quickly as possible. I made some remarks along this line a month or so ago, and will not go into it now further.

We hear talk about retaliation. We can meet them on a retaliation proposition now. We have got to meet them anyhow. They will discriminate against us in every conceivable way—secret and open.

Mr. GALLINGER. If the Senator will permit me, I will venture to suggest to him that some months ago I offered a bill in this body restoring the discriminating-duty policy of the Government and providing for an abrogation of the commercial treaties. It went to the Committee on Commerce, and I suppose it is safely lodged in the pigeonholes of that great committee. I have never heard of it since.

Mr. JONES. It is there.

Mr. GALLINGER. The Senator called attention to Great Britain and her wisdom in looking after her own interests, especially her merchant marine. If the Senator will permit me I will read a few lines which I proposed to use myself, but I am sure it will get a wider circulation if it goes in the Senator's speech than in mine.

Mr. JONES. Oh, no.

Mr. GALLINGER. It shows how a newspaper of Great Britain looks upon the experiment we are now trying in this country. It is from the London Spectator of February, this year:

All over the world experience has shown that the intervention of the state in any particular industry frightens away private capital. American economists are fond of emphasizing this point when they contrast the American railway system, constructed by private enterprise, with the railways of India, constructed by Government enterprise.

He might have added the railways of Canada, where the greatest possible scandals have grown out of the governmental construction of the Canadian railroad:

The disproportion of mileage is enormous, and far greater than can be explained by the difference, admittedly great, between the industrial conditions of the two countries. Therefore, from the point of view of the British shipping industry, we certainly hope that President Wilson will persist in this bill, which might be briefly described as a scheme for handicapping American commercial enterprise by State competition.

They are felicitating themselves in Great Britain on this legislation as giving a further boost to British shipping to the disadvantage of ours.

Mr. JONES. I am very glad indeed that the Senator read that to the Senate. I had not seen that article. It confirms the ideas I have expressed in reference to the attitude of England regarding this legislation. She is not afraid of it. As I said a while ago, she is laughing in her sleeves at our effort to try to do something for our merchant marine. As long as we go along these lines there will be no trouble with Great Britain. She will not be opposing our legislation or anything of that sort, because her interest can not be served better than by the passage of such legislation as this.

What is England doing now? She is stopping our ships. She is confiscating their cargoes. She is taking them into port, holding them up, delaying them. She is delaying our mails, not letting them get through. She is blacklisting our citizens, blacklisting our ships, blacklisting the citizens of neutral countries so that they can not trade with us, so that they can not ship in our ships, and all this sort of thing. She is doing it on the plea, of course, of the necessities of war; yet there are some of those things that can not be explained upon any other theory or upon any other principle than that she wants to stop the development of the American merchant marine in certain lines of industry where we are threatening to get in.

A Senator the other day suggested that there were some ships that our Government could buy. I have heard of some. Why can we buy them? Why do they want to sell them? Because Great Britain has blacklisted them; that is why. What did the owners of one of these ships try to do some time ago? They tried to get some war insurance from the Government. What word was sent to them by the Treasury Department? "We can not give it to you, because England will not consent to it." That is what we have done. It was taken up by a party who knows how to do these things with the head of the Treasury. The Secretary ordered the insurance granted and kept the telegram. England took some of the ships of that company and is using them to-day. She told this company it could sell some of the others, but she would fix the price. That is her treatment of American citizens. No wonder they would sell to the Government that will not insist on the rights of its citizens being respected.

What is England doing in South America now? Blacklisting firms that would like to do business with this country; and they can not do it, because England objects.

I have another matter that I am going to call to the attention of the Senate in a very few days, showing how England is domi-

nating not only our commerce but our legislative policy. We will not pass any legislation here for the interest of our own people, for the development of our own industry, which England objects to. England is doing all these things and many more, and all we say to her is, "Tut, tut, don't do it any more."

Mr. GALLINGER. And she keeps on doing it.

Mr. JONES. Of course she keeps on doing it, and she will keep on doing it as long as she gets away with it, as the Senator from New York [Mr. WADSWORTH] suggests to me. Certainly she seems to be getting away with it all the time. She has gotten away with it from the very beginning of this administration, at her behest, without any reason given from that day to this. We repealed a statute that we had deliberately placed upon our books and imposed the tolls upon every American ship going through the Panama Canal that is imposed on the ships of any other country on the face of the earth going through that canal. At England's behest we turned over to the world this great enterprise constructed upon American soil by American energy and capital, and discriminated against our own people in the interest of England and other nations. From that day until this England has had her way in everything which she desires.

Mr. President, it seems to me that this is the opportunity for this country to do what we have been wanting to do for many, many years. It seems to me that this is an opportunity that is similar to that which presented itself to Great Britain during the Civil War, which she took advantage of. It seems to me that the condition brought about by this terrific conflict across the water opens up the opportunity for us to provide a policy under which when conditions become normal our shipping development can continue.

Mr. FLETCHER. Mr. President, it seems to me the Senator's argument now is directly in conflict with his contention some time ago when he was agreeing with the Senator from Iowa [Mr. CUMMINS] that no country could undertake to regulate its foreign rates.

Mr. JONES. Oh, no; it has nothing to do with the foreign-rate proposition.

Mr. FLETCHER. It has to do with foreign shipping.

Mr. JONES. That was not the question a while ago. I did not say they did not regulate the shipping. They do everything under the sun to encourage their shipping. They may get some of the profits that they have gotten, but they do not try to fix their rates, to fix the amount they shall charge their customers, unless it is in the case of ships getting a subsidy or subvention for carrying the mails, or something of that sort.

Mr. FLETCHER. Let me read the Senator what Mr. Runciman said in the House of Commons:

The control [by the Government] of shipping is now so wide and so adequate that there is no vessel which can go and trade anywhere without permission of one kind or another. The last gap in that control is filled up by the licensing committee having to license vessels, not only those which run between foreign ports, but also those which run between this country and allied countries (p. 217).

Then they proceed to limit importations, absolutely controlling the products which may or may not come into their country. The remedy decided upon by the Government in February, on the principle that high freights are due to the fact that the supply falls short of the demand, was to place restrictions upon imports. The first imports to be affected were paper, paper-making materials, tobacco, dried fruits, furniture woods, stones, and slates. Orders in council were issued prohibiting the importation into the United Kingdom of any article which came under the general head of "luxuries."

That is the kind of control the United Kingdom exercises over its shipping.

Mr. JONES. Mr. President, that is a war measure; that is a war proposition. We are not at war with England or with any other great power. We do not need any war measure of that kind; but the Senator will find that, as soon as the war is over, whatever restrictions they put upon transportation that interfere with the development of their merchant marine will be taken off.

Mr. FLETCHER. I do not contend that we want to exercise any such power; but I am only answering the suggestion that the Government has no such power as is proposed to be exercised in this bill.

Mr. JONES. But, Mr. President, that does not answer the suggestion of the Senator from Iowa, in my judgment, at all. The suggestion of the Senator from Iowa did not apply to conditions or to propositions like that. However, the Senator can take care of that matter better than I can.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?



Mr. JONES. I do.

Mr. CUMMINS. The Senator from Florida [Mr. FLETCHER] evidently misconstrued what I said. I said that England, as an example, has never attempted to fix the rates which should be charged by an American ship plying between the ports of Great Britain and the ports of the United States. I still adhere to that assertion, and insist that Great Britain would have no authority to fix those rates. Of course we have the power, in the absence of a treaty to the contrary, to exclude all foreign ships from our ports and not to permit them to do business with us at all. I have no doubt about that power; but that is entirely different from the authority to regulate the rates which shall be charged by a ship foreign to the country passing the law.

Mr. FLETCHER. Does not the Senator think that, included in the larger power, would be the power to prevent discrimination against our own people in the matter of shipping? That is the point, it seems to me—that the larger power must include the lesser.

Mr. CUMMINS. All I have to suggest in answer to that is, Suppose we should fix one rate for the ship and Great Britain should fix another rate for the ship, which rate would prevail?

Mr. JONES. Mr. President, as I was saying, I think we need now a policy, and we ought to adopt a policy looking to the permanent development of the American merchant marine through private enterprise and private capital. Nobody contends that it is the intention of the Government to invest seven hundred and fifty million or one or two billion dollars in the construction or purchase of ships. This bill provides a mere drop in the bucket. It is proposed and urged as an emergency proposition. It is not pretended that it will lead to a positive or a permanent development. If it has any effect whatever, it will be a deterrent, rather than an encouraging effect. We should now adopt a policy, if possible, that would take care of the situation that is going to confront us when the European war is over. If we could adopt a policy which would insure the construction of cargo ships, which would insure that anyone who built a cargo ship would have a cargo coming back to America after he had carried away our goods—if we could adopt a policy under which the building of fast ships would be encouraged for the carrying of our mail and of our passengers, then indeed would we continue the building up of the American merchant marine; then indeed would we extend our trade, build up our shipping, and develop our shipyards, afford lower rates, and furnish good transportation for the producers of our country.

Mr. President, I want to notice briefly some of the provisions of the bill, and I am going to do that as hurriedly as possible, for I have already taken much more time than I intended to take. There is one amendment that I think ought to be made in the bill. Under the definition of "common carrier by water in foreign commerce" the bill says that this phrase means:

A common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade.

Mr. President, my judgment is that that covers what is commonly known as tramp ships as well as ships going upon regular lines and regular routes. The great majority of the world's commerce—of the world's cargo-carrying commerce—is done by tramp ships. Those ships do not go regularly from port to port. They may on one voyage visit the ports of two or three or any number of different countries before coming back to the home port. Sometimes they are gone from their home ports for 8, 10, or 12 months, touching at the ports of various countries. They may go with a cargo from one port to another, and from that port in ballast to a third port for a cargo, and take that cargo to a fourth port, and so on. It does not seem to me that we ought to attempt to regulate these vessels which are purely independent shipping carriers, if we might say that, independent of the regular lines; and any regulation or restriction that we place upon ships of that character is bound to strangle and to throttle the tramp ships, so far as our tramp ships are concerned, and is bound to concentrate the carrying trade in regular shipping lines, in great transportation companies. The tramp vessels ought to be excepted from the terms of this bill, in my judgment, just as ferryboats are excepted; but our Democratic friends have held their caucus and have decided upon the amendments to this bill; hurried it out of committee, with no opportunity to propose these changes; and, of course, it has come into the Senate; it is here, and it is going to be passed under the party decision of a party caucus. Only amendments that are agreeable to the party caucus can go on the bill.

The paragraph from line 12 to line 17, on page 2 of the bill, has been ver- materially amended from the way it came over

from the other House, but I think it ought to have been stricken out entirely. Under it, I think, it is possible, and not only possible, but I think it is the real construction, that his board will have jurisdiction over wharfmens and even draymen handling the merchandise between the ship and the wharf. All those men in the various ports of the country will have to make their reports to the shipping board, file their charges, be liable to prosecution for failure to do so, and be subject to the control of the shipping board. That seems to me to be really ridiculous, but, notwithstanding that, the majority insist upon its going into the bill.

Mr. President, I think that the majority have made a very wise amendment in striking from this board the Secretary of the Navy and the Secretary of Commerce. If we are going to have a shipping board, it ought to be one entirely free from politics; as free as it possibly can be. It ought to be entirely free of having as a part of its membership a purely political officer. It would be just as much out of place to have the Secretary of War a member of the Interstate Commerce Commission as to have any departmental officer on this board. The committee and the caucus did very wisely, I think, in cutting this provision out of the bill, and I hope that will be insisted upon when the bill goes to conference. The people will certainly have much more confidence in the impartiality of this board if there is not a Cabinet officer on it than if it has Cabinet officers in its membership.

As to section 5, I have already called attention to the fact that under that section the title of the bill is practically nullified; that while under the title the naval auxiliary feature is made a principal and primary purpose of the bill, under section 5—that is, the legislative part of the bill—it makes the commercial feature the fundamental and principal proposition and the naval auxiliary part purely incidental, and it could be left out of consideration entirely.

I want, however, to call attention to the language here with reference to the construction of these ships, if we are going to construct them. The bill reads:

That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards—

That is all right—

and navy yards—

That is all right—

or elsewhere.

What does that mean? Well, that means elsewhere; it means in Japan, in China, in Great Britain, in France, in Germany, or anywhere else by foreign labor and out of foreign material. Under what conditions can these ships be constructed elsewhere? giving preference, other things being equal—

Mr. WADSWORTH. And they never are equal.

Mr. JONES (continuing reading)—  
to domestic yards.

Mr. President, under that clause every ship that the Government may order constructed is very likely to be built in a foreign shipyard. It may be that they could not get it done now while the European war is on, but if the war closes, and then we call for bids for the construction of these ships, every one of them will go to a foreign yard, because, under that language, if the bid of the foreign yard is one dollar less than the bid of the domestic yard other things are not equal—that is, other things besides one being the domestic yard and one the foreign yard—they are not equal.

I wanted to put in a provision something like this: That the ships could be built elsewhere if the bids of the domestic yard were considered extortionate or excessive. That is substantially the provision that the Republicans enacted with reference to the Panama Canal; but my Democratic friends would have nothing of that; they must have this provision.

Why, Mr. President, what are the conditions? Laborers in Japanese shipyards get from 40 to 80 cents a day, while in American shipyards they receive from \$2.50 to \$6 a day. Japan is becoming efficient in the shipbuilding industry; she is encouraging her shipyards; and whenever the time comes that this Government calls for bids for the construction of the ships provided for by this bill and opens those bids to the shipbuilders of the world, we will find that the Japanese and the English and the Germans will underbid our domestic yards. Then, instead of practically insisting upon the employment of American labor, the encouragement of American capital, the building of American ships, we will have ships for the Government built by foreign labor out of foreign material by foreign capital.

Mr. President, section 9, as it came to us from the House, contained a provision that if any foreign-built ships were given American registry under this act or under the emergency act which we passed in 1914, such ships could not engage in the

coastwise trade except that such vessels might "engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels."

What has the Senate committee done? The Senate committee has provided absolutely that any foreign-built ship enrolled or registered or licensed under this bill may engage in the coastwise trade anywhere and under all circumstances. They leave no discretion, even to the shipping board, to exclude them. If service between American ports is adequate and sufficient, still foreign-built ships can engage in that trade.

Mr. President, the coastwise trade policy is one that has been in force in this country for over a hundred years. In my judgment the people of the United States are in favor of maintaining that policy. Under it we have developed a great American merchant marine. It is practically the only merchant marine we have, or did have when the conflict in Europe broke out. We are proud of it, and when some of us have urged developing a merchant marine many of our Democratic friends have pointed to the aggregate tonnage of the American merchant marine in the domestic trade, a merchant marine which has been built up under a policy of protection. Our Democratic friends are against protection in any form or character, and they seem to want to strike down this protective policy and this protected industry. This is but the entering wedge to the opening up of the coastwise trade of the United States to foreign-built ships; and, Mr. President, when the time comes that the coastwise trade of America is open to foreign-built ships, then will go the last vestige of American shipping. It may take time, but it will go, just as our foreign shipping has gone. England, of course, is rejoicing at the efforts we are putting forth to build up a foreign merchant marine, but she is rejoicing even more to see us strike at our domestic merchant marine.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. I do.

Mr. CUMMINS. Purely for information, I ask the Senator from Washington whether there is any other provision in this bill for the registration or enrollment of a vessel except the provisions contained in section 9?

Mr. JONES. That is the only section of the bill bearing upon that question.

Mr. President, I received a memorandum this morning prepared by Mr. Smith, to whom I referred a while ago, calling attention to the fact that under this provision if the shipping board leases a foreign-built ship, as it can do under this bill, or charters one, this bill attempts to allow that vessel to go into the coastwise trade. He also touches in this memorandum much better than I could do upon some other features of the bill. I ask that I may insert the memorandum at this point in my remarks as a part thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum referred to is as follows:

This bill attempts to define the status of "common carriers" by water with a view to compelling such carriers to go into the matter of printing and filing rates in the same manner that common carriers by rail file their rates in the case of water carriers with the shipping board as in the case of rail carriers with the Interstate Commerce Commission. It won't work, except in the case of regularly established lines. An independent ship may be on time charter for a while, on a trip charter another time, may be a common carrier on one trip or on a passage one way, and a private carrier on another trip or on one portion of a trip. She may be a common carrier, in short, for so brief a time, and in such a limited manner as to permanence, as to render it quite impossible for her owners to prepare the classification of rates and file them in the same manner that a regularly established line or a railroad could and would.

The effect of the obligations imposed on independent common carriers by water will be to discourage the use of independent steamships of the tramp variety from intermittently performing the functions of a common carrier. On the contrary, they will be compelled to confine their operations largely, if not wholly, to the carriage of bulk cargoes or perform the service of private carriers. It will, in short, be utterly impossible to compel these intermittent carriers by water, which shift by seasons first into this trade and then into that, carrying grain from Argentina a few trips, cotton from Gulf ports a few trips, sugar from Cuba still other trips, grain from the Black Sea other trips, and bulk cargoes from different parts of the world as they are seasonally accumulated, to submit to either the expense or the annoyance of filing schedules of rates, agreements and the like, as steamships of regularly established lines may do. To sum it up, the competitive influence of the itinerant or independent carrier will be tremendously abridged in the trade with the United States, and not at all abridged in the trade of other countries not with the United States. Thus the export and import commodities of other nations, rivals to ourselves, will be carried under far less hampering restrictions than ours will be, with greater expense to us and less expense to our rivals.

It will not be difficult, nor will it be a serious hardship, for regularly established lines of steamships to conform to the requirements imposed by this bill upon "common carriers," either in foreign or in

domestic trade. Where the obvious purpose of the men who have drafted these provisions is to increase the competition of independent ships with regularly established lines of ships just the reverse will, in all probability, be accomplished. The regularly established steamship lines, which regard the independent steamships of the tramp or itinerant variety, the ship of no known regular run or route as the bane of their existence, interfering with their business and often compelling regular lines to abate their rates, will no longer be annoyed by the independent ships, because the provisions of this bill will drive the independent steamships out of precisely the competition that the regular lines of steamships would be most pleased to have them driven out of. It is a case of aiming at the goose and hitting the gander.

The mobile seas, the wide waters of the world, upon which the independent water carriers are ever moving, first in one direction and then in another and still another, will shun the trade of the United States, except only in such cases as they act as private rather than as common carriers; precisely the reverse, doubtless, of what the men who have drafted these provisions intended or desired. Because it is not to be assumed for a moment that it is the purpose of these provisions to strengthen the grip of the regularly established lines on the business they control as common carriers and to weaken the competition of the independent, itinerant steamship, and yet that is precisely what the bill will accomplish if unamended.

Legislators, unfamiliar with the details of transportation, who have succeeded in so legislating as to regulate the transportation by rail where freight moves always over fixed lines or fixed routes, and never vary as to their functions as common carriers, think they can apply the same sort of legislation to the ever shifting and changing independent carrier by water, but they will learn that the whole effect of the provisions they have framed will merely be to make more and more difficult, more and more impossible, the competition of independent water carriers with regularly established lines. Traffic conditions by sea are so entirely different from what they are by rail that the rules applicable to rail carriers will not work with independent water carriers.

Probably, however, nothing is so absurd, so ridiculous, so utterly impossible, as the provisions of sections 5 and 9, giving the shipping board power to charter and lease foreign vessels and place such vessels under American register or register and enrollment, or register enrollment and license, as vessels of the United States. These terms "register" and "enrollment and license" refer to certain documents issued by the customs authorities, defining the nationality, status, and destination of vessels, or the areas within which they may operate. It is proposed by this bill to authorize the shipping board to take a British ship, for instance, under charter or lease, a transaction that would not in the ordinary traffic of the seas in the least degree interfere with the nationality of the vessel, and make of her during the time of her lease or charter an American vessel. In the first place, the owners of the vessel would not consent to such an undertaking, as the laws of Great Britain would prevent them from consenting to it. Secondly, Great Britain certainly would not consent to allow a ship really British, as to her ownership, to be registered or enrolled and licensed as a ship of an alien nation. The same is true of other foreign owners of foreign ships and the governments of the countries whose citizens and subjects own these foreign ships.

The whole scheme of legislation as to charter and lease of foreign vessels and documenting them as vessels of the United States, as proposed by the bill in sections 5 and 9, is as impracticable as the building of a railroad line from the earth to Mars. It is a lot of tomfoolery that will make the legislators of the United States the laughing stock of the whole maritime world. One feels foolish in attempting to analyze such incongruous and unheard-of absurdities. The courts will throw out everything intended in sections 5 and 9 as to the chartering and leasing of foreign ships by the shipping board, and all attempts to register or enroll and license such chartered or leased foreign ships as vessels of the United States will be declared by our own courts and by the courts and the governments of other nations as utterly and wholly futile and null and void. Such foreign vessels can not have any status as American vessels unless owned by American citizens, in which case they cease to be foreign vessels; but they do not cease to be foreign vessels while merely under charter or lease, and so long as they remain foreign vessels they can not by any legislative legerdemain become vessels of the United States.

With a zeal worthy of a far better cause, Congress is to be asked to kill off American-built ships in the coasting and lake trade of the United States and substitute foreign vessels, built by foreigners, for them. To the extent that this is planned in the way of purchase of foreign-built ships by the shipping board it will probably be lawful and accomplish the object sought, to wit: To destroy American shipowning in our coastwise carrying, as it has been all but destroyed in foreign carrying, and to destroy the industry of building ships of ocean types in the United States for coastwise carrying, as, until this war, such shipbuilding for foreign carrying had well-nigh ceased. The effect of this will be to destroy American shipping in coastwise trade as it has already been destroyed in foreign trade, and the same instrument that has all but wiped out American ships in foreign trade will accomplish their destruction in coastwise trade, and that instrument is free trade—Democracy's fetish.

But the attempt to accomplish the same thing through the charter or lease of foreign vessels by the shipping board and the registration or enrollment and license, or registration, enrollment, and license, of such chartered or leased foreign vessels as vessels of the United States is something so irreconcilable, in law and in fact, as to stamp it upon its very face as the quintessence of clumsy and immature legislation.

Mr. JONES. Mr. President, I am not going to take the time of the Senate to refer to the provisions of the bill which authorize the shipping board, if it deems it wise, to organize one or more corporations in the District of Columbia for carrying out the purposes of this act. So far as I am concerned, I can see absolutely no use of any such authority as that. It looks to me like a sort of fifth wheel to a wagon; it looks like a proposition to furnish some additional offices of some kind; but I am going to leave the discussion of that matter to others who have given that particular feature of the bill probably much more thought than I have. I repeat, however, that I can see no necessity for it myself from any standpoint whatever.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?



Mr. JONES. I yield to the Senator.

Mr. CUMMINS. Upon that point I desire to ask the Senator a question, also for information. I assume that the bill was discussed in the committee rather carefully and fully.

Mr. JONES. That is a very violent assumption on the part of the Senator. The bill was not discussed in the committee. The committee had some hearings, and then when the subcommittee reported the bill to the full committee for consideration, the bill came up one day—perhaps I ought not to state these things; perhaps I have no right under the rules to go into that; but I will say the bill was not discussed in the committee to any extent.

Mr. CUMMINS. I am not able to fully understand this sentence:

The total capital stock thereof shall not exceed \$50,000,000.

Does that sentence mean that the total capital stock of all the corporations organized under this section shall not exceed \$50,000,000, or does it mean that the total capital stock of any one corporation organized under the section shall not exceed \$50,000,000?

Mr. JONES. Mr. President, I had not given that point any thought. I have merely assumed all the time that the meaning is that the aggregate of the capital of whatever companies are formed shall not exceed \$50,000,000. I will yield to the Senator from Florida [Mr. FLETCHER], who can probably answer that question definitely.

Mr. FLETCHER. I think that is the clear understanding that the total capital stock is to be limited to \$50,000,000 for any or all corporations formed under this act.

Mr. CUMMINS. That may have been the intent of the members of the committee, but I think it is very imperfectly expressed.

Mr. JONES. I can readily see that when the Senator calls my attention to it. As I have said, I have simply assumed all the time that \$50,000,000 was the aggregate of the capital stock, but I did not notice the language particularly.

Mr. WADSWORTH. Mr. President, will the Senator from Washington yield to me to ask a question?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.

Mr. WADSWORTH. I ask the question merely for information, as my examination of the bill has been somewhat casual. Is there any provision in this bill by which the Government will be called upon to guarantee any dividend or income from the stock of the corporation which it organizes?

Mr. JONES. No; there is not.

Mr. WADSWORTH. Well, does the Senator think that anybody will buy the stock?

Mr. JONES. The Senator is just as able to form an opinion with reference to that as I am. The Government will buy the stock; the Government will have the stock.

Mr. CUMMINS. Will the Senator from Washington allow me to reply to that inquiry?

Mr. JONES. Yes.

Mr. CUMMINS. If anybody thinks he can use the Government through this corporation to advance his interests he will buy the stock; if he does not think so he will not buy the stock.

Mr. JONES. That is the only circumstance or condition under which the stock would be bought.

Mr. President, the bill provides that the Government may operate the ships proposed to be acquired under this bill for five years after the close of the war, but those who hope to have the Government operate these ships, even for a five-year period, will need to study very carefully the amendments which have been put in the bill by the committee, under which the operation of the ships by the Government, in my judgment, is absolutely out of the question. They will not be operated by the Government; they will be leased to private parties, who will operate them, and they will charge whatever rates they see fit to charge and whatever rates the transportation market will command; and the people of the country, who hope to get relief through these ships and their operation, will find themselves very badly disappointed, for the only ones who will secure benefit will be the favored few who are able to get these ships and possibly to lease them at a cheaper rate than they could lease ships from private parties and to charge for their operation the highest possible transportation market price.

Mr. President, I said a moment ago that if the primary purpose of this bill were so expressed as to show that it is the naval auxiliary feature I could support it, so far as that feature of it would go, and I would be perfectly willing to vote for \$50,000,000, if it were necessary, to buy or construct ships pri-

marily to be used as naval auxiliaries, and giving the Secretary of the Navy authority at any time and at all times when they were not needed for naval purposes to use them for commercial purposes. I would not limit it to 5 years; I would not limit it to 10 years; I would not limit the period at all.

I would not have our naval ships tied up at the wharves like our Army transports have been for several years; but if they are not needed by the Government let them be used, if necessary, to carry nitrates from Chile or Peru, or wherever the nitrates come from, and at a lower rate, in order to help out the Government and the farmers of the country, authorizing the board, if they thought wise, even to lease these ships to private parties, subject to be taken back for the use of the Government if required. I would be willing to do that, and I could see some reason in doing that. There would not be any danger in that to private capital and some relief would come to the people. Every ship man that came before the committee said he would have no objection to a proposition of that character. They recognized the wisdom of having the Government use its ships even for commercial purposes when not needed for governmental purposes. They did not see any danger or any deterring influence in a policy of that character; but that is entirely different from what is proposed in this bill.

Mr. President, sections 15 and 17 of the bill prohibit certain things upon the part of common carriers by water. They prohibit entering into combinations, or paying rebates, or using "fighting ships," or retaliating against shippers, or making threats against them, or using unfair or unjustly discriminatory measures, or making or giving any undue or unreasonable preference or advantage to persons or localities, or allowing any person to obtain transportation at less than the regular rates by deceit or false weights, and things like that.

Of course, nobody has any objection to prohibiting all those things, but what is the use of putting them in this bill? They are already covered by another act that we have already passed. There is another board that has authority to inquire into and prohibit and punish, in my judgment, all of the things enumerated in those sections so far as any governmental agency can prohibit them.

I have here the Federal Trade Commission act, the first part of section 5, of which reads as follows:

That unfair methods of competition in commerce are hereby declared unlawful.

The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

Now, then, what is commerce under the terms of that act?

"Commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

That seems to me to be as broad as it can be; and these, it seems to me, are clearly unfair methods of competition—every one enumerated here. I think the Federal Trade Commission has full authority, as far as any governmental agency can act, to meet all these situations. There is no provision in this bill that excludes the Federal Trade Commission from going into any acts that are covered by the authority of the proposed shipping board.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. I do.

Mr. CUMMINS. The Senator from Washington understands that section 15 applies to foreign ships as well as to American ships.

Mr. JONES. Oh, yes.

Mr. CUMMINS. Has the Senator given special attention to the definition of the word "rebate"? If he has, I should be glad to know whether, in his judgment, it narrows or broadens the scope of that word as it is ordinarily understood.

Mr. JONES. I have not examined into that especially.

Mr. CUMMINS. Allow me to call the Senator's attention to it at this point, then, because it is very instructive.

Mr. JONES. Yes; I shall be glad to have the suggestion of the Senator with reference to it.

Mr. CUMMINS. The first paragraph of the section says:

That no common carrier by water shall directly or indirectly \* \* \* pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow, a deferred rebate to any shipper. The term "deferred rebate" in this act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond—

I am now reading the amendment of the committee—

the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

I think that is a rather curious provision. In my opinion, it expressly authorizes or legalizes rebates which are just as obnoxious to common sense and good reason as the rebates that are prohibited.

Mr. JONES. There is one thing certain: It restricts the meaning of the words "deferred rebate," and to that extent would merely weaken the Federal Trade Commission.

Mr. CUMMINS. I think it would weaken it, if not destroy it.

Mr. JONES. So it simply emphasizes my contention that it would be better to leave these things to be taken care of as they are now, by a governmental agency that we have already provided after the fullest discussion and most careful consideration, instead of duplicating the jurisdiction, and, by specific definitions like that, limiting the general declaration of the Federal Trade Commission act declaring unlawful all unfair methods of competition.

Mr. FLETCHER. Mr. President, if the Senator will allow me to interrupt him—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. Yes; I yield to the Senator.

Mr. FLETCHER. As to the observation made by the Senator from Iowa, in the hearings before the House committee, at page 14, the Senator will find the statement of Dr. Johnson as to that. He says:

This is equivalent to saying that the proposed legislation proceeds in the right direction. It permits rival steamship lines to form conferences and to enter into agreements for the regulation of services and rates, but subjects the agreements and all the rates fixed by agreements to Government knowledge and regulation. Legislation of this kind is sound in principle and is needed in the public interest.

This is the statement of Dr. Johnson with reference to that provision—that it subjects these agreements to Government knowledge and regulation.

Mr. JONES. I will leave the Senator from Iowa to answer that suggestion, if he so desires.

Mr. CUMMINS. I will do so in my own time.

Mr. JONES. The opinion of Dr. Johnson is very valuable along some lines and worthy to be followed in certain directions; but on matters of legal construction, and things of that sort, I do not think it is an opinion that is entitled to a great deal of weight.

Mr. President, section 16 is, I think, one of the most seriously objectionable sections of the bill. When the people of the country realize what our Democratic friends are trying to do in that section, in my judgment they will condemn this legislation very bitterly. The people of this country are in favor of the antitrust law, known as the Sherman Act, against conspiracies in restraint of trade. It is an act that of recent years has been construed by the Supreme Court of the United States and has been made effective if properly enforced. I do not believe they are in favor of its repeal. Yet this section absolutely repeals the Sherman law as to agreements made by common carriers by water, whether interstate or foreign.

What does it do? It permits combinations and agreements for the fixing of rates, the receiving of special rates and accommodations, regulating competition, pooling or apportioning earnings, losses, or traffic, allotting ports or restricting or otherwise regulating the number and character of sailings between ports, and all that sort of thing. It allows these things to be done with the approval of the shipping board. This bill places it in the absolute power of the shipping board, so far as legislation can place it there, to approve and make lawful every agreement or combination for the pooling of rates or fixing of rates or apportioning ports or dividing business that these carriers may enter into. Do the people of the country want that done? And it expressly says what?

Every agreement, modification, or cancellation lawful under this section—

And it is lawful when it is approved by the shipping board. That is what makes it lawful. If the shipping board approves these agreements, they are lawful.

Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Then it goes further and says—

and amendments and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," and amendments and acts supplementary thereto.

Now, Mr. President, I am simply going to call attention to what that section permits this board to do and what it does with reference to the Sherman law.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. In just a moment. This shipping board can approve an agreement made between two companies to-day and disapprove a similar agreement made between two other companies to-morrow—the one would be lawful and the other would be unlawful—with reference to pooling of rates, regulating rates, apportioning business, restricting business, and all that sort of thing.

I now yield to the Senator from Iowa.

Mr. CUMMINS. Not only is the section open to all the objections suggested by the Senator from Washington, but I desire to mention another: The section provides that agreements existing at the time of the organization of the board shall be lawful until disapproved by the board.

Mr. JONES. That is true.

Mr. CUMMINS. It does not even require the action of the board in order to make lawful existing agreements which may be in violation of the antitrust laws.

Mr. JONES. That is true. Mr. President, that provision also nullifies the following provision inserted in the act of August 24, 1912:

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

Congress enacted that provision of law for a purpose. Congress solemnly declared that ships acting contrary to the Sherman law and acts supplemental thereto, operated by persons violating that law, should not pass through the Panama Canal. This section repeals that provision. Did our Democratic friends do it purposely? Did they intend deliberately to nullify the act of 1912 prohibiting ships operated contrary to the Sherman law from going through the Panama Canal? Is there some special interest to be served or benefited by this action? It looks like it. They propose now to let such ships go through the Panama Canal. How? By having their agreements and their contracts in violation of the Sherman law declared lawful by the shipping board.

Mr. President, sections 17 and 18, in my judgment, simply handicap our shipping, simply put them at a disadvantage with the shipping of foreign countries, and will simply retard the development of an American merchant marine rather than encourage it. They ought to be left out of this bill. They ought to be left out at least until we get an American merchant marine to regulate, and then see whether or not we should put restrictions upon it. The regulation of rates in interstate commerce by water by a proper board is not seriously objectionable, although that should be carefully guarded, and should apply to regular lines, unless you want to favor monopoly and drive out the weak operator and the ship that goes from port to port and picks up business wherever it can and at such rates as it can secure.

Mr. President, I have prepared, as expressing my own views as clearly as they have thus far been formulated and determined, subject to change, some provisions which I should like to see adopted as a substitute for this bill. I am not going to offer this matter as an amendment or substitute for the bill, however. Why? Simply because it is a useless thing to do, because our Democratic friends are in the majority. They have decreed by caucus that this bill shall go through. They have decreed by caucus that it shall go through in a certain way, with certain amendments, and that all other amendments will be voted down. So it is useless to offer this as a substitute, and I am not going to do it; but I am going to ask that it be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection, such will be the order.

The matter referred to is as follows:

Be it enacted, etc., That from and after 30 days from the signing of a treaty of peace closing the war now existing in Europe, the date to be announced by proclamation of the President, all goods, wares, and



merchandise imported in vessels not admitted to registration under the laws of the United States shall be subject to a duty of 5 per cent ad valorem in excess of the duties otherwise imposed, and all goods, wares, and merchandise, excepting tea and coffee, so imported which otherwise are admitted free of duty shall pay a duty of 5 per cent ad valorem: *Provided*, That the foregoing provisions shall not go into effect as to goods, wares, and merchandise imported in the vessels of other nations with which we have treaties which said provisions contravene until said treaties have been duly abrogated; and the President is hereby directed to abrogate any treaties which would interfere with the taking effect of said provisions in the manner provided by said treaties.

SEC. 2. That the Postmaster General is hereby authorized to pay for ocean-mail service under the act of March 3, 1891, in vessels hereafter built and registered in the United States and of a speed equaling or exceeding that of the fastest foreign vessels in the same service, at the date of contract, on routes to Europe, and otherwise complying with the terms of said act, at a rate not exceeding \$10 per mile on the outward voyage by the shortest practicable routes; and in vessels hereafter built and registered in the United States of the second class, described in and otherwise complying with the terms of said act, on routes to South America, to the Philippines, to Japan, to China, and to Australasia at a rate not exceeding \$4 per mile on the outward voyage by the shortest practicable routes, and in vessels of the third class, described in and otherwise complying with the terms of said act, hereafter built and registered in the United States on said routes to South America, to the Philippines, to Japan, to China, and to Australasia at a rate not exceeding \$2 per mile on the outward voyage by the shortest practicable routes: *Provided*, That, subject to the foregoing provisions, every contract shall be awarded to that responsible bidder who will contract, under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract.

SEC. 3. That a board is hereby created, to be known as the United States shipping board, and hereinafter referred to as the board. The board shall be composed of five commissioners, to be appointed by the President, by and with the advice and consent of the Senate; said board shall annually elect one of its members as chairman and one as vice chairman.

The commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and to a fair representation of the geographical divisions of the country. No commissioner shall be in the employ of or hold any official relation to any common carrier by land or water, or own any stock or bonds thereof, or be pecuniarily interested therein. No commissioner shall engage in any other business, vocation, or employment during his term of service. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

SEC. 4. That each member of the board shall receive a salary of \$7,500 per annum. The board shall appoint a secretary at a salary of \$3,500 per annum, and employ and, until otherwise provided by law, fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by Congress. The President, upon the request of the board, may authorize the detail of officers of the military or naval forces, or the transfer of employees of other services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be a part of the classified civil service and be selected and appointed in accordance with the civil-service rules and regulations.

The actual and necessary expenses incurred by the members of the board or by its employees under its orders, in making any investigation, or upon official business in any other place than in the District of Columbia, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

Until otherwise provided by law the board may rent suitable offices for its use in the District of Columbia.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

SEC. 5. That the board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry; it shall investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping; it shall examine the navigation laws of the United States and the rules and regulations thereunder and all matters intimately connected with the subject of shipping, foreign and domestic, and make such recommendations to the Congress as it deems proper for the modernization of the laws of the United States, and for the adequate development of the American merchant marine in domestic commerce, and in all lines of foreign commerce in competition with foreign shipping, upon a fair and equitable basis, and discharge such other duties as may from time to time be imposed upon it by law.

It shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this act, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board.

SEC. 6. That when used in this act the term "common carrier by water in foreign commerce" means a common carrier, except ferryboats running on regular routes and except boats running in a ferry service between this country and Canada making not less than six trips a week, and excepting vessels commonly known as "tramp vessels," engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade.

The term "common carrier by water in interstate commerce" means a common carrier engaged in the Great Lakes and coastwise trade in the transportation by water of passengers or property between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "common carrier by water" means a common carrier by water in foreign commerce, or a common carrier by water in interstate commerce, as above defined.

The term "person" includes corporations, partnerships, and associations existing under or authorized by the laws of the United States or any State, Territory, District, or possession thereof, or of any foreign country.

The provisions of this act shall apply to receivers and trustees of all persons to whom the act applies and to the successors or assignees of such persons.

SEC. 7. That when the United States is at war, or during any national emergency the existence of which is declared by proclamation of the President, no vessel registered or enrolled and licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States or transferred to a foreign registry or flag.

Any vessel sold, chartered, leased, transferred or operated in violation of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000 or to imprisonment of not more than five years or both such fine and imprisonment.

SEC. 8. That the President, upon giving to the person interested such reasonable notice in writing as in his judgment the circumstances permit, may take possession, absolutely or temporarily, for any naval or military purpose, of any vessel receiving ocean mail pay under this act: *Provided*, That if, in the judgment of the President, an emergency exists requiring such action he may take possession of any such vessel without notice.

Thereafter, upon ascertainment by agreement or otherwise, the United States shall pay the person interested the fair actual value at the time of taking of the interest of such person in every vessel taken absolutely, or if taken for a limited period, the fair charter value for such period. In case of disagreement as to the fair value it shall be determined by appraisers, one to be appointed by the board, one by the person interested, and a third by the two so appointed. The finding of a majority of such appraisers shall be final and binding upon both parties.

SEC. 9. That any vessel receiving ocean mail pay under this act may be listed by the Secretary of the Navy as a vessel of the United States Naval Auxiliary Reserve. The officers and members of the crew of any such listed vessel who volunteer for the purpose and are citizens of the United States or its insular possessions may, under regulations prescribed by the Secretary of the Navy, be enrolled in various ranks and ratings corresponding to those of the United States Navy, not above the rank of Lieutenant commander, as members of any naval reserve force established by law.

SEC. 10. That no common carrier by water in interstate commerce shall, directly or indirectly—

First, Pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow a deferred rebate to any shipper. The term "deferred rebate" in this act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the period for which computed and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

Second, Use a fighting ship, either separately or in conjunction with any other carrier, through agreement or otherwise. The term "fighting ship" in this act means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

Third, Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because any shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

Fourth, Make an unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

Any carrier who willfully violates any provision of this section shall be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 for each offense.

SEC. 11. That it shall be unlawful for any common carrier by water in interstate commerce, either alone or in conjunction with any other person, directly or indirectly:

First, To make or give any undue or unreasonable preference or advantage to any particular person, or description of traffic in any respect whatsoever, or to subject any particular person or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Second, To allow any person to obtain transportation for property at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

Third, To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this act.

SEC. 12. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.



Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and the points on the route of any other carrier by water.

No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with its section, except with the approval of the board and after 10 days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made, but the board for good cause shown may waive such notice.

Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

SEC. 13. That whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water it shall not increase such rates unless after hearing the board finds that such proposed increase rests upon changed conditions other than elimination of said competition.

SEC. 14. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly prejudicial to exporters of the United States as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly prejudicial rate, fare, or charge.

SEC. 15. That every common carrier by water shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

SEC. 16. That it shall be unlawful for any common carrier by water, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier or other person subject to this act for transportation in interstate or foreign commerce, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

Nothing in this act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court of a State or of the United States, or to any officer or agent of the Government of the United States, or of any State, Territory, District, or possession thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

SEC. 17. That the board may require any common carrier by water, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this act. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of \$100 for each day of such default.

Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum, shall be guilty of a misdemeanor, and subject upon conviction to a fine of not more than \$1,000 or imprisonment for not more than one year, or to both such fine and imprisonment.

SEC. 18. That any person may file with the board a sworn complaint setting forth any violation of this act by a common carrier by water, and asking reparation for the injury, if any, caused thereby. The board shall furnish a copy of the complaint to such carrier or other person, who shall, within a reasonable time specified by the board, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the board shall, except as otherwise provided in this act, investigate it in such manner and by such means, and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before the day named, of full reparation to the complainant for the injury caused by such violation.

The board, upon its own motion, may in like manner, and, except as to orders for the payment of money, with the same powers, investigate any violation of this act.

SEC. 19. That orders of the board relating to any violation of this act shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion.

All orders of the board other than for the payment of money made under this act shall continue in force for such time, not exceeding two years, as shall be prescribed therein by the board, unless suspended, modified, or set aside by the board or any court of competent jurisdiction.

SEC. 20. That the board shall enter of record a written report of every investigation made under this act in which a hearing has been held, stating its conclusions, decision, and order, and if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

The board may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof.

SEC. 21. That the board may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it. Upon application of any party to a decision or order it may grant a rehearing of the same or any matter determined therein, but no such application for or allowance of a rehearing shall, except by special order of the board, operate as a stay of such order.

SEC. 22. That for the purpose of investigating alleged violations of this act the board may, by subpoena, compel the attendance of witnesses and the production of books, papers, documents, and other evidence from any place in the United States at any designated place of hearing. Subpoenas may be signed by any commissioner, and oaths or affirmations may be administered, witnesses examined, and evidence received by any commissioner or examiner, or, under the direction of the board by any person authorized under the laws of the United States or of any State, Territory, District, or possession thereof to administer oaths. Persons so acting under the direction of the board and witness shall, unless employees of the board, be entitled to the same fee and mileage as in the courts of the United States. Obedience to any such subpoena shall, on application by the board, be enforced as are orders of the board other than for the payment of money.

SEC. 23. That no person shall be excused, on the ground that it may incriminate him or subject him to a penalty of forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpoena of the board or of any court in any proceeding based upon or growing out of any alleged violation of this act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 24. That in case of violation of any order of the board, other than an order for the payment of money, the board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

SEC. 25. That in case of violation of any order of the board for the payment of money, the person to whom such award was made may file in the district court for the district in which such person resides, or in which is located any office of the carrier or other person to whom the order was directed, or in which is located any point of call on a regular route operated by the carrier, or in any court of general jurisdiction of a State, Territory, District, or possession of the United States having jurisdiction of the parties, a petition or suit setting forth briefly the causes for which he claims damages and the order of the board in the premises.

In the district court the findings and order of the board shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor shall he be liable for cost at any subsequent stage of the proceedings, unless they accrue upon his appeal. If a petitioner in a district court finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the costs of the suit.

All parties in whose favor the board has made an award of reparation by a single order may be joined as plaintiffs, and all other parties to such order may be joined as defendants. In a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against any such defendant not found in that district may be made in any district in which is located any office of or point of call on a regular route operated by such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

No petition or suit for the enforcement of an order for the payment of money shall be maintained in a district or State court unless filed within one year from the date of the order.

SEC. 26. That the venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the board shall, except as herein otherwise provided, be the same as in similar suits in regard to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties.

SEC. 27. That the board may investigate the practices of any foreign carrier entering our ports, and if, in its judgment, such foreign carrier is using unfair and unjust methods and practices in competition with our carriers or shippers, or exporters, it may call upon such carrier to desist from using such methods and practices, and if it fails or refuses to do so, the board may issue an order prohibiting such carrier from entering our ports, and so long as such order continues in effect no such carrier shall be permitted to enter at any of the ports of the United States.

SEC. 28. That whoever willfully violates any provision of this act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by a fine of not to exceed \$5,000.

SEC. 29. That this act shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission; nor shall this act be construed to apply to intrastate commerce. That in so far as any of the provisions of this act may be inconsistent with the Federal Trade Commission act, they shall supersede the same.

SEC. 30. That if any provision of this act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the act, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby.

SEC. 31. That for the fiscal year ending June 30, 1917, the sum of \$100,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the board, including the payment of salaries herein authorized.

Mr. JONES. I will briefly state now what the substitute provides.



The first section provides for a system of discriminating duties, to take effect 30 days from the signing of the treaty of peace. We do not need any special encouragement now. What our shipping people and our shipping interests and our capital would like to have would be a formulated policy that they could act under when conditions become normal; and so I provide that this shall take effect and be in operation 30 days after the signing of the treaty of peace, and direct the President to abrogate all our treaties that would be contravened by those provisions.

Mr. President, that is a policy that has met heretofore with Republican approval. It is a policy that has met heretofore with Democratic approval. It could be enacted as an absolutely nonpartisan measure; as, in my judgment, a wise, patriotic, American measure for the building up of the American merchant marine.

The second section provides for an increase in the ocean mail pay provided under the act of 1891 and provides that it shall be paid only to ships hereafter built and plying between certain ports. Under that provision there would not be a dollar taken out of the Treasury of the United States unless an additional ship was added to the American merchant marine of a certain class and of a certain speed and of a certain character described in this provision and plying between American ports and certain other ports.

In other words, we would not pay out a dollar unless we got the ships and unless they did the business. And what is the money that we pay out? You may call it a subvention if you want to, but it is payment for service rendered the Government in the carrying of our mails to foreign countries and in the construction of these ships in a certain way to meet certain requirements and certain emergencies, if they come up, under provisions that make them available in case of war for use by the Navy and the Government of the United States. In other words, that section, if any money were paid out, would insure the construction of fast ships running between certain ports and available for naval auxiliaries.

Then I provide for a shipping board to investigate the conditions of shipping at home and abroad, to investigate all the phases and all the disadvantages under which our people act, and submit recommendations to Congress from time to time; and I give them certain regulatory powers over interstate shipments, but practically none over foreign shipments, leaving it to the board to suggest to Congress, after due investigation and due consideration, what change in the law we should make along those lines. I do not give them power to nullify the Sherman law. I leave them several of the regulatory features of the present bill, to be controlled by the Federal Trade Commission as they have authority to do now under the law.

Mr. President, this bill has been placed in no party platform. The people have never asked for it. They have never approved it. It is a farce, a sham, a delusion, a wasteful makeshift, and a fraud upon the people. It will furnish \$10,000 jobs to a few party favorites with many less expensive minor positions. It will take \$50,000,000 out of the public treasury to pay these high salaries and buy or build a few very costly ships to be turned over to private parties and used by them at as high freight charges as they can extort from the producers and shippers of the country. It will furnish no additional ships to meet the present emergency or reduce the high freight charges. It will destroy the development of a merchant marine by private capital and provide little relief in itself. It will further handicap our own shipping and encourage that of our rivals. It attempts to regulate rates to be charged in the foreign trade, which has never been done and is not now being done by any other nation on earth. It will destroy the merchant marine we now have and place us absolutely at the mercy of our commercial rivals for transportation facilities. It will stifle industry, prevent investment, suppress energy, aid the strong, destroy the weak, prevent competition, encourage monopoly, and eventually destroy the development that has come from the present conditions and make us more subservient and dependent upon foreign shipping than ever before.

For these and other reasons I can not vote for this measure.

Mr. President, I have here one or two things I want to put in the Record, and then I am through. The Senator from Minnesota called my attention this morning to an article in the Nautical Gazette which I ask may be printed in the Record, so far as the part that I have indicated in ink is concerned.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

[From the Nautical Gazette of Thursday, Aug. 10, 1916.]

Absolutely no power is given to deal with vessels' equipment or control in operation or otherwise. Neither is the power of the board to

be in conflict with the power of the Interstate Commerce Commission. These powers, however, should be such that the shipping board should rule in all nautical matters and both commissions work in unity.

As stated, the whole enactment is partisan, a mistake beyond recall, and the amendments are similar. Shipping interests are neutral but expect fair treatment and would appreciate such.

With the administration intent on shipping problems, it is perhaps fitting to ask, Why has it drawn up a bill without any consideration of bulldozing to operator, operator to underwriter, underwriter and operator to shipper, and to the end that all matters nautical be entirely placed in the hands of a competent board of nonpartisan membership.

Better have it forget the \$50,000,000 corporation altogether and cooperate with the shipping interests, who are making strenuous efforts to put the United States merchant marine on the seas and are preparing to cope with the inevitable competition practically in sight.

Let it not lose sight of the fact that all the world is building ships to-day. The emergency of moving cargoes has been overcome without any Government aid by private enterprise, who reasonably may ask, Is the country ready for the reaction which inevitably is coming? Has our gold surplus so much thought of been accumulated merely as a beacon light?

It would be fitting indeed for the administration to think it over and arrange whereby shipping interests may be able in foreign competition to obtain credit against such reserves on foreign shores in the obtaining of trade in general competition and presenting the American flag on all the seven seas.

Mr. JONES. Then, I have here a letter from Mr. N. J. Blagen, a large lumber-shipping man of my State, in which he discusses this bill at considerable length, especially from the standpoint of a local interstate coastwise shipper. He discusses it from the standpoint of a man who is thoroughly familiar with the conditions under which small ships are operated, going from port to port; and I want to put that in the Record.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The letter is as follows:

GRAY'S HARBOR LUMBER CO.,  
Hoquiam, Wash., July 26, 1916.

Hon. WESLEY L. JONES,  
United States Senator, Washington, D. C.

MY DEAR MR. JONES: Replying to yours of the 20th instant (reference H. R. 15455).

First of all allow me to say that I think this entire act should be defeated, as the establishment of a merchant marine on the basis herein outlined will be a colossal failure. It is not only the wasting of fifty or one hundred million dollars, but the injury that it will inflict upon the country in a general way will be far greater. One of the first things that will happen in connection with it will be that the labor unions will try to control the operation of this fleet to such an extent that it can not be anything but a failure, and through the operation of this will force the same influence upon other industries of the country, which will have a tendency to destroy business and industries, and eventually ruin the laboring man.

The regulation prescribed in this act for foreign commerce is intended to injure and destroy as far as possible such commerce. The least we should do for our citizens is to give them a free hand in competing with the rest of the world in this field of operation. If that was done and all of our antiquated and freak laws in reference to shipping and water-borne commerce repealed we would soon control the shipping traffic of the world. In my judgment we have come to a time when shipping will be very materially changed. That is to say, commerce will be carried in larger ships, so constructed that they can be operated for less money and carry a much larger cargo, and in that way reduce the cost. This can be accomplished very much better by and through the American citizens than anyone else, because we are willing to learn from the rest of the world and add thereto such new ideas as the past and present teaches us. We are about the only nation that is willing at all times to adopt new and improved methods quickly, providing it promises to be profitable.

In this respect I believe we are passing through the most critical history of our Nation in reference to water-borne and foreign transportation. We must remember that we are in competition with countries that have the very best seamen and sailors at less than half what we have to pay ours, and it should be apparent to all that it takes some wise guiding hand to build ships and operate against such competition. Yet I am satisfied that it can be done by our American spirit of progress and ingenuity, but not with the handicap that the Government has or proposes to place on our citizens.

Section 19 of this act reads in part as follows:

"That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property."

Apply this to the carrying of lumber from Oregon and Washington to California, in which service there are usually about 100 steam schooners operating under normal conditions. There are scarcely any two of them that will receive the same rate, and it is not often that they receive the same rate for two trips in succession, but change from trip to trip. Again, there is some lumber that is shipped in large bulk from one mill loading the boat in one day and unloading at the other end in one place in from one to two days. The same material is frequently shipped from a number of other mills in small quantities, so that a boat has to take three or four days more to get her cargo, sometimes taking as long as four or five days, and frequently has to deliver it at two or more places. Now, say such a boat is worth from \$200 to \$400 a day, according to the rate prevailing. It is very evident that the one cargo can be carried for much less than the other, and yet under this bill, as I understand it, it would have to be carried at the same rate. We have a large volume of lumber business moving in a much more exaggerated way than shown above. I have known a steamer coming in here putting on as many as 16 different parcels from a large number of mills, to be delivered to as many as 10 different

places. How could any general tariff or freight rate apply to such a business as against a mill that gives a boat a full load to a single point of delivery? In the one case each parcel has to be marked and kept separate; the boat is responsible if any of it is missing, mislaid, or delivered to the wrong party; so that you can readily see that one is worth a great deal more than the other. Yet it is the same kind of lumber, from the same point of origin, and to the same point of destination.

Another thing, the lumber market has always been subject to constant change either up or down, and so has the freight rate, largely in sympathy with the lumber market, but more often because of either plenty of tonnage or scarcity of it, which has been fully demonstrated during the last few years. Take, for instance, a year or two before the war, the first year of the war, and, in fact, up into last year freight was very low because tonnage was very plentiful. Since that time all of the large boats have gone offshore or onto the Atlantic coast, so that only the smaller boats have been left on this coast, thereby creating a scarcity which has had the effect of very much higher rates. To give you a concrete illustration of how this works: Our company is part owner in two coastwise steamers carrying about 800,000 feet of lumber each. The rates were so low that these two steamers could not make expenses, and consequently were laid up for over two years. Meanwhile we employed larger steamers that carried twice that much to carry our lumber, which they could do at a small profit. In other words, legitimate competition came into play just the same as legitimate competition has come into play in lumber business during the last few years, when we have been forced to introduce and adopt such methods by which we have been able to materially reduce the cost of production, and those mills that have not been able to introduce such methods have been forced out of business, all of which is perfectly legitimate and according to natural laws.

Again, these steamers pick up such freight from time to time on their return trip as they can get, and unless they make a low rate they will not get any of this freight, because it will be shipped on regular lines. These rates on lumber are often arranged by telegraph or telephone in a few minutes, and are increased or decreased in accordance with the market, available tonnage, quick dispatch, good service at both ends of the line, and many other circumstances that go to make up competition and efficiency, thereby rendering as good service as possible for the least amount of money. Supposing these steam schooners (as I take it they would all be common carriers where they carried lumber generally for different mills and lumber yards) would have to file a regular tariff with all the regulations that go with it, how could they compete with one another? It may be stated that no competition is wanted. Then why not carry this on to the mill that produces the lumber and cut out the competition, and so on all along the line, which would mean that we would all become machines for the Government to support? It must be evident that if this whole thing were carried to its final analysis the Government would have to support us all, and, of course, we would all then do as little as we had to if all competition, which is supposed to be the life of trade, was done away with. This is saying nothing of the enormous annoyance that these steamers would be subjected to by the constant interference on the part of the Government officials. You will naturally say that a lumber mill like ours is not under the regulation or supervision of the Government, but if you knew the annoyance and interference we have with the Government officials in an institution like ours you would be surprised. Take in consideration the income tax. While we make an absolute complete report, absolutely true in every detail, file same with the proper officials in proper time, yet we are annoyed by these officials off and on from time to time going through our books and annoying our whole office force from morning until night, to say nothing about all the other annoyances that come up from week to week from them wanting information of various kinds. It is very easy for me to understand what annoyance a steam schooner would be put to under this regulation.

Then, again, such a little thing as a ferryboat running across the Columbia River, of which there are a good many. Just think of the annoyance and inconvenience they would be put to as they have no office force or regular organization for handling all this detail work in connection with the filing of tariffs, making reports, etc. In other words, they would practically be forced out of business, and those that continued would have such an added expense and monopoly on the business that the rates would naturally be very materially increased, and with perfect monopoly the service would suffer. Taking it altogether, the idea of the Government running individual business is the greatest mistake that can possibly be thought of. If the Government wants to go into transportation by water, the manufacture of lumber, the operation of railroads, the handling and selling of merchandise, the operation of factories of every kind, as well as the handling of every business enterprise in the country, I suppose they can do so, but I think that most of us would agree that it would be a mistake and a failure. If they can not handle all of it, much less can they successfully operate part of it.

The regulation of railroads thus far in the United States has certainly been a colossal failure, and my judgment is that it always will be. I think it safe to say that the construction and operation of railroads in the United States had attained the highest degree of efficiency of any country in the world under the private ownership and free open competition and operation. No doubt some serious wrongs were committed in the development of such an enormous amount of railroad construction in so short a time, but the principal object was achieved, namely, the construction of first-class railroad systems under efficient management and operation, and last but not least cheap transportation. I think during all of these years of free and open railroad competition there was a constant downward tendency in rates, but what about it now since the Government undertook to regulate them? Is it not a decided cry for increase? Just about the same time the railroads were relieved of free transportation and rebates. This in itself must have added enormously to their net income and should have been the means of big reductions in rates.

My company is one of the largest shippers on the Pacific coast, shipping between four and five thousand carloads of lumber annually, and I will say without any fear of successful contradiction that if the railroads had been left absolutely free to make rates as they saw fit we would have a lower rate on lumber to the East to-day than we have.

After the construction of the Great Northern Railroad, Mr. J. J. Hill issued a rate of 40 cents per hundred pounds on lumber from here to Minnesota Transfer, and stated that if the time ever came when he could get all he wanted to carry at that rate the construction of the Great Northern would be an assured success. The time came when they could get more than they could carry, and with it came the Interstate Commerce Commission to regulate tariff. Mr. Hill, together with

others, applied for an increase of 20 per cent and they allowed him 10 per cent, whereas if there had been no regulation we feel positive that a reduction of at least 10 per cent would have been made in rates.

When the Chicago, Milwaukee & St. Paul Railway arrived on this coast their traffic manager told us repeatedly that they were determined to make a reduction in rates on lumber going East, but, after a long struggle, were prevented from doing so by the competing lines. Before the regulation of railroads, when a new road was built into a given territory there was nearly always a reduction in freight rates, but since the regulation was inaugurated there has been a constant cry for increase, and why? Partly because of the enormous increase in operation, caused by the interference of our Government, and also the fact that all the roads are now in one enormous combination, practically indorsed by the Government. In this way competition has been done away with and there is no need for them to ever think of such a thing as making a reduction in rates or to increase their efficiency. They are simply saying to the Government, "You have told us how to run our railroads, and now you can pay for it."

Now, it might look very well to the average man to feel that the Government controls the railroads and that they can regulate them, but what good is that when we have to pay more for our transportation? You will hear railroad officials claim that, because of increase in wages, etc., it costs more to transport freight than it used to. This I do not think can be borne out by the facts. Twenty-five years ago a locomotive with an ordinary crew would take from 25 to 30 cars to a train, carrying, perhaps, 20,000 pounds to the car. To-day the same crew with perhaps two or three additional men will take from 40 to 50 cars, carrying from 40,000 to 60,000 pounds to the car. In other words, one crew will take from two to three times as much as a crew did 20 or 25 years ago. Is it not evident that they can transport freight for a great deal less money? Right here allow me to say it is a well-known fact that the interest on capital invested in any railroad is a very great factor in the cost of operation. Now, consider the increased volume of trade and tonnage as compared with what it was 25 or 30 years ago. This should have the same tendency to materially decrease cost of transportation.

For your information I may say that 20 years ago we loaded from twenty to thirty thousand pounds of lumber in a car and to-day we can easily average 70,000 pounds to a car. Therefore instead of costing the railroads more for their traffic it costs considerably less. I am paying twice as much for labor and material to-day than I did 25 years ago, and yet I am producing lumber for about one-third of what I did at that time. It is all done by improved methods and efficiency. The very same thing holds good in the operation of a railroad. The trouble is that the railroads now have been told by the Government to do as they are told, and in turn they say to the Government, "You can pay for it." There is no more competition and no special reason why they should exert themselves to acquire additional traffic or income and see that their properties are made profitable, but simply say to the Government, "We are entitled to so much interest on our investment, and in order to get it we must have increased rates." The same identical thing will hold true in our shipping industry.

If regulated as proposed in this act it will mean a very material increase in cost, and all of this increase in various lines of industry might be all right if it applied to every business and every individual in the United States, so that we could all get a share of it. It would then, of course, amount to nothing, because we would all have to contribute to it, but the serious trouble is when only a few, such as railroads, shipowners, and a few others are forced to levy higher rates on the public which the great masses have to bear and be burdened with without getting any value received in return. All of this class of legislation has but one tendency—to disturb and destroy business activity and put unearned profits into the pockets of a few at the expense of the masses.

Altogether I am opposed to the entire bill. From start to finish it is a piece of legislation that stands for destruction instead of construction, but I am especially opposed to the last part of the bill where it refers to the interstate commerce, as it can not possibly accomplish any good, but is sure to do a great deal of harm.

Yours, very truly,

N. J. BLAGEN.

Mr. JONES. I have here, Mr. President, two telegrams—one signed by several transportation lines of the Pacific and one signed by the Seattle Chamber of Commerce—that I also ask to have inserted in the RECORD.

The PRESIDING OFFICER. There being no objection, the telegrams will be printed in the RECORD.

The telegrams are as follows:

SEATTLE, WASH., August 4, 1916.

WESLEY L. JONES,  
United States Senate, Washington, D. C.:

Referring section 9, House bill 15455, as reported by Senate committee, permitting foreign vessels engaged United States coastwise trade. While during present emergency conditions we favor permitting these vessels enter intercoastal trade, in our opinion such conditions do not apply to direct coastwise trade, as there are sufficient American-built steamers to efficiently and promptly handle all traffic offering in that trade. In view of this and of large number new vessels under construction American yards, many of which will undoubtedly enter coastwise trade, convinced the grave mistake as we, as great injustice to lines now regularly engaged therein, permit foreign-built vessels enter that trade. Such change in protective policy under which coastwise merchant marine has been developed to present proportions would, instead of assisting further development, seriously cripple or perhaps destroy it. Earnestly urge exert best efforts have section amended to exclude such vessels from direct coastwise trade.

SEATTLE CHAMBER OF COMMERCE.

SEATTLE, WASH., July 29, 1916.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.:

We, the undersigned steamship companies operating American-built vessels in the coastwise trade on the Pacific coast, respectfully, but most earnestly, protest against section 9 of House bill No. 15455 as reported by the committee to the Senate, permitting foreign-built vessels to engage in the United States coastwise trade. The regular coastwise lines have built up their trade at great expense and are giving a high-class service on regular schedule at low rates, not only with suitable cargo steamers but also with combination passenger and freight steamers, thereby furnishing a facility greatly needed by



the traveling public. It would work a great hardship and a grave injustice upon these lines and tend to destroy their passenger and freight service to subject them to the competition of these cheaper built and cheaper operated foreign freighters, for the present increased selling prices and building costs of foreign vessels are undoubtedly merely a passing phase of the extraordinary conditions temporarily existing because of the war. Such vessels, when in the foreign trade, and presumably the same privilege would be granted them when engaged in both the foreign and coastwise trade, could employ under the Executive order of September 4, 1914, foreign-licensed officers, and would not be subject to either United States inspection or measurement when trading foreign at rates relatively much higher than the coastwise rates, and calling at two or more American ports these steamers could afford, whenever having unfiled space, to carry freight between such American ports at abnormally low rates, with which the American coastwise steamers, depending exclusively on coastwise business, could not compete. There is now ample American-built tonnage to promptly and satisfactorily handle all traffic now offered, or likely to offer, in the direct coastwise trade; also in the intercoastal trade as soon as the off-shore rates become normal. Moreover, the recent testimony of the Commissioner of Navigation before the committee shows that to-day there are building in American yards 372 steamers, aggregating 1,147,534 gross tons, equivalent to over 18 per cent of all the present tonnage in the coastwise trade, and there can be no doubt that a large percentage of this new tonnage and of the heavy additional tonnage that will undoubtedly be constructed will eventually find its way into the coastwise and intercoastal trade. What element, therefore, of necessity, of justice, or of prudence is there in permitting these foreign-built vessels or other vessels acquired under this act to invade the coastwise trade that now almost everywhere has to meet the competition of railroads and the constantly increasing expenses of operation with practically no opportunity, because of competition already existing, for any corresponding permanent increase in rates.

May we not ask you to lend your best efforts to have section 9 so amended as to exclude not only foreign-built vessels but all vessels acquired under this act from the coastwise trade, thereby maintaining our traditional governmental policy under which our coastal fleet has grown to be the largest in the world.

HUMBOLDT STEAMSHIP CO.  
ALASKA STEAMSHIP CO.  
PACIFIC COAST STEAMSHIP CO.  
BORDER LINE TRANSPORTATION CO.  
PACIFIC-ALASKA NAVIGATION CO.

Mr. JONES. An extract on page 31 from the report of the House committee quoting from the report of the joint committee that made a report some time ago on conditions in the merchant marine I ask may be printed as a part of my remarks. I call attention to the fact that in this report they state that many if not most of the evils in the interstate shipping trade have already been met by legislation that we have passed and referring to the act there.

The PRESIDING OFFICER. Without objection, the matter will be printed.

The matter referred to is as follows:

The act of August 24, 1912, providing for the opening, maintenance, protection, and operation of the Panama Canal, contains provisions extending the jurisdiction of the Interstate Commerce Commission over interstate transportation which involves the carriage of property by rail and water, in the following particulars, viz: (1) to establish physical connection, where this is reasonably practicable and justifiable, between the rail carrier and the dock of the water carrier by directing either or both of the carriers to construct the connecting tracks; (2) "to establish through routes and maximum joint rates over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced"; and (3) "to establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates will apply." Section 11 of the act also provides for the divorcing of common carriers by water from the railroads under certain conditions. These legislative requirements go far toward eliminating some of the undesirable practices which were found by the committee to exist in the domestic commerce of the United States.

Mr. JONES. I have here an article entitled "The projected surrender of our coastwise shipping." I desire to have that printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. The Chair hears no objection.

The matter referred to is as follows:

THE PROJECTED SURRENDER OF OUR COASTWISE SHIPPING—IN CONTRAST TO THE PRESENT DESTRUCTIVE POLICY, REPUBLICAN LEGISLATION WOULD ENCOURAGE SHIPBUILDING AND INCREASE REVENUE.  
TO THE EDITOR OF THE SUN.

Sir: The ostensible purpose of the administration shipping bill is to help restore American shipping to foreign carrying; its real purpose is to deliver over to foreign shipowners and foreign shipbuilders the control of our coastwise carrying, the cream of our domestic maritime business. Everybody knows, and no one better than the administration, that to appropriate \$50,000,000 with which to do a work that would require from \$750,000,000 to \$1,000,000,000 is to attempt the impossible; and yet it is doubtful if the last-named sum would suffice to replace with American ships the foreign ships now engaged in our foreign carrying.

For more than half a century possession of our coastwise carrying has been the objective of our maritime rivals. They have the active and zealous—I might say the fanatical—aid of American free traders. With the administration dominated by free traders, with Congress in the possession of free traders, what more natural than that this time of all times should be selected for the delivery of our coastwise carrying to foreign maritime interests? With such a purpose in the minds of our foreign maritime rivals ever since 1854, and with the opportunity now presented of putting it into effect, why should they not seize and make the most of it?

Ever since the Spanish-American War there has been a redoubling of free-trade activity in the line of turning American coastwise carrying over to aliens. With the extension of our coastwise navigation laws successively to Alaska, Hawaii, and Porto Rico, and the opening of the Panama Canal, ever-increasing fleets of ocean-going American-built steamships have been necessary, because none but American-built vessels may engage in our domestic carrying under a law that has been among our statutes uninterruptedly since 1817.

So long as our domestic carrying was conducted in vessels of a type that was unsuited to ocean going, especially foreign going, business foreign opposition to the growth of our domestic marine was not pronounced. But as soon as it was apparent that the accommodation of the most rapidly growing portion of our domestic carrying—that between our insular possessions, Alaska, and through the Panama Canal in the coast-to-coast trade—necessitated the construction and operation of ships capable of engaging in any trade of all of the seven seas, then the menace of American maritime revival became too acute for further postponement of the defeat of that effort. Circumstances seemed to lend themselves to the defeat of that effort. President Wilson discovered, and publicly declared, that our coastwise carrying was a "monopoly." It has been so declared by free traders in and out of Congress for two or three years, ever since opposition developed to the repeal of the law that relieved vessels in our coast-to-coast trade from the payment of Panama Canal tolls.

If a demand for American-built ocean-going steamships continues long enough, even if such a demand is confined to American ships for use only in our coastwise carrying, it must be apparent that in time the supply would be of so extensive a character as to bring about methods of construction, economies, and efficiency in American shipyards that would enable American builders to compete successfully with foreign shipbuilders. In such an event it would not be long before the trident of Neptune, said to be the "scepter of the world," would be lodged in American hands. No free trader on earth wants that to happen, least of all our foreign maritime rivals.

The way to kill off such a menace for good and all is to kill off American shipbuilding. That destroyed, the danger is past. Now, therefore, while it costs substantially more—I mean, of course, in normal times—to build ships in this country than it costs to build them in other countries, now is the appointed time to admit to our coastwise carrying foreign-built ships owned by American citizens or corporations. As to American corporate ownership of foreign-built ships, it can be accomplished in this easy way without disturbing in the least real foreign ownership: A foreign steamship line may be sold to an American corporation, the foreign owners receiving as pay the stock of the American corporation beyond the few nominal shares needed for the few American directors (dummies) required to conform to the requirements of law. An American corporation then owns the ships, which are entitled to employment in our domestic carrying, but actual ownership still remains abroad.

Of course, the moment that foreign-built ships are admitted to our coastwise carrying no one will order ships at substantially higher cost from American builders. If our builders should first succeed in reducing cost of shipbuilding to the foreign level such an enactment would be less of a menace, but menace enough, nevertheless.

One word more on this point. Of course no one now alive is responsible for the act of 1817 reserving our domestic carrying for American-built vessels. President Wilson would undoubtedly find, if he should investigate the antecedents of that act, that it was then regarded and accepted "as good Democratic doctrine"; that is to say, the "monopoly" he has discovered in our coastwise carrying is of Democratic creation. If it is a "monopoly," when participation in it is open to 100,000,000 American citizens, it is a law-created monopoly, and no one is permitted to participate in our coastwise carrying who does not have his vessel built in American shipyards. Vice versa, any American citizen who has a vessel built in an American shipyard may run her in the coastwise trade of the United States. But for the purposes of our foreign maritime rivals and to satisfy the economic fanaticism of American free traders it is decreed that American maritime interests must be strangled aborning.

As to putting the Government into the merchant shipping business. It may build, buy, and charter merchant vessels, and such vessels may engage in any American trade. This bill was decreed because of the failure of the free-ship bill of August 18, 1914. Out of a carefully estimated American ownership of 2,500,000 gross tons of vessels under foreign flags but slightly more than 600,000 tons have come under American registry, although the free-ship law not only admitted foreign-built vessels owned by American citizens and corporations to American registry for foreign carrying, but every law, rule, and regulation growing out of our Steamboat-Inspection Service, designed only to safeguard life and property under the American flag, has been suspended in respect to these naturalized foreign-built ships, and their alien masters and officers are permitted to command and officer them. Besides, these vessels and their cargoes are insurable under our Federal war-risk insurance act.

When the war ends, it has been the expressed view of representatives of the administration, many of these naturalized foreign-built ships will revert to foreign registries, foreseeing which the administration Government-ownership bill has been foisted upon an unsuspecting and indifferent people, the political purpose of which is to throw dust in the eyes of the American people by making them "see" and therefore believe that the Democratic administration has solved a problem that has vexed the souls of American legislators for over half a century.

In the 10 years preceding Democratic control of Congress every minority report made by Democratic members of congressional committees dealing with bills designed to build up American shipping in foreign trade favored the old policy of discriminating duties—every report. On February 26, 1910, when the Democrats were in the minority, Representative Underwood made a great speech on the floor of the House, strongly opposing subsidies and ardently advocating a return to "the policies of the fathers," to the policy adopted by the first Congress under the present Constitution, a policy framed and enacted by the men who had participated in framing and having adopted the Constitution which we rejoice to live under—a policy based upon "the constitutional regulation of commerce," which in recent years Democratic national platforms have invoked for the rehabilitation of our shipping in foreign carrying. As argument in behalf of this early American policy of discriminating duties, Democrats were able to "point with pride" to the fact that from 1789 until 1861, a period wholly antedating Republican participation in governmental affairs, American ships carried an average—mark this, an average—of 80 per cent of the entire imports and exports of the United States, and during 61 of these 72 years the early American policy of discriminating duties was in full or partial effect.

It is worth emphasizing that for nearly three-quarters of a century four-fifths of the foreign carrying trade of the United States was conducted in American bottoms, ships built in the United States, wholly owned by American citizens, commanded, officered, and manned by American citizens. And this was under a policy that merely increased the customs duty on imports in foreign vessels over the amount of the duty imposed on imports in American vessels. It took nothing from the National Treasury. On the contrary, it was a revenue getter, in that to the extent that imports came to us in foreign vessels the national revenues were increased.

When Senator UNDERWOOD was chairman of the Ways and Means Committee of the House of Representatives he inserted in his tariff bill, with the full approval of every Democratic member, a provision reducing the duty 5 per cent on all imports in American vessels. From the moment the tariff bill saw the light of day the 5 per cent discount section was bitterly and consistently opposed by Secretary of the Treasury McADOO, who during the past couple of years has crossed and recrossed the American Continent lamenting upon the decline of an American merchant marine and demanding, for the Nation's protection and welfare, the immediate creation of a naval auxiliary merchant marine. Before the bill was a month old Secretary McADOO was writing to the State Department for an opinion as to the meaning of this section, and although he failed to have it stricken out in the House, he succeeded in the Senate; but Mr. UNDERWOOD had it restored in conference, and it was enacted along with the rest of the bill.

What then? Failing to persuade Mr. UNDERWOOD to have an act passed repealing the 5 per cent discount section, Secretary McADOO obtained an "opinion" from our then Attorney General, Mr. McREYNOLDS, to the effect that the section was unenforceable. Twice since that time the courts have declared the section is enforceable, but Secretary of the Treasury McADOO, the man who wants a naval auxiliary American merchant marine, and who is charged with the duty of enforcing a law designed to give us an American naval auxiliary merchant marine, refuses to enforce it.

And so Senator GALLINGER, of New Hampshire, has introduced a bill that would restore the old policy of discriminating duties in the right way, by increasing the duty on imports in foreign vessels, rather than reducing the duty on imports in American vessels, applicable to all imports, dutiable or undutiable; a bill that would increase the national revenue \$165,000,000 the first year of its operation; that would at least partially restore protection, and thus prosperity, to our country; and, most of all, that would re-create an American merchant marine and maintain it in foreign carrying.

ALEXANDER R. SMITH.

NEW YORK, July 22.

Mr. JONES. I think, Mr. President, that is all.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hollis	Norris	Smith, S. C.
Brady	Husting	O'Gorman	Smoot
Chilton	Johnson, S. Dak.	Overman	Sterling
Clapp	Jones	Penrose	Stone
Clark, Wyo.	Kern	Phelan	Swanson
Clarke, Ark.	La Follette	Ransdell	Thomas
Curtis	Lane	Shafroth	Tillman
Fletcher	Lee, Md.	Sheppard	Townsend
Gallinger	Lewis	Sherman	Warren
Gronna	Martin, Va.	Smith, Ariz.	Williams
Harding	Martine, N. J.	Smith, Ga.	Works

The PRESIDING OFFICER. Forty-four Senators have responded. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BRYAN, Mr. HUGHES, Mr. SMITH of Maryland, and Mr. UNDERWOOD answered to their names when called.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART] and the Senator from Mississippi [Mr. VARDAMAN]. This announcement may stand for the day.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

[Mr. GALLINGER addressed the Senate. His speech is printed in the Senate proceedings of August 14, 1916.]

Mr. HARDING. Mr. President (Mr. NORRIS in the chair), the Senator from Washington [Mr. JONES], the Senator from Maryland [Mr. LEE], the Senator from California [Mr. WORKS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Texas [Mr. SHEPPARD], the Senator from Colorado [Mr. SHAFROTH], and the two Senators from New Hampshire [Mr. GALLINGER and Mr. HOLLIS]: I have taken the trouble to address all the Senators present on this occasion, because I should like, if I may, to convey to the American people some little suggestion of the intense interest of the majority, in particular, in a subject so important as the reestablishment of the American merchant marine.

Mr. President, I can believe that if a measure is to be passed by this body under the lash of the Chief Executive to afford an added claim for a political campaign, there ought at least to be a pretended interest in the measure, whether or not the arguments offered from this side of the Chamber are worthy of a hearing.

No nation in all history has achieved a high place in commerce which was not a maritime nation, and no people has ever

become a maritime people that has not been a shipbuilding people. This Nation, in the beginning, when there were men of daring and determination and virility, who had the making of a nation before them, who had not yet accumulated their "pile," as we sometimes say, who were determined to make the New World Republic a power among the nations of the world and a becoming participant in trade, had no difficulty in establishing a merchant marine, though they were the offspring of the marine power of the time, and as a colony had been kept down, without any encouraging development. I am not sure but that the fact that the mother country kept the Colonies apart from trade had much to do with the conflict for American independence. Yet here we are to-day, after more than half a century of retrogression in American shipping, so far as overseas transportation is concerned, contemplating a new departure, admittedly under the party lash; and yet so interesting and so intensely important a problem is met in this body with an indifference that would shock the American people if they could only see it as one does who sits in this body.

Mr. President, I am not expressing a grief that is personal to myself about the inattention that is given to the discussion. I do not know but that some Members of this body have the impression that the public is not concerned. I have a conviction that the Members of Congress from the Middle West have opposed the development of a merchant marine, as has been outlined by the distinguished Senator from New Hampshire [Mr. GALLINGER], through a misunderstanding of public interest. I shall venture to relate to the half dozen Senators who are good enough to listen a little experience of my own, demonstrating public interest in this question.

In 1903, some two years after the death of the late William McKinley, I was interested in a campaign in Ohio wherein Mr. Hanna, the late Senator from my State, was the most prominent candidate in the campaign. He had been the personal friend and the associate of William McKinley, and it was perfectly natural to my mind that this great man, in going before the people, interested in the policies that McKinley had so long espoused, should have made frequent and extended allusion to McKinley in his campaign. To my political instincts, however, that was a mistake; and inasmuch as I was traveling with the distinguished candidate at that time, I said to him, "Two years after the death of William McKinley ought to relieve him from being a part of this campaign, and I think you are making a mistake to use his name so frequently." With characteristic frankness Mr. Hanna said, "Well, what are you going to talk about if you can not talk about the tariff question and this great apostle whom we all loved so much?" I said, "Senator, I want you to try an experiment in Ohio. You are familiar with the merchant-marine question." I think he was joint sponsor for the Hanna-Frye bill. I am not sure about that. I knew, however, that he was familiar with the question. I said, "Our people in Ohio are just as much interested in ocean shipping as the people on the seacoast. You discuss this question that has been interesting American statesmen for so many years, and tell the people of Ohio the plain truth about it, and you will find a responsive interest."

The next engagement of our speaking aggregation was in a country district where mainly farmers were assembled on the county fairground, and Mr. Hanna, with characteristic energy and that marked understanding which he possessed in relation to any subject in which he was interested, started out and made a speech of 45 minutes devoted exclusively to the American merchant marine; and I never saw an audience whose attention was more riveted, an audience that made more willing response. So keen and wise and discriminating a politician as Mr. Mark Hanna never omitted in a subsequent speech in that campaign a discussion of the American merchant marine; and I have the conviction that if that great man had lived, he would have lent his energies and his influence to the establishment, through legislative action, of a measure upbuilding our American merchant marine.

I have only alluded to this, Mr. President, to show the popular interest in this question; and yet it is true that statesmen from the Middle West, frightened by the cry of "subsidy," which has been shouted from the other side of this Chamber from the time when memory runneth not to the contrary, have yielded, lest their people imagine that they were doing something for the promotion of special and favored interests. I venture to assert at this point, Mr. President, what to my mind is to-day the greatest need in American popular government. I do not expect to find them in any one party, and I am not making a partisan observation; but I tell you, Senators, in the American Republic to-day we need a few men in public life more concerned in exalting than in exploiting the American people. We need a few men in legislative halls and executive offices who are



more concerned about doing things for the public good than they are for winning popularity.

I have been very much interested in the study of some of the makers of the American Republic; and the men who have a high place in history are the men who oftentimes throttled a popular notion and offered in its stead something that should contribute to the public good. Not every popular notion is a dependable one; many are ephemeral; and, in my judgment, the most serious thing in our popular government to-day is the frequent appeal to the prejudiced vote of the great mass and the insincerity which lies back of it.

I will not say that the party in power is not sincere in this proposition to establish Federal shipping. I am a little reluctant, Mr. President, even to discuss the matter since I know that it is a decree of the party caucus. The action of this body, as was the action of the Commerce Committee, is decreed by Executive order, and I have no disposition to add extended observations merely to make a record or to contribute to political literature. Congress is doing far too much of the latter every week. Sometimes the Senate seems to me more a factory for turning out political falderal than a forum of statesmanlike debate. I do not assume that the abuse is wholly one-sided, though I do admit the greater capacity of the majority for grinding out a worthless grist which ought never to go to the type-setting machines in the Government Printing Office. If we could somehow let the public understand the cost of words to the Public Treasury, I believe that public would demand a reform; but I do not mean to urge so impossible a thing just now—merely deplore the practice, because I feel the uselessness of utterance when addressing myself to a bill the fate of which is foreordained by a mandate of political exigency.

The keenest disappointment that I have known in the Senate came of the handling of this bill by the Committee on Commerce.

I do not pretend to have been a student of the subject of merchant marine, but I had expected a full and revealing and informing committee discussion in which I might, as a member, participate. The making of a maritime nation, or rather with us the restoration of a maritime power, seems to be of such surpassing importance that the most careful and conscientious study ought to be imperative. Instead, this body, without committee consideration, has a makeshift, a political consolation prize, a mere excuse for the political claim of constructive accomplishment, which offers Government invasion of the only marine fields in which we now excel, to confuse and harass, if not to destroy, and giving no assurance of accomplishment in the transoceanic field when we are anxious to restore our prestige.

The water commerce of the Great Lakes system and our coastwise shipping have kept pace with every step of our marvelous development. There is not a well-established claim to added shipping which is not developing normally and naturally under the impetus which makes for the triumphs of private industry, and Government protection is all that was ever asked, and Government capital and interference are the distinct things which are neither needed nor desired.

The Democratic Party clearly purposes to go before the country proclaiming its solution of the shipping problem, though no member of the majority feels a confidence in the proposed means of solution, and nobody familiar with our water commerce believes in the efficacy of the measure which is to be given enforced passage.

The upbuilding of a merchant marine is a slow process. It required two centuries to establish British eminence on the seas, and drastic methods and the confessed abandonment of all British ideas of free trade, and the real American achievement will require vastly more than fifty millions from the Federal Treasury and a new Federal department—it will require protection and fostering, no matter what form the governmental aid assumes.

As I said a moment ago, no nation in all history has excelled in maritime achievements which was not first eminent in the shipbuilding industry. This bill entirely overlooks this important fact, only grudgingly takes note of shipbuilding possibilities, and proposes to procure our ships from the constructing yards, directly or indirectly, of competing nations. The creative policy, the effective policy, the truly American policy requires American-built ships for the American merchant marine.

Mr. President, if this measure were American enough, even though it enters more deeply into the field of Federal ownership, if this bill were American enough to propose Federally built American ships, I am not sure but that I would consent to vote in favor of its passage. But the bill is not even American in that direction.

The European war brought us to a new realization of our insufficiency in transoceanic shipping and emphasized the folly of Congress in failing to adopt an upbuilding policy when we began to rebuild the American Navy. Whether it was the influence of the lobby of competing nations, who could well afford to conspire against the development of the shipping of this producing nation, or whether it was the feigned horror of subsidy or subvention against which the Democratic Party had so loudly inveighed, whether it was the slumbering pride of those who prefer to trade cheaply than produce profitably and helpfully to all the people, the failure to develop the merchant marine did not make a deep impression on the popular mind until war conditions revealed our weakness.

Opportunity came to conquer markets in peaceful pursuits as opportunity has come to no other great nation since the world began, but we were unfitted to avail ourselves of beckoning opportunity. But with need magnified the party in power seeks to make amends, not by any normal process, not by logical methods, not by the consistent encouragement of private industry, which has made us what we are, but the miracle method of government ownership is invoked, which can accomplish nothing during the abnormal conditions of war and is sure to rend our coastwise and Great Lakes achievement in the interference that will come with peace.

The plan not only adds to the paternalistic socialism which is the menacing development of the present Congress and its directing head, but it is the most indefensible business proposition ever made by a party with an avowed hostility to business success. It is too late to seek shipping facilities to meet war conditions. The making of a merchant marine is an undertaking for the next decade and the next generation of Americans. It is a slow and cumulative undertaking. No sane business man would enter a prohibitive market to even start to buy for a future generation. That may be the Democratic idea—the administration's conception of business sagacity—but it will not win the plaudits of the American people. A party that makes a profession of assailing high prices ought not multiply war-time rewards. I want to subscribe to an upbuilding process, not a bull market overbilled with coin from the Federal Treasury.

There are Democrats who do not lack knowledge of one method to build up American shipping in foreign trade, but they lack courage to apply knowledge to the problem. The records of Congress during the past 15 years amply demonstrate the method that Democrats who have looked into the problem would undertake to solve it. The policy which such Democrats believe in has found concrete expression in innumerable bills introduced in Congress by Democrats. Reasons for that policy have found concrete, clear-cut, and persuasive argument in support of it in minority reports filed by Democrats who, as members of congressional committees, have given study and thought to the subject. The policy advocated by Democrats who have studied the shipping problem is as different from the one they are now about to establish, under the lash of the administration, as night is different from day. Democrats who realize the real requirements of an American merchant marine, and one effective way to meet the requirements, have thrown their own judgment to the winds and have accepted the dictum of the administration, no member of which has any genuine knowledge of the subject, but which has, nevertheless, formulated a policy—if it can be dignified by such a term—unheard of, untried, and so utterly objectionable as to force its reluctant advocates to place a limit of five years after the present war upon its operation. In other words, the one supposedly constructive phase of the administration program—the Government purchase, sale, or lease of ships on terms that make for advantage but which is not special favor or privilege or other offensive term, because it is new and very indirect—is to be provided and heralded to the people, and it is written in the law that the failure will be revealed within five years. But the shipping board is to be permanent. Let us hope its cost will be justified in a measure of helpfulness, though born as a twin to this new child of Government ownership.

Although this shipping board is directed to investigate the subject of the condition and needs of an American merchant marine, and to recommend such laws as will lead to the creation and maintenance of such a marine, the board is to be hobbled for a period of five years, at least, with a fixed policy that is the result neither of investigation nor study. Running only for five years, however, this policy is naturally unsubstantial and evanescent. It is, on its face, merely an expedient, and an uncommonly weak one at that.

The price of ships is measured by their dead-weight carrying capacity. Averaging up the ships their dead-weight capacity is about 25 per cent greater than their gross tonnage. About

7,000,000 gross tons of ships are engaged in our foreign carrying, 2,000,000 tons being under the American flag. The dead-weight carrying capacity of the foreign tonnage to be displaced by American ships would be about 6,125,000. At the minimum of prevailing prices this would cost \$125 a dead-weight ton, probably nearer \$150 and possibly \$200, with the Government in the field bidding up the tonnage it may purchase. At the minimum of prevailing prices this would cost the Government \$812,500,000; at the probable prices it would cost the Government \$975,000,000; and at the possible maximum rates of \$200 per dead-weight ton the cost would be \$1,300,000,000 for enough ships to enable us to do our own foreign carrying.

But the Government proposes to step into the market, a market in such an extraordinary condition as ours is in, with its \$50,000,000—an extreme limit of \$50,000,000—which is to be spent for the construction, purchase, lease, or charter of ships—money enough, possibly, to purchase 5 per cent of the tonnage needed, although perhaps no more than enough to purchase 3 per cent. How sublimely ridiculous! How colossally grotesque! And yet Democrats propose to point with pride to such an achievement. It is to be a part, and a very large part, too, of the "constructive" achievements of the administration, for campaign offering.

A few months ago the National City Bank, of New York City, organized a subsidiary company, known as the International American Corporation, with a capital of \$50,000,000, and presumably to engage in the purchase of ships, since the activities of the new corporation seem to have been confined, at least largely, to investments in ships. Of course, some little attention was paid to a company of this magnitude, but scarcely more than to cause mere passing attention. What effect, however, the Government coming into the field will have upon this new corporation, and especially as to whether or not it will restrain the new corporation from further investments in American shipping pending more precise knowledge of the Government's plans in the premises, remains to be seen. It would not seem, however, as though companies, corporations, firms, and individuals would heavily invest in American ships until they know the character of the competition they will have to meet as established by the Government.

Right there is one of the most serious phases of this matter. The uncertainty of the extent to which the Government will proceed, the effects of its competition, which seem to have no limitation, or in any direction—in foreign or domestic carrying—all of these moot but important questions will remain in abeyance until the Government has shown its hand. Pitifully small as fifty millions are in this undertaking, it makes a formidable competitor, and the party which votes fifty millions may vote five hundred millions, if kept in power.

Of course, there is a possibility that some corporation may be formed, if one is not already formed, whose relations to the new Federal shipping board, when that board is appointed, will be closer and more intimate than the relations of other corporations or firms or individuals, and such a corporation, managed by men astute in the buying and selling, and the building and selling, and the chartering and leasing of ships, might be a very useful adjunct to the Federal shipping board—a semi-official company, as it were, through which "the people in the business," if alive, would quickly find it to their advantage to operate, if it had any occasion at all to do business with the Federal shipping board. There are unlimited opportunities for ramifications and connections, more or less close, of this kind, and favoritism may become a new "pal" of the party in power.

Had it been safe to do so and had the purchase of the ships of belligerent nations been possible at reasonable prices, there might have been some justification of Government financial aid in their acquirement to meet urgent and immediate needs. But such purchase has been forbidden, wisely, I think, in order to make the bill even tolerable to many Members of the reluctant majority of this body. Moreover, the bill as amended does not permit the purchase of ships now engaged in our trade. And, of the ships which may be required, none may fall below a standard of 75 per cent of its original efficiency. Thus circumscribed and hedged about, the Federal shipping board is to go forth and spend its \$50,000,000.

But this is the least of its weaknesses or evils, since the fifty millions may soon be spent and soon be forgotten, the fifty millions and the ships it buys as well. But the bill is so amended as to admit to our coastwise carrying any foreign-built ship the Government may build, buy, lease, or charter. It may use its fifty millions, possibly, to buy and sell, and to buy and sell over and over again, enough ships to destroy the American-built ships which, since the foundation of our Government, alone are permitted to engage in our coastwise carrying. Until now,

under a law enacted in 1817, no ship could engage in our coastwise carrying that was not built in the United States. In order to engage in our coastwise carrying our laws have for almost a century required the building of the ships in the United States, and even before that the discrimination by law established against foreign ships engaging in our coastwise carrying were so drastic as to keep them out of it completely. Never have we allowed foreign ships to do our coastwise carrying, and it is an American policy to rejoice the American heart.

Have the provisions of this very remarkable bill been examined by Senators, and with the care that they merit? I wonder. Take section 5, for example. Note the very sweeping character of its phrasing—

That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards—

Regarding this I shall have more to say later—  
or to purchase—

It is right here that I desire to engage the thoughtful attention of Senators—

lease, or charter vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes

Senators will notice, I am sure, that it is not even necessary that the Government shall purchase the foreign-built vessels that it may desire; it need but lease or charter them from their foreign owners. Mark you, the foreign ownership may continue, but the vessels may come under the control of the United States for use only during the period of their lease or charter. And yet, what do we find? Read section 7. I quote it for the convenience of Senators.

That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased—

Again, I beg the critical attention of Senators—  
constructed, or transferred.

Does not this mean that a leased or a chartered foreign vessel may be re-leased or rechartered to an American citizen by the Federal shipping board? It seems so to me. On that assumption, what may be done with the foreign vessel that is first leased or chartered by our Federal shipping board and by it re-leased or rechartered to an American citizen? Mind you, this is still a foreign vessel, so far as ownership is concerned. What may be done with her? Section 9 says:

That any vessel purchased—

Mark you, "any vessel"—

chartered, or leased from the board may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States, and entitled to the benefits and privileges appertaining thereto.

So that there shall be no doubt as to what those privileges are, the section goes on to say. I quote:

Provided, That foreign-built vessels admitted to American registry or enrollment and license under this act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this act, may engage in the coastwise trade of the United States.

Doubtless our registry, our enrollment and license regulations will have to be so amended that a leased or a chartered foreign vessel may be registered or enrolled and licensed as a vessel of the United States, and the definition of what a vessel of the United States is, as heretofore understood and provided, will have to be changed, also, so that a vessel of the United States, under this provision, may be a foreign vessel, owned by foreign people, a vessel merely under lease or charter to our Federal shipping board, and by it merely released or rechartered to an American citizen. Have we come to that, in our inordinate zeal to allow foreign vessels to enter our coastwise trade? A fine merchant marine we shall have, with foreign-owned vessels carrying documents issued by the United States, designating them as registered or enrolled and licensed vessels of the United States.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Ohio yield to the Senator from Florida?

Mr. HARDING. I yield.

Mr. FLETCHER. The Senator is dealing with a very important feature of the bill and arguing that these ships ought not to be operated in the coastwise trade. I wish to put this question to the Senator. First, the possibilities of acquiring ships by purchase or charter or lease are remote. All the nations now at war could not if they would (besides all of them have passed laws prohibiting the transfer of any of their ships) sell or transfer any ships to this board.



That will exclude the United Kingdom, Canada, Australia, France, Germany, Austria-Hungary, and Italy. It excludes three-fourths of all the shipping of the world from any possible chance of being considered by this board; that is, the board must put all those to one side.

Then in the next place we are building ships to-day in our yards as cheaply as they can be built anywhere. That, I think, is pretty well established. The time when it would cost 40 or 50 per cent more to build a ship in the United States than in the Belfast or other foreign yards has passed. We are now actually building ships for foreign owners in our yards.

Those things being considered, will not the Senator be satisfied that the possibilities of putting into the coastwise trade any ships that do not come up to the requirements of the law as it has existed since 1817, are exceedingly remote? That is to say, under this bill, the ships admitted to coastwise trade will practically exclusively be those built in American yards, owned by American citizens, flying our flag and having American registry. Those ships have always been admitted to our coastwise trade. Are not the opportunities of acquiring ships by this board too limited to excite any alarm that ships other than those which have in all the years past been qualified to engage in our coastwise trade will be admitted to that trade?

Mr. HARDING. Mr. President, I am delighted to answer the Senator from Florida. Even if the assumption which he has made were true, I should dislike to think that the protection and the upbuilding of our coastwise trade was to be protected by the foreign nations of the earth. I would a little rather subscribe to a policy wherein American interests and the American regulation of the sale and transfer of ships shall apply to our coastwise shipping.

Further, if the statement which the Senator from Florida makes, namely, that we can now build in American shipyards as cheaply as abroad be true, then this bill lacks the soul of Americanism when it does not provide specifically that ships must be built in American shipyards. However, Mr. President, since the question has been raised, I will say that I doubt very much if we can build in American shipyards as cheaply as they can build abroad. I have understood that the late John Roach, who was a distinguished American shipbuilder, until the Democratic Party broke his proud spirit, said that under the development of the shipbuilding industry in this country we had reached a point where we could build a passenger-carrying vessel within about 10 per cent added cost over and above the English shipbuilder; but I understand we have never been able to come so closely to the foreign cost of production in cargo-carrying ships. If we had arrived at that stage there would be little use, I can believe, for any sort of legislative encouragement to the upbuilding of an American merchant marine; but the American trouble has been, all along, that we were unable to build in competition with foreign shipyards.

Mr. President, that is the whole trouble; that is the fundamental difference between those who sit on the other side of the Chamber and those who sit on this side of the Chamber. Nobody has at any time disputed the difference in the cost of labor abroad and in this country. The trouble with the majority in this Chamber is that they are not willing, or have not been willing up until this time, to make a recognition of the difference of cost and to continue the Republican provision which makes up that difference to the American employer in the form of American protection. I would continue that protection.

Mr. FLETCHER. Without going into a discussion of the tariff, I should like to ask the Senator from Ohio if he will not admit that our contention has been really that the duties contended for by Senators on the other side of the Chamber have been in most instances from two to three to five times higher than was necessary, in order to cover the total labor cost in the production of the article?

Mr. HARDING. No, Mr. President, I will not admit that; but even if I did admit it, I should still be for the duties. Since the Senator from Florida has raised the question, however, and if it is not too much of a trespass on the time of this body, as assembled here, I desire to say that I want to be known as a real protectionist. I would put the tariff high enough on any article which can be produced in the United States of America to guarantee the establishment of that industry here. Then I would trust to the competition between Americans to hold the level of prices. That is the kind of protectionist I mean to be.

But, Mr. President, I am more seriously concerned just now about the entry of the foreign ship. I admit, as the Senator from Florida suggests, the unlikelihood of the immediate acquisition of foreign vessels; but, Mr. President, I would not open the way for the entry of a single foreign-built vessel to the coastwise commerce of the United States.

It is related that a few years ago an eminent American shipowner of Baltimore, Md., and confessedly holding rather intimate relations with the Hamburg-American Line of steamships, approached our Government to find if there was a lawful way in which the German Hamburg-American Line could invest some of its capital in vessels built in the United States to engage in the coastwise trade of the United States. My recollection is that no way could be devised under the laws of the United States as they are to-day that would make such an innovation possible. But to-morrow it would seem that such an innovation would be possible if the war should end; or next week, or next month, or next year, or whenever the war does end, this thing would be possible. Not only would it be possible for the money of the Hamburg-American Line to be invested in ships built in the United States to engage in our coastwise trade, but German-built and German-owned ships could freely engage in that trade under the astutely drawn provisions of this bill.

This bill, as it came from the House, still held a touch of Americanism in protecting our coastwise trade. It prohibited foreign-built vessels admitted to our registry or enrollment from engaging in our coastwise trade, except in a limited extent in trade with Alaska, Hawaii, and Porto Rico, but the Senate committee report, dictated in a Democratic caucus—no; I should say "conference"—says:

Your committee being of the opinion that vessels owned in whole or in part, directly or indirectly, by the United States, as provided in this act—

Here, again, I beg the especial attention of Senators—

and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this act, should be permitted, without hampering restrictions, to engage in either the foreign or coastwise trade of the United States, believes that this section should be so amended as to accomplish this purpose, and the amendments proposed to this section are with this view.

I may say, and with truth and with emphasis, that the "hampering restrictions" would, indeed, be removed.

There are richer plums—far richer plums—awaiting investors in foreign ships for our coastwise carrying, awaiting some investors in foreign ships for our coastwise carrying, than ever were dreamed of in the philosophy of buying belligerent ships. The bill was conceived, or seemingly conceived, as a scheme for helping out in our foreign carrying under circumstances and conditions unheard of, unprecedented. At the time it was originally proposed there was a semblance of reason for it, as a temporary expedient, but that reason has long since disappeared with the advent afloat of every ton of shipping, the whole world over, that is capable of bearing cargoes, all except the interned merchant ships of belligerent nations, which are no more available now, or under this bill, than they have been at any time of this war.

There never was need of additional ships in our coastwise carrying. There is no need, no great need, of additional ships in our coastwise carrying, even now, that American shipyards can not construct. American capital has always furnished enough American-built ships for all the needs of our coastwise carrying. Perhaps, owing to the unprecedented demand for tonnage in our foreign carrying, some of the ships have been taken from coastwise and put into foreign carrying, but not enough to seriously cripple our coastwise carrying, a condition that will quickly right itself with the termination of the war.

But our coastwise carrying has become a very important carrying. Ocean-going ships are necessary for it. The stretches of our coast are long, and ships must proceed out on the oceans for hundreds—yes; for thousands—of miles to accommodate all of our coastwise carrying, which includes our trade with Alaska, Hawaii, and Porto Rico, as well as that along the Atlantic, the Gulf, and the Pacific coasts, and between these coasts, and upon the Great Lakes. The type of ship that this tremendous trade has necessitated is analogous to that required for foreign carrying, ships adapted to ocean navigation. If the people of the United States are to be permitted to go on uninterruptedly in the building of ocean-going ships for its coastwise carrying, the time is sure to come when the United States will reach out for the near-by foreign carrying, then for the more distant foreign carrying, and finally for any foreign carrying with American-built ships. The same protection and same encouragement which other great nations bestow will develop a merchant marine to meet our highest expectations.

This bill, it seems to me, the first ostensible object of which is to build up our foreign shipping, and which must fail of that object, is to be made the vehicle of the eventual overthrow of the whole American coastwise carrying, in which we are now supreme. So true to destructive policies is Democracy that when it starts out on a constructive pathway at the first opportunity it abandons construction and furtively diverges toward a destructive policy, its true aim.

The purpose to allow foreign vessels to enter into our coastwise carrying is not intended to help any American interest. It can not manifestly have any other purpose than to aid foreigners at the expense of American shipowners and American shipbuilders. The real effect is to destroy American coastwise shipping and, as an incident of such a purpose, eventually to destroy American shipbuilding. Whether that be its purpose or not, that is what will be accomplished. It proposes to allow, for the first time in our history, the use of foreign-built ships in our coastwise carrying, and this includes our carrying on the Great Lakes, where we have built up a phenomenal American merchant marine, a merchant marine that holds aglow the "unsalted seas" of the far interior and annually bears a rich commerce of over 100,000,000 tons, chiefly of raw materials and foodstuffs.

Just now, to be sure, the demand for ships on the Great Lakes is extraordinary, due to the equally extraordinary demand for iron ore and for wheat and flour, a demand that is more foreign, even, than American, and which owners of ships on the Great Lakes are straining themselves to the uttermost to meet. For this extraordinary and temporary condition the Government could purchase and use no ships that would modify the demands for tonnage on the Great Lakes. American shipowners on the Great Lakes are growing rich, just as our shipowners on the coast are growing rich, out of the demands created more largely by the war. But it is intended to destroy our coastwise shipping, which has benefited least by the extraordinary requirements for ships, by ruining the lines that have faithfully performed the services they were organized to perform, and by ruining American shipbuilders who, for the first time within the memory of any Democrat living, are also making money. Reason enough for destroying them.

The dislike of our coastwise shipping—our wholly American coastwise shipping—first began to manifest itself contemporaneously with the demand for the repeal of the provision that gave free passage to ships through the Panama Canal that were engaged in American coastwise carrying. A Democratic House of Representatives, a Republican Senate, and a Republican President had jointly participated in the passage of a law that gave free passage through the Panama Canal to ships engaging in coastwise carrying—a concession that necessarily, under our navigation laws, was limited wholly to American vessels, a law, by the way, that as a candidate for the presidency Mr. Wilson saw fit to commend, but which, as President of the United States he decreed the repeal of and accomplished the repeal of, although the platform upon which he was elected declared unreservedly in favor of exemption of tolls for vessels in our coastwise carrying trade.

If any Senator is curious about public sentiment on this question, is curious to learn the opinion of the people on legislation favorable to American shipping and this violation of the American ideal, let him go with me to the stump. I know that American sentiment holds an American interoceanic canal to be the fit instrumentality for the effective encouragement of an American merchant marine.

American owners of ships in coastwise carrying dared to oppose the repeal of this law, and because of that they incurred the ill-will of the President, who forthwith discovered, and publicly announced, that our coastwise carrying is a "monopoly," because it is limited to American-built ships. From that time until now there has been a "growing demand" for the destruction of this law-created "monopoly," and bill after bill has been introduced in Congress providing for the destruction of this alleged "monopoly" through the admission of foreign-built ships to competition with American-built ships in coastwise carrying, a scheme the entering wedge of which we find the very worst feature of this administration shipping bill. It matters not what we may be told of the restraint that will be practiced by the Federal shipping board in the purchase of foreign-built ships. The principle is here established that the Government may buy foreign-built ships and that they may be used in the coastwise trade, and there is no limit beyond the five-year period during which the Federal shipping board may not buy and then sell, and buy again and sell again, ad libitum, enough foreign-built ships to duplicate every American-built vessel now engaged in our coastwise carrying and in our carrying between domestic ports on the Great Lakes. This is the extreme of what the bill sanctions, and we have no assurance that that extreme will not be reached, especially by an administration that regards American-built coastwise ships as a part of an obnoxious "monopoly."

We are told that the Government must not be restricted in the use to which it may put any ship it may purchase, wherever that ship may be built. If it buys foreign-built ships, it may put those ships in the domestic carrying on the coasts or on the Great Lakes of the United States. And those to whom the

Government may sell or lease such foreign-built ships, they, too, may put them into any trade they see fit, foreign, coastwise, or Great Lakes. But if an individual American citizen, or an American firm or an American corporation, buys a foreign-built ship, he is barred, under the most severe penalties, from putting her into the carrying of either of the coasts or the Great Lakes. Why is it that the Government is to be entitled to privileges that are to be denied to private American citizens, firms, and corporations? Why is the Government favored with the widest latitude in which it may place its foreign-built ships and private citizens restricted?

If the Federal shipping board is satisfied that the service rendered by a line of American-built steamships engaged in transportation on our coasts or on the Great Lakes is not a sufficient service, or charging reasonable rates, or not doing anything that the Federal shipping board thinks it should do, it may buy cheaper foreign-built ships and sell them to a rival company, and allow that rival company to enter into a ruinous and destructive competition with the company that has invested its money in ships built in the United States, as required under the laws that have prevailed for almost a century.

I sometimes think that the Democratic Party is turning from a denunciation of the policy of subsidy and going into a policy of conspiracy.

Everybody knows that in normal times it costs more to build ships in American shipyards than it costs to build them in foreign shipyards, and that, therefore, conditions are not "equal," but that, on the contrary, they are so unequal, largely because of the much higher rates of wages paid to the workmen in American shipyards, that merchant ships can not be built in the United States on terms of equality—price being the guide as to equality—with ships built in foreign countries. If the foreign price of any article is, or it seems to be, only a little bit lower than the American price, Democrats have always shown a pronounced preference for the cheaper foreign article, and they are eager always to allow the cheaper foreign article to displace the dearer American article in the American market. The prejudice against the American-built ship is too strong, and the prejudice against the American shipbuilder is too general, and the suspicion of everything American when offered in competition with anything foreign is too pronounced among our Democratic brethren for them to do anything else than to declare that other things are unequal, and purchase the ship "elsewhere" than in the United States.

Among the Gulf ports of the United States there has for some years been a pronounced and a growing prejudice against American-built steamships. Under a law passed in 1817 only an American-built ship may engage in the domestic carrying of the United States. Companies desirous, therefore, of engaging in domestic carrying have been compelled for 99 years to have their ships built in the United States, where they have been compelled to pay higher prices for them than if they had been built in foreign countries. If you were to ask the American owners of ships built in the United States and used in the coastwise trade of the United States how much more their ships cost them than if they had been built in foreign countries they would answer all the way from 33 to 100 per cent more. Our coastwise carrying being a protected carrying, foreign-built ships heretofore being excluded from that carrying, the steamship lines operating in our coast carrying have had ships of a much higher quality built for their protected domestic carrying than they would have had built if they had been subjected to the ruinous competition of foreign-built ships. Because of this important fact, American owners of American-built ships would be unusually vulnerable to the competition of lines of foreign-built ships, if the Federal shipping board in its wisdom should declare itself dissatisfied with the service rendered by the American-built ships of the existing steamship line, and purchase much cheaper foreign-built ships and sell them to a new corporation that would just start out and destroy the existing corporation. It will be a proud day for the United States when American shipowners are to be penalized by the Government for having ships built in the United States by American labor and the company ruined by ships built in foreign countries by foreign labor. And yet all of this is what the pending bill contemplates shall be within the power of the Federal shipping board.

Read section 7, which declares:

That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased, constructed, or transferred.

There are no particularly qualifying provisions to that brief section. The board may prescribe the terms and conditions of charter, lease, or sale, and so long as the President perfunctorily approves, the charter or lease or sale goes through. Instead of



an American investor in ships consulting with an American shipbuilder as to the kind and cost of the ship he desires, he will search out the markets of the world for the type and size ship that best suits his requirements, have the Federal shipping board accommodately buy it for him, and then sell it to him, or lease, to engage in any trade. Why not? That is the reason for the creation of the Federal shipping board. If it performs the functions it is appointed to perform, such a thing as I have described is just what it will be called upon to do. And who will have a ship built in the United States at a price higher than he can have it built in a foreign country? Or who will buy an American-built ship when he can purchase a foreign-built ship more cheaply and put her in any trade—on the coasts or Great Lakes of the United States?

If you are in doubt about this, read section 9 of the bill, which provides:

That any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed, or both registered and enrolled and licensed—

The words "enrolled and licensed" mean that she may acquire documents that will give her the privilege of engaging in domestic carrying, as distinct from registered, which document would confine her to foreign carrying solely—

as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this act, may engage in the coastwise trade of the United States.

No misunderstanding about that. It is clear-cut, plain, and unmistakable. This discriminates against nearly 200 vessels of foreign build, aggregating something more than 600,000 gross tons, which have been brought under the registry of the United States, under the provisions of the act of August 19, 1914, and the proclamation issued by the President of the United States in accordance with that act. These foreign-built vessels are confined to foreign carrying—they are barred from coastwise carrying. Will their owners be satisfied to keep under the American flag a couple of hundred of foreign-built ships that are barred from privileges that are freely granted to newly purchased foreign-built ships, so long as they are purchased by the Federal shipping board?

Will not the owners of this 600,000 gross tons, and more, of foreign-built ships that during the past two years have been admitted to American register demand that they be granted every privilege that may be enjoyed by the owner of a foreign-built ship purchased by the Government? Is the fact that an American has, in good faith, acquired a foreign-built ship, and brought her under the American flag, say, to-day going to bar him from using her in the coastwise trade—a trade in which a foreign-built ship, purchased, say, to-morrow by the Federal shipping board, may engage? Does the Government of the United States think that it is so much superior as a sovereign than are the plain citizens of the United States—that it, the Government, may be privileged to do what the private citizens, firms, and corporations may not do?

Hard as it is going to be for private citizens to compete with the Government in the running of merchant ships in foreign and in coastwise trade, will the people of the United States sanction the enjoyment of privileges by foreign-built ships purchased by the Government that will be denied to foreign-built ships already bought, or that may be hereafter bought, by private citizens?

Now, then, let us get down to the serious meaning of all of this. Does it mean that there is to be a wholesale admission of several hundred foreign-built ships to the coastwise carrying of the United States, several hundred foreign-built ships that Americans have brought under the American flag during the past two years? Or does it mean that these several hundred foreign-built, American-owned ships are to be branded as the goats and the newly-bought foreign-built ships—the foreign-built ships that are purchased by the Federal shipping board, and by that board sold to private citizens—are to be the sheep?

Are we to have classes, at last, in the United States, and are they to be created by Democrats? Is the party of the plain people by this bill to create a class of Americans who are to be preferred and favored over other Americans? Either that or the wholesale admission to the coastwise carrying of the United States of a couple of hundred foreign-built ships purchased by American citizens during the past two years and brought under American registry. Are you prepared now to give the right of coast carrying to several hundred foreign-built ships that during the past two years have come under American registry? If not, do you dare to refuse to those ships the right to engage in

the coastwise carrying of the United States, while granting that right to any number of foreign-built ships your newly created Federal shipping board may buy? Can you defend—can you successfully defend—before the fair-minded American people so unjust, so unfair, so indefensible a distinction as this bill proposes?

And after you have cleared your minds—and your consciences—of what is just, and fair, and equitable, and defensible in respect to the American owners of foreign-built ships admitted to American registry for foreign trade alone during the past two years, what will you decide is fair, and just, and equitable, and defensible to American owners of American-built ships built for and now engaged in the domestic carrying of the United States? Will you be able to reconcile your minds—and your consciences—to the wholesale immediate and irreparable destruction in the value of these American-built ships, which will be inevitable if you do the equitable, just, and defensible thing by the couple of hundred foreign-built ships that have been admitted to our flag only for foreign trade during the past two years?

Until now you have said to any and everybody who desired to engage in our coastwise trade, "You are welcome, but you must have your ships built in the United States. It does not matter, even if they do cost more to build than ships can be built for in foreign countries, because we do not allow any ships built in foreign countries to engage in our coastwise carrying. You are subject only to the competition of other American-built ships. So come along."

Having said that for a period of 99 long and successive and successful years to every American citizen who desired to engage in our coastwise carrying, having said that to the hundreds of American owners of American-built ships now engaged in our coastwise carrying, are you going to cut the value of their ships in two or reduce them one-third of their value, by a wholesale admission of cheaper-built, foreign-built vessels to competition with them in the trade for which they were built and in which they are operating, depending upon the good faith of the Government to see that no injustice is done to them? Are you going to subject law-abiding American citizens, just because they happen to be the innocent but lawful owners of American-built ships in our coast carrying, to the ruinous competition of several hundred foreign-built ships over night, as it were, or "like a bolt from the blue"?

Mr. WADSWORTH. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. HARDING. I do.

Mr. WADSWORTH. The Senator's description of this revolutionary change in our policy with respect to our coastwise shipping and the prohibition of foreign ships taking part in it leads me to ask him if this question was ever discussed at all in the committee. As it is so vastly important to our entire shipbuilding industry I should like to know whether this question has ever come up and been discussed in the Committee on Commerce?

Mr. HARDING. Mr. President, I do not know whether or not the Senator from New York was present when I opened my remarks, but I stated at that time that this bill never had been given any detailed consideration in the Committee on Commerce; that as a member of that committee I had hoped to acquaint myself with this subject, but I know nothing more than the fact that here is a bill adopted by a Democratic caucus and reported by the Democratic majority of the Committee on Commerce without this question ever having been raised.

Mr. WADSWORTH. That is very interesting.

Mr. HARDING. I should like the Senate to understand this thing a little more clearly. The United States does not want to go into the business of buying and running merchant ships if it can persuade American citizens to do so. It proposes, therefore, to popularize the purchase and operation of ships by private American citizens by first buying or leasing or chartering or building ships and then offering them to private American citizens, either for purchase or lease or charter, the private American citizens to run these ships, either in foreign or domestic carrying. The United States, through its Federal shipping board, stands or proposes to stand as a sort of go-between between the builders of ships or the present owners of ships on the one hand and would-be American purchasers of ships on the other hand. If the United States shipping board knows that it has a customer for a ship or a fleet of ships to be built or already built, built in the United States or in some foreign country, the shipping board will have the ships built or it will buy them, if it may lawfully do so under the restricting clauses of the bill, and sell them to Americans—the private American

citizens—who have a business in which to place them, either a foreign business or a domestic business. Thus certain citizens are to be favored in purchasing or leasing or chartering vessels from the Federal shipping board in the use of such vessels in a manner that is denied to private purchasers, lessees, or charterers of similar vessels—American citizens transacting the ordinary business of buying, leasing, or chartering vessels without the interposition of the Federal shipping board. The conditions under which ships may be purchased, leased, or chartered from the Federal shipping board are to be so much more favorable than the conditions under which such transactions may be consummated privately that the private business will be destroyed or so handicapped as practically to amount to ruination. That is the sort of an intermediary the Government proposes to establish—a sort of a royal road to the purchase, charter, or lease of ships under the hand and seal of the Federal shipping board, equal or fair competition with which is denied to private parties now engaged in this business in the United States.

Mr. GALLINGER. Mr. President—

Mr. HARDING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. This matter of encroachment upon the coastwise shipping of the country interests me very much. I have tried to be a student of this question, and I know, as the Senator from Ohio knows and all Senators know, that the law excluding from our coastwise trade the ships of foreign countries has been on the statute books for 99 years. It is barely possible that before my advent into public life—which was some time ago—there may have been an effort to change that law; but I know of no effort that was made until the 17th day of August, 1914, when the matter came directly before the Senate on a proposition to open the coastwise trade to foreign vessels. We had a vote on the proposition, and it was defeated by a vote of 40 to 20; and I feel sure that the owners of American ships and those who are contributing their money to the construction of American ships until this bill came before the Senate have felt that they were secure against the encroachment of foreign ships in the coastwise trade.

Mr. HARDING. The Senator from New Hampshire is quite right. A protective and upbuilding policy that has been essentially unassailed for 99 years ought to be accepted as the determined policy of the country.

Mr. WADSWORTH. Mr. President—

Mr. HARDING. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator's commentaries on the possibility of the exercise of favoritism in connection with the subleasing or subchartering or second sale, so to speak, of these ships acquired by the Federal board, leads me to ask him if he has ever thought of the possibility of such favoritism operating through the corporation which the board is authorized to organize under the laws of the District of Columbia, the capital stock of which any citizen is permitted to purchase? And has it occurred to the Senator from Ohio that a minority stockholder—as a private citizen must be in that corporation, according to the terms of the bill—might find himself in an advantageous position to secure from the corporation of which he is a bona fide and legitimate stockholder the use of ships under subleases?

Mr. HARDING. Mr. President, I think I touched upon the very subject which the Senator from New York raises in a previous portion of the remarks I am reading. I certainly made reference to the possibilities for extraordinary development on the part of a favored investor in the shipping corporation authorized under the bill.

Mr. CUMMINS. Mr. President—

Mr. HARDING. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Ohio did touch upon it, but it seemed to me that he rather minimized the mischief that might be wrought under it. I think he suggested that the capacity of the corporation for disturbance was limited to the expenditure of \$50,000,000. I suggest to him that it is not so limited. The corporation or series of corporations to be organized under the laws of the District of Columbia may have a capital of \$99,999,999.99. That is the possibility under the provision to which I have referred.

Mr. HARDING. That is quite true.

Mr. CUMMINS. Now, imagine a corporation with a paid-up capital of practically \$100,000,000. The corporation can purchase, charter, lease, or otherwise dispose of all the ships which a capital of \$100,000,000 will permit; that is to say, it can use all the credit which a corporation of that sort, backed by the Government, can secure. There would be no legal liability on the part of the Government beyond the \$50,000,000, but every sensible man who cares to deal with the corporation will know that the moral obligation of the Government is be-

hind it and must make good whatever indebtedness it incurs. Now, I can easily see how that corporation could become the owner, not of \$50,000,000 worth of ships, but the owner immediately of \$500,000,000 worth of ships or a billion dollars' worth of ships, dependent entirely upon the extent of its credit.

Mr. HARDING. The Senator from Iowa is quite right; and it requires no imaginative capacity to understand how a corporation in close intimacy with the shipping board could acquire, as he says, under charter, no less than hundreds of millions of dollars' worth of ships, because the board has the authority to use the credit of the Government and acquire ships and lease them and place them in the hands of subsidiary corporations. There are limitless possibilities. It would be worth some one's while to go into a more detailed statement of the possible things which can be worked out by the scheming management of such a governmental partnership.

Mr. CUMMINS. May I interrupt the Senator just once more?

Mr. HARDING. Certainly.

Mr. CUMMINS. Under a former bill, as I understood it, the corporation could only purchase from the board, but in this bill the corporation can purchase from anybody. It is not required to secure its ships from the shipping board; it can go anywhere in any market and purchase ships to the extent of its credit.

Mr. HARDING. I think that is quite true, but I think wider possibilities are in favor of the operation of a shipping board which may itself purchase and then charter to the subsidiary corporation. Of course, it will be said, which is appropriate to this very thing, that the Federal shipping board will establish rules and regulations, approved by the President, regulating the transaction of the business of buying, building, chartering, or leasing ships—rules and regulations so drawn as to deal fairly as between American citizens and to deal justly with existing owners of ships. Maybe so; maybe not so. It will be an extremely difficult business to establish in a manner that will not permit of injustices and wrongs; and, even if the rules and regulations are as seemingly fair as can be drawn, the ingenuity of man has ever proved equal to securing the weather gauge, especially if it has the advice and counsel of shrewd attorneys. Charges of unfairness, of injustices, of inequalities, of raw deals, of the reverse of square deals, will be made, justly or unjustly, but so plausibly as to create doubt as to the rectitude and honesty of the board, however honest and fair it tries to be. A premium, and a rich premium, will be placed on one class of citizens getting the better of another class of citizens—fair enough, perhaps, in private transactions, but damnable when participated in by the Government.

A veritable Pandora's box is to be opened up through this bill, and no man can tell what will come out of that box to the discredit of the Government, the injury of honest citizens, and the humiliation of the people. It is an uncharted sea of trouble that the Government is about to venture forth upon, and however skillful its pilots, disaster threatens its progress constantly, hidden rocks, unknown reefs, unseen dangers, threatening from every direction.

We have heard fair words that it is not the intention of the Government to enter upon any competition with existing American lines—but all of those good intentions, however praiseworthy, have undoubtedly been found impracticable, and they have been whistled down the wind. On the contrary, and especially in our domestic carrying, the threat is distinctly held over the unfortunate companies, the unfortunate stockholders in the companies, now engaged in our coastwise business that the critical eye of the Government ever is upon them, watching, alertly, for evidence of things that will justify, that plausibly may justify, the establishment of ruinous competition against them.

The lessons of the war have taught the other nations of the world, belligerents as well as neutrals, that the nation is a wise nation which possesses a merchant marine of its own; and if it is a home-built merchant marine, all the better; and if it is commanded, officered, and manned by its own nationals, all the better yet. That is one of the great lessons of this great European war. Nations now possessing a merchant marine of their own forbid the sale of their merchant ships to aliens. Why is this? Because the possession of a merchant marine of its own is a priceless possession. If we could but learn the lesson of self-dependence, which is the only true independence! But no, we must reach out for the foreign-built ship. And why? Because it is cheaper than we can build ourselves—that is all. Not efficiency, but cheapness is the new standard, and we must go abroad for the cheaper ship, and deny ourselves the construction of the better ship. We must forego the building of our ships in home shipyards, because the labor in our shipyards is so much better paid than the labor is paid in any other



shipyards on earth. This whole drive for foreign-built ships is in order to get around, to circumvent, the building of ships in the United States—rather than to allow highly paid American labor to build our ships for us, we must employ the cheaper labor of foreign countries. In the last analysis, our whole mongering with foreign-built ships is merely to deprive American labor of the chance to build merchant ships. Study it to a conclusion, and there is where you are sure to land. You will ruin our shipyards through the extensions of the policy to be inaugurated by this bill that will incessantly be demanded, that will have their inspiration in foreign countries, in foreign shipyards, and in the minds of foreign shipowners, who look longingly and covetously upon the "rich pickings" of the United States.

We shall drive our shipbuilders out of business, out of the business of building merchant ships for ocean navigation. Gradually we are driving them out of the building of our warships by building them in Government shipyards—a policy that is being steadily broadened, the object of which when accomplished will be the building of all of our warships in Government shipyards at the highest prices known—but we will build our merchant ships in foreign shipyards at the cheapest prices known. We shall cease to train men in the arts and sciences of designing and building merchant ships; we shall become wholly dependent upon foreign shipbuilders for the building of ocean-going ships; and we shall never realize the danger of this un-American course until a time arrives—which is sure to arrive—when our dependence upon foreign shipbuilders will be found to be an unstable, an unreliable dependence. But then it may be too late for us to retrieve ourselves.

If we would but declare for American-built merchant ships and none other for the American flag, either in foreign or domestic trade, then we would be upon firm and safe ground. Then we would build up a colossal industry in this country that would make us strong where now we are weak—where the tendencies of this bill will make us still weaker—upon the seas. But the craze for cheapness, which has superseded efficiency, is to be a guiding principle.

As men are turned out of our shipyards and forced into other trades they may realize what the policy here inaugurated has done for them. As yet they do not see. They are blind. But, let me repeat in all seriousness, this whole trend, the whole objective of all this legislation, is to deprive labor in American shipyards of the employment to which it is entitled in the building up of a real, a true, American merchant marine both for our foreign and for our domestic carrying.

Mr. President, I have detained the Senate longer than I had wished already. I had a very interesting experience a year ago last February. I took a trip to the Hawaiian Islands. On the return from the islands I was traveling on an American coastwise ship, the steamship *Sierra*, of the Oceanic Line. I grew into an acquaintance with the captain, Capt. Hudlett, I think was his name, who had been an American skipper from his early boyhood, when he went out from the coast of Massachusetts a mere lad of 14 to climb the mast. One evening, as we were about midway between the islands and the harbor of San Francisco, while chatting at the table in the smoking room, a petty officer brought to the captain a wireless message.

A smile spread over his face, and he handed it to me. The captain said: "Here is a message from my son. He is master on a sister ship, southwesterly bound, and sends me a message of greeting. He is just passing 20 miles away." I thought for a moment of the sentimental side, which was beautiful, and then I read his message. It conveyed the greetings of a son to his father, and after he had expressed his filial affection he turned to business, and he said: "We have a cargo of 2,600 bags of English mail."

That did not mean very much to me, but it was so unusual a thing that I made inquiry. Whereupon the old captain said: "The British Government is sending its urgent mail to Australia by way of the Atlantic, across the American continent, and by our line to the island colonies. This cargo of 2,600 bags pays this ship \$2 per bag, or \$5,200, for this one shipment from San Francisco to Sydney, Australia. That," said Capt. Hudlett, "is more than four times as much for carrying British mail as we receive for carrying the mail of the United States of the same amount. If our Government would pay our ships the liberal compensation for carrying the mails that we secure without difficulty from the British Government, we could double the service of our line across the Pacific and find it a profitable investment."

Mr. President, that to me was a very interesting revelation. I have been interested in this merchant-marine proposition because of the conviction long since acquired that no great nation ever influenced the world until it became a factor in its commerce. The ambassadors of old were the barterers of trade

who opened the way to the development of civilization and the widening of education and the refinements of life.

It has seemed to me what this American Nation should do, the richest Nation on the face of the earth, excelling in production, limitless in its material resources, outranking, to my mind, every other nation in genius, and second to very few in industry, should be first in shipping. I may say, in passing, that this boasted American people has second place in individual industry to the Empire of Japan and the Republic of China. But we are second in industry to no one else. We are first in efficiency to all but one. We have these limitless resources and heretofore we have had the courage of an American policy. I thought that some time there would come a Congress big enough and broad enough to rise above the petty bickerings of so-called favoritism and return to the method or methods that gave this country a great merchant marine.

I have myself been doubtful about but not hostile to the policy of discriminating duties. I only know from the history of the American merchant marine and the story of the upbuilding of the British merchant marine that subsidies and subventions are essential to modern victory, and without which every other nation on earth has failed in maritime achievement.

I do not know, Mr. President and Senators, that I want to confess literally to being a standpatter. I do not know just what a standpatter is in public life. I do in some places. But if one who sometimes elects to go back to an old and efficient method and retain it is a standpatter, then I am going to choose to be one.

I know that the early Americans excelled in the development of an American merchant marine. I know the old American policy of subsidy and subvention in 1855 was a successful one in meeting the oncoming competition and upbuilding of the British merchant marine, and I stand ready to-day and to-morrow and next year and every year during my term of public service to go back to the fostering plan.

I wonder sometimes if our American life is not just a little disturbed by this everlasting seeking after something different. Have you ever stopped to think about it? I am a newspaper man by occupation, and I know the fondness of the men of the press for something different, for a story that has the stamp of novelty or something that is new. You will find the same thing in the magazines. The magazine writer who secures a ready acceptance of his manuscript is one who can offer something new. It is the very nature of human beings, the promotion of the new thing is profitable. It is the old story of the farmer wanting to live in town and the citizen in the city wanting a farm. We are always seeking after something different, and it sometimes leads us astray.

I do not mean to preach the doctrine of paralyzing contentment, but I do mean to say now that one of the disturbing phases of American progress has been the constant desire to forsake the proven thing and try something new. We forsook the subsidy plan; we forsook the discriminating duty; and we destroyed the transoceanic American carrier. I am old-fashioned enough to be willing to go back to it. I should like to vote that way. I have stood here to-day objecting to the pending bill which is to be passed by the caucus dictum of the majority because, in the first place, it will not put a single ship, in my judgment, in the transoceanic trade, and it does put foreign-built ships into the American coastwise trade in which the Americans, at least, under the protective policy, have developed the best merchant marine in the world.

Mr. President, I know that this measure is going to pass. I have not deluded myself with the impression that I have changed anybody's mind on this question, nor have I introduced into the Record all that I might want to say on this subject if I were talking for political purposes alone, but I have done one thing which some day I hope to recall to the attention of this body, and that is, that I have stood here and uttered a warning to-day that the provisions of this bill will admit of the utter disruption and destruction of the American coastwise shipping, which is the one thing in which we Americans have excelled for the last 99 years, and which is one great essential to the successful handling of American domestic commerce.

Mr. RANDELL. Mr. President, I was very much surprised to read in the Washington Post of this morning what purports to be a speech delivered by Mr. Justice Hughes, the candidate of the Republican Party for President. I do not know that he is correctly quoted, but what I say will be based on the assumption that he has been. This article, among other things, states that Mr. Hughes, in a speech delivered at Fargo, N. Dak., on August 10, said:

"The river and harbor bill, known to the people as the pork-barrel bill," Mr. Hughes said, "is largely moneys wasted, as there is no expert examination to determine what expenditures are needed."

"On the contrary, it very largely depends on who are the influential men representing particular districts, and what appropriations are obtained in this district and that district for this man and that man."

"That is a matter of logrolling. It brings the blush of shame to the cheeks of every American. It ought to be stopped. If I am elected President, to the best of my ability I propose to stop it."

Mr. Hughes declared the pork-barrel bill of 1914 was "talked to death by Senator Burton, a fine Republican," and that the 1915 bill was reduced materially because of the opposition of Republicans and some conscientious Democrats.

"This year, just the other day," the nominee continued, "Congress passed a rivers and harbors bill of some \$42,000,000. I confess I don't know why such a measure should receive approval. We have heard a great deal lately of the power of Executive leadership. It has been powerfully exerted. Why can it not be exerted to save the public purse from being looted in the interest of these ridiculous appropriations?"

Mr. President and Senators, if that statement correctly quotes the remarks of Candidate Hughes, I desire to say that I never saw compressed into so small a space a greater number of real misstatements of fact. Why, the idea, Mr. President and Senators, that river and harbor appropriations are made without any "expert examination to determine what expenditures are needed" is ridiculous.

I can not conceive how Mr. Hughes made that statement—a man who has occupied for so many years such a high position as he has, and who is supposed to have kept up with public affairs during his long public career. He must know, it is his duty to know, the facts when he makes a statement of that kind; and certainly anyone who has the least knowledge of the methods of Congress in making appropriations for rivers and harbors, must admit that there are no appropriations of any character more carefully safeguarded than are those for rivers and harbors.

What is the process, Mr. President? It is well known to you all, but I wish to repeat it briefly, in the hope that some of the newspapers which have given so much prominence to the statements of this candidate for the presidency, will give a little notice to my explanation of these charges.

When it is proposed to make an improvement on any river or harbor in this country, the first step is to secure an act of Congress ordering that a survey be made. The Chief of Engineers then sends that order to the local engineer of the place nearest to the spot where the project is to be prosecuted. The local engineer, who is generally a man with the rank of captain or major in the United States Army—a graduate of West Point—makes a preliminary reconnaissance of the project, finds out in a preliminary way everything that he can in regard to it, and reports his findings to the division engineer, who is an officer with the rank of colonel.

The division engineer looks over the report, ascertains anything he can independently in regard to it, and then submits his findings and comments to the Board of Engineers for Rivers and Harbors—a body of seven engineers sitting in the city of Washington—a body composed of seven men belonging to the Engineer Corps of the Army, with the rank of major and colonel, some of them being lieutenant colonels. This board, composed of as able men as there are in the Army, examines the report made by the local engineer and the division engineer. They send their findings to the Chief of Engineers; and not until the Chief of Engineers approves the findings made by this Board of Engineers for Rivers and Harbors is an order issued for the field survey—the final survey.

If the Chief of Engineers disapproves of the findings, the matter stops. If the Chief of Engineers approves the findings, thinking that it is a worthy project, or probably worthy and one that ought to be surveyed, he sends an order to the local engineer to make an elaborate survey. That is done by him. He goes into the field with his regular corps of engineers, and makes a field survey—a physical survey—of the proposed river or harbor or canal or whatever the waterway may be. He ascertains every fact in connection with it, its cost, the present commerce on the waterway, the prospective commerce, the effect it will have on commerce when completed. In fact, everything that in any way bears upon the subject, he ascertains and sends to the division engineer, with his recommendation as to its merit or demerit. The division engineer then sends this report with his findings and his views to the Board of Engineers for Rivers and Harbors, the same board which I have described.

That board goes into a full and complete examination of the reports. It frequently calls for additional testimony; it notifies interested parties that hearings will be held on a certain day in regard to the matter. The parties in interest appear before it, either advocating or opposing the project; and after the most careful examination a report is sent by this Board of Engineers for Rivers and Harbors to the Chief of Engineers, who then sends it to Congress with his favorable or unfavorable report.

Mr. FLETCHER. Mr. President—

Mr. RANDELL. Pardon me one moment. And, Mr. President, not until that project has run the gantlet of these 10

engineers does it have legislative status before the American Congress; not until then is it considered to be before us at all. I now yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, I was going to ask the Senator if in connection with the report and the hearings on a given project, first, the engineer and, subsequently, the board, do not consider also the commercial possibilities involved as to whether the project would be commercially justified and also go into the question of the cost of the project?

Mr. RANDELL. Unquestionably they do. They find out all the facts relating to the cost of the project, the commerce on the stream, both present and prospective, the effect of the improvement upon freight rates, and everything else that will give Congress an intelligent idea of the project.

Mr. SMOOT. Mr. President—

Mr. RANDELL. I yield to the Senator from Utah.

Mr. SMOOT. I do not know whether or not I understood the Senator correctly, and I will ask him if I understood him to say that no project was appropriated for unless it had been approved by the Army engineers?

Mr. RANDELL. I did not say that absolutely. I said a project was not considered to have a legislative status unless it had been approved by the Army engineers; and I will add that in some very exceptional cases projects have been acted upon without such approval. We had one or two very small items in the last river and harbor bill, carrying very small sums, which did not receive the approval of the Army engineers, but more than 98 per cent of the projects in that bill did have the approval of the engineers. The general proposition was stated correctly by me that a project has not legislative status before Congress until it has run the gantlet of survey and examination and received the approval of the Engineer Corps.

Mr. SMOOT. Of course, I know that the practice is always to have a survey, but I also know that appropriations have been made for projects which the Army Engineer Board have condemned. I also know, Mr. President, that appropriations have been made, taking the commerce of the river into consideration, which cost the Government at least \$25 or \$30 for every ton of freight transported. No individual and no corporation would ever put one dollar into a project of that kind. It is simply a waste of money.

Mr. RANDELL. Mr. President, I ask the Senator if he will not enumerate some of those projects? He says he knows of them.

Mr. SMOOT. Mr. President, in order that we may have a number of them—I do not want to intimate that there is only one—and in order to have the figures exact as to what they cost per ton of freight carried, I will send for the list and will see that it is put in the Record following the Senator's remarks.

Mr. RANDELL. I should be very glad if the Senator would put the list in right now and let me know now what the projects are to which he has reference, so that Senators may be informed as to what they are. I am very familiar with this matter, and I think the Senator is mistaken.

Mr. SMOOT. I will say to the Senator that I know I am not mistaken; and I will see that the list goes into the Record.

Mr. RANDELL. I should be very glad if the Senator would put it in the Record.

Now, Mr. President, how can it be said that there is no investigation made of river and harbor projects when this course of examination and survey and investigation to which I have referred is required by law, and is followed in nearly every instance?

Let me read to you exactly what the statute is on that subject. I quote now from the report of the National Waterways Commission, of which former Senator Burton, of Ohio, was chairman. The other members of that commission were Senators J. H. GALLINGER, S. H. PILES, WILLIAM ALDEN SMITH, F. M. SIMMONS, JAMES P. CLARKE, and William Lorimer, and Representatives D. S. Alexander, Frederick C. Stevens, Irving P. Wanger, STEPHEN M. SPARKMAN, and JOHN A. MOON. It would be difficult to have obtained a much abler commission than that. On page 77 of the final report of that commission I find these words, to which I hope the Senator from Utah will listen:

The commission regards the present law, providing for preliminary steps before the adoption of projects for improvement, as well adapted to secure the best results.

That was the statement of some of the colleagues and former colleagues of the Senator from Utah. That utterance was not made especially by Democrats, by men who were trying to make any misstatement, but it was the utterance of that great commission. The report continues:

Under existing statutes it is required that when the improvement of a river or harbor is advocated, before any plan is adopted there should be legislation by Congress in the form of a concurrent resolution or other measure which shall direct that an investigation of the improvement be made.



How does that tally with the statement of the Republican candidate for President?

This investigation contemplates two successive steps—first, a preliminary examination; second, a detailed survey—both of which are made by the Engineer Corps of the United States Army and are reviewed by an organization known as a "board of review," created by the river and harbor act of 1902—

And created when that "fine Republican," ex-Senator Burton, was chairman of the Rivers and Harbors Committee of the House of Representatives—

with the object of securing uniformity in recommendations before projects are adopted and with the thought of bringing to bear upon the proposed improvements under investigation a more elaborate and careful consideration. If on the first, or preliminary, examination the report is unfavorable, no further action is taken without the further order of Congress. The law on this subject is contained in the river and harbor act of March 3, 1909.

The provision in the act referred to follows the quotation I have just made, and I will ask permission to insert it in my remarks without reading.

**THE VICE PRESIDENT.** Without objection, it is so ordered. The statute referred to is as follows:

In all cases a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made, and a report as to the advisability of its improvement shall be submitted, unless a survey or estimate is herein expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress; but in case the report shall be favorable to such proposed improvement, or that a survey and estimate should be made to determine the advisability of improvement, the Secretary of War is hereby authorized, in his discretion, to cause surveys to be made, and the cost and advisability to be reported to Congress. Such examinations and surveys shall be reviewed by the Board of Engineers for Rivers and Harbors, as provided in section 3 of the river and harbor act of March 2, 1907: *Provided*, That every report submitted to Congress in pursuance of this section, in addition to full information regarding the present and prospective commercial importance of the project covered by the report, and the benefit to commerce likely to result from any proposed plan of improvement, shall contain also such data as it may be practicable to secure regarding (first) the establishment of terminal and transfer facilities, (second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project: *Provided further*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation and to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation: *And provided further*, That the investigation and study of these questions as provided herein may, upon review by the Board of Engineers for Rivers and Harbors when called for as now provided by law, be extended to any work of improvement now under way and to any locality the examination and survey of which has heretofore been or may hereafter be authorized by Congress.

**MR. RANDELL.** Continuing the quotation from the report of the National Waterways Commission, they say:

Under the foregoing plan, if the final report is favorable, it is considered that a basis exists for the making of an appropriation for the proposed improvements. The recommendations of the engineer officers are not necessarily final, though since the passage of the law the rule has been adhered to as a fixed policy that no project should be undertaken by the Government or appropriated for which does not have the recommendations of the board of review and the Chief of Engineers.

Yet this candidate of the Republican Party for President says that these great expenditures are made without any investigation; and here is a man, whom he lauded in that same speech as a "fine Republican," stating in his report of four years ago that no project should be undertaken by the Government or appropriated for which does not have the recommendation of the board of review and Chief of Engineers.

Where did Mr. Candidate Hughes get his information on this subject, I should like to know? He did not get it from the law. He did not get it from the facts in regard to the river and harbor bill signed a few days ago. Let me give you a few facts in regard to that bill.

I hold in my hand a letter from the Secretary of War, addressed to the President of the United States, dated July 24, 1916, in which he says:

MY DEAR MR. PRESIDENT: I return to you herewith the river and harbor bill, which I have gone over with great care and upon which I hand you a report made by the Chief of Engineers with certain attached memoranda. The net result of this examination is to show that in this bill, carrying \$42,886,085, \$611,200, or about 1½ per cent, is, in the judgment of the Engineer Department of the War Department, regarded as economically indefensible, although in the case of some of these expenditures the improvements are probably not primarily for navigation purposes.

I concur in the view expressed by Gen. Black that the direct loss to the United States as a result of suspension of work, were this bill not to receive your approval, would be greater than the amount appropriated for improvements of a doubtful value; that is to say, upon all the great river and harbor projects of the country, if work were suspended, there would be loss due to the breaking up of existing organizations, the care of idle plants, etc., which would be very serious. Should this bill receive your approval, the department would have so much work on its hands that it would probably be obliged to delay some por-

tion of it, and, of course, in selecting that to be delayed, the work of doubtful economic importance would be postponed, so that the entire \$611,200 marked as questionable would probably not be expended in any event.

Respectfully submitted.

NEWTON D. BAKER.

Accompanying that letter of the Secretary of War is a letter addressed to him from Gen. William M. Black, Chief of Engineers, from which I read:

JULY 24, 1916.

From: The Chief of Engineers, United States Army.

To: The Secretary of War.

Subject: Report on pending river and harbor bill.

1. In compliance with your verbal instructions, the following report on the pending river and harbor bill is submitted:

2. For the past 8 or 10 years Congress has, in general, followed the policy of adopting no new projects except such as were favorably recommended by the Chief of Engineers. The recommendations of the Chief of Engineers are, in each case, based upon a careful examination and survey to determine the nature and cost of the improvement to be undertaken and a full study of the probable benefits to be derived. The study is such as would be made by a careful business firm to determine whether it would undertake a new business venture.

I hope these words of the Chief of Engineers are being listened to by those Senators who have any doubt as to the painstaking care which precedes all appropriations for rivers and harbors.

The study is made by the district officer and reviewed by the division engineer and the Board of Engineers for Rivers and Harbors before being acted on by the Chief of Engineers.

3. Prior to the time mentioned above, Congress adopted many projects which had not been subjected to such a careful study and which were not recommended by the Chief of Engineers.

The time referred to above was 8 or 10 years ago. Prior to that time, he says, Congress adopted projects which had not been recommended.

As a rule it is certain of these projects which have been subject to recent attacks. To determine whether the attacks were justified a proviso was inserted in the river and harbor act approved March 4, 1915, directing a reexamination of all existing river and harbor improvements to determine which, if any, of them should be modified or abandoned. The results to date of this reexamination are set forth in brief in memorandum No. 1 herewith. Owing to lack of time the reports on these recommendations could not, with few exceptions, be made available for the consideration of Congress in connection with the pending river and harbor bill.

4. An examination of the bill shows that it contains certain items which were not included in the annual estimates of the Engineer Department, or which were included for a less amount than the bill provides. Memorandum No. 2, inclosed, cites these items in detail, and shows that, without exception, the added items and the increased amounts were introduced into the bill on recommendation of the Chief of Engineers based upon facts that came to light after the annual estimates had been submitted. There are also many items for which a less amount is provided than called for by the annual estimates. No discussion of them is deemed necessary.

5. Memorandum No. 3, inclosed, gives a list of all the items in the bill which may be classed as of doubtful value to the interests of navigation when subjected to the tests usually applied by the department. A final analysis shows that, of the total \$42,886,085 carried by the bill, \$611,200 (about 1½ per cent) is not economically defensible in the judgment of the Engineer Department for navigation purposes, however meritorious it may be for other purposes.

6. To conclude, the items in the bill which can be justly condemned are few and the amount provided for them is small, as compared to the loss to the commercial interests of the country that would result from the failure to enact a river and harbor bill. Moreover, the direct loss to the United States as a result of suspension of work and care of idle plant pertaining to improvements of unquestioned merit would, as shown by the experience of 1914—

The experience brought about when this "fine Republican," Senator Burton, filibustered a river and harbor bill to death—

in less than three months amount to more than is provided for the doubtful items.

7. It is recommended, therefore, that the bill be approved by the President.

W. M. BLACK,

Chief of Engineers, United States Army.

This letter is dated July 24, 1916.

Mr. President, the Chief of Engineers of the Army—a man with the rank of brigadier general, one of the honor men of West Point, a man who will retire with a pension for life at the age of 64—sends that report to the Secretary of War; and in it he says that only \$611,000—only 1½ per cent of the forty-two million eight hundred and odd thousand dollars carried by that bill—is even of questionable merit; and yet the Senator from Utah [Mr. SMOOT] said a few days ago, when discussing that bill, that he was certain that 33½ per cent of the items in it were utterly worthless, or words to that effect. I forget his exact words.

Mr. SMOOT. I think it was more than that.

Mr. RANDELL. Probably it was more. I should like to have the Senator's present opinion. I do not doubt that he is much wiser on river and harbor matters than the Chief of Engineers of the Army.

Mr. UNDERWOOD. Mr. President, will the Senator permit me to ask him a question?

Mr. RANDELL. I shall be delighted to have the Senator do so.

Mr. UNDERWOOD. A great many of these contracts go through a period of years, and the appropriation in each year's bill is to pay for contracts that have been made in the past. How many of the contracts under this bill that is being criticized were made under Republican administrations and how many of them were made under the present administration?

Mr. RANDELL. When the Senator says "contracts" I do not know that I can tell him, but if he asks me what projects were undertaken—and I think that is what he means—

Mr. UNDERWOOD. That is what I mean; not contracts, but when the project was begun and undertaken.

Mr. RANDELL. In the river and harbor bill signed a few days ago there were 280 items. Most of those items have been on the books for years, and 210 of them were in the "perfect" bill passed by Theodore E. Burton in 1907—the bill which he himself says was the most perfect piece of river and harbor legislation ever enacted.

Mr. O'GORMAN. Eighty per cent.

Mr. RANDELL. Nearly all of them—more than 80 per cent—have been on the books for years and years, projects undertaken under a Republican régime, and necessary for us to carry forward now in order to preserve the commerce of the country.

Mr. UNDERWOOD. There were 280 items in the bill?

Mr. RANDELL. As I understand; yes, sir.

Mr. UNDERWOOD. And 210 of them were included in the bill that was passed by Senator Burton when chairman of the committee in 1907?

Mr. RANDELL. Yes, and more. More than 210 came over from the Republican régime; but I am speaking about 210 of them having been in the great piece of legislation which the Senator from Alabama doubtless heard Senator Burton describe with gusto so often, that piece of legislation which was never excelled by anything done by the American Congress, according to Mr. Burton, and which was passed just before the close of his term in the House in 1907, which carried about \$86,000,000; and 210 of these items were in that bill.

Mr. UNDERWOOD. How many more items were there, outside of the 210? Can the Senator inform me?

Mr. RANDELL. I can not inform the Senator as to that, but a small number of them. We took on very few new items, and let me tell the Senator why. The Committee on Commerce in 1914 prepared a very fine river and harbor bill and attempted to pass it. It was filibustered to death by Senator Burton and several other Senators on the other side of the Chamber who aided him—largely by him. That bill included a number of very necessary new projects, in one of which my friend the Senator from Connecticut [Mr. BRANDEGEE] was intensely interested—the project at New London, which was most worthy and was included in the last bill.

This New London project, along with a number of other very meritorious projects, died a natural death when the bill of 1914 was filibustered to death, and we were obliged to accept a \$20,000,000 lump-sum appropriation. The same thing happened with the bill of 1915. That also had a number of worthy new projects which we sought to include in the bill, but it, too, was talked to death by Senator Burton and some of his associates. It was finally passed as a lump-sum appropriation of \$25,000,000.

The Senator from Alabama understands, I know, because he is well posted on all subjects, that when there is a lump-sum appropriation you can not spend anything on a new project. You can only expend money on existing projects—projects that have been previously adopted by Congress. The object of the lump-sum appropriation is to maintain the status quo and to keep those works going on to some extent.

Mr. UNDERWOOD. Then, as I understand the Senator, up to the bill that was passed this year all of the appropriations that have been expended by this administration have been these lump-sum appropriations, and the only expenditures made by this administration were to carry out projects adopted under Republican administrations?

Mr. RANDELL. That is absolutely true, and we took on not more than 14 new projects in the bill signed a few days ago. So that practically all of the items in this bill are those which were in course of improvement under Republican administrations.

Mr. UNDERWOOD. All except about 14?

Mr. RANDELL. All except 14.

Mr. UNDERWOOD. How much of an expenditure is entailed by the 14 new projects provided for in this bill?

Mr. RANDELL. I can not tell the Senator exactly. I think it is between two and three million dollars. There was one in which the Senator from Connecticut [Mr. BRANDEGEE] was interested. I believe that was \$170,000. There was one

of \$220,000, if I mistake not, at San Diego, Cal. There was another: one at Los Angeles of \$500,000, and there was one at the mouth of the Mississippi—not a new project, but it was for carrying on some work rendered necessary by the awful storm of two or three years ago—that amounted to \$400,000. The total of the new projects was \$2,633,675.

Mr. UNDERWOOD. The total amount of this appropriation was \$44,000,000?

Mr. RANDELL. \$42,886,085.

Mr. UNDERWOOD. And in the neighborhood of \$40,000,000 of that was expended on projects that had been adopted by Republican administrations?

Mr. RANDELL. That is true. That is entirely true, and I thank the Senator for his suggestion with regard to that.

As to the matter of extravagance, referred to in these remarks of the Republican candidate for President, I should like to show here, right in this connection, that during the régime of President Taft there was expended for rivers and harbors in 1911, \$49,380,541; in 1912, \$30,883,419; in 1913, \$41,250,620; and for the fiscal year ending June 30, 1914, the appropriations having been made under Mr. Taft, \$51,118,889; a total of \$172,642,469 for river and harbor work during the four years of Mr. Taft, an average of \$43,160,617 a year.

During the three years of President Wilson's administration there were expended the following sums: In the fiscal year ending June 30, 1915, \$26,988,500; the next year, \$33,982,000; and for the current year, \$42,886,085, a total for the three years of Mr. Wilson's administration of \$103,856,585, or an average for the three years of \$34,618,861, as against an average under Mr. Taft for the previous four years of \$43,160,617.

In other words, the Republicans were spending money a great deal faster than it has been spent under this administration, though I am frank to say that if the two bills for 1914 and 1915—which were wise and good bills—had not been filibustered to death by the man who for 10 years was chairman of the Rivers and Harbors Committee of the House, we probably would have spent in proportion under this administration about the same that was spent under Mr. Taft.

Mr. UNDERWOOD. Then, the practical proposition is that all the money that has been spent in the last 20 years on river and harbor work has been spent on projects that have been adopted by the Republican Party?

Mr. RANDELL. That is entirely true. No money, let me say, has been spent on projects adopted by the Democratic Party, because we were not in power. We did not have a chance. The first bill we ever had a chance to pass which took in any new projects whatsoever was the bill signed a few days ago, and, as the Senator knows, nothing has been spent under that bill yet.

Mr. UNDERWOOD. Mr. Hughes's criticism of the river and harbor bill, then, is merely an indictment of the Republican Party.

Mr. RANDELL. Unquestionably; nothing but an indictment of it.

I should like to read just a few words from the gentleman who seems to be Mr. Hughes's mentor, Mr. Burton. Mr. Theodore E. Burton was chairman of the Rivers and Harbors Committee of the House of Representatives, and many a time have you, Senator UNDERWOOD, heard him say on the floor of the House that he dared anybody to knock a river and harbor button off his shoulder; that he would not stand for it at all. He was the most pugnacious man in those days that I ever saw in regard to river and harbor appropriations, and their great champion. I gloried in him then because in my humble way I was doing what I could in the same line.

Shortly after Mr. Burton ceased to be a Member of the House of Representatives he made an address before the National Rivers and Harbors Congress in this city, in December, 1900, which appears on page 106 of the record of that meeting. He said:

My friends, the president of this congress will say to you that we have known no North, no South, no East, no West in the years we have been together.

I may say truthfully this statement is correct, for I had the honor of being the president of that congress. It was true that we never knew partisanship in the Rivers and Harbors Committee of the House of Representatives during the 10 years of Theodore Burton's chairmanship. I will pay that tribute; it is a deserved one, and I am glad to do so.

We have taken up projects according to the measure of their merit, and I can vouch that members of the committee in many instances have leaned over backward where their own localities were involved, and have given closer attention to projects in other places. \* \* \* You have had to meet the idea that there is a pork barrel somewhere.

Please listen to this sentence—

a pork barrel somewhere. Whenever there is a man of superficial information on this subject—



I wonder if Candidate Hughes has "superficial information on this subject." This is Theodore Burton talking now; not RANSDELL, but Burton:

Whenever there is a man of superficial information on this subject or one who has had some project that has been turned down—

I imagine that would fit some folks who have criticized the bill during the present session of Congress—and I could name them if I wanted to—because of some project that had been turned down—

and turned down hard, because it had to be turned down, that man begins to talk about the pork barrel. There has been no line of appropriations made by this Government more carefully guarded than appropriations for rivers and harbors.

I hope the Senator from Utah is listening. This was Theodore Burton who said that there were no more carefully guarded appropriations by this Government than appropriations for rivers and harbors.

I challenge anyone to cite an instance where that bill has ever been made up to gratify certain localities or to advance the interests of some Member of Congress in the House or Senate.

Yet Candidate Hughes says there was "logrolling" on this bill, and the supposition is that former candidate Burton was his mentor, because we all know that until Mr. Burton became a candidate for the Presidency of the United States he was a good friend of river and harbor appropriations, and it was only when the presidential bee began buzzing in his bonnet and he came to this side of the Capitol that he started to fight river and harbor appropriations. He is not the only man who had that bee buzzing in his bonnet who has been fighting river and harbor appropriations for the past few years. All who are within the sound of my voice know that we could name five or six others who had the same bee buzzing in their bonnets.

Now, whom are we to believe? Will we believe the former great chairman of the Rivers and Harbors Committee, the man who made a study of this subject for years, the man who was familiar with every detail of it, the man who was speaking at a time not suspicious, when he had no ax to grind, when he had no votes to seek—will we believe Theodore Burton, talking in 1909, when he says:

I challenge anyone to cite an instance where that bill has ever been made up to gratify certain localities or to advance the interests of some Member of Congress in the House or Senate.

Will we believe him when he said that, or will we believe Candidate Hughes, who is trying to get votes now by maligning river and harbor appropriations?

Mr. Burton said this also:

There has been no logrolling, no pork barrel, no regard for individual prospects or anything of the sort; no regard for any particular locality in the country.

That is what he said, and, Senators, he spoke the truth. I appeal to the splendid man, now listening to me, who for years and years has been on the Commerce Committee of the Senate. I appeal to the Senator from Virginia [Mr. MARTIN] who has been a member of that committee for a long time. Have you ever known of any logrolling in favor of a river and harbor bill? If you have, I ask you to please get up here and let us know. Have we not been fair in making those appropriations? I should like to have a reply, Senator, if you will give it.

Mr. MARTIN of Virginia. Mr. President, I might be misunderstood if I failed to respond to the call made by the Senator from Louisiana. I will therefore say, without hesitation, that any imputation against the fidelity and impartiality of the Committee on Commerce of the Senate is nothing but a cheap slander, it matters not whether it comes from a presidential candidate or from a disappointed aspirant for office.

I say that the Committee on Commerce of the Senate has been as faithful and as just and as impartial as any tribunal that ever considered a public question. In my long service on that committee I have never heard a suggestion made by one member of the committee to another that he should vote for a project in consideration of some one voting for a project of his. Every member of that committee would scorn a suggestion of that sort. I do not believe that a vote has ever been cast in that committee except in a conscientious way and in the interest of the public service.

Mr. RANSDELL. I thank the Senator for that statement. He has told the absolute truth. I thank Heaven there is also present another Senator who was for I do not know how many years, certainly for 15 or 20 before he came to the Senate, on the Rivers and Harbors Committee of the House. I ask Senator BANKHEAD if he will tell us whether he knows of this logrolling? Senator BANKHEAD, I know you do not like to talk, but please let us have your impression about that. Senator BANKHEAD did not know I was going to call on him; neither did I. Senator, I hope you will tell us what you know about this slanderous charge.

Mr. BANKHEAD. Mr. President, it hardly seems necessary, it appears to me, that Senators should be refuting a charge like that coming from a presidential candidate. It is true that I served upon the Committee on Rivers and Harbors in the House for a number of years, and I have served upon the Committee on Commerce of the Senate.

I have never heard a charge made by anybody, except some cheap politician perhaps, that there has been any improper conduct or anything done in that committee that was not proper or right and in the interest of the general public. I have never seen in that committee in the House or in the Senate any evidence whatever of sectional feeling. Questions of that kind never entered into the consideration of measures before the committee. I will say this with perfect candor and frankness; and if it is worth anything, I am glad to have said it.

Mr. RANSDELL. I thank the Senator for that candid statement. Now, Mr. President—

Mr. BRANDEGEE. Mr. President, I see the Senator from Florida [Mr. FLETCHER] in his seat. He is a member of that committee. I think he ought to be put upon the stand.

Mr. RANSDELL. I would be delighted to have the Senator from Connecticut give me his experience.

Mr. WEEKS. I was going to ask the Senator from Louisiana if he intended to call on any Republican Senators to testify.

Mr. RANSDELL. If there are any members of the committee on the floor I would be delighted. Do you see Senator NELSON, or some member of the committee? Senator NELSON has been on the committee for years. I would be delighted to call on him. I would like to have the experience of the Senator from Massachusetts. How much logrolling have you known, Senator WEEKS?

Mr. BRANDEGEE. I think the granting of a certificate of character to each other ought to be confined to the Democratic membership.

Mr. RANSDELL. I beg pardon.

Mr. BRANDEGEE. I hope the Senator will confine the operation of granting certificates of character to his own side of the Chamber.

Mr. RANSDELL. I would be delighted to have Republican testimony. I glanced over there but did not see a single man who had been on either the Rivers and Harbors Committee of the House or the Commerce Committee of the Senate. If I had, I would have called on him. I would like to hear from the Senator from Florida. I would be delighted if you would give me your testimonial in this matter, Senator FLETCHER. You have been on the Commerce Committee for many, many years. Is this a truthful or a slanderous statement?

Mr. FLETCHER. Mr. President, I can not be said to have been on the committee for many, many years. I have been on the Commerce Committee since I came to the Senate, but that has not been so many years. However, I felt great interest in the question of river and harbor improvement before I ever came to the Senate. I made a considerable study of it, particularly with reference to the authority and power of Congress in dealing with the question. I have never seen anything in the Senate, in the Commerce Committee or elsewhere, which indicated to me that the committee or Congress was disposed to waste public money in reference to these improvements. The committee and the Senate, so far as I have ever been able to observe, realized that under the Constitution the care and maintenance of these great public highways devolved upon the Federal Government. In the case of Gibbons against Ogden the proposition was pretty well settled that the navigable streams of the country are subject to Federal control. If they are subject to Federal control, then the Federal Government ought to improve them in the interest of navigation where the improvement is needed, where the commerce would justify that improvement.

That is the spirit I have observed back of these appropriations. In pursuance of the obligation resting upon the committee and upon the Senate, under that power and that authority and that duty, they have acted on these river and harbor bills. I have never observed that it was a question you vote for me and I will vote for you, you tickle me and I will tickle you, a question of logrolling, or anything of that sort.

It has seemed to me that the system which has been adopted, which the Senator from Louisiana has so clearly outlined here, requiring that the projects shall be passed upon by the district engineer, the division engineer, the Board of Engineers, and the Chief of Engineers, and shall be transmitted to Congress by the Secretary of War, is about the safest and best system that we could adopt. I have been unable to study out or devise any safer or sounder or better plan than we have now in operation. It may be that it is possible to do so; I do not know; but it seems to me that these appropriations are safeguarded

with more care and under a better system than any other appropriation I know of made by Congress.

Mr. RANDELL. I was going to ask the Senator if he knew of any other appropriations safeguarded half as carefully as those for rivers and harbors?

Mr. FLETCHER. I do not.

Mr. RANDELL. Does any one else want to say anything? This seems to be an experience meeting.

Mr. SHEPPARD. Mr. President, I wish to suggest to the Senator from Louisiana that the Senator from Connecticut [Mr. BRANDEGEE] obtained quite a large appropriation in the last river and harbor bill, in fact, one of the few new projects that were incorporated in the bill. I know he would gladly testify that there was no logrolling connected with the securing of that item. I should like to ask for his testimonial on that question.

Mr. RANDELL. I would be very glad to hear from the Senator from Connecticut if he wishes to say anything. If he does not, I do not care to press him.

Mr. BRANDEGEE. I will say that the exceedingly moderate amount that was awarded to my State in that bill was more than deserved. Not half enough was given to my State, and a part of what was given by the Senate was thrown out, I believe, in conference. I will say, also, that if a large number of the items had been as much justified as that one for my State the bill would have been a greatly better bill than it was.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER (Mr. HOLLIS in the Chair). Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANDELL. I shall be very glad to do so.

Mr. HARDING. Do I understand that this is to be an experience meeting?

Mr. RANDELL. It can be turned into that. If the Senator wishes to say something I will be glad to yield to him.

Mr. HARDING. Mr. President, I have no desire to inject some unkindly remark in this debate, but since this is a testimonial of the old-fashioned Methodist kind, I may say the first conversation I heard in the Commerce Committee, without reciting names, which would hardly be courteous, the conversation ran very much like this: "That is all the Senator asks; he ought to have that." And "he has not asked for anything except this; we ought to give it to him." "Yes; he is asking about \$150,000, but that is all he asks; I think he ought to have it." That is my first experience.

Mr. RANDELL. I should like to ask the Senator if these were not thoroughly reasonable requests backed up by favorable reports from the United States engineers?

Mr. HARDING. I will not dispute that statement, if the Senator please; but it struck me as the most genial kind of logrolling I had heard in a long while.

Mr. RANDELL. You may call it logrolling, but I can not see any logrolling in it when the project was a worthy one, approved by the engineers, and the Senator was making only one request. Bear in mind there are projects pending before Congress calling for appropriations to the amount of over \$300,000,000, and that we can not spend it all at once. I remember, if I mistake not, that that remark was made about the Senator from Connecticut [Mr. BRANDEGEE]. He came there and submitted with great force a most worthy project. There was not a more worthy project in America than the one he presented. We would have given it unquestionably but for the fact that this Democratic administration was trying to hold down appropriations, trying to be economical, trying not to have any new projects on the bill; and when Senator BRANDEGEE stated his case so strongly, I think the very conversation occurred which is alluded to by the Senator from Ohio; and if that project for New London is not a worthy one, if it is not going to pay two or three times to the American people in the saving of freight, in building up a great harbor, for every dollar expended by the Government, then I do not know anything about commercial propositions.

Mr. BRANDEGEE. I will say to the Senator the grievance I had was that they had adopted a rule by which they were excluding meritorious projects because they were new and were including undeserving projects because they had been in the bill before.

Mr. RANDELL. And had been put in the bill, I may say, by the Republican Congress in past years.

Mr. BRANDEGEE. I think both parties really are responsible in the past for a great many bad things that have gone in.

Mr. RANDELL. I do not believe that any were really bad, but the Senator's party was responsible for most of them.

Mr. BRANDEGEE. I have my doubt about that.

Mr. RANDELL. I do not want to hold Senator Burton responsible for the great Ohio River project. That I think was started in 1875 and it ran along in the most desultory and un-

businesslike way until 1910, and during 10 years of this time Mr. Burton had been chairman of the Rivers and Harbors Committee. In 1910, at the end of 35 years, they had not finished a fourth of it. And yet Mr. Burton had been the chairman of the Rivers and Harbors Committee for 10 years. Not until 1910 was that project taken on in a businesslike way by Col. De Alva Stanwood Alexander, of New York, the then chairman, when we adopted it and said it was a good project; that we ought to have 9 feet of water from Pittsburgh to Cairo; that there was a great commerce on the river, and though it would cost \$63,000,000, it was worth it; and it was a shame that Congress had neglected that great river for so long. It was a shame, Mr. President and Senators, that we had not taken it up in a businesslike way before 1910.

I do not charge Mr. Burton with responsibility for that. I place it where it belongs, with Mr. Alexander, of New York, who was also a Republican and one of the best acts of his career was the adoption of the 9-foot project for the Ohio. I now yield to the Senator from Ohio.

Mr. HARDING. Mr. President, I think I owe it to my distinguished predecessor to say that his sins bore so heavily upon him that he became penitent and has had a complete change of heart.

Mr. RANDELL. Yes; when he got the presidential bee buzzing in his bonnet he got a change of heart like some other people; several got a change of heart, and Senator Burton got it good.

I tell you, Senators, it is very strange when a man will say what Senator Burton said in 1909, and then take the position he has recently assumed. The present Senator from Ohio [Mr. HARDING] did not hear it, and I am not going to read it again; but I am going to ask him to read my speech, and I am going to ask him to read the speech which Senator Burton made before the Rivers and Harbors Congress in December, 1909. That was only a few years ago. What caused his change of heart? Has there been any change in the system? He was 10 years chairman of the Rivers and Harbors Committee. We followed then the system which we follow now; we have not changed in one jot or one tittle. Has he changed his heart since 1912? In 1909 he was made chairman of the National Waterways Commission. I hold in my hand the final report of that commission made in 1912. I have given the membership of that commission. Several eminent Senators, now in this body, were members of it; several eminent Members of the House were members of it. The duty imposed upon that commission by statute was to investigate the questions pertaining to water transportation and the improvement of waterways and to make recommendations to Congress. Senator Burton was the chairman. Here is one of the recommendations which he made. He says, on page 58, in the final report of that commission:

The commission would advise that without a careful and unbiased examination of proposed improvements of the nature now required by statute no project should be adopted by Congress.

On the previous page he had told us how that was done by the engineers, as I have outlined. He had published the statute in full. Going on, he says:

Numerous propositions have been made for the creation of a board of public works, or other body, which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors. The commission—

That is, in the National Waterways Commission—

is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared and with a degree of expert knowledge and comprehension of the commercial needs of the country, which could not well be supplied by any other body or organization.

When did this man suffer the change of heart? He sent in that report in 1912. Have we made any change in the legislation since then? If so, will not the Senator from Ohio point out the change that caused the change of heart on the part of Senator Burton?

The advantages which attach to the Engineer Corps are obvious. The members are in the permanent service of the Government, and are free from those influences which would inevitably be brought to bear upon men in civil life.

The Senator from Ohio doubtless knows how we select the men in the Engineer Corps. They are the 10 honor men of West Point; they are appointed from all over the United States; they are the truest democracy of our land when they enter that academy. They go out with the honors of the academy upon them, for none but the honor men are placed in the Engineer Corps.

At the age of 64 they are retired with a pension for life. They rarely ever are assigned to localities where they have any interest, and they are never allowed to stay more than three years in one place. If there be an independent body of men, a disinterested body, I say to the Senate that it is the Engineer Corps of the Army. It would be impossible to devise



any plan that would give greater safeguards and balances to any system of making appropriations than is furnished by the reports of these 10 engineers—first, the local engineer; second, the division engineer; third, the seven engineers of the Board for Rivers and Harbors; and, fourth, the Chief of Engineers—10 in all.

Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements, and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects. They also have a good general knowledge of the probable commercial results which would accrue, though on this point their opinions have not been regarded as conclusive.

That is, conclusive on the commercial aspects.

In this connection the commission would call attention to the necessity for an increase in the membership of the Engineer Corps.

Mr. President, that is what Senator Burton and his commission said about this Engineer Corps. I do not see how it can be possible to devise a better system.

On the 14th of September, 1914, I made a few remarks in the Senate on the pending river and harbor bill, and I wish very briefly to quote from that speech, because it is apropos of the questions now before us, and I hope Senators will give me a patient hearing.

I then spoke as follows:

Mr. RANDELL. Let me make the statement and then I will yield to the Senator. Only the honor men—I understand it to be the 10 honor men—of West Point are eligible to entrance into the Engineer Corps. For years, in fact, from our earliest history, our river and harbor work has been in charge of the Engineer Corps of the Army. They have expended \$791,843,740 on river and harbor work. Did any of it stick to their hands? None, so far as I know, except possibly in the one case of Capt. Carter at Savannah. Can any branch of our Government show a more honorable record than that of the Engineer Corps of the Army, who, during the long years of our national life have expended on these great works nearly \$800,000,000 with but one single solitary scandal in their ranks? Can even our judiciary show such a record as that? Have we not had a great many impeachments among our judges? Have we not had scandals in every branch of our national life? Have we not occasionally been compelled to expel men from the Senate and the House? Beyond question, yes; and these faithful, able public servants—the Engineer Corps of our Army—have expended nearly \$800,000,000 on river and harbor works with but one single, solitary scandal!

In a moment I will yield to the Senator from Ohio. Some of the best names in our history belong to the Engineer Corps. Meade and Lee, who fought at Gettysburg against each other, were members of the Engineer Corps. They were the leaders of 40 members of that corps who attained commanding rank in the War between the States. Some of the greatest generals on both sides were engineer officers. I might mention Joe Johnston, McPherson, Beauregard, and Wright, and many others whose names are emblazoned on the pages of our Nation's history. Coming nearer to the present time, where did Goethals, the builder of the Panama Canal, and his able lieutenants—Sibert, Gallard, and Hodges—get the training and experience which enabled them successfully to construct the greatest engineering feat of all the ages? They got it, Mr. President and Senators, in the river and harbor works with which they were associated before being assigned to duty on the Panama Canal. They were on these river and harbor works, scattered all over this country, and there they got the wonderful training, the great experience, the marvelous executive ability necessary to make a success of this great project.

Would any American intimate for an instant that Goethals would have favored a project in which there was "graft" and "pork"?

And yet, Senators, Col. Goethals, as he then was, or Gen. Goethals, as he now is, was employed on river and harbor work in different parts of the country for years before he went to Panama.

I should like to see the man who would make that suggestion about Goethals or Sibert, or Gallard, or Hodges. Yet these men were connected with various and sundry river and harbor projects. These men, let me repeat, learned how to build the Panama Canal on river and harbor works. The supposition that these canal builders or a majority of the 10 engineers of the corps who act on each project would yield to improper influence is preposterous. They have done the best they could. They have followed out the system laid down for them. I believe it is a good system, and I will show in a few moments that it has the approval of the Senator from Ohio [Mr. Burton], to whom I now yield.

Mr. President, the statement of the Republican candidate for President of the United States is that no investigations are made. Well, I should like to know, if there are no investigations, what these three big books which I hold in my hand [exhibiting] are. These books constitute the report of the engineers on the river and harbor projects of this country for just one year. Here [exhibiting] are the volumes, and I hope Senators will look at them. They are entitled "Report of the Chief of Engineers of the United States Army for 1915, Parts 1, 2, and 3." Now, where did they get the information to make the reports contained in these three big volumes if they did not make investigations, if they did not make studies, if they did not make surveys? Ah, where did the Republican candidate for President get such incorrect information, or rather misinformation?

Mr. President, there is a big project now interesting many people in the middle section of our country, namely, the project for the improvement of the Missouri River. The former Senator from Ohio, Mr. Burton, was very much opposed to that project, and was responsible for an order requiring an addi-

tional survey of it. That survey was made in the most elaborate manner. After the local engineer had investigated it in detail and had reported to the division engineer, a great board of engineers, composed of many of the ablest officers in the Engineer Corps, went to the locality and made an examination of the project. I hold in my hand the report of that board. It contains 303 pages, and is Senate Document No. 463, Sixty-fourth Congress, first session. If anyone thinks there was no investigation of the Missouri River before that board reported on the project, I wish he would examine this report. This is no star-chamber document, either; it is a Senate document; it is a document which all Senators can get and which all are expected to get, and which is published for the use of the Senate. It contains page after page of testimony taken in regard to that project. It contains a discussion of the engineering features, of the commercial features, and of the thousand and one things connected with that great project for improving the Missouri River from Kansas City to its mouth, and the report, after a most elaborate study, is favorable in the extreme.

Now, do you mean to tell me that these great engineers did not state the truth; that they did not find the facts; that they did not make a real examination? Ah, Senators, no one can believe any such thing as that.

All this talk about "pork" is absolutely false and unreasonable. I want to ask every Senator within the sound of my voice to tell me whether there is any "pork" in the projects in his neighborhood. I pause for an answer. Do you know of any pork, Mr. Senator, in the projects undertaken in the neighborhood where you live? The "pork" is always in the State of some one else, in the district of some one else, away off yonder somewhere; it is never where you live. If any Senator can cite me an instance of "pork" in his own locality in connection with a river or harbor improvement, I should like to have him do so. I pause for an answer. [A pause.]

Mr. LEWIS. Mr. President, I think the Senator from Louisiana ought also to pause to notice that from the crowded Republican side, with every seat occupied at this important hour, and the equally crowded Democratic side, with every seat occupied, there is no response in opposition to his query, and no one making accusations along the line of the previous indictment.

Mr. SMOOT. Mr. President, I did not quite hear what the Senator said, but if I caught his words—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. RANDELL. I yield to the Senator from Utah.

Mr. SMOOT. If I caught the words of the Senator from Illinois, he said that every seat on the Republican side was occupied and that every seat on the Democratic side was occupied.

Mr. LEWIS. I said the able Senator from Louisiana would probably observe how every seat on the Republican side and every seat on the Democratic side was occupied during this particularly important discussion, involving so much to the interest and welfare of our country.

Mr. SMOOT. The Senator would have been nearly right if instead of "occupied" he had said "unoccupied."

Mr. LEWIS. The observation made, I am sure, carried its meaning to the able Senator from Louisiana.

Mr. RANDELL. Mr. President, I do not wish to hold the Senate very much longer, but I can not refrain from saying just a few words about a certain phase of river and harbor legislation that has impressed me very forcibly. I do not know how the Republican candidate for President feels about it, but I know how the critics of the last river and harbor bill felt about the appropriations for harbors. There was not a single criticism here. The Senator from Ohio [Mr. HARDING], whom I see in his seat, said that he would gladly give \$50,000,000 in the river and harbor bill for harbors. Of course plenty of people would give all that the harbors need. I would do so.

I never have failed to vote for a harbor improvement; but that harbors are railroad terminals; harbors are where the railroad runs up alongside of the ship and discharges freight into the ship, and where the ship goes up alongside of the railroad and transfers its cargo to the railroad. That is what a harbor is; and the railroads of this land are just as friendly as they can be to harbors. I do not know whether that is at all responsible for the friendship of some Senators for them. I am simply stating a fact, that a harbor is a part and parcel—and a necessary part and parcel—of the railroad system. How, in the name of common sense, could the great railroads operate which carry the enormous quantities of grain from the West and iron and its manufactures from the Middle and Western States to New York, to Boston, to Philadelphia, to Baltimore, and to Norfolk, for shipment to the markets of the world, unless there were deep harbors at those places, so that ships drawing 35 feet of water and more could come right up alongside of the

railroad? How could the big railroads which run to my section, to the city of New Orleans, to the city of Galveston, to the city of Mobile, and to the city of Jacksonville, do business unless they had big ships to which to transfer their freight? And how could the ships do business properly and economically unless there were deep water so that they could run up right alongside the railroads?

Ah, my friends, there never has been any opposition to harbors, and I am glad of it. I believe in harbors, but I also believe in waterways which are not adjuncts to and complements of railroads, but which are competitors of railroads. I believe in waterways which are rivals of railroads, which carry freight in competition with railroads, and which cheapen transportation to the American people. I believe in such waterways. I believe in the improvement of the rivers of this country. I believe in the improvement of the rivers and canals and connecting channels of this country. I believe in all that, as well as in the harbors. Some people here do not seem to believe in anything that means competition with railroads. Cooperation with railroads, yes; but no competition. Millions for harbors that are going to cooperate with railroads, but not a cent for rivers which are going to compete with railroads and put the transportation rates down, which are going to be better to regulate railroad rates than any interstate commission ever devised by man, and a thousand per cent better than any State railroad commission ever devised by man.

Ah, Senators, give me competition on the unmonopolized and unmonopolizable waterways of this land and I will show you cheap freights. Give me a place where there is no competition by water, where there is one railroad doing the business, and I will show you high rates; I do not care how many State railroad commissions you may have nor how many Interstate Commerce Commissions you may have.

Let me cite you one little case in my own State: The town of Ponchatoula, La., is 49 miles from New Orleans on the line of the Illinois Central Railway. The freight charge on sugar in carload lots from New Orleans to Ponchatoula is 17 cents per hundred pounds to go 49 miles. That same railroad then rushes on and on to the city of Cairo, Ill., 566 miles away, and the freight on sugar in carload lots to Cairo, 566 miles distant, is 17 cents per hundred pounds. Seventeen cents to go to Ponchatoula, an interior country town, away off from watercourses, where there is no possible competition by water, and 17 cents per hundred pounds to carry the same sugar 566 miles to Cairo, which is on the Mississippi River and the Ohio.

That is an actual instance, and, Senators, I could cite you hundreds of them; and yet there are men now within the sound of my voice who would destroy all water improvement, who are unwilling to have even the great Mississippi and the great Ohio and the great Missouri Rivers improved, well knowing that when improved they are going to be the greatest possible freight regulators and the greatest possible freight carriers.

Why do we not do it? Echo answers, "Why?" I do not know; but I know that the French are a mighty wise people, and I know they have a proverb which says, "*Cherchez la femme*"—"Find the woman." Who is the "woman" in all this opposition to the improvement of rivers and harbors? Who are the parties interested in preventing the development of rivals to railroads, if it be not the railroads themselves? They are going to be the beneficiaries if you do not improve these waterways.

If you kill the Ohio, the Mississippi, the Missouri, the Tennessee, the Cumberland, the Arkansas, the Red, the Brazos, the Trinity, the Black Warrior, the James, the Hudson, and the Columbia—all of these rivers—destroy them for commerce, who will be the beneficiary? Will it be the American people? Oh, no. Will it be the people who have to pay the money used in improving these rivers? Oh, no. It will be the railroads, which will then be able to charge much higher freights than they can charge now, because you can not successfully regulate them by your Interstate Commerce Commission. We have tried it and tried it and tried it, and so far we have failed. I for one want to keep on trying, and I hope the Senators who are so opposed to improvements for rivers and harbors will assist in regulating the railroads in the charges that they make to the people of this country.

One might just as well deny the accuracy of the multiplication table as to deny that the actual cost of moving freight by water is less than the cost of moving it by rail. Tables derived from actual experiments, which may be found in any engineer's handbook, show that on a fairly level road and at a speed of about 3 miles an hour a horse can pull about 2 tons; on a level railway it can pull about 15 tons; and on a canal, in a boat adapted to the depth and width of the channel, it can pull about 90 tons.

In another case the experiments were directed to ascertaining the amount of labor that a horse of average strength is capable of performing permanently without injury at different speeds on canal, railroad, and turnpike. It was found that at a speed of 2½ miles per hour it could work 11½ hours a day, and the useful effect, based upon the number of tons drawn 1 mile, was 14 by turnpike, 115 on a railroad, and 520 on a canal.

It is thus seen that, as compared with haulage by water, from 4 to 6 times the energy is required in hauling goods by rail and 30 to 50 times more force is expended in hauling it by road, which is true, of course, whether the motive power be a horse or an engine.

This statement, of course, refers only to the actual movement of freight. It is undoubtedly true that cases can be found where, because of lack of terminal facilities, the cost of loading and unloading is so high that the advantage due to the lower cost of movement is largely or entirely lost.

It should also be pointed out that the cost of transportation by water decreases very rapidly with increased width and depth of the channel available and with the increased size of boats thus rendered possible. It is this principle which underlies the enormous increase in the size of lake and ocean steamers in recent years and the enlargements of inland waterways which have been carried out by European governments. It is said that within reasonable limits the capacity of a navigable channel, it being understood that there must always be a proper relation between the width and the depth, increases as the cube of the depth; that is to say, a channel 10 feet deep is not simply twice as good as one 5 feet deep, but eight times as good, while a channel 15 feet deep would not be three times but nine times as efficient.

While it is undoubtedly true that movement by water is far cheaper than movement by rail, it is equally true that in the absence of protection by law railways can crush out water competition and destroy boat lines.

If you could put a railway alongside of a waterway, serving the same points and having no connection with any other railway, there is no question that the waterway would be able to successfully compete with the railway not only in the carriage of bulky commodities but in the carriage of a large part of the total traffic; but when a waterway is in competition with a railway at every point, while the railway is in competition with the waterway at only a few points, the railway can readily afford to put its rates so low at the points where it competes with the waterway as to drive the boats into bankruptcy, because the railway can charge rates sufficiently high on the much greater portion of its lines not subject to water competition to far more than recoup itself for the losses incurred in meeting such competition. This is exactly what has been done in the United States, and under existing law the railways are still free to make and do make rates low enough at water competitive points to make it difficult, if not impossible, to run boat lines profitably.

As soon as railway systems attained a large development in Europe traffic fell off on the waterways, and as the competition became more intense disappeared entirely on some of them. After a time, however, it was found, first, that railways alone could not handle all the traffic that needed to be carried; and, second, that the needs of industry could be met only by rates which were below the cost of railway operation.

Mr. Frank H. Mason, former United States consul general at Berlin, says:

"German statesmanship was among the first to foresee that the time would come when railways having reached their maximum extension and efficiency there would remain a vast surplus of coarse raw materials—coal, ores, timber, stone, and crude metals—which could be economically carried long distances only by water transportation, and that in a fully developed national system the proper rôle of railroads would be to carry passengers and the higher classes of merchandise manufactured from the raw staples that the waterways had brought to their doors."

In the report on the waterways of France, Germany, Belgium, and Holland, made by the distinguished engineer, W. H. Lindley, to the British Royal Commission on Canals and Waterways (see commission's report, vol. 6, p. 57), it is said:

"On the introduction of railways Germany passed through the same experience as other countries. For a long period the waterways lost their importance for the development of the traffic of the country."

"Renewed attention began to be paid to this means of transport about the middle of the seventies: Firstly, because water carriage offered great advantages for many purposes of transport and for many specially situated centers of industrial activity and consumption; secondly, because the opinion gained more and



more ground that the railways would be unable to cope with the great development of the traffic of the country, requiring the transport of goods in bulk; thirdly, because these goods could be transported more economically and cheaply by water; and, lastly, because the construction of both systems of carriage would tend to create and assure more favorable conditions for the development of the country.

"This movement led to a progressive development in the character and importance of the works for improving the conditions on the navigable waterways, and to a gradual but very considerable increase of the expenditure thereon."

After naming a number of the more important new works, Mr. Lindley adds:

"Parallel with these new works the existing works were improved as regards alignment, depth and width of channel, and size of locks. The object was to increase the carrying power of existing waterways from the estuaries of the rivers and from industrial areas to the large towns or districts forming centers of consumption, and by the construction of new lines to give cheap means of transport to important parts of the Empire for their requirements and for their products."

In Document No. 19, National Waterways Commission, Mr. A. M. Thackara, United States consul general at Berlin, says:

"Germany is fully alive to the fact that transportation facilities are the very foundation of the industrial prosperity of any country and appreciates the advantage of a complete and unified system of internal transport, both by land and water."

The largest amount of railway mileage in the world under one general control is found in Germany, and the largest mileage actually under one administrative head is the combined Prussian-Hessian railway system. A much larger share of the total revenue of the Prussian Government is derived from the operation of its railways than from any other source, and yet we find Prussia spending hundreds of millions of dollars on the construction of waterways which come into direct competition with the State-owned railways.

In the report of Consul General Thackara above referred to, page 65, it is said:

"Prussia is expending vast sums annually in improving and developing her waterways and thus virtually helping the competitors of her railway systems. The policy, however, is a far-sighted one, as land is reclaimed by drainage, fields are protected against floods and rendered fertile by irrigation, enhancing their taxable value, and thus increasing the revenues from taxation. The industries are encouraged by enabling industrial plants to be erected on what otherwise would be unavailable sites, with cheap water transport for raw materials and good rail connection for the distribution of the finished products, thus increasing the traffic on the railways. The welfare of the people as a whole is fostered and the vitality of the nation improved."

On pages 64 and 65 of the report already mentioned Consul General Thackara says:

"While there is active competition between the German railroads and waterways, the relations are friendly. \* \* \* There is no legislation regulating the relations between rail and inland waterway systems of transportation; neither is there any governmental restriction on the lowering of their rates in competition with water rates."

Railway rates in Germany, however, are made by a governmental board, and, as has already been pointed out, this board acts under the general policy of the Government, which recognizes the fact that both railways and waterways are essential if industry and commerce are to reach their highest possible development.

J. Ellis Barker, in his book entitled "Modern Germany; Her Political and Economic Problems," page 420, says:

"If it were not for the existence of the German waterways, the German industries would certainly not be in the flourishing condition in which they are now. \* \* \* Certain valuable products and by-products of the German mines and ironworks and the more bulky products of the chemical industries of Germany can, according to Maj. Kurs, who is a leading authority on inland navigation in Germany, only be sold in Germany and abroad owing to the cheapness of transport by water, and in many cases the profit is cut so fine that an increase of the freight charges by about one-fiftieth of a penny per ton-mile would inevitably kill important industries, which it seems are at present killing the industries of countries competing with Germany. Thus, Germany's industrial success is no doubt due to a very large extent to the immense assistance which she receives from her waterways."

On pages 429 and 430 he adds:

"A few years ago a statement was published, according to which the two Provinces of Rhenish Prussia and Westphalia,

which cover but 15 per cent of the German territory, and which possess 29 per cent of the population of Germany, consumed no less than 71 per cent of the coal used in that country; they produced 81 per cent of the iron and 86 per cent of the steel made in Germany and they kept 83 per cent of the German spindles running. \* \* \* If we inquire why this district, which by nature is so little favored compared with Great Britain, where harbors, excellent coal, iron, and manufacturing towns are found in the closest proximity, is the most strenuous, the most successful, and the most dangerous competitor to those British industries which are so greatly favored by nature, we find that the industrial success of the Rhenish-Westphalia district would have been impossible had it not been for the cheap carriage of goods afforded by the Rhine."

In the 30 years from 1875 to 1905 the traffic on the waterways of Germany increased from 1,798,000,000 to 9,300,000,000 ton-miles, or 417 per cent.

During the same time the traffic on the German railways increased from 6,758,000,000 to 27,652,000,000 ton-miles, or 309 per cent.

In the meantime the railway mileage had been considerably more than doubled, while the waterway mileage had increased but little, although the waterways had been enlarged and made more efficient.

The importance of water transportation in Germany is shown by the fact that at several of the largest inland cities the receipts and shipments by water are practically as large as those by rail. Since 1885 the waterways focusing at Berlin, which are practically all canals, have carried from 40 to 50 per cent of the total receipts and shipments, it being only in recent years that the receipts by rail have exceeded those by water. (Paul Goehs, Berlin als Binnenschiffahrts-Platz. In Staats- und Social-Wissenschaft Forschungen Heft, 147, 1910, p. 111.) Quoted in final report of the National Waterways Commission, page 481.

At the ocean ports of Germany the receipts and shipments by river are much larger than those by rail. For instance, in Hamburg, in 1908, the receipts by rail were 3,357,477 tons; the shipments, 1,879,246; a total of 5,236,723 tons.

In the same year the receipts by river were 3,082,776 tons, and the shipments by river were 5,522,724 tons, a total of 8,605,500 tons.

There is a similar condition of facts at Amsterdam and Rotterdam, which, while they are located in Holland, depend largely on the Rhine and other German waterways for their exports and imports. At Rotterdam from two-thirds to four-fifths of the entire commerce is interchanged between ocean steamers and canal and river barges without touching a dock at all.

During the debate on the last river and harbor bill the Senator from Iowa [Mr. KENYON] criticized the building of canals to connect great bodies of navigable water along the Atlantic Coast, asking why the ocean should not be used, and the Senator from Ohio [Mr. HARDING] said: "We have got to an age where the American people, at least, are on wheels; and you can not supplant the automobile and the railway car with anything like an antiquated canal boat or anything else that you can develop on our rivers. \* \* \* Nobody would tolerate nowadays a freight shipment by a canal boat."

It is a curious coincidence that just at the time these utterances were being made in the Senate of the United States a number of firms in Philadelphia were putting the finishing touches on a line of steam canal boats to run between that city and New York, going by way of the Delaware River and the Delaware and Raritan Canal. This canal was completed in 1838 and can be used only by boats with a draft of about 7 feet and a width of 23 feet. It is a type of canal that nobody would think of building to-day. It should be noted that the Pennsylvania Railroad has four tracks in its main line from Philadelphia to New York, and one or two tracks in the parallel line running from Camden across the river from Philadelphia on the easterly side of the river. The Baltimore & Ohio road has at least two tracks—I think there are three—and there are other lines a trifle longer, but still useful and actually used for freight service between the two cities.

In addition there is a splendid channel in the Delaware River, and boats of every size, from tugs to great ocean-going steamers, can go down the river from Philadelphia and by the ocean to New York.

With all these facilities at their command these firms in Philadelphia and Camden found it to their interest to put on a line, which began service during the last week in May, consisting at first of four steam canal-boats of 125 tons capacity each, to which two more have since been added.

In many instances water transportation is sought because it is cheaper than transportation by rail, but in this case the "Blue B Line," as it is called, has adopted the classification and the tariff of the railroads entire. Everything that is carried is carried exactly at the same rate that the railroads charge. The point is that it takes anywhere from 3 to 10 days to get goods from one city to the other by rail, while by the barge line, running through an out-of-date canal, goods leaving either city at 4 o'clock in the afternoon are delivered in the other before noon on the following day. Among the firms backing the new enterprise are Miller Bros. Lock Co., Henry Disston & Sons (Inc.), the great saw manufacturers, and the Victor Talking Machine Co., no one of which can properly be characterized as "nobody."

In spite of the difficulties in the way of operation through the Erie Canal, because of the construction of the new barge canal, a line called the "Follette Line" is operating between New York and Buffalo, as it certainly did last year, and I think for some time previously, connecting with lake steamers, which make a through route to Cleveland and Detroit. The State of New York is spending more than \$150,000,000 on the new barge canal, and the prospect for any return upon the investment is poor, indeed, if "nobody" will accept a shipment of goods in a canal boat. My judgment is that the new canal when finished will develop a great traffic to the immense advantage, not only of the State and city of New York, but to the State represented by the Senator from Ohio, and all the States bordering upon the Great Lakes. Furthermore, no one is trying to "supplant" either railroads or motor trucks—we want to supplement them.

The Senator from Ohio also said that "this wonderful land of ours is developed by railroads beyond any other nation on the face of the earth." \* \* \* My recollection is that we have in this country five times the mileage, in proportion to population, that Europe has with its many government-owned railroads.

The Statistical Abstract of the United States states that the German Empire has 5.9 miles of railway per 10,000 inhabitants, while the United States has 25.6 miles, but that is not the only thing to be considered, for the same authority shows that the United States has 63.3 miles of railway per thousand square miles of territory, while the German Empire has almost exactly three times as much, or 189.3 miles.

In 1912, the last year for which complete statistics are available, the German Empire had 37,584 miles of railway, while the United States had 246,776 miles, or more than six times as much. It is a striking fact that on less than one-sixth of the mileage the German railways handled nearly as many tons of freight and nearly 740,000,000 more passengers than were handled on the railways of the United States, and the gross revenue per mile of line operated in that year was \$11,534 in this country and \$22,348 in Germany.

The claim has been made that freight rates per ton per mile are much higher in Germany than in the United States, but that is only apparently and not actually true. Ton-mile rates decrease with length of haul, and the most southerly point in Bavaria is only about as far from Hamburg as Pittsburgh is from New York. All freight hauls in Germany are short hauls compared to the great distances in the United States. In the next place, very much of the business which is carried by express companies in this country is carried by freight in Germany, some of it at double the regular rates, and some special fast service even at four times the regular rates, and these high rates for special service are all included when the German ton-mile rate is made up.

In 1905 the Prussian Government sent two commissioners, named Hoff and Schwabach, to this country to make a special study of our railroads, and, after an elaborate analysis of the relative services rendered by the railroads in the two countries, they said that for that year a true statement of the average freight rates would be 14.4 mills per ton-mile on the railroads of the United States and 9.5 mills per ton-mile on the railroads of Prussia.

Along with the constant boast that the average freight rate per ton per mile is lower in the United States than in Germany is the equally constant statement that our rates are too low and the railroads need more money. It is my judgment that if the United States should develop its waterways to the same extent that those of Germany have been developed we would find the same thing result, for the net returns on the German railroads, which are almost everywhere in direct competition with waterways, are very much larger than the net returns in this country. If the net returns from the German railroads from the time they were taken over by the States had been applied to paying the debt incurred in their purchase, that debt would

long ago have been completely extinguished, leaving the whole magnificent railway system of the German Empire, with all its equipment, as an absolutely net asset. It is interesting to note, too, that if we take the German railways and waterways together, including all cost of operation and maintenance and interest on cost of construction, the net revenue makes a percentage considerably larger than has ever been paid by the railroads of the United States. In 1905 the combined railroads and waterways of Prussia earned more than 7 per cent net on cost of construction and maintenance. During the same year 37.16 per cent of American railway stocks paid no dividends and the remainder paid only 5.78 per cent—only 3.63 per cent on stock as a whole.

In the case of the barge line from Philadelphia to New York the end sought was not the cheapening of transportation, but prompt delivery of freight. Some time ago I called attention to the new line established by the Inland Navigation Co. between St. Louis and New Orleans, which is carrying almost entirely high-class freight and is delivering it not only in less time but for less money than is charged by the railroads between the same points.

A few days ago the Senator from Missouri [Mr. STONE] and the Senator from Massachusetts [Mr. LODGE] made eloquent pleas for industrial preparedness in order that we might meet the competition for foreign trade that is expected when the present war in Europe comes to an end. The extraordinary rise in ocean freight rates since the war began has given a striking illustration of the way in which cost of transportation limits trade. On things which the warring nations could not get along without the high freight rates have been paid, but from American consuls in all parts of the world have come statements showing, first, the difficulty in getting goods carried at all; and, second, the impossibility of selling goods in the districts where they are stationed, because of the enormous increase in price due to high freight rates.

Many men have been killed, and it seems certain that many more will be killed before hostilities come to an end, but many men who are crippled will not be prevented from carrying on their skilled vocations, many others will have power to train and direct new workers, and one of the greatest revelations of the war has been the extent to which women can be employed in industries which were formerly given over to men, and the rapidity with which they develop skill for carrying on even the most delicate operations. No one who remembers the tremendous outburst of commercial activity which followed the close of the War between the States can expect anything else but a similar result in the nations of Europe now at war. The United States in 1865 had still a large portion of the continent to conquer and domestic trade absorbed practically all of our energies. To the nations in Europe the regaining of the foreign commerce lost during the war is absolutely vital to their future existence, and we shall find that they will take advantage of every possible method to decrease the cost of production and the cost of distribution, both of which necessarily enter into the final selling price.

Under these circumstances there is no question that the wonderful transportation system of road, rail, and river which has been so extensively developed already will be used with the highest possible efficiency. The statesmen of Europe are already looking forward—if, indeed, they have ever stopped looking forward—to the conditions which they must meet when the war has closed; and it is a startling commentary on the different viewpoints of the statesmen in the two continents that we find the comparatively small disturbance of business which was produced in the United States at the outbreak of the war, and the expenditures proposed to be made on the Army and Navy in this country—which, while large in themselves, are utterly insignificant compared to the enormous expenditures now being made by the countries in Europe at war—given as reasons why we should stop the expenditure of money on the rivers and harbors of the United States, while in France and Germany, fighting for their very lives, they are not only maintaining and operating the waterways they already have but are actually building more.

We can never reach the completest development of all our resources unless we have available the cheapest possible transportation; and one might as well deny the correctness of the multiplication table as to deny that a completely improved and thoroughly equipped waterway can furnish transportation more cheaply than any other method known to man. There are enormous resources in the United States which will never be developed until they have water transportation available, because they can not stand the cost of transportation, either by road or by rail. And there is food for serious thought in the fact that during every one of the 20 years ending with 1913 the



foreign commerce of Germany, a country much smaller than the United States, with less wealth, much less population, and vastly inferior resources, exceeded the foreign commerce of the United States by hundreds of millions of dollars, and the excess was steadily growing greater as the years went by.

In a country the farthest point of which from a great seaport is only as far as Pittsburgh is from New York the far-seeing statesmen of Germany have thought it wise to develop an intricate network of connecting waterways in order that cheap transportation should enable the development of the resources of every part of the Empire. In this country practically the whole interior of the continent is to-day dependent upon rail transportation, and the failure to develop our waterways will not only limit the total amount of foreign trade which we can secure in competition with nations better supplied with transportation facilities but will have a tendency to concentrate all manufacturing for export at points on or near the seacoast to the detriment of the interior of the country.

It is a curious fact that the State of Iowa is the only one of the States of the Union which showed an actual decrease in population at the last census; and, as I view it, if the distinguished Senator from Iowa [Mr. KENYON], who has so persistently fought appropriations for rivers and harbors, would study the situation carefully he would see that the future industrial development of his State will be vitally affected by the improvement and use, or the failure to improve and use, the waterways which run from the borders of his State to the waters of the seas.

On May 29 Senator KENYON said (CONGRESSIONAL RECORD, p. 10102):

"We are making appropriations for streams not over 1 foot in depth."

This is not a fair statement of the facts. It is true that some of the streams being appropriated for are not over 1 foot in depth during the low-water period, which in some instances lasts for four or five months, but those same streams have a fair navigable depth for seven to eight months of the year, and for that length of time are valuable commerce bearers for shallow-draft boats. These streams, as a rule, have a fairly good boating stage in the springtime, when the farmers are preparing for their crops, hauling fertilizer and spring supplies, and so forth, and in the fall when the crops are being marketed.

In considering this question let us remember that the Great Lakes, which have the most marvelous commerce on earth—fully 80,000,000 tons a year passing the Sault Ste. Marie and the Detroit Rivers—are closed by ice for about four months of every year, so that the ice on these waters is comparable to the stage of low water on some of the smaller streams which are criticized because of shallow depth for a few months of the dry season.

"You are about to vote from the Treasury in a time of great national stress and strain at least \$20,000,000 in unjustifiable projects. You have had an opportunity to correct them; you would not even correct the worst of them."

Let us examine this statement in regard to \$20,000,000 in unjustifiable projects and see how much truth there is in it.

Consideration of that bill—or, more properly speaking, the filibuster on it—lasted three weeks, and serious attempts were made to strike from the bill only seven items:

The Brazos River.....	\$200,000
The Trinity River.....	250,000
Elk and Little Elk Rivers.....	8,500
Nanticoke River.....	5,000
Ouachita River.....	240,000
Arkansas River.....	234,700
Intercoastal Canal—Norfolk to Beaufort.....	800,000

A total of..... 1,738,200

These seven projects were fully discussed and were retained in the bill by aye-and-nay votes, after being thoroughly explained and understood by the Senate.

A bluff was made at several projects, but no discussion thereon was had, and no record vote taken thereon, as follows:

Ohio River.....	\$5,000,000
Missouri River.....	1,350,000

A total of..... 6,350,000

The evils or bad features of these projects, aggregating \$6,350,000, if any exists, were not pointed out, hence the projects were not defended in detail, though many champions were ready to explain them and prove their worthiness in every respect had any serious attempt been made to strike them from the bill, as was done in the cases of the seven projects above named, where record votes were taken.

In addition to the above-named projects, aggregating \$8,228,200, sundry items were objected to by Senator SMOOT

in a general manner, but no vote was asked thereon, and the specific bad features of which were not pointed out, to wit:

Sarasota Bay.....	\$2,500
Saint Petersburg Harbor.....	14,500
Hillsboro Bay.....	325,000
Apalachicola Bay.....	10,000
Saint Johns River.....	332,000
Virginia Waterway.....	1,000
Meherrin River.....	2,500
Fishing Creek.....	1,000
Bay River.....	1,000
Swift Creek.....	1,000
Cape Fear (above Wilmington).....	83,000
Cape Fear (below Wilmington).....	135,000
Flint River.....	60,000
James River.....	190,000
Rehoboth Bay.....	50,000

A total of..... 1,108,500

Which added to the \$8,228,200 above gives a total of projects referred to by name as being devoid of merit of \$9,336,700.

In addition, there was criticism of an item of \$25,000 for the Red River between Fulton and the mouth of the Washita River, of \$10,000 for a Government pier at the harbor of Lewes, Del., and of \$25,000 for a harbor at Arcadia, in Michigan. Adding these items it gives us a grand total of \$9,396,700.

Not even the wildest critics of this bill dared to say anything against the Ohio River, which carried a commerce in 1914 of 9,530,309 tons, valued at over \$93,000,000, although the existing project for a 9-foot depth is not half finished, and the river is in a most unsatisfactory condition. We can surely deduct the Ohio, therefore, and that leaves \$4,396,700 worth of so-called "unjustifiable" projects. I shall not discuss them all in detail, but shall mention four or five as an illustration of how wild the criticism of this bill has been.

For Hillsboro Bay the bill carries \$325,000. Its commerce in 1914 was 1,318,749 tons, valued at \$33,812,025. The term "unjustifiable" can certainly not be applied to such a commerce as that.

St. Johns River: Appropriation, \$332,000; commerce in 1914 was 1,408,040 tons, valued at \$52,707,535. That certainly looks "unjustifiable," does it not?

Cape Fear River, above and below Wilmington: Appropriation, \$218,000; commerce in 1914 was 960,024 tons, valued at \$31,506,417. How the term "unjustifiable" can be applied to this splendid commerce I can not see.

James River: Appropriation, \$190,000; commerce in 1914 was 452,950 tons, valued at \$32,813,455. That may be "unjustifiable," but it seems like a pretty good commerce to me.

Project.	Appropriation.	Commerce.	Value.
		Tons.	
Apalachicola Bay.....	\$10,000	129,775	\$1,714,822
Bay River.....	1,000	16,017	376,983
Swift Creek.....	1,000	27,781	197,030
Meherrin River.....	2,500	20,056	1,550,025
Elk and Little Elk River.....	8,500	44,111	164,882
Nanticoke River.....	5,000	167,007	8,548,708
Coosa River.....	30,000	46,339	1,642,987
Santee, Wateree, and Congaree.....	55,000	61,719	1,629,910
Altamaha, Oconee, and Ocmulgee.....	78,000	169,611	4,890,000

1914.

1913.

The Brazos, the Trinity, and the Ouachita Rivers are being improved by means of locks and dams, and the work is in such an unfinished condition as to be of practically no value, and until completed very little commerce can be expected to develop, as the condition of these rivers is very bad for many months of each year. On the Ouachita there is a considerable commerce, which amounted to 70,619 tons in 1915, valued at \$3,074,465, although the project is less than one-half finished.

On the Missouri River a promising business is developing through a boat line recently established at Kansas City, operating on the river from that city to St. Louis, which gives through bills of lading and provides for all terminal charges, transfer of freight from boat to rail, and vice versa.

A fair examination and criticism of every one of these projects, the only ones subjected to criticism during the three weeks' discussion of this bill, will show that there is merit in every one of them, and, while perhaps it might be advisable to discontinue work on several, it is very questionable whether the term "unjustifiable" can be applied to a single one of them. Certainly not to three-fourths of them in number and more than three-fourths in the amount being expended thereon.

Bear in mind that these criticized projects aggregate only \$9,396,700, which is very different from the \$20,000,000 "unjustifiable" projects referred to by Senator KENYON. To say the least, the critical Senator from Iowa was indulging in violent flights of fancy.

But it is so easy to criticize, so easy to pull down, and so hard to build up. If the Senator had devoted one-tenth of the time consumed by him in trying to destroy this bill in an earnest, sincere effort to find some better system, some wiser method of making appropriations for the absolutely necessary improvements of the Nation's waterways, it would have been so much better, and he might have accomplished something. A little boy with a sharp hatchet could in five minutes destroy the wonderful painting of the Battle of Lake Erie, which is the pride of our Capitol, but it would require years of labor of a great painter to reproduce it, and perhaps we could never find an artist to give us back that wonderful picture.

The present system of improving rivers and harbors may not be as perfect as could be devised, but it has been in existence for a long time; it was the system used by the Republicans during their 16 years of continuous power, and was brought to what they conceived to be a high stage of perfection by the ex-Senator from Ohio, Mr. Burton, when he was chairman of the Rivers and Harbors Committee of the House. No material changes have been made in that system since the act of 1907, which Mr. Burton characterized as the most perfect piece of river and harbor legislation ever passed. The last three rivers and harbors bills—those of 1914, 1915, and the current year—were framed along exactly the same lines as during the Burton régime, and the recent act, as reported to the Senate by the Commerce Committee, carried 280 items, of which 210 items were carried in the act of 1907. In other words, the pending bill provides for a continuation of prosecution of work on 210 projects out of a total of 280 that have been under way for many years that were inherited by the present Democratic administration from their Republican predecessors. Many of these projects were left in such an unfinished condition that it was absolutely necessary to continue work thereon, while others required annual appropriations for maintenance.

There were very sharp criticisms of the river and harbor bills of 1914 and 1915, and, as a result of prolonged filibusters, it became necessary to adopt lump-sum appropriations, a method unsatisfactory to everyone, which merely provided for existing projects, but no new ones whatsoever, and did not permit of the businesslike, vigorous prosecution to completion of many important works then under way. During these debates there was no suggestion of any better method, and every one of the critics admitted the necessity of doing a certain amount of river and harbor work.

The critics of the present bill admitted that. The Kenyon-Sherman substitute proposed a lump-sum appropriation of \$20,000,000, thereby admitting that the work must go on at least to the extent of \$20,000,000, but confined and limited to old projects already under way, and without any discretion being vested in the engineers to take up new projects, many of which perhaps are more meritorious than the old ones.

I might understand the opponents of this measure if they had suggested a lump sum of \$20,000,000, or \$25,000,000, or \$30,000,000, as they did suggest, if those sums were to have been placed in the hands of the Engineer Corps with full discretion to expend same on the waterways of this Nation, regardless of whether the projects had ever been adopted by Congress or not, and with full power and discretion to use same in any manner and for any projects, new or old, that seemed best to the Engineer Corps. Such a suggestion would at least have presented something new. Of course I should have opposed it, for I believe it is the province of Congress to decide whether or not a project should be adopted and money spent thereon, but our critics could offer no suggestion except a lump sum, tied hard and fast to old projects—the offspring of 16 years of Republicanism. They seemed to show a little interest in the progeny of their party in just wanting these old projects looked after, but wanting absolutely nothing done for new ones.

The Democratic Party tried to provide for a number of new and meritorious projects in the bills of 1914 and 1915, which were filibustered to death by Republican opposition. In the bill of this year, as it left the House, only one new project was carried, because the exigencies of the Treasury were considered so great that it was deemed not advisable to begin any new work at this time. The Senate committee added several new projects of great merit, which, in my opinion, strengthened the bill very materially, and two or three others were added during the debates on the bill.

On the whole, the measure is an excellent one. While there may be some defects in it, I know of nothing serious. I am convinced it is as free from error as any river and harbor bill ever enacted. I believe the system as good as can be devised, and it is certainly most unfortunate that so much prejudice has been aroused against a measure fraught with such great benefits.

I also ask to put in, as a part of my remarks, an article which I prepared for the American Academy of Political and Social Science. It was published in the Annals of that academy for March of this year. You perhaps are all familiar with this magazine. It is a very prominent one, published in Pennsylvania. The article is entitled "The high cost of the pork barrel." It is very apropos, and it is not long. I ask to insert that.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

#### THE HIGH COST OF THE PORK BARREL.

[By JOSEPH E. RANDELL, United States Senator from Louisiana.]

The term "pork barrel" has been so freely used in the press and various public addresses that it is well to understand its meaning before attempting to discuss it. In its general acceptance "pork," as applied to congressional legislation, means an appropriation by Congress for an unworthy purpose, that is not for the public good and useful to the Nation, but is for the private benefit of the Congressman who secures it, or for one or more of his constituents. The term conveys the idea that certain classes of legislation, such as pensions, public buildings, rivers and harbors, and some other bills, if not wholly reprehensible contain many improper items for objects which should have no place in acts of Congress. These bills are made to appear similar to the parable of the sower who got the cockle mixed with his wheat. Their wise provisions, which help the public and promote the general welfare, constitute the wheat and the selfish, unjust, and unwise items are the cockle, or "pork."

It has been observed that critics of "pork" always find it in other Congressmen's projects, never in their own. The appropriations for rivers, public buildings, and pensions in the district of Congressman A, the critic, are all right, in his opinion, and are without the slightest scent of "pork"; that smell exudes only from sums to be expended in the district of Congressman B. What a difference it makes whose ox is gored. In the press it is usually found that the severest critics of "pork"—especially river and harbor "pork," and more especially river "pork," since we seldom hear of harbor "pork"—are those publications closely allied to certain railroads which oppose river improvements because they fear water competition. The French say, "Cherchez la femme"—"find the woman." I have no doubt that when we "find the woman" in the case of most of these publicists, who see so many motives in the eyes of so-called "pork-barrel" Congressmen, it would not require glasses to discover railroad beams in their eyes.

#### SENATOR BURTON DENOUNCES CHARGE OF "PORK BARREL."

Ex-Senator Burton, of Ohio, who for 10 years was chairman of the Rivers and Harbor Committee of the House of Representatives, said before the convention of the National Rivers and Harbors Congress in December, 1909 (see convention proceedings, p. 106):

"My friends, the president of this congress will say to you that we have known no North, no South, no East, no West in the years we have been together. We have taken up projects according to the measure of their merit, and I can vouch that members of the committee in many instances have leaned over backward where their own localities were involved and have given closer attention to projects in other places. \* \* \* You have had to meet the idea that there is a pork barrel somewhere. Whenever there is a man of superficial information on this subject or one who has had some project that has been turned down hard because it had to be turned down, that man begins to talk about the pork barrel. There has been no line of appropriations made by this Government more carefully guarded than appropriations for rivers and harbors. \* \* \* I challenge anyone to cite an instance where that bill has ever been made up to gratify certain localities or to advance the interests of some Member of Congress in the House or Senate. \* \* \* There has been no logrolling, no pork barrel, no regard for individual prospects or anything of the sort, no regard for any particular locality in the country."

What can I add to these words? Mr. Burton surely knew all about river and harbor legislation, and he had no motive to misrepresent facts.

As river and harbor legislation is the greatest sufferer from pork-barrel slanders, I will take that up first, and later give some attention to public buildings and pensions.

#### SLANDERS.

It is said of one of the famous French atheists, who despised Christianity with the utmost venom, that he told his followers, "Lie, lie, lie; some of your lies will stick." I sometimes wonder if this method is not taught by the enemies of river and harbor legislation, for it is hard to conceive otherwise how such baseless fabrications have been repeated again and again, until many well-disposed but ignorant people believe them to be true.

I have quoted above what ex-Senator Burton says about river and harbor "pork" and his indignant statement that "there has been no logrolling, no pork barrel, no regard for individual prospects, or anything of the sort, no regard for any particular locality in the country" in the preparation of river and harbor bills.

I was for 12 years a member of the Rivers and Harbors Committee of the House of Representatives, and for the past 3 years have been on the Commerce Committee of the Senate, which has charge of river and harbor legislation. Moreover, this subject has been a hobby with me, and I have studied it closely and from every angle for the past 15 years; hence, I ought to be a fairly competent witness. Every word uttered by Senator Burton is true. The committees of Congress did their utmost to enact laws in regard to rivers and harbors that were fair, just, and beneficial to the public at large, regardless of individual Congressmen, or private interests. I do not pretend to say that no mistakes were made, for to "err is human," but I insist, for reasons that I will explain later, that fewer errors were made in the preparation and passage of river and harbor bills than in any class of legislation enacted by Congress. I deny with all the force of my being that there was any real "pork" in the river and harbor bills passed by Congress during the past 15 years, and defy anyone to prove the contrary. I know that appropriations for certain projects have been criticized and held up to scorn and ridicule, but it is so easy to make an assertion, and so hard to disprove a slander. We are prone to believe everything evil we hear. The rules of legal evidence say that he who asserts must prove, but how much proof does the ordinary man require to convince him that a plausible story about some man's dishonesty or some woman's lapse from virtue is true?



The charge of "pork" in river and harbor legislation in effect is that the prominent people who advocated the project, the United States engineers who recommended it, and the Members of Congress—especially the House Committee on Rivers and Harbors, and the Senate Committee on Commerce—are grafters; that they have looted the Treasury; that they have put their hands in a barrel and pulled money or "pork" which belonged to the public and used it for corrupt purposes.

If we analyze this charge, it appears unreasonable on its face. If we were to grant that the local people who urge the project on Congress because of selfish interest—for their communities, not for themselves personally—are corrupt, and that their influence with their own Senators and Representatives could induce these officials to favor the project, then surely the 10 United States engineers who must give it their approval before it has any standing before Congress have no motive for promoting a vicious project; and the congressional committees charged with the duty of studying and reporting on it to their colleagues in both Houses can have no reason or incentive for favoring a project which is bad and unworthy, as it does not affect them or their people.

#### SPLENDID SAFEGUARDS FOR WATERWAY APPROPRIATIONS.

No bills that come before Congress are better safeguarded than those making appropriations for waterways, and it is almost impossible to put through an unworthy project. Following is a brief statement of the steps preceding the adoption of a project; whether it be one of great general importance costing millions, or some obscure river or inlet of only local interest, the process is the same.

A bill is introduced in the House or Senate asking a survey of the proposed project, and, if thought worthy on *prima facie* showing, the survey is included in the next river and harbor bill. The Chief of Engineers then directs the United States engineer in charge of the locality, usually an officer with the rank of captain or major, to make a preliminary examination and report, showing feasibility, prospective cost and benefits, and every ascertainable fact. This report goes first to the colonel in charge of the division, then to the Board of Engineers for Rivers and Harbors, composed of seven United States engineers of high rank, and finally to the Chief of Engineers. If the local engineer reports adversely, that usually settles it, and the matter is dropped, though occasionally he is overruled by his superiors. If the local engineer finds the project apparently worthy, he so reports, and his opinion, after most careful consideration by his superiors, is affirmed or disapproved.

Should the Chief of Engineers, in the light of all the facts and suggestions of the local engineer, the division engineer, and the Board of Engineers for Rivers and Harbors, conclude that the project is worthy of an actual survey, it is ordered referred back to the local engineer. A survey party is then placed in the field and an elaborate survey is made to ascertain every fact bearing upon the project, including cost, commerce present and prospective, and everything helpful to Congress in reaching a final conclusion upon its merits and demerits. This survey usually requires several months, and, in the very important projects, one or more years, and no reasonable expense is spared to get all the facts. The report then goes to the division engineer, who attaches his views and forwards it to the Board of Engineers for Rivers and Harbors.

This board has offices in the city of Washington, and in addition to a careful review of the reports of the local and division engineers, it gives hearings, pro and con, to interested persons. Moreover, if the project is a costly one the board frequently examines it in person, as it did recently when the entire membership of seven colonels investigated the Missouri River below Kansas City. The findings of this board, accompanied by reports, evidence, maps, etc., then go to the Chief of Engineers, who renders a final decision, which is transmitted through the Secretary of War to Congress, and the whole record is published as a public document for all the world to see. And if the project is not regarded as worthy either by the Board of Engineers for Rivers and Harbors or the Chief of Engineers, it is not considered as having legislative status. In other words, Congress will not appropriate for waterway projects unless approved as above indicated, except in very rare cases, when the amount involved is quite small and Congress has conducted an independent investigation for itself.

Bear in mind that the United States engineers are the honor men of West Point, the pick and flower of the American Army; that many of the ablest and best men of our Republic, including the builders of the Panama Canal, have been United States engineers; that they have disbursed over three-fourths of a billion dollars on waterways with only one scandal—that at Savannah; that they hold office for life; that they are not interested personally in the localities where they serve for three or four years and then leave, never to return in most cases; that not only one engineer, but ten, must investigate and report in writing for publication upon a waterway project before Congress will consider it.

How would it be possible for anything smelling of "pork" or graft to run such a gantlet? The charge of "pork" in connection with river and harbor legislation is preposterous. It is made by enemies of waterway legislation who have no regard for truth.

River and harbor bills are not pork-barrel bills, but commerce builders.

#### PUBLIC BUILDINGS TEACH PATRIOTISM.

Appropriations for public buildings to be used by Congress and by the departments of the Government at Washington and for use as customhouses, courts, post offices, etc., throughout the Republic, have been sharply criticized, and the cry of "pork" frequently leveled at them. Perhaps a few of these buildings were not really needed and too great expense may have been incurred in constructing some of them. The scope of this article does not permit a detailed discussion, but let me suggest that all these buildings, without a single exception, were for the use and benefit of the general public and could not, except in the most indirect way, be of any advantage to private persons, though the Congressman who secured them received the plaudits of his constituents and in some instances obtained political rewards. These expenditures were all investments and the Government owns the buildings and other property in evidence thereof. Some were wise and returned large interest on their cost; others were not so good, but in the main they have turned out as well as average real estate investments.

As an instance of how substantially our Government usually builds, let me relate a personal experience at the city of San Francisco. Mrs. Ransdell and I visited its ruins a few months after the great earthquake and fire. We traveled for miles through a scene of awful desolation, with masses of every imaginable building material which fire could not consume scattered and twisted and gnarled in the most

inextricable confusion. The splendid city hall, erected at a cost of \$7,000,000 was completely destroyed. The only structures which withstood the shock of quake and fire were the United States post office and customhouse. They were somewhat injured, but business was being conducted in them, and everything near them was in ruins. I could not have believed this had I not seen it myself.

Let me emphasize one feature connected with public buildings that is often overlooked, and that is their great value as teachers of patriotism. In many interior towns, where the population is about four thousand and upward, public buildings are used for the local post office and Federal court. These buildings in the smaller places rarely cost over \$50,000, but they are built in the best style of architecture and of the very best material. It is the most notable structure in the town and is the observed and admired of all observers. To look at it makes one proud he is an American citizen. The United States flag is always flying over it—an emblem of our National Union, power, and glory; our right to free speech and free conscience, and all that makes a government loved and honored by its people. In some localities the Stars and Stripes are seldom seen except on the staff of a public building, where they sing a continuous anthem in honor of our country and teach patriotism 365 days in every year.

Surely river and harbor and public building legislation is not fairly open to the charge of "pork," but the same can not be said of our pension bill.

#### THE PENSION ABUSES.

A discussion of the abuses of our pension system is a delicate and difficult matter. Patriotism is a virtue which is implanted deep in the American heart, and a leading attribute of patriotism is gratitude to those who have shed their blood in their country's defense—who heard and answered her appeal in time of direst need. No one, and certainly not I, would deprive any soldier who was disabled in the service of his country of a pension. Every dependent widow of a soldier who was killed or disabled while fighting for his native land should be pensioned. What I shall say is aimed not at our pension system, but at its abuses—abuses which have made the title "pensioner" appear more like a term of dishonor than a badge of glory.

Since the beginning of our Government we have expended \$5,025,193,970 for pensions—a sum more than six times as great as all river and harbor appropriations during the same period, and two-thirds more than all Navy expenditures during that time. Of this colossal sum, all but \$96,000,000, or \$4,928,748,525, has been distributed since 1865.

A brief study of our annual pension appropriations is illuminating. After the Civil War our pension disbursements naturally increased as more and more names were placed on the rolls. In 1874 they had reached \$30,000,000, and then the decline began; but then also began the period of artificial pension legislation of questionable propriety. Up to 1878 pensions were paid only to disabled soldiers and their dependents, but in 1879 Congress passed a law granting full arrears to all persons entitled to pensions, and our expenditures leaped, in two years, \$20,000,000—from \$37,000,000 in 1878 to \$57,000,000 in 1880. This increase was so great that Congress then passed an amendment providing that the claim for arrears must have been filed prior to 1880. Through the payment of arrears our pension appropriations soared, and in 1888 had reached \$82,000,000. In that year the limitation as to the time of filing a claim for arrears so far as widows were concerned was removed, and this opened the door to all kinds of fraud. The tempting prize of thousands of dollars of arrears was too much for numbers of "widows," many of whom were negroes, and there can be no doubt that many persons were beneficiaries of the Government's bounty who were not entitled to it.

#### AN ERA OF EXTRAVAGANCE.

Under the influence of this legislation and of "Corporal" Tanner, a member of the Grand Army of the Republic, who became pension commissioner at that time, and who is credited with the statement "God help the Treasury surplus when I get at it," our pension bill grew in two years to \$109,000,000. In 1890 an act was passed pensioning every soldier who had served not less than 90 days in the Civil War, and was so disabled that he could not earn a living by manual labor, but the disability need not have arisen from war service, provided it was not caused by vicious habits. The act also pensioned widows of soldiers who had married before 1890, and provided that they need not prove that the soldier's death was due to causes brought on by the war. The result was that our pension disbursements skyrocketed \$52,000,000 in three years, and reached \$161,000,000 in 1893. The strong stand of President Cleveland checked this waste of public funds for a while, and the efforts of the Commissioner of Pensions under him, Mr. William Lochren, unearthed enormous frauds. Mr. Lochren dropped 2,266 names from the pension rolls, and reduced the ratings in 3,343 cases. Pension disbursements, under his administration and without any change in the law, fell from \$161,000,000 to \$143,000,000 in a single year.

To show how graft of all kinds had permeated our pension system, let me point out that in 1899 Commissioner of Pensions H. Clay Evans, after investigation, disqualified 24,662 of the registered pension attorneys, leaving only 18,431 to practice before the bureau.

It is impossible, however, to go into particulars. In 1907, 1908, and 1912 further pension legislation was passed, and now we have practically a service pension, as every veteran over 62 years of age, even though not disabled, is entitled to a pension. The War between the States is a memory of 50 years ago. Five years after the war, in 1870, there were 198,000 pensioners on the rolls; in 1915, half a century after the declaration of peace, there were 748,147 persons receiving Government aid, of whom 691,606 are Civil War pensioners. In 1870 our pension bill was \$29,000,000; in 1915, it was \$166,000,000; and bills have recently been introduced providing for larger and more pensions.

#### OUR PENSION DISBURSEMENTS LARGEST IN THE WORLD.

Our pension disbursements in 1913 were \$176,714,000—five times as much as France, seven times as much as Germany, ten times as much as Great Britain, and twenty-three times as much as Austria-Hungary. These four great European powers combined spent for pensions that year only \$84,000,000, or less than one-half as much as the United States.

Let me repeat that every soldier who was disabled or whose health was impaired during the war, and his dependents after his death, should have a pension, but no one is entitled to Government aid simply because he enlisted for 90 days, even though he had never seen a battle field and had suffered no injuries whatsoever.

Now, what is the method of obtaining a pension? Let us assume that a man claims to have been disabled during the war and desires a pension. He files an application with the Pension Bureau, and if the War Department can give no information as to his disabilities he is requested to furnish evidence. This evidence is purely of an *ex parte*

character, and consists of affidavits filed by the soldier, from comrades, officers in his regiment, etc., alleging that they knew personally of his injury. This was a fruitful source of fraud, especially some years ago. There was a natural tendency among the old soldiers to reciprocate with each other on the principle, "If I swear to his 'disability,' he will swear to mine." And every doubt is solved in favor of the old soldier.

#### SOME STRIKING ILLUSTRATIONS.

Two instances of "disability" will be instructive.

Mr. Charles D. Long, while serving actively as judge of the Supreme Court of Michigan, was drawing \$72 per month for "total and permanent helplessness," though this pension was reduced in 1893 to \$50 per month.

Gen. John C. Black in 1878 was pensioned at the rate of \$100 per month by special act of Congress on the ground that he was "a physical wreck, maimed and diseased, incapable of any effort, and much of the time confined to his bed." Since then this "physical wreck" was Commissioner of Pensions for four years, served one term in Congress, and later was chairman of the Civil Service Commission for nine years, during all of which time he continued to draw his pension of \$1,200 per year in addition to his salary of \$5,000 as commissioner, \$5,000 as Representative, and \$4,500 as chairman of the Civil Service Commission. These are but two striking cases, though a great many similar ones could be cited.

#### THE MIGHTY PENSION GRIP.

Surely, if there is "pork" in any congressional legislation, it is in our pension bills. So skillfully distributed has been this form of Government bounty, and so closely akin to love of country is gratitude to the worthy veteran, that men's voices have been stifled when they should have been raised in protest against the abuses of our pension system. So-called "reformers" who attack river and harbor legislation dare not turn the searchlight of publicity upon the evils that have crept into our pension disbursements; they dare not call attention to the real "pork barrel," the pension bill, because many pensions, and more liberal pensions, are very near and dear to the 748,000 recipients of the Government's favor, and their relatives and friends, who are powerful at the polls.

Some idea of the importance of pension gratuities as purely financial propositions appears from the fact that in 1915 the amount paid in pensions to citizens of Ohio was \$15,666,000; Pennsylvania, \$15,275,000; New York, \$13,791,000; Illinois, \$11,409,000; Indiana, \$10,096,000; Iowa, \$5,621,000; and Wisconsin, \$3,995,000. Let us compare this Ohio fifteen and a half million pension crop, which never has a bad year and costs its beneficiaries nothing, with the Louisiana sugar crop, worth about twenty to twenty-five millions gross per annum, which is very expensive to produce and is frequently the victim of bad seasons and adverse legislation. Is it any wonder that Members of Congress from Ohio are pension enthusiasts?

#### THE SPECIAL PENSION BILL EVIL.

But the story is not yet told. Our pension laws are liberal, very liberal: in fact, they practically give a service pension, and every surviving Civil War veteran is believed to be on the rolls. Liberal as are these laws, they do not include all who desire pensions, and covering these cases, special bills are introduced giving a pension to, or increasing the pension of, some individual. Sometimes the bill is to correct the military record of a deserter, and grant him an honorable discharge so that he may draw a pension under the existing law. Since 1861 Congress has allowed 47,398 pensions by means of special acts. Of these, 21,648, with an annual value of \$6,640,722, are still on the pension roll. The Sixty-third Congress passed 5,061 private pension bills at an annual cost to the Government of \$1,526,598.

These acts give pensions or increase of pensions to those who can not qualify under existing most liberal laws, because of lack of evidence as to service, desertion from the ranks, not sufficient "disability," or for some other reason. Some of these bills may be worthy, but an immense number of them are not. No safeguards are thrown around pension legislation; no investigation is made prior to the introduction of the bill, and its consideration by the pension committees of Congress must necessarily be brief and cursory, when we recall that 5,061 bills of this character were passed last Congress, and, of course, this is only part of the number introduced and investigated by the committees. It is a physical impossibility to give each of these special bills a calm, judicial investigation in order to ascertain the real facts. They are of necessity put through in a hurry.

An examination of the CONGRESSIONAL RECORD shows that among the chief offenders in the introduction of these special pension bills are some of those "reformers" who have recently been so blatantly denouncing river and harbor appropriations. In one instance, three-fourths of all the bills introduced during the Sixty-third Congress by a Member who was very bitter in his criticism of river and harbor "pork" were special pension bills.

#### PENSION EXTRAVAGANCE SHOULD STOP.

Our Civil War pension laws are written upon our statute books, and probably the greater part of the disbursements caused by them have already been made. Let us hope so at least. These legislative mistakes are part of our history. We can not correct them, but we can and should prevent the enactment of similar legislation in regard to wars since the Civil War. There are now 28,912 Spanish War pensioners on our rolls, and they received last year \$3,851,701. This is entirely legitimate, for it is only proper that the Republic should pension those who were disabled in its service and their dependents, and the dependents of those killed in its service, but we must beware of entering upon a career of artificial legislation for these veterans, such as characterized the period after the Civil War.

#### PENSIONS CONFER ONLY PRIVATE BENEFIT.

Let us remember that the \$5,025,193,970 paid for pensions have been mere expenditures; money which we have had to pay out and from which no dividends have ever been derived. These vast sums have been all outgo and no income. Pension bills are in their nature private bills. They give money to private individuals, and no one is directly benefited by a pension except the party receiving it.

On the contrary, bills for public buildings and rivers and harbors are public bills—they disburse money for public purposes and the public gets the benefit. The Government, like a vast business corporation, must have houses in which to conduct its affairs. It must build or rent offices, post offices, courthouses, customhouses, etc., and these structures, for which in all \$363,967,276 has been appropriated, are the property of the Government—they belong to and benefit all the people, and not any particular individual. They are public assets, and in most cases have earned fair interest on their cost.

#### SPLENDID WATERWAY INVESTMENTS.

The \$800,000,000 appropriated for waterways since the American Revolution are investments which have yielded, and will continue to yield, in their great aids to transportation perpetual dividends to the American people. For the stupendous sum of more than \$5,000,000,000 lavished on pensions we have nothing, absolutely nothing, of tangible public benefit to show. That money is gone, and gone forever. For our river and harbor expenditures, however, we have, and posterity will have for all time, our splendid improved harbors, great marts of trade, where giant ships dock at their wharves; our Great Lakes, vast inland seas, where a hundred million has been spent, and which carry the largest and cheapest volume of water-borne freight on earth; and our rivers, like the Ohio and the Black Warrior, heretofore almost unnavigable, but now being improved by locks and dams and made great arteries of commerce. These are permanent public works which help to make our country the richest and best on the face of the earth. Improved waterways are freight carriers and rate regulators; they are commerce builders; they are creators of prosperity. There are only three cities in the United States of over 150,000 population, and none reach 250,000, which are not on navigable water. Practically every metropolis of ancient and modern times, was located on a navigable stream or the ocean. Improved waterways make quick, convenient, and economical transportation, and such transportation of products is essential to national prosperity.

To summarize, I am convinced that charges of pork barrel, as applied to rivers and harbors and public buildings, are in the main unjust and slanderous; but I can not say the same about pensions. And not only has pension legislation been enormously expensive in actual outlay of money, but I fear its advocates have done much to demoralize American politics and to lower the high standard in which Congress should be held. The cost of the pension pork barrel has been very high.

Mr. SMOOT. Mr. President, the hit bird generally flutters; and evidently Gov. Hughes, in every speech that he has so far made on his campaign tour, has hit some Democratic bird, for we see them fluttering in the Senate every day, and we hear of their fluttering in the House. I hope the same practice will continue in the future that has been happening in the Senate in the last few days. We have had an exhibition on the floor of the Senate for the last three days, or I might say ever since Gov. Hughes entered on his campaign, that is most refreshing; and it certainly must show the American people that what Gov. Hughes is saying is hurting our Democratic brethren, or they would not undertake to answer his speeches as they have. I have felt sorry for those assuming to be critics.

But that is not what I rose for, Mr. President. I promised the Senator that I would call attention to some of the rivers that I referred to in asking him a question for which he so kindly yielded to me. In a speech made by me on May 20 of this year I called attention to the estimated cost to the Government for improving waterways to float actual commerce on a few projects that were provided for in the rivers and harbors appropriation bill. Of course, in that estimate that I referred to I did not include logs, for there is no need of classifying logs as commerce. If there is water enough for a log to float in, it will run down the river without any river improvement or without loading it on a boat. But I will admit, Mr. President, that there have been appropriations made in the river and harbor bills where there was no water in the so-called river or creek.

Mr. RANSDELL. I should like to ask the Senator to name one of them. I deny that statement absolutely.

Mr. SMOOT. Mr. President, I do not yield to the Senator.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SMOOT. I have not the time now—

Mr. RANSDELL. I ask the Senator if he will not yield to me for a question.

Mr. SMOOT. No; Mr. President, I refuse to yield to an interruption in any such spirit as the Senator manifests at this time.

Mr. RANSDELL. Will the Senator name one of those streams?

Mr. SMOOT. I refuse to yield to the Senator.

The PRESIDING OFFICER. The Senator from Utah refuses to yield.

Mr. RANSDELL. The Senator can not do it.

Mr. SMOOT. The Senator knows that I can do it, as I did do when the rivers and harbors bill was under consideration.

Mr. RANSDELL. I wish he would. He can not do it.

Mr. SMOOT. On the Ohio River the freight carried, taking the appropriations that have been made for the river and figuring 4 per cent interest on the same, cost the Government of the United States \$5 a ton. Of course that means excluding the soft coal. In the case of the lower Mississippi it cost the Government \$35 a ton; the Arkansas, nearly \$20 a ton; on the Hennepin Canal, \$36.75 a ton; on the Missouri, a little over \$40 a ton; Muscle Shoals, \$41 a ton; the Aransas Pass Canal, \$80 a ton; the Brazos, \$80 a ton; the Red River, \$96 a ton; the proposed Muscle Shoals project, \$96 a ton; and the Big Sandy-Kentucky project, \$350 a ton.

Mr. FLETCHER. Mr. President, may I ask the Senator how he makes that calculation?

Mr. SMOOT. I take the appropriations that have been made for these rivers—



Mr. FLETCHER. For all time?

Mr. SMOOT. Why, certainly; just the same as anybody else would make an investment in a business. It is for all that the Government has expended.

Mr. FLETCHER. And then count the commerce for the last year?

Mr. SMOOT. I count the commerce for the last year, of course, because the commerce next year will be appropriated for the same as for this year. In fact, Mr. President, the commerce upon the rivers complained of has declined; in the case of some of them it has declined 50 per cent within the last four years. This is one reason why former Senator Burton changed his mind on such projects.

Mr. FLETCHER. And in the Senator's calculation he has not taken into consideration the commerce for all the years since the project was started?

Mr. SMOOT. Every year there has been an appropriation, and I have taken into consideration the commerce of each year with the appropriation that has been made; and I know that the Senator from Florida or the Senator from Louisiana would never put their money into such propositions as these. That is why this bill is called a pork-barrel bill. I believe in the improvement of the rivers and harbors of this country—I mean, the actual harbors and the actual rivers—and I have stated here numbers of times that I would prefer to see the appropriations increased rather than decreased upon such projects.

The Senator had a testimony meeting here this afternoon and called upon certain Senators to testify. Let us have the testimony now, Mr. President, of a Democrat, Mr. MCCLINTIC, of Oklahoma, and see what he says in relation to the bill to which the Senator has referred:

There has been spent over \$800,000,000 on rivers and harbors throughout the United States, and it is pretty generally agreed that one-third of this amount has been wasted. Recently there was published an interesting article entitled "Fetching the Gulf to Dallas," which shows that more than \$1,952,287 have been expended upon this project up to June 30, 1913. The article follows:

"An interesting exhibit in the 1914 catalogue of folios is the Trinity River in Texas. The plan is to make Dallas, 512 miles (by water) from the river's mouth, a seaport. The politicians and misguided business men behind the project propose to drown the deep baritone of bullfrogs on the Trinity's banks with the roar of steamboat whistles in midstream. But it is likely the frogs will be croaking for many years to come. The Trinity is being 'improved' by canalization—by open channel work and a system of locks and dams—in order to secure a 6-foot stage from Dallas to its mouth. In 1902 Congress appropriated \$125,000 to start the work, and to June 30, 1913, \$1,952,287 was appropriated for the job. It is estimated that \$581,622 more will be required to complete the project. The present bill carries \$155,000. Last year only 60,677 tons of freight were carried on the Trinity, and 44,863 tons of that was saw logs and cordwood."

Mr. President, I do not want to take the time of the Senate now to continue and read the balance of this article in regard to the Brazos and Old Washington and Waco, and so forth, but I want to call attention to the Beaufort Canal, which has an insignificant commerce. It receives a million dollars in the 1916 river and harbor appropriation bill. Millions are being squandered on this North Carolina scheme. Attention was called to it in the Senate. Did it do any good? None whatever—none whatever.

The Tennessee River carries \$944,000 for another canalization scheme, which benefits no one but water-power owners, contractors, and dredgers. All the actual waterway commerce amounts to less than 2 per cent of that handled at Ashtabula, Ohio, and yet we have spent \$11,000,000 on this wasteful scheme.

In the 1916 bill is \$710,000 for the Cumberland River, which floats only about 50,000 tons of actual commerce annually, or about 1 per cent of that handled by the little harbor of Ashland, in my own State. Nearly \$6,000,000 of Government money has been spent on the Cumberland in order to get that result.

The Arkansas, Ouachita, and Red Rivers receive about \$1,000,000 in the 1916 bill, in addition to over \$8,000,000 already spent by the Government. All the actual commerce on these three rivers combined does not amount to one-half of 1 per cent of that handled by either of the Chicago or Milwaukee Harbors.

The Trinity gets \$250,000 and the Brazos \$390,000 in this bill, or \$640,000 for two streams that do not furnish a half-dozen trainloads of actual freight the year around. And we have spent nearly \$4,000,000 developing a commerce that costs over \$80 per ton to float on these dry rivers.

June 25, 1914, ex-Senator Burton made this statement:

There should be a careful reexamination of each of these waterways.

Speaking of the then river and harbor bill—

and a policy adopted which squares with present conditions. The following are illustrations: On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons. Of this amount, 42,640 tons were saw logs, of which the average haul was 131 miles, and lumber 1,100 tons. Of the balance of the freight, including lumber, amounting to 2,327 tons, part was carried 45 and part 80 miles. The total amount appropriated to date for this stream is \$2,765,377. There was no appropriation in the pending bill as it came from the House, but by a proposed Senate amendment \$100,000 has been inserted. The expense per ton to the United States Government for carrying this freight, including the lumber, can be approximately obtained if an allowance of 4 per cent is made on the amount appropriated to date and the prospective appropriation in the

pending bill is added. This interest on the investment would amount to \$110,735.08, and adding the \$100,000 appropriated would make a total of \$210,735.08. The cost per ton would be \$4.68, or if the saw logs are excluded the cost per ton would be \$90.56 and the cost per ton-mile \$1.53.

Mr. President, there is no Republican Senator who objects to proper appropriations for rivers and harbors, and far be it from me from ever objecting to an appropriation for a river or harbor anywhere in the United States the improvement of which will be a benefit to the people of the United States.

The Senator can not point to me as being one who is interested in the river and harbor appropriation bill on account of appropriations that go to my own State. Utah has never had a dollar in a river and harbor bill, and never will have; yet, as far as I am concerned, I would be just as liberal as any other Senator possibly could be on projects that are worthy of improvement and development.

I tell the Senator now that there is never going to be another river and harbor appropriation bill made up as they have been in the past. They will not be constructed as they have been in the past. There will not be the trading that there has been in the past. There will never be the "I tickle you if you tickle me" as there has been in the past. There will not be the pork in them that there has been in the past. We only lacked one vote of defeating this last river and harbor appropriation bill in the Senate of the United States. I believe, Mr. President, as much as I believe that I am alive, that there never will be another river and harbor bill of the kind and character that passed at this session of Congress.

I do not say, Mr. President, that similar measures have not passed before. The policy was commenced years and years ago.

Mr. FLETCHER. May I ask the Senator how many navigable streams there are in the State of Utah?

Mr. SMOOT. Mr. President, none at all.

Mr. FLETCHER. I ask for information.

Mr. SMOOT. Of course there are none, and I did not refer to it with any idea or with the intention of asking for an appropriation.

Mr. FLETCHER. The Senator mentioned that he never asked for an appropriation for Utah and seemed to imply that there was some virtue in it; and I wished to know if there were any such projects in his State.

Mr. SMOOT. I referred to it as a fact, that if I was in a position to approve of a project and advocate an appropriation with all my heart it would not be with the hope that I should also secure an appropriation that would go into my State. That is what I referred to, and I referred to it for no other reason.

I say, Mr. President, there are projects condemned by the Board of Engineers that have been appropriated for. Do we not remember one project in the last bill for which the engineers had not made an estimate? I objected to agreeing to the amendment that was offered to the bill in the Senate. It was requested that it should go over, but we found before that item was reached for a second consideration there was a favorable report from the engineers. Had conditions changed? Was there more water or less water between the date that it was asked to go over and the date that the report was made? It is just such things as these that we object to and that throw suspicion upon some of the reports that have been made.

I think Gov. Hughes has done what he ought to have done. He has served the interests of the American people by calling attention to the vicious practice of padding river and harbor bills.

Mr. President, I see it is time to conclude; but I want it distinctly understood that what I have said has not been inspired in any way by the speech made by the Senator from Louisiana, nor is it to be considered at all as an answer to his address. I do not care how often he or other Senators on the other side may attack the remarks made by Gov. Hughes. I think every time it is done it strengthens him. It shows, Mr. President, that what he is saying is hurting somebody.

I know the Senator from Louisiana has been interested in river and harbor bills. I know he has studied the question for years. I know his State is interested in the great Mississippi River. Mr. President, I have not referred to that river this afternoon in the few remarks I have made; but I know the Senator, if he had to put up the money for the Mississippi River, as a business proposition, judging by the commerce carried by that river, never would expend the amount which the Government is appropriating for it.

I should like, Mr. President, to support a project that would solve the problem of the Mississippi River overflows; but I do not believe that problem is going to be solved by the levee system. I believe that the waters have got to be controlled before they reach the river; that the floods have got to be prevented from flowing all at once into the river. I believe that

some means will have to be devised for controlling the floods which arise when the hot sun begins to melt the ice and the snow along hundreds of streams which pour their contents at one time into the Mississippi River.

Mr. President, what I have said has been said because the Senator asked me to refer to some of the rivers the commerce on which was out of all proportion to the amount of investment the Government has made.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1351. An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same;

S. 5466. An act to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890;

S. 5976. An act to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896;

H. R. 14299. An act to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 14944. An act authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds;

H. R. 16460. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917; and

H. J. Res. 193. Joint resolution authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration.

#### PETITIONS.

Mr. PHELAN presented a petition of the Eureka Development Association, of California, and a petition of the Home Industry League of California, of San Francisco, Cal., praying for the enactment of legislation requiring railroads and their employees to submit their controversies to the Interstate Commerce Commission for settlement, which were referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 15158) to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court, reported it with an amendment and submitted a report (No. 775) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 2461) for the reinstatement of Dr. B. R. Huntington in the Medical Corps of the United States Army, reported it with amendments and submitted a report (No. 776) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 6842) granting a pension to Susan A. Strickler; to the Committee on Pensions.

By Mr. REED:

A bill (S. 6843) to amend an act entitled "An act to create a Commerce Court and to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 6844) granting an increase of pension to Henry J. Austin; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6845) for the relief of the Pittsburgh & Castle Shannon Railroad Co.; to the Committee on Claims.

#### NAVAL APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 528).

Mr. SWANSON. I submit the conference report on House bill 15947, the naval appropriation bill, and ask that it be printed in the Record.

Mr. GALLINGER. I will ask the Senator from Virginia if there is a complete agreement?

Mr. SWANSON. There was not.

Mr. GALLINGER. It is not a complete agreement?

Mr. SWANSON. There are several very important matters still in disagreement.

The VICE PRESIDENT. The report will lie on the table and be printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 5, 7, 8, 9, 21, 27, 28, 29, 30, 31, 34, 35, 37, 38, 39, 44, 48, 63, 93, 94, 95, 96, 97, 98, 99, 134, 173, 176, 177, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 194, 195, 196, 197, 204, 206, 245, and 250.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 13, 14, 15, 16, 17, 25, 26, 32, 33, 36, 42, 43, 45, 46, 50, 53, 55, 56, 57, 58, 59, 60, 61, 62, 64, 67, 70, 74, 78, 79, 81, 86, 87, 88, 91, 92, 101, 103, 104, 106, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 132, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 167, 169, 170, 171, 172, 175, 178, 179, 180, 181, 192, 193, 199, 207, 208, 209, 228, 236, 239, 242, 243, 244, 246, 247, 248, and 249, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: Strike out the first word of said amendment and in lieu thereof insert "Hereafter an"; and at the end of said amendment change the period to a semicolon and add the following: "and hereafter an officer of the line of the Navy or Marine Corps may be detailed as assistant to the Judge Advocate General of the Navy, who shall, under similar conditions, perform the duties of the Judge Advocate General"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"Hereafter such amount may be expended annually for pay of drafting, technical, and inspection force from the several lump-sum appropriations in which specific authority for such expenditure is given, as the Secretary of the Navy may deem necessary within the limitation of appropriation provided for such service in said lump-sum appropriations at such rates of compensation as the Secretary of the Navy may prescribe; and the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 8 of said amendment, after the word "the" and before the word "employment," insert "temporary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments as follows: In line 3 of said amendment, strike out the words "a period" and insert in lieu thereof "periods," and at the end of said amendment change the period to a colon and add the following, "Provided further, That all moneys received from such leases shall be covered into the Treasury as miscellaneous receipts"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: At the beginning of said amendment, after the words "And provided further," insert "That at the time he is not under charges, or undergoing punishment, or in debt to the Government: Provided further"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted by the Senate, insert the following:

"Gunnery and Engineering Exercises: Prizes, trophies, and badges for excellence in gunnery, target practice, engineering exercises and for economy in coal consumption to be awarded under such rules as the Secretary of the Navy may formulate; for the purposes of printing, recording, classifying, compiling,



and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets and ranges; for hiring established ranges, and for transporting the civilian assistants and equipment to and from ranges, \$135,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of Senate amendment, insert "\$625,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with amendments as follows: Page 14 of the engrossed amendments of the Senate, line 19, after the word "connection" insert "east of the west building line of Second Street east"; page 14 of the engrossed amendments of the Senate, line 23, after the word "act" insert double quotation marks; at the end of said amendment, insert the following: "Provided further, That the Commissioners of the District of Columbia are authorized to lease, for periods not exceeding 10 years, such portions of Potomac Avenue and P Street between One-half Street and First Street SE., together with Public Reservation No. 247, and such portion of First Street SE. as may in their judgment be not needed for the public use, together with a water frontage of Potomac Avenue and said portion of First Street east, as abuts the Anacostia River and all the land of the United States in the area lying between said streets and avenue and the Anacostia River, to Lewis E. Smoot, of Washington, D. C., at a rental to be fixed by said commissioners: *Provided further*, That the said Lewis E. Smoot shall surrender to the Government of the United States his present leasehold on wharf property now held by him which is included in the land proposed to be added to the navy yard under the provisions of this act"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: At the end of said amendment change the period to a comma and add the following: "to be paid out of the appropriation, 'Pay, miscellaneous'"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments as follows: At the beginning of said amendment strike out the words "purchase of" and insert in lieu thereof insert "for 88 acres of"; in said amendment strike out "\$90,000" and in lieu thereof insert "\$60,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Change total to "\$78,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with amendments as follows: In lines 10 and 11 of engrossed amendment strike out the words "to be located in the city of Washington on land owned by the Government"; in line 14 of said amendment strike out "\$2,000,000" and in lieu thereof insert "\$1,500,000," and strike out "\$1,500,000" in said amendment and in lieu thereof insert "\$1,000,000" with the following proviso: "Provided, That nothing herein shall be construed as preventing or interfering with the continuation or undertaking of necessary experimental work during the fiscal year ending June 30, 1917, as heretofore conducted under other appropriations"; in line 15 of said amendment after the word "Provided" insert "further"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with amendments as follows: Page 24 of the engrossed Senate amendments strike out all of lines 6 to 15, inclusive, and in lieu thereof insert the following: "All officers now in the Dental Corps (including the officers appointed for temporary service) appointed under the provisions of the act of August 22, 1912, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes,' and all officers now in active service appointed under the provisions of the act of March 4, 1913, who were eligible for appointment to the Dental Corps under the provisions of said act, shall be appointed dental surgeons in the Dental Corps without further examination and without regard to the age qualifications herein prescribed"; page 25 of the engrossed Senate amendments, lines 15 and 16, strike out the words "(except as may be necessary to adapt the said provisions to the Navy)"; page 26 of the Senate engrossed amendments, line 3, strike out the words "Navy Medical Reserve Corps and the," and in lines 4, 5, 6, and 7, strike out the words "respectively in the Navy Medical Reserve Corps as established under the pro-

visions of the act of August 22, 1912, and"; page 26 of the Senate engrossed amendments, line 10, strike out the word "they" and in lieu thereof insert the following: "officers of the Medical Reserve Corps and officers of the Dental Reserve Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Strike out everything after the caption and in lieu thereof insert the following:

"Hereafter the total number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be 4 per cent of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 of the grade of rear admiral to 4 in the grade of captain, to 7 in the grade of commander, to 14 in the grade of lieutenant commander, to 32½ in the grade of lieutenant, to 41½ in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided further*, That lieutenants (junior grade) shall have had not less than three years' service in that grade before being eligible for promotion to the grade of lieutenant.

"The total authorized number of commissioned officers of the active list of the following staff corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy as follows:

"Pay Corps, 12 per cent; Construction Corps, 5 per cent; Corps of Civil Engineers, 2 per cent; and that the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one hundredths of 1 per cent of the total authorized number of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps. Officers of the lower grades of the Medical Corps, Pay Corps, Construction Corps, and Corps of Civil Engineers shall be advanced in rank up to and including the rank of lieutenant commander with the officers of the line with whom or next after whom they take precedence under existing law: *Provided*, That all assistant surgeons shall from date of their original appointment take rank and precedence with lieutenants (junior grade): *Provided further*, That to determine the authorized number of officers in the various grades and ranks of the line and of the staff corps as herein provided, computations shall be made by the Secretary of the Navy semi-annually, as of July 1 and January 1 of each year, and the resulting numbers in the various grades and ranks, as so computed, shall be held and considered for all purposes as the authorized number of officers in such various grades and ranks and shall not be varied between such dates.

"The total number of commissioned officers of the active list of the following mentioned staff corps at any one time, exclusive of commissioned warrant officers, shall be distributed in the various grades of the respective corps as follows:

"Medical Corps: One-half medical directors with the rank of rear admiral to 4 medical directors with the rank of captain, to 8 medical inspectors with the rank of commander, to 87½ in the grades below medical inspector: *Provided*, That hereafter appointees to the grade of assistant surgeon shall be between the ages of 21 and 32 at the time of appointment.

"Pay Corps: One-half pay directors with the rank of rear admiral to 4 pay directors with the rank of captain, to 8 pay inspectors with the rank of commander, to 87½ in the grades below pay inspector.

"Construction Corps: One-half naval constructors with the rank of rear admiral to 8½ naval constructors with the rank of captain, to 14 naval constructors with the rank of commander, to 77 naval constructors and assistant naval constructors with rank below commander: *Provided*, That vacancies in the Construction Corps shall be filled in the manner now prescribed by law, at such annual rate as the Secretary of the Navy may prescribe: *Provided further*, That hereafter ensigns of not less than one year's service as such shall be eligible for transfer to the Construction Corps.

"Corps of Civil Engineers: One-half civil engineers with the rank of rear admiral to 5½ civil engineers with the rank of captain, to 14 civil engineers with the rank of commander, to 80 civil engineers and assistant civil engineers with the rank below commander.

"Hereafter no further appointments shall be made to the Corps of Professors of Mathematics, and that corps shall cease to exist upon the death, resignation, or dismissal of the officers now carried in that corps on the active and retired lists of the Navy.

"When there is an odd number of officers in the grade or rank of rear admiral in the line or in each corps, the lower division thereof shall include the excess in number, except where there is but one.

"Whenever a final fraction occurs in computing the authorized number of any corps, grade or rank in the naval service, the nearest whole number shall be regarded as the authorized number: *Provided*, That at least one officer shall be allowed in each grade or rank.

"For the purpose of determining the authorized number of officers in any grade or rank of the line or of the staff corps, there shall be excluded from consideration those officers carried by law as additional numbers, including staff officers heretofore permanently commissioned with the rank of rear admiral, and nothing contained herein shall be held to reduce below that heretofore authorized by law the number of officers in any grade or rank in the staff corps.

"Hereafter pay and allowances of officers in the upper half of the grade or rank of rear admiral, including the staff corps and including staff officers heretofore permanently commissioned with the rank of rear admiral, shall be that now allowed by law for the first nine rear admirals, and the pay and allowances of officers in the lower half of the grade or rank of rear admiral, including the staff corps, shall be that now allowed by law for the second nine rear admirals: *Provided*, That officers shall take rank in each staff corps according to the dates of commission in the several grades, excepting in cases where they have gained or lost numbers.

"Hereafter chief boatswains, chief gunners, chief machinists, chief carpenters, chief sailmakers, chief pharmacists, and chief pay clerks, on the active list with creditable records, shall, after six years from date of commission, receive the pay and allowances that are now or may hereafter be allowed a lieutenant (junior grade), United States Navy: *Provided*, That chief boatswains, chief gunners, chief machinists, chief carpenters, chief sailmakers, chief pharmacists, and chief pay clerks, on the active list with creditable records, shall, after 12 years from date of commission, receive the pay and allowances that are now or may hereafter be allowed a lieutenant, United States Navy.

"Warrant officers shall receive the same allowances of heat and light as are now or may hereafter be allowed an ensign, United States Navy.

"Warrant officers shall be allowed such leave of absence, with full pay, as is now or may hereafter be allowed other officers of the United States Navy.

"Hereafter all promotions to the grades of commander, captain, and rear admiral of the line of the Navy, including the promotion of those captains, commanders, and lieutenant commanders who are, or may be, carried on the Navy list as additional to the numbers of such grades, shall be by selection only from the next lower respective grade upon the recommendation of a board of naval officers as herein provided.

"The board shall consist of nine rear admirals on the active list of the line of the Navy not restricted by law to the performance of shore duty only and shall be appointed by the Secretary of the Navy and convened during the month of December of each year and as soon after the first day of the month as practicable.

"Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him as herein provided.

"The board shall be furnished by the Secretary of the Navy with the number of vacancies in the grades of rear admiral, captain, and commander, to be filled during the following calendar year, including the vacancies existing at the time of the convening of the board and those that will occur by operation of law from the date of convening until the end of the next calendar year, and with the names of all officers who are eligible for consideration for selection as herein authorized together with the record of each officer: *Provided*, That any officer eligible for consideration for selection shall have the right to forward through official channels at any time not later than 10 days after the convening of said board, a written communication inviting attention to any matter of record in the Navy Department concerning himself which he deems important in the consideration of his case: *Provided*, That such communication shall not contain any reflection upon the character, conduct, or motives of or criticism of any officer: *Provided further*, That no captains, commanders, or lieutenant commanders, who shall have had not less than four years' service in the grade in which he is serving on November 30 of the year of the convening of the board, shall be eligible for consideration by the board: *Provided further*, That the recommendation of the board in the case of officers of the former Engineer Corps who are restricted by law to the performance of shore duty only and in that of officers who

may hereafter be assigned to engineering duty only, shall be based upon their comparative fitness for the duties prescribed for them by law. Upon promotion they shall be carried as additional numbers in grade.

"The board shall recommend for promotion a number of officers in each grade equal to the number of vacancies to be filled in the next higher grade during the following calendar year: *Provided*, That no officer shall be recommended for promotion unless he shall have received the recommendation of not less than six members of said board: *Provided further*, That the increase in the number of captains herein authorized shall be made at the rate of not more than 10 captains in any one year.

"The report of the board shall be in writing signed by all of the members and shall certify that the board has carefully considered the case of every officer eligible for consideration under the provisions of this law, and that in the opinion of at least six of the members, the officers therein recommended are the best fitted of all those under consideration to assume the duties of the next higher grade, except that the recommendation of the board in the case of officers of the former Engineer Corps who are restricted by law to the performance of shore duty only, and in that of officers who may hereafter be assigned to engineering duty only, shall be based upon their comparative fitness for the duties prescribed for them by law.

"The report of the board shall be submitted to the President for approval or disapproval. In case any officer or officers recommended by the board are not acceptable to the President, the board shall be informed of the name of such officer or officers, and shall recommend a number of officers equal to the number of those found not acceptable to the President and if necessary shall be reconvened for this purpose. When the report of the board shall have been approved by the President, the officers recommended therein shall be deemed eligible for selection and if promoted, shall take rank with one another in accordance with their seniority in the grade from which promoted: *Provided*, That any officers so selected shall prior to promotion be subject in all respects to the examinations prescribed by law for officers promoted by seniority, and in case of failure to pass the required professional examination such officer shall thereafter be ineligible for selection and promotion. And should any such officer fail to pass the required physical examination he shall not be considered, in the event of retirement, entitled to the rank of the next higher grade.

"On and after June thirtieth, nineteen hundred and twenty, no captain, commander, or lieutenant commander shall be promoted unless he has had not less than two years' actual sea service on sea-going ships in the grade in which serving or who is more than fifty-six, fifty, or forty-five years of age, respectively: *Provided*, That the qualifications of sea service shall not apply to officers restricted to the performance of engineering duty only: *Provided further*, That captains, commanders, and lieutenant commanders who become ineligible for promotion on account of age shall be retired on a percentage of pay equal to two and one-half per centum of their shore-duty pay for each year of service: *Provided further*, That the total retired pay shall not exceed seventy-five per centum of the shore-duty pay they were entitled to receive while on the active list.

"Except as herein otherwise provided, hereafter the age for retirement of all officers of the Navy shall be sixty-four years instead of sixty-two years as now prescribed by law.

"Nothing contained in this act shall be construed to reduce the rank, pay or allowances of any officer of the Navy or Marine Corps as now provided by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In said amendment strike out the word "commander"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: At the end of said amendment change the period to a comma and add the following: "less expenses of internment"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: At the end of said amendment change the period to a colon and add the following: "*Provided*, That this provision shall not be construed to reduce the pay and allowances of commissioned warrant officers as herein authorized"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "Harrold" and in lieu thereof insert "Harold"; and the Senate agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with amendments as follows: Page 43 of the engrossed amendments of the Senate, lines 16 and 17, strike out the words "lieutenant of the line of the Navy and captain of the Marine Corps" and in lieu thereof insert the following: "the line of the Navy or Marine Corps according to his length of service"; same page, line 22, strike out the word "lieutenants" and in lieu thereof insert "officers," and, in line 23, strike out the words "captain of the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: Page 50 of the Senate engrossed amendments, line 19, strike out the words "of a fleet" and in lieu thereof insert "or of a larger naval force afloat"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In said amendment, strike out the word "otherwise" and in lieu thereof insert "at shorter intervals"; on page 61 of the engrossed bill, line 6, strike out the word "is" and in lieu thereof insert "shall be"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In the next to the last line of said amendment, after the word "for," insert "temporary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the new matter inserted by the Senate, insert the following: "Naval reserve force in this act: *Provided*, That the Marine Corps Reserve may consist of not more than five classes, corresponding, as near as may be, to the Fleet Naval Reserve, the Naval Reserve, the Naval Coast Defense Reserve, the Volunteer Naval Reserve, and the Naval Reserve Flying Corps, respectively"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter stricken out, insert the following: "All acts or parts of acts relating to the Naval Reserve which are inconsistent with the provisions of this act relating to the Naval Reserve Force are hereby repealed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with amendments as follows: Between the first and second paragraphs of said amendment insert the caption "Naval Militia and National Naval Volunteers."

On page 60 of the Senate engrossed amendments, lines 4 and 5, strike out the words "or duly authorized equivalent official duty" and in lieu thereof insert the following: "or equivalent official duty duly authorized in lieu thereof in accordance with such regulations as may be issued by the Secretary of the Navy."

On page 70 of the Senate engrossed amendments, line 5, after the word "officers," insert "or enlisted men."

On page 67 of the engrossed bill, lines 19, 20, and 21, strike out the words "Capt. John Gardner Quimby, retired, to be a captain on the active list, to take rank next after Capt. Thomas S. Rodgers," and in lieu thereof insert:

"Capt. John Gardner Quimby, retired, to be a rear admiral on the active list, to take rank next after Rear Admiral Thomas S. Rodgers," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with amendments as follows:

In lines 9 and 10 of said amendment strike out the words "at the session of Congress next preceding such examination" and in lieu thereof insert "in the month of January of each year."

Strike out the second paragraph of said amendment and in lieu thereof insert the following:

"Each member of said board shall receive while engaged upon duties as a member of the board not to exceed \$5 a day and actual expenses of travel by the shortest mail routes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: Change total to "\$703,946.92"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "grades" and in lieu thereof insert the word "grade"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"The President of the United States be, and hereby is, authorized, by and with the advice and consent of the Senate, to appoint as second lieutenants on the active list in the United States Marine Corps, to take rank at the foot of the list of second lieutenants as it stands at the date of reinstatement, former officers of the Marine Corps who resigned from the naval service in good standing: *Provided*, That they shall establish their moral, physical, mental, and professional qualifications to perform the duties of that grade to the satisfaction of the Secretary of the Navy: *Provided further*, That the Secretary of the Navy, in his discretion, may waive the age limit in favor of the aforesaid former officers of the Marine Corps: *Provided further*, That the prior service of such officers and the service after reinstatement shall be not less than 30 years before the age of retirement."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: At the end of said amendment change the period to a colon and add the following: "*Provided further*, That this provision shall not be construed to deprive employees of any sick leave or legal holidays to which they may now be entitled under existing law"; and the Senate agree to the same.

On the amendments of the Senate numbered 19, 20, 24, 41, 51, 52, 54, 69, 71, 72, 73, 75, 76, 80, 82, 83, 84, 85, 174, 201, 202, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 229, 230, 231, 232, 233, 234, 235, 237, 238, and 241 the committee of conference have been unable to agree.

B. R. TILLMAN,  
CLAUDE S. SWANSON,  
H. C. LODGE,

*Managers on the part of the Senate.*

L. P. PADGETT,  
J. FRED C. TALBOTT,  
ALBERT ESTOPINAL,  
THOMAS S. BUTLER,  
ERNEST W. ROBERTS,

*Managers on the part of the House.*

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On August 9, 1916:

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915.

On August 11, 1916:

S. 2500. An act authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona; and

S. 4594. An act to validate certain declarations of intention to become citizens of the United States.

#### LAWS OF THE PHILIPPINES (S. DOC. NO. 529).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed:

*To the Senate and House of Representatives:*

As required by section 22 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a set of the laws enacted by the Third Philippine Legislature during its fourth session, from October 16, 1915, to February 4, 1916, inclusive, and its special session, from February 14 to 24, 1916, inclusive, together with certain laws enacted by the Philippine Commission. These acts and resolutions have not previously been transmitted to Congress and none of them has been printed in the United States.

WOODROW WILSON.

THE WHITE HOUSE, August 11, 1916.

Mr. FLETCHER. I move that the Senate adjourn until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m., Friday, August 11, 1916) the Senate adjourned until to-morrow, Saturday, August 12, 1916, at 10 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, August 11, 1916.

The House met at 11 o'clock a. m.

Rev. George S. Duncan, D. D., of the Hermon Presbyterian Church, Washington, D. C., offered the following prayer:

Father of all, in Thee we live, move, and have our being, from Thee cometh down every good and perfect gift. Give us great grace as we engage in the manifold duties of this day. May every one of these Thy servants be guided by Thy divine spirit, so that all deliberations may be in harmony with Thy holy will, and so for the highest and best good of our beloved land. May we ever realize that righteousness exalteth a nation, but sin is a reproach to any people. Grant all these mercies, with the forgiveness of all our sins, which we ask in the name of Jesus Christ, Thy Son and our Savior. Amen.

The Journal of the proceedings of Wednesday, August 9, was read and approved.

## LEAVE TO EXTEND REMARKS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. About what?

Mr. ANDERSON. About the present so-called prosperity in the country.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the present prosperity. Is there objection?

Mr. ANDERSON. The so-called prosperity.

The SPEAKER. On the present so-called prosperity, the gentleman calls it. Is there objection?

There was no objection.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. About what?

Mr. KETTNER. About the administration in general, and the legislative program of the last two years.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD about the administration, and about legislation generally. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to extend my remarks on the Mexican situation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the Mexican situation. Is there objection?

There was no objection.

## ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection?

Mr. MANN. Reserving the right to object, I did not have an opportunity to confer with the gentleman before the House met. I think perhaps we can finish the Private Calendar to-day; but if we do not, I think we might possibly meet to-morrow long enough to go ahead with it. The gentleman from New York [Mr. CALDWELL] has reported into the House a Senate bill authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, and when that bill comes up for consideration he has a lot of amendments to offer on behalf of Members of the House. He informs me that there are plenty of these cannon, and that he is very anxious to be able to leave Washington soon, and that he would like very much to pass this bill before he goes away. I wondered if it would not be practicable to have a short session to-morrow.

Mr. KITCHIN. Suppose I make this suggestion: Tuesday when we meet we will take up the conference report on the naval appropriation bill. We will finish that in two or three hours, and in the balance of that day we might consider the gentleman's bill.

Mr. MANN. I think likely we will have other things Tuesday.

Mr. KITCHIN. I do not anticipate anything else.

Mr. MANN. I hope nobody will think that I am unduly anxious to have the House meet to-morrow, but I like to accommodate the Members. I thought we might have a session to consider that bill.

Mr. KITCHIN. Why not pass it to-day?

Mr. MANN. I do not think there will be time. Will not the gentleman let his request go until later in the day, when we

can tell better? Of course, whatever the gentleman wants is satisfactory to me.

Mr. KITCHIN. Then let us adjourn until Tuesday and fix some time to pass that bill—take it up Tuesday after the naval bill.

Mr. MANN. I have stated the situation to the gentleman. I am not going to object.

Mr. KITCHIN. Suppose I couple with this the request that after the naval conference report is disposed of on Tuesday we take up the Private Calendar for unobjected bills?

Mr. MANN. I do not want to bother with the Private Calendar on Tuesday, when we have up an important bill.

Mr. KITCHIN. I will make the request. If necessary, I will change it afterward.

The SPEAKER. What is the request?

Mr. KITCHIN. The request is that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection?

There was no objection.

## DAMS ACROSS ST. CROIX RIVER, ME.

Mr. ADAMSON. Mr. Speaker, I request the Speaker to lay before the House the bill (S. 5202) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me., there being an identical House bill reported by the House committee and on the calendar.

The SPEAKER laid before the House the bill (S. 5202) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me.

The bill was read, as follows:

Whereas the St. Croix Water Power Co., a corporation organized under the laws of the State of Maine, and its associate, the Spragues Falls Manufacturing Co. (Ltd.), a corporation organized under the laws of the Dominion of Canada, acting under the provisions of their respective charters, and through a misapprehension of, and without complying with, the existing laws governing the construction of dams across navigable waters, have constructed two dams for power-development purposes across the St. Croix River, a boundary stream between the United States and Canada, one of said dams being located at Baileyville and one at Grand Falls, in the State of Maine; and Whereas the dams as built do not injuriously affect the navigation of the St. Croix River, but provide ample facilities therefor, and the said companies desire to comply with the law and obtain the authority of Congress for the said constructions: Now therefore

Be it enacted, etc., That the consent of Congress is hereby given to the maintenance, use, and operation by the St. Croix Water Power Co. of the State of Maine, and the Spragues Falls Manufacturing Co. (Ltd.), of the Dominion of Canada, of the two dams built by the said companies, jointly, across the St. Croix River at Baileyville and Grand Falls, Me., and the said dams are hereby declared to be lawful structures: *Provided*, That the construction, maintenance, and operation of the said dams, and the diversion thereby of the waters of said river, shall have received the approval of the International Joint Commission, so far as such approval may be required under the provisions of the boundary-waters treaty between the United States and Great Britain ratified May 5, 1910, and proclaimed by the President of the United States May 13, 1910: *And provided also*, That the plans and locations of said dams shall receive the approval of the Chief of Engineers and the Secretary of War.

Sec. 2. That the dams herein authorized, and their maintenance and operation, shall be subject to and in accordance with all the pertinent provisions of the laws of the United States now in force, or which may hereafter be enacted by Congress to regulate and govern the construction of dams across navigable waters.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. ADAMSON. I move to strike out the preamble.

The SPEAKER. The gentleman from Georgia moves to strike out the preamble.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, the corresponding House bill (H. R. 13718) was ordered to lie on the table.

## THE PRIVATE CALENDAR.

The SPEAKER. This is private-claims day.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that bills on the Private Calendar be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask to pass over, without reading the titles, bills down to and including No. 166 on the Private Calendar.

The SPEAKER. The gentleman asks unanimous consent to pass over without prejudice bills from 23 to 166, inclusive, on the Private Calendar. Is there objection?



Mr. CONNELLY. Reserving the right to object, I think there are some bills that have waited a long while. I have an interest in one that I would like to have considered, and I would not like to agree to that request.

The SPEAKER. Is there objection?

Mr. CONNELLY. I object.

#### CERTAIN CIVILIAN EMPLOYEES OF THE ENGINEER DEPARTMENT.

The first business on the Private Calendar was the bill (H. R. 5079) for the relief of certain civilian employees of the Engineer Department at Large, United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15522) to establish a national park service, and for other purposes, had agreed to the conference asked for by the House and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOR as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13984. An act granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa.; and

H. J. Res. 247. Joint resolution extending the provisions of the act approved June 16, 1898.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12712. An act to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes."

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 129. Joint resolution extending until October 15, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill (S. 6372) to authorize the counties of Baldwin and Mobile, Ala., their successors and assigns, to construct, maintain, and operate a bridge across Spanish River at or near the junction of Raft and Spanish Rivers.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the President had, on August 7, 1916, approved and signed bills of the following titles:

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise;

S. 6242. An act authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia; and

S. 6375. An act to authorize the changing of the name of the steamship *Aroline*.

#### OSCAR FROMMEL & BRO.

The next business on the Private Calendar was the bill (H. R. 2241) for the relief of Oscar Frommel & Bro.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will call the next bill.

#### DOMMICK TAHENY AND JOHN W. MORTIMER.

The next business on the Private Calendar was the bill (H. R. 6167) for the relief of Dommick Taheny and John W. Mortimer.

The SPEAKER. Is there objection?

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to pass the bill over without prejudice.

Mr. CONNELLY. Mr. Speaker, may I now withdraw the objection that I made to the request of the gentleman from Illinois?

The SPEAKER. Yes.

Mr. CONNELLY. Then, Mr. Speaker, I withdraw that objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent to pass over without prejudice bills on the Private Calendar from No. 23 to No. 166, both inclusive. Is there objection?

There was no objection.

#### EVERETT H. CORSON.

The next business on the Private Calendar was the bill (H. R. 1358) for the relief of Everett H. Corson.

The SPEAKER pro tempore (Mr. LINTHICUM). Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I ask to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Everett H. Corson, an employee of the Department of the Interior, General Land Office, the sum of \$2,000, as full compensation for permanent injuries and damages received by the said Corson in an accident caused by a runaway, without any contributory negligence and while in the discharge of his official duties, on the 23 day of August, 1906; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Page 1, line 6, strike out "\$2,000" and insert "\$1,237."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BILLS PASSED OVER.

Mr. MANN. Mr. Speaker, I ask unanimous consent to pass over without prejudice the bills from Calendar No. 169 to Calendar No. 196, both inclusive.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to pass over without prejudice the bills from Calendar No. 169 to Calendar No. 196, both inclusive. Is there objection?

There was no objection.

#### SARAH E. ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 3238) for the relief of Sarah E. Elliott.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I will ask to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill as follows:

*Be it enacted, etc.,* That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,073, to be paid to Sarah E. Elliott, to compensate her for the death of her husband, James K. P. Elliott, accidentally killed on April 10, 1901, while in the discharge of his duty in the service of the Government of the United States in the Mare Island Navy Yard.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### CLARA KANE.

The next business on the Private Calendar was the bill H. R. 6406, granting the sum of \$480 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as the result of an accident at Philadelphia Navy Yard.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

#### BILLS PASSED OVER.

Mr. MANN. Mr. Speaker, I ask unanimous consent to pass over without prejudice the bills from Calendar No. 213 to Calendar No. 290, both inclusive.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to pass over without prejudice the bills from Calendar No. 213 to Calendar No. 290, both inclusive. Is there objection?

Mr. STEPHENS of Mississippi. Mr. Speaker, reserving the right to object, may I ask the gentleman if it is his intention to object to these bills if they are called? Of course, if it is, there is no necessity to take up the time of the House in calling them.

Mr. MANN. I intend to object to them if called.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CHARLES E. KNICKERBOCKER.

The next business on the Private Calendar was the bill H. R. 11843, for the relief of Charles E. Knickerbocker.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Speaker, I object.

BILLS PASSED OVER.

Mr. MANN. Mr. Speaker, I ask unanimous consent to pass over without prejudice the bills from Calendar No. 294 to Calendar No. 305, both inclusive.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to pass over without prejudice the bills from Calendar No. 294 to Calendar No. 305. Is there objection?

Mr. MILLER of Delaware. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois if he will permit me to ask unanimous consent to strike from the calendar Calendar No. 300, as that has been taken care of in a later report.

The SPEAKER pro tempore. There is no reason why that could not be done without getting unanimous consent.

Mr. MILLER of Delaware. I will withdraw the objection and put it as an independent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, may I inquire where the call began this morning?

Mr. MANN. It began at the head of the calendar.

Mr. COOPER of Wisconsin. How many bills have been passed over by unanimous consent?

The SPEAKER pro tempore. All with the exception of two which have been passed and two objected to, down to Calendar No. 305. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that House resolution 252, Private Calendar No. 300, be laid on the table.

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent that House resolution No. 252 be laid on the table. Is there objection?

There was no objection.

N. FERRO.

The next business on the Private Calendar was the bill (H. R. 1568) for the relief of N. Ferro.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to N. Ferro, Italian consular agent, of Gulfport, Miss., the sum of \$872.96, to reimburse the Italian bark *Fenice* for expense incurred in repairing damages caused by collision with the United States barge No. 15.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAIMS OF IOWA TRIBE OF INDIANS AGAINST THE UNITED STATES.

The next business on the Private Calendar was the bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

LOYAL SHAWNEE AND ABSENTEE SHAWNEE INDIANS.

The next business on the Private Calendar was the bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, and report the same to Congress.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

CLAIMS OF PONCA TRIBE OF INDIANS.

The next business on the Private Calendar was the bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress claims of the Ponca Tribe of Indians against the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

COWLITZ TRIBE OF INDIANS IN THE STATE OF WASHINGTON.

The next business on the Private Calendar was the bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

JOHN L. MOON.

The next business on the Private Calendar was the bill (S. 3539) for the relief of John L. Moon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COX. Mr. Speaker, reserving the right to object, I would like to have some information on the subject. I had not time to look this up. I would like to ask the gentleman in charge of the bill what are the facts, as I have not had time to read the report.

Mr. MANN. Mr. Speaker, it is one of those cases where we have had it discussed several times, I will say to the gentleman. A man arrested a post-office burglar—I will not say he arrested him, but he tried to arrest him—and the burglar was killed. If he had arrested him he would have received a reward of \$200. There was absolute proof in the case that the burglar who was killed was really the burglar, because he had in his pocket things pertaining to the post office.

Mr. COX. The burglar was killed in resisting arrest; is that the fact?

Mr. MANN. Yes; and he had in his pocket things which were stolen from the post office.

Mr. COX. I have no objection, Mr. Speaker.

Mr. STEPHENS of Mississippi. He not only had stamps but he had money.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John L. Moon, of Opelika, Lee County, Ala., the sum of \$200, as a reward for services rendered in the apprehension of criminals in the burglary of the United States post office at Auburn, Ala.

The bill was ordered to be read a third time, was read the third time, and passed.

ALMA PROVOST.

The next business on the Private Calendar was the bill (H. R. 14784) for the relief of Alma Provost.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I ask to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That there be, and is hereby, appropriated, out of funds in the United States Treasury not otherwise appropriated, the sum of \$5,000, to compensate Alma Provost, of Martin, S. Dak., for permanent bodily injuries sustained by her on the 1st day of February, 1915, at the Government Indian school at Rapid City, S. Dak., while engaged in work required of her under the direction of persons in charge of said school.

The committee amendment was read, as follows:

Page 1, line 5, strike out "\$5,000" and insert "\$540."

Mr. CULLOP. Mr. Speaker, further reserving the right to object, I would like to hear some explanation of this bill, as to how this injury occurred.

Mr. STEPHENS of Mississippi. I will say to the gentleman this woman was employed as a laundress and she had her hand caught between some rollers and was very badly injured, so much so that the fingers of the hand had to be amputated. Mr. Franklin K. Lane, Secretary of the Department of the Interior, says she is wholly incapacitated from performing work either as a seamstress or as a housekeeper. She was very competent in both lines of work before the injury.



Mr. CULLOP. What was her age?

Mr. STEPHENS of Mississippi. I do not know, but it is stated that she has three children dependent upon her. The Secretary recommended that she be paid some \$2,000, but the committee, in pursuance of its policy adopted in reference to such cases, cut it down to one year's salary, \$540.

Mr. CULLOP. Was this injury the result of her own negligence or was it an accident that she could not avoid? How did it occur?

Mr. STEPHENS of Mississippi. It is true she failed to stop the machinery she was operating before making some adjustment, and it may be she was guilty in some small degree of contributory negligence, but notwithstanding that fact all the facts were brought before the Secretary, and, as I have just stated, he recommended the payment of \$2,000.

Mr. CULLOP. Was she a new employee or some one who had been accustomed to working on these machines?

Mr. STEPHENS of Mississippi. I do not know how long she had been employed there, but I can say to the gentleman we only allowed one year's salary, in pursuance to the policy laid down by the committee.

Mr. CULLOP. Of course, if this was the result of her own negligence she ought not to be allowed anything.

Mr. STEPHENS of Mississippi. The machinery was not properly guarded so she might be protected against injury, so there was some negligence on the part of the Government.

Mr. CULLOP. The Government failed to guard the machinery as required by law?

Mr. STEPHENS of Mississippi. That is so stated, I guess.

Mr. CULLOP. I can not object under those circumstances.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

S. E. BENNETT.

The next business in order on the Private Calendar was the bill (H. R. 11745) for the relief of S. E. Bennett.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any funds in the Treasury not otherwise appropriated, the sum of \$133.60 to S. E. Bennett, veterinary inspector, to reimburse him for expenditures made by him under the direction of the chief clerk of the Bureau of Animal Industry, Department of Agriculture.

Mr. CULLOP. Mr. Chairman, I desire to ask the chairman for some information as to why this expenditure was made on the part of these gentlemen.

Mr. MILLER of Delaware. Mr. Speaker, replying to the inquiry of the gentleman from Indiana, I will say that my colleague on the subcommittee, the gentleman from New York [Mr. FLYNN] reported this bill, but I am more or less familiar with the facts from my recollection of the case. The claimant was an inspector in the foot-and-mouth epidemic last year in Illinois, and he was authorized to expend not to exceed \$60 a month in expenses. The Secretary of Agriculture in a letter to the chairman of the Committee on Claims on April 8, 1916, says that this bill to the amount of \$84.30, namely, for the two out of the three months, was all right, but he had not the papers which would show him at that time whether the third month's expenses, \$49.30, were to be paid. But the gentleman from New York [Mr. FLYNN], my colleague, and the gentleman from Illinois [Mr. McDERMOTT], who introduced the bill, found that the sum for the third month, namely, \$49.30, was all right. So the bill was reported for the full amount as asked. It is recommended by the department.

Mr. CULLOP. The committee has determined after ascertaining the facts that the money was actually expended?

Mr. MILLER of Delaware. Yes, sir.

Mr. CULLOP. If it was used for the purpose of exterminating the foot-and-mouth disease I shall certainly make no objection.

Mr. COX. Mr. Speaker, reserving the right to object, I will not let this bill go through here. My fundamental objection is that the departments all have lawyers, all of them have law clerks, and they are supposed to know what the law is. They all know what the appropriation is and the purpose for which the appropriation was made. Now, then, in violation of the law, surrounded by as good a legal authority as they are able to

get, they spend more than the law allows, and then come to Congress and seek reimbursement.

Mr. MANN. Mr. Speaker, the gentleman is slightly in error. Mr. COX. I base my statement upon the letter of the Secretary of Agriculture.

Mr. MANN. The gentleman says that they spent more than the law allows. That is not the situation. Here is a case where, owing to the foot-and-mouth disease, the inspectors had to remain on duty a large share of the time from 5 o'clock in the morning until 11 o'clock at night. They were not permitted to go home. They were required to stay at the stockyards. They made application to the department for permission to expend not to exceed \$60 a month for expenses. As a matter of fact, they had to sleep in the stockyards, or right in connection with the stockyards, and had to buy their meals there. The department erroneously issued an order authorizing them to incur these expenses.

Mr. COX. That is exactly my criticism.

Mr. MANN. That is all right. The department erroneously issued an order. They stayed there. They are not asking, by the way, for additional pay on account of overtime, like a great many others are. I do not know Dr. Bennett. He is not in the service now. But he was required to do the work, and the department made him the allowance, and he spent the money. He probably would not have spent the money and have done the work if they had not made the allowance, because he could not be required to stay on duty there from 5 o'clock in the morning until 11 at night at his own expense.

Now, the department may be blamed for making the erroneous order, but I would like to suggest to my friend from Indiana, after all, that we often pass a law and we do not know what it means. The Senate passes it and does not know what it means, and the department has examined it and does not know what it means, and, in fact, no one can find out until the Comptroller of the Treasury—

Mr. COX. Passes upon it.

Mr. MANN. Determines what it means, no matter what it was intended to mean.

Mr. COX. The gentleman is correct about that.

Mr. MANN. It may not be according to the intent, but he settles it.

Mr. COX. He has the last say about it.

Mr. MANN. And I do not think we ought to punish a poor employee of the Government.

Mr. COX. I do not want to punish anybody, but I think we ought to set an example.

Mr. CULLOP. Here is an extraordinary circumstance which the department did not foresee or contemplate when this law was passed. It was a serious situation for the country, the most serious situation in that regard that I have ever seen, and these men ought not to have been limited where it was necessary to make expenditure to any regulation that was holding them down to a small amount.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. COX. Has my colleague read the report on this bill?

Mr. CULLOP. No; but I have taken the statement of the gentleman who seems to have reported the bill. Now, here was a serious situation that required immediate action, constant action, and if these claims are not to be allowed, if that situation were to arise again, men would hesitate about using all the means available. I do not think that zealous action should be discouraged in a case of this kind.

Mr. COX. There is always a way to know the road on which you are traveling before you enter upon your journey, and that is to get a decision of the Comptroller of the Treasury. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Cox] objects. The Clerk will report the next bill.

JOSEPH MANNING.

The next business on the Private Calendar was the bill (H. R. 12145) for the relief of Joseph Manning.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. I would like to have that bill reported, reserving the right to object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Manning, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, as full compensation for permanent injuries received by the said Manning, occasioned by the falling of a file case at room No. 141, office of the Civil Service Commission, Federal Building, Boston, Mass., while performing his duties as an employee of the United States Government, the accident occurring May 26, 1906.

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman in charge of this matter, or the gentleman from Delaware [Mr. MILLER], a question. This, I see, is a personal-injury case. Will the gentleman detail the circumstances under which this personal injury occurred?

Mr. MILLER of Delaware. I will be very glad to. This man was employed in the custodian service in Boston, and in the performance of his duties he was up on top of some file cases doing some work, and the file cases crashed to the floor and injured him very badly.

I will say to the gentleman further that this is another case where the injured employee was not covered by the compensation act of 1908, and the committee, in following out their policy, has allowed him one year's salary, or one year's wages.

Mr. CULLOP. What were the circumstances? Did he know of the condition and arrangement of the file cases? I want to find out whether or not there was contributory negligence.

Mr. MILLER of Delaware. He was cleaning the wall of the room, and the file cases extended almost to the ceiling, and he was up there in the performance of his duties when this file case tumbled over. The proper Government officials for whom this man was working have approved the claim.

Mr. STEPHENS of Mississippi. Mr. Speaker, this man was on top of the file case, and, according to the report, most of the file cases had the top attached to the body, but this particular one was not arranged in that way, and it tumbled over.

Mr. CULLOP. What age was he?

Mr. STEPHENS of Mississippi. I do not know his age.

Mr. CULLOP. Did he make an examination of these file cases before he took his position on them to do his work?

Mr. STEPHENS of Mississippi. This had been going on for some time, I will say to the gentleman, and he had been going about on top of the other cases, which were attached. But this one was loose and unattached, and it fell over. He had a right to suppose, I imagine, after traveling over a lot of them, that they were all fastened, as they should have been.

Mr. CULLOP. So far as is stated, this man made no examination as to the safety of the place in which he was working, and no investigation, and it is manifest if he had a suit in court he could not recover without first having investigated and satisfied himself as to the condition of the place in which he was working. I do not like to object to a personal-injury case, but clearly it seems to me that this man, unless something further is shown in the case, would fail to recover damages if he were in court.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. WOOD of Indiana. Is it not a proposition of law that a man has a right to assume that he has a safe place to work in?

Mr. CULLOP. Yes; but that does not excuse him from investigation.

Mr. WOOD of Indiana. Does it not follow as a matter of course that if a man is working on a scaffolding which is shown to be secure, and proceeds on a continuation of that scaffolding that is not secure, he has a right to assume that it is secure?

Mr. CULLOP. He is still required to use his senses to determine whether or not the place is safe.

Mr. EDMONDS. Mr. Speaker, if the gentleman will permit, I would say that the evidence shows that this man had finished his work and they handed him a ladder to get down from the cases, and in receiving the ladder he stepped onto one of these cases and overbalanced the case, and it fell. I think the bill is a worthy one and it ought to pass.

Mr. CULLOP. Of course, if the man was injured through no fault of his own he would have the right to recover, but if he was careless he would not have. I shall not object.

Mr. SLAYDEN. Reserving the right to object, Mr. Speaker, purely for the privilege of getting the floor for a few minutes, I want to say a word with reference to personal-injury cases where the Government or its servants have done the injury.

I have had on this calendar for a long time two cases, undisputed as to the facts, that have been thoroughly investigated by the military authorities. Medical officers of the Army examined and for a while treated the victims of this accident, due to the carelessness of military servants of the Government. Three women, residing in the city of San Antonio, were driving to their residences in the afternoon along a quiet street when a battery of artillery swung into it from another street and ran over their carriage and destroyed it and very seriously hurt the occupants, Mrs. Lena Garagnon and Mrs. Frederickson and her daughter.

They expended a good deal of money for medical treatment. They were taken to the military hospital at first and subsequently treated in other hospitals. One of them, Mrs. Garagnon,

has spent more than \$3,000 in an effort to get over the injury caused by this battery of the United States Army. She was treated in San Antonio, and then went to Chicago, where she was treated by, I think, Dr. Murphy in a hospital in that city. My recollection is that she has spent between \$3,000 and \$3,500. The woman is injured for life. She goes on crutches. One of her legs is practically destroyed. She will never be well. I have seen her, and while I pretend to no knowledge of medicine, and while I have great faith in the skill of physicians, almost to reconstruct the human body nowadays, I can see, as anyone can, that it will never be possible for this woman to recover from the injury done to her. She still suffers from it and still undergoes treatment. The committee was impressed with the justice of the claim and think that she should be compensated for the carriage which was run over and destroyed by the battery and that they should be compensated moderately for the personal injuries, and that the amount they have paid out for medical attention be repaid to them. I have endeavored to keep an eye on this bill, and have been on hand usually when such matters were under consideration, trying to press the claim of my constituents. I see the House to-day is passing a few bills to compensate people for personal injuries. I have failed to see why a man who was hurt by the fall of a file case somewhere in Boston is any more entitled to consideration than are these unfortunate women. The only difference I can see is that the man seems to have been in the service of the Government at the time. But that makes the injury no greater. It makes the loss of time and expense no greater. This poor woman has been ruined. She had a business which she was conducting, but which she had to give up. Her carriage was destroyed. Her horse was so badly crippled that it had to be killed. The other woman and her daughter were less seriously injured.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SLAYDEN. Yes.

Mr. COOPER of Wisconsin. What objection is made to a claim of that kind?

Mr. SLAYDEN. I think the chief objection is that it would be a precedent that might in the future cost the Government money for other accidents. That is the only objection that I know of. These are the simple facts. The medical officers of the Army stated that the amount originally asked for in the bill was reasonable, and that in their judgment it should be paid. I know the bill can not go through to-day, but I want to say this much for my constituents, and I want it to be known that bills are being passed that in my judgment make no superior claim on the Treasury.

Mr. CULLOP. From the statement that the gentleman from Texas has made, if there was a defendant whom he could sue in court, he would have a good case for a recovery, and in such a case as that the House ought to make the allowance.

Mr. SLAYDEN. Does the gentleman suggest the Court of Claims?

Mr. CULLOP. I think the House ought to allow the claim—

Mr. SLAYDEN. There is no disputing the facts.

Mr. CULLOP. And if the House does not allow it, I should, if the bill were mine, apply to have the case referred to the Court of Claims, where the damage could be ascertained and reported to the House, so that the House might pass the bill, because from the statement the gentleman has made, he has made out a good case.

Mr. SLAYDEN. No one disputes the facts.

Mr. COOPER of Wisconsin. Did the Committee on Claims report this favorably?

Mr. SLAYDEN. Yes.

Mr. COOPER of Wisconsin. Unanimously?

Mr. SLAYDEN. I do not know about that. I rather think it was.

Mr. STEPHENS of Mississippi. My recollection is that the report was unanimous. I am not quite positive about that. I know it was favorably reported.

Mr. COOPER of Wisconsin. It looks to me like a simple act of justice to pay a claim of that kind, and I can not see how the payment of a just claim should establish a bad precedent.

Mr. SLAYDEN. This poor woman has actually paid out between \$3,000 and \$4,000 for medical treatment and can not get a cent of it back.

Mr. MANN. I objected when these bills—two of them—were up before. I would be perfectly willing at any time to argue the matter to the House and take a chance on beating the bill. There is no merit in it.

Mr. SLAYDEN. The committee differs from the gentleman, and the medical officers of the War Department who had charge of the case differ from the gentleman, on the merits of the bills.

Mr. MANN. I am not discussing the merits of the bill.



Mr. SLAYDEN. Have I not stated the facts as set out in the testimony?

Mr. MANN. The gentleman is always very careful about stating facts. I do not think he has stated all the facts, though.

Mr. SLAYDEN. I have not had time. I would be very glad to have every fact investigated. The great fact is that they were run over by this battery and their carriage destroyed and this personal injury was inflicted, and the people crippled, and they have paid out the money for medical services.

Mr. COOPER of Wisconsin. In view of the statement of the gentleman from Illinois, will the gentleman from Texas indicate to the House any fact of importance that he has not stated?

Mr. SLAYDEN. I can not think of any that I have omitted. I will give the gentleman the testimony. I know I can not get the bill considered to-day. It is objected to. I will be very glad to have the gentleman from Wisconsin read and consider the testimony.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill before the House, H. R. 12145, for the relief of Joseph Manning?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FRANCESCA G. MONTELL.

The next business on the Private Calendar was the bill (H. R. 14046) for the relief of Mrs. Francesca G. Montell.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOSEPH C. AKIN.

The next business on the Private Calendar was the bill (H. R. 2743) for the relief of the widow of Joseph C. Akin.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

WILLIAM W. DANENHOWER.

The next business on the Private Calendar was House Resolution 270, referring the bill (H. R. 16473) for the relief of William W. Danenhower to the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. MILLER of Delaware. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. I reserve the objection.

Mr. MILLER of Delaware. Mr. Speaker, this bill is similar to the one that I asked to have laid on the table a few moments ago, and in view of the fact that the bill will have to be changed materially, I ask unanimous consent that the bill be recommended to the Committee on Claims so that it may be attended to in that way.

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent that the bill referred to be recommended to the Committee on Claims. Is there objection?

There was no objection.

THOMAS G. ALLEN.

The next business on the Private Calendar was the bill (H. R. 13354) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ESTATES OF JOHN FRAZER AND ZEPHANIAH KINGSLEY.

The next business on the Private Calendar was the bill (H. R. 7733) to give the Court of Claims jurisdiction to hear and adjudicate the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

The next business on the Private Calendar was the bill (H. R. 11563) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. FERRIS. Mr. Speaker, I know the gentleman from Illinois is quite familiar with this bill, but this has had so much consideration that I will ask the gentleman to reserve his objection for a moment until I can make a short statement.

Mr. MANN. I will reserve the objection if the gentleman wants to take up the time.

Mr. FERRIS. I do not, other than to say that I think this claim ought to be settled. It has been reported on favorably by the War Department, by the Indian Department, by the Interior Department, by the local military authorities, by both of the Indian Committees unanimously, in both this Congress and the last Congress. These ladies actually expended the money, and Congress, changing its course in handling those Indian prisoners of war, who were kept prisoners of war for 25 years, rendered nugatory and worthless the \$13,000 of expenditure on the part of these women. I have not and ought not to have any more interest in it than any other Member of the House, and I do not have, other than the fact that the military reservation on which these prisoners were kept was in my district, and that I had a little something to do with the removal of them and the giving of freedom to them. These ladies making up this board are always going to feel that a grave injustice has been heaped upon them if they do not get the relief, and I would like to make this one last appeal to the gentleman from Illinois. The reports are all printed here from all of the departments, and even the military authorities are using these buildings.

Mr. MANN. I will say to the gentleman from Oklahoma [Mr. FERRIS] that I have a large amount of information in addition to what is contained in the report, both from Army officers and various others. The statement has been frequently made, directly or indirectly, that the Army is making use of these buildings.

Mr. FERRIS. Well, that is so.

Mr. MANN. A few Army officers or privates are renting these buildings from this association—privately renting them. Does the gentleman contend that if somebody out here has a building and somebody in the Army rents it that the Army is making use of it?

Mr. FERRIS. I never heard of that before. How much rent are they getting for it?

Mr. MANN. I do not know; but I have the written statement from the Army officers on the subject, and that is the only way they are being occupied.

Mr. FERRIS. What does that prove?

Mr. MANN. It proves that the Army is not using them. The United States Army has reported that they have no use for the buildings.

Mr. FERRIS. How long since officers of the Army began to rent buildings from their own pockets? Is not that a new situation?

Mr. MANN. I do not think these are commissioned officers. They are renting them for their families. They have telegrams from the commanding officer saying that they are occupied by certain officers.

Mr. FERRIS. Let me ask the gentleman a question. When, in the name of high heaven, is a claim like this ever going to get consideration? It is subject to a point of order on an appropriation bill. We can not pass it or get consideration of it other than by unanimous consent, and if the gentleman objects, when can these ladies ever have their rights established? It is estimated for and has been put in the Indian appropriation bill and has been knocked out by a point of order, usually made by the gentleman from Illinois [Mr. MANN], and now it is reported again favorably by both committees, and it has to go to the Private Calendar. We never get a chance to consider a bill on the Private Calendar except by unanimous consent. I would like to know when a meritorious claim can ever be considered in this House other than by unanimous consent?

Mr. MANN. Meritorious claims do not have any difficulty in this House.

Mr. FERRIS. I disagree with my friend from Illinois on that. They have the toughest sort of sledding in this House. We see signs of this truth here every day. This claim is just and ought to be paid.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

ARTHUR HUBESTY TURNER.

The next business on the Private Calendar was the bill (H. R. 8277) to reinstate Arthur Hubesty Turner as a second lieutenant in the United States Marine Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

Mr. FARR. Will the gentleman withhold his objection?

Mr. MANN. Yes; I will reserve the right to object.

Mr. FARR. Mr. Speaker, there is urgent need in the Marine Corps for additional officers of military training and technical education. This young man will qualify splendidly in those

particulars. The department wants him reinstated. They need him and others of his kind, and it will not cost this Government one dollar for his education. He did not resign for any selfish financial reason. He had a good substantial military reason for tendering his resignation and he now wants to be reinstated. The committee unanimously favors this bill. The department approves it and I hope the gentleman will not press his objection.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

LIEUT. RICHARD PHILIP McCULLOUGH, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 4890) for the relief of Lieut. Richard Philip McCullough, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

I. C. JOHNSON, JR.

The next business on the Private Calendar was the bill (H. R. 9095) for the relief of I. C. Johnson, jr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

ASST. PAYMASTER JOHN D. P. HODAPP, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 15016) for the relief of Asst. Paymaster John D. P. Hodapp, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

Mr. DIXON. Mr. Speaker, will the gentleman withhold his objection for the moment?

Mr. MANN. I will reserve the right to object. I thought the gentleman wanted to be heard. If not, I shall object.

Mr. DIXON. Very well.

#### SUNDRY BUILDING AND LOAN ASSOCIATIONS.

The next business on the Private Calendar was the bill (S. 5672) for the relief of sundry building and loan associations.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CON. Mr. Speaker, reserving the right to object, I want some information on this bill. The report is not very voluminous on it. What is proposed to be done? Let the bill be read, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, there is no use in reading this bill through. I reserve the right to object for a moment. I presume the items of this bill ought to be allowed to pay back a lot of building and loan associations for internal-revenue taxes. The Senate passed a bill covering a certain number and the House committee has amended it with a lot more. Everybody ought to stand on the same basis. There is no reason that a building and loan association represented here by Mr. Smith should get its money and the building and loan association represented by Mr. Jones does not get it, where the circumstances are the same. The Treasury Department informs me that this bill does not cover nearly all the cases that are on all fours, and I am not going to start in, if I can help it, with the idea that if the Government has taken \$10 from a building and loan association it has got to hunt up Members of Congress in order to get it back from the Government. Let them all come on the same footing. Therefore, I object.

Mr. BORLAND. Mr. Speaker, I was about to make the same objection which the gentleman from Illinois made.

The SPEAKER pro tempore. Objection is heard.

GERTIE FOSS.

The next business on the Private Calendar was the bill (H. R. 14572) for the relief of Gertie Foss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to Gertie Foss, widow of Olaf Foss, late gunner in the Revenue-Cutter Service, who was injured while in the discharge of his official duty on October 8, 1913, and later died on November 11, 1913, as the result of such injuries.

The committee amendment was read as follows:

Line 5, strike out "\$2,000" and insert "\$1,170."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LEGAL REPRESENTATIVES OF W. H. MILLS, DECEASED.

The next business on the Private Calendar was the bill (H. R. 9968) for the relief of the legal representatives of W. H. Mills, deceased.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of W. H. Mills, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$2,700, as full compensation for labor expended and materials used by said W. H. Mills in 1889 in partially repairing the Humboldt Bay, Cal., life-saving station under contract with the Government.

The committee amendment was read, as follows:

Page 1, line 6, strike out "\$2,700" and insert "\$2,275."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MRS. H. O'NEILL.

The next business on the Private Calendar was the bill (H. R. 14695) for the relief of Mrs. H. O'Neill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. H. O'Neill, of Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, she being the heir at law of Ambrose O'Neill, late an employee of the Isthmian Canal Commission, the sum of \$175, or an amount equal to six weeks' wages of said Ambrose O'Neill, at the rate of pay he was receiving at the time of his death, the same being in lieu of six weeks' vacation with pay to which said Ambrose O'Neill was entitled but had not received at the time of his death.

The committee amendments were read as follows:

Page 1, line 4, after "O'Neill," insert the word "widow."

Line 5, after the word "of" strike out "Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, she being the heir at law of."

Page 1, line 8, after the word "commission," insert "out of any money in the Treasury not otherwise appropriated."

Mr. BORLAND. Mr. Speaker, this bill seems to have gone by without objection. I would like to ask a question of some one who is in charge of the bill. Is the only basis of this bill the fact that this man was entitled to a month's vacation and did not get it and this is his salary for that time?

Mr. EDMONDS. That is it exactly.

Mr. MANN. If he had lived six weeks longer and not worked, he could have gotten the money.

Mr. BORLAND. Was his death occasioned in any way by the fact—

Mr. EDMONDS. Oh, no.

Mr. BORLAND. Is not this an extraordinary act for the widow of an employee to ask for the pay for a vacation which the employee did not get in his lifetime?

Mr. EDMONDS. It may be, but as the gentleman from Illinois [Mr. MANN] says, if he had lived six weeks longer he would have gotten the vacation, likely, and the committee felt that he was entitled to that sum for that length of time.

Mr. BORLAND. Is that a very common occurrence throughout the country?

Mr. EDMONDS. I do not think since I have been on the committee there has been a case like this before, and I hope there will not be another one.

Mr. BORLAND. I hope there will not be one again. It seems extravagant to pay the widow of a man his salary for a vacation that he did not get. There is no claim here for personal injury or loss of his health.

Mr. EDMONDS. He died from an accident that was no fault of the Government. And he was entitled to six weeks' vacation at the time of his death, and the committee thought it would be well to compensate him for it.

Mr. MANN. There may be some question about it. Under the Panama Canal construction, we advertised and promised and made an agreement to give the employees a certain amount of vacation with leave to return to the States under certain conditions and pay them while they were absent on their vacation. This man had earned his vacation of six weeks. He was entitled to take it and be away for six weeks and draw his pay during that time. He went away, but did not remain



on earth. If he had remained physically on earth he would have gotten the allowance, but as his spirit flew to the other world he did not get the money; and it is proposed to give it to his widow. I do not know whether this is a bad precedent or not. No doubt, morally it is not. He was entitled to the money and his widow would be. Whether somebody in the Government here would insist hereafter every time that some one died in the Government service who was entitled to 30 days' leave of absence during the year, and died after the 1st of July, they be paid for 15 days' leave of absence, I do not know.

Mr. FERRIS. Mr. Speaker, is it too late for objection?

The SPEAKER pro tempore. It is.

Mr. BORLAND. The gentleman from Illinois [Mr. MANN] is well aware that a good many men at the Canal Zone, entitled to six weeks' vacation, did not take it; and latterly it got to be that the commissioners rather insisted on their taking it on account of their health. But no suggestion has ever been made before that a failure to take a vacation would be any kind of a claim in law or equity. It was giving them a privilege that it was willing they should take advantage of. This is the most extraordinary thing I ever heard of. I am very anxious that men who are injured in the Government service or deprived of property by some unwarranted action of the Government should be compensated under a private claim bill. But I wish they could come under the common-law jurisdiction and not come to Congress. This kind of claim humiliates a man who makes claim against the Government on behalf of those who are entitled to their claims.

Mr. FERRIS. Mr. Speaker, is it too late to object to the bill?

The SPEAKER pro tempore. It is too late.

Mr. FERRIS. I would have objected if I had had a chance.

Mr. MANN. Mr. Speaker, in view of the situation I ask unanimous consent that the bill may be passed over and remain on the calendar without prejudice.

Mr. TAGGART. I object, Mr. Speaker.

Mr. MANN. Does the gentleman object to that request?

Mr. TAGGART. The bill is on its passage, is it not?

Mr. MANN. Yes; but it will not be passed to-day.

Mr. TAGGART. I do not know how serious it is, but I withdraw my objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

CATHERINE A. FOX.

The next business in order on the Private Calendar was the bill (H. R. 15109) for the relief of Catherine A. Fox.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum equal to one year's salary of the late John F. Fox, to be paid to his widow, Catherine A. Fox, the said John F. Fox having been killed while in the performance of his duty as a post-office clerk at New York City.

Also the following committee amendment was read:

Line 4, after the word "appropriated," strike out the words "a sum equal to" and insert the words "the sum of \$1,300 being."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF DAVID H. FISH.

The next business on the Private Calendar was the bill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, as the gentleman from Indiana [Mr. DIXON] knows, this is a claim of \$106.82, and I am not sure but that it ought to be paid. But it is one of a series of claims which amount to \$31,000, all in identically the same circumstances and covered by the same report to Congress. I do not think we ought to start in to pay these claims if they are to be paid in separate bills of \$100 each.

Mr. DIXON. The committee investigated this item, and reported that this amount was due to the heirs of this man, and recommended that it should be paid. I appreciate the fact that there are others in the same situation, but no bills have been

introduced in their cases, and I do not know why a meritorious bill should be defeated for that reason.

Mr. MANN. This is a series of old claims—I do not know how old they are. I think they were started, some of them, while I was taking milk from my mother.

Mr. DIXON. It was back in 1863 or 1864.

Mr. MANN. Yes; a long time ago. In 1910 there was an adverse report made in the Senate on these bills. There have been various reports at different times.

Mr. DIXON. There was a later report, was there not, favorable to the bill?

Mr. MANN. I say there was an adverse report. I am not sure that it covered this particular claim, but I have collected all the reports. There is a whole raft of them here.

Mr. DIXON. I hope the gentleman will not object to this bill.

Mr. MANN. I am going to object. I am calling it to the attention of the gentleman, so that if these claims ought to be paid there ought to be a general bill covering them, and the committee should determine whether it is going to recommend the payment of all these claims, amounting to \$31,000.

If this bill passes, the gentleman probably does not know what will take place, but I do. If this bill passes one of the claim agents here in Washington would at once pick it up and get the names and addresses of all these claimants—and there are a great many of them—and write a letter to each one of them and say that they had an old claim, and so forth, and he thought it could be collected, and would collect it for 50 per cent. Now, I am not willing, if we owe this money to these people, to have a claim agent get 50 per cent of it, but that is what would happen.

Mr. MILLER of Delaware. If it is an omnibus bill, as the gentleman suggests, will they not do that anyhow?

Mr. MANN. No. If it is an omnibus bill they can not expect to receive money for getting a claim allowed when it is already allowed on an omnibus bill; and we will take care on the omnibus bill to see that they shall not get it.

Mr. MILLER of Delaware. The gentleman admits that it is a meritorious bill?

Mr. MANN. I do not say it is not meritorious, but the others are equally meritorious.

Mr. DIXON. Does the gentleman think this bill should be objected to at this time, after all the committees having this matter in charge have reported favorably upon it?

Mr. MANN. Well, Mr. Speaker, these matters have been floating around the Capitol for 50 years or more, and none of these claims has ever been paid. I do not assume that there is a great deal of merit in them, because if there had been much merit in them they would have been paid long ago.

Mr. DIXON. A bill exactly like this passed this House among this list of claims, and the gentleman made no objection to that.

Mr. MANN. Well, I might miss something once in a while. I admit that I do.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

CHARLES M. WAY.

The next business on the Private Calendar was the bill (H. R. 14754) for the relief of Charles M. Way.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Subsequently,

Mr. ROBERTS of Nevada. Mr. Speaker, I ask unanimous consent to return to Private Calendar 331 (H. R. 14754), for the relief of Charles M. Way, which is a bill allowing a soldier his travel pay. The department has sent in a statement to the effect that he should be paid. The amount involved is only \$80.

The SPEAKER pro tempore. The gentleman asks unanimous consent to return to Private Calendar No. 331.

Mr. MANN. Would it still be subject to objection?

The SPEAKER pro tempore. It would still be subject to objection. Is there objection to returning to the bill?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$82.24 to Charles M. Way, of Fallon, Nev., late private in Company K, Eleventh Regiment United States Volunteer Cavalry, found and held to be due him by the Auditor

for the War Department, for travel pay between San Francisco, Cal., and Brookings, S. Dak., a distance of 2,056 miles, at the rate of 4 cents per mile.

Mr. MILLER of Delaware. Mr. Speaker, I would like to state to the House and to the gentleman who objected that a bill similar to this in every respect, namely, a bill for the relief of Charles L. Moore, was favorably reported by the Committee on Claims and passed on one of the claims days in June. It was because of the fact that a bill similar in every respect to this particular bill had been reported and had passed the House that the committee felt inclined to report the bill introduced by the gentleman from Nevada [Mr. ROBERTS]. I do not know whether the gentleman from Illinois [Mr. MANN] knows that, but I think the fact ought to be called to his attention.

Mr. MANN. I know that, and I know some other things. That is the trouble about it. This man received his discharge from an organization in the Philippine Islands and received a travel allowance from Manila, P. I., to Brookings, S. Dak. He got his travel pay. He did not go there. He reenlisted and then got another discharge, and he wants now to get his travel pay again to South Dakota, although he never went there and has no intention of going there. He does not live there. I think he has had quite sufficient for all that he is morally entitled to. He is not legally entitled to this and has to depend on the equities. I can not see any equity in paying a man his travel pay twice from the Orient to Brookings, S. Dak., when he never intends to travel there.

Mr. MILLER of Delaware. The gentleman knows very well that all discharged soldiers do not go right back to where they enlisted. This allowance is a part of their pay.

Mr. MANN. I am talking about the particular merits of this individual case.

Mr. MILLER of Delaware. This is identically on all fours with the bill we passed in June.

Mr. MANN. The gentleman is mistaken about that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

JAMES A. CHAMBERLAIN.

The next business on the Private Calendar was the bill (H. R. 13106) for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BORLAND. I reserve the right to object, Mr. Speaker.

Mr. WM. ELZA WILLIAMS. I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WM. ELZA WILLIAMS] objects.

CHARLES A. CAREY.

The next business on the Private Calendar was the bill (H. R. 13754) for the relief of Charles A. Carey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

IDA TURNER.

The next business on the Private Calendar was the bill (H. R. 14978) for the relief of Ida Turner.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Ida Turner, widow of Arthur F. Turner, late a guard at the United States penitentiary at Leavenworth, Kans., who, while in the discharge of his duties as guard, was stabbed to death by a prisoner.

With a committee amendment, as follows:

Amend, line 5, by striking out "\$5,000" and inserting "\$840," and, in line 6, by striking out the word "Arthur" and inserting the word "Andrew."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

D. H. CARPENTER.

The next business on the Private Calendar was the bill (H. R. 12135) to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen and repaid by him to the Post Office Department.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. H. Carpenter, Seddon, Ala., out of any money in the Treasury not otherwise appropriated, the sum of \$45.72, the amount of money and postage stamps stolen from the post office at Seddon, Ala., on the night of —, 1913, while he was postmaster at Seddon, and which money and stamps belonged to the said post office, and which said sum he was required to repay, and did repay, to the Post Office Department of the United States.

With a committee amendment as follows:

Amend, page 1, line 6, by striking out "\$45.72" and inserting "\$44.13," and, on page 1, line 8, by striking out the word "night" and inserting the word "nights"; and in the same line, after the word "of," insert "May 21 and August 9," and, on line 9, page 1, strike out the word "thirteen" and insert the word "fourteen."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LEAVE TO EXTEND REMARKS.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the revenue bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record on the revenue bill. Is there objection?

There was no objection.

Mr. HELVERING. I ask unanimous consent to extend my remarks in the Record on the good-roads bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record on good roads. Is there objection?

There was no objection.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a speech delivered at Greensboro, N. C., by Hon. JOSEPH G. CANNON on July 29.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record by printing a speech of Hon. JOSEPH G. CANNON delivered at Greensboro, N. C. Is there objection?

There was no objection.

FRANCIS PATRICK REGAN.

The next business on the Private Calendar was the bill (H. R. 4931) authorizing the President to reinstate Francis Patrick Regan as a second lieutenant in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ANNIE E. WHITE AND HEIRS OF PATRICK WHITE, DECEASED.

The next business on the Private Calendar was the bill (H. R. 1579) for the relief of Annie E. White and the heirs of Patrick White, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

THOMAS P. DARR.

The next business on the Private Calendar was the bill (H. R. 2544) for the relief of Thomas P. Darr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I reserve the right to object. According to this report, I do not think there is any merit in this claim. If the author of the report is on the floor I would like to have him give me some information.

Mr. MANN. We passed this bill in the last House, after some discussion.

Mr. SMITH of Idaho. The report of the Post Office Department contains all the facts. The service was performed, but there was delay in returning the contract because of the mis-carriage of the letter which contained it.

Mr. MANN. I think the bill was discussed quite fully in the last House, and it passed then.



Mr. COX. How was the delay brought about? Who was to blame for it?

Mr. SMITH of Idaho. It may have been the Post Office Department. The service was performed in the mountain country of Idaho, where the mail is not always regular. The letter returning the contract miscarried in some way. The claimant received no advantage by the contract not being received by the department. He went ahead and performed the service before the contract reached him and for some time after it was returned. This bill is only to pay him for the interval covering the time between the acceptance of his bid until the contract was relet. The service was performed satisfactorily for which payment has not been made.

Mr. COX. How much time intervened?

Mr. SMITH of Idaho. About six months.

Mr. COX. It has been some time since I read this report.

Mr. SMITH of Idaho. The report contains all the facts.

Mr. COX. It says here:

Difference between cost of temporary service from Aug. 13 to Dec. 2, 1907, of \$1,077, and the rate of pay under the bid, \$477.36	\$599.64
Difference between rate of pay of Harvey Dixon of \$2,400 and that of Mr. Darr of \$1,582.61 per annum for remainder of contract term, from Dec. 2, 1907, to June 30, 1910	2,114.16
From which should be subtracted credit for service actually performed from Feb. 1 to Aug. 7, 1907, at the rate of \$1,575 per annum, and from Aug. 8 to 12, 1907, at the rate of \$1,582.61	\$30.37
Making the liability	1,883.43

When he got this contract, was it an increase over the first contract?

Mr. SMITH of Idaho. I am not clear in regard to that. The fact is that the bill was thoroughly discussed at the last session and passed—

Mr. COX. That does not spell anything to me, because I was not present at the time, and I know nothing about what was said.

Mr. STEPHENS of Mississippi. Mr. Speaker, the reason this man was not paid was simply because he failed to execute a contract and have that contract filed with the department. It is stated by the contractor, which statement is corroborated by the postmaster, that this contract was executed and mailed to the department, but for some reason the contract was lost and never did reach the department, and under the law he could not be paid.

Mr. COX. That is my understanding.

Mr. STEPHENS of Mississippi. He could not be paid for services during the time that the contract was not in existence. He was not at fault, however. He did what he could. He executed a contract, and he put it in the mails and sent it to the Post Office Department. It became lost, and during that time he was performing the service thinking that he had a right to do so.

Mr. COX. How much time does that cover?

Mr. SMITH of Idaho. From February 1, to August 12, 1907.

Mr. STEPHENS of Mississippi. It seems that the department failed to call upon him again for the contract.

Mr. COX. That is for 10 months.

Mr. SMITH of Idaho. Only six months and a fraction.

Mr. COX. If I get the point in dispute it is this: The carrier carried the mail without having the contract, and under the law he could not be compensated for that length of time.

Mr. STEPHENS of Mississippi. That is true, but he thought he had a contract.

Mr. COX. But he did not have one.

Mr. STEPHENS of Mississippi. He had executed his part of the contract.

Mr. COX. It takes two people to make a contract. He may have in good faith thought he had, but in reality he did not have a contract.

Mr. STEPHENS of Mississippi. The gentleman understands that these papers are sent to the contractor and he is to execute them and then return them.

Mr. COX. And he returns them.

Mr. STEPHENS of Mississippi. Yes.

Mr. COX. Then it was not a contract until it reached its destination and was accepted by the Post Office Department.

Mr. STEPHENS of Mississippi. If the gentleman wants to hold him to a strict legal construction, but this man was working there under the direction of the postmaster, he was an employee of the Federal Government, and he continued to perform this service, having done all that he could do, and having a right to believe that the contract had been received, for he was never notified to the contrary.

Mr. COX. Until the department called upon him again for his contract

Mr. STEPHENS of Mississippi. But the department allowed him to perform this service.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Speaker, I shall not object.

There was no objection.

The SPEAKER pro tempore. The clerk will report the bill. The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas P. Darr the sum of \$830.37 on account of service rendered as mail carrier from Gooding, Idaho, to Corral, Idaho, during the spring and summer of 1907, this amount to be accepted by said Thomas P. Darr as full compensation for service rendered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### PROMOTION OF OFFICER ON RETIRED LIST.

The next business on the Private Calendar was the bill (H. R. 147) authorizing the promotion of an officer on the retired list of the army who served in the Civil War.

The SPEAKER pro tempore. Is there objection?

Mr. MCKENZIE. Mr. Speaker, the matter contained in this bill has been taken care of in the Military Appropriation bill. Therefore, I ask unanimous consent that the bill be laid on the table.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that this bill be laid on the table. Is there objection?

There was no objection.

#### RICHARD DAELEY.

The next business on the Private Calendar was the bill (S. 809) authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. YOUNG of North Dakota. Mr. Speaker, will the gentleman reserve his objection? I shall be glad if he will state what it is.

Mr. MANN. I will reserve it. The objection is that there is no merit in the bill.

Mr. YOUNG of North Dakota. Has the gentleman read the letter of the Secretary of the Interior?

Mr. MANN. I have read it very carefully and have annotated it.

Mr. YOUNG of North Dakota. It would seem to me from the reading of that letter and the letter of Senator McCUMBER that the bill had decided merit.

Mr. MANN. I could not see it.

Mr. YOUNG of North Dakota. The tract is a very small one, less than two acres, and there is nothing in the Record or elsewhere to show that it has any particular value except to this particular man. It is not like giving a man a very valuable piece of land.

Mr. MANN. The tract has an acre and a half in it. The man wants to get it from the Government for nothing. If it is not of any value he ought not to be bothering Congress to try and pass a special bill about it, and if it is of any value he ought to be willing to comply with the law in reference to getting it, in my opinion.

Mr. YOUNG of North Dakota. The reason that he wants this particular tract is that he put valuable improvements upon it. He did this after the officials of the United States land office had accepted his filing. The officials thought it was proper for him to enter the land and he was warranted in trusting them. Had he known what his rights were before putting the improvements upon it he would have looked for other land. The reason he comes to Congress now is that he finds that he has put valuable improvements on a very small tract, which will have little value if removed, and it would seem as though the Government ought to save him from loss. The loss was occasioned by the mistake or ignorance of United States officers. It can be made right by the passage of this bill, which does not call for a cent of money and simply permits the entryman to prove up upon a tract of less than two acres, which is of practically no value outside of the buildings placed upon it by the entryman. I hope the gentleman from Illinois will soften his heart.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### FREDERICK CHATEAU.

The next business on the Private Calendar was the bill (H. R. 5318) for the relief of Kate Chateau.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws Frederick Chateau, deceased, shall hereafter be held and considered to have been in the military service of the United States as a private of Company H, Ninth Regiment Ohio Volunteer Infantry, from the 22d day of April, 1861, to the 14th day of August, 1861, and to have been discharged honorably as such on the latter date: *Provided,* That no back pay, back pension, or other back allowance shall accrue by reason of the passage of this act.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This bill is entitled, "A bill for the relief of Kate Chateau," but her name is not mentioned anywhere in the bill. She is the widow of a soldier, and it seems an odd circumstance to me to put a title on a bill to which the body of the bill does not refer in any way. I want to know if the gentleman from New York [Mr. CALDWELL] remembers—he did not report this bill—whether where we pass a bill to give a soldier a pensionable status, we do not still entitle it as a bill for his relief?

Mr. CALDWELL. Yes.

Mr. MANN. When we get to that point I am going to move to amend the title.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out in the title the word "Kate" and inserting the word "Frederick."

The amendment was agreed to.

GERTRUDE BECHERER.

The next business on the Private Calendar was the bill (H. R. 3296) for the relief of Gertrude Becherer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gertrude Becherer, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in compensation for the loss of her husband, Henry Becherer, entered on the pay roll at Jefferson Barracks, Mo., as Henry Becker, who came to his death on September 15, 1910, while in the employ of the United States Government and as a result of such employment.

The committee amendment was read as follows:

Page 1, line 9, strike out "\$5,000" and insert "\$1,502.40."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE H. MORROW.

The next business on the Private Calendar was the bill (H. R. 8849) to reimburse George H. Morrow.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

ANNA C. PARRETT.

The next business on the Private Calendar was the bill (H. R. 10173) for the relief of Anna C. Parrett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna C. Parrett, mother of Ralph G. Dussell, who lost his life by accidental drowning on July 13, 1915, while in the employ of the Biological Survey, the sum of \$900, the same being the amount of the annual salary which the said Ralph G. Dussell was receiving from the department at the time of his death, and the sum of \$900 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The committee amendment was read, as follows:

Page 1, line 4, after the word "Parrett," insert the word "dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

F. M. BARFIELD.

The next business on the Private Calendar was the bill (H. R. 14826) for the relief of F. M. Barfield.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. M. Barfield the sum of \$64.88 to reimburse him for the loss of postal funds lost through burglary of the post office at Pinehurst, Ga., on July 19, 1909.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LOSSES IN WRECK OF "TAHOMA."

The next business on the Private Calendar was the bill (H. R. 8625) to reimburse the officers and enlisted men of the Revenue-Cutter Service and Public Health Service for losses sustained in the wreck of the revenue cutter *Tahoma*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

OFFICERS AND CREW OF LIGHTHOUSE TENDER "ARMERIA."

The next business on the Private Calendar was the bill (H. R. 16090) for the relief of the officers and crew of the lighthouse tender *Armeria*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

JOSEPH F. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 16519) for the relief of Joseph F. Mitchell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the accounts of or to pay out of any money in the Treasury not otherwise appropriated, to Joseph F. Mitchell, of Newark, S. Dak., the sum of \$560.02, being the value of checks, money orders, stamps, and money taken from his custody as postmaster at Newark, S. Dak., by burglars on August 13, 1915.

The committee amendment was read, as follows:

Strike out all the matter just read and insert in lieu thereof the following: That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Joseph F. Mitchell, postmaster at Newark, S. Dak., in the sum of \$551.06, being the value of postage stamps taken from his custody as postmaster.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES T. PETTY, ETC.

The next business on the Private Calendar was the bill (H. R. 9760) for the relief of James T. Petty, Charles W. Church, and others, executors of Charles B. Church, deceased; Jesse B. Wilson and George T. Dearing.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

H. B. ROGERS.

The next business on the Private Calendar was the bill (H. R. 8844) for the relief of H. B. Rogers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the title of H. B. Rogers in and to the southeast quarter section 28, township 12 north, range 12 east, Columbia County, Wis., be, and the same is hereby, quieted and confirmed, and the Secretary of the Interior be, and he is hereby, directed to issue a patent therefor to the said H. B. Rogers.

The committee amendment was read, as follows:

Strike out, on page 1, lines 3 to 8, inclusive, and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying all the right, title, and interest of the United States to the southeast quarter section 28, township 12 north, range 12 east, Columbia County, Wis., to H. B. Rogers upon the payment by him to the United States of the sum of \$1.25 per acre.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HALVOR NILSEN.

The next business on the Private Calendar was the bill (H. R. 11860) for the relief of Halvor Nilsen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to issue a patent to Halvor Nilsen, of Wababica, Minn., for the northwest quarter of northwest quarter section 24, township 161 north, range 32 west, fifth principal meridian, Minnesota, regardless of the fact that said Halvor Nilsen commuted a former homestead entry under the provisions of section 2301, Revised Statutes, subsequently to the date of the act of June 5, 1900 (31 Stats., p. 267): *Provided,* That



said Halvor Nilsen make satisfactory proof of his compliance with the homestead law and pay any amounts due under the entry for the land herein described.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ELIZABETH DAVIS.

The next business in order on the Private Calendar was the bill S. 3617, an act for the relief of Elizabeth Davis.

The title was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

PROPERTY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION IN WASHINGTON, D. C.

Mr. CULLOP. Mr. Speaker, the next bill, I understand, has been passed by some prior action of the House. I ask that the present bill (S. 5172) be laid on the table.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the bill be stricken from the calendar.

Mr. MANN. Let us see what the status of it is. This is a Senate bill that is on the calendar. I think we passed an identical bill—

Mr. CULLOP. We passed the identical bill.

Mr. MANN. Then, the gentleman does not want to lay it on the table.

Mr. CULLOP. I ask that it be stricken from the calendar.

Mr. MANN. It is a mere error on the part of the clerk who makes up the calendar.

Mr. CULLOP. I ask that it be stricken from the calendar, then.

Mr. MANN. The gentleman does not have to ask the House to do that.

The SPEAKER pro tempore. The gentleman from Indiana asks that the bill be stricken from the calendar.

Mr. MANN. The bill can not be stricken from the calendar. We passed it. We have no control of the bill.

Mr. CULLOP. I will ask whether it was this bill or the House bill that was passed.

The SPEAKER pro tempore. The Chair will state that it was the Senate bill which was passed.

Mr. MANN. This is the bill we passed. If we passed it again, we would do so irregularly. The Clerk will take it from the calendar now.

JOSEPH C. AKIN.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the House return to Calendar No. 316.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to return to Calendar No. 316. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the same.

The Clerk read the title, as follows:

A bill (H. R. 2743) for the relief of the widow of Joseph C. Akin.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to make a brief statement.

Mr. MANN. This is subject to objection yet.

The SPEAKER pro tempore. Yes.

Mr. TAYLOR of Colorado. I want to make a brief statement in relation to this bill. It is for the relief of the widow of Joseph C. Akin. Akin was summoned by the United States marshal of Utah to assist him in arresting an Indian charged with the murder of a Mexican. Akin was acting in the line of duty as a deputy United States marshal when he was shot and killed by the Ute or Piute Indians. Akin was a good citizen, and he was performing an act of good citizenship, and there never was any more just claim than this bill for the relief of his widow.

Mr. MANN. Let me make a little suggestion to the gentleman from Colorado. I do not know whether he has read the report or not. Probably he is familiar with it.

Mr. TAYLOR of Colorado. Yes; I have read the report of the committee.

Mr. MANN. If he has read the report, then it must have occurred to him that in the report there is nothing to show that Joseph Akin was a deputy marshal, nothing to show that he was killed, and the Attorney General has no information upon the subject. Now, when a report comes in here 14 pages long, in fine print, to pay money on the theory that he was killed as a deputy marshal, and nothing to show that he was a deputy marshal, and nothing to show that he was killed, no

positive evidence to show the Attorney General anything about it, the gentleman must not expect to pass that bill by unanimous consent.

Mr. TAYLOR of Colorado. There was amply sufficient data before the Claims Committee to satisfy the committee that Joseph Akin was killed. There can be no question about his identity, or his appointment, or his service, or his death. He was not a regular deputy marshal under an annual salary. He was summoned on this occasion to go down there and help arrest this Ute Indian, Tsenegat.

Mr. MANN. I suppose we ought to take the gentleman's statement for that, and probably would, and yet you can not determine those things very well on the floor of the House. Here is a long report, consisting of 14 pages of fine print, and nothing in it to indicate that the man was a deputy United States marshal. The Attorney General knows nothing about it. Of course, we are entitled to some official information—

Mr. TAYLOR of Colorado. There is no doubt about that. But I think the committee report contains that information. The committee had more information than is in their report, I think.

Mr. MANN (continuing). When we pay on the ground that an employee of the Government is killed in the service.

Mr. COOPER of Wisconsin. Was the claim made on the ground that he was a deputy marshal or simply as a part of a posse comitatus?

Mr. TAYLOR of Colorado. As I understand it, he was summoned and appointed temporarily by the United States marshal of Utah as a deputy marshal to act as a member of the posse to go and arrest that Indian.

Mr. COOPER of Wisconsin. Is there anything in the report to show that he was summoned as a member of the posse?

Mr. MANN. Before the gentleman gets entirely crisscross on this in reply to the inquiry of the gentleman from Wisconsin, let me read to him from the bill:

Joseph Akin, who, while in the discharge of his duty as a deputy United States marshal, was killed—

And so forth. Do not tell the gentleman that he was not a deputy marshal—

Mr. TAYLOR of Colorado. He was not one of the regular deputy United States marshals of Utah or Colorado either. He was only appointed and acting as such in that case.

Mr. MANN. I do not know what he was. There is nothing in the report to indicate anything about it.

Mr. TAYLOR of Colorado. But he was summoned as a deputy to come out and help arrest these Indians.

The report, by telegram, of Lorenzo D. Creel, special agent scattered bands of Indians in Utah, made to Cato Sells, Commissioner of Indian Affairs, on page 8 of this report, shows that Akin was a deputy marshal and how he was killed, as follows:

MOAB, UTAH, February 22, 1915.

SELLS, Commissioner, Washington, D. C.:

Bluff reports posse captured three more Indians and scattered the others. Now waiting orders. Marshal en route Grayson to Bluff. Attorney Cook en route Thompsons to Moab. Have sent relay team to meet marshal. Wires self and Cook hurry to Bluff, bringing all irons available. Moab. Grand County sheriff assisting me arranging relay Moab to Bluff, 120 miles. Much deep snow between; mud deep, other than snow. Probably horseback only means practicable. Kin Akin, deputy, Cortez, Colo., killed. Will keep office advised if line working. Otherwise no means communication. Marshal reports Indians en route around Bluff. Keeping wire cut. Am confident marshal controls situation. San Juan County inhabitants reported panic-stricken. Marshal has 75 frontier range mounted men from outside settlements addition to Bluff men.

CREEL, Special Agent.

The Secretary of the Interior reported upon this bill as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, February 23, 1916.

Hon. E. W. POE,  
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. POE: I have your letter of February 8, inclosing for report, etc., copy of bill (H. R. 2743) for the relief of the widow of Joseph C. Akin.

The death of Mr. Akin occurred on or about February 21, 1915, in connection with the efforts of the United States marshal for Utah to arrest a Ute Indian named Everett Hatch, or Tsenegat, who was wanted on a charge of murder alleged to have been committed on or about March 30, 1914. While the records and the direct correspondence relative to the employment, service, and death of Mr. Akin would be in the files of the Department of Justice or its field offices, there are inclosed herewith copies of a number of letters and telegrams bearing on the case selected from the Indian Office file of the whole case, which contains many papers, letters, etc., which are not believed to have sufficient value in the consideration of this claim to warrant copying them or burdening the file with them.

The Attorney General will probably be in a better position to make a direct recommendation on this bill, as Mr. Akin was in the employ of his department.

Cordially, yours,

FRANKLIN K. LANE, Secretary.

Mr. COOPER of Wisconsin. Could not the gentleman make his bill perfectly good by striking out that reference to the man being a deputy marshal?

Mr. MANN. That is the only ground upon which they are asking pay.

Mr. COOPER of Wisconsin. But suppose the bill contained this language: "Duly summoned as a part of a posse comitatus"?

Mr. TAYLOR of Colorado. If the gentleman from Illinois objects to the consideration of the bill only on the ground of an insufficient report, I will endeavor to secure a more elaborate report. I think the committee has all the information necessary.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman from Illinois permit me to call his attention to the report of the United States Attorney General, also, upon this bill, which is as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., March 7, 1916.

Hon. E. W. POU,  
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. CONGRESSMAN: The department is in receipt of your letter of February 24, 1916, inclosing a copy of H. R. 2743, introduced by Congressman TAYLOR, of Colorado, for the relief of Mrs. Joseph C. Akin, whose husband was killed while acting as deputy United States marshal in attempting to arrest a Piute Indian charged with murder.

This matter has been given very careful consideration, but as to the passage of legislation of this character, involving purely a question of policy, I do not feel that I should make any recommendation to Congress in regard thereto.

Concerning your request for all papers, or copies of same, on file in this department relating to this claim, you are advised that an examination of the files of this department does not disclose any papers in addition to correspondence heretofore had with Congressman TAYLOR, who introduced the bill, and a letter which was written to Senator THOMAS, of Colorado, on January 3, 1916, acknowledging his letter of December 27, 1915, and advising him that the only relief, if any, that can be obtained is through congressional action.

Respectfully,

T. W. GREGORY, Attorney General.

Mr. COOPER of Wisconsin. It refers to him as a deputy. He was a member of a posse duly summoned.

Mr. TAYLOR of Colorado. He was regularly deputized by the United States marshal for the arrest of that Indian and was killed by the Indians while he was in the performance of his duty assisting the marshal.

The SPEAKER pro tempore. The Chair will call attention to the fact that the gentleman from Illinois [Mr. MANN] objected to the bill, and this colloquy is entirely out of order.

Mr. TAYLOR of Colorado. I was asking the gentleman from Illinois if he would withhold his objection until I called attention to these facts that are shown in this report.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN P. SUTTON.

The next business on the Private Calendar was the bill (H. R. 16719) for the relief of John P. Sutton.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws John P. Sutton, who enlisted in Company H, Eighteenth Regiment United States Infantry, on the 27th day of March, 1866, under the name of Gilbert Sutton, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment under his true name of John P. Sutton.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

KATE CANNIFF.

The next business on the Private Calendar was the bill (S. 798) for the relief of Kate Canniff.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

JOHN E. KEYS.

The next business on the Private Calendar was the bill (H. R. 1963) for the relief of John E. Keys.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to John E. Keys, for injuries received during the construction of the Corbett Tunnel on the Shoshone reclamation project in Wyoming.

With a committee amendment, as follows:

Strike out, on page 1, line 5, "\$2,000" and insert "\$602."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MIKE G. WOMACK.

The next business on the Private Calendar was the bill (S. 3533) for the relief of Mike G. Womack.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike G. Womack, the sum of \$1,000, in full compensation for injuries received by him on July 28, 1914, while in the performance of his duties as an employee of the United States Government in connection with the construction of roads within the Crater Lake National Park, in the State of Oregon.

With a committee amendment, as follows:

On page 1, line 6, strike out "\$1,000" and insert "\$657.30."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

CHARLES L. SCHROEDER.

The next business on the Private Calendar was the bill (H. R. 15797) for the relief of Charles L. Schroeder.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

HORACE M. BLUNT.

The next business on the Private Calendar was the bill (H. R. 5020) for the reimbursement of Horace M. Blunt for the loss of a horse while hired by the United States Geological Survey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ROBERT T. LEGGE.

The next business on the Private Calendar was the bill (H. R. 2205) for the relief of Robert T. Legge.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

JOHN BRODIE.

The next business on the Private Calendar was the bill (H. R. 12240) for the relief of John Brodie.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Brodie, of San Francisco, Cal., the sum of \$1,000, on account of personal injuries received by him through the explosion of a box of percussion caps while loading the United States Army transport *Sherman*, in San Francisco Harbor, on the 22d day of September, 1899: *Provided*, That no sum



of money due or to become due to the said John Brodie under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure to the benefit of the said John Brodie.

The SPEAKER pro tempore (Mr. CLINE). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES DIAMOND.

The next business on the Private Calendar was the bill (H. R. 2210) for the relief of James Diamond for horse lost while hired by the United States Forest Service.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

#### CERTAIN CLAIMS OF THE CITY OF NEW YORK.

The next business on the Private Calendar was the resolution (H. Res. 305) referring the bill (H. R. 12204) to authorize the Secretary of the Treasury to audit and adjust certain claims of the city of New York to the Court of Claims.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JAMES DIAMOND.

Mr. RAKER. Mr. Speaker, would not the gentleman withhold his objection in the case of Calendar 362, James Diamond, H. R. 2210?

Mr. MANN. I am perfectly willing to reserve objection. The man lost his horse and has been paid once for it. How many times does he want to be paid for it?

Mr. RAKER. I would like to call the gentleman's attention to the report and the recommendation of the department.

Mr. MANN. I have read it. I do not care to take up further time with it unless the gentleman has something more than is in the report.

Mr. RAKER. Of course, the Forest Service took the money out of their own hands and paid this man, and they should be paid back the amount of the claim.

Mr. MANN. This man had a horse and rented it to people in Government service. They lost it. They paid him for it, cold cash. Now, here is a bill to pay him again; not to pay the people who paid him the money, but to pay the man again for the horse.

Mr. RAKER. The Government service did not pay him.

Mr. MANN. I only know what is stated.

Mr. RAKER. Will the gentleman allow me to make a statement?

Mr. MANN. Yes.

Mr. RAKER. The record is that one of the men in charge made good to him, with the understanding that if he got the money he would pay him. He made his claim to the Forest Service, and the record is on file, and the Forest Service did not pay, simply because the accident occurred before the act was passed allowing the Forest Service to pay these claims.

Mr. MANN. Does the gentleman deny that the man was paid?

Mr. RAKER. In the record it is shown that one of the men in the service made good to him, with the understanding that he would be repaid.

Mr. MANN. Made good to him. Mr. Tompkins paid him for the horse. Is not that correct?

Mr. RAKER. That is what I say.

Mr. MANN. Now, you have got a bill to pay him again. Is not that correct?

Mr. RAKER. No; this man ought to be paid by the Government, so that he can return the money to Mr. Tompkins.

Mr. MANN. Let us see. Mr. Diamond was the owner of a horse. Mr. Tompkins had it and lost it. The gentleman admits that Mr. Tompkins paid Mr. Diamond for the horse.

Mr. RAKER. That is what the department reports.

Mr. MANN. And here is a bill that proposes to pay Mr. Diamond again for the horse. Is not that right?

Mr. RAKER. By the Government.

Mr. MANN. No; but is not that correct? The gentleman says, "By the Government." Is it not proposed to pay him a second time, when he has been paid once?

Mr. RAKER. No; it is understood that he is to return the money—

Mr. MANN. Now, the gentleman is assuming that Mr. Diamond, out of the goodness of his heart, may pay this money to

Mr. Tompkins, but I do not know anything about that and nobody else does.

Mr. CALDWELL. Will the gentleman yield for a question? Whom is the horse on?

Mr. MANN. The horse is on the gentleman from California [Mr. RAKER].

Mr. RAKER. I just want to make a clear statement. This man Tompkins, who was in charge, paid the owner of the horse so as to avoid any difficulty, as I gather from the record. Diamond is entitled to his claim from the Government. The Government found in favor of his claim, but said that the loss of the horse occurred before the act permitted the Forest Service to pay. I am perfectly willing to amend this bill so as to allow the money to be paid to Tompkins.

Mr. POU. The Government had the horse?

Mr. RAKER. Yes.

Mr. POU. And it never paid for it?

Mr. RAKER. That is it exactly. If the gentleman from Illinois will give me his attention, I am perfectly willing to amend the bill so that upon the payment to Diamond the money shall go to Tompkins, who furnished the money to him. I see I can not get the attention of the gentleman from Illinois.

Mr. MANN. Oh, the gentleman has my attention. He proposes to amend the bill in a way which is out of order. There is no evidence to show that the Government has any liability in this case at all. The evidence is that a man in the Government service who rented the horse admitted that he was in fault and paid for the horse. Now the gentleman wants us to pay for it a second time.

Mr. RAKER. No; here is the record on this matter:

DEPARTMENT OF AGRICULTURE,  
Washington, February 18, 1916.

Hon. E. W. POU,

Chairman Committee on Claims, House of Representatives.

DEAR MR. POU: Referring to your request of January 5 for a report upon the bill (H. R. 2210) for the relief of James Diamond with the records in the case and the department's opinion as to the merits of the claim, I have the honor to submit, in accordance with your request, copies of the record in this case. From the record it is shown that on May 2, 1914, Mr. Diamond signed a release of all claims against H. J. Tompkins for the value of the horse hired from Diamond which was accidentally killed while used by Tompkins on official business of the Forest Service. While passing along a dangerous trail late in the evening the ground caved, causing the horse to fall over a high cliff; Tompkins, however, was not injured through the accident.

As is further shown by the record, the payment of this money could not be made from the funds appropriated for this department. The loss of the animal occurred prior to the passage of the provision in the act of March 4, 1913, which authorized payments for losses of this character. The only reason for withholding payment was because the loss antedated the act. In order to avoid suit the money was paid out of personal funds. Since there was no negligence on the part of the forest officer this department would approve amending the bill and its title so as to authorize payment to H. J. Tompkins, a citizen of San Francisco, to reimburse him for moneys paid for the horse hired by him which was killed while used on official business in the work of the Forest Service.

Very truly, yours,

D. F. HOUSTON, Secretary.

Mr. MANN. There is nothing there to say that they would have paid it if they had had the authority.

Mr. RAKER. The letter of the Secretary of Agriculture further says:

The only reason for withholding payment was because the loss antedated the act.

Mr. MANN. Yes; they made no examination of the facts. They did not know anything about it.

Mr. RAKER. The department had the full record.

Mr. MANN. Neither do I know anything about it, and neither does the gentleman.

Mr. RAKER. I had the record. It was sent to the committee, but they did not print it. The department themselves said that the man was entitled to it, and I hope the gentleman will let the bill come up, so that we may amend it if the gentleman thinks it ought to contain that provision.

The SPEAKER pro tempore (Mr. CLINE). Is there objection?

Mr. MANN. I object.

#### CERTAIN CLAIMS OF THE CITY OF NEW YORK.

The next business on the Private Calendar was the resolution (H. Res. 305) referring the bill (H. R. 12204) to authorize the Secretary of the Treasury to audit and adjust certain claims of the city of New York to the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOSEPH A. PRAT.

The next business on the Private Calendar was the bill (H. R. 13788) for the relief of Joseph A. Prat.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph A. Prat, of New Orleans, La., out of the money in the Treasury not otherwise appropriated, the sum of \$445.89, being the amount of stamps, stamp books, and stamp rolls stolen from said Prat while chief stamp clerk at the New Orleans post office in the month of February, 1915, and thus lost by him without fault on his part, and which amount was thereafter by him paid to the Government out of his own funds.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

JOHN P. FITZGERALD.

The next business on the Private Calendar was the bill (S. 1378) to amend the military record of John P. Fitzgerald.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

WILLIAM HAROLD KEHOE.

The next business on the Private Calendar was the bill (S. 6279) for the relief of William Harold Kehoe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. SHERLEY. Mr. Speaker, this is a bill authorizing the placing upon the retired list, with the rank of second lieutenant of Infantry of the Army, of William Harold Kehoe. He was appointed to the Military Academy and served there two years. While there, in the regular course of his duties, he was kicked in the head by a horse and was confined to the hospital for some time. Shortly after coming out of the hospital he contracted tuberculosis and is now suffering from that disease. It is hoped and believed that he may make a complete recovery, in which event he is desirous of continuing his service as an officer in the United States Army. Mr. Kehoe made an unusually creditable record as a cadet, and the action here asked to be taken is in line with two previous cases in which similar action was had. It is believed that the Government can well afford to put this boy in a position where he may be of usefulness to the Government in case of his recovery. In the absence of his recovery, the expense incident to the pay that he would receive as a retired second lieutenant would not be sufficiently great to entail a burden upon the Government, and this would seem to be an equitable thing to do in the interest of the boy.

Mr. MANN. Mr. Speaker, reserving the right to object, a man who goes through West Point and becomes a second lieutenant in the Army on his graduation, if anything happens to him thereafter which renders him unavailable for active service, goes on the retired list at three-quarters pay. While he is a cadet at West Point, although he is theoretically in the military service of the United States, he receives a certain compensation from the Government to take care of his expenses, but if he falls physically or mentally he does not go on the retired list.

There have been one or two cases passed where we have provided that these cadets go on the retired list. It has seemed to me that when a Member of Congress gave especial reference to some one in his district and had him educated at West Point at public expense, picking him out as against the other boys who had to pay their own expenses at college, that there was no special reason why, if that boy failed either mentally or physically, we should take care of him after that. This bill has passed the Senate, and since it has passed the Senate one or two other bills of the same character have been introduced. This boy contracted tuberculosis at West Point, and while the report undertakes to connect that with a fall or a kick from a horse, anybody who is familiar with tuberculosis knows that that probably had nothing to do with it; but he did contract tuberculosis. I believe he is at the Fort Bayard Military Tuberculosis Sanatorium. The gentleman from Kentucky [Mr. SHERLEY] I think is in error in thinking that if this boy is put upon the retired list and recovers his health that will put him in the active service.

Mr. SHERLEY. I do not mean that that would of itself, but it would be very much easier for him to get back into the service.

Mr. MANN. I would say that it would be just as difficult to get off the retired list into the service in the way of promotion as it is to get in from private life. However, I shall vote against the bill, though I am perfectly willing that the House, even with the membership that is here, shall determine its policy in reference to such matters, as to whether we shall put boys who physically fail at West Point permanently upon the retired list by special act of Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I shall have to object. There have been a number of cases

similar to this before Congress. I am perfectly willing to abide by the judgment of the House when the judgment of the House can be taken in the ordinary way in cases of this kind, but I am not willing to have the bill passed by unanimous consent as it would be now, because there would be no opportunity for discussion of the matter.

Mr. SHERLEY. If the gentleman will permit, I have no desire to in any way prevent the House from discussing the matter. The facts are very simple.

Mr. MONDELL. The gentleman knows that where we are considering legislation by unanimous consent, it is impossible or impracticable, at least, I will say to my friend, to go into a discussion of questions of policy. This is my view in regard to these matters.

Mr. SHERLEY. If the gentleman will permit right there, I would not ask it of the House if it were setting a new precedent. The bill was not introduced by me. It was introduced by my colleague [Mr. FIELDS]. The boy is the son of a former Member of this House with whom the gentleman from Wyoming served. The bill was introduced by my colleague [Mr. FIELDS]. I know personally of the facts and the report shows two cases that are identical, where action was taken by Congress, and it did not seem to me to be unreasonable to ask that the matter be brought up in this way. If it were a brand new case, and had never been done, I would agree with the gentleman's position, and if there was any dispute as to the facts—

Mr. MONDELL. I will say to my friend that I am somewhat familiar with the case, and there are certain features of it—and consideration for those interested in the matter—that appeal to me very strongly. I regret that I shall have to object to the bill upon that account.

Mr. SHERLEY. I hope the gentleman will confine himself to a vote against the bill and let the House determine the matter.

Mr. MONDELL. The trouble is that when we allow a bill to be taken up by unanimous consent under these circumstances, there never is, and in the nature of things there can not be, a full discussion of and expression of opinion on the policy involved. My opinion is that until a man has regularly entered into the service of the Government as a soldier or a sailor—has taken up military life and assumed, finally, all its obligations—the Government is under no responsibility to care for him.

Mr. SHERLEY. The gentleman will appreciate that under the law service in the academy is service in the Army, and it has been so determined.

Mr. MONDELL. I realize that we have, I think, made the mistake of recognizing service in the Military Academy—and, I presume, in the Naval Academy—as service in computing length of service and pay. I think it is a mistake, and I thought it was a mistake at the time.

Mr. MANN. Of course, the gentleman knows it was never so intended by Congress, but that is the construction the Supreme Court has put upon it. Nobody ever dreamed of it for 40 years after the legislation was enacted.

Mr. MONDELL. I am glad to be enlightened by the gentleman from Illinois as to just how it happened to come about. My recollection is that we recognized it by legislation some little time ago.

Mr. MANN. Not originally. We stopped it by legislation some little time ago.

Mr. MONDELL. And then repealed the legislation whereby we stopped it.

Mr. MANN. I do not know whether we repealed it; I do not think so, although I am not sure about that. The first retirement act went into effect in the thirties, and in the seventies or eighties the Supreme Court determined that service in the academies covered longevity pay.

Mr. MONDELL. I recall the conditions now to which the gentleman refers.

Mr. SHERLEY. I hope the gentleman will feel disposed to let the House vote on the matter.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I demand the regular order.

Mr. MONDELL. Mr. Speaker, I shall have to object.

The SPEAKER pro tempore. The gentleman from Wyoming objects.

J. RICARDO DE BORJA.

The next business on the Private Calendar was H. J. Res. 265, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. J. Ricardo de Borja, a citizen of Ecuador.

The SPEAKER pro tempore. Is there objection?

There was no objection.



The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved, etc.,* That the Secretary of War be, and he hereby is, authorized to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said J. Ricardo de Borja shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said J. Ricardo de Borja shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct, and so recommended by the academic board: *And provided further*, That in the case of the said J. Ricardo de Borja the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, my recollection is that this is a Senate amendment on the Army bill. Does any gentleman here know?

Mr. McKENZIE. That is my recollection, that it is taken care of on the military appropriation bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be passed over on the calendar, and if it was not taken care of we can probably get it up by unanimous consent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

S. S. YODER.

The next business on the Private Calendar was the bill (H. R. 11288) for the relief of S. S. Yoder.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. S. Yoder the sum of \$1,000, which said sum was deposited with the proper authorities as a guaranty that the Washington, Spa Springs & Gretna Railroad would be constructed in accordance with the provisions of an act of Congress approved February 18, 1907, and which provisions have been complied with.

The committee amendment was read, as follows:

Page 1, lines 4 and 5, strike out the words "any money in the Treasury not otherwise appropriated" and insert the words "the revenues of the District of Columbia."

Mr. MANN. Mr. Speaker, will that accomplish the purpose all right?

Mr. JOHNSON of Kentucky. That is the judgment of the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM H. WOODS.

The next business on the Private Calendar was the bill (H. R. 10007) for the relief of William H. Woods.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the sum of \$152.21 is hereby appropriated, out of any money in the possession of the United States belonging to the Choctaw and Chickasaw Indian Tribes not otherwise appropriated, to reimburse William H. Woods for expenses incurred by him as assistant tribal attorney of the Chickasaw Indians between the date of December 31, 1913, and May 4, 1914, inclusive.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NATHANIEL MONROE.

The next business on the Private Calendar was the bill (S. 1781) for the relief of Nathaniel Monroe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Nathaniel Monroe, who was a private of Company B, First Regiment East Tennessee Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of May, 18'3: *Provided*, That no back pay, bounty, or pension shall accrue to him prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

THOMAS BAKER.

The next business on the Private Calendar was the bill (H. R. 15718) for the relief of Thomas Baker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, let us have the bill reported.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws Thomas Baker, who enlisted in the Army on the 14th day of May, 1861, serving as a private of Company G, Thirtieth Regiment New York Volunteer Infantry, until the 21st day of September, 1861, and who later enlisted in the Twenty-second Regiment New York Volunteer Cavalry on the 7th day of December, 1863, serving as a private until the 18th day of May, 1865, when he was honorably discharged, shall hereafter be held and considered to have been honorably discharged from the Army service of the United States on the 21st day of September, 1861: *Provided*, That no pay, bounty, or other emoluments shall accrue or be payable by virtue of this act, and that the pensionable status herein granted shall date from the approval of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JACOB B. MOORE.

The next business on the Private Calendar was the bill (H. R. 14679) for the relief of Jacob B. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, let us have the bill reported.

The Clerk read as follows:

*Be it enacted, etc.,* That the sum of \$242.60 is hereby appropriated, out of any money in possession of the United States belonging to the Chickasaw Tribe of Indians not otherwise appropriated, to reimburse Jacob B. Moore, of Ardmore, Okla., for probate expenses incurred and paid by him in the performance of his duty as attorney for the Chickasaws under a contract between him and Douglas H. Johnston, governor of the Chickasaw Nation, approved by the President of the United States December 1, 1913.

The committee amendment was read, as follows:

Page 1, line 3, strike out "\$242.60" and insert "\$392.60."

Mr. MANN. Mr. Speaker, I would like to have some explanation of the bill and the amendment.

Mr. CARTER of Oklahoma. Well, the purpose of this bill is to pay to Jacob B. Moore—

Mr. MANN. It is to take money out of the Treasury, I know that.

Mr. CARTER of Oklahoma (continuing). A probate attorney, who contracted with the governor of the Chickasaw Nation to look after the probate affairs of the Chickasaw Indians. The governor, in drawing up the contract, was not an expert on departmental rules and regulations, and used language that did not include his office expenses, stenographer's expenses, telephone expenses, and some other expenses of this probate attorney. That contract existed for several months, and afterwards another contract was made which did include them, and the comptroller, perhaps correctly, refused to pay out this amount, which was intended to have been included in the original contract.

Mr. MANN. Well, now, let us see. We just passed a bill just like it, as far as that part is concerned, and I did not object to it, but I know I had a good deal of doubt about it. They made a contract with a man to do legal services. Now the man comes in and wants to be paid for his telephone services, rent of his desk—

Mr. CARTER of Oklahoma. No; rent of his office.

Mr. MANN. Oh, he probably only had a desk.

Mr. CARTER of Oklahoma. No; he had an office.

Mr. MANN. Well, he had an office all the time, did he?

Mr. CARTER of Oklahoma. He had an office.

Mr. MANN. Where is his office; was it in his hat? He did not change his office, did he?

Mr. CARTER of Oklahoma. Oh, yes; he did. He added to it.

Mr. MANN. He could pay the rent for himself. Did he have two offices?

Mr. CARTER of Oklahoma. As I recall, he had two—or two rooms—and when he was appointed probate attorney he added another.

Mr. MANN. Oh, a third room; yes.

Mr. CARTER of Oklahoma. And when he was in practice for himself, if the gentleman will permit me, he had his own business to look after. When he became probate attorney he ceased to take any other business—

Mr. MANN. I guess he did not cease to take other business—

Mr. CARTER of Oklahoma. Oh, yes.

Mr. MANN. How much pay did he get?

Mr. CARTER of Oklahoma. Two thousand five hundred dollars.

Mr. MANN. He was not a very great lawyer if he did not take any other business.

Mr. CARTER of Oklahoma. He was a good young lawyer.

Mr. MANN. I do not think he claims he did not take any other business. However, he is now claiming for the stenographer's fees, and office, telephone, and rent, and has sent the gentleman a bill—the gentleman has introduced it, to cover those expenses, \$242.60—and when the bill is reported they report to give him \$150 more. And I had the curiosity to go quite carefully into it and find out why they gave him \$150 more. And I am not quite fully satisfied with my information; but, so far as I can find out, it is for stenographer's service after his contract expired.

Mr. CARTER of Oklahoma. No.

Mr. MANN. That is what the report says.

Mr. CARTER of Oklahoma. Then the report is in error.

Mr. MANN. That might happen. He had a contract which expired on June 30, 1914. That is what the report says.

Mr. CARTER of Oklahoma. Now, perhaps I understand what the gentleman means.

Mr. MANN. That was a contract that did not mention stenographer's services, though probably about to do so. It expired on June 30, 1914, and he sent the bill covering those expenses down to the end of June 30, 1914, and then he gets the committee to allow him \$150 for stenographer's services for July, August, and September, 1914, after his contract had expired.

Mr. CARTER of Oklahoma. I think I can explain it to the gentleman.

Mr. MANN. The gentleman will need to in order to get the bill passed.

Mr. CARTER of Oklahoma. This gentleman, Mr. Jacob B. Moore, submitted this matter to me and advised me that I would find an itemized statement of the account filed in the Indian Bureau, where it had been rejected by the comptroller. It seems that when I first received this account the allowance for stenographer was omitted, and on this I introduced the bill. The bill as introduced was sent to Mr. Moore, and Mr. Moore advised me it was \$150 short; that I would find the other account in the archives of the Indian Bureau, which I did. When I found that bill and presented it to the committee, the committee amended the bill at my suggestion to include the \$150, which is certainly as just an account as the other.

Mr. MANN. Let us get at facts in these cases. The contract which this attorney had expired June 30, 1914, did it not?

Mr. CARTER of Oklahoma. I do not remember the date. If the gentleman says so, I will assume that that is correct.

Mr. MANN. That is my note on it, and that is my recollection of it, and that is his statement of it.

Mr. CARTER of Oklahoma. Then it must be correct.

Mr. MANN. And on June 30 the man was ill. If he paid out money to a stenographer while he was ill, I do not know what the stenographic services were for. He was not at his office; I do not know why the Government should pay him. He had no contract with the Government then.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. CARTER of Oklahoma. The stenographer's fees, if they were paid, were for the stenographer's actual services. Whether they were for the time this probate attorney was sick, I do not know. But, even if they were, there had to be some one in the office to look after these matters for the Indians, and his stenographer did quite a good deal of his correspondence, and things of that kind, even in Mr. Moore's absence in the field, so I assume he continued to do so while he was sick.

Mr. MANN. My recollection is that his contract was not running at that time.

Mr. CARTER of Oklahoma. His contract has been running right along—perhaps not this contract, but a new contract was made at the expiration of the old one, to run right along until he resigned, for the reason that he was not able to pursue this office and neglect other business at the salary he was being paid.

Mr. MANN. I do not know what other contract he had, but here is the statement of Douglas H. Johnston, who made the contract for the Indians, to be found on top of page 6 of the report. This is the contract:

That the said party of the first part, as governor of the Chickasaw Nation, and in behalf of said nation, and acting under the authority vested in him as such governor and in accordance with section 26 of

the act of Congress approved April 26, 1906, hereby contracts with, retains, and employs the party of the second part, whose employment shall date from approval of this contract and continue until June 30, 1914, subject to the approval of the President of the United States, as provided by section 28 of the act of Congress of April 26, 1906, hereinabove referred to.

I do not know what other contracts he may have, but here is the contract upon which this report is based, which ended June 30, 1914. I can not see any reason why we should pay stenographers' fees after June 30, 1914, based on that contract, and that is the only evidence that there is before us.

Mr. CARTER of Oklahoma. Will the gentleman call my attention to the statement where it is set out that the stenographer's fees were for a time after?

Mr. MANN. On page 5 of the report, where it says:

That the following expenses, to wit:	
Stenographer service for July, 1914.....	\$50
Stenographer service for August, 1914.....	50
Stenographer service for September, 1914.....	50

Mr. CARTER of Oklahoma. This man Moore has been in the employ of the Indian Bureau ever since his contract was first made.

Mr. MANN. That may all be. He has been in luck, then.

Mr. CARTER of Oklahoma. Until about 60 days ago, when he resigned. He has used this stenographer. He has been a splendid probate attorney, and the gentleman will find that he really has done good work in protecting the Indians.

Mr. MANN. I have been an attorney myself, before coming to Congress, and frequently have been employed, sometimes on an annual salary, by this concern or that; but I never did, as far as I am concerned, send a bill to any of the people who had retained me, either for office rent, stenographic service, or telephone service. I paid that as one of the office expenses; but it may be that this gentleman ought not to. I can see no reason why we should pay him for July, August, and September, based upon a contract which expired June 30. Now, he makes his own statement. I have read his statement. If he is a good attorney, he ought to make a statement that would show the reason for the money coming to him.

Mr. CARTER of Oklahoma. He is a good attorney, and he may not have had all these records before him.

Mr. MANN. He had the contract before him.

Mr. CARTER of Oklahoma. Perhaps he did not know that it would come under the scrutiny of the gentleman's eye.

Mr. MANN. Perhaps he thought it would not come under the scrutiny of anybody.

Mr. CARTER of Oklahoma. This is the same kind of bill that was passed a few minutes ago, and it is the same rate of compensation that is allowed to all probate attorneys.

Mr. MANN. None of them has gotten it. They could not get it under this kind of a contract.

Mr. CARTER of Oklahoma. Perhaps I have not made myself quite clear. This probate attorney served before the time we had a specific law for the probate attorneys. He served under a contract permissible under the old act. It was necessary to have them, and there was no law for their payment, so he made a contract with the chief of the Chickasaw Nation. The contract was approved by the President. Now, as the gentleman will recall, some two or three years ago we passed a law providing for probate attorneys, and authorizing the Secretary of the Interior to appoint them without the necessity of going into contracts, and this probate attorney has served under that law since that time. Prior to that time he served under a contract with the chief of the tribe. I hope that the gentleman will let this go through. This is a very just and deserving claim.

Mr. MANN. But the gentleman does not seem to get the point. Here is a man who makes his own statement. I have read it in the Record, signed by J. B. Moore. He says: "These are expenses incurred while I was employed as assistant tribal attorney under contract with Gov. Johnson, dated November 17, 1913." That is clear. Then I read the contract, which is also in the Record of that date. It says that the contract expired June 30, 1914. Then I find that the items of expense occurred after June 30, 1914. An attorney who does not know any better how to get up his case than that is not much of an attorney.

Mr. CARTER of Oklahoma. Perhaps he made a mistake about that, as we all do occasionally.

Mr. MANN. Of course I am not responsible for his mistakes.

Mr. CARTER of Oklahoma. The gentleman is a deserving man, and he has done more work perhaps than any other probate attorney among the Five Civilized Tribes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I shall have to object.

The SPEAKER pro tempore. The gentleman from Illinois objects.



## EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the child-labor bill, including some remarks by Raymond Robins.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the Record on the child-labor bill, including some remarks by Raymond Robins. Is there objection?

There was no objection.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the farm-loan act.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record on the farm-loan act. Is there objection?

There was no objection.

JOHN DOWD.

The next business on the Private Calendar was the bill (H. R. 15725), to confirm the entry of John Dowd.

The title of the bill was read.

The SPEAKER pro tempore (Mr. LINTHICUM). Is there objection to the consideration of the bill?

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to substitute for this bill S. 6013, which is on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent to substitute the bill S. 6013 for this bill. Is there objection?

Mr. MANN. Is the Senate bill there?

Mr. SMITH of Idaho. They are identical except for the transposition of one word to correct the phraseology.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to issue United States Government patent on the homestead entry of John Dowd, known as Boise 06054, for the following-described land:

Lot 5 of section 34, township 3 north, range 4 west, and lots 2 and 3 and southeast quarter of northwest quarter, section 3, township 2 north, range 4 west, Boise meridian, Boise land district, Idaho, containing 147.86 acres: *Provided*, That the said John Dowd or his transferee shall pay to the United States Government the commutation price of \$184.83.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the House bill of similar tenor will lie on the table.

There was no objection.

The SPEAKER pro tempore. The clerk will report the next bill.

WILLIAM H. INGLE.

The next business on the Private Calendar was the bill (H. R. 16744) to validate the homestead entry of William H. Ingle for certain land in Colorado.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to have Senate bill 6331 taken from the Speaker's table and considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

Mr. MANN. Mr. Speaker, let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.,* That homestead entry 014316, Sterling series, made by William H. Ingle for the southeast quarter of section 5, township 1 north, range 49 west, sixth principal meridian, Colorado, be, and it is hereby, validated and permitted to remain intact, in the same manner as though said Ingle had not, in the year 1873, made a homestead entry for 160 acres and perfected title thereto.

Mr. MANN. Mr. Speaker, I wish the Clerk would report the first line after the enacting clause again.

The SPEAKER pro tempore. The Clerk will again report the first line after the enacting clause.

The Clerk read as follows:

Line 3: That homestead entry 014316.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the House bill will lie on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

ADELAIDE L. GIBBS, WIDOW OF ROBERT M. GIBBS.

The next business on the Private Calendar was the bill (H. R. 16116) for the relief of the widow of Robert M. Gibbs.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Cox] objects. The Clerk will report the next bill.

JAMES H. C. MANN.

The next business on the Private Calendar was the bill (H. R. 8970) for the relief of James H. C. Mann.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws James H. C. Mann shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private of Company D, Seventh Regiment Kentucky Volunteer Cavalry, on the 19th day of November, 1862.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FRED E. JACKSON.

The next business on the Private Calendar was the bill (H. R. 4517) for the relief of Fred E. Jackson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. MILLER of Delaware. Will the gentleman withhold the objection?

Mr. MANN. I will reserve the right to object.

Mr. MILLER of Delaware. This bill was reported by my colleague [Mr. SWIFT]. It was introduced by the gentleman from Nevada [Mr. ROBERTS], who went thoroughly over the matter with the committee, and, although there is no out-and-out recommendation from the department, the facts as presented to the committee by the gentleman from Nevada [Mr. ROBERTS], supported by affidavits, seem to make a sufficiently strong case for the bill to be reported by the committee. When it first came up before the committee I opposed it—

Mr. MANN. Suppose the accident had happened in 1842 or 1792. Does the gentleman think the bill ought to be reported?

Mr. MILLER of Delaware. I do not think that enters into the merits of the case.

Mr. MANN. Oh, I think it does. It is something that happened in 1892. It is 24 years old. Now, of course, it is pretty hard to know just what to do. The gentleman would not answer the question that I put to him. Suppose it had happened in 1792.

Mr. MILLER of Delaware. I do not think that has any bearing on the merits.

Mr. MANN. I think it has, and I am not willing to go back 24 years on these claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ANDREW M. DUNLOP.

The next business on the Private Calendar was the bill (H. R. 2204) for the relief of Andrew M. Dunlop.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

J. B. PATTERSON.

The next business on the Private Calendar was the bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

HEIRS OF ALBERT SIDNEY JOHNSTON.

The next business on the Private Calendar was the bill (S. 5441) for the relief of the heirs of Albert Sidney Johnston.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

MRS. JENNIE BUTTNER.

The next business on the Private Calendar was the bill (H. R. 13820) for the relief of Mrs. Jennie Buttner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Jennie Buttner, widow of the late Morris S. Buttner, out of funds in the Treasury not otherwise appropriated, the sum of \$1,380, as compensation to her for the loss of her husband, who, on the 27th day of February, 1916, died of typhus fever contracted while in discharge of his official duties as mounted inspector of the United States Immigration Service.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MILWAUKEE BRIDGE CO.

The next business on the Private Calendar was the bill (H. R. 14571) for the relief of the Milwaukee Bridge Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Milwaukee Bridge Co., of Milwaukee, Wis., a corporation of the State of Wisconsin, out of any money in the Treasury not otherwise appropriated, the sum of \$640, the same being the amount of liquidated damages deducted from the contract price for failure to complete within the stipulated time the work of constructing and erecting lock gates at Hurricane Shoals, Trinity River, Tex., under contract dated December 22, 1915, between the Milwaukee Bridge Co. and the United States.

With the following committee amendment:

Page 2, line 1, strike out "fifteen" and insert "thirteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ESTATE OF JAMES A. CHAMBERLAIN.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 332 (H. R. 13106), for the relief of the trustee and parties who are now or may hereafter become interested in the estate of James A. Chamberlain under the terms of his will.

The SPEAKER pro tempore. The gentleman asks unanimous consent to return to Private Calendar No. 332. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the trustee and parties who are now or may hereafter become interested in the estate of James A. Chamberlain, of Boston, Mass., under the terms of his will, the following United States 6 per cent coupon bonds, issued under the act of March 3, 1865 (consols of 1865), namely: Bond No. 56743, for \$100, included in the fifty-third call; bond No. 17626, for \$500, included in the forty-ninth call; bond No. 83794, for \$1,000, included in the fifty-third call, with interest from July 1, 1871, to the dates on which said bonds ceased to bear interest, said bonds and interest coupons attached, dated January 1, 1872, and subsequently, which are outstanding, having been lost by the said Chamberlain on or about January 5, 1872: *Provided*, That all the parties in interest shall first file in the Treasury a bond in a penal sum equal to double the amount of principal of said bonds and the interest accrued thereon, with good and sufficient securities, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the redemption of said bonds and the payment of the accrued interest thereon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the following committee amendment:

Page 1, line 7, after the word "to," strike out the words "redeem, in favor of the trustee and parties who are now or may hereafter become interested in the estate of James A. Chamberlain, of Boston, Mass., under the terms of his will," and insert in lieu thereof the following: "pay to Ferdinand M. Holmes, trust officer of the Old Colony Trust Co., Boston, Mass., which institution is trustee of the estate of James A. Chamberlain, the sum of \$1,000, which sum is for the redemption of."

Mr. MANN. Mr. Speaker, I ask unanimous consent, in line 10, in the committee amendment, after the figures "\$1,000," to insert the following language:

out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to insert after the figures "\$1,000" in the committee amendment the words "out of any money in the Treasury not otherwise appropriated." Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 16, after the word "that," strike out the word "all," and after the word "the" strike out the word "parties" and insert the word "party."

Mr. MANN. Mr. Speaker, I think the committee is a little in error about this. This is a case where bonds have been lost. They belong to the trust officer, Ferdinand M. Holmes, and the provision that we always put in is that the parties who get the money on account of these lost bonds shall furnish a bond, and the committee in this case has made it read "that the party in interest shall first file in the Treasury a bond." I think the bill should provide that Ferdinand M. Holmes shall file a bond. If we propose to pay Mr. Holmes there is no reason why the Treasury Department should ascertain who the party in interest is. I suppose that the real party in interest is some one else, but we should provide that the man to whom we furnish the money shall furnish the bond.

Mr. STEPHENS of Mississippi. Mr. Speaker, I have no objection to accepting an amendment to that effect, as far as I am concerned.

Mr. MANN. Then we should strike out the word "all," which is one of the committee amendments, in line 16, and the word "parties," but I do not want to insert the word "party" in place of it. I therefore ask unanimous consent to amend line 16, page 2, so that it shall read: "*Provided*, That Ferdinand M. Holmes shall first file."

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to amend line 16, page 2, so that it shall read: "*Provided*, That Ferdinand M. Holmes shall first file," in lieu of the committee amendment. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 19, after the word "sufficient," strike out the word "securities" and insert the word "surety."

The SPEAKER pro tempore. The question is on the adoption of the committee amendments as modified by the gentleman from Illinois.

The committee amendments as modified were agreed to.

The bill as amendment was ordered to be engrossed and read a third time, was read the third time, and passed.

BARKENTINE "MABEL I. MEYERS."

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, with a Senate amendment thereto, and concur in the Senate amendment. The Senate amendment reads as follows:

At the end of section 1 insert the words: "*Provided*, That no award or judgment shall be made for prospective profits."

Senator WEEKS has called me up and is very anxious to get this matter considered. I therefore make this request.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to take from the Speaker's table the bill H. R. 11129, with a Senate amendment thereto. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. COOPER of Wisconsin. Mr. Speaker, before the request is granted I ask that the bill be read.

Mr. MANN. This is a House bill with a Senate amendment. It has already passed the House.

Mr. STEPHENS of Mississippi. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

JAMES ANDERSON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1093) to correct the military record of James Anderson.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws James Anderson, who was a private in Company A, Cass County Regiment Missouri Home Guards, and Company A, Second Battalion Missouri State Militia Cavalry, and Company F, Fourteenth Regiment Kansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.



as a member of the last-mentioned company and regiment on the 19th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Anderson."

JAMES R. M'GUIRE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8411) for the relief of James R. McGuire.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of the pension laws James R. McGuire shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Second Regiment Kentucky Volunteer Cavalry, on the 30th day of November, 1864.

With the following committee amendment:

After the word "sixty-four," on page 1, line 8, insert: "*Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS E. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 5221) for the relief of Thomas E. Phillips.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of the pension laws Thomas E. Phillips shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal in Company B, Sixteenth Regiment Ohio Volunteer Infantry, on the 20th day of October, 1863: *Provided*, That no pension, bounty, or allowance shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN BERRIN.

The next business on the Private Calendar was the bill (H. R. 1867) granting an honorable discharge to John Berrin.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That John Berrin, late of Company F, Thirtieth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from said organization, and the Secretary of War is hereby authorized and directed to grant him a certificate of honorable discharge.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Berrin, who was a private of Company F, Thirtieth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 12th day of March, 1865: *Provided*, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John Berrin."

EXTENSION OF REMARKS.

Mr. HARRISON. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD by incorporating an article that appeared in La Follette's Magazine, written by Senator LA FOLLETTE, the title of which is, "Who Owns Mexico?"

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by inserting an article which appears in La Follette's Magazine, by Senator LA FOLLETTE, entitled "Who Owns Mexico?" Is there objection? [After a pause.] The Chair hears none.

CALEB T. HOLLAND.

The next business on the Private Calendar was the bill (H. R. 7045) for the relief of Caleb T. Holland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Caleb T. Holland, who was a private of Company E, Sixtieth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864.

The committee amendment was read, as follows:

Line 10, after the word "sixty-four," insert "*Provided*, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

STEPHEN J. SIMPSON.

The next business on the Private Calendar was the bill (H. R. 7763) for the relief of Stephen J. Simpson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Stephen J. Simpson, late of Company F, Thirty-first Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 19th day of July, 1865.

The committee amendment was read, as follows:

Page 2, line 1, after the word "sixty-five," insert "*Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN W. BAGGOTT.

The next business on the Private Calendar was the bill (H. R. 3223) for the relief of John W. Baggott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any law conferring rights, privileges, or benefits upon honorably discharged soldiers, John W. Baggott, who was a member of Company E, Eleventh Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided*, That, other than as set forth above, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS J. TEMPLE.

The next business on the Private Calendar was the bill (H. R. 5689) to correct the military record of Thomas J. Temple.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against, correct the military record of, and grant an honorable discharge to Thomas J. Temple, who served as a private in Company K, Thirty-first Regiment Illinois Volunteer Infantry: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The committee amendment was read, as follows:

Strike out all after the enacting clause, down to and including line 9, and insert: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas J. Temple, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 10th day of October, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Thomas J. Temple."

GEORGE W. LALAND.

The next business on the Private Calendar was the bill (H. R. 4360) to amend the military record of George W. Laland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Laland, a resident of Illinois, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Twelfth Regiment Illinois Volunteer Cavalry, on the 7th day of April, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of George W. Laland."

GEORGE WELTY.

The next business on the Private Calendar was H. Res. 318, referring the bill (H. R. 16951) for the relief of George Welty to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. BOOHER. I wish the gentleman would not object; this is simply referring it to the Court of Claims.

Mr. MANN. I would be very glad to go over the matter with the gentleman privately.

CARY B. MOORE.

The next business on the Private Calendar was H. Res. 319, referring the bill (H. R. 11807) for the relief of Cary B. Moore to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Resolved*, That the bill (H. R. 11807) for the relief of Cary B. Moore, with accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The resolution was agreed to.

EDWARD F. McDERMOTT, ALIAS JAMES WILLIAMS.

The next business in order on the Private Calendar was the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Edward F. McDermott, who served as James Williams in Company C, Ninetieth Regiment Pennsylvania Volunteer Infantry, and was subsequently transferred to Company C, Eleventh Regiment Pennsylvania Volunteer Infantry, now a resident of New York, shall hereafter be held to have been honorably discharged from the military service of the United States on the 24th day of October, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NELSON T. SAUNDERS.

The next business in order on the Private Calendar was the bill (S. 1818) for the relief of Nelson T. Saunders.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.,* That in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged officers, Nelson T. Saunders, late commissary sergeant of the Sixty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been mustered into service as a second lieutenant of Company F, Sixty-fourth New York Volunteer Infantry, September 30, 1864, vice Charles W. Schutt, promoted, and to have been honorably discharged as of that grade and organization October 13, 1864: *Provided*, That no back pay, bounty, or pension shall become due or payable by reason of the passage of this act.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN L. KELLEY.

The next business in order on the Private Calendar was the bill (H. R. 16974) for the relief of John L. Kelley.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John L. Kelley, who was a private in Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on or about the 23d day of October, 1862.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ISABELLA REID.

The next business in order on the Private Calendar was the bill (H. R. 2212) to correct the military record of George F. Reid, and to pay his widow, Isabella Reid, a pension.

The title was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

The Clerk will report the next bill.

LEONORE M. SORSBY.

The next business in order on the Private Calendar was the bill (H. R. 4544) for the relief of Leonore M. Sorsby.

The title was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

WILLIAM A. STEWARD.

The next business in order on the Private Calendar was the bill (H. R. 5385) for the relief of William A. Steward.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, William A. Steward, late of Company D, First Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of said regiment on the 14th day of January, 1863.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM H. BOYER.

The next business in order on the Private Calendar was the bill (H. R. 14927) to correct the military record of William H. Boyer.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of William H. Boyer, late of Company H, Eighty-second Regiment Ohio Volunteer Infantry, to show that said soldier was not absent without leave from July 1, 1863, to October 21, 1863: *Provided*, That no back pension shall accrue by virtue of the passage of this act.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William H. Boyer, late of Company H, Eighty-second Regiment Ohio Volunteer Infantry, shall hereafter be held and considered not to have been absent without leave from July 1, 1863, to October 21, 1863: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William H. Boyer."

GEORGE LE CLEAR.

The next business in order on the Private Calendar was the bill (H. R. 16590) for the relief of George Le Clear.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.



The bill was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws George Le Clear shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Twenty-sixth Regiment New York Volunteer Infantry, on the 30th day of April, 1862: *Provided, That no pension shall accrue prior to the passage of this act.*

Also the following committee amendment was read:

Strike out all after the enacting clause and insert the following: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Le Clear, who was a private in Company I, Twenty-sixth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 30th day of April, 1862: *Provided, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.*"

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EDWARD LOOBY.

The next business on the Private Calendar was the bill (H. R. 14245) for the relief of Edward Looby.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Edward Looby, of Battery B, Second Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.

With a committee amendment, as follows:

Strike out all after the enacting clause, down to and including line 6, and insert the following:

"That in the administration of any laws conferring rights and privileges and benefits upon honorably discharged soldiers, Edward Looby, who was a private of Battery B, Second Regiment United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said battery and regiment on the 28th day of August, 1864: *Provided, however, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.*"

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

S. SPENCER CARR.

The next business on the Private Calendar was the bill (H. R. 10697) for the relief of S. Spencer Carr.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, S. Spencer Carr shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company B, Eighth Regiment Illinois Volunteer Cavalry: *Provided, That no pension shall accrue prior to the passage of this act.*

With a committee amendment, as follows:

Strike out all after the enacting clause, down to and including line 10, and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, S. Spencer Carr, who was a first lieutenant of Company B, Eighth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States, as a first lieutenant of said company and regiment, on the 18th day of September, 1864: *Provided, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.*"

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF REMARKS.

Mr. GILLET. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a statement issued by the officers of the National Civil Service Reform League, consisting largely of correspondence with officers of the league and the Civil Service Commission.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

CARL VROOMAN.

Mr. RAINEY. Mr. Speaker, I ask leave to address the House for three minutes.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks permission to address the House for three minutes. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, on the 9th day of August my colleague from Illinois [Mr. MANN], in discussing the report of the conferees on the Army bill, referring to the Mexican situation, said:

I was very much surprised to read—I think in the morning paper—a statement said to have been made by Mr. Carl Vrooman, Assistant Secretary of Agriculture, who, the article stated, was to be in charge of the speakers' bureau at the Democratic headquarters in Chicago, giving as the reason why we had not intervened in Mexico that there were 400,000 Japanese in Mexico, and that we were afraid to get into war—

And so forth.

I am requested and authorized by the distinguished Assistant Secretary of Agriculture to say that he does not expect to take charge of the speakers' bureau in Chicago during the national campaign, nor to be in any way connected with the headquarters of the national committee in Chicago or elsewhere. He expects to stay here during this campaign—at his post of duty—discharging the duties of the high office he now holds. I am requested by Mr. Vrooman to say that at no time has he ever said, under any circumstances, that there were 400,000 Japanese in Mexico, or any number of Japanese in Mexico, and that the statement attributed to him in some paper to which my colleague from Illinois referred in his remarks on the floor on day before yesterday he never made, and the statement is entirely without any foundation in fact.

The SPEAKER. The Clerk will call the next bill.

Mr. MANN. Mr. Speaker, I ask permission to proceed for three minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. MANN. I referred to the statement the other day on newspaper authority. I have no doubt it was erroneous as to Mr. Vrooman. But where is Mr. Vrooman to-day? Is he over here in the department?

Mr. RAINEY. I do not know where he is to-day, but I know where he was yesterday.

Mr. MANN. Is he over in the department to-day?

Mr. RAINEY. At this hour yesterday he was in his office. I have not been at the department to-day. I do not know where he is to-day.

Mr. MANN. The gentleman says he is not going to make any political speeches.

Mr. RAINEY. I did not say that.

Mr. MANN. The gentleman said he was going to stay here at his post of duty. He can not do both. I did not interrupt the gentleman, by the way.

Mr. RAINEY. I expect the gentleman, Mr. Vrooman, will make political speeches, as my colleague from Illinois will.

Mr. MANN. Oh, the post of duty of the gentleman's colleague will be in making political speeches, and Mr. Vrooman's post of duty is to be in Washington, in the Department of Agriculture. [Applause on the Republican side.]

I would not have said anything about that if my colleague had not said that Mr. Vrooman stated to him that he was going to be here at his post of duty all this campaign. He will not be. He is a good talker. He will be out in the campaign, and that is the most service, probably, he can render to the country. I do not think he can render much there, although he is a fine gentleman. But why was not Mr. Vrooman candid with my colleague from Illinois and tell who did make this statement that was attributed to Mr. Vrooman? Does he not know?

Mr. RAINEY. He did not make it, I will say to the gentleman.

Mr. MANN. Oh, his brother made it, and his brother is higher up in politics than he is.

Mr. RAINEY. Oh, his brother is a Republican and has always been.

Mr. MANN. His brother is a Democratic politician, if newspaper statements are to be taken for truth. They are not always to be so taken. Undoubtedly Mr. Carl Vrooman knew, and if he did not tell my colleague, he was not very frank about it. He knew who made the statement.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. RAINEY. The statement that I denied on behalf of Mr. Vrooman was that he made the statement my colleague attributed to him day before yesterday. Now my colleague admits that it was a newspaper statement to which he referred.

Mr. MANN. I said then that it was a newspaper statement, as my colleague would say if he wanted to be at all fair. I said the other day I did not think he had made the statement.

Mr. RAINEY. You said so then, and you say so now, in order to be fair, that it was a newspaper statement; but you say now that you know there is no truth in it, and no foundation for it, and you did not say so then.

Mr. MANN. I do not know now that there is no truth in it and no foundation for it.

Mr. RAINEY. It is so hard to follow the gentleman that I will not attempt to do it.

Mr. MANN. It is a good deal easier to follow me than it is to follow the gyrations of my colleague.

Mr. RAINEY. But you will find that during this campaign Mr. Vrooman will not be connected with any headquarters of any national committee.

Mr. MANN. I was told a moment ago that he is out making a campaign speech to-day. Just while my colleague is telling us that Mr. Vrooman says with virtuous indignation, "I shall always be at my post of duty during this campaign," he is out making a speech now.

Mr. RAINEY. If he is making a campaign speech to-day he is making a good one, and in a most excellent cause, we think, and I hope he will keep it up.

Mr. SLOAN. Mr. Speaker, I desire to proceed for three minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. SLOAN. I noted what the gentleman from Illinois [Mr. RAINEY] said about the Assistant Secretary of Agriculture being in Washington yesterday. If that is true, I regret it very much, because for the last two weeks the Assistant Secretary of Agriculture, Mr. Carl Vrooman, has been billed to deliver a political speech to-day in my district at Stuart, where also my colleague [Mr. REAVIS] and possibly Mr. WALSH will meet him and discuss the national issues of the day. If Mr. Vrooman has been unable to be present and to deliver the political speech to which my people had their ears attuned, to be delivered on this day of grace, August 11, 1916, I very much regret it.

#### LEAVE TO EXTEND REMARKS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks on Private Calendar No. 405, which has passed the House.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks on Private Calendar No. 405. Is there objection?

There was no objection.

#### JOHN P. CHESLEY.

The next business on the Private Calendar was the bill (H. R. 8945) for the relief of John P. Chesley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as proposed to be amended by the Committee on Military Affairs, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John P. Chesley, who was a private in Company G, Thirtieth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 12th day of January, 1863: *Provided*, That no bounty, pay, or allowances shall be held and considered as accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### BENJAMIN R. BUFFINGTON.

The next business on the Private Calendar was the bill (H. R. 5182) requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

#### WILLIAM W. FINEREN.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 257 (H. R. 2601), a bill for the relief of William W. Fineren.

The SPEAKER. The gentleman from Florida asks unanimous consent to return to Private Calendar No. 257. Is there objection?

Mr. MANN. Reserving the right to object, this is a case of personal injury where a man has in effect already been paid the amount that he would have received under the general compensation law if that had covered his case. Now, where a man has been paid once under the compensation law, we have invariably refused to pay him a second time, and I do not think the gentleman from Florida, one of the oldest and most distinguished Members of this House, going out of the House much to the regret of all the Members in it [applause], should ask us to set a bad precedent that may cost the Government untold hundreds of thousands of dollars.

Mr. SPARKMAN. I would like to ask the gentleman where the evidence is that he has been paid at all? If so, I certainly should not press the claim again.

Mr. MANN. He was given leave of absence with pay. On page 3 of the report in the last Congress occurs this statement:

As all his absences on account of the injury have been on the status of leave with pay, either sick leave or annual leave, he has already in this way received the full measure of compensation which the compensation act would have given him—

And so forth. Now, unless we have some general policy, we are lost. In recent years we have as a new thing adopted the policy of paying by special act for the personal injuries where the general law did not cover them, and paying the same amount that the man would have received if his case had been covered by the general law. Of course that is only a year's salary. It is not large. It is no compensation to a man who loses an eye or a leg or an arm, or who gets crushed in the ribs, or mashed up, to be paid a year's salary. Nothing can compensate him, as far as that is concerned. But unless it has some policy, a legislative body is lost. Now, we pass the general compensation law which only covered certain classes of employment that were supposed to be hazardous. Since then we have adopted the policy that if a man was actually injured in some class of employment which was not considered hazardous, the proof of his injury was sufficient proof that it was hazardous, and we have paid him the same amount that we would have paid him if he had been covered by the general law. We adopted the general law so we would not have special cases. If we start in now and every time a man is allowed some amount under the general law, pass a special bill to pay him more, we shall be lost, and the Government Treasury will be depleted. I do not see how we can allow such things.

I objected to every one of these bills coming up allowing a second compensation.

Mr. SPARKMAN. Mr. Speaker, I hope the gentleman will not object until he has heard the statement I desire to make. I want to repeat again that there has been no compensation whatever paid to this man for the injury received by him. The gentleman's claim that he has received such compensation is, as I understand it, based upon the fact that while he was on leave, and on sick leave at that most of the time, undergoing surgical operations in an effort to obtain relief from the troubles this injury caused, his salary went on. Certainly, Mr. Speaker, this is not compensation. Mr. Fineren was at the time, April, 1905, in the employ of the Government as a junior engineer in the Engineer Corps of the Army. He had gone under orders from his superior to Guilford Courthouse battle ground, North Carolina, where he had been sent by the department to superintend the erection of two monuments, one to Gen. Francis Nash, the other to Gen. William Davidson, both distinguished officers in the Revolutionary War. While engaged in that work, and while standing on a scaffold about 20 feet from the ground, a large stone fell, without any negligence on his part, and broke the scaffold, throwing Mr. Fineren to the ground. On falling a piece of the scaffold struck him in the head, causing a fracture of the skull. At the same time he received other serious and permanent injuries, from which he has suffered ever since and from which he will continue to suffer as long as he lives. It was found that the fractured part of the skull was pressing on his brain, and an operation was had by trepanning in an effort to relieve him, but without success. From this skull fracture and a further injury to his spine epilepsy resulted, and this his doctors think incurable. In all he has undergone some three or four surgical operations in efforts to relieve the trouble growing out of those injuries, and each time, of course, he was off on leave, with his salary going on.



The War Department generously, as it should have, permitted his pay to continue. Now, that is the compensation my friend has in mind, for Mr. Fineren has received no other. During all these years—that is, from 1905 until now—Mr. Fineren has been absent only 140 days. At least that was the case when the reports on this bill were made. He was absent only 49 days at the time of the original injury, when he went back to his work. He had a family to support and he no doubt felt that he could not afford to be away longer from his work. As a matter of fact, he ought to have taken a longer time, which the department would no doubt have granted him if he had requested it. Everyone, from the Secretary of War down, the Chief of Engineers, the Judge Advocate General, and several others who have passed upon this matter have all agreed that this bill should be passed. I introduced the bill for \$5,000, and some of the officials have said that the entire amount ought to be allowed. The committee saw proper, however, to recommend the payment to this unfortunate man an amount equal to only one year's salary. I have heard read and noted the passage of several bills here to-day without objection from anyone, and I risk nothing in saying that none had any more merit than this one. Indeed, I will say that if there is a meritorious bill before this House among those designed to compensate for personal injuries, this is one of the very best, and I hope that in the interest of fairness and justice the gentleman will not object to its consideration.

Mr. MANN. Mr. Speaker, if this man had not already received compensation for a year's pay, I would be in favor of passing the bill and giving him compensation, but he has already received compensation amounting to a year's pay, as stated by the War Department in several reports made to Congress.

Mr. SPARKMAN. I have not found that he has received any compensation except in the way of salary.

Mr. MANN. For instance, after narrating the fact, stating that the man had received one year's pay, Maj. Ladue, of the Corps of Engineers, says:

But this appears to be a case where the measure of relief established by the compensation act is entirely inadequate.

Gen. Crowder, the Judge Advocate General, practically says the same thing, and because this man is an officer of the War Department they have been inclined to waive the rule in his case, but we can not waive the rule in one case and enforce it in the next.

Mr. SPARKMAN. No; here is what the Judge Advocate General says. I read from the last paragraph of his report:

Mr. Fineren has not lost any pay on account of the accident, and has been absent, including both annual and sick leave, only 140 days in over 8 years for medical treatment of his injuries; he has been able to continue, though with much physical suffering and mental anxiety, in the employment of the Government and to perform certain duties quite satisfactorily. He has, therefore, continued on a status of pay during the entire period in question.

Now, it has been three years since this report was made and he has been at work all of the time when not sick. He is doing the best he can to perform his duties, and the reports show that even in his present condition he is faithful and in a degree efficient. Yet at any time when at work or going along the street he may be stricken with an epileptic convulsion, as is often the case with him. He may thus be incapacitated at any moment from performing his duties, but nevertheless when able he goes on with his work, receiving no compensation except his salary, and will receive nothing to compensate him for this injury unless this bill passes. I repeat that if there is a bill on this calendar that ought to receive favorable consideration it is this one.

Mr. MANN. Of course, I do not know how much compensation he may have received, except the statement of his superior officer that he has received a year's compensation.

Mr. SPARKMAN. That is the way he has received it. They did not cut off his salary when he was sick in the hospital, and in no other way has he received anything.

Mr. MANN. What is the difference how he received it if he got a year's pay allowed while not working for the Government?

Mr. SPARKMAN. But it was not a year's pay; he was only paid for 140 days in all when he was not at work, 49 days when first injured and 91 days afterwards and down to July, 1914, when the last report was made. He may have been sick since, but there is nothing to show.

Mr. MANN. The gentleman is mistaken.

Mr. SPARKMAN. I am not mistaken. I am sure I am correct. He never has been paid a cent except his monthly salary.

Mr. MANN. I read to the gentleman before—possibly he does not believe the report—where Maj. Ladue, of the Corps of Engineers, upon whose statement the whole claim is based, said:

As all his absences on account of the injury have been on the status of leave with pay—either sick leave or annual leave—he has already in this way received the full measure of compensation which the compensation act would have given him.

Mr. SPARKMAN. That is exactly what I said—in that way that is by way of monthly salary. Here is what Maj. Ladue says:

Since his reemployment in this district he has been absent 91 working days for treatment of injuries due to the accident, of which 54 days have been charged as sick leave and 37 days as annual leave. None of these absences since his employment in this district have been without pay.

If the injury had occurred after the passage of the compensation act of May 30, 1908, and if Mr. Fineren's case had been held to come within the provisions of the act, he would have been entitled to full pay at the rate he was receiving at the time of the accident for any period of disability resulting therefrom, not exceeding one year. As all his absences on account of the injury have been on the status of leave with pay—either sick leave or annual leave—he has already in this way received the full measure of compensation which the compensation act would have given him, except for the loss of such annual leave as he might otherwise have had if it had not been used for the purpose of securing treatment for his injury.

Now, that is the way he has been paid, and it is the only compensation he has received. I quote paragraphs 2, 3, 4, 5, and 6 of the report of Gen. E. H. Crowder, Judge Advocate General, dated July 9, 1914, which sufficiently, I think, sets forth the whole matter. This part of the report is as follows:

2. It appears from the papers in reference that Junior Engineer William W. Fineren was employed as acting inspector on contract work at \$115 per month in the United States Engineer office, Wilmington, N. C., when on August 11, 1905, he was very seriously and permanently injured by falling from a scaffold at the monument to Gen. Francis Nash, which was being built by J. E. Nowlan, contractor, in the Guilford battle field, near Greensboro, N. C. While he was standing on the scaffold a stone which was being hoisted into place fell, breaking the plank on which he was standing and causing him to fall some 19 feet, bruising his legs and hips and cutting an ugly scalp wound on the back of his head and breaking his skull. These injuries have resulted in three surgical operations. The first operation, in June, 1913, consisted in puncturing his spinal cord and testing the extract therefrom, which disease caused by the injury four expert brain surgeons decided incurable; the second, on August 13, 1913, was on intestinal operation to remove an obstruction caused by cohesion and inflammation, the result of an external blow received several years previous; and the third operation, on January 5, 1914, was to open his skull and remove a bony growth. From his accompanying statement it appears that these operations and other medical treatment from the date of the accident in 1905 to June 22, 1914, cost Mr. Fineren \$1,049.45.

3. The district engineer officer of Wilmington, N. C., in the third indorsement hereon, dated June 13, 1914, reports that Fineren was employed from February 20, 1904, to January 14, 1907, when he was furloughed without pay to accept a similar position in the Tampa (Fla.) engineer office; that on account of his injuries he was absent 49 days with pay, from August 12 to September 30, 1905; that he had some defect in his eyesight when first employed—one eye being worse than the other—and wore powerful glasses to overcome it, and that his sight became noticeably worse after the accident; that at the time of the accident he was receiving \$115 per month, and that at the time he left the Wilmington district, two years after the date of the accident, it was not known that the effects of his injury were permanent.

4. The district engineer officer at Jacksonville, Fla., where Fineren is now employed, in the fifth indorsement hereon, dated June 16, 1914, reports that since Mr. Fineren's employment in his district, from January, 1907, he has been absent 91 working days for treatment of injuries due to the accident, of which 54 days have been charged as sick leave and 37 days as annual leave; that none of the absences since January, 1907, have been without pay; and added that—

“Without having actually lost pay as a result of the accident, Mr. Fineren has been put to considerable expense for necessary medical and surgical treatment, besides the permanent injury to his faculties, the constant discomfort and intermittent suffering and ever-present anxiety as to the future that he has suffered and is still suffering. He is an efficient and conscientious employee, deserving of all reasonable considerations, and, in my opinion, it would be a just and generous act on the part of the United States to grant him a measure of special relief as contemplated by this bill.”

“Mr. Fineren's accident has not actually disabled him from the performance of his duties, though it has permanently affected both sight and hearing and has produced other permanent ill effects, and permanent disability from the performance of duty, or even death, may ultimately result.”

The Chief of Engineers in the sixth indorsement hereon, dated July 3, 1914, states that the measure of relief to be accorded Mr. Fineren will have to be decided on its merits, and in view of the circumstances of the case he does not regard the amount of \$5,000 proposed in the bill as an excessive one, and recommends its passage.

5. In the sense that the injury to Mr. Fineren occurred while in the performance of his official duty and was not due to negligence or misconduct on his part, and that the injury continued more than 15 days, the claim is a meritorious one; but as the accident occurred prior to the passage of the workmen's compensation act of May 30, 1908, which in effect is not retroactive, and as he was not employed as an artisan or laborer as is required by that act, his case does not fall within the provisions of said law.

The relief contemplated by the present bill exceeds that allowed for permanent injuries covered by the compensation act, supra, which act this office has frequently advised should be accepted as the means of determining, at the time it was passed, the proper amount to be paid injured employees.

6. Mr. Fineren has not lost any pay on account of the accident and has been absent, including both annual and sick leave, only 140 days in over 8 years for medical treatment of his injuries; he has been able to continue, though with much physical suffering and mental anxiety, in the employment of the Government and to perform certain duties quite satisfactorily. He has, therefore, continued on a status of pay during the entire period in question. However, as recommended by the Chief of Engineers, I think that so serious an injury as in this case, which results in a partial and possibly total loss of sight, an incurable disease to the spine, and causes partial deafness, might well be compensated by an amount greater than that allowed by said act, and in view of

the large cost to Fineren for surgical operations and medical treatment I am of the opinion that, notwithstanding his continuous employment and in accordance with its practice in cases of serious injuries of this character, the department should recommend the passage of a bill carrying a sum for his relief equal to the maximum amount allowed by the statute; that is, one year's pay at the rate he was receiving at the time of the accident.

E. H. CROWDER,  
Judge Advocate General.

In this report it is distinctly said that on account of his injuries he—Mr. Fineren—was furloughed at different times—first, when the injury occurred, for 49 days; second, 54 days on sick leave; and, third, 37 days on annual leave. During all these times he was paid his salary, as he should have been and as is customary under similar circumstances. That is the compensation to which Maj. LaDue refers, and is the only compensation he has received. Certainly the gentleman upon reflection will not consider that as a proper part of any compensation he should receive for such an injury. But, as an offset even to that, it is shown in the report that Mr. Fineren has paid out of his pocket the sum of \$1,049.45 for treatment and other necessary expenses incident to his injuries received at the time stated.

It would be cruel, in my judgment, to charge Mr. Fineren up now with the amount received for the times he was furloughed on pay, as just stated. According to the report of Maj. Stickle, under whom Mr. Fineren was working at the time of the injury, he was receiving \$115 a month, or about \$3.85 a day. This for 140 days would amount to \$539, while as against that he has paid out, as a result of these injuries, \$1,049.45 for doctors' and surgeons' bills and other expenses. But, as I have said, the amount allowed him when he was furloughed with pay, 37 days on annual and the balance of the time on sick leave, should not be charged up against him.

While he is now doing his work fairly well, he is liable at any time to become a physical wreck, and with himself and family a charge upon somebody. Some of the officers have held that he should receive the full amount of \$5,000 provided in the bill I have introduced.

We passed a bill through the House the other day under the terms of which, according to my recollection, if it had been made retroactive, would have given him a larger sum than this bill as amended provides. Hence I say he should receive that amount at least, and that if there is any measure here that has merit this is among the number.

Before concluding I wish to thank my friend, the gentleman from Illinois [Mr. MANN], for his very kind personal remarks regarding my term of service here, and my early retirement from this body, as also the House for the generous manner in which those remarks were received, both of which I can assure him and other Members here I appreciate more than I have words to express.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I am compelled to object.

Mr. SPARKMAN. Will the gentleman permit the bill to go over without prejudice?

Mr. MANN. It goes over without prejudice anyhow.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 11745, being Calendar No. 313 on the Private Calendar.

The SPEAKER. The gentleman from Delaware asks unanimous consent to return to No. 313 on the Private Calendar. Is there objection? [After a pause.] The Chair hears none.

S. E. BENNETT.

The Clerk read as follows:

A bill (H. R. 11745) for the relief of S. E. Bennett.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, is this the bill to which I objected awhile ago?

Mr. MILLER of Delaware. Yes; this is the same bill we were discussing earlier this morning.

Mr. COX. Mr. Speaker, there are several things in this little bill I am perfectly willing to concede—that Dr. Bennett was working under orders of the Secretary of Agriculture, that he did his duty well, and that he expended this money out of his pocket. I am willing to concede he ought to be reimbursed, but the ground on which I based my objection this morning was this: The department everlastingly, constantly, and continuously finds some sort of some kind of emergency in violation of law to authorize and direct its employees to do this and to do that. I have never objected to those bills on the Private Calendar before of that kind and of that nature, but from this day on it is going to take something besides the foot-and-mouth disease to get me to yield upon these objections. This is why we have got auditors to pass upon these accounts and see whether or not the account is right and to see whether they are made in pursuance of law, whether there is any power and authority in the law to allow them. That is why we have

a comptroller to-day who is the last word upon these things, and if the department has any doubt of its power under the law to expend appropriations, it takes a very short period of time to let the comptroller determine that question and say whether or not it has authority. But without doing that in the first instance, relying upon the good nature and good will of Congress, it proceeds by letter and by telegram, no matter where the employee is, to send him out and put him at work, saying, "We will put your claim through Congress; we will get your allowance back." So I desire again to repeat, so far as I am concerned, I will be here unless I am sick, and it is going to take something besides an ordinary case of foot-and-mouth disease to get me to yield on claims of this kind, because I will not do it.

Mr. MANN. Will the gentleman yield?

Mr. COX. Yes.

Mr. MANN. The gentleman from Indiana has a great deal of common sense and I am very fond of his exercise of it. If this man in Chicago had been ordered down to Indiana—Chicago borders right on Indiana—he would have been allowed all this under the law and no question about it. If he had been an inspector down at Hammond, Ind., and if he had been ordered up to Chicago he would have been allowed this allowance and more without any question about it. Now, the circumstances being such if he was in Chicago and they wanted him to do this extra work, and very unusual circumstances, does not the gentleman think after all the Secretary of Agriculture was probably to be excused for putting him at work at once if the emergency work had to be done without stopping to think that Congress in its wisdom had provided that if you did the work in a town, Chicago being a big city, you could not be allowed anything extra, but if you stepped across the border line a few feet into another town you would be allowed more than that?

Mr. COX. But the hypothetical case the gentleman has made does not apply here.

Mr. MANN. I think it does.

Mr. COX. It does not apply here.

Mr. MANN. I have no doubt they thought they had the power—

Mr. COX. That is the very criticism I am making, that most of the departments think they have that much power and when they come to look at it they find they do not have the power when it was easily within the power of the department to see in the first instance whether they had the power by submitting the question to the comptroller.

Mr. MANN. Well, it is not so easy to find out the opinion of the Comptroller of the Treasury—

Mr. COX. He has got to decide it; he can not postpone these things—

Mr. MANN. Frequently he does postpone, and in the meanwhile the foot-and-mouth disease would not stop.

Mr. COX. A word more. I have great confidence in the comptroller's office. I think it is one of the liveliest private-headed bureaus in all these departments, and in my judgment when it O. K.'s a bill it is usually right, but the trouble is Congress does not follow it.

When the comptroller decides an item against an employee or against any other person they will come to Congress and we will pass it. Now, I am not going to object at this time, but I do not believe that this claim has any merit in it at all, and what I am saying I am saying with the hope that some of the departments will see it, whether they take warning or not. I shall exercise my right on the floor of the House hereafter in objecting to bills of this kind.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any funds in the Treasury not otherwise appropriated, the sum of \$133.60 to S. E. Bennett, veterinary inspector, to reimburse him for expenditures made by him under the direction of the chief clerk of the Bureau of Animal Industry, Department of Agriculture.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### EXTENSION OF REMARKS.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the next bill.



## PENSIONS.

The next business in order on the Private Calendar was the bill S. 6369, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Fred Burnstead, late of Company A, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mary A. Johnson, widow of John Johnson, late of Company H, Twenty-fourth Regiment United States Infantry, and Troop K, Ninth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$12 per month and \$2 per month additional on account of each of the minor children of said John Johnson until they reach the age of 16 years.

The name of Alan P. Wilson, late of Company I, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary L. Munyon, widow of William F. Munyon, alias William Aneur, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Walter B. Hockett, late of Company M, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Elizabeth Dunn Howe, widow of Walter Howe, late brigadier general United States Army, Regular Establishment, and pay her a pension at the rate of \$30 per month.

The name of Hepsie C. Holway, widow of Wesley O. Holway, late chaplain, United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month.

The name of Joshua E. Howard, late of Company C, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The name of Anna Neff, widow of William L. Neff, late of Band Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of Ione I. Bell, widow of William H. Bell, late of United States ship Yantic, United States Navy, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Hillary M. Wilder, late surgeon, First Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of John O. McMahon, late of Company F, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of Benjamin H. Meadows, late of Company E, Second Regiment North Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Charles H. Dorman, late of Company A of Instruction, General Service, United States Army, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jotham B. Jacobs, late of Troop H, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Sarah A. Workman, widow of Andrew J. Workman, late of Company B, Mormon Battalion, Iowa Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lucy Cole, widow of James B. Cole, late of Company D, Mormon Battalion Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of David W. Herriman, late of Company B, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Eddy J. Workman, late of Battery I, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Henry Schlobohm, late of Troop K, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mabel McCauley, widow of Thomas W. McCauley, late of Company C, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of Louis Hines, late of Company K, Seventh Regiment, and Company D, Fifteenth Regiment, United States Infantry, Regular Establishment, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George W. Dawson, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Emma E. Boswell, widow of Benjamin D. Boswell, late second lieutenant Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Kate K. Henry, widow of James M. Lake Henry, late second lieutenant, Second Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary A. McElroy, widow of Jackson C. McElroy, late first lieutenant Company E, Third Regiment Tennessee Volunteers, War with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frank Lintz, late of Company F, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles H. Skillings, late of Company M, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Mary Miller, widow of John W. Miller, late of Company K, Thirty-fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Mary J. Nolan, widow of Joseph F. Nolan, late of United States Marine Corps, War with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Joseph F. Nolan until he reaches the age of 16 years.

The name of James M. Brown, late of Troop C, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Henry T. Hertslet, late of Company A, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Noe, late of Company H, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Hannah C. Leary, widow of Cornelius Leary, late of Company C, Twenty-first Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Joseph W. Hicks, late of U. S. S. *Quinnebaug*, United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month.

Also the following committee amendments were read:

Strike out, on page 1, lines 9 and 10, and lines 1, 2, 3, 4, and 5 on page 2. (Pension of Mary A. Johnson.)

Page 2, strike out lines 6, 7, 8, and 9. (Pension of Alan T. Wilson.)

Page 2, strike out lines 17, 18, 19, and 20. (Pension of Elizabeth Dunn Howe.)

Page 2, strike out lines 21, 22, and 23. (Pension of Hepsie C. Holway.)

Page 4, line 23, strike out "\$24" and insert in lieu thereof "\$17." (Pension of Henry Schlobohm.)

Page 5, line 12, strike out the figures "\$17" and insert in lieu thereof "\$12." (Pension of George W. Dawson.)

Page 5 strike out lines 14, 15, 16, 17, and 18. (Pension of Emma E. Boswell.)

Page 6, line 22, strike out "\$16" and insert "\$12." (Pension of James M. Brown.)

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The foregoing bill (S. 6369) is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 1078. Fred Burnstead.	S. 5654. Eddy J. Workman.
S. 1470. Mary A. Johnson.	S. 5691. Henry Schlobohm.
S. 1619. Alan P. Wilson.	S. 5695. Mabel McCauley.
S. 1637. Mary L. Munyon.	S. 5713. Louis Hines.
S. 1711. Walter B. Hockett.	S. 5762. George W. Dawson.
S. 2323. Elizabeth Dunn Howe.	S. 5778. Emma E. Boswell.
S. 2540. Hepsie C. Holway.	S. 5780. Kate K. Henry.
S. 2573. Joshua E. Howard.	S. 5793. Mary A. McElroy.
S. 3152. Anna Neff.	S. 5894. Frank Lintz.
S. 3875. Ione I. Bell.	S. 5923. Charles H. Skillings.
S. 4358. Hillary M. Wilder.	S. 5949. Mary Miller.
S. 4617. John O. McMahon.	S. 6080. Mary J. Nolan.
S. 4681. Benjamin H. Meadows.	S. 6101. James M. Brown.
S. 4691. Charles H. Dorman.	S. 6122. Henry T. Hertslet.
S. 5237. Jotham B. Jacobs.	S. 6143. David Noe.
S. 5457. Sarah A. Workman.	S. 6162. Hannah C. Leary.
S. 5514. Lucy Cole.	S. 6343. Joseph W. Hicks.
S. 5613. David W. Herriman.	

JAMES CAMPBELL.

The next business in order on the Private Calendar was the bill (H. R. 5386) for the relief of James Campbell.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws James Campbell, who enlisted in the name of John Conley on December 19, 1864, at New Haven, Conn., and who was assigned as a private in Company A, First Regiment Connecticut Volunteer Cavalry, shall be held and considered to have served with that organization, and to have been honorably discharged on April 27, 1865, at Alexandria, Va.

Also the following committee amendment was read:

Page 1, lines 9 and 10, strike out, after the word "discharged," "on April 27, 1865, at Alexandria, Va." and insert in lieu thereof "from the military service of the United States on June 10, 1865."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolution of the following titles:

On July 31, 1916:

H. R. 17172. An act further extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

On August 1, 1916:

H. R. 4866. An act for the relief of Julia R. Goodloe;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased; and

H. R. 9525. An act to establish a national park in the Territory of Hawaii.

On August 4, 1916:

H. R. 2536. An act for the relief of Joseph A. Buckholdt; and  
H. R. 14725. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes.

On August 7, 1916:

H. J. Res. 158. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Joseph J. Scott, as collector of internal revenue of the first collection district of California, in the sum of \$300, being the representative value of certain internal-revenue special tax stamps which were lost from the office of the said collector;

H. R. 1592. An act for the relief of George W. Trahey;

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples;

H. R. 2554. An act for the relief of Mrs. Joseph Cameron;

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes;

H. R. 7423. An act for the relief of Elizabeth M. Dodge;

H. R. 8697. An act for the relief of Collector of Internal Revenue A. S. Walker;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 9377. An act for the relief of Cynthia Ramey;

H. R. 9378. An act for the relief of Ella Slone;

H. R. 10642. An act for the relief of Louis Jones;

H. R. 10858. An act for the relief of William A. Hutson;

H. R. 11304. An act for the relief of Martha A. Moffitt;

H. R. 11377. An act for the relief of Thomas J. Bye;

H. R. 11660. An act for the relief of Mathilda Hesterman;

H. R. 11679. An act for the relief of Samuel D. Kingsbury;

H. R. 12267. An act for the relief of Wallace L. Bell;

H. R. 13027. An act authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of \$14,570.42;

H. R. 13728. An act for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.;

H. R. 16640. An act to amend an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, as amended by an act approved July 25, 1914; and

H. R. 17053. An act making additional appropriations for the Public Health Service for the fiscal year 1917.

On August 8, 1916:

H. R. 3255. An act for the relief of James Honyde;

H. R. 5411. An act for the relief of Olaf Nelson;

H. R. 8325. An act for the relief of Borden H. Mills;

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest-homestead act, and for other purposes;

H. R. 16068. An act to authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Ark.; and

H. R. 16185. An act to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes.

On August 9, 1916:

H. R. 348. An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes;

H. R. 486. An act authorizing the Secretary of the Treasury to sell the old post-office building and site thereof, at York, Pa.;

H. R. 1161. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 8108. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 8318. An act for the relief of De Barbieri & Co., of Valparaiso, Chile;

H. R. 10931. An act for the relief of Drs. Blair & Blake, Dr. W. J. Maxwell, Dr. R. C. Evans, and J. B. Blalock;

H. R. 11958. An act to provide for the sale of certain Indian lands in Oklahoma, and for other purposes;

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew;

H. R. 14483. An act to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.;

H. R. 15635. An act for the relief of the Eastern Transportation Co.; and

H. R. 16554. An act to extend the time of the Hudson River Connecting Railroad Corporation for the commencement and completion of its bridge across the Hudson River, in the State of New York.

On August 11, 1916:

H. R. 12717. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes;

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.;

H. R. 2209. An act for the relief of W. W. Blood;

H. R. 2534. An act to adjudicate the claims of certain settlers in Sherman County, Ore.;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 9994. An act for the relief of Samuel H. Walker;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people;

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes;

H. R. 12365. An act to promote the reclamation of arid lands;

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance in the Treasury Department," approved September 2, 1914;

H. R. 13298. An act authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota;

H. R. 13785. An act for the relief of Sarah S. Plank;

H. R. 14534. An act permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana;

H. R. 14823. An act to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

H. R. 15318. An act granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States;

H. R. 15322. An act granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North;

H. R. 16097. An act to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914;

H. R. 16380. An act granting the consent of Congress to the Board of Supervisors of Highland Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 16534. An act to authorize the commissioners of Lycoming County, Pa., their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa.;

H. R. 16604. An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River, from the borough of Montgomery, Lycoming County, Pa., to Muncy Creek Township, Lycoming County, Pa.;

H. R. 16764. An act to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsonstown, Northumberland County, Pa., to White Deer Township, Union County, Pa.;

H. R. 16875. An act granting the consent of Congress to Crisp County, Ga., to construct a bridge across Flint River, Ga., between Crisp and Sumter Counties;

H. R. 16891. An act granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North; and

H. R. 16699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.



## CLAIMS AGAINST THE CHOCTAW AND CHICKASAW INDIANS.

The next business on the Private Calendar was the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. CONNELLY rose.

The SPEAKER. The gentleman from Illinois objects. The gentleman from Kansas [Mr. CONNELLY] is recognized.

DR. E. V. HAILMAN.

Mr. CONNELLY. Mr. Speaker, I ask unanimous consent to return to the bill No. 127 on the Private Calendar, H. R. 3145. This was a bill that was included in the omnibus objection this morning, and I hope, if I may be able to call the attention of the House to the matter, that I can induce the Members of the House to permit it to be passed.

Mr. MANN. Well, Mr. Speaker, I have been over this matter very carefully. We had it up for discussion one day in the House and took some time on it. I shall object in the end. There is no merit in the bill.

Mr. CONNELLY. Will the gentleman reserve his objection for a moment?

Mr. MANN. Yes.

Mr. CONNELLY. I think we had only a short discussion before, if the gentleman will pardon me.

The SPEAKER. The gentleman from Kansas [Mr. CONNELLY] asks unanimous consent to return to calendar No. 127, H. R. 3145, for the relief of Dr. E. V. Hailman. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. CONNELLY. Mr. Speaker and gentlemen of the House, this bill, as I understand it, had its origin in an unfortunate occurrence out at Schurz, Nev. Dr. E. V. Hailman was superintendent of the Walker River Indian School. On account of his position he was called upon to attend an Indian child, and the child did not live. The grandfather became offended at the doctor and went down to the reservation and set the house afire in three places. When the doctor came out to put out the fire the Indian shot him with a 30-30 revolver through the shoulder and lungs. The doctor was taken to the hospital and spent several months there recovering.

He is a poor man. He asks nothing for his loss of time, nothing for his sufferings. He only asked that his hospital fees be paid. He is asking for nothing more than what would appear to be right. The supervisor of the Indian agency at Reno says the bill should be paid, the Secretary of the Interior says that it should be paid, the Indian Department here at Washington approves it, and the Committee on Claims of this House has indorsed and placed it upon the calendar. I believe the bill is right, is just, and is meritorious, and I hope that no one will object to the present consideration of the same.

Mr. MANN. Well, I discussed this once before very briefly. I think there is absolutely no merit in the bill whatever. I shall have to object.

The SPEAKER. The gentleman from Illinois objects.

## PERMISSION TO ADDRESS THE HOUSE.

Mr. REILLY. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on the first day after the House meets next Tuesday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for 30 minutes on the first day the House meets after next Tuesday; of course, after the reading of the Journal and the clearing up of business on the Speaker's table. Is there objection?

Mr. MANN. I am going to object. We can not tell what the situation will be in a week from now. The gentleman can get his speech ready and deliver it at the first opportunity.

ALBERT T. HUSO.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 264, H. R. 1571, for the relief of Albert T. Huso.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent to return to Calendar No. 264. Is there objection?

Mr. MANN. Reserving the right to object, let the gentleman make his statement. This is a case, as I recall, where a postmaster had money stolen from him and did not lock the door of the safe in which the money was deposited. Is not that correct?

Mr. HAUGEN. No.

Mr. MANN. What are the facts?

Mr. HAUGEN. The post office at Joice, Iowa, was burglarized twice—on March 12 and October 2, 1913. In the first instance the combination was picked; in the second instance the door was completely blown off the safe. At the time of the first burglary the inner door of the safe had not been locked nor the combination of the safe changed since the safe had been purchased. In this respect the postmaster did not comply with all the regulations of the department. The gentleman knows that dynamite does not recognize or respect locks or combinations on inner doors—not even on the heavy outer doors. The fact is that small safes, such as are furnished or kept in small offices and in many instances in larger offices, offer little, if any, resistance to burglars, but are merely a safeguard against fire; therefore merchants, in order to save the safe from destruction, do not lock them, and even go so far as to place cards on the safes stating that they are not locked. So, whether or not the regulation requiring the locking of the inner door and changing the combination was complied with really matters but little; besides, a postmaster receiving only a few hundred dollars a year for his service as postmaster must do something else besides study the regulations of the department, and can not be expected to familiarize himself with all the requirements. It can not be expected that a postmaster furnishing an office, fuel, and light, with two or three hundred dollars annual compensation, shall study and familiarize himself with the numerous rules and regulations promulgated in a volume of upward to a thousand pages, as the Postal Laws and Regulations. Therefore Congress in many instances has—and properly so—excused technicalities, oversights, and neglect; and, in view of the policy pursued by Congress in the past, it seems just to grant the postmaster the relief sought in this instance.

I know Mr. Huso. He is a man of integrity and high standing in the community. It is a hardship for him to pay seven or eight hundred dollars after doing his duty and drawing a salary of only a few hundred dollars a year.

Mr. MANN. Let us see what the department says. Of course I do not know what the facts are outside of that. The letter of the Postmaster General, if it has relation to this burglary, says:

The evidence relative to the burglary of March 12, 1913, shows that the post office was forcibly entered by burglars, who apparently worked the combination of the safe therein, from which they took the postage stamps and money-order funds as claimed by the postmaster, but the postmaster had failed to lock the inner doors of his safe, and had not changed the combination since the safe came into his possession four or five years previously.

Then it says again:

The failure of the postmaster to lock the inner door and to change the combination of his safe was a violation of section 356 of the Postal Laws and Regulations of 1902 (sec. 361, P. L. and R., 1913), which reads in part as follows:

"4. Where stamps and funds are kept in iron safes with 'combination locks,' such safes must be carefully and completely locked at night or when the office is left without occupants for any considerable length of time. The common practice of closing safes with what is termed a 'day lock' or 'day combination' affords no protection against experienced burglars; and in case of loss resulting therefrom no credit will be allowed.

"5. Postmasters upon taking charge of their offices must change the combination on any safes therein; or where at any time a safe is procured, either new or second hand, the combination must be immediately changed; and the failure to make such change will be considered as prima facie evidence of contributory negligence on the part of the postmaster in any case where claim is made for credit for money or other property stolen from such safes, where they are opened without resort to violence."

"I asked the gentleman from Iowa if that was not the situation. I understood him to say that that was not the case.

Mr. HAUGEN. Oh, no. I stated the fact that they worked the combination of the outer door, but the inner door had not been locked.

Mr. MILLER of Delaware. Mr. Speaker, may I say a word on this, inasmuch as I reported the bill from the committee? There were two robberies, and the committee decided to credit the postmaster's accounts for the first one. The second one we decided not to allow for reasons that I will not go into here, as that question is not up. But it was shown by the evidence that the outer door of the safe was locked and the inner door was not locked; and although I can not say by whose authority I state it, it was told to me by the proper authority in the Post Office Department—and I think the gentleman from Iowa was also told—that this was one bill of a great class of bills that the department was not so opposed to, but they had been prompted to withhold recommendation to the passage of all these bills before the Committee on Claims.

If my recollection is correct, this bill is one of four bills involving credit for post-office robberies that have been reported from the committee this year. Three of them passed. The facts were not exactly the same, but there was better evidence

in favor of these four than there is in favor of most of the claims for credit to postmasters for burglaries. We cut down the gentleman's bill and gave him credit for the first robbery only, and that was because it was shown that the outer door was locked and because of the attitude of the department, which I have only expressed informally on the floor, although their letter looks more or less like an objection from the department. That is why the committee decided to report this bill at this time.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. GREEN of Iowa. The lock on the inner door would not offer any resistance against burglars if the safe was anything like the ordinary safe. That was simply to keep the compartments separate during the daytime. You can unlock the inner part of the safe with a hammer if the safe was like the ones they usually have out there.

Mr. MANN. That would depend on who were the burglars. The gentleman may think it does not do any good to lock doors, yet I daresay they lock them, even in the gentleman's own house.

Mr. GREEN of Iowa. Oh, yes; but if the outer door of the safe was forced, I would think the burglars who could do that would not have any difficulty in forcing the inner door.

Mr. MANN. The outer door was not forced. They just unlocked it. They had the combination.

Mr. GREEN of Iowa. No; I do not know that they had the combination. It is very easy to pick up the combination of one of these cheap safes.

Mr. MANN. I do not know whether they had the combination in advance, but they had it when they opened the door.

Mr. GREEN of Iowa. There are a great many experienced burglars who can open these cheap safes by hearing the click of the combination.

Mr. MANN. Anybody who had a safe like that ought not to have any compensation.

Mr. HAUGEN. Mr. Speaker, the remarks of the gentleman would seem to imply that possibly the postmaster had some knowledge of who opened the safe. I can state that I know the postmaster. He comes from a very good family and has the entire confidence of that community, and there is no excuse whatever for any such implication as the gentleman suggests.

Mr. MANN. I did not say that he did not belong to a good family. I do not know that that has any relevancy.

Mr. HAUGEN. The safe was opened twice. On one occasion it was blown open and on the other occasion the combination was worked. The question as to the postmaster's responsibility or knowledge in that respect was never raised, except that he did not fully comply with the regulation of the department.

Mr. MANN. But the gentleman from Iowa knows that the committee have not allowed anything for the time the safe was blown open.

Mr. HAUGEN. No; but this is a compromise bill.

Mr. MANN. I am talking about the one that the committee have allowed.

Mr. HAUGEN. Here is what the Postmaster General has to say about it:

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., January 26, 1916.

HON. EDWARD W. POU,  
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. POU: I am in receipt of your communication of January 17, with which you transmit a copy of bill (H. R. 1571) for the relief of Albert T. Huso, postmaster at Jolice, Iowa.

In response to your request for the facts in this case, I transmit herewith copies of two affidavits made by Postmaster Huso, and beg to inform you that Mr. Huso has filed in this department two claims for credit on account of Government funds and postage stamps lost by burglary. The first burglary occurred on March 12, 1913, and the alleged loss of Government property was postage stamps \$364.25 and money-order funds \$42.84. The second loss occurred on October 2, 1913, and amounted to \$352.32 in postage stamps. Under date of January 30, 1915, both claims were disallowed.

The evidence relative to the burglary of March 12, 1913, shows that the post office was forcibly entered by burglars, who apparently worked the combination of the safe therein, from which they took the postage stamps and money-order funds as claimed by the postmaster, but the postmaster had failed to lock the inner doors of his safe, and had not changed the combination since the safe came into his possession four or five years previously.

Relative to the burglary of October 2, 1913, the evidence shows that burglars forcibly entered the post office and blew open the outer doors of the safe, from which they took the postage stamps as claimed by the postmaster. In this instance the inner door of the safe had not been locked.

The failure of the postmaster to lock the inner door and to change the combination of his safe was a violation of section 356 of the Postal Laws and Regulations of 1902 (sec. 361, P. L. and R., 1913), which reads, in part, as follows:

I think both should be allowed, but it is better to get half than to get nothing. The bill only gives him half of what I

believe him entitled to and half of what has been granted to others. I see no reason why this man should be denied credit for this small sum which seems to be due him, but, in view of the apparent determined opposition to the passage of bills of this character, I appreciate what the committee has done in the matter.

In conclusion I desire to say that an affidavit on file by Mr. Huso, the postmaster, states that he had no knowledge regarding the regulation requiring him as postmaster to lock the inner door; also that the inspector who investigated the first robbery did not raise the question or inform him of the regulation requiring him to lock the inner door, and that the outer door was completely blown off and the inner door bent and warped by the force of the explosion, and even had the inner door been locked it would not have withstood the efforts of the robbers. Having full confidence in Mr. Huso's integrity and veracity, and having knowledge of his faithful service, I am sure the facts are as stated by him. Believing that he is entitled to the full amount, I regret that an amendment to include the amount of the second burglary is not in order under the rule.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as proposed to be amended, as follows:

That Albert T. Huso, postmaster at Jolice, Worth County, Iowa, be, and he is hereby, relieved of the payment of \$407.09, or any part thereof, the same being the amount of postage stamps and money-order funds held due from him to the United States Government for moneys and stamps stolen from the post office at Jolice, Iowa, on March 12, 1913, and the Postmaster General be, and is hereby, authorized and directed to credit the accounts of Albert T. Huso in the sum of \$407.09.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ACTS OF THE PHILIPPINE LEGISLATURE (S. DOC. NO. 529).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a set of the laws enacted by the Third Philippine Legislature during its fourth session, from October 16, 1915, to February 4, 1916, inclusive, and its special session, from February 14 to 24, 1916, inclusive, together with certain laws enacted by the Philippine Commission.

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed in the United States.

WOODROW WILSON.

THE WHITE HOUSE, August 11, 1916.

LEAVE OF ABSENCE.

By unanimous consent, Mr. EAGAN was given leave of absence for one week, on account of a death in his family.

MONUMENT TO ROBERT MORRIS.

The SPEAKER. There is a bill (H. R. 17339) appropriating \$50,000 for the erection of a monument to the memory of Robert Morris, which was referred to the Committee on Appropriations. It ought to go to the Committee on the Library, and, without objection, that change of reference will be made.

There was no objection.

IVY L. MERRILL.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 290, H. R. 11635, for the relief of Ivy L. Merrill, and I ask unanimous consent for the present consideration of the same.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to returning to it?

Mr. MANN. Reserving the right to object, this is a personal injury case, where the bill asked for \$10,000. The committee reported it recommending \$1,100, but one year's compensation would be \$500. I am perfectly willing to allow the amount that we allow in all other cases, one year's salary. I am not willing to allow any more than that.

Mr. FERRIS. I have agreed with the gentleman to reduce it to that amount.

The SPEAKER. Is there objection to returning to this bill?

There was no objection.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States belonging to the Pottawatomie Tribe of Indians in Oklahoma not otherwise appropriated, to Ivy L. Merrill, a quarter-blood Pottawatomie Indian, of Pottawatomie County, Okla., the sum of \$10,000, in full compensation for permanent and lasting injuries received, without negligence on her part, while in the employ of the United States Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

With the following committee amendment:

Page 1, line 8, strike out "\$10,000" and insert "\$1,100."

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by making the sum \$500.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the committee amendment by striking out "\$1,100" and inserting "\$500."

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman from Oklahoma inform the House how this woman was injured?

Mr. FERRIS. I will. This young lady is a quarter Indian blood. She was a cook at the Pottawatomie Indian School in Pottawatomie County, Okla. They had a big dinner bell that weighed 240 pounds hung on some sort of a pole or tower. She went out to ring the bell one icy, sleety morning, and as she pulled the rope—whether the groove was filled up with ice or not is not known—but this great bell fell down on her and broke three ribs, and she received numerous other internal injuries. The Indians down there all petitioned that she be paid for the injury. It comes out of their money. She is troubled with a floating kidney and other permanent injuries. One of the doctors who treated her is dead, but the other consulting physician corroborates the statement I have made. The Indian Office sent some of their clerks out there to make an examination, and they say that she had some complaints before that time. She insists that she had not, and she insists that, as a result of this injury, she has a floating kidney and permanent internal injuries; and, as this comes out of the Indians' money and takes nothing from the Treasury of the United States, I think everyone should be willing to have the bill passed. The petition is not printed here, but I think every member of the Indian tribe signed a petition, three years ago, asking that she be paid.

She ought to have a much larger sum paid to her, but this bill can only be considered by unanimous consent, and the gentleman from Illinois will not stand for any more than \$500.

Mr. COOPER of Wisconsin. How is the sum of \$500 arrived at?

Mr. FERRIS. The gentleman from Illinois [Mr. MANN] has just stated. In order to get it up, this being the last chance this session, I have agreed with him about the matter.

Mr. MANN. The department recommended that not over \$500 be allowed.

Mr. FERRIS. And they had some recommendations other than that a few years ago; but in this report they recommend that \$500 is about all she should have. Personally I do not agree with them, but I have agreed that it should go in that way; it was that or nothing, and she has waited too long already. I have some information from her attorney with reference to the matter. I told him in a conversation last year what the situation was, and he said if she could not get any more than that before she actually died, he hoped that she would be able to get that much and be able to pay at least her doctor's bill.

Mr. COOPER of Wisconsin. I am in favor of paying this woman, but I am wondering what the department would have recommended and what would have been paid if it had been the wife of one of the department officials who had pulled down a bell that weighed 250 pounds, put up under authority of the Government of the United States in such a manner that it could be pulled down?

Mr. FERRIS. I expect that they would recommend more. I only wish it could be more in this case, but I have tried for two or three years, and it is the best I can do.

Mr. COOPER of Wisconsin. I do not think there is any doubt about that.

Mr. MANN. Then let me tell the gentleman what the facts are as shown by the report of the superintendent.

A summary of her injuries appears to be as follows:

Temporary injury of shoulder, temporary injury of elbow, according to Dr. Byrum, bruises and contusions and the fracture of the eighth and ninth ribs. They further state that the evidence is clear that Mrs. Merrill was disabled or kept from her duties for a period not exceeding two weeks. I dare say that she was not as much injured as were some of the Republican and Democratic ball players on the ball field yesterday.

Mr. FERRIS. Oh, I hope the gentleman will not say that.

Mr. MANN. I think that is true from a very careful examination of this, barring the two broken ribs.

Mr. FERRIS. Did the gentleman read the statement of both the girl and the doctors?

Mr. MANN. I read every line.

Mr. FERRIS. Well, then, the gentleman knows there is a marked difference in their testimony. The gentleman from Illinois is only presenting the Government's side of the case. It is fair to read and consider both sides.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the committee amendment.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HOOR OF MEETING TUESDAY.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next at 11 o'clock.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Tuesday next. Is there objection?

Mr. MANN. Have we not already agreed to adjourn until Tuesday?

The SPEAKER. That is true.

Mr. MANN. The request should be that when we meet on Tuesday it be at 11 o'clock.

Mr. RAINEY. That is correct.

The SPEAKER. Is there objection?

There was no objection.

CARL VROOMAN.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, a few moments ago when I was correcting a statement made upon the floor of the House with reference to Mr. Vrooman by my colleague from Illinois, Mr. MANN, my colleague propounded the question, "Where is Mr. Vrooman to-day?" Not being possessed of any psychic powers, I was unable to answer, but I told him where he was yesterday, whereupon my colleague proceeded to inform the House that to-day Mr. Vrooman is absent from his office and from his post of duty and is making a political speech. My colleague having already placed in the RECORD so much misinformation in such a short space of time about Mr. Vrooman, I was not willing to accept his statement. I called Mr. Vrooman up on the telephone, and have just been talking to him. He is in his office and has been in his office all day long. He has not left it. The gentleman from Nebraska [Mr. SLOAN] also volunteered the statement that Mr. Vrooman was under engagement to-day or to-morrow to make a political speech in his congressional district in Nebraska. Mr. Vrooman advises me that he has no such engagement. If he is advertised to make a political speech out there he does not know anything about it. He states that he has refused invitations to go to Nebraska, and Mr. Vrooman also desires me to state—or he did not ask me to say it, but he told me and I will say it for him, inasmuch as my colleague is so much interested in what he does—that he has not made a single political speech this year. The addresses he has been delivering in the West have been addresses delivered before agricultural societies, and have been delivered in the discharge of the duties of his office. He does not propose to make any political speeches until the 28th day of August, at which time he commences to make political speeches in the State of Maine. He is entitled to 20 days' leave of absence this year which he has not taken, and he proposes to put in his vacation making political speeches.

Mr. MANN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I did not state that Mr. Vrooman was absent from the city. I stated that I was informed he was absent from the city. I did not know where he was, and I do not know it now, though I accept the statement of my colleague, of course. Going up to Maine to make political speeches? I noticed in the morning paper, by the way, that the Secretary of the Navy is going to spend his vacation on the Government boat *Dolphin*, up in Maine, making political speeches.

Now, I hope my colleague will get busy with the Secretary of the Navy and find out whether that statement is true or not.

I do not believe everything I see in the newspapers, but I would like to know whether the Secretary of the Navy is traveling on a Government gunboat at the expense of the Government, either for a vacation or for making political speeches. [Applause on the Republican side.] Get busy, find out, let us know.

Mr. RAINEY. Mr. Speaker, I desire to say to my colleague—

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Speaker, I desire to say to my colleague that he has filled this Record with such glaring misstatements of fact and has exhibited so much agility in escaping from the statements he has made that in this connection with reference to these Democratic officials making political speeches I do not propose to follow and investigate any more of the statements he has made. [Applause on the Democratic side.] I want to say that I hope every member of the Cabinet of the President will make political speeches [applause on the Democratic side]; if they do, they will make Democratic political speeches; and if they make that kind of speeches, they will be assisting in bringing about the return to power of the party which has done more in 3 years for this country than his party accomplished in 16 years, and more than his party ever will accomplish. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I will take another minute.

The SPEAKER. The gentleman from Illinois asks for another minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I am unlike my colleague in one respect. My colleague never cares anything at all about the facts in making the statements which he makes upon the floor. I do. I was very careful when I made the first statement, in which I quoted from a paper. The statement I made to-day was made, as I stated then, upon information which came to me. I did not vouch for the truth in either case, but when I make a statement on this floor it is true. I do not make statements unless they are true. The statement I made the other day was true, that I read certain statements in the newspapers. The statement I made to-day was true, that I was informed. My statements are true. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RAINEY. But the information upon which the gentleman bases them is absolutely false, and he makes no investigation in order to ascertain.

Mr. MANN. I do make investigation; my statements are not like the gentleman's statements—mostly false. [Applause on the Republican side.]

#### DONATIONS OF CONDEMNED CANNON AND CANNON BALLS.

Mr. CALDWELL. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill S. 6625, Union Calendar 316. This is the omnibus cannon bill, and unless the amendments are passed within the next day or two so that the Senate can agree to them the cannon bill can not get through this session.

The SPEAKER. What is the number of the bill?

Mr. CALDWELL. Senate 6625, Union Calendar 316.

The SPEAKER. We have not got the engrossed copy. When did it come over here?

Mr. CALDWELL. It has been here since the 25th day of July.

The SPEAKER. Without objection, the Clerk will read the printed copy of the bill while we are sending for the engrossed copy of the bill.

Mr. MANN. Mr. Speaker, I would like to know why the engrossed copy is not here. It is a reported bill, and it should be here. I have no objection to proceeding without the engrossed copy with the understanding we will not act on this until the engrossed copy gets here.

The SPEAKER. We have sent to the file clerk to get it.

Mr. MANN. It should be reported and in the files.

The SPEAKER. That is true; but it is not.

Mr. STEPHENS of Texas. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. STEPHENS of Texas. I ask unanimous consent to return to 270, Private Calendar—

The SPEAKER. But the gentleman from Illinois has no objection to the reading of the printed copy. The Chair knows it is a bad practice.

Mr. MANN. I did not object.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I ask to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6625) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver—

To the city of Evanston, in the State of Wyoming, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To Crocker Post, Grand Army of the Republic, Des Moines, Iowa, one bronze or brass condemned cannon, with a suitable outfit of cannon balls.

To Bluff City, Sullivan County, Tenn., two brass or bronze cannon and a suitable outfit of cannon balls.

To the town of Roxbury, Conn., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

To the Odessa, Wash., public schools, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To Bradley Post, No. 134, Grand Army of the Republic, at Wood River, Nebr., one bronze or brass condemned cannon or fieldpiece and a suitable outfit of cannon balls.

To Pawnee Rock State Park, Pawnee Rock, Kans., two cannon or fieldpieces and a proper outfit of cannon balls for a pyramid.

To Harlan Post, No. 197, Grand Army of the Republic, at Harlan, Iowa, two brass or bronze cannon or fieldpieces and a suitable outfit of cannon balls.

To the commanding officer, National Guard armory, in the city of Anoka, Minn., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To the city of Detroit, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

To the city of Blue Earth, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

To the city of Roseville, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls.

To the order of McDowell Post, No. 22, Department of Washington and Alaska, Grand Army of the Republic, two condemned cannon and a suitable outfit of cannon balls for each.

To the town of Northville, in the county of Wayne, State of Michigan, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To the Grand Army of the Republic, at Pomeroy, Wash., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To Henry W. Lawton Camp, No. 10, United Spanish War Veterans, Walla Walla, Wash., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

To the Daniel Morgan Chapter of the Daughters of the American Revolution, Gaffney, S. C., two condemned bronze or brass cannon and a suitable outfit of cannon balls.

To the board of supervisors of Halifax County, Va., two condemned bronze or brass cannon and a suitable outfit of cannon balls.

To James B. Sample Post, 170, Grand Army of the Republic, at Fort Madison, Iowa, two brass or bronze cannon or fieldpieces and a suitable outfit of cannon balls.

To Alexander Hamilton Chapter, No. 7, Sons of the American Revolution, at Sheldon, Iowa, two brass or bronze cannon or fieldpieces and a suitable outfit of cannon balls.

*Provided,* That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *Provided further,* That each and every article of condemned military equipment covered by this act shall be subject at all times to the order of the Secretary of War.

The SPEAKER. Is there objection to the present consideration of this bill? We have the engrossed copy now. [After a pause.] The Chair hears none.

Mr. CONNELLY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. CONNELLY. To offer an amendment.

Mr. CALDWELL. Mr. Speaker, will the gentleman wait a minute?

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. I was going to ask that this bill be considered in the House as in Committee of the Whole House on the state of the Union so that we can offer some amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNELLY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CONNELLY. I wish to offer an amendment to the bill.

The SPEAKER. The gentleman will send it up.

Mr. CALDWELL. Mr. Speaker, I send to the Clerk's desk amendments, offered by the various Members of the House, to which the committee has agreed.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Insert, on page 4, after line 8, the following:

Amendment by Mr. MANN:

"To the South Park commissioners, in the city of Chicago, Ill., four condemned bronze or brass or other cannon or fieldpieces and suitable outfits of cannon balls."



Amendment by Mr. GREEN of Iowa:

"To the city of Greenfield, in the State of Iowa, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

Amendment by Mr. LINTHICUM:

"To the city of Baltimore, Md., one large bronze or brass or other cannon or other fieldpieces and suitable outfits of cannon balls."

Amendment by Mr. ALMON:

"To the city of Tusculum, Ala., one condemned bronze or brass or other cannon or other fieldpieces and suitable outfits of cannon balls."

Amendment by Mr. ROUSE:

"To the city of Ludlow, in the State of Kentucky, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

Amendment by Mr. KINCHELOE:

"To the city of Madisonville, Ky., two condemned bronze, brass, or other cannon or fieldpieces and a suitable outfit of cannon balls, the same to be placed at the foot of the Confederate Monument in said city."

Amendment by Mr. CONNELLY:

"Two cannon with suitable outfit of cannon balls to Grand Army of the Republic Post at Russell, Kans."

Amendments by Mr. TAYLOR of Arkansas:

"To the city of Pine Bluff, Ark., for court-house yard, two condemned bronze cannon with suitable outfit of cannon balls."

"To the city of Monticello, Ark., for court-house yard, two condemned bronze cannon with suitable outfit of cannon balls."

Amendment by Mr. SMITH of New York:

"To the village of Clarence, Erie County, N. Y., one bronze or brass condemned cannon with a suitable outfit of cannon balls."

Amendment by Mr. RAKER:

"To the city of Westwood, Lassen County, State of California, two condemned bronze cannon with suitable outfit of cannon balls."

Amendment by Mr. RAINEY:

"To Winchester, Ill., two condemned bronze or brass cannon or fieldpieces with a suitable outfit of cannon balls."

Amendment by Mr. COX:

"To the commissioners of Scott County, Ind., two bronze cannon with suitable outfit of cannon balls and carriages."

Amendment by Mr. VOLSTAD:

"To Litchfield, Minn., one condemned bronze cannon with suitable outfit of cannon balls."

Amendment by Mr. COOPER of Wisconsin:

"To the Spanish-American War Veteran Camp, of Racine, Wis., two condemned bronze or brass cannon or fieldpieces, with carriages, with a suitable outfit of cannon balls, to be placed in Milton Horlick Camp Grounds."

Amendment by Mr. CALDWELL:

"To the city of Susanville, Cal., two condemned bronze cannon, with suitable outfit of cannon balls, with two pyramids and carriages, for new courthouse."

"To the county of Pennington, Minn., two condemned brass cannon, together with a suitable outfit of cannon balls, to be placed on the courthouse grounds at Thief River Falls, in said county."

Amendment by Mr. SPARKMAN:

"To Tampa, Fla., two condemned bronze or brass cannon, with a suitable outfit of cannon balls."

"To the city of Williamstown, in the State of Kentucky, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

Amendment by Mr. STEPHENS of Texas:

"To the city of Vernon, Tex., one brass cannon and a suitable outfit of cannon balls, to be placed at the foot of the Confederate Monument in the public square in said town."

Amendment by Mr. CULLOP:

"To the town of Spencer, Ind., two condemned cannon and a suitable outfit of cannon balls."

"To Fort McHenry Reservation, in the State of Maryland, two condemned bronze or brass cannon, with a suitable outfit of cannon balls."

Amendment by Mr. HASTINGS:

"To Muskogee, Okla., two condemned bronze or brass cannon, with a suitable outfit of cannon balls."

Amendment by Mr. FERRIS:

"To Chickasha, Okla., two condemned bronze or brass cannon, with a suitable outfit of cannon balls."

"To the city of Ardmore, Okla., for courthouse yard, two condemned bronze cannon, with suitable outfit of cannon balls."

Amendment by Mr. SMITH of New York:

"To the village of Akron, Erie County, N. Y., two bronze or brass condemned cannon, with a suitable outfit of cannon balls."

Amendment by Mr. ALMON:

"To Athens, Ala., two suitable bronze or brass cannon, with a suitable outfit of cannon balls."

"Two cannon and balls for Mount Moriah Cemetery, Clermont Co., Ohio."

"One cannon and balls for Russellville, Brown County, Ohio."

"To the city of Charleston, in the State of West Virginia, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids."

"To the city of Beckley, Raleigh County, W. Va., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be placed in a public park in said city."

"To the Waynesburg Armory Board, Waynesburg, Pa., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls for two pyramids."

"To the city of Plainview, in the county of Yell and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Plainview; to the city of Paragould, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls, to be placed in the courthouse square in that city; to McKean Post, No. 576, Grand Army of the Republic, Department of Pennsylvania, located in the city of Easton, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the city of Forrest City, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls, to be placed in the public square in that city."

"To the city of Conway, in the county of Faulkner and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the courthouse square in said city of Conway."

"To the city of Rifle, in the State of Colorado, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids."

"To the city of Viroqua, Vernon County, Wis., two condemned fieldpieces or cannon, with a suitable outfit of cannon balls, the same to be placed in a public park in said city."

"To the city of Lebanon, in the State of Pennsylvania, four condemned iron cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the town of Middletown, in the State of Pennsylvania, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the city of Elsbury, in the county of Lincoln and State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages."

"To the village of Phoenix, Oswego County, N. Y., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the soldiers' plot in the Stevens Greenland Cemetery, at Lancaster, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the General Miles Camp, No. 26, Sons of Veterans, of Elizabethtown, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the borough of Lititz, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the Confederate Park at Charleston, Franklin County, Ark., four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the county commissioners of Fergus County, Mont., two condemned bronze cannon and suitable outfit of cannon balls to make six pyramids, to be used for ornamental purposes on the courthouse lawn."

"To the city of Gainesville, in the State of Florida, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the city of Marine City, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls."

"To the city of St. Clair, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls."

"To the village of Vassar, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls."

"To the city of Larned, in the county of Pawnee and State of Kansas, two condemned bronze or brass cannon or fieldpieces, with their carriages."

"To the city of Glasgow, in the State of Missouri, one condemned bronze or brass cannon or fieldpiece, together with a suitable outfit of cannon balls for two pyramids."

"To the village of New Woodstock, Madison County, N. Y., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the city of Gage, in the State of Oklahoma, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids."

"To the Beecher Island Memorial Association, Yuma County, Colo., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be mounted and placed near the base of the monument heretofore erected by the States of Colorado and Kansas upon land deeded to the Beecher Island Memorial Association by the United States Government."

"To the city of Kincaid, Kans., for ornamental purposes, two condemned 12-pounder or larger cannon or fieldpieces, together with their mountings or carriages and six cannon balls."

"To the city of Fredericktown, in the State of Missouri, for the use of Major Gavitt Post, No. 174, Grand Army of the Republic, one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls."

"To the city of Farmington, in the State of Missouri, for the use of Picket Post, No. 215, Grand Army of the Republic, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the town of West New York, in the county of Hudson and State of New Jersey, four condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls, the same to be placed in front of its new municipal building and in its public playground."

"To the city of Weston, W. Va., for the use of the Morris Post, Grand Army of the Republic, two brass cannon or fieldpieces and a suitable outfit of cannon balls."

"To the city of Texarkana, Ark., two condemned brass or bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the Fort Harrison Country Club, of Terre Haute, Ind., for use on the grounds of said club on the site of old Fort Harrison, in Vigo County, Ind., two condemned bronze or brass fieldpieces, with their carriages and suitable outfit of cannon balls for two pyramids."

"To the Hancock Post No. 464, Grand Army of the Republic, Department of Kansas, located at Emporia, Kans., two condemned bronze or brass cannon or field pieces and a suitable outfit of cannon balls."

"To the city of Reading, county of Berks, and State of Pennsylvania, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids; such cannon or fieldpieces to be placed in the Armory Park or suitable location in the city of Reading."

"To the Jacob E. Reed Post, Grand Army of the Republic, Newton, Ill., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls."

"To the Crown Point Reservation, at Crown Point, N. Y., two condemned fieldpieces or cannon, with a suitable outfit of cannon balls."

"To the village of Pardecville, in the county of Columbia, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages, the same to be placed in the municipal park in said village."

"To the city of Geneva, in the State of New York, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids."

"To the city of Elkhart, Ind., two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids, to be placed in the grounds of the Elkhart City Building, Elkhart, Ind."

"To the village of Clayton, Jefferson County, N. Y., one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls.

"To the city of Warrenton, in the county of Warren and State of Georgia, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the city of Lebanon, in the State of Pennsylvania, four condemned bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the village of Jeffersonville, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said village as a memorial to the soldiers there interred.

"To the village of Bellbrook, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids, to be placed in the cemetery in said village as a memorial to the soldiers there interred.

"To the Holbrook Memorial Association, of Holbrook, in the county of Norfolk and Commonwealth of Massachusetts, two condemned bronze or brass cannon or fieldpieces, the same to be placed in the public park of said town of Holbrook.

"To the Almedia Cemetery, in the town of Espy, in the State of Pennsylvania, two condemned bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the city of Plummerville, in the county of Conway and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Plummerville.

"To the city of Marianna, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls, to be placed in the public square in that city.

"To Northville, in the county of Wayne, State of Michigan, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the city of Trenton, in the State of Missouri, four condemned iron, brass, or bronze cannon or fieldpieces, with their carriages and suitable outfit of cannon balls.

"To the village of Russellville, in the county of Brown and State of Ohio, one condemned bronze or brass cannon or fieldpiece, with the carriage and a suitable outfit of cannon balls, the same to be placed in a public park in said village.

"To the city of Lawton, in the State of Oklahoma, four condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids.

"To the village of Fort Laramie, in the county of Shelby and State of Ohio, one condemned bronze or brass cannon or fieldpiece, with the carriage and a suitable outfit of cannon balls, the same to be placed in a public park in said village.

"To the village of Caro, in the State of Michigan, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the city of Miami, Fla., two condemned cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, not needed for present service.

"To the city of Allentown, county of Lehigh and State of Pennsylvania, four condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for eight pyramids; two of such cannon or fieldpieces to be placed in Armory Park in the said city and two to be placed in the public park in the western portion of said city.

"To Mrs. John S. Hornor, Helena, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls, to be placed in the Confederate Cemetery in the city of Helena, Ark.

"To the Florida Old Confederate Soldiers and Sailors' Home, Jacksonville, Fla., two condemned cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the Daniel Morgan Chapter, Daughters of the American Revolution, of Gaffney, in the State of South Carolina, four condemned iron, brass, or bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the Antioch College, in the village of Yellow Springs, in the State of Ohio, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed on the campus of said college as a memorial to Charles Oren and others named.

"To the city of Tennille, in the county of Washington and State of Georgia, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the village of Fox Lake, in the county of Dodge, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, with their carriages, the same to be placed in the public park in said village.

"To the city of Winston-Salem, Forsyth County, N. C., three condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be placed at the site of the monument to Daniel Boone, soon to be erected in that city.

"To the village park, at Marine, Ill., for use in said village, one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be placed in said village park.

"To the Fort Augusta, in the town of Sunbury, in the State of Pennsylvania, two condemned bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the Seward-Crocker Post, No. 45, in the city of Auburn, in the State of New York, three condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for six pyramids.

"To the New York State Women's Relief Corps Home, Oxford, Chenango County, N. Y., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the village of Hicksville, Defiance County, Ohio, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed in said village as a memorial to the soldiers who enlisted from that neighborhood.

"To the city of Wynne, Ark., two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls, to be placed in the public square in that city.

"To the city of Kennett, Mo., two condemned brass or bronze cannon or fieldpieces, with a suitable outfit of cannon balls, to be mounted in the courthouse yard of said city.

"To the city of New Madrid, Mo., two condemned brass or bronze cannon or fieldpieces, with a suitable outfit of cannon balls, to be mounted in the courthouse yard of said city.

"To the city of Benton, Mo., two condemned brass or bronze cannon or fieldpieces, with a suitable outfit of cannon balls, to be mounted in the courthouse yard of the said city.

"To the Lee Forby Camp, No. 1, United Spanish War Veterans, Omaha, Nebr., for use in its plat in the West Lawn Cemetery, at Omaha, Nebr., one condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the Grand Army of the Republic post at Hutchinson and the city of Hutchinson, jointly, in the county of Reno and State of Kansas, two condemned bronze or brass cannon or fieldpieces of 12 pounds each.

"To the village of Tobasco, in the county of Clermont and State of Ohio, one condemned bronze or brass cannon or fieldpiece, with the carriage and a suitable outfit of cannon balls, the same to be placed in the Mount Moriah Cemetery at said village.

"To the village of Antwerp, Paulding County, Ohio, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed in said village as a memorial to the soldiers who enlisted from that neighborhood.

"To the Lee Forby Post, 391, Grand Army of the Republic, Early, Iowa, to be placed near the flag tower in the city park, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the city of Milwaukee, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces with carriages, together with a suitable outfit of cannon balls for four pyramids, for decorative purposes in South Shore Park, on Lake Michigan.

"To the village of Lena, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids.

"To the town of Weedsport, State of New York, one condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids.

"To the school district of the city of Easton, Pa., for use on the grounds of the Franklin School building, two condemned bronze or brass cannon or fieldpieces, with carriages and suitable outfit of cannon balls.

"To the city of Glenwood, in the State of Missouri, one condemned bronze or brass cannon and suitable outfit of cannon balls, the same to be placed in a public park in said city.

"To the cemetery at Ulysses, Potter County, Pa., one condemned bronze or brass cannon, with carriage.

"To the city of Freeport, in the county of Stephenson, in the State of Illinois, two condemned bronze or brass cannon or fieldpieces, the same to be placed in the municipal park in said city.

"To the city of Veedersburg, in the State of Indiana, one condemned bronze or brass cannon or fieldpiece with carriage, together with a suitable outfit of cannon balls for two pyramids, for decorative purposes in Hub Park in the city of Veedersburg.

"To the city of Lyons, in the county of Rice and State of Kansas, two condemned bronze or brass cannon or fieldpieces of 12 pounds each.

"To the city of Gillespie, in the State of Illinois, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for two pyramids.

"To the borough of New Philadelphia, Schuylkill County, in the State of Pennsylvania, three condemned bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the village of Cedarville, in the county of Stephenson, in the State of Illinois, one bronze or brass cannon or fieldpiece not needed for present service, the same to be placed in Cedar Cliff Cemetery in said village.

"To the town of Lanesboro, in the county of Berkshire, in the State of Massachusetts, one bronze or brass cannon or fieldpiece not needed for present service, the same to be placed in the public park in said town.

"To the Georgia Military College, in the city of Milledgeville, in the county of Baldwin, in the State of Georgia, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the town of Farmington, in the county of Fulton, in the State of Illinois, one condemned bronze or brass cannon or fieldpiece, the same to be placed in the public park in said town.

"To the town of Vermont, in the county of Fulton, in the State of Illinois, one condemned bronze or brass cannon or fieldpiece, the same to be placed in the public park in said town.

"To the Avon Rifle Club, of Avon, in the county of Norfolk, in the Commonwealth of Massachusetts, one condemned fieldpiece, the same to be placed in front of the barracks of said club in said town.

"To the Warrensburg State Normal School, Warrensburg, Mo., two bronze or brass cannon or fieldpieces, with their carriages, and with a suitable outfit of cannon balls, the same to be placed on the campus of the Warrensburg State Normal School, at Warrensburg, Mo.

"To the Captain Horace Niles Post, 110, Department of Massachusetts, Grand Army of the Republic, of Randolph, in the county of Norfolk and Commonwealth of Massachusetts, two condemned bronze or brass cannon or fieldpieces, the same to be placed in the public park of said town of Randolph.

"To the Alexander Hamilton Chapter, Sons of the American Revolution, Sheldon, Iowa, two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls, to be placed at the entrance of the public park in the city of Sheldon, Iowa.

"To F. L. Aiken, mayor of the city of Onalaska, La Crosse County, Wis., two condemned fieldpieces or cannon, with suitable outfits of cannon balls, one to be used for the purpose of appropriately marking the burial places of deceased soldiers and the other for the adornment of a public park in said city.

"To the Waynesburg Park Association, Waynesburg, Greene County, Pa., two condemned bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To Jackson County, Miss., one condemned bronze cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls.

"To the city of Carbondale, Jackson County, Ill., for the use of the new armory at Carbondale, Ill., two condemned cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

"To the village of Phelps, in the State of New York, a condemned bronze or brass cannon or fieldpiece and carriage, together with a suitable outfit of cannon balls for two pyramids.

"To the John T. Parker Post, No. 57, Kentucky Grand Army of the Republic, of the city of Vanceburg, Lewis County, Ky., one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, the same to be placed in the courthouse yard in the said city.



"To the city of Williamsburg, in the State of Iowa, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids.

"To the village of Grahamsville, Sullivan County, N. Y., one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls.

"To the village of Monticello, Sullivan County, N. Y., one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls.

"To the town of Thorntown, in the State of Indiana, one condemned bronze or brass cannon or fieldpiece with carriage, together with a suitable outfit of cannon balls for two pyramids, for decorative purposes in the grounds of the public library in the town of Thorntown.

"To the Waynesburg Armory Board, Waynesburg, county of Greene, State of Pennsylvania, two condemned bronze cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls for two pyramids, to be placed in front of the armory.

"To the Borough of Queens, city and State of New York, two condemned bronze or brass cannon or fieldpieces, with their carriages and suitable outfit of cannon balls to make four pyramids, to be placed as designated by the president of the borough.

"To the Port Washington Business Men's Association, for use in the grounds of the Port Washington High School, one condemned bronze or brass cannon or fieldpiece, with its carriage and suitable outfit of cannon balls.

"To the village of Hicksville, Defiance County, Ohio, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed in said village as a memorial to the soldiers who enlisted from that neighborhood.

"To the village of Antwerp, Paulding County, Ohio, two condemned bronze or brass cannon or fieldpieces and carriages, together with a suitable outfit of cannon balls for four pyramids, to be placed in said village as a memorial to the soldiers who enlisted from that neighborhood.

"To the city of Charleston, in the county of Franklin, in the State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the courthouse yard in said city.

"To the city of Ozark, in the county of Franklin and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in the public park of said city of Ozark.

"To the city of Russellville, Ark., two condemned bronze cannon and suitable outfit of cannon balls, to be used for ornamental purposes.

"To the city of Atkins, in the county of Pope and State of Arkansas, two bronze or brass cannon or fieldpieces, with their carriages, not needed for present service, the same to be placed in a public place in said city of Atkins.

"To the city of Morrilton, in the county of Conway and State of Arkansas, two condemned bronze or brass cannon or fieldpieces, with the carriages and a suitable outfit of cannon balls, the same to be placed in a public place in said city."

Mr. COOPER of Wisconsin. Mr. Speaker, I sent to the Clerk's desk an amendment which the Clerk has not read. I would like to offer it as an amendment.

Mr. CALDWELL. It goes in with the committee amendments. There are also two more from Ohio.

The SPEAKER. The Clerk will report the additional amendments.

Mr. COOPER of Wisconsin. It is to go to the Spanish War Veterans' camp at Racine, Wis. I offered the amendment, and it is down there on the desk.

Mr. KEARNS. Mr. Speaker, I had an amendment which was not read by the Clerk.

Mr. STEPHENS of Texas. I sent up an amendment also.

The Clerk read as follows:

Amendment by Mr. STEPHENS of Texas: At the end of the bill insert "To the city of Vernon, Tex., one brass cannon and a suitable outfit of cannon balls, to be placed at the foot of the Confederate Monument in the public square in said town."

Mr. COOPER of Wisconsin. Mr. Speaker, my amendment is at the desk. I handed it to the Clerk, and he put it with the others.

Mr. MANN. Then he probably read it.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: "To the Spanish-American War Veterans' Camp of Racine, Wis., two condemned bronze or brass cannon or field pieces, with carriages, with a suitable outfit of cannon balls, to be placed in Milton Honlick Camp Grounds."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CALDWELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 14299. An act to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 16460. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917;

H. R. 14944. An act authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 48, Moody County, S. Dak., to the city of Flandreau, to be used as a public park or playgrounds;

H. R. 13982. An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens; and

H. J. Res. 193. Joint resolution authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark Two hundred and fiftieth Anniversary Celebration.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5976. An act to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896;

S. 5466. An act to open abandoned military reservations in the State of Nevada to homestead entry and desert-land entry, and to amend an act entitled "An act to open abandoned military reservations in the State of Nevada to homestead entry," approved October 1, 1890; and

S. 1351. An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8141. An act for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.;

H. R. 7419. An act granting a patent to a certain strip of land to Elisha A. Crandall;

H. R. 7396. An act for the relief of Hiram P. Geaslin;

H. R. 7062. An act for the relief of Erskine R. Hayes;

H. R. 16912. An act granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio;

H. R. 12248. An act for the relief of the estate of Mary H. S. Robertson, deceased;

H. R. 12123. An act to appropriate money to build and maintain roads on the Spokane Indian Reservation;

H. R. 8630. An act for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill.;

H. R. 8200. An act for the relief of M. E. Sitters;

H. R. 5453. An act for the relief of the State Board of Harbor Commissioners of the State of California;

H. R. 15955. An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits;

H. R. 15777. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 10641. An act for the relief of Fred Henderson;

H. R. 11984. An act for the relief of William E. Heffner;

H. R. 10643. An act for the relief of Theodore Bagge;

H. R. 10546. An act for the relief of the Illinois Central Railroad Co., and for other purposes;

H. R. 10052. An act to reimburse J. T. Nance;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 14952. An act for the relief of Mrs. John A. Fox;

H. R. 2555. An act for the relief of the Minnesota & Ontario Power Co.;

H. R. 14868. An act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes;

H. R. 6180. An act for the relief of Lillie B. Randall;

H. R. 20. An act authorizing the county of Gunnison, Colo., to purchase certain public lands for public park purposes;

H. R. 14528. An act for the relief of W. W. Finn;

H. R. 2052. An act for the relief of the estate of William D. Allen;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;

H. R. 1777. An act for the relief of Frank J. Deutsch;

H. R. 11416. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";

H. R. 12717. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 16699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 15937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 13224. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

#### THE EIGHT-HOUR DAY.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] is recognized for one hour.

Mr. BUCHANAN of Illinois. Mr. Speaker, in view of the pending negotiations between the managers of the various railroads of the country and the representatives of the Brotherhoods of Railroad Employees relative to the employees' demand for an eight-hour day, and also the wide and varied expressions of opinion we find daily in the newspapers and other publications, I have felt called upon as one intensely interested in the organized labor movement and the welfare of the laboring masses to make a brief statement regarding the history of the eight-hour movement and its economic and social importance to the people of the country.

There is nothing new, Mr. Speaker, in the proposition for a general reduction of the hours of labor. It introduces no new principle into society; it disturbs no existing interests; it does not in any way disturb existing economic or social institutions. It merely asks that the toiler shall have more leisure; that the development of his social character may keep pace with his productive power and the comfort and culture of his home may be broadened and enjoyed.

It is not my purpose to present any new and novel arguments in behalf of the eight-hour day. The proposition has been thrashed over for the last 100 years by men more able than I; but it is my desire, Mr. Speaker, to arouse those who have previously viewed with cool indifference a matter which I consider of vital interest to the public; to enlighten, if possible, a great many who have, no doubt, been misled by the false and erroneous statements issued by the opponents of labor and to call attention to a few of the most outrageous crimes that have been committed on the people of the United States by the railroads of the country which should play an important part in the consideration and disposition of the present controversy.

As the years have gone by, the eight-hour philosophy which originated in the misery and weary toll of workers has become an accepted principle of society and industry. Employers have learned that the short-hour worker is a better, more productive, more valuable worker than the one who drudges long hours for low wages. The short-hour worker has more vitality, more ability, more resources to put into his work, and accomplishes more in a shorter period of time.

In the long struggle for better labor conditions it took a whole century of unceasing agitation and, at times, almost open warfare between capital and labor to establish one irrevocable fact, and that is whenever the conditions of an industry compel an operative to work too long hours for a wage insufficient to supply him with proper food and clothing to maintain his strength, and in insanitary surroundings, it is no less a menace to the worker than it is to society at large. It is as great a menace as an epidemic against which the resources of civilization are constantly warring, for such an industry can be carried on only at the expense of the physical and moral welfare of the worker.

Time will not permit an extended statement of the historical events of this movement for a shorter workday, which already fill volumes. Many are of the opinion that the movement in America is of recent growth, but as far back as 1806 we find an authenticated instance of organized shipbuilders and calkers from New York City, asking for a reduction from 14 to 10

hours a day. Unlike the movement in England then assuming headway, this was not a plea for women and children only, but a sturdy demand for themselves. Their employers were astounded at such a demand, and with solemn indignation the merchants of New York resolved that such a trade "combination has a direct tendency to put their business into other hands, or to seriously injure it by inducing shipowners to repair their vessels elsewhere rather than submit to the inconveniences, delays, and vexations to which they would be exposed when they can obtain labor only at such times and on such conditions as the folly and caprice of a few journeymen mechanics may dictate, who are now idle two or three of the most valuable hours of the day." Whereupon these patriotic merchants, who deemed the achievement of political liberty the term of social progress, determined to blacklist every member of the union audaciously asking for a reduction of the hours of labor from 14 to 10. Several years passed before marked success attended the sporadic efforts which followed. In Boston, May, 1832, the carpenters and calkers struck for 10 hours and lost, but in that and the year following the same trades were successful in New York and Philadelphia.

After this the movement for 10 hours became so general that in April, 1840, President Van Buren by proclamation established 10 hours as the normal workday in all navy yards and arsenals of the Government. This gave it such a standing that in the following year Gov. Fort, of New Jersey, recommended shortening the hours of daily labor in his message, seeing even then that "constant and unrelenting toil prevents intellectual improvement and leads to physical and moral debasement." Labor parties had already arisen in the eastern States in which this measure occupied a prominent plank. In the same year, 1841, the 10-hour system was introduced in Bath, Me., by a firm of boat builders, and most of the yards there followed the example.

From this time on the movement steadily gained headway in the large cities among skilled artisans, though not in the mills. On June 16, 1845, a large mass meeting, attended by 5,000 persons, was held in Pittsburgh, Pa., for the same purpose and led to similar action elsewhere. In the following October the first industrial convention in this country was convened at New York to organize concerted action toward the same end. Mass meetings and strikes for the 10-hour system now became very frequent, and in many cases were successful. The European uprising in 1848 naturally gave the movement greater impetus. From that time on Congress and legislatures were annually in receipt of petitions and memorials against the employment of women and children over 10 hours a day in factories, but then, as so many times later, they were buried in committees. But the system was gradually gaining ground, and the old 14-hour stretch found but few defenders. Little by little the hours had fallen to 12 and 11 where the 10-hour system had not yet been adopted.

Another industrial convention met at Chicago, June, 1850, to further solidify the growing demand. Such persistency was not without effect, and by 1853 11 hours became the general custom for artisans. In some places factories still ran for more hours, but by 1865 strikes had brought 11 hours as the general maximum in factories.

After the close of the Civil War the return of such large numbers to industrial pursuits again brought the question up and intensified the antagonism between industrialism and the spirit of militancy, which our late war did so much to revive and encourage. Hardly was the struggle of arms over and its veterans back to peaceful pursuits than the New England Ten Hour League was organized, which by the eloquent voice of Wendell Phillips and others proclaimed the new gospel. Owing to this agitation the State of Massachusetts in 1874 adopted the 10-hour law despite the combined opposition of mill owners and political economists. Although until recently Massachusetts stood alone in reducing factory labor to 10 hours, official investigation in 1881 shows that the Massachusetts factory laborer, working over 20 hours less per month than his fellows of adjoining States, received about two dollars and a half more wages in that time than they.

From this time on the struggles of the organized-labor movement for the adoption of a shorter workday are familiar to practically all of us. We have but to call to mind the very recent horrors of Ludlow, Colo., and the Michigan copper fields, where gunmen, armed automobiles, and machine guns were employed to slaughter the wives and children of those who dared stand firm in their demand for the enjoyment of at least a few of their God-given privileges, which for years had been denied them by the profit barons and money mongers, in order to realize the magnitude of the sufferings and sacrifices of the wealth producers of the country to free themselves from the shackles of industrial slavery. The building trades of the country many



years since have established the eight-hour day to the satisfaction of not only the employee but the employer as well.

Astride with their struggles with their employers and the large corporations, the wageworkers, through organization, have bent their energies to secure relief and better working conditions through legislation. But this effort has also been a hard and weary one. Through the powerful influence of the big business interests and corruption legislators have been bribed to betray their trusts, courts have been bought, and executive officials influenced to delay and obstruct the successful operation of what laws have been enacted against their violators.

The first labor law of England was passed in 1802, and provided that the hours of labor of apprentices in cotton mills should be limited to 72 per week, and that they should not be employed on Sundays. This was followed by a long dreary struggle, which resulted in a law being passed in 1819 which placed the age limit at 9 years and placed all persons under 16 years within the provisions of the act of 1802.

In 1825 a new law was placed on the statute books (6 Geo. IV, ch. 63). The act of 1819 was violated by the mill owners, who retained the children three and four days a week during mealtime to clean machinery, which deprived them of exercise, of change of air, and compelled them to eat their food in mouthfuls while they were cleaning and when the air was full of dust and cotton flue. The new act prohibited any person under 16 from working more than 12 hours per day, exclusive of 1½ hours for mealtime. In 1831 an amendment was made to the law of 1825 which reduced the hours of labor to 11 and prohibited night work for all women and young persons under 21 years of age. In 1833 this law was extended to include woolen, worsted, silk, flax, as well as cotton mills, and reduced the working time of children to 8 hours a day.

In 1844 and 1846 bills were introduced in Parliament advocating a universal 10-hour day, but were defeated. However, in 1847, the reports of parliamentary committees having made a few converts by showing a marked improvement in the condition of labor by the enactment of previous laws, the 10-hour-day law was passed.

In 1867 occurred the next important step—the passage of an act providing that all blast furnaces, copper mills; iron, steel, and tinplate mills; iron, copper, and brass foundries; and factories in which machinery, metal articles, gutta-percha paper, glass, or tobacco were manufactured, and also printing establishments, were to be brought under the purview of the act of 1847. In 1874 the hours of labor were still further reduced to nine and one-half per day.

Since that time much has been accomplished in England in the way of labor legislation along the lines of trade-unions and workmen's compensation acts. At present in the textile industries there also exist provisions relative to children under 14 years of age who have not obtained a school certificate. Labor in mines is restricted to eight hours per day, to be counted from leaving the surface to the return to the surface. The hours of labor of certain classes of employees of railway companies, other than those employed on the clerical force in workshops, may, on representation to the board of trade, be investigated and regulated according to the results of the investigations.

As early as July 16, 1862 (12 Stat. L., p. 576), Congress provided that the hours of labor and the wages of employees in the navy yards of the United States should conform as nearly as consistent with the public interest with those of private establishments of a similar nature.

On June 25, 1868, Congress enacted:

That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

President Grant, by his proclamation of May 19, 1869, checked abuses which were perverting the generous object of this statute by declaring—

That from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of any such reduction of hours of labor.

On May 11, 1872, President Grant issued a second proclamation referring to the former, and, among other things, said:

And whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics: Now, therefore, I, Ulysses S. Grant, President of the United States, do again call attention to the aforesaid act, and direct all officers of the executive department of the Government having charge of the employment and pay of laborers, workmen, and mechanics, employed by or on behalf of the Government of the United States, to make no reduction in the wages paid for the Government, by the day, for such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

On May 18, 1872, Congress further enacted a law providing—

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such workmen, laborers, and mechanics, and the 19th day of May, 1869, the day of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

On March 30, 1888, in the urgent deficiency bill, it was enacted as follows:

And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

And by the act approved May 24, 1888, it was provided—

That hereafter eight hours shall constitute a day's work for letter carriers in cities or postal districts thereof, for which they shall receive the same pay as is now paid for a day's work of a greater number of hours. If any letter carrier is employed a greater number of hours than eight, he shall be paid extra for same in proportion to the salary now fixed by law.

The Department of Justice had held—

That the provisions of the act of June 25, 1868, were not applicable to mechanics, workmen, and laborers who are in the employ of a contractor with the United States. The act was not intended to extend to any others than the immediate employees of the Government.

In the case of the United States v. Martin (94 U. S., 404) the Supreme Court said, respecting the eight-hour law of 1868:

We regard the statute chiefly as in the nature of a direction from a principal to his agent that eight hours is deemed to be a proper length of time for a day's labor, and that his contract shall be based upon that theory. It is a matter between the principal and his agent, in which a third party has no interest. The proclamation of the President and the act of 1872 are in harmony with this view of the statute. We are of the opinion therefore that contracts fixing or giving a different length of time as the day's work are legal and binding upon the parties making them.

This decision recognized the legality of a longer workday in Government employment. The influence of the law and President Grant's proclamations upon public opinion was lessened.

The brevity and the indefiniteness of the eight-hour law of 1868 induced further legislation. Officers of the Government having charge of many employees did not administer the eight-hour law uniformly. Many of the ablest officials were friendly to this statute. Brig. Gen. Casey, Chief of Engineers, declared that he was strongly in favor of an eight-hour law; that it is an advantage to the country and to the laborer, and should be extended all over the country. Yet the employees of the engineers were paid a day's wages for eight hours of labor, but the law was not interpreted to limit the hours of employment in one day. Commander Folger, in charge of the Washington Navy Yard, reported that in an eight-hour workday, if observed, the quality of work produced would probably compensate for the reduced hours; yet he confessed that he did not understand that it was the policy of the Government to limit the hours of service in a Government day to eight hours and no more.

#### THE LABOR LAW OF 1892.

The following act, of August 1, 1892, was the result of discussions and committee investigations during three years prior to its enactment. Its main object was to prohibit contractors or subcontractors upon any of the public works of the United States or the District of Columbia from working more than eight hours upon any of the public works. In terms it was made unlawful for any officer, contractor, or subcontractor upon any of the public works to require or permit any laborer or mechanic to work more than eight hours in any calendar day.

This law, which was generally considered by all fair-minded men to be broad enough to cover practically all works of the Federal Government, was very greatly impaired by the decision of the Supreme Court of the United States in the case of *Ellis v. United States* (206 U. S., 246). This was an action brought against a dredging company for violation of the above-mentioned act by working its employees engaged in dredging under Government contract, for more than eight hours a day. The case was decided against the defendant in the lower courts, but on appeal to the Supreme Court, by a divided court, the men engaged in the dredge work were classified as seamen and, therefore, outside the purview of the law. The following is an extract from the opinion of Mr. Justice Holmes:

The three cases against the Eastern Dredging Co. were informations for employing certain men, alleged to be laborers or mechanics, more than eight hours a day upon what was alleged to be one of the public works of the United States, viz, Boston Harbor. \* \* \* The offenses were admitted or proved subject to the questions that already have been considered, and to further questions whether the dredging was upon one of the public works and whether the persons employed were laborers or mechanics within the meaning of the act, with one or two lesser points that will not need to be discussed.

Both of the phrases to be construed admit a broad enough interpretation to cover these cases, but the question is whether that interpretation is reasonable and, in a penal statute, fair. Certainly they may be read in a narrower sense with at least equal ease. The statute says, "Laborers and mechanics \* \* \* employed \* \* \* upon any of the public works." It does not say, and no one supposes it to mean, "any public work." \* \* \* The fact that the persons mentioned as employed upon them are laborers and mechanics, words admitted not to include seamen, points in the direction of structures and away from the sea; the very great difficulty, if not impossibility, of dredging in the ocean, if such a law is to govern it, is a reason for giving the defendants the benefit of the doubt. \* \* \*

The words "laborers" and "mechanics" are admitted not to apply to seamen as that name is commonly used. Therefore it was contended but faintly that the masters of the tugs could not be employed more than eight hours. But the argument does not stop with the masters of tugs, or even with mates, engineers, and firemen of the same. The scows and floating dredges were vessels. They were within the admiralty jurisdiction of the United States. Therefore all hands mentioned in the information were seamen within the definition in an earlier statute of the United States. They all require something of the training and are liable to be called upon for more or less of the service required of ordinary seamen. The reasons which exclude the latter from the statute apply, although perhaps in a less degree, to them. Whatever the nature of their work, it is incident to their employment on the dredges and scows as in the case of an engineer or coal shoveler on board ship. Without further elaboration of details we are of opinion that the persons employed by the defendant company were not laborers or mechanics and were not employed upon the public works of the United States within the meaning of the act. As in other cases where a broad distinction is admitted it ultimately becomes necessary to draw a line, and the determination of the precise place of that line in nice cases always seems somewhat technical, but still the line must be drawn.

This opinion, however, was not unanimous. The following is a part of the dissenting opinion of Mr. Justice Moody, in which Justice Harlan and Justice Day concurred:

It does not seem to be important that for some purposes the scows and dredges were vessels, or those employed upon them for some purposes are deemed seamen. The question here is, What were the men when they were engaged in the work of excavation? Were the men at that time employed as seamen, doing the work of seamen, or as laborers and mechanics doing the work of laborers and mechanics? I think they then were laborers and mechanics, and employed as such, and that their occupation is determined not by what they have been in the past, or by what their employers choose to call them, but by what they were doing when the Government invoked the law for their benefit. \* \* \* Nor was their work in dredging incident to their employment on the dredges, but quite the reverse. They never would have been employed at all except for dredging. They never would have set foot on the dredge save to use it as a platform on which to do the work of laborers and mechanics; in the main, they actually did that work, and whatever they did which was of the nature of seamen's work was a mere incident to the fact that they labored upon a floating platform instead of upon the dry land. \* \* \* When the intention of the legislature is reasonably clear, the courts have no duty except to carry it out. The rule for the construction of penal statutes is satisfied if the words are not enlarged beyond their natural meaning, and it does not require that they shall be restricted to less than that.

In order to correct this evil and to put the dredge workers within the operation of the eight-hour law, as was at first intended by Congress, I introduced a bill in the Sixty-second Congress, which became a law on March 3, 1913. In addition to this, the Sixty-second Congress passed what is known as the "general eight-hour law for contracts on public works," the provision in the Post Office appropriation bill requiring postal employees to work only eight hours, was made mandatory, and eight-hour clauses were also incorporated in the Army and naval appropriation acts for all work done under contracts with these departments.

In the Sixty-third Congress we passed an eight-hour law for women and child workers of the District of Columbia; an eight-hour law for employees under the Alaskan coal land act; and the eight-hour provision was retained in the Post Office appropriation bill in spite of determined opposition from the Post Office Department.

Thirty-one States of the Union, the District of Columbia, Alaska, Hawaii, and Porto Rico have eight-hour laws applicable to labor on public works and to State employees. These laws have been adopted within the last 25 years.

In Colorado a law was enacted in March, 1899, providing for eight hours in mines, smelters, and blast furnaces, but in the ensuing October the supreme court of the State unanimously decided it to be unconstitutional. On November 4, 1902, a constitutional amendment embodying the terms of this law, which had been approved by all the political parties, was submitted to the people under the referendum at the general election and adopted by a vote of 72,980 yeas and 26,266 nays. The General Assembly of Colorado at the close of its next session, from January 7 to April 6, 1903, adjourned without enacting an eight-hour law as directed by this constitutional amendment, but in 1905 it passed a law which in part resembles the organic act, but is inadequate, reflecting neither its letter nor spirit.

In Bulletin 76 of the United States Public Health Service, prepared under the direction of the Surgeon General by Dr. B. S. Warren and Edgar Sydenstricker of that bureau, the following observations are made:

In addition to industrial poisons and other insanitary conditions in places of work, there are certain conditions in modern industry which cause excessive fatigue. Among these may be mentioned long hours,

the piecework system, and the increasing use of machine methods. Work performed by any of the body cells produces waste products and other changes in those cells. Up to a certain limit, work with the resulting cell changes, is beneficial and improves the physical condition; but when work is excessive, too prolonged, or too fast, the waste products begin to accumulate, the cells become exhausted, the physiologic changes fail to occur, and if not properly rested the cells are damaged.

It is becoming more and more recognized that fatigue is a health hazard in industry. This is evidenced by a series of court decisions in the last few years upholding the constitutionality of laws prohibiting excessive hours of work for women in industry. The basis of these decisions was the effects of long hours upon health. There is also a marked tendency on the part of employers to realize these effects and to adopt a shorter working day and on the part of labor unions to insist upon an eight-hour workday and a six-day week standard.

Under the caption "Hours of labor," the Commission on Industrial Relations in its final report stated:

As a result of investigation the following conclusions are justified:

1. The physical well-being, mental development, and recreational needs of every class of population demand that under normal circumstances the working day should not exceed eight hours.
2. A very large percentage of the workmen in manufactures, transportation, and mining work more than eight hours per day.
3. This is in marked contrast to the condition of those whose economic position enables them to define the length of their own working day.
4. Practical experience has shown that the reduction of working hours is in the interest not only of the worker and the community generally, but of the employer.
5. The regulation by legal enactment of working hours of adult workmen is not generally practicable nor desirable, except for public employees.

At the present stage of the discussion of reducing the hours of the workday it is no longer necessary to set out to prove the benefits to mankind gained everywhere in industrial life through cutting off all the hours of employment above 10. On the shelves of every public library in our cities are books and reports by the score telling of communities made more healthy, more sober, more happy, more enlightened by removing the burden of the intolerably excessive labor to which the workers generally were formerly driven. To lop off the two, three, and even four hours above eight was a long step toward substituting humanity for brutality. More than that, economically nothing was lost. At the end of the year the worker, on the average, yielded as much output at eight hours as at the longer day. He worked more days, he applied more muscle to his task, and he rose from an automaton drudge to an intelligent mechanic. It is also to be noted that every reduction in the hours of daily labor has been followed by new and better tools and devices by which the productivity of the workers working under an eight-hour day has been vastly increased over the former long-hour workday.

With the progressive intensity of application under modern methods and speeded-up machinery, workmen by daily experience know, and, with hardly an exception, the trained and careful investigators of working-class life employed by either the Government or sociological agencies are by diversified observation convinced, that 10 hours in an industrial pursuit strain the nerves and weaken the general physique of even strong men, the total result being a detriment to the race. With the recent necessarily changed modes of living, especially in large cities, the 10 hours at work mean more nearly 12 hours' absence from home, transit to and from the work place being included.

The laborer's strength diminishes gradually in the course of the day. The last hours count against him most. Bodily ailments then develop in his weak spots. The quality of his work then falls off. His aversion, born of weakness and exhaustion, then takes root toward the natural avocations of a healthy nature in the hours off from the daily grind. It is then that, with a certain percentage of the worn-out toilers, a craving for stimulant arises, foreshadowing the deplorable consequence of indulgence in drink. It is then that the workman is unfitted to take part during the evenings in the various duties of his life; hence he is the less worthy as a citizen, the less helpful to the constructive institutions of society, the less a watchful, patient, and competent father of a family.

The testimony as to what the wageworkers who enjoy the eight-hour day have done with the two hours now their own which once were given to the employer is to be seen in the number of callings in many parts of the country. One effect is beyond doubt. Their new-found time they have employed in such a way as to decrease the death rate, and hence obviously the lost time through illness, in their occupations. Every trade-union which pays a death benefit shows from its books a decrease in payments per thousand members since it has had the eight-hour day. In this fact alone the body of the argument for an eight-hour workday, on the score of health, is carried to the point of conviction. Men who are living longer than their predecessors at the same calling are obviously living better in all the implications of the word. They and their families are housed better, dressed better, fed better, educated better—in all respects, as a whole, are happier. This truth is to be seen in so



many industries and communities, it is a truth that appeals so to common sense and ordinary observation, as well as to the conviction developed in us with experience, that man tends to elevate himself with opportunity, that to attempt to prove it by statistics and recapitulations of the inquiry were to misapply man's discriminating faculty.

In proposing an eight-hour day the first question to be settled is economic. It is whether the total output will warrant the possible lessening of effective toil. In other words, can society sustain itself and progress on eight hours' work? To this query the industrial wageworkers reply: There has been no diminution of output by reason of the reduction of hours of labor from 10 to 8; in not a few occupations the output has not varied from the results of 10 hours, the number of human workers remaining the same in proportion. Workers, with the aid of new machinery, within the period of the present generation have in nearly all occupations vastly increased product. Besides, the cessation of the two hours' work in his vocation has given the worker opportunity to add to his product in his avocations. His leisure hours, it may be said without paradox, have given him the time, opportunity, and pleasure of caring for his house, his garden, and his side ventures. The eight-hour day has given more, not less, of material things to the world. A whole continent, as is the case of Australia, may have the eight-hour day and mankind be the richer.

It is clear that the eight-hour day is not only a boon to the men, women, and children who toil—to humanity—but that through it, when it shall have become general, the present total production of society will be increased.

The foremost demand of the organized-labor movement is for a shorter workday. It is in the interest of labor; it must necessarily be in the interest of progress. The eight-hour day is the harbinger of more successful industry and commerce, its tendency is upward, and it will surely help to solve the greatest of all material problems of our lives on a peaceful and permanent plane.

Referring more specifically to the present eight-hour controversy between the railroads and their employees, as an abstract proposition I do not believe anyone disputes the desirability of an eight-hour day for railway-transportation employees. It is equally beyond controversy that the hours of work required of these classes of employees in certain branches of railroad service are excessive. For example, let us take the yard enginemen. They are paid on a 10-hour basis, but to receive that compensation they must put in an average of 14 hours each day, for the following reasons: It takes about an hour to prepare their engines and take them from the roundhouse to the yards before they begin work; that is, before their pay commences. They are on the job 11 hours, one hour being deducted for the noon hour, but in this hour they are required to oil their engines, tighten up bolts, and do other minor repairing to fit their engines for the remainder of the shift. After putting in the 11 hours they are then compelled to take their engine from the yard to the engine house and inspect the machinery and make their report, all of which takes another hour, but their pay has already stopped at the end of the 11 hours. This makes at least two hours and a half time actually engaged in the work of the company for which no pay is received. Adding to this a half hour for going to and returning from work each morning and evening, it easily totals 14 hours that these men must be away from their homes, for which they receive but 10 hours' pay. The same applies to the firemen, who are paid at the rate of \$2.50 a day.

Employees in these branches of service have become the victims of what in railroad parlance is known as the "tonnage craze." The development of heavier freight loads and larger freight earnings per mile has been the goal of all railway operating officials. Engines of greater and greater tractive power have been installed, freight cars of constantly increasing capacity have been built, the number of cars in trains has been increased, roadbed has been strengthened, heavier rails laid, new bridges constructed, grades reduced, and curves eliminated, all for the purpose of getting heavier trains over the road with the object of reducing operating costs. Under this system of administration the fact that the hours on duty of engine and train crews in certain branches of the railroad service have become excessive is generally recognized and needs no elaborate statistical demonstration.

In order to make the request of the men appear to be unreasonably extravagant the railroads point to the fact that out of every dollar of revenue received 45 cents is paid for labor. This is an admission that railroad labor is not paid nearly as much as labor in other industries.

Ten of the leading industries selected from the United States Census reports show that the ratio of wages to the cost of production is 61.4 cents out of each dollar,

According to the Statistics of Railways, issued by the Interstate Commerce Commission for the year ending June 30, 1915, we find that the total compensation paid railway employees was \$1,188,141,318, but this total includes also the enormous salaries paid the officials of the roads. We also find that the net profits of the roads amounted to \$885,860,451, and after deducting from the amount paid to employees the millions of dollars paid in salaries to the officers of the roads and thousands of unproductive parasites on the roads, such as detectives, lobbyists, fixers, lawyers, and so forth, who do not add a dollar of revenue to the roads we find that for every dollar paid the employees in wages and salaries the railroad corporations paid themselves a dollar in profits. Thus the comparatively small number of persons who own the inert capital of the roads drew practically as much money from the gross earnings as did the million and a half men of skill and strength and muscle who operated the roads and made possible all the gross earnings of \$3,000,000,000 annually.

The railroads are also attempting to make capital out of the fact that the railroad pay roll "now approaches \$1,500,000,000 a year for the great army of nearly 1,800,000 men." These are enormous sums, it is true, but not so astounding when we consider the magnitude of the transportation business. The inspired "news" of the trust-controlled press have flourished in big type the supposedly enormous incomes of the railroad employees, but by taking the figures published by the railroads themselves it is very easy to see how misleading these statements are. That is, by taking the total amount paid in wages to the men and dividing it by the number of men, you will find that the average wage paid to the railway employee is about \$800. After reading the "news" in the artful newspapers, one would think the wages of these so-called "aristocrats of labor" would be somewhere in the neighborhood of \$1,500, but it appears not. The average is lower than the standard of living set by the experts for the typical family of three or four persons.

Another interesting phase of the earning capacity of the railroad employees is discussed by William Leavitt Stoddard in an article appearing in Pearson's Magazine for April, 1916, which is as follows:

As a matter of fact, although the actual totals spent in wages to the railroad labor have risen, the cost of labor has been going down. That is to say, each dollar spent in labor has brought in a greater return than ever before. This fact the railroads will dispute, so it is well to make it clear. It is one of the most striking facts in modern industry, for it applies to other fields of labor besides the transportation field. But in the transportation field alone this fact is particularly significant. For example:

It is the job of the railroads to haul goods. The volume of traffic is measured by the weight of the goods and the distance which they are carried. The traffic unit is, therefore, called ton-miles. Now, a very carefully study of 24 typical roads in western territory disclosed that it costs less to haul 1 ton 1 mile, so far as labor is concerned, than it did, say, 20 years ago. For instance, for each \$1,000 paid to engineers and firemen on these lines in 1913 it was possible to handle 92 per cent more ton-miles than in 1890. \* \* \* In a word, owing to bigger and better machinery and to other causes railroad labor is constantly creating more and more wealth. Put into another form, each 1,000 ton-miles cost the railroads in 1890, measured in terms of labor of engineers and firemen, almost exactly 65 cents, but in 1913 this had been reduced to 33 cents.

The importance of this increased productive efficiency of railroad labor can hardly be overestimated. Because their labor power, applied to greater machinery, is bringing in more money, while at the same time the proportionate share of labor to profits is decreasing, the men are justified in demanding higher wages. If they do not demand higher wages, they may fairly demand something which means, perhaps, more to them at this particular moment—shorter hours. Their labor power is costing the railroads less and less in proportion to the value which it creates.

Each of the contending forces in this controversy is at present appealing to the public and to the Government for sympathy with its cause. Let us examine carefully the complexion of these two great organizations, for what purpose they exist, and what they have heretofore accomplished that merits consideration.

On the one side we have the four great brotherhoods of railway employees—the engineers, the firemen and enginemen, the trainmen, and the conductors. Four great organizations of men banded together for the purpose of securing for themselves through united effort better working conditions and to render aid to those of their members who, through the hazards of their employment and misfortune, have been rendered physically unfit to care for themselves and their families. The benefits to the working people derived through organization have been so often concretely demonstrated that they need no further discussion by me at this time. Whatever benefits the masses of the people, the working people, must necessarily benefit society.

The transportation industry is one of the most hazardous occupations. However, no recognition of this hazard is reflected in the wages of the employees. The records of the Brotherhood of Locomotive Firemen and Enginemen show that since its institution \$18,189,167.75 has been paid for deaths and disabilities of its members. The conductors have paid out \$18,000,000. The trainmen, \$28,833,132, and the engineers, \$33,348,267.44. In all these organizations have paid out in benefits to their members

the sum of \$98,370,567.19; or, taking these figures as a general average, each brotherhood pays in round numbers a million dollars a year for these purposes, the greater part of which is for deaths and disabilities caused by accidents on the railroads.

On the other side we have a combination of the most greedy plunderers and looters of the public in the commercial and industrial world, which consists of the directors of the various railroad corporations of the country, whose headquarters are in Wall Street, New York, and who are past masters in stock juggling and manipulating. They have not been satisfied with robbing the shippers and the public by extortionate freight and passenger rates, but have in turn looted the roads which they control and swindled their fellow directors and stockholders out of millions of dollars, all of which falls as an additional burden upon the public in the way of excessive rates to pay interest and dividends on billions of fictitious valuations, known as watered stock, and, perhaps, better known as counterfeit capital.

A very striking example of this railroad piracy is found in the case of the New York, New Haven & Hartford road, the details of which are no doubt still fresh in the minds of many of us, and which are very clearly set forth in the report of the Interstate Commerce Commission on its investigation of the financial transactions of the New Haven, as follows:

The subject matter of this inquiry relates to the financial operation of a railroad system which, on June 30, 1903, had a total capitalization of approximately \$93,000,000, of which \$79,000,000 was stock, and \$14,000,000 bonds. In the 10 years from June, 1903, this capitalization was increased from \$93,000,000 to \$417,000,000, exclusive of stock premiums, or an increase of \$324,000,000. Of this increase, approximately \$120,000,000 was devoted to its railroad property and was expended for betterments and equipment. This leaves the sum of \$204,000,000, which was expended for operations outside of its railroad sphere. Through the expenditure of this sum this railroad system has practically monopolized the freight and passenger business in five States of the Union. It has acquired a monopoly of competing steamship lines and trolley systems in the section it serves. The financial operations necessary for these acquisitions and the losses which have been entailed have been skillfully concealed by the juggling of money and securities from one subsidiary corporation to another.

Marked features and significant incidents in the loose, extravagant, and improvident administration of the finances of the New Haven as shown in this investigation are the Boston & Maine despoliment; the inquiry of the Westchester acquisition; the double price paid for the Rhode Island trolleys; the recklessness in the purchase of the Connecticut and Massachusetts trolleys at prices exorbitantly in excess of their market value; the unwarranted expenditure of large amounts in "educating public opinion"; the disposition, without knowledge of the directors, of hundreds of thousands of dollars for influencing public sentiment; the habitual payment of unitemized vouchers without any clear specification of details; the confusing interrelation of the principal company and its subsidiaries and consequent complication of accounts; the practice of financial legerdemain in issuing large blocks of New Haven stock for notes of the New England Navigation Co. and manipulating these securities back and forth; fictitious sales of New Haven stock to friendly parties, with the design of boosting the stock and unloading on the public at a high "market price"; the unlawful diversion of corporate funds to political organizations; the scattering of retainers to attorneys of five States, who rendered no itemized bills for services, and who conducted no litigation to which the railroad was a party; extensive use of a paid lobby in matters as to which the directors claim to have no information; the attempt to control utterances of the press by subsidizing reporters; payment of money and the profligate issue of free passes to legislators and their friends; the investment of \$400,000 in the securities of a New England newspaper; the regular employment of political bosses in Rhode Island and other States, not for the purpose of having them perform any service, but to prevent them, as Mr. Mellen expressed it, from "becoming active on the other side"; the retention by John L. Billard of more than \$2,700,000 in a transaction in which he represented the New Haven and into which he invested not a dollar; the inability of Oakleigh Thorne to account for \$1,032,000 of funds of the New Haven entrusted to him in carrying out the Westchester proposition; the story of Mr. Mellen as to the distribution of \$1,200,000 for corrupt purposes in bringing about amendments of the Westchester and Port Chester franchises; the domination of all the affairs of this railroad by Mr. Morgan and Mr. Mellen and the absolute subordination of other members of the board of directors to the will of these two; the unwarranted increase of the New Haven liabilities from \$93,000,000 in 1903 to \$417,000,000 in 1913; the increase in floating notes from nothing in 1903 to approximately \$40,000,000 in 1913; the indefensible standard of business ethics and the absence of financial acumen displayed by eminent financiers in directing the destinies of this railroad in its attempt to establish a monopoly of the transportation of New England. A combination of all these has resulted in the present deplorable situation in which the affairs of this railroad are involved.

The case of the "West Chester" and "Port Chester" corporations is a striking example of the profligate wasting and stealing of the corporate funds of the New Haven Railroad. "The enormous sum of \$36,434,000 was expended for a road only 18 miles in extent and which is being operated at an annual loss of approximately \$1,250,000, and which will have to increase its earnings four and one-half fold before it can pay its operating expenses and fixed charges."

"The Westchester acquisition was planned and executed by a special committee of the board" (the inner ring) "consisting of Directors Morgan, Rockefeller, Miller, and Mellen." The first information the board had concerning the extravagant acquisition of the Westchester and Portchester securities was on November 8, 1907, which this committee made its only report. It was then learned that \$11,155,000 had been expended in obtaining control of these two insolvent promotion schemes. Altogether upwards of \$17,000,000 of the companies' funds was wasted or stolen by this "inner ring" in the Westchester deal.

In the Rhode Island trolley deal, which was carried through by these same men, the New Haven Co. was looted of \$18,000,000. In the Connecticut trolley company deal "Mr. Mellen testified that these Connecticut trolleys represented a payment of about \$10,000,000 more than their value." (Rept. of the I. C. C., p. 12.)

In the steamship conspiracy for perfecting the monopoly of all New England transportation, this Morgan ring of directors expended \$24,772,000 of the company's money and then "the testimony shows that the physical valuation of the properties acquired as the result of these outlays approximated about \$10,000,000, or a loss to the New Haven of \$14,772,000.

In the Harvard & Yale Steamship deal several hundred thousand dollars more of the New Haven money went glimmering, through the medium of dummy companies and dummy directors made up of clerks and employees to do the bidding of the inside ring.

In the Boston & Maine deal, by which a parallel and competing railroad system was seized by unlawful methods, in which the inside ring was assisted especially by Mr. Ledyard, who, through a crooked express contract and manipulation of New Haven and Boston & Maine stock, and "by this extended contract the Boston & Maine is likely to lose, conditioned upon the same volume of business, approximately \$10,000,000." The direct loss of the New Haven, as shown "in the market depreciation of the common stock of the Boston & Maine owned by the New Haven, is therefore \$20,475,000. \* \* \* There is an additional loss growing out of the unfortunate Billard transaction of \$2,748,000, making the total loss on the Boston & Maine transaction \$23,223,000.

These are only sample cases of many other similar manipulations on the part of the inside ring of directors, by which it is clear that in the process of increasing the bond and stock obligations of the New Haven from \$93,000,000 to \$417,000,000 the New Haven Co. was looted of upward of \$200,000,000, and the stockholders are now suing the directors for the recovery of some \$203,000,000.

The New Haven is a leading eastern railroad, and at the time these looting operations were begun by the inside ring of the directors its stock was worth about \$250 a share and for nearly a generation had been paying 8 per cent dividends and accumulating a surplus, so that they would have been able to grant the increase in wages and reduction in hours to its employees without serious difficulty. However, since this looting process the road complains that it is financially so weak that it can not afford to pay its employees better wages or grant concessions by shortening the hours. The above figures plainly disclose the reason.

The Chicago & Alton was a prosperous railroad in the Middle West whose stock was worth around \$200 a share, and "for many years had paid an average dividend exceeding 8 per cent per annum, and in addition had expended large sums out of its earnings in the improvement of its property," says the report of the Interstate Commerce Commission, No. 943, on page 337; and on page 338 of the same report says:

About this time Mr. Edward H. Harriman, Mr. Mortimer L. Schiff (representing Mr. Jacob H. Schiff), Mr. George J. Gould, and Mr. James Stillman formed a syndicate to buy this stock, and bought it for \$200 a share for the preferred and \$175 a share for the common, making the total cost of the shares purchased \$39,042,200.

In about seven years, to June 30, 1906, the outstanding capital indebtedness of this company was expanded from \$33,951,407 to \$114,610,937, or an increase of about \$80,660,000, and there was expended in actual improvements and additions to the property out of this capitalization only about \$18,000,000, leaving an increase of its stock and liabilities, without one dollar of consideration, of about \$62,660,000.

This is another one of the roads now complaining that it would be a great hardship for the road to grant any increase in wages or a reduction of hours to its employees, and, as in the case of the New Haven, the reason is quite plain.

The St. Louis & San Francisco Railroad, known as the "Frisco" system, was investigated by the Interstate Commerce Commission, which made a report on January 20, 1914, in which they disclosed a similar plan of looting the road and saddling it with millions upon millions of bonded indebtedness that represented no assets whatever by an inside syndicate of directors, who purchased various "cats" and "dogs" companies as a syndicate and then resold them to themselves as directors of the Frisco.

The report of the Interstate Commerce Commission shows that "the profits realized by the syndicates and trust companies in sales to the Frisco" on nine of these transactions aggregated \$8,444,000.

The managing ring of the directors so manipulated the shares of the company's stocks and bonds that the commission says:

The discount on bonds and notes other than short-term notes issued by the Frisco lines and lines which it controls \* \* \* and the premiums paid on underlying issues aggregated \$32,152,000.

As a result of all these various operations the total capital of the Frisco in May, 1913, amounted to \$295,633,000, and the book value of its properties is given by the Interstate Commerce Commission as \$187,000,000; in other words, they issued \$108,000,000



more stocks and bonds than they had property, and the most significant fact of this is that only \$51,000,000 of this is capital stock and \$244,000,000 of it is in interest-bearing bonds, which, as the commission says, "is wholly disproportionate when compared with the capital of other carriers."

In July, 1915, the Interstate Commerce Commission made its report on the financial transactions of the Chicago, Rock Island & Pacific Railroad Co. and the syndicate which secured control of it in 1901.

In 1902 the main line of the Chicago, Rock Island & Pacific Railway Co. extended from Chicago to Denver, with branch lines to St. Paul, Minneapolis, and Kansas City. The territory served is one of the richest and most prosperous in the country and the system's ramification of lines insures to it a large volume of tonnage. It was then thriving and its prospects were promising, its stock selling in the markets of the world at more than \$200 a share. In 1914, the shares had fallen to \$20 and the road is now in receiver's hands. The evidence shows that the earnings of the railway company have steadily increased, and that in 1914 they were the largest in its history. (Rept. I. C. C., p. 1.)

The prostrate condition of the capital stock of the road is the result of the management of a syndicate composed of Daniel G. Reid, W. H. Moore, J. H. Moore, and W. B. Leeds, who got control of the road in 1901, and have since increased its capital stock from \$49,000,000 to \$74,000,000, and its funded debt from \$63,000,000 to \$235,000,000. The report of the commission shows that the methods by which this was done were quite similar to those of the inside ring of directors in the New Haven, The Alton, and the Frisco systems, and, of course, the Rock Island Railroad directors are among those most strenuously protesting that their corporations would be ruined if they granted their men an increase in wages or a reduction in hours.

It is because of these high-handed methods of railroad finance that the railroads are continually appealing to the public and the Government for an increase in rates. It is because the enormous revenue gains of the railroads have been absorbed by the interest and dividend requirements of fictitious stocks and bonds, and wasted and dissipated by improper and misguided financial management, that the railroads cry out against the fair and reasonable demands of their employees, the men whose brains and brawn make the billions of dollars of railroad revenue possible.

What is true of the New Haven, the Alton, the Rock Island, and the "Frisco" is true of practically every railroad in the country. This sort of plunder and robbery has been going on for years, and is going on on a gigantic scale to-day. The roads I have just mentioned stand out more particularly because they have been the subject of investigation, but with these as a basis it would be reasonably fair to estimate that \$10,000,000,000, one-half the capital stock of the railroads of the country, is water and fictitious capital upon which the people must pay annually in excessive rates, figured at 5 per cent interest, the enormous sum of \$500,000,000, and it is to the everlasting shame of the present Federal administration, who have acquiesced in this conduct by their failure to aggressively prosecute those who are guilty of these monstrous crimes. If they were as prompt and as zealous in prosecuting the criminal rich as they are the representatives of labor and our citizens of small influence, these criminal practices would long since have been ended.

However, Mr. Speaker, in spite of this high-handed robbery and criminal conduct on the part of these directors of the various railroad systems, the railroads are more prosperous than ever before. In a statement issued just two days ago by the Interstate Commerce Commission, covering the reports of the financial condition of 131 of the largest railroads of the country, we find that for the fiscal year ending June 30, 1915, the net earnings of these 131 roads was \$599,508,058, while for the year ending June 30, 1916, the total net earnings of these same roads was \$834,079,775, or a total increase in the net earnings of these 131 roads in the past year of \$234,571,717. And yet they say that to grant the demands of the railroad employees for an eight-hour day would bankrupt their systems.

The facts and figures do not bear out the contentions of the railroad corporations. They are tremendously in favor of the men. The roads have published far and wide the statement that the demands of the employees would cost them \$100,000,000. Even if it did, they would be entitled to it; their request would still be reasonable and moderate. But, on the contrary, these figures are grossly exaggerated. To inaugurate the eight-hour day would not cost the roads even a small percentage of that amount, and greater returns would be received, due to the increased efficiency of the employees. However, they have a twofold purpose in making this contention. The first is that they hope thereby to defeat the employees in their demand; and the other is that in case the men do win in this struggle, they hope to make it the basis of a demand for increased rates.

It is becoming more evident day by day that there can be no permanent hope for the proper advancement of the economic well-being of the railway employees, no adequate protection to shippers, and to the general public, until assurance can be had through the public ownership of our transportation facilities. In the present struggle, however, the sympathy of the country should be with the men. Their cause is just and their demands are reasonable. A pernicious campaign has been conducted to poison the minds of the public against them, but the time has passed when the public can be made to believe that the fair demands of the workers are responsible for the financial difficulties of the transportation industry.

In spite of the fact that the benefits of the eight-hour day have been so well established that there are no grounds for argument to refute them, we find the Trust Press and the Chicago Tribune, the he-devil of the big daily newspapers, always opposing the interests of labor and humanity, writing erroneous editorials to assist the criminal directors and stock-juggling controllers of the railroads in defeating the employees of the transportation companies from securing the eight-hour day, which is essential to the safety of the traveling public, as well as the army of employees, both those united in this effort and otherwise.

It is amazing to me that it becomes necessary for this contention to reach the point of a threatened tie-up of the transportation facilities of the country, and, according to newspaper reports, it would indicate that this Federal Government is exercising its influence to secure arbitration, which would result in a further delay of the railroad employees securing that degree of justice which they should have had without any contention at all if the controllers of the railroads of the country were guided by the spirit of equity and justice.

I also note by statements in the newspapers that a certain Mr. Fraser pretends to be representing the unorganized of the transportation industry and comes to the Capital with a petition supposed to contain 10,000 signatures for the purpose of preventing a strike. My information is that this gentleman comes from the engineering force of a railroad company which has less organized employees than any other. In the railroad industry we have many organizations, among them the machinists, boiler makers, carpenters, bridgemen, trackmen, and so forth, and there is no doubt in my mind that at least 50 per cent of the railroad employees outside of the brotherhoods are organized. However, we do not hear any protest on the part of these organized workers. We do not hear of any petitions coming from labor unions, and I am of the opinion that an investigation would disclose that this petition has been secured by the spotters, lickspittles, and toadies, who are willing to serve the criminal rich at the sacrifice of the interests of the toiling masses who render real service to society.

The railroad brotherhoods are only asking for an eight-hour day, and the fact is that it will cost the railroads very little and perhaps ultimately nothing to comply with this request. They are entitled to it, no matter if it would cost a few million dollars. Their demands are so just that they are entitled to the support of every humanity-loving, public-spirited man, either in public or private life, and anyone who would exercise his influence to obstruct their efforts in securing this eight-hour day is a traitor to the cause of humanity. [Applause.]

#### ADJOURNMENT.

Mr. CULLOP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House, under the order heretofore made, adjourned until Tuesday, August 15, 1916, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting an estimate of appropriation in the sum of \$300,000 for salaries and expenses of the Federal Farm Loan Board for the fiscal year ending June 30, 1917 (H. Doc. No. 1323), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHOUSE, from the Committee on Banking and Currency, to which was referred the bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to per-

mit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority instead of three-fourths of their directors from residents of the State in which they are respectively located, reported the same with amendment, accompanied by a report (No. 1102), which said bill and report were referred to the House Calendar.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 6034) to make available a portion of the appropriation for the immigration station at Baltimore, Md., for such counters, booths, screens, railings, seats, bunks, kitchen and laundry equipment, etc., as necessary in connection with said station, reported the same without amendment, accompanied by a report (No. 1105), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOBECK, from the Committee on Expenditures in the Treasury Department, to which was referred the bill (H. R. 17292) for the regulation of salaries in the custodian service of the Treasury Department, reported the same without amendment, accompanied by a report (No. 1106), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 17331) to permit Seth Shepard, chief justice of the Court of Appeals of the District of Columbia, to retire, reported the same without amendment, accompanied by a report (No. 1100), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the resolution (H. Res. 317) directing the Secretary of Labor to furnish certain information in relation to Ellis Island, reported the same adversely, accompanied by a report (No. 1101), which said resolution and report were laid on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and joint resolutions were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 17396) to amend section 217 of the United States Criminal Code; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: A bill (H. R. 17397) to provide for the retirement of employees in the Postal Service, and for other benefits and purposes in connection therewith; to the Committee on the Post Office and Post Roads.

By Mr. GILLET: A bill (H. R. 17398) granting the consent of Congress to the board of county commissioners of the county of Hampden, in the Commonwealth of Massachusetts, to construct a bridge across the Connecticut River between Springfield and West Springfield, in said county and Commonwealth; to the Committee on Interstate and Foreign Commerce.

By Mr. MAPES: A bill (H. R. 17399) to change the name of Point Superior, on Black Lake, near Holland, Mich., to Mari-gold Point; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: A bill (H. R. 17400) to provide commissioners for the Court of Claims, to amend certain sections of the Judicial Code relating to said court, to regulate appeals therefrom, and for other purposes; to the Committee on the Judiciary.

By Mr. NEELY: A bill (H. R. 17401) for the purchase of a site for a public building at Chester, Hancock County, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL of Ohio: A bill (H. R. 17402) providing for the purchase of a site for the purpose of erecting a Federal building thereon in the city of Lima, county of Allen, State of Ohio, and appropriating the money therefor; to the Committee on Public Buildings and Grounds.

By Mr. GRAY of Indiana: Joint resolution (H. J. Res. 294) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McKINLEY: Joint resolution (H. J. Res. 295) providing for the appointment of a member of the commission in charge of the Lincoln Memorial in Arlington Cemetery; to the Committee on the Library.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a joint resolution were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 17403) granting an increase of pension to Ferd Effinger; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 17404) granting a pension to Mary E. White; to the Committee on Pensions.

By Mr. BENNET: A bill (H. R. 17405) granting a pension to Mary Smith; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 17406) for the relief of Eugene Fazzi; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 17407) granting an increase of pension to William E. Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17408) granting an increase of pension to Louisa N. Corning; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 17409) for the relief of Lizzie Jones; to the Committee on Claims.

Also, a bill (H. R. 17410) for the relief of Richard Riggles; to the Committee on Claims.

Also, a bill (H. R. 17411) for the relief of William H. Keys; to the Committee on Claims.

Also, a bill (H. R. 17412) for the relief of Eleanor A. Moore; to the Committee on Military Affairs.

By Mr. REAVIS: A bill (H. R. 17413) granting a pension to John Herold; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 17414) to renew and extend certain letters patent; to the Committee on Patents.

Also, a bill (H. R. 17415) to authorize the President to appoint Clarence H. Knight a captain in the line of the Army; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 17416) granting an increase of pension to William F. Figley; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 17417) granting an increase of pension to George H. Homer; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 17418) granting an increase of pension to Joseph Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17419) granting an increase of pension to Richard R. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17420) granting a pension to Lizzie Varner; to the Committee on Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 17421) granting an increase of pension to George F. Chambers; to the Committee on Pensions.

By Mr. GRAY of Alabama: Joint resolution (H. J. Res. 293) for the relief of A. D. Davis and W. Marshall Turner; to the Committee on Military Affairs.

#### PETITIONS ETC.

Under clause of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Crocker Post, No. 12, Department of Iowa, Grand Army of the Republic, urging amending of rules granting special-act pensions to soldiers of 1861 to 1865; to the Committee on Invalid Pensions.

By Mr. BELL: Papers to accompany House resolution 344; to the Committee on Rules.

By Mr. CONNELLY: Petition of sundry citizens of the sixth district of Kansas, touching the matter of settlement of labor difficulties; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Miss Irma F. Clarke, of Wellesley, Mass., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DILLON: Petition of Rotary Club of Aberdeen, S. Dak., relative to differences between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGUE: Petition of executive committee of the American Red Cross, relative to appropriation for a tablet in memory of Miss Clara Barton; to the Committee on Appropriations.

Also, memorial of the Association of Theater Managers of Boston, against tax on theaters; to the Committee on Ways and Means.

By Mr. Taylor of Colorado: Memorial of Lake County and Garfield County Divisions of Colorado, branch of the National Women's Party and Women's Party of the fourth congressional district of Colorado, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of Commercial Club of Larimore, N. Dak., favoring submission of railway differences to Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.



## SENATE.

SATURDAY, August 12, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are the stewards of the ever-increasing wealth of Thy providence and grace. We are the guardians of the sacred rights of men. We have been intrusted with many things pertaining to those riches of life that have been bought with blood. We desire to be faithful to our trust, to hold in reverence Thy name, to advance the interest of Thy kingdom, to increase the happiness of mankind.

Grant us this day Thy grace that our hearts may be opened to every appeal God will make to us, and our hands ready to serve, our lives consecrated to the great purpose of God in human life. Do Thou take away from us every evil thought from our hearts, every unholy thing, and may we serve God with singleness of heart and purpose. For Christ's sake. Amen.

## THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, August 10, 1916, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a petition of sundry citizens of Washington, D. C., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented petitions of the Chamber of Commerce of Petaluma and of the Chamber of Commerce of Santa Paula, in the State of California, praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

Mr. FLETCHER presented a memorial of the Bettes Pharmacy, of Jacksonville, Fla., remonstrating against a tax on each 8 ounces of any preparation containing either wine or alcohol, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a memorial from W. D. Tidwell, of Denver, Colo., remonstrating against a tax on freight and express bills of lading, telephone and telegraph messages, which was referred to the Committee on Finance.

Mr. BRADY. I present telegrams which I have received from citizens in my State, relating to the proposed tax on copper, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WALLACE, IDAHO, August 10, 1916.

HON. JAMES H. BRADY,  
United States Senate:

We desire to protest against that portion of a revenue bill now before the Senate by which it is proposed to levy a tax upon copper. It is the opinion of this body that the proposed tax is unfair and unjust for the following reasons: First, that it is not uniform taxation; second, that it singles out only one of the metals produced in this country, thus placing an undue burden on one industry; third, while it is presumed that it is the intention to tax abnormal copper profits, no provision is made for abolition of the tax when copper prices become normal; fourth, that it is retroactive to January 1, 1916, thus placing a burden upon producers and manufacturers not contemplated in transactions already closed and on which they have no opportunity to protect themselves.

We trust that you will use every effort in your power to prevent the enactment of said tax.

WALLACE BOARD OF TRADE,  
M. A. CORNER, President.

WALLACE, IDAHO, August 10, 1916.

HON. JAMES H. BRADY,  
United States Senate:

The revenue bill which passed the House on July 8 and is now before the Senate proposed, among other things, a tax on copper production which seems to me very unfair. I do not know why copper should be selected for this purpose in preference to any other commodity. If this principle is accepted and more revenue is needed, the same tax may be applied to any other of the metals. I hope there is no chance for the passage of this bill in its present form.

JAMES F. MCCARTHY,  
WALLACE, IDAHO, August 10, 1916.

HON. JAMES H. BRADY,  
United States Senate:

We desire to protest against the enactment of the proposed tax on copper embodied in the revenue bill now in the Senate. Believe this tax to be unfair in that it singles out one industry and places upon it an undue burden of taxation; also, that it is unfair in that it is retroactive, taxing business already disposed of in which no opportunity was had to cover this additional expense; and that no provision is made for the abolition of the tax when the price of copper is again normal. Hope you will do all you can to defeat the passage of this tax.

FEDERAL MINING & SMELTING CO.

Mr. TOWNSEND. I present a petition in favor of the workmen's compensation bill, signed by something like 300 members of Detroit Branch, No. 1, National Association of Letter Carriers. I ask to have the body of the petition printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

DETROIT BRANCH, No. 1.  
NATIONAL ASSOCIATION OF LETTER CARRIERS  
OF THE UNITED STATES OF AMERICA,  
Detroit, Mich., August 10, 1916.

HON. CHARLES E. TOWNSEND,  
United States Senator, Senate Office Building,  
Washington, D. C.:

We, the undersigned members of Detroit Branch, No. 1, National Association of Letter Carriers, respectfully invite your attention to the Kern-McGillcuddy workmen's compensation bill for injured Federal employees.

This bill passed the House of Representatives on July 12, 1916, by a vote of 285 ayes to 3 nays.

We understand that it has been reported favorably to the Senate by the Senate Committee on Education and Labor, and now has a place on the Senate calendar.

As the law would be of particular benefit to the letters carriers, we are very anxious to have it pass this session without amendment. Therefore your petitioners very respectfully solicit your cooperation and assistance in getting early action taken thereon.

S. W. ARKENBRANDT, Secretary  
(And others).

Mr. TOWNSEND. I present a telegram from William Livingston, one of the prominent bankers of Michigan, chairman of the Detroit Clearing House Association and former president of the National Bankers' Association, and a telegram from William J. Gray, president of the Michigan Bankers' Association, in reference to the special bank tax which, the papers have suggested, is to be restored by the Senate committee. I move that the telegrams be referred to the Committee on Finance.

The motion was agreed to.

Mr. BORAH. I present telegrams from William Thompson, of Lewiston, Idaho; the First National Bank, the Commercial National Bank, and the St. Anthony Bank & Trust Co., of St. Anthony, Idaho; the Board of Trade, the Federal Mining & Smelting Co., and from James F. McCarthy, of Wallace, Idaho; from the National Defense League, of San Francisco, Cal.; and from W. D. Tidwell, of Denver, Colo., all touching on the revenue bill which, I understand, will soon be considered by the Senate. I move that the telegrams be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES. I present a telegram in the nature of a memorial from Ralph S. Stacy, president of the Washington State Bankers' Association, remonstrating against reinstating in the revenue bill the special bankers' tax. I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. CURTIS. I ask to have printed in the RECORD and referred to the Committee on Finance a telegram which I have received from W. D. Tidwell, of Denver, Colo., regarding a stamp tax on freight and express bills of lading and telephone and telegraph messages.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

DENVER, COLO., August 11, 1916.

CHAS. CURTIS, Washington, D. C.:

The organization which I represent, composed of 12,000 growers, shippers, and distributors of fruits and vegetables living in central, middle, and far western country, earnestly, but vigorously, protest against amending H. R. 16763 to keep in effect stamp tax on freight and express bills of lading, telephone and telegraph messages. Perishable industry carried on by long-distance phone and telegrams. Shipments of freight and express are of small money value, but millions of the stamp tax falls heavily and unevenly upon this industry. Willing to pay our share to support our Government, but stamp tax an unjust burden.

W. D. TIDWELL, Secretary.

## RESIGNATION OF FORMER DIRECTOR OF THE CENSUS.

Mr. SMITH of Georgia. Mr. President, on Thursday we had some discussion about the date of the resignation of Mr. Durand as Director of the Census and the appointment of Mr. Harris. The Senator from Michigan [Mr. TOWNSEND], who I know always desires to be accurate, said that Mr. Harris's nomination was sent in first and Durand resigned a day or two afterwards, or about that time.

That the facts may be correctly presented upon this subject, I wish to call attention to the fact that the Senate records show that the nomination of Mr. Harris was made on the 17th of June. I send to the desk a copy of the resignation of Mr. Durand, which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

The honorable the SECRETARY OF COMMERCE.

SIR: I beg to hand you herewith, for transmission to the President, my resignation as Director of the Census.

Very respectfully,

E. DANA DURAND.

Mr. SMITH of Georgia. Mr. President, it is thus clearly shown that the resignation of Mr. Durand antedated the nomination of Mr. Harris.

Shortly after the confirmation of Mr. Harris as Director of the Census he designated a board consisting of Mr. S. N. D. North and W. R. Merriam, former Directors of the Census; Prof. Walter F. Wilcox, of Cornell University; Chief Statistician W. S. Rossiter; and Daniel C. Roper to investigate the status of the work of the census and to make recommendations with reference to it. I ask that their report, which is short, be printed in the Record without stopping to read it.

No one can read this report without observing the numerous changes recommended to overcome the delay due to lack of proper administration by Mr. Durand.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SEPTEMBER 19, 1913.

To the DIRECTOR:

In view of the facts (1) that the act for the taking of the Thirteenth and subsequent censuses requires that the reports of that census shall be completed and published on or before July 1, 1912; (2) that, although three and one-half years have now elapsed since the enumeration, much of the Thirteenth Census work is still uncompleted; (3) that the regular annual reports and other work of the intercensal period have been greatly delayed because a large body of census clerks is still employed upon the Thirteenth Census work; (4) that the value and usefulness of the annual and other reports required by law are largely dependent upon the promptness with which they are compiled and given to the public; and (5) that current appropriations are required for the purposes for which they were made.

The undersigned special agents of the Bureau of Census, instructed by the director to make studies of particular branches of statistical work in the bureau, have now partly completed their several tasks, and advise the director to begin new tabulations or analyses in connection with the unfinished branches of the Thirteenth Census, namely, population and mines and quarries, and to readjust the work on those branches and on the delayed annual reports so as to insure their publication not later than December 31, 1913.

Therefore we advise:

1. That the proposed second machine run of the cards for the purpose of tabulating occupations be abandoned, thus expediting the time of production by about six months and reducing the cost of finishing that branch by about \$65,000, and that the tables yielded by the first run of the cards be printed without derivative tables or text. These tables give the number of persons of each sex in each occupation and classify them by race, nativity, and parent nativity, and five age periods, thus insuring the publication of the primary classification of occupational data as reported at previous censuses.

2. That the report upon native tongue be limited to the chapter to appear in the forthcoming final volume on population.

3. That the tables relating to mines and quarries now in the form of printed bulletins, proofs, or manuscript be sent to the Public Printer at once, the same to constitute the final report on mines and quarries, and that no further tabulations or text be prepared in connection with that report.

4. That tables for the benevolent institutions and for the institutional population, namely, prisoners, insane and feeble-minded, and paupers, be prepared and published without percentage or other derivative tables and without analytical text.

5. That the annual compilation of the statistics of forest products be abandoned. There appears to be no authority of law for an annual inquiry of this character, which the records show to have cost from \$20,000 to \$40,000 a year.

6. That the annual report on the financial statistics of cities for 1912 be completed and published by January 1, 1914, by curtailing the amount of detail to be included; that the schedules and report for 1913 be similarly curtailed; that the reports for the years 1912 and 1913 be printed without text, except such as is necessary for explanation and definition; and that until the annual reports on the financial statistics of cities are brought up to date no attempt be made to prepare a report on general municipal statistics. This recommendation is based on the fact that delay in the compilation and publication of the annual municipal reports detracts seriously from their value.

7. That the reports on mortality statistics for the years 1911 and 1912 be published before the close of the present calendar year. To make this possible, the text of these reports should be reduced to a minimum or omitted, the tables condensed, and no effort made to publish a report on births until the mortality reports are published.

8. That work upon the standardization of death rates, life tables, and occupational mortality be suspended until the above reports have been published. There is no reason why the mortality report for each year should not be compiled and published prior to the close of the succeeding calendar year.

9. That the emergency presented by the delay in completing the Thirteenth Census justifies the director in requesting the Secretary of Commerce to lay the matter before the President with the view of securing his instructions to the Public Printer to give precedence, so far as practicable, to the remaining publications of the Thirteenth Census and the annual reports long overdue.

The undersigned special agents of the Bureau of the Census submit these recommendations. They will severally give their attention to the various questions submitted to each of them by the director and prepare further memoranda for his consideration at an early date.

APPOINTMENT OF SUPERINTENDENT OF COAST AND GEODETIC SURVEY.

Mr. PENROSE. Mr. President, I should like to make a similar request to clear up the proposition as to whether Mr. Jones

is a horse doctor or not. Mr. Sweet, a high official of the Treasury Department, wrote to Mr. Hughes to the effect—I quote his exact words:

Dr. Jones never was a veterinary surgeon.

I do not want in the slightest degree to reflect upon this noble profession, which is most useful in the community, but it does seem incongruous to those who are interested in good government to put a horse doctor at the head of the Coast Survey.

I have here a copy of one of Dr. Jones's prescriptions, a facsimile of which I will ask to have inserted in the Record.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Is this being done under unanimous consent? Has unanimous consent been requested?

Mr. PENROSE. I am taking the opportunity afforded the Senator from Georgia. I did not object.

Mr. WILLIAMS. I beg the Senator's pardon; I propounded a parliamentary inquiry to the Chair—not to the Senator from Pennsylvania.

The VICE PRESIDENT. The Chair is unable to state whether the Senator from Pennsylvania is taking advantage of the presentation of petitions and memorials or not.

Mr. WILLIAMS. The Senator from Pennsylvania just stated that he wanted to read a letter or an affidavit of some description.

Mr. PENROSE. If the Senator from Mississippi will permit me, the Senator from Georgia, without objection, opened up this subject, and in order to throw further light on it I am going to ask to have inserted in the Record—

Mr. WILLIAMS. Now, the Senator from Pennsylvania having confessed his object is to show further argument, I object.

Mr. PENROSE. All right. I will take an opportunity later in the day to read it as a part of my remarks.

#### HEARINGS BEFORE THE COMMITTEE ON FINANCE.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate resolution 244 authorizing the Committee on Finance to hold hearings and employ a stenographer, and I desire the consideration of the resolution now.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

Mr. PENROSE. Mr. President, I should like to make a parliamentary inquiry regarding this resolution. Is it contemplated to employ a stenographer to report hearings before the majority members of the Finance Committee to the exclusion of the minority, as has been the practice heretofore?

Mr. SHAFROTH. I do not think that is the purpose of the resolution. It is in the usual form. The question is as to whether and how he is to be used and to what extent is to be determined by the committee. This simply authorizes the committee, or any subcommittee thereof, to employ a stenographer at the regular rate, and it is presented with an amendment striking out the authority to send for persons and papers, because that is something that the committee has concluded there ought to be a special request for and a showing before the committee before it is authorized.

The resolution is simply an authorization for the committee to employ a stenographer at the rate of \$1 per printed page.

Mr. SMOOT. I will say to the Senator from Pennsylvania that last year a similar resolution was passed, and if we pass this resolution, of course, it will cover the hearings which have already been held before the subcommittees appointed from the majority. That is the object of the resolution. The hearings have already been held, the printing done, and this, of course, is to authorize the payment for the reporting.

Mr. SIMMONS. I did not hear the Senator's last sentence.

Mr. SMOOT. I said the hearings had been held and this is to pay for work already done.

Mr. SHAFROTH. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator from Utah has covered what I wished to say. It is the usual custom to pass resolutions of this sort at the beginning of each Congress. I found a few days ago that the last resolution of this character had expired by limitation and that it was necessary to pass another to pay for a stenographer.



Mr. PENROSE. Of course, there would be no objection to the resolution if the hearings were before the full committee or a subcommittee upon which the minority were represented. Just why the contingent fund of the Senate should be drawn upon to pay the expense of the Democratic caucus I fail to understand. These hearings were strictly partisan.

I understand that three or four subcommittees have been appointed from the Finance Committee, consisting of three each, every one a Democrat. I have not been invited, as the ranking member of the minority, to participate in any of the hearings. I do not know whether I would have been let into the room if I had asked admission. I have not been able to get any information as to the progress that is being made. Just why the contingent fund of the Senate should be drawn on to take down the proceedings of the Democratic caucus I fail to understand.

Mr. SIMMONS. Will the Senator permit me?

Mr. PENROSE. Yes.

Mr. SIMMONS. The Senator is entirely mistaken if he supposes that any person has been employed by the Democratic caucus to take down anything.

We had a stenographer but a very few days, and only then he was taking down testimony taken in the open before one of the subcommittees of the Democratic membership investigating the munitions tax and one investigating matters connected with the income and tariff tax. I do not suppose that the entire expense incurred up to this time will be more than \$15 or \$20. Those hearings have been open. Those hearings were insisted upon by Members on both sides, and they have been conducted just exactly like similar hearings have always been conducted heretofore, and they have been printed and are in the hands of Senators.

Mr. PENROSE. Does the Senator as the chairman of the committee contend for a moment that any of the minority were permitted to be present to cross-examine the witnesses?

Mr. SIMMONS. If they had desired to be present and cross-examine the witnesses, they could have been present and cross-examined them.

Mr. PENROSE. That was not the understanding while it was going on.

Mr. SIMMONS. I have never heard that the Senator from Pennsylvania desired to be present. The hearings of the subcommittee were absolutely open. Hundreds of people were here to be heard, and they were heard, as many of them as desired, as spokesmen and representatives of certain delegations that came here. There has been no deviation from the usual custom in reference to these hearings. We thrashed out here this thing yesterday morning. The Senator was not here at the time. The trouble is that the Senator does not stay here all the time, and when he comes in he wants to take up something that has been here before.

Mr. SHAFROTH. This is a matter which does not affect the question of the consideration of the resolution, because this is an authority given to the committee to do this thing. If there has been a violation of the terms of it, the Senator from Pennsylvania has a right to appear before the Auditing Committee of the Senate and object to the payment of the bill. So far, however, as the authority of the committee to employ a stenographer is concerned, surely the Finance Committee is not going to be denied that right, whether it be under a Republican administration or under a Democratic administration. I repeat, as to whether there is a violation of the authority given, whether the terms of it are complied with, is a matter for the Senator to object to when the bill is presented to the Committee to Audit and Control the Contingent Expenses of the Senate. For that reason, it seems to me, Mr. President, that this resolution ought to be adopted.

Mr. WORKS. Mr. President—

Mr. PENROSE. I yield to the Senator from California.

Mr. WORKS. The chairman of the Committee on Finance has referred to a subcommittee. I should like to ask whether those committees are composed wholly of majority Members or whether they are composed of both majority and minority Members?

Mr. SIMMONS. I have before stated, if the Senator please, that that has been the custom as to all tariff legislation. The bills have first been prepared by the majority Members and then submitted to the full committee.

Mr. WORKS. I was not asking as to the custom. I was asking for the fact in the present instance.

Mr. SIMMONS. I stated that that was the fact. If that is what the Senator desires to know, that is the fact.

Mr. PENROSE. Mr. President, I do not consider that this stenographer has been employed by the Committee on Finance.

I do not consider that the Democratic majority of that committee is the committee or that any subcommittee of the Finance Committee that does not have a minority representation on it is a subcommittee of the Committee on Finance or of any other committee of this body. It is purely and simply a partisan proceeding, of which we get scanty information from day to day in the newspapers. The majority members of the Finance Committee meet in secret session and determine on something and then report to the Democratic caucus, according to the newspapers. We are legislating here in this Capitol without any record of the vote, without any record of the proceedings, leaving the Republicans in this Chamber to maintain a quorum while the majority Members are absent, paying no attention whatever to the arguments and speeches of the minority Members against many of the measures which are pending here.

It is not an official investigation which is being pursued by the Finance Committee, because there are no minority Members on any of these subcommittees or on the subcommittee considering the revenue measure. If this resolution could be amended—and I do not know whether or not the Senator would object to such an amendment—by the addition of this proviso, "Provided, That the said stenographer shall be present at all Democratic caucuses and take down a correct statement of the proceedings, with the yeas-and-nays vote upon every question and amendment," I would cheerfully agree to the passage of the resolution.

Mr. SHAFROTH. Mr. President, this resolution is in the usual form. It relates simply to the employment of a stenographer who, under the resolution, will report all of the proceedings which the committee may desire to have reported at the next session of Congress. Consequently the resolution does not relate to what has been done particularly; but if there is any violation of the terms of that resolution, then, as I have said, will be the time for the Senator from Pennsylvania to appear before the Committee to Audit and Control the Contingent Expenses of the Senate and object to the payment of the stenographer.

Mr. PENROSE. Mr. President, during the last presidential election one of the leading features of that "uplift campaign" was the importance of the flood tide of publicity upon all public proceedings. Now, why should the Democratic caucus be held in the dark? Is there anything transpiring there that would be disagreeable to the Senator to have printed for the information of the American people?

Mr. SHAFROTH. No. So far as I am concerned, I believe in open caucuses.

Mr. PENROSE. There the Senator has succeeded in overcoming his belief in that matter very successfully.

Mr. SHAFROTH. Mr. President, the truth of the matter is that the more secrecy you have in a caucus the more certainly the newspapers will have printed in the morning exactly what occurred. As a means of publicity the best thing on earth is to call for a caucus.

Mr. SIMMONS. May I ask the Senator from Pennsylvania a question?

Mr. PENROSE. Yes.

Mr. SIMMONS. I have noticed in the newspapers that the Republican Members had a meeting a day or two ago with reference to the order of legislation—a conference or caucus, or whatever you may call it. Was that an open meeting, with the doors open to the public?

Mr. PENROSE. I do not think there would have been any objection to anyone being present. The doors were not closed that I know of, and the chairman of the caucus gave out the result of the proceedings to the public.

Mr. SIMMONS. Yes; and so did we.

Mr. PENROSE. That was done by direction of the conference.

Mr. SIMMONS. And so as to our conference, but I asked the question, and I should like to have the Senator answer directly, or indirectly, if he prefers that course, whether at that particular caucus, which was held within the last two or three days by the Republican Members, the doors were open and the public were invited to come in and to look upon their deliberations?

Mr. PENROSE. It was not a caucus, Mr. President; and the Republicans in the Senate of the United States have never held a caucus. I challenge the Senator from North Carolina to point to an instance where the Republicans in this body have held caucuses, so called, to determine the details of legislation. He can not do it.

Mr. SIMMONS. The Senator from Pennsylvania is now escaping under the cover of a term. I will ask the Senator if that was not a private meeting at which only Republicans were present, and was it not for the purpose of ascertaining what

the Republican Members desired to do with reference to the program of legislation? It does not make any difference whether you call that a church meeting or a caucus or a conference; you may use any term you desire; but I suppose it would mean substantially the same thing, if the meeting were a meeting of the minority membership, and only of the minority membership, for the purpose of passing upon some matter pertaining to legislation.

Mr. PENROSE. Mr. President, the meeting was a conference to consider certain propositions of the majority relating to the legislative program. I repeat that I challenge the Senator from North Carolina to cite an instance where the Republicans of this body have ever held a conference or a caucus—call it whichever you may—to consider legislation, and binding Members participating in that conference, against their consciences and their convictions, to vote, when the bill comes out on the floor of the Senate, in accordance with the majority action.

Mr. THOMAS. Mr. President, will the Senator from Colorado yield to me?

Mr. SHAFROTH. I yield to the Senator.

Mr. THOMAS. I think the statement which the Senator from Pennsylvania [Mr. PENROSE] makes is correct. When the Republican Party was in power the Republican Senators held no caucuses. It was not necessary that they should do so, for there was a man then in the Senate from Rhode Island who got his orders from the great interests in New York; he delivered them here, and they were obeyed. There was then no necessity for a caucus. One man dictated and controlled the Republican policies here.

Mr. PENROSE. Mr. President, that is such an ancient chestnut that it was hardly worth while for the Senator from Colorado to get up and give vent to such a statement. It is not true.

Mr. THOMAS. I have no doubt, Mr. President, that if the misfortune of another Republican majority should be inflicted upon the country the Senator from Pennsylvania will aspire to the toga which fell from the shoulders of the Rhode Island statesman.

Mr. PENROSE. The statement is not true, Mr. President. At no time could the Republicans during the enactment of tariff legislation command the full party vote in this body, but more frequently they were able to get the different schedules through the help of Senators from Louisiana and other Democratic States. And I, for one, were the fact as stated, would rather be advised by a Member of this body than by the occupant of the White House coming down here on personal visits, contrary to custom and even to law and decency, and inducing Democratic Senators to reverse the convictions of a lifetime and pass legislation which they loathe and despise in their inner minds.

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Is there any objection to the consideration of the resolution?

Mr. PENROSE. It is up, and I suppose we can discuss it.

The VICE PRESIDENT. We have been pretty liberal about it.

Mr. PENROSE. I certainly shall object to it, if it is not to be discussed.

The VICE PRESIDENT. Then the resolution will go to the calendar.

Mr. PENROSE. If discussion will be permitted, I shall not object.

Mr. SHAFROTH. How long a discussion?

Mr. PENROSE. I can not tell the Senator.

Mr. WILLIAMS. I call for the regular order, then, Mr. President.

The VICE PRESIDENT. Reports of committees are in order.

#### REPORTS OF COMMITTEES.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 6841) to enlarge the scope and purpose of the post-office building at Syracuse, N. Y., asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. HOLLIS, from the Committee on the District of Columbia, to which was referred the bill (S. 5800) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes, reported it with amendments and submitted a report (No. 782) thereon.

Mr. WEEKS, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 99) authorizing and directing the Secretary of War to grant the free use, for military drill, of any discarded rifles to any duly accredited camps of the Sons of Veterans Reserve, reported it with amendments.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 16532) authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes, reported it without amendment and submitted a report (No. 783) thereon.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America, reported it without amendment and submitted a report (No. 784) thereon.

Mr. LANE, from the Committee on Fisheries, to which was referred the bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn., reported it without amendment and submitted a report (No. 781) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 6904) authorizing the conveyance of the United States jail and land on which the same is located at Guthrie, Okla., to Logan County, Okla., reported it without amendment and submitted a report (No. 785) thereon.

#### SURVEYS OF DISTILLERIES.

Mr. GALLINGER. From the Committee on Finance I report back favorably without amendment the bill (H. R. 9542) to amend the second paragraph of section 3264 of the Revised Statutes of the United States as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910, and I submit a report (No. 780) thereon. I call to the attention of the Senator from Georgia [Mr. SMITH]. Let the bill be read.

The Secretary proceeded to read the bill.

Mr. PENROSE. Mr. President, I rise to a question of order. For what purpose is the bill being read?

The VICE PRESIDENT. The Chair understands it is for unanimous consent.

Mr. PENROSE. I object to the consideration of the measure.

The VICE PRESIDENT. The bill goes to the calendar.

#### MEMORIAL TO JOHN ERICSSON.

Mr. CLAPP. In behalf of the Senator from Mississippi [Mr. WILLIAMS], from the Committee on the Library, I report back favorably, without amendment, the bill (H. R. 5) for erecting a suitable memorial to John Ericsson, and I submit a report (No. 777) thereon. The bill has passed the House, and I ask unanimous consent for its present consideration.

Mr. OVERMAN. Let us have it read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the sum of \$35,000, or so much thereof as may be necessary, is hereby authorized for the erection, in the city of Washington, D. C., of a suitable memorial to John Ericsson, the inventor and constructor of the *Monitor*, said sum to be expended for the purposes herein named by a commission consisting of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, and the Secretary of the Navy: *Provided,* That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COLORADO RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16914) permitting the Needles & Oatman Bridge Co. to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona, and I submit a report (No. 778) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAVANNAH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 16905) granting the consent of Congress to A. N. Alford to construct a bridge across the Savannah River, and I submit a report (No. 779) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.



## HEARINGS BEFORE THE COMMITTEE ON CLAIMS.

Mr. SHAFROTH. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate resolution 228, authorizing the Committee on Claims to employ a stenographer to report such hearings as may be had. As there is nothing political in this, I hope that the resolution will be adopted.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Claims, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate.

## BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 6846) granting an increase of pension to David Craft (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 6847) granting an increase of pension to Sarah A. Quimby (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6848) granting an increase of pension to Elizabeth Batteiger (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6850) authorizing the transfer of certain retired Army officers to the active list; to the Committee on Military Affairs.

A bill (S. 6851) to provide for the establishment of national cooperative banking associations;

A bill (S. 6852) to create a national rural-credit society for the purpose of promoting agricultural credit, of devising forms of obligations eligible for rediscount at Federal reserve banks and acceptable as security for Federal deposits of acting as fiscal agent for the United States Government, and of establishing a suitable form of investment for postal savings bank funds, trust funds in possession of United States courts or departments, and time deposits in national banks; and

A bill (S. 6853) to provide for the establishment of national cooperative rural banking associations; to the Committee on Banking and Currency.

By Mr. SHAFROTH:

A bill (S. 6854) to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915; to the Committee on Public Lands.

By Mr. CHILTON:

A bill (S. 6855) for the taking depositions de bene esse; to the Committee on the Judiciary.

A bill (S. 6856) granting an increase of pension to Henry Arthur (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 163) for an investigation of the live-stock and meat-packing industries and of certain corporations engaged in purchasing live stock and in the packing and distribution of meats; to the Committee on Agriculture and Forestry.

## STORAGE OF EXPLOSIVES.

Mr. MARTINE of New Jersey. I introduce a bill and ask unanimous consent for its immediate consideration.

Mr. SMOOT. Did I understand the Senator to say that he merely introduced the bill?

Mr. MARTINE of New Jersey. I introduce the bill and ask unanimous consent for its immediate consideration.

Mr. SMOOT. The bill ought to be referred to a committee.

Mr. MARTINE of New Jersey. Well, I do not know how long that will take. Let the Secretary read the bill, after which I should like to make a brief statement in regard to it.

Mr. SMOOT. I have no objection to the Secretary reading the bill.

The bill (S. 6849) to regulate the shipment and storage of explosives was read twice by its title.

Mr. PENROSE. Let the bill go to a committee.

Mr. MARTINE of New Jersey. Mr. President, my purpose in introducing the bill and asking unanimous consent for its present consideration is the vital necessity for immediate action. We are all aware that a few weeks ago there were stored

at Jersey City ammunition and explosives designed for the bel-ligerents on the other side of the water, and that from some cause, whether by accident or design is not known, a great explosion ensued, which resulted in property damage of over \$50,000,000 and involved great loss of life. A similar catastrophe is likely to occur unless some such step as is proposed in this bill shall be taken, whereby the storage of ammunition and other high explosives in the midst of any city shall be barred, without the consent of its corporate power.

Mr. GALLINGER. Mr. President, it is manifest that this bill is of sufficient importance to go to a committee; in fact, no bill should be considered without reference to a committee. I therefore object to its present consideration, and suggest that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

## AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. LEE of Maryland submitted an amendment proposing to appropriate \$475.45 to pay Ella Warfield, widow of John A. Warfield, deceased, for injuries received by him while in the discharge of his duties as assistant engineer of the United States Treasury Department, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

W. W. WALL.

Mr. STONE. I ask unanimous consent that Order of Business 617, House bill 1373, for the relief of W. W. Wall, be re-committed to the Committee on Claims. It is a bill which has been reported adversely.

Mr. PENROSE. What is the nature of the bill?

Mr. STONE. It is a claims bill for the relief of W. W. Wall.

Mr. BRYAN. Mr. President, just a moment.

Mr. STONE. I ask that the bill be recommitted to the Committee on Claims.

The VICE PRESIDENT. The bill will be recommitted to the Committee on Claims.

C. HORATIO SCOTT.

Mr. TOWNSEND. Mr. President, several days ago, when the calendar was under consideration, I happened to be absent from the Chamber for a few moments when Order of Business 632, being the bill (H. R. 4559) for the relief of C. Horatio Scott, was reached. On account of my absence the Senator from Florida [Mr. BRYAN] stated that he objected to the consideration of the bill, which is a small claims bill, reported by me. I understand the Senator has examined the bill and does not object to its consideration. If any other Senator has any objection to the measure, I will not, as I am about to do, ask unanimous consent for its immediate consideration; but I am obliged to leave the Chamber, and I think this case, although a small affair, of course, and relating to but one individual, is of extreme importance to him.

I will state briefly the object of the bill, and if there is any objection I will not press my request, of course. The bill provides for refunding to the postmaster at Sault Ste. Marie \$596.52 on account of the embezzlement of the deputy postmaster, whom the postmaster inherited. The postmaster discovered that the accounts of the deputy were wrong in small particulars, and called upon the department for an investigation. An inspector was sent there, who discovered the irregularities, but recommended that the deputy be allowed to remain until further investigation could be made. In the meanwhile the embezzlement exceeded the amount of the bond by something over \$500. This bill seeks to reimburse this postmaster for the amount he was obliged to pay on account of the defalcation of the deputy.

Mr. WILLIAMS. Mr. President, if the Senator will allow me, I will ask him if the postmaster in question appointed the deputy?

Mr. TOWNSEND. He did not.

Mr. WILLIAMS. Then, I presume the deputy was appointed under civil-service rules, and the postmaster was not in any way personally accountable for his being there?

Mr. TOWNSEND. That is my recollection of the matter.

Mr. WILLIAMS. Then, if that is the case, undoubtedly the postmaster ought not to suffer. That is one of the bad things about the whole civil-service layout, that instead of giving an official as a confidential subordinate somebody that he trusts you thrust on him a fellow who has passed an examination in geography.

Mr. TOWNSEND. Mr. President, I ask unanimous consent for the present consideration of the bill.

Mr. BRYAN. Mr. President, I want to say to the Senator from Michigan that when the bill was reached on the calendar

I only asked that it go over because there was no one in the Senate at the time to advise us concerning it.

Mr. TOWNSEND. I understand that, and that is what I said, that the Senator from Florida heretofore objected to the consideration of the bill because I was not present.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to C. Horatio Scott, postmaster at Sault Ste. Marie, Mich., \$596.52 paid to the United States on account of funds embezzled by Frank Higgins, a post-office clerk in the post office at Sault Ste. Marie, Mich.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Morning business is closed.

#### COMPENSATION OF INJURED EMPLOYEES.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of House bill 15316, to provide compensation for employees of the United States suffering injuries while in the performance of their duties.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, which had been reported from the Committee on Education and Labor with an amendment.

Mr. SMOOT. Mr. President, there may be some Senators who are interested in this bill and who did not know it would be taken up for consideration this morning. It is for that purpose, and that purpose only, that I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Groana	Oliver	Taggart
Brady	Harding	Overman	Thomas
Bryan	Hollis	Penrose	Tillman
Chamberlain	Husting	Pomerene	Townsend
Chilton	Johnson, S. Dak.	Ransdell	Underwood
Clapp	Jones	Shafroth	Vardaman
Clark, Wyo.	Kern	Sheppard	Walsh
Culberson	Lane	Sherman	Weeks
Cummins	Martin, Va.	Smith, Ga.	Williams
Curtis	Martine, N. J.	Smith, S. C.	Works
Dillingham	Myers		
Fletcher	Nelson		
Gallinger	Norris		

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] on account of sickness in his family. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. CUMMINS. I desire to announce the necessary absence from the city of my colleague [Mr. KENYON]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the absence of the junior Senator from Louisiana [Mr. BROUSSARD] on account of illness.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

#### THE MERCHANT MARINE.

Mr. BANKHEAD. Mr. President, I beg the indulgence of the Senator for a few minutes while I explain my position on the bill which is the unfinished business and give some of the reasons why I shall vote for it.

It will be remembered that I was one of the Democrats in the Senate who opposed the so-called shipping bill in the last Congress, and I do not hesitate to say if the bill now pending contained the same provisions that were embodied in the shipping bill then considered that I would now oppose it with every means in my power.

It will be remembered that one of the objectionable features, and perhaps the most objectionable in that bill, was found in the authority given the board to purchase vessels, the only limitation being that they should be, in the judgment of the board, suitable for the purposes of the corporation therein provided. The board was left free to buy any and every character of vessel that might be tendered it, including the interned ships belonging to Germany and Austria, caught in our ports when the war broke out. I had no doubt when the bill was pending in the Senate that the purpose of the originators of the project, and the chief purpose, was to purchase these interned vessels, because they could be put under our flag more quickly and in larger numbers than vessels could be constructed or purchased from individual owners.

I believed then, and believe now, that if that bill had become a law and these vessels had been purchased by the United States

and put under our flag, and engaged in commerce between this and foreign countries war would have been the inevitable result, or such strained relations between this Government and the allies as would have absolutely demoralized and destroyed our foreign commerce. If one of these interned ships had been purchased and loaded with a cargo of American products—cotton, if you please, wheat or corn—for one of the neutral ports of Europe, Great Britain or France would have seized the vessel, carried it into port, and confiscated the ship and cargo. We had an experience of this sort with the *Dacia*, which was purchased by private individuals, loaded with cotton and started for a neutral port. The result was she was captured, taken into port, and the matter has been in the prize courts ever since, as I understand. If this had been a Government-owned ship, it would have meant shot and shell, and no diplomacy of ours could have adjusted the matter. The bill then pending did not put any limitation whatever upon the character of the ships to be purchased, nor did it provide from whom or under what regulations ships should be purchased.

In this connection, I desire to call the attention of the Senate to an amendment those of us who oppose the bill offered, and which was promptly voted down. The amendment is as follows:

*Provided*, That in making purchases of ships during the continuance of the pending European war no purchase shall be made in a way which will disturb the conditions of neutrality.

Under the provisions of the original bill, the board was left to exercise its own sweet will to purchase vessels of any character at any price and turn them over to the corporation therein authorized. We had not then forgotten the scandal, the outrageous scandal, that grew out of the Spanish-American War, when the United States bought indiscriminately vessels at exorbitant prices that were in many instances entirely unsuited for the purposes for which they were supposed to have been purchased. And we had not forgotten that after the war many of these vessels were sold at ridiculously low prices, some of them almost given away, and that others are now tied up at the docks entirely unseaworthy and unfitted for commerce of any kind.

The bill now before the Senate carefully provides against a recurrence of that shameful and disgraceful performance on the part of the authorized agents of the United States. For instance, the bill provides in section 5 that neither the board nor any corporation formed under section 11 in which the United States is then a stockholder shall purchase, lease, or charter any vessel which is then engaged in the foreign or domestic commerce of the United States unless it is about to be withdrawn from such commerce without any intention on the part of the owner to return it thereto within a reasonable time; nor shall the board purchase any vessel under the registry or flag of a foreign country which is then engaged in war; nor can they purchase any ship which is not adapted or can not by reasonable alterations and repairs be adapted to the purposes specified in said section; nor shall they purchase any vessel which, upon expert examination made under the direction of the board, a written report of such examination being filed as a public record, is not without alteration or repair found to be at least 75 per cent as efficient as at the time it was originally put in commission as a seaworthy vessel.

The bill submitted and considered during the last session of Congress provided that vessels purchased or constructed by such shipping board and conveyed to such corporation as therein provided should be entitled to registry under the laws of the United States and should be deemed vessels of the United States and entitled to the benefits and privileges appertaining to such vessels, except that such vessels should engage only in trade with foreign countries or with the Philippine Islands.

The provisions of that bill prevented the vessels so purchased and operated from engaging in coastwise trade. It was contended at that time by those of us who opposed the bill if there was a Shipping Trust in the United States it was that engaged in the coastwise trade. I offered an amendment to that bill providing that these ships might engage in coastwise trade, with a view of breaking up and destroying that coastwise Shipping Trust. The amendment was promptly voted down.

The bill now pending provides that any vessel flying the United States flag may be permitted to engage in the coastwise trade if conditions, commercial and otherwise, require.

The bill considered in the last Congress provided that this shipping board should be composed of the Secretary of the Treasury, the Secretary of the Navy, and three other persons appointed by the President and confirmed by the Senate. This was a most objectionable feature, because of the fact that these department heads had no special knowledge of the shipping business, and had not the time to devote to the management of the ships owned and operated by the board, and has been remedied in the pending bill by eliminating the ex officio members and



requiring the President to appoint five commissioners, who shall be appointed with due regard to their fitness to efficiently discharge the duties imposed upon them by the bill and with due regard to a fair representation of the geographical divisions of the country. Not more than three of the commissioners shall be appointed from the same political party.

Another very objectionable feature of the original bill was that it fixed no limit of time as to the operation by the board of the ships built or purchased under the authority granted by that bill. They might have been operated indefinitely. While the bill was under consideration, those of us who opposed it submitted the following amendment, which was rejected:

*Provided further,* That at the end of two years after the conclusion of peace in Europe the Government shall cease to operate said vessels and shall dispose of them, either by transferring them to the service of the Army or the Navy, or both, so far as they may be adapted to these services, or by leasing or chartering them for private operation.

The only difference in this amendment and the provisions of the pending bill is that a five-year period has been substituted for the suggested two years' limitation of Government ownership and operation after the conclusion of the European war.

Therefore, Mr. President, since the objectionable features of the bill considered in the last Congress have been eliminated, and all the suggestions then made by the opponents of the bill have been incorporated, speaking for myself, I shall unhesitatingly vote for the bill, and I believe I speak for the other Democrats with whom I was associated at that time.

If the concessions now made in this bill had been made in the last Congress, the legislation would have been passed last March instead of during this session, and those of us who supported the motion of the Senator from Arkansas [Mr. CLARKE] to recommit the bill for the purpose of making the very changes in it that have now been made in the pending bill, submit that our position in this matter has been absolutely and speedily vindicated.

#### LEGISLATION OF THE SESSION.

Mr. TAGGART. Mr. President, I will impose upon the patience of the Senate for a short while to express some views which I hold upon legislation which has been enacted into law this session and upon some legislation still in the making. I will not take up these subjects in the order in which they have come up, but as they present themselves to my mind.

First, I call attention to H. R. 16763, an act to increase the revenue, and for other purposes, intended to raise approximately \$200,000,000. I am heartily in accord with the purpose of the bill, but I do not altogether agree with the manner in which or the principle upon which the taxes are sought to be raised. There are many good features in this bill. I call particular attention to that provision creating a tariff commission. I am in no sense a new convert to the principle of a statutory tariff commission. It has been in the public mind for some years, and it ought to be considered as a thing apart from partisanship.

#### TARIFF COMMISSION.

For many years I have believed that a tariff commission could be made one of the essential things in the management of our import affairs. The bill provides for a nonpartisan tariff commission composed of six men with full power to investigate relations between the rates of duties on raw and finished products, the effects of various duties and in general the operation of customs laws and their relation to the Federal revenues. It is further empowered to investigate the tariff relations between our country and foreign countries, commercial treaties, preferential provisions, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.

It would seem, Mr. President, that the time has come when the people wish that the profitless discussion of tariff schedules shall be taken out of politics, if that be possible, and my observation is that when the people make up their minds to do a thing they usually succeed. I can see no possible objection to a nonpartisan tariff commission, aided by trained, experienced specialists and the very best scientists, engaged in gathering data, looking into every detail of the cost of an article at home and abroad, and submitting these facts to Congress. Such data will enable Congress to fix intelligently the proper rates of duty on goods coming to this country from abroad, for the purpose of increasing revenue. The tariff question is the line of cleavage which has divided the two great parties for a century, and knowing the business disturbances which a revision of the tariff always brings about, people have searched in vain for a remedy to take this very troublesome and vexatious question out of politics.

The Interstate Commerce Commission is now handling freight and passenger rates for more than 250,000 miles of steam railways in the United States, and in the main is handling this tremendous problem satisfactorily to the people, on the one side, and the railroad companies on the other.

Mr. President, I believe the establishment of the tariff commission, as outlined in this bill, will be groundwork for the building up of a governmental agency which will eventually occupy to the people of the United States substantially the same position in the fiscal affairs of our Government that the Interstate Commerce Commission occupies in the transportation field to-day. After this commission is established and thoroughly organized, I believe that public opinion in the future will demand that it be given power to fix the maximum rates of duty upon commodities imported into this country much like the Interstate Commerce Commission is now given power to fix rates on railroads. We have already observed the general business disturbance at each recurring presidential election, due to the constant threat of agitation on the tariff, and to avoid this disturbance the business man, the laborer, mechanic, farmer, merchant, physician—in fact, everyone who wishes his country well—earnestly desire to remove this contention from politics and to make it a business question pure and simple.

#### DYESTUFFS.

Mr. President, I am in favor of that section of the bill relating to dyestuffs. It is one of the necessary things entering into the fabric of life of our manufacture which we have heretofore largely depended upon German manufacturers for our supply. The Germans have almost a monopoly in the manufacture and output of this extremely valuable commodity. The helplessness of this Government was recently demonstrated when our State Department appealed to the allies to permit \$45,000 of this material to come to our country from Germany in order that our Bureau of Printing and Engraving, engaged in printing money and manufacturing postage and internal-revenue stamps, might not be shut down on account of the lack of foreign dyes or forced to adopt different and unstable colors.

We have as good chemists here as Germany or any country in the world. We have as much brain power in our Nation as any nation on earth and men who are as willing to put their money in enterprises as any class of men found anywhere, but as the Germans have almost a monopoly in the manufacture of dyestuffs, backed by all of the wealth of that empire, manufacturers of dyestuffs in this country have felt that they are unwilling to put capital into this business to compete with long-established and prosperous monopoly unless the rates of duty on this commodity be increased. I do not know whether the contention of men engaged in this enterprise in this country is correct or not. I express no opinion upon that, but I take them at their word, and I am willing to cast my vote to increase the rate of duty upon all dyestuffs.

#### PUBLIC HIGHWAYS.

Mr. President, Congress has passed much legislation this session which will greatly benefit the people, all of which costs money, but I believe the people are willing to stand for taxation where the object sought to be obtained will in the end benefit them. Recently a bill passed both branches of Congress which is now permanent law, for which I voted, authorizing an appropriation of \$85,000,000 to aid the States in the construction of public highways, \$5,000,000 of this amount to be appropriated this year and the amount to be increased each year for the next five years on condition that the individual States contribute for the improvement of their respective highways an amount equal to that allotted to them under the provisions of this bill.

Mr. President, there have been few questions which as a private citizen I have taken greater interest in than that of building and maintaining good roads. The State of Indiana, I am sure, is unquestionably in favor of this great work as a great economic proposition benefiting at once each man, woman, and child. If the people of other States are similarly interested, there is no doubt that this entire appropriation will be made available and that future appropriations of the same nature will be even larger. In commenting upon this subject the Indianapolis News, in an editorial, recently said:

When a farmer has been disappointed in selling his produce he has often been told that transportation constituted an important element in marketing cost. It is more expensive to haul grain or cotton over poor roads from the farm to the railroad than to haul the same shipment a much greater distance by railroad. Therefore everything that the farmer does to improve State roads he does indirectly to increase his profits. Out of a total land area of 22,966,400 acres in Indiana 21,299,823 acres are included in farms. Almost 75 per cent of this farm region is improved. Good roads mean cheap transportation for the produce of the farm.

The average haul of farm produce from place of production to market in this country is 8 miles. It is estimated that it

costs the farmer \$1.25 per ton to haul his produce to market over American roads. In fact, it costs less to ship a bushel of wheat from New York to Liverpool than it does to haul it to the average distance market. It costs the French farmer 21 cents per ton and the German farmer 19 cents per ton for the same haul, both in weight and distance. Why? The reason is found in their improved, almost perfect roads. The article might have gone further and impressed the fact that the cheaper transportation lessens the cost of production because it brings to the producer what he needs for his purposes at the least cost, and would in turn benefit the consumers and if not advance at least sustain and better secure the producers' profit. The question of good roads, not only viewed from the military standpoint, but from a commercial and economic viewpoint and, most of all, in connection with the interests of the farming population, is one that comes home to everyone.

The completion of a perfect system of these great arteries of trade with their feeders reaching to all the farms direct will cause a saving to our farmers of hundreds of millions of dollars annually not only in the diminished wear and tear on their teams and rolling stock but also, as pointed out, in economy of transportation and time.

#### MERCHANT MARINE.

Mr. President, I am also in favor of an ample and aggressive merchant marine. One of the most important features of the shipping bill provides for the control of water rates, but what I have in mind, Mr. President, in connection with this new Government enterprise is the betterment by it of our trade in South America.

#### SOUTH AMERICAN COUNTRIES.

Some of our Government officials have already visited the South American countries with a view of getting in touch with them, of understanding and learning their ways and manner of doing business, and of learning how to give them an opportunity to become better acquainted with us, as well as our way and manner of doing business. Several of our great banks, recognizing the wonderful possibilities there for development, have lately established branch banks and have thus furnished the means by which the export trade of the United States with those countries can be greatly facilitated. There are now 75,000,000 people living in South America, and in 50 years, it is safe to say, at the prevailing rate of increase there will be over 200,000,000. We ought to have their trade, or at least a lion's share of it. It has been in the hands of European nations. It is within our power to acquire it, if the policy now proposed in our shipping bill, backed up by accommodating banking facilities, is prudently and consistently carried out.

#### SHIPPING BILL.

The shipping bill in question provides for the use of \$50,000,000 of the Panama Canal bonds for the inauguration of this new departure. In my judgment it is a step in the right direction, a businesslike procedure which should be followed in taking care of expenditures for permanent improvement, and to which the unused residue of those bonds could be profitably applied.

#### OUR INTERNAL NAVIGATION.

I do not see how we can withhold unqualified assent to the scheme of the improvement of our great rivers, the Mississippi, the Ohio, the Missouri, and their important tributaries, as well as to our important harbors. At the same time, I am opposed to frittering away money on trifling projects which do not serve the general good and are of a purely local character. When we spend large sums for such rivers as the Mississippi, the Missouri, the Ohio, and on our seaport harbors, we cast our bread upon waters which will return to us a thousandfold in the enlargement of our commerce.

#### FLOOD CONTROL OF RIVERS.

I join in approval of the appropriation for a flood control of the Mississippi, and in this line of work I believe the Government should go forward and prevent the floods of many of the rivers of our country, but in doing it I believe the States or municipalities to be benefited, bordering on these rivers, should pay a fair proportion of the cost. Money expended in this way will do more good, benefit the people more than devoting it to little rivers and creeks on which no appreciable, if any, commerce can be made possible, and which do not serve the general purposes of navigation. In controlling the floods, keeping the water within proper channels, we protect life and property and save the Nation's ultimate resources hundreds of millions of dollars in value by making it possible to place in cultivation a vast acreage now lying idle on account of being subject to recurring overflows and destructive floods.

Mr. President, these are all commendable objects for national enterprise. They command the patriotic support of men of all

classes, for they make for the public welfare. That which helps one may not always help the great masses of the people, but that which benefits the whole can not but be of advantage to the individual. It is not a question, then, of whether or not we shall do all these things but by what means shall we accomplish them? The question is how to go forward with the least possible friction? Who is to bear the temporary and permanent burdens—we of to-day or those of the morrow? Are all the great sums needed for these great undertakings to come from current revenues? Is the weight of taxation to be put all in one spot instead of being distributed over a more equitable area? Are we to raise the money at once, as the revenue bill would seem to suggest, or are we going to let the future generation contribute its share to the permanent protection of the Nation? These are questions that bring us to the consideration of the problem of running the business of the Nation in a businesslike way. Common sense is the essence of good business. Where it rules the best results follow; where it does not prevail business goes on in a lumbering, happy-go-lucky fashion. There are no uncertainties in mathematics. Business is the very spirit and genius of mathematics. As the first absolutely sound business proposition, I declare that current revenues should be used to pay current expenses, and should not be stretched to cover permanent projects of which generations will reap as large, if not larger, benefits than those to-day who initiated and put the projects in motion.

#### BUSINESS METHODS.

Let us apply ordinary business methods to the affairs of the Government. Under the law the Secretary of the Treasury must submit to Congress at the beginning of each session an estimate of expenditures, and last November he submitted his estimate for the ensuing fiscal year, aggregating \$1,150,783,135.16.

Since these estimates were submitted, at the beginning of this session of Congress, there have been radical changes in conditions determining the expenditures of the Government, and the revenues to be provided to meet them must be viewed from an entirely different angle. It is now estimated for the current year the Government will need nearly \$1,636,765,000.

Mr. President, the increased appropriations this year over last for the Army, Navy, and coast defense and fortifications alone amount to \$352,074,358. Where is this money to come from? Who are to pay the bills? The revenue bill proposes to raise the additional tax, first, by doubling the income and corporation tax; second, by an inheritance tax; third, by a tax on munitions of war; and, under section 302 of the bill, special taxes covering brokers, theaters, amusement and concert halls, circuses, public exhibitions, and so forth. By doubling the income and corporation tax rate it is proposed by the bill to raise an additional \$105,000,000, or \$227,000,000 by income tax. By an inheritance tax it is estimated that it will raise \$15,000,000 the first year. By a tax on munitions of war, \$72,000,000; miscellaneous, which covers special taxes, \$14,000,000. Total taxes proposed to be raised by this bill, about \$200,000,000. The estimated revenue this year under the present law, from the following sources, are: Customs, \$230,000,000; internal revenue, ordinary, \$303,000,000; income and corporation tax, \$125,000,000; emergency tax, \$41,000,000; miscellaneous, \$54,000,000. Total of this year, \$748,200,000.

This is according to the report of the Ways and Means Committee, and would show an estimated excess of disbursements over receipts, which would have to be taken care of, and this excess is necessary to meet military necessities.

#### PREPAREDNESS.

Mr. President, for many months there has been a demand for preparedness, expressing it as an admitted necessity and as a conviction on the part of the people that the Government must be prepared to meet all emergencies. To do this effectively covers a wide range, and there are so many things entering into the scheme of preparedness for the Government that it is almost impossible to enumerate them all. Complete preparedness is one of the highest conditions in the life of a country. It goes into every detail of the Nation's forces. It surrounds itself with every feature of the people's common interests. In these times we have chosen to apply the word to one special subject, the problem of our Army and Navy and all the other features of our military program.

We ought to give it a much wider application. If Germany had not prepared except so far as her army and navy are concerned, she in no way would have been able to contend against the odds in the present conflict, but the preparedness of Germany was due to an assembling and a utilization of all of the physical, economic, and sentimental forces of the nation, not at any particular period, nor yet with feverish haste at any time, but steadily, systematically, according to well-ordered plans, leaving as little as possible to chance. We may well



afford to pattern after her in thoroughness in the general plan of preparedness in whatever degree we proceed. The whole vast field of industrial and final preparedness is ours to cultivate.

#### BANKING AND CURRENCY.

We have taken a wonderful step forward by reforming our banking and currency systems. One of the most important and useful needs of the Federal reserve act, in my opinion, is that which makes it possible for our national banks to establish branches in foreign countries. This makes preparedness of the right sort. It strengthens us in South America or wherever lies commercial enterprise, since to gain the future hold or enlarge the field already occupied will be of great advantage for facilitating the expansion of our trade.

Mr. President, for many years there has been a demand coming from the rural people for rural-credits legislation. I believe this was a just demand because this legislation was much needed. This is now an accomplished fact. The law was passed, and the Farm Loan Board selected. Soon all the machinery to put it into operation will be put together and the details of the law will be quickly worked out. Heretofore little, if any, attention has been paid toward extending rural credits. This law marshals the credits of the farmers; it will reduce their rates of interest, and will give a longer time for payments of loans. With lower rates of interest and longer terms of payment as embodied in the bill many thousands of people now unable to own a farm will avail themselves of the opportunity through this bill and become home owners, a thing very much to be desired.

Mr. President, I believe in reasonable preparedness of our country not for the purpose of aggression but solely for the purpose of forestalling aggression. I believe it the part of wisdom to reasonably prepare for war in time of peace, and while we hope that war will never come, we had better adopt the old motto: "You had better be prepared than sorry."

#### OUR REORGANIZED ARMY.

Mr. President, I voted for the Army reorganization bill, which increased the Regular Army from 100,000 to 178,000 men and which coordinated with it the militia of the various States, aggregating 420,000; but, Mr. President, as there are so many things in that bill which go to real preparedness, the mere increasing of the number of men is, in my judgment, of secondary importance. At little cost it provides for the teaching of military training in all of our high schools and colleges, as well as in our military institutes where not fewer than 100 students are graduated. When this part of the bill gets in full operation and working order we will be turning out each year from 25,000 to 35,000 thoroughly trained young men, so that in the course of a few years we will have a trained Army at a small cost the equal of that of any nation.

#### A GREATER NAVY.

It is recognized that a navy constitutes the real defense of a nation against foreign attack, and while the naval bill carries a large increase of appropriations over those of previous years, it was a pleasure for me to support it. In our preparedness program the Navy takes first place. Whether our Army or Navy be the largest in number, in men, guns, and ships, I want it to be the best. I want our soldiers to be the best equipped, trained, and drilled, and to be expert in protecting their bodies against disease, which is as deadly as bullets. I want our ships to be of the best possible build, manned with the best guns, of the longest range, to shoot the farthest, and hit the hardest, and do the quickest work, if it has to be done. Mr. President, in my judgment, man for man, gun for gun, and ship for ship, we have the best Navy on earth, and when the present program carried in the naval bill is completed with its fleet of battle cruisers, super-dreadnaughts, submarines, torpedoes, and aeroplanes, we need not fear the outcome of battle with any foe, and we will be in a position to protect American citizens at home and abroad.

#### OUR IMPROVED COAST DEFENSES.

Mr. President, our preparedness program for our Army and Navy, including coast defense, will cost this year much larger sums of money than last year. For instance, there was appropriated last year to the Army \$101,974,195.87; this year \$267,596,530.10, or an excess of \$165,622,334.23 this year over last. There was appropriated last year for the Navy \$149,661,864.88; this year \$316,726,556.54, or an excess of \$167,064,691.66 this year over last. There was appropriated last year for our coast defense, including fortifications, \$6,006,216.90; this year \$25,742,550, or an excess of \$19,687,333.10 over last year's appropriation. The appropriation this year over last for these three items aggregated \$352,874,373. This demand for preparedness comes from the people, and I believe they are in sympathy with the response to it of their Representatives in Congress.

#### NITRATE PLANT.

One of the essentials of our preparedness program is that the Government should be supplied with a nitrate plant for the manufacture of explosives. This is one of the fundamental ingredients of explosives. For our supply of this material we are dependent on the nitrates of Chile. In the event of a war with a power having large naval resources our facilities for importing nitrate from Chile might be seriously interfered with. It is necessary, therefore, that we obviate this danger by the establishment of a nitrate plant, for which the many wonderful water powers of this country afford material facilities. The Army reorganization bill makes provision for the establishment of such a plant, the cost and equipment for which \$20,000,000 was authorized to be spent.

It should not be overlooked that when the needs of the Government in this particular are fully served the nitrate plant can and may be utilized for the manufacture of fertilizers to furnish farmers at cost of production. The importance of this provision will be appreciated by anyone who is familiar with the great item of expense to which farmers are put in procuring proper fertilizers. Being furnished by the Government with fertilizer at cost will materially reduce the expense of crops and thus be an incalculable benefit to agriculturists and in turn to the consumer.

#### WEALTH TO BEAR JUST PROPORTION.

No objection can be made to any plan which causes wealth to bear its just proportion in meeting national expenditures. Wealth should shoulder its responsibility in contributing its fullest share in the general scheme of taxation for the support of the Government. One commendable feature about the present revenue bill is the repeal of some of the stamp taxes. They were very objectionable, and doing away with them is a response on the part of the Congress to make taxes not only as light as possible but the least vexatious.

Mr. President, we are confronted to-day with the serious problem of raising revenue to meet the extraordinary conditions surrounding us in our efforts to put the country in a state of thorough preparedness. There can be no doubt but that the current revenues would have been sufficient to meet the ordinary expenses of the Government. At the close of the fiscal year there was a balance of upward of \$170,000,000 in the Treasury; the largest balance the Treasury has had for many years, showing that the current revenue was sufficient to meet all ordinary demands upon it. But we are not dealing with ordinary, but with extraordinary conditions, with conditions the like of which we have not been called upon to meet in the last half century.

Mr. President, we can all realize what efforts have been put forth by the Ways and Means Committee of the House in trying to reach a satisfactory solution of this extraordinary condition. We also realize the efforts that have been put forth by the Finance Committee of the Senate while passing through the same ordeal of trying to raise the money with the least objection.

What should we do to meet these extraordinary conditions? Along what road should we travel? Are there any well-marked highways which private business of this country has traveled when finding itself confronted with similar conditions? In times of stress or storm private business is often compelled to cope with unusual conditions.

Take our great railroad systems, any one of them may serve to illustrate the point. When one of those great corporations wants to make large increases in its rolling stock, erect extensive buildings, construct new branch lines, tunnel mountains, bridge rivers, reduce grades, straighten its tracks, and finds its current revenue is not sufficient to cover these expenses, does it tax the present stockholders to meet the present extraordinary emergencies? Of course not. To make these improvements at once out of current revenues would hopelessly cripple operations. It has recourse, therefore, to the sensible, thoroughly businesslike expedient of issuing bonds for a term of years, and out of its current income it sets aside every year an amount sufficient to pay the interest on these bonds and to create a sinking fund for their redemption. The same principle is followed by other successful corporations, and, in my judgment, their experience serves as a pattern for handling the affairs of the Government. I thoroughly believe in the soundness of the maxim: "Pay as you go," but I would amend its application to the matter under discussion by saying: "Pay as you go, if you can, but do not pay as you go if it will cripple or hurt you by imposing burdens upon the taxpayers of the present time." The business viewpoint would be not to pay for these great permanent improvements, especially those which relate to the preparedness of our country, out of current revenues.

Instead of increasing income and corporation taxes and other ordinary taxes—in fact, doubling them to an objectionable and

unjust degree, and yet falling short of revenue because of constantly increasing demands—I would suggest that we capitalize the Nation's credit. Issue long-time, low-rate investment bonds, if necessary, of small denominations, and let the future generation bear its share of this preparedness burden.

Follow the example of the most successful business corporations in the country. Obviously the sensible thing to do is to cover these extraordinary expenses caused by our preparedness program by an issue of bonds redeemable in 30 and payable in 50 years, interest at the lowest rate possible, and sinking fund charges to be provided out of current revenues, and the following generations would then bear their share of paying this preparedness indebtedness, which will benefit them as well as ourselves. When the building of the Panama Canal was decided upon Congress authorized a bond issue of \$375,000,000. Of this amount \$134,000,000 has been issued thus far, leaving a balance unissued of \$241,000,000. I understand that \$50,000,000 of these bonds will be issued for the purchase of ships for our new merchant marine if the bill now pending becomes a law, leaving a balance of \$191,000,000 of these bonds unissued. Why not issue the remaining \$191,000,000 of these bonds in order to meet these extraordinary expenditures for preparedness, instead of imposing additional taxes upon the people? You can not constantly keep raising taxes without eventually affecting the farmer, mechanic, laborer, and business man. It seems to me that it is only fair and just that every citizen of the United States be willing to join hands in proportion to his wealth in meeting this extraordinary burden for the purpose of preparedness. This preparedness is for no single class of American citizens, but for all, not only at present, but for future generations, and they should be permitted to join in the expense.

Mr. President, I have not been a Member of this body very long, but it looks to me that sometimes more attention is paid to spending money than to economy. I wonder what would happen to each Senator and to each Member of the House if he spent or appropriated money in his private affairs as he spends it in public affairs? I wonder how long it would be until we would all find ourselves in a court of bankruptcy? On the other hand, I wonder what would happen to the country if every Member of the Senate and House would make up his mind in the direction of rigid economy, and fearlessly cut off every useless dollar of appropriations? I wonder if the taxpayers of the Nation would rise up and revolt against Congress if such a thing should happen? I favor a liberal but businesslike economy.

I believe the taxpayers of the Nation would like to be given a rest from having their taxes increased every year. I am in favor of giving it a tryout just to see what would happen. I do not believe the people can be made prosperous by taxation, be it direct or indirect.

Mr. President, these enormous increases in appropriations can not go on forever. There must and will be a day of reckoning. The power to tax means the power to destroy, and we do not want to destroy the earning power of the people by over-taxation. Congress is getting in the habit of casting about to find things on which to place a tax, instead of vigilantly seeking where it can economize without injury to the public service.

In 1909, when the Payne-Aldrich bill was passed, the Republican Party found itself short of revenue. It imposed a tax on corporations. Four years later, in 1913, when the Democratic Party revised the tariff, it found the Treasury short of revenue and imposed an income tax. And now we are met in this revenue bill with provisions containing all forms of taxation, except the stamp tax, doubling the normal income and corporation tax and adding an inheritance tax and a tax on munitions of war, also taxing simple pleasures, amusements, and so forth.

Mr. President, the party in control holds the purse strings of the Treasury, and it should assume responsibility for disbursements. If it fails to assume this responsibility, it fails to do its duty. Not a dollar can be put into the Treasury unless Congress enacts legislation to raise the money and provides the machinery for collecting it. Not a dollar can be taken out unless Congress appropriates it. Unless more economy is practiced Congress will soon find itself driven to the necessity of laying and collecting taxes on many other things. It may be a stamp tax, a direct tax, but new taxes must and will eventually come unless economy is practiced in the future.

Mr. President, there is much in the budget plan, or some plan which will coordinate and adjust the revenues and expenditures, to commend itself to legislative favor. It seems to me that Congress is commencing at the wrong end. The first thing Congress does is to determine how much money it wants to appropriate, and then it proceeds to make the appropriations, regardless of whether the revenues are sufficient to meet them. Instead

of cutting the appropriations down to meet the revenue, Congress proceeds to increase the rates of taxation and to lay and collect taxes on articles to reach the amounts appropriated.

Mr. President, it seems to me we should begin at the other end and first see whether our revenues are sufficient to meet the ordinary demands. If the revenues are insufficient, then curtail and cut off every useless appropriation. Economy is itself a great revenue. Once Congress embarks on this policy, there would be no necessity under anything like ordinary conditions of laying taxes as suggested in the present revenue bill.

The complaint of the people to-day against the burden of taxation is nation-wide. I do not mean in a partisan sense. Its voice is heard in every township, county, municipality, and State in the Union in regard to local taxation, and I feel sure that if this revenue bill is adopted without some amendment the protest will soon reach Congress.

Mr. President, we should have saved \$20,000,000 in the rivers and harbors bill. There should have been several millions saved in the Agricultural bill, and I have no doubt that on all the other appropriations, outside of the Army and Navy, other millions could have been saved. Mr. President, the fault is not in the administrative officers of the Government. No criticism should be made against them. The responsibility rests with Congress. It is for the administration to estimate the expenditures. It is the duty of Congress to provide them.

Mr. President, to show the extravagant tendency of Congress, bills have been introduced this session for public buildings aggregating \$100,654,000. This represents the aggregate of the amount asked for public buildings, and in a measure makes this a fixed charge upon the Treasury, because these bills, with many more as the country continues to grow, will be enacted into law at some future time, unless Congress defeats such public-buildings bills as are now on the House calendar awaiting action at that end of the Capitol. A public-buildings bill carrying an authorization for \$35,000,000 was recently reported by the House Committee on Public Buildings and Grounds, is now on the House calendar, and I am informed an attempt will be made to pass it through Congress next December.

Mr. President, I recently had an analysis of this bill made by the Architect's Office, which I will insert as a part of my remarks.

Talk about the river and harbor bill being a pork-barrel bill. As compared to the public-buildings bill now on the House calendar there is no comparison whatever, the public-buildings bill being so much worse.

This bill takes care of 297 congressional districts out of a total of 435, and it takes care of every State in the Union except Vermont. Under section 3, I have made a little tabulation. This section carries authorizations for 93 projects. The population in the towns of 39 of these projects ranges from 1,059 to 3,000. The total population in the towns of these 39 projects is 77,579. The average population is 1,980. The total authorization carried for buildings in these 39 projects is \$1,125,000, which means, when made, an average appropriation for each inhabitant of these 39 towns of \$14.50.

Under section 4, "Authorization for sites and buildings," authorizations are made for 104 projects. I have tabulated 39 of these projects having populations ranging from 537 to 3,000, and for these 39 projects \$1,599,000 is authorized.

The total population of these 39 towns is 83,366, an average authorization for each inhabitant of these 39 towns of \$19.05.

Under section 5, "Sites only," I find that authorizations are made for 119 sites. Under this section I have tabulated the cost of 79 sites ranging in population from 628 to 3,000. The towns of these 79 sites have a total population of 168,171. The total authorization for these 79 sites is \$410,000, or an authorization of \$2.43 for each inhabitant of these 79 towns.

It is estimated that a site is about 20 per cent of the cost of the building. At this rate these buildings, when erected, will cost \$2,050,000, or an appropriation of \$12.12 for each citizen living in these 79 towns, or a total of \$14.55 for each resident in the towns.

Mr. President, to some it may appear to be economy to erect public buildings in every little crossroad country town. I select a few of the places where public buildings are to be located and let the facts speak for themselves. For instance, take the following towns:

Eminence, Ky.: Population, 1,274; estimates for the building, \$25,000; the bill authorizes \$30,000.

The interest on the investment is.....	\$1,140.00
Annual depreciation.....	742.00
Janitor service.....	960.00
Supplies.....	900.00
Total cost of upkeep.....	3,742.00



Falmouth, Ky.: Population, 1,180; estimates by architect's office, \$25,000; authorization in bill, \$30,000.

Interest on investment	\$1,140.00
Annual depreciation	742.00
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,742.00

Green River, Wyo.: Population, 1,313; architect's estimated cost for building, \$25,000; authorization in bill, \$25,000.

Interest on investment	\$1,020.00
Annual depreciation	630.00
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,510.00

Mount Olive, N. C.: Population, 1,071; architect's estimated cost of building, \$35,000; authorization in bill, \$30,000.

Interest on investment	\$1,140.00
Annual depreciation	742.50
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,742.50

Roseville, Ga.: Population, 1,059; architect's estimated cost of building, \$30,000; authorization in bill, \$25,000.

Interest on investment	\$990.00
Annual depreciation	630.00
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,742.00

Huntingdon, Tenn.: Population, 1,112; authorization in bill, \$25,000.

Interest	\$915.00
Yearly depreciation	630.00
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,405.00

Clare, Mich.: Population, 1,350; architect's estimated cost of buildings, \$45,000; authorization in bill, \$35,000.

Interest	\$1,140.00
Yearly depreciation	742.50
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,742.50

Clear Water, Fla.: Population, 1,171; architect's estimated cost of building, \$40,000; authorization in bill, \$40,000.

Interest on investment	\$1,290.00
Yearly depreciation	855.00
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 4,005.00

Hazard, Ky.: Population, 537; architect's estimated cost of building, \$30,000; bill authorization, \$40,000.

Interest on investment	\$1,290.00
Yearly depreciation	787.50
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,937.50

Lewisburg, W. Va.: Population, 803; architect's estimated cost for building, \$82,000; bill authorization, \$82,000.

Interest on investment	\$2,550.00
Yearly depreciation	755.00
Janitor service	1,260.00
Supplies	900.00

Total annual upkeep cost..... 5,465.00

Norton, Kans.: Population, 1,787; architect's estimated cost of building, \$40,000; authorized in bill, \$35,000.

Interest on investment	\$1,140.00
Yearly depreciation	742.50
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,742.50

Pittsfield, Ill.: Population, 2,095; architect's estimated cost for public building, \$40,000; bill authorized \$35,000.

Interest on investment	\$1,140.00
Depreciation	742.50
Janitor service	960.00
Supplies	900.00

Total annual upkeep cost..... 3,742.50

Mr. President, these are not my figures. These figures were prepared at the architect's office.

Mr. President, a careful study of this public-buildings bill quickly dispels any idea of economy, but it spells extravagance of the worst sort. If this bill succeeds in getting through Con-

gress, the President should come to the rescue of the Treasury and veto it at once.

Mr. President, for the fiscal year 1915, 5,573 men and women paid an income tax in the State of Indiana amounting to \$345,653.92. This year the same number of people must pay an income tax in the State of Indiana of \$691,307.84. Last year 5,018 corporations in Indiana paid corporation taxes amounting to \$644,147.38. This year double the above—\$1,288,294.76—must be paid. Last year Indiana paid into the United States Treasury the following amounts:

For customs, internal revenue, and postal receipts, \$32,517,115.62.

There was expended in the State of Indiana by the Federal Government last year the following:

Customs, internal revenue, public health, public buildings, Postal Service, expenses of United States courts, salaries of Senators and Representatives, \$7,240,838.05.

Which gives a balance to the credit of the State of Indiana of \$25,276,267.57, and the income and corporation tax to be added.

Mr. President, it is unfair, unbusinesslike, to pass items in pork-barrel bills like the river and harbor and public buildings bills at this session or any other session of Congress. To do this those who pay income and other taxes in the State of Indiana and elsewhere must have their tax rates almost doubled; not only increased in life, but their estates, when they exceed \$50,000, must be taxed after death.

Instead of squandering money in catching cattle ticks, killing coyotes, poisoning ground squirrels, doctoring wild ducks, treating goats suffering with Malta fever, sending out useless garden and vegetable seeds, passing pork-barrel river and harbor bills, pork-barrel public-building bills, would it not be better to get down to rigid bedrock economy and cut these useless expenditures off; save the people from the never-ceasing visits of the tax gatherer; or if it be the fixed and determined purpose of Congress to go on yearly increasing these appropriations, would it not be better that we turn these wasted appropriations to things that will improve the country, that will help the people, that will bring them peace, prosperity, and happiness in the future? Instead of pouring money into sinkholes never to return a cent upon the investment, would it not be better that we apply this money to vocational education so that every farmer boy on graduating from high school could have a scientific knowledge of intensive agriculture, or where boys in cities on leaving high school will be first-class mechanics, or the girls have a knowledge of domestic science so as to make them better home builders?

Mr. President, I have only been a member of this body for a short time, but be my stay here long or short, I shall always be found using my best efforts and judgment in curtailment and cutting off what I consider useless or extravagant appropriations.

Mr. President, I ask unanimous consent to have printed in the RECORD as an appendix to my remarks certain tables and figures in connection with public-building expenditures.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

#### ALABAMA.

Extensions, remodeling, etc.: Mobile (Gray), first district	\$100,000
New buildings on sites acquired or authorized:	
Greenville (Dent), second district	30,000
Union Springs (Steagal), third district	30,000
Sylacauga (Blackmon), fourth district	30,000
Albertville (Burnett), seventh district	25,000
Attalla (Burnett), seventh district	30,000
New sites and buildings: Athens (Almon), eighth district	35,000
New sites only:	
Montgomery (Dent), second district	175,000
Ozark (Steagal), third district	5,000
Sheffield (Almon), eighth district	5,000

#### ALASKA.

Increase in limit of cost: Juneau (Wickersham), delegate	300,000
Special legislation: Sitka.	
Grant lands owned by Government to territory at home for aged.	

#### ARIZONA.

Increase in limit of cost: Globe (Hayden), at large	25,000
New sites only:	
Bisbee (Hayden), at large	25,000
Flagstaff (Hayden), at large	7,000
Yuma (Hayden), at large	6,000
Special legislation: Nogales (Hayden), at large	

#### ARKANSAS.

New buildings on sites acquired or authorized:	
Forest City (Caraway), first district	25,000
Brinkley (Oldfield), second district	25,000
Conway (Jacoway), fifth district	40,000
Stuttgart (Taylor), sixth district	30,000
Eldorado (Goodwin), seventh district	25,000
New sites only:	
Blytheville (Caraway), first district	9,000
Van Buren (Wingo), fourth district	5,000
Little Rock (Jacoway), fifth district	175,000

CALIFORNIA.		
Extensions, remodeling, etc.: Sacramento (Curry), third district	\$50,000	
New buildings on sites acquired or authorized:		
San Francisco (Kahn), fourth district	600,000	
Oakland (Elston), sixth district	650,000	
Modesto (Church), seventh district	65,000	
Long Beach (Randall), ninth district	200,000	
San Bernardino (Kettner), eleventh district	70,000	
New sites and buildings, Petaluma (Kent), first district	60,000	
New sites only:		
Placerville (Raker), second district	10,000	
Susanville (Raker), second district	10,000	
San Jose (Hayes), eighth district	15,000	
San Mateo (Hayes), eighth district	15,000	
Santa Monica (Stephens), tenth district	15,000	
Venice (Stephens), tenth district	10,000	
Redlands (Kettner), eleventh district	30,000	
COLORADO.		
New buildings on sites acquired or authorized:		
Sterling (Timberlake), second district	55,000	
Canon City (Keating), third district	55,000	
Montrose (Taylor), fourth district	150,000	
CONNECTICUT.		
New buildings on sites acquired or authorized: Manchester (Oakley), first district	40,000	
New sites and buildings:		
Norwalk (Hill), fourth district	140,000	
Winsted (Glynn), fifth district	60,000	
New sites only: Essex (Freeman), second district	6,000	
DELAWARE.		
New building on site acquired or authorized: Newark (Miller), at large	30,000	
DISTRICT OF COLUMBIA.		
New sites and buildings: Equipment shop Post Office Department (Clark), second district of Florida	200,000	
Special legislation:		
Department of Justice (Clark), second district of Florida	3,000,000	
Armory, National Guard (Dyer), twelfth district of Missouri	800,000	
FLORIDA.		
New buildings on sites acquired or authorized:		
Lake City (Clark), second district	35,000	
Kissimmee (Sears), fourth district	35,000	
New sites and buildings: Clearwater (Sparkman), first district	40,000	
New sites only:		
Arcadia (Sparkman), first district	5,000	
Monticello (Clark), second district	5,000	
Perry (Clark), second district	5,000	
West Palm Beach (Sears), fourth district	10,000	
GEORGIA.		
New buildings on sites acquired or authorized:		
Waynesboro (Edwards), first district	25,000	
Rossville (Lee), seventh district	25,000	
Monroe (Tribble), eighth district	30,000	
Sandersville (Vinson), tenth district	30,000	
New sites only:		
Blakeley (Park), second district	6,000	
Cairo (Park), second district	6,000	
Pelham (Park), second district	6,000	
Ashburn (Crisp), third district	5,000	
Cuthbert (Crisp), third district	6,000	
Decatur (Howard), fifth district	8,000	
East Point (Howard), fifth district	8,000	
Jackson (Wise), sixth district	5,000	
Thomaston (Wise), sixth district	5,000	
Covington (Tribble), eighth district	5,000	
Commerce (Bell), ninth district	5,000	
Winder (Bell), ninth district	5,000	
Boxley (Walker), eleventh district	5,000	
Fort Valley (Hughes), twelfth district	8,000	
Hawkinsville (Hughes), twelfth district	8,000	
IDAHO.		
Increase in limit of cost: Coeur d'Alene (McCracken), at large	88,200	
New sites and buildings: Blackfoot (Smith), at large	65,000	
ILLINOIS.		
Increase in limit of cost: Chicago (Gallagher), eighth district	4,250,000	
New buildings on sites acquired or authorized:		
Spring Valley (Stone), sixteenth district	30,000	
Carlinville (Wheeler), twenty-first district	30,000	
Highland (Rodenberg), twenty-second district	25,000	
New sites and buildings:		
Pittsfield (Wm. Elza Williams), at large	35,000	
Harvey (Wilson), third district	55,000	
Peru (Fuller), twelfth district	45,000	
East Moline (Tavener), fourteenth district	45,000	
Galva (King), fifteenth district	45,000	
Bloomington (Sterling), seventeenth district	150,000	
Effingham (Foster), twenty-third district	45,000	
Carbondale (Denison), twenty-fifth district	60,000	
Extensions, remodeling, etc.:		
Oak Park (McAndrews), sixth district	150,000	
Decatur (McKinley), nineteenth district	50,000	
New sites only: Lewistown (Chipperfield), at large	5,000	
INDIANA.		
New buildings on sites acquired or authorized:		
Mt. Vernon (Lieb), first district	40,000	
Linton (Cullop), second district	35,000	
Greensburg (Dixon), fourth district	45,000	
Decatur (Adair), eighth district	45,000	
Lebanon (Morrison), ninth district	45,000	
New sites and buildings:		
Hartford City (Rauch), eleventh district	\$50,000	
Fort Wayne (Cline), twelfth district	550,000	
New sites only:		
Franklin (Dixon), fourth district	10,000	
Lawrenceburg (Dixon), fourth district	10,000	
IOWA.		
Extensions, remodeling, etc.:		
Shenandoah (Towner), eighth district	14,000	
Sioux City (Steele), eleventh district	335,000	
New buildings on sites acquired or authorized:		
Fairfield (Kennedy), first district	50,000	
Marengo (Hull), second district	30,000	
Oelwein (Haugen), fourth district	40,000	
Newton (Ramseyer), sixth district	55,000	
New sites and buildings:		
Eagle Grove (Sweet), third district	25,000	
Knoxville (Dowell), seventh district	40,000	
Corning (Towner), eighth district	35,000	
Harlan (Green), ninth district	35,000	
Algona (Woods), tenth district	45,000	
New sites only:		
Mount Pleasant (Kennedy), first district	7,500	
Indianola (Dowell), seventh district	5,000	
KANSAS.		
Extensions, remodeling, etc.: Fort Scott (Taggart), second district	5,000	
New buildings on sites acquired or authorized: Holton (Anthony), first district	35,000	
New sites and buildings:		
Olathe (Taggart), second district	55,000	
Columbus (Campbell), third district	50,000	
Council Grove (Doolittle), fourth district	35,000	
Junction City (Helvering), fifth district	55,000	
Norton (Connelly), sixth district	35,000	
Dodge City (Shouse), seventh district	60,000	
Wellington (Ayres), eighth district	15,000	
New sites only:		
Oswego (Campbell), third district	5,000	
Wichita (Ayres), eighth district	75,000	
KENTUCKY.		
Increase in limit of cost: Shelbyville (Helm), eighth district	25,000	
New buildings on sites acquired:		
Murray (Barkley), first district	25,000	
Madisonville (Kincheloe), second district	40,000	
Central City (Thomas), third district	30,000	
Falmouth (Rouse), sixth district	25,000	
Eminence (Cantrill), seventh district	40,000	
Pikerville (Langley), tenth district	35,000	
Barbourville (Powers), eleventh district	25,000	
New sites only:		
Hickman (Barkley), first district	5,000	
Russellville (Thomas), third district	10,000	
Stanford (Helm), eighth district	5,000	
Pineville (Powers), eleventh district	5,000	
New sites and buildings: Hazard (Langley), tenth district	40,000	
LOUISIANA.		
Increase in limit of cost: Alexandria (Aswell), eighth district	30,000	
New buildings on sites acquired or authorized: Morgan City (Martin), third district	40,000	
New sites and buildings:		
New Orleans (Estopinal), first district	500,000	
Houma (Martin), third district	50,000	
Mansfield (Watkins), fourth district	35,000	
Plaquemine (Morgan), sixth district	35,000	
De Ridder (Lazaro), seventh district	30,000	
New sites only: Winnfield (Aswell), eighth district	5,000	
MAINE.		
Increase in limit of cost: Bath (McGillicuddy), second district	10,000	
Extension, remodeling, etc.: Houlton (Guernsey), fourth district	50,000	
New sites and buildings:		
Sanford (Hinds), first district	50,000	
Farmington (McGillicuddy), second district	45,000	
MARYLAND.		
New sites and buildings: Easton (Price), first district	65,000	
Special legislation:		
Baltimore (Linthicum), fourth district (make appropriation available for finish and equipment)		
Hagerstown (Lewis), sixth district (amend legislation to provide new building on present site)	70,000	
MASSACHUSETTS.		
Increase in limit of cost: Boston (Tague), tenth district	100,000	
Extension, remodeling, etc.:		
Lowell (Rogers), fifth district	250,000	
Boston (Gallivan), twelfth district	250,000	
New buildings on sites acquired or authorized:		
Framingham (Carter), thirteenth district	100,000	
Provincetown (Walsh), sixteenth district	30,000	
New sites and buildings:		
Great Barrington (Treadway), first district	50,000	
Gardner (Paige), third district	90,000	
Salem (Gardner), sixth district	130,000	
Peabody (Phelan), seventh district	100,000	
Wakefield (Dallinger), eighth district	65,000	
Everett (Roberts), ninth district	115,000	
New sites only:		
Westboro (Winslow), fourth district	15,000	
Whitinsville (Winslow), fourth district	10,000	
Boston (Gallivan), twelfth district	1,500,000	
Special legislation: Malden (Roberts), ninth district, purchase site and erect building within present building limit.		



MICHIGAN.		NEW YORK.	
Extension, remodeling, etc.: Flint (Kelley), sixth district	\$100,000	Increase in limit of cost:	
New buildings on sites acquired or authorized:		Long Island City (Caldwell), second district	\$100,000
Benton Harbor (Hamilton), fourth district	80,000	Yonkers (Oglesby), twenty-fourth district	51,500
Bozette City (Scott), eleventh district	30,000	Extension, remodeling, etc.:	
New sites and buildings:		Albany (Postmaster General), twenty-eighth district	10,000
Marshall (Smith), third district	75,000	Plattsburg (Snell), thirty-first district	50,000
St. Johns (Fordney), eighth district	55,000	New buildings on sites acquired or authorized:	
Ludington (McLaughlin), ninth district	75,000	Bronx (Bruckner), twenty-second district	\$50,000
Clare (Loud), tenth district	35,000	Nyack (Husted), twenty-fifth district	50,000
New sites only:		Oneida (Mott), thirty-second district	55,000
Detroit (Doremus), first district	1,250,000	Binghamton (Fairchild), thirty-fourth district	500,000
Eaton Rapids (Smith), third district	7,500	Lyons (Gould), thirty-sixth district	40,000
Alma (Fordney), eighth district	5,000	Bath (Pratt), thirty-seventh district	50,000
MINNESOTA.		New sites and buildings:	
Extension, remodeling, etc.:		Newburgh (Platt), twenty-sixth district	140,000
Albert Lea (Anderson), first district	50,000	Liberty (Ward), twenty-seventh district	55,000
Minneapolis (Smith), fifth district	100,000	Mechanicsville (Parker), twenty-ninth district	55,000
New buildings on sites acquired or authorized: Duluth (Miller), eighth district	300,000	Canajoharie (Charles), thirtieth district	60,000
New sites and buildings:		Ticonderoga (Snell), thirty-first district	35,000
Northfield (Davis), third district	51,000	Ilion (Snyder), thirty-third district	65,000
Wadena (Lindbergh), sixth district	35,000	Dansville (Danforth), thirty-ninth district	60,000
Litchfield (Volstead), seventh district	35,000	New sites only:	
Thief River Falls (Steenerson), ninth district	55,000	Potsdam (Snell), thirty-first district	9,000
Special legislation: Faribault (Davis), third district, sell portion of site to city.		Lowville (Mott), thirty-second district	10,000
MISSISSIPPI.		Albion (Danforth), thirty-ninth district	10,000
Extension, remodeling, etc.: Jackson (Collier), eighth district	100,000	Wellsville (Hamilton), forty-third district	12,500
New sites only:		Special legislation: Utica, (Snyder), thirty-third district (revised legislation to tear down building).	
Indianola (Humphreys), third district	5,000	NORTH CAROLINA.	
Lexington (Humphreys), third district	5,000	Increase in limit of cost:	
Okolona (Slisson), fourth district	5,000	Wilson (Kitchen), second district	75,000
Winona (Slisson), fourth district	7,500	Wadesboro (Page), seventh district	5,000
Columbia (Harrison), sixth district	5,000	Rockingham (Page), seventh district	5,000
Pascagoula (Harrison), sixth district	5,000	New buildings on sites acquired or authorized:	
MISSOURI.		Edenton (Small), first district	25,000
Extensions, remodeling, etc.:		Mount Olive (Hood), third district	30,000
Columbia (Shackleford), eighth district	12,000	Mount Airy (Stedman), fifth district (also increase in limit of cost)	55,000
Jefferson City (Shackleford), eighth district	50,000	Lumberton (Godwin), sixth district	30,000
New buildings on sites acquired or authorized:		Lenoir (Doughton), eighth district	30,000
Unionville (Lloyd), first district	30,000	New sites and buildings: Morganton (Webb), ninth district	35,000
Trenton (Rucker), second district	65,000	New sites only:	
West Plains (Russell), fourteenth district	40,000	Williamston (Small), first district	5,000
Aurora (Decker), fifteenth district	65,000	Clinton (Hood), third district	5,000
Mountain Grove (Rube), sixteenth district	40,000	Louisburg (Pou), fourth district	6,000
New sites and buildings:		Dunn (Godwin), sixth district	7,000
Richmond (Alexander), third district	40,000	Sanford (Page), seventh district	7,000
Sedalia (Hamlin), seventh district	210,000	Albemarle (Doughton), eighth district	8,000
Bowling Green (Clark), ninth district	40,000	Marion (Britt), tenth district	6,000
New sites only:		NORTH DAKOTA.	
Milan (Rucker), second district	5,000	Increase in limit of cost: Jamestown (Young), second district	35,000
Paris (Rucker), second district	5,000	New buildings on sites acquired or authorized: Fargo (Helgesen), first district	250,000
Sallsbury (Rucker), second district	5,000	OHIO.	
Cameron (Alexander), third district	5,000	Increase in limit of cost: Steubenville (Hollingsworth), eighteenth district	125,000
Kansas City (Borland), fifth district	1,000,000	Extension, remodeling, etc.: Findlay (Key), eighth district	50,000
Eldorado Springs (Dickinson), sixth district	4,000	New buildings on sites acquired or authorized:	
Rich Hill (Dickinson), sixth district	4,000	Napoleon (Matthews), fifth district	35,000
Perrysville (Dickinson), sixth district	4,000	Urbana (Fess), seventh district	50,000
Perryville (Hensley), thirteenth district	5,000	Niles (Cooper), nineteenth district	55,000
Charleston (Russell), fourteenth district	5,000	New sites and buildings:	
Neosho (Decker), fifteenth district	5,000	Eaton (Gard), third district	35,000
MONTANA.		Port Clinton (Sherwood), ninth district	40,000
Increase in limit of cost: Missoula (Evans), at large	35,000	Circleville (Ricketts), eleventh district	65,000
Extension, remodeling, etc.: Butte (Evans), at large	150,000	Norwalk (Overmeyer), thirteenth district	65,000
New sites and buildings: Lewistown (Stout), at large	100,000	Mount Vernon (Ashbrook), seventeenth district	70,000
Special legislation: Bozeman (donation of part of site to city).		Painesville (Emerson), twenty-second district	70,000
NEBRASKA.		New sites only:	
New sites and buildings: Superior (Shallenberger), fifth district	35,000	Gallon (Key), eighth district	15,000
New sites only:		Columbus (Brumbaugh), twelfth district	240,000
David City (Sloan), fourth district	6,000	East Palestine (Hollingsworth), eighteenth district	7,500
Seward (Sloan), fourth district	6,000	OKLAHOMA.	
Broken Bow (Kinkaid), sixth district	6,000	New buildings on sites acquired or authorized:	
O'Neill (Kinkaid), sixth district	6,000	Hobart (McClintic), seventh district	40,000
NEVADA.		Alva (Morgan), eighth district	45,000
New buildings and sites: Elko (Roberts), at large	59,000	New sites and buildings:	
New sites only:		Vinita (Davenport), first district	100,000
Ely (Roberts), at large	5,000	Hugo (Carter), third district	58,000
Las Vegas (Roberts), at large	5,000	Sapulpa (Murray), fourth district	70,000
NEW HAMPSHIRE.		New sites only:	
Extension, remodeling, etc.: Manchester (Sulloway), first district	225,000	Bartlesville (Davenport), first district	15,000
New sites and buildings: Claremont (Wason), second district	55,000	Norman (Thompson), fifth district	7,000
NEW JERSEY.		Stillwater (Thompson), fifth district	7,000
Increase in limit of cost:		Anadarko (Ferris), sixth district	7,000
Millville (Bacharach), second district	25,000	Duncan (Ferris), sixth district	5,000
Montclair (Lehbach), tenth district	10,000	Waurika (Ferris), sixth district	5,000
New buildings on sites acquired or authorized, Passaic (Drukker), seventh district	125,000	Ponca City (Morgan), eighth district	7,500
New sites and buildings:		Special legislation: Okmulgee (Hastings), second district (purchase building and remodel same)	135,000
Phillipsburg (Hart), sixth district	60,000	OREGON.	
Weehawken (Egan), eleventh district	125,000	New buildings on site acquired or authorized: St. Johns (McArthur), third district	25,000
Special legislation:		New sites and buildings:	
Atlantic City (Bacharach), second district (purchase of certain land and improvements)	60,000	Hood River (Sinnott), second district	60,000
Newark (Lehbach), tenth district (post office, courthouse, etc., new site and building, or additional land and enlarge present building)	600,000	Oregon City (Hawley), first district	70,000
NEW MEXICO.		New site only: Corvallis (Hawley), first district	10,000
New sites and buildings: Silver City (Hernandez), at large	60,000	PENNSYLVANIA.	
		Increase in limit of cost:	
		York (Lafean), at large	25,000
		Sunbury (Leshner), sixteenth district	40,000
		Lewistown (Focht), seventeenth district	20,000

Extension, remodeling, etc.:	
Norristown (Watson), eighth district	\$55,000
Seranton (Farr), tenth district	100,000
Pottsville (Heaton), twelfth district	50,000
Williamsport (Kiehn), fifteenth district	80,000
Beaver Falls (Temple), twenty-fourth district	58,000
New buildings on sites acquired or authorized:	
Lancaster (Orlest), ninth district	250,000
Tyrone (Bailey), nineteenth district	80,000
Kittanning (North), twenty-seventh district	50,000
New sites and buildings:	
Lansdowne (Butler), seventh district	65,000
Nanticoke (Casey), eleventh district	60,000
Middletown (Kreider), eighteenth district	65,000
Philipsburg (Rowland), twenty-first district	60,000
Somerset (Hopwood), twenty-third district	58,000
Greenville (Miller), twenty-eighth district	75,000
Duquesne (Barchfeld), thirty-second district	75,000
New sites only:	
Philadelphia (Moore), third district	750,000
Doylestown (Watson), eighth district	5,000
Plymouth (Casey), eleventh district	15,000
Lewisburg (Focht), seventeenth district	10,000
Brookville (North), twenty-first district	10,000
Midland (Temple), twenty-fourth district	5,000
Special legislation:	
Pittsburgh (Garland), at large (sell lot owned by Government)	
Pittsburgh (Garland), at large (Federal building, extension and remodeling)	50,000

## PORTO RICO.

Special legislation: San Juan (Clark), second district, Florida (sell warehouse site).

## RHODE ISLAND.

Increase in limit of cost: Narragansett Pier (Stiness), second district	\$10,000
Extension, remodeling, etc.: Providence (O'Shaunnessy), first district	75,000

## SOUTH CAROLINA.

Extension, remodeling, etc.: Aiken (Byrnes), second district	75,000
New buildings on sites acquired or authorized: Dillon (Ragsdale), sixth district	25,000
New sites and buildings: Greenwood (Aiken), third district (also sale of present site and building)	125,000
New sites only:	
Manning (Whaley), first district	5,000
Summerville (Whaley), first district	5,000
Bamberg (Byrnes), second district	5,000
Easley (Aiken), third district	5,000
Greer (Nicholls), fourth district	5,000
York (Finley), fifth district	9,000
Conway (Ragsdale), sixth district	3,000
Hartsville (Ragsdale), sixth district	3,000
Special legislation: Rock Hill (Finley), fifth district (post office, courthouse, etc., new site and building and sell present one or to erect new courthouse on additional land for \$100,000)	125,000

## SOUTH DAKOTA.

Extension, remodeling, etc.: Aberdeen (Johnson), second district	60,000
New building on sites acquired or authorized: Vermillion (Dillon), first district	35,000
New sites only: Canton (Dillon), first district	6,000

## TENNESSEE.

New buildings on sites acquired or authorized:	
Rogersville (Sells), first district	25,000
Huntingdon (Sims), eighth district	25,000
New sites only:	
Lafollette (Austin), second district	6,000
Lenoir City (Austin), second district	6,000
Rockwood (Austin), second district	6,000
McMinnville (Moon), third district	5,000
Lewisburg (Houston), fifth district	5,000
Dickson (Padgett), seventh district	5,000
Brownsville (Garrett), ninth district	5,000

## TEXAS.

New buildings on sites acquired or authorized:	
Paris (Black), first district	170,000
Crockett (Gregg), seventh district	25,000
Huntsville (Eagle), eighth district	30,000
Georgetown (Buchanan), tenth district	30,000
Coleman (Slayden), fourteenth district	30,000
Sagin (Garner), fifteenth district	30,000
Sweetwater (Smith), sixteenth district	35,000
New sites and buildings:	
Kingsville (McLemore), at large	40,000
Lufkin (Dies), second district	35,000
Mexia (Hardy), sixth district	35,000
Fort Worth (Calloway), twelfth district	500,000
Plainview (Stephens), thirteenth district	45,000
New sites only:	
San Benito (Davis), at large	6,000
Henderson (Young), third district	5,000
Alvin (Burgess), ninth district	6,000
Lockhart (Buchanan), tenth district	6,000
Special legislation:	
Dallas (Summers), fifth district (sub-post office and site)	550,000
Dallas (Summers), fifth district (courthouse and other branches)	1,250,000

## UTAH.

Increase in limit of cost: Park City (Howell), first district	10,000
New buildings on sites acquired or authorized: Nephi (Howell), first district	25,000

## VIRGINIA.

Extensions, remodeling, etc.:	
Norfolk (Holland), second district	\$650,000
Roanoke (Glass), sixth district	75,000
Harrisonburg (Hay), seventh district	60,000
Alexandria (Carlin), eighth district	75,000
New buildings on sites acquired or authorized: West Point (Montague), third district	25,000
New sites and buildings:	
Bristol (Slemp), ninth district	80,000
Staunton (Flood), tenth district	85,000

## WASHINGTON.

New sites and buildings:	
Hoquiam (Johnson), third district	75,000
Seattle (Humphrey), first district	275,000
Special legislation: McNell Island (Johnson), third district (penitentiary, additional land)	10,000

## WEST VIRGINIA.

New buildings on sites acquired or authorized: New Martinsville (Neely), first district	40,000
New sites and buildings:	
Keyser (Bowers), second district	55,000
Lewisburg (Littlepage), third district	82,000
Princeton (Cooper), fifth district	45,000
New sites only:	
Beckley (Sutherland), at large	10,000
Mannington (Neely), first district	10,000
Berkeley Spring (Sowers), second district	10,000

## WISCONSIN.

Increase in limit of cost: Milwaukee (Cary), fourth district	100,000
Extensions, remodeling, etc.:	
Kenosha (Cooper), first district	75,000
Appleton (Konop), ninth district	50,000
New sites and buildings:	
Portage (Burke), second district	57,000
Reedsburg (Esch), seventh district	40,000
Grand Rapids (Browne), eighth district	70,000
Sturgeon Bay (Konop), ninth district	40,000
Ladysmith (Lenroot), eleventh district	35,000
New sites only:	
Menasha (Reilly), sixth district	10,000
Two Rivers (Reilly), sixth district	10,000

## WYOMING.

New buildings on sites acquired or authorized:	
Green River (Mondell), at large	25,000
Newcastle (Mondell), at large	25,000

## PUBLIC BUILDINGS BILL.

Analysis of sections 3, 4, and 5 of public buildings bill of places where postal receipts are less than \$15,000.

NOTE.—Explanation of analysis of sections 3, 4, and 5 of public buildings bill of places where postal receipts are less than \$15,000: "Place" indicates location of proposed building. "Estimate" is the amount that the department estimated would be the cost of the project at the place named. "Bill" is the amount provided in the omnibus bill for the place indicated. "Interest" is the estimated interest on the amount named in said omnibus bill with furnishing added. "Depreciation" is the estimated annual depreciation on this same amount less amount paid for site. "Janitor" and "Supplies" are, respectively, estimated annual cost for janitor service and supplies in each instance. "Total" is the sum of the four previous columns, namely, "Interest," "Depreciation," "Janitor," and "Supplies."

Place.	Estimate.	Bill.	Interest.	Depreciation.	Janitor.	Supplies.	Total.
BUILDINGS ON SITES OWNED OR AUTHORIZED.							
Albertville, Ala.	\$30,000	\$25,000	\$990.00	\$630.00	\$960	\$900	\$3,480.00
Attalla, Ala.	25,000	30,000	1,140.00	742.00	960	900	3,742.50
Barbourville, Ky.	25,000	25,000	990.00	630.00	960	900	3,480.00
Brinkley, Ark.	25,000	25,000	990.00	630.00	960	900	3,480.00
Boyne City, Mich.	35,000	30,000	1,230.00	742.50	960	900	3,832.50
Carlinville, Ill.	45,000	30,000	1,290.00	742.50	960	900	3,832.50
Central City, Ky.	30,000	30,000	1,215.00	742.50	960	900	3,817.50
Coleman, Tex.	50,000	30,000	900.00	742.50	960	900	3,502.50
Conway, Ark.	55,000	40,000	1,350.00	967.50	1,260	900	4,477.50
Crockett, Tex.	45,000	25,000	1,020.00	630.00	960	900	3,510.00
Dillon, S. C.	30,000	25,000	1,065.00	630.00	960	900	3,555.00
Edenton, N. C.	35,000	45,000	1,665.00	1,090.25	960	900	4,616.25
Eldorado, Ark.	25,000	25,000	990.00	630.00	960	900	3,480.00
Emminence, Ky.	30,000	40,000	1,495.50	967.50	960	900	4,323.00
Falmouth, Ky.	25,000	30,000	1,140.00	742.50	960	900	3,742.50
Forest City, Ark.	55,000	25,000	990.00	630.00	960	900	3,480.00
Georgetown, Tex.	45,000	30,000	1,140.00	742.50	960	900	3,742.50
Green River, Wyo.	25,000	25,000	1,020.00	630.00	960	900	3,510.00
Greenville, Ala.	35,000	30,000	1,140.00	742.50	960	900	3,742.50
Highland, Ill.	30,000	25,000	960.00	630.00	960	900	3,450.00
Holton, Kans.	35,000	35,000	1,275.00	855.00	960	900	3,990.00
Huntington, Tenn.	25,000	25,000	915.00	630.00	960	900	3,405.00
Huntsville, Tex.	55,000	30,000	1,140.00	742.50	960	900	3,742.50
Kissimmee, Fla.	35,000	35,000	1,290.00	855.00	960	900	4,035.00
Lake City, Fla.	50,000	35,000	1,320.00	855.00	960	900	4,035.00
Lenoir, N. C.	55,000	30,000	1,125.00	742.50	960	900	3,727.50
Linton, Ind.	45,000	35,000	1,380.00	855.00	960	900	4,035.00
Lumberton, N. C.	45,000	30,000	1,290.00	742.50	960	900	3,832.50
Madisonville, Ky.	50,000	40,000	1,590.00	967.50	1,260	900	4,717.50
Manchester, Conn.	45,000	40,000	1,650.00	967.50	1,260	900	4,777.50
Marengo, Iowa	30,000	30,000	1,095.00	742.50	960	900	3,697.50
Monroe, Ga.	45,000	30,000	1,140.00	742.50	960	900	3,742.50
Mount Airy, N. C.	55,000	55,000	1,890.00	1,305.00	1,260	900	5,355.00
Morgan City, La.	30,000	40,000	1,470.00	967.50	1,260	900	4,597.50
Mountain Grove, Mo.	45,000	40,000	1,515.00	967.50	1,260	900	4,642.50
Mount Olive, N. C.	35,000	30,000	1,140.00	742.50	960	900	3,742.50
Mount Vernon, Ind.	55,000	40,000	1,515.00	967.50	1,260	900	4,642.50
Murray, Ky.	25,000	25,000	990.00	630.00	960	900	3,480.00



Place.	Estimate.	Bill.	Interest.	Depreciation.	Janitor.	Supplies.	Total.
BUILDINGS ON SITES OWNED OR AUTHORIZED—contd.							
Napoleon, Ohio.....	\$50,000	\$35,000	\$1,365.00	\$855.00	\$980	\$900	\$4,080.00
Nephi, Utah.....	30,000	25,000	990.00	630.00	960	900	3,480.00
Newark, Del.....	30,000	30,000	1,110.00	742.50	980	900	3,712.50
Newcastle, Wyo.....	25,000	25,000	990.00	630.00	960	900	3,480.00
New Martinsville, W. Va.....	50,000	40,000	1,665.00	957.50	1,260	900	4,782.50
Pikeville, Ky.....	25,000	30,000	1,000.00	630.00	960	900	3,555.00
Provincetown, Mass.....	55,000	30,000	1,230.00	742.50	960	900	3,832.50
Rogersville, Tenn.....	25,000	25,000	930.00	630.00	960	900	3,420.00
Rossville, Ga.....	30,000	25,000	990.00	630.00	960	900	3,480.00
Sandersville, Ga.....	55,000	30,000	1,140.00	742.50	960	900	3,742.50
Seguin, Tex.....	45,000	30,000	990.00	742.50	960	900	3,592.50
Spring Valley, Ill.....	35,000	30,000	1,290.00	742.50	960	900	3,892.50
St. Johns, Oreg.....	25,000	25,000	990.00	630.00	960	900	3,480.00
Stuttgart, Ark.....	50,000	30,000	1,140.00	742.50	960	900	3,742.50
Sylacauga, Ala.....	25,000	30,000	1,140.00	742.50	960	900	3,742.50
Union Springs, Ala.....	45,000	25,000	975.00	630.00	960	900	3,465.00
Unionville, Mo.....	35,000	30,000	1,215.00	742.50	960	900	3,817.50
Vermilion, S. Dak.....	45,000	35,000	1,365.00	855.00	960	900	4,080.00
West Plains, Mo.....	35,000	40,000	1,440.00	967.50	1,260	900	4,567.50
Westpoint, Va.....	25,000	25,000	900.00	630.00	960	900	3,390.00
Waynesboro, Ga.....	50,000	25,000	962.00	630.00	960	900	3,452.00
	2,070,000	1,840,000	70,332.50	45,168.75	59,340	53,100	228,241.25
SITES AND BUILDINGS (4).							
Athens, Ala.....	50,000	35,000	1,140.00	742.50	960	900	3,742.50
Bowling Green, Mo.....	45,000	35,000	1,140.00	742.50	960	900	3,742.50
Clare, Mich.....	40,000	40,000	1,230.00	855.00	960	900	4,005.00
Clearwater, Fla.....	50,000	50,000	1,590.00	1,080.00	1,260	900	4,830.00
Columbus, Kans.....	52,500	35,000	1,140.00	742.50	960	900	3,742.50
Council Grove, Kans.....	30,000	35,000	1,140.00	742.50	960	900	3,742.50
Corning, Iowa.....	55,000	75,000	2,340.00	1,417.50	1,260	900	5,917.50
Duquesne, Pa.....	55,000	35,000	1,140.00	742.50	960	900	3,742.50
Eagle Grove, Iowa.....	65,000	45,000	1,440.00	855.00	1,260	900	4,455.00
East Moline, Ill.....	35,000	35,000	1,140.00	742.50	960	900	3,742.50
Eaton, Ohio.....	60,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Effingham, Ill.....	55,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Farlington, Me.....	52,000	35,000	1,140.00	697.50	960	900	3,697.50
Harlan, Iowa.....	30,000	40,000	1,230.00	787.50	960	900	3,937.50
Hazard, Ky.....	65,000	60,000	1,090.00	1,192.50	1,260	900	5,242.50
Hood River, Oreg.....	60,000	50,000	1,590.00	967.50	1,260	900	4,717.50
Houma, La.....	55,000	55,000	1,740.00	1,080.00	1,260	900	4,980.00
Keyser, W. Va.....	55,000	40,000	1,290.00	855.00	1,260	900	4,305.00
Kingsville, Tex.....	55,000	40,000	1,290.00	855.00	1,260	900	4,305.00
Ladysmith, Wis.....	52,000	35,000	1,140.00	697.50	960	900	3,697.50
Lewisburg, W. Va.....	82,000	62,000	2,550.00	1,755.00	1,260	900	6,465.00
Litchfield, Minn.....	50,000	35,000	1,140.00	742.50	960	900	3,742.50
Lufkin, Tex.....	55,000	35,000	1,140.00	630.00	960	900	3,630.00
Mansfield, La.....	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Middletown, Pa.....	60,000	65,000	2,040.00	1,192.50	960	900	5,092.50
Mexia, Tex.....	51,000	35,000	1,140.00	720.00	960	900	3,720.00
Morgantown, N. C.....	61,000	35,000	1,140.00	720.00	960	900	3,720.00
Nanticoke, Pa.....	65,000	60,000	1,890.00	967.50	960	900	4,717.50
Norton, Kans.....	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Pittsfield, Ill.....	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Plaquemine, La.....	35,000	35,000	1,140.00	742.50	960	900	3,742.50
Port Clinton, Ohio.....	51,000	40,000	1,290.00	832.50	960	900	3,982.50
Princeton, W. Va.....	55,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Reedsburg, Wis.....	55,000	40,000	1,290.00	742.50	960	900	3,892.50
Richmond, Mo.....	55,000	40,000	1,290.00	742.50	960	900	3,892.50
Sanford, Me.....	56,000	50,000	1,590.00	945.00	1,260	900	4,095.00
Sturgeon Bay, Wis.....	50,000	40,000	1,290.00	855.00	960	900	4,005.00
Superior, Neb.....	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Ticonderoga, N. Y.....	35,000	35,000	1,140.00	742.50	960	900	3,742.50
Wadena, Minn.....	35,000	35,000	1,140.00	742.50	960	900	3,742.50
	1,962,500	1,747,000	56,100.00	35,145.00	43,260	36,900	171,405.50
SITES (5).							
Allamaria, N. C.....	10,000	6,000	1,620.00	1,080.00	1,260	900	4,860.00
Alma, Mich.....	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Alvin, Tex.....	5,000	6,000	1,320.00	855.00	960	900	4,035.00
Anadarko, Okla.....	5,000	7,000	1,500.00	967.50	1,260	900	4,627.50
Arcadia, Fla.....	5,000	5,000	1,740.00	1,192.50	1,260	900	5,092.50
Ashburn, Ga.....	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Bamberg, S. C.....	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Baxley, Ga.....	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Beckley, W. Va.....	10,000	10,000	(1)	(1)	(1)	(1)	(1)
Berkley Spgs, W. Va.....	5,000	10,000	1,140.00	742.50	960	900	3,742.50
Blackley, Ga.....	5,000	6,000	1,470.00	967.50	960	900	4,297.50
Blytheville, Ark.....	10,000	9,000	1,860.00	1,192.50	1,260	900	5,212.50
Broken Bow, Neb.....	10,000	6,000	1,920.00	1,305.00	1,260	900	5,385.00
Brookville, Pa.....	10,000	10,000	(1)	(1)	(1)	(1)	(1)
Brownsville, Tenn.....	5,000	5,000	1,140.00	742.50	1,260	900	4,012.50
Cairo, Ga.....	5,000	6,000	1,620.00	1,080.00	1,260	900	4,980.00
Cameron, Mo.....	5,000	5,000	1,890.00	1,305.00	1,260	900	5,355.00
Canton, S. Dak.....	5,000	6,000	1,620.00	1,080.00	1,260	900	4,860.00
Charleston, Mo.....	5,000	6,000	(1)	(1)	(1)	(1)	(1)
Clinton, N. C.....	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Columbia, Miss.....	6,000	5,000	(1)	(1)	(1)	(1)	(1)
Commerce, Ga.....	5,000	5,000	990.00	630.00	960	900	3,480.00
Conway, S. C.....	5,000	3,000	(1)	(1)	(1)	(1)	(1)
Covington, Ga.....	5,000	5,000	1,290.00	855.00	960	900	4,005.00
Cuthbert, Ga.....	5,000	6,000	(1)	(1)	(1)	(1)	(1)
David City, Neb.....	5,000	6,000	1,340.00	855.00	1,260	900	4,355.00
Decatur, Ga.....	8,000	8,000	1,530.00	967.50	960	900	4,357.50
Dickson, Tenn.....	5,000	5,000	1,440.00	967.50	960	900	4,267.50
Duncan, Okla.....	5,000	5,000	(1)	(1)	(1)	(1)	(1)

<sup>1</sup> No estimate made.

Place.	Estimate.	Bill.	Interest.	Depreciation.	Janitor.	Supplies.	Total.
SITES (5)—contd.							
Dunn, N. C.	\$8,000	\$7,000	\$1,500.00	\$967.50	\$960	\$900	\$4,327.50
Easley, S. C.		5,000	(1)	(1)	(1)	(1)	(1)
East Palestine, Ohio	10,000	7,500	1,680.00	1,080.00	600	900	4,320.00
East Point, Ga.	10,000	8,000	1,680.00	1,080.00	960	900	4,620.00
Eaton Rapids, Mich.		7,500	(1)	(1)	(1)	(1)	(1)
Eldorado Springs, Mo.		5,000	(1)	(1)	(1)	(1)	(1)
Ely, Nev.		5,000	(1)	(1)	(1)	(1)	(1)
Essex, Conn.	10,000	6,000	1,020.00	630.00	960	900	3,510.00
Franklin, Ind.		10,000	(1)	(1)	(1)	(1)	(1)
Greer, S. C.		5,000	(1)	(1)	(1)	(1)	(1)
Hartsville, S. C.	5,000	3,000	(1)	(1)	(1)	(1)	(1)
Hawkinsville, Ga.	10,000	8,000	1,680.00	1,080.00	1,260	900	4,920.00
Henderson, Tex.	5,000	5,000	990.00	630.00	960	900	3,480.00
Hickman, Ky.	5,000	5,000	1,590.00	1,080.00	1,260	900	4,830.00
Indianola, Iowa.	5,000	5,000	1,440.00	1,080.00	960	900	4,380.00
Jackson, Ga.	5,000	5,000	1,140.00	742.00	960	900	3,742.50
La Follette, Tenn.		6,000	(1)	(1)	(1)	(1)	(1)
Las Vegas, Nev.		5,000	(1)	(1)	(1)	(1)	(1)
Lawrenceburg, Ind.	5,000	10,000	1,290.00	855.00	1,260	900	4,305.00
Lenoir City, Tenn.		6,000	(1)	(1)	(1)	(1)	(1)
Lewisburg, Tenn.	5,000	5,000	1,740.00	1,192.50	1,260	900	5,092.50
Lewiston, Ill.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Lexington, Miss.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Lockhart, Tex.	(1)	6,000	(1)	(1)	(1)	(1)	(1)
Louisburg, N. C.	10,000	6,000	1,890.00	1,192.50	1,260	900	5,242.50
Lowville, N. Y.	10,000	10,000	1,740.00	1,080.00	1,260	900	4,980.00
Manning, S. C.	(1)	5,000	(1)	(1)	(1)	(1)	(1)
Mannington, W. Va.	(1)	10,000	(1)	(1)	(1)	(1)	(1)
Marion, N. C.	5,000	6,000	1,740.00	1,192.50	1,260	900	5,092.50
McMinnville, Tenn.	5,000	5,000	1,590.00	1,080.00	1,260	900	4,830.00
Midland, Pa.	8,500	5,000	1,140.00	742.50	960	900	3,742.50
Millan, Mo.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Monticello, Fla.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Okaloosa, Miss.	(1)	5,000	(1)	(1)	(1)	(1)	(1)
O'Neill, Nebr.	10,000	6,000	1,020.00	630.00	960	900	3,510.00
Paris, Mo.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Pascagoula, Miss.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Pelham, Ga.	5,000	6,000	1,020.00	630.00	960	900	3,510.00
Perry, Fla.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Perryville, Mo.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Pineville, Ky.	6,000	5,000	1,230.00	855.00	960	900	4,005.00
Placerville, Cal.	7,000	10,000	1,950.00	1,305.00	1,260	900	5,415.00
Plymouth, Pa.	23,000	15,000	1,740.00	967.50	1,260	900	4,867.50
Ponca City, Okla.	5,000	7,500	1,665.00	1,080.00	1,260	900	4,905.00
Rich Hill, Mo.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Rockwood, Tenn.		6,000	(1)	(1)	(1)	(1)	(1)
Russellville, Ky.		10,000	(1)	(1)	(1)	(1)	(1)
Salisbury, Mo.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
San Bonito, Tex.	5,000	6,000	1,470.00	967.50	1,260	900	3,697.50
Sanford, N. C.	5,000	7,000	1,650.00	1,080.00	1,260	900	4,890.00
Seward, Nebr.	5,000	6,000	1,320.00	855.00	1,260	900	4,335.00
Sheffield, Ala.		5,000	(1)	(1)	(1)	(1)	(1)
Stanford, Ky.		5,000	(1)	(1)	(1)	(1)	(1)
Sumnerville, S. C.	5,000	5,000	(1)	(1)	(1)	(1)	(1)
Susanyville, Cal.	5,000	10,000	1,740.00	1,080.00	1,260	900	4,980.00
Van Buren, Ark.	5,000	6,000	1,620.00	1,080.00	1,260	900	4,860.00
Venice, Cal.	10,000	10,000	1,890.00	1,192.50	1,260	900	5,242.50
Waurika, Okla.	7,000	5,000	1,140.00	742.50	960	900	3,742.50
Williamston, N. C.	5,000	5,000	1,140.00	742.50	960	900	3,742.50
Winder, Ga.	5,000	5,000	1,590.00	1,080.00	960	900	4,530.00
Winfield, La.	5,000	5,000	1,440.00	967.50	960	900	4,267.50
Winona, Miss.	5,000	7,500	1,215.00	742.50	960	900	3,817.50
York, S. C.	5,000	9,000	1,410.00	855.00	960	900	4,125.00
Yuma, Ariz.		6,000	(1)	(1)	(1)	(1)	(1)
	434,500	581,000	75,590.00	49,342.50	56,760	45,900	292,592.50

Mr. SMOOT. I have not the least desire to delay its passage.

Mr. SHAFROTH. The Senator's remarks would be appropriate under the shipping bill, which comes up at 12 o'clock, and I thought we would do well to take a vote on the workmen's compensation bill and get rid of it.

Mr. SMOOT. Mr. President, the President's demand for a tariff commission, the result of a sudden change of mind, his party has found difficult to understand. The chairman of the Ways and Means Committee stated in the House that the party, of which he is the leader in that body, until about two months before he brought in the remarkable revenue bill, was opposed to a tariff commission. But in this matter, as in many others, it promptly changed its mind on demand of the President. There was no call for reasons and no serious consideration given to the change, it being sufficient that the President asked for it. In his canvass in 1912 the President said: "I will not have any commissions playing Providence to me."

Mr. GALLINGER. "Playing what," I will ask the Senator?

Mr. SMOOT. "Playing Providence to me."

Mr. GALLINGER. What did the President mean by that expression?

Mr. SMOOT. I should very much prefer to have the Senator from Illinois [Mr. LEWIS] explain what the President meant, because he has taken upon himself the responsibility of explaining the real meaning of statements made by the President and what was in the President's mind when making them.

Not long ago, in his Indianapolis speech, the President said that the establishment of a tariff commission was unnecessary, as the power had already been given to the Federal Trade Commission. The President said that in framing the Trade Commission law they had "slipped one over" on the Republicans in securing such power for the commission. That statement was not correct, as the Republicans had not been deceived in the least in the matter; but while the President opposed such a commission and was in accord with his party in forcing out of existence the bipartisan commission that was in office at the time he was elected, he now asks for a commission.

The Democratic Party has always opposed a tariff commission. The one appointed by President Taft was indirectly authorized by the tariff law then in existence, as the Democrats prevented the passage of a bill to create such a commission. A tariff board, the Democrats held, was a useless expense, and such a conclusion was the only consistent one to accord with their theory of a tariff for revenue only. Their platform denounced a protective tariff as unconstitutional, and if the only object in framing a tariff law is to secure revenue there is no necessity for any information from a tariff board. The present Speaker of the House of Representatives stated that "such a thing as a nonpartisan board is an impossibility in nature," and he declared that a tariff board was useless. Another leading Democrat in the House declared that the bill to create a tariff commission "violates a well-established and venerated principle in the doctrine of the Democratic Party."

Another leading Democrat asked, "Why do men who believe in a tariff for revenue only want to know what it costs to make or not to make foreign goods that come in competition with our own?" The Senator from Alabama [Mr. UNDERWOOD], former chairman of the Ways and Means Committee of the House, stated that he was "not in favor of a tariff commission and never had been," and added, "I am thoroughly opposed to a tariff commission in any form whatever." The present Governor of the Philippines, a former Member of the House, declared his belief that the tariff commission was "a useless expenditure of public money," adding, "I do not see any place in the framing of a Democratic tariff bill for revenue only for an inquiry into the difference of cost between production here and abroad. The purpose of such a commission bill is to harass and delay." The present chairman of the Ways and Means Committee of the House declared that he had never known a Democratic district convention, a Democratic State convention, or a Democratic national convention to declare in favor of a tariff board or tariff commission of any kind. That was true enough until the last Democratic national convention adopted a plank, written by the President, in favor of this proposed commission. The junior Senator from Georgia [Mr. HARDWICK] said: "For one, I stand on the traditional ground of opposition to these commissions; of opposition to legislation encroaching on the constitutional functions of Congress." A Representative from Alabama, an associate of the junior Senator from that State, declared that a tariff board was a "make-shift, and a false pretense." A leading Democratic Representative from Indiana [Mr. COX] declared that the tariff board was "wrong in principle and wrong in policy."

A prominent Democrat from Mississippi [Mr. Sisson] declared that a tariff board "would be a surrender of the dearest of Democratic principles." The Senator from Kentucky [Mr. JAMES] said: "I have always been against boards and commissions. I believe that the fathers of the Republic were wise, even wiser than they knew, when they lodged with the great House of Representatives of the people the right to formulate tariff legislation." Another eminent Democrat quoted the well-known lines:

The Devil was sick—the Devil a monk would be.  
The Devil was well—the devil a monk was he.

From which it would appear that that Member, now chairman of the Committee on Printing, thinks that the President is a pretty sick man politically, which is no doubt the case.

Mr. President, I shall not take any further time of the Senate at this time; but I have similar quotations that would fill a volume, from leading Democrats of the Senate and of the House and of the country, bitterly opposing the creation of a tariff commission. We find now that all of them will vote for such a commission; all have changed their minds; all fall in line at the command of the captain of the team and march like good soldiers, and they will vote for the creation of a tariff commission, no matter what the character of it may be.

Mr. President, I think that when the revenue bill is before the Senate it will be the proper time to go into the fuller discussion of this subject. I have been in favor of a tariff commission for years, but not one such as proposed. Whatever tariff commission is created ought to be responsive to Congress, report to Congress, its membership be appointed by Congress, and not be in any way under obligation to the President of the United States. If such a tariff commission could be created, or one patterned after the ones in Germany, there would be no harm in having a tariff commission, and would be a source from which information could be secured by the committees of the Senate and House of Representatives at times when they are considering a change in the revenue laws of our country.

Mr. WEEKS obtained the floor.

#### COMPENSATION OF INJURED EMPLOYEES.

Mr. SMITH of Georgia. Mr. President, we have before the Senate the United States employees' compensation bill. Does the Senator from Massachusetts wish to address himself to the bill?

Mr. WEEKS. I desire to take the floor when the Senator from Georgia has finished.

Mr. SMITH of Georgia. I do not think we desire any special discussion of the United States employees' compensation bill. There are two amendments. I am advised that the Senator from Iowa [Mr. CUMMINS] desires to offer an amendment, and for that reason Senators on the other side prefer that we should not vote upon the bill at once.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

[Mr. WEEKS addressed the Senate. After speaking for an hour and three-quarters, he yielded the floor for the day. His speech is printed entire in the Senate proceedings of August 14, 1916.]

Mr. TOWNSEND. Mr. President, I regret exceedingly that circumstances make it necessary for me to leave the city to-night. If it were not for that fact I should not at this time attempt to speak upon this bill. In fact, I know that this caucus-made measure will be passed, against all protest and reason, and nothing I can or could say will change the opinion of Senators, because that has already been irrevocably settled. I, however, desire briefly to state why I am opposed to the bill, and why I would vote against it if I were present when it is placed on its passage.

After reading the bill and listening to the arguments that have been made upon it—in fact, being familiar, as all of us are, with all the conditions which caused its conception and birth—I have concluded that it is here for campaign purposes only.

I agree with the Senator from Massachusetts [Mr. WEEKS] that there are very few Senators who believe that the bill can be worked satisfactorily, and who do not believe that it will



probably be repealed before it has had time to go into full operation. I believe it will be repealed if the next Congress should be Republican.

Knowing the record of the President of the United States on the Panama Canal tolls proposition, it is entirely reasonable to believe that he would reverse himself in two years from now if, unfortunately for the country, he should be reelected, and ask his party—nay, compel his party—to reverse the action that it is about to take on this measure. The greatest cause for doubt of his doing this, however, is the fact that he was wrong when he forced his party to repeal the Panama act, and he would be right if he asked for a repeal of the bill about to be enacted into law.

This will make a fairly good campaign document for Democratic Senators, who do not stop to explain to the people the futility of the measure. They can give it an oratorical virtue which it does not possess, and by omitting its defects can have some hope of fooling the people.

The most that is expected of this appropriation of \$50,000,000 is that it will build probably 500,000 tons of freight-carrying ships. It is estimated as low as 300,000 tons. Five hundred thousand tons, with from six to ten million tons of American ocean freight, could have no appreciable effect upon the freight rates. It does, however, take \$50,000,000 out of the people's Treasury that has already been overdrawn. Or, rather, it is proposed to mortgage, through the issue of bonds, the people's property to the extent of half a hundred million dollars.

The majority have in this Congress appropriated millions upon millions of dollars that they never would have dared to appropriate had it not been believed that they could rely upon the war emergency as an excuse. Yet I assume, Mr. President, there are very few Senators in this body who believe that the war will not be over before any one of these emergency war projects can be put in operation. If ocean freight rates are high now, and no doubt they are high, it is due entirely to the war situation. When the European conflict is over those rates will be reduced, and let it not be forgotten that all the extra ship tonnage that the United States is placing upon the sea under any circumstances would be for the benefit of men who are engaged in the shipping business, and not one dollar of benefit will accrue to the people of the United States who are to pay the taxes for buying or building these proposed boats. Indeed, the high ocean rates on our export shipments are not paid by the producers of this country, but are paid by the foreign buyer and consumer. They are obliged to have the goods and they pay the freight.

You have voted \$20,000,000 for an armor plant, a war emergency provision, and it will take at least four years, long after the war is concluded, before the expenditure of that money can be utilized in any degree by the people of the United States, and by doing this you have not insured to the Government of the United States the ability to buy this plate as cheaply even as it can be purchased now.

You have voted \$20,000,000 for a nitrate plant. It can not be operated until the war is over, when the emergency is passed.

You have expended public money like a drunken sailor. You have appropriated money that will bring, that can bring no benefit to the people, but which they must pay. You have saddled upon them a debt which they can not cancel in a generation.

This is the time for political exploitation through partisan legislation. You expect that you can go out to the people and say to them, "We are going to reduce ocean freight rates by placing upon the seas Government-built ships of 500,000 tons capacity." You will not tell them that the total tons of American freight requiring boats is 10,000,000, and that 500,000 tons will furnish the same competition to that vast amount that a canoe does to an ocean liner.

Mr. President, I do not like to be considered a scold, but the truth should be spoken and the mask of deception removed. It is time that you dealt fairly and honestly with the people of the United States, that instead of offering them an alleged benefit you know is a sham and compelling them to pay for it; instead of giving them a stone when they ask for bread, you had better be frank with yourselves and with your constituents and have some regard for the deplorable condition of the Treasury of the United States. Fifty million dollars have come to be a bagatelle in the mind of this administration, and it is in comparison with its total stupendous expenditures. The people may not agree with you in this, however, for they know that these \$50,000,000 are to be taken from them in the form of taxes, and under your Democratic policy no part of it is to be paid by the foreigner, who, after the European war is over, will be given the benefit of the American market, the same as he was given it during the 10 months before the war.

The most that could be expected from this measure, I repeat, would be to give a little benefit to a few favored shippers, because these few ships could make but few ports, those ports to be selected by the board, and, judged by the boards which have been appointed under this administration, it will certainly distribute these favors for the benefit of the faithful.

Mr. President, I would vote against this bill if I were present, because it is, in my judgment, a fraud upon the people. I am not going into the effect it might have upon private shipping and shipping interests. I do not agree with some of my colleagues on this side that the expenditure of \$50,000,000 will materially, at least at the present time, affect those interests very largely, because it is by comparison but a bagatelle. It, of course, is the recognition of a principle which, if enlarged, would be very detrimental to the interests of our country and certainly in opposition to every principle that Democracy has advocated during all its past. It is also antagonistic to an increased merchant marine. It will discourage, not encourage, shipbuilding.

I think it is time to call a halt on this game of playing to the galleries for political purposes only. There are not many Senators on the other side or on this who would propose this bill, much less would they stand on the floor and advocate it seriously, if it were not for the unsettled conditions caused by the European war at the present time. Europe is drunk with blood and the United States is intoxicated with extravagance born of war. I repeat, under your own statements and admissions practically not a ton of this freight can be put into service before the war in all reasonable probabilities will have ended. Have you not incurred enough debts already, without contracting this one?

Possibly you can buy some boats and put them into service at once, but if you buy them you take those already on the sea; you do not add to the total tonnage. You simply take so much tonnage that is already now in service from private management and put it under the management of the Government. If under its present management it is highly profitable, the owner will not sell at a price which the Government can afford to pay. If it is unprofitable now, it would be worse than foolish for the Government to purchase it.

I regret that I had not known a little earlier that the Senate was to adjourn to-day at 2 o'clock. It is now 10 minutes to 2, and I will not prevent Senators who have formal matters to present from doing so before adjournment. There are other reasons for opposing this bill than those I have given, and which I had hoped to present to the Senate; but perhaps I have said as much as I ought to have said already. I have simply voiced my own honest conviction of what the purposes of the bill are and what its results or lack of them will be. I yield now to the Senator from Idaho.

[Mr. BORAH presented petitions, which appear under the appropriate heading.]

#### FEDERAL FARM-LOAN ACT.

Mr. FLETCHER. I ask unanimous consent to consider a resolution to print, on the basis of an estimated cost of \$500, which is the amount allowed under the law for either branch of Congress to print without a concurrent resolution, additional copies of Senate Document No. 500. It is the Federal farm-loan act annotated and indexed. There is a very great demand for it. The Federal Farm Loan Board alone this morning asked for 6,000 copies. It is a very useful document, and I should like to have it printed.

Mr. PENROSE. I do not intend to object, but I only want to hazard the observation that there are 9,000,000 people in Pennsylvania and I have not had a single request for a copy of the act. I do not think the people of Pennsylvania take a particle of interest in it, and other Senators have told me that they have not had requests from any source for it. I do not object, however.

Mr. FLETCHER. I think requests for it will come from the Senator's State. I ask for the present consideration of the resolution.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Is there objection to the present consideration of the resolution?

The resolution (S. Res. 245) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That there be printed 23,300 additional copies of Senate Document No. 500, Sixty-fourth Congress, first session, entitled "The Federal farm-loan act," for the use of the Senate document room.

Mr. FLETCHER. I move that the Senate adjourn until 12 o'clock Monday.

The motion was agreed to; and (at 2 o'clock p. m.) the Senate adjourned until Monday, August 14, 1916, at 12 o'clock m.

## SENATE.

MONDAY, August 14, 1916.

The Senate met at 12 o'clock m.

Bishop E. E. Hoss, D. D., of Nashville, Tenn., offered the following prayer:

We thank Thee, our Heavenly Father, for the good providence which has been over our lives during all the years that are past and which has brought us in peace and safety to this hour. We pray Thee to let Thy blessing rest upon the deliberations of this body to-day. Grant that everything that is done here may be done in Thy fear and for Thy glory, and may eventuate in the welfare of our country and the common interest of mankind.

Bless Thy servant, the Presiding Officer of this body, and all the Senators from all the States, with their families, their wives and children, and their constituents. Bless our country. We thank God for this country, and especially praise Him at this time that in the order of His providence while all the world is in tumult and storm we are at peace; and we pray that in the years to come we will be kept at peace, with honor. Protect and preserve us, we beseech Thee, from the afflictions that distress mankind. Hasten the coming of peace throughout the world. O God, in Thy own way, in Thy own good time, send peace to the disturbed and restless earth.

Listen to these our prayers. Forgive our sins and save us for His sake, who taught us in prayer to say:

"Our Father, who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done in earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory for ever and ever." Amen.

## THE JOURNAL.

The Journal of the proceedings of Saturday last was read and approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

- S. 1781. An act for the relief of Nathaniel Monroe;
- S. 1818. An act for the relief of Nelson T. Saunders;
- S. 3539. An act for the relief of John L. Moon;
- S. 6013. An act to confirm the entry of John Dowd; and
- S. 6331. An act authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine.

The message further announced that the House had passed the bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3533) for the relief of Mike G. Womack with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 1093. An act for the relief of James Anderson;
- H. R. 1358. An act for the relief of Everett H. Corson;
- H. R. 1568. An act for the relief of N. Ferro;
- H. R. 1571. An act for the relief of Albert T. Huso;
- H. R. 1867. An act for the relief of John Berrin;
- H. R. 1963. An act for the relief of John E. Keys;
- H. R. 2544. An act for the relief of Thomas P. Darr;
- H. R. 3223. An act for the relief of John W. Baggott;
- H. R. 3238. An act for the relief of Sarah E. Elliott;
- H. R. 3296. An act for the relief of Gertrude Becherer;
- H. R. 4360. An act for the relief of George W. Laland;
- H. R. 5221. An act for the relief of Thomas E. Phillips;
- H. R. 5318. An act for the relief of Frederick Chateau;
- H. R. 5385. An act for the relief of William A. Steward;
- H. R. 5386. An act for the relief of James Campbell;
- H. R. 5689. An act for the relief of Thomas J. Temple;
- H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;
- H. R. 7045. An act for the relief of Caleb T. Holland;
- H. R. 7763. An act for the relief of Stephen J. Simpson;

- H. R. 8411. An act for the relief of James R. McGuire;
- H. R. 8844. An act for the relief of H. B. Rogers;
- H. R. 8945. An act for the relief of John P. Chesley;
- H. R. 8970. An act for the relief of James H. C. Mann;
- H. R. 9968. An act for the relief of the legal representatives of W. H. Mills, deceased;
- H. R. 10007. An act for the relief of William H. Woods;
- H. R. 10173. An act for the relief of Anna C. Parrett;
- H. R. 10697. An act for the relief of S. Spencer Carr;
- H. R. 11288. An act for the relief of S. S. Yoder;
- H. R. 11685. An act for the relief of Ivy L. Merrill;
- H. R. 11745. An act for the relief of S. E. Bennett;
- H. R. 11830. An act for the relief of Halvor Nilsen;
- H. R. 12135. An act to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said post office at Seddon, Ala., and repaid by him to the Post Office Department;
- H. R. 12145. An act for the relief of Joseph Manning;
- H. R. 12240. An act for the relief of John Brodie;
- H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;
- H. R. 13788. An act for the relief of Joseph A. Prat;
- H. R. 13820. An act for the relief of Mrs. Jennie Buttner;
- H. R. 14245. An act for the relief of Edward Looby;
- H. R. 14571. An act for the relief of the Milwaukee Bridge Co.;
- H. R. 14572. An act for the relief of Gertie Foss;
- H. R. 14784. An act for the relief of Alma Provost;
- H. R. 14826. An act for the relief of F. M. Barfield;
- H. R. 14927. An act for the relief of William H. Boyer;
- H. R. 14978. An act for the relief of Ida Turner;
- H. R. 15109. An act for the relief of Catherine A. Fox;
- H. R. 15718. An act for the relief of Thomas Baker;
- H. R. 16519. An act for the relief of Joseph F. Mitchell;
- H. R. 16590. An act for the relief of George Le Clear;
- H. R. 16719. An act for the relief of John P. Sutton; and
- H. R. 16974. An act for the relief of John L. Kelley.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens.

## PETITIONS AND MEMORIALS.

Mr. WORKS. I have two telegrams here in the nature of memorials, one from the Los Angeles Clearing House Association and the other from the California Bankers' Association, protesting against the imposition of a special tax upon banks in the revenue bill. I ask that the telegrams may be printed in the RECORD and referred to the Committee on Finance.

The telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

LOS ANGELES, CAL., August 12, 1916.

Hon. JOHN D. WORKS,  
United States Senate, Washington, D. C.:

This association, representing 22 members and affiliated banks of Los Angeles city, respectfully request that you use every influence possible toward preventing the reinstatement in the revenue bill now under consideration of the special bankers' tax of \$1 per thousand. We oppose most strenuously any such special tax as being discriminatory and unjust unless applied to all corporations.

LOS ANGELES CLEARING HOUSE ASSOCIATION,  
J. F. SARTORI, President.  
F. W. SMITH, Secretary.

SAN FRANCISCO, CAL., August 13, 1916.

Hon. JOHN D. WORKS,  
United States Senate, Washington, D. C.:

At a special meeting held here yesterday afternoon by the executive council of the California Bankers' Association, representing 700 banks in this State, it was unanimously resolved to most earnestly urge you to use your best efforts to prevent the inclusion in the Senate revenue bill of the proposed special tax upon the capital and surplus of banks. This tax, if levied upon capital invested in a particular line of commercial effort, would constitute a most unjust discrimination. Bankers are entirely willing to bear their full share of the burdens of national expense, but vigorously protest against being singled and especially taxed when capital otherwise employed in business activities is not called upon in like manner.

CALIFORNIA BANKERS' ASSOCIATION.

Mr. CHAMBERLAIN. I may state in this connection that I have received a number of telegrams of the same purport as those presented by the Senator from California.

Mr. SMOOT. I desire also to state that I have received hundreds of such telegrams, which I have not asked to have placed in the RECORD.



Mr. JONES. I have a telegram relating to the same matter, reading as follows:

HON. WESLEY L. JONES,  
Washington, D. C.:

We are told Democratic caucus may reinstate special bankers' tax in revenue bill. We believe such tax is discriminatory and unfair, and respectfully urge your opposition to it.

SEATTLE CLEARING HOUSE ASSOCIATION.

This is from the Seattle Clearing House Association. I have here another telegram from the Spokane Clearing House Association making the same request. I ask that these telegrams may be referred to the Committee on Finance in the hope that the Democratic membership of that committee will call them to the attention of the Democratic caucus.

The VICE PRESIDENT. They will be so referred.

Mr. GRONNA. In connection with the subject referred to by the Senator from Washington [Mr. JONES] I have two telegrams which I ask may be referred to the Committee on Finance, and I also ask that they may be printed in the RECORD. They are very brief.

The telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., August 13, 1916.

Senator A. J. GRONNA,  
Washington, D. C.:

\* We understand the caucus is considering reinstating the special bankers' tax of \$1 per thousand. We solicit your opposition to the measure, because the law discriminates and is unjust. Your assistance will be appreciated.

R. L. RUTTER,  
President Spokane & Eastern Trust Co.

SEATTLE, WASH., August 12, 1916.

Senator A. J. GRONNA,  
Washington, D. C.:

We are informed there is a possibility of the special bankers' tax being reinstated in the revenue bill. The members of this association will appreciate your efforts in endeavoring to defeat such an unjust and discriminatory measure.

SEATTLE CLEARING HOUSE ASSOCIATION.

Mr. CURTIS presented a petition of sundry citizens of Arkansas City, Kans., praying for action by the Government to prevent a general railroad strike, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented petitions of the Chamber of Commerce of San Fernando and of the Chamber of Commerce of Redlands, in the State of California, praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. JAMES, from the Committee on Patents, to which was referred the bill (H. R. 13618) to amend section 4931 of the Revised Statutes of the United States, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside, reported it with amendments and submitted a report (No. 786) thereon.

Mr. REED, from the Committee on the Judiciary, to which was referred the bill (S. 6843) to amend an act entitled "An act to create a Commerce Court, and to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, reported it without amendment and submitted a report (No. 787) thereon.

He also, from the same committee, to which was referred the bill (S. 4500) to incorporate the World's Sunday School Association, reported it with amendments and submitted a report (No. 788) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3180) to authorize the appointment of Clarence C. Kress to the grade of captain, United States Army, Medical Corps, reported it without amendment and submitted a report (No. 789) thereon.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4356) to enlarge, extend, remodel, and repair the United States post-office and courthouse building located at Baltimore, Md., reported it with an amendment and submitted a report (No. 790) thereon.

#### AIDS TO NAVIGATION.

Mr. CLARKE of Arkansas. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 14338) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes.

I ask unanimous consent for the present consideration of the bill, and in connection with the request I will make a short statement.

This is what is known as the lighthouse bill. It contains provision for certain needed establishments in connection with that service. The Senate passed a bill and the House passed a bill on the same subject, but it did not contain all the provisions included in the Senate bill. The Senate bill is now on the House Calendar. The chairman of the House Committee on Interstate and Foreign Commerce advises me that there will be no further meeting of that committee at this session, and the only way the matter can be properly brought before the House of Representatives in the absence of a reference to the committee is by the course we propose to take now—to strike out the House bill and to insert the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to strike out all after the enacting clause and to insert:

That the Secretary of Commerce is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce, in accordance with the respective limits of costs hereinafter respectively set forth, which shall in no case be exceeded:

Light keepers' dwellings and appurtenant structures, including sites therefor, within the limit of cost fixed by the act approved February 26, 1907 (34 Stats., p. 996), \$75,000.

Constructing and equipping light vessels for general service on the Great Lakes, or for general service, \$150,000.

#### SECOND LIGHTHOUSE DISTRICT.

Constructing and equipping a lighthouse depot for the second lighthouse district, \$85,000.

#### THIRD LIGHTHOUSE DISTRICT.

Constructing, or purchasing, and equipping a lighthouse tender to replace tenders worn out in service in the third lighthouse district, \$120,000.

Improving the light station, moving the fog signal, and constructing a keeper's dwelling at Great Salt Pond Light Station, R. I., \$25,000.

Improvement of the offices and laboratory at the general lighthouse depot at Tompkinsville, Staten Island, N. Y., \$21,000.

Improving the aids to navigation on the East River, N. Y., \$16,000.

#### FIFTH LIGHTHOUSE DISTRICT.

Constructing and equipping a light vessel for station off Cape Charles, Va., or for general service, \$130,000.

Improving lights and fog signals leading to Cape Charles City, Va., \$12,800.

Improving aids to navigation and establishing new aids on the eastern shore of Chesapeake Bay and tributaries, Maryland and Virginia, \$29,000.

#### NINTH LIGHTHOUSE DISTRICT.

Removal and rebuilding on another site of the light station and dwelling at or near Point Borinquen, Porto Rico, \$85,000.

#### TENTH LIGHTHOUSE DISTRICT.

Aids to navigation at Huron Harbor, Ohio, \$4,500.

Improving the aids to navigation at Fairport Harbor, Ohio, \$42,000.

#### ELEVENTH LIGHTHOUSE DISTRICT.

Improving aids to navigation and establishing new aids at or near the entrance to Keweenaw Waterway Harbor of Refuge, Portage River, Mich., \$110,000.

#### TWELFTH LIGHTHOUSE DISTRICT.

Improving the light and fog-signal station at Manitowoc North Breakwater, Wis., \$21,000.

#### SIXTEENTH LIGHTHOUSE DISTRICT.

Aids to navigation and improvement of existing aids in Alaska, \$60,000.

#### SEVENTEENTH LIGHTHOUSE DISTRICT.

For the establishment of aids to navigation and improvement of existing aids in Washington and Oregon, seventeenth lighthouse district, \$35,000.

#### NINETEENTH LIGHTHOUSE DISTRICT.

Constructing and equipping a temporary lighthouse depot at Honolulu, Territory of Hawaii, pending the establishment of a permanent depot, \$5,000; and authority is hereby granted to erect such temporary depot on land to be leased.

Construction and equipment of a lighthouse depot for the nineteenth lighthouse district, \$90,000: *Provided*, That arrangements shall be made to use for the purposes herein lands and property now belonging to the United States and being used by the Navy for naval purposes.

Sec. 2. That hereafter the Secretary of Commerce is authorized, whenever he shall deem it advisable, to exchange any right of way of the United States in connection with lands pertaining to the Lighthouse Service for such other right of way as may be advantageous to the service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses are incurred by the United States in making such exchange the same shall be payable from the appropriation "General expenses, Lighthouse Service" for the fiscal year during which such exchange shall be effected.

Sec. 3. That hereafter post lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriation for the Lighthouse Service on the Mobile, Tombigbee, Warrior, and Black Warrior Rivers, Ala.

SEC. 4. That the appropriation "General expenses, Lighthouse Service" shall be available for the purchase and necessary equipment of one motorcycle and the repair and operation of the same for use of the Lighthouse Service in the Hawaiian Islands.

SEC. 5. That hereafter light keepers and assistant light keepers of the Lighthouse Service shall be entitled to medical relief without charge at hospitals and other stations of the Public Health Service under the rules and regulations governing the care of seamen of the merchant marine: *Provided*, That this benefit shall not apply to any keeper or assistant keeper who receives an original appointment after the passage of this act unless the applicant passes a physical examination in accordance with rules approved by the Secretary of Commerce and the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 6857) for the relief of John Flanigan; to the Committee on Indian Affairs.

By Mr. WADSWORTH (by request):

A bill (S. 6858) to state the rights of nations and to lay the foundations for the establishment of a Court of Nations, a Congress of Nations, and an International Army and Navy, and for other purposes; to the Committee on Foreign Relations.

A bill (S. 6859) to amend section 8 of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides and also fungicides, and for regulating traffic therein, and for other purposes"; to the Committee on Agriculture and Forestry.

By Mr. CHAMBERLAIN:

A bill (S. 6860) granting an increase of pension to Jonas H. Upton (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6861) granting an increase of pension to David Galbraith (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6862) for the relief of Amos Dahuff; to the Committee on Military Affairs.

#### CIVIL EMPLOYEES IN THE NATIONAL GUARD.

Mr. PENROSE. I introduce a joint resolution which I ask to have read for the information of the Senate and then referred to the Committee on Military Affairs.

The joint resolution (S. J. Res. 164) for the relief of civil employees of the Federal Government who are members of the National Guard or Naval Militia of the several States, Territories, or the District of Columbia was read the first time by its title and the second time at length and referred to the Committee on Military Affairs, as follows:

*Resolved, etc.*, That the President be, and he is hereby, authorized to grant a leave of absence, with pay, to all civil employees of the United States of America, who, being members of the National Guard or Naval Militia of any State or Territory, or of the District of Columbia, by reason thereof, shall have been or shall hereafter be summoned and received into the military or naval service of the United States during the continuation of such service and until his discharge therefrom.

#### RELIEF OF FLOOD SUFFERERS IN WEST VIRGINIA.

Mr. CHILTON. I introduce a joint resolution making an appropriation for the temporary relief of the flood sufferers in West Virginia. I ask that the joint resolution be read.

The joint resolution (S. J. Res. 165) for relief of the flood sufferers in West Virginia, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the relief of persons suffering by reason of the recent floods on the waters of the Kanawha, Mud, and Coal Rivers in West Virginia. The Secretary of War, under such regulations as he may prescribe from time to time, is authorized to expend said sum, or so much thereof as may be necessary, in relieving destitution and caring for the injured and homeless who are suffering from the result of said flood and providing sanitary conditions; and he shall keep accounts of his expenditures hereunder and shall report the same to Congress; and shall, as far as possible, cooperate with local and State authorities, relief associations, and organizations; and he may use any Army tents, equipment, or supplies which he may deem proper in affording adequate and immediate relief.

Mr. CHILTON. Mr. President, in connection with the joint resolution I wish to have placed in the Record some telegrams which I have received from the governor and other officials and prominent citizens of the State of West Virginia.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CHARLESTON, W. VA., August 13, 1916.

Hon. W. E. CHILTON,

United States Senate, Washington, D. C.:

Have just returned from visit through Cabin Creek and Coal River districts. Newspaper reports of the situation are not exaggerated, except possible loss of life, which is approximately 75. More than 5,000 people are homeless and without food and clothing. Thirty to fifty thousand dollars is needed for immediate relief work. I have issued an appeal to people of the State for funds; provisions are being distributed effectively through heroic efforts of 500 men of West Virginia National Guard. West Virginia will be glad to receive any aid from the Federal Government in this disaster, the most destructive in the history of the State.

H. D. HATFIELD, Governor.

CHARLESTON, W. VA., August 13, 1916.

Hon. W. E. CHILTON,

United States Senate, Washington, D. C.:

Flood victims have been given temporary relief in way of food supplies and shelter. Nearly 1,000 families lost everything. By using National Guard we have reached practically all victims with food supplies and there is no actual suffering. Permanent relief needed in another week in way of clothing and house furnishings. On orders of governor, I am purchasing and forwarding supplies for immediate needs, but, as you know, there is no appropriation from which to pay for such purchases. About \$50,000 needed for permanent relief. Governor has called upon people for relief fund.

BOND, Adjutant General.

ST. ALBANS, W. VA., August 13, 1916.

W. E. CHILTON,

Washington, D. C.:

Coal River Lumber & Coal Co. ruined. Four drowned. Heavy relief will be needed.

A. W. WHEATON, Mayor.

CHARLESTON, W. VA., August 13, 1916.

Hon. W. E. CHILTON,

United States Senate, Washington, D. C.:

Loss of life will reach about 60; property loss will exceed \$5,000,000. Losses are on the Horse Creek, Mud River, portion of Little Coal, Big Coal River for about 80 miles, and all of main Cabin Creek. About 1,000 families homeless, without clothing or food, are being cared for by liberal contributions. Food and clothing being distributed by the soldiers now encamped at Kanawha City by pack trains; railroad and wagon roads gone. It will take \$150,000 to take care of needs of homeless population. Can you do anything to help the people there?

DAVID A. JAYNE,  
General Manager Charleston Daily Gazette.

CHARLESTON, W. VA., August 13, 1916.

W. E. CHILTON,

United States Senate, Washington, D. C.:

Just returned from Racine and Peytona. Two drowned at Peytona; 600 homeless from Seth to Ashford, with nothing left; 1,500 in this district. Can you get temporary mail service established from Marmet to Peytona via Racine? Great relief. Wire in care Ruffner Hotel.

W. M. OSBORNE,  
United States Marshal.

WHITE SULPHUR SPRINGS, W. VA.,  
August 13, 1916—5.15 p. m.

Hon. W. E. CHILTON,

United States Senate, Washington, D. C.:

Your wire my arrival here this morning. Have just returned from walk and ride mouth to head of Cabin Creek. About 700 families have lost all but clothes on their backs. Hundred thousand dollars should be raised quick in our State to buy beds, bedding, clothing, cooking utensils, etc., to start these people. Though company's loss is appalling, believe they will see that all are fed, but impossible for them to do more. Appreciate your sympathy.

J. R. THOMAS.

CHARLESTON, W. VA., August 13, 1916.

Hon. W. E. CHILTON,

United States Senate, Washington, D. C.:

More than 1,000 families made homeless and left without food or clothing. Roads and railroads washed away. Food taken to them by pack route with difficulty across mountains. This work is being done by members of the National Guard encamped at Kanawha City. Contributions are liberal, but not sufficient to meet the needs of these homeless and destitute people. For 80 miles on Big Coal River not a home left in the bottom lands. From my intimate knowledge of this territory it will take \$200,000, in addition to what will be raised here, to take care of these people. I hope you may be able to help people.

SAM'L STEPHENSON.

Mr. CHILTON. I have just received a telegram from R. G. Hubbard, of Charleston, W. Va., which I also ask to have incorporated in the RECORD. Mr. Hubbard is a partner in one of the large wholesale firms in Charleston and is most conservative in his statements.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

CHARLESTON, W. VA., August 14, 1916.

Hon. W. E. CHILTON,

Washington, D. C.:

We are trying to raise here not less than \$100,000 for the homeless in Cabin Creek and Coal River. Every new investigation shows situation worse than yet reported. Amount needed not less than \$500,000. This is a case where Government aid is needed.

R. G. HUBBARD.



Mr. CHILTON. I ask that the joint resolution be referred to the Committee on Appropriations. I do not see the chairman of the committee here, but I sincerely hope that the committee will make an early report.

Mr. President, I hesitate to ask Congress to help the State of West Virginia in this direct way, but I wish to state in this connection that our people are responding liberally in this catastrophe. The newspapers of that section are raising large funds. One, I see, has raised two or three thousand dollars. The State government has responded promptly, but the extent of the disaster is such that it is impossible for local help to be adequate. The flood extends over a distance of probably 100 miles. It has destroyed millions of dollars of property and a great many lives and has rendered many thousands of our people homeless. The situation is but partially covered by these telegrams. In addition to the telegrams from Gov. Hatfield and Adj. Gen. Bond, I call attention to that of Mr. J. R. Thomas, a prominent citizen, who is a great sufferer financially himself, who has been personally over that part of the flooded area on Cabin Creek, and he speaks from actual observation; and I know that his statements can be relied upon. Mr. Osborne is the United States marshal and Mr. Stephenson is a prominent citizen, and both are well acquainted with the Coal River section which was inundated, and speak from actual knowledge. Mr. Jayne, of the Gazette, is one of those connected with relief work, and is in a position to have reliable information. Mayor Wheaton, of St. Albans, is in a position to speak with knowledge of the lower Coal River section. In addition to these, I have information, through ex-Gov. MacCorkle and other friends, communicated by telephone and telegrams, which enables me to say that the situation is critical and the Government should extend aid not alone from the promptings of humanity, but in the interests of the public health.

Mr. PENROSE. The Senator is not very easy to hear on this side of the Chamber. Does he ask for an appropriation?

Mr. CHILTON. Yes. I ask that the joint resolution be referred to the Committee on Appropriations.

Mr. PENROSE. How much does the Senator ask for?

Mr. CHILTON. I ask for \$200,000.

Mr. PENROSE. I thought I would move to amend the joint resolution so as to give several hundred thousand dollars to Pittsburgh. I have here a newspaper clipping which I should like to have read by the Secretary for the information of the Senate and the Senator.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. PENROSE. Of course the Senator will accept the amendment in his benevolence, I have no doubt.

Mr. CHILTON. The joint resolution goes to the committee. I can not accept an amendment.

Mr. PENROSE. I should like to have the clipping read.

The Secretary read as follows:

**\$1,000,000 STORM LOSS IN PITTSBURGH DISTRICT—SOME STREETS COVERED WITH 2 FEET OF DEBRIS AND SUBURBAN TRAFFIC CRIPPLED—TWO LIVES TOLL OF DELUGE—FAMILIES MADE HOMELESS AND RELIEF MOVEMENT STARTED TO ALLEVIATE DISTRESS.**

PITTSBURGH, August 6, 1916.

Following the destructive storm which swept this region Saturday afternoon, causing two deaths, endangering many others, and causing more than \$1,000,000 loss by fire, lightning, and rain, thousands of men have been put to work repairing damage. The west and south hills district of the city suffered most. Many streets are covered with 2 inches to 2 feet of debris and mud. Traffic will be crippled in Hays, Homestead, West Homestead, Braddock, Turtle Creek, Munhall, Fairhaven, and other suburbs for several days.

Search in Saw Mill Run from the nineteenth ward to the Ohio River by Peter Bandel disclosed no trace of the body of his daughter, Mary Bandel, aged 15, who was drowned near her home in Edgebrook Avenue during the storm, when she went into a chicken coop on the brink of the swollen creek to save chickens.

Edward Duncan, aged 50, was killed instantly by lightning in his home at Trotter while the storm was at its height. His home was damaged.

In Hays, across the Monongahela River from Pittsburgh, where many families were made homeless when the Glass Run Creek overflowed its banks during the tempest, a movement was started to-day to raise a relief fund. Neighbors last night provided shelter for the families whose homes were destroyed.

The foundations of more than a score of houses were washed away in the vicinity of Glass Run. Fifty carloads of debris were removed by the Baltimore & Ohio Railroad to-day from Rand Station, where the storm caused a landslide.

Munhall was without water last night and to-day as a result of the South Pittsburgh water main, near Hays, having burst.

Six children who were reported missing from their home in Hays during the storm, and were believed to have perished, were found in the homes of neighbors to-day. Mothers became almost frantic when their children failed to return home during the storm. They hurried to police headquarters, and a squad of police was detailed to investigate.

Mr. CHILTON. Mr. President, I should like to ask the Senator if he is in good faith about this request? The Senator has joked so much with the Senate of late that I never can tell, at

least by his expression, whether he is in earnest or whether he is making fun.

Mr. PENROSE. No, Mr. President; if \$200,000 is to go to flood sufferers in West Virginia, I want a similar amount to go to Pittsburgh, and other cases I think will occur to me between now and to-morrow to further amend the joint resolution.

Mr. CHILTON. Mr. President, I apprehended just what the Senator's motive was. I want to say to him that West Virginia has had a great many floods, a great many misfortunes, a great many terrible things in the way of water catastrophes and fire losses. This is the first time she has ever presented a matter of this kind to Congress, and it was only on the representation of an official character from the governor and other prominent people of the State that many thousands of people were in danger of losing their lives as a result of this terrible catastrophe that I introduced the joint resolution. I want to call the attention of the Senate to the fact that many appropriations of this kind have been made, some of them during the present session. I do not think this request on the part of the officials and prominent people of the State, people who are contributing of their own means to the extent of their ability, who come with a petition saying that thousands of children and women are in distress, should be met in the contemptuous or the laughing way suggested by the remarks of the Senator from Pennsylvania and the newspaper clipping he had read at the desk. I do not think it is a time when we should be making merriment over the distress of thousands of women and children. I am introducing the joint resolution in good faith. I ask the committee for prompt work in disposing of it, and I shall ask the Senate to consider it seriously, not in the light vein suggested by the remarks of the Senator from Pennsylvania.

Mr. OLIVER. Mr. President, as a resident of Pittsburgh I think I ought to say the suggestion of my colleague did not emanate from that city. We are not asking for any Federal help at this time.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

#### THE REVENUE.

Mr. HITCHCOCK. Mr. President, I ask that an amendment to be proposed to the revenue bill (H. R. 16763), which I send to the desk, may be read for the information of the Senate.

The Secretary read as follows:

That on and after the passage of this act there shall be levied, collected, and paid on all certificates of stock or investment securities imported from any foreign country to the United States or into any of its possessions the rates and duties as follows:

Upon bonds or time obligations of foreign Governments the customs duty of 1 per cent upon the par value.

Upon bonds or time obligations extending more than one year of all companies incorporated under the laws of the United States or of any State thereof or of the District of Columbia or of any foreign country 1 per cent of the par value thereof.

Upon certificates of capital stock whether common or preferred in all companies incorporated in foreign countries or in the United States or in any State thereof or in the District of Columbia the customs duty of 2 per cent upon the par value thereof.

The above rates of duty shall apply whether the actual bonds or actual certificates of stock are imported or whether only certificates of beneficial interest or legal ownership are imported and they shall apply whether said stocks, bonds, or certificates are imported for or upon purchase and sale or whether they are imported only for the purpose of security for loans or borrowed for use of any sort.

Any person whether owner or consignee or agent acting in the importation of said stocks, bonds, or certificates shall enter them as prescribed by the Secretary of the Treasury and make a declaration upon a form to be prescribed by him and filed with the collector of the port at the time of entry, similar to what is required in the case of the entering of merchandise by invoice. Any attempt to import such stocks, bonds, or certificates in any other way for the purpose of avoiding the payment of customs duty by concealing the fact of said importation from the customs authorities shall be deemed a violation of law, and any person so violating shall upon conviction be fined for each offense the amount not exceeding 50 per cent of the market value of the stocks, bonds, and certificates so imported or sought to be imported, or be imprisoned for a time not exceeding two years, or both, at the discretion of the court.

#### AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SMITH of South Carolina submitted an amendment proposing to appropriate \$7,055.94, being the unpaid part of the appropriation heretofore made to Benjamin Harry Rutledge, administrator of Adam Tunno, surviving partner of Tunno & Co., on the ship *Leeds Packet*, Richard Bunce, master, in the act of Congress approved March 3, 1899, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### COMPENSATION OF INJURED EMPLOYEES.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, which was ordered to lie on the table and be printed.

## THE MERCHANT MARINE.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, which was ordered to lie on the table and be printed.

## WITHDRAWAL OF PAPERS—OSCAR W. LOWERY.

On motion of Mr. CUMMINS it was

*Ordered*, That leave be granted to withdraw from the files of the Senate the papers in the case of S. 1181, a bill granting an increase of pension to Oscar W. Lowery, no adverse report having been made thereon.

## CHARLESTON &amp; NORFOLK STEAMSHIP CO.

Mr. SMITH of South Carolina. I offer a resolution which I send to the desk in reference to sundry petitions of certain corporations and individuals in the city of Charleston, S. C., looking to a rehearing of a rate proposition. I ask that the resolution be read and referred to the Committee on Interstate Commerce.

The resolution (S. Res. 249) was read and referred to the Committee on Interstate Commerce, as follows:

Whereas the Charleston & Norfolk Steamship Co., a corporation duly empowered by charter from the State of South Carolina to acquire, by purchase or otherwise, steamships and operate the same as common carriers; and

Whereas said company petitioned the Interstate Commerce Commission to put into effect certain proportional rates from Cincinnati, Louisville, etc., to Norfolk and Newport News on traffic destined to Charleston, S. C., such proportional rates now being applied by aforesaid railway companies in connection with rail lines leading south into Carolina territory; and

Whereas the Interstate Commerce Commission, in an opinion dated June 30, 1916 (docket 8081), dismissed said petition on the ground that the petitioner was not a common carrier; and

Whereas the Interstate Commerce Commission, in *Flour City Steamship Co. v. the L. V. R. R. Co.* (1. C. C. Rept. No. 24, pp. 179-186), defined the status of a common carrier by water, such as proposed to operate under nondiscriminatory traffic arrangements, in specific terms; and

Whereas the position of the Charleston & Norfolk Steamship Co. is the same as that of the Flour City Steamship Co., in that said company can not afford to make enormous expenditures in equipment, pending a decision as to whether or not it is entitled to the nondiscriminatory traffic arrangements with the rail carriers leading into Norfolk; and

Whereas subsequent to the decision of the Interstate Commerce Commission in the Flour City Steamship Co. case, the act to regulate commerce has been further strengthened by the passage of the Panama Canal act, under date of August 24, 1912, which empowers the Interstate Commerce Commission to establish proportional rates over rail lines when property may be or is transported to or from port by rail carriers; and

Whereas this act confers additional powers upon the Interstate Commerce Commission to those it exercised when the Flour City case was decided; and

Whereas the Charleston & Norfolk Steamship Co. has been organized by the merchants of Charleston for the express purpose of bringing relief from an unduly discriminatory rate adjustment and for affording an economical means of transportation; and

Whereas the Interstate Commerce Commission, in its decision in the Flour City case, established the principle that the company was entitled to a decision on the merits of the case before the said company made large expenditures in equipment: Therefore be it

*Resolved*, That the Interstate Commerce Commission be requested to initiate an investigation upon its own motion, and in conjunction with this proceeding, reopen the case of the Charleston & Norfolk Steamship Co. v. the Chesapeake & Ohio Railway Co. et al. (docket 8081), and give all parties an opportunity to submit any further testimony or arguments, and that an opinion be rendered by the Interstate Commerce Commission as to whether or not the proportional rates prayed for by the petitioner will or will not be granted, in advance of the actual purchase of the steamships.

## EXEMPTIONS FROM CIVIL-SERVICE REQUIREMENTS.

Mr. PENROSE. I submit a Senate resolution, and, as it merely asks for information from one of the departments, perhaps there will be no objection to its present consideration. I ask that the resolution be read.

The resolution (S. Res. 246) was read as follows:

*Resolved*, That the United States Civil Service Commission be, and it is hereby, requested to send to the Senate a list of the Executive orders issued since March 4, 1913, exempting appointees in the Federal service from civil-service requirements; or placing employees under the civil service previously appointed outside of any eligible list prescribed by the Civil Service Commission.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. POMERENE. I ask that the resolution lie over until tomorrow.

The VICE PRESIDENT. The resolution goes over under the rule.

## APPOINTMENTS IN THE STATE DEPARTMENT.

Mr. PENROSE. Then, Mr. President, I offer the resolution which I send to the desk and ask to have it read, considered, and passed, if there is no objection. The resolution merely asks for information.

The resolution (S. Res. 247) was read as follows:

*Resolved*, That the Secretary of State be, and he is hereby, requested to inform the Senate as follows:

First. The number of employees who have been appointed to positions in the State Department since July 1, 1913.

Second. What increase in the force of employees in the State Department has been made since July 1, 1913.

Third. The number of employees appointed since July 1, 1913, from eligible lists upon certification by the United States Civil Service Commission.

Fourth. The number of employees appointed temporarily without any civil-service examination or certification by the Civil Service Commission, and who subsequently were covered into the civil service under an Executive order dated May 18, 1916, being Executive order No. 2383.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. POMERENE. I ask that the resolution go over under the rule.

The VICE PRESIDENT. The resolution goes over under the rule.

## COLLECTION OF DISCRIMINATING DUTIES.

Mr. JONES. I offer a Senate resolution which I send to the desk, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 248) was read, as follows:

*Resolved*, That the Secretary of the Treasury be directed to furnish the information called for by Senate Resolution 133 of March 16, 1916, or report to the Senate promptly why such information can not be furnished.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMITH of Georgia. Yes, Mr. President, I object to the present consideration of the resolution and ask that it lie over.

The VICE PRESIDENT. The resolution will lie over under the rule and be printed. The morning business is closed.

## ADDRESS BY HON. JOHN A. MAGUIRE.

Mr. HITCHCOCK. I ask to have printed as a public document an address delivered by former Representative John A. Maguire on the practical workings of the Congress, which was a very popular address.

Mr. SMOOT. Let the matter be referred to the Committee on Printing.

Mr. HITCHCOCK. I have no particular objection to that. Mr. FLETCHER. Under the law the address should be referred to the Committee on Printing.

Mr. HITCHCOCK. It is a small matter, and the address is a very popular exposition of how Congress operates.

Mr. SMOOT. I object to its being printed as a public document without a reference to the Committee on Printing.

Mr. FLETCHER. Under the law the resolution will have to go to the Committee on Printing.

The VICE PRESIDENT. Under the law the address will be referred to the Committee on Printing.

## GOVERNMENT OF THE PHILIPPINES—CONFERENCE REPORT (S. DOC. NO. 530).

Mr. HITCHCOCK. Mr. President, I ask unanimous consent, on behalf of the conference committee on the Philippine bill, to withdraw the report filed by me a few days ago. I shall submit another report later in the day.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the conference report is withdrawn.

Mr. HITCHCOCK subsequently said: I submit the conference report on the bill S. 381, known as the Philippine government bill.

The VICE PRESIDENT. The report will lie on the table and be printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That the provisions of this act and the name 'the Philippines' as used in this act shall apply to and include the Phil-



ippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900.

"SEC. 2. That all inhabitants of the Philippine Islands who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris, December 10, 1898, and except such others as have since become citizens of some other country: *Provided*, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.

"SEC. 3. That no law shall be enacted in said Islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

"That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

"That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

"That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

"That no law impairing the obligation of contracts shall be enacted.

"That no person shall be imprisoned for debt.

"That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor General, wherever during such period the necessity for such suspension shall exist.

"That no ex post facto law or bill of attainder shall be enacted nor shall the law of primogeniture ever be in force in the Philippines.

"That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

"That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

"That the right to be secure against unreasonable searches and seizures shall not be violated.

"That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

"That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

"That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed; and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited. That no law shall be construed to permit polygamous or plural marriages.

"That no money shall be paid out of the Treasury except in pursuance of an appropriation by law.

"That the rule of taxation in said islands shall be uniform.

"That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

"That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

"That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

"SEC. 4. That all expenses that may be incurred on account of the Government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the islands, not, however, including defenses, barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the Government of the Philippines.

"SEC. 5. That the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands, except when they specifically so provide, or it is so provided in this act.

"SEC. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by act of Congress of the United States.

"SEC. 7. That the legislative authority herein provided shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this act as it may from time to time see fit.

"This power shall specifically extend with the limitation herein provided as to the tariff to all laws relating to revenue and taxation in effect in the Philippines.

"SEC. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this act.

"SEC. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections 63 and 64 of the act of Congress approved July 1, 1902, except such as may have heretofore been sold and disposed of in accordance with the provisions of said act of Congress, are hereby placed under the control of the government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided*, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

"SEC. 10. That while this act provides that the Philippine government shall have the authority to enact a tariff law the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided*, That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting immigration or the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: *Provided further*, That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission

for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved.

"SEC. 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: *Provided, however*, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of \$15,000,000, exclusive of those obligations known as friar-land bonds, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time.

"SEC. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated 'The Philippine Legislature': *Provided*, That until the Philippine Legislature as herein provided shall have been organized the existing Philippine Legislature shall have all legislative authority herein granted to the government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized, the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

"SEC. 13. That the members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

"SEC. 14. That the members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over 25 years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election: *Provided*, That the members of the present assembly elected on the first Tuesday in June, 1916, shall be the members of the house of representatives from their respective districts for the term expiring in 1919.

"SEC. 15. That at the first election held pursuant to this act, the qualified electors shall be those having the qualifications of voters under the present law; thereafter and until otherwise provided by the Philippine Legislature herein provided for the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

"Every male person who is not a citizen or subject of a foreign power 21 years of age or over—except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th day of August, 1898—who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

"(a) Those who under existing law are legal voters and have exercised the right of suffrage.

"(b) Those who own real property to the value of ₱500, or who annually pay ₱30 or more of the established taxes.

"(c) Those who are able to read and write either Spanish, English, or a native language.

"SEC. 16. That the Philippine Islands shall be divided into 12 senate districts, as follows:

"First district: Batanes, Cagayan, Isabela, Ilocos Norte, and Ilocos Sur.

"Second district: La Union, Pangasinan, and Zambales.

"Third district: Tarlac, Nueva Ecija, Pampanga, and Bulacan.

"Fourth district: Bataan, Rizal, Manila, and Laguna.

"Fifth district: Batangas, Mindoro, Tayabas, and Cavite.

"Sixth district: Sorsogon, Albay, and Ambos Camarines.

"Seventh district: Iloilo and Capiz.

"Eighth district: Negros Occidental, Negros Oriental, Antique, and Palawan.

"Ninth district: Leyte and Samar.

"Tenth district: Cebu.

"Eleventh district: Surigao, Misamis, and Bohol.

"Twelfth district: The Mountain Province, Bagulo, Nueva Vizcaya, and the Department of Mindanao and Sulu.

"The representative districts shall be the 81 now provided by law, and 3 in the Mountain Province, 1 in Nueva Vizcaya, and 5 in the Department of Mindanao and Sulu.

"The first election under the provisions of this act shall be held on the first Tuesday of October, 1916, unless the Governor General in his discretion shall fix another date not earlier than 30 nor later than 60 days after the passage of this act: *Provided*, That the Governor General's proclamation shall be published at least 30 days prior to the date fixed for the election, and there shall be chosen at such election one senator from each senate district for a term of three years and one for six years. Thereafter one senator from each district shall be elected from each senate district for a term of six years: *Provided*, That the Governor General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly: *Provided further*, That thereafter elections shall be held only on such days and under such regulations as to ballots, voting, and qualifications of electors as may be prescribed by the Philippine Legislature, to which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section, except such as refer to appointive senators and representatives.

"SEC. 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor General shall hold office until removed by the Governor General.

"SEC. 18. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member. Both houses shall convene at the capital on the 16th day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the 16th day of October, or, if the 16th day of October be a legal holiday, then on the 1st day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than 30 days, and no regular session shall continue longer than 100 days, exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

"The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

"No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislature, nor shall be ap-



pointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

"SEC. 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor General. If he approve the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor General, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the Governor General, so stating, and it shall not become a law: *Provided*, That if any bill or joint resolution shall not be returned by the Governor General as herein provided within 20 days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor General within 30 days after adjournment: *Provided further*, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval.

"All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor General, make the payments necessary for the purposes aforesaid.

"SEC. 20. That at the first meeting of the Philippine Legislature created by this act and triennially thereafter there shall be chosen by the legislature two Resident Commissioners to the United States, who shall hold their office for a term of three years beginning with the 4th day of March following their election, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than 30 years of age and who does not read and write the English language. The present two Resident Commissioners shall hold office until the 4th of March, 1917. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise, the Governor General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

"SEC. 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be 'the Governor General of the Philippine Islands.' He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, or such as he is authorized by this act to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general supervision and control of all of the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of this act, and shall be commander in chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as herein provided. He shall submit within 10 days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia or other locally created armed forces, to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the islands, or any part thereof, under martial law: *Provided*, That whenever the Governor General shall exercise this authority, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

"SEC. 22. That, except as provided otherwise in this act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine, and the members thereof shall vacate their offices as members of said commission: *Provided*, That the heads of executive departments shall continue to exercise their executive functions until the heads of departments provided by the Philippine Legislature pursuant to the provisions of this act are appointed and qualified. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor General: *Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. There is hereby established a bureau, to be known as the bureau of non-Christian tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor General, and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

"SEC. 23. That there shall be appointed by the President, by and with the advice and consent of the Senate of the United States, a vice governor of the Philippine Islands, who shall have all of the powers of the Governor General in the case of a vacancy or temporary removal, resignation, or disability of the Governor General, or in case of his temporary absence; and the said vice governor shall be the head of the executive department, known as the department of public instruction, which shall include the bureau of education and the bureau of health, and he



may be assigned such other executive duties as the Governor General may designate.

"Other bureaus now included in the department of public instruction shall, until otherwise provided by the Philippine Legislature, be included in the department of the interior.

"The President may designate the head of an executive department of the Philippine government to act as Governor General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor General and of the vice governor, or their temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor General during such vacancy, disability, or absence.

"Sec. 24. That there shall be appointed by the President an auditor, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source of the Philippine government and of the provincial and municipal governments of the Philippines, including trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the Provinces or municipalities thereof. He shall perform a like duty with respect to all government branches.

"He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

"It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

"There shall be a deputy auditor appointed in the same manner as the auditor. The deputy auditor shall sign such official papers as the auditor may designate and perform such other duties as the auditor may prescribe, and in case of the death, resignation, sickness, or other absence of the auditor from his office, from any cause, the deputy auditor shall have charge of such office. In case of the absence from duty, from any cause, of both the auditor and the deputy auditor, the Governor General may designate an assistant, who shall have charge of the office.

"The administrative jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the Governor General he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

"The decisions of the auditor shall be final and conclusive upon the executive branches of the government, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the several auditors of the United States and the Comptroller of the United States Treasury and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office.

"As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the Governor General and the Secretary of War an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government, and of the various Provinces and municipalities, and make such other reports as may be required of him by the Governor General or the Secretary of War.

"In the execution of their duties the auditor and the deputy auditor are authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, as now provided by law.

"The office of the auditor shall be under the general supervision of the Governor General and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

"Sec. 25. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the Governor General, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision.

"If the Governor General shall confirm the action of the auditor, he shall so indorse the appeal and transmit it to the

auditor, and the action shall thereupon be final and conclusive. Should the Governor General fail to sustain the action of the auditor, he shall forthwith transmit his grounds of disapproval to the Secretary of War, together with the appeal and the papers necessary to a proper understanding of the matter. The decision of the Secretary of War in such case shall be final and conclusive.

"Sec. 26. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination.

"Sec. 27. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds \$25,000, or in which the title or possession of real estate exceeding in value the sum of \$25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

"Sec. 28. That the government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government, or on



the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than \$10,000.

"SEC. 29. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and, if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, \$18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, \$10,000; chief justice of the supreme court, \$8,000; associate justices of the supreme court, \$7,500 each; auditor, \$6,000; deputy auditor, \$3,000.

"SEC. 30. That the provisions of the foregoing section shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

"SEC. 31. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this act are hereby continued in force and effect."

GILBERT M. HITCHCOCK,

JOHN F. SHAFROTH,

*Managers on the part of the Senate.*

W. A. JONES,

JOE J. RUSSELL,

*Managers on the part of the House.*

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

- H. R. 1093. An act for the relief of James Anderson;
- H. R. 1867. An act for the relief of John Berrin;
- H. R. 3223. An act for the relief of John W. Baggott;
- H. R. 4360. An act for the relief of George W. Laland;
- H. R. 5221. An act for the relief of Thomas E. Philips;
- H. R. 5318. An act for the relief of Frederick Chateau;
- H. R. 5385. An act for the relief of William A. Steward;
- H. R. 5386. An act for the relief of James Campbell;
- H. R. 5689. An act for the relief of Thomas J. Temple;
- H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;

- H. R. 7045. An act for the relief of Caleb T. Holland;
- H. R. 7763. An act for the relief of Stephen J. Simpson;
- H. R. 8411. An act for the relief of James R. McGuire;
- H. R. 8945. An act for the relief of John P. Chesley;
- H. R. 8970. An act for the relief of James H. C. Mann;
- H. R. 10697. An act for the relief of S. Spencer Carr;
- H. R. 14245. An act for the relief of Edward Looby;
- H. R. 14927. An act for the relief of William H. Boyer;
- H. R. 15718. An act for the relief of Thomas Baker;
- H. R. 16590. An act for the relief of George Le Clear;
- H. R. 16719. An act for the relief of John P. Sutton; and
- H. R. 16974. An act for the relief of John L. Kelley.

The following bills were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads:

- H. R. 1571. An act for the relief of Albert T. Huso;
- H. R. 2544. An act for the relief of Thomas P. Darr;
- H. R. 12135. An act to reimburse D. H. Carpenter, postmaster at Seddon, Ala., for money and stamps stolen from said post office at Seddon, Ala., and repaid by him to the Post Office Department;

- H. R. 13788. An act for the relief of Joseph A. Prat;
- H. R. 14826. An act for the relief of F. M. Barfield; and
- H. R. 16519. An act for the relief of Joseph F. Mitchell.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

- H. R. 1358. An act for the relief of Everett H. Corson;
- H. R. 1568. An act for the relief of N. Ferro;
- H. R. 1963. An act for the relief of John E. Keys;
- H. R. 3238. An act for the relief of Sarah E. Elliott;
- H. R. 3296. An act for the relief of Gertrude Becherer;

H. R. 9968. An act for the relief of the legal representatives of W. H. Mills, deceased;

- H. R. 10007. An act for the relief of William H. Woods;
- H. R. 10173. An act for the relief of Anna C. Parrett;
- H. R. 11685. An act for the relief of Ivy L. Merrill;
- H. R. 11745. An act for the relief of S. E. Bennett;
- H. R. 12145. An act for the relief of Joseph Manning;
- H. R. 12240. An act for the relief of John Brodie;
- H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;
- H. R. 13820. An act for the relief of Mrs. Jennie Buttner;
- H. R. 14571. An act for the relief of the Milwaukee Bridge Co.;

- H. R. 14572. An act for the relief of Gertie Foss;
- H. R. 14784. An act for the relief of Alma Provost;
- H. R. 14978. An act for the relief of Ida Turner; and
- H. R. 15109. An act for the relief of Catherine A. Fox.

The following bills were each read twice by their titles and referred to the Committee on Public Lands:

- H. R. 8844. An act for the relief of H. B. Rogers; and
- H. R. 11860. An act for the relief of Halvor Nilsen.

H. R. 11288. An act for the relief of S. S. Yoder was read twice by its title and referred to the Committee on the District of Columbia.

#### THE MERCHANT MARINE.

Mr. FLETCHER. I move that the Senate proceed to the consideration of House bill 15455, being the shipping bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

[Mr. WEEKS resumed and concluded the speech begun by him on Saturday last. The entire speech is as follows:]

*Saturday, August 12, 1916.*

Mr. WEEKS. Mr. President, yesterday the junior Senator from Ohio [Mr. HARDING], in that fluent diction which is characteristic of him, in describing the desires of the newspaper man, said that what he wanted was novelty. If that is a correct description—and I assume it is—of what the press require in order to attract public attention, they certainly would find material enough for that purpose in the legislation that is now pending before the Senate. It really should be entitled "A bill to save the face of the administration."

I am one of those who believe that it is a somewhat better bill than the one which did not receive favorable consideration by the Senate in the second session of the Sixty-third Congress. It has one or two features which in some form would be operative and beneficial, but in its present form it is pretty difficult to see how it can be beneficial to anyone. Yet I ought not to say that, because while the bill has been universally condemned by every trade organization in the United States and by everyone, I think, who has any particular knowledge of the subject which is under consideration, yet in two or three instances individuals have been found who were willing to indorse the general proposition, and by so doing they have really received some direct benefit.

Within the last two or three weeks we have confirmed the board appointed to administer the rural-credits bill. Two members of that board are Mr. Herbert Quick and Mr. George W. Norris. Of all the literature that I have been able to collect I have found but three instances where individuals of standing and prominence have been willing to subscribe to this kind of legislation, and two of these three instances are represented by Mr. Quick and Mr. Norris. Mr. Quick's article, published in the Saturday Evening Post of February 5, 1916, is really not an indorsement of the legislation. It is entitled, "Shall We Give Up the Ship? How the Administration Proposes to Build Up a Merchant Marine," and it does say a few kind words about the general proposition. The result is a \$10,000 place for Mr. Quick.

Mr. Norris indorses the proposition with a little more emphasis. I have a personal acquaintance with Mr. Norris, and I believe that he will make a good commissioner; but he, too, has received his reward—a \$10,000 place—for an address which he delivered in Philadelphia when the bill which preceded this one, on the same subject, was under consideration.

With the exception of one other individual, who shall be nameless, I do not know any prominent man in this country who has either written an article or delivered an address in favor of this kind of legislation. Of course it will benefit five other individuals, and those will be the five commissioners who will be appointed to the positions provided for in the bill, who will also receive salaries of \$10,000 a year; but I think it has been or can be demonstrated that it will not benefit anyone else.

The character of this legislation to me is extremely obnoxious. It is the kind which the administration seems to be willing to stand for. The President, in his address to Congress on December 8, 1914, used this expression in referring to economical administration:

But my point is that the people of the United States do not wish to curtail the activities of this Government. They wish rather to enlarge them.

In that statement, Mr. President, is found the basis of much of the legislation advocated by this administration and acted on by this Congress. It covers not only this ship legislation but the armor-making proposition, the projectile-making plant, the construction of the Alaska railroad, and numerous other instances where the Government is more or less gradually being involved in active business operations, sometimes not in competition with our own citizens, but too frequently in competition with them. In this particular case we are not only going to put the Government or the Government's money into active competition with that of our own citizens, but we are going to put it in charge and under the control of a board which shall not only administer this fund but shall also have control, and almost complete control, over those activities which are in competition with the Government in this particular operation.

I can not remember any instance of any kind anywhere in which such a course has been taken. I never have been able to understand, Mr. President, why the Government should not follow the course which is followed by individuals and by organizations of individuals in developing its affairs, and especially its business affairs. No business man, no organization of business men, would ever consider undertaking a new proposition on a large scale, especially if it had not been tried by some one else and found to work successfully, or reasonably so. If that had not been done, they would try it out, experiment a little here and there, and finally develop a basis on which a general project could be undertaken. But this Government seems determined to undertake unusual things without any competent authority having given them approval.

Why should we not follow the course of European countries in the construction of armor for our ships, for instance? Why do we not follow their course in the manufacture of projectiles? Why do we not follow their course in the attempt to build up an American merchant marine, applying what they have done to the conditions which we find in this country? That would be the sensible course to follow.

I wish to say that I am and always have been intensely interested in this question, having had some personal seafaring experience and being interested in the kind of life which goes with a merchant marine, and I am in part representing a State which at one time had large investments and a large portion of its people directly interested in the foreign trade. To some extent that is true now; but it is the wish of the people of my State to try to have developed in this country a merchant marine which will not only be sufficient for our carrying trade, or that part of the carrying trade which will conform very largely with what is being done by other first-class maritime nations for themselves, but at the same time will be an auxiliary for the Navy. For all of these reasons I hope to be able to support legislation of this character, and shall do so when there is any prospect of its success, which I can not believe exists in this case. Incidentally, lest I forget it, I want to suggest that that appeal which appears in the title of the bill and in the bill itself, that it is an attempt to construct auxiliaries for our Navy, does not seem to me to be justified.

Something like two and a half years ago I introduced a bill providing for a steamship line through the Panama Canal to the west coast of South America, the vessels to be used for this purpose to be Army or naval auxiliary vessels. I had three purposes, at least, in introducing that proposition. One was that it did not seem to me that the Government should spend nearly \$400,000,000 in the construction of the Canal and not have some means ready as soon as the canal was opened to make a beneficial use of it; and there was no private organization prepared to take advantage of the trade through the canal to the west coast of South America.

Again, I believed then and I believe now that if the Army and Navy had sufficient auxiliaries for all their war purposes, in time of peace many of those vessels would not be usefully or necessarily in use with either the Army or Navy, and they would be laid up or might be employed, and it did seem to me then, and does now, that it would be wise to have them employed in commercial pursuits instead of being tied up at their docks and gradually going to pieces.

Furthermore, I knew, Mr. President, that neither the Army nor the Navy had auxiliaries that were at all efficient; I knew that we were exceedingly limited in our supply, and that there should be some kind of public sentiment developed which would bring about appropriations by Congress for an increase in the number of auxiliaries. It seemed to me that the way to bring about such development was to demonstrate by actually putting such carriers as we had in this service with South America, showing how ill equipped and prepared they were for performing either the service as auxiliaries for the navy or as cargo-carrying ships.

I have suggested that no other country of the world has ever undertaken any such legislation as this. It is sometimes contended that Germany and Japan and England have been interested directly in the merchant marine of those countries. I think this statement is not justified in any respect. Germany, through its ownership of railroads and through its control over industrial affairs, does make rates in such a manner that some particular object like a railroad or a steamship line or a port or a dock even may be directly benefited, but that does not mean that the German Government has any money invested in merchant ships. It never has had, and has not to-day.

As far as I know the only money that the English Government has invested in merchant ships is a loan made to the Cunard Co. for the building of the *Lusitania* and the *Mauretania*. Those ships were constructed very largely with money provided by the English Government, at a low rate of interest, of course with the understanding that they were subject to call in case of necessity.

The same general statement is true of Japan. While the relations between the Government and the merchant service of Japan are exceedingly close, there is not any instance in which the Japanese Government has had a direct investment in merchant ships.

I have suggested that practically every commercial body in the United States which has given any consideration to this subject has reported against it, either unanimously or practically so. Almost everyone is familiar with the action taken by the Chamber of Commerce of the United States. It was one of the most effective referendums on any subject which has been taken in this country, and the returns show that from 90 to 95 per cent of the bodies represented in this Chamber were opposed to this legislation.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. HARDWICK in the chair). Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WEEKS. I yield.

Mr. FLETCHER. I suggest to the Senator that the action of the Chamber of Commerce of the United States was taken with reference to the bill first introduced in the House. There has been no referendum on the bill as it now appears before the Senate. I think the Senator will agree that that body did not pass upon the bill as it is now submitted, and I do not know of any other commercial organization that has passed on it.

Mr. WEEKS. I presume the Senator means that the bill which it acted on is the bill that came over from the House, which has been amended by the Senate Committee on Commerce. If that is the case, I want to say to the Senator that in my judgment the Senate committee bill is infinitely more dangerous in some respects than the House bill. The provision in section 9 putting these ships into the coastwise service is obnoxious to every interest, commercial, industrial, or political as far as this side of the Chamber is concerned. There is not an excuse for that, in my opinion, and even if there had been improvements made in other features of the bill, I am confident the action taken by any commercial body would condemn that particular phase of the Senate committee bill.

Mr. FLETCHER. I will call the attention of the Senator further to the communication of Mr. Fahey, the former president of the Chamber of Commerce of the United States, indorsing this bill and approving its passage.

Mr. WEEKS. That is purely an individual opinion evidently, because the Chamber of Commerce itself and its marine committee made a very strong report against it. I will not take the space in the RECORD to insert the report, because I think it has



been sent to all Senators, and the public is generally familiar with it, but the chairman of that committee in making his report did not mince his words. Let me quote one or two things that he said:

The proposed appropriation, therefore, of \$50,000,000 to be obtained by the sale of Panama Canal bonds will make impossible the securing of hundreds of millions of the people's money which might be devoted to the upbuilding of a merchant marine if a fair chance were given.

We believe that, no matter what may be the sentiments of the reader regarding the points involved, the method of presenting these points will be applauded. There is, for instance, no beating about the bush here.

The people are not afraid of the words "subvention" and "subsidy." The expenditure of a few million dollars a year would have enabled us to meet at least some of the difficulties we have encountered with shipping in the past 18 months. The President, after his tour, during which he heard the voice of the people, wants the greatest navy ever seen.

Says the committee's spokesman; and he adds:

I hope he will make another tour. After he comes back he will realize the people want the greatest merchant marine.

The New York Produce Exchange is another and the only other commercial body which I will quote in this connection. The Produce Exchange in its membership includes a larger percentage of concerns actively engaged in the shipping business than any other organization in the United States. The exchange had a meeting June 5, 1916, at a time when the provisions of the Senate committee bill were pretty well known, and made a report which is acquiesced in by 432 out of 440 members; and the other 8 members assented in general terms, but dissented from one or two provisions of the report. It can not be possible that a more complete condemnation of the bill could be found than this one of the Produce Exchange, coming, as it does, from men who are perfectly competent to pass on this question.

I will ask to put this report of the Produce Exchange in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report referred to is as follows:

NEW YORK PRODUCE EXCHANGE,  
New York, August 2, 1916.

To the Members of the Senate and House of Representatives:

The New York Produce Exchange probably includes in its membership a larger percentage of concerns actively engaged in the shipping and in the export and import business than is found in any other commercial organization of the United States. It is natural then that its members should be very deeply interested in all legislation having for its purpose the building up of the American merchant marine. In order to obtain and give expression to the opinion of the members on this important subject, the board of managers of the exchange, in November last, appointed a committee of seven members "to study matters connected with American shipping and report back to the board a plan the adoption of which would, in its judgment, result in the development of an adequate American merchant marine."

Pursuant to these instructions, and after some months of study and discussion, the following report was prepared by the special committee and submitted to the board of managers on June 5, 1916:

NEW YORK, June 5, 1916.

TO THE BOARD OF MANAGERS OF THE NEW YORK PRODUCE EXCHANGE.

GENTLEMEN: Your special committee on American merchant marine beg to report \* \* \* the following resolutions as their conclusions in the matter. \* \* \*

First. In order to provide for a constructive national policy that shall be consistent and progressive in the upbuilding of the American merchant marine, and to give greater efficiency to the administration of the laws of the United States relating to shipping, a permanent Federal shipping board, to be composed of five members, none of whom shall hold any other Government position, should be appointed by the President, with the approval of the Senate.

The shipping board should have general supervision of the American merchant marine, and should take over the duties now performed by the Steamboat-Inspection Service and the Bureau of Navigation, and should have full charge of the administration and enforcement of the navigation laws of the United States.

The shipping board should have authority to investigate the navigation laws of this and other countries and all conditions affecting American shipping, and should as promptly as possible and from time to time recommend to Congress such changes in the navigation laws of the United States as will place ships of American registry on a competing basis with ships under foreign flags.

Second. We favor a thorough revision of our navigation laws, having as its purpose the repeal of all laws imposing unnecessary restrictions on the construction and operation of American ships in the over-seas trade, and the adoption of such laws as will permit the development of a merchant marine.

Third. Government ownership and operation of vessels, direct or indirect, for commercial purposes, is not consistent with a sound American shipping policy. The restoration of the American merchant marine to the over-seas trade can be best accomplished through private initiative, ownership, and operation. The greatest possible freedom of action should be given private enterprise for the purchase and building of American ships and their operation under the American flag.

Fourth. We believe that the regulation of ocean rates should be left to the natural laws of supply and demand, and that the power of the Federal shipping board in connection with rates should be confined to the investigation and prohibition, with proper penalties, of unfair practices and unjust discriminations.

Fifth. We favor measures that will build up a naval reserve of officers and men, under such regulations as may be prescribed by the Secretary of the Navy and approved by the shipping board, and providing appropriate retainers to such officers and men of American citizenship who serve on American vessels and who shall volunteer for this service.

Sixth. We favor measures to establish direct and regular communication under the American flag with important trade ports in foreign lands, and approve mail subventions if necessary for that purpose.

Respectfully submitted,

E. R. CARIHART,  
Chairman.

W. H. DOUGLAS,  
R. A. CLAYBROOK,  
D. H. E. JONES,  
WELDING RING,  
JOHN P. TRUESDELL,  
JAS. WARD WARNER,  
JOHN ASPEGREN,

Special Committee on American Merchant Marine.

This report having been approved by the board of managers without a dissenting voice, was then submitted to the members of the exchange, with the result that of the 440 members voting, 432 gave their full approval and 8 members dissented from one or more provisions of the report.

The board of managers respectfully submits to the Members of Congress the report of the special committee as containing, in the judgment of this exchange, the principles that should prevail in all legislation having for its purpose the encouragement and building up of the American merchant marine.

Respectfully,

WILLIAM H. KEMP, President.

Mr. WEEKS. Mr. President, this bill proposes to regulate ships which are common carriers, stating that it covers all vessels engaged in foreign trade running on regular routes, and in another paragraph that the term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce on the high seas and the Great Lakes. Presuming that "common carrier" covers the usual acceptance of the term, that it furnishes a means of transportation at reasonable rates to all those who desire to use it for freight or passenger service, it is difficult to understand what the limitation would be as far as water transportation is concerned.

Ships engaged in foreign commerce are, generally speaking, divided into two classes: What are termed "liners," which have a fixed point of departure at both ends of a route and carry passengers and freight over such routes; and "tramps," the movements of which are most irregular, dependent entirely on the business offering and frequently going from one port to another in ballast looking for a cargo.

The ships of the liner class usually have a comparatively fixed schedule of rates, varying, of course, with general conditions, but not changing greatly from time to time. Vessels of the tramp class have no schedule of rates, a rate depending on the volume of freight offering. If freight exceeds in volume at any particular time the amount of shipping in a port, the rate which may be charged greatly exceeds the rates which could be obtained if the tonnage exceeded the demands of that particular port; otherwise, a loss of time and effort would be required for some part of such shipping to get to another port where freight was offered. The classes of freight carried by the two kinds of shipping vary, those of a higher grade requiring a quick passage usually going by liners, where there are ocean lines, and freight of the coarser and lower grade going by tramp steamers.

While these two general classes of vessels exist they are not a fixed quantity, because ships may be transferred without notice from one class to the other, undertaking the service which for the time being is most profitable. Of course, this does not directly apply to a few of the great passenger ships, but we frequently see that vessels are transferred from one locality to another and undertake an entirely different class of service.

It is difficult for me to understand whether or not the "common carrier" treated in the bill applies to both classes. If it applies to the one class which compares to some degree with a common carrier on land, the comparison is not without force; yet, the number of vessels employed in that service, as I have suggested, is a very uncertain quantity. If the term "common carrier" does not apply to the tramp steamer, then the regulation which is proposed in this bill concerning common carriers by water affects but a lesser part of the shipping engaged in foreign transportation.

In what kind of position is the shipping board to be placed if it must treat both classes as common carriers? The one is immobile to a degree, the other has unlimited mobility. But if the term "common carrier" applies to liners only, any action on the part of a board inimical to the earnings of such liner would necessarily and immediately drive it into another class of business not affected by the action of the shipping board.

In this bill common carriers by water are forbidden to pay rebates or to retaliate in any way against shippers, such as by refusing accommodations, and so forth. They are forbidden

to make unfair discriminations against one class of shippers in favor of another. They are forbidden to discriminate in favor of localities, persons, or traffic, or to carry at less than a regular rate by issuing false bills or classifications. Also they are forbidden to make rates prejudicial to American exporters and, moreover, if any agreement or arrangement is undertaken relating to rates, it must be submitted to the board and not changed without the approval of the board.

Mr. FLETCHER. Mr. President—

Mr. WEEKS. I yield to the Senator.

Mr. FLETCHER. Will the Senator permit me to make a suggestion at that point? Perhaps I should have raised the question the other day when the Senator from Minnesota [Mr. NELSON] was discussing the bill and made that part of it a very considerable ground of criticism, because he held that the tramps ought not to be subject to the regulatory features set forth in sections 18 and 19 of the bill. At the time I was under the impression that tramps were not included under the terms "common carriers," but I did not interrupt the Senator from Minnesota, and now that the Senator from Massachusetts refers to it again, I think it well to say that the opinion of, I think, all the committee, certainly my opinion, anyhow, is that the tramps are not included under the provisions of sections 18 and 19; that tramps are not common carriers within the meaning and definition set forth in the bill.

If the Senator will refer to the report of the hearings before the Committee on Merchant Marine and Fisheries, at page 194, he will find a discussion of that proposition, wherein it is contended, and with very sound logic and the citation of authorities, that the legal status of a tramp vessel is not that of a common carrier. When the bill undertakes to define the term "common carrier" by water in foreign commerce it says that it means a common carrier engaged in transportation by water. Therefore a tramp is not a common carrier; that is not its legal status; and it is not affected by the provisions of sections 18 and 19 of the bill. I think that is a sound position. I do not believe tramp vessels would be affected by the provision.

Mr. WEEKS. I do not intend to attempt to pass on what the legal construction of a common carrier by water would be, whether it would include tramps or not. It would be absolutely ineffective, of course, to attempt to put under the control of any board making rates the operations of a tramp steamer, because they change as often almost as the rising and the setting of the sun and depend entirely, as I have suggested, on the volume of trade that may be offered at any particular point at any particular time.

If the tramp is not a common carrier and tramps do not come under the control of this board, then the minute the board attempts to take any action relating to a regular liner included as a common carrier which will militate against the earning power of such a ship, it would undoubtedly immediately change its operations and become one of the tramp class.

Therefore I say that the general course of procedure which is followed in connection with railroads can not be applied with any degree of certainty to ocean traffic. When we get beyond the 3-mile limit we are in competition with the rest of the world.

This is one of the particular criticisms I have of the bill, Mr. President, that we are attempting to do at sea substantially what we have done on shore in the case of transportation companies.

I am one of those who believe that very much that has been done by the Interstate Commerce Commission has been wise and beneficial. I doubt if there are many who would repeal the law providing for that commission. Yet the very fact that we have put such power in the hands of the Interstate Commerce Commission has had the effect of putting our transportation companies in a strait-jacket, because they can not obtain additional rates except after great public pressure, and as the cost of operation is constantly increasing, the result is, as I pointed out two or three days ago, the net returns obtained by our transportation companies are getting less and less, so that even now they have reached a point where capital does not readily go into the development of railroads. Now, we are proposing to take the same course in cases where we are in direct competition with all foreign nations; that is, we are going to attempt to put under similar restrictions our ocean-carrying trade. What these interests need is a free hand. What our individual investors need is a fair opportunity with the rest of the world to do this service, not to be put in a strait-jacket under conditions which do not obtain in any other country and under which, in my judgment, they can not compete with the shipping of any other country.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WEEKS. I do.

Mr. FLETCHER. Allow me to suggest that there I think the Senator is in error. I think he proceeds upon a wrong premise, because I do not find in the bill any such power in this board as can be compared to the power and authority of the Interstate Commerce Commission over railroads. I think that the operation here is limited, as provided in section 18, to preventing any charge or rate "which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors." That is the end of it as far as foreign commerce is concerned. There is no provision authorizing the board to fix freight rates on foreign shipping. The whole power is to prevent unjust discrimination against American shippers in favor of foreign competitors, and that does not involve the fixing of rates at all.

As applied to interstate shipments, to coastwise business, under section 19 the authority is more extended. There the board would have the power to fix the maximum rate, but that does not apply to ships engaged in foreign commerce, it only applies to the coastwise trade, and the maximum rate. There is no provision in the bill against a carrier changing the rate; he may file a schedule with the board, provided he does not increase the rate upon the maximum.

There again a misapprehension apparently has been lodged in the minds of some. Some criticize that provision because they say when the carrier shall file a schedule with the board and it is open to public inspection as to the form and manner of freight and fares, and so forth, they can not change it; but such a provision is not there at all. It says that "no carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges." He can charge less; he can change his rates from day to day and from hour to hour, provided he does not charge more than the rate that has been fixed as the maximum rate; and that only applies to coastwise business, not to foreign business. It simply undertakes to say that the rate shall not be unjustly discriminating between shippers or ports or unjustly prejudicial to exporters of the United States as compared with their foreign competitors. No power is given at all to fix rates and require the filing of schedules, and so forth.

Mr. HARDING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. WEEKS. I yield to the Senator.

Mr. HARDING. While the Senator from Florida is on his feet I should like to have him explain the provisions of section 20.

Mr. FLETCHER. That refers likewise to carriers of interstate commerce. It has nothing to do with carriers of foreign commerce. That simply refers to interstate commerce, and I do not see that it applies at all to the objection raised by the Senator from Massachusetts that this board is given much power with reference to our foreign carriers.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from California?

Mr. WEEKS. I do.

Mr. WORKS. If I rightly understand this discussion, the right of regulation in the bill is confined to common carriers.

Mr. WEEKS. That is a matter that has not been settled. My own judgment would be that it is confined to common carriers.

Mr. WORKS. Then I understand the Senator from Florida to contend that it does not refer to tramp steamers, that they are entirely out of the regulations provided for in the bill.

Mr. WEEKS. That is the contention that I recently made.

Mr. WORKS. What is the contention of the Senator from Massachusetts respecting that feature of it? It seems to me, after reading the bill with as much care as a layman can give to it, that tramp steamers do not come properly under the head of common carriers, and therefore could not be within the provision of the act. The Senator is familiar with the subject and I am not. Can the Senator inform me to what extent tramp steamers participate in the coastwise trade?

Mr. WEEKS. Unless they comply with all the requirements of American registry, of course, they can not engage in the coastwise trade at all. A very large percentage of the carrying trade along our coast is done by vessels that come within the definition of tramp steamers—that is to say, the regular lines are not considerable in tonnage compared with all vessels engaged in this service. I have not before me the exact figures.

Mr. GALLINGER. The regular lines, if the Senator will permit me, are now one-seventh of the entire coastwise tonnage.

Mr. WEEKS. That is my recollection.

Mr. WORKS. Assuming that they have complied with the registry law, the question in my mind is whether they would be subject to the provisions of the bill we are now considering.



Mr. WEEKS. I have strong doubt about that. There are about 30 such lines operating along our coast that would come under the provisions of the bill.

Mr. GALLINGER. When I said one-seventh I meant in tonnage, but there is much less than that in the number of ships.

Mr. WEEKS. When I say that this board will put the shipping interests in a strait-jacket I do not mean that the powers of the board would be equivalent to those of the Interstate Commerce Commission, but I want to point out by reading section 18 of the bill what I do mean, that the investor who is thinking of putting his money into this somewhat hazardous undertaking is likely to hesitate when he sees how the operation may result owing to the possible interference of the shipping board acting under the provisions of section 18. And, mind you, ships in this class are going to be in competition with the ships of the world and a free hand is given the ships of every other nation.

Sec. 18. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors.

Well, if we had an all-wise board to pass on such questions, that provision might not do any harm, but I can say to Senators that I know men hesitate about making investments under such conditions, for the foolish action of the board may bring such results as to render their investments unprofitable. I now continue to read from section 18:

Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust discrimination or prejudice—

In other words, the board may change the rate charged by ships engaged in the foreign trade—

and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

Every such carrier and every other person subject to this act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

If that does not put powers in the hands of the board which may embarrass, and seriously embarrass, the operations of our shipping, in competition with foreign vessels, I can not understand the English language. It may not do so, but, in my judgment, it will embarrass such operations. In this bill, under this form of legislation, what we are trying to do is to build up an American merchant marine, a result which we have not been able to accomplish up to the present time; but in this attempt to build it up we are putting restrictions around it which are more severe than are placed around the shipping of any other country in the world.

Mr. WORKS. Now, may I ask the Senator whether, in his judgment, the provisions of that particular section of this bill apply to tramp ships?

Mr. WEEKS. I do not think so.

Mr. WORKS. To what extent, if the Senator knows, is the foreign business being carried on by tramp steamships?

Mr. WEEKS. It is difficult to state; but the tonnage of foreign ships employed as tramps is very much more than one-half the total. I think something like three-fifths of the tonnage engaged in the foreign trade of the world is of the tramp class, and, of course, that includes substantially all of the cargo carriers.

Mr. WORKS. Does the Senator think that the power to regulate the regular steamers, as we may call them, the common carriers, is going to be detrimental to them as compared with the tramp ships that are not controlled or regulated?

Mr. WEEKS. Oh, undoubtedly.

Mr. WORKS. Then we shall have a part, and what may be called the legitimate part, of the steamship service under control and limitations that may be hurtful to that trade as compared with the tramp-steamer business?

Mr. WEEKS. Undoubtedly. That is exactly what I have been trying to point out.

Mr. WORKS. The Senator from Massachusetts may have done so when I was not here; but it struck me as being an interesting feature of the investigation.

Mr. WEEKS. I do not believe it would be possible for a commission like the one proposed in this bill—a shipping board—to make rates for tramp steamers.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. WEEKS. I do.

Mr. CUMMINS. I have asked more than once with regard to section 18, whether or not it applies to foreign ships? The Senator from Florida [Mr. FLETCHER] said yesterday, I think, that it did. I should like to put to the Senator from Massachusetts this inquiry: Discriminatory rates are forbidden. Suppose that we have an exporter shipping goods to Hongkong; Great Britain has an exporter shipping goods to Hongkong; and the rate from Liverpool to Hongkong discriminates against the shipper who is compelled to ship from New York to Hongkong. Some instance of that kind is the only one of which I think now that section 18 would apply to. Does the Senator from Massachusetts think that we could prescribe the rate from Liverpool to Hongkong, either by raising it or lowering it, so that the New York exporter could enjoy a rate that was comparatively just? I confess that I do not understand how those who are advocating this bill intend to apply its provisions to foreign ships.

Mr. WEEKS. Mr. President, I do not think they intend to apply it. I think they intend to pass this bill to save their own faces, and then they expect a Republican administration, which will repeal the law before it takes effect. I do not think they care very much about the questions which we are now considering.

Mr. CUMMINS. The effect of that construction, if that be the proper construction, would be that our ships, under the necessity of competing with foreign ships, would be subject to this law; the foreign ship would be free from any regulation; and our ships, not being able to meet the competition, would have to go out of business.

Mr. WEEKS. That is it exactly, Mr. President, if we have any ships on the ocean, we can regulate them off the ocean by putting restrictions around their operations, but we can not in any way control the foreign ship, except when it is within our 3-mile limit. We have not been able to compete successfully against foreign shipping in recent years for various reasons which I am not going to now discuss. If we have not been able to compete when our ships had all the latitude that was possible, how are we going to be able to do so when they are restricted to some degree, as they must be under this bill, and foreign ships escape all such restrictions?

Mr. FLETCHER. Mr. President, did I understand the Senator from Iowa to refer to section 18?

Mr. CUMMINS. I was referring to section 18.

Mr. FLETCHER. I ask the Senator from Massachusetts if he doubts the power of Congress to enact legislation of this kind and to enforce it? Do I understand the Senator to question whether Congress has the power to enact this kind of legislation and to enforce it?

Mr. WEEKS. I do not think, Mr. President, that the Senator from Iowa made any suggestion about Congress not having the power to enact such legislation. I did not so understand him.

Mr. CUMMINS. I have no doubt about our power to enact such legislation so far as our own ships are concerned, but I am waiting to hear some discussion of the way in which we can apply the regulation of section 18 to foreign ships.

Mr. FLETCHER. In that connection—and I shall not interrupt the Senator to enlarge on that now—I will call the attention of the Senator to page 128 of the hearings before the Committee on Merchant Marine and Fisheries of the other House to the statement of Mr. J. Parker Kirlin, who is a lawyer in New York engaged extensively in the practice of admiralty and maritime law there, and a member of the subcommittee of the chamber of commerce. He came down here and appeared before the committee of the other House. I ask the Senator to look at Mr. Kirlin's statement upon that subject.

I may say now that I believe I am absolutely within the facts when I report what has been said to me, that section 18 is in accordance with the suggestions of Mr. Kirlin before the House committee. If it is not precisely so, it is so in substance.

Mr. CUMMINS. Mr. President, if the Senator from Massachusetts will permit me, I wish to make this suggestion: I have not read the testimony or statement of Mr. Kirlin, but somebody in the Senate ought to be able to explain the application of this section. Apparently it is intended to protect our exporters against discriminatory rates which may be given by some steamship company to the exporters of foreign countries. They would need no protection unless they were endeavoring to reach the same markets substantially. If anyone can show me how the United States can control a rate from some foreign port to a foreign market in order that our exporters may be able to reach that market upon comparatively even terms, I could see some good in the section; but I have been utterly unable to discover how it could be applied in any way, except to embarrass and to restrict our own ships.

Mr. WEEKS. That is exactly the conclusion to which I have come.

Now, Mr. President, I wish to say something about the shipping board.

Mr. NORRIS. Will the Senator, before he leaves that point, allow me to make an inquiry for information? Regardless of what the regulations might be and what are necessary to be considered, this idea struck me in listening to the colloquy between the Senators: In the first place, the suggestion made by the Senator from Iowa [Mr. CUMMINS] is, in my judgment, unanswerable; that is, we can not legislate to regulate traffic between one foreign port and another foreign port; that is certainly beyond our jurisdiction; but, notwithstanding that, would not section 18 still apply to transportation either by an American vessel or by a foreign vessel from a foreign port to an American port or from an American port to a foreign port; and if such regulation is desirable, ought we not to protect such shippers the same as we protect railroad shippers against any extortionate rate or rule or practice?

Mr. CUMMINS. Mr. President, I agree we ought to do it if we can; but we are trying to protect the exporters of the United States in this section of the bill, because the section specifically limits its operations to those rates or charges or practices which are unjustly prejudicial to exporters of the United States. When we export a thing we export it to some foreign port; and, if our shippers are discriminated against, it must be because some other shippers can reach that foreign port at a rate which is comparatively low; that is, our exporters are charged more for reaching that port than are their competitors in some foreign country. In order to carry out the provisions of the section we have got to control the rates from the foreign country in which the goods may be manufactured to the foreign market in which they are sold. I quite agree with the Senator from Nebraska that our export business should be as carefully protected as our domestic business, but I have not been able to discover how this section will do it.

Mr. FLETCHER. Mr. President, I will say to the Senator that section 18 applies to all ships coming in or going out of United States ports, whether American vessels or foreign vessels. Of course, the section does not attempt to regulate vessels trading between Liverpool and a foreign port. We can not do that; but it only refers to ships passing in and out of our own ports.

Mr. NORRIS. Mr. President, will the Senator from Massachusetts permit me to ask the Senator from Florida a question?

Mr. WEEKS. Yes.

Mr. NORRIS. I agree with the Senator that we can not regulate the rates, the rules, or other matters in connection with ships passing from one foreign port to another foreign port, but yet it seems to me that there is some foundation for the criticism of the Senator from Iowa in regard to section 18, because does it not attempt to do that very thing? Section 18 provides:

That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors.

I should like the Senator from Florida, or some other Senator, to explain what that language means. It says the rates shall not be so discriminatory that they will injure our foreign commerce; or, in the language of the bill, rates shall not be "unjustly prejudicial to exporters of the United States as compared with their foreign competitors." American exporters are men who ship out of the country, and their foreign competitors are men who ship out of a foreign country to the same market to which American exporters ship. How can we regulate the rates of our foreign competitors in that case?

Mr. FLETCHER. Of course, we can not regulate rates so far as our foreign competitors are concerned, but we can go so far as to say that they can not discriminate against our exporters by affording unjust advantages to the foreign competitor. That goes really to the question of conference agreements and arrangements whereby the ships are operated for the benefit of certain interests in other countries that are directly prejudicial to the interests of shippers in this country. We can not, of course, regulate the rates from a foreign country to another foreign port, but we can provide that ships shall not discriminate against our exporters by way of entering into arrangements and agreements which afford rebates, and what not, favoring the foreign competitor.

Mr. NORRIS. That is true; but the Senator from Florida does not answer the question which I propounded. I concede that we can and that we ought to regulate foreign commerce just so far as we can do so; but the Senator from Florida agrees with me that we can not regulate foreign commerce between one foreign port and another foreign port. Vessels must

come into our ports before they are subject to our jurisdiction. In the case I put and in the question I asked, I took the case of an exporter from the United States. Let us take a particular port. Suppose there is an exporter at San Francisco sending his goods to Hongkong, China, and there is a firm in Liverpool exporting from Liverpool to Hongkong, China. This section says:

Or unjustly prejudicial to the exporters of the United States as compared with their foreign competitors.

There is a case where the provision will apply, it seems to me, if I understand the language. How, then, could we protect the exporter at San Francisco from any injustice of any kind, either because of a rate or a rule or a rebate or a regulation of any kind existing in favor of the exporter from Liverpool to Hongkong?

Mr. WEEKS. Mr. President, this whole question—

Mr. GALLINGER. Will the Senator from Massachusetts permit me to make an announcement?

Mr. WEEKS. Yes.

Mr. GALLINGER. Mr. President, on yesterday I gave notice that I would continue the discussion of this bill to-day. I understand that an early adjournment has been arranged, and I now give notice that on Monday morning—

Mr. NORRIS. Mr. President, may I ask the Senator at that point why is an early adjournment necessary to-day?

Mr. GALLINGER. I can not answer the question, but I have been informed that there is to be an early adjournment.

Mr. NORRIS. Perhaps the Senator from Florida can tell us why it is necessary to adjourn at 2 o'clock. Is that because there is to be a Democratic caucus at that hour?

Mr. GALLINGER. Mr. President, I will complete my notice. In view of what I understand to be the purpose of the majority to have an early adjournment, I will conclude what I have to say on this bill on Monday morning.

Mr. WEEKS. I can tell the Senator from Nebraska the reason we are adjourning at 2 o'clock. We are adjourning to enable the majority to hold a caucus. At that caucus they are going to consider the proposed finance bill, and in the secret caucus to be held they are going to bind every Democratic Senator to vote for the bill which they are to report so that we can not change it in any way or shape when it comes before the Senate. That is the purpose of adjourning at 2 o'clock this afternoon.

Mr. NORRIS. Does the Senator from Massachusetts mean that the official body, the Senate, must adjourn in order that the unofficial body, the caucus, can get in its work?

Mr. WEEKS. That is exactly what the Senator from Massachusetts means, when that caucus completes its work every Democratic Senator's hands will be tied, and, so far as the ultimate result is concerned, the finance bill will have passed the Senate.

Mr. FLETCHER. Mr. President, I can not quite admit that what the Senator from Massachusetts says is entirely accurate. It may or may not be that there will be held a caucus. I presume that is likely to follow, but whether everybody is going to be bound by what is done there and everybody's hands will be tied in the manner the Senator from Massachusetts suggests is quite another proposition. He may know more about that than I do; but I imagine it is entirely agreeable to the other side to adjourn at 2 o'clock. We have been adjourning on Saturdays somewhat before the usual hour. If the other side desires to vote on this bill in the meantime, we on this side are perfectly willing to do so, and will be very glad to do so. We will continue the discussion, anyhow, until 2 o'clock, and perhaps we can get a vote on the bill; or, if Senators on the other side will agree to fix a time when they will agree to vote on the bill, I am willing to do that. If the other side is willing to fix a time on Monday to vote on this bill, I will be glad to have that done.

Mr. GALLINGER. Mr. President, with the permission of the Senator from Massachusetts, I will say to the Senator from Florida that we will not be prepared to vote on the bill, nor will we be prepared to make an agreement to vote on it, on Monday. There are to my knowledge four or five Senators who want to speak on Monday; but, I think, on Monday we can easily get an arrangement to vote probably on Tuesday.

Mr. FLETCHER. I am very glad to hear the Senator give that assurance.

Mr. CUMMINS. Mr. President, is the suggestion just made by the Senator from Florida upon the hypothesis that this bill is not going to be changed in any way? I have some amendments which I intend to propose to the bill, and I had hoped I could propose them to open minds. I think it would take an hour or two to place those amendments before the Senate.



Mr. FLETCHER. I have not suggested that no amendment would be considered or that the bill could not be changed at all. What I mean by voting on the bill is to vote on it in the regular way.

Mr. CUMMINS. I thought the suggestion of the Senator from Florida that we might before 2 o'clock or by 2 o'clock vote on the bill must be based upon the idea that there was to be no change in the bill. I am very sure that I can point out some modifications that will appeal to every mind that is not foreclosed by some prior arrangement or decree.

Mr. WEEKS. Of course, Mr. President, the Senator from Iowa knows that the mind of every Democratic Senator is foreclosed on this subject and that the bill is going to be passed as it is now pending before the Senate.

Mr. FLETCHER. I do not know of any conclusion to that effect; in fact, I have one or two amendments which I intend to offer myself. They will not interfere materially with the substance of the bill, but I think they will improve it a little.

Mr. CUMMINS. I should like to ask the Senator from Florida whether the amendments which will be proposed by him have been submitted to the Democratic caucus?

Mr. FLETCHER. They have not.

Mr. SMITH of Georgia. This bill has never been submitted, Mr. President, to any Democratic caucus. If so, I never heard of it.

Mr. CUMMINS. Then the newspapers gave a very false and misleading account of the proceedings of the caucus, because it has been published that certain members of the majority who were opposed to the bill a year ago had, after conference with their fellow members, found in this bill a measure which they could support.

Mr. FLETCHER. I think that is true. It was announced this morning by the Senator from Alabama [Mr. BANKHEAD] in his address that they would support this bill, and, so far as I know, he stated it as fully as anybody could.

Mr. SHAFROTH. Mr. President, I will say to the Senator from Iowa that there has been no caucus on this bill by Democratic Senators; that every Senator is entitled to present any amendment he desires and to have it acted upon, and I have no doubt, if it is a good amendment, it will be adopted.

Mr. CUMMINS. I am delighted to hear that, because I have some meritorious amendments, and, if my friends upon the other side will listen to them when they are proposed and will feel perfectly free to act, I know they will be adopted.

Mr. FLETCHER. Mr. President, getting back to the inquiry of the Senator from Nebraska [Mr. NORRIS] with reference to this bill, of course I can not presume to interrupt the remarks of the Senator from Massachusetts by entering upon a full discussion of the question; but I suggest this is a matter to be thought of by the Senator from Nebraska. To state it very briefly, what is meant by section 18, as I understand, is this: Suppose, for instance, a ship sailing from Liverpool to Buenos Aires, in order to benefit an English merchant, puts down its rates so that it can undersell American merchants. In such a case the shipping board would have something to say as to the rates on ships sailing from New York to Buenos Aires in order to prevent that sort of discrimination. That can be elaborated, and will be later; but I can not interrupt, of course, the Senator from Massachusetts further than to make the suggestion.

Mr. WEEKS. Mr. President, the discussion has gone somewhat afield from the line which I was taking; but I want to say that I do not subscribe personally to the general principle of regulation of foreign shipping which this bill proposes. Some Senators have said that the principle accords with their ideas; but in my judgment, in the case of foreign shipping, we have got to follow the methods of other nations or we are not going to get satisfactory results.

Competition is as free as the ocean in the foreign carrying trade of all nations, and competition has been sufficient in the past, except under unusual conditions, to meet the demands of the shipping public, and meet those demands on a basis which did not bring large or certainly extravagant returns to the capital invested in the shipping.

For example, to show how variable the returns on capital invested in this way may be, I read from the London Fair Play under date of July 1, 1915:

The rates paid are the average rates paid to British shipping engaged in a regular service—

That is, line service—

for a period from 1904 to 1914.

In 1904 the net return was 1.7 per cent; in 1905, 2.52 per cent; in 1906, 0.68 per cent; in 1907, 0.29 per cent; in 1908, 1.53 per cent.

It will be noted that in those five years the average rate obtained by British line service was not more than 1½ per cent on the money invested. Now, of course money never would go

into shipping or anything else unless there were a possibility of a larger return under some conditions that might develop. Are we going to regulate our shipping so that when that possibility does develop we are going to say that the rate is unfair and should not be charged? If we are, then there is an end of our merchant marine engaged in the foreign trade. We might just as well recognize that now as later.

I continue to read the returns to British shipping:

In 1909, 3.87 per cent; in 1910, 3.78 per cent; in 1911, 0.66 per cent.

Now we come to a period when shipping became very profitable:

In 1912, 11.11 per cent; in 1913, 33.27 per cent; in 1914, 18.79 per cent.

In other words, for that 11-year period the average return was not very far from 6 per cent, and may have justified the investment of capital in that kind of service. But if our shipping board were to say, during the years 1912, 1913, and 1914, that a return on the capital of 33 or 18 or 11 per cent is unwarranted, and should be reduced, the possibility of making up for the lean years by the large profits made in the years like those which I have last instanced would cease. In other words, if we are going to restrict the shipping to a limited rate which it may charge in years when business is good, we will not have any shipping at all, because the probable average net result would not be a fair return on the capital required.

Let us go back over the course of shipping for the last 100 years in periods of unusual conditions. During the period before the peace of 1815 we had an embargo which continued seven years, during which time our manufacturing development was very considerable in the United States; but our shipping was tied up, the docks rotting. At the end of that period, or in 1815, we had an entire reversal of these conditions. Our people needed the kind of goods which were produced abroad which they had been unable to get for so many years, many of which were not produced in this country. The result was that the available shipping made enormous profits for practically a year. At the same time many goods came in which were in competition with our own manufacturing which had been developed during the embargo period and practically shut down the mills of this country; this caused the tariff of 1816.

Similar conditions have developed at other times. In 1900, for example, when the Boer War was being fought, when it was necessary to transport a million or more men from England, and all the supplies and other things that are necessary in carrying on the operations of an army of that size, there was a great dearth of shipping. The result was that the rates charged by ships engaged in that kind of trade doubled and in some cases trebled. But as soon as the war was over those rates took a tumble, going down to rates which could not have been profitable. The truth of the matter is that for the period after the Boer War, say from 1902 to 1912, there was a great quantity of idle shipping the world over, and the results were unprofitable in the case of all nations.

We are going to have to meet exactly the same result when this war is over, Mr. President. The amount of shipping available in the world has not decreased very materially. Perhaps there has been a million tons destroyed since the beginning of this war; not more than that. There has been something like 6,000,000 tons of German and Austrian shipping tied up, and Russian shipping to some degree has been tied up. At the largest estimate not more than 9,000,000 tons out of, say, 48,000,000 tons of shipping has been destroyed or tied up or diverted during this war; but that has been sufficient with the increased trade which the war has developed, especially with the United States, to boom rates beyond any figure which we have heretofore known. But we are building, and every country in the world is building, more than ever before. We have more than a million tons of shipping contracted for or on the stocks in this country to-day; and for the first time within the memory of any Senator in this body we are able to build ships in this country cheaper than they can be built abroad, largely because of the pressure on the other side for vessels to be used for war purposes. Now, if we are building more rapidly and other countries are building as rapidly as possible, if there has been only a million tons of shipping destroyed, which will be replaced and more before the war is over, if there is a slackening in trade, which everyone who has followed trade conditions believes will be the result at the end of the war, the shipping of the world which will then exist will be sufficient, and probably will be more than sufficient, for the needs, and therefore it will become unprofitable again.

So we may rest with absolute assurance on this statement—that if we build ships under these conditions they will cost

us substantially twice as much as they would if they were built under normal conditions. If we buy them, we will buy them on the same basis. We will pay substantially twice the price that those ships should command under normal conditions. Therefore we are going to make a very great loss on the capital investment in this shipping if we go into it; and if we keep the ships and do not sell them, undoubtedly we will be operating them after this war is over at a loss, as they will be in competition with all the shipping of the world. So from any standpoint it is not a promising prospect to engage in this business from the purely financial point of view.

I want to add a word about the shipping board. I am in favor of a shipping board, limited to certain definite purposes. I think it is one of the boards which we have really needed. We are doing very many things through other agencies which the shipping board might do better.

The head of the British Board of Trade is a cabinet officer, and it has to do with all of the great industrial affairs of the Empire. One of its branches represents the merchant marine of Great Britain; it is noticeable that this bureau has no power over the merchant marine which is of a restrictive character, especially in the case of rates, but devotes its activities to those policies which will develop the efficiency and the profits obtained by the merchant marine. We should have a board of that general character. We have now a Bureau of Navigation, we have a Steamboat-Inspection Service, we have certain functions connected with the Treasury Department that would come within the province of this board, as well as the Bureau of Foreign and Domestic Commerce of the State Department, the Immigration Service, or some features of it, and some of the work connected with the Department of Justice. All of those activities might properly, at least to some degree, be put under the control of a board of this character.

Furthermore, if the board will study the questions involved in shipping, and will submit to Congress its recommendations as to what should be done about our navigation laws, if it will devote the expert knowledge which its members should have to a study of the real fundamental reasons, if they exist, on which a law of this kind, or any other kind, should be based, then such a board will have ample opportunity to perform good service, avoiding the kind of duty which some of the features of this bill provide, which I think will be inimical to the best interests of our merchant service.

As to the shipping board, the bill develops unusual condition. We put \$50,000,000 into the hands of this board of five men, unknown to any Senator now, I assume, with powers to buy, sell, lease, charter, and many other things. It is really a trading brokerage and managerial board, all in one, under the provisions of this bill.

It has, to be sure, with the formal approval of the President, the right to buy ships, the right to sell ships, the right to lease ships, the right to charter ships. It has greater powers than any board connected with our Government or any board connected with any government in the world that I know anything about. More than that, Mr. President: It may not only spend \$50,000,000, which the Government will furnish—because I can not imagine any private individual who will be eccentric enough or unwise enough to put any money into this operation as a minority stockholder—it will not only furnish that \$50,000,000, but, under this bill—and I hope the Senator from Florida will listen to this—as I read it, the board is not limited in the obligations which it may incur. In other words, it could buy \$100,000,000 in value of ships, or \$200,000,000, and give the obligation of the board for their purchase. I do not see anything in the bill which would prevent incurring an indebtedness of that kind.

If that is the case, Mr. President, there being no minority stockholders, the Government might not only be involved for this \$50,000,000, but for a tremendous amount in addition thereto. I am going to discuss later with some comprehensiveness the question of the coastwise trade and the undesirability, I believe, of allowing these ships to go into the coastwise trade; but I want to make this comment at this point: If my general conclusion about the powers conferred by this bill is correct, not only may this board spend \$50,000,000, every dollar of which may go into ships which may be used in the coastwise trade, but it might buy \$50,000,000 worth of ships, sell them to people who might use them in the coastwise trade, go abroad and buy ships to the extent of \$50,000,000 more, and continue that process until the American shipyard would be a thing of the past. We could not build ships in this country under that condition. Under the best conditions it will militate so greatly against American shipyards, and the tens of thousands of men employed in them, that we will hear from both without any question as soon as this bill is put into effect. But unless there

is a limitation on the power of selling, the \$50,000,000 which may be invested in ships, enabling the board to sell as it pleases, to buy more and sell at once might mean that we would have one or even two hundred million dollars invested in ships of foreign construction engaged in our coastwise trade.

I do not say that the board will take that action. I do not know whether they will do it or not; but under the terms of this law it seems to me that it may do so, and such a possibility is one which I do not think the Senate ought to consider favorably for a moment.

Mr. FLETCHER. Mr. President, I take it the Senator has observed the provisions of section 14:

That for the purpose of carrying out the provisions of sections 5 and 11, no liability shall be incurred exceeding a total of \$50,000,000.

That is the provision with reference to the total liability which the board shall incur.

Mr. WEEKS. I take that, Mr. President, to mean liability as far as stock is concerned.

Mr. FLETCHER. Oh, no.

Mr. WEEKS. I will read that again, with pleasure; but that was my conclusion after reading it.

Mr. FLETCHER. I think not. It specifies that "for the purpose of carrying out the provisions of sections 5 and 11," the Senator will observe, the liability is limited to \$50,000,000; and section 5 is the section which authorizes the construction and purchase of ships.

Mr. WEEKS. In any case that would not prevent the board taking the action which I have just described. It is proposed, Mr. President, to form a corporation under the laws of the District of Columbia to operate these vessels. The board must hold at least 51 per cent of the stock. The directors are to be dummies. So are the officials of the company to be dummies. The board is going to manage the affairs of this corporation. On the dissolution of the corporation, which must come in five years, the ships are going to revert to the board, and the board is the Government. So that we have in a way the Government, the board, and the corporation, which are really the same thing. You might just as well appoint a general manager for the corporation, directly representing the Government, as to go through these steps of forming a corporation which is to have no effect whatever, unless it has some unwary citizen to put his money into the stock and the officers of which are to be dominated by the members of the board.

What an outcry there would be, Mr. President, if we were going to turn over to the Interstate Commerce Commission a billion dollars, authorizing that commission to use the money to buy railroads, to sell railroads, to lease railroads, or to do all of the other things that may be connected with the operation of railroads.

It would be just as logical and a great deal more sensible, in my judgment, to do that, because the railroads are within our territory; they are under our control, while the shipping provided under this bill is going to be away from our control very much of the time.

No one would think for a moment of appropriating a billion dollars and putting it into the hands of an unknown board to buy and sell railroads. If that is the case, why should we undertake this very unusual procedure of spending \$50,000,000, at least, putting it into the hands of five men about whom we know nothing, and telling them to go on and operate as they please without our imposing any restriction on their activities? I want to call attention to the fact, too, that money does not have to be appropriated from year to year for the purposes of this board; but when the money is once appropriated and invested in ships, Congress absolutely loses control over it. When a ship is sold, the money goes into the Treasury to the credit of the board, and the board may spend it for the purposes provided under the law at any time it sees fit. In other words, this is a general trading proposition, without the possibility of any restriction whatever on the part of Congress after the first step has been taken.

Under the provisions of this law the American citizen may buy a ship abroad, but when he wants to sell that ship he can not sell it abroad without the permission of the board. The board may be broad minded; it may be all wise in handling such questions, and its judgment about the price at which the ship should be sold may be quite to the interest of the owner. But, on the other hand, the board may be narrow-minded; it may be prejudiced, and having permitted our citizen to buy the ship abroad and put it into operation where it may have been in competition with the operations of the board, which operations have made it unprofitable, it may say: "You can not sell that ship abroad, where you purchased it, without our permission."

All of these steps, while they may seem minor in themselves, are going to have an influence on the investment of capital in operations of this kind. Capital is timid at best; but it certainly



is not going into an operation like shipping unless there is an assurance that there is going to be a suitable return on the investment. And I think we are providing every assurance which may produce a doubt in the minds of capital and probably prevent doing just exactly what the framers of this bill hope will be done.

Let us suppose that the board has purchased ships to the value of \$50,000,000 and put them into operation. It is a part of the general proposition that this is going to benefit somebody. Benefit whom? Benefit the shippers? How is it going to benefit the shippers? If it is going to benefit them, it must be by reducing rates—reducing rates in competition with our own citizens who are operating ships which year in and year out do not give them more than an adequate return.

It should be understood by everyone who favors this legislation that the competition which is proposed here is going to be very largely against our own citizens, and a kind of competition against which they will have no redress. In other words, I think it will drive private capital away from the shipping business instead of encouraging private capital to go into the shipping business.

There is one thing in the bill which I want to commend, because I think it has a distinct advantage over the original proposition. This bill in its present form, as I understand, provides that the five members of the board shall in no case be connected with the administration. That was a distinct error in the bill which was considered a year ago last winter. In the first place, the administration officers, if they are attending to their duties, have sufficient work laid out for them to employ all their time to the advantage of the Government; and in cases where members of the Cabinet or others connected with the administration are members of a board at the same time it is the history of such operations that they do not give any detailed attention to the work of the board. This has to be done by some one else. Then, necessarily, the members of the administration are parts of a political organization, and it is impossible when a Secretary of the Treasury or a Secretary of Commerce or any other member of a Cabinet is a member of a board that that fact shall not have some influence on the activities of the board. Such boards like the shipping board, if they are going to be of any value at all, must be entirely removed from the immediate political influence which happens to be in control of the Government.

My judgment is that one of the weakest phases of the Federal-reserve law is the provision inserted in the bill by the insistence of the administration that the Secretary of the Treasury and the Comptroller of the Currency should be members of the Federal Reserve Board. It has been the history of that board that they have been a disturbing element in it; that they have not given any detailed attention to the work of the board; and, very largely, it has been the orders issued by the comptroller that have prevented State banks from coming into the Federal Reserve System. I have no doubt this well-known condition was given consideration by the committee in framing this bill, and it came to a wise conclusion. I distinctly approve of having this board entirely removed from any administration influence.

The board has power to have constructed ships in American shipyards, navy yards, and elsewhere, giving preference to American shipyards, other things being equal. What other things being equal? The cost of construction, evidently. There never has been an instance in the history of our Government until within a year's time when we could construct ships in this country as cheaply as they could be constructed in foreign yards, and that will be the condition again as soon as this war is over. Paying the wages which we do in this country and paying the prices for materials which we do, we can not permanently compete with foreign shipyards in the construction of ships. The result will be that we will not construct any ships in our shipyards after this war is over. Neither will we construct ships in our shipyards before the war is over, because they have all the orders they can handle for the next two years. So we may be sure that this \$50,000,000, instead of being spent in American shipyards, is going to be spent in foreign shipyards, or we are going to buy foreign ships which were built in foreign shipyards. In other words, the American shipbuilder is going to get no benefit whatever, it seems to me, from the provisions of this bill.

Mr. SHAFROTH. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. WEEKS. I do, with pleasure.

Mr. SHAFROTH. Is it not a fact that we can manufacture steel at a lower price than in any other country in the world?

Mr. WEEKS. Some types of steel products undoubtedly we can.

Mr. SHAFROTH. Can we not manufacture the steel at a low price that enters into ships? Most ships are now steel ships. Will not that give us an advantage in constructing ships in the future?

Mr. WEEKS. I do not think the Senator is correct in saying that we can manufacture or produce the average quality of steel that goes into ships cheaper than it can be done abroad in normal times.

Mr. SHAFROTH. I have so understood. I may be mistaken, however.

Mr. WEEKS. By doing work on a large scale we have developed some lines of business in steel products, like bridge building, in which we have been competing successfully with Europe.

Mr. SHAFROTH. Are we not and have we not for a number of years been exporting large quantities of steel that goes in the construction of ships and bridges and other things?

Mr. WEEKS. I do not want to admit anything on that line without looking up the conditions under which the exports were made, and what the condition of the market was abroad, and other similar matters which may have a bearing on whether we could do so or not. Of course, we are shipping more and more products, due to the fact that we manufacture on a larger scale than we used to do; due also to the fact that we have perfected machinery to a degree which has enabled us to compete with foreign countries. For example, we have developed all the machinery used in making shoes in the United States, and much of this class of machinery is now used in making shoes in Europe. In other words, our shoemaking machinery has excelled any that has been developed elsewhere in the world; so that we do compete with other countries in shoemaking. That is the only reason why we have been able to export shoes which we do, to the extent of seven or eight million dollars a year. It is because our machinery has been so much better than the machinery which was produced abroad that we could make the shoes and ship them abroad in competition with their own products. But now our shoe machinery is going into those countries, replacing foreign machinery; and whatever other conditions may be, we are almost sure to lose the exportation of shoes which we have enjoyed for the last 10 or 15 years.

Under the provisions of the bill which we considered a year ago last winter, a vigorous effort was made by opposition Senators to prevent the purchase of ships belonging to belligerents. Those who were in control of the bill—the majority of the Senate—at that time refused to consider an amendment which would prevent the purchase of a belligerent ship. I believed then, and I believe now, that the original purpose of that legislation was to buy the interned ships in this country, the German ships very largely, and that the legislation would never have been considered if it had not been for that purpose. That is my personal belief. It did seem to me extremely unwise that we should buy belligerent ships under the conditions which then prevailed, and I greatly regretted that those in charge of the bill at that time were not willing to consider an amendment which would prevent the possibility of our buying a quarrel. Now they have exactly reversed their position at that time, and we find that the principle of not buying belligerent ships is considered sufficiently sound, so that they refuse to permit the selling of our ships when we are engaged in a war. I commend that change at least.

The shipping board, which I have discussed somewhat, has a dual function, and it is to that particular point I want to bring the attention of those who are listening to me.

First, it regulates the American merchant marine and its operations.

Secondly, it manages a part of it which may be directly in competition with the privately owned portion.

In other words, the duties of the board must necessarily be conflicting in this respect. Suppose we spent a half billion dollars for the purchase of a great railroad system in this country and we put it under the control of the Interstate Commerce Commission and that this railroad were in direct competition with three or four other lines running between Chicago and the Pacific coast, the other lines being privately owned and privately managed would be under the control, as far as rate making is concerned and in other ways, of the Interstate Commerce Commission, and the road that we bought were operated by the Interstate Commerce Commission. There would be great pressure on a Government road as there will be on Government ships for

low rates, and no board can withstand, in my judgment, the political pressure which will be brought.

An illustration of this condition is indicated in the European countries where the Governments own the railroads. The passenger rates are relatively low, while freight rates in those countries are relatively high. The number of shippers is not great, of course, compared with the number of passengers who travel. The pressure of the great traveling public is so great that rates are constantly reduced for that service, while the freight rates are maintained in many cases to twice the level that obtains in this country.

That would be the case if we owned one railroad and put it in the hands of the Interstate Commerce Commission to operate in competition with privately operated roads. They would feel a pressure which would compel the reduction of rates on the Government line and which would probably affect the rates made for privately owned lines, so that all such investments would be unprofitable.

The same result will obtain in the case of shipping, if we buy ships and operate them under the control of a board, the board at the same time controlling the operations of privately owned ships directly in competition with them. We are going to have the result of a dual operation, a conflicting operation, and one in which the Government's investments are going to bring a less and less return as the pressure for lower rates continues.

I said some little time ago the board is given the power to buy and sell and charter and lease or do any other act which it sees fit along those lines. The limitation is put in the bill that the act of selling shall have the approval of the President. Of course that would be an absolutely formal action on his part. So in effect we are turning over to this board this \$50,000,000 with the power to trade as it pleases.

Fifty million dollars under present conditions would probably build about 500,000 tons of the kind of ships which should be built for the purposes which this bill contemplates. In normal times \$50,000,000 would build about 1,000,000 tons, or about twice as much tonnage as now. So we may assume that we will lose 50 per cent of our investment as soon as conditions become normal after the war. But even if we build 500,000 tons of ships, that is only a small element in the total shipping of the United States. We have some eight and a half million tons flying our flag at this time, so that the 500,000 tons would be about one-seventeenth of our total shipping. There are about 48,000,000 tons of shipping in the world. Therefore the 500,000 tons would be about one ninety-sixth of the total shipping of the world, not a large element in either case, either in connection with our own shipping or the shipping of the world.

The fact is that, undoubtedly, when the war is over there will be ample shipping for all needs without this unusual construction, even if we could get the ships constructed. So this measure will simply add that additional amount of tonnage to reduce the possibility of the shipping which is already constructed earning decent returns on the money invested.

When the bill was under consideration in the Sixty-third Congress an amendment was offered providing that ships purchased under the provisions of the bill should be used in the coastwise service and a further amendment that such service should be opened to foreign ships of all kinds.

*Monday, August 14, 1916.*

Mr. WEEKS. Mr. President, when I yielded the floor on Saturday last on account of the early adjournment of the Senate I had reached that point in the discussion to which section 9 refers—that is, the question of the admission of Government owned and operated ships into the coastwise trade—and it is that subject I now wish to discuss at some length.

The question will be asked in connection with the amendment to section 9, Why should not the Government have the right to employ its own ships in any trade it pleases?

The question is a plausible one, but it ignores some important considerations. One is fair play on the part of the Federal Government toward American citizens. Another is the maintenance of the national defense.

There is no lack, and in normal times there is no pretense of any lack, of sufficient tonnage in the great domestic trade of the United States. Unlike the over-seas trade, this coastwise trade has always been a protected industry—absolutely protected for 100 years, because Federal law has forbidden foreign shipowners, with their low-wage crews and, perhaps, with subsidies and bounties, to engage in it. This home trade has been left to American private capital and enterprise, with the result that, unlike the over-seas trade, where for many years there has been no protection except to a few ocean mail lines, American ships employed in coastwise carrying have steadily increased in ton-

nage until this American domestic fleet of 6,852,536 tons in 1914 exceeded by 1,500,000 tons the entire coastwise and over-seas fleet of the German Empire, and, next to the vast fleet of Great Britain, was the largest merchant shipping in the world.

American coastwise shipping has grown and prospered in the same way in which agriculture and manufactures have grown and prospered, and there is no more need of Government participation in this than in the other great national industries. There is no more need of it and there is no more justice in it in the one case than in the other. Government ownership and operation of merchant ships in the over-seas or foreign trade is defended on the plea that private capital and enterprise have failed to provide tonnage sufficient for more than one-tenth of the value of our export and import commerce—the fact being wholly ignored that shipowning in this over-seas trade is the one American industry that has had no share in the general system of national protection—if the few mail lines already mentioned are excepted.

But any such defense for Government ownership and operation of merchant vessels in the coastwise trade is wholly impossible. This means Government ownership and operation for the sake of Government ownership and operation, and it puts the Federal Treasury into direct competition with an industry that has grown with the growth of the country and successfully met all the needs of the American people.

It is as if Congress were to propose to set the Government up into competition with the cotton planters of the Southern States or the corn or wheat producers of the Middle West—establishing a certain number of Government cotton plantations or corn or wheat growing farms in every county, and operating them by Federal money, without regard to profit, in rivalry with the planters and farmers who have to pay interest on the money used, and earn a livelihood for their families and themselves.

If such a proposition were seriously made in Congress, it would be fought to the last extremity by all Senators and Representatives from the cotton and grain growing States as an intolerable abuse of the power and wealth of the Federal Government. But why should the same proposition, involving the same element of injustice, be made toward the shipowners and shipbuilders of the ocean and the Lakes? All that is wrong and indefensible in it in the one case is equally wrong and indefensible in the other, and fair-minded men of all sections of the country ought to stand together against any invasion by the Government of any normal business in which any part of the American people is engaged.

There is no more reason why the Government should purchase and operate coastwise merchant vessels than why it should purchase and operate plantations or farms or factories. In any case it would be a usurpation of the natural rights of private capital, enterprise, and labor. The question, Why should not the Government use its ships in any trade it pleases? is no more convincing than the question why the Government, having once acquired plantations, farms, and factories, should not use them in any way it pleases. It is not the function of the Government to compete with and destroy the established business of any of its citizens, whether that business be on the land or on the sea. Even if the Government were forced by temporary conditions to acquire for its own auxiliary defense a fleet of merchant steamers, those ships could be most properly and advantageously employed not in the home trade of the United States, where there are enough American ships, but in the foreign or over-seas trade, where the great present lack of ships exists, and where, in chief part, the competition would be with alien flags and alien corporations and not with the American flag and American shipowners.

It has been falsely urged that the coastwise shipping industry is a "monopoly," and that thereby a Government attack upon it is justified. This is a "monopoly" of all American citizens, made such by Washington, Jefferson, Madison, and their contemporaries, who deliberately sought to reserve this domestic commerce to American-built ships, American owned. But it is a monopoly that is open to all of us. A report of the Committee on Merchant Marine and Fisheries of the House of Representatives, presented in 1914 by Chairman ALEXANDER as the result of a study of shipping combinations and conferences in the foreign and coastwise trade, has been hastily read and misunderstood by some Senators, and its real significance has been misinterpreted. The pretext for every accusation that American coastwise shipping is dominated by trusts and combinations is always found in a statement in volume 4, page 406, of the report, to the effect that the 30 lines of steamers on the Atlantic, Gulf, and Pacific coasts and the Great Lakes that are controlled by railroads or shipping combinations, "operate 330 steamers of 868,741 gross tons, or nearly 70 per cent of the total number of steamers and 74 per cent of the tonnage."



This statement has been repeatedly referred to in Congress as equivalent to 70 per cent of the vessels and 74 per cent of the tonnage of the entire American merchant marine in coastwise trade. As a matter of fact, as the context of Chairman ALEXANDER's report shows, and as he himself has repeatedly stated, this report related only to "the regular line services," which make up altogether only a fraction of the total coastwise tonnage of the United States.

That total coastwise shipping on March 31, 1916, consisted of 23,593 vessels, of 6,363,149 tons, of which 14,796 vessels, of 4,487,556 tons, were steamers. Thus the 330 steamers of 868,741 tons described in the Alexander report as controlled by railroads or shipping consolidations constituted only about 12 per cent, and not 74 per cent, of the total coastwise tonnage of the United States, or only 18 per cent of the total steam tonnage. Making allowance for the tow barges owned by coal-carrying railroads on the Atlantic coast, it is certain that fully six-sevenths of the entire coastwise tonnage is controlled by private shipowners, by individuals, firms, or corporations competing independently with each other. This is the industry which this bill proposes to attack by means of Government owned and operated ships, including such foreign-built ships as the Government may acquire, though foreign-built ships can not now be lawfully operated in the home trade by American citizens.

Such a proposition has never been made toward any other American business, in which there are thousands of independent proprietors actively competing with each other all the time. The great bulk of American coastwise shipping is composed not of regular-line services carrying passengers and fast freight but of general-cargo or "tramp" vessels, steam or sail, of widely distributed ownership, designed particularly for the carrying of lumber, grain, coal, and all kinds of heavy merchandise. These vessels, as a rule, are not controlled by great corporations. Their competition is intense, their profits are moderate, and their resources will not admit of withstanding the wealth and power of the Federal Government. The "regular-line" services would suffer least from Government competition. The sharpest injury would fall upon the smaller concerns, the independent firms, the individual shipowners. Government competition in the general coastwise business would inevitably mean that in a few years most of the small shipowners would have disappeared, leaving the business a monopoly of large, rich combinations, which would, of course, have the best chance of standing out against the Treasury in Washington.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WEEKS. Certainly.

Mr. FLETCHER. If I may interrupt the Senator at this point, the Senator claims that the Government, as he expresses it, will be able to operate ships, including all that it may acquire of foreign-built vessels. I think the Senator is falling into the same error as did the Senator from Washington [Mr. JONES] if his view is that under section 5, which provides for the construction, purchase, charter, or lease of vessels, the vessels so chartered or leased may be employed as provided in section 7. If the Senator will examine carefully the two sections, he will find that the only vessels which can be chartered, leased, or sold by the board are the vessels that are purchased or constructed under section 5 or transferred under section 6. Those vessels that may be leased or chartered under section 5 the board is not given power to charter, lease, or sell, as a reading of section 7 will show.

The language of section 5 is:

That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter vessels suitable, as far as the commercial requirements \* \* \* may permit.

But in section 7 the language is:

That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel—

Not chartered or leased at all, but—

so purchased, constructed, or transferred.

So that the limitation is—as to the power of the Government to charter, lease, or sell these vessels—to those which are purchased or constructed under section 5, and not to those that may be chartered or leased under section 5. They are limited to those which are purchased or built, preferably, in American shipyards.

So I think the Senator is in error when he assumes that all vessels which may be acquired by the board may be chartered, leased, or sold to other people by the board and operated in

the coastwise trade. The authority to charter or lease under section 7 is confined to those vessels which are purchased or built under section 5.

Mr. WEEKS. Mr. President, I do not think I misunderstand the sections to which the Senator has referred. The provision that vessels may be built by the Government "at Government navy yards or at private shipbuilding establishments in the United States or elsewhere, other conditions being equal," means that as soon as the war is over other conditions will not be equal; that the foreign shipbuilder will be able to compete successfully with our shipbuilders; and therefore, if they are to be built under those terms, other things not being equal, they will be built abroad. That is one of the definite objections to this legislation.

But the Government is either going to build ships or it is going to buy them. If it builds them within the next two years, it must build them abroad, because our shipyards are fully employed for that time.

Something like 1,100,000 tons of shipping are being constructed in the private shipyards of this country at this time. If the Government buys them, it must buy them abroad, under the provisions of this bill, unless possibly some regular liner is to be taken off the service which it is now performing. Therefore I assume that the ships which the Government purchases or builds are going to be built by foreign labor and by foreign capital, and that under the provisions of this bill those ships may be leased or chartered or sold to others who may use them in the coastwise service.

I do not know how much of this is going to be done. If it is not going to be done to a considerable extent, it should be stricken out of the bill entirely. It is a radical step for us to take, and unless it has some definite purpose other than that indicated by the Senator from Florida, it ought not to be considered at all.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. WEEKS. I yield to the Senator.

Mr. CUMMINS. It seems to me the Senator from Massachusetts is possibly admitting too much of the claim made by the Senator from Florida.

Mr. WEEKS. I did not intend to admit anything.

Mr. CUMMINS. I do not read the bill in the way he does. It is my opinion that any ship which is either bought from the board, chartered from the board, or leased from the board is admitted to the coastwise traffic.

Mr. WEEKS. Undoubtedly. That is my understanding.

Mr. CUMMINS. Now, ordinarily one would think that the board would only have the authority to sell or charter or lease ships that it owned. That is not true. The board, in section 5, is authorized to acquire the possession of a ship either by purchase, construction, lease, or charter. Of course, in the two latter instances it would own only a qualified title; but if the board leases a ship from some owner, so far as this bill is concerned, it can re-lease the ship to an operator, and the ship would be entitled to admission to the coastwise traffic. There can be no doubt about that construction of this act.

Mr. WEEKS. Mr. President, I had assumed that the board would not lease or charter vessels, generally speaking, because these vessels are to be a part of our naval auxiliaries; and it did not seem to me that in any case the board would lease a boat having a foreign ownership for that purpose, and probably it would not lease vessels having a domestic ownership.

Mr. CUMMINS. Well, these words must be in the proposed statute for some purpose. If the board is given the power to lease or charter from an owner a ship, it must be that those who stand for the bill expect that in some instances the board will do that thing. Now, if the board does that thing, then it can lease or charter the ship to another corporation or person, a citizen of the United States, and the ship will be admitted to the coastwise business. That is inevitable under the language of the bill.

Mr. FLETCHER. Mr. President, I think the Senator makes the same error as did the other Senator in discussing that, because in section 7 it will be found that the board is given the power to "charter, lease, or sell to any person a citizen of the United States any vessel so purchased, constructed, or transferred," not "any vessel so chartered, leased, constructed, or transferred" but only those that are purchased, constructed, or transferred to it under section 6.

Mr. CUMMINS. Mr. President, if the Senator from Massachusetts will allow me to reply to that—

Mr. WEEKS. Certainly.

Mr. CUMMINS. When the board takes a lease of a ship from an owner the vessel is transferred to the board, and the words

"or transferred" must necessarily apply to that transaction, because you have already used the words "purchased" and "constructed"; and if the words "or transferred" do not cover the case of a transfer by lease or charter, they have no application whatever.

Mr. FLETCHER. They have the application that follows necessarily from the preceding section, section 6:

That the President may transfer either permanently or for limited periods to the board such vessels belonging to the War or Navy Department.

That is what is meant by the use of the word "transferred" in section 7.

Mr. CUMMINS. That may be the intent of the committee, but that would not be the construction of the act, in my opinion.

Mr. WEEKS. Mr. President, I think there is proper ground for criticism in the suggestion which the Senator from Iowa has made; but it is not likely that the Government will lease or charter vessels and then lease them or charter them to some one else. If it did not use them for its own purposes, it would naturally give up the charter or lease. I think, in the final result, it will be found that it is only the ships which are bought or built which will be put into the coastwise trade. However, any possibility of getting any of these ships into the coastwise trade is bad.

Government competition with the 24,000 vessels in the coastwise trade of the United States would be sufficiently unjust even if it were conducted on equal conditions, or conditions as equal as they could be made when the collective national wealth and influence are invoked against the resources of individual citizens, firms, or corporations. But in the proposed bill the Government is definitely exempted from an important requirement of the national maritime law, which all American shipowners must obey unless, indeed, according to this bill, they are to be privileged to purchase or lease their vessels from the Government. From the beginnings of our national life, first in 1789 by heavily discriminating tonnage taxes, and afterwards, in 1817, by absolute prohibition, the American coastwise trade has been constantly reserved to American-built ships owned by American citizens. This proposed bill for the first time breaks down the policy of Washington and his colleagues and successors in these words in section 9:

*Provided, That foreign-built vessels admitted to American registry or enrollment and license under this act; and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this act, may engage in the coastwise trade of the United States.*

Already, by a provision in the emergency shipping act of August 18, 1914, foreign-built ships may be admitted free to American registry for the over-seas trade of the United States. This proposed bill, admitting foreign-built vessels free to American enrollment and license for the coastwise trade if owned by the Government or leased, chartered, or sold by the Government, breaks down the century-old policy of protection to American shipyards and establishes, in effect, a policy of absolute free trade. For it must be manifest that the fact that the Government is allowed to use foreign-built ships in the coastwise trade, and the further fact that it is authorized to lease or charter or sell foreign-built ships to private shipowners for employment in the same trade, will create at once a condition so unequal that shipowners now employing American-built ships will be constrained to apply to the Government to secure foreign-built vessels for them also; so that eventually American shipyards will face the prospect of being reduced to the production of tugs, barges, lighters, and small local craft, which can not be safely brought across the ocean.

The tariff duties, even under a policy of tariff for revenue only, like the present one, give some measure of protection to almost all forms of American manufacturing and to many branches of American agriculture. Tools, cutlery, clothing, rice, sugar, Angora-goat hair can not be brought into this country on a free-trade basis; but the proposed bill would provide, in effect, for absolute free trade in completed ships, which are the greatest, most costly, and most elaborate manufactured product in existence, the product which employs more labor and a larger number of different occupations than any other.

Absolute free trade in ships is not only bitterly unjust to the thousands of American workmen and the millions of dollars of American capital engaged in shipbuilding, but is a direct menace to the national defense. The prime purpose of Washington and the other fathers of the Government in reserving the whole coastwise commerce of the new Nation to American ships built in American shipyards was to insure forever the existence in this country of a sufficient number of yards and a sufficient body of skilled mechanics to create and maintain an adequate Navy in case of a foreign war. A few Government shipyards were

at the same time established, but the fathers of the Nation recognized a fact that is just as true to-day, that exactly as it has been the national policy to reinforce the Regular Army in every war by a great body of volunteers, so in the same crisis the Government shipbuilding resources must be strengthened by the very much greater facilities of commercial shipbuilding.

As Thomas Jefferson, then Secretary of State in the Cabinet of President Washington, put the case, in 1794:

To force shipbuilding is to establish shipyards; is to form magazines; to multiply useful hands; to produce artists and workmen of every kind who may be found at once for the peaceful speculations of commerce and for the terrible wants of war. \* \* \* For a navigating people to purchase its marine float would be a strange speculation, as the marine would always be dependent on the merchants furnishing them. Placing, as a reserve, with a foreign nation or in a foreign shipyard, the carpenters, blacksmiths, calkers, sailmakers, and the vessels of a nation, would be a singular commercial combination. We must, therefore, build them for ourselves.

What Jefferson then said of carpenters, calkers, sailmakers, and so forth, in those days of wood and canvas, is equally true to-day of riveters and machinists in these days of steel and steam. There is no change in this fundamental principle of statesmanship. American shipyards by the score, American shipyard workmen by the thousands and the tens of thousands, are as indispensable to the national defense to-day as they were in the Revolution and the second war with England.

This proposed bill, under the specious plea of allowing the Government to use its ships in any trade it may see fit, would undermine and destroy the American shipbuilding industry, and annihilate an essential element of national defense. While this present war lasts it may be true that the enhanced cost of materials abroad, the scarcity of workmen, and the absorption of commercial yards in the imperative duty of naval construction and repair work will keep foreign shipbuilding costs as high as our own. But all this will suddenly change when the war has ended. Material, such as steel plates and shapes, may cost as much in Europe and Japan after the war as they cost in the United States, for they cost as much before the war began. But in the wages of labor there will be again a substantial difference. All foreign yards with naval work reduced or suspended will be hungry for employment, and there is not the shadow of a doubt that even with all the increased experience which American yards have gained during the war our yards will be underbid by their foreign competitors.

An American ocean ship before the war cost on the average 40 to 50 per cent more than a similar foreign ship, because of the higher wages—from 60 to 100 per cent higher in this country—and the advantage which some foreign yards enjoyed from direct bounties and other forms of national aid, and all foreign yards enjoyed from their relatively greater and more constant volume of production. Even assuming that on the conclusion of peace this former difference in cost will be reduced, it is certain to remain at approximately 25 or 30 per cent; and 25 per cent of the price of an average ocean ship of a capacity of 8,000 tons is \$100,000. It is so clear as to be undeniable that if the Government of the United States, as authorized by the proposed bill, can go to Great Britain or Germany or Japan and purchase there ten 8,000-ton ships for \$4,000,000 and place them in the American coastwise trade in competition with American shipowners who have paid \$5,000,000 for 10 American-built ships of similar capacity the Government will inevitably drive these American-built ships off the ocean. The interest charge on the \$1,000,000 additional cost of the American-built fleet will be at least \$50,000 a year; the insurance charge \$30,000 more; the depreciation charge \$40,000; or a total handicap of \$120,000 a year on the private shipowners and American construction.

Under such conditions the private shipowners in order to exist can do only one thing, and that is to go also to Great Britain or Germany or Japan for another fleet that would place them on equal terms with the Government.

After a very few years of such a policy of free trade run mad there would not be a commercial shipyard left in the United States that could produce a large cruiser, to say nothing of a battleship. And it must be remembered that the commercial shipyards of this country, far larger and more completely equipped than the few Government yards, and managed on business principles, have constructed all but 4 of the 37 battleships now possessed by the United States.

This proposed bill, in section 9, confers upon foreign nations, our rivals in trade and possible enemies in war, an almost immeasurable commercial and naval advantage, which would be the certain result of the adoption of a complete policy of free trade in shipbuilding. Some foreign Governments already give substantial sums of public money at the rate of so much per ton to encourage their native shipyards and to keep them ready in case of an emergency. Japan, for example, has such a



policy, which, coupled with her low rate of wages, would enable her to construct American coastwise ships far below the cost at which they could possibly be produced by American workmen. This proposed bill means, in section 9, that American shipyards and the skilled and well-paid labor on the Pacific coast are to be brought into direct and merciless free-trade competition with the 50-cent per day bountied and subsidized shipyards of the Japanese Empire.

The bill, in section 5, authorizes the shipping board "to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards," and so forth. What this obviously means is that if an American shipyard will build a given ship for \$400,000 and a Japanese or other foreign yard for \$400,000—that is, "other things being equal"—the American shipyard shall receive the contract from the Government. But if the American shipyard, because of its higher wage scale, must charge \$500,000 for a ship which can be built in Japan or elsewhere for \$400,000, it is manifest that other things are not equal, and that under any possible reading of the bill the shipping board will be constrained by the law to place the contract in Japan or Europe.

A bill of such momentous consequences to the commercial shipbuilding of this country, to the American merchant marine, and to the national defense, ought not to be forced to passage on the eve of a national election. It ought to be referred to the people of this country in the present campaign—let them decide for themselves whether (to recall Jefferson's graphic phrase) they wish to "place as a reserve with a foreign nation or in a foreign shipyard" the power to construct the ships for American commerce—which eventually means the power to construct our ships of war.

Furthermore, Mr. President, even if we construct the ships which are provided for under this bill, it will be but a drop in the bucket compared with the total shipping of the world or our total shipping. The total shipping of the world aggregate 48,000,000 tons, and there can only be constructed under this provision about 500,000 tons. So it would not have any material effect in reducing the present cost of the ocean carrying trade, but it would add that amount of additional tonnage to the shipping of the world, to help make all shipping unprofitable at the end of the war, which is likely to occur in any case.

An American merchant marine sufficiently large to relieve 60 per cent of our carrying trade from dependence on foreign ships would about put us in the position now held by England. To add to our capacity to that extent would require about twelve times as much shipping as we propose to construct or can construct under the provisions of this bill.

At the beginning of the present war 4,000,000 tons of British shipping were engaged in shipping between foreign ports having no connection with those of Great Britain. The shipping of Great Britain at this time is enormously profitable, and a special tax is imposed of one-half of the profits in excess of the normal returns received, which means that not only British importers but all others who pay the freight on goods carried in British vessels contribute to England's war budget. In other words, of every dollar we pay British ships for freight or other transportation facilities 50 cents goes to the British Government to assist in carrying on the war.

That is another consideration which we may well give to legislation in favor of the real development of our merchant marine. If we had a merchant marine sufficiently great to carry the proportionate part of our commerce that the British marine carries of that of Great Britain, we could impose a tax which would be a material influence in affecting our revenues under such circumstances.

Furthermore, as I discussed the other day, if tramp steamers are not common carriers, this will not affect at least three-quarters of our shipping. Seventy per cent of the British steam shipping consists of tramp vessels. In 1915, 1,871,000 tons of American shipping carried 14.3 per cent of our total foreign commerce. If we wish to carry 60 per cent of our foreign commerce, which would be the amount of the proportionate part carried by Great Britain, then we would have to build, as I have suggested, something like 6,000,000 tons of shipping.

This legislation should be limited to the establishment of a permanent shipping board, which should investigate all matters relating to shipping and to the construction of naval and Army auxiliaries and then report to Congress its conclusions. The board should constitute a permanent advisory body, and should take over the functions now performed by the Bureau of Navigation and any other kindred work being done by other bureaus. Every question relating to this subject should come under the scope of the investigations made by the board, such as measures necessary to maintain our shipping upon an equitable competitive basis with that of other nations, the cost of construction

and operation of American ships, the rates of interest on shipping mortgages, insurance rates, such permanent lines of ocean carrying as should be undertaken, recommendations as to means of encouraging these undertakings by private capital, whether it is desirable to modify the act of 1891 relating to the carrying of mail so that additional service of the same character may be furnished, whether any features of the seamen's act should be modified or rescinded, whether the navigation laws of the United States should be changed in any way, and make recommendations of methods which will tend to bring about a reconstruction of our merchant marine.

It should report on and produce information as to—

(a) Greater diversification of European export trade.

(b) Larger number of traffic-producing ports at which vessels may call in early stages of outbound and last stages of homeward voyages.

(c) Profitable passenger traffic (including emigration).

(d) Financial support by Governments to insure communication with colonies or distant strategic points.

The National Foreign Trade Council, in referring to this subject, gives the following as its opinion of what a truly national policy should do, and I agree entirely with its conclusions:

First. To increase the national income and domestic prosperity through greater facilities for the sale abroad of products of the soil and industry of the United States, the importation of materials indispensable to life and industry, and through the freights collected from world commerce.

Second. To maintain under the flag communication with distant possessions.

Third. To aid the national defense and maintain commerce during war, whether the United States be belligerent or neutral.

Mr. President, there is not any element of our population that is not interested in a suitable development of the merchant marine. I undertake to say that the unusual, untried method proposed by this bill will hamper and restrict the development of a merchant marine rather than assist it. We have been drifting in this country into a policy which puts in a practical strait-jacket the business affairs which may be controlled by a commission or by other governmental agency. It is a wrong tendency. What we should do is to increase and develop the individual's ability to do for himself, and encourage him through the Government rather than restrict and hamper him. As long as we undertake to develop the merchant marine or to develop anything else along the lines proposed in this bill it is going to be a failure, and we are going to find ourselves in the case of the carrying trade and in all other industrial matters in the hands of our competitors instead of doing our own business.

#### APPENDIX.

Statement showing the number and gross tonnage of American vessels by rig and documents on March 31, 1916.

Rig.	Registered vessels, foreign trade.		Enrolled and licensed vessels, coasting trade.		Total.	
	Number of vessels.	Gross tons.	Number of vessels.	Gross tons.	Number of vessels.	Gross tons.
Sail.....	597	409,175	4,952	923,723	5,549	1,332,903
Steam.....	619	1,531,449	6,255	4,341,346	6,874	5,872,795
Gas.....	627	20,421	8,541	146,210	9,168	166,631
Canal boats.....			560	61,994	560	61,994
Barges.....	1,136	133,120	3,285	889,871	4,421	1,022,991
Total.....	2,979	2,094,165	23,593	6,363,149	26,572	8,457,314

Mr. BRANDEGEE. Mr. President, I wish to ask the Senator from Massachusetts if there is a provision in the bill as to what is to be done with these ships if the board is unable to lease them to private persons or corporations?

Mr. WEEKS. Then the Government is to operate the ships.

Mr. BRANDEGEE. Is the Senator able to turn to that provision in the bill?

Mr. WEEKS. I think I can find it. Possibly the Senator from Florida may have it before him.

Mr. BRANDEGEE. Is the Senator from Florida able to refer me to it?

Mr. FLETCHER. The power to operate is found in section 11. Only upon the conditions and terms and requirements as set forth in section 11 is there any power to operate.

Mr. BRANDEGEE. I thank the Senator.

[Mr. GALLINGER resumed and concluded the speech begun by him on last Friday. The entire speech is as follows:]

Friday, August 11, 1916.

Mr. GALLINGER. Mr. President, at a later hour in the debate, probably to-morrow, I shall review the bill now under consideration in an endeavor to show that under its terms no sub-

stantial help can possibly come toward the rehabilitation of the American merchant marine, and that it will be a reckless waste of public money and a humiliating failure in the end. I shall also point out the handicaps under which American ships are laboring in their competition with ships of the other great maritime nations of the world, and also the danger that lurks in the proposition to allow these Government-owned ships to enter the coastwise trade of the United States.

To-day it will be my purpose to hurriedly review the legislative attempts that have been made by the Republican Party during the past 11 years to secure legislation looking to the upbuilding of American over-seas shipping, and to point out the fact that all such attempted legislation has been made impossible by the solid opposition of the Democratic Party.

Mr. President, more than 11 years ago, on January 4, 1905, it was my duty and pleasure as chairman of the Merchant Marine Commission to present to the Senate the report of that commission, which had been authorized on the recommendation of the President of the United States in the act of April 28, 1904. There served with me on that commission of those now living and Members of this Chamber the senior Senator from Massachusetts [Mr. LODGE], the senior Senator from Pennsylvania [Mr. PENROSE], and the senior Senator from Virginia [Mr. MARTIN]. With us there served, too, the honored and lamented Senator Mallory, of Florida. On the part of the House there were Representative Grosvenor, of Ohio; Representative Minor, of Wisconsin; Representative HUMPHREY, of Washington; Representative Spight, of Mississippi; and Representative McDermott, of New Jersey, of whom Representative HUMPHREY now alone remains a Member of the House. The Senate members of the commission, with one exception, were all chosen from the Committee on Commerce, the House members from the Committee on the Merchant Marine and Fisheries. All of us were not unfamiliar with the work in hand, and all felt a deep interest in the subject of the inquiry. Between May 23 and November 19, 1904, the commission visited the principal ports of the Atlantic, the Great Lakes, the Pacific, and the Gulf of Mexico, hearing several hundred witnesses and receiving evidence which in the final report filled nearly 2,000 printed pages.

It was a laborious task, but it was performed with a deep sense of patriotic duty by all of the Senators and Representatives of the commission, and at the end we had the satisfaction of believing that it was the most thorough and elaborate study ever made on behalf of our Government into the question of the American merchant marine. Only one regret accompanied it, and that was that the conclusions and recommendations of the commission were not unanimous. It was our fervent hope from the beginning—the hope, I know, of the Senators from Virginia and from Florida, no less than of us on this side of the Chamber—that all personal and party differences might be forgotten, as, indeed, they were in the long and careful gathering of the testimony, and that there might be complete agreement as to the wisest solution of the great problem that had for more than half a century baffled all the efforts of American statesmanship.

Originally most of the members of the Merchant Marine Commission from both Houses were believers in a return to preferential duties, "the policy of the fathers," as the proper method of reviving our ocean carrying trade. That was our belief as the investigation started, and it received much powerful support from the practical shipowners and merchants who appeared before the commission on the Atlantic and Pacific coasts. Preferential duties then seemed to be distinctly favored by the major part of the maritime and mercantile communities of the United States. But as the hearings continued and were concluded in Washington during November and December, 1904, a majority of the commission was slowly and reluctantly forced to the conviction that under radically changed conditions the legislation of Washington, Adams, Jefferson, and Madison could not be revived, because of the vast growth of the tariff free list, the prohibitions of 30 or more commercial treaties, and the risk of reprisals from foreign Governments. Therefore, there was nothing for the majority to do but to recommend a cautious system of mail and general shipping subsidies or subventions, and this we did. Unfortunately the minority of the commission felt that it could not subscribe to general shipping subsidies, though no objection was offered to mail subventions, and there was, therefore, a divided report, the minority urging preferential duties.

#### BILLS OF THE MERCHANT MARINE COMMISSION.

The Senate adopted the majority report and passed the bill recommended on February 14, 1906, by a vote of 38 to 27. No action was taken by the House at that session, but at the next session the House amended the measure in some particulars and passed it on March 1, 1907, by a vote of 157 to 145. Many of the Senators will recall that on the question of concurrence

by the Senate in the House amendments a filibuster, directed by the late Senator Carmack, of Tennessee, prevented action in the closing hours of the Fifty-ninth Congress, and thereby defeated the effort of the majority to strengthen our ocean shipping and increase our naval reserve.

I will pause, Mr. President, to say that, in my opinion, had that bill become a law—and it would have become a law had it not been filibustered against in the closing hours of that session—we would have had no trouble during the years that have intervened in having an abundance of shipping between the United States and South America, as well as across the Pacific Ocean to the Orient and to Australasia. But it was defeated.

In the following, or Sixtieth, Congress, at the first session, I reintroduced the bill "to amend the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports and to promote commerce.'" In this form the proposal received very earnest and powerful support in arguments advanced on both sides of the Chamber, and on March 20, 1908, the Senate passed the bill without a roll call, and without any vote being recorded against it. On March 2, 1909, a motion in the House to suspend the rules and pass the bill was defeated by a very narrow margin—172 yeas to 175 nays. It will be observed that it required only 2 Democratic votes to pass the bill, but no Democratic votes were forthcoming. On May 22, 1908, an effort to have the ocean mail bill accepted in the House as an amendment to the Post Office appropriation bill, in which the Senate had placed it, was defeated 143 to 155, and on the following day defeated again, 145 to 153.

In the Sixty-first Congress, second session, I again introduced the ocean mail bill, and it passed the Senate February 2, 1911—the roll call showing 39 yeas to 39 nays, and the deciding vote being cast by the Vice President. This bill was not acted on in the House of Representatives.

In the Sixty-third Congress the bill was again introduced in substantially the same language as before, but received no consideration in the Democratic committee. In the present Congress I have introduced two bills, both of which, with slight variations, seek to aid the merchant marine by mail subventions, but they are lying unacted on in the committee.

I have recalled these events for the purpose of emphasizing to the Senate and the country that we on this side of the Chamber have not been unmindful of the national need of a great merchant marine, and that nothing but party and perhaps sectional differences have prevented us from long ago achieving it. On every occasion when the ocean mail bill was rejected in the House, it was by a very slender majority.

#### FOREIGN "RESTRAINT" OF AMERICAN TRADE.

Much of this opposition to the encouragement of American ocean shipping, I regret to say, came from the splendid, great agricultural States of the Northwest, though there were Senators from that section whose loyal help I gladly acknowledge in the long struggle for some measure of relief for our merchant marine. The distinguished senior Senator from Minnesota [Mr. NELSON] will find strong confirmation of the wisdom of his own course on this question in a significant statement that has recently been published by the Federal Trade Commission. "Many business men," the commission says, "emphasize the handicap resulting from the lack of American ships." A northwestern milling company declares:

We are particularly interested in securing protection for the American manufacturer or shipper against restraint of foreign trade resulting from difficulties and handicaps imposed by foreign-owned steamship lines. We realize more every day that the American manufacturer or shipper is entirely at the mercy and in the hands of foreign-owned steamship lines.

Foreign-owned steamship lines are receiving in return for hauling wheat and wheat products from American seaports to European seaports at least 50, if not 75, per cent of the total value of American wheat and products that are being exported to Europe. We are in position to substantiate our statements with specific and dependable data in our possession.

Mr. President, those Senators who through these many years have steadfastly contended for the application to our ocean shipping industry of the principle of adequate protection and encouragement that has wrought such wonderful results as applied to agriculture and to manufacturing must decline to be held responsible for the present condition of the overseas carrying trade of the United States—the only great national industry exposed to foreign competition that has been forced to go on year after year unprotected by the Nation which it serves. In my judgment, Mr. President, there can be no more impressive object lesson of the essential truth of the protective system than the vivid contrast between this one unprotected industry and the great tariff-protected domestic industries of America. Yet the natural skill and aptitude of Americans who live on and by the sea have always been unsurpassed in their bold and arduous calling.



As shipbuilders, shipowners, and sailors, men of our race were leading the world when agriculture was still a rude art and manufactures were in the infancy of their development. Whenever to-day, as in the great coastwise trade, the Panama trade, and on the West India mail lines, American ships are given a fair opportunity, they are splendidly upholding the traditions of their Nation and the glory of their flag. Our American Navy, its noble ships, officers, and men are in their way only what an American over-seas merchant fleet would be if the Congress of the United States had not failed or refused for 60 years to take the necessary measures to create one.

#### OTHER AND FUTILE EXPEDIENTS.

Since my own efforts were rendered unsuccessful by party or sectional opposition, I have watched with keen interest the various experiments undertaken on the other side. Three years ago a clause was inserted in the new tariff law ostensibly reviving the successful policy of 1789 and granting a rebate of 5 per cent of the customs duties on goods imported in American ships. This clause was due to the earnest advocacy of the accomplished former chairman of the Committee on Ways and Means of the House of Representatives, since so cordially welcomed to this Chamber, the junior Senator from Alabama [Mr. UNDERWOOD]. His devotion to the upbuilding of our merchant marine, I doubt not, is as wholehearted and persevering as that of any Senator on this or the other side, and it would have been cause for profound gratification to us all if the preferential-duty policy of the tariff law of 1913 could have received a fair test in actual operation. But it has been suspended by the Treasury Department because of supposed conflict with the terms of important treaties with foreign Governments and is now before the Supreme Court for a final test of its validity. This experience is not encouraging as to the practicability of a renewal of the preferential-duty plan, but is rather a confirmation of the doubts and objections of a majority of the merchant marine commission, so earnestly expressed in their report of a decade ago.

#### THE "FREE SHIP" EXPERIMENT.

Another expedient not favored by the majority and not recommended by the minority of that commission has been actually tested under conditions made extraordinarily favorable by the great European war. This is the "free ship" policy embodied in the emergency free registry law of August 18, 1914. A previous trial of that policy, provided for in the Panama Canal act of August 24, 1912, had proved a complete failure. The Panama Canal act, reversing a national policy of a hundred years, had opened American registry for purposes of over-seas commerce to all foreign-built vessels owned by American citizens or corporations, the conditions being that these ships should be fit to carry dry and perishable cargo and should be not more than five years old. In the face of this invitation, two years had gone by and not one foreign-built ship had sought the American flag. No experiment could have proved more disappointing to its advocates.

But the war-emergency act of August 18, 1914, opened the doors wider still by eliminating the 5-year age limit and the requirement of fitness to carry dry and perishable cargo, and offered American registry for the over-seas trade to foreign-built ships of any description if owned by American citizens or corporations. Moreover, the new act authorized the President to exempt these foreign-built ships from our survey, measurement, and inspection laws, and to exempt them also from employing American citizens as officers. An Executive order promptly gave these foreign-built ships the indicated advantages over American steamers of native construction and previous registry.

Whether this wider free-ship law would have had any more effect under normal conditions in time of peace can never be determined, for it found most of the world at war and an extraordinary value vesting in the protection of the flag of the most powerful of neutral Governments. Several German ships, owned by the Standard Oil and other American concerns, were promptly naturalized in order to escape the swarming cruisers of the British navy, and many British ships also owned by American capital were hurried under the Stars and Stripes to escape the *Emden* and her consorts. The shelter of our flag and the more favorable marine insurance rates constituted a generous subsidy for the time being to these fortunate shipowners. Nearly all of the vessels thus brought into American registry were American owned before the war began and were being operated under foreign flags to secure the advantages of lower wages of foreign officers and crews, less exacting laws and regulations, and lower cost of maintenance.

#### "FREE SHIPS" A FAILURE.

For a few months foreign-built ships came in rapidly, the principal fleets being those of the Standard Oil Co., the United

Fruit Co., and the United States Steel Corporation. These were welcome and important accessions to the American flag. Many of these vessels—the newer and more efficient craft—could have been naturalized under the law of 1912, but their owners did not act until the war had offered a powerful inducement. If ever a free-ship policy were to be effective it would be under the extraordinary conditions of this great world war. Yet after a few months there came a significant halt in the seeking of American registry. Fewer and fewer foreign-built vessels applied for the American flag. This was noticeable even before the present seamen's law received the approval of the President, on March 4, 1915. Up to that time it had been believed that the seamen's bill would fail of enactment, and it was not being actively taken into the calculations of shipowners. It may be added that even now the seamen's law bears less heavily on foreign-built than on American-built ships, for by Executive order foreign-built vessels admitted to American registry under the act of August 18, 1914, have been exempted from its most onerous provisions. Therefore it is not possible to seek in the seamen's law an explanation of the virtual failure of the free-ship experiment, though undertaken in time of war when all circumstances were most propitious for its success.

#### ACKNOWLEDGMENT OF SECRETARY M'ADOO.

The Secretary of the Treasury, Hon. William G. McAdoo, in an address before the Chamber of Commerce of the United States February 4, 1915, declared without contradiction: "What effect has the ship registry bill had on our commerce? Nothing; literally nothing." This is true in the sense that though the law has added more than 600,000 tons to American shipping registered for foreign commerce, nearly all of these vessels were American-owned and employed in American trade beforehand. There were confident predictions by the advocates of free ships before the law was passed that it would add millions of tons of foreign shipping to the American fleet. The actual meager results are undeniably a great and bitter disappointment, and from day to day our actual experience under the free-ship law has become more and more unsatisfactory. In the present fiscal year few foreign-built vessels have sought American registry, and unfortunately the right of some of these to fly the American flag has been disputed by the British Government. In one month lately only three foreign-built vessels were naturalized, and one of these was a small pleasure yacht. All the chief maritime Governments have now forbidden the sale of merchant ships in this war emergency, and the registration of foreign-built vessels has practically ceased in consequence. But it was ceasing even before this prohibition was imposed.

#### WAGES HIGHER ON "FREE SHIPS."

I believe that it must be manifest even to the most ardent champion of a free-ship policy that that policy itself is never going to create an adequate mercantile marine. Experience has demonstrated the truth of the contention of this side of the Chamber year after year that a free-ship policy at its best would only equalize construction costs, and would fail of full effect because it did not equalize the equally important cost of wages and of maintenance. In the winter of 1914-1915, when the former ship-purchase bill was under discussion, I took occasion to address inquiries to the chief shipowners of the country who had brought foreign-built ships into American registry whether there had been any increase in the cost of operation under the American flag. Without an exception these gentlemen replied that there had been a very considerable advance in the rates of wages and the cost of maintenance. I caused some of these answers to be published as a part of my remarks in the CONGRESSIONAL RECORD of February 7, 1915, and February 26, 1915, and because of their direct bearing on the question now before us I wish to commend them again to the serious attention of the Senate. First is a letter from the Standard Oil Co., which, as the Senate knows, is operating a large fleet of tank steamers under American and foreign colors:

STANDARD OIL CO.,  
New York, February 16, 1915.

The Hon. J. H. GALLINGER,  
United States Senate, Washington, D. C.

SIR: In reply to your letter of February 10, we would answer your inquiries as follows:

1. The foreign ships we have transferred to the American flag have been confined to vessels formerly operated under the German flag. In these transfers we have followed the practice of substituting Americans for the German officers, engineers, and crews. This has made it necessary to pay the American scale of wages on these vessels. Below we give you a comparison of the wages paid on the same steamer under each flag:

Steamship Washington (German), now steamship Brindilla (American).

Total wage bill under German flag, per month.....	\$936.10
Total wage bill under American flag, per month.....	1,765.00

Increase under American flag.....	828.90
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So that the wages under the American flag show an increase of 88.55 per cent.

2. It is difficult to make a categorical answer to this question. Our reply will have to be more or less general. The standard of living on steamers under the American flag is quite different from foreign flags, resulting in increased expense. It is also difficult to obtain and retain experienced men for American ships, and this is another item that contributes to increased cost by frequent replacement of men at out-of-the-way ports. We have also found that in the case of petty officers, sailors, and firemen the same men sailing under the American flag demand and receive much higher wages than they are willing to accept under foreign flags. Another increased item under the American flag is brought about by the fact that the American measurement laws result in a larger measurement for the steamer than under foreign registry. This particular item is in suspense at the moment, but when again put into force will result in the steamer paying higher port charges, a good portion of which will be paid to foreigners, as they will be subject to tonnage dues in foreign ports based on the American registry.

Respectfully,

D. T. WARDEN.

#### HIGHER WAGES IN WEST INDIES TRADE.

Another significant statement is that of the Munson Steamship Line, a well-known American concern operating both passenger and cargo steamers from New York and southern ports to the West Indies:

MUNSON STEAMSHIP LINE,  
New York, February 11, 1915.

MR. J. H. GALLINGER,  
Chairman Conference of the Minority,  
United States Senate, Washington, D. C.

SIR: We have the honor of replying to your esteemed favor of the 10th instant.

1. There is a very decided increase in the wages of officers and crews on foreign-built ships which are admitted to American registry, and in cases where the crews of such ships have been signed on abroad for a period of 12 months, immediately the registry is changed the crews either demand the American scale of wages or their discharge and transportation to their home port.

2. Beyond the increase of wages the operations of loading and discharging, port charges, etc., are practically the same on a foreign as on an American ship.

Very respectfully, yours,

MUNSON STEAMSHIP LINE,  
A. H. BROMELL, Vice President.

#### FOREIGN CREWS AND AMERICAN PAY.

Another important shipping house of New York is that of W. R. Grace & Co., which for many years has been engaged in trade between New York and the west coast of South America, and later entered the Panama Canal coast-to-coast trade between New York and San Francisco. The firm of W. R. Grace & Co. used to employ entirely foreign ships, but under the free registry law of August 18, 1914, has secured American registry for some of its British steamers. The firm has also constructed a number of steamers in American yards, particularly for the Panama Canal coastwise service:

W. R. GRACE & CO.,  
New York, February 13, 1915.

HON. J. H. GALLINGER,  
United States Senate, Washington, D. C.

SIR: We have your letter of February 10 in reference to foreign steamers transferred to American flag.

We have been operating American and British steamers side by side for some years, and we estimate difference in cost of operation to be as follows:

	American, per month.	British, per month.
Wages.....	\$1,970	\$1,342
Victualing.....	803	649
(American steamers have larger net tonnage measurement than British and, as tonnage and light dues are paid on net register, that is against the American boat.)		
As dues vary in the different ports of the world, the difference in money is difficult to state, but may be estimated at.....	35	.....
(This tonnage item will not go into effect on foreign steamers transferred to American flag until Aug. 18, 1916, by reason of President's proclamation.)		
American steamers require annual inspection, while British steamers are inspected each four years; estimated extra cost by reason of annual inspection.....	25	.....
Total.....	2,833	1,991

Or, say, \$842 per month extra for American boat. The extra cost of victualing is not by statute, but by reason of less economy on American steamers.

On British steamers which we recently transferred to American flag the foreign crews struck for American wages the day of transfer, and received them. As soon as foreign crews are replaced by Americans we will have the increased cost of victualing.

We trust this gives you the information which you desire.

Yours, very truly,

W. R. GRACE & CO.,  
N. BOWIE, Vice President.

#### STATEMENT OF THE STEEL CORPORATION.

For the great export trade of the United States Steel Corporation conducted by the United States Steel Products Co., regular steamship services have been maintained to South America and elsewhere. The United States Steel Corporation was one of the concerns that early in the war for the first time placed foreign-built ships under the American flag, and following is the result of its experience:

UNITED STATES STEEL PRODUCTS CO.,  
30 Church Street, New York, N. Y., February 24, 1915.  
HON. J. H. GALLINGER,  
United States Senate, Washington, D. C.

DEAR SIR: Your letter of the 10th instant, addressed to Mr. J. A. Farrell, president United States Steel Corporation, has been referred to us for attention, as this company is the subsidiary of the corporation which owns the foreign-built steamers recently transferred to the American flag. The present and former scale of wages on our steamers and the percentage of increase is shown in the following statement: Wages of captains under American scale vary according to seniority. Wages of other officers and the engineers are fixed, being same on all steamers.

Crew.	British.				American.	
	First year.	Second year.	Third year.	Average	United States currency.	Increase.
Captain.....	£ 25 0	£ 25 0	£ 25 0	£ 25 0	\$121.66	(1) 35.6
Chief officer.....	14 0	15 0	16 0	15 0	73.00	\$80.00 23.3
Second officer.....	10 10	11 0	12 11	11 3 4	54.34	70.00 28.8
Third officer.....	9 0	9 0	9 0	9 0	43.80	60.00 37.0
Chief engineer.....	20 0	21 0	22 21	21 0	102.20	150.00 46.8
First assistant engineer.....	14 0	15 0	16 15	15 0	73.00	100.00 37.0
Second assistant engineer.....	10 10	11 0	12 11	11 3 4	54.34	90.00 65.6
Third assistant engineer.....	8 0	8 10	9 8	8 10	41.38	80.00 93.4

<sup>1</sup>\$150-\$180, average \$165.

Safe-navigation money to captains \$300 per year, payable annually January 1, on showing a clean record for the previous 12 months.

The wages of the following members of the crew vary on the different steamers, depending upon the supply available and the port at which signed on. The steamship *San Francisco* is quoted as an example:

Crew.	British.		American.	Increase.
	Rate.	United States currency.		
Chief steward.....	£ 8 0	\$38.93	\$55.00	Per cent. 41.2
Second steward.....	4 0	19.47	25.00	28.4
Mess-room steward.....	3 0	14.60	22.00	50.7
Chief cook.....	7 0	34.07	40.00	17.4
Second cook.....	5 0	24.33	25.00	2.8
Carpenter.....	7 0	34.07	40.00	17.4
Boatswain.....	6 10	31.63	35.00	10.7
Sailors.....	5 10	26.76	28.00	4.6
Firemen.....	5 10	26.76	32.00	19.6
Oilers.....	6 0	29.20	35.00	19.9
Donkeyman.....	6 10	31.63	35.00	10.7

Owing to the unsettled conditions which have prevailed throughout the world since the outbreak of the present war in Europe, the increased cost of operation in the other departments can not be fairly stated, as we have no basis upon which to make a definite comparison.

Yours, very truly,

UNITED STATES STEEL PRODUCTS CO.,  
JOHN HUGHES, General Agent.

#### FURTHER STATEMENT OF THE STEEL CORPORATION.

I have also another later and very interesting letter on this same subject:

UNITED STATES STEEL PRODUCTS CO.,  
30 Church Street, New York, October 6, 1915.

HON. J. H. GALLINGER,  
United States Senate, Washington, D. C.

DEAR SIR: Cost of operating foreign-built vessels transferred to American flag:

Your letter of September 10 on this subject, addressed to Mr. James A. Farrell, president United States Steel Corporation, was referred to this company for attention, with respect to the foreign-built steamers owned by this company and transferred to American registry under the act of August 18, 1914.

The cost of operating our steamers, with respect to wages and victualing, under British and American registry is shown by the following statement:



Wages of captains under American scale vary according to seniority. Wages of other officers and the engineers are fixed, being the same on all steamers.

Crew.	British scale.		American scale.			
	Average.	United States currency.	Immediately after transfer.	Increase.	Present.	Increase.
Captain.....	£ s. d. 25 0 0	\$121.66	\$150-180 185	Per ct. 35.6	\$175-205 190	Per ct. 56.2
Chief officer.....	15 0 0	73.00	90	23.8	100	37.0
Second officer.....	11 3 4	54.34	70	28.8	80	47.2
Third officer.....	9 0 0	43.80	60	37.0	70	59.9
Chief engineer.....	21 0 0	102.20	150	46.8	150	46.8
First assistant engineer.....	15 0 0	73.00	100	37.0	100	37.0
Second assistant engineer.....	11 3 4	54.34	90	65.6	90	65.6
Third assistant engineer.....	8 10 0	41.36	80	93.4	80	93.4
Chief steward.....	8 0 0	38.93	55	41.2	55	41.2
Second steward.....	4 0 0	19.47	25	28.4	25	28.4
Messroom steward.....	3 0 0	14.60	22	50.7	25	71.2
Chief cook.....	7 0 0	34.07	40	17.4	45	32.1
Second cook.....	5 0 0	24.33	25	2.8	25	2.8
Carpenter.....	7 0 0	34.07	40	17.4	45	32.1
Boatswain.....	6 10 0	31.63	35	10.7	40	26.4
Sailors.....	5 10 0	26.76	28	4.6	30	12.1
Firemen.....	5 10 0	26.76	32	19.6	35	30.8
Oilers.....	6 0 0	29.20	35	19.9	38	30.1
Donkeyman.....	6 10 0	31.63	35	10.7	38	20.1

<sup>1</sup>Average.

The wages of the crew in the several departments vary on different steamers, depending upon the supply available and the port at which signed on.

This company operates nine steamers, transferred from British to American registry, namely, steamships *Bantu*, *Kentra*, *Santa Rosalia*, *Buenaventura*, *San Francisco*, *Howick Hall*, *Craster Hall*, *Crofton Hall*, and *Charlton Hall*. The total numbers of the crews of these vessels and their total monthly wages under British and American registry are shown in the following statement:

	Nine steamers named above.	
	Total crew.	Total monthly wages.
American registry.....	393	\$17,537
British registry.....	373	12,478
Increase.....	20	5,059
Percentage of increase.....	5.36	40.54

There has been an average increase of 19 per cent in the cost of victualing our steamers during the past year.

Yours, very truly,

UNITED STATES STEEL PRODUCTS CO.,  
JOHN HUGHES, General Agent.

NOT THE RESULT OF NAVIGATION LAWS.

It should be carefully noted by the Senators that the navigation laws and requirements, or their most onerous provisions, were considerably lifted from these foreign-built ships by the action of the President, who, in pursuance of the act of August 18, 1914, relieved them from the requirement that their officers should be American citizens and exempted them further from our survey, measurement, and inspection laws. Thus these foreign-built steamers have been enabled to come under the American flag with foreign officers and crews throughout. They have been privileged to hoist the Stars and Stripes, though not a man aboard in any capacity was an American citizen. It appears that the Standard Oil Co., for reasons of manifest prudence, replaced German officers with Americans, but it is probable that in most other instances officers and crews have remained unchanged, of foreign nationality. Yet these foreign officers and crews of the newly naturalized steamers have demanded the full American wage scale and the food habitually provided for American officers and seamen. This has had the result in the case of 9 steamers of the United States Steel Corporation, of increasing the total monthly wages from \$12,478, under the British flag, to \$17,537 under the American flag, while there has been an average advance of 19 per cent in the cost of victualing these steamers.

A PREDICTION FULLY CONFIRMED.

I wish to invite the Senate to give most careful attention to these profoundly significant facts. It has been asserted year after year in this Chamber, with apparent sincerity by those Senators who opposed even mail subsidies to American shipping that all that was necessary was to pass a free-ship law and to amend or repeal our navigation laws and requirements.

This has now been done by act of Congress and order of the President. American shipowners under our present legislation are enabled to buy foreign-built ships and bring them freely under the American flag for purposes of foreign trade, with foreign officers and crews, and without compliance with our survey, inspection, and measurement laws and regulations. And yet the demonstrated facts are that the wages paid to foreign officers and crews on these naturalized foreign-built ships are exactly the same as they are on American-built, American-manned vessels, that the cost of food is the same and that the problems of the merchant marine, except that first cost of construction has been equalized, remains exactly the same as it was before the free-ship law of 1914 was enacted.

Mr. President, I am not at all surprised at this result. It is exactly what was predicted by those Senators on this side who have constantly urged that subsidy or some equivalent encouragement was absolutely necessary to the restoration of our mercantile marine. What has occurred has been precisely what was outlined by practical shipping men a decade ago, at the hearings throughout the country before the Merchant Marine Commission. It was pointed out then as the universal experience that whenever a foreign-built vessel had by special act of Congress been brought beneath the American flag, the wages of its officers and seamen automatically rose to the level of wages on American-built ships, and that the cost of maintenance rose in proportion.

Nor is there anything unexpected or surprising in this circumstance. There is not and never has been any requirement of law that none but American citizens shall be employed in the iron and steel mills or cotton mills or woolen mills or other great industrial establishments in America. The doors of these great workshops are open to foreigners equally with Americans. And yet, as we all know, the experienced and capable foreign workman who lands on our shores and enters these mills and factories does not labor for the wages that had contented him at home, but expects and receives the established wage of American citizens doing the same kind of work with the same kind of machinery. What is now happening on the sea is simply what has always happened on the land. You have foreign-built ships, foreign officers, and foreign sailors under the American flag, but you are paying these foreign officers and sailors the same wages given to Americans. The free-ship experiment has equalized the first cost of ships, but it has not solved the problem of the American merchant marine. The difference in the cost of operating ships, due to a difference in wages, food, and standards of living, remains exactly what it was before the free-ship experiment was tried—and on regular lines and established routes there is the further handicap of foreign subsidies. Secretary McAdoo is right in authoritatively pronouncing the free-ship experiment a failure—an official acknowledgment from the administration directly responsible for it.

#### THE DIFFERENCE OF WAGE COST.

Let us return to this vital question of the difference in wages on American and foreign ships—the very heart of the question of American shipping. I will submit to the Senate an important comparison of wages paid to the crews of a typical American and a typical British cargo steamer, each of a capacity of about 5,000 tons dead-weight:

Comparative wages, 1914, on American and British cargo steamers of a capacity of about 5,000 tons.

AMERICAN.		BRITISH.	
	Wages per month.		Wages per month.
Master.....	\$175	Master.....	\$100.00
First officer.....	90	First officer.....	63.18
Second officer.....	70	Second officer.....	43.74
Third officer.....	60	Third officer.....	31.59
Carpenter.....	40	Carpenter.....	29.16
Boatswain.....	35	Boatswain.....	29.16
Quartermasters, 2.....	35	Quartermaster.....	24.30
Sailors, 5.....	30	Sailors, 9.....	97.20
Chief engineer.....	150	Chief engineer.....	68.04
First assistant engineer.....	100	First assistant engineer.....	48.60
Second assistant engineer.....	90	Second assistant engineer.....	48.60
Third assistant engineer.....	80	Third assistant engineer.....	48.60
Oilers, 3.....	40	Oilers, 3.....	31.59
Donkey men, 2.....	40	Donkey man, 1.....	29.16
Firemen, 4.....	35	Firemen, 6.....	38.88
Coal passers, 2.....	30	Coal passer.....	34.02
Steward.....	60	Steward.....	15.00
Cook.....	45	Cook.....	15.00
Messman.....	20	Messman.....	15.00
Cabin boy.....	20	Cabin boy.....	15.00

Total American pay roll, per month..... 1,655

Total American crew, 32 men.

Total British pay roll, per month..... 994.66

Total British crew, 27 men.

It will be observed with some interest that the crew of the American steamer consists, all told, of 32 men as against a British crew of 27. This increased number on the American

ship is due substantially to the requirements of our Steamboat-Inspection Service that there shall be a third officer, a third engineer, and three oilers, not carried by the British ship. But even if the number of the two crews were equal, the total pay roll of the American steamer would be approximately 50 per cent greater than the pay roll of the British steamer—the same kind of a vessel, of the same capacity, adapted to the same general trades.

Or to take another comparison, that of somewhat larger cargo ships of a type particularly valuable in modern commerce:

*Comparative wages, 1914, on American and British cargo steamers of a capacity of about 8,000 tons.*

British cargo steamer <i>Ninian</i> (6,385 gross tons, 4,068 net tons, length 400 feet).		American cargo steamer <i>Hawaiian</i> (5,597 gross tons, 3,651 net tons, length 406 feet).	
Number of men.	Wages per month.	Number of men.	Wages per month.
<b>DECK DEPARTMENT.</b>		<b>DECK DEPARTMENT.</b>	
1 Master.....	\$97.40	1 Master.....	\$200.00
1 Chief officer.....	68.18	1 Chief officer.....	100.00
1 Second officer.....	48.70	1 Second officer.....	80.00
1 Third officer.....	43.83	1 Third officer.....	70.00
	258.11		450.00
1 Carpenter.....	36.53	1 Carpenter.....	40.00
1 Boatswain.....	31.66	1 Boatswain.....	35.00
4 Quartermasters.....	102.27	4 Quartermasters.....	140.00
6 Sailors.....	146.10	6 Sailors.....	180.00
1 Lamp trimmer.....	26.79		
2 Boys.....	24.35		
19	367.70	16	395.00
<b>ENGINE AND FIRE ROOM DEPARTMENT.</b>		<b>ENGINE AND FIRE ROOM DEPARTMENT.</b>	
1 Chief engineer.....	94.96	1 Chief engineer.....	165.00
1 Second engineer.....	68.18	1 First assistant engineer.....	110.00
1 Third engineer.....	53.57	1 Second assistant engineer.....	100.00
1 Fourth engineer.....	43.83	1 Third assistant engineer.....	80.00
	260.54		455.00
1 Donkeyman.....	34.09	3 Oilers.....	135.00
3 Oilers.....	94.96	3 Water tenders.....	135.00
12 Firemen.....	321.42	6 Firemen.....	240.00
		6 Trimmers.....	180.00
20	450.47	22	600.00
<b>STEWARD'S DEPARTMENT.</b>		<b>STEWARD'S DEPARTMENT.</b>	
1 Chief steward.....	36.53	1 Chief steward.....	65.00
1 Second steward.....	19.48	1 Cook.....	50.00
2 Cooks.....	58.44	1 Second cook.....	40.00
1 Engineer's steward.....	14.61	1 Messman.....	30.00
		1 Cabin boy.....	20.00
		1 Mess boy.....	15.00
5	129.09	6	220.00
44 Total.....	1,465.88	44 Total.....	2,210.00

In this other comparison we find a strikingly similar difference, the pay roll of the 44 officers and men on the American ship being approximately 50 per cent greater than the pay roll of the 44 officers and men of the British steamer. The real question of the American merchant marine, so far as ordinary cargo steamers is concerned, is a question of how the Government of the United States is going to equalize this wage difference, which prevails without any reference to our navigation laws and regulations and without any regard to whether the officers and men of the American ship are Americans or foreigners.

#### PROVISIONS OF PROPOSED BILL.

In an effort to equalize this difference so that American ships may have a fair and even chance in competition for the carrying of American commerce, I have introduced a bill "To encourage American shipbuilding and navigation, to establish American ocean mail lines, to increase the naval reserve, and to promote the commerce of the United States." This bill provides in brief for the payment to American vessels certified by the Secretary of the Navy as fit for auxiliary service of a compensation, retainer, or subsidy at the rate of 1 cent per gross registered ton for every 100 miles of the outward voyage, on condition that such vessels shall convey the United States mails free of charge, shall carry American boys to be trained in seamanship or engineering, and shall be placed at the disposal of the Government whenever required. The bill also provides for an amendment to the ocean mail law of 1891, increasing the compensation, which many years of experience has proved

to be inadequate, for steamers of the second and third class on routes to South America south of the Equator, the Philippines, Japan, China, and Australasia, and offering a new rate not to exceed \$10 a mile to ships of the highest speed on routes to Europe.

The compensation of 1 cent per gross registered ton for each 100 miles of the outward voyage is intended for cargo vessels not under mail contract with the United States, and is calculated to increase the number of useful freighting ships of the customary commercial speed, while the amendment to the ocean mail bill seeks to encourage the employment of swifter steamers on regular routes where the interests of trade demand a fixed-schedule service. Ships of both classes are requisite to a well-balanced merchant marine. By the terms of existing law vessels receiving one form of compensation can not receive the other.

Nothing can be clearer and more undeniable than that cargo ships under the American flag can not under normal conditions compete with foreign ships manned and maintained on a lower wage scale without substantial aid from some source. The distinguished Secretary of the Treasury, Mr. McAdoo, officially acknowledges this truth in his proposal for Government ownership and control of merchant shipping. There is no dispute about the fundamental facts; the only question is, How shall this essential aid be best administered?

I believe that the plan proposed in the bill which I have introduced—a plan originated some years ago by the eminent Senator from Maine, Hon. William P. Frye, who devoted the best years of his public life to a profound study of American shipping—offers the best solution of the problem, the most straightforward, economical, and effective. The number of miles traversed by a ship of given size in our export trade most accurately measures the value of the commercial service which she is performing for the American people. If in addition to delivering American goods the ship in design and construction is capable of rendering further service as an auxiliary to the fighting fleet in war, she has a double claim upon the favorable consideration of the nation whose flag she bears. There is one way, and one way only, in which we can secure these valuable ocean ships in the numbers essential to the promotion of the commerce and the maintenance of the national defense, and that is by equalizing the conditions of competition between American ships and foreign ships—between American and foreign seamen.

This the proposed bill does through the compensation offered to cargo ships and mail ships in return for fitness and readiness to respond to the call of the Nation in time of need. To deny that the United States has the right or the power to pay such compensation as this—such subsidy, if you will—is to deny to the United States the right or power of self-defense.

#### A CASE IN POINT.

The rate of compensation for cargo vessels of ordinary commercial speed proposed in the bill which I have introduced is, as I have stated, 1 cent per gross registered ton for each 100 miles covered in the outward voyage from a port of the United States to the foreign port or ports of destination. Let us apply this rate to the actual case of the steamer of 5,000 tons carrying capacity—a typical freighter of moderate tonnage, of which there are hundreds now operating on all the seas of the world. More steamers of about 5,000 tons carrying capacity are probably to-day employed in the over-seas carrying trade than of any other class or capacity. The American-built steamer *Pleiades* is a ship of this description. With 5,000 tons carrying capacity her gross registered tonnage, according to the Bureau of Navigation, is 3,753. It is the estimate of the bureau that a cargo steamer of this kind, of a speed of 10 knots an hour, will cover about 42,000 miles outward and inward in a year of ordinary service, which would be equivalent, in round numbers, to a total mileage outward of 21,000.

At the rate of 1 cent per gross registered ton for every 100 miles sailed on the outward voyage such a steamship would receive in compensation under the proposed bill the sum of \$7,881.30 a year, or \$656.77 a month.

Now, it happens that the difference in wages, according to the comparative table already presented, between the American cargo steamer of 5,000 tons carrying capacity and the typical British cargo steamer of the same tonnage is \$660.34 a month, or \$7,924.08 a year, which corresponds very closely with the compensation proposed in the bill for the American steamer, based on her fitness and readiness for the naval-auxiliary service of the United States in war.

If a still larger steamer were selected for the purpose of comparison, it is possible that the compensation provided might be somewhat more than the difference in wages instead of a few dollars less, as in the case of the steamer of 5,000 tons capacity. I do not profess that the rate proposed will fit with exactness



the case of every American ship in over-seas trade, but I do believe that the rate is as close an approximation as can be secured to the average difference in the wage cost between American and the better class of foreign-cargo steamers run at the average commercial speed.

#### TRANSATLANTIC MAIL SERVICE.

Now, a word in regard to the ocean mail lines. The existing ocean mail law of March 3, 1891, has received a great deal of consideration in this Chamber in the past 8 or 10 years in connection with efforts to amend it and increase the proffered rates of compensation on routes to South America and elsewhere, where no fast, regular lines of American steamers have been established. The law of 1891 has saved the American merchant marine from almost absolute destruction in the foreign trade of the United States. It is to this legislation that the American people owe the existence not only of several West India lines but of the one American line of mail, passenger, and freight steamers to Europe—the *St. Louis*, *St. Paul*, *New York*, and *Philadelphia*, running weekly from New York to Great Britain. This line has proved to be of inestimable value to the United States during the present war. While fast German liners have wholly disappeared and most of the swift British and French ships have been withdrawn to serve their Governments, the American steamers have maintained an uninterrupted service, week after week, carrying the United States mails and offering absolute protection to the lives of American passengers and the property of American merchants.

My only regret is that these American liners are so few, and that new, larger, and swifter ships have not been constructed. The manager of the American trans-Atlantic service, Mr. P. A. S. Franklin, of New York, has stated on several occasions that his company stood ready to match the *Mauretania* and *Lusitania*, of the Cunard Line, if equivalent aid and encouragement were offered by the United States. I believe most earnestly that the time has come when the Stars and Stripes should be borne by the greatest and noblest ships on the Atlantic Ocean, and with this end in view I have inserted in the proposed bill an amendment to the ocean mail law offering a compensation not to exceed \$10 a mile on the outward voyage to ships "of a speed equaling or exceeding that of the fastest foreign vessels in the same service." I do not profess that this proposed compensation is altogether an equivalent to the very generous encouragement extended to the Cunard Line by the British Government, which lent to the Cunard management out of the British treasury a sum understood to be about \$13,000,000 for the building of the *Mauretania* and *Lusitania*, on which there was required only the very low interest rate of 2½ per cent. At the same time the British Government gave to the Cunard Co. for 20 years a subsidy in round figures of \$1,100,000 a year, or sufficient to repay the entire loan with interest. In other words, the *Mauretania* and *Lusitania* were virtually given to the Cunard Co. by the Government of the United Kingdom.

If the maintenance of an unexcelled mail, passenger, and fast-freight service across the North Atlantic, and the strengthening of the naval reserve by the swiftest steamers in existence are worth so much to the United Kingdom, a superior service under the American flag is worth something to the United States. I believe that the creation of American ocean mail ships, excelling even the splendid Cunard ships, would be abundantly worth the subvention I have proposed.

#### INES TO SOUTH AMERICA AND THE ORIENT.

Though some American cargo steamers are now running under the abnormal conditions of the war to Brazil, Argentina, Chile, and Peru, no swift and regular line of American steamships carrying the United States mails under the law of 1891 has been established to any of these great countries of the Southern Continent. Some months ago the Pacific Mail service, which was given up when the seamen's bill became a law, was temporarily revived with much smaller and inferior steamers, but any proposal to strengthen the American merchant marine would be incomplete without generous provision for swift, superior steamship service under the American flag to Japan, China, and the Philippines. The measure which I have the honor to present offers an increase of compensation from the rate of \$2 and \$1 a mile, respectively, for vessels of the second and third class, to not exceeding \$4 and \$2 on routes to South America south of the Equator, and to Japan, China, and the Philippines, and also to Australasia, whither an inferior American steamship service now runs, recently revived under the law of 1891, but contending under heavy handicaps against subsidized British competitors.

#### OCEAN MAIL PAY UNDER NEW POLICY.

Ocean mail compensation or subsidy is not a new departure in the practice of the United States. Many years ago mail sub-

sidies were granted, originally by a Democratic Congress, on the recommendation of a Democratic President, Mr. Polk, to American steamship lines to Europe and the West Indies and between both our North Atlantic and Pacific ports and the Isthmus of Panama. That legislation was approved by men of all parties and was entirely successful in the rapid increase of American steamship tonnage, which for a while exceeded the growth of British tonnage. But it is a matter of history—and sorrowful history—that that ocean mail legislation was destroyed in the fierce sectional struggles in Congress that preceded the Civil War.

The proposed amendments of the existing ocean mail law embody an application of principles that have worked satisfactorily in our own experience and in the experience of all other great maritime nations of the world. Swift and regular ocean mail service in ships of more than ordinary commercial speed is a particular service rendered to the Nation, which requires and deserves fit compensation from the National Treasury. We have offered a certain rate of compensation for many years on the long routes to South America and across the Pacific Ocean. These rates have not proved sufficient to create and maintain a service under the American flag. In the light of these facts it is the part of prudence and of patriotism to offer a properly increased rate of compensation that will produce such a service.

#### FOREIGN SHIPS NEVER "CHEAP."

Every argument that has been made in this Chamber for ocean mail and similar legislation, to give national aid and encouragement to the American merchant marine, has been absolutely confirmed by our national experience since the outbreak of the great war in Europe. Once there were Senators who were disposed to question the need of an American ocean shipping. I have heard Senators express the belief that so long as foreign shipowners were carrying our commerce cheaply it was just as well that they should be allowed to do so, and that it was best that our country should make no effort to participate in ocean navigation. However plausible that argument may have seemed in time of peace, this war has utterly and forever shattered it. We have discovered to our cost that a cheap service in foreign ships may in the end prove a most extravagant service.

When war came the German merchant marine vanished from the ocean, and the best steamers of Great Britain and her allies were immediately "commandeered" for the military or naval service of their Governments. If there had been a great, adequate merchant shipping under the American flag, this shipping, whose first interest and duty would have been to serve the American flag, with additions from our great coast fleet, would have sufficed to save American ocean trade from serious injury. But with American ships carrying less than 10 per cent of our commerce, and foreign ships, principally British and German, carrying the remainder, before the war began, it was inevitable that sooner or later the condition that now confronts us should arise, when grain and cotton and other export products are piling up day after day on steamship docks and in railroad yards for lack of tonnage to deliver them to over-seas customers.

Moreover, the American people, arousing themselves to the need of national preparedness, are dismayed to find how small and feeble is the existing auxiliary Navy under the American flag—for through many years we have been paying many millions in mail, passenger, and freight money to maintain the auxiliary navies of foreign Governments.

No longer is the plea heard in this Chamber that if foreign ships can carry our trade at "cheap" prices they ought to be allowed to do so. Never again will that argument be heard from the lips of an American Senator. The blindness of it, the folly of it, have been made forever manifest. After long years of controversy and hesitation we have all come together at last in frank recognition of the fact that an American merchant marine is as essential to this Republic as an American Navy, of which, indeed, merchant auxiliaries are an indispensable part. I have offered the bill for which I am invoking the friendly consideration of the Senate because out of many years of conscientious study of the question I am deeply convinced that this measure points the better way.

#### BOTH ARE SUBSIDY BILLS.

It is a subsidy bill. But, if I mistake not, the word "subsidy" has lost most of its power to affright the American people, even the people of our Inland States, whose grain and provisions can not be marketed because of a lack of ships to carry them to Europe. The loss which the West and the South are now suffering because of our long neglect of our own merchant shipping mounts far up into the millions and would pay subsidies for a hundred years.

The whole Nation is now face to face with the demonstrated truth of the proposition that national aid to American ships is not merely a matter of concern to the ocean States that build and own them, but is as valuable to Minnesota and Nebraska as to Massachusetts, to Kansas and Texas as to Pennsylvania.

Both the bill urged by the President and his Cabinet and approved by Democratic Senators and the bill which I myself offer are subsidy bills. They are both based upon the fundamental proposition that national aid is necessary to enable American ships to meet the competition of the low wages and the subsidies and bounties of foreign Governments. You will find this fact stated in express terms in every address which the Secretary of the Treasury, Mr. McAdoo, has delivered on behalf of the proposed legislation of which he is the champion. He points out everywhere and always the fact that the wages and standards of living are lower on foreign ships, and that subsidies are liberally paid by foreign nations. Then, he contends that these adverse conditions can be met only by the wealth and power of the Government of the United States in building or purchasing steamships of its own and operating these ships in foreign commerce out of funds from the National Treasury, or, as a possible alternative, in some cases of leasing the Government ships to private shipowners at a low rental that will enable these shipowners to operate them without disaster.

In either case, under the Government-ownership bill or under the bill which I have introduced, the difference between the cost of operation of foreign ships and of American ships, due to low foreign wages or foreign subsidies or both combined, is to be borne by the Government of the United States on behalf of all of the people of the United States, some of whom are to be admitted by the Government as fellow stockholders in Government shipping corporations.

These Government-owned ships are to be as distinctly subsidized ships as the cargo vessels and the ocean mail liners of the alternative measure which I have presented. Under the existing ocean mail law and the restrictions provided in regard to cargo vessels in the proposed bill, that they must be fit for auxiliary service, carry American boys, and be held at the disposal of the Nation, the Government would be able to wield a considerable measure of control over these American vessels. If further and reasonable precautions are necessary to guarantee that these privately owned ships shall everywhere and always serve the public interest, I am willing that such precautions should be enforced by Federal law. But I wish again to emphasize the fact that both of these alternative measures before the Senate are national-aid measures, subsidy measures, and that no criticism of the subsidy policy or principle can hereafter come from those Senators who have already committed or are prepared to commit themselves to the support of the legislation so eloquently urged by the Secretary of the Treasury and by the President himself.

#### LESS COSTLY, MORE EFFECTIVE.

Of the two proposals, I prefer the plan which I have introduced—first, because it conforms to tried and established policies and methods which have proved successful in the experience of other maritime nations, nations that can now have no possible reason or excuse to retaliate, and, second, because I believe that the bill which I offer is the more direct and effective, and in the long run will prove the less costly to the Government.

The control and management of commercial shipping is a complex, difficult art, in which our Federal Government has had practically no experience, for the one small Government line to the Isthmus of Panama has been a mere auxiliary in the work of canal construction, and has not been a financial success. My own plan would leave the design, building, and maintenance of our ocean ships in the hands of the men who have been trained from youth to this particular business. I believe that these men, of whom there are hundreds in America, may well be trusted to operate these ships not only with more economy but with more alertness, vigor, and enterprise than could any cumbrous machinery provided in our Government itself. I believe that where the plan which I have outlined would cost the Treasury one dollar Government ownership and operation would cost the Treasury many dollars, or that if the expenditure were equal the plan which I advocate would provide many more ships, would create more trade, and would insure a far stronger addition to the American auxiliary navy.

The sum of \$2,000,000 annually, it is estimated, would provide the proposed mileage subsidies to all the ships fit for auxiliary naval service and now regularly engaged in over-seas commerce under the American flag. An ocean mail expenditure of \$3,000,000 a year, as I have shown to the Senate in previous years, would create splendid American ocean mail lines to

South America, Australasia, and the Orient. All of these sums and undoubtedly larger sums would be required under the Government-ownership plan to equalize conditions on American mail and cargo ships against the competition of foreign ships and foreign Governments. And in addition many millions more would have to be taken from the Government Treasury to build or buy the ships which it is proposed that the Government shall own. Under that plan the Government would pay all the subsidies and run all the risks. Under the plan which I present the Government would pay the subsidies and would equalize conditions, but there it would stop; the risks and liabilities would have to be assumed by the steamship management and stockholders.

Though, as I have said, a majority of the Merchant Marine Commission in 1905, after its long inquiry, could not approve a revival of the historic plan of preferential duties, nevertheless I personally would not be averse to giving that plan a full and fair trial at the present time if no other plan could be adopted, and with that end in view I have offered a comprehensive bill along these lines. Certain it is that in our own national experience from 1789 for many years afterwards preferential customs and tonnage duties wrought a magnificent growth of the American merchant marine in foreign commerce. I realize, of course, that tariff and other conditions were more favorable then than now, and that there were no commercial treaties trammeling the maritime policy of the United States, but these commercial treaties have been and can be modified in many particulars. They can even be abrogated, and it may prove that they will have to be abrogated at the end of this war in order to give proper freedom to the maritime advancement of America.

After all, it is the object we seek—the restoration of our merchant shipping—which is the important consideration—a consideration so important that as patriotic citizens we must all approach the subject in an open-minded spirit of give and take. Preferential duties, with all their difficulties, are certainly far preferable to Government ownership and operation, to Government participation in a purely commercial trade.

The moment that the Government, with all its wealth and power, goes into the ocean steamship business, that moment there falls a paralysis on private enterprise and personal initiative; for no shipowners, however capable, no steamship corporations, however rich, would ever dare to enter the field of competition against the Congress and the Treasury of the United States. Success of the Government-ownership project means that ultimately the Government must own and operate all American ships in over-seas commerce, that, in other words, this trade must be a Government monopoly. To many, and I believe to a great majority, of thoughtful American citizens the adoption of Government ownership of ocean shipping will mean a threat of Government ownership and control of other great national industries and a violent departure toward blind and destructive State socialism, the end of which no man can now foresee.

Mr. President, as I suggested in the beginning, I will on tomorrow, or at the first favorable opportunity, take occasion to discuss the bill that is now before the Senate, and which I have only touched upon casually in the observations I have made to-day.

Monday, August 14, 1916.

Mr. GALLINGER. Mr. President, on Friday last I addressed the Senate briefly on the history of attempted legislation by the Republican Party in behalf of the American merchant marine, and to-day I will occupy a little time in examining the salient features of the bill now under consideration.

Alexander R. Smith, of New York, a noted writer on maritime affairs, in a recent communication to the New York Sun, declares that the ostensible purpose of the administration shipping bill is to help restore American shipping to foreign carrying, but its real result will be to deliver over to foreign shipowners and foreign shipbuilders the control of our coastwise carrying, the cream of our domestic maritime business. "Everybody knows," says Mr. Smith, "and no one better than the administration, that to appropriate \$50,000,000 with which to do a work that would require from \$750,000,000 to \$1,000,000,000 is to attempt the impossible, and yet it is doubtful if the last-named sum would suffice to replace with American ships the foreign ships now engaged in our foreign carrying."

And in this connection I want to say here and now that if this money is to be expended I want a part of it to go to New England, because I know that if this bill becomes a law the bankers of New England will not listen to any proposition to advance money for shipbuilding while the Government is in competition with them.

On that point I beg to quote from a letter just received from Mr. H. D. Cleveland, of the Boston Pacific Line, a gentleman



who has had much to do with raising capital for shipbuilding purposes. Mr. Cleveland says:

At the request of the merchant marine committee of the Boston Chamber of Commerce, I wish to detail to you the facts in regard to proposed developments here in Boston as effected by the administration shipping bill.

This company, at present owning no steamers, has at great expense had plans drawn for a fleet of steamers to operate from this port through the Panama Canal to Pacific coast ports. The money for this development is available, but owing to the administration shipping bill and the uncertainties as regards the future in connection with the regulating features, and the menace of Government operation, we have been compelled to postpone our plans pending legislation in Washington.

The main difficulty encountered is in persuading our banking affiliations that we were not going to be so regulated that we could not at the start be sure of a successful operation, for those who have operated on the ocean know that the first year or two is very problematical until such time as the proposed service reaches its normal flow.

In connection with this development there are a group of men who have been interested in shipbuilding who were prepared to start a new yard if given the contract for building these boats.

Mr. Franklin, of New York, a gentleman who approves of some features of the pending bill, especially the provision which creates a shipping board, has pronounced opinions on the Government-ownership proposition. In a recent letter to me, Mr. Franklin says:

I am opposed to Government ownership; it will not create an American merchant marine, but simply establish services between certain specified ports, and would probably result in the withdrawal of the existing services between those ports, and create antagonism and jealousies in other ports. It would be impossible to interest capitalists in shipping, as they would be afraid that the Government might establish services in competition with them.

In a recent letter received from Mr. O. S. Dearborn, president of the American-Hawaiian Steamship Co., I am told that that company is distributing its surplus earnings to its stockholders rather than applying them to new ships, in the belief that this bill, which Mr. Dearborn calls "the most vicious legislation that was ever attempted," is to be passed. Mr. Dearborn says that if his company believed that the Government would operate a service in our coast-to-coast trade, doing business at a loss, as they did with the Panama Railroad, rates being dictated by shippers, they would be derelict in their duty to their stockholders if they did not dispose of their fleet at the present fabulous prices being paid by foreigners, and he adds that they have just sold two new 9,000-ton steamers.

Facts like these ought to be of sufficient weight to defeat the bill, but evidently the eyes of Democratic Senators are closed to every consideration except that dictated by the President and indorsed by a Democratic caucus.

So far as I have observed, almost every leading newspaper of the country is in opposition to the proposed legislation.

The New York Herald aptly denominates the pending bill "An old snake in a new skin," and the New York Evening Post, in reviewing the optimistic utterances of Secretary of the Treasury McAdoo, alludes to him as "Col. Sellers reincarnated," both of which criticisms seem to be justified by the facts.

It is proper that I should call attention to the circumstance that in a referendum taken by the Chamber of Commerce of the United States there was an overwhelming majority of the members of the chambers of commerce and boards of trade of the country who declared themselves opposed to the principles of the administration ship-purchase bill.

In answer to the question, "Do you favor the Government undertaking the purchase, construction, or charter of vessels for mercantile purposes, together with the operation of such vessels," the vote was 600 against and 82 in favor.

In answer to the further question, "Do you favor the ownership of merchant vessels by the Government, and operation by private parties under lease," the vote was 711 against and 54 in favor.

In answer to the question, "Do you favor subsidies from the Government sufficient to offset the difference in cost between the operation of vessels under the American flag and under foreign flags in the deep-sea trade," the vote was 508 in favor and 186 against.

In answer to the question, "Do you favor subventions by the Government to establish American mail and trade lines to countries in which the commercial interests of the United States are important and to American dependencies," the vote was 718 in favor and only 18 against.

That certainly is a remarkable demonstration of the fact that the business interests of the country are absolutely opposed to the legislation now under consideration.

The New Orleans Association of Commerce had this matter under consideration, and made the following report:

Your special merchant marine committee begs to report as follows: We have considered House bill 15455, Sixty-fourth Congress, first session, a measure known as the Alexander bill, "to establish a United States shipping board," etc.

It is our opinion that the association of commerce, through its board of directors, should go on record as reaffirming its position on this bill in line with its vote on referendum No. 9 of the Chamber of Commerce of the United States.

The vote of the association of commerce on this referendum was as follows:

1. The association of commerce voted as being opposed to the Government undertaking the purchase, construction, or charter of vessels for mercantile purposes, together with the operation of such vessels.

2. Opposed to ownership of merchant vessels by the Government, but with operation by private parties under leases.

3. In favor of subsidies from the Government sufficient to offset the differences in cost between operation of vessels under the American flag and operation in the same deep-sea trades under foreign flags, provided that the navigation laws of the United States can not be changed or some other way be found to accomplish the same purpose.

4. In favor of subventions from the Government to establish regular mail and freight lines under the American flag to countries in which the commercial interests of the United States are important and to American dependencies.

I want to repeat, Mr. President, that that was the action of the merchant-marine committee of the New Orleans Association of Commerce, which was approved by the board of directors of that great body.

The New Orleans Board of Trade (Ltd.), when the former bill was under consideration on December 29, 1914, declared as follows:

It would be a startling and dangerous step toward socialism, and, if the Government succeeded in starting on a small scale, it is difficult to foretell to what extent this dangerous precedent might lead.

The enactment of such legislation would be a serious blow to our American merchant marine, in that it would destroy the initiative on the part of private capital, and no one would think of attempting to build, buy, or operate merchant vessels in competition with the United States Government, and the private-owned vessels which are now under the American flag would, in our judgment, diminish to such an extent as to actually reduce the aggregate tonnage of the American merchant marine rather than to increase it.

We do not believe it would be a business proposition for the Government to engage in the steamship business, as, in our judgment, it would prove an expensive failure. We seriously doubt if, after the Government had taken 51 per cent of the capital stock of any corporation organized for the purpose of taking advantage of this bill, individuals would take the other 49 per cent. It is a well-known fact that the operation of the Panama Railroad steamers from New York has proved an expensive undertaking for the Government, notwithstanding they were in a better position to provide these ships with tonnage and passengers than any private corporation.

The Philadelphia Maritime Exchange, in a protest dated December 31, 1914, said:

That the proposed legislation would place the Government in direct and complete competition with a number of our citizens who, with investments of many millions of dollars, are engaged in a business essentially private in character and readily controllable both by competition and governmental regulation. No private enterprise, however capably and economically administered, where the management is accountable to its stockholders, can compete with the Government in the same industry where there is no such accountability.

Furthermore, the Philadelphia Maritime Exchange went on record as declaring its opinion that—

The ownership and operation by the Government of merchant vessels is a backward rather than a forward step, and will not only discourage but destroy all private initiative in the direction so earnestly desired.

Let me call the attention of Senators to the policy that France has recently adopted on this subject. A year ago a project for Government ownership of merchant shipping appeared in France, and at first commanded some signs of popular favor. But careful examination of the subject quickly destroyed all the support which the project had received. Minister of Finance Ribot and Minister of Marine Lacaze, whose approval of the measure was necessary, pronounced against the plan after having examined it, and the bill authorizing the State to purchase a merchant fleet of 50 ships was thereupon withdrawn from the Chamber of Deputies, being condemned as both ineffective and extravagant. In substitution for it a plan was prepared to aid French shipowners by careful loans of public funds to increase the number of their ships and to meet the emergency which the war had brought upon French commerce.

In the Commerce Reports of the Bureau of Foreign and Domestic Commerce for February last there appeared a description of the new plan prepared by Mr. Charles W. A. Veditz, commercial attaché at Paris, who said:

A measure tending to strengthen our merchant marine should be passed without delay.

While the war lasts we may reap the advantages of being able to benefit French commerce by recovering, in part, the heavy tribute which we are paying to foreign shipowners in the form of marine freights.

After the war our maritime commerce will need a number of ships sufficient to insure a continuation of the services heretofore maintained by our companies and to make possible the organization of new lines. It is on this condition only that the economic life of France will be able to recover and to create large resources necessary for the work of national rehabilitation.

Our ports will be visited by a larger number of ships from now on, and the free play of economic laws will tend to lower the freights. Furthermore, the proportion of French tonnage in our foreign trade will be larger, and action by the Government, if demanded by circumstances, would be of greater effect in the domain of transportation.

The vicissitudes of war have reduced the effective strength of our merchant fleet. The strenuous service to which our ships have been subjected since August, 1914, the resulting wear and tear, the impossibility of reopening our shipyards before the termination of hostilities—all this compels us, if we would be ready in time, to obtain without delay a number of ships from other countries to replace those lost and to supplement those in active service.

In its earnest desire to improve the conditions under which the country procures its food supply, to stop the waste of the national wealth, and to secure the future of our merchant marine, the Government has examined various solutions proposed. It is of the opinion that the end sought can only be achieved by encouraging private initiative and giving aid to shipowners in order to induce them to buy ships in allied or neutral countries.

The granting, under proper guaranties, of loans repayable in annual installments, and the determination of a fixed sum to be paid as indemnity in case a ship so acquired should be requisitioned by the Government, are the measures which will best meet the present needs of the shipowners. There seems to be no doubt of the general utility of these measures, as the shipowners will be under the double obligation of keeping the ships so acquired as part of our merchant fleet for five years at least and of employing them in the French import trade until the crisis now prevailing in maritime transportation shall have moderated.

Some of the provisions of the proposed law are further stated by Mr. Veditz to be as follows:

Until the expiration of 12 months after the conclusion of peace the Government may invest a sum not exceeding 100,000,000 francs in loans to French shipowners, to cover a part of the sums necessary for the purchase of ships with mechanical propulsion, from citizens of allied or neutral countries. The interest to be paid on such loans shall be calculated at the rates charged by the Bank of France on loans on securities. Navigation companies possessing a fleet of 20,000 tons or more may receive 70 per cent of the purchase price; those possessing a smaller fleet 80 per cent.

After making provision for repayment by the shipowners the bill provides that Government experts shall inspect the ships, which must be seaworthy and in good condition. Article V indicates the formalities to be complied with by the shipowner desiring to obtain a loan, the shipowner being obliged, among other things, to give the State a first mortgage on the ship after it has been registered as French.

Article VI provides that in the case of a transfer of the ownership of a ship, made during the present war or within five years after the conclusion of peace, the owner shall pay a sum of money equal to the purchase price. He is under the additional obligation, until the expiration of six months after a treaty of peace has been signed, to carry imports intended for French ports only, though one-fourth of the cargo may be carried to allied or neutral countries. Similar provisions are made for owners of tugs and fishing vessels.

And, finally, the indemnity to be paid for ships so acquired when requisitioned by the Government shall be determined in accord with the prevailing charter rates, reduced by 15 per cent.

It will thus be seen, Mr. President, that the French Government, after fully discussing several suggestions that were presented proposing that the Government should enter upon the purchase of ships and should operate them under the terms that the Government might provide, decided them adversely, and that instead a large loan was authorized to be made to shipowners on very liberal terms, so as to increase the merchant fleet of France in that way.

#### ITALY HAS SCHEME FOR SHIP SUBSIDIES.

Only four days ago the New York Herald had a dispatch from Rome which is of very great significance in this debate. That dispatch says:

The ministry to-day—

That is, the Italian ministry—

The ministry to-day adopted the following measures designed to effect the building up of the national merchant marine and relieve shippers from the burdens of high freight rates:

Ships bought abroad by Italian citizens or companies within the next two years will be exempt from taxation for a period of three years. Ships built in Italy during the same period will be exempt from taxation for four years; the materials for such ships will be permitted to enter free of duty, and subsidies will be paid of \$16 a ton on the hull and \$20 on machinery.

Ships built under the provisions of the act will be liable, however, to requisition by the Government for one year, and such ships must also remain under Italian registration for five years.

The interesting feature of this proposition is the full provision for a direct Government bounty to Italian-built ships of \$16 a ton on the hull and \$20 on the machinery. Section 9 of the Government-ownership bill would then bring American shipyards into competition for the building of Government-owned ships, for both foreign and coastwise trade with Italian shipyards, which, under this provision, will receive from their Government, \$80,000 on a ship of 5,000 tons and considerably more on the machinery.

Section 9, therefore, forces American shipyards into free-trade rivalry, so far as Government-owned ships are concerned, not only with foreign yards but with the treasuries of foreign Governments. France and Austria have similar provisions for direct Government bounties to ships built and engaged in native yards, and Japan has the same. This proposition, under the circumstances, may well be described as free trade run mad.

In the Commerce Reports of Friday last Commercial Attaché William C. Downs, writing from Rio de Janeiro, gives the following information concerning a subsidy for Brazilian coastwise navigation, which is deserving of very serious consideration. It shows that the South American countries are following the example of the great maritime nations of the world in subsidizing their steamships. Mr. Downs says:

According to the new contract between the Federal Government of Brazil and the State of Bahia, approved by the President of the Republic on May 31, 1916, an annual subsidy of 270,000 paper milreis (about

\$67,500 United States gold) is granted for the maintenance of coastwise steamer services from the port of Bahia. This subsidy is divided as follows:

1. For two round voyages per month between Bahia and Pernambuco, with stops at Estancia, Aracaju, Villa Nova, Penedo, and Macelo, 131,588 milreis (\$32,897) for 22,224 miles.

2. For one round voyage per month between Bahia and Belmonte, stopping at Marahu, Rio das Contas, Ilheos, and Cannavieiras, 31,832 milreis (\$7,958) for 5,376 miles.

3. For two round voyages per month between Bahia and Mucury, stopping at Ilheos, Cannavieiras, Porto Seguro, and other small ports, 106,580 milreis (\$26,645) for 18,000 miles.

This service will be maintained by seven steamers.

It is true that the subsidy given by Brazil to its coastwise ships is not a very large one, but it nevertheless emphatically shows the difference in the policy of that Government and ours. Brazil subsidizes her coastwise ships, while we propose to open our coastwise trade to ships that under existing laws are not entitled to such privilege.

On January 30, 1915, a very interesting communication appeared in the London Spectator, as follows:

#### THE AMERICAN GOVERNMENT AS A SHIPOWNER.

To the EDITOR OF THE SPECTATOR:

SIR: Your correspondent, "A Jeffersonian Democrat," asks in his letter under the above title in the Spectator of January 16 whether there is any modern precedent for State ownership of a merchant marine. One is to be found in Australia, where the labor factions have had a good run of late. According to the Shipbuilding and Shipping Record of August 6 last, the Fisher government some two and a half years ago bought a steamer, the *Stuart*, from a private company for £10,400, and another £5,900 was expended in refitting her. She earned in two years £2,381, and was sold last summer for £6,200, the estimated loss of £10,000 falling on the shoulders of the electorate. Another State-owned steamer is the *Western Australia*, purchased in 1912 by the labor-governed State bearing the same name. She was bought for £39,500, and altogether cost about £73,000. The government was then trying to sell the ship for £45,000. There are, of course, other instances, particularly where a shipping company has been so backed up, subsidized, and financed by a State as to make the concern to all intents and purposes a State-owned company. One of this class is the Lloyd Brasileiro fleet, which the Brazilian Government put up for sale last year, without, however, finding a purchaser.

I am, sir, etc.,

SHIPOWNER.

(Our correspondent forgets an earlier precedent, the London County Council's attempt to run a fleet of passenger steamers on the Thames. The result is never mentioned in progressive circles in the metropolis.—Editor Spectator.)

That same paper, Mr. President, one of the great papers of Great Britain, in February, 1915, contained this editorial:

All over the world experience has shown that the intervention of the State in any particular industry frightens away private capital. American economists are fond of emphasizing this point when they contrast the American railway system, constructed by private enterprise, with the railways of India, constructed by Government enterprise. The disproportion of mileage is enormous, and far greater than can be explained by the difference, admittedly great, between the industrial conditions of the two countries. Therefore from the point of view of the British shipping industry we certainly hope that President Wilson will persist in this bill, which might be briefly described as a scheme for handicapping American commercial enterprise by State competition.

Under date of August 3, 1916, one of the great newspapers of this country, the New York Sun, contained an article headed "Net tonnage cleared largest in history—shipping total for fiscal year reaches 25,475,103." The entire article is as follows:

Merchant shipping, American and foreign, cleared from seaports of the United States 25,475,103 net tons for Europe, South America, Asia, Africa, Australia, and Oceania during the fiscal year ended June 30, 1916, was the largest in the history of the United States, notwithstanding the European war, the capture of the port of Antwerp, the closing of the Black Sea, the blockade of the ports of the central powers, the withdrawal of the German and Austrian vessels from trade, and the dangers from mines and submarines, according to figures compiled by the Bureau of Foreign and Domestic Commerce.

Up to the year just closed the greatest volume of clearances from the United States for the over-seas continents named was 24,872,403 net tons during the year ended June 30, 1914, just before the outbreak of the European war. Much of the tonnage in that year was space for passengers on ocean steamers, while during the fiscal year just closed such fast steamers to a large extent had been withdrawn from trade to serve as allied transports and hospital ships, and their places have been filled by cargo steamers.

American shipping cleared for the over-seas continents during the year just closed was more than threefold that in 1914, 2,448,305 net tons, compared with 745,242 net tons for the fiscal year 1914. The American net tonnage, a net ton being 100 cubic feet of closed-in space available for cargo or passengers, cleared from the United States for these continents in the years ended June 30, 1914 and 1916, the foreign tonnage so cleared, and the combined American and foreign tonnage were as follows:

	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
Clears for—	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.
Europe.....	447,000	1,134,000	19,598,000	18,791,000	20,046,000	19,925,000
South America.....	192,000	945,000	2,237,000	1,764,000	2,429,000	2,710,000
Asia.....	72,000	131,000	1,165,000	1,489,000	1,237,000	1,620,000
Australia, etc.....	28,000	157,000	724,000	596,000	752,000	753,000
Africa.....	4,000	79,000	402,000	384,000	406,000	464,000
Total.....	745,000	2,448,000	24,127,000	23,026,000	24,872,000	25,475,000



During the past fiscal year our shipping facilities (net tonnage) for the export trade to Europe have been the greatest in our history, according to the report. Although the net tonnage in 1914 was a trifle larger—half of 1 per cent—much of that net tonnage in 1914 was for the passenger trade, as stated, which in 1916 was relatively small, and cargo space in 1916 was supplied to help meet the great volume of exports. During 1914 the American Line mail steamers to Southampton and the Red Star Line passenger ships to Antwerp were virtually the only American ships in trade with Europe; in 1916 American ships traded with the maritime nations of Europe, except Belgium and the blockaded central powers. The total tonnage clearances to France and Italy almost doubled, the clearances to Norway, Denmark, and Sweden more than doubled, and to Greece increased over threefold. The following summarizes the net tonnage clearances to European countries:

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.
Austria-Hungary.....			517,000		517,000	
Belgium.....	187,000		943,000		1,131,000	
France.....		184,000	1,763,000	3,452,000	1,763,000	3,636,000
Germany.....	8		3,893,000		3,902,000	
Great Britain and Ireland.....	241,000	604,000	7,351,000	7,700,000	7,593,000	8,304,000
Greece.....		5,000	93,000	345,000	93,000	351,000
Italy.....		135,000	1,893,000	3,444,000	1,893,000	3,579,000
Netherlands.....	8,000	10,000	1,751,000	1,356,000	1,760,000	1,366,000
Russia in Europe.....		23,000	157,000	197,000	157,000	221,000
Spain.....		11,000	422,000	547,000	422,000	558,000
Other Europe.....		45,000	127,000	265,000	128,000	310,000
Total.....	447,000	1,020,000	18,917,000	17,309,000	19,365,000	18,325,000

American shipping in trade with South America has developed more rapidly in the past fiscal year than in any other direction. The American tonnage cleared was almost five times greater than in 1914, and in trade with Argentina particularly the increase is notable. The withdrawal of foreign ships has been made good by increased American tonnage. The increase in total clearances is partly due, of course, to improved financial conditions in those countries, except Peru, and to the removal of the risk of destruction which checked trade with South America for some months after the outbreak of the war. The clearances for South America follow:

Destination.	American.		Foreign.		Total.	
	1914	1916	1914	1916	1914	1916
	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.
Argentina.....	4,000	191,000	611,000	575,000	616,000	767,000
Brazil.....	62,000	259,000	648,000	548,000	710,000	808,000
Chile.....	44,000	236,000	482,000	355,000	526,000	592,000
Colombia.....		109,000	271,000	74,000	272,000	183,000
Peru.....	48,000	32,000	42,000	50,000	91,000	83,000
Uruguay.....	7,000	54,000	93,000	121,000	100,000	176,000
Venezuela.....	23,000	52,000	29,000	13,000	52,000	65,000
Other South America.....	1,000	9,000	57,000	24,000	59,000	33,000
Total.....	192,000	945,000	2,237,000	1,764,000	2,429,000	2,710,000

That article shows, Mr. President, that in spite of the war the tonnage cleared from American seaports in the foreign trade during the fiscal year ended June 30, 1916, was the largest in history, the American tonnage cleared in this over-seas trade being more than threefold that of 1914. This shows how much enterprise American shipowners have manifested in building or buying new shipping, or diverting all available vessels from the coastwise trade. It is particularly interesting to note that the American tonnage cleared in the trade with South America was also five times greater than in 1914. These are practically all freight carriers, however, and not in any case a regular line service. Such regular service can not possibly be established in time of war without subventions from the Government guaranteeing protection.

I have also, Mr. President, a most interesting article from a great American newspaper, the New York Journal of Commerce, of August 10, 1916, headed "Decline in World's Steamship Tonnage." The entire article is as follows:

Statistics showing the number and tonnage of steam vessels owned by the various nations of the world, contained in the new issue of Lloyd's Register, indicate that war losses and the curtailment of new production have caused a slight reduction in the total since the beginning of hostilities. The number of vessels listed under date of June, 1914, was 24,444, with an aggregate gross tonnage of 45,403,877, as compared with 24,132 of an aggregate gross tonnage of 45,247,724 on June 30, 1916. The sailing-ship tonnage totals 3,435,412 tons now, compared with 3,685,875 tons two years ago, pointing toward the fact that there has been little effort to supply new tonnage for that which has been lost, even though sailing ships have recently been operated with good profit.

The United States has made the greatest gain recorded by any nation, as shown by the figures. This increase has been confined entirely to ocean-going vessels, which have increased in number by 172 and in tonnage by 825,627 gross tons. To offset this increase there has been a slight decline in the number and tonnage of American lake vessels, some of which have been withdrawn for ocean service. The shipping

of the Philippine Islands has also decreased somewhat. Taking these losses into consideration, the gain of the American merchant marine has been 147 steamships of 786,137 gross tons.

It is interesting to note that in spite of the fact that Norway has lost more ships due to war causes than any other neutral nation, she shows the second largest gain, amounting to 139 ships of 306,547 gross tons. Japan's increase has been less than might have been expected, measured by 48 ships of 139,067 gross tons.

It will be seen from the following table that the steam tonnage under the British flag has decreased by only 59,825 tons, the French tonnage by 71,166 tons, while Russian steam tonnage has increased by 23,197 tons, and Italian tonnage by 255,245 tons, so that, taken altogether, the allies have 147,451 tons more than in 1914, while Austria and Germany have lost 1,405,421 tons. That these figures do not represent accurately the relative position of the belligerents is to be inferred from the absence of definite information as to what ships Germany and Austria have been building, details of which will not be known probably until after the war ends.

The allies together own 27,292,011 tons, Germany, Austria, and Turkey 4,864,732 tons, and neutrals 13,090,981 tons. Great Britain still maintains a long lead over all rival maritime nations, as indicated by the Register, while the seagoing merchant fleet of the United States yields second place to Germany. The following table shows the number and tonnage of steamships owned in the countries listed on June 30, 1914, and on June 30, 1916, as recorded by Lloyds:

	June, 1914.		June, 1916.	
	Number.	Gross tonnage.	Number.	Gross tonnage.
British:				
United Kingdom.....	8,587	18,892,089	8,454	18,825,356
Colonies.....	1,536	1,631,617	1,576	1,638,525
American (United States):				
Sea.....	1,113	2,026,908	1,285	2,852,535
Northern lakes.....	579	2,260,441	561	2,225,900
Philippine Islands.....	65	42,729	58	37,780
Argentina.....	244	188,892	238	181,929
Austria-Hungary.....	433	1,052,345	385	891,103
Belgian.....	173	241,025	144	264,985
Brazilian.....	395	307,607	377	290,637
Chilean.....	91	96,473	95	92,820
Chinese.....	73	93,095	80	97,841
Cuban.....	53	58,450	41	34,281
Danish.....	576	770,430	589	797,371
Dutch.....	709	1,471,710	697	1,486,368
French.....	1,025	1,922,285	998	1,851,120
German.....	2,090	5,134,720	1,708	3,890,542
Greek.....	407	820,861	361	717,045
Italian.....	637	1,460,475	684	1,685,720
Japanese.....	1,103	1,708,386	1,151	1,847,453
Mexican.....	48	45,069	41	40,084
Norwegian.....	1,656	1,957,353	1,795	2,263,900
Peruvian.....	19	28,771	17	23,342
Portuguese.....	105	92,429	164	303,706
Roumanian.....	34	56,164	35	60,205
Russian.....	747	851,949	753	875,146
Siamese.....	11	12,360		
Spanish.....	589	883,926	552	815,166
Swedish.....	1,088	1,015,364	1,037	926,650
Turkish.....	142	116,317	113	83,087
Uruguayan.....	42	38,837	41	35,980
Other countries.....	74	54,798	76	59,746
Not recorded.....			26	51,401
Total.....	24,444	45,403,877	24,132	45,247,724

This article shows that, while the world's tonnage as a whole has fallen off, due chiefly to war depredations, American shipping on the ocean has increased from 2,026,908 tons, in 1915, to 2,852,535 tons, in 1916. This excludes, of course, the immense Great Lakes tonnage, the figures being those of Lloyd's. There is no nation, according to Lloyd's statement, which begins to show such a vast gain as our own country—all due thus far to private capital and private initiative.

#### ALMOST UNIVERSALLY CONDEMNED.

Mr. President, seldom has an important legislative proposal met with more overwhelming public objection than the measure of the previous Congress, now revived in the present bill (H. R. 15455), for the ostensible purpose of "encouraging, developing, and creating a naval auxiliary and a merchant marine." Under this impressive title there has been cloaked a determined attempt to force the United States Government into the commercial shipping business—"a startling and dangerous step toward socialism," as a great southern mercantile organization has well described it. (New Orleans Board of Trade (Ltd.), 1915.) Under the sharp fire of criticism from all elements and sections of the country, and in the fear of another defeat, the bill has now been materially restricted and some of its capacity for harm reduced. But the principle of Government participation in trade and industry remains, some very unwise and obnoxious provisions have been added, and the bill as a whole is as deserving of defeat and rejection as the futile effort of a year ago.

These are the three main points of objection in the amended bill:

1. Government ownership and operation of merchant vessels.

2. Drastic and impracticable regulation of shipping freight rates.

3. Free admission to the coastwise trade of foreign ships cheaply built through low wages or bounties abroad.

Either one of these three policies would involve a grave menace to our merchant marine; taken altogether they constitute a virtual declaration of war by the Government of the United States on American shipbuilding and navigation.

#### GOVERNMENT OWNERSHIP ALMOST UNKNOWN.

In the history of the world there is not one recorded example of successful government ownership and operation of a merchant fleet. Great Britain, Germany, Norway, and Japan—which of late years has shown the most notable maritime growth—have never adopted or contemplated such a departure, nor have the maritime powers of the second class, such as France, Holland, Sweden, Italy, Russia, Spain, or Austria.

These Governments have all aided private maritime enterprise by national credit or funds or other forms of official encouragement. But in time of peace or even in time of great emergency, when there has been public requisitioning of ships, they have not taken actual title of ownership or deliberately entered as Governments into ocean traffic.

For an instance of Government ownership and operation even in a halting and inglorious way, it is necessary to turn to the principality of Roumania, or to the colony of Western Australia, or to Brazil, which became a shipowner perforce through having to assume a fleet to which State aid had been unprofitably extended. And in all these instances the experiments proved disastrous.

Every strong and efficient merchant fleet in existence to-day under any flag on the globe is due to private capital and personal initiative. It is stated that the Australian Government has just purchased 15 "tramp" craft to convey staple products to Europe. But this is relatively a petty transaction, for several hundred large steamers would be necessary to serve the Australian trade, and the experiment is acknowledged to be conditional on the war and only a temporary expedient. Several single American shipyards now have under construction a much larger fleet than this improvised tonnage of Australia, where experience has brought sad enlightenment. The Shipbuilding and Shipping Record states that one of the Australian colonies bought a steamer "from a private company for £10,400 and another £5,900 were expended in refitting her. She earned in two years £2,381 and was sold last summer for £6,200, the estimated loss of £10,000 falling on the shoulders of the electorate. Another State-owned steamer is the *Western Australia*, purchased in 1912 by the State bearing the same name. She was bought for £39,500, and altogether cost about £73,000. The Government was then trying to sell the ship for £45,000."

#### GOVERNMENT OWNERSHIP HAS ALWAYS FAILED.

Wherever Government ownership and operation of a merchant shipping has been tried—and it never has been attempted except on a petty scale—the result has been insignificant or futile. Brazil a short time ago was reported as desiring to dispose of its Government-owned fleet but could find no purchaser. Roumania, which sends a few Government wheat ships to western Europe, has all told only 34 merchant steamers of a total of 56,164 tons. Brazil's steam tonnage, of only 302,513, or less than that of little Belgium, is steadily decreasing.

There is one Government steamship line under the flag of the United States—the Panama Railroad Steamship Co.'s fleet plying between New York and the Isthmus of Panama. This fleet was acquired as a part of the assets of the French Panama Canal Co., and has been operated by the War Department. An analysis of the three years' operation of the Panama Co.'s vessels for 1912, 1913, and 1914 shows that if the proper and necessary charges for depreciation and insurance on the six steamers of the fleet—such charges as private companies have to meet—had been made for these three years, they would have left a deficit in operations of \$219,494. (See CONGRESSIONAL RECORD, 63d Cong., 3d sess., Feb. 17, 1915, pp. 3952, 3953.)

If an allowance of 5 per cent on the capital invested on the valuation of the six ships had been provided for, this deficit would have been greatly increased. Yet the Panama Railroad Steamship Co. was highly favored through that period in the carrying of Government supplies and official passengers and employees. The experience of the United States in this Panama Canal line has been such that no serious effort has ever been made or contemplated to increase the fleet or extend the service.

It is a sound axiom of business or of statesmanship that the National Government should not engage in business undertakings, which, under suitable conditions, can be conducted by private enterprise. The business of building ships and carrying mail, freight, and passengers by lake or ocean is satisfactorily

conducted by private enterprise in every nation which has a merchant shipping worthy of the name. There is inherently no more reason or justification for forcing the United States Government to build and operate merchant ships than there is to force it to grow wheat or cattle or cotton, or to enter upon any form of manufacturing or selling ordinary merchandise. The plea that the United States must build and operate merchant ships because "private capital will not or can not do it," will not stand intelligent examination for a moment.

#### OUR SHIPPING—PROTECTED AND UNPROTECTED.

The merchant fleet of the United States on June 30, 1915, consisted of 26,701 documented vessels of a total of 8,889,429 gross tons. As the report of the Commissioner of Navigation declared, "In tonnage and value the merchant shipping under the American flag is surpassed only by that under the British flag, and in tonnage it equals that of any other two foreign flags combined except the British." Of this enormous American shipping the tonnage enrolled and licensed for the coastwise or domestic trade—that is, for the trade between one American port and another—included 23,903 vessels of 6,517,886 gross tons, while the shipping registered for the foreign trade—the trade with ports of other countries—included 2,794 vessels of 1,871,543 tons. The American tonnage registered for foreign trade is now upward of 2,000,000 tons, an increase of 100 per cent since the opening of the European war—but even this enlarged over-seas fleet is only less than one-fourth of our total merchant marine, when normally it should be, as it is with other nations, the greater part of the entire merchant tonnage.

Every maritime power has a coast fleet and an over-seas fleet, but our own country is the only one which shows such a contrast between home and foreign commerce. The reasons for this are not far to seek. In the first place, the United States has the most extended seacoast and the greatest system of lake navigation in the world. In the second place, the national policy for more than a hundred years has rigidly protected and encouraged domestic or coastwise shipping, while for 60 years it has left almost unprotected the over-seas or internationally competitive tonnage flying the Stars and Stripes.

One of the first acts of the first Federal Congress in 1789 imposed heavily discriminating tonnage taxes that were intended to and did bar foreign ships and seamen completely from the home coast trade of the United States. In 1817 the prohibition of foreign shipping in this home trade was made specific and absolute. By successive acts the noncontiguous possessions of Alaska, Hawaii, and Porto Rico have been included in the coastwise legislation, and the great trade between our Atlantic and Pacific seaboard has always been kept beneath the American flag.

That part of our national maritime industry which has been thus so completely protected has grown and prospered beyond precedent. No other nation has a coastwise shipping comparable in size, enterprise, and efficiency with our own. British tonnage, steam and sail, engaged exclusively in the home trade of the United Kingdom in the year 1913—the last for which records are available—was only 869,090, or about one-ninth of the American coastwise tonnage of that same year, while 616,154 tons of British ships were engaged partly in home and partly in foreign carrying out of a total British merchant tonnage of 19,000,000.

The growth of protected American coastwise shipping has been more constant than that of any other shipping in the world. In the year 1860, before the outbreak of our Civil War, the two great divisions of our merchant marine were almost equal. There was in 1860 a total American tonnage of 2,379,396 registered for the foreign trade and a total of 2,644,867 enrolled or licensed for coastwise commerce. The over-seas branch of our merchant shipping—the registered tonnage—decreased with some fluctuations to a minimum of 726,213 in 1898, and then rose with some fluctuations to 1,066,288 in 1914. But the coastwise branch of our merchant shipping—the enrolled or licensed tonnage—advanced to 6,818,363 in 1914. In 1860 only a little more than one-third of the coastwise tonnage consisted of steam vessels, while in 1914 far more than two-thirds of the coastwise tonnage consisted of steam vessels. Assuming that one ton of steam shipping is as efficient for carrying purposes as three of sail shipping, the tonnage efficiency of the American coastwise fleet has increased from 4,000,000 in 1860 to 16,000,000 in 1914—a fourfold expansion, or a gain in coastwise tonnage far greater than the growth in the country's population, which has been about threefold in the same period.

This enormous growth of the coastwise shipping of America is all the more significant because it has occurred during an era of unexampled expansion of the great railroad systems of the United States, with a large part of which the coastwise shipping directly and sharply competes on the Great Lakes and on



the Atlantic and Pacific Oceans. It is manifest, therefore, that there is not the shadow of an excuse for government ownership and operation of merchant shipping so far as American coastwise shipping is concerned. This coastwise industry has splendidly justified the protective policy with which the fathers of the Nation surrounded it, and has abundantly met the needs of the American people.

#### WHY THE OVER-SEAS FLEET HAS DWINDLED.

The records of American over-seas shipping tell a very different and unhappy story. When the European war broke out in 1914 our total registered tonnage, as has been said, was only 1,066,288, or less than one-half of the 2,379,396 tons of 1860 and only a little greater than the 981,019 tons of 1810; that American over-seas fleet of the year 1810 conveyed 91 per cent of American imports and exports, while the fleet of 1914 was conveying only 8.6 per cent of our imports and exports, leaving a monopoly of more than 90 per cent of our own ocean carrying to the ships of foreign nations.

And here, Mr. President, I will take occasion to suggest that the records of American shipping, the over-seas and coastwise shipping of this great country, conclusively prove that if there is any need of an addition to the fleets of the United States, it is in the over-seas trade. The coastwise trade has all the ships it needs. It has given 4,000,000 tons of shipping to the over-seas trade during the past two years; and why any Senator who examines the record on this question should think it necessary to invade the coastwise shipping surpasses my comprehension. The ships will not be needed. If they are put into that trade they will displace ships already there, built by American capital in American shipyards, owned and navigated by citizens of the United States.

The reason for this singular disparity between our coastwise shipping and our over-seas shipping in the last 60 years—for the unexampled growth of one branch of our merchant marine and the appalling decrease of the other branch—may be summed up in the single phrase that, one was protected and the other was not. This fact is the real heart of the problem to-day of the American merchant marine. In the beginning the record of history shows that both the coastwise fleet and the over-seas fleet were liberally protected and encouraged by the National Government. At the same time when Washington, Adams, Jefferson, and Madison barred foreign ships out of the coastwise trade by heavily discriminating tonnage taxes, they took effective action to encourage American ships in the over-seas trade of the United States. By an act of July 4, 1789, a discount was allowed of 10 per cent of the tariff duties upon imports brought to this country in ships built and owned by American citizens, and by act of July 20, 1789, these same fathers of our Nation provided that American-built ships, owned by American citizens, should enter our ports with the payment of tonnage duties of 6 cents a ton, while 30 cents a ton were demanded from American-built ships owned by foreigners and 50 cents a ton from foreign ships built as well as owned abroad.

When this vigorous American maritime policy was adopted foreign shipping controlled our over-seas commerce almost as completely as at the present time. In 1789 American shipping registered for over-seas traffic amounted to only 123,893 tons, carrying only 23.6 per cent of our imports and exports. The stalwart protectionism of Washington, Adams, Jefferson, and Madison bore such prompt results that by 1800 American shipping registered for foreign commerce had increased to 667,107 tons, and the proportion of American imports and exports carried in American vessels had grown to 89 per cent. Discriminating duties and tonnage taxes had proved a successful declaration of maritime independence.

Under that policy American shipping continued to grow, even under the handicap of the Napoleonic wars and grievous impressment and embargo, up to the second war with England. At the end of that war, in the framing of commercial agreements where the United States was hopelessly overreached by the more wily and experienced diplomacy of Europe, the preferential policy of Washington and his compeers was set aside in favor of British ships trading directly between the United Kingdom and the United States.

Similar offers were made—unwisely, as it proved—to other maritime nations, but the preferential policy of 1789 remained in partial force, because our mistaken reciprocity was not immediately and generally accepted until the year 1850. Thus there was protection for American shipping in East India commerce, for example, against the British ships that were our most formidable competitors, until the wonderful development of the trade to California, the Crimean war, and other temporary causes gave the American merchant marine a powerful

impulse in the first half of the decade preceding the Civil War. It is significant that when these temporary causes lost their effect and American over-seas shipping became for the first time virtually an unprotected industry the tonnage built in American shipyards fell off in a very swift and startling manner from 583,450 tons in 1855 to 156,602 tons in 1859 and to 214,797 tons in 1860.

It is often asserted, but it is not true, that the decline of American ocean shipping began with and was almost wholly caused by the Civil War of 1861 to 1865. That decline had begun before the Civil War. In 1845 and 1847 Congress, on the recommendation of Democratic Presidents, had granted mail subsidies, after the British example, to American steamship lines running to Europe, the West Indies, and the Isthmus of Panama. For a time American steam shipping registered for foreign trade increased more rapidly than British steam shipping—or, from 16,068 tons in 1848 to 115,045 in 1855. In one year, 1849–1850, the gain of American ocean steam tonnage was 113 per cent. American steam shipowners were as successful, so long as they received the encouragement of mail subsidies, as they had been in the building and operation of packet and clipper sail ships, and American steamers held the record for size, power, and speed on the great routes of the North Atlantic. But for reasons associated with the sectional quarrel between North and South that preceded the Civil War, the mail subsidies were reduced and finally withdrawn by Congress, and the American steamship services which ran out of northern ports were one by one abandoned before the firing on Fort Sumter.

#### OCEAN MAIL THE ONLY AID.

Since 1860 the American merchant marine in over-seas trade, as contrasted with the shipping in the coastwise trade, has been an absolutely unprotected industry except for the small encouragement given by the ocean-mail law enacted in 1891. This law grants to American steamships carrying the United States mails under contract with the Post Office Department a rate of compensation fixed according to speed. It has maintained for many years a weekly American mail line to Europe, which has proved of immense value to American commerce in the emergency of the present war, and other American lines to the West Indies, Mexico, and near-by ports of South America—and for most of the time in recent years a line across the Pacific to Australia.

Except on these four or five postal routes, American shipping in ocean trade has had no aid or protection whatever from the Government of the United States. As successive inquiries have always shown, the cost of building and operating an American ship, because of the higher wage scale and standards of living in the United States, has been substantially as much greater than the cost of building and operating a foreign ship as the cost of building and operating an American factory is greater than the cost in the case of a similar European factory. The protective tariff has compensated American manufacturing for this difference, but except in the case of the few ocean mail lines there has been no similar compensation for American shipbuilders, owners, and seamen. American shipping in the over-seas trade has remained since 1860—except on these postal routes—the only important American industry exposed to foreign competition and unprotected by our national laws. Other governments without exception have protected and encouraged their ocean shipping in some form or degree by mail subsidies or subventions or by tonnage subsidies or by bounties to shipyards or by preferential railway rates or the use of Government credit or Government favor in some other effective fashion. The lower wages and cost of maintenance of all foreign ships and the subsidies or other aids of some foreign ships have been allowed to drive the American flag almost entirely from the great trade routes of the world.

The American people are second to none in their native genius for shipbuilding and navigation. The growth of our Navy, the building of it and the manning of it by Americans have shown what could be done by men of our race under favorable conditions. The immense increase of the protected coastwise shipping, without an equal in the world, has also demonstrated the capacity of the builders, owners, and sailors of the United States, on the Great Lakes and on the ocean. In the protected coastwise and lake trades and on the ocean mail routes, capital and ships and officers and men have been forthcoming. It is only where Americans, unprotected, face a hopeless competition with the low wages or the subsidies and their equivalent of Europe and Japan that the Stars and Stripes have failed to hold their own. If private capital and enterprise have failed in the development of an over-seas fleet in the United States, it is simply because they have had no chance, they have had no protection and encouragement, they have not had a fair and equal opportunity.

Now, it is the irony of fate that the one American industry that has for many years been unprotected, that has had no chance under the national policy since the years before the Civil War, should be faced with the threat of Government ownership and operation. Just as the policy of this Nation, unlike the policy of any other maritime nation in the world, and unlike our own policy toward all other industries, has neglected and starved the over-seas shipping of this country, so this Government-ownership bill proposes to kill and extinguish what is left.

#### A BILL FOR DISCOURAGEMENT AND DESTRUCTION.

Instead of "encouraging, developing, and creating a merchant marine to meet the requirements of the commerce of the United States," this proposed bill, in its effects upon our over-seas shipping, in its Government ownership and operation, and in its minute regulation of rates, is a scheme for discouragement and destruction.

A corporation or corporations, in which the United States is to be the majority stockholder, the total capital stock not to exceed \$50,000,000, are provided for in section 11 of the bill to build, buy, lease, charter, and operate merchant vessels in the commerce of the United States. Such corporation or corporations are to be dissolved at the end of five years from the conclusion of the present European war. Thus the operation of merchant ships by the United States is to be made a temporary expedient, and there is a further limitation that these Federal shipping corporations shall not operate any vessel "unless the shipping board shall be unable after a bona fide effort to contract with any person a citizen of the United States for the purchase, lease, or charter of such vessel under such terms and conditions as may be prescribed by the board."

These limitations are made a matter of much merit by the advocates of the proposed legislation, who are apparently afraid of their own expedient when they are brought actually face to face with it. But five years after the conclusion of the present European war may be a long time in the future—long enough to give a quietus to American enterprise in the over-seas trade of the United States. And in that trade at least the provision that the Government shall not operate ships unless private capital will not undertake it is nothing less than meaningless. It is known to all men that American shipowners have not been able to operate ships under the American flag in the foreign trade of the United States except on the mail routes, where a postal subvention has been paid, or in some other exceptionally favored service. Presumably they will not be able to do this when normal conditions have been reestablished.

The reasons for this inability of American shipowners to compete with foreign shipowners are also known to all men. Ships built on a higher wage scale and in smaller numbers in American shipyards cost more to construct than in the shipyards of Europe and Japan, all of which have low-paid and yet experienced and efficient labor, and some of which have the additional advantage of direct bounties from their Governments. But even when foreign-built ships are admitted to American registry, as provided in the Panama Canal act of August 24, 1912, and the emergency shipping act of August 18, 1914, American operation is still handicapped by the higher wage scale of the officers and men and other factors that make the maintenance of American ships more expensive.

Thus, W. R. Grace & Co., of New York, have reported early in this war that wages and food on a given steamship under the American flag amounted to \$2,773 a month as compared with \$1,991 under the British ensign. Nine steamers of the United States Steel Corporation transferred to the American flag paid \$17,537 a month in wages to their crews under American registry as compared with \$12,478 a month under British registry.

In addition, certain steamships under all foreign flags receive postal or other subsidies or bounties amounting annually to about \$50,000,000. These and other forms of national encouragement are an added handicap upon American vessels in certain services, and of course are instantly forfeited if the foreign ships in question are acquired by American merchants and brought beneath the Stars and Stripes.

Low foreign wages and standards of living and foreign subsidies or their equivalent, not met by any similar aid under our own flag had well-nigh driven American shipping from the over-seas trade of our own country before the war began. These factors in a greater or less degree will inevitably reassert themselves when the war has ended. American shipowners then can not compete on even terms with their foreign rivals unless there is some change in our national maritime policy.

Under this bill, if enacted in its present form, the United States will then impose a new and heavy competition, and American capital and enterprise in ocean trade will have to face

the wealth and power of the Federal Government. Between foreign low wages and foreign subsidies and bounties on the one hand and the Federal Treasury on the other it is not difficult to imagine what will become of the present American merchant marine in over-seas commerce—a marine that has risen since the war opened to 2,000,000 tons, 50 per cent larger than the entire fleet of France and almost equal to the large fleet of Norway.

#### A BAD SUBSIDY IN DISGUISE.

This proposed bill has been advocated as a substitute or alternative to subsidy. It has been accompanied by much denunciation of subsidies as unwise, unjust, and extravagant. Yet the bill is nothing more nor less than a very bad subsidy measure, grossly unfair, and ill-disguised. A subsidy may be granted frankly to all vessels performing real commercial service, or may be restricted to vessels of a stipulated speed and power performing certain special service, under contract awarded to the lowest bidder by the Government. The subsidy bills that have recently been before the Congress have all been of one form or another—chiefly of the latter form, confined to postal and auxiliary naval services. Such subsidy legislation, whatever may be the merits or demerits of the policy, has all aimed to embody at any rate a certain recognition of the principle of fair and even play for all concerned.

But the proposed bill is guilty on the face of it of the very worst evil of which subsidy legislation has ever been accused. It is a bill of rank favoritism and partiality. It creates in these Government owned and operated ships, that alone after the war can be maintained under the American flag in foreign trade, a special fleet singled out for Government support that is summarily denied to all private-owned American ships, whose owners with unusual vigor and courage have kept them afloat in ocean commerce in the face of Government neglect and grave economic disadvantages.

If this proposed bill is enacted, nobody will be able to own and operate American ships in over-seas commerce but the Government itself. These Government-owned ships will not be openly, but they will be none the less surely, subsidized by the Treasury of the United States. That \$50,000,000 fund will provide the resources. No Government ship will be allowed to fail. If there is a deficit in its year's operations, due to unequal competition with foreign vessels that cost less to man and maintain, and in some cases enjoy foreign subsidies also, that deficit will be quietly made up out of the \$50,000,000 fund. If a regular Government steamship service to South America comes out of the year owing the \$500,000 which might have been a proper subvention for carrying the United States mails, the subvention will be paid out of this same fund without invoking a special act of Congress.

"But this subvention paid by the United States will go back to the United States Treasury," say the advocates of the scheme. Not necessarily. If there is any profit, almost half of it will go to the private investors, who may hold 49 per cent of the capital stock of the Government shipping corporations. Thus the proposed bill, with its loud protestations of single-minded devotion to the public weal, actually creates not only a small special class of subsidized Government-owned ships but a small favored class of subsidized shipowners, partners of the Government.

It is urged that under this bill if it becomes a law the United States will not enter into competition with private American capital on routes in foreign trade where regular American steamship lines have already been established. Let us assume that this will prove true; there is no assurance and there can be no assurance whatsoever that the Government-owned freight vessels of the "tramp" or general cargo type will not compete with the same class of private-owned American vessels all over the world. Fifty million dollars at present prices will provide perhaps 75 moderate-sized "tramp" steamers. The duty of these vessels is to go wherever there is a cargo to be carried. Under normal conditions the Government-owned "tramp," because it is virtually subsidized in being guaranteed against loss in any service, can invariably underbid the private-owned American "tramp," which is thereby completely driven from the field. Thus the American owner of a general-cargo steamship, already fighting hard against the cheap-wage foreign craft, will find himself under this bill confronted by a new and formidable antagonist—his own Government.

This is a matter of much importance at the present time, for within a few years a considerable fleet of "tramp" or general-cargo steamers has appeared under the flag of the United States. Many such craft have been built in American yards on lake or ocean. Others have been transferred from foreign registry under the act of August 18, 1914. This is a new and valuable evolution in the American shipping industry, but one particularly sinister result of the proposed bill would be to cripple



if not destroy this new fleet, so essential to the prosperity of American farmers, miners, and lumbermen, whose products these ships are especially adapted to convey to distant markets.

It is a fact well established by testimony before committees of Congress that the introduction of this bill and the menace of Government ownership and operation embodied in it have discouraged the building of other American cargo steamers of this useful type, and have, therefore, instead of "developing" a merchant marine, distinctly prevented a gain which would otherwise have resulted from the efforts of private capital and enterprise. These cargo vessels, designed primarily for the protected coastwise traffic, are adaptable also for foreign voyages wherever there is need. Most of these already launched are now, and in these war years have been, engaged in over-seas service, transporting grain, cotton, provisions, coal, and lumber to all quarters of the world. A list published on July 19 by the Department of Commerce showed 196 American steamers, nearly all of the general-cargo or tank type, engaged in trade with South America, Europe, Africa, and Asia. (Commerce Reports, No. 168, pp. 227-229.)

#### REGULATION OF RATES.

No government of a maritime State in time of peace or of normal conditions has ever attempted to enforce the regulation of water-borne freight rates in the manner proposed in this bill. During the present war, because of the abnormal conditions which have accompanied it, some foreign Governments have endeavored to restrict freight rates, just as they have endeavored to restrict the prices of certain articles of merchandise. But these are all confessedly emergency measures—war measures—while this bill would make the regulation of shipping rates a permanent policy of the United States.

There can be no objection to prohibiting discrimination or extortion or other unfair practices in water-borne commerce, but these objects can be accomplished without forcing all common carriers, however small, to file their maximum charges and abide by them. In fact, the authors of this bill have shown sufficient respect for the sensibilities of foreign Governments and the comfort of foreign shipowners to exempt common carriers in over-seas trade, chiefly of foreign nationality, from the drastic requirement, enforced in full rigor upon American carriers in domestic commerce, of filing and keeping open for inspection all their "maximum rates, fares, and charges," which can not be increased except with official approval and after 10 days' notice. It is worthy of more than passing note and consideration that the great, wealthy, and powerful European steamship corporations, sustained by the subsidy or equivalent assistance of their Governments, which have long monopolized nine-tenths of the over-seas carrying trade of the United States, are discreetly released from compliance with these particular exactions which the framers of this bill impose upon the American owners of the humble alongshore carriers of our Atlantic and Pacific seaboard.

This filing of rates for Government inspection and regulation can be most easily complied with by the corporations operating regular-line passenger and freight services. They have, as a rule, their established schedules, while the all-cargo ships in the coast trade as a rule have had no fixed rates, but have actively competed with each other all the time for the carrying of any given merchandise, the business going to the lowest bidder, whoever he may be. Most of the inconvenience and loss attending this wholesale effort to regulate all American domestic water-borne freight rates from Washington will fall upon the thousands of smaller ships and the thousands of smaller shipowners whose vessels perform the great bulk of our coastwise carrying.

But even if the regulative system proposed were honest and equitable, bearing equally on the great corporation controlling a considerable fleet and the individuals of modest means who own in small shares one, two, three, or four vessels, the policy of endeavoring to regulate water-borne commerce in the same minute way in which railroad commerce is regulated must be open to very serious question in the minds of thoughtful men. There has certainly been no general complaint that coastwise freight rates on lake and ocean in America were discriminating or excessive. Such abnormally high rates as the European war has brought about have been in foreign or international and not in American domestic commerce. Our water-borne coastwise rates have all the time compared very favorably with the competing rail rates, and especially in the case of bulk cargoes on the Great Lakes have been classified as among the lowest, service considered, in the world. It is difficult to understand how the framers of this bill can justify their course in dealing so sharply with their own people and so leniently with foreign shipowners.

#### LAND AND SEA CONDITIONS DIFFERENT.

But any kind of regulation of water-borne traffic demands the most careful consideration, because of the vital difference in conditions between land and water carrying. A railroad has an exclusive right of way, the paralleling of which by a competing line is not an easy undertaking. But there can be no such thing as an exclusive right of way upon the broad surface of lake or ocean. Another ship or ships may appear at any time and underbid any ship or ships that may seem to have an established service. Cargo "tramps," of course, are competing all the time for transportation of almost all kinds of merchandise—ships that, like nomads, are here to-day and there to-morrow. A ship can not be subdivided, as a freight train can, into any number of units that may be required for the accommodation of the exact amount of freight to be handled at any given time. It is the habitual practice of water carriers everywhere to make a quick low rate to secure a tonnage that may be necessary to give a partly loaded ship the requisite stability or seaworthiness, nor can such a sudden change of rate rightly be regarded as "discriminative."

All the Governments in the world have instinctively recognized that the fluctuating conditions of ocean trade demand that water-borne commerce be kept as free as possible from all restrictions except those pertaining to safe navigation. As in the matter of Government ownership and operation, so also in this other matter of minute rate regulation the proposed bill marks a violent departure from the long-accepted practice of the maritime nations whose success has been most conspicuous and enduring. Like the feature of Government ownership and Government competition, this rate regulation imposes a new and heavy burden upon the American merchant marine, discouraging it and by so much encouraging its carefully fostered foreign competitors. Europe and Japan need have no occasion to dread the growth of a vigorous merchant shipping under the flag of the United States, so long as repressive policies like these are deliberately advocated by American lawmakers.

It is not remarkable, Mr. President, that that great London newspaper from which I quoted felicitates itself upon the fact that President Wilson is going to force through the Congress of the United States a law of this kind.

#### A DEADLY ATTACK ON COASTWISE SHIPBUILDING.

Nor are these the only directions in which the proposed bill is directly and bitterly hostile to the future of the American merchant marine. Section 9 of the bill as amended by the majority of the Committee on Commerce strikes at the very life of American shipbuilding by freely opening to foreign-built vessels for the first time in our national history the entire coastwise trade of the United States on lake or ocean. The bill as reported from the Committee on the Merchant Marine and Fisheries and passed by the House recognized the peculiar importance of reserving to American labor the construction of the ships destined to convey our American home trade, and barred from this trade all foreign-built vessels, even if owned and operated by the Government. But the patriotism and fairness manifested in this provision are utterly ignored in the bill as reported to the Senate, which admits to the entire coastwise trade not only all foreign-built vessels owned or operated by the Government but all foreign-built vessels which the Government may sell, lease, or charter to private individuals or corporations.

The policy of reserving the home trade of the United States to home-built vessels, as has previously been said, was deliberately adopted by the wise founders of our Government because of broad considerations of prudence, as is suggested in these words of Jefferson himself:

To force shipbuilding is to establish shipyards, is to form magazines, to multiply useful hands, to produce artists and workmen of every kind who may be found at once for the peaceful speculations of commerce and for the terrible wants of war. . . . For a navigating people to purchase its marine afloat would be a strange speculation, as the marine would always be dependent on the merchants furnishing them. Placing as a reserve with a foreign nation or in a foreign shipyard the carpenters, blacksmiths, calkers, sailmakers, and the vessels of a nation would be a singular commercial combination. We must, therefore, build them for ourselves.

Mr. President, those are the words of Thomas Jefferson, the patron saint of the Democratic Party, but the Democratic Party in the year 1916 has evidently forgotten those words and is proposing to do precisely what Jefferson declared would be a "strange speculation," passing over the building of ships to foreign Governments rather than encouraging the shipyards of our own country.

Washington's foresight, Jefferson's wisdom are thrown to the winds by the majority of the Committee on Commerce, who propose the destruction of the policy of the Fathers of the Republic through this new expedient by which foreign-built vessels purchased and operated by the Government or purchased

by the Government and transferred to private firms and corporations can be introduced in wholesale fashion into the general coastwise trade of the United States.

Two years ago a similar attack upon the historic maritime policy of this country was proposed to the Senate, in an amendment to the emergency shipping bill at the outbreak of the European war, admitting foreign-built ships to American coastwise commerce. After some days of enlightening debate, the amendment was defeated on August 17, 1914, by a vote of two to one, a majority even of the Democratic Senators finally recording themselves in the negative, after earnest protests against the amendment had been received from the chambers of commerce and boards of trade of the principal seaports of the country and from thousands of skilled mechanics employed in American shipyards. What new light have Democratic Senators seen since then?

The situation has not changed since 1914, except that the largest fleet of ocean-going steel steamships on record is now under construction in this country—195, of a total of 1,037,000 tons. (Commerce Reports No. 173, July 25, 1916, pp. 310-311.) Not even the poor pretense that ships can not be had and are not being built in this country is now left to the champions of this extreme free-trade expedient.

#### AMERICAN AND FOREIGN SHIPYARD WAGES.

Under normal conditions before the war it was a well-established fact that the cost of ship construction was greater in the United States than in Europe or Japan. This higher cost was placed in the report of the Merchant Marine Commission at 37 or 47 per cent on the average. (Report of the Merchant Marine Commission, vol. 1, p. 8.) The difference was due not to steel or to other materials, which as a rule were no higher in price in this country than abroad, but to the far higher range of American wages—higher by from 60 to 100 per cent—and also to the fact that foreign shipyards as a rule were kept more constantly employed and were thereby enabled to standardize their output and to achieve the economies that attend a large and steady volume of production.

Because of the war and its consequences the cost of foreign shipbuilding has increased to a point where it is comparable with the cost in the United States, but it is not believed anywhere by well-informed, practical men that these conditions will remain when the war has ended. For the present, and perhaps while the war lasts, it is not likely that the Government would find it advantageous to purchase foreign vessels and employ them in the coastwise trade or sell them to private shipowners or corporations for the same purpose. Indeed it is not probable that foreign vessels could now be secured at any price unless "interned" craft of belligerent flags were first sold to individuals or corporations of neutral nationality and then retransferred to our Government.

But nothing can be more certain than that when the war has ceased foreign-built vessels will be pressed upon the Government for employment in the foreign trade at prices which will admit of no American competition. Take Japan, for example. Her shipyards have had an extraordinary development. Her mechanics will work for 40 or 50 cents a day. All the ships produced by her yards are generously subsidized, and in addition a direct bounty, which has been in the neighborhood of \$12 per ton, is provided for all new construction. Under these circumstances there is no room for conjecture as to what would inevitably happen, with free foreign-built ships provided by our Government in the coastwise trade, to the shipyards of the Pacific seaboard of the United States, including the yard that launched Admiral Dewey's flagship *Olympia* and the still more famous *Oregon*. All the Pacific coast shipyards, and the same fact is substantially true of the Atlantic coast shipyards, have been kept in existence for many years only by the demands of the coastwise trade, eked out by some spasmodic naval construction.

If the cheap wages, the bounties, and the subsidies of Europe and Japan can draw even this coastwise construction from American shipyards, the end of ocean shipbuilding in the United States is near and certain. And with the closing of these shipyards would vanish our ability to construct our American ships of war, except as the meager and already overtaxed facilities of a few Government navy yards could supply them.

Therefore section 9 of this bill, in the amended form in which it has been reported by the majority of the Committee on Commerce and is before the Senate, not only imperils the life of every American ocean shipyard but aims a deadly blow at the national defense. It is a proposal of incalculable value to foreign nations and of incalculable injury to our own.

If there were no other objection to the proposed bill, this section 9, with its violent attack upon the very foundations alike of the American merchant marine and of the American Navy, would demand the condemnation and defeat of the measure which thus assails the dearest interests of the American people.

#### NO LACK OF COASTWISE SHIPPING.

For the Government purchase and operation of foreign-built and other ships in the over-seas trade of the United States, the chief plea has been a lack of private-owned American vessels for the purpose. "American capital can not and will not," the country has been told, "buy or build ships for foreign commerce," and therefore the Government must undertake it. This plea is a poor, insincere one at best, for it ignores the very definite reasons why American capital in this international trade can not unaided compete with the lower wages, lower standards of living, and often the subsidies, bounties, or equivalent assistance of foreign Governments.

But so far as regards the protected coastwise trade of the United States, even this plea, poor as it is, is utterly impossible. American private capital, skill, and labor have gone into the coastwise trade of the United States on lake and ocean in such abundance and with such effect that the coastwise tonnage of this country is incomparably the largest and most efficient in the world. Up to the outbreak of the present war there was not, and could not be, the slightest pretense of any lack of American coastwise tonnage. Our enrolled and licensed shipping on June 30, 1914, amounted to 24,538 vessels, of an aggregate of 6,852,536 tons. The entire merchant shipping of the German Empire at that time, a month before the war, amounted to 5,459,296 tons, according to Lloyd's, and our domestic fleet was equal to the total tonnage of France, Norway, and Italy combined.

A proposal to force Government ownership and operation—including both Government and favored private ownership of foreign-built ships—upon the great American coastwise trade, which has grown beyond the growth of the country and met every demand of the domestic commerce of the American people, strips the mask off this proposed legislation and exposes the real purpose of its authors to compel at any cost a desperate experiment in State socialism, of a kind and degree unheard of among the nations of the world. This purpose is still further emphasized by the fact that while the bill as passed by the House permitted Government ownership and operation of even American-built ships in domestic trade only with the non-contiguous possessions of Alaska, Hawaii, and Porto Rico, and there only if the shipping board found such trade is not being adequately served by a regular line or lines of vessels, the bill of the majority of the Committee on Commerce now before the Senate provides for Government ownership and operation of both American and foreign built vessels in the whole coast trade indiscriminately—subject, indeed, to the stipulation of uncertain value that the Government itself shall not compete unless after a bona fide effort it can find no individual, firm, or corporation willing to purchase, lease, or charter a given vessel under terms and conditions which the Government prescribes.

#### A SHIPPING BOARD.

To one feature of this bill, providing for the establishment of a Federal shipping board, there can in itself be no objection. It is probably true that the usefulness of such a board is increased by the omission from it, in the Senate form of the bill, of two already busy members of the Cabinet who would not necessarily have any direct personal acquaintance with maritime problems or conditions. This board is entrusted in section 13 with the authority to investigate in a broad way the whole question of the merchant marine in the foreign trade and of the navigation laws of the United States. But all promise of large beneficent results from such an investigation, undertaken in the proper spirit, is nullified in practice by those other sections of the bill which compel the board to direct the Government ownership and operation of merchant ships through Federal corporations, and so forth, and the minute regulation of the freight rates and practices of common carriers.

If the regulation of the rates and practices of railroads has overtaxed the powers of the Interstate Commerce Commission, how can this new board be expected not only to perform the same detailed, laborious work toward shipping, but at the same time be responsible for the purchase, maintenance, lease, charter, and sale of merchant ships and an examination of the whole vast subject of our navigation laws and policies? It must be manifest that the new board is hopelessly overloaded at the very outset. Inquiry into our maritime industry, its strength and its weaknesses, with a view to recommending sound and effective legislation and a well-defined supervision of



the merchant shipping of the country, would be a sufficient task to set for five commissioners of large ability and experience.

Government ownership and operation, minute regulation of freight rates, and an "entering wedge" of foreign invasion of our coastwise commerce make the entire bill obnoxious to the spirit of American fair play and destructive of hope of American shipbuilding and navigation. Such a proposal at this critical hour in the affairs of our own and of other nations demands the united opposition to the very last of all who honor the wisdom of the fathers of our Government and believe in the principle of protection to every great national industry, alike on land or sea.

Mr. President, in connection with my remarks I ask to have printed as an appendix the very interesting and instructive report of the special committee on merchant marine of the Boston Chamber of Commerce.

The PRESIDING OFFICER. Without objection it is so ordered.

The matter referred to is as follows:

REPORT OF THE SPECIAL COMMITTEE ON MERCHANT MARINE OF THE BOSTON CHAMBER OF COMMERCE.

A concise account of the rise and decline of our over-seas shipping industry is helpful to a right understanding of the present-day problem of the American merchant marine. This problem relates wholly to that part of our merchant marine that is engaged in the external trade of the United States—the trade with the ports of foreign nations. The home trade of the United States on ocean, lake, or river has been reserved to American vessels ever since the founding of the Federal Government. Under this policy our coastwise tonnage has grown steadily from 68,607 in 1789 to 6,852,536 in 1914. This is incomparably the greatest coastwise shipping in the world, greater than the entire coastwise and over-seas tonnage of the German Empire, or equivalent to threefold the entire tonnage of France or Norway, and fourfold the tonnage of Japan. American coastwise navigation is a well-developed and reasonably prosperous business, a trade of vigorous competition, dominated by no trust or monopoly, and steadily and swiftly growing. It needs no more national encouragement, and it asks none.

But with the shipping registered for trade overseas it is very different. Normally, this should be by far the larger proportion of our merchant marine; actually, it has shrunk to such relative insignificance that on June 30, 1914, one month before the outbreak of the European war, our shipping registered for foreign commerce amounted to only 1,066,288 tons, or less than one-sixth of our home-trade shipping.

More than a century ago, in the year 1810, the United States, with only one-fourteenth of the population of to-day, had 981,019 tons of shipping registered for foreign commerce, and was carrying under its own flag 91.5 per cent of its own imports and exports. In the fiscal year 1914 American ships conveyed only 8.6 per cent of our imports and exports.

This very great expansion of our coastwise shipping, even against the intensifying competition of the railroads, stands in sharp contrast with the long decline of our over-seas shipping, and is manifestly to be explained by the fact that in the one trade it is American against American, with substantial equality in wages and other conditions, while in the other it is American against foreigner, with the overwhelming advantage of lower wages and requirements and certain powerful forms of national assistance on the foreign side.

EARLY SHIPPING LAWS.

Though Americans of the colonial period won success as shipbuilders and seamen, the effect of the Revolution was such that at its end, in "the critical period of American history," most of our over-seas carrying trade fell into the hands of British shipowners. Our entire merchant fleet registered for foreign commerce amounted to only 123,893 tons in 1789, and only 23.6 per cent of our own trade was being conveyed in American vessels. In other words, the condition of the ocean shipping business of this country, when the Federal Constitution was adopted and Washington became the first President, was not very unlike its condition at the present time.

Washington, Adams, Jefferson, and Madison all joined in urging immediate relief for the merchant shipping industry, and the very first act of the First Congress under the new Constitution, passed on July 4, 1789, "for the support of the Government, the discharge of the debts of the United States, and the encouragement and protection of manufactures," contained an important clause allowing a discount of 10 per cent of the tariff duties on all goods imported in ships built and owned by American citizens. Moreover, on tea imported direct from the East Indies in American vessels a further and far heavier rebate was provided, and the third act of this new Congress, on July 20, 1789, gave American vessels a marked preference in tonnage duties and virtually barred foreign vessels from the coastwise trade. In 1794, in place of a discount of 10 per cent was added to the duties on goods imported in foreign vessels—a change of method, but not of principle. There was no sectional or party division over this early legislation for the encouragement of the American merchant marine. Thomas Jefferson, of Virginia, then Secretary of State, wrote in 1794, "To force shipbuilding is to establish shipyards; is to form magazines; to multiply useful hands; to produce artists and workmen of every kind who may be found at once for the peaceful speculations of commerce and for the terrible wants of war."

SUCCESS OF THE PREFERENTIAL DUTIES.

These laws of the founders of our Government, so frankly and strongly preferential to American shipping, instantly destroyed the British monopoly of three-quarters of our ocean carrying. As a historian of the period has well said, "The growth of American shipping from 1789 to 1807 is without parallel in the history of the commercial world." American tonnage registered for over-seas commerce increased at once from 123,893 in 1789 to 346,254 in 1790, 363,110 in 1791, and 411,438 in 1792. It was at this time and under this policy that Boston and Salem laid the foundations of their great East India commerce. The proportion of our total imports and exports carried in American ships rose from 23.6 per cent in 1789 to 40.5 per cent in 1790, to 55.9 per cent in 1791, and to 64 per cent in 1792. By 1795 no less than

90 per cent of our commerce was conveyed in American vessels. Foreign flags, which a few years before had dominated our commerce almost as completely as they do to-day, well-nigh vanished from our ports of the North Atlantic. In 1800 there were 667,107 tons of American shipping registered for over-seas voyages, and in 1810, 981,019 tons.

This wonderful growth of our ocean fleet was achieved in spite of European impressment and embargo through the power of wise laws which made it advantageous for American merchants to employ American vessels whenever they had occasion to bring goods from foreign lands—and preferring these ships for the import trade, they naturally utilized them for the export trade also. Thus assured of constant employment, American shipowners, building many vessels in succession from the cheap and abundant timber of the Atlantic coast, developed models that combined capacity with speed, and American officers and crews navigated them with the utmost skill and daring. National encouragement of this maritime industry had quickly produced a smartness and efficiency, the like of which the world had never seen.

MISNAMED "RECIPROCITY" AND ITS RESULTS.

So confident had our statesmen grown of the superiority of American ships under any circumstances that in a commercial convention with the British Government, framed shortly after the end of the naval war of 1812-1815, the United States withdrew its preferential duties as against British ships in the "direct" trade with the United Kingdom. Moreover, under pressure from inland and agricultural interests our Government, through commercial treaties and acts of Congress, gradually withdrew the shipping preference from other trades, though this was not completely effective until 1850, against our chief competitor, Great Britain. These "reciprocity" acts were passed in the face of the earnest protests of the merchants and shipowners of the coast, who best understood the situation.

American shipping continued to grow slowly up to the Mexican War period, but there was not again such a marvelous expansion as that of 1789-1810. In 1832 a tonnage of 614,121 was registered under the flag of the United States, carrying 83.1 per cent of our imports and exports; in 1845, a tonnage of 904,476, carrying 81.7 per cent. Foreign vessels were figuring more largely in our over-seas trade, but, on the other hand, our ships were conveying a part of the trade of other nations.

Just how reciprocity on the sea would have resulted in the long run can not be known, for it soon proved that it was not real reciprocity at all, but something very different and delusive. The United States in entire good faith, in the years between 1815 and 1850, entered into commercial agreements with foreign Governments that ships of either nation should be admitted on terms of equality into the ports of the other so far as tariff and tonnage duties, etc., were concerned. In other words, the preference or encouragement which Washington, Adams, Jefferson, and Madison had given to American shipping was step by step abandoned. One result was that British ships, manned at a lower wage scale, increased nearly 400 per cent in our own ports between 1831 and 1840, while our own ships gained but 40 per cent in all the ports of the world.

BRITISH SUBSIDIES TO STEAMSHIPS.

This was while the competition was with sail ships, wooden built, on either side. But just before 1840 the British Government began to invoke a new form of encouragement. In 1834 a subsidy of \$85,000 a year was given to the Rotterdam and Hamburg steam packets of a British company, and another subsidy of \$150,000 to the packet service to Gibraltar. These British royal payments were found to be so valuable in their influence on the new art of steamship and engine building in the United Kingdom that in 1838 another and much larger subsidy was offered for a British steamship service across the North Atlantic. In the year following a subsidy of \$425,000 a year was secured by Samuel Cunard for a steam line from Liverpool to Halifax and Boston. "It is beyond question," declares James Russell Soley, the historian, "that the sum paid to the Cunard Co. in its early days, amounting to about 25 per cent per annum on the cost of the running plant, and subsequently increased to \$550,000, to \$750,000, and to \$850,000, was clearly a subsidy; that it was given with the plain intention of establishing firmly in English hands, the trans-Atlantic traffic, and that it accomplished the desired result."

Other British subsidies quickly followed the Cunard—to the Royal Mail Steam Packet Co., for lines to the West Indies, Brazil, and Argentina; to the Pacific Steam Navigation Co., for a line to the west coast of South America (this was established by an American, William Wheelwright, of Newburyport, who had first sought a subsidy in vain in Washington); to the Peninsular & Oriental, for lines to the East Indies; and to other companies in all quarters of the world. In a few years British subsidies totaled \$3,000,000 or \$4,000,000 annually.

The United States had been outwitted by British diplomacy and statesmanship. First, the preferential policy of Washington and his colleagues had made American shipping the most prosperous in existence. "That starved flag," the London Times lamented, "is now conspicuous on every sea, and will soon defy our thunder." But we were adroitly persuaded to lay aside the weapons that had served so well, and when we had bound ourselves by solemn treaty no longer to employ them the British Government introduced the new and potent expedient of subsidy, which the treaties and agreements did not forbid.

AMERICA ADOPTS SUBSIDIES ALSO.

This new departure did not pass unchallenged in the United States. It is almost forgotten now, but it is a fact of record that the American Government for a time resolutely met subsidy by subsidy and was brilliantly successful in the contest. It was an American, Fulton, who created the first efficient steamboat, in the *Clermont* of 1807. Steam craft came into immediate use on rivers, sounds, and bays here, and in 1830 appeared in the ocean coast trade. Ericsson, with his screw propeller, was rebuffed in England, but received and honored here, and in 1841 the first seagoing screw steamship was built for an American line from New York to Habana. At that period, when the Cunard subsidies began, the United States was clearly ahead of Great Britain in steam navigation. Moreover, ships had begun to be built of iron here; the *Bangor*, for example, for New England coast service, in 1844. American ingenuity and enterprise were as quick and competent to deal with steam as with sail, with metal as with wood. The idea that iron steamships could not be built in the United States before the Civil War is the invention of malice or of ignorance.

It is a profoundly significant fact that the initiative in the movement to meet British steamship subsidies by American subsidies was taken by southern men who were Democrats in national politics. Senator Thomas Butler King, of Georgia, was the pioneer. In 1841, soon after the first Cunard steamers had reached the United States, he began to advocate in Congress the granting of mail subsidies, no less liberal than the British, to put the American flag into equal com-

petition. "British statesmen," he said, "are resolved to monopolize the intercourse between America and Europe. Of all the lines of sail packets which cross the Atlantic not one is owned in Europe, and it is not to be doubted that American merchants, properly encouraged, will assuredly excel in them (steamship lines) as they have done in sailing vessels."

President Polk, a southern man and a Democrat, advocated subsidy legislation in his message to Congress. "The national policy," he said, "by which a rapid communication with the various distant parts of the world is established, by means of American-built steamers, would find an ample reward in the increase of our commerce and in making our country and its resources favorably known abroad"—but President Polk went on to argue that the national advantage was "still greater of having powerful steamships available for war," and "having the privilege of taking the ships already equipped for immediate service at a moment's notice." This, he declared, "will be cheaply purchased by the compensation to be paid for the transportation of the mail over and above the postage received. A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels."

#### THE COLLINS AMERICAN LINE.

So a southern Democratic President wrote, and a Democratic Congress acted on his recommendations, the project being supported by Members of Congress without regard to party distinction. A subsidy of \$200,000 was granted to a new American steamship line to Havre and Bremen—less than half the sum paid to the Cunard line, and the American ships were larger. This was under the ocean mail laws of 1845 and 1847, by which additional American steamship services were established to the West Indies, the Isthmus of Panama, and up the Pacific coast to Oregon.

In 1847 a contract was concluded by our Government with the head of the celebrated Collins line of trans-Atlantic steamers for a subsidy of \$385,000 a year. When Mr. Collins built steamships much larger and more powerful than the Cunard ships his subsidy was increased to \$858,000 a year—the Cunard Line was then receiving \$856,000 from the British Government. This new American line began under the brightest auspices. Its steamers beat the Cunard steamers regularly in passages from land to land and secured the bulk of the first-class passenger traffic. Moreover, as Lindsey, the historian of British shipping, said, "Before the Collins Line was established, the Cunard steamers were receiving £7 10s. sterling per ton for freight, which was so much a monopoly rate that in two years after the Collins Line had commenced the rate of freight fell to £4 sterling per ton." Under the impulse of the mail subsidies American ocean steam shipping rose from 16,068 tons in 1848 to 115,045 tons in 1855. As Dr. David A. Wells says of the period:

"During the single year 1849-50 we increased our ocean steam tonnage 113 per cent, and the seagoing qualities and performances of our vessels were so admirable that the Cunard Co., which had then been in operation 10 years, was obliged to bring out new ships to compete with them. The prospect, therefore, at one time was that the United States, although late in the start in this new department of foreign shipping, would soon equal, if not overtake, her great commercial competitor."

It was an era also of immense expansion in the sail shipping of America, due to a succession of extraordinary causes—the famine of 1847 in Ireland and an abnormal demand for foodstuffs in Europe, the gold rush of 1849 to California, and the Crimean War of 1854-1856. The famous American clippers, built particularly for the California and China trade, belonged to this era, when in 1855 no less than 583,450 tons of shipping, including 381 ships and barks, were launched from American yards.

#### LOSING OUR SHIPS BEFORE THE WAR.

In that year, 1855, the American merchant marine in over-seas commerce reached its climax. There set in immediately a sharp and startling decline—six years before the Civil War. Though the tonnage nominally registered for foreign carrying did not immediately show a decrease, shipbuilding fell off from 583,450 tons in 1855 to 156,602 tons in 1859, and rallied only to 214,797 tons in 1860. This heavy shrinkage in the product of the shipyards indicated that six years before the first shot was fired at Fort Sumter grave discouragement and disaster had befallen our merchant marine. This historic fact is exceedingly important to remember, because it has so often been asserted that the loss of our ocean shipping began with and was wholly due to the great war between North and South. The records of shipbuilding afford conclusive proof that the decline had set in long beforehand.

The causes of this decline were in part economic, but in much larger part political. It has often been alleged or assumed that the change from sail to steam and from wood to iron gave Great Britain, our old and formidable rival, an overwhelming advantage over the United States. But the United States in 1855 had long been building steamships for coastwise navigation; some of these were iron ships, and American-made iron was declared by architects and engineers to be the very best for maritime construction. There were iron shipbuilding plants at New York and Philadelphia and, before 1860, at Boston. It was a period of low tariff for revenue only, and the high customs and internal-revenue taxation of the Civil War, that undoubtedly for a time did burden the shipbuilding industry, had not come into existence. Americans were naturally as adept at ironworking and at boiler and engine building as their British kinsmen—a fact soon to be demonstrated to all the world by the great armor-clad fleet of the Federal Navy.

Great Britain in 1855 was manufacturing more iron than the United States, and to a certain degree the transition from a material of which the United Kingdom produced almost none at all to a material which it possessed in particular abundance was a benefit to British yards, but it was by no means a conclusive factor. There was enough iron of admirable quality in America for the construction of great fleets of ships. For the main cause of the decline of our ocean shipping from its climax of 1855 to the outbreak of the Civil War it is necessary to look in quite a different direction.

#### AMERICANS AHEAD IN STEAMSHIPS.

Rivalry between American and British ocean steamship lines on the north Atlantic from 1850 to 1855 had demonstrated that the Yankees were as skillful in engineering as they had long been in seamanship. Capt. McKinnon, of the British Navy, after voyages of observation in both the Collins and Cunard liners, reported to his Government that "there are no ocean steamers in England comparable with the (American) *Baltic*."

But there was one serious weakness in the situation. All of the new American ocean steamers were built in the North, owned and manned by northern men, and registered at northern seaports. The sectional

slavery feud between the States was growing more and more bitter every day, and southern men were in control of Washington. These ocean steamships, maintained by subsidy from the National Treasury against their equally subsidized British rivals, were a formidable addition to the commercial and naval power of the North. For the same reasons why the strengthening of the Federal Navy was suspended, the mail subsidies were taken away from the great successful American ocean steamship services in the very crisis of their contest with their British competitors.

#### OUR SHIPPING THE VICTIM OF SECTIONAL ATTACK.

This was done, after a memorable struggle, in 1856 and 1858, under the direction of several distinguished southern men—Jefferson Davis, of Mississippi, afterwards President of the Confederacy; R. M. T. Hunter, of Virginia, afterwards Confederate secretary of state; S. R. Mallory, of Florida, Confederate secretary of the navy; Robert Toombs, of Georgia, a leading member of the Confederate congress and secretary of state; Judah P. Benjamin, of Louisiana, Confederate attorney general; and J. M. Mason, of Virginia, well remembered with Mr. Sildell as Confederate envoy to Europe.

These able and eminent southern statesmen doubtless believed that they were serving vital interests of their own people, but not all of their own section coincided in their action. Though they received some help from agricultural States of the West and Southwest, Senator Bayard of Delaware eloquently protested against the abandonment of American steamship enterprise as a surrender to the British Government, and the action of Congress in withdrawing the subsidies was generally condemned by men of all parties in the North as blindly sectional and disastrous.

#### HOW BRITISH SUBSIDIES WON.

Disastrous, indeed, it quickly proved. When, in 1856, the southern lawmakers reduced the Collins mail pay from \$858,000 to \$385,000—the British Cunard ships were then receiving \$856,000—the managers of the chief American line to Europe refused to give up the fight and struggled on for a time. But the odds were hopeless and they were forced to quit the field. Their largest ship, the splendid *Adriatic*, was sold to a new British subsidized line from Galway and held the Atlantic record under the British flag. One by one the other American Atlantic lines succumbed, and when Commodore Vanderbilt, with all his wealth and genius, attempted to compete with the British subsidized lines he was unable to withstand the treasury of the British Government. When the Civil War opened in 1861 only occasional American steamships were running to Europe. British subsidies had won the fight.

The Collins Co. had lost two steamships by wreck and its failure is sometimes attributed to this misfortune. But many more ships were lost by the British Atlantic lines. The Royal Mail had seven steamers destroyed in quick succession. But the British Government, instead of abandoning the Royal Mail, stood by it more resolutely than before and enabled it to build new ships and maintain its service.

Perhaps the greatest New York merchant and shipowner of this time was A. A. Low, Esq., the distinguished father of Hon. Seth Low, formerly mayor of New York and president of Columbia University and now president of the New York Chamber of Commerce. The elder Low, in a formal statement to Congress, speaking as an eye witness thoroughly familiar with the facts, declared:

"I only know the English have always, in peace and war, manifested a determination to hold the supremacy on the ocean and the supremacy which they acquired by arms in war they have in peace acquired by subsidies. They have deliberately and intentionally driven the Americans from the ocean by paying subsidies which they knew our Congress would not pay. \* \* \* They have driven us from the ocean by that policy just as effectually as they ever did drive an enemy from the ocean by their guns."

Great Britain, in 1860-1, was expending \$4,537,223 in the encouragement of steamship building and mail communication with all parts of the world. France, following the British example, in 1858 offered subsidies of \$620,000 a year for a line from Havre to New York, \$940,000 for a service to Brazil, and \$1,300,000 for a service to the West Indies and Mexico. Germany, at about the same time, began to subsidize the North German Lloyd on the routes from which the swift American ships had disappeared. The slavery feud had killed the American merchant marine in trans-Atlantic commerce.

#### EFFECTS OF THE CIVIL WAR.

After the destruction of our trans-Atlantic mail lines came the Civil War. Anglo-Confederate cruisers between 1861 and 1865 burned or sank 110,000 tons of American shipping and drove 751,595 tons under foreign colors; nearly one-third of our whole fleet registered for over-seas carrying. This ocean trade fleet, which had amounted to 2,496,894 tons in 1861, controlling 65.2 per cent of our imports and exports, had shrunk to 1,387,756 tons in 1866, controlling only 32.2 per cent of our imports and exports.

For a while after the war our ocean shipping actually increased. Shipowners and builders would not surrender without another effort. Our registered tonnage in 1867 reached 1,515,648 and remained at or near the same figures for a decade thereafter—the total registered tonnage in 1878 was 1,589,348. But in this same period the proportion of our imports and exports carried in American vessels had steadily decreased from 33.9 to 26.3 per cent, and after 1878 both total tonnage and proportionate carrying fell together, reaching a tonnage minimum of 726,213 in 1898 and a proportionate carrying minimum of 8.2 per cent in 1901. From 1898 onward there has been a gradual, though not constant, increase in our registered tonnage to the 1,066,288 tons of 1914. But this increase is more apparent than real, for it includes a considerable fleet of vessels employed in the long-voyage coast trades, like that via the Panama Canal. These vessels and others passing near or by foreign ports sail under register instead of enrollment, for purposes of safety and convenience. There was virtually no real increase up to the opening of the present European war, in the proportion of our imports and exports carried under the American flag. From 8.2 per cent in 1901 this rose to 12.1 in 1905, but fell again to 8.6 per cent in 1914. The development of American ocean shipping when this great war started was substantially where it had been 16 years before.

#### THE OCEAN MAIL LAW OF 1891.

From 1865 to the present time Congress has refused to adopt any vigorous and comprehensive measure for the relief of American shipping in over-seas commerce, though a cautious and, as it proved, inadequate mail-subsidy system was established in the ocean mail act of March 3, 1891. As passed by the Senate, this provided both subsidies for postal lines and bounties for cargo vessels, but the bounty feature was rejected and the proposed mail rates were heavily reduced by Middle Western insistence in the House of Representatives. The legislation



was so crippled that its authors despaired of any definite results, but even with its lowered compensation the act of 1891 has proved to be of substantial value to the American merchant marine.

It was this legislation which made it possible for the International Navigation Co. to undertake in 1895-96 a weekly service in American steamships from New York to England and France, the *New York* and *Philadelphia* being specially admitted to American registry for this purpose, while the *St. Louis* and *St. Paul* were built in the Cramp shipyard, in Philadelphia. These four swift ships were of great value as auxiliary cruisers in the Spanish War. Though the company controlling these steamers has several times signified its willingness to build new ships equal to the best on the Atlantic if the United States Government would enter into an agreement equivalent to that of Great Britain with the Cunard Co., no action has been had, but the weekly mail service to Europe is maintained with great regularity by the existing steamers, and this has been of much advantage to our Government and our merchants throughout the present war.

The ocean mail act of 1891 maintains also the Ward Line of American steamers from New York to Cuba and Mexico, the Red D Line from New York to Venezuela, and the Oceanic Line from San Francisco to Australasia. Total expenditures under this act in the fiscal year 1914 were \$1,089,361, of which \$673,998 was received by the American trans-Atlantic service. Every great maritime nation spends much more for mail subsidies than our own—even Canada two or three times as much annually.

#### THE MERCHANT MARINE COMMISSION OF 1904-5.

Congress in 1904 authorized a Merchant Marine Commission of five Senators and five Representatives, of which Senator GALLINGER, of New Hampshire, was chairman, to make a new and thorough investigation of the ocean shipping question. This commission published its report in 1904-5, recommending national encouragement to regular steamship services to the West Indies, South America, South Africa, Australasia, and the Orient, and the granting of tonnage subsidies to cargo vessels. A bill carrying these provisions passed the Senate, but the subsidy to cargo ships was eliminated in the House, and the mail-subsidy measure which the House passed was defeated by a filibuster in the Senate, conducted by two Senators who were retiring to private life. The Senate subsequently passed the ocean mail bill, but it was twice defeated in the House, though by the narrowest of majorities.

In the congressional contests over the measures recommended by the Merchant Marine Commission most of the opposition came from the South and Middle West, thus repeating the experience which had destroyed the American steamship services on the North Atlantic before the Civil War. But from both South and West there appeared also strong advocacy of a forward policy by individual Senators and Representatives, and the ocean mail bills were actually defeated in the House by the defection of a group of Middle Western Republicans who, though strong partisans of tariff protection for the agricultural interests of their States and section, were unwilling that national encouragement of any kind should be extended to the ocean shipping industry of the Atlantic and Pacific seaboard. Another influence was the hostility of certain powerful European steamship corporations which had become strongly entrenched in American ocean carrying. From their headquarters in Europe and New York these foreign steamship organizations sent out earnest arguments against the subsidizing of American steamship services, and these appeals undoubtedly counted for a great deal with some public men and people of European birth or immediate descent in this country, to whom they were particularly addressed.

#### A FREE SHIP EXPERIMENT.

As a part of the Panama Canal act of August 24, 1912, Congress changed the traditional policy of the United States by offering free registry for the over-seas trade to American-owned, foreign-built vessels not more than five years old. This "free-ship" experiment proved absolutely fruitless up to the outbreak of the war in Europe—not one foreign-built ship was at any time registered under its provisions. The reason assigned was the higher cost of operation that would have to be assumed under the American laws and colors.

As an emergency measure Congress, on August 18, 1914, passed an act amending the previous act so that there could be admitted to American registry for purposes of foreign commerce American-owned, foreign-built vessels without regard to age. At the same time the President was authorized to suspend the requirement of law that the officers of these foreign-built ships should be American citizens and to exempt the ships in question from compliance with our inspection and measurement laws and regulations.

A considerable movement of American owners of foreign-built ships to naturalize their vessels under the new law quickly followed. The United Fruit Co., the Standard Oil Co., and the United States Steel Corporation were the principal factors to take advantage of the new legislation. Most of the foreign-built ships added to the American overseas fleet under the new policy were American owned before the war began. There have not been many new purchases of foreign-built ships, and a very large proportion of vessels controlled by American capital, notably in the regular trans-Atlantic trade, still remain under foreign colors. The total number of ships naturalized under the act of August 18, 1914, is 171, of a total tonnage of 583,733. Most of these were brought in in the early part of the war. Only three vessels, one of them a small yacht, were granted registry in the entire month of September, 1915, and only three more were admitted up to December 18, 1915.

#### FOREIGN CREWS DEMAND AMERICAN WAGES.

It has been discovered in actual experience that the suspension of the navigation laws by the President, so that the foreign-built ships admitted to American registry can come in with their foreign officers and remain exempt from our inspection and measurement laws and rules, has not prevented these foreign officers and their foreign crews from demanding the wage scale and food scale of Americans. The result has been an immediate and large increase in the cost of manning and maintenance, so that in these regards the naturalized ships are on the same basis compared with foreign-registered ships as are American ships of native construction. For example, W. R. Grace & Co. find that wages and food of a steamship under the American flag amount to \$2,773 a month as compared with \$1,991 under the British flag. "On British steamers which we recently transferred to the American flag," says this firm, "the foreign crews struck for American wages the day of transfer, and received them."

The United States Steel Products Co., which handles the export trade of the United States Steel Corporation, has nine steamers transferred from British to American registry. The 373 members of these nine crews under British registry received in wages \$12,478 a month. The 393 members of these nine crews under American registry receive \$17,537 a month, an increase of 40.54 per cent, and in addition there has been an increase of 19 per cent in the cost of food.

The steamship *Brindilla*, of the Standard Oil Co., has a total wage bill under the American flag of \$1,765 a month as compared with \$936.10 a month when this same ship was the German steamer *Washington*.

These great corporations have precise systems of record, and so these comparative figures are available and trustworthy, but theirs has doubtless been the experience of all owners of foreign-built steamships who have secured American registry. The great war has introduced new complications. Because of war risks wages of seamen have risen under foreign flags, but there is every reason to believe that when the war has ended the normal difference in wages between American and foreign ships will be substantially what it was before the war began. This difference on typical cargo-carrying ships was as follows:

Comparative monthly wages, 1914, on American and British cargo steamers of a capacity of about 5,000 tons.

	American.	British.
Master.....	\$175.00	\$100.00
First officer.....	90.00	63.13
Second officer.....	70.00	43.74
Third officer.....	60.00	.....
Carpenter.....	40.00	31.59
Boatswain.....	35.00	29.15
Quartermasters.....	(2) 35.00	.....
Sailors.....	(5) 30.00	(9) 24.30
Chief engineer.....	150.00	97.20
First assistant engineer.....	100.00	68.04
Second assistant engineer.....	90.00	48.00
Third assistant engineer.....	80.00	.....
Others.....	(3) 40.00	.....
Donkey men.....	(2) 40.00	(1) 31.59
Firemen.....	(4) 35.00	(6) 29.15
Coal passers.....	(2) 30.00	.....
Stewards.....	60.00	38.88
Cook.....	45.00	34.02
Mess man.....	20.00	15.00
Cabin boy.....	20.00	.....

Total American crew.....	32
Total American payroll, per month.....	\$1,055.00
Total British crew.....	27
Total British pay roll, per month.....	\$994.86

#### WHAT SHOULD NOW BE DONE?

Assuming that the free-registry law of August 18, 1914, has the effect of equalizing the first cost of ships—for American shipowners can now go to Europe or Japan for vessels for over-seas commerce if such ships can be procured there at a lower price than from American yards—there manifestly still remain, in spite of the suspension of our navigation laws, a wide difference in wages and maintenance. Of the two factors in the problem the construction cost has been equalized, but not the cost of operation. This is still as heavily against our flag as ever—and this is now a matter of demonstrated fact—it has been wholly removed from the field of dispute and speculation.

How is this factor of the higher cost of operation to be met?

The special committee on merchant marine of the Boston Chamber of Commerce, in a report presented June 7, 1915, and subsequently approved by the directors of the chamber, recommended that carefully guarded subsidies be granted by the Government, sufficient to offset the difference in cost of operation between American and foreign vessels, with the condition that all vessels receiving subsidies should be so constructed as to render efficient service as transports, fuel ships, supply ships, ammunition ships, etc., in case of war, and be held subject to the call of the Government.

This plan would equalize conditions, so far as typical cargo vessels are concerned. But all maritime nations assist regular steamship services carrying mail, freight, and passengers on fixed schedules at more than ordinary speed, by means of mail or naval subsidies, amounting in the aggregate to not much less than \$50,000,000 a year. It is obvious that such regular line steamship services under the American flag would require special additional encouragement, and for this purpose the committee in its report recommended an amendment suitably increasing the rates of compensation offered under the ocean mail law of 1891.

The committee also opposed the proposal of Government ownership and operation of commercial steamships, for reasons stated in a separate report, and approved the creation of a Federal shipping board, after the example of the British Board of Trade, and a revision of our navigation laws and regulations, so far as they unnecessarily increase the cost of operation of American as against foreign vessels. Such a revision is an essential part of any movement for the revival of American Ocean shipping, but, as has already been demonstrated by experience under the free-registry act of August 18, 1914, a revision or a suspension of the laws and regulations will not of itself equalize the cost of manning and maintaining American and foreign vessels.

#### SHIPBUILDING ALL IMPORTANT.

At present, because of the great European war, its abnormal effect upon wages and materials, and the absorption of foreign shipyards in naval repair and construction, the first cost of commercial steamships is believed to have risen in Europe to or near a parity with the cost in the United States. American ocean shipyards are now fully employed upon new tonnage, nearly all of it designed primarily for coastwise commerce, but a large part of it of a type adaptable also to over-seas carrying if conditions in that trade can be properly equalized. This is a fortunate circumstance for the country. Full employment will greatly assist American ocean yards to extend their experience, standardize their output, and reduce their costs, and the price of commercial steamers of American construction should be very much nearer the foreign price after the war has ended than it ever has been before. It should be understood that steel plates and shapes for shipbuilding are normally obtainable at as low a cost in the United States as in Europe.

The importance of judicious encouragement of the art of ocean shipbuilding can not well be overestimated, both because of the imperative need of well-equipped shipyards in the problem of national defense and because history affords no example of a nation permanently great in ship owning and navigation which depended for the construction of its ships upon its rivals in trade and possible enemies in war. It is still eminently true in principle, as Thomas Jefferson declared more than a century ago, that "for a navigating people to purchase its

marine afloat would be a strange speculation. \* \* \* Placing, as a reserve, with a foreign nation or in foreign shipyard the carpenters, blacksmiths, calkers, sailmakers, and the vessels of a nation would be a singular commercial combination. We must, therefore, build them for ourselves."

#### AMERICAN MARINE INSURANCE.

One essential of complete success in American shipbuilding and navigation is a thoroughly American inspection, survey, and classification service capable of performing for the United States a work which Lloyd's has long rendered for the British Empire. For many years American shipowners and merchants, even in the coast and lake trade, have been largely dependent for marine insurance upon foreign corporations. To realize the full benefits of an independent American shipping industry it must be possible to effect adequate insurance in companies domiciled in the United States, preference being given by our shipowners and merchants to insurance in American companies, and to this end a strong classification society must be at once established, so that American insurance interests can undertake marine risks with all proper safeguards and necessary information. There is abundant capital in this country and abundant technical and administrative skill, and they should be brought into effective cooperation. There should be resources in American companies sufficient to provide at least \$1,000,000 of insurance on any single hull to handle the marine business now offering, which is about three times the amount of insurance at present available.

Every important nation which has developed a merchant marine of its own has appreciated the need of creating at the same time a classification and insurance system of its own, instinctively recognizing the unwisdom of depending for such an indispensable service upon the resources of foreign competitors. It is earnestly believed by many American shipowners that the decline of our own mercantile marine has hastened by certain arbitrary discriminations of powerful marine insurance authorities of Europe, and it is the manifest course of prudence to make such discriminations impossible hereafter by providing requisite American standards of construction properly adapted to meet the particular needs of the widely varying types of ships required for American domestic and foreign commerce. Private capital and enterprise can best supply this need, with due recognition in the law and regulations of the Government.

#### A FLEET ESSENTIAL FOR COMMERCE AND DEFENSE.

The merchant marine—the building and operation of overseas commercial carriers—is, or should be, a great national industry, as deserving as any other great industry of the friendly interest of the American people and the intelligent consideration of their Government. Just as every adequate department store, for its own self-protection, insists upon its own delivery service, so every mercantile nation demands a suitable fleet of its own ships. Great Britain fought three wars with Holland and France primarily to secure its own sea trade. The new German Empire, when under Bismarck it first began to look abroad for markets, refused to depend upon British ships but sought at once the creation of a German merchant navy. France would not rely upon the fleet of either Germany or Britain, but has laboriously wrought its own merchant marine, and Japan, the latest of commercial powers, secured its ships first and its trade afterwards. Not one commercial nation, save the United States, has ever been willing to trust its overseas delivery service to its eager and aggressive competitors—the instinct of self-preservation imperatively forbids.

If the United States had possessed, as it should normally have possessed, 10,000,000 or 15,000,000 tons of overseas shipping in August, 1914, at the outbreak of the present European war, its ocean delivery service could not have been broken down by the wholesale diversion of foreign ships, whose first duty was owed to foreign Governments. Reduced or disrupted steamship services and abnormally increased freight rates have cost the American people uncounted millions of dollars since the war began, and, as agriculture still supplies the major bulk, if not the major value, of our exports, the heaviest loss has fallen upon the cotton-growing South and grain-growing West, many of whose public men have historically been most blind and indifferent to the need of a merchant fleet that would serve "America first."

If an adequate merchant shipping is important to our commercial security, it is absolutely indispensable to our military and naval defense. In the event of war between the United States and a foreign enemy our Government would instantly require hundreds of auxiliary vessels—scouts, transports, mine layers, fuel ships, ammunition ships, supply ships, hospital ships—which could be provided only from the merchant service.

Many of these can be procured from the coastwise fleet, but not enough, for a large part of this domestic tonnage is not adapted to open-ocean voyaging. The country has not yet forgotten the humiliation of seeing its proud battleship fleet escorted around the world by a motley crowd of British, Dutch, and Italian colliers, because no American vessels were to be had. That was in time of peace, but the lack of such auxiliary ships, and especially of loyal American officers and men, in war might fatally cripple our fighting force and bring appalling disaster to the Nation. A strong mercantile marine is one of the great essential elements of American "preparedness."

#### American tonnage and proportionate carrying in foreign trade of United States, 1789-1914.<sup>1</sup>

Year ended Dec. 31—	Tonnage registered for foreign trade.	Proportion of exports and imports carried in American vessels.	Year ended Dec. 31—	Tonnage registered for foreign trade.	Proportion of exports and imports carried in American vessels.
1789.....	123,893	23.6	1798.....	603,376	89.0
1790.....	346,264	40.5	1799.....	657,142	88.5
1791.....	263,110	55.9	1800.....	667,107	80.0
1792.....	411,438	64.0	1801.....	630,558	80.0
1793.....	367,734	79.5	1802.....	557,769	86.5
1794.....	438,863	88.5	1803.....	585,910	84.5
1795.....	529,471	90.0	1804.....	660,514	88.5
1796.....	576,733	92.0	1805.....	744,224	91.0
1797.....	597,777	90.0	1806.....	798,507	91.0

<sup>1</sup> Figures taken from the report of the Bureau of Navigation and Bureau of Foreign and Domestic Commerce of Department of Commerce.

#### American tonnage and proportionate carrying in foreign trade, etc.—Con.

Year ended Dec. 31—	Tonnage registered for foreign trade.	Proportion of exports and imports carried in American vessels.	9 months ended June 30—	Tonnage registered for foreign trade.	Proportion of exports and imports carried in American vessels.
1807.....	840,163	92.0	1856.....	2,302,190	75.2
1808.....	765,252	90.5	1857.....	2,268,196	70.5
1809.....	906,855	86.0	1858.....	2,301,148	73.7
1810.....	981,019	91.5	1859.....	2,321,674	66.9
1811.....	763,607	88.0	1860.....	2,379,396	66.5
1812.....	758,636	82.5	1861.....	2,406,894	65.2
1813.....	672,700	68.0	1862.....	2,173,537	60.0
1814.....	674,633	54.5	1863.....	1,926,886	41.4
1815.....	824,295	74.0	1864.....	1,486,749	27.5
1816.....	800,760	70.5	1865.....	1,518,350	27.7
1817.....	804,851	76.5	1866.....	1,387,756	32.2
1818.....	589,944	82.5	1867.....	1,457,648	33.9
1819.....	581,230	84.5	1868.....	1,457,246	35.1
1820.....	583,657	89.5	1869.....	1,496,220	33.1
1821.....	593,825	88.7	1870.....	1,448,846	35.6
1822.....	582,701	88.4	1871.....	1,363,652	31.9
1823.....	600,003	89.9	1872.....	1,359,040	29.2
1824.....	636,807	91.2	1873.....	1,378,533	26.4
1825.....	665,409	92.3	1874.....	1,389,815	27.2
1826.....	696,221	92.5	1875.....	1,515,568	26.1
1827.....	701,517	90.9	1876.....	1,553,705	27.7
1828.....	757,998	88.9	1877.....	1,570,600	26.9
1829.....	592,859	89.5	1878.....	1,539,348	26.3
1830.....	537,563	89.9	1879.....	1,451,506	23.0
1831.....	538,136	86.5	1880.....	1,314,402	17.4
1832.....	614,121	83.1	1881.....	1,297,035	16.5
1833.....	648,869	83.8	1882.....	1,259,492	15.8
1834.....	749,378	83.0	1883.....	1,260,681	16.0
Year ended Sept. 30, 1835 (9 months).....	788,173	84.5	1884.....	1,276,972	17.2
Year ended Dec. 31—			1885.....	1,262,814	15.3
1836.....	753,094	84.3	1886.....	1,088,041	15.5
1837.....	683,205	82.6	1887.....	989,412	14.3
1838.....	702,962	84.2	1888.....	919,302	14.0
1839.....	702,400	84.3	1889.....	909,619	14.3
1840.....	762,838	82.9	1890.....	928,062	12.9
1841.....	788,398	83.3	1891.....	988,719	12.5
1842.....	832,746	82.3	1892.....	977,624	12.3
Year ended June 30, 1843 (9 months).....	856,930	77.1	1893 (1 year).....	883,190	12.2
Year ended Dec. 31—			1894.....	899,698	13.3
1844.....	900,471	78.6	1895.....	822,347	11.7
1845.....	904,476	81.7	1896.....	829,833	12.0
1846.....	943,307	81.7	1897.....	792,870	11.0
1847.....	1,047,454	70.9	1898.....	726,213	9.3
1848.....	1,168,707	77.4	1899.....	837,229	8.9
1849.....	1,258,756	75.2	1900.....	816,795	9.3
1850.....	1,439,694	72.5	1901.....	879,595	8.2
1851.....	1,544,663	72.7	1902.....	873,235	8.8
1852.....	1,705,650	70.5	1903.....	879,264	9.1
9 months ended June 30—			1904.....	888,628	10.3
1853.....	1,910,471	69.5	1905.....	943,750	12.1
1854.....	2,151,918	70.5	1906.....	928,466	12.0
1855.....	2,348,358	75.6	1907.....	861,466	10.6
			1908.....	930,413	9.8
			1909.....	878,523	9.5
			1910.....	782,517	8.7
			1911.....	863,495	8.7
			1912.....	923,225	9.4
			1913.....	1,019,165	8.9
			1914.....	1,066,288	8.6

#### Merchant tonnage of principal nations as recorded in Lloyd's Register for 1895 and also for 1915.

	1895	1915
	Tons.	Tons.
Great Britain.....	13,242,639	21,045,049
United States.....	2,164,753	5,368,194
Austria.....	304,970	1,055,719
Denmark.....	356,714	820,181
Holland.....	446,861	1,496,453
France.....	1,094,752	2,319,438
Germany.....	1,886,812	5,459,296
Italy.....	778,941	1,668,296
Japan.....	301,101	1,708,389
Norway.....	1,650,012	2,504,722
Russia.....	487,681	1,053,818
Spain.....	554,238	898,823
Sweden.....	497,877	1,118,086

<sup>1</sup> Of this, 2,970,284 tons were on the sea and the remainder on northern lakes and rivers.

#### Summary of foreign subsidies, mail pay, bounties, etc.

[From Report of the United States Commissioner of Navigation, 1909, pp. 20-21.]

Great Britain and colonies.....	\$9,689,384
France.....	13,423,737
Japan.....	5,413,700
Italy.....	3,872,917
Spain.....	3,150,012
Austria-Hungary.....	2,984,530
Germany.....	2,301,029
Russia.....	1,878,328
Norway.....	1,102,143
Netherlands.....	880,011



Sweden	\$277,752
Denmark	145,000
Belgium	55,970
Portugal	50,000

Total 45,224,513

Outside of Europe and Japan, subsidies and mail payments have been reported for 1908 by the Bureau of Navigation as follows: Chile, \$253,195; Mexico, \$75,000; Egypt, \$54,512; Brazil, \$1,300,000; in all, \$1,682,707, making, with the above, a total of \$46,907,220.

(In the fiscal year 1914 the United States paid in subsidy to American steamers under contract the sum of \$1,089,361.83, and the report of the Post Office Department states that "The net cost of the service performed was \$55,155.51 less than it would have been if the steamers performing it had not been under contract and had conveyed the same mails and received pay on a weight basis.")

The figures above are the latest official enumeration by the United States of foreign steamship subsidies, bounties, etc. These subsidies and bounties have been somewhat increased since 1909 in most of the countries mentioned, together with a corresponding increase in their merchant shipping tonnage.

(Germany, in addition to subsidies, grants preferential rates on her State railroads on cargoes to be carried in German ships.)

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Phelan	Smoot
Brady	Husting	Pittman	Sterling
Bryan	James	Pomerene	Stone
Chamberlain	Johnsen, S. Dak.	Reed	Swanson
Chilton	Jones	Saulsbury	Taggart
Clapp	Lane	Shafroth	Thompson
Cummins	Lewis	Sheppard	Tillman
Dillingham	Lippitt	Sherman	Underwood
Fletcher	Martine, N. J.	Simmons	Vardaman
Gallinger	Myers	Smith, Ariz.	Wadsworth
Hardwick	Nelson	Smith, Ga.	Warren
Hitchcock	Oliver	Smith, Md.	Williams
Hollis	Overman	Smith, S. C.	

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. WARREN. I wish to say that my colleague [Mr. CLARK of Wyoming] is unavoidably absent. He is paired with the Senator from Missouri [Mr. STONE]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-one Senators having responded to their names, a quorum is present.

Mr. STERLING. Mr. President, I shall not occupy the time of the Senate at any great length, comparatively speaking; and while I do so I shall not pretend to speak as an expert on ships or on shipbuilding. The more technical phases of this question, especially as it relates to vessels in the foreign and coastwise trade, respectively, have been discussed, and ably discussed, by those more familiar with those phases than am I, notably by the distinguished Senator from New Hampshire [Mr. GALLINGER], who has just spoken, by the Senator from Minnesota [Mr. NELSON], by the Senator from Massachusetts [Mr. WEEKS], and by the Senator from Washington [Mr. JONES]. There are, however, certain things in regard to the efforts of this administration to put through a ship-purchase bill or a shipping-board bill to which I wish to call attention. They go largely to the methods employed and to what I deem the needlessness of a measure designed to put the Government into the business of owning ships for the merchant-marine service.

And let me at the outset emphasize the point that the majority proposes anew this scheme at a time when appropriations will exceed by several hundred millions of dollars what they have ever before been; when the revenues from the old reliable sources are vastly diminished; when, to meet these appropriations, new forms of taxation must be adopted and new subjects of taxation must be resorted to. It would seem that ordinary prudence would dictate that we stop short of incurring this wholly unnecessary additional obligation of more than \$50,000,000 and of making the requisite appropriation therefor. The prudent business man will not embark in an enterprise involving large expenditures unless justified by his needs, his facilities, and the resources at his disposal, and, least of all, will he throw away money upon a project which experience and common sense and the facts before him show would be futile and without beneficial result.

I take it that statesmen should be governed by the same practical considerations as business when it comes to new governmental ventures involving, as this does, its very expensive administrative features and, second, a tremendous outlay of money to effect the full purposes of the bill.

And, Mr. President, I can not help here suggesting the further consideration: Congress is not the business man spending his own money, responsible to himself alone. Congress is supposed to represent the people. In the provisions it makes for the rais-

ing and disbursement of revenues it acts rather in the capacity of agent or trustee. It can not at will summon hither or to the Treasury of the United States the resources of a nation and at will disburse them in the promotion of any and every enterprise which appeals to the imagination of Members of Congress or, I may say, to an administration obsessed apparently with the idea that to spend \$50,000,000 in building, buying, or leasing ships will be a grand party achievement. It can not do this, I say, at will and in disregard of the interests of the people. The principle of "strict accountability," though badly shattered in certain fields, is not dead. It may be invoked elsewhere, possibly at the ballot box.

Those who pay the taxes—internal-revenue taxes, taxes on incomes, and who will pay Government inheritance taxes, as well as those who pay indirect taxes in any form—have the right to know that the money is judiciously and, for the Nation, wisely and profitably spent; that a worthy national purpose will be served and that no great and beneficial interest will be impaired or destroyed.

This is not in any sense a preparedness measure. It is not like the Army and Navy bills, which, perhaps, properly enough, appropriated unprecedented millions in the interests of national defense. To pretend that the bill provides for the construction or purchase or leasing of vessels suitable both for the marine trade and for naval auxiliaries should deceive nobody, for, as I shall show, the bill does not go that far. The use of such ships for naval auxiliaries was merely incidental in 1914 and 1915, when the Senate was kept guessing from week to week as to what new form the ship-purchase bill would next take. Everybody knew that that bill was based on an alleged emergency in our ocean transportation business and not on any need for naval auxiliaries. The discussion centered on that point.

The bill introduced by the Senator from Missouri on December 9, 1914, and reported with amendments by the Senator from Florida on December 16, 1914, provides that the object of the corporation to be formed under the act—

shall be the purchase, construction, equipment, maintenance, and operation of merchant vessels in the trade between the Atlantic, Gulf, or Pacific ports of the United States, etc., to meet the requirements of the foreign commerce of the United States.

True, a subsequent provision is to the effect that the vessels purchased or constructed shall be of a type as far as the commercial requirements of the foreign trade of the United States may permit, suitable for use as naval auxiliaries in the Naval Establishment of the United States. But who believes that had that bill passed and it had been found otherwise expedient or in accordance with our neutrality to purchase a few interned German merchantmen an offer of sale by the German owner would have been rejected. No objection would have been made on the ground that the vessel was not of a type suitable as a naval auxiliary. The title of that bill was:

To authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes.

And thus we see from the language of the bill itself and from the absence of any expression in regard to naval auxiliaries in the title how remote, or merely incidental at least, was the question of providing naval auxiliaries to the main purpose of the bill.

Then came the amendment in the nature of a substitute for the original bill and all amendments thereto and theretofore reported from the Committee on Commerce. It was reported January 26, 1915. The changes were many and material. The Senate entered on the discussion of a new bill. The language I have referred to, however, in regard to naval auxiliaries was retained in the substitute.

We recall the fate of the substitute. It was discussed day in and day out and night in and night out, until on February 17, 1915, it yielded up the ghost and was replaced by Senate bill 5259. This, as Senators will remember, was a bill introduced by the junior Senator from Massachusetts [Mr. WEEKS] and was entitled "A bill to establish one or more United States Navy mail lines between the United States and South America and between the United States and the countries of Europe." This bill contained four sections. It had passed the Senate and been amended in the House by attaching thereto as an amendment the provisions of the ship-purchase bill we had been discussing, with some new features, and with a final section which made inoperative sections 1, 2, 3, and 4, being the only sections relating to Navy mail lines, until two years after the conclusion of the present European war. It contained the same inconsequential provisions in regard to naval auxiliaries as its two pred-

ecessors. And then, after more weary days and nights, the welcome end came on March 3, and incidentally, I may say, there also came an apparent vindication once more of the principle of unlimited debate in the Senate. There came also, I think, general approval throughout the country of the course of Republican Senators and of the seven Democratic Senators who joined with them in invoking the ancient rule of unlimited debate, a rule at one time the subject of most favorable comment by our present Chief Executive. I think it eminently proper in this connection to quote what the President has said of the Senate practice. He says, page 218, Congressional Government, among other things:

But the Senate is small and of settled habits, and has no such bugbear to trouble it—

Referring to cloture in the House—

It—

The Senate—

can afford to do without any cloture or previous question. No Senator is likely to want to speak on all the topics of the session, or to prepare more speeches than can conveniently be spoken before adjournment is imperatively at hand. The House can be counted upon to waste enough time to leave some leisure to the Upper Chamber.

And then, a little further on, page 219, he says:

Still, though not much heeded—

We have evidence of that, of course, every day—

The debates of the Senate are of great value in scrutinizing and sifting matters which come up from the House. The Senate's opportunities for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision. (Page 219.)

And then, in a footnote, on page 211 of this book, entitled "Congressional Government," by Woodrow Wilson, we find this unqualified indorsement of the Senate's practice in regard to debate:

An attempt was once made to bring the previous question into the practices of the Senate, but it failed of success, and so that imperative form of cutting off all further discussion has fortunately never found a place there.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. I should like to inquire if the author of the book from which the Senator is reading is the same as the author of the book entitled "The New Freedom"?

Mr. STERLING. It is by the author of The New Freedom.

It is quite instructive now to look back upon the history of that struggle and note what the obduracy of the administration in regard to the ship-purchase bill cost the country in the way of other and needed legislation. There were the water-power bill; the oil land leasing bill; conservation measures to which the Democratic Party was understood to be pledged; rural-credit legislation, to which it was also pledged—all reported to the Senate after extensive committee hearings and in ample time for full consideration and action by the Senate, but all doomed to failure by that fatuous leadership which made believe that the fate of the Nation depended on its building or buying at once \$30,000,000 worth of ships. All other legislation was, in comparison, not worth while. Two great appropriation bills, the products of many weeks of faithful committee work, shared the same fate, and the Indian Service and Postal Service, which were to have been benefited and improved by new provisions, were obliged to be content with the same conditions and the same appropriations as for the preceding fiscal year. Mr. President, apparently the direct and immediate responsibility for the course of the majority in regard to the bill lay with the Democratic caucus. On that point I desire to quote from the same authority, and I feel like exclaiming, "Oh, that mine adversary had written a book!" He did write a book, and here is what he said, among other things, in regard to the caucus—

Mr. BRADY. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. STERLING. I yield to the Senator.

Mr. BRADY. Is the book from which the Senator is about to read a different work or is it the same book from which he has already quoted?

Mr. STERLING. It is the same book from which I read in regard to the advantages of unlimited debate in the Senate; and, of course, it is by the same author. He says:

That the silvery speech spent in caucus secures the golden silence maintained on the floor of Congress, making each party rich in concord and happy in cooperation.

That is, those who favor a caucus would put it in that way. Then the distinguished author goes on to say:

The fact that makes this defense of the caucus not altogether conclusive is that it is shielded from all responsibility by its sneaking privacy. It has great power without any balancing weight of accountability. Probably its debates would constitute interesting and instructive reading for the public were they published; but they never get out except in rumors often rehearsed and as often amended. They are, one may take it for granted, much more candid and go much nearer the political heart of the questions discussed than anything that is ever said openly in Congress to the reporters' gallery. They approach matters without masks and handle them without gloves. It might hurt, but it would enlighten us to hear them. As it is, however, there is unhappily no ground for denying their power to override sound reason and personal conviction. The caucus can not always silence or subdue a large and influential minority of dissentients, but its whip seldom fails to reduce individual malcontents and mutineers into submission. There is no place in congressional jousts for the free lance. The man who disobeys his party caucus is understood to disavow his party allegiance altogether, and to assume that dangerous neutrality which is so apt to degenerate into mere caprice, and which is almost sure to destroy his influence by bringing him under the suspicion of being unreliable—a suspicion always conclusively damning in practical life.—From Congressional Government, by Woodrow Wilson, pages 328, 329.

And yet this same unrighteous caucus, with its "sneaking privacy," its "power to override sound reason and personal conviction," was the instrument employed by the President to bind men to the support of a measure which their judgments and their consciences condemned. For back of the caucus always, as we know from our experience here since 1913, was the President to whom the caucus was blindly obedient.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. I will ask the Senator if he will give his recollection of the remarks made by the chairman of the Committee on Foreign Relations [Mr. STONE] with reference to Senators who did not abide by the caucus action and of the dire anathemas visited by him upon the Senators who would not support the caucus legislation and surrender their convictions?

Mr. STERLING. I will say to the Senator from Illinois that, while I do not remember the language of the chairman of the Committee on Foreign Relations, I do remember the circumstance and remember something of the fierce anathemas he delivered at that time.

And now, Mr. President, comes this bill, the product, undoubtedly, of much anxious thought, of "days of toil and nights of waking," on the part of its many framers. I can not think it is the product of any one legislative genius. It has the earmarks of collaboration, of joint authorship, of studied attempts to harmonize conflicting views. One man or set of men got in their views in regard to a naval auxiliary and the prominence that should have in the bill. They did not, however, get any further than the title of the bill. Another set sought to get in their view of the commercial importance of the \$50,000,000 fleet which the Government is to build or buy or lease; another set thought it expedient to make the shipping board the overshadowing feature, and that their influence was great is quite patent when we read the bill, title and all.

But, Mr. President, I think one thing is evident: Though the Members of the minority were denounced as obstructionists and filibusterers against the ship-purchase bill or bills of 1914 and 1915, the representatives of the administration, with a majority of 17 in the Senate, would not have dared to again present a bill in terms like either of the bills mentioned and debated at such awful length.

This in itself is a vindication of all the Republican opposition marshaled against these bills. It shows that Republican Senators, with their seven Democratic coadjutors, knew better the public need and understood better the trend and force of public opinion in regard to this great question of Government ownership than did their Democratic opponents. And still the majority, under the dictation of the President, are persistent and ambitious to achieve something new, notable, and striking in governmental activities. Foreign commerce, or our commerce generally, for this bill embraces both coastwise and foreign trade, is the one inviting, seductive field. Under the belief—and I venture to say that this is the exact situation—that they can create the belief that they have accomplished something great for the country, they still persist in building and owning a few ships—for a short time, of course—but long enough for a demonstration and to cause more or less worry to American shipbuilders and shipowners.

But, Mr. President, the lesson has been brought home to our Democratic brethren that if they would pass a shipping bill, something must be done to popularize it; and hence we have before us what they would call a shipping-board bill instead of a ship-purchase bill, a bill which brings out in bold relief (in the



title only) the naval auxiliary features, and which confers extensive jurisdiction on the shipping board created by the bill.

But again I insist no careful student of the history of this proposed legislation and of the terms of the bill will be deceived. Here is the high-sounding title:

To establish a United States shipping board, for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Now, just think of that title! The casual reader might say, why, the fundamental thing about this bill is a Government shipping board, and the primary function of the shipping board will be to encourage, develop, and create a naval auxiliary and a naval reserve, since these are first mentioned, and that a merchant marine to meet the requirements of the commerce of the United States was a wholly incidental or subsidiary matter. But such is not the case, nor is such the object of the bill. The title is a misnomer and is designed to mislead. There is in the country an overwhelming sentiment for naval preparedness. Of this sentiment the administration seeks to take advantage and through it win popular support for a bill which ostensibly makes the naval auxiliary the paramount thing, but which in reality has in this regard exactly the same purpose as the ill-fated ship-purchase bills of 1914 and 1915. To this end the peculiar title of the bill. But somewhere in the bill the real purpose must be disclosed, and we find it in section 5, in substantially the same language as is found in all its predecessors. Here is the language:

That the board, with the approval of the President, is authorized to have constructed and equipped, in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes, and to make necessary repairs on and alterations of such vessels.

So, whatever its disguises, this bill, like those that have gone before, is a bill to empower the United States Government through a shipping board and one or more corporations organized under the laws of this District to engage in the business of constructing, buying, owning, and operating ships for the alleged commercial requirements of the marine trade of the United States. The same objections lie to it as to the other properly called ship-purchase bills. If they merited defeat, so does this. If the people were quite resigned to the fate of those bills, they would, I am sure, rejoice at the defeat of this at a time when it is evident there is less need than there was then, and when, too, the enormous appropriations already made, and the new and excessive taxes threatened, themselves cry out against this unwarranted and costly experiment.

Mr. President, I have felt justified in discussing and comparing at such length these several bills, those successively debated during the last Congress under the general designation "ship-purchase bill," and the present pending bill—justified because I have the very strong conviction that in attempting to pass this bill the majority are seeking to win public favor for it by false pretenses. But whether intended or not, the country has been more or less deceived by the title and the language of this bill. There has been misapprehension as to its real object. The Senator from Washington, as we all remember who heard him, spoke the other day of a Congressman who was inclined to support it because of its supposed naval auxiliary features, and who showed by his statements that he had been misled. And I myself have heard many well-informed men say that the only redeeming feature of the bill was the provision in regard to auxiliaries for the United States Navy or that it was a better bill than the old ship-purchase bill, because the ships to be constructed or purchased under it would all be naval auxiliaries. But look at the language of the bill! It is only so "far as the commercial requirements of the marine trade of the United States may permit" that the shipping board is authorized to construct, buy, lease, or charter vessels suitable for use as naval auxiliaries. In other words, this bill is for the purpose of acquiring vessels to serve the commercial requirements of the marine trade. It never would have been introduced otherwise. The President and our insistent Secretary of the Treasury are pushing it on no other grounds. In the purpose for which vessels are to be acquired it differs in no essential from the old bills which long ago, when through discussion their purport was understood, were condemned by the general public.

I have examined the reports of the Committee on Commerce on the ship-purchase bill and on this bill, the one presented by the Senator from Florida [Mr. FLETCHER], the other by the Sen-

ator from North Carolina [Mr. SIMMONS]. I think it highly significant that in neither of these lengthy reports no reference whatever is made to any report or statement made by the Secretary of the Navy or any naval officer to the effect that these ship-purchase bills in any of their provisions in regard to naval auxiliaries will supply a need of the Navy, and, in fact, it seems not to have occurred to the Navy Department that any reliance could be put in such provisions for the supply of naval auxiliaries.

The Navy Department is not working in cooperation with the administration or with the Treasury Department in trying to push through this bill which bears such a portentous title in regard to naval auxiliaries. We all know that the several main fleets, the Atlantic and Pacific coast fleets and the Asiatic fleet, with their reserve fleets, have their supply or quota of colliers, transports, tugs, hospital ships, supply ships, and so forth. I will not say that it is sufficient or what it ought to be. I am inclined to think that the supply is not quite what it ought to be; but they must have some supply or quota of vessels of that kind. It may be presumed that only in case of war or threatened war will the activities of these fleets be such as to require many additional auxiliaries; and these are, in fact, provided for by general law enacted in 1887, which provides as follows: "That in time of war or threatened war preference and precedence shall, upon demand of the President of the United States, be given over all other traffic for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite military traffic."

This provision, as I think Senators will remember, is carried forward into this year's naval appropriation bill with an amendment providing for shipments consigned to the United States in time of peace. Under this provision the President may in time of war or threatened war practically commandeer every United States merchant vessel afloat as a naval auxiliary and for all the purposes of military traffic.

This ought to effectually dispose of any claim that this bill should be made a law for the purpose of meeting any emergency so far as the needs of the Navy are concerned.

Mr. President, one more reference to the history of this legislation. The ship-purchase bill was urged upon us as an emergency measure. It was again and again pointed out by Republican Senators in the debate that they could not be constructed in time to meet the emergency. Furthermore, the Secretary of the Treasury to the contrary notwithstanding, I think it became settled opinion here that we would be in danger of violating our neutrality should we purchase German interned vessels, or in fact the vessels belonging to the citizens of any of the belligerent nations. Mr. President, as evidence of that and of the conclusion to which we came, Senate bill 5259, which was the last bill considered on the 3d day of March, 1915, contained a provision prohibiting the purchase of any vessel in a way which will disturb the conditions of neutrality.

That situation and that danger has been recognized in the pending bill, which prohibits the shipping board from purchasing any vessel "which is under the registry or flag of a foreign country which is then engaged in war." Hence if there was then any emergency we were practically powerless under the then existing conditions to remedy it.

This bill adds to the already long list of boards and commissions created under this administration still another—the shipping board, with its five members each to receive a salary of \$10,000 a year—\$50,000 for their salaries alone—\$5,000 for a secretary, to say nothing of the cost of the services of the attorneys, officers, naval architects, special experts, examiners, clerks, and other employees authorized to be employed by the board—an elaborate and expensive administrative machine, with power to form a corporation with a capital stock of \$50,000,000, with power to expend \$50,000,000 of the money of the United States in the construction, purchase, or leasing of ships to meet the commercial requirements of the marine trade of the United States, and not, be it observed, for the purposes of a naval auxiliary.

There is no emergency now, although this bill is to meet the commercial requirements of the marine trade of the United States.

Mr. President, there ought to be no escape from the proposition that without an emergency this measure is not warranted. I go further. Granting there is an emergency, the enactment of this measure will be without warrant unless it is made to appear that it will have the effect of remedying the untoward conditions we call an emergency; the effect of relieving from the emergency.

I deny, first, there is at present an emergency, and, second, granting there is, I deny that the bill, if it becomes law, will afford relief.

And now, Mr. President, what ought we to consider here seriously and earnestly? In seeking to determine whether or not the bill is practicable, or whether there is any practical need or demand for it, whom should we consider?

Our first great consideration should, of course, be the welfare of our own citizens. But who can say that our producers of corn, cotton, wheat, oats, flax, rye, or meats—anything, in fact, in the form of clothing or food products that enters into the export trade—have suffered from the want of shipping facilities for that trade unless indeed the producers of cotton for a few short months only after the breaking out of the war? But early in 1915 they were advised as I now remember by our consul at Rotterdam that they were shipping too fast and that it would be wise policy and in the interest of higher prices to refrain from crowding the market.

And so with all products of the mines and manufactories for which there has been the unusual demand abroad. They have all commanded top-notch prices, war prices, the highest for many American products ever known. True, the extraordinary demand abroad for food and clothing products, for war material and munitions of war, has made rates for carriage high, exceedingly high, but that is for the most part in pursuance of a law of trade and that was a burden which fell on the foreign consumer. He paid the freight, is paying it now, while all the agencies of production at home for consumption abroad, instead of being impoverished, revel in the prosperity consequent upon the high prices made by the war. It should not be cause for wonder that because of the great demand for ocean tonnage exporters, some of them, may have sometimes suffered delay and great inconvenience; but that, I undertake to say, has been rarely if ever reflected in a lower price to the producer or has resulted in much ultimate loss to the exporters themselves.

No, Mr. President; there has not been nor is there now any emergency growing out of the needs of the producers of grain and live stock and cotton and clothing or war material of any kind that would warrant this socialistic experiment in Government ownership, with its initial cost of \$50,000,000. And in regard to what other class than these—the farmers, manufacturers, the miners, producers all—could an emergency arise from want of shipping facilities? There are none.

But, Mr. President, the activities of American shipyards conclusively show that there is no warrant for Government interference in the shipowning business. Our own Department of Commerce shows that the shipbuilders in the United States have taken the lead in the construction of merchant ships. They are now constructing more such vessels than any other country in the world, and the output during the present year it is confidently believed will exceed that of all the countries in the world combined. This is an activity we have been hoping for, and lamenting for 50 years because it did not exist. Individual enterprise and capital is doing it in the true American way, without Government help or intervention or expense. Is it not the time of all times for us to say to the Government, "Hands off!"

I here read an excerpt or two from a special dispatch from the city of Washington to the New York Times, under date as long ago as December 26 last. The article is inspired by the annual report of Mr. Chamberlain, Commissioner of Navigation. This article is headed:

America second in sea trade now—Ship tonnage equals that of any two foreign nations, except England—Due to war and new law—

The new law being the law we enacted here giving ships of foreign construction but owned by Americans, American registry.

This heading further reads:

Year's increase in merchant marine largest in history of the Republic.

Reading from the dispatch:

[Special to the New York Times.]

WASHINGTON, December 26.

Changes in American merchant shipping during the first year of the war in Europe have had no parallel in extent in our maritime history. The absolute increase in the tonnage of ships under the American flag during that period was 460,741 tons and has never been equaled in American history.

At the same time there was an increase of 389 vessels, with an aggregate gross tonnage of 795,391, in American shipping registered for the foreign trade, and this increase is three times as great as the increase in registered tonnage during any previous year of American history. During the year 200,000 tons of American shipping formerly plying in the domestic trade obtained employment in the foreign trade. In tonnage and value the merchant shipping under the American flag is surpassed only by that under the British flag, and in tonnage it equals that under any two foreign flags combined, except the British.

I will not read further from this dispatch, Mr. President, but I will ask leave to have printed in the Record the whole of it as a part of my remarks.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

The effect of the European war and American legislation on the American merchant marine and the resultant unparalleled changes are set forth in great detail and discussed most interestingly in the annual report of Eugene Tyler Chamberlain, the Commissioner of Navigation, to Secretary Redfield, of the Department of Commerce, and made public to-night. Mr. Chamberlain asserts that the nearest approach to the fiscal year 1915 in the importance of the changes in American merchant shipping was during 1863 and 1864, when the Confederate cruisers were in operation and 523,064 tons of American shipping were sold to foreigners.

#### EFFECT OF REGISTRY ACT.

Pointing out that during the early days of the war in Europe the American ship-registry act of August 18, 1914, was passed, Commissioner Chamberlain states that a total of 148 vessels, of 523,361 gross tons, were transferred from foreign flags to the American flag and register. "These transfers, however," says Mr. Chamberlain, "unlike those of 1863—64, in very few cases involved a change in the actual beneficiary ownership, but a change in the ownership of record, possible only through the passage of the act of August 18, 1914, which enabled American owners to secure American registry and the use of their own flag for ships built in foreign countries. The transfer of very few of these ships, accordingly, involved an increase in the investment of American capital in maritime ventures. They represent in all an investment of \$33,392,756.58, but Americans had invested nine-tenths of this capital in these ships long before the outbreak of the European war. At prices current during the year these ships, if purchased, would have cost much more than the amount stated."

Mr. Chamberlain explains that until the act of 1914 was passed it was not possible for shipowners to give to their ships their true national character. "It may be," he asserts, "that had full opportunity been afforded earlier, it would not have been seized. That question is somewhat academic, as in any event the door was closed against them. The more pertinent question is whether the national advantage gained during the last year is to be retained by legislation giving freer scope in maritime ventures to American citizens of enterprise and capital, who in a few months have given to the American merchant flag on the sea a rank and importance second only to the British. In the bitterness of feeling that followed immediately on the close of the Civil War the opportunity to recover a lost position was thrown away when Congress, by the act of February 10, 1866, specifically forbade the return to American registry of ships which had been sold to foreigners 'during the existence of the rebellion.'"

#### AMERICA'S OPPORTUNITY.

"The European war," continues Mr. Chamberlain in his most illuminating presentation of the American shipping situation, "has created an opportunity for the development of the merchant marine in foreign trade which this generation at least is not likely to see repeated. The most efficient instrumentalities for the prosecution of that trade are ocean steamers of 3,000 gross tons and upward. Such ships are economical by comparison with smaller vessels, and it is by means of larger steamers that the great volume of our bulk exports must be carried abroad."

#### UNITED STATES SECOND.

The 544 German steamers are not able to engage in foreign trade because of the command of the seas by the British. Eliminating these, the table shows that the American fleet of steamers of over 3,000 tons ranks second only to that of Great Britain, and is about one-tenth the size of the British fleet of ocean steamers of over 3,000 gross tons. Of the 305 large ocean steamers which give the United States second place in foreign trade to-day, 90 were registered in the 10 months from September, 1914, to June, 1915, inclusive, under the registry act of 1914, based on the principles, Commissioner Chamberlain says, "which Great Britain has followed for several generations."

Commissioner Chamberlain recommends that Congress enact legislation to prevent the transfer of any of these vessels back to foreign flags after the war in Europe is over. "Congress may see fit," says the commissioner, "to consider the question whether the transfer of a ship under the American flag to an alien should not be conditioned upon the approval of the Secretary of Commerce. A general transfer back to foreign flags of ships which have been admitted to American registry under the act of 1914 is possible under existing law after the close of the European war, although not anticipated. To mention only one matter telling against such transfer, the enormous debt burdens incurred by belligerent nations must be met by very heavy taxation, and shipping, of course, will be expected to bear its share. Foreign taxes on shipping as a rule are not ordinarily onerous. Thus, in the last year of peace, the calendar year 1913, the Hamburg-American Steamship Co. paid an income tax of only 1,158,561 marks on a profit from the year's operations of 58,521,730 marks, its entire property being valued at 354,943,555 marks."

The taxes which German ships will pay after the war may prove to be a heavy burden. The income tax of the Cunard Co. for the same year was only £17,226 on a profit balance of £1,124,581, its total property being valued at £7,974,925. The income taxes of Great Britain have already during the progress of the war been heavily increased. On the other hand, there is no present reason to look for any material increase in Government taxes on American shipping in the near future. Other advantages which we shall have over belligerent nations, and even over some of the neutral powers, will readily present themselves."

Mr. STERLING. I continue the evidence from the same reliable source. Here is an excerpt from the last Department of Commerce report as it appears, or rather as it is outlined in the Journal of Commerce. I read just a short extract:

Late in 1915 and early in 1916 belief that the European war would last three years led to an exceptional development of shipbuilding by the maritime powers not actively engaged in war. In the first six months of 1916 the United States launched and put into operation 192 ships of 228,016 gross tons (each over 1,000 tons)—more than the entire year's output for 1914 or 1915. On July 1, 1916, private American shipyards were building or had on order 385 steel merchant ships of 1,225,784 gross tons. The builders' returns indicate that of this



tonnage 159 ships of 444,090 gross tons will be launched before December 31, 1916, thus indicating a total output by the United States, for the 12 months, of 351 steel ships of 672,106 gross tons.

Mr. President, it may be of interest to know how the people out West feel about the shipping bill—how they reason about it. The Sioux City Journal is published in extreme northwestern Iowa and but a few miles from my own home town in South Dakota. While a Republican paper, it has not been for some years at least intensely partisan. It seeks to be fair and is not averse to favorable mention now and then of some Democratic measure or policy of which it approves. It is one of the strong and ably edited papers of the Northwest. To illustrate, in a recent issue is an editorial entitled "Bipartisanship in Congress," in which it is inclined to approve of the course of five Republicans in the House from Iowa, three from Nebraska, and two from South Dakota in voting for the revenue bill.

Without committing myself to the same view at all, I read the last short paragraph from this editorial:

Granting that the cost of preparedness must be paid and assuming that the public which has been applauding preparedness pleas will pay it cheerfully in the least burdensome way, it is doubtful if the administration financiers could have devised a set of new impositions that would arouse less popular criticism. Criticism there will be, but it will come from a class in which the average Congressman—particularly of the West—is not greatly interested.

But, Mr. President, ye editor has also something to say on the shipping bill. He says it in the same issue in an adjoining column under the title "The Shipping Anomaly." I shall not take time to read the entire editorial, but this selection is worthy of note, and I believe the statement of facts and opinion herein made will appeal to the general good judgment and common sense of the people of that great region we now call the Northwest.

Here is what he says with reference to the shipping bill:

The shipping bill, if enacted in its present form, will be the least meritorious effort at constructive legislation made under the leadership of President Wilson. This is putting it mildly. The bill is anomalous and mischievous. It is difficult to explain the assiduity with which the President has persisted in wishing it upon a reluctant party and country. The ship-purchase plan was proposed as an emergency matter in the early weeks of the European war. In the general demoralization of commerce at that time American trade was suffering severely for lack of ships. It was feared desperate efforts would be needed to lift the blockade. The President proposed to meet the situation by Government purchase of ships, the fear being that private capital would be afraid to take the war risk. It was part of the original idea that the Government should buy belligerent ships tied up in neutral ports on account of the war.

When the shipping bill failed to pass in the autumn of 1914 its merit as an emergency measure evaporated.

He is a little mistaken there as to the date. The actual failure came—the final failure—March 3, 1915.

Since that time American foreign commerce has broken record after record for volume and value. Shipping has grown to be the most profitable business in the world. Many new American ships have gone into commission, and our tonnage in foreign trade has more than doubled. Every foreign shipyard is building at its full capacity. Every American shipyard is working at capacity, with orders enough now in sight to keep it busy for several years. Shipowners who are lucky enough to be able to put new bottoms into commission are getting their investment back in one or two voyages.

Why should the United States Government go into the shipping business in such circumstances? In the first place, where is it going to get the ships? An amendment agreed upon by the Senate Democrats forbids it to purchase a ship bearing a belligerent flag or a ship already engaged in American trade unless it is about to be taken out of that trade? If it can not buy idle belligerent ships or American ships, and if both American and foreign yards are engaged for years ahead of the orders now in hand, how is the contemplated American shipping board to mobilize the fleets with which to do business?

Mr. President, I want to add to that the thought brought out the other day by the Senator from Minnesota [Mr. NELSON], namely, that we are unable to buy ships of the neutral maritime nations of the world to-day because of their laws, which prohibit their citizens from selling such ships.

Possibly some one who likes the idea of Government ownership will suggest that there is no hurry about getting the Government lines started, but the important thing will be to build up a merchant marine under public ownership after the close of the war, when rates drop and world competition in shipping becomes keen. Unfortunately the point can not be made in behalf of the pending bill. As passed by the House and approved by the Senate Democrats the bill provides that the Government must get out of the shipping business within five years after enactment. This means that just about the time the Government would be getting hold of some ships and working out plans of operation for them it must turn the enterprise over to private capital, presumably at a substantial loss.

There are some strong economic arguments against Government ownership and operation of ships, but it is not necessary to go into them at this time. The shipping bill as now planned is so inconsistent and impracticable that objections to it on these grounds ought to be sufficient to defeat it.

Mr. President, briefly, I want to go from the West back to the East for a moment and refer to and read partially an editorial from, I think, if not an independent Democratic paper

what we might term a near-Democratic paper, the New York Times. This is the editorial:

#### THE SHIPPING BILL'S MISFORTUNES.

The shipping bill has had many misfortunes, but none greater than—

I should like to have Senators just observe this one particular point—

but none greater than the promptness with which official statements of prosperity following its defeat have contradicted equally official claims that the defeat was disastrous. This week the Department of Commerce announces that the United States is building more shipping than any other country, and perhaps more than all other countries.

This is of date July 28, a few days ago.

Nothing like that was ever before known, or could have been anticipated even a few months ago. Yet last week Secretary McAdoo was lamenting that the failure to pass the shipping bill had prevented the purchase of \$40,000,000 worth of shipping, which would now have been worth \$80,000,000, and which would have earned perhaps \$100,000,000 while carrying American goods at one-third the extortionate rates which have been paid.

Now—

There are some who would think the promised profits dearly bought at the cost of embarking the Government upon such a socialistic experiment. But there can be none who would think it possible that if the Government had gone into the business it would not have prevented the marvelous revival of the general shipbuilding industry. The Government shipping would not have been an addition to the output of 672,106 tons of privately owned vessels, and would have been a paltry substitute for them. No Government subsidy can be imagined equal to the extortionate freights which led private capital at its own cost and risk to make profits which were paid by the foreign buyers of our four billions of exports.

Four billions the value of our exports, and yet an emergency such as to call for the Government engaging in the building and ownership of ships. Think of it!

The salvation of the country from the undemocratic adventure into Government ownership was pure gain, added to progress in shipping which makes the proportions of the Government's proposals seem ridiculously small. The Secretary is not to be blamed because he could not anticipate that yesterday it would be officially announced from Washington that tonnage of ocean-going merchant vessels being built or ordered in the United States July 1 was 1,000,000, or one-fourth greater than that of vessels under construction in German yards January 1, 1914, the date of the greatest activity in German history.

The number of ocean vessels of more than 1,000 gross tons being built is 195.

Unless the Secretary challenges the statement of the Bureau of Navigation, how can he allow to stand uncorrected his words of last Saturday?

And these were the words:

Of all the crass follies that were ever perpetrated on a nation, the worst was the blocking of our efforts to begin the groundwork of a great merchant marine.

I leave the words of the Secretary of the Treasury to speak for themselves and leave anybody to judge of their truthfulness in the light of our experience since the defeat of the ship-purchase bill and in the light of what is transpiring in American shipyards.

Mr. President, I said this bill would not afford relief even if an emergency exists.

By the terms of the bill itself we can not buy ships of the citizens of any of the several belligerent nations now at war. This closes the doors to any purchases from Great Britain, France, Germany, Austria, Russia, Italy, and Belgium.

The citizens of neutral maritime nations who have ships are not permitted under their laws to sell. And our own American shipyards, crowded to full capacity, have orders awaiting that will require at least, according to all estimates, two years to fill. Where will the Government buy and where will the Government build under the terms of this bill?

When would there be an emergency that in time of such vast national indebtedness, involving appropriations for the year amounting to \$1,500,000,000, with the ingenuity of statesmen taxed to the utmost to devise forms and subjects of taxation to meet it all, which would justify a measure like this?

What, I say, would be the emergency that would in the eyes of the American people justify this extraordinary proposal of Government ownership involving \$50,000,000 of expenditure at the outstart and leading no one knows where.

When commerce languishes or dies, when prices wane and profits fail, when business depression and stagnation exist or are imminent, when these conditions assume the proportions of a national evil all because the ships are wanting to get our goods to the markets, hungry and anxious to get them, we may then say there is an emergency, one that would justify us in doing this thing for which there is no constitutional authority. For power to regulate commerce is not the power to engage in commerce or own the instrumentalities of commerce, and a power like this not conferred should be exercised only in the face of impending national injury, in the exercise of a power of sovereignty which may be above the Constitution itself, but which is akin to the law of self-preservation.

But here we are; shipbuilding going on at a rate unparalleled, exports in quantities and values beyond the wildest dreams. American individual capital, enterprise, and commercial genius are doing it, and we are prating about an emergency that will justify this vast expenditure, leading, as it will, to the discouragement of that individual initiative and enterprise in which we have always boasted and which is the source in the last analysis of all our greatness.

I feel like saying in common parlance, "Try it on." Let other great and beneficial measures of legislation go by the board. Let the immigration bill, affecting deeply, as it does, our social, industrial, and political life, the one great measure which organized labor everywhere in the United States demands for its just protection—let that beneficial measure go by the board with the rest. "Try it on," I say, and then make your defense and your apologies to a people whose sense of what is fitting, of what is just and fair to them, of what is a wise policy for the Government, has been shocked and outraged by the time spent in the effort and by the final passage of the Shipping Bill.

Mr. SHERMAN addressed the Senate. After having spoken for more than an hour,

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Illinois yield to the Senator from Florida?

Mr. SHERMAN. Certainly.

Mr. FLETCHER. Will the Senator yield for me to submit a unanimous-consent proposal in this matter? I did not want to interrupt the Senator, but the afternoon is passing, Senators may be going away, and in order to submit the proposal we shall have to have a quorum present. I ask the Senator if he will allow me to submit a proposal for unanimous consent?

Mr. SMOOT. I will say to the Senator from Florida that if he proposes to fix a time for a vote I do not think that we are yet ready for that.

Mr. FLETCHER. That was to be the suggestion.

Mr. SHERMAN. I will yield the floor probably in the course of an hour. If I do not get through this evening, I would like to have the floor in the morning.

Mr. FLETCHER. My proposal was to limit debate to five minutes after 4 o'clock to-morrow, and the proposer of an amendment to be allowed 10 minutes. That would bring us somewhere down to about 6 o'clock.

Mr. BRANDEGEE. Mr. President, I will state that nobody in this direction can hear anything of the proceedings.

The PRESIDING OFFICER. There is complaint of the colloquy that the Senators can not be heard.

Mr. SMOOT. It would be hardly worth while to ask unanimous consent and have a quorum called if there would be some one who would then object to the agreement.

Mr. FLETCHER. Will the Senator from Illinois yield for that purpose?

The PRESIDING OFFICER. Does the Senator from Illinois understand that if he is taken from the floor by a roll call he will lose his right to the floor?

Mr. JONES. I suggest that the Senator from Florida put off his request for the present.

The PRESIDING OFFICER. The Senator from Illinois will be taken from his feet and he will have to be rerecognized.

Mr. SHERMAN. If I would lose the floor, I object.

The PRESIDING OFFICER. The Chair desires to submit to the Senator from Utah and the Senator from Florida this question: The Chair recalls that a predecessor in the chair ruled that where a Senator yielded for the call of a quorum he yielded

his place on the floor and would have to be rerecognized. The Chair does not think that ought to be visited on the Senator from Illinois unless he understands that to be the result.

Mr. FLETCHER. I withdraw the request for the present.

Mr. SMOOT. I will say to the Chair that since then the Senate has passed on that very question and a Senator now does not lose his place on the floor by the interruption unless a Senator from the floor requests the Chair to enforce that rule.

The PRESIDING OFFICER. The Chair was only solicitous that no wrong be done any Senator through misunderstanding what is his right.

Mr. GALLINGER. Mr. President, I wish to take exception to the statement of the Senator from Utah. That is not the rule of this body and never has been.

Mr. SMOOT. I agree it is not; I will say it was a ruling.

Mr. GALLINGER. A ruling.

The PRESIDING OFFICER. The Chair understands that it is the disposition of the Senate not to have a Senator lose his place by virtue of the call of a quorum. This occupant of the chair will certainly enforce that which seems more just. Does the Senator from Florida yield the floor to the Senator from Illinois?

Mr. FLETCHER. I withdraw the suggestion and request the Senator from Illinois to proceed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SHERMAN resumed his speech. After having spoken in all about two hours and a quarter,

Mr. NELSON. Will the Senator be willing to yield to a motion to adjourn or to take a recess?

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I suggest to the Senator from Florida that the motion be made either to adjourn or to take a recess. The Senator from Illinois will yield for that purpose.

Mr. SHERMAN. I will yield for that purpose, with the understanding that I may complete my remarks in the morning.

Mr. FLETCHER. If it is agreeable to the Senator from Illinois, I should like to have him go on until the usual hour for recess or adjournment.

Mr. SMOOT. If the Senator is tired and does not want to speak any longer to-day—

Mr. PENROSE. I do not think the Senator is tired, but his speech is so impressive and interesting I should like more Senators to hear him, and I was about to suggest the absence of a quorum.

Mr. FLETCHER. I was going to make a motion to adjourn.

Mr. PENROSE. Very well, if the Senator is going to move an adjournment.

Mr. GALLINGER. I was about to suggest that if it is practically agreed that we shall vote on this bill to-morrow, we ought to take a recess in place of an adjournment.

Mr. SMOOT. It will not make any difference.

Mr. GALLINGER. Yes; it does. If we adjourn, we shall probably consume an hour or two in routine morning business and matters connected with it.

[Mr. SHERMAN's speech is printed entire in the Senate proceedings of August 15, 1916.]

Mr. FLETCHER. I move that the Senate adjourn until to-morrow at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 15, 1916, at 11 o'clock a. m.